

HOUSE BILL 5

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~~EMERGENCY BILL~~
(PRE-FILED)

5lr0601
CF SB 467

By: ~~Delegate O'Donnell~~ **Delegates O'Donnell, S. Howard, Hammen, Pendergrass, Angel, Barron, Bromwell, Cullison, Hayes, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Sample-Hughes, West, and K. Young**

Requested: November 17, 2014

Introduced and read first time: January 14, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2015

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Newborn Screening Program Fund**
3 **– Establishment**

4 FOR the purpose of establishing the Newborn Screening Program Fund; requiring the
5 Secretary of Health and Mental Hygiene to administer the Fund; providing for the
6 uses, purposes, sources of funding, investment of money, and auditing of the Fund;
7 providing that the Fund is a continuing, nonlapsing fund not subject to certain
8 provisions of law; requiring the Secretary to pay certain fees to the Comptroller;
9 requiring the Comptroller to distribute certain fees to the Fund; requiring interest
10 earnings of the Fund to be credited to the Fund; exempting the Fund from a certain
11 provision of law requiring interest on State money in special funds to accrue to the
12 General Fund of the State; defining a certain term; ~~making this Act an emergency~~
13 measure; and generally relating to the Newborn Screening Program Fund in the
14 Department of Health and Mental Hygiene.

15 BY adding to

16 Article – Health – General

17 Section 13–111(f) and 13–113

18 Annotated Code of Maryland

19 (2009 Replacement Volume and 2014 Supplement)

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 BY repealing and reenacting, without amendments,
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(i)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2014 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(ii)81. and 82.
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2014 Supplement)

11 BY adding to
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)83.
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2014 Supplement)

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

18 **Article – Health – General**

19 13–111.

20 **(F) (1) THE SECRETARY SHALL PAY ALL FEES COLLECTED UNDER THE**
21 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

22 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE**
23 **NEWBORN SCREENING PROGRAM FUND ESTABLISHED UNDER § 13–113 OF THIS**
24 **SUBTITLE.**

25 **13–113.**

26 **(A) IN THIS SECTION, “FUND” MEANS THE NEWBORN SCREENING**
27 **PROGRAM FUND.**

28 **(B) THERE IS A NEWBORN SCREENING PROGRAM FUND.**

29 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE**
30 **SCREENING OF NEWBORN INFANTS IN THE STATE FOR CERTAIN HEREDITARY AND**
31 **CONGENITAL DISORDERS.**

32 **(D) THE SECRETARY SHALL ADMINISTER THE FUND.**

1 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
2 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
4 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

5 (F) THE FUND CONSISTS OF:

6 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 13-111(F) OF
7 THIS SUBTITLE;

8 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
9 ~~AND~~

10 (3) INTEREST EARNINGS OF THE FUND; AND

11 ~~(3)~~ (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
12 FOR THE BENEFIT OF THE FUND.

13 (G) THE FUND MAY BE USED ONLY TO COVER THE ADMINISTRATIVE,
14 LABORATORY, AND FOLLOW-UP COSTS ASSOCIATED WITH THE PERFORMANCE OF
15 NEWBORN SCREENING TESTS CONDUCTED UNDER THIS SUBTITLE.

16 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
17 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

18 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
19 THE FUND.

20 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
21 WITH THE STATE BUDGET.

22 (J) ~~THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND~~
23 ~~TRANSACTIONS OF THE FUND~~ ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL
24 BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF
25 THE STATE GOVERNMENT ARTICLE.

26 Article – State Finance and Procurement

27 6-226.

28 (a) (2) (i) Notwithstanding any other provision of law, and unless
29 inconsistent with a federal law, grant agreement, or other federal requirement or with the
30 terms of a gift or settlement agreement, net interest on all State money allocated by the
31 State Treasurer under this section to special funds or accounts, and otherwise entitled to

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1 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
2 Fund of the State.

3 (ii) The provisions of subparagraph (i) of this paragraph do not apply
4 to the following funds:

5 81. the Cybersecurity Investment Fund; [and]

6 82. the Northeastern Maryland Additive Manufacturing
7 Innovation Authority Fund; AND

8 83. **THE NEWBORN SCREENING PROGRAM FUND.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency~~
10 ~~measure, is necessary for the immediate preservation of the public health or safety, has~~
11 ~~passed by a yea and nay vote supported by three fifths of all the members elected to each~~
12 ~~of the two Houses of the General Assembly, and shall take effect from the date it is enacted~~
13 shall take effect July 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.