

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 535 (Delegate Dumais)
Health and Government Operations

Catastrophic Health Emergencies - Quarantine Orders - Citations

This bill authorizes the Secretary of Health and Mental Hygiene to issue a citation assessing a \$500 civil fine for an individual over age 18 who refuses vaccination, medical examination, treatment, or testing the Secretary determines is medically necessary to prevent or reduce the spread of a disease or outbreak caused by exposure to a deadly agent. The bill also establishes citation notification requirements and an appeals process and allows for an additional civil fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provisions. The bill is not expected to have a material fiscal impact on the District Court.

Local Effect: Local health departments' existing staff could receive and forward a copy of a citation and an individual's notice of intention to stand trial to the District Court in that county. The number of citations issued is expected to be minimal.

Small Business Effect: None.

Analysis

Bill Summary: A citation issued to an individual serves as notification that the individual has been assessed a \$500 civil fine, subject to the individual's right to stand trial in District Court. A citation may be delivered or mailed to an individual. The Secretary must develop the citation form.

An individual receiving a citation may elect to stand trial for refusing to comply with an order, regulation, or directive by filing a notice of intention to stand trial with the local health department. The notice must be given at least five days before the date the civil fine must be paid, as specified in the citation.

After receiving an individual's notice of intention to stand trial, the local health department must forward a copy of the citation and the individual's notice to the District Court in that county. The District Court then must schedule the case for trial and notify the defendant of the trial date.

If an individual who receives a citation fails to pay the fine by the citation's due date and fails to file timely notice of intention to stand trial, a formal notice of violation must be sent to the individual's last address, if known.

If the citation is not satisfied within 15 days from the date of the notice, the individual is liable for an additional fine of up to \$3,000. If the citation is not satisfied after 35 days, the Secretary may request adjudication of the case through the District Court. On receiving such a request, the District Court must schedule the case for trial and summon the defendant to appear.

Current Law: In the course of investigating actual or potential exposures to a deadly agent, the Secretary may issue an order requiring individuals whom the Secretary believes have been exposed to a deadly agent to seek appropriate and necessary evaluation and treatment. To prevent or reduce the spread of a disease or outbreak believed to be caused by exposure to a deadly agent, the Secretary may order an individual or group of individuals to go to and remain in isolation or quarantine until it is determined that the individual or group no longer poses a substantial risk of transmitting the disease or condition to the public.

If a competent individual over age 18 refuses the ordered vaccination, medical examination, treatment, or testing, the Secretary may require the individual to go to and remain in isolation or quarantine until the individual no longer poses a substantial risk of transmitting the disease or condition to the public.

An individual or group of individuals isolated or quarantined may request a hearing in circuit court contesting the action. The court must grant the request for relief unless the court determines that the isolation or quarantine directive is necessary and reasonable to prevent or reduce the spread of the specified disease or outbreak.

State Revenues: General fund revenues could increase minimally under the bill's monetary penalty provisions. The number of people issued a citation and assessed a civil

fine for refusing vaccination, medical examination, treatment, or testing is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford County, Queen Anne's County, Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Legislative Services

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ncs/jr

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