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By: **Senator Britt**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 24, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Commission for ~~Men~~ Men's Health**

3 FOR the purpose of creating the Maryland Commission for ~~Men~~ Men's Health;  
4 providing for the appointment of members of the Commission; requiring that  
5 certain members of the Commission shall be appointed from among applicants  
6 who have been nominated and recommended for appointment by certain  
7 organizations; requiring that certain members of the Commission shall be  
8 appointed from applicants applying on their own behalf; providing for the terms  
9 of the members of the Commission; providing for reimbursement for certain  
10 expenses of members; providing that a commissioner who fails to attend a  
11 certain number of meetings during a certain time period is considered to have  
12 resigned; providing that the Commission is a unit of the Department of ~~Human~~  
13 ~~Resources~~ Health and Mental Hygiene; requiring the members of the  
14 Commission to elect a chair and vice chair; ~~requiring the Secretary of Human~~  
15 ~~Resources to appoint an executive director; providing that the executive director~~  
16 ~~is a merit employee of the Department and is entitled to a certain salary;~~  
17 providing for the duties of the Commission; authorizing the Commission to  
18 accept certain funds under certain circumstances; requiring the Commission to  
19 report annually to the Governor and the General Assembly; ~~defining certain~~  
20 ~~terms; providing for staggered terms for certain members of the Commission;~~  
21 requiring, to the extent practicable, that the appointments to the Commission  
22 ensure geographic diversity; requiring the appointments to the Commission to  
23 be made without regard to race, color, disability, gender, religion, age, or  
24 national origin; providing for the termination of this Act; and generally relating  
25 to the Maryland Commission for ~~Men~~ Men's Health.

26 BY adding to

27 ~~New Article 49E - Maryland Commission for Men~~ Article - Health - General

1 Section ~~4 through 8~~ 13-2301 through 13-2308, inclusive, to be under the new  
2 subtitle "Subtitle 23. Maryland Commission for Men's Health"  
3 Annotated Code of Maryland  
4 (~~2003~~ 2005 Replacement Volume and 2005 Supplement)

5 Preamble

6 WHEREAS, There is a silent health crisis affecting the health and well-being of  
7 Maryland men; and

8 WHEREAS, This health crisis is of particular concern to men, but is also a  
9 concern for women, as the crisis affects fathers, husbands, sons, and brothers; and

10 WHEREAS, Men's health is likewise a concern for employers, who lose  
11 productive employees as well as pay the costs of medical care, and for State  
12 government and society, which absorb the enormous costs of premature death and  
13 disability, including the costs of caring for dependents left without income; and

14 WHEREAS, The life expectancy for a child born in Maryland in 2001 was 73.9  
15 years for males versus 79.1 years for females; and

16 WHEREAS, The 2001 Maryland death rate of 819.9 per 100,000 population for  
17 men exceeded the death rate of 802.4 per 100,000 population for women; and

18 WHEREAS, In Maryland, only 22% of the deaths to women in 2001 occurred  
19 before age 65, men younger than 65 accounted for 36% of all deaths to men in that  
20 year; and

21 WHEREAS, Men comprised 60% of new HIV cases in 2001 in Maryland and 67%  
22 of new AIDS cases in the same year; and

23 WHEREAS, Men are reported to be 25% less likely than women to visit a doctor;  
24 and

25 WHEREAS, Employment-based health insurance, which has traditionally  
26 financed much of the health care received by men, is on the decline, and recent  
27 Medicaid and other publicly-financed health care expansions have focused primarily  
28 on children and women; and

29 WHEREAS, Educating men, their families, and health care providers about the  
30 importance of early detection of men's health problems can result in reducing rates of  
31 mortality for male-specific diseases, as well as improve the health of Maryland men  
32 and the State's overall economic well-being; and

33 WHEREAS, Regular exercise, good nutrition, healthy behaviors, regular  
34 medical checkups, preventive health screenings, and diagnostic tests that detect  
35 disease early have been proven to save lives; and

36 WHEREAS, A Commission for ~~Men~~ Men's Health is needed to promote men's  
37 health in Maryland; now, therefore,

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

3 ~~ARTICLE 49E – MARYLAND COMMISSION FOR MEN~~

4 Article - Health - General

5 SUBTITLE 23. MARYLAND COMMISSION FOR MEN'S HEALTH.

6 ~~4-13-2301.~~

7 (A) ~~IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
8 ~~INDICATED.~~

9 (B) ~~"COMMISSION" MEANS THE MARYLAND COMMISSION FOR MEN.~~

10 (C) ~~"DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.~~

11 (D) ~~"SECRETARY" MEANS THE SECRETARY OF HUMAN RESOURCES.~~

12 THERE IS A MARYLAND COMMISSION FOR MEN'S HEALTH.

13 ~~2-13-2302.~~

14 (A) THE COMMISSION CONSISTS OF:

15 (1) FOUR INDIVIDUALS APPOINTED BY THE GOVERNOR, WITH THE  
16 ADVICE AND CONSENT OF THE SENATE;

17 (2) FOUR INDIVIDUALS APPOINTED BY THE PRESIDENT OF THE SENATE  
18 OF MARYLAND; AND

19 (3) FOUR INDIVIDUALS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
20 DELEGATES.

21 (B) (1) THE FOLLOWING MEMBERS OF THE COMMISSION SHALL BE  
22 APPOINTED FROM AMONG APPLICANTS WHO HAVE BEEN NOMINATED AND  
23 RECOMMENDED FOR APPOINTMENT BY ORGANIZATIONS LOCATED IN THE STATE  
24 WHOSE INTERESTS RELATE TO MEN'S HEALTH OR FAMILY INVOLVEMENT:

25 (I) TWO MEMBERS APPOINTED BY THE GOVERNOR;

26 (II) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE  
27 OF MARYLAND; AND

28 (III) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE  
29 OF DELEGATES.

30 (2) THE FOLLOWING MEMBERS OF THE COMMISSION SHALL BE  
31 APPOINTED FROM APPLICANTS APPLYING ON THEIR OWN BEHALF:

- 1 (I) TWO MEMBERS APPOINTED BY THE GOVERNOR;  
2 (II) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE  
3 OF MARYLAND; AND  
4 (III) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE  
5 OF DELEGATES.

6 (C) (1) THE TERM OF A COMMISSIONER IS 4 YEARS.

7 (2) AT THE END OF A TERM, THE COMMISSIONER CONTINUES TO SERVE  
8 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

9 (3) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
10 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED  
11 AND QUALIFIES.

12 (4) A COMMISSIONER MAY NOT SERVE MORE THAN TWO CONSECUTIVE  
13 TERMS.

14 (D) A COMMISSIONER:

15 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
16 COMMISSION; BUT

17 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
18 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

19 (E) A COMMISSIONER WHO FAILS TO ATTEND AT LEAST 50% OF THE  
20 REGULARLY SCHEDULED MEETINGS DURING ANY 12-MONTH PERIOD SHALL BE  
21 CONSIDERED TO HAVE RESIGNED.

22 (F) THE COMMISSION IS A UNIT OF THE DEPARTMENT OF HUMAN RESOURCES  
23 AND SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY THROUGH  
24 THE SECRETARY.

25 ~~3-13-2303.~~

26 (A) THE COMMISSION SHALL ELECT A CHAIR AND A VICE CHAIR FROM AMONG  
27 ITS MEMBERS.

28 (B) THE COMMISSION MAY APPOINT ANY OFFICERS THAT IT CONSIDERS  
29 NECESSARY.

30 ~~3A.~~

31 ~~(A) THE SECRETARY SHALL APPOINT AN EXECUTIVE DIRECTOR FOR THE~~  
32 ~~COMMISSION.~~

33 ~~(B) THE EXECUTIVE DIRECTOR SHALL BE A MERIT EMPLOYEE OF THE~~  
34 ~~DEPARTMENT.~~

1 ~~(C)~~ THE EXECUTIVE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN  
2 THE STATE BUDGET.

3 ~~4-13-2304.~~

4 (A) THE COMMISSION:

5 (1) SHALL DEVELOP STRATEGIES AND PROGRAMS, INCLUDING  
6 COMMUNITY OUTREACH AND PUBLIC-PRIVATE PARTNERSHIPS, DESIGNED TO:

7 (I) RAISE PUBLIC AWARENESS OF MEN'S HEALTH ISSUES,  
8 INCLUDING HEALTH PROBLEMS THAT DISPROPORTIONATELY AFFECT MEN AND THE  
9 IMPORTANCE OF PATERNAL INFLUENCE IN THE FAMILY;

10 (II) ENCOURAGE THE PARTICIPATION OF MEN IN HEALTHY  
11 BEHAVIORS, ~~ACADEMIC ACHIEVEMENT~~, AND FAMILY INVOLVEMENT; ~~AND~~

12 (III) EDUCATE MARYLAND MEN ON THE BENEFITS OF REGULAR  
13 PHYSICIAN CHECKUPS, EARLY DETECTION AND PREVENTIVE HEALTH SCREENING  
14 TESTS, AND HEALTHY LIFESTYLE PRACTICES; AND

15 (IV) REDUCE OR ELIMINATE DISPARITIES IN MORBIDITY AND  
16 MORTALITY FOR SPECIFIC DISEASES AMONG RACIAL AND ETHNIC MINORITIES AND  
17 UNDERSERVED POPULATIONS;

18 (2) SHALL REVIEW THE HEALTH STATUS OF MEN IN THE STATE AND  
19 FOCUS ON HEALTH OUTCOMES OF MEN FOR SPECIFIC DISEASES, INCLUDING  
20 PROSTATE AND TESTICULAR CANCER, ORAL CANCER, CARDIOVASCULAR DISEASE,  
21 DEPRESSION, AND DIABETES;

22 (3) SHALL ORGANIZE COMMUNITY WORKSHOPS TO IDENTIFY ISSUES  
23 AFFECTING MEN'S HEALTH AND FAMILY INVOLVEMENT;

24 (4) SHALL MONITOR STATE AND FEDERAL POLICY AND LEGISLATION  
25 THAT MAY AFFECT THE AREAS OF MEN'S HEALTH AND FAMILY INVOLVEMENT; AND

26 (5) SHALL RECOMMEND ASSISTANCE, SERVICES, AND POLICY CHANGES  
27 THAT WILL FURTHER THE GOALS OF THE COMMISSION.

28 (B) THE COMMISSION SHALL CONSIDER POPULATION DIVERSITY WHEN  
29 CARRYING OUT THE DUTIES SET FORTH IN SUBSECTION (A) OF THIS SECTION.

30 ~~5-13-2305.~~

31 (A) ~~(+)~~ THE COMMISSION, SUBJECT TO THE APPROVAL OF THE SECRETARY,  
32 MAY ACCEPT:

33 ~~(+)~~ (1) FEDERAL FUNDS GRANTED BY CONGRESS OR EXECUTIVE  
34 ORDER FOR ALL OR ANY OF THE PURPOSES OF THIS ARTICLE; AND

1                   ~~(H)~~    (2)    PRIVATE GIFTS AND DONATIONS FROM INDIVIDUALS,  
2 PRIVATE ORGANIZATIONS, OR FOUNDATIONS.

3                   (2)    (B)    THE ACCEPTANCE AND USE OF FEDERAL FUNDS MAY NOT BE  
4 CONSIDERED A COMMITMENT OF STATE FUNDS AND PLACES NO OBLIGATION ON  
5 THE GENERAL ASSEMBLY TO CONTINUE THE PURPOSE FOR WHICH THE FUNDS ARE  
6 AVAILABLE.

7    (B)    ~~THE DEPARTMENT SHALL INCLUDE THE COMMISSION IN ITS ANNUAL~~  
8 ~~BUDGET.~~

9 ~~6-13-2306.~~

10    THE COMMISSION SHALL HAVE THE FULL COOPERATION OF ALL EXECUTIVE  
11 DEPARTMENTS AND AGENCIES OF THE STATE IN THE PERFORMANCE OF ITS DUTIES.

12 ~~7-13-2307.~~

13    THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND,  
14 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL  
15 ASSEMBLY THROUGH THE SECRETARY AND SHALL INCLUDE RECOMMENDATIONS  
16 BASED ON ITS STUDIES.

17 ~~8-13-2308.~~

18    THE COMMISSION SHALL HAVE NO AUTHORITY TO ADOPT RULES AND  
19 REGULATIONS.

20    ~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members~~  
21 ~~of the Maryland Commission for Men whose term of office begins on October 1, 2006,~~  
22 ~~shall expire as follows:~~

23                   (1)    ~~in 2008, two members appointed by the Governor, one member~~  
24 ~~appointed by the President of the Senate; and one member appointed by the Speaker~~  
25 ~~of the House of Delegates;~~

26                   (2)    ~~in 2009, one member appointed by the Governor, two members~~  
27 ~~appointed by the President of the Senate, and one member appointed by the Speaker~~  
28 ~~of the House of Delegates; and~~

29                   (3)    ~~in 2010, one member appointed by the Governor, one member~~  
30 ~~appointed by the President of the Senate, and two members appointed by the Speaker~~  
31 ~~of the House of Delegates.~~

32    ~~SECTION 3-2.~~ AND BE IT FURTHER ENACTED, That, in making  
33 appointments under this Act, the Governor, the President of the Senate, and the  
34 Speaker of the House of Delegates shall ensure:

35                   (1)    to the extent practicable, geographic diversity among the  
36 membership of the Maryland Commission for ~~Men~~ Men's Health; and

1                   (2)       that appointments are made without regard to the race, color,  
2 disability, gender, religion, age, or national origin of the appointees.

3       SECTION 4-~~3~~. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 2006. It shall remain effective for a period of 4 years and, at the end  
5 of September 30, 2010, with no further action required by the General Assembly, this  
6 Act shall be abrogated and of no further force and effect.