

SENATE BILL 901

J1, Q3

3lr2934
CF HB 1101

By: **Senator McKay**

Introduced and read first time: February 15, 2023

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Maternity Care Access Program, Fund, and Income Tax Checkoff –**
3 **Establishment**

4 FOR the purpose of establishing the Maryland Maternity Care Access Program in the
5 Maryland Department of Health to develop and sustain pregnancy support centers
6 in the State; establishing the Maryland Maternity Care Access Program Fund as a
7 special, nonlapsing fund; requiring that the interest earnings of the Fund be credited
8 to the Fund; establishing an income tax checkoff system for voluntary contributions
9 to the Fund; and generally relating to the Maryland Maternity Care Access Program
10 and Fund.

11 BY adding to

12 Article – Health – General

13 Section 13–4801 through 13–4807 to be under the new subtitle “Subtitle 48.
14 Maryland Maternity Care Access Program”

15 Annotated Code of Maryland

16 (2019 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – State Finance and Procurement

19 Section 6–226(a)(2)(i)

20 Annotated Code of Maryland

21 (2021 Replacement Volume and 2022 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – State Finance and Procurement

24 Section 6–226(a)(2)(ii)170. and 171.

25 Annotated Code of Maryland

26 (2021 Replacement Volume and 2022 Supplement)

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement
2 Section 6–226(a)(2)(ii)172.
3 Annotated Code of Maryland
4 (2021 Replacement Volume and 2022 Supplement)

5 BY adding to
6 Article – Tax – General
7 Section 2–117 and 10–804(l)
8 Annotated Code of Maryland
9 (2022 Replacement Volume)

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

12 **Article – Health – General**

13 **SUBTITLE 48. MARYLAND MATERNITY CARE ACCESS PROGRAM.**

14 **13–4801.**

15 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

17 **(B) “FUND” MEANS THE MARYLAND MATERNITY CARE ACCESS PROGRAM**
18 **FUND.**

19 **(C) “PREGNANCY SUPPORT CENTER” MEANS A PROVIDER OR QUALIFIED**
20 **NONPROFIT ORGANIZATION THAT:**

21 **(1) PROVIDES PREGNANT WOMEN WITH SUPPORT SERVICES,**
22 **INCLUDING COUNSELING, HOUSING, HEALTH CARE, ADOPTION SERVICES,**
23 **MATERIAL ASSISTANCE, JOB TRAINING, AND EDUCATIONAL ASSISTANCE; AND**

24 **(2) DOES NOT REFER, INDUCE, OR ASSIST IN THE PERFORMANCE OF**
25 **ABORTIONS.**

26 **(D) “PROGRAM” MEANS THE MARYLAND MATERNITY CARE ACCESS**
27 **PROGRAM.**

28 **13–4802.**

29 **(A) THERE IS A MARYLAND MATERNITY CARE ACCESS PROGRAM IN THE**
30 **DEPARTMENT.**

1 **(B) THE PURPOSE OF THE PROGRAM IS TO DEVELOP AND SUSTAIN**
2 **PREGNANCY SUPPORT CENTERS IN THE STATE.**

3 **13-4803.**

4 **(A) THE DEPARTMENT MAY CONTRACT WITH AT LEAST ONE COORDINATING**
5 **ORGANIZATION TO ADMINISTER THE PROGRAM.**

6 **(B) A COORDINATING ORGANIZATION CONTRACTED WITH UNDER THIS**
7 **SECTION SHALL BE:**

8 **(1) A NONPROFIT ENTITY; AND**

9 **(2) IN GOOD STANDING IN ANY STATE OR JURISDICTION IN WHICH**
10 **THE ORGANIZATION IS REGISTERED OR INCORPORATED.**

11 **(C) THE DEPARTMENT MAY NOT OBTAIN INFORMATION REGARDING, OR**
12 **INTERFERE WITH, SPECIFIC OPERATIONS OF A COORDINATING ORGANIZATION**
13 **OTHER THAN THE OPERATIONS NECESSARY FOR THE ADMINISTRATION OF THE**
14 **PROGRAM.**

15 **13-4804.**

16 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
17 **DEPARTMENT SHALL RELEASE PUBLICLY THE NAME OF ANY:**

18 **(1) COORDINATING ORGANIZATION CONTRACTED WITH UNDER §**
19 **13-4803 OF THIS SUBTITLE; AND**

20 **(2) ENTITY RECEIVING MONEY FROM THE FUND.**

21 **(B) THE DEPARTMENT MAY NOT RELEASE THE NAME OF ANY INDIVIDUAL**
22 **PROVIDING SERVICES THROUGH OR PARTICIPATING IN THE PROGRAM.**

23 **13-4805.**

24 **(A) (1) THERE IS A MARYLAND MATERNITY CARE ACCESS PROGRAM**
25 **FUND.**

26 **(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
27 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

1 **(3) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
2 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

3 **(B) THE FUND CONSISTS OF:**

4 **(1) ANY MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
5 **FUND;**

6 **(2) INTEREST EARNINGS OF THE FUND;**

7 **(3) CONTRIBUTIONS TO THE FUND FROM THE INCOME TAX**
8 **CHECKOFF SYSTEM ESTABLISHED UNDER § 2-117 OF THE TAX – GENERAL ARTICLE;**
9 **AND**

10 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
11 **THE BENEFIT OF THE FUND.**

12 **(C) THE FUND MAY BE USED ONLY FOR:**

13 **(1) THE PROGRAM; OR**

14 **(2) CONTRACTING WITH A COORDINATING ORGANIZATION TO**
15 **ADMINISTER THE PROGRAM.**

16 **(D) (1) THE STATE TREASURER SHALL INVEST AND REINVEST THE**
17 **MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE**
18 **INVESTED.**

19 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE PAID INTO THE**
20 **FUND.**

21 **(E) THE COMPTROLLER SHALL PAY OUT MONEY FOR THE FUND AS**
22 **DIRECTED BY THE SECRETARY.**

23 **(F) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:**

24 **(1) THE GENERAL FUND OF THE STATE; OR**

25 **(2) ANY OTHER SPECIAL FUND OF THE STATE.**

26 **(G) EXPENDITURES FROM THE FUND SHALL BE MADE ONLY IN**
27 **ACCORDANCE WITH THE STATE BUDGET.**

1 **13-4806.**

2 **BEGINNING IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE**
3 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF**
4 **\$3,000,000 TO THE PROGRAM.**

5 **13-4807.**

6 **ON OR BEFORE OCTOBER 1 EACH YEAR, BEGINNING IN 2024, THE**
7 **DEPARTMENT, IN CONSULTATION WITH ANY COORDINATING ORGANIZATION**
8 **CONTRACTED WITH UNDER § 13-4803 OF THIS SUBTITLE, SHALL REPORT TO THE**
9 **GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
10 **ARTICLE, ON THE PROGRAM, INCLUDING:**

11 **(1) THE GROSS AMOUNT OF GIFTS AND GRANTS CREDITED TO THE**
12 **FUND;**

13 **(2) THE COST OF ADMINISTERING THE FUND; AND**

14 **(3) A DETAILED ACCOUNTING OF THE USE OF THE FUND.**

15 **Article – State Finance and Procurement**

16 **6-226.**

17 **(a) (2) (i) Notwithstanding any other provision of law, and unless**
18 **inconsistent with a federal law, grant agreement, or other federal requirement or with the**
19 **terms of a gift or settlement agreement, net interest on all State money allocated by the**
20 **State Treasurer under this section to special funds or accounts, and otherwise entitled to**
21 **receive interest earnings, as accounted for by the Comptroller, shall accrue to the General**
22 **Fund of the State.**

23 **(ii) The provisions of subparagraph (i) of this paragraph do not apply**
24 **to the following funds:**

25 **170. the Cannabis Public Health Fund; [and]**

26 **171. the Community Reinvestment and Repair Fund; AND**

27 **172. THE MARYLAND MATERNITY CARE ACCESS**
28 **PROGRAM FUND.**

29 **SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read**
30 **as follows:**

Article – Tax – General

2-117.

(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE “MARYLAND MATERNITY CARE ACCESS PROGRAM FUND”.

(2) THE CHECKOFF SHALL STATE THAT:

(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT RETURN, MAY CONTRIBUTE TO THE MARYLAND MATERNITY CARE ACCESS PROGRAM FUND THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX TO BE PAID WITH THE RETURN.

(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE MARYLAND MATERNITY CARE ACCESS PROGRAM FUND WAS ESTABLISHED AND THE PURPOSES FOR WHICH THE FUND MAY BE USED.

(B) THE COMPTROLLER SHALL:

(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE STATE TREASURER FOR THE MONEY COLLECTED;

(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST ACCOUNT; AND

(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION TO THE MARYLAND MATERNITY CARE ACCESS PROGRAM FUND ESTABLISHED UNDER § 13-4802 OF THE HEALTH – GENERAL ARTICLE.

10-804.

1 **(L) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE MARYLAND**
2 **MATERNITY CARE ACCESS PROGRAM FUND, ESTABLISHED UNDER § 13-4805 OF**
3 **THE HEALTH – GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.**

4 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
5 applicable to all taxable years beginning after December 31, 2022.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2023.