

HOUSE BILL 1128

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EMERGENCY BILL

2lr2045

By: **Delegate Pendergrass**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Secretary of Health – Indoor Masking Orders**

3 FOR the purpose of requiring the Secretary of Health to issue an order, under certain
4 circumstances, requiring individuals in the State to wear masks indoors; authorizing
5 the Secretary to decline to issue the order if the Secretary determines that the
6 requirement is unlikely to prevent disease and save lives; and generally relating to
7 the Secretary of Health and indoor masking orders.

8 BY adding to

9 Article – Health – General

10 Section 18–214.3

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2021 Supplement)

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

15 **Article – Health – General**

16 **18–214.3.**

17 **(A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE**
18 **SECRETARY SHALL ISSUE AN ORDER REQUIRING INDIVIDUALS IN THE STATE TO**
19 **WEAR MASKS INDOORS IF:**

20 **(1) THERE IS AN OUTBREAK OF CONTAGIOUS DISEASE IN THE STATE**
21 **AT A LEVEL AT WHICH THE CENTERS FOR DISEASE CONTROL AND PREVENTION**
22 **RECOMMENDS INDOOR MASK WEARING FOR THE GENERAL PUBLIC; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THERE IS SUBSTANTIAL STRESS ON HOSPITAL CAPACITY IN THE**
2 **STATE AND A SUBSTANTIAL PROPORTION OF HOSPITAL PATIENTS ARE SUFFERING**
3 **FROM CONTAGIOUS RESPIRATORY DISEASE THAT IS PREVENTABLE BY MASKING**
4 **INDOORS.**

5 **(B) IF THE CENTERS FOR DISEASE CONTROL AND PREVENTION**
6 **RECOMMENDS INDOOR MASK WEARING FOR THE GENERAL PUBLIC BECAUSE OF AN**
7 **OUTBREAK OF A CONTAGIOUS DISEASE IN THE STATE, THE SECRETARY SHALL ISSUE**
8 **THE ORDER REQUIRED UNDER SUBSECTION (A) OF THIS SECTION WITHIN 48 HOURS**
9 **AFTER THE ANNOUNCEMENT OF THE RECOMMENDATION.**

10 **(C) AN ORDER ISSUED BY THE SECRETARY UNDER SUBSECTION (A) OF THIS**
11 **SECTION SHALL INCLUDE THE RATIONALE FOR THE ORDER, THE INDOOR VENUES**
12 **COVERED BY THE ORDER, AND INFORMATION ON HOW INDIVIDUALS CAN OBTAIN**
13 **MASKS.**

14 **(D) (1) IF THE SECRETARY DETERMINES THAT THE INDOOR MASK**
15 **REQUIREMENT OF SUBSECTION (A) OF THIS SECTION IS UNLIKELY TO PREVENT**
16 **DISEASE AND SAVE LIVES, THE SECRETARY MAY DECLINE TO ISSUE AN ORDER.**

17 **(2) THE DETERMINATION OF THE SECRETARY MADE UNDER**
18 **PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

19 **(I) INCLUDE WRITTEN JUSTIFICATION PROVIDING EVIDENCE**
20 **THAT THE ORDER IS NOT LIKELY TO PREVENT DISEASE AND SAVE LIVES; AND**

21 **(II) BE PROVIDED TO THE LEGISLATIVE POLICY COMMITTEE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (a) The Maryland Department of Health, in consultation with the Maryland
24 Hospital Association and other stakeholders, shall develop guidelines establishing the
25 criteria for substantial stress on hospital capacity for the purposes of § 18–214.3 of the
26 Health – General Article, as enacted by Section 1 of this Act.

27 (b) On or before July 1, 2022, the Maryland Department of Health shall report on
28 the guidelines developed under subsection (a) of this section to the Governor and, in
29 accordance with § 2–1257 of the State Government Article, the Senate Finance Committee
30 and the House Health and Government Operations Committee.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
32 measure, is necessary for the immediate preservation of the public health or safety, has
33 been passed by a ye and nay vote supported by three–fifths of all the members elected to
34 each of the two Houses of the General Assembly, and shall take effect from the date it is
35 enacted.