

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 639

(Delegate Charkoudian, *et al.*)

Environment and Transportation

Finance

Transportation - Aviation - Passenger Health and Safety (Aviation Health and Safety Act)

This bill requires a fixed based operator (FBO) or aviation service company that services a flight with a detained individual on board to (1) request to see the warrant that authorizes the transport of the detained individual and (2) note whether there is a warrant, and whether the warrant is a judicial warrant or an administrative warrant. Each FBO or aviation service company must compile a report that documents specified related information and submit the required reports to the Maryland Aviation Administration (MAA) each month.

Fiscal Summary

State Effect: Federal fund revenues and expenditures for MAA may be significantly affected beginning in FY 2027, as discussed below. The bill is not otherwise anticipated to materially affect State finances or operations.

Local Effect: Local government finances for airports owned/and or operated by local governments may be affected, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Aviation service company” means a single-service fixed base operator that offers specialized aeronautical services. “FBO” means a commercial business that an airport has granted the right to operate at an airport facility and provide aeronautical services. “Detained individual” means a passenger who is traveling involuntarily or while being held in any kind of restraint. The term does not include a passenger who is using a

seat belt that is standard equipment on the aircraft or a child passenger in a child safety seat.

The monthly report submitted to MAA by each FBO or aviation service company must document any flight that does not have a warrant for detained individuals on board and the number of flights:

- the FBO or aviation service company serviced that had a detained individual on board;
- that had a judicial warrant for all detained individuals on board;
- that had a judicial warrant and an administrative warrant for detained individuals on board;
- that had detained individuals on board and were refueled with detained individuals on board; and
- where the detained individuals were removed from the plane during refueling, for the purpose of refueling safety.

Current Law:

Federal Aviation Regulation

The Federal Aviation Act gives the Federal Aviation Administration (FAA) exclusive authority to regulate aviation safety and civil aviation. The Act authorizes FAA to manage and control the national airspace system, regulate airline operations, set safety standards for aircraft design and maintenance, certify pilots and mechanics, and enforce rules intended to promote safe and efficient air travel.

The Airline Deregulation Act, passed in 1978, deregulated the aviation industry and allows airlines to set their own prices and fares. The federal preemption clause of the Act forbids states from enacting or enforcing a law or regulation related to a price, route, or service of an air carrier.

Maryland Aviation Administration

MAA, as a unit of the Maryland Department of Transportation, has responsibility for fostering, developing, and regulating aviation activity throughout the State. MAA is responsible for operating, maintaining, and developing BWI Thurgood Marshall Airport (a State-owned airport) as a major center of commercial air carrier service in the State and Martin State Airport as a general aviation facility and as a support facility for the Maryland Air National Guard and the Department of State Police.

MAA regulations require that all aeronautical activities at BWI Thurgood Marshall Airport and Martin State Airport conform to the current applicable provisions of FAA regulations and orders and applicable State law, regulations, and orders issued by MAA or an air traffic controller on duty in the control tower.

State Fiscal Effect: MAA advises that it could lose up to \$300.0 million in federal fund revenues (which reflects federal funding provided to MAA in the *Consolidated Transportation Program* for fiscal 2026 through 2031), to the extent the bill puts MAA in noncompliance with federal law and regulations. FAA grantees are required to maintain compliance with applicable provisions of federal laws, regulations, executive orders, policies, guidelines, and requirements, and the Airline Deregulation Act preempts state and local governments from regulating carriers' routes, services, and operations. MAA advises that, depending on the implementation of the bill, if MAA, and/or the FBOs or aviation service companies it contracts with, are found to be noncompliant with federal law, MAA could lose federal fund revenues or be required to pay back previously provided federal funds.

To the extent MAA loses federal funding, federal fund revenues and expenditures decrease accordingly; however, any such impact is speculative.

Local Fiscal Effect: Similar to the effect discussed above, federal funding provided to airports owned and/or operated by local governments (such as Ocean City Municipal Airport, Frederick Municipal Airport, Carroll County Regional Airport, and St. Mary's County Regional Airport) may be affected. However, any such impact is speculative.

For informational purposes, a list of the airports owned and/or operated by local governments can be found on the Maryland State Archives website, [here](#).

Small Business Effect: To the extent that any FBOs and/or aviation service companies are considered small businesses, they may incur administrative costs to comply with the bill, including costs to request and review warrants, maintain records, and prepare and submit monthly reports to MAA.

Additional Information

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

Designated Cross File: SB 505 (Senators Lam and Feldman) - Finance.

Information Source(s): Maryland Department of Transportation; Maryland Institute for Emergency Medical Services Systems; Judiciary (Administrative Office of the Courts); Maryland Municipal League; Maryland State Archives; Federal Aviation Administration; Department of Legislative Services

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