J1 6lr3649

By: Delegates Bohanan and Gaines Bohanan, Gaines, Barve, Benson,

Bromwell, Costa, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kohl, Kullen, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam,

Oaks, Pendergrass, Rudolph, V. Turner, and Weldon

Introduced and read first time: March 6, 2006 Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 13, 2006

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

CHAPTER____

1 AN ACT concerning

2 Maryland AIDS Drug Assistance Program - Rebates - Special Fund

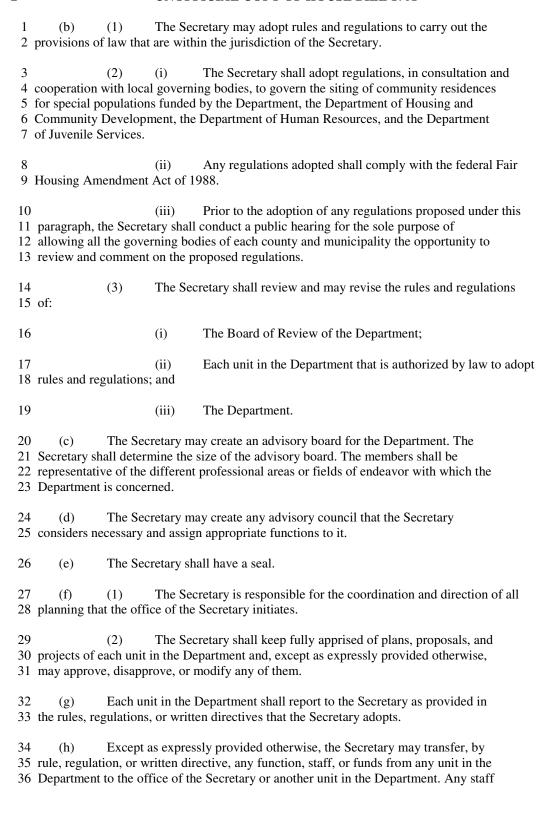
- 3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
- 4 deposit or distribute certain rebates received by the Department from the
- 5 Maryland AIDS Drug Assistance Program to a certain special fund for a certain
- 6 purpose; and generally relating to a special fund for rebates from the Maryland
- 7 AIDS Drug Assistance Program.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Health General
- 10 Section 2-104
- 11 Annotated Code of Maryland
- 12 (2005 Replacement Volume and 2005 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 14 MARYLAND, That the Laws of Maryland read as follows:

15 Article - Health - General

16 2-104.

17 (a) The Secretary is responsible for the budget of the office of the Secretary

18 and for the budget of each unit in the Department.



34

36

(3)

38 to the Secretary or the Department.

35 misdemeanor and on conviction is subject to a fine not exceeding \$100.

37 rules and regulations of the Department, and any other provisions of law that relate

3 **UNOFFICIAL COPY OF HOUSE BILL 1701** 1 transferred to the office of the Secretary shall be provided space, equipment, and 2 services by the unit from which it was transferred, unless the Secretary orders 3 removal to another location for the proper and efficient functioning of that office. 4 The Secretary may apply for, receive, and spend grants-in-aid by the 5 federal government or any of its agencies or any other federal funds made available to 6 the Department for use in carrying out the powers and duties of the Secretary or the 7 Department. Except as otherwise provided by law AND PARAGRAPH (2) OF THIS 8 (i) 9 SUBSECTION, the Secretary shall pay all money collected by the Department under 10 this article into the General Fund of this State. 11 (2) ANY REBATES RECEIVED BY THE DEPARTMENT FROM THE 12 MARYLAND AIDS DRUG ASSISTANCE PROGRAM SHALL BE DEPOSITED IN OR 13 DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY TO FUND THE MARYLAND AIDS 14 DRUG ASSISTANCE PROGRAM. 15 The Secretary or a designee of the Secretary may subpoena any (k) (1) 16 person or evidence, administer oaths, and take depositions and other testimony. 17 If a person fails to comply with a lawful order or subpoena issued 18 under this subsection, on petition of the Secretary or designee, a court of competent jurisdiction may compel obedience to the order or subpoena or compel testimony or 20 the production of evidence. A witness who is subpoenaed at the request of the Secretary or 22 designee is entitled to receive the same fees and mileage provided for by law in civil 23 cases. However, a witness who is subpoenaed at the request of any other party is not 24 entitled to fees or mileage, unless the Secretary or designee certifies that the 25 testimony was material to the matter investigated. The fee and mileage paid under 26 this subsection shall be audited and paid by this State in the same way other 27 expenses are audited and paid and shall be charged to the general appropriation for 28 the Department. 29 (1) The Secretary or an agent or employee of the Secretary may enter, at (1) 30 any reasonable hour, a place of business or public premises if the entry is necessary to 31 carry out a duty under this article or the Health Occupations Article. 32 A person may not deny or interfere with an entry under this (2) 33 subsection.

A person who violates any provision of this subsection is guilty of a

The Secretary shall carry out and enforce the provisions of this article, the

4 UNOFFICIAL COPY OF HOUSE BILL 1701

1	(n)	(1)	The Secretary may adopt regulations establishing fees not to exceed	
2	an amount sufficient to cover the administrative costs associated with:			
3			(i)	Inspections or investigations carried out under this article; and
4 5	this article.		(ii)	Permits, licenses, certifications, or registrations issued under
6 7	subsection.	(2)	The Sec	retary may waive all or part of any fee established under this
8 9	SECTION June 1, 2006		D BE IT	FURTHER ENACTED, That this Act shall take effect