

# SENATE BILL 331

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CF HB 245

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By: **Senator King**

Introduced and read first time: January 20, 2022

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 17, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Program for Preventing HIV Infection for Rape Victims – Alterations and**  
3 **Repeal of Sunset**

4 FOR the purpose of repealing the termination date of the Pilot Program for Preventing HIV  
5 Infection for Rape Victims; repealing the limit on the total annual amount  
6 physicians, qualified health care providers, and hospitals are entitled to be paid for  
7 providing certain treatment or follow-up care; altering the requirement that the  
8 Governor's Office of Crime Prevention, Youth, and Victim Services report to the  
9 Governor and General Assembly on the operation and results of the program; and  
10 generally relating to the Program for Preventing HIV Infection for Rape Victims.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Procedure  
13 Section 11–1008  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Chapter 431 of the Acts of the General Assembly of 2019  
18 Section 2

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Procedure**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 11-1008.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Child” means any individual under the age of 18 years.

4 (3) “HIV” means the human immunodeficiency virus that causes acquired  
5 immune deficiency syndrome.

6 (4) “Physician” has the meaning stated in § 11-1007 of this subtitle.

7 (5) “Qualified health care provider” has the meaning stated in § 11-1007  
8 of this subtitle.

9 (6) “Sexual abuse” has the meaning stated in § 11-1007 of this subtitle.

10 (b) (1) There is a [Pilot] Program for Preventing HIV Infection for Rape  
11 Victims.

12 (2) The purpose of the [pilot] program is to prevent HIV infection for  
13 victims of an alleged rape or sexual offense or victims of alleged child sexual abuse.

14 (3) The Governor’s Office of Crime Prevention, Youth, and Victim Services  
15 shall administer the [pilot] program.

16 (c) (1) To accomplish the purpose of the [pilot] program, a victim of an alleged  
17 rape or sexual offense or a victim of alleged child sexual abuse shall be provided with a full  
18 course of treatment and follow-up care for postexposure prophylaxis for the prevention of  
19 HIV infection at the request of the victim and as prescribed by a health care provider.

20 (2) (i) A victim who receives treatment under this subsection may  
21 decline to provide health insurance information or submit personal information to a  
22 payment assistance program if the victim believes that providing the information would  
23 interfere with personal privacy or safety.

24 (ii) The physician, qualified health care provider, or hospital  
25 providing a victim with treatment and follow-up care under paragraph (1) of this  
26 subsection shall inform the victim of the victim’s right to decline to provide health  
27 insurance information or submit personal information to a payment assistance program.

28 (iii) If a victim declines to provide health insurance information or to  
29 submit personal information to a payment assistance program:

30 1. the treatment and follow-up care shall be provided  
31 without charge to the victim; and

1                   2.     [subject to the limitation established under subparagraph  
2 (iv) of this paragraph,] the physician, qualified health care provider, or hospital providing  
3 the treatment or follow-up care is entitled to be paid by the Criminal Injuries  
4 Compensation Board as provided under Subtitle 8 of this title for the costs of providing the  
5 services.

6                   [(iv) The total amount paid to physicians, qualified health care  
7 providers, and hospitals from the Criminal Injuries Compensation Board under  
8 subparagraph (iii) of this paragraph may not exceed \$750,000 annually.]

9           (d)     (1)     A physician or a qualified health care provider who examines a victim  
10 of alleged child sexual abuse under the provisions of this section is immune from civil  
11 liability that may result from the failure of the physician or qualified health care provider  
12 to obtain consent from the child's parent, guardian, or custodian for the examination or  
13 treatment of the child.

14                   (2)     The immunity provided under paragraph (1) of this subsection extends  
15 to:

16                           (i)     any hospital with which the physician or qualified health care  
17 provider is affiliated or to which the child is brought; and

18                           (ii)    any individual working under the control or supervision of the  
19 hospital.

20           (e)     On or before December 1, **[2021] 2022, AND EVERY 2 YEARS THEREAFTER,**  
21 the Governor's Office of Crime Prevention, Youth, and Victim Services shall report to the  
22 Governor and, in accordance with § 2-1257 of the State Government Article, the General  
23 Assembly on the operation and results of the **[pilot] program DURING THE IMMEDIATELY**  
24 **PRECEDING 2-YEAR PERIOD,** including:

25                           (1)     the number of patients that qualified to receive postexposure  
26 prophylaxis under the **[pilot] program;**

27                           (2)     the number of patients that chose to receive postexposure prophylaxis;

28                           (3)     the total amount reimbursed to providers for the postexposure  
29 prophylaxis; and

30                           (4)     the cost of the postexposure prophylaxis treatment and follow-up care  
31 provided under the **[pilot] program.**

## 32                                   Chapter 431 of the Acts of 2019

33           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2019. [It shall remain effective for a period of 3 years and, at the end of

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1 September 30, 2022, this Act, with no further action required by the General Assembly,  
2 shall be abrogated and of no further force and effect.】

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.