

SENATE BILL 633

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By: **Senators Kagan and Reilly**

Introduced and read first time: February 3, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – 9–1–1 Emergency Telephone System – Alterations**

3 FOR the purpose of making alterations to the 9–1–1 Emergency Telephone System in the
4 State; altering the classification and compensation of 9–1–1 specialists; authorizing
5 9–1–1 specialists to seek certain treatment confidentially; requiring the Maryland
6 9–1–1 Board to establish certain procedures governing vacancies on the Board;
7 altering the powers and duties of the Board with respect to public safety answering
8 point personnel training and cybersecurity standards; requiring the Comptroller to
9 submit certain updates regarding certain audits; altering the maximum amount of
10 the county 9–1–1 fee that a county may impose under certain circumstances; and
11 generally relating to 9–1–1 emergency telephone systems.

12 BY repealing and reenacting, with amendments,

13 Article – Public Safety

14 Section 1–301, 1–302.1, 1–304.2, 1–305(c), 1–306(b)(15) and (e), 1–309.1,
15 1–310(f), and 1–311

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2021 Supplement)

18 BY repealing

19 Article – Public Safety

20 Section 1–305(d)

21 Annotated Code of Maryland

22 (2018 Replacement Volume and 2021 Supplement)

23 BY adding to

24 Article – Public Safety

25 Section 1–305(d)

26 Annotated Code of Maryland

27 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 1–301.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Board” means the Maryland 9–1–1 Board.

7 (c) “Commercial mobile radio service” or “CMRS” means mobile
8 telecommunications service that is:

9 (1) provided for profit with the intent of receiving compensation or
10 monetary gain;

11 (2) an interconnected, two–way voice service; and

12 (3) available to the public.

13 (d) “Commercial mobile radio service provider” or “CMRS provider” means a
14 person authorized by the Federal Communications Commission to provide CMRS in the
15 State.

16 (e) “County 9–1–1 fee” means the fee imposed by a county in accordance with §
17 1–311 of this subtitle.

18 (f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1 system, or
19 an amendment to the plan, developed by a county or several counties together under this
20 subtitle.

21 (g) (1) “Customer” means:

22 (i) the person that contracts with a home service provider for CMRS;
23 or

24 (ii) the end user of the CMRS if the end user of the CMRS is not the
25 contracting party.

26 (2) “Customer” does not include:

27 (i) a reseller of CMRS; or

28 (ii) a serving carrier under an arrangement to serve the customer
29 outside the home service provider’s licensed service area.

1 (h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:

2 (1) automatic number identification;

3 (2) automatic location identification; and

4 (3) any other technological advancements that the Board requires.

5 (i) “FCC order” means an order issued by the Federal Communications
6 Commission under proceedings regarding the compatibility of enhanced 9–1–1 systems and
7 delivery of wireless enhanced 9–1–1 service.

8 (j) **(1) “FIRST RESPONDER” MEANS AN EMPLOYEE OF A STATE OR LOCAL
9 PUBLIC SAFETY AGENCY THAT PROVIDES EMERGENCY RESPONSE SERVICES.**

10 **(2) “FIRST RESPONDER” INCLUDES:**

11 **(I) A FIREFIGHTER;**

12 **(II) A PARAMEDIC;**

13 **(III) AN EMERGENCY MEDICAL TECHNICIAN;**

14 **(IV) A RESCUE SQUAD MEMBER;**

15 **(V) A SWORN MEMBER OF THE OFFICE OF THE STATE FIRE
16 MARSHAL;**

17 **(VI) A MEMBER OF A VOLUNTEER FIRE OR RESCUE COMPANY
18 WHO IS A COVERED EMPLOYEE UNDER § 9–234 OF THE LABOR AND EMPLOYMENT
19 ARTICLE;**

20 **(VII) AN INDIVIDUAL WHO IS LICENSED OR CERTIFIED UNDER §
21 13–516 OF THE EDUCATION ARTICLE; AND**

22 **(VIII) A 9–1–1 SPECIALIST.**

23 **(K) “Home service provider” means the facilities–based carrier or reseller that
24 contracts with a customer to provide CMRS.**

25 **[(k)] (L) “Next Generation 9–1–1 services” means an Internet Protocol
26 (IP)–based system, comprised of hardware, software, data, and operational policies and
27 procedures, that:**

1 (1) provides standardized interfaces from emergency call and message
2 services to support emergency communications;

3 (2) processes all types of requests for emergency services, including voice,
4 text, data, and multimedia information;

5 (3) acquires and integrates additional emergency call data useful to
6 routing and handling of requests for emergency services;

7 (4) delivers the emergency calls, messages, and data to the appropriate
8 public safety answering point and other appropriate emergency entities;

9 (5) supports data or video communications needs for coordinated incident
10 response and management; and

11 (6) provides broadband service to public safety answering points or other
12 first responder entities.

13 **[(l)] (M)** “9–1–1–accessible service” means telephone service or another
14 communications service that connects an individual dialing the digits 9–1–1 to an
15 established public safety answering point.

16 **[(m)] (N)** (1) “9–1–1 service carrier” means a provider of CMRS or other
17 9–1–1–accessible service.

18 (2) “9–1–1 service carrier” does not include a telephone company.

19 **[(n)] (O)** “9–1–1 specialist” means an employee of a county public safety
20 answering point, or an employee working in a county public safety answering point, whose
21 duties and responsibilities include:

22 (1) receiving and processing 9–1–1 requests for emergency services;

23 (2) other support functions directly related to 9–1–1 requests for
24 emergency services; or

25 (3) dispatching law enforcement officers, fire rescue services, emergency
26 medical services, and other public safety services to the scene of an emergency.

27 **[(o)] (P)** (1) “9–1–1 system” means telephone service that:

28 (i) meets the planning guidelines established under this subtitle;
29 and

30 (ii) automatically connects an individual dialing the digits 9–1–1 to
31 an established public safety answering point.

1 (2) “9–1–1 system” includes:

2 (i) equipment for connecting and outswitching 9–1–1 calls within a
3 telephone central office;

4 (ii) trunking facilities from a telephone central office to a public
5 safety answering point; and

6 (iii) equipment to connect 9–1–1 calls to the appropriate public safety
7 agency.

8 **[(p)] (Q)** “9–1–1 Trust Fund” means the fund established under § 1–308 of this
9 subtitle.

10 **[(q)] (R)** “Prepaid wireless E 9–1–1 fee” means the fee that is required to be
11 collected by a seller from a consumer in the amount established under § 1–313 of this
12 subtitle.

13 **[(r)] (S)** “Prepaid wireless telecommunications service” means a commercial
14 mobile radio service that:

15 (1) allows a consumer to dial 9–1–1 to access the 9–1–1 system;

16 (2) must be paid for in advance; and

17 (3) is sold in predetermined units that decline with use in a known amount.

18 **[(s)] (T)** “Public safety agency” means:

19 (1) a functional division of a public agency that provides fire fighting,
20 police, medical, or other emergency services; or

21 (2) a private entity that provides fire fighting, police, medical, or other
22 emergency services on a voluntary basis.

23 **[(t)] (U)** “Public safety answering point” means a communications facility that:

24 (1) is operated on a 24–hour basis;

25 (2) first receives 9–1–1 requests for emergency services in a 9–1–1 service
26 area; and

27 (3) as appropriate:

28 (i) dispatches public safety services directly;

1 (ii) transmits incident data to appropriate public safety agencies
2 within the State for the dispatch of public safety services; or

3 (iii) transfers 9-1-1 requests for emergency services or transmits
4 incident data to:

5 1. an appropriate federal emergency communication center
6 responsible for the delivery of public safety services on a federal campus or federal
7 reservation; or

8 2. an appropriate public safety answering point located
9 within or outside the State.

10 **[(u)] (v)** “Secretary” means the Secretary of Emergency Management.

11 **[(v)] (w)** “Seller” means a person that sells prepaid wireless telecommunications
12 service to another person.

13 **[(w)] (x)** “State 9-1-1 fee” means the fee imposed in accordance with § 1-310 of
14 this subtitle.

15 **[(x)] (y)** “Wireless enhanced 9-1-1 service” means enhanced 9-1-1 service
16 under an FCC order.

17 1-302.1.

18 (a) The General Assembly finds that 9-1-1 specialists are key members of the
19 team of public safety personnel responding to requests from the public for emergency
20 assistance.

21 (b) **[It is the intent of the General Assembly that jurisdictions] EACH**
22 **JURISDICTION** employing 9-1-1 specialists **SHALL:**

23 (1) appropriately classify 9-1-1 specialists **AS FIRST RESPONDERS** in
24 recognition of the training, knowledge, and skills that 9-1-1 specialists possess and
25 demonstrate in answering and handling requests for emergency assistance; and

26 (2) compensate 9-1-1 specialists in a manner that:

27 (i) reflects their membership in the team of public safety personnel
28 answering and responding to requests for emergency assistance; **[and]**

29 (ii) is commensurate with the training, knowledge, and skills they
30 possess; **AND**

1 **(III) EXCEEDS THE MINIMUM WAGE RATE REQUIRED IN § 3-413**
2 **OF THE LABOR AND EMPLOYMENT ARTICLE.**

3 1-304.2.

4 **(A)** Each public safety answering point shall adopt and implement programs
5 compliant with best practices on 9-1-1 acute/traumatic and chronic stress management.

6 **(B) (1) A 9-1-1 SPECIALIST MAY, AS PART OF OCCUPATIONAL**
7 **WELL-BEING STANDARDS AND PRACTICES, SEEK TREATMENT FOR JOB-RELATED**
8 **AUDIBLE OR VISUAL TRAUMA WITHOUT INFORMING ANYONE.**

9 **(2) EXCEPT AS OTHERWISE PROVIDED UNDER TITLE 9, SUBTITLE 1**
10 **OF THE COURTS ARTICLE, COMMUNICATIONS BETWEEN A 9-1-1 SPECIALIST AND A**
11 **TREATMENT PROVIDER THAT OCCUR IN CONNECTION WITH THE TREATMENT OF**
12 **JOB-RELATED AUDIBLE OR VISUAL TRAUMA SHALL BE CONFIDENTIAL.**

13 1-305.

14 (c) (1) The term of a member is 4 years and begins on July 1.

15 (2) The terms of the members are staggered as required by the terms
16 provided for members of the Board on October 1, 2003.

17 (3) At the end of a term, a member continues to serve until a successor is
18 appointed and qualifies.

19 (4) **(I)** If a vacancy occurs after a term has begun, the Governor shall
20 appoint a successor to represent the organization or group in which the vacancy occurs.

21 **(II) THE BOARD, IN CONSULTATION WITH THE MARYLAND**
22 **DEPARTMENT OF EMERGENCY MANAGEMENT, SHALL DEVELOP AND ESTABLISH**
23 **PROCEDURES FOR:**

24 **1. FILLING A VACANCY AS SOON AS PRACTICABLE AFTER**
25 **THE VACANCY OCCURS; AND**

26 **2. ENSURING CANDIDATES FOR FILLING A VACANCY**
27 **HAVE APPROPRIATE EXPERTISE AND A COMMITMENT TO IMPROVING 9-1-1**
28 **SERVICES IN THE STATE.**

29 (5) A member who is appointed after a term has begun serves only for the
30 rest of the term and until a successor is appointed and qualifies.

31 [(d) The Governor shall appoint a chairperson from among the Board members.]

1 **(D) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR AND**
2 **VICE CHAIR.**

3 1–306.

4 (b) The Board’s responsibilities include:

5 (15) establishing training standards for public safety answering point
6 personnel based on national best practices, including training concerning:

7 **(I) Next Generation 9–1–1 topics; [and]**

8 **(II) individual psychological well-being and resilience; AND**

9 **(III) IMPLICIT BIAS TRAINING;**

10 (e) (1) **(I)** The standards established by the Board under subsection (b)(15)
11 of this section shall include onboarding standards for newly hired 9–1–1 specialists and
12 minimum continuing education standards for 9–1–1 specialists.

13 **(II) THE BOARD SHALL DEVELOP CRITERIA AND APPROVE THE**
14 **INITIAL AND ONGOING TRAINING CURRICULUM FOR THE TRAINING REQUIRED**
15 **UNDER SUBSECTION (B)(15) OF THIS SECTION.**

16 (2) (i) At least once each year, the Board shall provide for an audit of
17 each public safety answering point in order to ensure that 9–1–1 specialists and other
18 personnel employed by the public safety answering point have satisfied the training
19 requirements established in accordance with subsection (b)(15) of this section.

20 (ii) The audit described under subparagraph (i) of this paragraph
21 may be conducted concurrently with an inspection of the public safety answering point in
22 accordance with subsection (b)(10) of this section.

23 **(III) 1. IF THE BOARD DETERMINES THAT THE PERSONNEL**
24 **EMPLOYED BY A PUBLIC SAFETY ANSWERING POINT HAVE NOT SATISFIED THE**
25 **TRAINING REQUIREMENTS ESTABLISHED IN ACCORDANCE WITH SUBSECTION**
26 **(B)(15) OF THIS SECTION, THE BOARD AND PUBLIC SAFETY ANSWERING POINT**
27 **SHALL JOINTLY DEVELOP A REMEDIATION PLAN AND IMPLEMENTATION TIMELINE.**

28 **2. THE BOARD MAY IMPOSE SANCTIONS ON A PUBLIC**
29 **SAFETY ANSWERING POINT IF THE PUBLIC SAFETY ANSWERING POINT FAILS TO**
30 **COMPLY WITH A REMEDIATION PLAN OR IMPLEMENTATION TIMELINE DEVELOPED**
31 **UNDER THIS SUBPARAGRAPH.**

1 1-309.1.

2 (a) In consultation with the Maryland Cybersecurity Council established under §
3 9-2901 of the State Government Article, the Board shall establish cybersecurity standards
4 for public safety answering points based on national industry and 9-1-1 system trade
5 association best practices, including standards concerning response protocols in the event
6 of a cybersecurity attack on a public safety answering point.

7 (b) At least once each year on a date determined by the Board and in advance of
8 submitting a request for or receiving any money from the 9-1-1 Trust Fund, the director
9 of each public safety answering point shall examine the cybersecurity of the public safety
10 answering point to determine whether the cybersecurity defenses employed by the public
11 safety answering point satisfy the standards established by the Board under subsection (a)
12 of this section and submit to the Board a report detailing the results of that exercise.

13 (c) (1) If a director of a public safety answering point fails to submit a report
14 required under subsection (b) of this section, the Board may not authorize any money from
15 the 9-1-1 Trust Fund to be paid to a county serviced by the public safety answering point
16 until that report has been submitted.

17 (2) (I) IF A PUBLIC SAFETY ANSWERING POINT FAILS TO MEET THE
18 CYBERSECURITY STANDARDS ESTABLISHED BY THIS SECTION DURING THE ANNUAL
19 EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD
20 SHALL WORK WITH THE PUBLIC SAFETY ANSWERING POINT TO DEVELOP AN
21 AGGRESSIVE, CONSENSUS REMEDIATION PLAN AND IMPLEMENTATION TIMELINE.

22 (II) IF A PUBLIC SAFETY ANSWERING POINT FAILS TO COMPLY
23 WITH A REMEDIATION PLAN DEVELOPED UNDER THIS PARAGRAPH, THE BOARD MAY
24 REFUSE TO AUTHORIZE MONEY FROM THE 9-1-1 TRUST FUND TO BE PAID TO A
25 COUNTY SERVICED BY THE PUBLIC SAFETY ANSWERING POINT FOR ANY NEW,
26 NONCYBERSECURITY PURPOSE.

27 1-310.

28 (f) (1) The Comptroller, in consultation with the Board, shall adopt
29 procedures for auditing surcharge collection and remittance by telephone companies and
30 CMRS providers of 9-1-1 fees collected under this section and under § 1-311 of this
31 subtitle.

32 (2) The procedures adopted under paragraph (1) of this subsection shall be
33 consistent with the audit and appeal procedures established for the sales and use tax under
34 Titles 11 and 13 of the Tax – General Article.

35 (3) The Comptroller may issue an administrative subpoena to compel
36 compliance with an audit conducted under this subsection.

1 (4) The Comptroller shall develop and distribute informational materials
2 to telephone companies and CMRS providers regarding:

3 (i) proper collection and remittance of 9-1-1 fees; and

4 (ii) the audit procedures adopted under paragraph (1) of this
5 subsection.

6 (5) On request of a telephone company or CMRS provider, and except as
7 otherwise required by law, the information that the telephone company or CMRS provider
8 reports to the Comptroller shall be confidential, privileged, and proprietary and may not be
9 disclosed to any person other than the telephone company or CMRS provider.

10 (6) The Comptroller is entitled to an amount equal to 0.5% of the 9-1-1
11 fees collected under this section to cover the expenses of conducting audits under this
12 subsection.

13 (7) On or before December 1 each year, the Comptroller shall submit an
14 annual report to the Board detailing the audits conducted during the immediately
15 preceding year and the outcome of each audit.

16 (8) **(I) BETWEEN DECEMBER 31, 2022, AND JANUARY 1, 2025, IN**
17 **ADDITION TO THE ANNUAL REPORT REQUIRED BY PARAGRAPH (7) OF THIS**
18 **SUBSECTION, THE COMPTROLLER SHALL:**

19 **1. SUBMIT TO THE BOARD QUARTERLY UPDATES**
20 **DETAILING THE AUDITS CONDUCTED IN THE IMMEDIATELY PRECEDING QUARTER;**
21 **AND**

22 **2. IMMEDIATELY NOTIFY THE BOARD OF ANY**
23 **DEFICIENCIES DETECTED BY AN AUDIT.**

24 **(II) BEGINNING JANUARY 1, 2025, ON REQUEST OF THE BOARD,**
25 **THE COMPTROLLER SHALL PROVIDE QUARTERLY UPDATES DETAILING THE AUDITS**
26 **CONDUCTED SINCE THE LAST UPDATE WAS PROVIDED.**

27 **(9)** The Comptroller may adopt regulations necessary to carry out the
28 requirements of this subsection.

29 1-311.

30 (a) This section does not apply to prepaid wireless telecommunications service.

31 (b) In addition to the State 9-1-1 fee, the governing body of each county, by
32 ordinance or resolution enacted or adopted after a public hearing, may impose a county

1 9-1-1 fee to be added to all current bills rendered for switched local exchange access service
2 or CMRS or other 9-1-1-accessible service in the county.

3 (c) (1) Except as provided in paragraph (2) of this subsection and subject to
4 paragraphs (3) through (6) of this subsection, the county 9-1-1 fee imposed by a county
5 may not exceed 75 cents per month for each switched local exchange access service, CMRS,
6 or other 9-1-1-accessible service provided.

7 (2) If revenues attributable to the county 9-1-1 fee for a fiscal year do not
8 provide the revenues necessary to cover a county's operational costs for the 9-1-1 system
9 for that fiscal year, the county may, for the following fiscal year, impose a county 9-1-1 fee
10 **[not exceeding \$1.50 per month] SUFFICIENT TO COVER THE COUNTY'S PROJECTED**
11 **OPERATIONAL COSTS FOR THE 9-1-1 SYSTEM FOR THE FISCAL YEAR** for each switched
12 local exchange access service, CMRS, or other 9-1-1-accessible service provided.

13 (3) Except as provided in paragraphs (4) through (6) of this subsection, if a
14 service provider provisions to the same individual or person the voice channel capacity to
15 make more than one simultaneous outbound call from a 9-1-1-accessible service, each
16 separate outbound call voice channel capacity, regardless of the technology, shall constitute
17 a separate 9-1-1-accessible service for purposes of calculating the county 9-1-1 fees due
18 under paragraphs (1) and (2) of this subsection.

19 (4) CMRS provided to multiple devices that share a mobile telephone
20 number shall be treated as a single 9-1-1-accessible service for purposes of calculating the
21 county 9-1-1 fees due under paragraphs (1) and (2) of this subsection.

22 (5) A broadband connection not used for telephone service may not
23 constitute a separate voice channel capacity for purposes of calculating the county 9-1-1
24 fees due under paragraphs (1) and (2) of this subsection.

25 (6) (i) For a telephone service that provides, to multiple locations,
26 shared simultaneous outbound voice channel capacity configured to provide local dial in
27 different states or counties, the voice channel capacity to which the 9-1-1 fee due under
28 paragraphs (1) and (2) of this subsection applies is only the portion of the shared voice
29 channel capacity in the county identified by the service supplier's books and records.

30 (ii) In determining the portion of shared capacity in the county, a
31 service supplier may rely on, among other factors, a customer's certification of the
32 customer's allocation of capacity in the county, which may be based on:

- 33 1. each end user location;
- 34 2. the total number of end users; and
- 35 3. the number of end users at each end user location.

1 (7) The amount of the county 9–1–1 fees may not exceed a level necessary
2 to cover the total eligible maintenance and operation costs of the county.

3 (d) The county 9–1–1 fee continues in effect until repealed or modified by a
4 subsequent county ordinance or resolution.

5 (e) After imposing, repealing, or modifying a county 9–1–1 fee, the county shall
6 certify the amount of the county 9–1–1 fee to:

7 **(1)** the Public Service Commission;

8 **(2)** **THE BOARD; AND**

9 **(3)** **NO LATER THAN 60 DAYS BEFORE THE IMPLEMENTATION OF THE**
10 **CHANGE, THE COMPTROLLER.**

11 (f) The Public Service Commission shall direct each telephone company that
12 provides service in a county that imposed a county 9–1–1 fee to add, within 60 days, the
13 full amount of the county 9–1–1 fee to all current bills rendered for switched local exchange
14 access service in the county.

15 (g) Within 60 days after a county enacts or adopts an ordinance or resolution that
16 imposes, repeals, or modifies a county 9–1–1 fee, each 9–1–1 service carrier that provides
17 service in the county shall add the full amount of the county 9–1–1 fee to all current bills
18 rendered for CMRS or other 9–1–1-accessible service in the county.

19 (h) (1) Each telephone company and each 9–1–1 service carrier shall:

20 (i) act as a collection agent for the 9–1–1 Trust Fund with respect
21 to the county 9–1–1 fee imposed by each county;

22 (ii) collect the money from the county 9–1–1 fee on a county basis;
23 and

24 (iii) remit all money collected to the Comptroller on a monthly basis.

25 (2) The Comptroller shall deposit the money remitted in the 9–1–1 Trust
26 Fund account maintained for the county that imposed the county 9–1–1 fee.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2022.