

SENATE BILL 86

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(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)**

Requested: November 5, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2010

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Medication for Chronic or Acute Medical Condition –**
3 **Waiver of Liability**

4 FOR the purpose of authorizing the Department of Public Safety and Correctional
5 Services and local correctional facilities to issue medication and prescriptions
6 under certain circumstances to inmates of a correctional facility as a component
7 of the inmate release process; prohibiting the Department, local correctional
8 facilities, and certain persons from being held liable for issuing medication or a
9 prescription to an inmate on the inmate's release under certain circumstances;
10 and generally relating to providing medication and prescriptions to inmates of
11 correctional facilities on their release.

12 BY adding to

13 Article – Correctional Services

14 Section 9–614

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2009 Supplement)

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

19 **Article – Correctional Services**

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 9-614.

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF THE
3 DEPARTMENT OR A LOCAL CORRECTIONAL FACILITY ADOPTS A POLICY OF
4 PROVIDING MEDICATION OR PRESCRIPTIONS FOR CHRONIC OR ACUTE MEDICAL
5 CONDITIONS TO INMATES AS A COMPONENT OF THE INMATE RELEASE PROCESS,
6 THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY MAY ISSUE THE
7 MEDICATION OR A PRESCRIPTION OR BOTH.

8 (B) MEDICATION OR A PRESCRIPTION MAY BE PROVIDED UNDER
9 SUBSECTION (A) OF THIS SECTION ONLY IF:

10 (1) A TREATING PHYSICIAN DETERMINES THAT:

11 ~~(1)~~ (I) THE RELEASED INMATE'S POSSESSION OF MEDICATION
12 IN THE QUANTITY PRESCRIBED IS IN THE BEST INTEREST OF THE INMATE;

13 ~~(2)~~ (II) POSSESSION OF THE PRESCRIBED MEDICATION WILL
14 NOT CONSTITUTE A DANGER TO THE RELEASED INMATE; AND

15 ~~(3)~~ (III) THE MEDICATION IS NOT A NARCOTIC; AND

16 (2) THE MEDICATION IS DISPENSED BY A PHYSICIAN, DENTIST,
17 PODIATRIST, OR NURSE PRACTITIONER AUTHORIZED TO DISPENSE MEDICATION
18 IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE.

19 (C) THE DEPARTMENT, AN EMPLOYEE OF THE DEPARTMENT, A LOCAL
20 CORRECTIONAL FACILITY, AN EMPLOYEE OF A LOCAL CORRECTIONAL FACILITY,
21 OR AN AGENT OF THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY,
22 INCLUDING A PHYSICIAN OR CORPORATE ENTITY PROVIDING MEDICAL
23 SERVICES TO INMATES ON BEHALF OF THE DEPARTMENT OR LOCAL
24 CORRECTIONAL FACILITY, MAY NOT BE HELD LIABLE FOR ISSUING MEDICATION
25 OR A PRESCRIPTION FOR MEDICATION UNDER THIS SECTION TO AN INMATE ON
26 THE INMATE'S RELEASE NOTWITHSTANDING THAT THE RELEASED INMATE:

27 (1) IS NO LONGER UNDER THE CARE OR SUPERVISION OF THE
28 PRESCRIBING PHYSICIAN; AND

29 (2) MAY BE WITHOUT MEDICAL SUPERVISION FOR THE PERIOD
30 FOR WHICH THE MEDICATION HAS BEEN ADMINISTERED.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2010.