

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 639 (Delegate Charkoudian)
Environment and Transportation

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

This bill establishes various requirements and prohibitions for specified entities, including the Maryland Aviation Administration (MAA), airports operated by local governments, fixed base operators (FBOs), and aviation service companies, related to the treatment and transport of detained individuals traveling on aircraft in the State.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase minimally beginning in FY 2027 for administrative costs associated with the development, distribution, and collection of the forms required by the bill. Federal fund revenues and expenditures for MAA may be significantly affected beginning in FY 2027, as discussed below.

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

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

“Aeronautical services” includes (1) fueling, hangaring, tying down, or parking an aircraft; (2) aircraft rental; (3) aircraft maintenance; and (4) flight instruction.

“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.

Detained Individual Forms

MAA must develop a form to be used for any passenger on an aircraft who is a detained individual. The form must collect information on the individual’s medical history (including allergies, current medical conditions, and medications) and legal history (including contact information for the individual’s attorney and any pending legal proceedings). In addition, the form must (1) identify whether the individual is a minor and, if so, provide guardianship information if the guardian is not on board the aircraft; (2) state that the forms will be reviewed by an FBO or an aviation service company and may be shared with emergency responders in the case of an emergency; (3) inform the individual that completion of the form is voluntary; and (4) contain a space for an individual who declines to complete the form to affirmatively indicate that they have seen the form and are choosing not to complete it.

The flight crew on each aircraft is responsible for distributing the forms to and collecting them from each detained passenger on board. Copies of the form must be kept on board each aircraft, and in the event of an emergency, provided to emergency responders or hospitals in the State.

Responsibilities of Fixed Base Operators and Aviation Service Companies

Before providing service to an aircraft, each FBO or aviation service company must inspect the aircraft to confirm that the forms are on board the aircraft. Each month, each FBO or aviation service company must compile and submit to MAA a report that documents, for each aircraft traveling with a detained individual, the following:

- the agency or company responsible for the aircraft;
- the presence of the forms required by the bill; and
- compliance with the refueling procedures specified in the bill (described below).

A member of each flight crew and FBO or aviation service company must sign each monthly report.

Aircraft Refueling Requirements

The bill prohibits an aircraft from being refueled if an individual on board is in any kind of restraint. If a restrained individual is removed from an aircraft for the aircraft to refuel, the individual must (1) be placed in a climate-controlled enclosure and (2) have access to restrooms and water.

Contract, Grant, and Agreement Requirements

The bill prohibits a person (including the State, a county, a municipality, any other political subdivision, and a unit of State government or a political subdivision) from entering into a contract, grant, or other agreement with an airline that transports detained individuals unless the airline provides evidence of (1) a valid warrant issued by a federal court or court of the State; (2) a valid court order; or (3) the Governor's authorization of the extradition of the detained individual to another state.

MAA is also prohibited from entering into a contract, grant, or other agreement with an FBO or an aviation service company that services airlines that transport detained individuals through Baltimore-Washington International (BWI) Thurgood Marshall Airport unless the airline provides evidence of (1) a valid warrant issued by a federal court or court of the State; (2) a valid court order; or (3) the Governor's authorization of the extradition of the detained individual to another state.

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: TTF expenditures increase minimally beginning in fiscal 2027 as MAA incurs administrative costs associated with the development, distribution, and collection of the form required by the bill for detained individuals. MAA can receive the compiled reports from FBOs and aviation service companies using existing budgeted resources.

MAA advises that it could lose up to \$300 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. As a result, BWI Thurgood Marshall Airport and Martin State Airport may be prohibited from restricting duly authorized flight operations under the bill. MAA advises that, depending on the implementation of the bill, if MAA is found to be noncompliant with federal law, it 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 effects described above for State-owned airports, 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. These airports likely incur a minimal increase in administrative costs to distribute and collect the form for detained individuals. Federal funds may also be jeopardized, although 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](#).

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

Fiscal Note History: First Reader - February 17, 2026
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