

SENATE BILL 104

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(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Requested: October 18, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Officers and Baltimore City Commissioner of Health – Authority to**
3 **Retain Collections and Waive Charges**

4 FOR the purpose of authorizing a health officer for a county and the Baltimore City
5 Commissioner of Health to authorize a county health department and the
6 Baltimore City Health Department to retain certain collections received from
7 certain fees, with certain exceptions; requiring each county health officer and
8 the Baltimore City Commissioner of Health to report annually to the Secretary
9 of Health and Mental Hygiene on the use of certain collections; authorizing a
10 health officer for a political subdivision to waive a certain charge under certain
11 circumstances; and generally relating to health officers and the Baltimore City
12 Commissioner of Health.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 3–306 and 16–201(b)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2013 Supplement)

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

20 **Article – Health – General**

21 3–306.

22 (a) Except as provided by agreement between the Secretary and the local
23 governing body, and in addition to the powers and duties set forth elsewhere, each
24 health officer has the powers and duties set forth in this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A health officer may obtain samples of food and drugs for analysis.

2 (c) (1) The health officer for a county is the executive officer and secretary
3 of the county board of health.

4 (2) Except in Montgomery County, the health officer for a county shall
5 appoint the staff of the county health department.

6 (3) The health officer for a county shall have an office at an accessible
7 place in the county.

8 (4) (i) The health officer for a county shall enforce throughout the
9 county:

10 1. Under the direction of the Secretary, the State health
11 laws and the policies, rules, and regulations that the Secretary adopts; and

12 2. Except as provided in subparagraph (ii) of this
13 paragraph, under the direction of the county board of health, the rules and regulations
14 that the county board of health adopts.

15 (ii) The health officer for a county shall enforce in each
16 municipality or special taxing district in the county the rules or regulations that the
17 county board of health adopts unless the municipality or district has a charter
18 provision or ordinance that:

19 1. Covers the same subject matter as the county rule or
20 regulation;

21 2. Is at least as restrictive as the county rule or
22 regulation; and

23 3. Includes provisions for enforcement.

24 (5) A health officer shall perform any investigation or other duty or
25 function directed by the Secretary or the county board of health and submit
26 appropriate reports to them.

27 (d) Subject to the consent of the governing body of the county and the written
28 approval of the Secretary, a health officer for a county may enter into a contract or any
29 other written agreement to assist or participate in the delivery of health care services
30 with a person that is authorized to provide, finance, coordinate, facilitate, or otherwise
31 deliver health care services in the State.

32 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
33 **SUBSECTION, A HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE CITY**

1 COMMISSIONER OF HEALTH MAY AUTHORIZE THE COUNTY HEALTH
2 DEPARTMENT TO RETAIN ALL COLLECTIONS, INCLUDING ANY UNSPENT
3 BALANCE AT THE END OF A FISCAL YEAR, RECEIVED FROM:

4 (I) FEES AUTHORIZED UNDER THIS ARTICLE;

5 (II) FEES AUTHORIZED UNDER THE ENVIRONMENT
6 ARTICLE; AND

7 (III) FEES DERIVED FROM CHARGES AUTHORIZED UNDER
8 TITLE 16, SUBTITLE 2 OF THIS ARTICLE.

9 (2) THE AUTHORITY TO RETAIN COLLECTIONS UNDER
10 PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY:

11 (I) TO LICENSE FEES SET BY A COUNTY GOVERNING BODY
12 OR BALTIMORE CITY AND PAID TO THE CHIEF FINANCIAL OFFICER OF THE
13 COUNTY OR BALTIMORE CITY AS AUTHORIZED UNDER STATE LAW;

14 (II) TO FEES THAT MUST BE TRANSFERRED TO THE
15 GENERAL FUND UNDER § 4-217(C) OF THIS ARTICLE FROM THE FEES
16 COLLECTED FOR EACH BIRTH CERTIFICATE ISSUED OR REPORT ISSUED THAT A
17 SEARCH WAS MADE BUT THE REQUESTED RECORD IS NOT ON FILE; OR

18 (III) IF THE RETENTION OF COLLECTIONS WOULD BE
19 INCONSISTENT WITH ESTABLISHED LOCAL PRACTICE.

20 (3) EACH HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE
21 CITY COMMISSIONER OF HEALTH SHALL REPORT ANNUALLY TO THE
22 SECRETARY ON THE USE OF COLLECTIONS RETAINED UNDER PARAGRAPH (1)
23 OF THIS SUBSECTION.

24 [(e)] (F) The Secretary may delegate duties, powers, and functions as
25 provided in this article to a health officer for a county or other county official
26 authorized to administer and enforce health and environmental laws.

27 16-201.

28 (b) (1) The Secretary shall require political subdivisions and grantees to
29 set, subject to approval and modifications of the Secretary, charges for services that
30 are provided by the political subdivisions or grantees and that are supported wholly or
31 partly by State or federal funds administered by the Department.

1 **(2) IF A HEALTH OFFICER FOR A POLITICAL SUBDIVISION**
2 **CONSIDERS IT TO BE IN THE BEST INTEREST OF PUBLIC HEALTH, THE HEALTH**
3 **OFFICER MAY WAIVE A CHARGE SET UNDER THIS SUBSECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2014.