



**2022 SESSION
POSITION PAPER**

BILL: **HB 761 – County Boards of Health and Baltimore City Health Department – Procedures and Appeals Process**

COMMITTEE: **House Health and Government Operations Committee**

POSITION: **Letter of Opposition**

BILL ANALYSIS: **HB 761 will require each county board of health and the Baltimore City Health Department to establish certain criteria and a certain appeals process regarding inspections, issuances of a citation, or issuances of an order to cease operation.**

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) and the Conference of Local Environmental Health Directors, **strongly oppose House Bill (HB) 761**. This bill will:

- Substantially and unnecessarily increase government bureaucracy
- Undermine the purpose of appointing health professionals to lead public health efforts in each jurisdiction
- Result in direct conflicts between the Secretary of Health’s statutory authority and newly established authority of local Boards of Health

HB 761 will require local Boards of Health to establish “when, how, and under what circumstances” Health Officers may conduct inspections and issue citations and orders to cease operation. These procedures are clearly delineated in statute, COMAR, and Health Secretary’s Orders. Health Officers and local health department staff conduct inspections, issue citations, and render closure decisions in line with these statutory and regulatory requirements. These decisions are based on decades of accumulated best practices as determined by MD Department of Health experts under the leadership of the Secretary of Health. The proposed bill will require local Boards of Health, most of which are comprised of people with no professional health training, to issue requirements outside of this existing legal framework. Such requirements will result in either time-consuming duplicative local efforts or conflicting policies that potentially paralyze critical and timely public health efforts, leaving the public at risk.

Most of the stipulations in HB 761 already exist. Local health department staff cite specific law or policy in any enforcement actions and provide business owners with instructions for the appeal processes available for any actions taken. Under the current legal framework, if a business owner wants to contest action taken by public health officials, there are avenues at both the local and state levels.

The provision in HB 761 favoring a decision by the local Board of Health over the professional judgment of the Health Officer, acting under the authority of the Secretary of Health, sets up a regulatory conflict with no defined resolution. This is not in the best interest of the health and safety of the residents of Maryland and will create a hodgepodge of regulations across county borders, generating uncertainty for Maryland’s business owners.

For these reasons, the Maryland Association of County Health Officers and the Conference of Local Environmental Health Directors strongly **oppose HB 761**. For more information, please contact Ruth Maiorana, MACHO Executive Director at рмаiorа1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*