

## Chapter 644

## (Senate Bill 556)

AN ACT concerning

**Maryland Community Health Resources Commission – Compensation of Employees *and Funding***

FOR the purpose of authorizing the Maryland Community Health Resources Commission, in consultation with the Secretary of Health, to set the compensation of certain Commission employees; requiring the Secretary of Budget and Management, in consultation with the Secretary of Health, to determine the positions for which the Commission may set compensation; specifying that the Community Health Resources Commission Fund includes money from the Cigarette Restitution Fund, appropriated in a certain manner; and generally relating to the Maryland Community Health Resources Commission ~~and employee compensation.~~

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 19–2106  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–2201(b)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 19–2201(d)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 7–317(a)  
Annotated Code of Maryland  
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 7–317(f) and (g)  
Annotated Code of Maryland  
(2021 Replacement Volume and 2022 Supplement)

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

**Article – Health – General**

19–2106.

(a) (1) A majority of the full authorized membership of the Commission is a quorum.

(2) The decision of the Commission shall be by a majority of the quorum present and voting.

(b) The Commission shall meet at least six times a year, at the times and places that it determines.

(c) A member of the Commission is entitled to:

(1) Compensation in accordance with the State budget; and

(2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) (1) The Commission may employ a staff in accordance with the State budget.

(2) The Commission, in consultation with the Secretary, shall determine the appropriate job classifications and grades for all staff.

**(3) THE COMMISSION, IN CONSULTATION WITH THE SECRETARY, MAY SET THE COMPENSATION OF A COMMISSION EMPLOYEE IN A POSITION THAT:**

**(I) IS UNIQUE TO THE COMMISSION;**

**(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

**(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

**(4) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE COMMISSION, SHALL DETERMINE THE POSITIONS FOR**

WHICH THE COMMISSION MAY SET COMPENSATION UNDER PARAGRAPH (3) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Health – General**

19-2201.

(b) There is a Community Health Resources Commission Fund.

(d) The Fund consists of:

(1) Money collected from a nonprofit health service plan in accordance with § 14-106.1 of the Insurance Article;

**(2) MONEY FROM THE CIGARETTE RESTITUTION FUND, APPROPRIATED IN ACCORDANCE WITH § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

~~[(2)]~~ (3) Interest earned on investments;

~~[(3)]~~ (4) Money donated to the Fund;

~~[(4)]~~ (5) Money awarded to the Fund through grants; and

~~[(5)]~~ (6) Any other money from any other source accepted for the benefit of the Fund.

**Article – State Finance and Procurement**

7-317.

(a) There is a Cigarette Restitution Fund.

(f) (1) The Cigarette Restitution Fund shall be used to fund:

(i) the Tobacco Use Prevention and Cessation Program established under Title 13, Subtitle 10 of the Health – General Article;

(ii) the Cancer Prevention, Education, Screening, and Treatment Program established under Title 13, Subtitle 11 of the Health – General Article;

(iii) the activities of the Southern Maryland Agricultural Development Commission, in accordance with § 13-611 of the Economic Development Article; [and]

**(IV) FOR EACH OF FISCAL YEARS 2025 THROUGH 2029, THE MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION FUND, IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION; AND**

~~[(iv)]~~ **(V)** other programs that serve the following purposes:

1. reduction of the use of tobacco products by individuals under the age of 21 years;
2. implementation of the Southern Maryland Regional Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern Maryland with an emphasis on alternative crop uses for agricultural land now used for growing tobacco;
3. public and school education campaigns to decrease tobacco use with initial emphasis on areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;
4. smoking cessation programs;
5. enforcement of the laws regarding tobacco sales;
6. the purposes of the Maryland Health Care Foundation under Title 20, Subtitle 5 of the Health – General Article;
7. primary health care in rural areas of the State and areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;
8. prevention, treatment, and research concerning cancer, heart disease, lung disease, tobacco product use, and tobacco control, including operating costs and related capital projects;
9. substance abuse treatment and prevention programs; and
10. any other public purpose.

(2) The provisions of this subsection may not be construed to affect the Governor’s powers with respect to a request for an appropriation in the annual budget bill.

(g) (1) Amounts may only be expended from the Fund through appropriations in the State budget bill as provided in this subsection.

(2) The Governor shall include in the annual budget bill appropriations from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated to be available to the Fund in the fiscal year for which the appropriations are made.

(3) For each fiscal year for which appropriations are made, at least 50% of the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii), and [(iv)1] (V)1 through 9 of this section subject to the requirement of subsection (e)(2) of this section.

(4) For each fiscal year for which appropriations are made, at least 30% of the appropriations shall be made for the purposes of the Maryland Medical Assistance Program.

(5) For each fiscal year for which appropriations are made, 0.15% of the Fund shall be appropriated for the purposes of enforcement of Title 16, Subtitle 5 of the Business Regulation Article.

**(6) FOR EACH OF FISCAL YEARS 2025 THROUGH 2029, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$8,000,000 TO THE MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION FUND.**

[(6)] (7) Any additional appropriations, not subject to paragraph (3), paragraph (4), or paragraph (5) of this subsection, may be made for any lawful purpose.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023. Section 2 of this Act shall remain effective through June 30, 2029, and, at the end of June 30, 2029, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2023.