

2021 Legislative Session

Brooke Torton, JD

Senior Staff Attorney, the Network for Public Health Law – Eastern Region Office
Deputy Director, Legal Resource Center for Public Health Policy

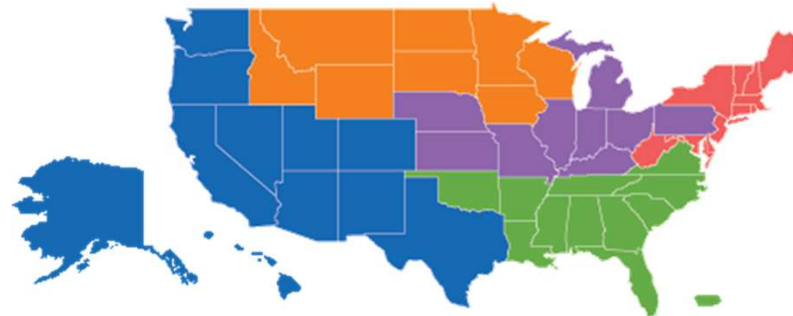
December 17, 2020

Disclaimer



The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation.

The Network for Public Health Law provides information and technical assistance on issues related to public health law. The legal information and assistance provided in this presentation does not constitute legal advice or legal representation.



What is the Network?

- » **Funded by Robert Wood Johnson Foundation**

The mission of the Foundation is to improve the health and health care of all Americans.

- » **One National Office**

Donna Levin, Executive Director

- » **Five Regional Offices**

Northern, **Western**, **Mid-States**, **Southeastern**, **Eastern**

- » **YOU!**

Overview

2021 Legislative Session

- [Legislative process](#)
- [How do I participate?](#)
- [May I participate?](#)

Equity Assessment Framework for Public Health Laws & Policies

LRC Legislative Tracker

2021 Maryland Legislative Session

- Begins January 13, 2021 and lasts 90 Days
- **House**: Economic Matters, Health and Government Operations
- **Senate**: Finance, Education Health and Environmental Affairs

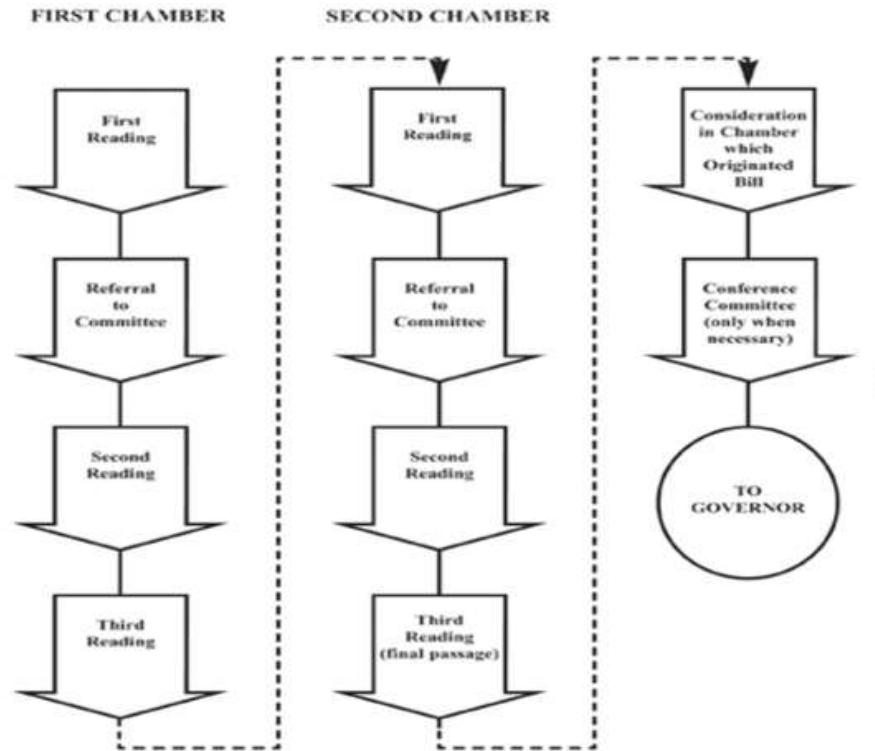
How are laws made?

1st – Idea, Problem, Opportunity for Improvement

2nd – Bill

3rd – Legislative Process

Legislative Process



How Do I Participate?

Contact Committee Members

- » **Emails/phone calls**
- » **Submit one-pagers**
- » **Urge constituents to contact committee members**

Start Educating the Public

- » **Letters to the editor**
- » **Opinion editorials**
- » **Press releases/conferences**

Hearings

- » **Oral testimony (electronic this year)**
- » **Written testimony**
- » **Letters of information**

May I Participate?

- What is lobbying?
- How is lobbying restricted?
- What is allowed?



Competing Realities

- **There are restrictions on lobbying activities**
 - Recipients of federal funds
 - Nonprofit organizations
 - State/tribal/local restrictions



Restrictions on Lobbying

- Lobbying Disclosure Act, 2 U.S.C. § 1605
- Anti-Lobbying Act, 18 U.S.C. § 1913
- Internal Revenue Code
- Federal Consolidated Appropriations Act § 503
- State and Local Laws

Merriam-Webster Definitions

Lobbying

“To conduct activities aimed at influencing public officials and especially members of a legislative body on legislation.”

Advocacy

“The act or process of supporting a particular cause or proposal.”

Direct Lobbying

Three Elements:

1. **Direct written or oral communication** to a legislator, legislative staff, or other government official working on legislation
2. **Reflects a view (for or against)**
3. **Specific legislation.**
 - “Specific legislation” = introduced bills, legislative proposals not yet introduced, budget bills, ballot measures, U.S. Treaties and confirmation of appointees

Grassroots Lobbying

Four Elements:

1. A written or oral communication to the public (e.g., speeches, ads, op-eds, blog)
2. That reflects a view
3. On specific legislation, and
4. Includes a call to action.

What constitutes a call to action?

- Asks audience to contact a legislator;
- Identifies a legislator as being the audience's representative;
- Provides legislator's contact information;
- Provides a vehicle for contacting the legislator (e.g., form email, petition);
- Identifies a legislator's position on the legislation as being undecided or opposing the communication's viewpoint;
- Identifies a legislator as sitting on the voting committee; **OR**
- A paid ad that expresses a view on prominent legislation within 2 weeks of a vote, even if it doesn't contain a CTA.

Advocacy vs. Lobbying

*While all lobbying is advocacy,
not all advocacy is lobbying*



- Advocacy and lobbying are similar, and the distinction is not always clear.
- There are federal and state restrictions on lobbying, but some activities are permitted.

Protections/Restrictions for State Employees

Employment by the State does not affect any right or obligation of a citizen under the Constitution and laws of the United States or under the Constitution and laws of the State.

Except as otherwise provided in this section or by federal law, a State employee:

- (i) may freely participate in any political activity and express any political opinion; and
- (ii) may not be required to provide any political service.

An employee may not:

- (i) engage in political activity while on the job during working hours; or
- (ii) advocate the overthrow of the government by unconstitutional or violent means.

A public official or an employee of the State may not require any State employee to make a political contribution.

State Personnel and Pensions Article, §2-304

COVID-19 and 2021 Legislative Session

Limited number of bills introduced (potentially)

Pre-filed bills strongly encouraged- should see pre-filed bills released to the public this week

Committee hearings may begin earlier than 1:00 p.m.

All hearings will be livestreamed- schedule will be available during the first full week of January

Bill hearings will begin on the 2nd day of session (on pre-filed bills)

Public input: limited and taking place electronically

No lobby days or in-person events

House meetings with legislators: in person but by appointment only

Senate meetings with legislators: online only

Questions?

Brooke Torton
btorton@law.umaryland.edu