



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

January 31, 2024

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

RE: HB 42 – Public Health – Public Health Services and Protections – Revisions – Letter of Support with Amendments

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health respectfully submits this letter of support for Senate Bill (SB) 220 – Public Health – Public Health Services and Protections – Revisions.

SB 220 improves Departmental operations by:

1. Aligning Maryland law with federal law concerning the sale of tobacco products to active duty military personnel under the age of 21;
2. Allowing the Secretary of Health to reallocate Local Public Health Cancer Grant funds between jurisdictions as needed within a fiscal year;
3. Merging duplicative reporting requirements;
4. Removing a defunct expert panel whose purpose has been completed; and
5. Reassigning regulatory and payment responsibilities to the Governor’s Office of Crime Prevention, Youth, and Victim Services, now the Governor’s Office of Crime Prevention and Policy (GOCPP), emergency treatment in cases of child abuse and neglect, which reflects current practice.

Specifically, in December 2019 the federal government adopted Tobacco 21, which raised the minimum legal sales age for tobacco products from age 18 to age 21 nationwide. Maryland’s Tobacco 21 law went into effect in October 2019—prior to the federal law—and allowed an exemption for retailers to be able to sell tobacco products to active duty military members between the ages of 18 and 20. There are no exemptions in the federal Tobacco 21 law. Federal law prevails over state law in this matter, and these differences between the federal and state laws complicate efforts for tobacco retailers to comply with—and government agencies to enforce—tobacco laws in Maryland. Should retailers sell tobacco to active duty military between the ages of 18–20, they would be violating federal law. This bill amends Business and Criminal Articles to align with the federal law.

Local Public Health Cancer Grants are annual funds provided to the Local Health Departments (LHDs) to support cancer prevention, education, screening, and treatment. Currently, there is no

mechanism for the Department to reallocate excess funds in one jurisdiction to other jurisdictions in need of additional funds. This bill authorizes the Secretary to redistribute funds when necessary, allowing funds to be more effectively used to help Marylanders in need of cancer treatment or screening.

Additionally, the reporting requirements of the Cigarette Restitution Fund's Counter-Marketing Component duplicate the reporting requirements of the larger Cigarette Restitution Fund's Annual Accomplishments and Outcomes Report. Eliminating the requirements of the Counter-Marketing Component will prevent duplicative reporting, while maintaining the current amount and quality of reporting with a positive operational impact on the Department.

There is an expert panel on child abuse and neglect whose mandate is narrowly tailored to data analysis and specific training. This panel has completed its primary purpose but is still legislatively mandated to regularly meet. Its ongoing responsibilities to meet with representatives from emergency rooms, child advocacy centers, and other facilities, as well as annual reporting, can be absorbed by the State Council on Child Abuse and Neglect established under §5-7A-01 of the Family Law Article

Finally, the Department is named as the payor of last resort for emergency treatment in cases of child abuse and neglect under §5-702 of the Family Law Article and given authority to adopt appropriate regulations. This responsibility has since moved from MDH to GOCPP; this bill updates the statute to reflect this change and allow GOCPP to adopt appropriate regulations.

The Department proposes an amendment to the bill to change the name of the Governor's Office of Crime Prevention, Youth, and Victim Services to the Governor's Office of Crime Prevention and Policy (GOCPP) to reflect the recent Executive Order.

Overall, SB 220 will improve operational efficiency, increase productivity, assist local businesses, and help connect Marylanders with cancer screening and treatment.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

AMENDMENT NO. 1

On page 5, in line 21, strike “Youth and Victim Services” and substitute “AND PREVENTION”.

AMENDMENT NO. 2

On page 5, on line 22 strike “Youth and Victim Services” and substitute “AND PREVENTION”.

AMENDMENT NO. 3

On page 5, on line 26 strike “Youth and Victim Services” and substitute “AND PREVENTION”.