

Policy and Environmental Change to Improve Public Health

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What is included in “policy”?

Legislation: Statutes and ordinances passed by Congress; Maryland General Assembly or County Council or Commissioners.

Regulation: Formal rules put into place by an executive agency of the federal or state government or **local Board of Health**.

What is included in “policy”?

Agency Rules/Internal Policy: Operational guidelines that apply to an agency’s day-to-day operations.

Informal Rules (non-governmental): Policies that businesses and other entities put in place that apply at the worksite and/or to employees.

Legislation—Federal/Congress

Formal Process:

- Invited testimony;
- Difficult to track--
<http://thomas.loc.gov/home/thomas.php>
- May contain a variety of unrelated provisions;
- Communicating with one's Representative and Senators by mail, email, or phone call is most effective short of a *hired lobbyist*.

Example: Affordable Care Act/Menu Labeling

Legislation--Maryland General Assembly

Semi-formal process:

- Meets January to April annually;
- Anyone may testify in person or submit written testimony—best to coordinate/collaborate with sponsor and key proponents;
- Communicate with one's Senator and Delegate(s) by email, mail, phone, or in person;
- Committee members are most important—contact directly;
- Engage media (LTE; OpEd; coverage);

Legislation—Maryland General Assembly

Track legislation: www.mlis.state.md.us

Example: Maryland Clean Indoor Air Law

- 7+ year advocacy effort by public health/tobacco control community

Legislation--Local

Home Rule Counties:

- *Charter:* Anne Arundel, Baltimore, Harford, Howard, Montgomery, Prince George's, Talbot, Wicomico, Dorchester AND Baltimore City PLUS Cecil (2012)
- *Commissioner:* Allegany, Caroline, Charles, Kent, Queen Anne's, and Worcester

Non-Home Rule Counties: Calvert, Carroll, Frederick, Garrett, St. Mary's, Somerset, Washington

Legislation--Local

County Council/County Commissioners meet year round;

Members of your community—more responsive to community input than other levels;

Hearings typically in the evening.

Examples: Clean Indoor Air Laws; Talbot County's Salvia Ban; Baltimore County's Lifeguard Requirement

NOTE: RESOLUTIONS (i.e. Healthy Harford)

Regulations—State Agency

State agencies have regulatory power as described in State law:

For Example—DHMH:

The Secretary may adopt rules and regulations to carry out the provisions of law that are within the jurisdiction of the Secretary. (HG 2-104)

The Secretary shall establish general policy for, and adopt standards to promote and guide the development of, the physical and mental hygiene services of this State and its subdivisions. (HG 2-105)

Regulations—State Agency

Regulatory Process: Less formal; notice is given; written comments accepted; possibly hold public hearing; notices and process published in the Maryland Register; regulations published in COMAR (www.dsd.state.md.us/comar).

Examples: Cancer Registry Creation (Title 10; Subtitle 14); Bath Salts Prohibition; Crib Bumper Prohibition

NOTE: EXECUTIVE ORDERS (i.e. hydrofracturing)

Regulations—Local Board of Health

Health-General Article, Section 3-202:

“[E]ach county board of health may adopt and enforce rules and regulations on any nuisance or cause of disease in the county.”

Board of Health is county legislative body unless local statute says otherwise; no veto from Executive.

Example: Montgomery County BoH Regulation prohibiting smoking within 25 feet of playground of multiunit housing; Howard County minor’s tanning bed access.

NOTE: EXECUTIVE ORDERS (i.e. Howard’s Smokefree Parks)

Agency Rules/Informal Policy

Internal controls established by a state or local agency; cannot conflict with State or local statutes or regulations; otherwise, little “law” on permissible scope.

Examples:

- ✓ Buying food that meets certain nutrition standards for meetings/events
- ✓ Regulating what may be sold in vending machines
- ✓ Supporting employee walking program

Informal Rules (Non-Governmental)

Business policies can have a significant impact on public health.

Examples: Smokefree hospital and college and private school campuses; Giving employee covered leave for cancer screening/preventive care; regulating food/drink available in vending and/or cafeteria.

Conclusion

Think BIG: Federal and State law when resources permit and likelihood of passage is sufficient to justify.

Think LOCAL: County laws and regulations and informal policies may impact a smaller population but can have a significant impact on the development of policy at State level.

Think INFORMAL: Encourage local agencies and businesses to adopt policies.



The End.

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