

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 166 (Delegate Metzgar)
 Government, Labor, and Elections

Public Health – Henrietta Lacks Commission – Establishment (Henrietta Lacks Commission of Maryland Act of 2026)

This bill establishes the Henrietta Lacks Commission. The State agencies represented on the commission must jointly staff the commission. Members of the commission may not receive compensation but are entitled to reimbursement for expenses under standard State travel regulations. Annually beginning December 1, 2027, the commission must report on its activities to the Governor and the General Assembly.

Fiscal Summary

State Effect: Maryland Department of Health (MDH) general fund expenditures increase by \$81,500 in FY 2027 for staff, as discussed below. Future years reflect annualization and ongoing costs. Revenues are not affected. This estimate does not reflect the potential cost of other actions that may be taken by the commission under the bill.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	81,500	95,400	99,900	104,400	109,000
Net Effect	(\$81,500)	(\$95,400)	(\$99,900)	(\$104,400)	(\$109,000)

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

Local Effect: Baltimore County may benefit, particularly Turner Station and the surrounding areas, to the extent the commission promotes economic development as specified under the bill.

Small Business Effect: Minimal.

Analysis

Bill Summary: The commission consists of: (1) one member of the Senate; (2) one member of the House of Delegates; (3) the Secretaries of Health and Commerce (or their designees); (4) the State Superintendent of Education (or their designee); (5) the chair of the State Anatomy Board (or their designee); and (6) representatives of the following entities, appointed by the Governor: the State Ethics Commission (SEC), the Life Sciences Advisory Board, the Maryland Economic Development Commission (MEDCO), the Maryland Board of Tourism, and the Maryland State Archives. The Governor must designate the chair of the commission. The term of a member is two years.

The commission must:

- in consultation with the O’Neill Institute of National and Global Health Law, conduct bioethical oversight of life sciences activities in the State that involve human research and body, organ, and tissue donation for medical training;
- promote education of the life of Henrietta Lacks and HeLa science as developed by the National Institutes of Health;
- curate a registry of significant tributes to Henrietta Lacks;
- work with appropriate State agencies to include tributes to Henrietta Lacks in State tourism campaigns;
- promote economic development of the Turner Station of Dundalk; and
- make recommendations on implementing the goals of the commission.

Current Law: Chapter 552 of 2002 prohibits a person from conducting research using a human subject unless the research complies with federal regulations on the protection of human subjects (*Common Rule, 45 CFR 46*). Despite any provision in federal regulations limiting protection to human subjects in certain research, the protections apply to all research using a human subject in the State.

Multiple federal and State regulatory bodies have authority to oversee (or make recommendations and provide guidance on) life science activities, including:

- the U.S. Department of Health and Human Services (HHS), under the Common Rule (45 CFR 46) which requires that federally funded research involving human subjects undergo ethical review (as noted above, Maryland law requires adherence to these regulations);
- the U.S. Food and Drug Administration (FDA), under 21 CFR 50 and 56, which regulate the protection of human subjects, informed consent, and Institutional Review Boards (IRBs) for FDA-regulated trials;

- the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, under the National Research Act of 1974, which provides principles that guided the establishment of the Common Rule and required the U.S. Public Health Service to establish regulations protecting human subjects, leading to the formal requirement of establishing IRBs;
- HHS’ Office of Civil Rights, under the Health Insurance Portability and Accountability Act, which protects the privacy of medical records, including human subjects research;
- IRBs (independent committees established by organizations carrying out human subjects research to review and monitor such research), which exist in Maryland at federal agencies, such as the National Institutes of Health, FDA, and the National Cancer Institute; MDH; public and private universities; community hospitals and health care systems; and private commercial companies; and
- the State Anatomy Board, which has the right to control and distribute human bodies donated for medical science.

State Expenditures: Representatives from Commerce, the Maryland State Department of Education, SEC, MEDCO, and the Maryland State Archives can serve on the commission and likely provide supplemental staff support with existing budgeted resources.

While the bill requires all of the State agencies represented on the commission to jointly provide staff to the commission, MDH advises that it would likely take the lead. Therefore, MDH general fund expenditures increase by \$81,513 in fiscal 2027, which accounts for the bill’s October 1, 2026 effective date. This estimate reflects the cost of hiring one health policy analyst to staff the commission. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$72,372
Operating Expenses	<u>9,141</u>
Total FY 2027 State Expenditures	\$81,513

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate does not reflect the cost of promoting education of the life of Henrietta Lacks and HeLa science, curating a registry of significant tributes or including such tributes in State tourism campaigns, or promoting economic development of the Turner Station Community as such costs cannot be reliably estimated at this time.

Additional Comments: [Henrietta Lacks](#) was an African American woman whose cancer cells are the source of the HeLa cell line, the first immortalized human cell line and one of the most important cell lines in medical research. Henrietta received treatment at [Johns Hopkins Hospital](#) in 1951. At that time, neither federal law nor hospital policy required that patients be informed or asked for permission before their tissues were used in research.

[Turner Station](#), home to Henrietta Lacks, was founded in the late 19th century because of a need for African American mill workers to have a place to live while the country remained segregated.

The [O'Neill Institute of National and Global Health Law](#) is a research institute at Georgetown University Law Center.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): MEDCO; Department of Commerce; Maryland State Department of Education; Maryland Department of Health; Maryland State Archives; State Ethics Commission; Department of Legislative Services

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