

SENATE BILL 1080

J1, E4

EMERGENCY BILL

0lr3783
CF HB 1663

By: **The President and Senator Lam**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 4, 2020

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2020

Returned to second reading: March 9, 2020

Senate action: Adopted with floor amendments

Read second time: March 9, 2020

Returned to second reading: March 10, 2020

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Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **State Government – State of Emergency and Catastrophic Health**
3 **Emergency – Authority of Governor and Unemployment Insurance Benefits**
4 **(COVID–19 Public Health Emergency Protection Act of 2020)**

5 FOR the purpose of authorizing the Governor to take certain actions as a result of the
6 issuance of a certain proclamation for the duration of a certain emergency; providing
7 that a certain alternative workweek may allow an employee to work certain hours
8 or shifts and less than a certain number of hours in a week; requiring that an
9 employee who is authorized to work an alternative workweek, under certain
10 circumstances, is considered a full–time employee of the State and is entitled to
11 certain compensation; providing that time worked by a certain employee includes
12 only certain hours and does not include certain leave hours for certain purposes;
13 authorizing the Secretary of Labor to determine that a certain individual is eligible
14 for unemployment insurance benefits under certain circumstances; defining certain
15 terms; making this Act an emergency measure; providing for the termination of this
16 Act; and generally relating to the authority of the Governor in a state of emergency
17 and a catastrophic health emergency.

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 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That:

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

4 ~~(2)~~ (ii) “Carrier” means:

5 ~~(i)~~ 1. an insurer;

6 ~~(ii)~~ 2. a nonprofit health service plan; or

7 ~~(iii)~~ 3. a health maintenance organization.

8 ~~(3)~~ (iii) “COVID-19” means, interchangeably and collectively, the
9 coronavirus known as COVID-19 or 2019-nCoV and the SARS-CoV-2 virus.

10 ~~(3)~~ ~~(4)~~ (iv) “Department” means the Maryland Department of Health.

11 ~~(4)~~ ~~(5)~~ (v) “Health care provider” has the meaning stated in § 14-3A-01
12 of the Public Safety Article.

13 ~~(5)~~ ~~(6)~~ (vi) “Program” means the Maryland Medical Assistance Program.

14 ~~(b)~~ (2) As a result of the issuance by the Governor on March 5, 2020, of the
15 proclamation declaring a state of emergency and the existence of a catastrophic health
16 emergency or any other proclamation issued under Title 14 of the Public Safety Article
17 relating to the outbreak of COVID-19, the Governor, for the duration of the emergency,
18 may:

19 ~~(1)~~ (i) prohibit cost-sharing by carriers for ~~disease~~ COVID-19 testing
20 and any associated costs that is conducted based on testing protocols recommended by the
21 Secretary of Health;

22 ~~(2)~~ (ii) order the Department to cover the cost of ~~disease~~ COVID-19
23 testing and any associated costs, if the costs would not otherwise be paid for by a carrier or
24 another third party;

25 ~~(3)~~ (iii) require carriers and the Program to cover the cost of an
26 immunization for COVID-19 and any associated costs, without cost-sharing, if:

27 ~~(i)~~ 1. the immunization has been determined by the
28 Department to prevent the disease that is the basis for the issuance of the proclamation;
29 and

30 ~~(ii)~~ 2. the patient belongs to a category of individuals to whom
31 the Department has determined cost-sharing should not apply;

1 ~~(4)~~ (iv) notwithstanding any other provision of law, establish or waive
2 telehealth protocols for COVID-19, including authorizing health care professionals
3 licensed out-of-state to provide telehealth to patients in the State;

4 ~~(5)~~ (v) order the Department to reimburse synchronous and
5 asynchronous telehealth services for COVID-19 provided to a patient, without regard to
6 whether the patient is at a clinical site, if the service is:

7 ~~(i)~~ 1. covered by the Program;

8 ~~(ii)~~ 2. provided by a health care provider participating in the
9 Program; and

10 ~~(iii)~~ 3. authorized under the health care provider's scope of
11 practice;

12 ~~(6)~~ (vi) consult, as appropriate, with the Department, the Maryland
13 Insurance Commissioner, and the Maryland Health Benefit Exchange to develop and
14 implement orders relating to COVID-19 to:

15 ~~(i)~~ 1. minimize disruption in enrollment in health insurance
16 and the Program;

17 ~~(ii)~~ 2. facilitate reimbursement by carriers of telehealth services
18 provided to patients in the State; and

19 ~~(iii)~~ 3. facilitate reimbursement of essential services to minimize
20 the risk to public health;

21 ~~(7)~~ (vii) ~~(i)~~ 1. ~~for the duration of the emergency~~, prohibit a
22 retailer from increasing the sale or rental price of any good or service to a price that
23 increases the retailer's value of profit by more than 10%, including for the price of:

24 ~~1.~~ A. food;

25 ~~2.~~ B. fuel;

26 ~~3.~~ C. water and ice;

27 ~~4.~~ D. medicine;

28 ~~5.~~ E. medical supplies and equipment;

29 ~~6.~~ F. cleaning products;

30 ~~7.~~ G. building supplies and equipment;

1 (2) the individual is quarantined due to COVID-19 with the expectation of
2 returning to work after the quarantine is over; or

3 (3) the individual leaves employment due to a risk of exposure or infection
4 of COVID-19 or to care for a family member due to COVID-19.

5 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
6 measure, is necessary for the immediate preservation of the public health or safety, has
7 been passed by a yea and nay vote supported by three-fifths of all the members elected to
8 each of the two Houses of the General Assembly, and shall take effect from the date it is
9 enacted. It shall remain effective through April 30, 2021, and, at the end of April 30, 2021,
10 this Act, with no further action required by the General Assembly, shall be abrogated and
11 of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.