

Chapter 275

(Senate Bill 104)

AN ACT concerning

Health Officers and Baltimore City Commissioner of Health – Authority to Retain Collections and Waive Charges

FOR the purpose of authorizing a health officer for a county and the Baltimore City Commissioner of Health to authorize a county health department and the Baltimore City Health Department to retain certain collections received from certain fees, with certain exceptions; requiring each county health officer and the Baltimore City Commissioner of Health to report annually to the Secretary of Health and Mental Hygiene on the use of certain collections; authorizing a health officer for a political subdivision to waive a certain charge under certain circumstances; and generally relating to health officers and the Baltimore City Commissioner of Health.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 3–306 and 16–201(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

3–306.

(a) Except as provided by agreement between the Secretary and the local governing body, and in addition to the powers and duties set forth elsewhere, each health officer has the powers and duties set forth in this section.

(b) A health officer may obtain samples of food and drugs for analysis.

(c) (1) The health officer for a county is the executive officer and secretary of the county board of health.

(2) **Except in Montgomery County, the health officer for a county shall appoint the staff of the county health department.**

(3) The health officer for a county shall have an office at an accessible place in the county.

(4) (i) The health officer for a county shall enforce throughout the county:

1. Under the direction of the Secretary, the State health laws and the policies, rules, and regulations that the Secretary adopts; and

2. Except as provided in subparagraph (ii) of this paragraph, under the direction of the county board of health, the rules and regulations that the county board of health adopts.

(ii) The health officer for a county shall enforce in each municipality or special taxing district in the county the rules or regulations that the county board of health adopts unless the municipality or district has a charter provision or ordinance that:

1. Covers the same subject matter as the county rule or regulation;

2. Is at least as restrictive as the county rule or regulation; and

3. Includes provisions for enforcement.

(5) A health officer shall perform any investigation or other duty or function directed by the Secretary or the county board of health and submit appropriate reports to them.

(d) Subject to the consent of the governing body of the county and the written approval of the Secretary, a health officer for a county may enter into a contract or any other written agreement to assist or participate in the delivery of health care services with a person that is authorized to provide, finance, coordinate, facilitate, or otherwise deliver health care services in the State.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE CITY COMMISSIONER OF HEALTH MAY AUTHORIZE THE COUNTY HEALTH DEPARTMENT TO RETAIN ALL COLLECTIONS, INCLUDING ANY UNSPENT BALANCE AT THE END OF A FISCAL YEAR, RECEIVED FROM:

(I) FEES AUTHORIZED UNDER THIS ARTICLE;

(II) FEES AUTHORIZED UNDER THE ENVIRONMENT ARTICLE; AND

(III) FEES DERIVED FROM CHARGES AUTHORIZED UNDER TITLE 16, SUBTITLE 2 OF THIS ARTICLE.

(2) THE AUTHORITY TO RETAIN COLLECTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY:

(I) TO LICENSE FEES SET BY A COUNTY GOVERNING BODY OR BALTIMORE CITY AND PAID TO THE CHIEF FINANCIAL OFFICER OF THE COUNTY OR BALTIMORE CITY AS AUTHORIZED UNDER STATE LAW;

(II) TO FEES THAT MUST BE TRANSFERRED TO THE GENERAL FUND UNDER § 4-217(C) OF THIS ARTICLE FROM THE FEES COLLECTED FOR EACH BIRTH CERTIFICATE ISSUED OR REPORT ISSUED THAT A SEARCH WAS MADE BUT THE REQUESTED RECORD IS NOT ON FILE; OR

(III) IF THE RETENTION OF COLLECTIONS WOULD BE INCONSISTENT WITH ESTABLISHED LOCAL PRACTICE.

(3) EACH HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE CITY COMMISSIONER OF HEALTH SHALL REPORT ANNUALLY TO THE SECRETARY ON THE USE OF COLLECTIONS RETAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

[(e)] (F) The Secretary may delegate duties, powers, and functions as provided in this article to a health officer for a county or other county official authorized to administer and enforce health and environmental laws.

16-201.

(b) (1) The Secretary shall require political subdivisions and grantees to set, subject to approval and modifications of the Secretary, charges for services that are provided by the political subdivisions or grantees and that are supported wholly or partly by State or federal funds administered by the Department.

(2) IF A HEALTH OFFICER FOR A POLITICAL SUBDIVISION CONSIDERS IT TO BE IN THE BEST INTEREST OF PUBLIC HEALTH, THE HEALTH OFFICER MAY WAIVE A CHARGE SET UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.