

SENATE BILL 170

J1

9lr0006

By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: January 21, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **County Board of Health – Meetings and Fee-Setting Powers**

3 FOR the purpose of authorizing a county board of health to set a fee in connection with
4 certain duties, powers, and functions delegated to a health officer or certain
5 other county officials; altering the requirements for meetings to allow meetings
6 during any 2 months in a year; making a stylistic change; and generally relating
7 to county boards of health.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 3–202
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 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 3–202.

17 (a) (1) Except as provided in paragraph (2) of this subsection, each county
18 board of health shall exercise the duties imposed by law on a board of health.

19 (2) The county board of health shall exercise those duties in each
20 municipality or special taxing district in the county unless the municipality or district
21 has a charter provision or ordinance that:

22 (i) Covers the same subject matter;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Is at least as restrictive as the provision that the county
2 board is required to enforce; and

3 (iii) Includes provisions for enforcement.

4 (b) In addition to the other duties provided by law, each county board of
5 health shall:

6 (1) Meet [in May and October of each] **IN ANY 2 MONTHS IN A** year
7 **AS FORMALLY ADOPTED BY THE BOARD** and at any other time the board considers
8 necessary;

9 (2) Coordinate its activities with the Department; and

10 (3) Report to the Department on the [sanitary] **HEALTH** conditions of
11 the county whenever the board considers it important and necessary to do so.

12 (c) (1) Except as provided in paragraph (2) of this subsection **AND**
13 **NOTWITHSTANDING ANY OTHER PROVISION IN STATE LAW**, each county board of
14 health may set any fee or charge in connection with:

15 (I) [its] **ITS** rules and regulations; **AND**

16 (II) **ANY DUTIES, POWERS, AND FUNCTIONS DELEGATED AS**
17 **PROVIDED IN THIS ARTICLE OR THE ENVIRONMENT ARTICLE TO A HEALTH**
18 **OFFICER FOR A COUNTY OR OTHER COUNTY OFFICIAL AUTHORIZED TO**
19 **ADMINISTER AND ENFORCE HEALTH AND ENVIRONMENTAL LAWS.**

20 (2) A fee or charge for a service that is provided wholly or partly with
21 State or federal funds that the Department administers is subject to approval and
22 modification by the Secretary.

23 (d) In addition to the other powers provided by law and subject to the
24 provisions of this article, each county board of health may adopt and enforce rules and
25 regulations on any nuisance or cause of disease in the county.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2009.