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Finance Committee



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THE SENATE OF MARYLAND
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SB 330 – County Boards of Health and Baltimore City Health Department – Procedures and Appeals Process

Chairwoman Kelley, Vice Chair Feldman, and members of the Finance Committee,

I'm before you today to present Senate Bill 330. We are coming out of what in many ways has been the most difficult period our country has experienced since World War II. Throughout the COVID 19 pandemic, our small businesses, sole proprietors, non-profit organizations and churches have had to adjust constantly to changing health and safety protocols – in addition to following the current laws and regulations that impact the work they do. The primary entity responsible for enforcing these protocols, regulations and laws in most cases at the county level are our local health departments. While the employees of our health departments are state employees, they are funded by county governments and the oversight mechanism over them are the counties' boards of health – the locally elected county council or commissioners in most cases.

This hybrid setup lends itself to a lack of clarity from the perspective of these small businesses and operators when they are cited or notified of an issue by their local health department. This is not just a COVID-related issue. This has been unclear in the law and has caused conflict for years.

SB 330 seeks to bring clarity to county board of health orders so that taxpayers understand the chain of command and a clear appeals process allowing a person or business the option of presenting their situation to the county board of health when there is a dispute.

Unfortunately, we have seen repeated conflicts arise because orders from health departments are either unclear, random or sudden and give no options for discussion. I had a constituent who was given an order that shut their small operation down for an issue that isn't referenced in the law or regulations – but because the law was silent, the health department claimed it had no choice but to halt the practice.

We can probably all think about cases we've heard – fire department carnivals and church bake sales, outdoor agricultural stands, the list goes on and on.

Here are the issues that SB 330 would address:

1. Require county boards of health to establish clear and understandable requirements when and under what circumstances the health officer of their county or staff may perform an inspection, issue a citation or issue an order to cease operation. In some areas, there is state law that governs but in others there is no clear guidance in state law.
2. Require that citations or orders to cease operation reference the specific law, policy or regulation that has been violated and that a summary of the options for appealing the citation order is provided.
3. Require each county board of health to establish a process by which a person may appeal a decision of the health officer or staff and make a determination on that appeal in a reasonable amount of time.

The last item in the bill adds clarity to what has confused individuals, staff from the state and county health departments, and local governments all alike. The bill makes clear that if there is a conflict between a decision by the health department and the policy of the county's board of health within the county's jurisdiction, the decision of the county board of health – the elected officials of the county – will have the final say. Right now it is not clear in state law.

SB 330 brings needed clarity, order and greater transparency to the operations of our health departments and how they interface with county governments. It ensures that the oversight structure is clear in the law and clear to the public.

Thank you for your attention and I ask for your favorable support for this legislation. I would be happy to take any questions.