

# SENATE BILL 104

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4lr0053

(PRE-FILED)

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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

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 17, 2014

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CHAPTER \_\_\_\_\_

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**

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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 3-306.

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

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

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

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

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

12 (4) (i) The health officer for a county shall enforce throughout the  
13 county:

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

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

19 (ii) The health officer for a county shall enforce in each  
20 municipality or special taxing district in the county the rules or regulations that the  
21 county board of health adopts unless the municipality or district has a charter  
22 provision or ordinance that:

23 1. Covers the same subject matter as the county rule or  
24 regulation;

25 2. Is at least as restrictive as the county rule or  
26 regulation; and

27 3. Includes provisions for enforcement.

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

31 (d) Subject to the consent of the governing body of the county and the written  
32 approval of the Secretary, a health officer for a county may enter into a contract or any

1 other written agreement to assist or participate in the delivery of health care services  
2 with a person that is authorized to provide, finance, coordinate, facilitate, or otherwise  
3 deliver health care services in the State.

4 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
5 **SUBSECTION, A HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE CITY**  
6 **COMMISSIONER OF HEALTH MAY AUTHORIZE THE COUNTY HEALTH**  
7 **DEPARTMENT TO RETAIN ALL COLLECTIONS, INCLUDING ANY UNSPENT**  
8 **BALANCE AT THE END OF A FISCAL YEAR, RECEIVED FROM:**

9 **(I) FEES AUTHORIZED UNDER THIS ARTICLE;**

10 **(II) FEES AUTHORIZED UNDER THE ENVIRONMENT**  
11 **ARTICLE; AND**

12 **(III) FEES DERIVED FROM CHARGES AUTHORIZED UNDER**  
13 **TITLE 16, SUBTITLE 2 OF THIS ARTICLE.**

14 **(2) THE AUTHORITY TO RETAIN COLLECTIONS UNDER**  
15 **PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY:**

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

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

23 **(III) IF THE RETENTION OF COLLECTIONS WOULD BE**  
24 **INCONSISTENT WITH ESTABLISHED LOCAL PRACTICE.**

25 **(3) EACH HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE**  
26 **CITY COMMISSIONER OF HEALTH SHALL REPORT ANNUALLY TO THE**  
27 **SECRETARY ON THE USE OF COLLECTIONS RETAINED UNDER PARAGRAPH (1)**  
28 **OF THIS SUBSECTION.**

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

32 16-201.

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.