



## 2020 Maryland General Assembly Final Report – **UPDATED 5/8/2020**

The 2020 Maryland General Assembly Session was like no other. Cut short by twenty days, quite a number of pieces of legislation were stopped in their tracks, including ones that had no opposition. For NCADD-Maryland, there were bills that could have made more progress with more time. Any special session that may be called in the coming months to address the COVID-19 crisis will not include the bills from the regular session.

### **Fiscal Year 2021 Budget**

The final budget for the upcoming 2021 fiscal year provides additional funding for the 4% reimbursement rate increase for community-based behavioral health providers. This was the amount mandated in the minimum wage increase bill from 2019 (Fight for Fifteen). While the Governor proposed to cut the increase rate in half through the Budget Reconciliation and Financing Act, the legislature rejected that proposal. This will likely be an annual struggle as Governor Hogan does not like funding mandates and budget projections even before COVID-19 were not rosy.

### **Legislation**

#### **Good Samaritan Expansion**

*House Bill 738/Senate Bill 849 – Criminal Procedure - Medical Emergency - Immunity > **Failed***

This legislation did not receive a vote in either the House or Senate. Discussions about possible amendments among the sponsors, advocates and opponents were just getting underway when public access to the State complex was restricted, followed by the announcement that the Session would end early. These discussions should pick up well before the 2021 Session.

#### **Overdose Prevention Sites**

*House Bill 464/Senate Bill 990 – Public Health - Overdose and Infectious Disease Prevention Services Program > **Failed***

Neither the House Bill nor the Senate Bill received a vote, despite successful hearings. There appears to be growing support for this measure in the House, but opposition in the Senate remains strong, based largely on community fears. Efforts should focus on continued outreach and education in targeted areas of the State.

## Parity

House Bill 455/Senate Bill 334 - Health Insurance - Mental Health Benefits and Substance Use Disorder Benefits - Reports on Nonquantitative Treatment Limitations and Data > **Passed**

As passed, the bill requires a fraction of what was proposed by the Parity at 10 Coalition. The bill will require two compliance reports from carriers, two years apart, with only limited data provided. The bill was the subject of an unusually large amount of negotiations facilitated by the bill sponsors. There will be significant work needed during the Interim as the Maryland Insurance Administration drafts regulations.

House Bill 1165/Senate Bill 484 - Health Insurance - Provider Panels - Coverage for Nonparticipating Providers > **Failed**

Neither the House Bill nor the Senate Bill received a vote. The bill, focused on the problem with insurance carriers' compliance with network adequacy standards, was not considered at the subcommittee level. There were numerous activities, however, focused on the issue of network adequacy and a commitment by legislators to continue to work on the issue during the Interim with the convening of a Network Adequacy Workgroup of the House Health and Government Operations Committee. It is unclear at this time when this work will be taken up give the COVID-19 crisis.

Senate Bill 99 - Health Insurance Benefit Cards, Prescription Benefit Cards, and Other Technology - Identification of Regulatory Agency > **Passed**

The bill will add the identity of the regulator of the health insurance plan on the back of a consumer's insurance card. This will help consumers identify where to take any complaints, including those that may be a Parity violation.

## Decriminalization

House Bill 193 - Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity > **Failed**

This legislation would have decriminalized personal use amounts of various illegal substances. The sponsor intends to re-introduce the bill next year.

House Bill 720/Senate Bill 704 - Criminal Law - Drug Paraphernalia for Administration - Decriminalization > **Failed**

This bill would have decriminalized the possession of drug paraphernalia. The sponsor believed progress could have been made in the House with more time.

## Collateral Consequences

House Bill 83/Senate Bill 699 - Criminal Procedure - Charge of Possession of Marijuana - Removal From Case Search > **Passed** > **VETOED** – **Governor Hogan vetoed due to disagreement with the policy**

As passed, the bill will shield from public access any conviction for possession of cannabis prior to the decriminalization of personal use amounts in October of 2014.

House Bill 1336/Senate Bill 589 - Criminal Procedure - Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction > **Passed** > **VETOED** – **Governor Hogan vetoed due to disagreement with the policy**

As passed, the bill adds fourth degree burglary to the list of offenses that can be petitioned for expungement, and shields from public access records pertaining to non-convictions such as acquittals, dismissals, and nolle prosequi, with the exception of a nolle pros with a requirement for drug or alcohol treatment. The bill also creates a workgroup to make recommendations on the issue of partial expungements.

### **Access to Services**

House Bill 448/Senate Bill 402 – Health Care Practitioners - Telehealth and Shortage > **Passed**

This bill passed as an emergency measure to establish a uniform, statutory framework authorizing health care practitioners to use synchronous and asynchronous telehealth to provide services while maintaining standards of care and complying with privacy laws.

House Bill 1208/Senate Bill 502 - Telehealth - Mental Health and Chronic Condition Management Services - Coverage and Pilot Program > **Passed**

This emergency bill as passed allows mental health services delivered via telehealth to Medicaid clients in their homes to be reimbursed; requires the Maryland Department of Health (MDH) to apply for a waiver to establish a pilot to provide chronic condition management services via telehealth to Medicaid clients regardless of their location; and requires MDH to study whether substance use disorder services may be appropriately provided through telehealth to a patient in their home setting.

House Bill 1121 - Maryland Mental Health and Substance Use Disorder Registry and Referral System > **Passed** > **VETOED** – **Governor Hogan vetoed due to the cost**

This bill establishes the Maryland Mental Health and Substance Use Disorder Registry and Referral System in MDH to provide a statewide system through which health care providers can identify and access available inpatient and outpatient mental health and substance use services for patients. It also establishes an advisory committee.

House Bill 782/Senate Bill 611 - Health - Mental and Emotional Disorders - Consent (Mental Health Access Initiative) > **Failed**

This bill would have allowed young people under the age of 16 to consent to mental health treatment without their parent's consent. Despite the Senate Bill being amended to address some of the concerns from opponents, the bill did not get a vote in the House.

### **Tobacco**

House Bill 732 – Taxation - Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax > **Passed** > **VETOED** – **Governor Hogan vetoed due to opposition to tax increases**

The bill will increase the tax on a pack of cigarettes by \$1.75 and increase or add taxes on other tobacco products, including electronic smoking devices.

## Correctional System Issues

House Bill 801/Senate Bill 684 - Correctional Services - Prerelease Unit for Women - Facilities and Services (Gender-Responsive Prerelease Act) > **Passed** > **VETOED** – Governor Hogan vetoed due to the cost

The bill requires the Department of Public Safety and Correctional Services to operate a comprehensive rehabilitative prerelease unit for women. The law requires the unit to be operational by June 1, 2023.

House Bill 524/Senate Bill 255 - Correctional Services - Pregnant Incarcerated Individuals - Substance Abuse Assessment and Treatment > **Failed**

This bill would have built on the successful MAT in Jails legislation passed last year to require that pregnant women in all local and State facilities have access to medication assisted treatment for opioid use disorders. The bills were not voted on in their committees.

House Bill 1476 - Independent Oversight and Review Board for Health Care of Inmates in State Correctional Facilities - Establishment > **Failed**

This legislation would have created an independent board to oversee the provision of health care to people in State correctional facilities. The sponsor agreed to an amendment to include a representative from NCADD-Maryland on the board but the bill did not receive a vote.

## Patient Protection

House Bill 1071/Senate Bill 696 - Public Health - Substance-Related Disorder Services (Maryland Patient Protection and Treatment Ethics Act) > **Failed**

The idea for the bill was brought to its sponsors by constituents concerned with patient brokering. The bill as written, however, was overly broad and redundant to existing Maryland law. It would have had multiple unintended consequences for referral and navigation services. The sponsors may want to convene stakeholders during the Interim to develop a better bill for next year.

## Gambling

Senate Bill 322 - Public High Schools - Health Education - Gambling Dangers and Addiction > **Failed**

This bill was introduced as a mandate that all middle and high schools teach instruction on the dangers of gambling. As amended in the Senate, the bill would have allowed for a one-time class in high schools, but not a requirement. The bill did not have a hearing in the House.

## Criminal Penalties

House Bill 1378 - Criminal Law - Opioids - Distribution Causing Death of Minor > **Failed**

This bill failed with the help of family members providing testimony at the bill hearing as they did last year.