SENATE BILL 1080

J1, E4 EMERGENCY BILL (0lr3783)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **The President and Senator Lam**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____M.

_____

President.

CHAPTER _____

AN ACT concerning

State Government – State of Emergency and Catastrophic Health Emergency – Authority of Governor <u>and Unemployment Insurance Benefits</u> (COVID–19 Public Health Emergency Protection Act of 2020)

FOR the purpose of authorizing the Governor to take certain actions as a result of the issuance of a certain proclamation <u>for the duration of a certain emergency</u>*<u>; providing that a certain violation is subject to certain provisions of law under certain circumstances</u>*; <u>providing that a certain alternative workweek may allow an employee to work certain hours or shifts and less than a certain number of hours in a week; requiring that an employee who is authorized to work an alternative workweek, under certain circumstances, is considered a full–time employee of the State and is entitled to certain compensation; providing that time worked by a certain employee includes only certain hours and does not include certain leave hours for certain purposes; authorizing the Secretary of Labor to determine that a certain individual is eligible for unemployment insurance benefits under certain</u>

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
<u>Underlining</u> indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.

circumstances; defining certain terms; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the authority of the Governor in a state of emergency and a catastrophic health emergency.

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

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

~~(2)~~ (ii) "Carrier" means:

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

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

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

~~(3)~~ (iii) "COVID–19" means, interchangeably and collectively, the coronavirus known as COVID–19 or 2019–nCoV and the SARS–CoV–2 virus.

~~(3)~~ ~~(4)~~ (iv) "Department" means the Maryland Department of Health.

~~(4)~~ ~~(5)~~ (v) "Health care provider" has the meaning stated in § 14–3A–01 of the Public Safety Article.

~~(5)~~ ~~(6)~~ (vi) "Program" means the Maryland Medical Assistance Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1.~~ A. food;

~~2.~~ B. fuel;

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

~~4.~~ D. medicine;

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

~~6.~~ F. cleaning products;

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

~~8.~~ H. energy sources; and

~~9.~~ I. storage space; and

~~(ii)~~ 2. publish a list of goods and services to which item ~~(i)~~ *1* of this item applies; ~~and~~

~~(8)~~ (viii) prohibit an employer from terminating an employee solely on the basis that the employee has been required to be isolated or quarantined under Title 14 of the Public Safety Article; and

(ix) order the Department to authorize an alternative workweek for an employee:

1. of a health care facility that is owned or operated by the Department and open 24 hours a day and 7 days a week; and

2. who is subject to the Memorandum of Understanding with the American Federation of Teachers.

(b) *Notwithstanding the provisions of the Commercial Law Article, if the Governor prohibits a retailer from increasing the sale or rental price of any good or service under subsection (a)(2)(vii)1 of this section, a violation of the prohibition:*

(1) is an unfair, abusive, and deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and

(2) is subject to the enforcement and penalty provisions of Title 13 of the Commercial Law Article.

(c) If the Governor orders the Department to authorize an alternative workweek under subsection (a)(2)(ix) of this section:

(1) the alternative workweek may allow the employee to work hours or shifts that are not typical for State employees and work less than 40 hours in a week;

(2) an employee who is authorized to work an alternative workweek shall be:

(i) considered a full–time employee of the State, notwithstanding any other provision of law; and

(ii) entitled to compensation for overtime work in accordance with § 8–305 of the State Personnel and Pensions Article; and

(3) for the purposes of § 8–305 of the State Personnel and Pensions Article, the time worked by an employee who is authorized to work an alternative workweek includes only the hours actually worked and does not include paid leave hours taken by the employee during the workweek.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Title 8 of the Labor and Employment Article, the Secretary of Labor may determine that an individual, who need not separate from the individual's employment, is eligible for benefits if:

(1) the individual's employer temporarily ceases operations due to COVID–19, preventing employees from coming to work;

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.