



**TUESDAY, MARCH 10, 2020**  
**CITY OF COLLEGE PARK**  
**DAVIS HALL – 9217 51<sup>ST</sup> AVENUE**

**7:30 P.M.**  
**MAYOR AND COUNCIL REGULAR MEETING**  
**AGENDA**

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**COLLEGE PARK MISSION STATEMENT**

The City Of College Park Provides Open And Effective Governance And Excellent Services That Enhance The Quality Of Life In Our Community.

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1. **MEDITATION**
2. **PLEDGE OF ALLEGIANCE:** Led by Councilmember Mackie
3. **ROLL CALL**
4. **ANNOUNCEMENTS/COMMENTS - MAYOR, COUNCIL, STUDENT LIAISON**
5. **CITY MANAGER’S REPORT**
6. **ACKNOWLEDGMENTS**
7. **PROCLAMATIONS AND AWARDS:**
  - Women’s History Month
8. **AMENDMENTS TO AND APPROVAL OF THE AGENDA**
9. **PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS** - Speakers are asked to provide their name and address for the record, and are given three minutes to address the Council.
  - Good Neighbor Day announcement by UMD Office of Community Engagement
10. **PUBLIC HEARING:**
  - A. Public Hearing on 20-O-03, An Ordinance of the Mayor and Council of the City of College Park Amending City Code Chapter 11, “Authorities”, Article II, ‘Airport Authority’, By Amending §11-5, “Creation; Members; Compensation; Conflicts of Interest”; Amending Chapter 15 “Boards, Commissions and Committees”, By Enacting §15-2, “Terms and Appointment; Repealing and Re-Enacting §15-3, “Membership; Terms”; §15-34 Powers and Duties; §15-35, “Organization”; §15-37, “Staff Liaison” and Deleting Article III, “College Park Cable Television Commission”, §§ 15-9 Through 15-17, In Its Entirety and §15-23, “Terms of Office”; and Reserving the Article; Amending Chapter 38, “Ethics, Code of”, Article II, “Ethics Commission”

By Repealing and Reenacting §38-5, “Establishment”, Chapter 138, “Noise”, By Repealing and Re-Enacting §138-3, “Noise Control Board”; and Amending Chapter 179, “Tree and Landscape Maintenance”, By Repealing and Re-Enacting §179-5, “Tree and Landscape Board”; to Discontinue the Cable Television Commission; Set Consistent Terms for all Board, Commission and Committee Members Appointed Under Chapters 15, 38, 138 and 179 and Airport Authority Members Appointed Under Chapter 11; Remove Overly Prescriptive Staff Liaison and Membership Requirements, and Require Annual Work Plans for Mayor and Council Review and Approval, from certain Boards, Commissions and Committees.

**11. PRESENTATION:**

- Presentation of 2019 Community Survey Results AND Public Safety Analysis – Ryna Quinones, Communications Coordinator and Bob Ryan, Director of Public Services

**12. CONSENT AGENDA -** Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.

20-G-48	Approval of minutes from the January 14, 2020 Regular Meeting	Motion By: To: Second: Aye: Nay: Other:
20-G-49	Approval of a letter of support for HB-1394/SB-982 Highway User Revenues – Revenue and Distribution	
20-G-50	Approval of a letter to the Clerk of the County Council with written testimony on the Countywide Map Amendment	
20-G-51	Approval of a letter of Support/Certificate of Need for Doctor's Hospital Obstetrics Department	

**13. ACTION ITEMS**

20-O-03	Adoption of Ordinance 20-O-03, Ordinance of the Mayor and Council of the City of College Park Amending City Code Chapter 11, “Authorities”, Article II, ‘Airport Authority”, By Amending §11-5, “Creation; Members; Compensation; Conflicts of Interest”; Amending Chapter 15 “Boards, Commissions and Committees”, By Enacting §15-2, “Terms and Appointment; Repealing and Re-Enacting §15-3, “Membership; Terms”; §15-34 Powers and Duties; §15-35, “Organization”; §15-37, “Staff Liaison” and Deleting Article III, “College Park Cable Television Commission”, §§ 15-9 Through 15-17, In Its Entirety and §15-23, “Terms of Office”; and Reserving the Article; Amending Chapter 38, “Ethics, Code of” , Article II, “Ethics Commission” By Repealing and Reenacting §38-5, “Establishment”, Chapter 138, “Noise”, By Repealing and Re-Enacting §138-3, “Noise Control Board”; and Amending Chapter 179, “Tree and Landscape Maintenance”, By Repealing and Re-Enacting §179-5, “Tree	Motion By: To: Second: Aye:      Nay: Other:
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	and Landscape Board”; to Discontinue the Cable Television Commission; Set Consistent Terms for all Board, Commission and Committee Members Appointed Under Chapters 15, 38, 138 and 179 and Airport Authority Members Appointed Under Chapter 11; Remove Overly Prescriptive Staff Liaison and Membership Requirements, and Require Annual Work Plans for Mayor and Council Review and Approval, from certain Boards, Commissions and Committees	
20-G-52	Annual Review/Renewal of Insurance Contracts – Jill Clements, Director of Human Resources	Motion By: To: Second: Aye:           Nay: Other:
20-G-44	Award of Contract for RFP CP-20-06, “Material Testing and Inspection Services and Third-Party Inspection Services for City Hall Redevelopment”	Motion By: To: Second: Aye:           Nay: Other:
20-G-53	Discussion of SB701 / HB643, End-of-Life Option Act (Richard E. Israel and Roger “Pip” Moyer Act)	Motion By: To: Second: Aye:           Nay: Other:
20-O-04	Introduction of Ordinance 20-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park To Authorize The Purchase Of A Parcel Of Land For A Public Purpose And The Related Sale Of A Parcel Of Land As It Is No Longer Needed For A City Public Purpose (Sellers Property) – Suellen Ferguson, City Attorney  <b><i>The Public Hearing will be held on March 24, 7:30 p.m. at Davis Hall, 9217 51<sup>st</sup> Avenue.</i></b>	Motion By: To: Second:

**14. GENERAL COMMENTS FROM THE AUDIENCE**

**15. ADJOURN**

**INFORMATION REPORT**

**16. Weekly Legislative Report**

- This agenda is subject to change. For the most current information, please contact the City Clerk at 240-487-3501.
- Public Comment is taken during Regular Business meetings on the second and fourth Tuesdays of the month in one of the following ways. All speakers are requested to complete a card with their name and address for the record.
  - To comment about a topic not on the meeting agenda: Speakers are given three minutes to address the Council during “Public Comment on Non-Agenda Items” at the beginning of each Regular Meeting.
  - To comment on an agenda item during a Regular Business meeting: When an agenda item comes up for consideration by the Council, the Mayor will invite public comment prior to Council deliberation. Speakers are given three minutes to address the Council on that agenda item.
- In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at 240-487-3501 and describe the assistance that is necessary.

# PROCLAMATION

Women's History Month

**PROCLAMATION  
WOMEN'S HISTORY MONTH**

**WHEREAS,** throughout history, extraordinary women have contributed to society in countless ways. As today's women and girls reach for new heights, they stand on the shoulders of all those who have come before, and carry forward their legacy of proud achievement. This month, we celebrate pioneering women and their victories, and we continue working to build a society where our daughters have the same possibilities as our sons; and

**WHEREAS,** for too long, women were formally excluded from full participation in our democracy. Because of the courage of many bold women who transcended preconceived expectations and proved they were capable of doing all that a man could do and more, advances were made, discoveries were revealed, barriers were broken, and progress triumphed; and

**WHEREAS,** courageous women have called not only for the absence of oppression, but for the presence of opportunity. They have demonstrated for justice and for jobs that promise equal pay for equal work, and for a right to be heard; and

**WHEREAS,** whether serving in elected positions, leading groundbreaking civil rights movements, venturing into unknown frontiers, or programming revolutionary technologies, generations of women have stirred new ideas and opened new doors; and

**WHEREAS,** while we have made great progress toward achieving gender equality, there is more to do. Women still earn, on average, less for every dollar made than their male counterparts; and

**WHEREAS,** when women succeed, we all succeed. With that in mind, we must all work together to forge a more equal society for our daughters and granddaughters - one where a woman's potential is limited only by the size of her imagination; and

**WHEREAS,** during Women's History Month, we pay tribute to the wide range of remarkable women who prevailed over enormous barriers, paving the way for women of today to not only participate in but to lead and shape every facet of American life, in College Park, the State of Maryland, and around the United States.

**NOW, THEREFORE,** I, Patrick L. Wojahn, Mayor of the City of College Park, proclaim March 2020 as Women's History Month, and urge all of our residents, women and men alike, to pause and pay tribute to the remarkable women in your life.

**PROCLAIMED THIS 10<sup>th</sup> DAY OF MARCH, 2020.**

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**Patrick L. Wojahn, Mayor  
City of College Park, Maryland**

# Public Hearing

20-O-03

Amending City Code  
Chapter 11 “Authorities”,  
Chapter 15 “Boards,  
Commissions, and  
Committees”,  
Chapter 38 “Ethics, Code of”  
Chapter 138 “Noise”,  
Chapter 179 “Tree and  
Landscape Maintenance”



# CITY OF COLLEGE PARK

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## OFFICE OF THE CITY CLERK

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK, MD 20740 | 240.487.3501 | COLLEGEPAKMD.GOV

Notice of Public Hearing for Ordinance 20-O-03, introduced on February 25, 2020:

- Posted to City Bulletin Board on February 27, 2020
- Posted to City Website on February 27, 2020
- Posted on Cable Television Channel on February 27, 2020
- Sent to Constant Contact LISTSERV on February 28, 2020
- Advertised in the Municipal Scene on March 1, 2020

ATTEST:

*Janeen S. Miller*

Janeen S. Miller, City Clerk



**NOTICE OF PUBLIC HEARING  
ORDINANCE 20-O-03**

**March 10, 2020  
7:30 P.M.**

**Davis Hall  
9217 51<sup>st</sup> Avenue  
College Park, MD 20740**

The Mayor and Council of the City of College Park will hold a Public Hearing on Ordinance 20-O-03, An Ordinance Amending City Code Chapter 11, “Authorities;” Chapter 15, “Boards, Commissions And Committees;” Chapter 38, “Ethics;” Chapter 138, “Noise;” And Chapter 179, “Tree And Landscape Maintenance.”

Specifically, this Ordinance will:

- Discontinue the Cable Television Commission.
- Set Consistent Terms for all Board, Commission and Committee Members Appointed Under Chapters 15, 38, 138 And 179 and Airport Authority Members Appointed Under Chapter 11.
- Remove Overly Prescriptive Staff Liaison and Membership Requirements.
- Require Annual Work Plans for Mayor and Council Review and Approval, from Certain Boards, Commissions and Committees.

Copies of this Ordinance may be obtained from the City Clerk’s Office, 8400 Baltimore Avenue, Suite 375, College Park, MD 20740, by calling 240-487-3501, or from the City’s website: [www.collegeparkmd.gov](http://www.collegeparkmd.gov).

Public Hearings are held at Davis Hall, 9217 51<sup>st</sup> Avenue, College Park, MD 20740. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to [cpmc@collegeparkmd.gov](mailto:cpmc@collegeparkmd.gov).

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office and describe the assistance that is necessary.



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**AGENDA ITEM 20-O-03**

**Prepared By:** Scott Somers, City Manager

**Meeting Date:** March 10, 2020

**Presented By:** Scott Somers, City Manager

**Consent Agenda:** No

**Originating Department:** City Manager's Office

**Action Requested:** Hold a Public Hearing and Adopt Ordinance 20-O-03, an Ordinance Amending City Code Chapter 11, "Authorities", Chapter 15 "Boards, Commissions And Committees", Chapter 38, Ethics, Chapter 138, "Noise", And Chapter 179, "Tree And Landscape Maintenance", to implement the specific Code changes called for in Resolution 19-R-22.

**Strategic Plan Goal:** Goal 5: Effective Leadership

**Background/Justification:**

The City Council adopted Resolution 19-R-22 on November 12, 2019 which implemented recommendations of the Committee on Committees. As noted in the November 12, 2019 staff report, future Code changes would be needed to remove unnecessary prescriptive assignment of staff liaison to Section 15.37 and 179.5 of the City Code which pertain to the Committee for a Better Environment and the Tree and Landscape Board. Other conforming changes in the City Code are also required and are incorporated into this Ordinance. Please note that these recommended changes do not remove staff liaisons from these committees; rather, they remove the legal requirement of identifying who the staff liaisons are.

Ordinance 20-O-03 was introduced on February 25 and the Public Hearing is scheduled for March 10.

**Fiscal Impact:**

None

**Council Options:**

1. Hold a Public Hearing and adopt Ordinance 20-O-03
2. Hold a Public Hearing and adopt Ordinance 20-O-03, but with amendments.
3. Hold a Public Hearing and delay adoption of Ordinance 20-O-03
4. Maintain status quo.

**Staff Recommendation:**

Option #1

**Motion:**

*I move to adopt Ordinance 20-O-03, an Ordinance Amending City Code Chapter 11, "Authorities", Chapter 15 "Boards, Commissions And Committees", Chapter 38, Ethics, Chapter 138, "Noise", And Chapter 179, "Tree And Landscape Maintenance", to implement the specific Code changes called for in Resolution 19-R-22.*

**Attachments:**

1. Ordinance 20-O-03 as introduced

**ORDINANCE**

**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING CITY CODE CHAPTER 11, "AUTHORITIES", ARTICLE II, "AIRPORT AUTHORITY", BY AMENDING §11-5, "CREATION; MEMBERS; COMPENSATION; CONFLICTS OF INTEREST"; AMENDING CHAPTER 15 "BOARDS, COMMISSIONS AND COMMITTEES", BY ENACTING §15-2, "TERMS AND APPOINTMENT; REPEALING AND RE-ENACTING §15-3, "MEMBERSHIP; TERMS"; §15-34 POWERS AND DUTIES; §15-35, "ORGANIZATION"; §15-37, "STAFF LIAISON" AND DELETING ARTICLE III, "COLLEGE PARK CABLE TELEVISION COMMISSION", §§ 15-9 THROUGH 15-17, IN ITS ENTIRETY AND §15-23, "TERMS OF OFFICE"; AND RESERVING THE ARTICLE; AMENDING CHAPTER 38, "ETHICS, CODE OF", ARTICLE II, "ETHICS COMMISSION" BY REPEALING AND REENACTING §38-5, "ESTABLISHMENT", CHAPTER 138, "NOISE", BY REPEALING AND RE-ENACTING §138-3, "NOISE CONTROL BOARD"; AND AMENDING CHAPTER 179, "TREE AND LANDSCAPE MAINTENANCE", BY REPEALING AND RE-ENACTING §179-5, "TREE AND LANDSCAPE BOARD"; TO DISCONTINUE THE CABLE TELEVISION COMMISSION; SET CONSISTENT TERMS FOR ALL BOARD, COMMISSION AND COMMITTEE MEMBERS APPOINTED UNDER CHAPTERS 15, 38, 138 AND 179 AND AIRPORT AUTHORITY MEMBERS APPOINTED UNDER CHAPTER 11; REMOVE OVERLY PRESCRIPTIVE STAFF LIAISON AND MEMBERSHIP REQUIREMENTS, AND REQUIRE ANNUAL WORK PLANS FOR MAYOR AND COUNCIL REVIEW AND APPROVAL, FROM CERTAIN BOARDS, COMMISSIONS AND COMMITTEES**

WHEREAS, the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the City of College Park is ably assisted by many volunteers who dedicate their time and energies to being part of City boards, commissions and committees; and

WHEREAS, the Mayor and Council wish to ensure that City boards, commissions and committees, and the Airport Authority, are as productive, efficient, and inclusive as possible, while also responding to the current needs of the City and acting in conformance with the City's Mission, Vision, Strategic Plan, Goals and Council Priorities; and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance.
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

**WHEREAS**, the Mayor and Council appointed the Committee on Committees to review the purposes, functions, and rules for boards, commissions and committees; and

**WHEREAS**, the Committee on Committees has issued its recommendations; and

**WHEREAS**, the Mayor and Council have adopted the recommendations of the Committee on Committees; and

**WHEREAS**, this Ordinance adopts those recommendations into the City Code.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, that Chapter 11 “Chapter 11, “Authorities”, Article II, ‘Airport Authority”, §11-5, “Creation; Members; Compensation; Conflicts Of Interest be and is hereby repealed and reenacted with amendments to read as follows:

**§ 11-5 Creation; members; compensation; conflicts of interest.**

A. There is hereby created and established the College Park Airport Authority, hereinafter sometimes referred to as the "Authority," which shall consist of seven members, all of whom shall reside in and be qualified voters of the City of College Park, Maryland. The members shall be appointed by the Mayor and City Council. ~~[and shall serve for a term of three years. Vacancies shall be filled by the Mayor and City Council for any unexpired portion of a term. Members of said Authority shall serve without compensation.]~~ MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENT.

B. . . . .

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15 “Boards, Commissions and Committees”, Article I, “General Provisions”, §15-2, “Terms and appointments” be and is enacted to read as follows:

**§ 15-2 TERMS AND APPOINTMENTS.**

A. THE TERMS OF ALL CURRENT MEMBERS OF THE BOARDS, COMMISSIONS AND COMMITTEES APPOINTED UNDER CHAPTERS 15, 38, 138 AND 179 OF THIS CODE, AND ALL CURRENT MEMBERS OF THE AIRPORT AUTHORITY, SHALL EXPIRE JUNE

30, 2020. SUBJECT TO REAPPOINTMENT AS FOLLOWS: ON JULY 1, 2020, THE CURRENT MEMBERS OF THE SAID BOARD, COMMISSION OR COMMITTEES AND THE AIRPORT AUTHORITY WILL BE RE-APPOINTED TO A ONE (1), TWO (2), OR THREE (3) YEAR TERM DETERMINED THROUGH A LOTTERY SYSTEM. AS EACH RE-APPOINTED MEMBER'S TERM ENDS, THE SUBSEQUENT TERM FOR THAT POSITION SHALL BE FOR THREE YEARS, WITH THE INTENTION THAT THE TERMS OF ONE THIRD OF THE MEMBERSHIP WILL EXPIRE ON JUNE 30 ANNUALLY. IN THE EVENT THAT AN EXISTING MEMBER OF A BOARD, COMMISSION OR COMMITTEE OR THE AIRPORT AUTHORITY DOES NOT SEEK TO BE RE-APPOINTED ON JULY 1, 2020, A NEW MEMBER WILL BE APPOINTED, WITH A TERM DETERMINED THROUGH THE LOTTERY SYSTEM.

B. APPLICATIONS FOR APPOINTMENT TO A BOARD, COMMITTEE OR COMMISSION OR THE AIRPORT AUTHORITY, OR REAPPLICATIONS BY MEMBERS WHOSE TERMS ARE EXPIRING, WILL BE ACCEPTED FOR ALL TERMS BEGINNING AFTER JULY 1, 2020.

C. A POSITION VACATED BEFORE THE EXPIRATION OF A TERM SHALL BE FILLED BY APPOINTMENT, AS AUTHORIZED FOR EACH BOARD, COMMISSION OR COMMITTEE, FOR THE EXTENT OF THE UNEXPIRED TERM.

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, "Boards, Commissions and Committees", Article II, "College Park Recreation Board", §15-3, "Membership; terms", be and it is hereby repealed, reenacted and amended to read as follows:

§ 15-3 Membership; terms.

Membership on the College Park Recreation Board shall be composed of up to 10 members appointed by the Mayor and Council [~~for three-year terms~~] with a goal of representation from each district. MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS.

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article II, “College Park Recreation Board”, §15-8, “Responsibilities of Chairperson and Board”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 15-8. Responsibilities of Chairperson and Board.

A. – C. \* \* \* \* \*

D. THE RECREATION BOARD SHALL PROVIDE AN ANNUAL REPORT AND WORK PLAN, ON OR BEFORE THE DATE, AND IN THE FORMAT, DETERMINED BY THE MAYOR AND COUNCIL.

**Section 5.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article III, “College Park Cable Television Commission”, §§15-9 – 15-17, be and it is hereby repealed in its entirety and reserved.

**Section 6.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article IV, “Advisory Planning Commission”, §15-23, “Terms of office”, be and it is hereby repealed in its entirety as follows:

~~[§ 15-23 Terms of office.~~

~~Appointment to the Advisory Planning Commission shall be for three-year terms. Initially, three of the Advisory Planning Commission members shall be given two-year terms, and the other four members shall be given three-year terms. This shall allow for staggered terms among the membership.]~~

**Section 7. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article VIII, “Committee for a Better Environment”, §15-34, “Powers and duties”, be and it is hereby repealed, reenacted and amended to read as follows:

15-34 Powers and duties.

The Committee shall advise the Mayor and Council on environmental issues affecting the lives of College Park residents and shall initiate and implement sustainability efforts. The duties and responsibilities of the Committee shall be established by resolution of the Mayor and City Council. THE COMMITTEE FOR A BETTER ENVIRONMENT SHALL PROVIDE AN ANNUAL REPORT AND WORK PLAN, ON OR BEFORE THE DATE AND IN THE FORMAT DETERMINED BY THE MAYOR AND COUNCIL.

**Section 8. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article VIII, “Committee for a Better Environment”, §15-35, “Organization”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 15-35 Organization.

A. The Committee shall consist of members appointed by the Mayor and Council. ~~Each member shall serve for a term of three years and shall be eligible for reappointment.~~ There shall be no more than 25 members on the Committee.

B. – C. \* \* \* \* \*

**Section 9. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article VIII, “Committee for a Better Environment”, §15-37, “Staff liaison”, be and it is hereby repealed, reenacted and amended to read as follows:

§15-37. “Staff liaison.

A member of the City's ~~planning~~ staff shall be appointed staff liaison to the Committee. The City Horticulturist shall be available to attend meetings of the Committee upon request of the Committee Chair, consistent with the Horticulturist's schedule.

**Section 10. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Ethics, Code of”, Article II, “Ethics Commission”, §38-5, “Establishment”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 38-5 Establishment.

A. \* \* \* \* \*

B. MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS.

Members of the Commission [~~shall be appointed to renewable two-year terms and during those terms~~] may only be removed for cause DURING ANY TERM.

C. – E. \* \* \* \* \*

**Section 11. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 138, “Noise”, §138-3, “Noise Control Board”, be and it is hereby repealed, reenacted and amended to read as follows:

§138-3. Noise Control Board.

A. – B. \* \* \* \* \*

C. [~~Members of the Noise Control Board shall be appointed to terms of four years.~~] MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS.

D. \* \* \* \* \*

**Section 12. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 179, “Tree and Landscape Maintenance”, §179-5, “Tree and Landscape Board”, be and it is hereby repealed, reenacted and amended to read as follows:

§179-5. Tree and Landscape Board.

§ 179-5 **Tree and Landscape Board.**

A. Board membership and operation.

(1) \* \* \* \* \*

(2) The Board shall have the following [~~nine~~] voting members: five residents of the City appointed by the Mayor and Council of the City of College Park, the Chairperson of the

Committee for a Better Environment or designee, the City Forester, [~~the Planning, Community and Economic Development Director or designee and the Public Works Director or designee~~] AND A CITY STAFF LIAISON.

(3) [~~The five Board members appointed by the Mayor and Council shall serve staggered, two-year terms.~~] MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS

(4) - (5) \* \* \* \* \*

B. Duties and responsibilities of the Board.

(1) - (6) \* \* \* \* \*

(7) PROVIDE AN ANNUAL REPORT AND WORK PLAN, ON OR BEFORE THE DATE AND IN THE FORMAT DETERMINED BY THE MAYOR AND COUNCIL

**Section 13.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the 10<sup>th</sup> day of March, 2020, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on \_\_\_\_\_, 2020 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and

notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 25<sup>th</sup> day of February, 2020.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**CITY OF COLLEGE PARK**

\_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

\_\_\_\_\_  
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney

# 20-G-48

## Approval of Minutes

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**January 14, 2020**  
**Davis Hall, 9217 51<sup>st</sup> Avenue**  
**7:30 p.m. – 9:52 p.m.**

**PRESENT:** Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Day, Rigg, Mackie and Mitchell.

**ABSENT:** Councilmember Dennis.

**ALSO PRESENT:** Scott Somers, City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Miriam Bader, Senior Planner; Bob Ryan, Director of Public Services; Robert Marsili, Director of Public Works; Steve Halpern, City Engineer; Julia Nikhinson, Deputy Student Liaison.

Mayor Wojahn opened the Regular Meeting at 7:30 p.m.

**ANNOUNCEMENTS:**

Councilmember Kennedy discussed yesterday's meeting about the new playground being planned for the Odessa outlot.

Councilmember Brennan met the new Executive Director of the College Park Housing Authority, Michelle Johnson.

Mayor Wojahn discussed last weekend's tribute to Dr. Martin Luther King, Jr.

**CITY MANAGER'S REPORT:** Mr. Somers announced the Family Fun Bowling Bash and said City offices will be closed on Monday.

**PROCLAMATIONS:** Mayor Wojahn presented the proclamation to departing Contract Police Officer Cpl. Ryan Whitlow.

**AMENDMENTS TO AND APPROVAL OF THE AGENDA:** The agenda was approved without amendment (Brennan/Mitchell) 7-0.

**PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:**

**Mary King, resident:** Regarding Ordinance 20-O-02, has an "item" been clearly defined?

**Dave Dorsch, resident:** Thank you for the gift of the guardrail on US 1; empty newspaper boxes should be removed; the City should open Rhode Island Avenue to Campus Drive.

Councilmember Rigg responded that Mr. Dorsch should raise the matter at the civic association meetings to get their feedback.

**PRESENTATION:**

- A. Scott Hancock, Executive Director, and Ryan Spiegel, President, Maryland Municipal League, presented an award to Mayor Wojahn for his leadership roles in both MML and the National League of Cities.

- B. Annual presentation from State Highway Administration on projects in the City and discussion of nighttime/weekend work on Baltimore Avenue: Danielle Black, Chief, SHA District 3 Engineering Team, Erica Rigby, Peter Campanides, Shannon Coyne, and Lindsay Bobian. Topics included MD 430 @ Rhode Island Avenue; MD 193 @ Rhode Island Avenue; Crosswalk on US 1 @ Cherry Hill Road; US 1 Signal operations; and the I-495/I-270 P3 Program. Council requests: Status update on the I-495 P3 project; a small section of sidewalk is needed on Cherry Hill Road; better US 1 light synchronization; asked about the left turn from Hotel Drive south onto US 1; extreme speeds on Kenilworth Avenue; Old Calvert Road safety concerns. The US 1 reconstruction is expected to be completed in fall-winter of 2023. They are planning an aggressive schedule with some nighttime work.

**CONSENT AGENDA: A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adopt the Consent Agenda, which consisted of the following:**

- 20-G-02 Approval of Preliminary Plan of Subdivision 4-19019, with conditions, for Northgate student housing project at 8430 and 8510 Baltimore Avenue**
- 20-G-03 Approval of Detailed Site Plan DSP-19025, with conditions, for Northgate student housing project at 8430 and 8510 Baltimore Avenue, and approval of a Declaration of Covenants, subject to the review of the City Attorney**
- 20-G-04 Approval of a letter to the Prince George’s County School Board regarding bus transportation**
- 20-G-06 Approval of an emergency expenditure associated with a sanitary sewer line replacement in the municipal parking garage**
- 20-R-02 Adoption of Resolution 20-R-02 authorizing negotiations with Verizon for the franchise agreement**

The motion passed 7-0.

#### **ACTION ITEMS**

- 20-G-05 Approval of a letter of support to Prince George’s County for the request by Northgate Student Housing for an exemption from the County School Facilities Surcharge**

Tom Haller, attorney for the applicant, said at last week’s Worksession there was discussion about possible value engineering if they didn’t get the full school facilities surcharge exemption that they requested. He said from the beginning of project design they were working under the assumption that they would be exempt from this surcharge because all other student housing developments have been exempted, and that they have done everything they have been requested to do by the City or other entities. The goal was to build the best project they could and to support the goal of the University District Vision 2020. He thinks this project has achieved this.

**Main Motion: A motion was made by Councilmember Brennan and seconded by Councilmember Kennedy that the City of College Park send a recommendation to the Prince George’s County Council supporting a partial exemption from the school facilities surcharge.**

Councilmember Brennan said we appreciate this investment in our City. He discussed the bill that says the City has the ability to recommend to the County Council that they consider a waiver if a project meets the University District Vision 2020. There is nothing specific in that Vision that specifies luxury student housing. In 2016 the Council chose to no longer provide incentives to student housing since the market for that product has been proven and deemed profitable. Incentives could go toward affordable student housing or a diversity of housing that does not currently exist. The City is also considering a City Revitalization Tax Credit tonight and the applicant has met those criteria. Our schools are underfunded and every dollar that we can find and put forward is in our interest. The County Council can make the final determination. He circulated a draft letter supporting a partial exemption and read it into the record.

**Comments on the motion:**

**Tom Haller, Attorney for the Applicant:** They appreciate the City’s willingness to support a partial exemption but of course would prefer a full exemption and requests leaving it up to the County. He reviewed the challenges of this project.

**Christian Cerria, Gilbane:** He reviewed updated renderings of the project, changes requested by the City and the County that they have incorporated, to make this the best project it could be and meet the University District Vision 2020, and said it is these incentives that make it possible. Let the County make the determination.

Mayor Wojahn asked if they looked at what value engineering the project would look like. Mr. Cerria said from day one they made decisions with the expectation that they would receive the exemption because every other student housing project had received it, so it was impossible at this point to go back and start “peeling back the layers.”

**A motion was made by Councilmember Rigg to postpone consideration of this item until after consideration of 20-R-01 because this proposed letter references approval of the Revitalization Tax Credit. Motion failed for lack of a second.**

**Amendment #1: A motion was made by Councilmember Day and seconded by Councilmember Mitchell that we amend the letter to the County Council as follows: state how the developer has met the requirements for the surcharge exemption, and ask the County Council to decide whether it should be a partial or full exemption.**

Councilmember Day stated that this developer has made a great commitment to our City, has worked with the City to develop another landmark, is committed to long-term ownership, and is also building at the metro site. In January of 2018 we discussed a letter to the County Council in support of this bill, but we had concerns about the boundary. The boundary is very defined. We should let the County decide how or if they want to apply the exemption.

**Comments on amendment #1:**

**Carlo Colella, University of Maryland:** There is a continuing need for quality, and affordable, student housing. How the Council responds to this request will affect this and future projects. Housing demand exceeds supply, development of close-in undergraduate student housing has a lot of positive effects and provides opportunities for students to come out of neighborhoods. This is a one-time fee. The property tax increase itself will help support our schools and City services on an ongoing basis.

**Tom Haller, Attorney for the Applicant:** They support the amended motion. Ultimately, this decision is up to the County Council. They will look at this holistically.

Councilmember Mitchell spoke in support of the amendment and read the last paragraph of the letter we received from Delegate Ben Barnes regarding the tax revenue that this project will generate.

Councilmember Kabir asked if the letter is written. Mr. Somers read what the amended letter would say.

Councilmember Rigg said he respects and welcomes Gilbane's involvement but that County schools need CIP funding. He can't take an action that would reduce the much-needed capital dollars. He could support a partial waiver.

Councilmember Kennedy said we need more discussion about the precedent this is setting; she hopes something will come back to the schools.

Councilmember Brennan will not support the amendment. The bill is loosely written and open to interpretation. There is evidence in the market that this type of development will result in high returns which will help them raise capital. He doesn't think luxury student housing needs this incentive; instead, he could support incentives for affordable housing, senior housing or workforce housing.

Councilmember Kabir discussed the two themes he wants to see in the letter: the housing market and the contribution toward the school system. He believes including those two themes will imply the partial waiver, but he prefers to leave it up to them. He doesn't want to tell the County Council that they have met the requirements.

Revisions to the letter were discussed.

Councilmember Day reiterated that the letter would state that this developer has met the requirements for their waiver, and we are leaving it to the County Council to make that decision.

**At 9:28 p.m., a motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to take a five-minute recess to wordsmith this letter. The motion passed 7-0.**

**At 9:33 p.m., the meeting reconvened.**

Mayor Wojahn stated that during the recess, Councilmembers Day and Kabir discussed compromise language for the letter.

**A motion was made by Councilmember Day and seconded by Councilmember Kabir to withdraw Amendment #1 (originally made by Councilmember Day). The motion passed 7-0.**

**Back to the Main Motion (originally made by Councilmember Brennan):**

**Amendment #2: A motion was made by Councilmember Day and seconded by Councilmember Mitchell to alter the language in the letter originally proposed by Councilmember Brennan as follows:**

- **In the 2<sup>nd</sup> paragraph, strike the last sentence (“these additional incentives...”).**
- **In the 4<sup>th</sup> paragraph, change the last sentence to read, “For these reasons the Mayor and Council have determined that the County Council should decide whether a waiver is appropriate, and, if so, its amount.**
- **Between 4<sup>th</sup> and 5<sup>th</sup> paragraph, add the statement “The City of College Park believes that the Northgate project, being proposed by Gilbane Development Companies, meets the goals of the University District Vision 2020 and is clearly student housing by any reasonable definition. We, therefore, recommend that the county consider the issue of the school surcharge waiver for the Northgate project by the authority granted to them in state law.”**

Councilmember Mackie was hoping to reach a compromise and wanted to support a partial waiver. We should be on record as a City Council of supporting our schools.

Councilmember Day stressed his support of our schools and said the City’s support for our schools should never be in question.

**Vote on Amendment #2:**

**Yes: Kabir, Mitchell, Day**

**No: Kennedy, Mackie, Rigg, Brennan**

**The motion on Amendment #2 failed 3-4-0.**

**Vote on the original letter (main motion):**

**Yes: Kennedy, Kabir, Mackie, Rigg, Brennan**

**No: Mitchell, Day**

**The motion to send the original letter passed 5-2.**

**20-R-01 Adoption of Resolution 20-R-01 to authorize a Revitalization Tax Credit for the Gilbane Development Company for the Northgate Student Housing project located at 8430 and 8510 Baltimore Avenue for a total of \$571,020 over five years**

**A motion was made by Councilmember Brennan and seconded by Councilmember Rigg that the City Council approve Resolution 20-R-01 to provide a Revitalization Tax Credit for the Gilbane Development Company for the Northgate project at 8430 and 8510 Baltimore Avenue for an estimated total of \$571,020 over five years.**

Councilmember Brennan said this credit has well-defined objective criteria that allows the Council to easily determine eligibility and apply it consistently.

Councilmember Rigg added that this is also very targeted and does not erode the provision of public services.

**The motion passed 7-0.**

**20-G-07 Approval of agenda for Annual Retreat scheduled for January 18**

Mr. Somers said based on Council's conversations with the consultant, this draft agenda was developed.

Councilmember Rigg was not able to speak with the consultant and asked when the Council would be able to set Council priorities. Mr. Somers said there are other opportunities to set priorities such as the Strategic Plan or the budget process. Council could also amend this agenda tonight.

Councilmember Kabir agrees that we need the priority list, but in this case we will have the Strategic Plan to help develop that list, and can update it each year.

**A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adopt the agenda as presented. The motion passed 7-0.**

**20-O-01 Introduction of 20-O-01, a new ordinance concerning bulk and special trash to become effective May 1**

Mr. Marsili reviewed the staff report. This is a brand-new ordinance to replace 19-O-14 that was discussed last year.

**A motion was made by Councilmember Brennan and seconded by Councilmember Rigg to introduce 20-O-01 as drafted and to schedule a public hearing for Tuesday, January 28, 2020 at 7:30 p.m. at Davis Hall, 9217 51st Avenue.**

**20-O-02 Introduction of Ordinance 20-O-02, an ordinance to implement a bulk trash fee schedule for collection of more than 20 items per year to become effective May 1**

Mr. Marsili reviewed the staff report. This ordinance adds a fee schedule for excess bulk trash collections (for more than 20 items).

Councilmember Brennan said the CBE advocated for 12 items, so he wants to add options for 12 items or 20 items, so that the public can comment on either.

**A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to introduce Ordinance 20-O-02 as drafted, with an additional second option of a 12 item limit (with an additional 9 items for those that pay the \$180 trash fee), and to schedule the Public Hearing on Tuesday, January 28, 2020 at 7:30 p.m. at Davis Hall, 9217 51st Avenue.**

**20-G-08            Appointments to Boards and Committees**

**A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to appoint Chunyang Ding to the Committee for a Better Environment, to reappoint Bonnie McClellan to the Seniors Committee, and to reappoint Suchitra Balachandran to the CBE. The motion passed 7-0.**

**MAYOR AND COUNCIL REPORTS AND COMMENTS:**

- Reports that cars in the Lake Artemesia parking lot (which is in Berwyn Heights) are being ticketed heavily. We should look into this and let our residents know more about why.
- Status of the tree ordinance and comments on what we could move forward with to share with the TLB. Mr. Somers is attending the TLB meeting tomorrow and will convey.

**ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adjourn the Regular Meeting. With a vote of 7-0, the regular meeting was adjourned at 10:09 p.m.**

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Janeen S. Miller, CMC	Date
City Clerk	Approved

# 20-G-49

Approval of Letter  
HB 1394/SB 982

Highway User Revenues



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**AGENDA ITEM: 20-G-49**

**Prepared By:** Bill Gardiner,  
Assistant City Manager

**Meeting Date:** March 10, 2020

**Presented By:** Bill Gardiner,  
Assistant City Manager

**Consent Agenda:** Yes

**Originating Department:** Mayor and Council

**Action Requested:** Approval of a letter of support for HB-1394/SB-982 Highway User Revenues – Revenue and Distribution

**Strategic Plan Goal:** Quality Infrastructure

**Background/Justification:**

Highway User Revenues provide the City of College Park significant funding to offset part of the cost of maintaining the City's streets and related infrastructure. The funding allocated to municipalities was significantly reduced during and following the recession, and restoration of prior funding levels has been an MML priority for years.

The legislation passed by the General Assembly in 2018 provided for the current funding level for municipal HUR, which is the highest it has been in over a decade, for a duration of five fiscal years which has been greatly helpful in maintaining local infrastructure; however with the sunset looming after FY 2024 it is difficult to engage in any long term transportation project plans.

HB 1394/SB 982 would:

- Remove the funding sunset currently set to go into effect after FY 2024
- Increase municipal funding starting in FY 2025 to the approximate prior levels
- Apply the lock box protections afforded to the rest of the transportation trust fund
- Tie HUR to the consumer price index so that HURs rise with inflation.

The bill allows over four years before any funding increase occurs. However, two items that can be addressed immediately are removing the sunset and lock boxing the HUR account; these provisions of the bill would provide critical certainty to municipal governments that the funding is long term and protected.

**Fiscal Impact:**

If passed, the City's HUR funding in FY25 would increase. If the legislation is not passed, it is likely that the City's HUR funding will be reduced after FY24.

**Council Options:**

1. Authorize the Mayor to sign the attached letter in support of HB 1394 / SB 982.
2. Authorize the Mayor to sign an amended letter in support of HB 1394 / SB 982.
3. Decline to send a letter.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move to authorize the Mayor to sign the attached letter in support of HB 1394 / SB 982, Highway User Revenues – Revenue and Distribution.*

**Attachments:**

Letter to Chairman Guy Guzzone, Senate Budget and Taxation Committee  
Chairman Kumar Barve, House Environmental and Transportation Committee



# CITY OF COLLEGE PARK

OFFICE OF THE MAYOR & CITY COUNCIL

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK MD 20740 | COLLEGE PARKMD.GOV

March 11, 2020

## MAYOR

Patrick L. Wojahn

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240.988.7763

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Denise Mitchell

dmitchell@collegetparkmd.gov  
301.852.8126

Senator Guy Guzzone, Chair  
Budget and Taxation Committee  
3 West  
Miller Senate Office Building  
Annapolis, Maryland

### Re: SB 982 Highway User Revenues - Revenue and Distribution

Dear Chairman Guzzone and Committee Members:

On behalf of the College Park Council and residents, I respectfully request your support of SB 982. It will provide the following important actions:

- Remove the funding sunset after FY 2024 when municipal highway user revenues would drop back to recession levels;
- Increase municipal funding starting in FY 2025 to the approximate levels that existed prior to FY 2010;
- Apply the lock box protections afforded to the rest of the transportation trust fund; and
- Tie HUR to the consumer price index.

The bill allows over four years before any funding increase occurs, providing the State time to adjust its project funding allocations. However, immediately removing the sunset and lock boxing the HUR account would provide certainty to municipal governments that the funding is long term and protected.

The 2018 legislation provided for the current funding level for five fiscal years. It has been greatly helpful in maintaining local infrastructure; however with the sunset looming after FY 2024 it is difficult to engage in any long term transportation project plans.

We sincerely hope that HB SB 982 receives a favorable report and its passage will fully and permanently restore highway user revenues to local governments.

Thank you for your consideration.

Sincerely,

Patrick L. Wojahn  
Mayor

cc: 21<sup>st</sup> District Delegation



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March 11, 2020

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301.852.8126

Delegate Kumar P. Barve, Chair  
Environment and Transportation Committee  
Room 251  
House Office Building  
Annapolis, Maryland 21401

### Re: HB 1394 Highway User Revenues - Revenue and Distribution

Dear Delegate Barve and Committee Members:

On behalf of the College Park City Council and residents, I respectfully request your support of HB 1394. It will provide the following important actions:

- Remove the funding sunset after FY 2024 when municipal highway user revenues would drop back to recession levels;
- Increase municipal funding starting in FY 2025 to the approximate levels that existed prior to FY 2010;
- Apply the lock box protections afforded to the rest of the transportation trust fund; and
- Tie HUR to the consumer price index.

The bill allows over four years before any funding increase occurs, providing the State time to adjust its project funding allocations. However, immediately removing the sunset and lock boxing the HUR account would provide certainty to municipal governments that the funding is long term and protected.

The 2018 legislation provided for the current funding level for five fiscal years. It has been greatly helpful in maintaining local infrastructure; however with the sunset looming after FY 2024 it is difficult to engage in any long term transportation project plans.

We sincerely hope that HB 1394 receives a favorable report and its passage will fully and permanently restore highway user revenues to local governments.

Thank you for your consideration.

Sincerely,

Patrick L. Wojahn  
Mayor

cc: 21<sup>st</sup> District Delegation

# 20-G-50

Approval of Letter  
Clerk of the County Council  
Countywide Map Amendment



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**AGENDA ITEM 20-G-50**

**Prepared By:** Terry Schum  
Planning Director

**Meeting Date:** March 10, 2020

**Presented By:** Terry Schum

**Consent Agenda:** Yes

**Originating Department:** Planning, Community and Economic Development

**Action Requested:** Approval of a Letter to the Clerk of the Council on the Countywide Sectional Map Amendment (CMA) for Prince George's County

**Strategic Plan Goal:** Goal #3: High Quality Development and Reinvestment

**Background/Justification:**

The Prince George's County Council adopted a new Zoning Ordinance and Subdivision regulations in October 2018 but they will not become effective until new countywide zoning maps are approved. The process for approving these maps is known as the CMA and was initiated by the County Council in July 2019. The CMA is intended to be a technical, non-substantive exercise that replaces the current zone on each property with a similar new zone. Staff from the Prince George's Planning Department of M-NCPPC provided the City Council with a briefing on this process a few months ago. There will be a Joint Public Hearing of the Prince George's County District Council and Planning Board on the CMA on Monday, March 23, 2020 at 7:00 p.m. at Prince George's Community College. The public hearing record closes on April 7, 2020. A second Joint Public Hearing will be held, if necessary, and final approval by the District Council is expected late fall 2020.

For most property in College Park, this is a one-to-one zone replacement with minimal change. For example, the existing R-55 zone (one-family detached residential) has a maximum density of 6.7 dwelling units per acre) and is the prevalent zoning category in City neighborhoods. It will be replaced with the RSF-65 zone (residential single-family) with a maximum density of 6.7 dwelling units per acre). The only substantive regulatory change is an increase in height from 30 feet to 35 feet and the elimination of the requirement for both side yards to equal 17 feet.

For properties located within the US1 Corridor Sector Plan Development District Overlay Zone (DDOZ) and the College Park/Riverdale Park Transit District Overlay Zone (TDOZ), the process of zone replacement was more discretionary. M-NCPPC staff used a decision matrix tool based on Plan 2035 designations and underlying approved plans. The DDOZ properties followed the US1/Innovation Corridor Decision Matrix and the TDOZ properties followed the Transit-Oriented/Activity Center Base Zones Decision Matrix. The Guide to New Zones is available at [zoningpgc.pgplanning.com](http://zoningpgc.pgplanning.com) and the proposed new zoning map for College Park is attached.

The Mixed Use-Infill (M-U-I) and Mixed Use-Transportation Oriented (M-X-T) zoning categories, which most properties within these Overlay Zones have currently, are being eliminated. They are being replaced with new base zones where development may occur "by right" without the requirement of a Detailed Site Plan or public hearing if development regulations are adhered to. An applicant may elect to follow a Planned Development (PD) Map Amendment procedure if more freedom and flexibility from the strict zone regulations is sought. This involves Planning Board, Zoning Hearing Examiner and District Council review and may include conditions of approval.

In reviewing the zoning decisions made for certain areas of the City, staff identified potential concerns about the zones selected for some areas, which were discussed at a Worksession on March 3. Based on this discussion, a letter has been prepared to the Clerk of the Council with the City's comments and recommendations.

**Fiscal Impact:**

There is no direct impact on the City's budget, however, zoning has an impact on development potential and future tax base.

**Council Options:**

1. Provide written comments and/or oral testimony for the Joint Public Hearing based on staff recommendations.
2. Provide revised comments and/or testimony for the Joint Public Hearing.
3. Do not provide any comments or testimony.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move that the City Council approve the attached letter to the Clerk of the County Council with written testimony on the Countywide Map Amendment.*

**Attachments:**

1. Letter to Clerk of the County
2. Proposed Zoning Map of College Park



# CITY OF COLLEGE PARK

OFFICE OF THE MAYOR & CITY COUNCIL

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March 10, 2020

## MAYOR

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Clerk of the Council  
County Administration Building  
Room 2198  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: Countywide Sectional Map Amendment (CMA)

Dear Madam Clerk,

The City of College Park appreciates the opportunity to provide comments on the CMA. The City Council and staff were actively involved in and supported the Zoning Rewrite and have also followed the CMA process closely. It is unfortunate, however, that we were not given the opportunity to participate in certain Decision Matrix decisions prior to the release of the CMA as we had formally requested on several occasions. College Park is part of the 3% of Prince George's County where there are areas with no one-to-one replacement and discontinued zones such as M-U-I and M-X-T. In particular, the US 1 corridor is an area where staff discretion was needed to determine the appropriate base zones and City involvement would have been productive.

While the City agrees with many of the decisions made, the City also has questions about the rationale for the zone selections in some instances. College Park has seen significant redevelopment and investment over the years precisely because of the zoning tools in place that are now being eliminated. It is vitally important that the right zoning decisions are made now so that the revitalization of the City and County may continue. The City's comments and recommendations are listed below.

1. For the entire Downtown area of US 1, use the LTO Core zone rather than the LTO Edge and RTO-L Edge zones. The average density of redevelopment approved or constructed Downtown since 2005 is 116 dwelling units per acre. The maximum density permitted in the proposed zones is 40 and 60 dwelling units per acre, respectively. This large discrepancy is likely to be a disincentive to future development.

In the Lower Midtown area of US 1, use the LTO Core zone for the area south of Berwyn Road and east of US 1 rather than LTO Edge and use the LTO Edge zone north of Berwyn Road instead of the NAC zone. The average density of redeveloped properties in this area is 126 dwelling units per acre and there are several

1. key sites still available for development. Again, there is a disconnect between existing density and density proposed under the new zones.
2. In the Upper Midtown area on the west side of US 1, there are a few properties in the DDOZ under single ownership that have split M-U-I and R-55 zoning. It is recommended that the LTO Edge zone be used rather than RSF-65 in these cases. These properties currently can be rezoned through a Detailed Site Plan but this process is extinguished with the DDOZ.
3. In the Autoville/Cherry Hill area of US 1, use the NAC zone for parcels 14 and 16 rather than the RMF-20 zone. While this property is in the Existing Residential Character Area, it is currently zoned M-U-I and adjoins property to the north proposed for NAC. The NAC zone seems like a better fit.
4. In the Uptown area of US 1, use the LTO Edge zone for the Ikea site rather than the NAC zone. This would be consistent with Decision Matrix instructions to treat contiguous groups of mixed-use properties as one.
5. In the Hollywood Commercial District, use the NAC zone north of Edgewood Road rather than the CGO (west side of Rhode Island Avenue) and CN (east side of Rhode Island) zones proposed. These proposed zones are inconsistent with the direction of the Decision Matrix, and the purposes of the NAC zone to provide for lower-density, small-scale, mixed-use centers that serve the surrounding neighborhood are well suited to this part of the commercial area.
6. On the north side of Berwyn Road at the railroad tracks, use the CN or IE zone rather than the CGO zone. This land is currently zoned CSC but lies within the Berwyn Industrial area with adjacent properties to the north and south proposed for the IE zone. IE is recommended as a more appropriate zone for this small group of properties.
7. At the City-owned Department of Public Works property, 9217 51<sup>st</sup> Avenue, use the IH zone for the entire site rather than retain residential single-family zoning along the frontage. Having split-zoned property under single ownership can create difficulties for future improvements especially two zones as incompatible as residential and industrial.
8. At the City-owned Youth and Family Services property, 4912 Nantucket Road, use the NAC zone rather than the CGO zone. This property is in the Hollywood Commercial District and this recommendation is consistent with the previous recommendation for the area.
9. Reauthorization of the City's delegated zoning authority. The City wishes to retain all previously delegated zoning authority under the new zoning code and expects that this will be a seamless process.

The City congratulates the Council and staff on the progress that has been made to move the new Zoning and Subdivision Ordinances closer to reality. It is very important for the CMA

Clerk of the Council  
County Administration Bldg  
March 10, 2020  
Page 3

to align with existing plans and development to the extent possible, and the City would appreciate your serious consideration of the comments and recommendations contained in this letter. We would also welcome a dialogue with you on these requests prior to any final action. Thank you.

Sincerely,

Patrick L. Wojahn  
Mayor

cc: Dannielle Glaros, District 3 County Council Member  
Thomas Dernoga, District 1 County Council Member  
Chad Williams, Maryland National Capitol Park and Planning Commission  
Derrick Berlage,

# 20-G-51

Approval of Letter  
Certificate of Need  
for Doctor's Hospital  
Obstetrics Department



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**AGENDA ITEM 20-G-51**

**Prepared By:** Bill Gardiner  
Assistant City Manager

**Meeting Date:** March 10, 2020

**Presented By:** Bill Gardiner  
Assistant City Manager

**Consent Agenda:** No

**Originating Department:** Mayor and Council

**Action Requested:** Authorize the Mayor to sign and send a letter of support, substantially as attached, in support of Doctor's Community Hospital establishing obstetrics services in Lanham.

**Strategic Plan Goal:** Excellent Services

**Background/Justification:**

Doctors Community Hospital will submit a certificate-of-need (CON) application to the Maryland Health Care Commission to establish obstetrics services at Doctors Community Hospital in Lanham. The hospital's proposed women's health program will allow more women to deliver their babies closer to where they live and work, enhance both prenatal and postnatal care, and help both women and babies maintain and improve their overall health. The Maryland Health Care Commission (MHCC) must approve hospitals' plans to develop obstetrics programs.

According to the 2019 Prince George's County Community Health Needs Assessment, nearly eight out of 10 babies were delivered outside of the County.

**Fiscal Impact:**

None

**Council Options:**

1. Authorize the Mayor to send a letter in support of the application.
2. Authorize the Mayor to send an amended letter in support of the application.
3. Decline to send a letter.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move to authorize the Mayor to sign the attached letter stating the City's support for the certificate-of-need application to the Maryland Health Care Commission to establish obstetrics services at Doctors Community Hospital in Lanham.*

**Attachments:**

Letter to Kevin McDonald of the Maryland Health Care Commission



# CITY OF COLLEGE PARK

OFFICE OF THE MAYOR & CITY COUNCIL

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK MD 20740 | COLLEGE PARKMD.GOV

## MAYOR

Patrick L. Wojahn

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240.988.7763

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March 11, 2020

Kevin McDonald, Chief  
Certificate of Need  
Maryland Health Care Commission  
4160 Patterson Avenue  
Baltimore, Maryland 21215-2299

### Re: Letter of Support – Doctors Community Hospital’s Certificate-of-Need Application, Obstetrics Services

Dear Mr. McDonald:

I am writing to convey the City of College Park’s strong support for the certificate-of-need application submitted by Doctors Community Hospital in Lanham to establish obstetrics services as part of a comprehensive women’s health program.

The 2019 Community Health Needs Assessment’s report that Prince Georgians currently deliver about eight out of 10 babies outside our county highlights the significant need for more obstetrics and related services in our area. The hospital’s proposed women’s health program will allow more women to deliver their babies closer to where they live and work, enhance both prenatal and postnatal care, and help both women and babies maintain and improve their overall health.

I understand that the Maryland Health Care Commission (MHCC) must approve hospitals’ plans to develop obstetrics programs. On behalf of the City Council and our residents, we fully support this project and hope the MHCC understands how this initiative will contribute to the overall health of county residents.

Thank you for your consideration of our support.

Sincerely,

Patrick L. Wojahn  
Mayor

cc: 21<sup>st</sup> District Delegation  
Leslie Christian, Doctors Community Hospital Executive Offices

# 20-0-03

Amending City Code  
Chapter 11 “Authorities”,  
Chapter 15 “Boards,  
Commissions, and  
Committees”,  
Chapter 38 “Ethics, Code of”  
Chapter 138 “Noise”,  
Chapter 179 “Tree and  
Landscape Maintenance”



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**AGENDA ITEM 20-O-03**

**Prepared By:** Scott Somers, City Manager

**Meeting Date:** March 10, 2020

**Presented By:** Scott Somers, City Manager

**Consent Agenda:** No

**Originating Department:** City Manager's Office

**Action Requested:** Hold a Public Hearing and Adopt Ordinance 20-O-03, an Ordinance Amending City Code Chapter 11, "Authorities", Chapter 15 "Boards, Commissions And Committees", Chapter 38, Ethics, Chapter 138, "Noise", And Chapter 179, "Tree And Landscape Maintenance", to implement the specific Code changes called for in Resolution 19-R-22.

**Strategic Plan Goal:** Goal 5: Effective Leadership

**Background/Justification:**

The City Council adopted Resolution 19-R-22 on November 12, 2019 which implemented recommendations of the Committee on Committees. As noted in the November 12, 2019 staff report, future Code changes would be needed to remove unnecessary prescriptive assignment of staff liaison to Section 15.37 and 179.5 of the City Code which pertain to the Committee for a Better Environment and the Tree and Landscape Board. Other conforming changes in the City Code are also required and are incorporated into this Ordinance. Please note that these recommended changes do not remove staff liaisons from these committees; rather, they remove the legal requirement of identifying who the staff liaisons are.

Ordinance 20-O-03 was introduced on February 25 and the Public Hearing is scheduled for March 10.

**Fiscal Impact:**

None

**Council Options:**

1. Hold a Public Hearing and adopt Ordinance 20-O-03
2. Hold a Public Hearing and adopt Ordinance 20-O-03, but with amendments.
3. Hold a Public Hearing and delay adoption of Ordinance 20-O-03
4. Maintain status quo.

**Staff Recommendation:**

Option #1

**Motion:**

*I move to adopt Ordinance 20-O-03, an Ordinance Amending City Code Chapter 11, "Authorities", Chapter 15 "Boards, Commissions And Committees", Chapter 38, Ethics, Chapter 138, "Noise", And Chapter 179, "Tree And Landscape Maintenance", to implement the specific Code changes called for in Resolution 19-R-22.*

**Attachments:**

1. Ordinance 20-O-03 as introduced

**ORDINANCE**

**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING CITY CODE CHAPTER 11, "AUTHORITIES", ARTICLE II, "AIRPORT AUTHORITY", BY AMENDING §11-5, "CREATION; MEMBERS; COMPENSATION; CONFLICTS OF INTEREST"; AMENDING CHAPTER 15 "BOARDS, COMMISSIONS AND COMMITTEES", BY ENACTING §15-2, "TERMS AND APPOINTMENT; REPEALING AND RE-ENACTING §15-3, "MEMBERSHIP; TERMS"; §15-34 POWERS AND DUTIES; §15-35, "ORGANIZATION"; §15-37, "STAFF LIAISON" AND DELETING ARTICLE III, "COLLEGE PARK CABLE TELEVISION COMMISSION", §§ 15-9 THROUGH 15-17, IN ITS ENTIRETY AND §15-23, "TERMS OF OFFICE"; AND RESERVING THE ARTICLE; AMENDING CHAPTER 38, "ETHICS, CODE OF", ARTICLE II, "ETHICS COMMISSION" BY REPEALING AND REENACTING §38-5, "ESTABLISHMENT", CHAPTER 138, "NOISE", BY REPEALING AND RE-ENACTING §138-3, "NOISE CONTROL BOARD"; AND AMENDING CHAPTER 179, "TREE AND LANDSCAPE MAINTENANCE", BY REPEALING AND RE-ENACTING §179-5, "TREE AND LANDSCAPE BOARD"; TO DISCONTINUE THE CABLE TELEVISION COMMISSION; SET CONSISTENT TERMS FOR ALL BOARD, COMMISSION AND COMMITTEE MEMBERS APPOINTED UNDER CHAPTERS 15, 38, 138 AND 179 AND AIRPORT AUTHORITY MEMBERS APPOINTED UNDER CHAPTER 11; REMOVE OVERLY PRESCRIPTIVE STAFF LIAISON AND MEMBERSHIP REQUIREMENTS, AND REQUIRE ANNUAL WORK PLANS FOR MAYOR AND COUNCIL REVIEW AND APPROVAL, FROM CERTAIN BOARDS, COMMISSIONS AND COMMITTEES**

WHEREAS, the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the City of College Park is ably assisted by many volunteers who dedicate their time and energies to being part of City boards, commissions and committees; and

WHEREAS, the Mayor and Council wish to ensure that City boards, commissions and committees, and the Airport Authority, are as productive, efficient, and inclusive as possible, while also responding to the current needs of the City and acting in conformance with the City's Mission, Vision, Strategic Plan, Goals and Council Priorities; and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance.
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

**WHEREAS**, the Mayor and Council appointed the Committee on Committees to review the purposes, functions, and rules for boards, commissions and committees; and

**WHEREAS**, the Committee on Committees has issued its recommendations; and

**WHEREAS**, the Mayor and Council have adopted the recommendations of the Committee on Committees; and

**WHEREAS**, this Ordinance adopts those recommendations into the City Code.

**Section 1.** NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, that Chapter 11 “Chapter 11, “Authorities”, Article II, ‘Airport Authority”, §11-5, “Creation; Members; Compensation; Conflicts Of Interest be and is hereby repealed and reenacted with amendments to read as follows:

**§ 11-5 Creation; members; compensation; conflicts of interest.**

A. There is hereby created and established the College Park Airport Authority, hereinafter sometimes referred to as the "Authority," which shall consist of seven members, all of whom shall reside in and be qualified voters of the City of College Park, Maryland. The members shall be appointed by the Mayor and City Council. ~~[and shall serve for a term of three years. Vacancies shall be filled by the Mayor and City Council for any unexpired portion of a term. Members of said Authority shall serve without compensation.]~~ MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENT.

B. . . . .

**Section 2.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15 “Boards, Commissions and Committees”, Article I, “General Provisions”, §15-2, “Terms and appointments” be and is enacted to read as follows:

**§ 15-2 TERMS AND APPOINTMENTS.**

A. THE TERMS OF ALL CURRENT MEMBERS OF THE BOARDS, COMMISSIONS AND COMMITTEES APPOINTED UNDER CHAPTERS 15, 38, 138 AND 179 OF THIS CODE, AND ALL CURRENT MEMBERS OF THE AIRPORT AUTHORITY, SHALL EXPIRE JUNE

30, 2020. SUBJECT TO REAPPOINTMENT AS FOLLOWS: ON JULY 1, 2020, THE CURRENT MEMBERS OF THE SAID BOARD, COMMISSION OR COMMITTEES AND THE AIRPORT AUTHORITY WILL BE RE-APPOINTED TO A ONE (1), TWO (2), OR THREE (3) YEAR TERM DETERMINED THROUGH A LOTTERY SYSTEM. AS EACH RE-APPOINTED MEMBER'S TERM ENDS, THE SUBSEQUENT TERM FOR THAT POSITION SHALL BE FOR THREE YEARS, WITH THE INTENTION THAT THE TERMS OF ONE THIRD OF THE MEMBERSHIP WILL EXPIRE ON JUNE 30 ANNUALLY. IN THE EVENT THAT AN EXISTING MEMBER OF A BOARD, COMMISSION OR COMMITTEE OR THE AIRPORT AUTHORITY DOES NOT SEEK TO BE RE-APPOINTED ON JULY 1, 2020, A NEW MEMBER WILL BE APPOINTED, WITH A TERM DETERMINED THROUGH THE LOTTERY SYSTEM.

B. APPLICATIONS FOR APPOINTMENT TO A BOARD, COMMITTEE OR COMMISSION OR THE AIRPORT AUTHORITY, OR REAPPLICATIONS BY MEMBERS WHOSE TERMS ARE EXPIRING, WILL BE ACCEPTED FOR ALL TERMS BEGINNING AFTER JULY 1, 2020.

C. A POSITION VACATED BEFORE THE EXPIRATION OF A TERM SHALL BE FILLED BY APPOINTMENT, AS AUTHORIZED FOR EACH BOARD, COMMISSION OR COMMITTEE, FOR THE EXTENT OF THE UNEXPIRED TERM.

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, "Boards, Commissions and Committees", Article II, "College Park Recreation Board", §15-3, "Membership; terms", be and it is hereby repealed, reenacted and amended to read as follows:

§ 15-3 Membership; terms.

Membership on the College Park Recreation Board shall be composed of up to 10 members appointed by the Mayor and Council [~~for three-year terms~~] with a goal of representation from each district. MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS.

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article II, “College Park Recreation Board”, §15-8, “Responsibilities of Chairperson and Board”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 15-8. Responsibilities of Chairperson and Board.

A. – C. \* \* \* \* \*

D. THE RECREATION BOARD SHALL PROVIDE AN ANNUAL REPORT AND WORK PLAN, ON OR BEFORE THE DATE, AND IN THE FORMAT, DETERMINED BY THE MAYOR AND COUNCIL.

**Section 5.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article III, “College Park Cable Television Commission”, §§15-9 – 15-17, be and it is hereby repealed in its entirety and reserved.

**Section 6.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article IV, “Advisory Planning Commission”, §15-23, “Terms of office”, be and it is hereby repealed in its entirety as follows:

~~[§ 15-23 Terms of office.~~

~~Appointment to the Advisory Planning Commission shall be for three-year terms. Initially, three of the Advisory Planning Commission members shall be given two-year terms, and the other four members shall be given three-year terms. This shall allow for staggered terms among the membership.]~~

**Section 7. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article VIII, “Committee for a Better Environment”, §15-34, “Powers and duties”, be and it is hereby repealed, reenacted and amended to read as follows:

15-34 Powers and duties.

The Committee shall advise the Mayor and Council on environmental issues affecting the lives of College Park residents and shall initiate and implement sustainability efforts. The duties and responsibilities of the Committee shall be established by resolution of the Mayor and City Council. THE COMMITTEE FOR A BETTER ENVIRONMENT SHALL PROVIDE AN ANNUAL REPORT AND WORK PLAN, ON OR BEFORE THE DATE AND IN THE FORMAT DETERMINED BY THE MAYOR AND COUNCIL.

**Section 8. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article VIII, “Committee for a Better Environment”, §15-35, “Organization”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 15-35 Organization.

A. The Committee shall consist of members appointed by the Mayor and Council. ~~Each member shall serve for a term of three years and shall be eligible for reappointment.]~~ There shall be no more than 25 members on the Committee.

B. – C. \* \* \* \* \*

**Section 9. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article VIII, “Committee for a Better Environment”, §15-37, “Staff liaison”, be and it is hereby repealed, reenacted and amended to read as follows:

§15-37. “Staff liaison.

A member of the City's ~~planning~~ staff shall be appointed staff liaison to the Committee. The City Horticulturist shall be available to attend meetings of the Committee upon request of the Committee Chair, consistent with the Horticulturist's schedule.

**Section 10. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 15, “Ethics, Code of”, Article II, “Ethics Commission”, §38-5, “Establishment”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 38-5 Establishment.

A. \* \* \* \* \*

B. MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS.

Members of the Commission [~~shall be appointed to renewable two-year terms and during those terms~~] may only be removed for cause DURING ANY TERM.

C. – E. \* \* \* \* \*

**Section 11. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 138, “Noise”, §138-3, “Noise Control Board”, be and it is hereby repealed, reenacted and amended to read as follows:

§138-3. Noise Control Board.

A. – B. \* \* \* \* \*

C. [~~Members of the Noise Control Board shall be appointed to terms of four years.~~] MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS.

D. \* \* \* \* \*

**Section 12. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 179, “Tree and Landscape Maintenance”, §179-5, “Tree and Landscape Board”, be and it is hereby repealed, reenacted and amended to read as follows:

§179-5. Tree and Landscape Board.

§ 179-5 **Tree and Landscape Board.**

A. Board membership and operation.

(1) \* \* \* \* \*

(2) The Board shall have the following [~~nine~~] voting members: five residents of the City appointed by the Mayor and Council of the City of College Park, the Chairperson of the

Committee for a Better Environment or designee, the City Forester, [~~the Planning, Community and Economic Development Director or designee and the Public Works Director or designee~~] AND A CITY STAFF LIAISON.

(3) [~~The five Board members appointed by the Mayor and Council shall serve staggered, two-year terms.~~] MEMBER TERMS ARE GOVERNED BY CHAPTER 15, BOARDS, COMMISSIONS AND COMMITTEES, §15-2, TERMS AND APPOINTMENTS

(4) - (5) \* \* \* \* \*

B. Duties and responsibilities of the Board.

(1) - (6) \* \* \* \* \*

(7) PROVIDE AN ANNUAL REPORT AND WORK PLAN, ON OR BEFORE THE DATE AND IN THE FORMAT DETERMINED BY THE MAYOR AND COUNCIL

**Section 13.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the 10<sup>th</sup> day of March, 2020, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on \_\_\_\_\_, 2020 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and

notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 25<sup>th</sup> day of February, 2020.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**CITY OF COLLEGE PARK**

\_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

\_\_\_\_\_  
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney

# 20-G-52

## Annual Review/Renewal Insurance Contracts



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**AGENDA ITEM 20-G-52**

**Prepared By:** Jill Clements  
Director of Human Resources

**Meeting Date:** March 10, 2020

**Presented By:** Jill Clements  
Director of Human Resources

**Consent Agenda:** No

**Originating Department:** Human Resources

**Action Requested:** Award renewal contracts for employees' health and dental insurance coverages, worker's compensation, and the City's general liability insurances for FY2021 for a total budgeted cost of \$ 1,608,415.

**Strategic Plan Goal:** #6 Excellent Services

**Background/Justification:**

The City provides insured benefits to our full-time and part-time employees working 20 or more hours per week. Each year the cost of these benefits changes, and we work with insurance brokers to assure that we are getting a good value for the price. For fiscal year 2021, the City recommends renewing all contracts without any changes to the plans.

The health insurance plan is self-insured through a cooperative arrangement with the Local Government Insurance Trust (LGIT) and benefits are administered through Cigna. For the first time, the insurance premiums will decrease in the upcoming year. The decrease to estimated premiums from FY2020 to FY2021 will be 4.7%. The total cost in FY2021 will be approximately \$1,298,962, compared to FY 2020 actual premiums of \$1,363,509. The actual amount for FY 2021 will fluctuate based on each employee's enrollment choices and the number of employees (and dependents) covered. Employees pay approximately 20% of the total cost, leaving a budgeted cost of \$1,039,170. The primary reason for the decrease in premiums is a reduction in medical claims over the past two rating periods.

The City offers eligible employees the choice between two dental plans. Exact premium increases will not be available until May. Our broker advises us to increase the total budget by 6%. Based on current enrollment, the budgeted expense will be \$66,775, an approximate increase of \$3,780.

Workers Compensation is insured by Chesapeake Employers Insurance Company. The increased cost of coverage for FY2021 is expected to be minimal, just 1.7% more than last year's estimate. The budgeted cost will be \$343,976, which is an increase of \$5,809. The small increase is due to a significant reduction in the premium for police officers and a 23% discount based on our relationship and good safety record. The final premium will be based on actual salaries and cannot be determined until the policy is audited at the end of each policy year.

The City's various liability policies are all insured by the Local Government Insurance Trust (LGIT) or its partners and include general liability, auto, public officials' liability, police liability, property damage, boiler and machinery, pollution legal liability, crime bond, cyber coverage, Metro underpass coverage, and flood and earth movement coverage. Next year's expense will increase 5% over actual cost (which was less than budgeted) for an expected total cost of \$158,494.

**Fiscal Impact**

Type of Insurance	FY2020 Budget request	FY2021 Budget request	Amount of Change
Health	\$1,096,129	\$1,039,170	\$ (56,959)
Dental	\$ 62,995	\$ 66,775	\$ 3,780
Workers' Comp	\$ 338,167	\$ 343,976	\$ 5,809
Liability	\$ 157,626	\$ 158,494	\$ 868
Totals	\$1,654,917	\$1,608,415	\$ (46,502)

**Council Options:**

- #1: Approve the renewal of contracts for health, dental, workers' compensation, and liability insurances.  
#2: Direct staff to proceed differently.  
#3: Table the issue and reconsider at a future date. Note: This would have a substantial negative impact on the budget process and the City's ability to provide insured benefits to our employees in FY2021.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move that the Mayor and Council award the contracts for health, dental, workers' compensation, and property and liability insurances for FY2021 as presented.*

**Attachments:**

None

# 20-G-44

Award of Contract  
CP-20-06

Material Testing and  
Inspection and Third Party  
Inspection Services for City  
Hall Redevelopment

CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING



AGENDA ITEM: 20-G-49

**Prepared By:** Bill Gardiner  
Assistant City Manager

**Meeting Date:** March 10, 2020

**Presented By:** Bill Rowland, Redgate  
Katie Hearn, Redgate

**Consent Agenda:** No

**Originating Department:** Administration

**Action Requested:** Award of Contract for RFP CP-20-06, "Material Testing and Inspection Services and Third-Party Inspection Services for City Hall Redevelopment"

**Strategic Plan Goal:** High Quality Development and Reinvestment

**Background/Justification:**

The City issued an RFP on February 7, 2020 to provide material testing and inspection services for the College Park City Hall redevelopment project. The services include all inspections and reporting required to satisfy the Prince George's County Department of Inspections and Enforcement ("DPIE") Third Party Inspection process, and all inspections and reporting required for construction quality assurance.

Proposals were due on February 19, 2020 and the City received bids from the following firms: Hillis-Carnes Engineering Associates (HCEA); Soil and Land Use Technology, Inc. (SaLUT); and Dulles Geotechnical and Materials Testing Services, Inc (Dulles). The costs on the initial proposals ranged from \$78,750 to \$180,728. Redgate (the City Hall project manager) requested the bidders clarify parts of the proposals and confirm or update the proposed fees and services to ensure that the proposals were complete and comparable.

The final documents from the firms were received on March 5, 2020. The fees for some services changed from the initial proposal. The revised proposals are as follows:

HCEA	\$225,593
SaLUT	\$108,140
Dulles	\$110,950

Redgate is checking references and confirming that each proposal includes all required services. Staff expects a recommendation will be provided by Redgate to the City Council prior to or during the Tuesday, March 10, 2020 Council Meeting.

Geotechnical inspections could be required as soon as March 16, 2020 and all firms have confirmed their availability. The firm that will conduct the third-party inspections must be under contract prior to pre-construction meetings with the County Department of Permits, Inspections, and Enforcement.

**Fiscal Impact:**

The cost for these services have already been included in the project costs.

**Council Options:**

1. Award a contract for RFP CP-20-06, "Material Testing and Inspection Services and Third-Party Inspection Services for City Hall Redevelopment" to one of the three firms that submitted bids.
2. Request additional information from the firms.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move that Council award the contract for RFP CP-20-06, "Material Testing and Inspection Services and Third-Party Inspection Services for City Hall Redevelopment" to [name of firm] and authorize the City Manager to execute the contract upon review by the City Attorney.*

**Attachments:**

Bid Analysis (Redgate)

College Park City Hall  
 TESTING AND INSPECTIONS PROPOSALS  
 Updated: 3/6/2020

	Hillis-Carnes Engineering Associates	Soil and Land Use Technology, Inc.	Dulles Geotechnical and Materials Testing Services, Inc.
<b>Proposed Fees</b>			
Testing and Inspections			
Soils			
Concrete	\$94,928	\$84,340	\$80,100
Steel			
Fireproofing			
Waterproofing	\$31,800	\$7,350	\$9,400
Curtainwall - Infiltration Testing	\$22,800	\$2,400	\$6,000
Curtainwall - Window Testing	\$3,800	\$2,400	\$1,200
Curtainwall - Silicone Adhesion, Water Penetration, Pressure Chamber Field Test, Water Hose Field Test	\$17,800	\$7,200	\$9,750
Curtainwall - Embed and Anchor Test	\$4,500	\$475	\$1,500
Roofing - Flood Test and Vector Mapping	\$5,100	\$3,975	\$3,000
Add Alternate - Third Party MEP Inspections	\$44,865	Included*	Included*
<b>Total Base Scope</b>	<b>\$180,728</b>	<b>\$108,140</b>	<b>\$110,950</b>
<b>Total Base Scope plus Add Alternate</b>	<b>\$225,593</b>	<b>\$108,140</b>	<b>\$110,950</b>

\* Specific amount for the Add Alternate - Third Party MEP Inspections will be confirmed.

# 20-G-53

Discussion

SB 701/HB 643

End-of-Life Option Act



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**AGENDA ITEM: 20-G-53**

**Prepared By:** Bill Gardiner  
Assistant City Manager

**Meeting Date:** March 10, 2020

**Presented By:** Bill Gardiner  
Assistant City Manager

**Consent Agenda:** No

**Originating Department:** Mayor and Council

**Action Requested:** Discussion of a letter regarding SB701 / HB643, End-of-Life Option Act (Richard E. Israel and Roger "Pip" Moyer Act)

**Strategic Plan Goal:** Effective Leadership

**Background/Justification:**

During the February 25, 2020 Meeting, members of Compassion & Choices of Maryland urged the Council to support SB 701 / HB 643, the End of Life Option Act. This bill creates a process for a "qualified individual" to request and receive aid in dying from the individual's physician. The bill exempts from civil or criminal liability physicians who dispense or prescribe a lethal dose of medication following a request made by a qualified individual. Criminal penalties are established for violating specified provisions of the bill. The physician's participation in the process is voluntary.

A qualified individual is defined as an adult who (1) has the capacity to make medical decisions; (2) is a resident of the State; (3) has a terminal illness with a prognosis of death within six months; and (4) has the ability to self-administer medications. The person must make the request for aid in dying three times and there are requirements for witnesses and the timing and form of each request.

After receiving a written request, the physician must take steps to ensure that the person meets the criteria for a qualified individual and is making an informed and voluntary decision. More detailed information regarding the processes and protections are in the bill and the Fiscal and Policy Note (attached).

**Fiscal Impact:**

None

**Council Options:**

1. Authorize the Mayor to sign a letter in support of SB 701 / HB 643.
2. Authorize the Mayor to sign an amended letter regarding SB 701 / HB 643.
3. Decline to send a letter.

**Staff Recommendation:**

No recommendation--this is a political discussion for Council.

**Recommended Motion:**

N/A

**Attachments:**

SB 701 End-of-Life Option Act  
Department of Legislative Services Fiscal and Policy Note on SB 701  
End of Life Option Act Summary Bullets by Delegate Shane Pendergrass, District 13  
Compassion & Choices of Maryland "Polls: Maryland Doctors and Voters Support Option of Medical Aid in Dying for Terminally Ill Adults"

# SENATE BILL 701

J1  
SB 311/19 – JPR

0lr3004  
CF HB 643

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By: **Senators Waldstreicher, Smith, Carter, Elfreth, Feldman, Guzzone, Kagan, Kelley, King, Kramer, Lam, Lee, Pinsky, West, Young, and Zucker**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **End-of-Life Option Act**  
3 **(Richard E. Israel and Roger “Pip” Moyer Act)**

4 FOR the purpose of authorizing an individual to request aid in dying by making certain  
5 requests; prohibiting another individual from requesting aid in dying on behalf of an  
6 individual; requiring a certain request to be made in a certain manner; requiring a  
7 written request for aid in dying to meet certain requirements; establishing certain  
8 requirements for witnesses to a written request for aid in dying; requiring a written  
9 request for aid in dying to be in a certain form; requiring an attending physician who  
10 receives a written request for aid in dying to make a certain determination and to  
11 accept certain documents or certain knowledge as proof of certain residency;  
12 requiring an attending physician to provide certain information to an individual for  
13 a certain purpose and to refer an individual to a consulting physician under certain  
14 circumstances; requiring a consulting physician to fulfill certain duties; requiring an  
15 attending physician or a consulting physician to refer an individual to a certain  
16 individual for a mental health professional assessment under certain circumstances;  
17 prohibiting an attending physician from providing an individual with medication for  
18 aid in dying until a certain individual providing the mental health professional  
19 assessment makes a certain determination and communicates the determination to  
20 certain individuals in a certain manner; requiring an attending physician to take  
21 certain actions under certain circumstances; authorizing a pharmacist to dispense  
22 medication for aid in dying only to certain individuals under certain circumstances;  
23 authorizing an attending physician to sign a qualified individual’s death certificate  
24 under certain circumstances; requiring an attending physician to ensure that the  
25 medical record of a qualified individual documents or contains certain information;  
26 requiring an attending physician to submit certain information to the Maryland  
27 Department of Health; requiring the Department to adopt regulations to facilitate  
28 the collection of certain information and to produce and make available to the public  
29 a certain report of the information collected; providing that certain records or  
30 information are not subject to subpoena or discovery and may not be introduced into

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 evidence in certain proceedings except for a certain purpose; requiring a certain  
2 individual to dispose of certain medication in a lawful manner; providing that the  
3 death of a qualified individual by reason of self-administration of certain medication  
4 shall be deemed to be a death from certain natural causes for certain purposes;  
5 making void a certain provision of certain legal instruments; prohibiting a certain  
6 provision of law enacted by this Act from being construed to prohibit a certain cause  
7 of action; providing that this Act does not authorize certain individuals to end  
8 another individual's life by certain means; providing that actions taken in accordance  
9 with this Act do not constitute certain actions; making certain provisions in an  
10 insurance policy or certain other agreements issued on or after a certain date invalid;  
11 prohibiting certain obligations existing on a certain date from being conditioned on  
12 or affected by the making or rescinding of a request for aid in dying; prohibiting a  
13 qualified individual's act of self-administering medication for aid in dying from  
14 having certain effects under certain insurance policies; prohibiting a person from  
15 being subject to certain liability or certain action for participating in good-faith  
16 compliance with this Act; prohibiting certain persons or entities from subjecting a  
17 person to certain actions for participating or refusing to participate in good-faith  
18 compliance with this Act; providing that an individual's request for aid in dying or  
19 an attending physician's prescription of medication in good-faith compliance with  
20 this Act does not constitute neglect or provide the sole basis for an appointment of a  
21 guardian or conservator; authorizing a health care provider to prohibit another  
22 health care provider from participating in aid in dying on certain premises under  
23 certain circumstances; authorizing a health care provider to subject another health  
24 care provider to certain sanctions under certain circumstances; providing that  
25 certain authorization does not prohibit a health care provider from participating in  
26 aid in dying under certain circumstances or prohibit an individual from contracting  
27 with a certain physician for a certain purpose; providing that participation by a  
28 health care provider in aid in dying is voluntary; prohibiting a health care facility  
29 from requiring certain physicians to participate in aid in dying; requiring an  
30 attending physician to provide certain information to an individual and transfer a  
31 copy of certain medical records under certain circumstances; authorizing a health  
32 care facility to adopt certain policies; establishing certain penalties for certain  
33 violations; providing that certain provisions of this Act do not limit certain liability;  
34 providing that a certain sentence may be imposed separate from and consecutive to  
35 or concurrent with a certain other sentence; authorizing the Maryland Insurance  
36 Commissioner to enforce certain provisions of this Act; establishing that a licensed  
37 health care professional does not violate the statutory prohibition on assisted suicide  
38 by taking certain actions in accordance with this Act; defining certain terms; and  
39 generally relating to aid in dying.

40 BY repealing and reenacting, with amendments,  
41 Article – Criminal Law  
42 Section 3–103  
43 Annotated Code of Maryland  
44 (2012 Replacement Volume and 2019 Supplement)

45 BY adding to

1 Article – Health – General  
 2 Section 5–6A–01 through 5–6A–16 to be under the new subtitle “Subtitle 6A. The  
 3 Richard E. Israel and Roger “Pip” Moyer End-of-Life Option Act”  
 4 Annotated Code of Maryland  
 5 (2019 Replacement Volume)

6 BY adding to  
 7 Article – Insurance  
 8 Section 27–208.1  
 9 Annotated Code of Maryland  
 10 (2017 Replacement Volume and 2019 Supplement)

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

13 **Article – Criminal Law**

14 3–103.

15 (a) A licensed health care professional does not violate § 3–102 of this subtitle by  
 16 administering or prescribing a procedure or administering, prescribing, or dispensing a  
 17 medication to relieve pain, even if the medication or procedure may hasten death or  
 18 increase the risk of death, unless the licensed health care professional knowingly  
 19 administers or prescribes the procedure or administers, prescribes, or dispenses the  
 20 medication to cause death.

21 (b) A licensed health care professional does not violate § 3–102 of this subtitle by  
 22 withholding or withdrawing a medically administered life–sustaining procedure:

23 (1) in compliance with Title 5, Subtitle 6 of the Health – General Article;  
 24 or

25 (2) in accordance with reasonable medical practice.

26 **(C) A LICENSED HEALTH CARE PROFESSIONAL DOES NOT VIOLATE § 3–102**  
 27 **OF THIS SUBTITLE BY TAKING ANY ACTION IN ACCORDANCE WITH TITLE 5,**  
 28 **SUBTITLE 6A OF THE HEALTH – GENERAL ARTICLE.**

29 **[(c)] (D)** (1) Unless the family member knowingly administers a procedure or  
 30 administers or dispenses a medication to cause death, a family member does not violate  
 31 § 3–102 of this subtitle if the family member:

32 (i) is a caregiver for a patient enrolled in a licensed hospice program;  
 33 and

34 (ii) administers the procedure or administers or dispenses the  
 35 medication to relieve pain under the supervision of a health care professional.

1 (2) Paragraph (1) of this subsection applies even if the medication or  
2 procedure hastens death or increases the risk of death.

3 **Article – Health – General**

4 **SUBTITLE 6A. THE RICHARD E. ISRAEL AND ROGER “PIP” MOYER END-OF-LIFE**  
5 **OPTION ACT.**

6 **5-6A-01.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) “AID IN DYING” MEANS THE MEDICAL PRACTICE OF A PHYSICIAN  
10 PRESCRIBING MEDICATION TO A QUALIFIED INDIVIDUAL THAT THE QUALIFIED  
11 INDIVIDUAL MAY SELF-ADMINISTER TO BRING ABOUT THE QUALIFIED INDIVIDUAL’S  
12 DEATH.

13 (C) “ATTENDING PHYSICIAN” MEANS THE LICENSED PHYSICIAN WHO HAS  
14 PRIMARY RESPONSIBILITY FOR THE MEDICAL CARE OF AN INDIVIDUAL.

15 (D) “CAPACITY TO MAKE MEDICAL DECISIONS” MEANS THE ABILITY OF AN  
16 INDIVIDUAL TO:

17 (1) UNDERSTAND THE NATURE AND CONSEQUENCES OF A HEALTH  
18 CARE DECISION;

19 (2) UNDERSTAND THE SIGNIFICANT BENEFITS, RISKS, AND  
20 ALTERNATIVES OF A HEALTH CARE DECISION; AND

21 (3) MAKE AND COMMUNICATE AN INFORMED DECISION TO HEALTH  
22 CARE PROVIDERS, INCLUDING COMMUNICATION THROUGH ANOTHER INDIVIDUAL  
23 FAMILIAR WITH THE INDIVIDUAL’S MANNER OF COMMUNICATING, IF THE OTHER  
24 INDIVIDUAL IS AVAILABLE.

25 (E) “CONSULTING PHYSICIAN” MEANS A LICENSED PHYSICIAN WHO IS  
26 QUALIFIED BY SPECIALTY OR EXPERIENCE TO CONFIRM A PROFESSIONAL  
27 DIAGNOSIS AND PROGNOSIS REGARDING AN INDIVIDUAL’S TERMINAL ILLNESS.

28 (F) “HEALTH CARE FACILITY” MEANS:

29 (1) A HOSPITAL, AS DEFINED IN § 19-301 OF THIS ARTICLE;

30 (2) A HOSPICE FACILITY, AS DEFINED IN § 19-901 OF THIS ARTICLE;

1           (3) AN ASSISTED LIVING PROGRAM, AS DEFINED IN § 19–1801 OF THIS  
2 ARTICLE; OR

3           (4) A NURSING HOME, AS DEFINED IN § 19–1401 OF THIS ARTICLE.

4           (G) “HEALTH CARE PROVIDER” MEANS:

5           (1) AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THE HEALTH  
6 OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE OR DISPENSE MEDICATION IN  
7 THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION; OR

8           (2) A HEALTH CARE FACILITY.

9           (H) “INFORMED DECISION” MEANS A DECISION BY AN INDIVIDUAL THAT IS:

10           (1) BASED ON AN UNDERSTANDING AND ACKNOWLEDGMENT OF THE  
11 RELEVANT FACTS; AND

12           (2) MADE AFTER RECEIVING THE INFORMATION REQUIRED UNDER  
13 § 5–6A–04(C) OF THIS SUBTITLE.

14           (I) “LICENSED MENTAL HEALTH PROFESSIONAL” MEANS A LICENSED  
15 PSYCHIATRIST OR A LICENSED PSYCHOLOGIST.

16           (J) “LICENSED PHYSICIAN” MEANS A PHYSICIAN WHO IS LICENSED TO  
17 PRACTICE MEDICINE IN THE STATE.

18           (K) “LICENSED PSYCHIATRIST” MEANS A PSYCHIATRIST WHO IS LICENSED  
19 TO PRACTICE MEDICINE IN THE STATE.

20           (L) “LICENSED PSYCHOLOGIST” MEANS A PSYCHOLOGIST WHO IS LICENSED  
21 TO PRACTICE PSYCHOLOGY IN THE STATE.

22           (M) “MENTAL HEALTH PROFESSIONAL ASSESSMENT” MEANS ONE OR MORE  
23 CONSULTATIONS BETWEEN AN INDIVIDUAL AND A LICENSED MENTAL HEALTH  
24 PROFESSIONAL FOR THE PURPOSE OF DETERMINING THAT THE INDIVIDUAL:

25           (1) HAS THE CAPACITY TO MAKE MEDICAL DECISIONS; AND

26           (2) IS NOT SUFFERING FROM IMPAIRED JUDGMENT DUE TO A MENTAL  
27 DISORDER.

28           (N) “PALLIATIVE CARE” MEANS HEALTH CARE CENTERED ON A  
29 TERMINALLY ILL INDIVIDUAL AND THE INDIVIDUAL’S FAMILY THAT:

1           **(1) OPTIMIZES THE INDIVIDUAL’S QUALITY OF LIFE BY**  
2 **ANTICIPATING, PREVENTING, AND TREATING THE INDIVIDUAL’S SUFFERING**  
3 **THROUGHOUT THE CONTINUUM OF THE INDIVIDUAL’S TERMINAL ILLNESS;**

4           **(2) ADDRESSES THE PHYSICAL, EMOTIONAL, SOCIAL, AND SPIRITUAL**  
5 **NEEDS OF THE INDIVIDUAL;**

6           **(3) FACILITATES INDIVIDUAL AUTONOMY, THE INDIVIDUAL’S ACCESS**  
7 **TO INFORMATION, AND INDIVIDUAL CHOICE; AND**

8           **(4) INCLUDES DISCUSSIONS BETWEEN THE INDIVIDUAL AND A**  
9 **HEALTH CARE PROVIDER CONCERNING THE INDIVIDUAL’S GOALS FOR TREATMENT**  
10 **AND APPROPRIATE TREATMENT OPTIONS AVAILABLE TO THE INDIVIDUAL,**  
11 **INCLUDING HOSPICE CARE AND COMPREHENSIVE PAIN AND SYMPTOM**  
12 **MANAGEMENT.**

13           **(O) “PHARMACIST” MEANS A PHARMACIST WHO IS LICENSED TO PRACTICE**  
14 **PHARMACY IN THE STATE.**

15           **(P) “QUALIFIED INDIVIDUAL” MEANS AN INDIVIDUAL WHO:**

16           **(1) IS AN ADULT;**

17           **(2) HAS THE CAPACITY TO MAKE MEDICAL DECISIONS;**

18           **(3) IS A RESIDENT OF THE STATE;**

19           **(4) HAS A TERMINAL ILLNESS; AND**

20           **(5) HAS THE ABILITY TO SELF-ADMINISTER MEDICATION.**

21           **(Q) “RELATIVE” MEANS:**

22           **(1) A SPOUSE;**

23           **(2) A CHILD;**

24           **(3) A GRANDCHILD;**

25           **(4) A SIBLING;**

26           **(5) A PARENT; OR**

27           **(6) A GRANDPARENT.**

1 (R) "SELF-ADMINISTER" MEANS A QUALIFIED INDIVIDUAL'S ACT OF TAKING  
2 MEDICATION PRESCRIBED UNDER § 5-6A-07(A) OF THIS SUBTITLE.

3 (S) "TERMINAL ILLNESS" MEANS A MEDICAL CONDITION THAT, WITHIN  
4 REASONABLE MEDICAL JUDGMENT, INVOLVES A PROGNOSIS FOR AN INDIVIDUAL  
5 THAT LIKELY WILL RESULT IN THE INDIVIDUAL'S DEATH WITHIN 6 MONTHS.

6 (T) "WRITTEN REQUEST" MEANS A WRITTEN REQUEST FOR AID IN DYING.  
7 5-6A-02.

8 (A) AN INDIVIDUAL MAY REQUEST AID IN DYING BY:

9 (1) MAKING AN INITIAL ORAL REQUEST TO THE INDIVIDUAL'S  
10 ATTENDING PHYSICIAN;

11 (2) AFTER MAKING AN INITIAL ORAL REQUEST, MAKING A WRITTEN  
12 REQUEST TO THE INDIVIDUAL'S ATTENDING PHYSICIAN, IN ACCORDANCE WITH  
13 § 5-6A-03 OF THIS SUBTITLE; AND

14 (3) MAKING A SECOND ORAL REQUEST TO THE INDIVIDUAL'S  
15 ATTENDING PHYSICIAN AT LEAST:

16 (I) 15 DAYS AFTER MAKING THE INITIAL ORAL REQUEST; AND

17 (II) 48 HOURS AFTER MAKING THE WRITTEN REQUEST.

18 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO OTHER  
19 INDIVIDUAL, INCLUDING AN AGENT UNDER AN ADVANCE DIRECTIVE, AN  
20 ATTORNEY-IN-FACT UNDER A DURABLE POWER OF ATTORNEY, A GUARDIAN, OR A  
21 CONSERVATOR, MAY REQUEST AID IN DYING ON BEHALF OF AN INDIVIDUAL.

22 (C) AT LEAST ONE OF THE ORAL REQUESTS MADE UNDER SUBSECTION (A)  
23 OF THIS SECTION SHALL BE MADE WHILE THE INDIVIDUAL IS ALONE WITH THE  
24 ATTENDING PHYSICIAN.

25 5-6A-03.

26 (A) A WRITTEN REQUEST FOR AID IN DYING REQUIRED UNDER  
27 § 5-6A-02(A)(2) OF THIS SUBTITLE SHALL BE:

28 (1) IN SUBSTANTIALLY THE SAME FORM SET FORTH IN SUBSECTION  
29 (C) OF THIS SECTION;

1           **(2) SIGNED AND DATED BY THE INDIVIDUAL; AND**

2           **(3) WITNESSED BY AT LEAST TWO OTHER INDIVIDUALS WHO, IN THE**  
 3 **PRESENCE OF THE INDIVIDUAL, ATTEST THAT TO THE BEST OF THEIR KNOWLEDGE**  
 4 **AND BELIEF THE INDIVIDUAL IS:**

5           **(I) OF SOUND MIND; AND**

6           **(II) ACTING VOLUNTARILY AND NOT BEING COERCED TO SIGN**  
 7 **THE WRITTEN REQUEST.**

8           **(B) (1) ONLY ONE OF THE WITNESSES UNDER SUBSECTION (A)(3) OF THIS**  
 9 **SECTION MAY BE:**

10           **(I) A RELATIVE OF THE INDIVIDUAL BY BLOOD, MARRIAGE, OR**  
 11 **ADOPTION; OR**

12           **(II) AT THE TIME THE WRITTEN REQUEST IS SIGNED BY THE**  
 13 **INDIVIDUAL, ENTITLED TO ANY BENEFIT ON THE INDIVIDUAL'S DEATH.**

14           **(2) THE INDIVIDUAL'S ATTENDING PHYSICIAN MAY NOT BE A**  
 15 **WITNESS.**

16           **(C) A WRITTEN REQUEST UNDER THIS SECTION SHALL BE IN**  
 17 **SUBSTANTIALLY THE FOLLOWING FORM:**

18           **MARYLAND REQUEST FOR MEDICATION FOR AID IN DYING**

19 **BY: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_**  
 20           **(PRINT NAME) (MONTH/DAY/YEAR)**

21 **I, \_\_\_\_\_, AM AN ADULT OF SOUND MIND.**

22 **I AM A RESIDENT OF THE STATE OF MARYLAND.**

23 **I AM SUFFERING FROM \_\_\_\_\_, WHICH MY ATTENDING**  
 24 **PHYSICIAN HAS DETERMINED WILL, MORE LIKELY THAN NOT, RESULT IN DEATH**  
 25 **WITHIN 6 MONTHS. I HAVE BEEN FULLY INFORMED OF MY DIAGNOSIS, MY**  
 26 **PROGNOSIS, THE NATURE OF MEDICATION TO BE PRESCRIBED TO AID ME IN DYING,**  
 27 **THE POTENTIAL ASSOCIATED RISKS, THE EXPECTED RESULT, THE FEASIBLE**  
 28 **ALTERNATIVES, AND THE ADDITIONAL HEALTH CARE TREATMENT OPTIONS,**  
 29 **INCLUDING PALLIATIVE CARE AND HOSPICE.**

30 **I HAVE ORALLY REQUESTED THAT MY ATTENDING PHYSICIAN PRESCRIBE**  
 31 **MEDICATION THAT I MAY SELF-ADMINISTER FOR AID IN DYING, AND I NOW CONFIRM**  
 32 **THIS REQUEST. I AUTHORIZE MY ATTENDING PHYSICIAN TO CONTACT A**  
 33 **PHARMACIST TO FILL THE PRESCRIPTION FOR THE MEDICATION ON MY REQUEST.**

1 **INITIAL ONE:**

2 \_\_\_\_\_ I HAVE INFORMED MY FAMILY OF MY DECISION AND TAKEN THEIR OPINIONS  
3 INTO CONSIDERATION.

4 \_\_\_\_\_ I HAVE DECIDED NOT TO INFORM MY FAMILY OF MY DECISION.

5 \_\_\_\_\_ I HAVE NO FAMILY TO INFORM OF MY DECISION.

6 I UNDERSTAND THAT I HAVE THE RIGHT TO RESCIND THIS REQUEST AT ANY TIME.  
7 I UNDERSTAND THE FULL IMPORT OF THIS REQUEST AND I EXPECT TO DIE IF AND  
8 WHEN I TAKE THE MEDICATION TO BE PRESCRIBED. I FURTHER UNDERSTAND THAT,  
9 ALTHOUGH MOST DEATHS OCCUR WITHIN 3 HOURS, MY DEATH MAY TAKE LONGER,  
10 AND MY ATTENDING PHYSICIAN HAS COUNSELED ME ABOUT THIS POSSIBILITY.  
11 I MAKE THIS REQUEST VOLUNTARILY AND WITHOUT RESERVATION, AND I ACCEPT  
12 FULL RESPONSIBILITY FOR MY DECISION TO REQUEST AID IN DYING.

13 SIGNED: \_\_\_\_\_ DATED: \_\_\_\_\_

14 **DECLARATION OF WITNESSES**

15 I UNDERSTAND THAT, UNDER MARYLAND LAW, A WITNESS TO A REQUEST FOR  
16 MEDICATION FOR AID IN DYING MAY NOT BE THE INDIVIDUAL’S ATTENDING  
17 PHYSICIAN. FURTHER, ONLY ONE OF THE WITNESSES MAY BE:

18 1. A RELATIVE OF THE INDIVIDUAL BY BLOOD, MARRIAGE, OR ADOPTION;  
19 OR

20 2. AT THE TIME THE WRITTEN REQUEST IS SIGNED BY THE INDIVIDUAL,  
21 ENTITLED TO ANY BENEFIT ON THE INDIVIDUAL’S DEATH.

22 BY SIGNING BELOW ON THE DATE THE INDIVIDUAL NAMED ABOVE SIGNS, I DECLARE  
23 THAT:

24 **THE INDIVIDUAL MAKING AND SIGNING THE ABOVE REQUEST:**

25 1. IS PERSONALLY KNOWN TO ME OR HAS PROVIDED PROOF OF IDENTITY;

26 2. SIGNED THIS REQUEST IN MY PRESENCE ON THE DATE OF THE  
27 INDIVIDUAL’S SIGNATURE;

28 3. APPEARS TO BE OF SOUND MIND AND NOT UNDER DURESS, FRAUD, OR  
29 UNDUE INFLUENCE; AND

30 4. IS NOT AN INDIVIDUAL FOR WHOM I AM THE ATTENDING PHYSICIAN.

1 **WITNESS 1**  
2 **(CHECK ONE)**

3 \_\_\_\_\_ **I AM:**

4 \_\_\_\_\_ **I AM NOT:**

5 **1. A RELATIVE OF THE INDIVIDUAL BY BLOOD, MARRIAGE, OR ADOPTION;**  
6 **OR**

7 **2. AT THE TIME THE REQUEST IS SIGNED, ENTITLED TO ANY BENEFIT ON**  
8 **THE INDIVIDUAL’S DEATH.**

9 **PRINTED NAME OF WITNESS 1** \_\_\_\_\_

10 **SIGNATURE OF WITNESS 1** \_\_\_\_\_ **DATE** \_\_\_\_\_

11 **WITNESS 2**  
12 **(CHECK ONE)**

13 \_\_\_\_\_ **I AM:**

14 \_\_\_\_\_ **I AM NOT:**

15 **1. A RELATIVE OF THE INDIVIDUAL BY BLOOD, MARRIAGE, OR ADOPTION;**  
16 **OR**

17 **2. AT THE TIME THE REQUEST IS SIGNED, ENTITLED TO ANY BENEFIT ON**  
18 **THE INDIVIDUAL’S DEATH.**

19 **PRINTED NAME OF WITNESS 2** \_\_\_\_\_

20 **SIGNATURE OF WITNESS 2** \_\_\_\_\_ **DATE** \_\_\_\_\_

21 **5-6A-04.**

22 **(A) (1) WHEN AN ATTENDING PHYSICIAN IS PRESENTED WITH AN**  
23 **INDIVIDUAL’S WRITTEN REQUEST, THE ATTENDING PHYSICIAN SHALL DETERMINE**  
24 **WHETHER THE INDIVIDUAL:**

25 **(I) IS A QUALIFIED INDIVIDUAL;**

26 **(II) HAS MADE AN INFORMED DECISION; AND**

27 **(III) HAS VOLUNTARILY REQUESTED AID IN DYING.**

28 **(2) AN INDIVIDUAL IS NOT A QUALIFIED INDIVIDUAL SOLELY DUE TO**

1 AGE, DISABILITY, OR A SPECIFIC ILLNESS.

2 (B) FOR PURPOSES OF DETERMINING THAT AN INDIVIDUAL IS A QUALIFIED  
3 INDIVIDUAL, AN ATTENDING PHYSICIAN SHALL ACCEPT AS PROOF OF THE  
4 INDIVIDUAL'S RESIDENCY IN THE STATE:

5 (1) POSSESSION OF A VALID MARYLAND DRIVER'S LICENSE OR  
6 IDENTIFICATION CARD ISSUED BY THE MOTOR VEHICLE ADMINISTRATION;

7 (2) REGISTRATION TO VOTE IN THE STATE;

8 (3) EVIDENCE OF OWNING OR LEASING PROPERTY IN THE STATE;

9 (4) A COPY OF A MARYLAND RESIDENT TAX RETURN FOR THE MOST  
10 RECENT TAX YEAR; OR

11 (5) BASED ON THE INDIVIDUAL'S TREATMENT HISTORY AND MEDICAL  
12 RECORDS, THE ATTENDING PHYSICIAN'S PERSONAL KNOWLEDGE OF THE  
13 INDIVIDUAL'S RESIDENCY IN THE STATE.

14 (C) AN ATTENDING PHYSICIAN SHALL ENSURE THAT AN INDIVIDUAL MAKES  
15 AN INFORMED DECISION BY INFORMING THE INDIVIDUAL OF:

16 (1) THE INDIVIDUAL'S MEDICAL DIAGNOSIS;

17 (2) THE INDIVIDUAL'S PROGNOSIS;

18 (3) THE POTENTIAL RISKS ASSOCIATED WITH SELF-ADMINISTERING  
19 THE MEDICATION TO BE PRESCRIBED FOR AID IN DYING;

20 (4) THE PROBABLE RESULT OF SELF-ADMINISTERING THE  
21 MEDICATION TO BE PRESCRIBED FOR AID IN DYING; AND

22 (5) ANY FEASIBLE ALTERNATIVES AND HEALTH CARE TREATMENT  
23 OPTIONS, INCLUDING PALLIATIVE CARE AND HOSPICE.

24 (D) SUBJECT TO § 5-6A-06 OF THIS SUBTITLE, IF THE ATTENDING  
25 PHYSICIAN DETERMINES THAT AN INDIVIDUAL IS A QUALIFIED INDIVIDUAL, HAS  
26 MADE AN INFORMED DECISION, AND HAS VOLUNTARILY REQUESTED AID IN DYING,  
27 THE ATTENDING PHYSICIAN SHALL REFER THE INDIVIDUAL TO A CONSULTING  
28 PHYSICIAN TO CARRY OUT THE DUTIES REQUIRED UNDER § 5-6A-05 OF THIS  
29 SUBTITLE.

30 5-6A-05.

1           A CONSULTING PHYSICIAN TO WHOM AN INDIVIDUAL HAS BEEN REFERRED  
2 UNDER § 5-6A-04(D) OF THIS SUBTITLE SHALL:

3           (1) EXAMINE THE INDIVIDUAL AND THE INDIVIDUAL'S RELEVANT  
4 MEDICAL RECORDS;

5           (2) CONFIRM THE ATTENDING PHYSICIAN'S DIAGNOSIS THAT THE  
6 INDIVIDUAL HAS A TERMINAL ILLNESS;

7           (3) IF REQUIRED UNDER § 5-6A-06 OF THIS SUBTITLE, REFER THE  
8 INDIVIDUAL FOR A MENTAL HEALTH PROFESSIONAL ASSESSMENT;

9           (4) VERIFY THAT THE INDIVIDUAL IS A QUALIFIED INDIVIDUAL, HAS  
10 MADE AN INFORMED DECISION, AND HAS VOLUNTARILY REQUESTED AID IN DYING;  
11 AND

12           (5) DOCUMENT THE FULFILLMENT OF THE CONSULTING PHYSICIAN'S  
13 DUTIES UNDER THIS SECTION IN WRITING.

14 **5-6A-06.**

15           (A) IF, IN THE MEDICAL OPINION OF THE ATTENDING PHYSICIAN OR THE  
16 CONSULTING PHYSICIAN, AN INDIVIDUAL MAY BE SUFFERING FROM A CONDITION  
17 THAT IS CAUSING IMPAIRED JUDGMENT OR OTHERWISE DOES NOT HAVE THE  
18 CAPACITY TO MAKE MEDICAL DECISIONS, THE ATTENDING PHYSICIAN OR THE  
19 CONSULTING PHYSICIAN SHALL REFER THE INDIVIDUAL TO A LICENSED MENTAL  
20 HEALTH PROFESSIONAL FOR A MENTAL HEALTH PROFESSIONAL ASSESSMENT.

21           (B) AN ATTENDING PHYSICIAN MAY NOT PROVIDE THE INDIVIDUAL  
22 MEDICATION FOR AID IN DYING UNTIL THE LICENSED MENTAL HEALTH  
23 PROFESSIONAL PROVIDING THE MENTAL HEALTH PROFESSIONAL ASSESSMENT:

24           (1) DETERMINES THAT THE INDIVIDUAL HAS THE CAPACITY TO MAKE  
25 MEDICAL DECISIONS AND IS NOT SUFFERING FROM A CONDITION THAT IS CAUSING  
26 IMPAIRED JUDGMENT; AND

27           (2) COMMUNICATES THIS DETERMINATION TO THE ATTENDING  
28 PHYSICIAN AND THE CONSULTING PHYSICIAN IN WRITING.

29 **5-6A-07.**

30           (A) AFTER THE ATTENDING PHYSICIAN AND THE CONSULTING PHYSICIAN  
31 HAVE FULFILLED THE REQUIREMENTS UNDER §§ 5-6A-04 AND 5-6A-05 OF THIS

1 SUBTITLE, AND AFTER THE QUALIFIED INDIVIDUAL SUBMITS A SECOND ORAL  
2 REQUEST FOR AID IN DYING, AS REQUIRED UNDER § 5-6A-02 OF THIS SUBTITLE,  
3 THE ATTENDING PHYSICIAN SHALL:

4 (1) INFORM THE QUALIFIED INDIVIDUAL THAT IT IS THE DECISION OF  
5 THE QUALIFIED INDIVIDUAL AS TO WHETHER AND WHEN TO SELF-ADMINISTER THE  
6 MEDICATION PRESCRIBED FOR AID IN DYING;

7 (2) (I) INFORM THE QUALIFIED INDIVIDUAL THAT THE QUALIFIED  
8 INDIVIDUAL MAY WISH TO NOTIFY NEXT OF KIN OF THE REQUEST FOR AID IN DYING;  
9 AND

10 (II) INFORM THE QUALIFIED INDIVIDUAL THAT A FAILURE TO  
11 NOTIFY NEXT OF KIN IS NOT A BASIS FOR DENIAL OF THE REQUEST FOR AID IN  
12 DYING;

13 (3) COUNSEL THE QUALIFIED INDIVIDUAL CONCERNING THE  
14 IMPORTANCE OF:

15 (I) HAVING ANOTHER INDIVIDUAL PRESENT WHEN THE  
16 QUALIFIED INDIVIDUAL SELF-ADMINISTERS THE MEDICATION PRESCRIBED FOR  
17 AID IN DYING;

18 (II) NOT TAKING THE MEDICATION IN A PUBLIC PLACE; AND

19 (III) PARTICIPATING IN A HOSPICE PROGRAM;

20 (4) ENCOURAGE THE QUALIFIED INDIVIDUAL TO PREPARE AN  
21 ADVANCE DIRECTIVE;

22 (5) CONFIRM THAT THE QUALIFIED INDIVIDUAL'S REQUEST DOES  
23 NOT ARISE FROM COERCION OR UNDUE INFLUENCE BY ANOTHER INDIVIDUAL BY  
24 DISCUSSING WITH THE QUALIFIED INDIVIDUAL, OUTSIDE THE PRESENCE OF ANY  
25 OTHER INDIVIDUAL EXCEPT FOR AN INTERPRETER, WHETHER OR NOT THE  
26 QUALIFIED INDIVIDUAL IS FEELING COERCED OR UNDULY INFLUENCED BY  
27 ANOTHER INDIVIDUAL;

28 (6) INFORM THE QUALIFIED INDIVIDUAL THAT THE QUALIFIED  
29 INDIVIDUAL MAY RESCIND THE REQUEST FOR AID IN DYING AT ANY TIME AND IN ANY  
30 MANNER;

31 (7) VERIFY, IMMEDIATELY BEFORE WRITING THE PRESCRIPTION FOR  
32 MEDICATION FOR AID IN DYING, THAT THE QUALIFIED INDIVIDUAL IS MAKING AN  
33 INFORMED DECISION;

1           **(8) FULFILL THE DOCUMENTATION REQUIREMENTS ESTABLISHED**  
2 **UNDER § 5-6A-08 OF THIS SUBTITLE; AND**

3           **(9) (I) IF THE ATTENDING PHYSICIAN HOLDS A DISPENSING**  
4 **PERMIT FROM THE STATE BOARD OF PHYSICIANS AND WISHES TO DISPENSE THE**  
5 **MEDICATION, DISPENSE TO THE QUALIFIED INDIVIDUAL:**

6                   **1. THE PRESCRIBED MEDICATION FOR AID IN DYING;**  
7 **AND**

8                   **2. ANY ANCILLARY MEDICATIONS NEEDED TO MINIMIZE**  
9 **THE QUALIFIED INDIVIDUAL'S DISCOMFORT; OR**

10           **(II) IF THE ATTENDING PHYSICIAN DOES NOT HOLD A**  
11 **DISPENSING PERMIT OR DOES NOT WISH TO DISPENSE THE MEDICATION FOR AID IN**  
12 **DYING, AND THE QUALIFIED INDIVIDUAL REQUESTS AND PROVIDES WRITTEN**  
13 **CONSENT FOR THE MEDICATION FOR AID IN DYING TO BE DISPENSED BY A**  
14 **PHARMACIST:**

15                   **1. CONTACT A PHARMACIST;**

16                   **2. INFORM THE PHARMACIST OF THE PRESCRIPTION**  
17 **FOR MEDICATION FOR AID IN DYING; AND**

18                   **3. SUBMIT THE PRESCRIPTION FOR MEDICATION FOR**  
19 **AID IN DYING TO THE PHARMACIST BY ANY MEANS AUTHORIZED BY LAW.**

20           **(B) A PHARMACIST WHO HAS BEEN CONTACTED AND INFORMED BY AN**  
21 **ATTENDING PHYSICIAN AND TO WHOM AN ATTENDING PHYSICIAN HAS SUBMITTED A**  
22 **PRESCRIPTION FOR MEDICATION FOR AID IN DYING IN ACCORDANCE WITH THE**  
23 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION MAY DISPENSE THE**  
24 **MEDICATION FOR AID IN DYING AND ANY ANCILLARY MEDICATION ONLY TO THE**  
25 **QUALIFIED INDIVIDUAL, THE ATTENDING PHYSICIAN, OR AN EXPRESSLY IDENTIFIED**  
26 **AGENT OF THE QUALIFIED INDIVIDUAL.**

27           **(C) IF A QUALIFIED INDIVIDUAL SELF-ADMINISTERS MEDICATION FOR AID**  
28 **IN DYING AND DIES, THE ATTENDING PHYSICIAN MAY SIGN THE QUALIFIED**  
29 **INDIVIDUAL'S DEATH CERTIFICATE.**

30 **5-6A-08.**

31           **(A) WITH RESPECT TO A REQUEST BY A QUALIFIED INDIVIDUAL FOR AID IN**  
32 **DYING, THE ATTENDING PHYSICIAN SHALL ENSURE THAT THE MEDICAL RECORD OF**

1 THE QUALIFIED INDIVIDUAL DOCUMENTS OR CONTAINS:

2 (1) THE BASIS FOR DETERMINING THAT THE QUALIFIED INDIVIDUAL  
3 IS AN ADULT AND A RESIDENT OF THE STATE;

4 (2) ALL ORAL AND WRITTEN REQUESTS BY THE QUALIFIED  
5 INDIVIDUAL FOR MEDICATION FOR AID IN DYING;

6 (3) THE ATTENDING PHYSICIAN'S:

7 (I) DIAGNOSIS OF THE QUALIFIED INDIVIDUAL'S TERMINAL  
8 ILLNESS AND PROGNOSIS; AND

9 (II) DETERMINATION THAT THE QUALIFIED INDIVIDUAL HAS  
10 THE CAPACITY TO MAKE MEDICAL DECISIONS, HAS MADE AN INFORMED DECISION,  
11 AND HAS VOLUNTARILY REQUESTED AID IN DYING;

12 (4) DOCUMENTATION THAT THE CONSULTING PHYSICIAN HAS  
13 FULFILLED THE CONSULTING PHYSICIAN'S DUTIES UNDER § 5-6A-05 OF THIS  
14 SUBTITLE;

15 (5) A REPORT OF THE OUTCOME OF AND DETERMINATIONS MADE  
16 DURING THE MENTAL HEALTH PROFESSIONAL ASSESSMENT IF:

17 (I) THE QUALIFIED INDIVIDUAL WAS REFERRED FOR A MENTAL  
18 HEALTH PROFESSIONAL ASSESSMENT IN ACCORDANCE WITH § 5-6A-06 OF THIS  
19 SUBTITLE; AND

20 (II) THE MENTAL HEALTH PROFESSIONAL ASSESSMENT WAS  
21 PROVIDED;

22 (6) DOCUMENTATION OF THE ATTENDING PHYSICIAN'S OFFER TO  
23 THE QUALIFIED INDIVIDUAL TO RESCIND THE QUALIFIED INDIVIDUAL'S REQUEST  
24 FOR MEDICATION FOR AID IN DYING AT THE TIME THE ATTENDING PHYSICIAN  
25 WROTE THE PRESCRIPTION FOR THE MEDICATION FOR THE QUALIFIED INDIVIDUAL;  
26 AND

27 (7) A STATEMENT BY THE ATTENDING PHYSICIAN:

28 (I) INDICATING THAT ALL REQUIREMENTS FOR AID IN DYING  
29 UNDER THIS SUBTITLE HAVE BEEN MET; AND

30 (II) SPECIFYING THE STEPS TAKEN TO CARRY OUT THE  
31 QUALIFIED INDIVIDUAL'S REQUEST FOR AID IN DYING, INCLUDING THE MEDICATION

1 **PRESCRIBED FOR AID IN DYING.**

2 **(B) THE ATTENDING PHYSICIAN SHALL SUBMIT TO THE DEPARTMENT ANY**  
3 **INFORMATION REGARDING IMPLEMENTATION OF THIS SUBTITLE REQUIRED BY**  
4 **REGULATIONS ADOPTED UNDER § 5-6A-09(A) OF THIS SUBTITLE.**

5 **5-6A-09.**

6 **(A) THE DEPARTMENT SHALL ADOPT REGULATIONS TO FACILITATE THE**  
7 **COLLECTION OF INFORMATION UNDER § 5-6A-08(B) OF THIS SUBTITLE.**

8 **(B) THE DEPARTMENT SHALL PRODUCE AND MAKE AVAILABLE TO THE**  
9 **PUBLIC AN ANNUAL STATISTICAL REPORT OF INFORMATION COLLECTED UNDER**  
10 **SUBSECTION (A) OF THIS SECTION.**

11 **(C) RECORDS OR INFORMATION COLLECTED OR MAINTAINED UNDER THIS**  
12 **SUBTITLE ARE NOT SUBJECT TO SUBPOENA OR DISCOVERY AND MAY NOT BE**  
13 **INTRODUCED INTO EVIDENCE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING,**  
14 **EXCEPT TO RESOLVE MATTERS CONCERNING COMPLIANCE WITH THIS SUBTITLE OR**  
15 **AS OTHERWISE SPECIFICALLY PROVIDED BY LAW.**

16 **5-6A-10.**

17 **A PERSON THAT, AFTER A QUALIFIED INDIVIDUAL'S DEATH, IS IN POSSESSION**  
18 **OF MEDICATION PRESCRIBED FOR AID IN DYING THAT HAS NOT BEEN**  
19 **SELF-ADMINISTERED SHALL DISPOSE OF THE MEDICATION IN A LAWFUL MANNER.**

20 **5-6A-11.**

21 **(A) FOR ALL LEGAL RIGHTS AND OBLIGATIONS, RECORD-KEEPING**  
22 **PURPOSES, AND OTHER PURPOSES GOVERNED BY THE LAWS OF THE STATE,**  
23 **WHETHER CONTRACTUAL, CIVIL, CRIMINAL, OR OTHERWISE, THE DEATH OF A**  
24 **QUALIFIED INDIVIDUAL BY REASON OF THE SELF-ADMINISTRATION OF MEDICATION**  
25 **PRESCRIBED UNDER THIS SUBTITLE SHALL BE DEEMED TO BE A DEATH FROM**  
26 **NATURAL CAUSES, SPECIFICALLY AS A RESULT OF THE TERMINAL ILLNESS FROM**  
27 **WHICH THE QUALIFIED INDIVIDUAL SUFFERED.**

28 **(B) A PROVISION IN A CONTRACT OR ANY OTHER LEGAL INSTRUMENT THAT**  
29 **IS CONTRARY TO SUBSECTION (A) OF THIS SECTION IS VOID.**

30 **(C) SUBSECTION (A) OF THIS SECTION MAY NOT BE CONSTRUED TO**  
31 **PROHIBIT THE PROSECUTION OF A PERSON FOR MURDER OR ATTEMPTED MURDER**  
32 **IF THE PERSON, WITH THE INTENT OR EFFECT OF CAUSING THE INDIVIDUAL'S**  
33 **DEATH:**

1           (1)   WILLFULLY ALTERS OR FORGES A REQUEST FOR AID IN DYING;

2           (2)   CONCEALS OR DESTROYS A RESCISSION OF A REQUEST FOR AID IN  
3 DYING;

4           (3)   COERCES OR EXERTS UNDUE INFLUENCE ON AN INDIVIDUAL TO  
5 COMPLETE A REQUEST FOR AID IN DYING; OR

6           (4)   COERCES OR EXERTS UNDUE INFLUENCE ON AN INDIVIDUAL TO  
7 DESTROY A RESCISSION OF A REQUEST FOR AID IN DYING.

8           (D)   (1)   THIS SUBTITLE DOES NOT AUTHORIZE A LICENSED PHYSICIAN OR  
9 ANY OTHER PERSON TO END AN INDIVIDUAL'S LIFE BY LETHAL INJECTION, MERCY  
10 KILLING, OR ACTIVE EUTHANASIA.

11           (2)   ACTIONS TAKEN IN ACCORDANCE WITH THIS SUBTITLE DO NOT,  
12 FOR ANY PURPOSE, CONSTITUTE SUICIDE, ASSISTED SUICIDE, MERCY KILLING, OR  
13 HOMICIDE.

14   **5-6A-12.**

15           (A)   A PROVISION IN AN INSURANCE POLICY, AN ANNUITY, A CONTRACT, OR  
16 ANY OTHER AGREEMENT, ISSUED OR MADE ON OR AFTER OCTOBER 1, 2020, IS NOT  
17 VALID TO THE EXTENT THAT THE PROVISION WOULD ATTACH CONSEQUENCES TO OR  
18 OTHERWISE RESTRICT OR INFLUENCE AN INDIVIDUAL'S DECISION TO MAKE OR  
19 RESCIND A REQUEST FOR AID IN DYING UNDER THIS SUBTITLE.

20           (B)   AN OBLIGATION UNDER A CONTRACT EXISTING ON OCTOBER 1, 2020,  
21 MAY NOT BE CONDITIONED ON OR AFFECTED BY THE MAKING OR RESCINDING OF A  
22 REQUEST FOR AID IN DYING UNDER THIS SUBTITLE.

23           (C)   A QUALIFIED INDIVIDUAL'S ACT OF SELF-ADMINISTERING MEDICATION  
24 FOR AID IN DYING MAY NOT HAVE AN EFFECT UNDER A LIFE INSURANCE POLICY, A  
25 HEALTH INSURANCE POLICY OR CONTRACT, OR AN ANNUITY CONTRACT THAT  
26 DIFFERS FROM THE EFFECT UNDER THE POLICY OR CONTRACT OF THE QUALIFIED  
27 INDIVIDUAL'S DEATH FROM NATURAL CAUSES.

28   **5-6A-13.**

29           (A)   EXCEPT AS PROVIDED IN § 5-6A-14(C) OF THIS SUBTITLE:

30           (1)   A PERSON MAY NOT BE SUBJECT TO CIVIL OR CRIMINAL LIABILITY  
31 OR PROFESSIONAL DISCIPLINARY ACTION FOR PARTICIPATING IN GOOD-FAITH

1 COMPLIANCE WITH THIS SUBTITLE, INCLUDING BEING PRESENT WHEN A QUALIFIED  
2 INDIVIDUAL SELF-ADMINISTERS MEDICATION PRESCRIBED FOR AID IN DYING; AND

3 (2) A PROFESSIONAL ORGANIZATION OR ASSOCIATION, A HEALTH  
4 CARE PROVIDER, OR A HEALTH OCCUPATION BOARD MAY NOT SUBJECT A PERSON  
5 TO CENSURE, DISCIPLINE, SUSPENSION, LOSS OF LICENSE, LOSS OF PRIVILEGES,  
6 LOSS OF MEMBERSHIP, OR ANY OTHER PENALTY FOR PARTICIPATING OR REFUSING  
7 TO PARTICIPATE IN GOOD-FAITH COMPLIANCE WITH THIS SUBTITLE.

8 (B) AN INDIVIDUAL'S REQUEST FOR AID IN DYING OR AN ATTENDING  
9 PHYSICIAN'S PRESCRIPTION OF MEDICATION MADE IN GOOD-FAITH COMPLIANCE  
10 WITH THIS SUBTITLE DOES NOT:

11 (1) CONSTITUTE NEGLIGENCE FOR ANY PURPOSE OF LAW; OR

12 (2) PROVIDE THE SOLE BASIS FOR THE APPOINTMENT OF A  
13 GUARDIAN OR CONSERVATOR.

14 5-6A-14.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (2) "NOTIFY" MEANS TO PROVIDE A SEPARATE STATEMENT IN  
18 WRITING TO A HEALTH CARE PROVIDER SPECIFICALLY INFORMING THE HEALTH  
19 CARE PROVIDER, BEFORE THE HEALTH CARE PROVIDER'S PARTICIPATION IN AID IN  
20 DYING, OF ANOTHER HEALTH CARE PROVIDER'S POLICY ABOUT PARTICIPATION IN  
21 AID IN DYING.

22 (3) (I) "PARTICIPATE IN AID IN DYING" MEANS TO PERFORM THE  
23 DUTIES OF AN ATTENDING PHYSICIAN, A CONSULTING PHYSICIAN, OR A LICENSED  
24 MENTAL HEALTH PROFESSIONAL UNDER THIS SUBTITLE.

25 (II) "PARTICIPATE IN AID IN DYING" DOES NOT INCLUDE:

26 1. MAKING AN INITIAL DETERMINATION THAT AN  
27 INDIVIDUAL HAS A TERMINAL ILLNESS AND INFORMING THE INDIVIDUAL OF THE  
28 MEDICAL PROGNOSIS;

29 2. PROVIDING INFORMATION ABOUT THIS SUBTITLE TO  
30 AN INDIVIDUAL, ON THE REQUEST OF THE INDIVIDUAL; OR

31 3. PROVIDING AN INDIVIDUAL, ON REQUEST OF THE  
32 INDIVIDUAL, WITH A REFERRAL TO ANOTHER PHYSICIAN.

1           **(B) (1) A HEALTH CARE PROVIDER MAY PROHIBIT ANOTHER HEALTH**  
2 **CARE PROVIDER FROM PARTICIPATING IN AID IN DYING UNDER THIS SUBTITLE ON**  
3 **THE PREMISES OF THE PROHIBITING HEALTH CARE PROVIDER IF THE PROHIBITING**  
4 **HEALTH CARE PROVIDER HAS NOTIFIED ALL HEALTH CARE PROVIDERS WITH**  
5 **PRIVILEGES TO PRACTICE ON THE PREMISES OF THE PROHIBITING HEALTH CARE**  
6 **PROVIDER’S POLICY REGARDING PARTICIPATING IN AID IN DYING.**

7           **(2) THIS SUBSECTION DOES NOT PROHIBIT A HEALTH CARE**  
8 **PROVIDER FROM PROVIDING HEALTH CARE SERVICES THAT DO NOT CONSTITUTE**  
9 **PARTICIPATING IN AID IN DYING UNDER THIS SUBTITLE TO AN INDIVIDUAL.**

10           **(C) A HEALTH CARE PROVIDER MAY SUBJECT ANOTHER HEALTH CARE**  
11 **PROVIDER TO THE FOLLOWING SANCTIONS IF THE SANCTIONING HEALTH CARE**  
12 **PROVIDER HAS NOTIFIED THE SANCTIONED HEALTH CARE PROVIDER, BEFORE THE**  
13 **SANCTIONED HEALTH CARE PROVIDER PARTICIPATES IN AID IN DYING, THAT THE**  
14 **SANCTIONING HEALTH CARE PROVIDER PROHIBITS PARTICIPATION IN AID IN**  
15 **DYING:**

16           **(1) LOSS OF PRIVILEGES, LOSS OF MEMBERSHIP, OR OTHER**  
17 **SANCTIONS PROVIDED UNDER THE MEDICAL STAFF BYLAWS, POLICIES, AND**  
18 **PROCEDURES OF THE SANCTIONING HEALTH CARE PROVIDER IF THE SANCTIONED**  
19 **HEALTH CARE PROVIDER IS A MEMBER OF THE SANCTIONING HEALTH CARE**  
20 **PROVIDER’S MEDICAL STAFF AND PARTICIPATES IN AID IN DYING WHILE ON THE**  
21 **PREMISES OF THE SANCTIONING HEALTH CARE PROVIDER;**

22           **(2) TERMINATION OF A LEASE OR ANY OTHER PROPERTY CONTRACT**  
23 **OR OTHER NONMONETARY REMEDIES PROVIDED BY A LEASE OR OTHER PROPERTY**  
24 **CONTRACT, NOT INCLUDING LOSS OR RESTRICTION OF MEDICAL STAFF PRIVILEGES**  
25 **OR EXCLUSION FROM A PROVIDER PANEL, IF THE SANCTIONED HEALTH CARE**  
26 **PROVIDER PARTICIPATES IN AID IN DYING WHILE ON THE PREMISES OF THE**  
27 **SANCTIONING HEALTH CARE PROVIDER OR ON PROPERTY THAT IS OWNED BY OR**  
28 **UNDER THE DIRECT CONTROL OF THE SANCTIONING HEALTH CARE PROVIDER; OR**

29           **(3) TERMINATION OF A CONTRACT OR OTHER NONMONETARY**  
30 **REMEDIES PROVIDED BY A CONTRACT IF THE SANCTIONED HEALTH CARE PROVIDER**  
31 **PARTICIPATES IN AID IN DYING WHILE ACTING IN THE COURSE AND SCOPE OF THE**  
32 **SANCTIONED HEALTH CARE PROVIDER’S CAPACITY AS AN EMPLOYEE OR**  
33 **INDEPENDENT CONTRACTOR OF THE SANCTIONING HEALTH CARE PROVIDER.**

34           **(D) SUBSECTION (B) OF THIS SECTION DOES NOT PROHIBIT:**

35           **(1) A HEALTH CARE PROVIDER FROM PARTICIPATING IN AID IN**  
36 **DYING:**

1           **(I) WHILE ACTING OUTSIDE THE COURSE AND SCOPE OF THE**  
2 **HEALTH CARE PROVIDER'S CAPACITY AS AN EMPLOYEE OR INDEPENDENT**  
3 **CONTRACTOR OF THE SANCTIONING HEALTH CARE PROVIDER; OR**

4           **(II) OFF THE PREMISES OF THE SANCTIONING HEALTH CARE**  
5 **PROVIDER OR OFF ANY PROPERTY THAT IS OWNED BY OR UNDER THE DIRECT**  
6 **CONTROL OF THE SANCTIONING HEALTH CARE PROVIDER; OR**

7           **(2) AN INDIVIDUAL FROM CONTRACTING WITH THE INDIVIDUAL'S**  
8 **ATTENDING PHYSICIAN OR CONSULTING PHYSICIAN TO ACT OUTSIDE THE COURSE**  
9 **AND SCOPE OF THE ATTENDING PHYSICIAN'S OR CONSULTING PHYSICIAN'S**  
10 **CAPACITY AS AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE SANCTIONING**  
11 **HEALTH CARE PROVIDER.**

12 **5-6A-15.**

13           **(A) (1) PARTICIPATION BY A HEALTH CARE PROVIDER IN AID IN DYING**  
14 **UNDER THIS SUBTITLE IS VOLUNTARY.**

15           **(2) A HEALTH CARE FACILITY MAY NOT REQUIRE THE PHYSICIANS ON**  
16 **THE MEDICAL STAFF OF THE HEALTH CARE FACILITY TO PARTICIPATE IN AID IN**  
17 **DYING.**

18           **(B) IF AN INDIVIDUAL REQUESTS OR INDICATES AN INTEREST IN AID IN**  
19 **DYING, AND THE ATTENDING PHYSICIAN OF THE INDIVIDUAL DOES NOT WISH TO**  
20 **PARTICIPATE IN AID IN DYING, THE ATTENDING PHYSICIAN SHALL INFORM THE**  
21 **INDIVIDUAL THAT THE ATTENDING PHYSICIAN DOES NOT WISH TO PARTICIPATE.**

22           **(C) ON REQUEST, AN ATTENDING PHYSICIAN EXPEDITIOUSLY SHALL**  
23 **TRANSFER A COPY OF AN INDIVIDUAL'S RELEVANT MEDICAL RECORDS TO ANOTHER**  
24 **ATTENDING PHYSICIAN IF:**

25           **(1) THE INDIVIDUAL REQUESTS OR INDICATES AN INTEREST IN AID IN**  
26 **DYING;**

27           **(2) THE ORIGINAL ATTENDING PHYSICIAN IS UNABLE OR UNWILLING**  
28 **TO PARTICIPATE IN AID IN DYING FOR THE INDIVIDUAL; AND**

29           **(3) THE INDIVIDUAL TRANSFERS THE INDIVIDUAL'S CARE TO**  
30 **ANOTHER ATTENDING PHYSICIAN.**

31           **(D) A HEALTH CARE FACILITY MAY ADOPT WRITTEN POLICIES PROHIBITING**  
32 **A LICENSED PHYSICIAN ASSOCIATED WITH THE HEALTH CARE FACILITY FROM**

1 PARTICIPATING IN AID IN DYING, IN ACCORDANCE WITH § 5-6A-14 OF THIS  
2 SUBTITLE.

3 5-6A-16.

4 (A) AN INDIVIDUAL WHO WILLFULLY ALTERS OR FORGES A WRITTEN  
5 REQUEST MADE UNDER §§ 5-6A-02 AND 5-6A-03 OF THIS SUBTITLE OR CONCEALS  
6 OR DESTROYS A RESCISSION OF AN INDIVIDUAL'S WRITTEN REQUEST WITHOUT THE  
7 AUTHORIZATION OF THE INDIVIDUAL AND WITH THE INTENT OR EFFECT OF CAUSING  
8 THE INDIVIDUAL'S DEATH IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT  
9 TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000  
10 OR BOTH.

11 (B) AN INDIVIDUAL WHO COERCES OR EXERTS UNDUE INFLUENCE ON AN  
12 INDIVIDUAL TO MAKE A WRITTEN REQUEST UNDER §§ 5-6A-02 AND 5-6A-03 OF  
13 THIS SUBTITLE FOR THE PURPOSE OF ENDING THE INDIVIDUAL'S LIFE OR TO  
14 DESTROY A RESCISSION OF A WRITTEN REQUEST IS GUILTY OF A FELONY AND ON  
15 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE  
16 NOT EXCEEDING \$10,000 OR BOTH.

17 (C) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED  
18 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR  
19 ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

20 (D) THIS SUBTITLE DOES NOT LIMIT ANY LIABILITY FOR CIVIL DAMAGES  
21 RESULTING FROM ANY OTHER NEGLIGENT CONDUCT OR INTENTIONAL MISCONDUCT  
22 BY ANY PERSON.

23 **Article – Insurance**

24 **27-208.1.**

25 (A) FOR ALL LEGAL RIGHTS AND OBLIGATIONS AND OTHER PURPOSES  
26 GOVERNED BY THIS ARTICLE, THE DEATH OF AN INDIVIDUAL BY REASON OF THE  
27 SELF-ADMINISTRATION OF MEDICATION PRESCRIBED UNDER TITLE 5, SUBTITLE  
28 6A OF THE HEALTH – GENERAL ARTICLE SHALL BE DEEMED TO BE A DEATH FROM  
29 NATURAL CAUSES, SPECIFICALLY AS A RESULT OF THE TERMINAL ILLNESS FROM  
30 WHICH THE INDIVIDUAL SUFFERED.

31 (B) ACTIONS TAKEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6A OF THE  
32 HEALTH – GENERAL ARTICLE DO NOT, FOR ANY PURPOSE, CONSTITUTE SUICIDE,  
33 ASSISTED SUICIDE, MERCY KILLING, OR HOMICIDE.

34 (C) A PROVISION IN AN INSURANCE POLICY OR CONTRACT OR AN ANNUITY

1 CONTRACT ISSUED OR DELIVERED ON OR AFTER OCTOBER 1, 2020, IS NOT VALID TO  
2 THE EXTENT THAT THE PROVISION WOULD ATTACH CONSEQUENCES TO OR  
3 OTHERWISE RESTRICT OR INFLUENCE AN INDIVIDUAL'S DECISION TO MAKE OR  
4 RESCIND A REQUEST FOR AID IN DYING UNDER TITLE 5, SUBTITLE 6A OF THE  
5 HEALTH – GENERAL ARTICLE.

6 (D) AN OBLIGATION UNDER AN INSURANCE POLICY OR CONTRACT OR AN  
7 ANNUITY CONTRACT EXISTING ON OCTOBER 1, 2020, MAY NOT BE CONDITIONED ON  
8 OR AFFECTED BY THE MAKING OR RESCINDING OF A REQUEST FOR AID IN DYING  
9 UNDER TITLE 5, SUBTITLE 6A OF THE HEALTH – GENERAL ARTICLE.

10 (E) THE ACT BY AN INSURED OF SELF-ADMINISTERING MEDICATION FOR  
11 AID IN DYING UNDER TITLE 5, SUBTITLE 6A OF THE HEALTH – GENERAL ARTICLE  
12 MAY NOT HAVE AN EFFECT UNDER A LIFE INSURANCE POLICY, A HEALTH INSURANCE  
13 POLICY OR CONTRACT, OR AN ANNUITY CONTRACT THAT DIFFERS FROM THE  
14 EFFECT UNDER THE POLICY OR CONTRACT OF THE INSURED'S OR ANNUITANT'S  
15 DEATH FROM NATURAL CAUSES.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2020.

Department of Legislative Services  
 Maryland General Assembly  
 2020 Session

FISCAL AND POLICY NOTE  
 First Reader

Senate Bill 701 (Senator Waldstreicher, *et al.*)  
 Judicial Proceedings

End-of-Life Option Act (Richard E. Israel and Roger "Pip" Moyer Act)

This bill creates a process by which an individual may request and receive aid in dying from the individual’s attending physician. The bill exempts, from civil or criminal liability, State-licensed physicians who, in compliance with specified safeguards, dispense or prescribe a lethal dose of medication following a request made by a qualified individual. Criminal penalties are established for violating specified provisions of the bill.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$144,100 in FY 2021 to hire a part-time epidemiologist and establish an electronic data collection system; future year expenditures reflect elimination of one-time-only costs, ongoing contractual services, and annualization. The Medicaid program may realize savings to the extent a qualified individual dies sooner than would otherwise occur; any such impact cannot be reliably estimated, is likely minimal, and is not reflected below. The bill’s penalty provisions are not expected to materially affect State finances or operations.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	144,100	39,200	39,600	40,600	41,700
Net Effect	(\$144,100)	(\$39,200)	(\$39,600)	(\$40,600)	(\$41,700)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill’s penalty provisions are not expected to materially affect local government operations or finances.

**Small Business Effect:** None.

## Analysis

### Bill Summary:

#### *Request for Aid in Dying*

The bill allows an attending physician licensed to practice medicine in the State who follows specified procedural safeguards to prescribe self-administered medication to a qualified individual to bring about the individual's death. The bill defines the medical practice of prescribing such medication as "aid in dying." A "qualified individual" is defined by the bill as an adult who (1) has the capacity to make medical decisions; (2) is a resident of the State; (3) has a terminal illness with a prognosis of death within six months; and (4) has the ability to self-administer medications.

An individual may request aid in dying by making an initial oral request for such aid to the individual's attending physician. After the initial oral request, the individual is required to make a written request on a form substantially similar to the one specified in the bill. The request must be signed and dated by the individual and two witnesses. The bill includes restrictions on who may be a witness. The attending physician may not be a witness, and only one witness may be a relative or a person entitled to any benefit on the individual's death. The individual must wait at least 15 days after the initial oral request and at least 48 hours after the written request before making a second oral request to the attending physician for aid in dying. At least one of the oral requests must be made while the individual is alone with the attending physician.

The physician's participation in the process is voluntary. If the physician cannot or does not want to participate, the physician must, on request, transfer the individual's care and a copy of the individual's records to another attending physician.

#### *Determination of Qualifications, Including Required Consultation/Assessment*

Upon receiving an individual's written request for aid in dying, the attending physician must determine whether the individual (1) is a qualified individual; (2) has made an informed decision; and (3) has voluntarily requested aid in dying. For the purpose of establishing residency in the State, a physician must accept as proof (1) a valid Maryland driver's license or identification card; (2) registration to vote in the State; (3) evidence of owning or leasing property in the State; (4) a copy of a Maryland resident tax return for the most recent tax year; or (5) based on the individual's treatment history and medical records, the attending physician's personal knowledge of the individual's residency in the State. An attending physician must ensure that an individual makes an informed decision by informing the individual of the individual's medical diagnosis, the individual's prognosis, the potential risks associated with self-administering the medication to be prescribed for

aid in dying, the probable result of self-administering the medication, and any feasible alternatives and health care treatment options, including palliative care and hospice.

The attending physician must refer an individual who has requested aid in dying to a consulting physician who is qualified by specialty or experience to confirm a diagnosis and prognosis regarding an individual's terminal illness. The consulting physician must then (1) examine the individual and relevant medical records; (2) confirm the diagnosis that the individual has a terminal illness; (3) refer the individual for a mental health professional assessment, if required; (4) verify that the individual is a qualified individual, has made an informed decision, and has voluntarily requested aid in dying; and (5) document in writing that the consulting physician's duties have been fulfilled.

If the attending or consulting physician's medical opinion is that the individual may be suffering from a condition causing impaired judgment or that the individual otherwise does not have the capacity to make medical decisions, the physician must refer the individual to a licensed mental health professional for a mental health professional assessment. The mental health professional must perform a mental health professional assessment, and the individual may not receive aid in dying until the mental health professional determines and reports, in writing, that the individual has the capacity to make medical decisions and is not suffering from impaired judgment due to a mental disorder.

#### *Required Notifications/Dispensing Medication*

Following the second oral request for aid in dying, the attending physician must inform the individual regarding specified matters relating to the individual's decision, including the individual's ability to rescind the decision at any time. The physician must counsel the individual regarding the self-administration of medication prescribed for aid in dying and must confirm that the individual's request is not based on the coercion or undue influence of another person. The physician must also discuss, alone with the individual (except for an interpreter as necessary), whether the individual is feeling coerced or unduly influenced.

The physician must fulfill all specified documentation requirements and verify that the individual is making an informed decision before the physician may write the prescription for the medication. The physician may dispense the medication for aid in dying, as well as any ancillary medications needed to minimize the individual's discomfort, to the qualified individual if the physician holds a dispensing permit. If the physician does not hold a dispensing permit or does not wish to dispense the medication, the qualified individual may request and provide written consent for the prescription to be dispensed by a pharmacist. The physician must then contact a pharmacist who may fill the prescription. The bill specifies that a pharmacist who has been contacted and to whom an attending physician has submitted a prescription for medication for aid in dying may dispense the medication

and any ancillary medication only to the qualified individual, the attending physician, or an expressly identified agent of the qualified individual.

#### *Required Documentation/Prohibition Against Discovery*

The attending physician must ensure that the medical record of a qualified individual contains (1) the basis for determining that the qualified individual is an adult and a resident of the State; (2) all oral and written requests by the qualified individual for medication for aid in dying; (3) the attending physician's diagnosis of terminal illness and prognosis as well as a determination that the qualified individual has the capacity to make medical decisions; (4) documentation that the consulting physician has fulfilled the consulting physician's duties; (5) a report of the outcome of and determinations made during the mental health professional assessment, if applicable; (6) documentation of the attending physician's offer to rescind the qualified individual's request for medication at the time the attending physician wrote the prescription; and (7) a statement by the attending physician that all requirements for aid in dying have been met and specifying the steps taken to carry out the qualified individual's request for aid in dying, including the medication prescribed. The attending physician must submit to the Maryland Department of Health (MDH) any information required by regulation.

Upon death, the attending physician may sign the death certificate. A person that, after the qualified individual's death, remains in possession of medication prescribed for aid in dying must dispose of the medication in a lawful manner.

All records or information collected or maintained as part of the aid in dying process are not subject to subpoena or discovery and may not be introduced into evidence in any judicial or administrative proceeding, with limited specified exceptions. Notwithstanding such limitations, MDH must adopt regulations to facilitate the collection of information from physicians regarding a qualified individual's request for aid in dying. MDH must produce an annual statistical report of information collected from physicians and make that report available to the public.

#### *Legal Effect of Aid in Dying*

The bill shields persons who act in accordance with the provisions of the bill, and in good faith, from civil and criminal liability and professional disciplinary actions. A professional organization or association, a health care provider, or a health occupations board may not subject a person to discipline, suspension, loss of license, loss of privileges, loss of membership, or any other penalty for participating or refusing to participate in good-faith compliance with the provisions of the bill. The bill does not, however, limit liability for civil damages resulting from any negligent conduct or intentional misconduct by any person.

An individual's request for aid in dying or an attending physician's prescription of medication made in good faith does not constitute neglect or provide the sole basis for the appointment of a guardian or conservator.

For all legal, recordkeeping, and other purposes, a qualified individual's cause of death under the bill is natural and specifically as a result of the underlying terminal illness. For contractual purposes, any provision that deems the cause of death as anything other than the terminal illness is void. A provision in an insurance policy, annuity, contract, or any other agreement issued or made on or after October 1, 2020, is not valid to the extent that it would attach consequences to or otherwise restrict an individual's decision regarding aid in dying. Likewise, an obligation under an *existing* contract (including an insurance policy, contract, or annuity contract) may not be conditioned on or affected by the making or rescinding of a request for aid in dying. A qualified individual's act of self-administering medication for aid in dying may not have an effect under a life insurance policy, a health insurance policy, or an annuity contract that differs from the effect under the policy or contract of the qualified individual's death from natural causes.

#### *Policies Regarding Aid in Dying*

A health care provider (including a health care facility) may adopt written policies prohibiting participation in aid in dying. If the provider distributes the policy and finds that a physician participates in violation of the policy, the provider may take specified employment actions. Even so, any written prohibition does not prohibit a health care provider from participating in aid in dying while acting outside the course and scope of employment, or prohibit an individual from privately contracting with the individual's attending physician or consulting physician for aid in dying purposes.

Conversely, a health care facility may not require a physician on staff to participate in aid in dying.

#### *Penalty Provisions*

Actions in accordance with the bill do not constitute suicide, assisted suicide, mercy killing, or homicide, and the bill specifically does not authorize a licensed physician or other person to end an individual's life by lethal injection, mercy killing, or active euthanasia.

An individual who willfully alters or forges a request for aid in dying, conceals or destroys another's rescission of a request without authorization, or coerces or exerts undue influence on an individual to make a written request for the purpose of ending the individual's life can be charged with a felony and is subject to a maximum penalty of 10 years in prison, a \$10,000 fine, or both. A sentence imposed may be done so separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation.

**Current Law/Background:** In 1999, Maryland became the 38th state to outlaw physician-assisted suicide with the signing of Chapter 700. The law establishes that any individual who knowingly assists another person's suicide or suicide attempt is guilty of a felony and subject to a fine of up to \$10,000, imprisonment for up to one year, or both. The law was passed as part of a national response to Dr. Jack Kevorkian, who assisted in the suicide of a Michigan man suffering from amyotrophic lateral sclerosis.

### *Refusal of Medical Treatment*

A competent adult's right to legally refuse medical treatment stems from the common law principle of bodily integrity. In *Cruzan v. Dir., Mo. Dep't of Health*, 497 U.S. 261 (1990), the U.S. Supreme Court outlined the corollary notion that an individual generally possesses the right not to consent to and to refuse medical treatment. For purposes of the court's analysis, it assumed that a competent individual's right to refuse treatment also stemmed from the Fourteenth Amendment's Due Process Clause, and the court held it constitutional for a state to require a standard to determine competence. State standards vary, based in the common law, the Fourteenth Amendment right to privacy, or both.

Maryland courts have approached the issue through the common law. In *Stouffer v. Reid*, 413 Md. 491 (2010), the Court of Appeals acknowledged the common law right of a competent adult to refuse medical care under the doctrine of informed consent. The court noted, however, that the right is not absolute and must be balanced against four countervailing State interests: (1) the preservation of life; (2) the protection of interests of innocent third parties; (3) the prevention of suicide; and (4) the maintenance of the ethical integrity of the medical profession.

While the right of a competent adult to refuse medical treatment is well established, issues regarding medical care arise when an individual is deemed incompetent. Maryland codified procedures for medical decision making for an incompetent individual in the Health Care Decision Act passed in 1993 (Health-General Article, Title 5, Subtitle 6). The Act allows an adult who has decision-making capacity to deal with future health care issues through written instructions, a written appointment of an agent, or an oral statement to a physician or nurse practitioner. The advance directive outlines the individual's instructions regarding the provision of health care or withholding or withdrawing health care. The individual may name an agent to make health care decisions under circumstances stated in the directive, and the Act outlines the authority of surrogate decision makers based on their relationships with the individual. The directive becomes effective when two physicians have certified in writing that the patient is incapable of making an informed decision.

The Act specifically establishes that withdrawing or withholding health care that results in the individual's death is not assisted suicide and that there is no criminal or civil liability for those who act in good faith under the Act. However, if a party destroys or falsifies

another's advance directive revocation or falsifies an advance directive or affidavit with the intent to cause actions contrary to the patient's wishes, that party is guilty of a misdemeanor and faces a maximum penalty of one year in jail and/or a \$10,000 fine. The party is also susceptible to other criminal charges.

### *Assisted Suicide*

The U.S. Supreme Court has drawn a legal distinction between withdrawing life support and assisted suicide based on causation and intent. In *Gonzales v. Oregon*, 546 U.S. 243 (2006), the court found that a state law prohibiting assisted suicide did not violate the Due Process Clause or the Equal Protection Clause of the U.S. Constitution, emphasizing the court's deference to the states in formulating policy regarding assisted suicide.

A majority of states have specific laws prohibiting assisted suicide. Most laws are codified, but some are based in the common law. Other states have no specific law, or their law is otherwise unclear. In Maryland, as outlined above, assisted suicide is a felony and carries a maximum penalty of one year incarceration and/or a \$10,000 fine. As of 2019, California, Colorado, the District of Columbia, Hawaii, Maine, New Jersey, Oregon, Vermont, and Washington have physician-assisted dying statutes. Physician-assisted dying is also legal in Montana by way of a 2009 state Supreme Court ruling. To qualify under death with dignity statutes, one must meet specified requirements, including that the individual is mentally competent.

### *Aid in Dying in Other States*

As noted above, currently, eight states (California, Colorado, Hawaii, Maine, New Jersey, Oregon, Vermont, and Washington) and the District of Columbia have laws that allow a doctor to write lethal prescriptions for dying patients to self-administer. Such laws are generally referred to as "end-of-life option" laws, "death with dignity" laws, "aid in dying" laws, and "patient choice and control at end-of-life" laws.

Oregon was the first state to legalize physician aid in dying when its Death with Dignity Act was adopted through ballot measure in 1994. The Act exempts from civil or criminal liability state-licensed physicians who, in compliance with specific safeguards, dispense or prescribe a lethal dose of drugs upon a terminally ill patient's request. In response to the Oregon action, in 2001, the U.S. Attorney General issued an interpretive rule addressing the implementation and enforcement of the Controlled Substances Act with respect to Oregon's Death with Dignity Act. The rule determined that using controlled substances to assist suicide is not a legitimate medical practice and, as a result, dispensing or prescribing them for that purpose was illegal under federal law. The U.S. Supreme Court rejected the Attorney General's rule, again showing deference to the states.

The Oregon Health Authority tracks that state's Death with Dignity Act and publishes an annual report. In its April 2019 report, the most recent report available, the Oregon Health Authority advises that, since the law's passage, 2,217 prescriptions have been written and 1,459 patients have died from ingesting the prescribed medications. In 2018, 249 prescriptions were written and 168 people died from ingesting the medications. The median age at death was 74, and 79.2% of those who died were age 65 or older.

In 2008, Washington voters adopted an initiative mirroring the Oregon Death with Dignity Act. The standards and procedures are very similar to those in Oregon. The state also tracks statistics in an annual report. In 2018, medication was dispensed to 267 individuals; 251 are known to have died. Of those individuals who died, 203 died after ingestion of medication, and 29 died without the medicine. Whether the remaining 19 individuals ingested the medication is unknown.

Vermont became the first state to pass aid in dying legislation, passing a law modeled after the Oregon and Washington laws on May 20, 2013. Certain safeguards, including a waiting period between a patient's requests for medication and requiring physicians to report prescriptions to the state's department of health, were scheduled to terminate July 1, 2016; however, legislation that passed in May 2015 retained these requirements. The 2015 legislation also required the state's department of health to generate a public report about utilization and compliance with the law every two years, starting in 2018. According to the 2018 report, between May 31, 2013, and June 30, 2017, 52 "events" met the legislation's definition and 48 of those events have a death certificate on file with the Vermont Vital Records' Office. The remaining 4 cases are assumed to still be living. Among the 48 confirmed deaths, 29 utilized the prescribed medication; 17 died from underlying disease; 1 died from other causes; and in 1 case the cause of death is unknown.

In 2009, the Montana Supreme Court was asked to determine whether the consent defense to homicide could be applied to a doctor who prescribed medication to a mentally competent, terminally ill patient for the patient to self-administer to end the patient's life. In weighing the factors that would prevent a consent defense, the court determined that there was "no indication in Montana law that physician aid in dying provided to terminally ill, mentally competent adult patients is against public policy." While Montana has not codified an aid in dying exception, based on the court's ruling, a physician has an affirmative defense to a homicide charge.

In 2015, California passed the End of Life Option Act, similar to the Oregon, Vermont, and Washington acts. The bill was first introduced during the regular session, but it failed to gain support and was withdrawn. The bill was reintroduced during a special legislative session on health care later in the summer, and it passed after a sunset provision requiring lawmakers to vote on renewing the bill in 10 years was added. According to the annual report, for 2018, 531 individuals started the end-of-life option process by making

two verbal requests to their physicians at least 15 days, apart and 180 unique physicians prescribed 452 individuals aid in dying drugs. Of the 452 individuals prescribed such drugs, 314 were reported by their physician to have died following ingestion of the drugs, and 59 individuals died without ingestion of the drugs. The ingestion status of the remaining 79 individuals is unknown, but 42 of them have died and the status for, the remaining 37 individuals is unknown altogether. Twenty-three individuals with prescriptions written in 2017 ingested and died from the drugs in 2018. Though the subject of ongoing litigation, the California End of Life Option Act remains in effect.

On November 8, 2016, Colorado voters adopted Proposition 106, the End of Life Options Act, by a vote of 65% to 35%. The standards and procedures are similar to those in other states. The law went into effect on December 16, 2016. According to the Colorado Department of Public Health and Environment (CDPHE), in 2019, 170 patients received prescriptions for aid in dying medications. Among those *prescribed* aid in dying medication, CDPHE received death certificates for 139 patients. CDPHE notes that not all deceased patients were *dispensed* aid in dying medication, and deaths may have been due to ingestion of aid in dying medication, the underlying terminal illness or condition, or other causes.

The District of Columbia Death with Dignity Act of 2016 became effective February 18, 2017, and applicable as of June 6, 2017, following a period of congressional review. In 2018, four prescriptions were written for a covered medication and two qualified patients with dispensed medications died. Two qualified patients died before ingesting prescribed medications.

In 2018, Hawaii passed the Our Care, Our Choice Act. The standards and procedures are similar to those in other states. The law went into effect on January 1, 2019, and requires the Hawaii Department of Health to track specified information about the use of the Act and to issue an annual report by July 1 each year. For the first reporting period there were a total of eight qualified patients who received aid in dying prescriptions. Of those eight, three patients died: two ingested the aid in dying medication and one died from lung cancer without ingesting the medication.

The Maine Death with Dignity Act was signed into law in June 2019. New Jersey's Aid in Dying for the Terminally Ill Act took effect on August 1, 2019, and is in effect pending litigation.

Approximately 16 states are considering aid in dying legislation during their legislative sessions, including New York, Pennsylvania, and Virginia.

### *Prior Maryland Legislation and Workgroup*

In 2015, Maryland considered end-of-life option legislation, largely based on the Oregon statute. Senate Bill 676 and House Bill 1021 of 2015 both received a hearing, but no further action was taken. A legislative workgroup was convened after the legislative session to study issues related to the 2015 legislation. Three meetings were scheduled between September and December to allow senators and delegates to (1) receive additional comments regarding Maryland's legislation from interested parties in the State; (2) learn about the implementation and use of similar end-of-life option laws in other states; and (3) discuss the components of end-of-life option legislation and areas of agreement and disagreement. Senate Bill 418 and House Bill 404 of 2016 included several changes that, in part, sought to address concerns raised during the 2015 legislative session and the subsequent workgroup meetings.

### *Additional Background*

Richard E. ("Dick") Israel, one of the individuals for whom the bill is named, was born and raised in Hutchinson, Kansas, and graduated from the University of the South (BA), Washington and Lee University (LLB), and Oxford University (MA). Mr. Israel came to Annapolis in 1975 and joined the staff of the then Maryland Department of Legislative Reference and later served for 25 years as an assistant Attorney General. A resident of Annapolis for 30 years, Mr. Israel was elected to the Annapolis City Council in 2005 where he sat on the Rules and City Government Committee and the Economic Matters Committee and chaired the Finance Committee. Mr. Israel suffered from Parkinson's disease for which there is no cure. Mr. Israel died in July 2015.

Roger "Pip" Moyer, the second individual for whom the bill is named, was born on August 16, 1934, in Annapolis. He was elected to the Annapolis City Council in 1961 and as mayor in 1965 and 1969. Mr. Moyer was known as a leader in civil rights and historic preservation. He successfully campaigned for the city's historic district, protected the waterfront from high-rise development, and ushered in boat shows. After serving as mayor, Mr. Moyer worked as a leader in the Annapolis Housing Authority. Mr. Moyer died in January 2015, 20 years after being diagnosed with Parkinson's disease.

**State Expenditures:** MDH indicates that the Vital Statistics Administration (VSA) will be responsible for implementing the bill's requirements. VSA estimates that it needs one part-time (25%) epidemiologist to develop required regulations, oversee the development and implementation of an electronic data collection system, prepare instructional materials, provide training and technical assistance to physicians, review records, analyze data, and prepare the annual report. The MDH Office of Information Technology estimates the initial cost of developing and implementing the data collection system at \$117,000, with ongoing annual maintenance costs of \$10,000.

As a result, MDH general fund expenditures increase by \$144,099 in fiscal 2021, which accounts for the bill's October 1, 2020 effective date. This estimate reflects the cost of contractual services to develop and implement the data collection system and hiring one part time, grade 17 epidemiologist. It includes a salary, fringe benefits, contractual services, one-time start-up costs, and ongoing operating expenses. The estimate assumes that the data required to be collected under regulations will include detailed demographic, personal, and medical information.

Position	0.25
One-time Contractual Services	\$117,000
Salary and Fringe Benefits	20,439
One-time Start-up Expenses	4,891
Ongoing Operating Expenses	<u>1,769</u>
<b>Total FY 2020 State Expenditures</b>	<b>\$144,099</b>

Future year expenditures reflect a part-time salary with annual increases and employee turnover, ongoing operating expenses, and contractual services to maintain the data collection system.

### Additional Information

**Prior Introductions:** SB 311 of 2019, a nearly identical bill, received a favorable with amendments report from the Senate Judicial Proceedings Committee but failed on second reading in the Senate. Its cross file, HB 399, passed the House with amendments and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. HB 370 of 2017, a similar bill, received a hearing in the House Health and Government Operations Committee, but no further action was taken. Its cross file, SB 454, received a hearing in the Senate Judicial Proceedings Committee but was withdrawn. As discussed above, similar legislation was also introduced in the 2016 and 2015 legislative sessions.

**Cross File:** HB 643 (Delegate Pendergrass, *et al.*) - Health and Government Operations and Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland Department of Health; Maryland Insurance Administration; California Department of Public Health; Colorado Department of Public Health and Environment; Hawaii Department of Health; Oregon Health Authority; Vermont Department of Health; Washington State Department of Health; DC.gov; www.deathwithdignity.org; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2020  
rh/jc

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Analysis by: Hillary J. Cleckler

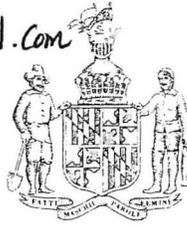
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Howard County

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## The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

### End of Life Option Act (Richard E. Israel and Roger "Pip" Moyer Act)

#### Summary Bullets

- Only the individual may request medicine to end his/her life.
- An individual must prove he/she is a Maryland resident.
- An individual must be 18 yrs or older and have the capacity to make a medical decision.
- The individual must request 3 times for a life ending prescription.
  - Request 1 is oral;
  - Request 2 is in writing, and signed by the individual and two qualified witnesses;
  - Request 3 is oral, at least 15 days after the initial oral request; and 48 hours after making the written request.
  - One of the 2 required witnesses to the written request may not be a relative of the individual and may not benefit from the individual's death.
  - At least once, the individual must be alone with the attending physician when the request for medicine to end his/her life is made.
  - Request form approved by all parties above must be provided to the consulting physician.
- The attending physician and consulting physician must certify:
  - That the individual has the capacity to make a medical decision.
  - That the prognosis for the individual is that death is likely within 6 months
- The prescription may only be self-administered by the individual.
- The individual may withdraw the request at any time and does not have to use the prescribed medicine.
- Aid in dying by a health care provider is voluntary, but if not participating, the provider shall expeditiously transfer medical records on request.
- A health care facility may prohibit an associated health care provider from participation in this process under certain circumstances.
- Death from the self-administered medication which was prescribed shall be deemed death from natural causes, as a result of the specified terminal illness.
- There are criminal penalties for individuals who falsify a written request or coerce an individual with the intent of ending the individual's life.
- This bill does not legalize lethal injection, mercy killing, or euthanasia.
- The Department of Health and Mental Hygiene must adopt regulations to facilitate the collection of certain information and to produce and make available to the public a yearly report.



Polls: Maryland Doctors and Voters Support  
Option of Medical Aid in Dying for Terminally Ill Adults

Goucher poll, Feb. 7-12, 2019

- More than six out of 10 adults in Maryland (62%) said they support a recently proposed policy “that would allow terminally ill patients to obtain a prescription for a fatal dose of drugs from a willing doctor. To be eligible, these patients would have to be diagnosed as having less than six months to live, be mentally competent, and self-administer the drugs.”
- Support included most voters in every demographic group: registered Independents voters (69%), registered Democratic voters (61%), registered Republican voters (55%), progressives (78%), moderates (63%), conservatives (47% support to 43% oppose), Whites(68%), Blacks (49% support vs. 40% oppose), other ethnic groups (62%), men (68%), women (56%), Montgomery Co./Prince Georges Co. (63%), Central Baltimore metro area (60%), outside urban corridor (63%), ages 18-34 (65%), ages 35-54, (64%), ages 55+ (56%), less than a four-year college degree (60%), four-year college degree or more (63%).

Public Policy Polling, Feb. 6-7, 2019

- Maryland voters support 66% of voters think “Maryland should allow mentally capable adults, who are dying of a terminal illness with no hope of recovery, to have the legal option to request a medication to bring about their own death.”
- Majority support spanned the entire demographic spectrum: Independents (73%), Democrats, (70%), Republicans (53%), Whites (69%), Blacks (59%), Catholics (65%), Protestants (62%), Jews (67%), Muslims (52%), Ages 18 to 29 (67%), Ages 30-45 (63%), Ages 46-65 (67%), Ages 65 or older (67%).

Maryland State Medical Society (MedChi) survey, June-July 2016

- 65% of physicians surveyed who were current members of the Maryland State Medical Society (65%) supported changing its position from opposing to supporting the aid-in-dying bill (50.2%) or adopting a neutral stance (14.6%).

# 20-0-04

Introduction  
Property Transfer



**CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING**

**Prepared By:** Suellen M. Ferguson  
City Attorney

**Meeting Date:** March 10, 2020

**Presented By:** Scott Somers, City Manager  
Suellen M. Ferguson, City Attorney

**Agenda Item:** 20-O-04

**Originating Department:** Administration

**Issue Before Council:** Introduction Of Ordinance 20-O-04, An Ordinance To Authorize The Purchase Of A Parcel Of Land For A Public Purpose And The Related Sale Of A Parcel Of Land As It Is No Longer Needed For A City Public Purpose

**Strategic Plan Goal:** Goal 4: Quality Infrastructure

**Background:**

In 1996, the City negotiated an agreement to transfer to Willie Lee and Mary Emma Sellers 1,800 square feet (0.0606 of an acre of land) of property which it owns ("City Property") adjacent to the Sellers property at 5004 Navahoe Street, College Park, Maryland 20740 in exchange for the transfer of 233 square feet (0.0054 of an acre of land) of property owned by the Sellers ("Sellers Property") to the City, referenced as part of Lot 10. This exchange of properties was not completed. Ordinance 20-O-04 formally authorizes the exchange of properties by quit claim deed. Additional work may be required in order to convey the properties, as the part of Lot 10 to be acquired by the City has not been previously subdivided. However, the subdivision should be achievable without formal action because Lot 10 is adjacent to a City right-of-way. In any event, Mrs. Sellers will be requested to sign a contract of sale and any other required documents, subject to approval of the City Attorney, needed to complete the conveyance.

**Fiscal Impact:**

The transaction is a like kind exchange and will have no fiscal impact.

**Council Options:**

- 1) Introduce Ordinance 20-O-04.
- 2) Amend and introduce Ordinance 20-O-04.
- 3) Decline to introduce Ordinance 20-O-04.

**Staff Recommendation:**

Option #1

**Recommended Motion:**

I move to introduce Ordinance 20-O-04, to authorize the transfer to Mary Emma Sellers 1,800 square feet (0.0606 of an acre of land) of property which it owns ("City Property") adjacent to the Sellers property at 5004 Navahoe Street, College Park, Maryland 20740 in exchange for the transfer of 233 square feet (0.0054 of an acre of land) of property owned by the Mrs. Sellers ("Sellers Property") to the City, referenced as part of Lot 10 and any additional documents necessary to effectuate the transfers, as approved by the City Attorney.

**Attachments:**

Proposed Ordinance 20-O-04  
Exhibits A and B

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK TO**  
**AUTHORIZE THE PURCHASE OF A PARCEL OF LAND FOR A PUBLIC PURPOSE**  
**AND THE RELATED SALE OF A PARCEL OF LAND AS IT IS NO LONGER NEEDED**  
**FOR A CITY PUBLIC PURPOSE**

**WHEREAS**, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the City; and

**WHEREAS**, pursuant to §5-203 of the Local Government Article, Annotated Code of Maryland, the City pursuant to State law is authorized to sell and convey, with twenty (20) days prior public notice, real property that is no longer required for the City’s public purpose; and

**WHEREAS**, §C1-3 of the Charter of the City of College Park implements and authorizes the Mayor and City Council to exercise the authority granted under State law; and

**WHEREAS**, in 1996, the City negotiated an agreement to transfer to Willie Lee and Mary Emma Sellers (“Sellers”) 1,800 square feet (0.0606 of an acre of land) of property which it owns (“City Property”) adjacent to the Sellers property at 5004 Navahoe Street, College Park, Maryland 20740 in exchange for the transfer of 233 square feet (0.0054 of an acre of land) of property owned by the Sellers, as husband and wife, (“Sellers Property”) to the City, referenced herein as part of Lot 10; and

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CAPS : Indicate matter added to existing law.  
[Brackets] : Indicate matter deleted from law.  
Asterisks \* \* \* : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

**WHEREAS**, the City seeks to acquire the part of Lot 10 owned by the Sellers for the public purpose of enlarging James Adams Park; and

**WHEREAS**, the Mayor and City Council have determined that ownership of the 1800 square feet proposed to be transferred to the Sellers as part of this exchange no longer serves a City public purpose; and

**WHEREAS**, the Mayor and City Council desire to use the authority granted to the City under State Law and the City Charter to exchange the 1,800 square feet of property which it owns adjacent to the Sellers property at 5004 Navahoe Street, College Park, Maryland, 20740, in exchange for the transfer of 233 square feet of property owned by the Sellers, as husband and wife, to the City, referenced herein as part of Lot 10, and all rights appertaining thereto; and

**WHEREAS**, Willie E. Sellars is now deceased, and Mary Emma Sellers is the sole owner of the Property.

**Section 1.** **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the conveyance and sale, and acquisition of, by quit claim deed, the properties described as follows, as a like kind exchange, and for other valuable consideration, and a contract of sale and deeds to effect these transactions, be and it is hereby authorized for the public purpose of enlarging the boundaries of James Adams Park. The 1800 square feet of City Property adjacent to 5004 Navahoe Street no longer serves a public purpose for the City. The properties are further described as:

(i) For conveyance by the City, the 1800 square feet of City Property to be exchanged is more particularly described in attached Exhibit A, which is incorporated herein by reference, and is that same property conveyed to Willie E. Sellers and Mary Emma

Sellers by deed recorded at Liber 4921, folio 210, and recorded among the Land Records of Prince George's County, Maryland.

(ii) For acquisition by the City, the 233 square feet of Sellers Property to be exchanged is more particularly described in attached Exhibit B, which is incorporated herein by reference.

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that authorization to transfer by quit claim deed the 1800 square feet of City property to the Sellers is contingent upon the transfer of the 233 square feet of the Sellars Property by quit claim deed to the City within thirty days of request by the City.

**Section 3.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the \_\_\_\_\_, 2020, shall follow the publication by at least twenty (20) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on \_\_\_\_\_, 2020

provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a special session on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**CITY OF COLLEGE PARK**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney



# Charles P. Johnson & Associates, Inc.

Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors

1751 Elton Rd., Suite 300 • Silver Spring, MD 20903 • 301-434-7000 • Fax: 301-434-9394 • www.cpja.com

September 19, 2018

Tax ID No. 21-2394682

DESCRIPTION OF  
0.0606 OF AN ACRE OF LAND  
BEING PART OF LOT 9, BLOCK 16  
**LAKELAND**  
BERWYN (21<sup>ST</sup>) ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND

**Being** a piece or parcel of land, hereinafter described, lying at the intersection of the Northerly Right-of-Way line of Navahoe Street (platted Augusta Avenue, 50' wide right-of-way), as shown on a Plat of Subdivision entitled "Lakeland" and recorded among the Land Records of Prince George's County, Maryland in Plat Book A on Page 51, and the Easterly Right-of-Way line of Rhode Island Avenue (variable width right-of-way), situate in the City of College Park, and being the property acquired by the City of College Park by virtue of a Deed from Willie Lee Sellers and Mary Emma Sellers, dated April 25, 1978 and recorded among the aforesaid Land Records in Liber 4921 at Folio 110, said property also being part of Lot 9, Block 16 as shown on the aforesaid Plat of Subdivision, and being more particularly described in the Maryland Coordinate System NAD83 (2011) datum as follows

**Beginning** for the said piece or parcel of land at a point on the aforesaid Northerly Right-of-Way line of Navahoe Street, said point being South 65°17'20" West, 3.60 feet, as now surveyed, from a rebar & cap found at the Southerly end of the Common or 200' line between the aforesaid Lot 9, Block 16 and Lot 10, Block 16 as shown on the aforesaid Plat of Subdivision, thence running with and binding on the aforesaid Northerly Right-of-Way line of Navahoe Street, and also running with and binding on the First line as described in the aforesaid Deed recorded in Liber 4921 at Folio 110, the following course and distance, as now surveyed,

1. South 65°17'20" West, 70.00 feet to a point on the aforesaid Easterly Right-of-Way line of Rhode Island Avenue, said point also being on the Easterly Right-of-Way line of the Former Columbia and Maryland Railway as shown on Plats recorded among the aforesaid Land Records in Liber JWB 42 at Folios 40-42, thence leaving the aforesaid Northerly Right-of-Way line of Navahoe Street, and running with and binding on the aforesaid Easterly Right-of-Way line of Rhode Island Avenue, and also running with and binding on the aforesaid Easterly Right-of-Way line of the Former Columbia and Maryland Railway, and further running with and binding on the Second line as described

in the aforesaid Deed recorded in Liber 4921 at Folio 110, the following course and distance, as now surveyed,

2. North 18°09'46" East, 102.88 feet to a point, thence leaving the aforesaid Easterly Right-of-Way line of Rhode Island Avenue, and also leaving the aforesaid Easterly Right-of-Way line of the Former Columbia and Maryland Railway, and running in, through, over and across the aforesaid Lot 9, Block 16, and also running with and binding on the Third line as described in the aforesaid Deed recorded in Liber 4921 at Folio 110, the following course and distance, as now surveyed,
3. South 24°42'40" East, 75.40 feet to the point of beginning, containing 2,639 square feet or 0.0606 of an acre of land.

This description, and the Survey on which it is based, were prepared under my responsible charge and are in compliance with COMAR Reg. 09.13.06.12.

Date: \_\_\_\_\_

9/20/18



A handwritten signature in blue ink, appearing to read "Steven W. Jones", written over a horizontal line.

Steven W. Jones  
Professional Land Surveyor  
MD Lic. # 21072 Exp. 02/08/2019

SKETCH OF  
 0.0606 OF AN ACRE OF LAND  
 BEING PART OF LOT 9, BLOCK 16  
 LAKELAND  
 BERWYN (21st) ELECTION DISTRICT  
 PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=40'



**BERWYN HOUSE ROAD**  
 (VARIABLE WIDTH RIGHT-OF-WAY)

**RHODE ISLAND AVENUE**  
 (VARIABLE WIDTH RIGHT-OF-WAY)

**NAVAHOE STREET**  
 (PLATTED AUGUSTA AVENUE)  
 (50' WIDE RIGHT-OF-WAY)

REBAR FOUND  
 P/O LOT 10  
 IR&C (LS 2134)  
 RB&C (LEA)

COMMON OF 200' LINE  
 LOTS 9 & 10, BLOCK 16  
 P.B.A P. 51

EASTERLY RIGHT-OF-WAY LINE  
 OF FORMER COLUMBIA AND  
 MARYLAND RAILWAY  
 L. JWB 42 F. 40-42

LAKELAND  
 P.B.A P. 51

LOT 11

P/O LOT 9  
 P/O LOT 10

RB&C (121)

REBAR FOUND

102.88'  
 S24°42'40"E

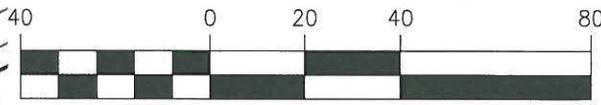
P/O LOT 9  
 AREA: 2,639 s.f.  
 or 0.0606 Ac.

N18°09'46"E  
 S65°17'20"W  
 70.00'

POINT OF BEGINNING  
 LEGAL DESCRIPTION

NORTHING: 481764.6932  
 EASTING: 1332732.0627

GRAPHIC SCALE



SCALE: 1" = 40'

*Steven W. Jones*  
 STEVEN W. JONES  
 PROFESSIONAL LAND SURVEYOR

MD LIC. # 21072 Exp. 02/08/2019



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 www.cpja.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA



September 19, 2018

Tax ID No. 21-2394674

DESCRIPTION OF  
0.0054 OF AN ACRE OF LAND  
BEING PART OF LOT 10, BLOCK 16  
**LAKELAND**  
BERWYN (21<sup>ST</sup>) ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND

**Being** a piece or parcel of land, hereinafter described, lying on the Northerly side of Berwyn House Road (variable width right-of-way) and the Westerly Right-of-Way line of the Former Columbia and Maryland Railway as shown on Plats recorded among the Land Records of Prince George's County, Maryland in Liber JWB 42 at Folios 40-42, situate in the City of College Park, and being the property acquired by Willie Lee Sellers and Mary Emma Sellers by virtue of a Deed from W. Carroll Beatty, et al, dated May 18, 1962 and recorded among the aforesaid Land Records in Liber 2684 at Folio 451, said property also being part of Lot 10, Block 16 as shown on a Plat of Subdivision entitled "Lakeland" and recorded among the aforesaid Land Records in Plat Book A on Page 51, and being more particularly described in the Maryland Coordinate System NAD83 (2011) datum as follows

**Beginning** for the said piece or parcel of land at a rebar and cap (stamped LEA) found on the aforesaid Westerly Right-of-Way line of the Former Columbia and Maryland Railway, said point being on the Common or 200' line between the aforesaid Lot 10, Block 16 and Lot 9, Block 16 as shown on the aforesaid Plat of Subdivision, distant 22.50 feet southerly from the Northerly end thereof, thence leaving the aforesaid Westerly Right-of-Way line of the Former Columbia and Maryland Railway, and running with and binding on the aforesaid Common line between Lot 9, Block 16 and Lot 10, Block 16 the following course and distance, as now surveyed,

1. North 24°39'46" West, 22.50 feet to a point, thence leaving the aforesaid Common line between Lot 9, Block 16 and Lot 10, Block 16, and continuing with the outline of the aforesaid Lot 10, Block 16 the following course and distance, as now surveyed,
2. North 65°20'14" East, 20.89 feet to a rebar found on the aforesaid Westerly Right-of-Way line of the Former Columbia and Maryland Railway, thence leaving the aforesaid outline of Lot 10, Block 16, and running with and binding on the aforesaid Westerly Right-of-Way line of the Former Columbia and Maryland Railway, and also running in, through,

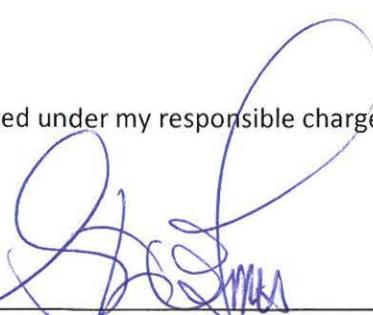
over and across the aforesaid Lot 10, Block 16, the following course and distance, as  
now surveyed,

3. South 18°12'40" West, 30.70 feet to the point of beginning, containing 235 square feet or  
0.0054 of an acre of land.

This description, and the Survey on which it is based, were prepared under my responsible charge  
and are in compliance with COMAR Reg. 09.13.06.12.

Date: 9/20/18

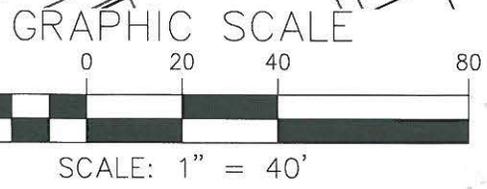
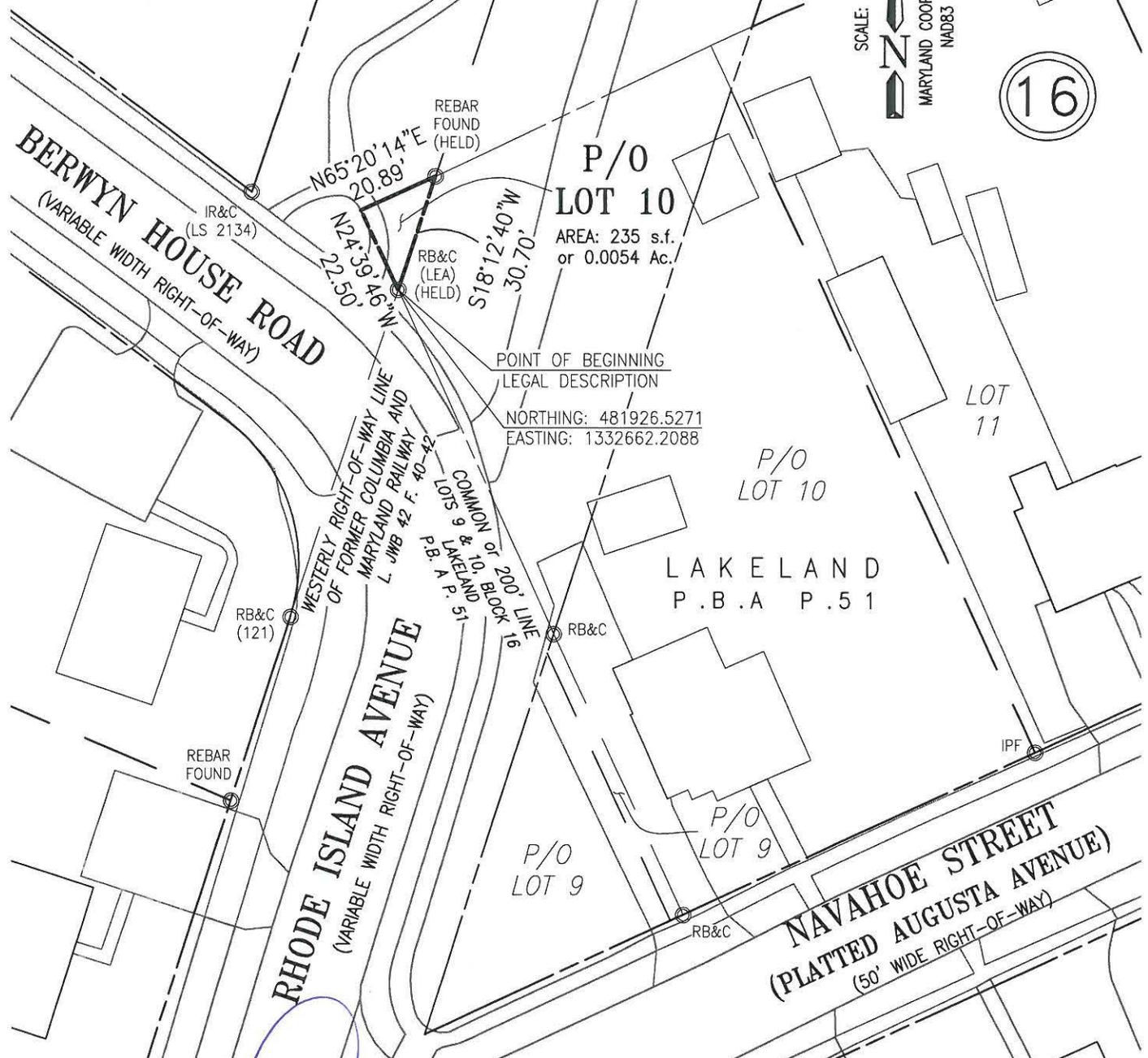


  
Steven W. Jones  
Professional Land Surveyor  
MD Lic. # 21072 Exp. 02/08/2019

SKETCH OF  
 0.0054 OF AN ACRE OF LAND  
 BEING PART OF LOT 10, BLOCK 16  
 LAKELAND  
 BERWYN (21st) ELECTION DISTRICT  
 PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=40'  
 MARYLAND COORDINATE SYSTEM  
 NAD83 (2011)

16



*Steven W. Jones*  
 STEVEN W. JONES  
 PROFESSIONAL LAND SURVEYOR  
 MD LIC. # 21072 Exp. 02/08/2019



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# Legislative Report

# Memorandum

**TO:** Bill Gardiner, Assistant City Manager  
City of College Park

**FROM:** Leonard L. Lucchi, Esquire  
Eddie L. Pounds, Esquire  
City Lobbyists

**DATE:** March 6, 2020

**RE:** Weekly Report #8

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Here is a listing of pertinent bills of interest that we are tracking for the City:

- 1. PG 108-20** M-NCPPC – Summer Math, Reading, and Science Pilot Program – For the purpose of creating a Summer Math, Reading, and Science Pilot Program. M-NCPPC is to coordinate with the Prince George’s County public school system to integrate academic content into summer parks and recreation programs. **Unfavorable**
- 2. PG 303-20** Prince George’s County – Alcoholic Beverages – Shopping Center – Authorization of a Class B-SC (Shopping Center) 7-day beer, wine, and liquor license. **Unfavorable**
- 3. PG 308-20** Prince George’s County – Alcoholic Beverages – Licenses for Supermarkets – Authorizes Class A beer and light wine license for use in a supermarket. **Unfavorable**
- 4. PG 401-20** Prince George’s County – Authority to Impose Fees for Use of Disposable Bags – Authorizes the County to impose a fee on retail establishments for the use of disposable bags. **Unfavorable**
- 5. HB 5 (SB 161)** Crimes – Hate Crimes – Use of an Item or a Symbol to Threaten or Intimidate - Prohibits a person from placing or inscribing an item or a symbol, including an actual or depicted noose or swastika, whether temporary or permanent, on any real or person property, public or private, without the express permission of the owner or specific persons,

with the intent to threaten or intimate any person or group of persons. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a \$5,000 fine. **House Bill was heard by the House Judiciary Committee on January 16, 2020. House Bill passed Third Reader (133-4), as amended and has been referred to the Senate Judicial Proceedings Committee. Senate Bill was heard by the Senate Judicial Proceedings Committee on January 29, 2020. Senate Bill passed Third Reader (45-0) and has been referred to the House Judiciary Committee. Bill is supported by MML. Strong likelihood of passage.**

6. **HB 8** Illegal Dumping and Litter Control Law – Yard Waste – Bill expands illegal dumping to include “yard waste” and imposes a mandatory misdemeanor penalty and fine for violation. **Unfavorable; bill withdrawn.**
7. **HB 42 (SB 67)** Public Information Act - Applications for Inspection – Responses and Time Limits - Decreasing the time periods within which a custodian is required to grant or deny a certain application to inspect a public record and produce a public record in response to an approved application; altering the circumstances under which and the time period within which a custodian is required to indicate certain information in writing or by e-mail; decreasing from 10 to 5 working days. **House Bill was heard by the House Health & Government Operations Committee on February 11, 2020. Senate Bill will be heard by the Senate Education, Health and Environmental Affairs Committee on March 10, 2020. Bill is opposed by MML. Low likelihood of passage.**
8. **HB 52** Local Government – Lemonade Stands – Prohibition on Regulation by Local Law - Prohibiting a municipality, a county, or any other political subdivision from adopting or enforcing a local law prohibiting or regulating the sale of lemonade or other nonalcoholic beverages by individuals under the age of 18 from a stand on private property. **Bill was heard by the House Environ & Tran. Committee on Jan. 28, 2020. Unlikely that any action will be taken.**
9. **HB 70** Vehicle Laws – Intersections – Prohibited Acts - Prohibiting a vehicle facing a circular green signal, a green arrow signal, or a steady yellow signal from entering an intersection if the vehicle is unable to safely and completely proceed through the intersection. **Passed the House. In the Senate Judicial Proceedings Committee.**
10. **HB 78 (SB 172)** Bay Restoration Fund – Authorized Uses - This bill expands the criteria used to determine how to allocate funding from the Bay Restoration Fund (BRF) Wastewater Account by including climate resiliency and flood control as issues for the Maryland Department of the Environment (MDE) to consider when determining the priority of funding for specified projects. The bill also adds “volume or quality control” to the types of stormwater control measures that a local government can receive BRF funding for if the local government has implemented a system of

charges to fully fund a stormwater management program. The bill takes effect July 1, 2020. **House Bill was heard by the House Environ & Trans. Committee on January 29, 2020. House Bill passed Third Reader (139-0) and has been referred to the Senate Education, Health & Environ. Affairs Committee. Senate Bill was heard by Senate Education, Health & Environ. Affairs Committee on January 29, 2020. Senate Bill passed Third Reader (45-0) and has been referred to the House Environment & Transportation Committee. Bill is supported by MML.**

11. **HB 125 (SB 148)** Board of Public Works – Land Acquisition – Requirements - This bill prohibits the Board of Public Works (BPW) from approving the acquisition of specified real property worth at least \$500,000 unless (1) BPW provides the Legislative Policy Committee (LPC) with specified information and (2) in some circumstances, a study is done regarding the ongoing fiscal effect of the acquisition on the State. The bill does not apply to specified acquisitions of (1) property for land preservation and conservation purposes, primarily by the Department of Natural Resources (DNR); (2) property at the Port of Baltimore or Baltimore/Washington International Thurgood Marshall Airport; or (3) federally owned military property. The bill takes effect June 1, 2020. **The House bill passed third reading and is before the Senate. Senate bill was adopted favorably with amendments. Bill is supported by MML and has a high likelihood of passage.**
12. **HB 127 (SB 287)** Maryland Arts and Culture Capital Grant Program - This bill establishes the Maryland Arts and Culture Capital Grant Program. The Maryland State Arts Council (MSAC) must administer the program and hire at least one full-time coordinator for the program. From fiscal 2022 through 2027, the Governor must appropriate \$10.0 million annually to the program. The council must award the total amount each year, split evenly between two types of eligible recipients, subject to specified requirements. The bill takes effect July 1, 2020. **House Bill was heard by the House Appropriations Comm on January 28, 2020. Senate Bill was heard by the Senate Budget & Taxation Committee on January 29, 2020. No further movement on either bill to date**
13. **HB 130 (SB 319)** Vehicle Laws – Move Over Safety Monitoring System – Authorization – Bill would authorize certain first responder vehicles, including police, fire and ambulance, to have video monitoring systems installed for the purpose of recording those vehicle operators who fail to move over on the approach of an emergency vehicle. **House Bill was heard by the House Environment & Trans. Committee on February 6, 2020. Senate Bill was heard by the Senate Judicial Proceedings Committee on February 6, 2020. No further movement on either bill to date.**
14. **HB 166** Criminal Procedure – Law Enforcement Procedures – Use of Force - This bill establishes circumstances under which a police officer is justified in using force and deadly force. It also establishes what a trier of

fact must consider when assessing whether the police officer's beliefs and actions were reasonable. **Bill was heard by the House Judiciary Committee on March 3, 2020. Bill is opposed by MML.**

15. **HB 185 (SB 223)** Commission on Tax Policy, Reform, and Fairness –This bill establishes the Commission on Tax Policy, Reform, and Fairness to be staffed by the Department of Legislative Services (DLS). The commission must report its preliminary findings and recommendations to the Governor and General Assembly by December 1, 2020, and its findings and recommendations to the Governor and General Assembly by December 1, 2021. The bill takes effect June 1, 2020, and terminates June 30, 2022. **House Bill was heard by the House Ways & Means Committee on February 4, 2020. Senate Bill was heard by the Senate Budget & Taxation Committee on January 29, 2020. No further movement on either bill to date.**
16. **HB 209 (SB 313)** Plastics and Packaging Reduction Act – This bill prohibits a store from providing a customer with a “plastic carryout bag” and requires a store to charge, collect, and retain at least 10-cents for each “durable carryout bag” provided to a customer. The appropriate unit of county government must enforce these provisions, and the bill establishes a civil penalty for violations. The Maryland Department of Labor (MDL) must adopt implementing regulations. The bill also establishes the Single-Use Products Workgroup, staffed by the Maryland Department of the Environment (MDE); the workgroup must submit a report of its findings and recommendations to the Governor and the General Assembly by December 1, 2020. The bill’s provisions relating to the workgroup take effect July 1, 2020, and terminate June 30, 2021. The bill’s other provisions take effect July 1, 2021. **House Bill was heard by the House Environment and Transportation Committee on February 11, 2020. Senate Bill was heard by the Senate Finance Committee on February 20, 2020. No further movement on either bill to date.**
17. **HB 223** End Ineffective Business Subsidies Act of 2020 – This bill prohibits the Secretary of Commerce from designating or expanding certain enterprise zones and focus areas on or after June 1, 2020; provides for the termination of the One Maryland Economic Development Tax Credit Program on January 1, 2022; applies the Opportunity Zone Enhancement Program to taxable years 2019 through 2021; and prohibits the Department of Commerce from issuing tax credit certificates to certain investors in certain biotechnology companies on or after January 1, 2022. **Bill was heard by the House Ways & Means Committee on February 12, 2020. Bill is opposed by MML.**
18. **HB 258 (PG 408-20)** Prince George’s County – State Highways – Toll Facilities – Prohibits a State agency, including the Maryland Transportation Authority, from acquiring or constructing any toll road, toll highway, or toll bridge in Prince Georges County unless authorized by Prince George’s County by local law. **Bill was heard by the House Environment & Trans. Committee on February 20, 2020.**

19. **HB 280 (SB 234)** Vehicle Laws - Suspension of Driver's License or Registration - Unpaid Citations or Judgments – This bill alters the requirements and procedures governing certain programs that authorize installment payments for certain motor vehicle traffic citations or judgment debts under certain circumstances; repeals the requirement that the Motor Vehicle Administration suspend a person's driver's license and vehicle registration for failure to pay a traffic citation or request a trial; and authorizes the Administration to initiate an action for a certain civil judgment for an unpaid traffic citation under certain circumstances. **House Bill was heard by the House Environment & Transportation Committee on February 19, 2020 (rescheduled from February 6, 2020). Senate Bill was heard by the Senate Judicial Proceedings Committee on February 4, 2020. Bill is opposed by MML.**
20. **HB 292 (SB 229)** Toll Roads, Highways, and Bridges - County Government Consent Requirement – Expansion - This bill expands the requirement that a State agency receive the express consent of a majority of the affected Eastern Shore county governments before it constructs a toll road, toll highway, or toll bridge in those counties. Under the bill, this requirement is expanded to apply to all counties in the State (including Baltimore City) if they are affected by any such toll road, toll highway, or toll bridge. **House Bill was heard by the House Environment & Trans. Committee on February 13, 2020. Senate Bill hearing has been cancelled.**
21. **HB 299** Public-Private Partnership Projects - Real Property Acquisition – Prohibition - Prohibiting a State agency or its designee from acquiring residential real property for a public-private partnership project that includes the addition of toll lanes to I-495 or I-270. **Bill was heard by the House Environment & Trans. Committee on February 11, 2020.**
22. **HB 301** Public Safety – Task Force on Missing Persons - This bill establishes a Task Force on Missing Persons. The State agencies represented on the task force must provide staff for the task force. The task force must report its findings and recommendations to the Governor and the General Assembly by December 31, 2021. The bill takes effect July 1, 2020, and terminates June 30, 2022. **Bill was heard by the House Judiciary Committee on February 4, 2020. Bill is supported by MML and has a high chance of passage.**
23. **HB 351** Land Use and Vehicle Miles Traveled Workgroup - This bill establishes a Land Use and Vehicle Miles Traveled Workgroup to develop a State strategy that identifies State and local land use policies, business incentives, and transportation policies, investments, and programs to reduce vehicle miles traveled (VMT) in the State and meet other related goals. The Department of Legislative Services (DLS) must provide staff for the workgroup. By December 15, 2020, the workgroup must report its interim findings and recommendations to the Governor and the General Assembly; its final findings and recommendations must be

submitted by December 31, 2021. The bill takes effect July 1, 2020, and terminates June 30, 2022. **Bill was heard by the House Environment & Transportation Committee on February 12, 2020. Bill is supported by MML.**

24. **HB 359 (SB 277)** Clean Cars Act of 2020 – Extension, Funding and Reporting – This bill extends and alters, for certain fiscal years, the Electric Vehicle Recharging Equipment Rebate Program and vehicle excise tax credit for the purchase of certain electric vehicles; repeals the limitation on the maximum total purchase price of certain vehicles; requires the Maryland Zero Emission Electric Vehicle Infrastructure Council to issue certain reports on or before certain dates; and alters the amount required to be transferred each year from the Maryland Strategic Energy Investment Fund to the Transportation Trust Fund. **House Bill was heard by the House Environment and Transportation Committee on February 13, 2020. Senate Bill was heard by the Senate Finance Committee on February 11, 2020.**
25. **HB 368 (SB 424)** Maryland Transit Administration - Funding (Transit Safety and Investment Act) - This bill alters and extends (by five years) provisions of the Maryland Metro/Transit Funding Act (Chapters 351 and 352 of 2018) that require increased operating and capital spending for the Maryland Transit Administration (MTA). For fiscal 2023 through 2027, the appropriation for MTA’s operating expenses may not be less than the fiscal 2022 appropriation. For fiscal 2022 through 2027, the Governor must include in the State budget an appropriation from the Transportation Trust Fund (TTF) of at least \$500 million for MTA’s capital needs. The bill takes effect June 1, 2020. **House Bill was heard by the House Appropriations Committee on February 4, 2020. Senate Bill was heard by the Senate Budget & Taxation Committee on February 12, 2020.**
26. **HB 401 (SB 758)** Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act) – This bill establishes the intent of the General Assembly that each official custodian adopt an internet use policy and other technological advances to expand remote access to public records and increase the transparency of government; requires the Public Information Act Compliance Board to receive, review, and resolve certain complaints alleging that a custodian unreasonably failed to waive a fee under certain circumstances; and alters the minimum fee charged under which the Board has authority to review a complaint. **House Bill was heard by the House Judiciary Committee on February 12, 2020. Senate Bill was heard by the Senate Judicial Proceedings Committee on February 18, 2020. Bill is opposed by MML and has a low likelihood of passage.**
27. **HB 502 (SB 590)** Public Information Act – Revisions – This bill requires each official custodian to adopt a certain policy of proactive disclosure; requires each

official custodian to publish annual reports online, to the extent practicable; requires the Public Information Act Compliance Board to receive, review, and resolve certain complaints from applicants and applicants' designated representatives; and requires the Board to receive and review complaints from any custodian alleging that an applicant's request or pattern of requests is frivolous or vexatious. **House Bill was heard by the House Health & Government Operations Committee on February 11, 2020. Senate Bill was heard by the Senate Education, Health and Environmental Affairs Committee on February 13, 2020. Bill is supported with amendments by MML. Bill has a moderate likelihood of passage.**

**28. HB 561 (SB 315)**

Electric Industry – Community Choice Energy – This bill applies certain laws regarding net energy metering and community solar generating systems to customers served by a community choice aggregator; repeals a provision that prohibits a county or municipal corporation from acting as an aggregator under certain circumstances; and establishes a process by which, beginning on October 1, 2021, a county or municipal corporation or group of counties or municipal corporations may form or join a community choice aggregator. **House Bill was heard by the House Economic Matters Committee on February 13, 2020. Senate Bill was heard by the Senate Finance Committee on February 25, 2020. Bill is supported by MML and has a high likelihood of passage.**

**29. HB 607 (SB 305)**

Public Safety – Crisis Intervention Team Center of Excellence – This bill establishes the Crisis Intervention Team Center of Excellence in the Governor's Office of Crime Control and Prevention to provide technical support to local governments, law enforcement, public safety agencies, behavioral health agencies, and crisis service providers and develops and implements a crisis intervention model program; requires the Office to appoint certain coordinators to the Center; requires the Center to take certain actions; a requires annual reporting. **House Bill was heard by the House Judiciary Committee on February 18, 2020. Senate Bill was heard by the Senate Judicial Proceedings Committee on February 11, 2020. Bill is supported by MML and has a high likelihood of passage.**

**30. HB 709 (SB 490)**

Human Services - Youth Services Bureaus – Funding – This bill repeals a requirement that the Department of Human Services identify eligible youth services bureaus and estimate the amount of State funds to allocate to each youth services bureau; requires State matching funds for a youth services bureau to be paid directly to its private sponsor; requires the Governor to include at least \$1,800,000 in the annual budget bill for youth services bureaus; and provides for the allocation of the required funds. **House Bill was heard by the House Appropriations Committee on February 18, 2020. Senate Bill was heard by the Senate Budget & Taxation Committee on February 12, 2020. The Senate bill has passed the floor and is before the House**

**Appropriations Committee where it will be heard on March 19, 2020.**

31. **HB 1034 (SB 835)** County and Municipal Street Lighting Investment Act – Bill authorizes a county or municipality, after giving 60 days written notice to the electric company and the Public Service Commission, to convert its street lighting service to a certain alternative-energy-only tariff, submit a request to acquire certain street lighting equipment from the electric company, and enter into an agreement to purchase electricity for a certain use from any available electricity supplier under certain circumstances. **House Bill was heard by the House Economic Matters Committee on March 5, 2020. Senate Bill was heard by the Senate Education, Health and Environmental Affairs Committee on March 4, 2020.**
32. **HB 1109 (SB 109)** Disabled Active Duty Service Members, Disabled Veterans, and Surviving Spouses - Exemption From Property Tax and Other Charges and Refunds - This bill exempts a dwelling house owned by a disabled active duty service member, disabled veteran, or surviving spouse from specified governmental charges. The bill requires the State, a county, or a municipality to pay property tax refunds to a disabled active duty service member, disabled veteran, or surviving spouse under specified circumstances. The State, a county, or a municipality must pay interest on the refund under specified circumstances. The bill takes effect June 1, 2020, and applies retroactively to taxable years beginning after June 30, 2015. **House Bill was heard by the House Ways and Means Committee on March 3, 2020. Senate Bill was heard by the Senate Budget and Taxation Committee on January 22, 2020.**
33. **HB 1155** Local Governments – Responsibility for Repairing or Replacing Sidewalks – Bill specifies that a county or municipality is responsible for repairing or replacing a sidewalk that becomes damaged as a result of a tree planted by the county or municipality; and prohibits a county or municipality from requiring a certain property owner to repair or replace, or contribute to the cost of repairing or replacing, a sidewalk that has become damaged as a result of a tree planted by the county or municipality. **Unfavorable.**
34. **HB 1394 (SB 982)** Highway User Revenues - Revenue and Distribution – (An MML Priority Bill) This bill repeals an exclusion of certain motor fuel tax revenue from distribution as highway user revenues to the Gasoline and Motor Vehicle Revenue Account; repeals an exception for highway user revenues to the requirement that supermajorities of the General Assembly approve transfers from the Transportation Trust Fund; and alters the amounts of capital grants calculated based on highway user revenues that are required to be appropriated to Baltimore City, counties, and municipalities in certain fiscal years. **House Bill was heard by the House Environment and Transportation Committee on March 5, 2020. Senate Bill was heard by the Senate Budget and Taxation Committee on March 4, 2020.**

35. **HB 1612 (SB 901)** State and Local Government – Participation in Federal Immigration - Bill provides officials with immunity from criminal and civil liability for refusing to provide information to the federal government or another state for federal immigration purposes. **Senate Bill was heard by the Senate Judicial Proceedings Committee on February 26, 2020. The House Bill is still in the Rules Committee.**
36. **SB 3** Electronic Smoking Devices, Other Tobacco Products, and Cigarettes – Taxation and Regulation - Applying certain provisions of tax law regulating the sale, manufacture, distribution, possession, and use of cigarettes and other tobacco products to certain electronic smoking devices; altering the definition of "other tobacco products" to include certain consumable products and the components or parts of those products and to exclude certain other products. **Bill was heard by the Senate Budget & Taxation Committee on January 29, 2020.**
37. **SB 109 (HB 1109)** Disabled Active Duty Service Members, Disabled Veterans and Surviving Spouses – Exemption from Property Tax and Other Charges and Refunds - This bill exempts a dwelling house owned by a disabled active duty service member, disabled veteran, or surviving spouse from specified governmental charges. The bill requires the State, a county, or a municipality to pay property tax refunds to a disabled active duty service member, disabled veteran, or surviving spouse under specified circumstances. The State, a county, or a municipality must pay interest on the refund under specified circumstances. The bill takes effect June 1, 2020, and applies retroactively to taxable years beginning after June 30, 2015. **Senate Bill was heard by the Senate Budget & Taxation Committee on January 22, 2020. House Bill was heard by the House Ways and Means Committee on March 3, 2020.**
38. **SB 128** Local Government Animal Control Facilities – Adoption Fee Waiver for Veterans (Pets for Vets Act of 2020) - This bill requires an animal control facility operated by a county or municipality to waive the adoption fee for a dog or cat adopted by a veteran who presents specified identification that notes the individual is a veteran. An animal control facility may limit the number of adoption fee waivers granted to an individual to one dog and one cat within a six-month period. **Bill was heard by the Senate Education, Health and Environ. Affairs Committee on January 29, 2020. Bill passed Third Reader (45-0). Bill referred to the House Environment and Transportation Committee.**
39. **SB 209 (HB 654)** Criminal Law – Unruly Social Gatherings – Civil Penalties – This bill prohibits a person responsible for a private premise from conducting, causing, permitting, or aiding in the maintaining of any “unruly social gathering” on or in those premises. Violators are subject to the issuance of a civil citation and maximum penalties of \$500 (for a first violation) and \$1,000 (for a second or subsequent violation). A court may also order a violator to perform 20 hours of community service. Nothing in

the bill prohibits a law enforcement officer from issuing a criminal citation or other civil citation under State or local law for violations arising out of the same circumstances. The bill may not be construed to preempt or prevail over any ordinance, resolution, law, or rule that is more stringent. **Unfavorable**

**40. SB 223 (HB 185)**

Commission on Tax Policy, Reform and Fairness – This bill establishes the Commission on Tax Policy, Reform, and Fairness to be staffed by the Department of Legislative Services (DLS). The commission must report its preliminary findings and recommendations to the Governor and General Assembly by December 1, 2020, and its findings and recommendations to the Governor and General Assembly by December 1, 2021. The bill takes effect June 1, 2020, and terminates June 30, 2022. **Senate bill was heard by the Senate Budget & Taxation Committee on January 29, 2020. House bill was heard by the House Ways & Means Committee on February 4, 2020.**

**41. SB 253 (HB 715)**

State Finance and Procurement - Prohibited Appropriations - Magnetic Levitation Transportation System –This bill prohibits the State (or any unit or instrumentality of the State) from using any appropriation for a magnetic levitation (Maglev) transportation system located or to be located in the State. The bill also prohibits a public or private entity that receives money from the State from authorizing a permit or giving any other form of approval for a Maglev system. Finally, the bill prohibits a proposal for a Maglev system from including the use of any Amtrak or CSX Transportation right-of-way. The bill takes effect June 1, 2020. **Senate Bill was heard by the Senate Budget & Taxation Committee on February 5, 2020. House Bill was heard by the House Appropriations Committee on February 25, 2020. The hearing scheduled for the House Environment and Transportation Committee on February 21, 2020, has been cancelled.**