

SENATE BILL 416

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CF HB 709

By: Senators Middleton, Edwards, ~~and Mathias~~ Mathias, Garagiola,
Glassman, Kelley, Klausmeier, Muse, and Pugh

Introduced and read first time: February 4, 2011

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2011

CHAPTER _____

1 AN ACT concerning

2 **Health Officers – Authority to Enter into Contracts or Agreements for**
3 **Delivery of Health Care Services**

4 FOR the purpose of authorizing a health officer, under certain circumstances, to enter
5 into a contract or other written agreement to assist or participate in the delivery
6 of health care services with a certain person; and generally relating to the
7 powers of health officers.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 3–306
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

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

15 **Article – Health – General**

16 3–306.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

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

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

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

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

23 3. Includes provisions for enforcement.

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

27 **(D) SUBJECT TO THE WRITTEN APPROVAL OF THE SECRETARY, A**
28 **HEALTH OFFICER MAY ENTER INTO A CONTRACT OR ANY OTHER WRITTEN**
29 **AGREEMENT TO ASSIST OR PARTICIPATE IN THE DELIVERY OF HEALTH CARE**
30 **SERVICES WITH A PERSON THAT IS AUTHORIZED TO PROVIDE, FINANCE,**
31 **COORDINATE, FACILITATE, OR OTHERWISE DELIVER HEALTH CARE SERVICES IN**
32 **THE STATE.**

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.