

HOUSE BILL 771

F1, J1

11r2358
CF SB 548

By: **Delegate Queen**

Introduced and read first time: January 29, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Centers for Disease Control and Prevention Surveys –**
3 **Revisions**

4 FOR the purpose of requiring the State Department of Education, in coordination with the
5 Maryland Department of Health, to establish procedures for the administration of
6 certain Centers for Disease Control and Prevention surveys to certain students;
7 ~~repealing the authority of the State Department of Education to omit a certain~~
8 ~~amount of survey questions under certain circumstances;~~ requiring that certain
9 actions taken by the State Department of Education be taken in coordination with
10 the Maryland Department of Health; requiring the State Department of Education,
11 in coordination with the Maryland Department of Health, to include in the survey
12 ~~certain tiers and~~ at least a certain number of certain questions; ~~requiring, within a~~
13 ~~certain period of time, the Maryland Department of Health to publish a certain data~~
14 ~~summary and trends report on certain data~~ requiring that a certain report submitted
15 by the Maryland Department of Health to the Governor and the General Assembly
16 by a certain date in certain years include, beginning in a certain year, a certain data
17 summary and trends report on certain data; requiring the Maryland Department of
18 Health to publish a certain data summary and trends report on certain data on or
19 before a certain date; defining a certain term; making a technical change; and
20 generally relating to Centers for Disease Control and Prevention surveys.

21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 7–420
24 Annotated Code of Maryland

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.



(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–1004
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

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

Article – Education

7–420.

(a) The Department, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF HEALTH, shall establish procedures for the administration of the Centers for Disease Control and Prevention Youth Risk Behavior [Surveillance System survey] SURVEY/YOUTH TOBACCO SURVEY TO PUBLIC MIDDLE SCHOOL AND HIGH SCHOOL STUDENTS IN THE STATE.

(b) The Department ~~may,~~ IN COORDINATION WITH THE MARYLAND DEPARTMENT OF HEALTH:

(1) MAY omit up to a maximum of one–third of the survey questions if the Department considers the content of the questions inappropriate; ~~SHALL; AND~~

(2) SHALL INCLUDE IN THE SURVEY ALL TIERS AND QUESTIONS IN AT LEAST FIVE QUESTIONS FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION YOUTH RISK BEHAVIOR SURVEY ON ADVERSE CHILDHOOD EXPERIENCES AND OR POSITIVE CHILDHOOD EXPERIENCES.

(c) (1) The Department, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF HEALTH, shall require a local school system to utilize passive parental consent before administering the survey.

(2) The local school system shall provide each parent with:

(i) A statement that:

1. Notifies the parent that:

A. The survey is confidential;

B. The answers will be kept private;

1 C. The student's name will not be required on the survey
2 response sheet; and

3 D. The survey is designed to identify risk behaviors that may
4 include safety behaviors such as use of helmets and seat belts, depression and mental
5 health, use of tobacco, alcohol, or other drugs, nutrition and physical activity, and sexual
6 behavior; and

7 2. Explains how a parent can obtain a copy of the survey
8 questions that will be administered and more information regarding the survey, including
9 the mailing address, telephone number, and website address of the Centers for Disease
10 Control and Prevention; and

11 (ii) Subject to subsection (d) of this section, a denial of permission
12 form that may be returned by the parent to the school.

13 (d) (1) For the academic year during which the survey will be conducted, the
14 denial of permission form shall be a part of the request for emergency contact information
15 that is distributed by the public school to each student or parent or guardian of the student.

16 (2) The denial of permission form shall be distributed only to a student or
17 the parent or guardian of a student who may be subject to the survey administered under
18 this section.

19 ~~(E) WITHIN 6 MONTHS AFTER RECEIVING CENTERS FOR DISEASE CONTROL~~
20 ~~AND PREVENTION YOUTH RISK BEHAVIOR SURVEY DATA ON ADVERSE CHILDHOOD~~
21 ~~EXPERIENCES AND POSITIVE CHILDHOOD EXPERIENCES FROM THE CENTERS FOR~~
22 ~~DISEASE CONTROL, THE MARYLAND DEPARTMENT OF HEALTH SHALL PUBLISH A~~
23 ~~STATE AND COUNTY LEVEL DATA SUMMARY AND TRENDS REPORT ON THE DATA.~~

24 Article – Health – General

25 13–1004.

26 (a) Beginning in fiscal year 2007 and in every second year thereafter, the
27 Department shall conduct a Tobacco Study which shall measure the same factors that are
28 set forth in § 13–1003(c) of this subtitle and use the same methodology or model that was
29 used for the Baseline Tobacco Study.

30 (b) To carry out the evaluation and surveillance functions of this subtitle, the
31 Department may conduct any other tobacco study measuring the factors set forth in §
32 13–1003(c) of this subtitle and using a methodology or model that is consistent with but
33 need not be identical to that used to conduct the Baseline Tobacco Study.

34 (c) (1) Subject to paragraphs (2) through (4) of this subsection, the
35 Department shall contract with a higher education institution or private entity to conduct
36 the Biennial Tobacco Study.

1 (2) The Department shall issue a request for proposal to select the entity
2 that will conduct the Biennial Tobacco Study.

3 (3) The Department may contract with an entity to conduct one or more
4 biennial tobacco studies.

5 (4) The Department shall use the criteria established in § 13-1003(e)(5) of
6 this subtitle as a guide in administering the request for proposal process.

7 (d) On or before May 31 of each even-numbered fiscal year, beginning in fiscal
8 year 2008, the Department shall submit a report to the Governor and, subject to § 2-1257
9 of the State Government Article, the General Assembly on [the]:

10 **(1) THE results of the Biennial Tobacco Study; AND**

11 **(2) BEGINNING IN FISCAL YEAR 2024, A STATE- AND COUNTY-LEVEL**
12 **DATA SUMMARY AND TRENDS REPORT ON DATA COLLECTED UNDER § 7-420 OF THE**
13 **EDUCATION ARTICLE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before May 31, 2023,
15 the Maryland Department of Health shall publish a State- and county-level data summary
16 and trends report on the data collected under § 7-420 of the Education Article, as enacted
17 by Section 1 of this Act.

18 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.