

HOUSE BILL 761

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2lr1791
CF SB 330

By: **Delegates Krebs, Arikan, Beitzel, Buckel, Chisholm, Grammer, Hartman, Hornberger, Howard, Kipke, Mautz, McComas, Pippy, Reilly, Rose, Saab, Shoemaker, Szeliga, and Thiam**

Introduced and read first time: February 3, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring each county board of health and the Baltimore City Health
5 Department to establish certain requirements and a certain appeals process
6 regarding inspections, issuances of a citation, or issuances of an order to cease
7 operation; requiring each county board of health and the Baltimore City Health
8 Department to publish the requirements and the appeals process on their websites;
9 providing that the decision or policy of a county board of health or the Baltimore City
10 Health Department shall control under certain circumstances; and generally
11 relating to procedures for and oversight of county health officers.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 3–101
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2021 Supplement)

17 BY adding to
18 Article – Health – General
19 Section 3–203 and 3–204
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2021 Supplement)

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

24 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-101.

2 (a) In this title the following words have the meanings indicated.

3 (b) "County" does not include Baltimore City **UNLESS EXPRESSLY PROVIDED**
4 **OTHERWISE.**

5 (c) "Health officer" does not include the Baltimore City Commissioner of Health
6 **UNLESS EXPRESSLY PROVIDED OTHERWISE.**

7 **3-203.**

8 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 (2) **"COUNTY" MEANS A COUNTY OF THE STATE AND BALTIMORE**
11 **CITY.**

12 (3) **"HEALTH OFFICER" MEANS THE BALTIMORE CITY**
13 **COMMISSIONER OF HEALTH OR THE HEALTH OFFICER OF A COUNTY.**

14 (B) (1) **EACH COUNTY BOARD OF HEALTH AND THE BALTIMORE CITY**
15 **HEALTH DEPARTMENT SHALL ESTABLISH CLEAR AND UNDERSTANDABLE**
16 **REQUIREMENTS REGARDING WHEN, HOW, AND UNDER WHAT CIRCUMSTANCES THE**
17 **HEALTH OFFICER OF THE COUNTY, OR THE HEALTH OFFICER'S STAFF, MAY**
18 **PERFORM AN INSPECTION, ISSUE A CITATION, OR ISSUE AN ORDER TO CEASE**
19 **OPERATION.**

20 (2) **THE REQUIREMENTS ESTABLISHED UNDER PARAGRAPH (1) OF**
21 **THIS SUBSECTION SHALL INCLUDE:**

22 (I) **A REQUIREMENT THAT ANY CITATION OR ORDER TO CEASE**
23 **OPERATION INCLUDE A REFERENCE TO THE SPECIFIC LAW OR POLICY THAT WAS**
24 **VIOLATED; AND**

25 (II) **A SUMMARY OF THE OPTIONS FOR APPEALING THE**
26 **CITATION OR ORDER, INCLUDING THE PROCESS ESTABLISHED UNDER SUBSECTION**
27 **(C) OF THIS SECTION.**

28 (C) (1) **EACH COUNTY BOARD OF HEALTH AND THE BALTIMORE CITY**
29 **HEALTH DEPARTMENT SHALL ESTABLISH A PROCESS BY WHICH A PERSON MAY**
30 **APPEAL A DECISION OF THE HEALTH OFFICER OR THE HEALTH OFFICER'S STAFF TO**
31 **THE COUNTY BOARD OF HEALTH OR THE BALTIMORE CITY HEALTH DEPARTMENT,**
32 **AS APPLICABLE.**

(2) THE PROCESS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCLUDE A PROCESS FOR APPEALING:

1. A CITATION OR ORDER ISSUED BY THE HEALTH OFFICER'S STAFF TO THE HEALTH OFFICER; AND

2. A CITATION OR ORDER ISSUED BY THE HEALTH OFFICER, OR A DECISION ON AN APPEAL UNDER ITEM 1 OF THIS ITEM TO THE COUNTY BOARD OF HEALTH OR THE BALTIMORE CITY HEALTH DEPARTMENT; AND

(II) REQUIRE THE COUNTY BOARD OF HEALTH OR THE BALTIMORE CITY HEALTH DEPARTMENT TO MAKE A DETERMINATION ON AN APPEAL WITHIN A REASONABLE AMOUNT OF TIME CONSISTENT WITH THE SEVERITY OF THE VIOLATION ALLEGED IN THE APPEALED CITATION OR ORDER AFTER THE DATE ON WHICH THE COUNTY BOARD OF HEALTH OR THE BALTIMORE CITY HEALTH DEPARTMENT RECEIVED THE REQUEST FOR THE APPEAL.

(D) EACH COUNTY BOARD OF HEALTH AND THE BALTIMORE CITY HEALTH DEPARTMENT SHALL PUBLISH THE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION AND THE APPEALS PROCESS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION ON ITS WEBSITE.

3-204.

IN THE EVENT OF A CONFLICT BETWEEN A DECISION OR POLICY OF THE COUNTY BOARD OF HEALTH OR THE BALTIMORE CITY HEALTH DEPARTMENT AND THE DECISION OR POLICY OF THE COUNTY'S HEALTH OFFICER, THE BALTIMORE CITY COMMISSIONER OF HEALTH, OR THE COMMISSIONER'S OR HEALTH OFFICER'S STAFF ON A MATTER WITHIN THE JURISDICTION OF THE COUNTY BOARD OF HEALTH OR THE BALTIMORE CITY HEALTH DEPARTMENT, THE DECISION OR POLICY OF THE COUNTY BOARD OF HEALTH OR THE BALTIMORE CITY HEALTH DEPARTMENT SHALL CONTROL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.