

HOUSE BILL 1083

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11r2047
CF 11r2982

By: **Delegate Rose**

Introduced and read first time: February 5, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **County Health Officers – Procedures and Oversight**

3 FOR the purpose of requiring each county board of health and the Baltimore City Health
4 Department to establish certain requirements regarding the manner in which and
5 circumstances under which the health officer for the county, or the health officer's
6 staff, may perform an inspection of, issue a citation to, or issue an order to cease the
7 operation of a business or place of employment in the county; providing that the
8 requirements are subject to certain approval; requiring the governing body of each
9 county to establish a certain oversight board that includes a certain member;
10 establishing duties of the oversight board; requiring the governing body of each
11 county to establish a certain appeal process; altering certain definitions; defining
12 certain terms; and generally relating to procedures for and oversight of county health
13 officers.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 3–101
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2020 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 3–311
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2020 Supplement)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-101.

2 (a) In this title the following words have the meanings indicated.

3 (b) "County" does not include Baltimore City **UNLESS EXPRESSLY PROVIDED**
4 **OTHERWISE.**

5 (c) "Health officer" does not include the Baltimore City Commissioner of Health
6 **UNLESS EXPRESSLY PROVIDED OTHERWISE.**

7 **3-311.**

8 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 (2) **"COUNTY" MEANS A COUNTY OF THE STATE AND BALTIMORE**
11 **CITY.**

12 (3) **"HEALTH OFFICER" MEANS THE BALTIMORE CITY**
13 **COMMISSIONER OF HEALTH OR THE HEALTH OFFICER OF A COUNTY.**

14 (B) (1) **EACH COUNTY BOARD OF HEALTH AND THE BALTIMORE CITY**
15 **HEALTH DEPARTMENT SHALL ESTABLISH CLEAR AND UNDERSTANDABLE**
16 **REQUIREMENTS REGARDING WHEN, HOW, AND UNDER WHAT CIRCUMSTANCES THE**
17 **HEALTH OFFICER OF THE COUNTY, OR THE HEALTH OFFICER'S STAFF, MAY**
18 **PERFORM AN INSPECTION OF, ISSUE A CITATION TO, OR ISSUE AN ORDER TO CEASE**
19 **THE OPERATION OF A BUSINESS OR OTHER PLACE OF EMPLOYMENT IN THE COUNTY.**

20 (2) **THE REQUIREMENTS ESTABLISHED UNDER PARAGRAPH (1) OF**
21 **THIS SUBSECTION ARE SUBJECT TO THE APPROVAL OF:**

22 (i) **FOR BALTIMORE CITY OR A COUNTY THAT HAS**
23 **ESTABLISHED A SEPARATE BOARD OF HEALTH UNDER § 3-201 OF THIS TITLE, THE**
24 **GOVERNING BODY OF THE COUNTY; AND**

25 (ii) **THE OVERSIGHT BOARD ESTABLISHED FOR THE COUNTY**
26 **UNDER SUBSECTION (C) OF THIS SECTION.**

27 (C) (1) **THE GOVERNING BODY OF EACH COUNTY SHALL ESTABLISH AN**
28 **OVERSIGHT BOARD THAT INCLUDES AS A MEMBER AT LEAST ONE OWNER OF A**
29 **BUSINESS LOCATED IN THE COUNTY.**

30 (2) **THE OVERSIGHT BOARD ESTABLISHED UNDER PARAGRAPH (1) OF**
31 **THIS SUBSECTION:**

1 **(I) SHALL RECEIVE, REVIEW, AND MAKE FINAL**
2 **DETERMINATIONS ON DECISIONS OF THE HEALTH OFFICER OR THE HEALTH**
3 **OFFICER’S STAFF THAT HAVE BEEN APPEALED UNDER SUBSECTION (D) OF THIS**
4 **SECTION; AND**

5 **(II) 1. SHALL REVIEW POTENTIAL MISCONDUCT OF THE**
6 **HEALTH OFFICER OR THE HEALTH OFFICER’S STAFF; AND**

7 **2. IF THE OVERSIGHT BOARD DETERMINES**
8 **MISCONDUCT OCCURRED, MAY REFER THE MISCONDUCT TO THE APPROPRIATE**
9 **ENFORCEMENT ENTITY.**

10 **(D) (1) THE GOVERNING BODY OF EACH COUNTY SHALL ESTABLISH A**
11 **PROCESS BY WHICH A BUSINESS OR OTHER PLACE OF EMPLOYMENT LOCATED IN**
12 **THE COUNTY MAY APPEAL A DECISION OF THE HEALTH OFFICER OR THE HEALTH**
13 **OFFICER’S STAFF THAT AFFECTS THE BUSINESS OR OTHER PLACE OF EMPLOYMENT**
14 **TO THE OVERSIGHT BOARD ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.**

15 **(2) THE PROCESS ESTABLISHED UNDER PARAGRAPH (1) OF THIS**
16 **SUBSECTION SHALL REQUIRE THE OVERSIGHT BOARD TO MAKE A DETERMINATION**
17 **ON AN APPEAL WITHIN 3 DAYS AFTER THE DATE ON WHICH THE OVERSIGHT BOARD**
18 **RECEIVED THE REQUEST FOR THE APPEAL.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2021.