

HOUSE BILL 1196

J1, M3, C8
HB 1034/07 – HGO

8lr2723

By: **Delegates Oaks, Braveboy, Carter, Glenn, Holmes, and Rosenberg**

Introduced and read first time: February 8, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Healthy Places Act**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish
4 a certain pilot program subject to the availability and appropriation of certain
5 funding; requiring the Secretary in coordination with certain State agencies to
6 develop guidance and adopt regulations for certain health impact assessments;
7 requiring that a certain pilot program provide certain funding and technical
8 assistance to certain eligible entities to prepare certain health impact
9 assessments; establishing that applications for certain grants include certain
10 information; providing for the purpose and content of certain health impact
11 assessments; requiring certain eligible entities to follow certain guidelines;
12 requiring certain eligible entities to take into consideration certain comments
13 and include certain responses in certain health impact assessments; requiring a
14 certain pilot program to award certain grants to certain eligible entities to
15 conduct environmental health assessment activities; requiring certain eligible
16 entities to submit a certain application for a certain grant; establishing that
17 certain grants may be used for certain purposes; requiring that the Secretary
18 submit a certain report on or before a certain date each year; providing that a
19 certain subtitle may be cited by a certain name; defining certain terms; and
20 generally relating to the Maryland Healthy Places Act.

21 BY adding to

22 Article – Health – General

23 Section 13–2701 through 13–2706 to be under the new subtitle “Subtitle 27.

24 Maryland Healthy Places Act”

25 Annotated Code of Maryland

26 (2005 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article - Health - General**2 **SUBTITLE 27. MARYLAND HEALTHY PLACES ACT.**3 **13-2701.**

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "BUILT ENVIRONMENT" MEANS AN ENVIRONMENT CONSISTING OF
7 BUILDINGS, SPACES, AND PRODUCTS THAT ARE CREATED OR MODIFIED BY
8 INDIVIDUALS AND ENTITIES, INCLUDING:

9 (1) HOMES, SCHOOLS, WORKPLACES, GREENWAYS, BUSINESS
10 AREAS, TRANSPORTATION SYSTEMS, AND PARKS AND RECREATION AREAS;

11 (2) ELECTRIC TRANSMISSION LINES;

12 (3) WASTE DISPOSAL SITES; AND

13 (4) LAND-USE PLANNING AND POLICIES THAT IMPACT URBAN,
14 RURAL, AND SUBURBAN COMMUNITIES.

15 (C) "ENVIRONMENTAL HEALTH" MEANS THE HEALTH AND WELL-BEING
16 OF A POPULATION AS AFFECTED BY:

17 (1) THE DIRECT PATHOLOGICAL EFFECTS OF CHEMICALS,
18 RADIATION, AND BIOLOGICAL AGENTS; AND

19 (2) THE EFFECTS, INCLUDING THE INDIRECT EFFECTS, OF THE
20 BROAD PHYSICAL, PSYCHOLOGICAL, SOCIAL, AND AESTHETIC ENVIRONMENT.

21 (D) "HEALTH IMPACT ASSESSMENT" MEANS ANY COMBINATION OF
22 PROCEDURES, METHODS, TOOLS, AND MEANS USED TO ANALYZE THE ACTUAL
23 OR POTENTIAL EFFECTS OF A POLICY, PROGRAM, OR PROJECT ON THE HEALTH
24 OF A POPULATION, INCLUDING THE DISTRIBUTION OF THOSE EFFECTS WITHIN
25 THE POPULATION.

26 **13-2702.**

27 SUBJECT TO THE AVAILABILITY AND APPROPRIATION OF FUNDING, THE
28 SECRETARY SHALL ESTABLISH A PILOT PROGRAM IN ACCORDANCE WITH §§
29 13-2703 AND 13-2704 OF THIS SUBTITLE.

30 **13-2703.**

1 (A) IN THIS SECTION, “ELIGIBLE ENTITY” MEANS A UNIT OF LOCAL
2 GOVERNMENT WITH JURISDICTION OF INDIVIDUALS OR POPULATIONS WHOSE
3 HEALTH WILL BE AFFECTED BY AN ACTIVITY OR A PROPOSED ACTIVITY.

4 (B) THE SECRETARY SHALL:

5 (1) ESTABLISH A PILOT PROGRAM ADVANCING THE FIELD OF
6 HEALTH IMPACT ASSESSMENT, INCLUDING:

7 (I) COLLECTING AND DISSEMINATING BEST PRACTICES;

8 (II) ADMINISTERING CAPACITY BUILDING GRANTS, IN
9 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;

10 (III) PROVIDING TECHNICAL ASSISTANCE;

11 (IV) PROVIDING TRAINING; AND

12 (V) CONDUCTING EVALUATIONS;

13 (2) IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION,
14 DEVELOP GUIDANCE TO CONDUCT HEALTH IMPACT ASSESSMENTS; AND

15 (3) ESTABLISH A GRANT PROGRAM TO ALLOW ELIGIBLE ENTITIES
16 TO CONDUCT HEALTH IMPACT ASSESSMENTS.

17 (C) THE SECRETARY, IN COLLABORATION WITH THE DEPARTMENT OF
18 BUDGET AND MANAGEMENT, DEPARTMENT OF THE ENVIRONMENT,
19 DEPARTMENT OF GENERAL SERVICES, DEPARTMENT OF PLANNING,
20 DEPARTMENT OF TRANSPORTATION, AND ANY OTHER STATE AGENCY THE
21 SECRETARY DETERMINES TO BE APPROPRIATE, SHALL:

22 (1) DEVELOP GUIDANCE FOR THE ASSESSMENT OF THE
23 POTENTIAL HEALTH EFFECTS OF LAND USE, HOUSING, AND TRANSPORTATION
24 POLICY AND PLANS, INCLUDING:

25 (I) BACKGROUND ON NATIONAL EFFORTS TO BRIDGE
26 URBAN PLANNING AND PUBLIC HEALTH INSTITUTIONS AND DISCIPLINES,
27 INCLUDING A REVIEW OF HEALTH IMPACT ASSESSMENT BEST PRACTICES
28 NATIONALLY;

29 (II) EVIDENCE-BASED CAUSAL PATHWAYS THAT LINK
30 URBAN PLANNING, TRANSPORTATION, AND HOUSING POLICY AND OBJECTIVES
31 TO HUMAN HEALTH OBJECTIVES;

1 (III) DATA RESOURCES AND QUANTITATIVE AND
2 QUALITATIVE FORECASTING METHODS TO EVALUATE BOTH THE STATUS OF
3 HEALTH DETERMINANTS AND HEALTH EFFECTS; AND

4 (IV) BEST PRACTICES FOR INCLUSIVE PUBLIC
5 INVOLVEMENT IN PLANNING DECISION MAKING; AND

6 (2) ON OR BEFORE SEPTEMBER 30, 2009, ADOPT REGULATIONS
7 TO CARRY OUT THIS SECTION.

8 (D) THE PILOT PROGRAM ESTABLISHED UNDER THIS SUBTITLE SHALL
9 PROVIDE FUNDING AND TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES TO
10 PREPARE HEALTH IMPACT ASSESSMENTS:

11 (1) TO ENSURE THAT APPROPRIATE HEALTH FACTORS ARE
12 TAKEN INTO CONSIDERATION AS EARLY AS PRACTICABLE DURING ANY
13 PLANNING, REVIEW, OR DECISION-MAKING PROCESS; AND

14 (2) TO EVALUATE THE EFFECT ON THE HEALTH OF INDIVIDUALS
15 AND POPULATIONS, AND ON SOCIAL AND ECONOMIC DEVELOPMENT, OF
16 DECISIONS MADE OUTSIDE OF THE HEALTH SECTOR THAT RESULT IN
17 MODIFICATIONS OF A PHYSICAL OR SOCIAL ENVIRONMENT.

18 (E) (1) TO RECEIVE A GRANT UNDER THIS SECTION, AN ELIGIBLE
19 ENTITY SHALL SUBMIT TO THE SECRETARY AN APPLICATION IN ACCORDANCE
20 WITH THIS SUBSECTION.

21 (2) AN APPLICATION UNDER THIS SUBSECTION SHALL INCLUDE
22 AN ASSESSMENT BY THE ELIGIBLE ENTITY OF THE PROBABILITY THAT AN
23 APPLICABLE ACTIVITY OR PROPOSED ACTIVITY WILL HAVE AT LEAST ONE
24 SIGNIFICANT, ADVERSE HEALTH EFFECT ON AN INDIVIDUAL OR POPULATION IN
25 THE JURISDICTION OF THE ELIGIBLE ENTITY, BASED ON:

26 (I) A SUBSTANTIAL ADVERSE EFFECT ON:

27 1. EXISTING AIR QUALITY, GROUND OR SURFACE
28 WATER QUALITY OR QUANTITY, OR TRAFFIC OR NOISE LEVELS;

29 2. A SIGNIFICANT HABITAT AREA;

30 3. PHYSICAL ACTIVITY;

31 4. INJURY;

- 1 **5. MENTAL HEALTH;**
- 2 **6. SOCIAL CAPITAL;**
- 3 **7. ACCESSIBILITY;**
- 4 **8. THE CHARACTER OR QUALITY OF AN IMPORTANT**
5 **HISTORICAL, ARCHEOLOGICAL, ARCHITECTURAL, OR AESTHETIC RESOURCE OF**
6 **THE COMMUNITY OF THE ELIGIBLE ENTITY, INCLUDING NEIGHBORHOOD**
7 **CHARACTER; OR**
- 8 **9. A NATURAL RESOURCE;**
- 9 **(II) AN INCREASE IN:**
 - 10 **1. SOLID WASTE PRODUCTION; OR**
 - 11 **2. PROBLEMS RELATING TO EROSION, FLOODING,**
12 **LEACHING, OR DRAINAGE;**
- 13 **(III) A REQUIREMENT THAT A LARGE QUANTITY OF**
14 **VEGETATION OR FAUNA BE REMOVED OR DESTROYED;**
- 15 **(IV) A CONFLICT WITH THE PLANS OR GOALS OF THE**
16 **COMMUNITY OF THE ELIGIBLE ENTITY;**
- 17 **(V) A MAJOR CHANGE IN THE QUANTITY OR TYPE OF**
18 **ENERGY USED BY THE COMMUNITY OF THE ELIGIBLE ENTITY;**
- 19 **(VI) A HAZARD PRESENTED TO HUMAN HEALTH;**
- 20 **(VII) A SUBSTANTIAL CHANGE IN THE USE, OR INTENSITY OF**
21 **USE, OF LAND IN THE JURISDICTION OF THE ELIGIBLE ENTITY, INCLUDING**
22 **AGRICULTURAL, OPEN SPACE, AND RECREATIONAL USES;**
- 23 **(VIII) A PROBABILITY THAT THE ACTIVITY OR PROPOSED**
24 **ACTIVITY WILL RESULT IN AN INCREASE IN TOURISM IN THE JURISDICTION OF**
25 **THE ELIGIBLE ENTITY; OR**
- 26 **(IX) A SUBSTANTIAL, ADVERSE AGGREGATE IMPACT ON**
27 **ENVIRONMENTAL HEALTH RESULTING FROM:**
 - 28 **1. CHANGES CAUSED BY THE ACTIVITY OR**
29 **PROPOSED ACTIVITY TO TWO OR MORE ELEMENTS OF THE ENVIRONMENT; OR**

1 **2. TWO OR MORE RELATED ACTIONS CARRIED OUT**
2 **UNDER THE ACTIVITY OR PROPOSED ACTIVITY; AND**

3 **3. A SIGNIFICANT CHANGE OF CONCERN, AS**
4 **DETERMINED BY THE ELIGIBLE ENTITY.**

5 **(3) IN MAKING AN ASSESSMENT UNDER PARAGRAPH (2) OF THIS**
6 **SUBSECTION, AN ELIGIBLE ENTITY MAY TAKE INTO CONSIDERATION A**
7 **REASONABLE, DIRECT, INDIRECT, OR CUMULATIVE EFFECT RELATING TO THE**
8 **APPLICABLE ACTIVITY OR PROPOSED ACTIVITY, INCLUDING THE EFFECT OF AN**
9 **ACTION THAT IS:**

10 **(I) INCLUDED IN THE LONG-RANGE PLAN RELATING TO**
11 **THE ACTIVITY OR PROPOSED ACTIVITY;**

12 **(II) LIKELY TO BE CARRIED OUT IN COORDINATION WITH**
13 **THE ACTIVITY OR PROPOSED ACTIVITY;**

14 **(III) DEPENDENT ON THE OCCURRENCE OF THE ACTIVITY OR**
15 **PROPOSED ACTIVITY; OR**

16 **(IV) LIKELY TO HAVE A DISPROPORTIONATE IMPACT ON**
17 **DISADVANTAGED POPULATIONS.**

18 **(F) (1) AN ELIGIBLE ENTITY SHALL USE ASSISTANCE RECEIVED**
19 **UNDER THIS SECTION TO PREPARE AND SUBMIT TO THE SECRETARY A HEALTH**
20 **IMPACT ASSESSMENT IN ACCORDANCE WITH THIS SUBSECTION.**

21 **(2) THE PURPOSE OF A HEALTH IMPACT ASSESSMENT IS:**

22 **(I) TO FACILITATE THE INVOLVEMENT OF STATE AND**
23 **LOCAL HEALTH OFFICIALS IN COMMUNITY PLANNING AND LAND USE DECISIONS**
24 **TO IDENTIFY ANY POTENTIAL HEALTH CONCERN RELATING TO AN ACTIVITY OR**
25 **PROPOSED ACTIVITY;**

26 **(II) TO PROVIDE FOR AN INVESTIGATION OF ANY**
27 **HEALTH-RELATED ISSUE ADDRESSED IN AN ENVIRONMENTAL IMPACT**
28 **STATEMENT OR POLICY APPRAISAL RELATING TO AN ACTIVITY OR A PROPOSED**
29 **ACTIVITY;**

30 **(III) TO DESCRIBE AND COMPARE ALTERNATIVES TO AN**
31 **ACTIVITY OR A PROPOSED ACTIVITY TO PROVIDE CLARIFICATION WITH**
32 **RESPECT TO THE COSTS AND BENEFITS OF THE ACTIVITY OR PROPOSED**
33 **ACTIVITY, INCLUDING NO-ACTION ALTERNATIVES; AND**

1 (IV) TO CONTRIBUTE TO THE FINDINGS OF AN
2 ENVIRONMENTAL IMPACT STATEMENT WITH RESPECT TO THE TERMS AND
3 CONDITIONS OF IMPLEMENTING AN ACTIVITY OR A PROPOSED ACTIVITY, AS
4 NECESSARY.

5 (3) A HEALTH IMPACT ASSESSMENT PREPARED UNDER THIS
6 SECTION SHALL:

7 (I) DESCRIBE THE RELEVANCE OF THE APPLICABLE
8 ACTIVITY OR PROPOSED ACTIVITY WITH RESPECT TO HEALTH ISSUES,
9 INCLUDING THE POLICY OF THE ACTIVITY;

10 (II) ASSESS EACH HEALTH IMPACT OF THE APPLICABLE
11 ACTIVITY OR PROPOSED ACTIVITY;

12 (III) PROVIDE RECOMMENDATIONS OF THE ELIGIBLE ENTITY
13 WITH RESPECT TO:

14 1. THE MITIGATION OF ANY ADVERSE IMPACT ON
15 THE HEALTH OF THE APPLICABLE ACTIVITY OR PROPOSED ACTIVITY; OR

16 2. THE ENCOURAGEMENT OF ANY POSITIVE IMPACT
17 OF THE APPLICABLE ACTIVITY OR PROPOSED ACTIVITY;

18 (IV) PROVIDE FOR MONITORING OF THE IMPACTS ON THE
19 HEALTH OF THE APPLICABLE ACTIVITY OR PROPOSED ACTIVITY, AS THE
20 ELIGIBLE ENTITY DETERMINES TO BE APPROPRIATE; AND

21 (V) INCLUDE A LIST OF EACH AGENCY'S AND
22 ORGANIZATION'S COMMENTS RECEIVED WITH RESPECT TO THE HEALTH IMPACT
23 ASSESSMENT UNDER SUBSECTION (G) OF THIS SECTION.

24 (4) IN PREPARING A HEALTH IMPACT ASSESSMENT UNDER THIS
25 SECTION, AN ELIGIBLE ENTITY SHALL FOLLOW GUIDELINES DEVELOPED BY THE
26 SECRETARY THAT:

27 (I) ARE CONSISTENT WITH SUBSECTION (C) OF THIS
28 SECTION; AND

29 (II) WILL BE ESTABLISHED ON OR BEFORE SEPTEMBER 30,
30 2009.

31 (G) (1) BEFORE PREPARING AND SUBMITTING TO THE SECRETARY A
32 FINAL HEALTH IMPACT ASSESSMENT, AN ELIGIBLE ENTITY SHALL REQUEST AND

1 TAKE INTO CONSIDERATION PUBLIC AND AGENCY COMMENTS, IN ACCORDANCE
2 WITH THIS SUBSECTION.

3 (2) NOT LATER THAN 30 DAYS AFTER THE DATE THAT A DRAFT
4 HEALTH IMPACT ASSESSMENT IS COMPLETED, AN ELIGIBLE ENTITY SHALL
5 SUBMIT THE DRAFT HEALTH IMPACT ASSESSMENT TO EACH FEDERAL, STATE,
6 AND LOCAL AGENCY OR ORGANIZATION THAT:

7 (I) HAS JURISDICTION WITH RESPECT TO THE ACTIVITY OR
8 PROPOSED ACTIVITY TO WHICH THE HEALTH IMPACT ASSESSMENT APPLIES;

9 (II) HAS SPECIAL KNOWLEDGE WITH RESPECT TO AN
10 ENVIRONMENTAL OR HEALTH IMPACT OF THE ACTIVITY OR PROPOSED
11 ACTIVITY; OR

12 (III) IS AUTHORIZED TO DEVELOP OR ENFORCE AN
13 ENVIRONMENTAL STANDARD RELATING TO THE ACTIVITY OR PROPOSED
14 ACTIVITY.

15 (3) (I) AN ELIGIBLE ENTITY MAY REQUEST COMMENTS WITH
16 RESPECT TO A HEALTH IMPACT ASSESSMENT FROM:

17 1. ANY FEDERAL, STATE, OR LOCAL AGENCY, AS THE
18 ELIGIBLE ENTITY DETERMINES TO BE APPROPRIATE; AND

19 2. ANY INTERESTED OR AFFECTED INDIVIDUALS OR
20 ORGANIZATIONS; AND

21 (II) ANY FEDERAL, STATE, OR LOCAL AGENCY OR ANY
22 INTERESTED OR AFFECTED INDIVIDUAL OR ORGANIZATION MAY:

23 1. REQUEST AN OPPORTUNITY TO COMMENT ON A
24 HEALTH IMPACT ASSESSMENT; AND

25 2. SUBMIT TO THE APPROPRIATE ELIGIBLE ENTITY
26 COMMENTS WITH RESPECT TO THE HEALTH IMPACT ASSESSMENT BY NOT LATER
27 THAN:

28 A. FOR A FEDERAL, STATE, OR LOCAL GOVERNMENT
29 AGENCY OR ORGANIZATION, THE DATE THAT A FINAL HEALTH IMPACT
30 ASSESSMENT IS PREPARED; AND

31 B. FOR AN INTERESTED OR AFFECTED INDIVIDUAL
32 OR ORGANIZATION, THE DATE THAT A FINAL HEALTH IMPACT ASSESSMENT IS
33 PREPARED OR ANOTHER DATE DETERMINED BY THE ELIGIBLE ENTITY.

1 **(4) A FINAL HEALTH IMPACT ASSESSMENT SHALL DESCRIBE THE**
2 **RESPONSE OF THE ELIGIBLE ENTITY TO COMMENTS RECEIVED WITHIN A**
3 **90-DAY PERIOD FROM THE DATE THE ASSESSMENT WAS SUBMITTED UNDER**
4 **PARAGRAPH (2) OF THIS SUBSECTION, INCLUDING:**

5 **(I) A DESCRIPTION OF ANY CHANGE THE ELIGIBLE ENTITY**
6 **MADE TO THE DRAFT ASSESSMENT, IN RESPONSE TO A COMMENT, THAT:**

7 **1. MODIFIED A RECOMMENDATION WITH RESPECT**
8 **TO THE APPLICABLE ACTIVITY OR PROPOSED ACTIVITY;**

9 **2. DEVELOPED AND EVALUATED AN ALTERNATIVE**
10 **RECOMMENDATION NOT PREVIOUSLY CONSIDERED BY THE ELIGIBLE ENTITY;**

11 **3. SUPPLEMENTED, IMPROVED, OR MODIFIED AN**
12 **ANALYSIS OF THE ELIGIBLE ENTITY; OR**

13 **4. MADE ANY FACTUAL CORRECTION TO THE**
14 **HEALTH IMPACT ASSESSMENT; AND**

15 **(II) FOR ANY COMMENT REGARDING THE INACTION OF THE**
16 **ELIGIBLE ENTITY, AN EXPLANATION OF THE REASONS WHY NO ACTION WAS**
17 **TAKEN AND, IF APPROPRIATE, A DESCRIPTION OF THE CIRCUMSTANCES UNDER**
18 **WHICH THE ELIGIBLE ENTITY WOULD TAKE SUCH AN ACTION.**

19 **13-2704.**

20 **(A) IN THIS SECTION, “ELIGIBLE ENTITY” MEANS A STATE OR LOCAL**
21 **COMMUNITY THAT:**

22 **(1) BEARS A DISPROPORTIONATE BURDEN OF EXPOSURE TO**
23 **ENVIRONMENTAL HEALTH HAZARDS;**

24 **(2) HAS ESTABLISHED A COALITION:**

25 **(I) WITH AT LEAST ONE COMMUNITY-BASED**
26 **ORGANIZATION; AND**

27 **(II) WITH AT LEAST ONE:**

28 **1. PUBLIC HEALTH ENTITY;**

29 **2. HEALTH CARE PROVIDER ORGANIZATION; OR**

1 **THIS SUBTITLE MAY BE CITED AS THE “MARYLAND HEALTHY PLACES**
2 **ACT”.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2008.