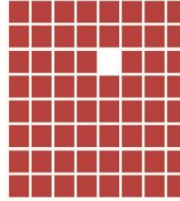




*The Maryland State Medical Society*  
1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915  
1.800.492.1056  
www.medchi.org

1211 Cathedral Street  
Baltimore, MD 21201-5585  
410-727-2237  
e-mail: mdacep@aol.com  
www.mdacep.org



**Maryland Chapter  
AMERICAN COLLEGE OF  
EMERGENCY PHYSICIANS**

**TO:** The Honorable Joseph F. Vallario, Jr., Chair  
Members, House Judiciary Committee  
The Honorable Shelly Hettleman

**FROM:** Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

**DATE:** February 21, 2017

**RE:** **SUPPORT WITH AMENDMENT** – House Bill 255 – *Criminal Procedure – Sexual Assault Victims’ Rights – Disposal of Rape Kit Evidence and Notification*

---

The Maryland State Medical Society (MedChi) and the American College of Emergency Physicians, Maryland Chapter (MDACEP), submit this letter of **support** for House Bill 255 **with amendment**.

House Bill 255 addresses issues related to the retention and handling of “Rape Kit Evidence”. The bill requires a health care provider that conducts a sexual assault evidence collection examination to provide the victim with written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit. However, the bill also includes a provider in the provisions of the bill related to the destruction of rape kit evidence and victim notification requirements related to retention and destruction.

While there is no objection to the requirement that a health care provider provides information at the time of an exam, a Rape Evidence Kit is not retained by the health care provider but rather turned over to law enforcement once completed and therefore any issues relative to retention and destruction are not under the control of the health care provider. Including the health care provider in those provisions of the bill creates a legal obligation for which compliance is impossible. Therefore, despite the notable objective of the legislation, unless the bill is amended to remove “health care provider” from paragraphs (c)(1) and (2), MedChi and MDACEP must respectively oppose the bill. If properly amended, support for passage is registered.

**For more information call:**  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
(410) 244-7000