



House Bill 761

County Boards of Health and Baltimore City Health Department – Procedures and Appeals Process

MACo Position: **OPPOSE**

To: Health and Government Operations Committee

Date: February 23, 2022

From: Dominic J. Butchko and Kevin Kinnally

The Maryland Association of Counties (MACo) **OPPOSES** HB 761. This bill prescribes rigid requirements on local health departments, who are charged to protect public health via facility inspections.

This bill seeks to standardize requirements for inspections, citations, and orders to cease operations; establish the county board of health as the body of appeals for decisions by a health officer or their staff; and places the county board of health above a health officer should the two have conflicting decisions.

Each county's Board of Health has decision-making authority spelled out in State law. In many jurisdictions, the county governing body's members also serve as members of the Board of Health, but this structure is a matter of local discretion. The different constitutions of these local bodies underscore the need for locally established procedures. HB 761 imposes a series of uniform, statewide rules that may be intended to address a concern for one jurisdiction but may prove to be an improper fit for others.

The process for notifying businesses and individuals of citations and appeals procedures is subject to local scrutiny, and the Board of Health and/or the county governing body may tailor these procedures to respond to local concerns. **Maryland state law already entitles appropriate due process for any citation or closure decision – HB 761 is seeking to solve a problem that doesn't exist and in doing so, is creating a new and unnecessary burden.** HB 761 dictates that each county create a second-tier authority with the Board of Health that may prove redundant or inefficient for both the Department and the affected businesses or individuals.

Local leaders are best equipped to guide the processes and operations of their local health department and are appropriately held accountable for those decisions locally. Accordingly, MACo requests an **UNFAVORABLE** report on HB 761.