

HOUSE BILL 709

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CF SB 416

By: **Delegates V. Turner, Donoghue, Griffith, Hammen, Hubbard, Morhaim,
Nathan-Pulliam, Pendergrass, and Valderrama**
Introduced and read first time: February 10, 2011
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Officers – Authority to Enter into Contracts or Agreements for**
3 **Delivery of Health Care Services**

4 FOR the purpose of authorizing a health officer, under certain circumstances, to enter
5 into a contract or other written agreement to assist or participate in the delivery
6 of health care services with a certain person; and generally relating to the
7 powers of health officers.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 3–306
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 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 3–306.

17 (a) Except as provided by agreement between the Secretary and the local
18 governing body, and in addition to the powers and duties set forth elsewhere, each
19 health officer has the powers and duties set forth in this section.

20 (b) A health officer may obtain samples of food and drugs for analysis.

21 (c) (1) The health officer for a county is the executive officer and secretary
22 of the county board of health.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) Except in Montgomery County, the health officer for a county shall
2 appoint the staff of the county health department.

3 (3) The health officer for a county shall have an office at an accessible
4 place in the county.

5 (4) (i) The health officer for a county shall enforce throughout the
6 county:

7 1. Under the direction of the Secretary, the State health
8 laws and the policies, rules, and regulations that the Secretary adopts; and

9 2. Except as provided in subparagraph (ii) of this
10 paragraph, under the direction of the county board of health, the rules and regulations
11 that the county board of health adopts.

12 (ii) The health officer for a county shall enforce in each
13 municipality or special taxing district in the county the rules or regulations that the
14 county board of health adopts unless the municipality or district has a charter
15 provision or ordinance that:

16 1. Covers the same subject matter as the county rule or
17 regulation;

18 2. Is at least as restrictive as the county rule or
19 regulation; and

20 3. Includes provisions for enforcement.

21 (5) A health officer shall perform any investigation or other duty or
22 function directed by the Secretary or the county board of health and submit
23 appropriate reports to them.

24 **(D) SUBJECT TO THE WRITTEN APPROVAL OF THE SECRETARY, A**
25 **HEALTH OFFICER MAY ENTER INTO A CONTRACT OR ANY OTHER WRITTEN**
26 **AGREEMENT TO ASSIST OR PARTICIPATE IN THE DELIVERY OF HEALTH CARE**
27 **SERVICES WITH A PERSON THAT IS AUTHORIZED TO PROVIDE, FINANCE,**
28 **COORDINATE, FACILITATE, OR OTHERWISE DELIVER HEALTH CARE SERVICES IN**
29 **THE STATE.**

30 **[(d)] (E)** The Secretary may delegate duties, powers, and functions as
31 provided in this article to a health officer for a county or other county official
32 authorized to administer and enforce health and environmental laws.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2011.