

Laws  
of the  
State of Maryland

At the Session of the General Assembly Begun and Held in the  
City of Annapolis on the Eleventh Day of January 2017  
and Ending on the Tenth Day of April 2017

Bills vetoed by the Governor appear after the Laws

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VOLUME V

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**Chapter 613****(House Bill 628)**

AN ACT concerning

**Secretaries of Principal Departments – Supervision and Review of Decisions  
and Actions by Units Within Departments**

FOR the purpose of requiring the Secretary of Health and Mental Hygiene and the Office of Administrative Hearings, in consultation with stakeholders and other interested parties, to adopt certain regulations for the supervision of certain boards and commissions for certain purposes; requiring the Office ~~of Administrative Hearings~~, in accordance with certain regulations, to review certain decisions or actions to make certain determinations; requiring certain secretaries or certain designees to make certain reviews, make certain assessments, and issue certain decisions under certain circumstances; prohibiting the Office and certain secretaries or designees from approving certain decisions and certain actions under certain circumstances; ~~requiring certain regulations to specify certain actions that the Secretary may refer to the Office for review, certain review processes, and that the actions of certain boards and commissions are not final actions until after a certain review~~ requiring the Office to establish a certain process; prohibiting certain boards and commissions from implementing certain decisions or actions until after the Office has conducted a certain review; requiring a certain process to require the Office to take certain actions; requiring certain decisions or actions of certain boards, commissions, and units to comply with certain decisions of the Office; prohibiting the Office from authorizing certain administrative law judges to perform a certain review under certain circumstances; providing that certain boards and commissions are responsible for certain costs; providing for the construction of a certain provision of this Act; prohibiting certain secretaries or designees from being certain individuals; requiring the secretaries of certain principal departments to be responsible for the supervision of certain units within the jurisdiction of the secretaries, for a certain purpose, subject to a certain exception; specifying that certain decisions or actions of certain units are not final decisions or actions until after a certain review; requiring that the final actions or decisions of certain units comply with a certain written decision; requiring certain regulations to be drafted in consultation with certain stakeholders and other interested parties; requiring the Department of Health and Mental Hygiene and the Office to satisfy certain requirements of this Act in a certain manner; requiring the Department and the Office to submit certain regulations to the Joint Committee on Administrative, Executive, and Legislative Review on or before a certain date; specifying the purpose of this Act; and generally relating to the powers and regulatory authority of secretaries of principal departments.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 1–203  
Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–205(b)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – State Government

Section 8–205.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Health Occupations**

1–203.

(a) [The] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE** power of the Secretary over plans, proposals, and projects of units in the Department does not include the power to disapprove or modify any decision or determination that a board or commission established under this article makes under authority specifically delegated by law to the board or commission.

(b) The power of the Secretary to transfer staff or functions of units in the Department does not apply to any staff of a board or commission, established under this article, or to any functions that pertain to licensing, disciplinary, or enforcement authority, or to any other authority specifically delegated by law to a board or commission.

**(C) (1) NOTWITHSTANDING §§ 8–205(B)(5) AND 8–205.1 OF THE STATE GOVERNMENT ARTICLE AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE SECRETARY AND THE OFFICE OF ADMINISTRATIVE HEARINGS, IN CONSULTATION WITH STAKEHOLDERS AND OTHER INTERESTED PARTIES, SHALL ADOPT REGULATIONS FOR THE SUPERVISION OF EACH BOARD OR COMMISSION THAT IS COMPOSED IN WHOLE OR IN PART OF INDIVIDUALS PARTICIPATING IN THE OCCUPATION OR PROFESSION REGULATED BY THE BOARD OR COMMISSION, INCLUDING THE REVIEW BY THE OFFICE OF ADMINISTRATIVE HEARINGS DESCRIBED UNDER THIS SUBSECTION, IN ORDER TO:**

**(I) PREVENT UNREASONABLE ANTICOMPETITIVE ACTIONS BY THE BOARD OR COMMISSION; AND**





















































(b) “Authority” means a nonprofit or quasi–governmental entity created by [a municipality] **ONE OR MORE LOCAL GOVERNMENTS** under § [5–403] **1–1403** of this subtitle.

(c) “Board” means the board of directors of an authority.

(d) (1) “Bond” means a bond issued by an authority under this subtitle.

(2) “Bond” includes a bond, a refunding bond, a note, and any other obligation.

(e) “Cost” includes:

(1) the purchase price of property;

(2) the cost to acquire any right, title, or interest in property;

(3) the cost of any improvements made to property;

(4) the amount to be paid to discharge each obligation necessary or desirable to vest title to any part of property in an authority or other owner;

(5) the cost of any property, right, easement, franchise, or permit associated with a project;

(6) the cost of labor, machinery, and equipment necessary to implement a project;

(7) financing charges;

(8) interest and reserves for principal and interest and for improvements;

(9) the cost of revenue and cost estimates, engineering and legal services, plans, specifications, studies, surveys, and other expenses necessary or incident to determining the feasibility or practicability of a project;

(10) administrative expenses; and

(11) other expenses as necessary or incident to:

(i) financing a project;

(ii) acquiring and improving a project;

(iii) placing a project in operation, including reasonable provisions for working capital; and

(iv) operating and maintaining a project.

(f) **“LOCAL GOVERNMENT” MEANS A MUNICIPALITY OR A COUNTY.**

(g) (1) “Project” means any organized plan carried out by an authority in relation to:

(i) acquiring and rehabilitating abandoned and dilapidated properties; and

(ii) marketing and leasing [or], selling, **OR OTHERWISE TRANSFERRING** the rehabilitated properties.

(2) “Project” includes:

(i) acquiring land or an interest in land;

(ii) acquiring structures, equipment, and furnishings located on a property;

(iii) acquiring property that is functionally related and subordinate to a project; and

(iv) obtaining or contracting for any services necessary for the rehabilitation of a property.

**[(g)] (h)** (1) “Revenue” means the income, revenue, and other money an authority receives from or in connection with a project and all other income of an authority.

(2) “Revenue” includes grants, rentals, rates, fees, and charges.

**[(h)] (i)** “Tax sale property” means property or an interest in property sold by the tax collector of the county in accordance with Title 14, Subtitle 8, Part III of the Tax – Property Article.

**[(i)] (j)** (1) “Trust agreement” means an agreement entered into by an authority to secure a bond.

(2) “Trust agreement” includes a bond contract, bond resolution, or other contract with or for the benefit of a bondholder.

**(k) “WATER AND SEWER AUTHORITY” MEANS AN AUTHORITY ESTABLISHED UNDER TITLE 9, SUBTITLE 9 OF THE ENVIRONMENT ARTICLE.**

**(l) “WATER AND SEWER LIEN” MEANS A LIEN ESTABLISHED UNDER § 9-949 OF THE ENVIRONMENT ARTICLE.**

1-1403.

(a) (1) By ordinance, the [legislative] GOVERNING body of a [municipality] LOCAL GOVERNMENT may establish a land bank authority in accordance with this subtitle.

(2) TWO OR MORE LOCAL GOVERNMENTS MAY ELECT TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT TO CREATE A SINGLE LAND BANK TO ACT ON BEHALF OF THE LOCAL GOVERNMENTS, WHICH MAY INCLUDE ONE OR MORE WATER AND SEWER AUTHORITIES.

(3) AN ORDINANCE ADOPTED UNDER THIS SECTION:

(I) IS ADMINISTRATIVE IN NATURE;

(II) IS NOT SUBJECT TO REFERENDUM; AND

(III) IN A CHARTER COUNTY THAT HAS A PUBLICLY ELECTED COUNTY EXECUTIVE OR IN A MUNICIPALITY THAT HAS A PUBLICLY ELECTED CHIEF EXECUTIVE OR MAYOR, IS SUBJECT TO APPROVAL BY THE COUNTY EXECUTIVE, CHIEF EXECUTIVE, OR MAYOR.

(b) An ordinance adopted under subsection (a) of this section shall include proposed articles of incorporation of an authority that state:

(1) the name of the authority, which shall be "Land Bank Authority of (name of the incorporating [municipality] LOCAL GOVERNMENT)";

(2) that the authority is formed under this subtitle;

(3) the names, addresses, and terms of office of the initial members of the board;

(4) the address of the principal office of the authority;

(5) the purposes for which the authority is formed; and

(6) the powers of the authority, subject to the limitations of this subtitle.

(c) (1) The chief executive, COUNTY EXECUTIVE, OR MAYOR of the incorporating [municipality] LOCAL GOVERNMENT, or any other official designated in the ordinance establishing an authority, shall execute and file the articles of incorporation of the authority for recordation with the State Department of Assessments and Taxation.















- (4) the Comptroller with respect to a State tax lien.

1-1414.

(a) [Money] **EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, MONEY** received by an authority as payment of taxes, penalties, **WATER AND SEWER LIENS**, or interest, or from the redemption or sale of property subject to a tax lien of any taxing unit, shall be returned to the tax collector in the jurisdiction where the property is located for distribution on a pro rata basis to the appropriate taxing units in an amount equal to delinquent taxes, penalties, and interest owed on the property.

(b) Proceeds received by an authority may be retained by the authority for the purposes of this subtitle, unless otherwise designated by:

- (1) an agreement of the authority;
- (2) the provisions of a deed;
- (3) this subtitle; or
- (4) any other law.

**(C) MONEY RECEIVED BY AN AUTHORITY AS PAYMENT OF WATER AND SEWER LIENS, TAXES, PENALTIES, OR INTEREST, OR FROM THE REDEMPTION OR SALE OF PROPERTY SUBJECT TO A TAX LIEN OF ANY TAXING UNIT MAY BE RETAINED BY AN AUTHORITY UNDER A WRITTEN AGREEMENT WITH A LOCAL GOVERNMENT OR A LAW ENACTED BY THE LEGISLATIVE BODY OF A LOCAL GOVERNMENT.**

**(D) (1) TO FACILITATE A TRANSFER OF REAL PROPERTY TO AN AUTHORITY, THE GOVERNING BODY FOR THE JURISDICTION WHERE THE REAL PROPERTY IS LOCATED MAY RELEASE ANY LIENS FOR UNPAID REAL PROPERTY TAXES OR OTHER CHARGES AND ASSESSMENTS IMPOSED BY THE GOVERNING BODY TO WHICH THE PROPERTY WOULD BE OTHERWISE SUBJECT, IF:**

**(i) 1. THE TOTAL AMOUNT OF LIENS FOR UNPAID REAL PROPERTY TAXES, CHARGES, AND ASSESSMENTS IMPOSED WITH RESPECT TO THE PROPERTY EXCEEDS THE LESSER OF THE TOTAL VALUE OF THE LAND AND ANY IMPROVEMENT ON THE LAND AS LAST DETERMINED BY THE TAX ASSESSOR OF THE GOVERNING BODY OR AS DETERMINED BY AN APPRAISAL REPORT PREPARED, NOT MORE THAN 6 MONTHS BEFORE THE REQUEST FOR THE RELEASE OF THE LIEN, BY A REAL ESTATE APPRAISER WHO IS LICENSED UNDER TITLE 16 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**

















(2) When the State Department of Assessments and Taxation accepts the articles of incorporation for recordation, the authority becomes a body politic and corporate and an instrumentality of the incorporating [municipality] **LOCAL GOVERNMENT**.

(3) Acceptance of the articles of incorporation for recordation by the State Department of Assessments and Taxation is conclusive evidence of the formation of the authority.

(d) (1) By ordinance, the [legislative] **GOVERNING** body of the incorporating [municipality] **LOCAL GOVERNMENT** may adopt an amendment to the articles of incorporation of an authority.

(2) Articles of amendment may contain any provision that lawfully could be contained in articles of incorporation at the time of the amendment.

(3) The articles of amendment shall be filed for recordation with the State Department of Assessments and Taxation.

(4) The articles of amendment are effective as of the time the State Department of Assessments and Taxation accepts the articles for recordation.

(5) Acceptance of the articles of amendment for recordation by the State Department of Assessments and Taxation is conclusive evidence that the articles have been lawfully and properly adopted.

(e) (1) Subject to this section and any limitations imposed by law on the impairment of contracts, the incorporating [municipality] **LOCAL GOVERNMENT**, in its sole discretion, by ordinance may:

(i) set or change the structure, organization, procedures, programs, or activities of an authority; or

(ii) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, terminate the authority.

**(2) IF ONE OR MORE LOCAL GOVERNMENTS ENGAGED IN AN INTERGOVERNMENTAL COOPERATION AGREEMENT DECIDE NOT TO TERMINATE THE AUTHORITY, THE AUTHORITY MAY CONTINUE TO OPERATE IF:**

**(I) THE NAME OF THE AUTHORITY IS REVISED TO REMOVE THE LOCAL GOVERNMENT THAT HAS DECIDED TO TERMINATE ITS PARTICIPATION IN THE AUTHORITY BY WITHDRAWAL;**

**(II) THE WITHDRAWING LOCAL GOVERNMENT DESIGNATES ALL PROPERTY TO REMAIN WITH THE AUTHORITY EXCEPT THAT:**





























(a) There is a Task Force on Rural Internet, Broadband, Wireless, and Cellular Service ~~on the Eastern Shore~~.

(b) ~~The~~ Subject to subsection (c)(2) of this section, the Task Force consists of the following members:

(1) four members of the Senate of Maryland, one who represents Western Maryland, one who represents Southern Maryland, one who represents the Eastern Shore, and one who represents Frederick, Carroll, or Harford counties, appointed by the President of the Senate;

(2) four members of the House of Delegates, one who represents Western Maryland, one who represents Southern Maryland, one who represents the Eastern Shore, and one who represents Frederick, Carroll, or Harford counties, appointed by the Speaker of the House;

(3) the Secretary of Information Technology, or the Secretary's designee;

~~(2)~~ (4) the Secretary of Commerce, or the Secretary's designee;

~~(3)~~ a representative of the Maryland Association of Counties, appointed by the Maryland Association of Counties;

~~(4)~~ (5) a representative of the Maryland Municipal League, appointed by the Maryland Municipal League the Executive Director of the Rural Maryland Council, or the Executive Director's designee;

(6) one representative of the Public Service Commission, appointed by the Chairman of the Commission;

(7) one representative of each regional council in Western Maryland, Southern Maryland, and the Eastern Shore, appointed by the council of that region;

(8) one representative of a multicounty organization serving rural communities in Frederick, Carroll, or Harford counties, appointed by the chair of the Task Force; and

~~(5)~~ (9) the following members, appointed by the Governor:

(i) ~~one representative of Verizon;~~ four representatives from the Internet and Broadband industry; and

(ii) ~~one representative of Comcast Corporation;~~

~~(iii) one representative of First Responder Network Authority; and~~

~~(iv) one representative of the Consumer Electronics Association~~ four representatives from the telecommunications industry.

(c) ~~(1) The Governor shall designate~~ Executive Director of the Rural Maryland Council, or the Executive Director's designee, shall serve as the chair of the Task Force.

~~(2) The chair of the Task Force may appoint additional members to the Task Force as deemed necessary by the chair.~~

(d) The Department of Information Technology shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Task Force shall study and make recommendations regarding how Western Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties can work together to obtain federal assistance to improve Internet, Broadband, wireless, and cellular services and accessibility in Western Maryland, in Southern Maryland, on the Eastern Shore, and in Frederick, Carroll, and Harford counties.

~~(2) The In accordance with paragraph (3) of this subsection, the study required under paragraph (1) of this subsection shall include an examination of the various types of cellular service that are available, and an assessment of which type of cellular service would be most effective on the Eastern Shore;~~

~~(i) assess current Internet, Broadband, wireless, cellular, and landline service connectivity;~~

~~(ii) assess coverage for the users located at the end of the:~~

- ~~1. Internet service connectivity;~~
- ~~2. Broadband service connectivity;~~
- ~~3. wireless service connectivity;~~
- ~~4. cellular service connectivity; and~~
- ~~5. landline service connectivity;~~

(iii) evaluate redundancies and gaps in the current Internet, Broadband, wireless, cellular, and landline service connectivity; and

(iv) evaluate any federal funds applied for in response to any previous Broadband task force in the State.

(3) The study required under paragraph (1) of this subsection shall be based on publicly available and nonconfidential information.

(g) On or before ~~December 31~~ November 30, 2017, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of 1 year and, at the end of May 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 622**

### **(House Bill 1526)**

AN ACT concerning

#### **Criminal Procedure – Postsentencing – Victim Notification**

FOR the purpose of expanding the types of crimes for which a victim may receive certain notification regarding a certain offender’s mandatory supervision, parole, commutation of sentence, pardon, or remission of sentence; expanding the types of crimes for which a victim may submit a certain impact statement to the Parole Commission or the Division of Parole and Probation; making stylistic changes; defining certain terms; and generally relating to victim notification.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 7–505(b), 7–801, 7–803, 7–804, and 7–805  
Annotated Code of Maryland  
(2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 11–104(a)(4) and (5)  
Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY repealing

Article – Criminal Procedure

Section 11–502

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–505

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Correctional Services**

7–505.

(b) If an inmate [who was convicted of a violent crime] is released on mandatory supervision and the victim made a written request for notification under § 7–801(b)(1)(ii) of this title or if the victim or the victim’s representative filed a notification request form under § 11–104 of the Criminal Procedure Article, the Department shall notify the victim or victim’s representative:

(1) if a warrant or subpoena is issued by the Commission for an alleged violation of a condition of mandatory supervision;

(2) if the individual has been found [guilty or not guilty of violating] **IN VIOLATION OR NOT IN VIOLATION OF** a condition of mandatory supervision; and

(3) of any punishment imposed for the individual’s violation of a condition of mandatory supervision.

7–801.

[(a) In this section, “victim” means:

(1) an individual who suffers personal physical injury or death as a direct result of a crime;

(2) a victim of child abuse under § 3–601 or § 3–602 of the Criminal Law Article;

(3) a victim of a violent crime; or

(4) if the victim is deceased, disabled, or a minor, a designated family member or other representative of the victim.]

**(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “VICTIM” HAS THE MEANING STATED IN § 11–104 OF THE CRIMINAL PROCEDURE ARTICLE.**

**(3) “VICTIM’S REPRESENTATIVE” HAS THE MEANING STATED IN § 11–104 OF THE CRIMINAL PROCEDURE ARTICLE.**

(b) (1) At least 90 days before an inmate’s parole release hearing, the Department shall notify the victim or the victim’s [designated] representative in writing, directed to the most current address on file, that the parole release hearing has been scheduled if:

(i) the victim or the victim’s representative filed a notification request form under § 11–104 of the Criminal Procedure Article; or

(ii) the victim makes a written request to the Department for notification and maintains a current address on file with the Department.

(2) The victim may designate in writing to the Department the name and address of a representative who is a resident of the State to receive notice for the victim.

(c) (1) Not later than 30 days after the date of the Department’s notice under subsection (b) of this section, the victim of a [violent] crime may submit to the Department a written request that the Division of Parole and Probation be required to complete an updated victim impact statement.

(2) If the victim submits a request as authorized by paragraph (1) of this subsection, the Department shall direct the Division of Parole and Probation to:

(i) complete the updated statement at least 30 days before the parole release hearing; and

(ii) send promptly the updated victim impact statement to the Commission.

(d) A victim may:

(1) at least 30 days before the parole release hearing:

(i) make a written recommendation to the Commission on the advisability of releasing the inmate on parole; and

(ii) request that the inmate be prohibited from having any contact with the victim as a condition of parole, mandatory supervision, work release, or other administrative release; and

(2) request a meeting with a commissioner.

(e) The Commission shall make an updated victim impact statement and a victim's written recommendation available for review by the inmate or the inmate's representative under § 7–303(b) of this title.

(f) The Commission shall consider an updated victim impact statement or victim's written recommendation at the parole release hearing.

(g) If a victim requested an open hearing under § 7–304 of this title, the victim may present oral testimony at the inmate's parole release hearing in a manner established in regulations adopted by the Commission.

(h) The Department shall notify promptly the victim or the victim's [designated] representative of the decision of the Commission regarding parole for the inmate.

7–803.

(a) If a victim **MADE A WRITTEN REQUEST FOR NOTIFICATION UNDER § 7–801(B)(1)(II) OF THIS SUBTITLE OR IF A VICTIM** or a victim's representative has filed a notification request form under § 11–104 of the Criminal Procedure Article, the Commission, if practicable, shall notify the victim in writing at least 90 days before entering into or signing a predetermined parole release agreement with an inmate.

(b) The Commission may not enter into a predetermined parole release agreement unless the Commission has notified the victim under subsection (a) of this section.

7–804.

If an individual was convicted of a [violent] crime and the victim made a written request for notification under § 7–801(b)(1)(ii) of this subtitle or if the victim or the victim's representative filed a notification request form under § 11–104 of the Criminal Procedure Article, the Department shall notify the victim or the victim's representative:

(1) that a warrant or subpoena was issued by the Commission for the individual's alleged violation of a condition of parole;

(2) that the individual has been found [guilty or not guilty of violating] **IN VIOLATION OR NOT IN VIOLATION OF** a condition of parole; and

(3) of the punishment imposed on the individual for violating a condition of parole.

7–805.

(a) [In this section, “victim” means an individual who suffers personal physical injury or death as a direct result of a crime or, if the victim is deceased, a designated family member of the victim.

(b)] If the victim made a written request to the Department for notification and maintains a current address on file with the Department or the victim or the victim’s representative filed a notification request form under § 11–104 of the Criminal Procedure Article, the Department shall notify the victim or the victim’s [designated] representative in writing that an inmate sentenced to the Division of Correction is being considered for a:

- (1) commutation of sentence;
- (2) pardon; or
- (3) remission of sentence.

[(c)] **(B)** (1) [If the inmate was convicted of a violent crime, the] **THE** victim may submit to the Commission a victim impact statement and recommendation.

(2) The Commission shall make the victim impact statement and recommendation available for review by the inmate or the inmate’s representative subject to § 7–303(b) of this title.

[(d)] **(C)** If a victim impact statement or recommendation is submitted under this section, the Commission shall consider the victim impact statement or recommendation.

[(e)] **(D)** A victim may request a meeting with a commissioner.

[(f)] **(E)** The Department shall notify promptly the victim or the victim’s designated representative of the Commission’s decision.

[(g)] **(F)** The victim may designate in writing to the Department the name and address of a representative to receive notice for the victim.

### Article – Criminal Procedure

11–104.

(a) (4) “Victim” means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.

(5) “Victim’s representative” includes a family member or guardian of a victim who is:

- (i) a minor;
- (ii) deceased; or
- (iii) disabled.

[11–502.

This subtitle applies only to a defendant who is charged with a felony or to a child respondent who is alleged to have committed a delinquent act that would be a felony if committed by an adult.]

11–505.

(a) This section applies to a victim or victim’s representative who:

(1) has made a written request to the Department for notification **UNDER § 7–801(B)(1)(II) OF THE CORRECTIONAL SERVICES ARTICLE**; or

(2) has filed a notification request form under § 11–104 of this title.

(b) (1) If a parole release hearing is scheduled for an inmate who has been convicted of and sentenced for a crime, the victim or victim’s representative has the rights provided under § 7–801 of the Correctional Services Article.

(2) At a parole release hearing, a victim or victim’s representative has the rights provided under § 7–304 of the Correctional Services Article.

(c) (1) Whenever a person who was convicted of a [violent] crime [as defined in § 7–101 of the Correctional Services Article] is found [guilty of violating] **IN VIOLATION OF** a condition of parole, the Department shall notify the victim or victim’s representative as provided under § 7–804 of the Correctional Services Article.

(2) Whenever a warrant or subpoena is issued for a person who was convicted of a [violent] crime [as defined in § 7–101 of the Correctional Services Article] for an alleged violation of a condition of parole, the Department shall notify the victim or victim’s representative as provided under § 7–804 of the Correctional Services Article.

(d) [(1)] Whenever a person who is sentenced is considered for a commutation, pardon, or remission of [sentence, the Department shall notify the victim or victim's representative as provided under § 7-805(b) and (f) of the Correctional Services Article.

(2) If the person described in paragraph (1) of this subsection was convicted of a violent crime as defined in § 7-101 of the Correctional Services Article, a victim or victim's representative has the additional rights regarding submission and consideration of a victim impact statement provided under § 7-805(c) and (d) of the Correctional Services Article] **SENTENCE:**

**(1) THE DEPARTMENT SHALL NOTIFY THE VICTIM OR VICTIM'S REPRESENTATIVE AS PROVIDED UNDER § 7-805(A) AND (E) OF THE CORRECTIONAL SERVICES ARTICLE; AND**

**(2) A VICTIM OR VICTIM'S REPRESENTATIVE HAS THE ADDITIONAL RIGHTS REGARDING SUBMISSION AND CONSIDERATION OF A VICTIM IMPACT STATEMENT PROVIDED UNDER § 7-805(B) AND (C) OF THE CORRECTIONAL SERVICES ARTICLE.**

(e) (1) Whenever a person convicted of a crime [of violence] is found [guilty of violating] **IN VIOLATION OF** a condition of mandatory supervision, the Department shall notify the victim or victim's representative as provided under § 7-505(b) of the Correctional Services Article.

(2) Whenever a warrant or subpoena is issued for a person convicted of a [violent] crime [as defined in § 7-101 of the Correctional Services Article] for an alleged violation of a condition of mandatory supervision, the Department shall notify the victim or victim's representative as provided under § 7-804 of the Correctional Services Article.

(f) Before entering into a predetermined parole release agreement with an inmate, the Maryland Parole Commission shall notify the victim or victim's representative as provided under § 7-803 of the Correctional Services Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 623**

**(House Bill 253)**

AN ACT concerning

**State Board of Nursing – Registered Nurses and Licensed Practical Nurses  
– Renewal of Licenses – Continuing Education Units**

FOR the purpose of altering the requirements for renewing certain licenses by authorizing certain registered nurses and licensed practical nurses to renew a license if the registered nurse or licensed practical nurse submits to the State Board of Nursing certain evidence of completion of a certain number of continuing education units as required by regulations adopted by the Board; and generally relating to the renewal of licenses of registered nurses and licensed practical nurses.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 8–312(c)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health Occupations**

8–312.

(c) Before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

- (1) Otherwise is entitled to be licensed;
- (2) Pays to the Board:
  - (i) A renewal fee set by the Board; or
  - (ii) A renewal fee that is set by the Board if the licensee certifies to the Board that the licensee provides professional services only as a volunteer; and
- (3) Submits to the Board by paper application or electronic means:
  - (i) A renewal application on the form that the Board requires; and
  - (ii) Satisfactory evidence of completion of:
    1. 1,000 hours of active nursing practice within the 5–year period immediately preceding the date of renewal;
    2. A course of instruction, commonly known as a refresher course, approved by the Board; [or]

3. A preceptorship program provided by an employer and approved by the Board; **OR**

4. **A MINIMUM NUMBER OF CONTINUING EDUCATION UNITS AS REQUIRED BY REGULATIONS ADOPTED BY THE BOARD.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 624

**(House Bill 793)**

AN ACT concerning

### Family Law – Divorce – Restoration of Former Name

FOR the purpose of authorizing the court, on motion of a party filed within a certain period of time after a final decree of absolute divorce is entered, to change the name of the requesting party to a certain former name under certain circumstances; specifying that certain provisions of law relating to a change of name do not apply to a change of name in connection with a decree of absolute divorce; and generally relating to divorce and the restoration of a former name.

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 7–105  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Family Law

7–105.

**(A)** In granting a decree of absolute divorce **OR ON MOTION OF A PARTY FILED WITHIN 18 MONTHS AFTER A FINAL DECREE OF ABSOLUTE DIVORCE IS ENTERED**, the court shall change the name of [a] **THE REQUESTING** party to either the name given the party at birth or any other former name the party wishes to use if:

- (1) the party took a new name on marriage and no longer wishes to use it;
- (2) the party asks for the change of name; and
- (3) the purpose of the party is not illegal, fraudulent, or immoral.

**(B) THE PROVISIONS OF MARYLAND RULE 15–901 RELATING TO AN ACTION FOR A CHANGE OF NAME DO NOT APPLY TO A CHANGE OF NAME UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 625**

**(Senate Bill 83)**

AN ACT concerning

### **Family Law – Divorce – Restoration of Former Name**

FOR the purpose of authorizing the court, on motion of a party filed within a certain period of time after a final decree of absolute divorce is entered, to change the name of the requesting party to a certain former name under certain circumstances; specifying that certain provisions of law relating to a change of name do not apply to a change of name in connection with a decree of absolute divorce; and generally relating to divorce and the restoration of a former name.

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 7–105  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Family Law**

7–105.

(A) In granting a decree of absolute divorce **OR ON MOTION OF A PARTY FILED WITHIN 18 MONTHS AFTER A FINAL DECREE OF ABSOLUTE DIVORCE IS ENTERED**, the court shall change the name of [a] **THE REQUESTING** party to either the name given the party at birth or any other former name the party wishes to use if:

- (1) the party took a new name on marriage and no longer wishes to use it;
- (2) the party asks for the change of name; and
- (3) the purpose of the party is not illegal, fraudulent, or immoral.

(B) **THE PROVISIONS OF MARYLAND RULE 15–901 RELATING TO AN ACTION FOR A CHANGE OF NAME DO NOT APPLY TO A CHANGE OF NAME UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 626

(House Bill 735)

AN ACT concerning

### Estates and Trusts – Share of Intestate Estate Inherited by Surviving Spouse

FOR the purpose of increasing the share of the intestate estate of a decedent inherited by a surviving spouse under certain circumstances; and generally relating to intestate property inherited by a surviving spouse.

BY repealing and reenacting, with amendments,  
 Article – Estates and Trusts  
 Section 3–102  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Estates and Trusts

3–102.

- (a) The share of a surviving spouse shall be as provided in this section.
- (b) If there is a surviving minor child, the share shall be one-half.
- (c) If there is no surviving minor child, but there is surviving issue, the share shall be the first [\$15,000] ~~\$100,000~~ \$40,000 plus one-half of the residue.
- (d) If there is no surviving issue but a surviving parent, the share shall be the first [\$15,000] ~~\$100,000~~ \$40,000 plus one-half of the residue.
- (e) If there is no surviving issue or parent, the share shall be the whole estate.
- (f) For the purposes of this section, the net estate shall be calculated without a deduction for the tax as defined in § 7-308 of the Tax – General Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 627

### (Senate Bill 73)

AN ACT concerning

#### **Estates and Trusts – Share of Intestate Estate Inherited by Surviving Spouse**

FOR the purpose of increasing the share of the intestate estate of a decedent inherited by a surviving spouse under certain circumstances; and generally relating to intestate property inherited by a surviving spouse.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 3-102  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### **Article – Estates and Trusts**

3-102.

- (a) The share of a surviving spouse shall be as provided in this section.
- (b) If there is a surviving minor child, the share shall be one-half.
- (c) If there is no surviving minor child, but there is surviving issue, the share shall be the first [\$15,000] ~~\$100,000~~ \$40,000 plus one-half of the residue.
- (d) If there is no surviving issue but a surviving parent, the share shall be the first [\$15,000] ~~\$100,000~~ \$40,000 plus one-half of the residue.
- (e) If there is no surviving issue or parent, the share shall be the whole estate.
- (f) For the purposes of this section, the net estate shall be calculated without a deduction for the tax as defined in § 7-308 of the Tax – General Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 628

### (House Bill 906)

AN ACT concerning

#### Criminal Law – Crime of Violence – Home Invasion

FOR the purpose of classifying the offense of home invasion as a crime of violence under a certain provision of law; and generally relating to crimes of violence.

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 14-101(a)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

#### Article – Criminal Law

14-101.

- (a) In this section, “crime of violence” means:
- (1) abduction;
  - (2) arson in the first degree;
  - (3) kidnapping;
  - (4) manslaughter, except involuntary manslaughter;
  - (5) mayhem;
  - (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
  - (7) murder;
  - (8) rape;
  - (9) robbery under § 3–402 or § 3–403 of this article;
  - (10) carjacking;
  - (11) armed carjacking;
  - (12) sexual offense in the first degree;
  - (13) sexual offense in the second degree;
  - (14) use of a handgun in the commission of a felony or other crime of violence;
  - (15) child abuse in the first degree under § 3–601 of this article;
  - (16) sexual abuse of a minor under § 3–602 of this article if:
    - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
    - (ii) the offense involved:
      1. vaginal intercourse, as defined in § 3–301 of this article;
      2. a sexual act, as defined in § 3–301 of this article;
      3. an act in which a part of the offender’s body penetrates, however slightly, into the victim’s genital opening or anus; or

4. the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

**(17) HOME INVASION UNDER § 6-202(B) OF THIS ARTICLE;**

[(17)] **(18)** an attempt to commit any of the crimes described in items (1) through [(16)] **(17)** of this subsection;

[(18)] **(19)** continuing course of conduct with a child under § 3-315 of this article;

[(19)] **(20)** assault in the first degree;

[(20)] **(21)** assault with intent to murder;

[(21)] **(22)** assault with intent to rape;

[(22)] **(23)** assault with intent to rob;

[(23)] **(24)** assault with intent to commit a sexual offense in the first degree; and

[(24)] **(25)** assault with intent to commit a sexual offense in the second degree.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 629**

**(Senate Bill 465)**

AN ACT concerning

**Maryland Nonprofit Development Center Program and Fund – Bridge Loans**

FOR the purpose of renaming the Maryland Not-For-Profit Development Center Program and the Maryland Not-For-Profit Development Center Program Fund to be the Maryland Nonprofit Development Center Program and the Maryland Nonprofit Development Center Program Fund; expanding the scope of the Program to include

~~bridge loans for certain expenses for certain nonprofit entities; establishing the Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account within the Fund; providing that the Account consists of certain money from the Small, Minority, and Women-Owned Businesses Account and any other money appropriated, transferred, or repaid to the Account; prohibiting money in the Account from exceeding a certain amount; requiring certain money in the Account to be transferred to the Small, Minority, and Women-Owned Businesses Account under certain circumstances; expanding the Fund to include certain proceeds of video lottery terminals; requiring certain money in the Fund to be transferred to the Education Trust Fund under certain circumstances~~ money in the Account; authorizing the Department of Commerce to provide a certain bridge loan under certain circumstances; requiring the Department to establish a certain application process and receive a certain written confirmation before providing a bridge loan; requiring ~~a bridge loan to be repaid within a certain period of time~~ the Department to establish a certain schedule and terms of repayment for a bridge loan; requiring the Comptroller to pay a certain amount from the ~~proceeds of certain video lottery terminals to the Fund~~ percentage, up to a certain amount, from the Small, Minority, and Women-Owned Businesses Account to the Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account *beginning in a certain fiscal year; authorizing the Governor to transfer certain funds on or before a certain date to the Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account*; requiring the Department to report to the Governor and the General Assembly on or before a certain date on certain matters; altering certain definitions; making certain conforming changes; and generally relating to the Maryland Nonprofit Development Center Program.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5-1201 through 5-1205 to be under the amended subtitle “Subtitle 12. Maryland Nonprofit Development Center Program”

Annotated Code of Maryland

(2008 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9-1A-27(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9-1A-27(b) and (c)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, The nonprofit sector provides vital services to our community, including affordable housing, job training, child development, and public health, without which the government would have to foot the bill; and

WHEREAS, One in ten Maryland workers is employed by the nonprofit sector; and

WHEREAS, According to a report by Maryland Nonprofits and the Center for Nonprofit Advancement, 37 percent of nonprofit entities in the State saw an increased demand in their services and half of those nonprofit entities were unable to meet the increased demand; and

WHEREAS, Nonprofit entities disproportionately employ, are led by, and benefit marginalized groups, including minorities and women; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Economic Development**

Subtitle 12. Maryland [~~Not–For–Profit~~] **NONPROFIT** Development Center Program.

5–1201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Fund” means the Maryland [~~Not–For–Profit~~] **NONPROFIT** Development Center Program Fund established under § 5–1204 of this subtitle.

(c) [~~Not–for–profit~~] “**NONPROFIT** entity” means a corporation incorporated in the State, or otherwise qualified to do business in the State, that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code.

(d) “Program” means the Maryland [~~Not–For–Profit~~] **NONPROFIT** Development Center Program established under § 5–1202 of this subtitle.

(e) “Qualifying [~~not–for–profit~~] **NONPROFIT** entity” means a [~~not–for–profit~~] **NONPROFIT** entity:

(1) that has annual revenues not greater than \$750,000;

(2) that has been in existence for not more than 10 years; and

(3) whose principal purpose is providing health, education, environmental, agricultural, or social services through community–based programs.

5–1202.

(a) There is a Maryland [Not–For–Profit] **NONPROFIT** Development Center Program in the Department.

(b) The Program shall foster, support, and assist the economic growth and revitalization of qualifying [not–for–profit] **NONPROFIT** entities in the State by providing training and technical assistance services **AND BRIDGE LOANS TO NONPROFIT ENTITIES ~~WAITING TO RECEIVE THE~~ THAT HAVE RECEIVED WRITTEN CONFIRMATION OF FUNDING FROM GOVERNMENT GRANTS OR CONTRACTS BUT HAVE NOT YET RECEIVED THE FUNDING.**

5–1203.

The Program shall provide assistance to qualifying [not–for–profit] **NONPROFIT** entities, including:

(1) operation of an information exchange governing current and new technical information and data about all aspects of [not–for–profit] **NONPROFIT** management, including:

- (i) [not–for–profit] **NONPROFIT** start–up;
- (ii) budgeting and financial management;
- (iii) facilities development and management;
- (iv) board development;
- (v) organizational development and strategic planning;
- (vi) marketing;
- (vii) federal and State contracting and grant making;
- (viii) individual, corporate, and foundation fund–raising;
- (ix) volunteer management;
- (x) personnel management;
- (xi) federal and State tax law and regulations;
- (xii) federal and State law and regulations governing charitable solicitations;

(xiii) federal and State regulations applicable to licensing or accreditation;

(xiv) federal and State financing programs; and

(xv) information technology; and

(2) individual consultation and technical assistance to any qualifying [not-for-profit] **NONPROFIT** entity that requests the service, including assistance on any of the subjects identified in item (1) of this section.

5-1204.

(a) (1) **(I)** There is a Maryland [Not-For-Profit] **NONPROFIT** Development Center Program Fund in the Department.

**(II) 1. WITHIN THE FUND, THERE IS A NONPROFIT, INTEREST-FREE, MICRO BRIDGE LOAN (NIMBL) ACCOUNT.**

**2. THE ACCOUNT CONSISTS OF:**

**A. MONEY RECEIVED UNDER § 9-1A-27 OF THE STATE GOVERNMENT ARTICLE; AND**

**B. ANY OTHER MONEY APPROPRIATED, TRANSFERRED BY BUDGET AMENDMENT, OR REPAID TO THE ACCOUNT.**

**3. THE MONEY IN THE ACCOUNT MAY NOT EXCEED \$1,000,000.**

**4. IF THE MONEY IN THE ACCOUNT EXCEEDS \$1,000,000, ANY MONEY IN EXCESS OF THAT AMOUNT SHALL BE TRANSFERRED TO THE SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER § 9-1A-35 OF THE STATE GOVERNMENT ARTICLE.**

(2) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7-302 of the State Finance and Procurement Article.

(3) The Fund consists of:

(i) money appropriated in the State budget to the Fund; [and]

(ii) ~~MONEY RECEIVED UNDER § 9-1A-27 OF THE STATE GOVERNMENT ARTICLE~~ **IN THE NONPROFIT, INTEREST-FREE, MICRO BRIDGE LOAN (NIMBL) ACCOUNT; AND**

(III) all other money accepted for the benefit of the Fund, including an additional \$50 fee to be paid for the processing of articles of incorporation of a nonstock corporation in accordance with § 1–203 of the Corporations and Associations Article.

(b) (1) The purpose of the Fund is to provide grant money AND BRIDGE LOANS to support the operations of the Program consistent with this subtitle.

(2) As provided in the State budget, the Fund also may be used by the Department of General Services to evaluate the participation of [not-for-profit] NONPROFIT entities in State procurement.

~~(c) WHEN THE FUND REACHES \$1,000,000, ANY MONEY IN EXCESS OF THAT AMOUNT SHALL BE TRANSFERRED TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THE STATE GOVERNMENT ARTICLE.~~

5–1205.

(a) The Department shall designate at least one private [not-for-profit] NONPROFIT entity to receive grants from the Maryland [Not-For-Profit] NONPROFIT Development Center Program Fund to implement the Program.

(b) In selecting a designee, the Department shall consider and give priority to organizations that:

(1) have experience in providing the scope of assistance and services required under § 5–1203 of this subtitle to qualifying [not-for-profit] NONPROFIT entities in the State;

(2) demonstrate the capacity to provide the assistance and services required under § 5–1203 of this subtitle on a statewide basis; and

(3) demonstrate current expenditures that:

(i) are equal to at least three times the amount of funding received under this section; and

(ii) have been received from other sources for the provision of assistance and services of the type required under § 5–1203 of this subtitle to [not-for-profit] NONPROFIT entities in the State.

**(c) (1) THE DEPARTMENT MAY PROVIDE A NO-INTEREST BRIDGE LOAN FOR OPERATING EXPENSES OF UP TO \$25,000 TO A NONPROFIT ENTITY THAT ~~IS WAITING TO RECEIVE THE~~ HAS RECEIVED WRITTEN CONFIRMATION OF FUNDING**

FROM A GOVERNMENT GRANT OR CONTRACT BUT HAS NOT YET RECEIVED THE FUNDING.

(2) THE DEPARTMENT SHALL ESTABLISH AN APPLICATION PROCESS FOR BRIDGE LOANS PROVIDED UNDER THIS SUBSECTION.

(3) BEFORE PROVIDING A BRIDGE LOAN UNDER THIS SUBSECTION, THE DEPARTMENT SHALL RECEIVE WRITTEN CONFIRMATION THAT THE NONPROFIT ENTITY HAS BEEN AWARDED A GOVERNMENT GRANT OR CONTRACT BUT HAS NOT YET RECEIVED THE FUNDING.

~~(4) THE RECIPIENT OF A BRIDGE LOAN UNDER THIS SUBSECTION SHALL REPAY THE BRIDGE LOAN WITHIN 60 DAYS OF RECEIPT OF THE FUNDING ANTICIPATED FROM THE GOVERNMENT GRANT OR CONTRACT.~~

(4) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE FOR REPAYMENT FOR A BRIDGE LOAN THAT:

(I) IS REASONABLE BASED ON THE NATURE AND PAYMENT SCHEDULE OF THE GOVERNMENT GRANT OR CONTRACT TO THE NONPROFIT ENTITY; AND

(II) ASSURES REPAYMENT OF THE BRIDGE LOAN IS COMPLETED NO LATER THAN THE DATE OF THE FINAL GRANT OR CONTRACT PAYMENT TO THE NONPROFIT ENTITY.

#### Article – State Government

9–1A–27.

(a) Except as provided in subsections (b) and (c) of this section and § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle; and

(ii) beginning April 1, 2015, 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed, except as provided in subsection (b) of this section, 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) 7% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of \$100,000,000 to the Account annually;

(5) (i) until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section; and

(ii) on or after the issuance of a video lottery operation license in Baltimore City, 1% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section, not to exceed a total of \$20,000,000 to the Account annually;

(6) **(I)** 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; **AND**

**(II) BEGINNING IN FISCAL YEAR 2021, FROM THE AMOUNT PAID TO THE SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES ACCOUNT UNDER ITEM (I) OF THIS ITEM, UP TO 5%, NOT TO EXCEED \$1,000,000, TO THE NONPROFIT, INTEREST–FREE, MICRO BRIDGE LOAN (NIMBL) ACCOUNT ESTABLISHED UNDER § 5–1204 OF THE ECONOMIC DEVELOPMENT ARTICLE;**

(7) (i) except as provided in item (ii) of this item, 6% to the video lottery operation licensee if the video lottery operation licensee owns or leases each video lottery terminal device and the associated equipment and software; and

(ii) 8% to the video lottery operation licensee in Anne Arundel County;

(8) beginning after the issuance of a video lottery operation license for a video lottery facility in Prince George’s County, 8% to the video lottery operation licensee in Anne Arundel County and 7% to the licensee in Baltimore City for:

(i) marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

(ii) capital improvements at the video lottery facilities; ~~and~~

~~(9) 5% TO THE MARYLAND NONPROFIT DEVELOPMENT PROGRAM FUND ESTABLISHED UNDER § 5–1204 OF THE ECONOMIC DEVELOPMENT ARTICLE, NOT TO EXCEED A TOTAL OF \$1,000,000 TO THE ACCOUNT ANNUALLY; AND~~

~~(10)~~ the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(b) (1) Beginning July 1, 2013, for a video lottery facility in Worcester County with less than 1,000 video lottery terminals, the percentage in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the percentage:

(i) in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility; and

(ii) in subsection (a)(1) of this section is equal to 2%.

(3) For a video lottery facility in Prince George's County, the percentage in subsection (a)(2) of this section stated in the accepted application for the location may not exceed 38%.

(c) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9-1A-01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9-1A-31 of this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9-1A-28 of this subtitle;

(v) 0.75% to the Small, Minority, and Women-Owned Businesses Account established under § 9-1A-35 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9-1A-30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsections (a) and (b) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2017, the Governor may transfer by budget amendment to the Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account established under Section 1 of this Act \$187,500 of the fiscal year 2017 special fund appropriation transferred in accordance with Section 11 of H.B. 152 of the Acts of the General Assembly of 2017 from the Department of Housing and Community Development to the Department of Commerce to be redistributed to the Small, Minority, and Women-Owned Businesses Account established under § 9-1A-35 of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2020, the Department of Commerce shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the bridge loans issued under the Maryland Nonprofit Development Center Program, including:

- (1) the number of bridge loan applications the Department received;
- (2) the number of bridge loans provided to nonprofit entities;
- (3) the dollar amount of the bridge loans provided;
- (4) the length of time the Department took to process bridge loan applications and award funds;
- (5) the length of time between when nonprofit entities receive bridge loans and repay the bridge loans; and
- (6) the availability of funds to meet bridge loan demands.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 630

(Senate Bill 632)

AN ACT concerning

### **Election Law – Persons Doing Public Business – Reporting by Governmental Entities**

FOR the purpose of repealing the requirement that a governmental entity notify the State Board of Elections if a person doing public business with the governmental entity fails to file a statement under a certain provision of law; requiring a governmental

entity that has awarded a person a contract that causes the person to be doing public business to provide the State Board with certain information; authorizing the governmental entity to comply with a certain provision of this Act by sending a certain quarterly report to the State Board; requiring that the quarterly report include the required information for certain persons *and be submitted by a certain date*; and generally relating to reporting by governmental entities of persons doing public business.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 14–107  
Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Election Law

14–107.

(a) (1) ~~Except as provided in paragraph (2) of this subsection, a~~ **A** governmental entity that has awarded a person a contract that causes the person to be doing public business shall:

(i) require the person to certify that the person has filed the statement required under § 14–104(b)(1) of this title; and

(ii) **[notify the State Board if a person doing public business with the governmental entity fails to file the statement under § 14–104(b)(1) of this title] PROVIDE THE STATE BOARD WITH THE PERSON’S NAME, ADDRESS, AND ANY OTHER CONTACT INFORMATION REQUIRED BY THE STATE BOARD.**

**(2) (I) A GOVERNMENTAL ENTITY MAY COMPLY WITH PARAGRAPH (1)(II) OF THIS SUBSECTION BY SENDING TO THE STATE BOARD A QUARTERLY REPORT ON A FORM PROVIDED BY THE STATE BOARD.**

~~(II) A QUARTERLY REPORT SENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE REQUIRED INFORMATION FOR ANY PERSON THAT WAS AWARDED A CONTRACT THAT CAUSED THE PERSON TO BE DOING PUBLIC BUSINESS SINCE THE LAST REPORT WAS SENT BY THE GOVERNMENTAL ENTITY.~~

~~[(2)] (3) This subsection does not apply to a contract for which notice of award has been posted on eMaryland Marketplace.~~

**(II) A QUARTERLY REPORT SENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:**

**1. INCLUDE THE REQUIRED INFORMATION FOR ANY PERSON THAT WAS AWARDED A CONTRACT THAT CAUSED THE PERSON TO BE DOING PUBLIC BUSINESS WITH THE GOVERNMENTAL ENTITY DURING THE PRECEDING CALENDAR QUARTER; AND**

**2. BE SUBMITTED TO THE STATE BOARD NO LATER THAN 10 BUSINESS DAYS AFTER THE CLOSE OF EACH CALENDAR QUARTER.**

(b) (1) If a person files a statement under § 14–104 of this title that does not include all the information required, the State Board shall notify the person in writing of the particular deficiencies.

(2) Within 30 days after service of the notice under paragraph (1) of this subsection, the person shall file an amended statement that includes all the information required.

(c) (1) As provided in this subsection, the State Board may impose fees for late filing of:

(i) a statement required under § 14–104 of this title; or

(ii) an amended statement required under subsection (b) of this section.

(2) The State Board may impose late filing fees in the same amounts and in the same manner as provided under § 13–331(a) and (b) of this article for late filing of campaign finance reports.

(3) Late filing fees imposed under this subsection shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(d) A person who knowingly and willfully violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(e) An officer or partner of a business entity who knowingly authorizes or participates in a violation of this title by the business entity is subject to the penalty provided in subsection (d) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

**Chapter 631****(Senate Bill 74)**

AN ACT concerning

**Maryland Code – Standardization of Terminology – Nonprofits**

FOR the purpose of making stylistic changes to various provisions of law to standardize the terminology used to refer to nonprofit persons where appropriate; providing for the construction of this Act; and generally relating to the standardization of terminology in the Code.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 1–101(a)  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 1–101(e)(2), 12–104(d), and 31–1306(b)  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 3–403(c)(1) and (d), 5–102(a)(2), 5–602(a)(2)(vi), 11–526(d)(2), 11–902,  
17–905(d)(2)(ii), 17–1402(b)(2), and 19–701(c)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Business Regulation  
Section 19–701(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Commercial Law  
Section 23–101(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 23–101(d)

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 1–203(b)(11)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 2.5–106(9), 4–701(d), 5–203(e)(1)(ii), 5–301(d), 5–320(a)(2), 5–324(b), (c), and (e)(1), 5–401(f)(1) and (s)(1)(i), 5–1201, 5–1202(b), 5–1203, 5–1204(b)(2), 5–1205, 10–101(j)(2)(ii), 10–115(12), 10–301(g) and (j)(1)(i)1., 10–403(b)(2)(i), 10–424(2) and (5), 10–454(i), 10–473(r), 10–502(b)(3), 10–601(c), 10–807(b)(2)(i), 10–835(2) and (5), 10–903(b)(3)(iii), 11–203(b)(2)(i), 12–101(f) and (g)(1), 12–109(a)(2)(i), 12–406(a)(2)(i), 13–405(b)(2)(ii), 13–408(a)(20) and (21), 13–504, 13–733(a), and 15–101(e)(1)

Annotated Code of Maryland

(2008 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 4–701(a), 5–203(a), 5–301(a), 5–401(a), 10–101(a), 10–301(a), 10–454(a), 10–473(a), 10–601(a), 12–101(a), and 15–101(a)

Annotated Code of Maryland

(2008 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 14–105(f)

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–320(a)(2)(iii) and 5–716(h)(1)

Annotated Code of Maryland

(2014 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 1–301(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 1–301(f)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Housing and Community Development  
Section 6–401(a)  
Annotated Code of Maryland  
(2006 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Housing and Community Development  
Section 6–401(e), 12–104(b), and 12–502(h)  
Annotated Code of Maryland  
(2006 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 8–701(a)  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 8–701(e)  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Insurance  
Section 5–511(a)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 5–511(a)(4), 14–103, and 27–802(c)(1)(iii)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment

Section 3–203(4)(ix), 3–403(10), 3–415(b)(2), 3–420(b), 7–101(b)(2), 8–101(s)(1)(i) and (v), 8–203(d), 8–217(a), 8–220(c)(1)(i), 8–222, 8–303(f)(1), 8–610(d)(1), 8–616(a) and (b), 8–617(a), (c), and (e) through (g), 8–618(a) through (c), and (e) through (i), 8–620(a)(2), (c)(1), and (d) through (f), 8–621(a) through (c), and 8–622(a)(1) and (b)(1)

Annotated Code of Maryland  
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 7–101(a) and 8–101(a)

Annotated Code of Maryland  
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Land Use

Section 17–113(a)

Annotated Code of Maryland  
(2012 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use

Section 17–113(b)(1)(iv)

Annotated Code of Maryland  
(2012 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–1203(mm) and 8–1915(a)(2)(v)

Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 1–101(a)

Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 1–101(ff)(2), 9–208(b) through (d), and 10–102(b)(2), (d), and (e)

Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 13–110(a)(1)

Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 13–110(a)(6) and (c)(1), 14–301(h), and 14–302(a)(1)(i)2.B. and (a)(13)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 2–512  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 4–103(a)(2)(i) and (b)(2)(ii), 4–104(a) and (b), 4–301(b), 9–314(e), and  
10–208(b)  
Annotated Code of Maryland  
(2016 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Alcoholic Beverages**

1–101.

- (a) In this article the following words have the meanings indicated.
- (e) “Club” means an association or a corporation that is:
  - (2) **[not-for-profit] NONPROFIT.**

12–104.

(d) The Board may waive the food requirement specified under subsection (b) of this section for a restaurant owned and operated by a **[not-for-profit] NONPROFIT** organization in the area bounded by South Ellwood Avenue on the west, Bank Street on the north, South Bouldin Street on the east, and Fleet Street on the south.

31–1306.

(b) The Board may issue the license to a **[not-for-profit] NONPROFIT** club, society, association, or organization.

**Article – Business Regulation**

3–403.

(c) (1) A county where an amusement attraction is located may buy, on behalf of a [not for profit] **NONPROFIT** organization, the amount of insurance required under this section for the amusement attraction.

(d) (1) This subsection applies to a [not for profit] **NONPROFIT** community service corporation that:

(i) is incorporated under Maryland law;

(ii) is authorized to collect charges or assessments by a covenant running with the land; and

(iii) has gross annual revenues of at least \$15,000,000.

(2) A [not for profit] **NONPROFIT** community service corporation complies with the insurance requirements of this section for an amusement attraction that the corporation owns and operates if the corporation is self-insured for at least \$1,000,000 against liability for injury that arises out of the use of the amusement attraction:

(i) under regulations that the State Insurance Commissioner adopts; or

(ii) until the State Insurance Commissioner adopts regulations, with the approval of the State Insurance Commissioner, if the corporation is authorized by a covenant running with the land to collect a payment or charge based on the value of real property.

(3) A [not for profit] **NONPROFIT** community service corporation that elects to self-insure shall submit periodically in writing to the State Insurance Commissioner the conditions of self-insurance.

(4) The conditions of self-insurance must:

(i) be approved by the State Insurance Commissioner; and

(ii) conform with the conditions of comprehensive liability insurance policies available in the private market.

5–102.

(a) The registration and permitting provisions of this title do not apply to:

(2) a cemetery owned by a [not for profit] **NONPROFIT** organization created before 1900 by an act of the General Assembly;

5-602.

(a) This subtitle does not apply to a cemetery that:

(2) is owned and operated by:

(vi) a [not for profit] **NONPROFIT** organization created before 1900 by an act of the General Assembly;

11-526.

(d) (2) The Park and Planning Commission shall pay to the Maryland Equestrian Foundation, Inc., a [not for profit] **NONPROFIT** organization:

(i) from the amount deducted under paragraph (1) of this subsection, 8% of the total amount bet in all of the mutuel pools; and

(ii) any profit from admission fees or other receipts, less expenses from the operation of racing days.

11-902.

There is a Maryland Jockey Injury Compensation Fund, Inc., established as a [not for profit] **NONPROFIT** corporation in the Department.

17-905.

(d) In Harford County, Part II of this subtitle:

(2) does not apply to:

(ii) a [not-for-profit] **NONPROFIT** organization.

17-1402.

(b) This subtitle does not apply to an outdoor musical festival held in:

(2) Kent County by a [not for profit] **NONPROFIT** agricultural, charitable, civic, fraternal, religious, social welfare, or war veterans' organization operating in Kent County.

19-701.

(a) In this subtitle the following words have the meanings indicated.

(c) “Animal welfare organization” means a [not-for-profit] **NONPROFIT** organization established to promote animal welfare that has tax exempt status under § 501(c)(3) of the U.S. Internal Revenue Code.

### Article – Commercial Law

23–101.

(a) In this title the following words have the meanings indicated.

(d) “Person” does not include an individual, a [not for profit] **NONPROFIT** entity, or a public instrumentality.

### Article – Corporations and Associations

1–203.

(b) (11) A nonrefundable processing fee for articles of incorporation of a nonstock corporation that is organized to operate as a [not-for-profit] **NONPROFIT** entity under § 501(c)(3), (4), or (6) of the Internal Revenue Code is \$150.

### Article – Economic Development

2.5–106.

The Department shall:

(9) broker information exchange and entrepreneurial services that enhance economic development through partnerships with businesses, [not-for-profit] **NONPROFIT** organizations, professional groups, local economic development entities, and local governments;

4–701.

(a) In this subtitle the following words have the meanings indicated.

(d) “Arts and entertainment enterprise” means a for-profit or [not-for-profit] **NONPROFIT** entity dedicated to visual or performing arts.

5–203.

(a) There is a Maryland Economic Adjustment Fund in the Department.

(e) (1) The Fund shall be used to:

(ii) make grants to local or regional governmental or [not-for-profit] **NONPROFIT** economic development revolving loan funds in the State; and

5-301.

(a) In this subtitle the following words have the meanings indicated.

(d) “Arts and entertainment enterprise” means a for-profit or [not-for-profit] **NONPROFIT** entity that is:

- (1) located in an arts and entertainment district; and
- (2) dedicated to the visual or performing arts.

5-320.

(a) To be eligible for financial assistance from the Fund, an applicant shall be:

(2) an individual, private business, [not-for-profit] **NONPROFIT** entity, or local government, or the Corporation that intends to use the requested financial assistance for a project that:

(i) except as provided in subsection (b) of this section, is in an eligible industry sector under § 5-321 of this subtitle; and

(ii) has a strong potential for expanding or retaining employment opportunities in the State.

5-324.

(b) If the Department or Authority determines a project to be a significant strategic economic development opportunity, the Department or Authority may provide a loan from the Fund for the project to an individual, private business, [not-for-profit] **NONPROFIT** entity, or the Corporation in an amount not exceeding \$10,000,000.

(c) If the Department or Authority determines a project to be a local economic development opportunity, the Department or Authority may provide financial assistance from the Fund for the project to an individual, private business, [not-for-profit] **NONPROFIT** entity, or the Corporation in an amount not exceeding:

- (1) \$5,000,000 for a loan or investment; and
- (2) \$2,000,000 for a grant.

(e) Financial assistance for a specialized economic development opportunity may be:

(1) provided to an individual, private business, [not-for-profit] **NONPROFIT** entity, or local government, or the Corporation;

5–401.

(a) In this subtitle the following words have the meanings indicated.

(f) “Commercial building” means a building that:

(1) is used primarily to carry on a for-profit or [not-for-profit] **NONPROFIT** business;

(s) (1) “Industrial building” means a building that:

(i) is used primarily to carry on a for-profit or [not-for-profit] **NONPROFIT** business;

5–1201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Fund” means the Maryland Not-For-Profit Development Center Program Fund established under § 5–1204 of this subtitle.

(c) “[Not-for-profit] **NONPROFIT** entity” means a corporation incorporated in the State, or otherwise qualified to do business in the State, that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code.

(d) “Program” means the Maryland Not-For-Profit Development Center Program established under § 5–1202 of this subtitle.

(e) “Qualifying [not-for-profit] **NONPROFIT** entity” means a [not-for-profit] **NONPROFIT** entity:

(1) that has annual revenues not greater than \$750,000;

(2) that has been in existence for not more than 10 years; and

(3) whose principal purpose is providing health, education, environmental, agricultural, or social services through community-based programs.

5–1202.

(b) The Program shall foster, support, and assist the economic growth and revitalization of qualifying [not-for-profit] **NONPROFIT** entities in the State by providing training and technical assistance services.

5-1203.

The Program shall provide assistance to qualifying [not-for-profit] **NONPROFIT** entities, including:

(1) operation of an information exchange governing current and new technical information and data about all aspects of [not-for-profit] **NONPROFIT** management, including:

- (i) [not-for-profit] **NONPROFIT** start-up;
- (ii) budgeting and financial management;
- (iii) facilities development and management;
- (iv) board development;
- (v) organizational development and strategic planning;
- (vi) marketing;
- (vii) federal and State contracting and grant making;
- (viii) individual, corporate, and foundation fund-raising;
- (ix) volunteer management;
- (x) personnel management;
- (xi) federal and State tax law and regulations;
- (xii) federal and State law and regulations governing charitable solicitations;
- (xiii) federal and State regulations applicable to licensing or accreditation;
- (xiv) federal and State financing programs; and
- (xv) information technology; and

(2) individual consultation and technical assistance to any qualifying [not-for-profit] **NONPROFIT** entity that requests the service, including assistance on any of the subjects identified in item (1) of this section.

5–1204.

(b) (2) As provided in the State budget, the Fund also may be used by the Department of General Services to evaluate the participation of [not-for-profit] **NONPROFIT** entities in State procurement.

5–1205.

(a) The Department shall designate at least one private [not-for-profit] **NONPROFIT** entity to receive grants from the Maryland Not-For-Profit Development Center Program Fund to implement the Program.

(b) In selecting a designee, the Department shall consider and give priority to organizations that:

(1) have experience in providing the scope of assistance and services required under § 5–1203 of this subtitle to qualifying [not-for-profit] **NONPROFIT** entities in the State;

(2) demonstrate the capacity to provide the assistance and services required under § 5–1203 of this subtitle on a statewide basis; and

(3) demonstrate current expenditures that:

(i) are equal to at least three times the amount of funding received under this section; and

(ii) have been received from other sources for the provision of assistance and services of the type required under § 5–1203 of this subtitle to [not-for-profit] **NONPROFIT** entities in the State.

10–101.

(a) In this subtitle the following words have the meanings indicated.

(j) (2) “Person” also includes:

(ii) a for-profit or [not-for-profit] **NONPROFIT** entity; and

10–115.

The Corporation may:

(12) create, own, control, or be a member of a corporation, limited liability company, partnership, or other person, whether for-profit or **[not-for-profit] NONPROFIT**; 10-301.

(a) In this subtitle the following words have the meanings indicated.

(g) (1) “Health care institution” means an institution in the State that is operated by a person, a local government, or, subject to paragraph (3) of this subsection, the State, is available to the public, and is:

(i) a **[not-for-profit] NONPROFIT** hospital as defined under § 19-301 of the Health – General Article that:

1. is licensed as a hospital by the Secretary of Health and Mental Hygiene under § 19-318 of the Health – General Article; or

2. has obtained a certificate of need issued by the Maryland Health Care Commission under § 19-120 of the Health – General Article, but is not licensed as a hospital by the Secretary of Health and Mental Hygiene under § 19-318 of the Health – General Article;

(ii) a **[not-for-profit] NONPROFIT** related institution as defined under § 19-301 of the Health – General Article that is licensed as a related institution by the Secretary of Health and Mental Hygiene under § 19-318 of the Health – General Article;

(iii) a combination of institutions listed in items (i) and (ii) of this paragraph;

(iv) except as provided in paragraph (3) of this subsection:

1. a **[not-for-profit] NONPROFIT** comprehensive health center that provides outpatient primary health services available to the general public; or

2. a **[not-for-profit] NONPROFIT** life care or continuing care community that provides self-contained residence facilities for the retired or elderly;

(v) any combination of health care entities listed in item (iv) of this paragraph;

(vi) an entity affiliated or associated with an institution listed in items (i) through (v) of this paragraph, if the Authority determines by resolution that the financing of a project for the entity serves the public purpose of that institution; or

(vii) a [not-for-profit] **NONPROFIT** health service plan that holds a certificate of authority and provides health insurance policies or contracts in the State in accordance with the Insurance Article.

(2) “Health care institution” includes a [not-for-profit] **NONPROFIT** corporation organized to construct or acquire an institution under paragraph (1) of this subsection.

(3) “Health care institution” does not include a facility described in paragraph (1)(iv) of this subsection that is owned and operated by the State, except for the following facilities if approved by the Board of Public Works and the Joint Audit Committee:

(i) a [not-for-profit] **NONPROFIT** comprehensive health center that is a medical or health care facility of the University System of Maryland; or

(ii) a [not-for-profit] **NONPROFIT** life care or continuing care community that provides self-contained residence facilities for the retired or elderly.

(4) For purposes of this subsection the facilities of the University of Maryland Medical System Corporation are not considered to be owned and operated by the State.

(j) (1) “Institution of higher education” means an educational institution in the State that:

(i) by law or charter:

1. is a public or [not-for-profit] **NONPROFIT** educational institution; and

10–403.

(b) The Board consists of the following 15 members:

(2) fourteen members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the [not-for-profit] **NONPROFIT** research sector of the State;

10–424.

The Board may award financial assistance to:

(2) an agency, instrumentality, or [not-for-profit] **NONPROFIT** corporation that the local government designates;

(5) a [not-for-profit] **NONPROFIT** entity operating an incubator in the State.

10-454.

(a) In this part the following words have the meanings indicated.

(i) “University” means a [not-for-profit] **NONPROFIT**, research university located in Maryland.

10-473.

(a) In this subtitle the following words have the meanings indicated.

(r) “Venture firm” means a partnership, corporation, trust, or limited liability company, whether organized on a profit or a [not-for-profit] **NONPROFIT** basis, that is certified by the Corporation as meeting the criteria established under § 10-484 of this subtitle.

10-502.

(b) The purpose of the Corporation is to:

(3) seek partnerships and leveraging opportunities with public and private for-profit and [not-for-profit] **NONPROFIT** entities in making capital and credit assistance available to individual producers, producer cooperatives, and other agribusiness concerns operating in the State;

10-601.

(a) In this subtitle the following words have the meanings indicated.

(c) “Authority affiliate” means a for-profit or [not-for-profit] **NONPROFIT** entity in which the Authority directly or indirectly owns any membership interest or equity interest.

10-807.

(b) The Board consists of the following nine members:

(2) eight members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the [not-for-profit] **NONPROFIT** clean energy research sector of the State;

10–835.

The Center may award financial assistance to:

(2) an agency, instrumentality, or [not-for-profit] **NONPROFIT** corporation that the local government designates;

(5) a [not-for-profit] **NONPROFIT** entity operating an incubator in the State.

10–903.

(b) The Board consists of the following 17 members:

(3) the following 14 members, appointed by the Governor with the advice and consent of the Senate:

(iii) two representing [not-for-profit] **NONPROFIT** organizations in the State;

11–203.

(b) (2) The chair may appoint:

(i) additional members who are presidents of other military base advocacy groups that are [not-for-profit] **NONPROFIT** organizations and recognized by the Department; and

12–101.

(a) In this subtitle the following words have the meanings indicated.

(f) “Facility applicant” means a person, public or private corporation, or other entity, whether for-profit or [not-for-profit] **NONPROFIT**, that, by letter of intent or similar agreement with a public body, requests the public body to participate in financing a facility under this subtitle for use by a facility user.

(g) (1) “Facility user” means a person, public or private corporation, or other entity, whether for-profit or [not-for-profit] **NONPROFIT**, that owns, leases, or uses all or part of a facility.

12–109.

(a) (2) An authority may:

(i) receive money from its incorporating county or municipal corporation, the State, other governmental units, or [not-for-profit] **NONPROFIT** organizations;

12-406.

(a) (2) A district corporation may:

(i) receive money from its incorporating county or municipal corporation, the State, other governmental units, or [not for profit] **NONPROFIT** organizations;

13-405.

(b) The Council shall include:

(2) as determined under the bylaws of the Council:

(ii) representatives from private sector organizations, including rural-based for-profit and [not-for-profit] **NONPROFIT** organizations and rural client groups; and

13-408.

(a) The Executive Board shall include:

(20) one representative of the [not-for-profit] **NONPROFIT** sector;

(21) no more than six representatives of statewide [not-for-profit] **NONPROFIT** organizations with a rural focus;

13-504.

The Board shall:

(1) assist in the deployment of broadband communication infrastructure in rural and underserved areas of the State;

(2) cooperate with public, private, and [not-for-profit] **NONPROFIT** entities to obtain, coordinate, and disseminate resources for the establishment of broadband communication services in rural and underserved areas of the State;

(3) review and approve the disbursement of funds under the Rural Broadband Assistance Fund under § 5-1102 of this article and any other federal, State, and private financial resources that may be provided to assist the establishment of broadband communication services in rural and underserved areas of the State; and

(4) perform other functions that are consistent with the intent of this subtitle.

13–733.

(a) The Bureau may establish a private, [~~not-for-profit~~] **NONPROFIT** corporation to assist the Bureau.

15–101.

(a) In this title the following words have the meanings indicated.

(e) “Qualified recipient” means an entity that is based in and serves a qualified project area and is:

(1) a [~~not for profit~~] **NONPROFIT** community–based organization that has experience in making physical, human capital, and economic investments to rebuild communities; or

#### Article – Election Law

14–105.

(f) (1) In this subsection:

(i) “officer” means an individual who serves as an organization’s president or chairman, vice–president or vice–chairman, secretary, treasurer, or executive director, or any individual exercising duties comparable to those typically exercised by an individual holding one of those titles in a [~~not-for-profit~~] **NONPROFIT** organization; and

(ii) “officer” does not include an individual holding a title but not exercising substantial independent responsibility on behalf of the organization similar to the responsibility typically exercised by an individual holding one of the titles under item (i) of this paragraph.

(2) Subject to paragraph (3) of this subsection, an applicable contribution made by an individual who serves as a trustee or member of the board of directors or as an officer of a [~~not-for-profit~~] **NONPROFIT** organization doing public business is not attributable to the organization, and the individual is not required to report the applicable contribution to the chief executive officer of the organization.

(3) This subsection does not apply if:

(i) the applicable contribution is made on the recommendation of the [~~not-for-profit~~] **NONPROFIT** organization; or

(ii) the individual described in paragraph (2) of this subsection is paid by the [not-for-profit] **NONPROFIT** organization.

### Article – General Provisions

4–320.

- (a) (2) “Telephone solicitation” does not include a telephone call or message:
- (iii) by a tax-exempt, [not-for-profit] **NONPROFIT** organization.

5–716.

(h) (1) Notwithstanding subsection (g) of this section, a contribution made by an individual who serves as a trustee or member of the board of directors or as an officer of a [not-for-profit] **NONPROFIT** organization is not attributable to the organization, and the individual is not required to report the contribution to the chief executive officer of the organization, unless:

- (i) the contribution is made on the recommendation of the [not-for-profit] **NONPROFIT** organization; or
- (ii) the individual who made the contribution is paid by the [not-for-profit] **NONPROFIT** organization.

### Article – Health Occupations

1–301.

- (a) In this subtitle the following words have the meanings indicated.
- (f) “Group practice” means a group of two or more health care practitioners legally organized as a partnership, professional corporation, foundation, [not-for-profit] **NONPROFIT** corporation, faculty practice plan, or similar association:

(1) In which each health care practitioner who is a member of the group provides substantially the full range of services which the practitioner routinely provides through the joint use of shared office space, facilities, equipment, and personnel;

(2) For which substantially all of the services of the health care practitioners who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

(3) In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined on an annual basis by members of the group.

### Article – Housing and Community Development

6–401.

(a) In this subtitle the following words have the meanings indicated.

(e) “Nonprofit organization” means a [not for profit] **NONPROFIT** corporation, foundation, or other legal entity that is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code.

12–104.

(b) A [not-for-profit] **NONPROFIT** entity shall be deemed controlled by the Housing Authority of Baltimore City under subsection (a) of this section if:

(1) the [not-for-profit] **NONPROFIT** entity is established by the Housing Authority of Baltimore City under § 12–502(h) of this title; and

(2) the Housing Authority of Baltimore City:

(i) has the power to appoint a majority of the board of directors of the [not-for-profit] **NONPROFIT** entity; or

(ii) is the sole member of the [not-for-profit] **NONPROFIT** entity.

12–502.

(h) An authority may also establish and control [not-for-profit] **NONPROFIT** entities, including corporations and limited liability companies, that may own, operate, and take steps necessary or convenient to develop or otherwise undertake housing projects in the authority’s area of operation.

### Article – Human Services

8–701.

(a) In this part the following words have the meanings indicated.

(e) “Provider” means a for profit or [not for profit] **NONPROFIT** entity licensed by an agency to operate a residential child care program.

### Article – Insurance

5–511.

(a) (1) In this section and in § 5–509 of this subtitle the following words have the meanings indicated.

(4) “Business entity” includes a sole proprietorship, corporation, association, general or limited partnership, limited liability company, joint–stock company, joint venture, trust, or any other form of business organization, whether for profit or [not for profit] **NONPROFIT**.

14–103.

Each nonprofit health service plan shall disclose on each document, statement, announcement, and advertisement and in any representation it places before the public that the nonprofit health service plan is a private [not–for–profit] **NONPROFIT** corporation.

27–802.

(c) A person is not subject to civil liability for a cause of action by virtue of reporting suspected insurance fraud, or furnishing or receiving information relating to suspected, anticipated, or completed fraudulent insurance acts, if:

(1) the report was made, or the information was furnished to or received from:

(iii) a [not–for–profit] **NONPROFIT** organization established to detect and prevent fraudulent insurance acts or its agent, employee, or designee;

### **Article – Labor and Employment**

3–203.

This subtitle does not apply to an activity that a minor performs if the activity:

(4) is limited to:

(ix) work that is performed as an unpaid volunteer in a charitable or [not for profit] **NONPROFIT** organization, if:

1. a parent of the minor or a person standing in the place of the parent consents in writing; and

2. for hazardous work in a volunteer fire department or company or volunteer rescue squad, the minor:

A. is at least 16 years old; and

B. has completed or is taking a course of study about fire fighting or rescue.

3–403.

This subtitle does not apply to an individual who:

(10) engages in the activities of a charitable, educational, [not for profit] **NONPROFIT**, or religious organization if:

(i) the service is provided gratuitously; and

(ii) there is, in fact, no employer–employee relationship;

3–415.

(b) This section does not apply to an employer that is:

(2) a [not–for–profit] **NONPROFIT** concert promoter, legitimate theater, music festival, music pavilion, or theatrical show; or

3–420.

(b) Notwithstanding § 3–415(b)(2) of this subtitle, an employer that is not a [not for profit] **NONPROFIT** organization and is a concert promoter, legitimate theater, music festival, music pavilion, or theatrical show shall pay overtime for a craft or trade employee as required in subsection (a) of this section.

7–101.

(a) In this title the following words have the meanings indicated.

(b) “Agricultural operation” means:

(2) a [not–for–profit] **NONPROFIT** or cooperative association that:

(i) performs a farm labor contracting service;

(ii) consists of owners or operators of farms; and

(iii) is incorporated or qualified under the laws of the State.

8–101.

- (a) In this title the following words have the meanings indicated.
- (s) (1) “Institution of higher education” means an educational institution that:
- (i) is a public or other [not for profit] **NONPROFIT** institution;
- (v) “[Not for profit] **NONPROFIT** organization” means an organization that is:
- (1) described in § 501(c)(3) of the Internal Revenue Code; and
  - (2) exempt from income tax under § 501(a) of the Internal Revenue Code.

8–203.

(d) The provisions of § 8–909 of this title with respect to rights to benefits based on service for State and [not for profit] **NONPROFIT** institutions of higher education shall apply to service that is covered employment under an election under this section.

8–217.

(a) Employment that an inmate of a custodial or penal institution performs for a [not-for-profit] **NONPROFIT** organization or a governmental entity is not covered employment.

8–220.

(c) (1) Except as provided in paragraph (2) of this subsection, employment is not covered employment if:

- (i) the individual who performs the employment is enrolled for credit at a [not-for-profit] **NONPROFIT** or public educational institution that normally has a regular faculty and curriculum and a regularly organized body of students in attendance at the place where its educational activities are carried on;

8–222.

Except employment for [not-for-profit] **NONPROFIT** organizations and governmental entities, employment is not covered employment if performed by a volunteer test subject who is paid on a per study basis for scientific, medical, or drug-related research.

8–303.

(f) To establish and maintain public employment offices, the Secretary:

- (1) may enter into an agreement with the Railroad Retirement Board or any other federal unit that is responsible for administration of an unemployment insurance

law, a political subdivision of the State, or any private [not-for-profit] **NONPROFIT** organization; and

8–610.

(d) (1) On termination of an election, a [not for profit] **NONPROFIT** organization or a governmental entity is presumed:

(i) to have reported wages in each calendar year during the election in which the employing unit actually paid individuals for services; and

(ii) to have been chargeable with benefits during any period when it was subject to this title under an election.

8–616.

(a) A [not for profit] **NONPROFIT** organization or a governmental entity that has been determined to be an employing unit may make an election in accordance with this Part III.

(b) (1) Under an election, a [not for profit] **NONPROFIT** organization shall reimburse the Unemployment Insurance Fund for all regular and work sharing benefits and 50% of extended benefits that are:

(i) attributable to covered employment for the [not for profit] **NONPROFIT** organization; and

(ii) paid to individuals for any week of unemployment that begins during the effective period of the election.

(2) If a claimant employed by a reimbursing [not for profit] **NONPROFIT** organization on a continuous part-time basis continues to be employed by the [not for profit] **NONPROFIT** organization while separated from other employment and is eligible for benefits because of that separation, the [not for profit] **NONPROFIT** organization may not be required to reimburse the Unemployment Insurance Fund for the benefits paid to the claimant because of that separation.

8–617.

(a) (1) A [not for profit] **NONPROFIT** organization may make an election that is effective on the day on which the Secretary determines that the organization is an employing unit by submitting to the Secretary a written notice of the election not later than 30 days after the determination.

(2) A [not for profit] **NONPROFIT** organization that makes an election under this subsection shall continue to be liable for reimbursement payments:

- (i) for at least 1 year; and
- (ii) until it submits a termination of the election under subsection (b)

of this section.

(3) After termination of an election a [not for profit] **NONPROFIT** organization shall continue to be liable for the amount of regular and work sharing benefits and 50% of extended benefits that are attributable to base period wages paid during the period of its election.

(c) (1) A [not for profit] **NONPROFIT** organization that has been paying contributions may make an election by submitting to the Secretary a written notice of the election at least 30 days before the beginning of a calendar year.

(2) A [not for profit] **NONPROFIT** organization that makes an election under this subsection shall continue to be liable for reimbursement payments:

- (i) for at least 2 calendar years; and
- (ii) until it submits a termination of the election under paragraph (3)

of this subsection.

(3) To terminate an election under this section, a [not for profit] **NONPROFIT** organization shall submit to the Secretary a written notice of termination at least 30 days before the beginning of the calendar year for which the termination first shall be effective.

(e) The Secretary:

(1) for good cause may extend the period within which a [not for profit] **NONPROFIT** organization may submit a notice of election or notice of termination of election; and

(2) may allow an election to be retroactive.

(f) (1) In accordance with regulations adopted to carry out this title, the Secretary shall notify each [not for profit] **NONPROFIT** organization of any determination that the Secretary makes about:

- (i) its status as an employing unit; or
- (ii) the effective date of an election or termination of election.

(g) (1) A [not for profit] **NONPROFIT** organization may appeal a determination of the Secretary to the Board of Appeals within 15 days after the Secretary

mails notice of the determination to the [not for profit] **NONPROFIT** organization at the last known address of the [not for profit] **NONPROFIT** organization or otherwise delivers the notice.

(2) The Secretary shall be a party to the appeal.

8–618.

(a) This section applies to each [not for profit] **NONPROFIT** organization that makes an election.

(b) Within 30 days after the effective date of an election, a [not for profit] **NONPROFIT** organization, as collateral:

(1) shall execute and submit to the Secretary a surety bond that the Secretary approves; or

(2) subject to the approval of the Secretary, shall deposit with the Secretary an irrevocable letter of credit, money, or security.

(c) (1) If a [not for profit] **NONPROFIT** organization has taxable wages for the preceding calendar year that equal or exceed 25 times the taxable wage base in effect for that calendar year, the amount of collateral required under this section shall equal 5.4% of the taxable wages paid by the [not for profit] **NONPROFIT** organization for covered employment for the 4 calendar quarters immediately preceding the most recent of the following:

(i) the effective date of the election;

(ii) the biennial anniversary of the effective date of the election if the collateral is other than a bond; or

(iii) the renewal date of a bond if the collateral is a bond.

(2) If a [not for profit] **NONPROFIT** organization has taxable wages for the preceding calendar year that are less than 25 times the taxable wage base in effect for that calendar year, the amount of collateral required under this section shall equal 2.7% of the taxable wages paid by the [not for profit] **NONPROFIT** organization for covered employment for the 4 calendar quarters immediately preceding the most recent of the following:

(i) the effective date of the election;

(ii) the biennial anniversary of the effective date of the election if the collateral is other than a bond; or

(iii) the renewal date of a bond if the security is a bond.

(3) If the [not for profit] **NONPROFIT** organization did not pay wages in all 4 calendar quarters used to calculate the amount of security, the Secretary shall determine the amount.

(e) (1) Subject to paragraph (2) of this subsection, the Secretary may require an adjustment in the amount of a bond that the Secretary already has approved, but the new amount may not be less than the average cost of benefits that are attributable to covered employment for the employing unit for the preceding 2 calendar years.

(2) The amount of a bond after adjustment shall be the average of reimbursement payments that a [not for profit] **NONPROFIT** organization made in each of the 2 preceding calendar years, but the amount may not exceed the maximum rate of contribution under this subtitle times the taxable wage base of the [not for profit] **NONPROFIT** organization for the last calendar year.

(3) If the Secretary requires an adjustment under this subsection, the Secretary shall mail notice of the required adjustment to the [not for profit] **NONPROFIT** organization at its last known address or otherwise deliver notice.

(4) If the Secretary requires an increase in the amount of a bond, the [not for profit] **NONPROFIT** organization shall submit the adjusted bond to the Secretary within 30 days after the date that notice of the required adjustment was mailed or otherwise delivered to the [not for profit] **NONPROFIT** organization.

(f) If a [not for profit] **NONPROFIT** organization that is covered by a bond fails to pay the full amount of a reimbursement payment when due, together with any applicable interest and penalties required under this subtitle, the surety shall be liable on the bond to the extent of the bond as if the surety was the [not for profit] **NONPROFIT** organization.

(g) (1) The Secretary shall deposit money or other security submitted under this section in an escrow account.

(2) When a [not for profit] **NONPROFIT** organization is no longer liable for reimbursement payments, the Secretary shall return to it the collateral other than a bond less any deduction allowed in this section.

(h) (1) At any time, the Secretary may review the adequacy of the deposit of money or securities under this section.

(2) If, as a result of a review, the Secretary determines that an adjustment is necessary, the Secretary shall:

(i) require the [not for profit] **NONPROFIT** organization to make an additional deposit within 30 days of a written notice of the determination of the Secretary; or

(ii) return to the [not for profit] **NONPROFIT** organization that portion of the deposit that the Secretary no longer considers necessary.

(3) Disposition of income from securities held in escrow shall be governed by the applicable provisions of State law.

(i) (1) The Secretary may make a deduction from an escrow account or sale of a security necessary to satisfy:

(i) a payment in lieu of contributions that is due and unpaid; and

(ii) any applicable interest or penalty allowed under Part IV of this subtitle.

(2) Within 30 days after a deduction of money or sale of a security under this subsection, a [not for profit] **NONPROFIT** organization shall submit to the Secretary money or securities sufficient to return the escrow account to its level before the deduction.

(3) Any cash remaining from the sale of securities shall be part of the escrow account of the [not for profit] **NONPROFIT** organization.

8–620.

(a) (2) Unless there is an application for review and redetermination of a bill under § 8–621 of this subtitle, a [not for profit] **NONPROFIT** organization or governmental entity shall pay the bill under this section within 30 days after the Secretary mailed the bill to the last known address of the [not for profit] **NONPROFIT** organization or governmental entity or otherwise delivered the bill to it.

(c) Except as provided in subsection (d) of this section, at the end of each calendar quarter or any other period set by the Secretary, the Secretary shall send:

(1) to each [not for profit] **NONPROFIT** organization that has made an election or if the Secretary has approved a group account under § 8–619 of this subtitle, to the group representative, a bill for all regular and work sharing benefits, and 50% of extended benefits paid during that period that are attributable to covered employment for that [not for profit] **NONPROFIT** organization; and

(d) (1) On request, the Secretary may allow a [not for profit] **NONPROFIT** organization or governmental entity that has made an election to make reimbursement payments as provided in this subsection.

(2) If the Secretary approves a request, the method of payment shall become effective on approval.

(3) At the end of each calendar quarter or other period set by the Secretary, the Secretary shall mail to a [not for profit] **NONPROFIT** organization or governmental entity at its last known address or otherwise deliver to it:

(i) a bill for a percentage of its total payroll for the immediately preceding calendar year as determined by the Secretary, based each year on the average cost of benefits that are attributable to covered employment for the [not for profit] **NONPROFIT** organization or governmental entity during the immediately preceding calendar year; or

(ii) if the [not for profit] **NONPROFIT** organization or governmental entity did not pay wages during the 4 calendar quarters of the preceding calendar year, a bill for a percentage of its payroll during that year as determined by the Secretary.

(4) At the end of each calendar year:

(i) the Secretary may modify the periodic percentage of payroll payable under this subsection for the upcoming year to minimize excess or insufficient payments;

(ii) the Secretary shall determine the difference between payments made by a [not for profit] **NONPROFIT** organization or governmental entity and the amount it is required to reimburse to the Unemployment Insurance Fund under § 8-616 of this subtitle; and

(iii) if the Unemployment Insurance Fund has not been reimbursed fully, the Secretary shall mail to the [not for profit] **NONPROFIT** organization or governmental entity at its last known address or otherwise deliver to it a bill for the difference and require payment in accordance with subsection (a)(2) of this section.

(5) If the total payments for a calendar year exceed the amount required to be reimbursed, the Secretary may:

(i) refund all or part of the excess from the Unemployment Insurance Fund; or

(ii) retain all or part of the excess in the Unemployment Insurance Fund as part of the payments that may be required for the next calendar year.

(e) An employing unit may not deduct, wholly or partly, any payment made under this subtitle from the compensation of individuals in the employ of the [not for profit] **NONPROFIT** organization or governmental entity.

(f) (1) Except as provided in paragraph (2) of this subsection, if the Secretary recovers benefits charged to a [not for profit] **NONPROFIT** organization or governmental entity under § 8–809 of this title, the Secretary shall remove those charges from the account of the [not for profit] **NONPROFIT** organization or governmental entity.

(2) (i) The Secretary may not remove a benefit charge recovered by the Secretary under § 8–809 of this title from the account of a [not for profit] **NONPROFIT** organization or governmental entity if:

1. the benefit was paid as a direct or indirect result of the failure of the [not for profit] **NONPROFIT** organization or governmental entity, either directly or through an agent, to provide timely or adequate information relating to a claim for benefits in response to a request for information made by the Secretary under this title or regulations adopted to carry out this title; and

2. the [not for profit] **NONPROFIT** organization or governmental entity has not demonstrated good cause for failing to provide timely or adequate information.

(ii) In determining whether the Secretary is prohibited from removing a benefit charge under subparagraph (i) of this paragraph:

1. the [not for profit] **NONPROFIT** organization or governmental entity, either directly or through an agent, must raise the issue of good cause in writing for the issue to be considered; and

2. the [not for profit] **NONPROFIT** organization or governmental entity, either directly or through an agent, has the burden of proving there was good cause for failing to provide timely or adequate information.

8–621.

(a) (1) A bill from the Secretary under § 8–620 of this subtitle is final for a [not for profit] **NONPROFIT** organization or governmental entity unless it submits an application for review by the Secretary within 15 days after the Secretary mailed the bill to the last known address of the [not for profit] **NONPROFIT** organization or governmental entity or otherwise delivered the bill.

(2) An application under this subsection shall set forth the grounds for review.

(b) (1) On receipt of an application for review, the Secretary promptly shall review and reconsider the amount due in the bill and issue a review determination.

(2) The Secretary shall mail a copy of the review determination to a [not for profit] **NONPROFIT** organization or governmental entity to its last known address or otherwise deliver the copy.

(c) A review determination of a bill is final unless a [not for profit] **NONPROFIT** organization or governmental entity submits an appeal to the Board of Appeals within 15 days after the Secretary mailed the review determination to the last known address of the [not for profit] **NONPROFIT** organization or governmental entity or otherwise delivered the review determination.

8–622.

(a) (1) If a [not for profit] **NONPROFIT** organization fails to file a bond or make a deposit of money or securities in accordance with § 8–618 of this subtitle, the Secretary may terminate the election.

(b) (1) If a [not for profit] **NONPROFIT** organization is delinquent in making reimbursement payments, the Secretary may terminate the election as of the next January 1.

#### Article – Land Use

17–113.

(a) In this part the following words have the meanings indicated.

(b) (1) “Business” means a lawful activity conducted primarily:

(iv) by a [not–for–profit] **NONPROFIT** organization.

#### Article – Natural Resources

5–1203.

(mm) Pursuant to the provisions of subsection (a) of this section, that property in Garrett County containing approximately 1,706 acres and described as follows is a Type 1 State wildland and shall be named the “Backbone Mountain Wildland”:

Beginning for the same at a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the State of Maryland, to the use of the Department of Natural Resources, said point also being shown on a plat of survey entitled “ALTA/ACSM Land Title Survey, Exterior Boundary for the Lands of the State of Maryland, Department of Natural Resources situated along Maryland Route 135, Election District No. 4, Garrett County, Maryland”, prepared by Catocin Mountain Surveys, Inc., dated May 10, 2013 and recorded

among the land records of Garrett County in Plat Book TVM, page 497 and running then with the boundary of the Potomac State Forest and the first through eighth lines of said deed to a point intersecting the first line of a tract of land described in a deed dated January 7, 1935 and recorded among the land records of Garrett County in Liber 110, Folio 177 which was conveyed by Charles Strecker et al. to the State of Maryland, then running with the said State Forest boundary for remainder of the said first line to a point, then running with the second through fifth lines of said deed to a point, then running with a portion of the sixth line to a point, then leaving the said State Forest boundary and running along the northernmost edge of an existing woods road in a westerly direction 5048.45 feet to a point, said point having a coordinate value 667048.26 north, 696303.36 east (Maryland State plane grid system NAD83), then running north 23 degrees 16 minutes 01 seconds west 228.1 feet to a planted stone in the said State Forest boundary, then running with said State Forest boundary the following two courses, north 34 degrees 52 minutes 47 seconds west 561.00 feet more or less to a point, then north 24 degrees 52 minutes 47 seconds west 586.3 feet more or less to a point in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in a northeasterly direction to a point, said point being the beginning of the eighth line of a tract of land described in a deed dated December 12, 2011 and recorded among the land records of Garrett County in Liber 1629, Folio 380 which was conveyed by Willard F. White et al. to the State of Maryland and following the next three courses and distances, south 44 degrees 00 minutes 00 seconds east 198.0 feet, north 46 degrees 00 minutes 00 seconds east 214.5 feet, then north 44 degrees 00 minutes 00 seconds west 198.0 feet to a point, said point being in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in a easterly direction to a point, said point being the beginning of the fourth line in a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a [Not-for-Profit] **NONPROFIT** Corporation, and following the next three courses and distances, south 26 degrees 00 minutes 00 seconds west 1584.00 feet, south 63 degrees 00 minutes 00 seconds east 990.0 feet, north 46 degrees 00 minutes 00 seconds east 1650.0 feet to a point, said point being in the southernmost right of way of the aforesaid CSX Railroad, then running with the southernmost right of way of said railroad in an easterly direction to a point, said point having a coordinate value 674787.84 north, 713729.74 east (Maryland State plane grid system NAD83), then leaving the said railroad right of way and running south 00 degrees 57 minutes 53 seconds west 656.9 feet to a point, said point being the beginning of the south 88 degrees 00 minutes 00 seconds west 2640.00 foot line of the first parcel of the first tract of land described in a deed dated March 15, 1948 and recorded on November 30, 1948 among the land records of Garrett County in Liber 154, Folio 140 which was conveyed by the Potomac River Commission to the State of Maryland, for the use of the State Department of Forest and Parks, then running with the following lines of said conveyance south 88 degrees 31 minutes 32 seconds west 2613.80 feet more or less, south 04 degrees 14 minutes 29 seconds west 311.81 feet more or less, north 69 degrees 35 minutes 51 seconds west 209.63 feet more or less, north 68 degrees 27 minutes 39 seconds west 1642.13 feet more or less, south 20 degrees 27 minutes 32 seconds west 314.94 feet more or less to a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the

State of Maryland, to the use of the Department of Natural Resources, then running south 20 degrees 27 minutes 32 seconds west 929.06 feet, south 15 degrees 09 minutes 35 seconds west 251.99 feet, south 79 degrees 15 minutes 41 seconds west 448.15 feet, south 16 degrees 34 minutes 12 seconds east 35.00 feet, south 68 degrees 38 minutes 19 seconds west 365.36 feet, north 70 degrees 43 minutes 44 seconds west 620.98 feet, north 44 degrees 03 minutes 05 seconds west 124.01 feet, south 72 degrees 11 minutes 42 seconds west 1291.88 feet, south 15 degrees 17 minutes 29 seconds east 707.67 feet, north 73 degrees 09 minutes 10 seconds east 50.06 feet, south 13 degrees 20 minutes 23 seconds west 28.42 feet, and then north 70 degrees 36 minutes 39 seconds west 138.52 feet to the point of beginning.

Saving and excepting a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a [Not-for-Profit] **NONPROFIT** Corporation containing 48.15 acres more or less.

Saving and excepting a tract of land described in a deed dated June 6, 2008 and recorded among the land records of Garrett County in Liber 1374, Folio 35 which was conveyed by Diane M. Kenner to Erwin P. Kenner and Diane M. Kenner containing 1.85 acres more or less.

Parcel 2:

Beginning for the same at a point on the southernmost edge of a woods road, said point having the coordinate value 667037.54 north, 699584.53 east (Maryland State plane grid system NAD83), then running south 45 degrees 50 minutes 05 seconds west 4814.4 feet, then south 52 degrees 35 minutes 30 seconds west 4128.1 feet more or less to a point in the northernmost right of way of State Route 135, then running north 73 degrees 25 minutes 13 seconds west 552.5 feet more or less to a point on the southernmost edge of the aforesaid woods road, said point having the coordinate value 661333.10 north, 692322.39 east (Maryland State plane grid system NAD83), then running with the easternmost edge of the aforesaid woods road in a generally northerly direction to the point of beginning.

8–1915.

(a) (2) The Corps Board consists of the following 11 members:

(v) Five members appointed by the Governor with the advice and consent of the Senate, including at least one individual from the [not-for-profit] **NONPROFIT** sector with a background in education and student service and one with a background in workforce development.

### Article – Public Utilities

1–101.

(a) In this division the following words have the meanings indicated.

(ff) “Small rural electric cooperative” means an electric company that:

(2) conducts its business on a [not-for-profit] **NONPROFIT** basis; and

9–208.

(b) A [not-for-profit] **NONPROFIT** entity that owns and operates a motor coach with a capacity of at least 30 passengers and gross vehicle weight rating of at least 32,000 pounds shall obtain a license for the motor coach from the Commission.

(c) The [not-for-profit] **NONPROFIT** entity shall have the motor coach inspected for safety every 12 months by an authorized Maryland inspection station.

(d) A motor coach that is licensed under this section and only provides service for or on behalf of a [not-for-profit] **NONPROFIT** entity is not subject to tariffs or rate making under this division.

10–102.

(b) This title applies to any motor vehicle used in the transportation of persons in exchange for remuneration except:

(2) transportation solely provided by or on behalf of a unit of federal, State, or local government, or a [not-for-profit] **NONPROFIT** organization as identified in § 501(c)(3) and (4) of the Internal Revenue Code, that requires a criminal history records check and driving record check for its drivers, for clients of services including:

- (i) aging support;
- (ii) developmental and other disabilities;
- (iii) kidney dialysis;
- (iv) Medical Assistance Program;
- (v) Head Start;
- (vi) Welfare-to-Work;
- (vii) mental health; and
- (viii) job training.

(d) Notwithstanding subsection (b)(2) of this section:

(1) a [not-for-profit] **NONPROFIT** organization that provides transportation for remuneration to clients of services listed in subsection (b)(2) of this section may be required to obtain a motor carrier permit under Title 9 of this article; but

(2) a driver employed by the [not-for-profit] **NONPROFIT** organization may not be required to obtain a for-hire driver's license or other authorization from the Commission to perform transportation services solely under subsection (b)(2) of this section.

(e) (1) A driver employed or offered employment by a governmental unit or [not-for-profit] **NONPROFIT** organization under subsection (b)(2) of this section shall apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State criminal history records check on or before the first day of the driver's actual employment.

(2) As part of the application for a State criminal history records check, the driver employed or offered employment by the governmental unit or [not-for-profit] **NONPROFIT** organization shall submit to the Central Repository:

(i) one complete set of the driver's legible fingerprints taken on a form approved by the Secretary of Public Safety and Correctional Services; and

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records.

(3) (i) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall provide a printed statement listing the driver's criminal convictions to:

1. the governmental unit or [not-for-profit] **NONPROFIT** organization; and

2. the driver.

(ii) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide a revised printed statement listing the driver's criminal convictions to:

1. the governmental unit or [not-for-profit] **NONPROFIT** organization; and

2. the driver.

(4) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the governmental unit or [not-for-profit] **NONPROFIT** organization shall verify periodically a list of its drivers.

(5) Information the governmental unit or [not-for-profit] **NONPROFIT** organization obtains from the Central Repository under this subsection shall be:

- (i) confidential and may not be disseminated; and
- (ii) used only for the employment purpose authorized by this section.

(6) In accordance with § 10–223 of the Criminal Procedure Article, a driver employed by a governmental unit or [not-for-profit] **NONPROFIT** organization may challenge the contents of a printed statement or revised printed statement issued by the Central Repository.

### Article – State Finance and Procurement

13–110.

(a) (1) In this section the following words have the meanings indicated.

(6) [“Not-for-profit”] **“NONPROFIT entity”** means a corporation incorporated in the State, or otherwise qualified to do business in the State that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code.

(c) (1) Except as provided in paragraph (2) of this subsection, each procurement contract for supplies or services entered into by a State or local entity shall include a provision that facilitates other State and local entities and [not-for-profit] **NONPROFIT** entities to participate in the contract.

14–301.

(h) [“Not-for-profit”] **“NONPROFIT entity”** means a corporation that:

(1) is incorporated in the State or otherwise qualified to do business in the State;

(2) has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code; and

(3) is organized to promote the interests of physically or mentally disabled individuals.

14–302.

(a) (1) (i) 2. Notwithstanding subsubparagraph 1 of this subparagraph, the following contracts may not be counted as part of a unit's total dollar value of procurement contracts:

B. a procurement contract awarded to a [not-for-profit] **NONPROFIT** entity in accordance with requirements mandated by State or federal law; and

(13) (i) Except as provided in subparagraph (ii) of this paragraph, a [not-for-profit] **NONPROFIT** entity participating as a minority business enterprise on a procurement contract awarded by a unit before July 1, 2015, may continue to participate in the contract until the contract expires or otherwise terminates, including all options, renewals, and other extensions.

(ii) 1. The [not-for-profit] **NONPROFIT** entity's participation may not be counted toward achieving the minority business enterprise participation goals in this subsection.

2. The unit may not require that a certified minority business enterprise be substituted for the [not-for-profit] **NONPROFIT** entity in order to meet the minority business enterprise goals for the procurement contract.

### Article – State Personnel and Pensions

2-512.

(a) In this section, “qualifying [not-for-profit] **NONPROFIT** organization” means an organization that:

(1) (i) receives State funds from the Department of Health and Mental Hygiene that cover more than one-third of the organization's operating expenses; and

(ii) is:

1. described in § 501(c)(3) of the Internal Revenue Code; and

2. exempt from income tax under § 501(a) of the Internal Revenue Code;

(2) is the Legal Aid Bureau, Inc.; or

(3) is the Maryland Crime Victims' Resource Center.

(b) The Secretary shall adopt regulations for the enrollment and participation of employees of a qualifying [not-for-profit] **NONPROFIT** organization to participate in the Program as a satellite organization.

(c) A qualifying [not-for-profit] **NONPROFIT** organization that participates in the Program as a satellite organization shall:

(1) pay to the State:

(i) a premium in the amount determined by the Secretary; and

(ii) any costs, as determined by the Secretary, for the administration of this Program; and

(2) determine the extent to which the organization will subsidize participation by its employees in the Program.

### **Article – Tax – General**

4–103.

(a) The admissions and amusement tax may not be imposed by:

(2) Baltimore County on gross receipts:

(i) of a [not for profit] **NONPROFIT** community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association; or

(b) The admissions and amusement tax may not be imposed by a county or municipal corporation on gross receipts:

(2) derived from any charge for admission to:

(ii) a concert or theatrical event presented or offered by a [not for profit] **NONPROFIT** group that:

1. is organized and operated to present or offer an annual series of scheduled musical concerts; or

2. is organized and operated for a cultural purpose and receives a grant directly or indirectly from the Maryland State Arts Council;

4–104.

(a) A county or a municipal corporation may exempt from the admissions and amusement tax gross receipts from any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for community or civic

improvement by a [not for profit] **NONPROFIT** community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association.

(b) A county or a municipal corporation may exempt from the admissions and amusement tax gross receipts from any charge for admission to a concert or theatrical event of a [not for profit] **NONPROFIT** organization that is organized to present or offer any of the performing arts.

4-301.

(b) If a corporation, other than a nonstock, [not for profit] **NONPROFIT** corporation, is required to pay the admissions and amusement tax, personal liability for the tax and interest and penalties on the tax extends to any officer of the corporation who exercises direct control over its fiscal management.

9-314.

(e) If a corporation, other than a nonstock, [not for profit] **NONPROFIT** corporation, is required to pay motor fuel tax, personal liability for the tax and interest and penalties on the tax extends to any officer of the corporation who exercises direct control over its fiscal management.

10-208.

(b) The subtraction under subsection (a) of this section includes:

(1) if the child is a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$6,000 that a parent incurs in the adoption of a child who the State determines is a child with a special need, as described in § 473(c)(1) and (2) of the Social Security Act, if the adoption is made through a private, [not for profit] **NONPROFIT**, licensed adoption agency or a public child welfare agency; and

(ii) \$5,000 that a parent incurs in the adoption of a child without a special need as provided under item (i) of this item; and

(2) if the child is not a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$3,000 that a parent incurs in the adoption of a child who the State determines is a child with a special need, as described in § 473(c)(1) and (2) of the Social Security Act, if the adoption is made through a private, [not for profit] **NONPROFIT**, licensed adoption agency, or a public child welfare agency; and

(ii) \$2,000 that a parent incurs in the adoption of a child without a special need as provided under item (i) of this item.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision and may not be otherwise construed to render any substantive change in the law of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 632

(Senate Bill 26)

AN ACT concerning

### Maryland False Claims Act – Municipal Corporations

FOR the purpose of altering the definition of “governmental entity” to include a municipal corporation for purposes of the Maryland False Claims Act; requiring the attorney for each municipal corporation to report annually to the General Assembly certain information relating to the Maryland False Claims Act; providing for the application of this Act; and generally relating to false claims against municipal corporations.

BY repealing and reenacting, with amendments,  
Article – General Provisions  
Section 8–101(e) and 8–110(a)  
Annotated Code of Maryland  
(2014 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – General Provisions

8–101.

(e) “Governmental entity” means:

(1) the State; [or]

- (2) a county; OR
- (3) A MUNICIPAL CORPORATION.

8-110.

(a) Beginning October 1, 2016, the Office of the Attorney General, [and] the attorney for each county, AND THE ATTORNEY FOR EACH MUNICIPAL CORPORATION shall report annually to the General Assembly, in accordance with § 2-1246 of the State Government Article, the following information for the previous fiscal year:

- (1) the number of civil actions filed under this title;
- (2) the number of civil actions under this title in which a judgment was entered, whether by settlement or adjudication; and
- (3) the number of claims made by the governmental entity based on alleged violations of § 8-102 of this title that are settled without the filing of a civil action under this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 633

(House Bill 1506)

AN ACT concerning

### State Government – Office of Minority Affairs and Interdepartmental Advisory Committee on Minority Affairs – Renaming

FOR the purpose of renaming the Governor’s Office of Minority Affairs to be the Governor’s Office of Small, Minority, and Women Business Affairs; renaming the Special Secretary for the Office of Minority Affairs to be the Special Secretary for the Office of Small, Minority, and Women Business Affairs; renaming the Interdepartmental Advisory Committee on Minority Affairs to be the Interdepartmental Advisory Committee on Small, Minority, and Women Business Affairs; making conforming changes; requiring the publisher of the Annotated Code of Maryland, in consultation

with and subject to the approval of the Department of Legislative Services, to correct any cross–references or terminology rendered incorrect by this Act and to describe any corrections made in an editor’s note following the section affected; and generally relating to the renaming of the Office of Minority Affairs and the Interdepartmental Advisory Committee on Minority Affairs.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 14–103(d) and (e)  
Annotated Code of Maryland  
(2008 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 11–1001(d) and (e)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–345(d)(5), 9–421(d)(5), 9–1605.2(i)(4), and 9–1605.3(f)(2)(v)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 20–1004(21)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Housing and Community Development  
Section 4–501.1(d) and (e)  
Annotated Code of Maryland  
(2006 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 20–303(c)(3) and (4) and 24–310(d) and (e)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 7–704.1(d)(4)(iii)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 6–222(f)(3) and (4), 12–105(c)(1), 12–110(c)(1), 14–302(a)(9)(iv) and (v) and  
 (11)(iii)2., 14–303(b)(19), 14–305, 14–308(c), 14–503, and 14–505  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 9–1A–10(b), 9–1A–23(d), 9–1A–36(l); 9–301 through 9–303.1 to be under the  
 amended subtitle “Subtitle 3. Office of Small, Minority, and Women Business  
 Affairs”; 9–306, and 9–20C–02(c)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 21–116(d)(3) and (4) and 35–302(b)(3) and (4)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Economic Development

14–103.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help it achieve the objective for greater use of minority business enterprises for brokerage and investment management services under this article.

(e) On or before September 1 each year, the Department shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by any fund established under this article in the immediately preceding fiscal year;

(2) the percentage and dollar value of the assets under the custody of each entity that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) the measures the entity undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

### Article – Education

11–1001.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Commission shall develop guidelines to assist the Commission in identifying and evaluating qualified minority business enterprises in order to help the Commission achieve the objective for greater use of minority business enterprises for brokerage and investment management services for any fund established under this Division III.

(e) On or before September 1 each year, the Commission shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) The identity of the minority business enterprise brokerage and investment management services firms used by the Commission in the immediately preceding fiscal year;

(2) The percentage and dollar value of the Commission’s assets in any fund established under this article that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) The measures the Commission undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

### Article – Environment

9–345.

(d) For financial assistance over \$500,000 awarded under the Fund, the applicant shall demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women’s business enterprises by:

(5) Using the services and assistance of the Maryland Department of Transportation and the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small business enterprises, minority business enterprises, and women’s business enterprises.

9-421.

(d) For financial assistance over \$500,000 awarded under the Fund, the applicant shall demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women's business enterprises by:

(5) Using the services and assistance of the Maryland Department of Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small business enterprises, minority business enterprises, and women's business enterprises.

9-1605.2.

(i) (4) The grant agreement shall require a grantee to demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women's business enterprises by:

(i) Placing qualified small business enterprises, minority business enterprises, and women's business enterprises on solicitation lists;

(ii) Assuring that small business enterprises, minority business enterprises, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small business enterprises, minority business enterprises, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, that encourage participation by small business enterprises, minority business enterprises, and women's business enterprises; and

(v) Using the services and assistance of the Maryland Department of Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small business enterprises, minority business enterprises, and women's business enterprises.

9-1605.3.

(f) (2) For financial assistance over \$500,000 awarded under the Fund, the grantee shall demonstrate, to the satisfaction of the Department, that steps were taken to include small businesses, certified minority business enterprises, and certified minority business enterprises classified as women-owned businesses by:

(v) Using the services and assistance of the Department of

Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small businesses, certified minority business enterprises, and certified minority business enterprises classified as women-owned businesses.

#### Article – Health General

20–1004.

The Office shall:

(21) Work collaboratively with the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** as the Office determines necessary; and

#### Article – Housing and Community Development

4–501.1.

(d) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help the Department achieve the objective for greater use of minority business enterprises for brokerage and investment management services for the funds established under this subtitle.

(e) On or before September 1 each year, the Department shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by the Department in the immediately preceding fiscal year;

(2) the percentage and dollar value of the assets in the funds established under this subtitle that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) the measures the Department undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

#### Article – Insurance

20–303.

(c) (3) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the financial management committee shall develop guidelines to assist the committee in identifying and evaluating qualified minority business enterprises in order to help the Fund achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the financial management committee shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the financial management committee in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the Fund assets that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(iii) the measures the financial management committee undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

24-310.

(d) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Board shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help the Company achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(e) On or before September 1 each year, the Board shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, in accordance with § 2-1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by the Board in the immediately preceding fiscal year;

(2) the percentage and dollar value of the Company assets that are under the investment control of minority business enterprise brokerage and investment management services firms; and

(3) the measures the Board undertook in the immediately preceding fiscal

year in accordance with subsection (c)(2) of this section.

### Article – Public Utilities

7–704.1.

(d) (4) (iii) The [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under subparagraph (ii)1 and 3 of this paragraph.

### Article – State Finance and Procurement

6–222.

(f) (3) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Treasurer shall develop guidelines to assist in identifying and evaluating qualified minority business enterprises in order to help the Treasurer achieve the objective for greater use of minority business enterprises for brokerage and investment management services under this section.

(4) On or before September 1 each year, the Treasurer shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Treasurer in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets under the custody of the Treasurer that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Treasurer undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

12–105.

(c) (1) The Council consists of the following 11 members:

(i) the State Treasurer;

(ii) the Chancellor of the University System of Maryland;

- (iii) the Secretary of Budget and Management;
- (iv) the Secretary of General Services;
- (v) the Secretary of Information Technology;
- (vi) the Secretary of Transportation;
- (vii) the Secretary of the Board;

(viii) the Special Secretary for the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**;

(ix) a representative of local government who has expertise in local procurement matters, appointed by the Governor with the advice and consent of the Senate; and

(x) two members of the general public, at least one of whom has expertise in State procurement matters, appointed by the Governor with the advice and consent of the Senate.

12-110.

(c) (1) The Council consists of the following members:

- (i) the State Treasurer;
- (ii) the Attorney General;
- (iii) the Procurement Advisor;
- (iv) the State Superintendent of Schools;
- (v) the Secretary of Budget and Management;
- (vi) the Secretary of Juvenile Services;
- (vii) the Secretary of Human Resources;
- (viii) the Secretary of Health and Mental Hygiene;
- (ix) the Director of the Governor's Grants Office;
- (x) the Executive Director of the Governor's Office of Crime Control

and Prevention;

(xi) the Executive Director of the Governor's Office for Children;

(xii) the Special Secretary for the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**;

(xiii) four representatives of private organizations with experience providing human services funded by contracts through State units, appointed by the Governor;

(xiv) a member of the Senate, appointed by the President of the Senate; and

(xv) a member of the House of Delegates, appointed by the Speaker of the House.

14-302.

(a) (9) (iv) 1. Except for waivers granted in accordance with subparagraph (iii) of this paragraph, when a waiver determination is made, the unit shall issue the determination in writing.

2. The head of the unit shall:

A. keep one copy of the waiver determination and the reasons for the determination; and

B. forward one copy of the waiver determination to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(v) On or before July 31 of each year, each unit shall submit directly to the Board of Public Works and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** an annual report of waivers requested and waivers granted under this paragraph.

(11) (iii) 2. The unit shall send a copy of the written consent obtained under subparagraph 1 of this subparagraph to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

14-303.

(b) These regulations shall include:

(19) a requirement that each unit work with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN**

**BUSINESS AFFAIRS** to designate certain procurements as being excluded from the requirements of § 14–302(a) of this subtitle; and

14–305.

(a) (1) Within 90 days after the end of the fiscal year, each unit shall report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the certification agency, and, subject to § 2–1246 of the State Government Article, the Joint Committee on Fair Practices and Personnel Oversight.

(2) A report under this subsection shall for the preceding fiscal year:

(i) state the total number and value of procurement contracts between the unit and certified minority business enterprises, by specific category of minority business enterprise, including whether the minority business enterprise participated as a prime contractor or as a subcontractor;

(ii) indicate the percentage that those procurement contracts represent, by specific category of minority business enterprise, of the total number and value of procurement contracts;

(iii) state the total number and the names of certified minority business enterprises that participated as prime contractors or as subcontractors on procurement contracts awarded by a unit;

(iv) for each minority business included in the report under item (iii) of this paragraph, list all procurement contracts awarded by a unit to the minority business enterprise, including a description of the contract; and

(v) contain other such information as required by the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the certification agency and approved by the Board.

(3) As to procurement contracts for architectural services and engineering services reported under paragraph (2) of this subsection, the report shall identify by separate category of minority business enterprise procurements for:

(i) architectural services; and

(ii) engineering services.

(4) A report under this subsection shall be in a form prescribed by the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the certification agency and approved by the Board.

(b) (1) On or before December 31 of each year, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall submit to the Board of Public Works and, subject to § 2–1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (a) of this section.

(2) This report may be prepared in conjunction with the annual report required under § 9–306 of the State Government Article.

14–308.

(c) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall make available a fraud hotline for reporting violations of this section.

14–503.

(a) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall adopt regulations to establish procedures for compiling and maintaining a comprehensive bidder's list of qualified small businesses that shall be posted on the Internet.

(b) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall:

- (1) establish guidelines for Small Business Reserve Program administration;
- (2) ensure agency compliance with the Small Business Reserve Program;
- (3) provide training and technical assistance to agency personnel; and
- (4) collect data regarding the State's utilization of small business reserve vendors.

(c) Each designated procurement unit shall ensure compliance with the regulations set forth in subsection (a) of this section.

14–505.

(a) Within 60 days after the enactment of the budget bill by the General Assembly, each designated procurement unit shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** that complies with the reporting requirements set forth in COMAR 21.11.01.06.

(b) (1) Within 90 days after the end of each fiscal year, each unit shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** that complies with the requirements of paragraph (2) of this subsection.

(2) For the preceding fiscal year, the report shall:

(i) state the total number and the dollar value of payments the unit made to small businesses under designated small business reserve contracts;

(ii) state the total number and the dollar value of payments the unit made to small businesses under nondesignated small business reserve contracts, including purchase card procurements;

(iii) state the total dollar value of payments the unit made under procurement contracts; and

(iv) contain other such information as required by the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(c) On or before December 31 of each year, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall submit to the Board of Public Works and, subject to § 2-1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (b) of this section.

### Article – State Government

9-1A-10.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**

**SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

9–1A–23.

(d) (1) Within 30 days after the completion of its first year of operations, a video lottery operation licensee in Baltimore City shall:

(i) compile data on the age, sex, race, and county of residence of its State video lottery employees who worked in the State during the previous year; and

(ii) submit the data to the Commission.

(2) Within 3 months after receiving the data required under paragraph (1) of this subsection, the Commission shall submit a report containing the data to the Governor, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, and, subject to § 2–1246 of the State Government Article, the President of the Senate and the Speaker of the House of Delegates.

(3) The Commission shall adopt regulations to carry out this subsection.

9–1A–36.

(l) (1) If an applicant is seeking investors in the entity applying for a video lottery operation license, it shall take the following steps before being awarded a license by the Video Lottery Facility Location Commission:

(i) make serious, good–faith efforts to solicit and interview a reasonable number of minority investors;

(ii) as part of the application, submit a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application; and

(iii) if an applicant is awarded a license by the Video Lottery Facility Location Commission, the applicant shall sign a memorandum of understanding with the Video Lottery Facility Location Commission that requires the awardee to again make serious, good–faith efforts to interview minority investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

(2) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under paragraph (1)(i) and (iii) of this subsection.

Subtitle 3. [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

9–301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Interdepartmental Committee” means the [Interdepartmental Advisory Committee on Minority Affairs] **INTERDEPARTMENTAL ADVISORY COMMITTEE ON SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

(c) (1) “Minority person” means:

(i) an individual who has been deprived of the opportunity to develop and keep a competitive position in the economy because of a social or economic disadvantage that arises from cultural, racial, or other similar causes; or

(ii) a sheltered workshop for individuals with disabilities.

(2) “Minority person” includes:

(i) an Aleut;

(ii) an American Indian;

(iii) a Black;

(iv) an Eskimo;

(v) a Hispanic;

(vi) an Oriental;

(vii) a Puerto Rican; or

(viii) a woman.

(d) “Office” means the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

(e) “Special Secretary” means the Special Secretary for the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

9–302.

There is an [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in the Executive Department.

9–303.

(a) The head of the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** is the Special Secretary, who shall be appointed by and serves at the pleasure of the Governor.

(b) The Special Secretary shall receive the salary provided in the State budget.

9–303.1.

(a) There is an [Interdepartmental Advisory Committee for Minority Affairs] **INTERDEPARTMENTAL ADVISORY COMMITTEE ON SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(b) The Interdepartmental Committee is composed of:

(1) the secretary of each principal department of the Executive Branch of government, or the secretary's designee;

(2) the State Superintendent of Schools, or the Superintendent's designee;

(3) the Secretary of Higher Education, or the Secretary's designee; and

(4) the Special Secretary.

(c) The Interdepartmental Committee shall:

(1) advise the Special Secretary on proposals to implement and enhance the duties of the Office, including the promotion of employment of minority persons in the State, and the promotion of the growth and participation of minority business enterprises in the State;

(2) gather such information the Committee deems necessary to promote the goals of the Office;

(3) provide such other assistance as may be required to further the purposes of §§ 9–304 and 9–305 of this subtitle; and

(4) meet at the call of the Special Secretary.

9–306.

(a) On or before the 15th day of each regular session of the General Assembly, the

Special Secretary shall send an annual report on the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**:

- (1) to the Governor; and
- (2) subject to § 2–1246 of this article, to the General Assembly.

(b) The annual report may be prepared in conjunction with the report required under § 14–305(b) of the State Finance and Procurement Article.

9–20C–02.

(c) The Advisory Committee consists of the following members:

(1) two members of the Senate of Maryland, one from each of the principal political parties, appointed by the President of the Senate;

(2) two members of the House of Delegates, one from each of the principal political parties, appointed by the Speaker of the House;

(3) the Director or the Director's designee;

(4) the Secretary of Commerce, or the Secretary's designee;

(5) the Special Secretary of the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, or the Special Secretary's designee; and

(6) the following 12 members, appointed by the Governor:

(i) 1 representative of a public institution of higher education in the State;

(ii) 1 representative of a historically black or African American university in the State;

(iii) 1 representative of the State's community colleges;

(iv) 1 representative of the Maryland Independent Colleges and Universities Association;

(v) 1 representative of the Maryland Small Business Development Center Network;

(vi) 1 representative of the Maryland Business Coalition for Offshore Wind;

(vii) 1 representative of a business incubator in the State with experience in providing services to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;

(viii) 1 individual with experience in providing business financing to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;

(ix) 1 representative of an offshore wind developer;

(x) 1 representative of an original equipment manufacturer;

(xi) 1 individual who is a minority business advocate; and

(xii) 1 individual with experience in offshore wind supply chain issues.

#### Article – State Personnel and Pensions

21–116.

(d) (3) In consultation with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the Investment Committee, the Board of Trustees shall develop guidelines to assist the Investment Committee in identifying and evaluating qualified minority business enterprises in order to help the State Retirement Agency achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the Investment Committee shall submit a report to the Board of Trustees, the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Investment Committee in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets that are under the control of the Investment Committee that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Investment Committee undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

35–302.

(b) (3) In consultation with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Board shall develop guidelines to assist the Board in identifying and evaluating qualified minority business enterprises in order to help the Maryland Teachers and State Employees Supplemental Retirement Plans achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the Board shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Board in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets that are under the control of the Board that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Board undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 634

(Senate Bill 700)

AN ACT concerning

**State Government – Office of Minority Affairs and Interdepartmental Advisory  
Committee on Minority Affairs – Renaming**

FOR the purpose of renaming the Governor’s Office of Minority Affairs to be the Governor’s Office of Small, Minority, and Women Business Affairs; renaming the Special Secretary for the Office of Minority Affairs to be the Special Secretary for the Office of Small, Minority, and Women Business Affairs; renaming the Interdepartmental Advisory Committee on Minority Affairs to be the Interdepartmental Advisory Committee on Small, Minority, and Women Business Affairs; making conforming changes; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross–references or terminology rendered incorrect by this Act and to describe any corrections made in an editor’s note following the section affected; and generally relating to the renaming of the Office of Minority Affairs and the Interdepartmental Advisory Committee on Minority Affairs.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 14–103(d) and (e)  
Annotated Code of Maryland  
(2008 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 11–1001(d) and (e)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–345(d)(5), 9–421(d)(5), 9–1605.2(i)(4), and 9–1605.3(f)(2)(v)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 20–1004(21)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Housing and Community Development  
Section 4–501.1(d) and (e)  
Annotated Code of Maryland  
(2006 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 20–303(c)(3) and (4) and 24–310(d) and (e)  
Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7–704.1(d)(4)(iii)

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–222(f)(3) and (4), 12–105(c)(1), 12–110(c)(1), 14–302(a)(9)(iv) and (v) and (11)(iii)2., 14–303(b)(19), 14–305, 14–308(c), 14–503, and 14–505

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–1A–10(b), 9–1A–23(d), 9–1A–36(l); 9–301 through 9–303.1 to be under the amended subtitle “Subtitle 3. Office of Small, Minority, and Women Business Affairs”; 9–306, and 9–20C–02(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–116(d)(3) and (4) and 35–302(b)(3) and (4)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Economic Development**

14–103.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help it achieve the objective for greater use of minority business enterprises for brokerage and investment management services under this article.

(e) On or before September 1 each year, the Department shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by any fund established under this article in the immediately preceding fiscal year;

(2) the percentage and dollar value of the assets under the custody of each entity that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) the measures the entity undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

### Article – Education

11–1001.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Commission shall develop guidelines to assist the Commission in identifying and evaluating qualified minority business enterprises in order to help the Commission achieve the objective for greater use of minority business enterprises for brokerage and investment management services for any fund established under this Division III.

(e) On or before September 1 each year, the Commission shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) The identity of the minority business enterprise brokerage and investment management services firms used by the Commission in the immediately preceding fiscal year;

(2) The percentage and dollar value of the Commission’s assets in any fund established under this article that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) The measures the Commission undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

### Article – Environment

9–345.

(d) For financial assistance over \$500,000 awarded under the Fund, the applicant shall demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women’s business enterprises by:

(5) Using the services and assistance of the Maryland Department of Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small business enterprises, minority business enterprises, and women's business enterprises.

9-421.

(d) For financial assistance over \$500,000 awarded under the Fund, the applicant shall demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women's business enterprises by:

(5) Using the services and assistance of the Maryland Department of Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small business enterprises, minority business enterprises, and women's business enterprises.

9-1605.2.

(i) (4) The grant agreement shall require a grantee to demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women's business enterprises by:

(i) Placing qualified small business enterprises, minority business enterprises, and women's business enterprises on solicitation lists;

(ii) Assuring that small business enterprises, minority business enterprises, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small business enterprises, minority business enterprises, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, that encourage participation by small business enterprises, minority business enterprises, and women's business enterprises; and

(v) Using the services and assistance of the Maryland Department of Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small business enterprises, minority business enterprises, and women's business enterprises.

9-1605.3.

(f) (2) For financial assistance over \$500,000 awarded under the Fund, the grantee shall demonstrate, to the satisfaction of the Department, that steps were taken to include small businesses, certified minority business enterprises, and certified minority business enterprises classified as women-owned businesses by:

(v) Using the services and assistance of the Department of Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small businesses, certified minority business enterprises, and certified minority business enterprises classified as women-owned businesses.

### Article – Health – General

20–1004.

The Office shall:

(21) Work collaboratively with the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** as the Office determines necessary; and

### Article – Housing and Community Development

4–501.1.

(d) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help the Department achieve the objective for greater use of minority business enterprises for brokerage and investment management services for the funds established under this subtitle.

(e) On or before September 1 each year, the Department shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by the Department in the immediately preceding fiscal year;

(2) the percentage and dollar value of the assets in the funds established under this subtitle that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) the measures the Department undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

### Article – Insurance

20–303.

(c) (3) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the financial management committee shall develop guidelines to assist the committee in identifying and evaluating qualified minority business enterprises in order to help the Fund achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the financial management committee shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the financial management committee in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the Fund assets that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(iii) the measures the financial management committee undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

24–310.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Board shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help the Company achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(e) On or before September 1 each year, the Board shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by the Board in the immediately preceding

fiscal year;

(2) the percentage and dollar value of the Company assets that are under the investment control of minority business enterprise brokerage and investment management services firms; and

(3) the measures the Board undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

#### Article – Public Utilities

7-704.1.

(d) (4) (iii) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under subparagraph (ii)1 and 3 of this paragraph.

#### Article – State Finance and Procurement

6-222.

(f) (3) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Treasurer shall develop guidelines to assist in identifying and evaluating qualified minority business enterprises in order to help the Treasurer achieve the objective for greater use of minority business enterprises for brokerage and investment management services under this section.

(4) On or before September 1 each year, the Treasurer shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Treasurer in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets under the custody of the Treasurer that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Treasurer undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

12-105.

(c) (1) The Council consists of the following 11 members:

- (i) the State Treasurer;
- (ii) the Chancellor of the University System of Maryland;
- (iii) the Secretary of Budget and Management;
- (iv) the Secretary of General Services;
- (v) the Secretary of Information Technology;
- (vi) the Secretary of Transportation;
- (vii) the Secretary of the Board;

(viii) the Special Secretary for the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**;

(ix) a representative of local government who has expertise in local procurement matters, appointed by the Governor with the advice and consent of the Senate; and

(x) two members of the general public, at least one of whom has expertise in State procurement matters, appointed by the Governor with the advice and consent of the Senate.

12-110.

(c) (1) The Council consists of the following members:

- (i) the State Treasurer;
- (ii) the Attorney General;
- (iii) the Procurement Advisor;
- (iv) the State Superintendent of Schools;
- (v) the Secretary of Budget and Management;
- (vi) the Secretary of Juvenile Services;
- (vii) the Secretary of Human Resources;

- (viii) the Secretary of Health and Mental Hygiene;
- (ix) the Director of the Governor’s Grants Office;
- (x) the Executive Director of the Governor’s Office of Crime Control and Prevention;
- (xi) the Executive Director of the Governor’s Office for Children;
- (xii) the Special Secretary for the **[Office of Minority Affairs] OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**;
- (xiii) four representatives of private organizations with experience providing human services funded by contracts through State units, appointed by the Governor;
- (xiv) a member of the Senate, appointed by the President of the Senate; and
- (xv) a member of the House of Delegates, appointed by the Speaker of the House.

14–302.

(a) (9) (iv) 1. Except for waivers granted in accordance with subparagraph (iii) of this paragraph, when a waiver determination is made, the unit shall issue the determination in writing.

2. The head of the unit shall:

A. keep one copy of the waiver determination and the reasons for the determination; and

B. forward one copy of the waiver determination to the **[Governor’s Office of Minority Affairs] GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(v) On or before July 31 of each year, each unit shall submit directly to the Board of Public Works and the **[Governor’s Office of Minority Affairs] GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** an annual report of waivers requested and waivers granted under this paragraph.

(11) (iii) 2. The unit shall send a copy of the written consent obtained under subparagraph 1 of this subparagraph to the **[Governor’s Office of Minority Affairs] GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

14-303.

(b) These regulations shall include:

(19) a requirement that each unit work with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** to designate certain procurements as being excluded from the requirements of § 14-302(a) of this subtitle; and

14-305.

(a) (1) Within 90 days after the end of the fiscal year, each unit shall report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the certification agency, and, subject to § 2-1246 of the State Government Article, the Joint Committee on Fair Practices and Personnel Oversight.

(2) A report under this subsection shall for the preceding fiscal year:

(i) state the total number and value of procurement contracts between the unit and certified minority business enterprises, by specific category of minority business enterprise, including whether the minority business enterprise participated as a prime contractor or as a subcontractor;

(ii) indicate the percentage that those procurement contracts represent, by specific category of minority business enterprise, of the total number and value of procurement contracts;

(iii) state the total number and the names of certified minority business enterprises that participated as prime contractors or as subcontractors on procurement contracts awarded by a unit;

(iv) for each minority business included in the report under item (iii) of this paragraph, list all procurement contracts awarded by a unit to the minority business enterprise, including a description of the contract; and

(v) contain other such information as required by the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the certification agency and approved by the Board.

(3) As to procurement contracts for architectural services and engineering services reported under paragraph (2) of this subsection, the report shall identify by separate category of minority business enterprise procurements for:

(i) architectural services; and

(ii) engineering services.

(4) A report under this subsection shall be in a form prescribed by the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the certification agency and approved by the Board.

(b) (1) On or before December 31 of each year, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall submit to the Board of Public Works and, subject to § 2–1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (a) of this section.

(2) This report may be prepared in conjunction with the annual report required under § 9–306 of the State Government Article.

14–308.

(c) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall make available a fraud hotline for reporting violations of this section.

14–503.

(a) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall adopt regulations to establish procedures for compiling and maintaining a comprehensive bidder's list of qualified small businesses that shall be posted on the Internet.

(b) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall:

(1) establish guidelines for Small Business Reserve Program administration;

(2) ensure agency compliance with the Small Business Reserve Program;

(3) provide training and technical assistance to agency personnel; and

(4) collect data regarding the State's utilization of small business reserve vendors.

(c) Each designated procurement unit shall ensure compliance with the regulations set forth in subsection (a) of this section.

14-505.

(a) Within 60 days after the enactment of the budget bill by the General Assembly, each designated procurement unit shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** that complies with the reporting requirements set forth in COMAR 21.11.01.06.

(b) (1) Within 90 days after the end of each fiscal year, each unit shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** that complies with the requirements of paragraph (2) of this subsection.

(2) For the preceding fiscal year, the report shall:

(i) state the total number and the dollar value of payments the unit made to small businesses under designated small business reserve contracts;

(ii) state the total number and the dollar value of payments the unit made to small businesses under nondesignated small business reserve contracts, including purchase card procurements;

(iii) state the total dollar value of payments the unit made under procurement contracts; and

(iv) contain other such information as required by the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(c) On or before December 31 of each year, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall submit to the Board of Public Works and, subject to § 2-1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (b) of this section.

#### Article – State Government

9-1A-10.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

9-1A-23.

(d) (1) Within 30 days after the completion of its first year of operations, a video lottery operation licensee in Baltimore City shall:

(i) compile data on the age, sex, race, and county of residence of its State video lottery employees who worked in the State during the previous year; and

(ii) submit the data to the Commission.

(2) Within 3 months after receiving the data required under paragraph (1) of this subsection, the Commission shall submit a report containing the data to the Governor, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, and, subject to § 2-1246 of the State Government Article, the President of the Senate and the Speaker of the House of Delegates.

(3) The Commission shall adopt regulations to carry out this subsection.

9-1A-36.

(l) (1) If an applicant is seeking investors in the entity applying for a video lottery operation license, it shall take the following steps before being awarded a license by the Video Lottery Facility Location Commission:

(i) make serious, good-faith efforts to solicit and interview a reasonable number of minority investors;

(ii) as part of the application, submit a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application; and

(iii) if an applicant is awarded a license by the Video Lottery Facility Location Commission, the applicant shall sign a memorandum of understanding with the Video Lottery Facility Location Commission that requires the awardee to again make serious, good-faith efforts to interview minority investors in any future attempts to raise

venture capital or attract new investors to the entity awarded the license.

(2) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under paragraph (1)(i) and (iii) of this subsection.

Subtitle 3. [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

9-301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Interdepartmental Committee" means the [Interdepartmental Advisory Committee on Minority Affairs] **INTERDEPARTMENTAL ADVISORY COMMITTEE ON SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

(c) (1) "Minority person" means:

(i) an individual who has been deprived of the opportunity to develop and keep a competitive position in the economy because of a social or economic disadvantage that arises from cultural, racial, or other similar causes; or

(ii) a sheltered workshop for individuals with disabilities.

(2) "Minority person" includes:

(i) an Aleut;

(ii) an American Indian;

(iii) a Black;

(iv) an Eskimo;

(v) a Hispanic;

(vi) an Oriental;

(vii) a Puerto Rican; or

(viii) a woman.

(d) "Office" means the [Office of Minority Affairs] **OFFICE OF SMALL,**

**MINORITY, AND WOMEN BUSINESS AFFAIRS.**

(e) “Special Secretary” means the Special Secretary for the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

9–302.

There is an [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in the Executive Department.

9–303.

(a) The head of the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** is the Special Secretary, who shall be appointed by and serves at the pleasure of the Governor.

(b) The Special Secretary shall receive the salary provided in the State budget.

9–303.1.

(a) There is an [Interdepartmental Advisory Committee for Minority Affairs] **INTERDEPARTMENTAL ADVISORY COMMITTEE ON SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(b) The Interdepartmental Committee is composed of:

(1) the secretary of each principal department of the Executive Branch of government, or the secretary’s designee;

(2) the State Superintendent of Schools, or the Superintendent’s designee;

(3) the Secretary of Higher Education, or the Secretary’s designee; and

(4) the Special Secretary.

(c) The Interdepartmental Committee shall:

(1) advise the Special Secretary on proposals to implement and enhance the duties of the Office, including the promotion of employment of minority persons in the State, and the promotion of the growth and participation of minority business enterprises in the State;

(2) gather such information the Committee deems necessary to promote the goals of the Office;

(3) provide such other assistance as may be required to further the

purposes of §§ 9–304 and 9–305 of this subtitle; and

- (4) meet at the call of the Special Secretary.

9–306.

(a) On or before the 15th day of each regular session of the General Assembly, the Special Secretary shall send an annual report on the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**:

- (1) to the Governor; and
- (2) subject to § 2–1246 of this article, to the General Assembly.

(b) The annual report may be prepared in conjunction with the report required under § 14–305(b) of the State Finance and Procurement Article.

9–20C–02.

(c) The Advisory Committee consists of the following members:

(1) two members of the Senate of Maryland, one from each of the principal political parties, appointed by the President of the Senate;

(2) two members of the House of Delegates, one from each of the principal political parties, appointed by the Speaker of the House;

(3) the Director or the Director’s designee;

(4) the Secretary of Commerce, or the Secretary’s designee;

(5) the Special Secretary of the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, or the Special Secretary’s designee; and

(6) the following 12 members, appointed by the Governor:

(i) 1 representative of a public institution of higher education in the State;

(ii) 1 representative of a historically black or African American university in the State;

(iii) 1 representative of the State’s community colleges;

(iv) 1 representative of the Maryland Independent Colleges and Universities Association;

- (v) 1 representative of the Maryland Small Business Development Center Network;
- (vi) 1 representative of the Maryland Business Coalition for Offshore Wind;
- (vii) 1 representative of a business incubator in the State with experience in providing services to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;
- (viii) 1 individual with experience in providing business financing to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;
- (ix) 1 representative of an offshore wind developer;
- (x) 1 representative of an original equipment manufacturer;
- (xi) 1 individual who is a minority business advocate; and
- (xii) 1 individual with experience in offshore wind supply chain issues.

#### Article – State Personnel and Pensions

21–116.

(d) (3) In consultation with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the Investment Committee, the Board of Trustees shall develop guidelines to assist the Investment Committee in identifying and evaluating qualified minority business enterprises in order to help the State Retirement Agency achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the Investment Committee shall submit a report to the Board of Trustees, the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

- (i) the identity of the minority business enterprise brokerage and investment management services firms used by the Investment Committee in the immediately preceding fiscal year;
- (ii) the percentage and dollar value of the assets that are under the control of the Investment Committee that are under the investment control of minority

business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Investment Committee undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

35–302.

(b) (3) In consultation with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Board shall develop guidelines to assist the Board in identifying and evaluating qualified minority business enterprises in order to help the Maryland Teachers and State Employees Supplemental Retirement Plans achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the Board shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Board in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets that are under the control of the Board that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Board undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

**SECTION 2. AND BE IT FURTHER ENACTED**, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

**SECTION 3. AND BE IT FURTHER ENACTED**, That this Act shall take effect June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 635****(House Bill 1446)**

AN ACT concerning

**Procurement Preferences – Blind Industries and Services of Maryland –  
Janitorial Products**

FOR the purpose of clarifying that the requirement that a State or State aided or controlled entity include in certain maintenance contracts a requirement that a prime contractor procure certain products from the Blind Industries and Services of Maryland under certain circumstances applies to products made ~~or~~ manufactured, remanufactured, or assembled by the Blind Industries and Services of Maryland; providing for a delayed effective date; ~~providing for the application of a certain provision of law;~~ and generally relating to procurement preferences related to the Blind Industries and Services of Maryland.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 14–103  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Finance and Procurement**

14–103.

(a) A State or State aided or controlled entity shall buy supplies and services from:

(1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle 5 of the Correctional Services Article, if Maryland Correctional Enterprises provides the supplies or services;

(2) Blind Industries and Services of Maryland, if:

(i) Blind Industries and Services of Maryland provides the supplies or services; and

(ii) Maryland Correctional Enterprises does not provide the supplies or services; or

(3) the Employment Works Program established under § 14–108 of this subtitle, if:

(i) a community service provider or an individual with disability owned business provides the supplies or services;

(ii) neither Maryland Correctional Enterprises nor Blind Industries and Services of Maryland provides the supplies or services; and

(iii) the State or a State aided or controlled entity is not required by law to buy the supplies or services from any other unit of the State government.

(b) A State or State aided or controlled entity shall give preference to the providers listed under subsection (a) of this section in the order that the providers are listed.

(c) ~~(1)~~ To the extent practicable, a State or State aided or controlled entity shall include in a maintenance contract that has a component for housekeeping or janitorial services, a requirement that a prime contractor procure janitorial products from Blind Industries and Services of Maryland [when] **IF the specified products ARE MADE OR, MANUFACTURED, REMANUFACTURED, OR ASSEMBLED BY BLIND INDUSTRIES AND SERVICES OF MARYLAND AND** are available.

~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY PRODUCT THAT BLIND INDUSTRIES AND SERVICES OF MARYLAND REPACKAGES BUT DOES NOT MAKE OR MANUFACTURE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2017~~ May 1, 2018.

Approved by the Governor, May 25, 2017.

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## Chapter 636

(House Bill 1492)

AN ACT concerning

### Housing and Community Development – Food Deserts – Small Loans

FOR the purpose of authorizing the Department of Housing and Community Development to meet certain funding obligations under the Business Development Program by using certain financial assistance under certain circumstances; authorizing financial assistance under the Business Development Program to be used for certain small loans; ~~authorizing the Department of Housing and Community Development to~~

provide small loans that are not more than a certain amount to certain entities for a certain purpose; authorizing the Department to work with intermediaries to administer small loans under certain circumstances; and generally relating to small loans for food desert projects under the Business Development Program.

BY repealing and reenacting, with amendments,  
 Article – Housing and Community Development  
 Section ~~6–307~~ 6–305(e), 6–307, and 6–308.3  
 Annotated Code of Maryland  
 (2006 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Housing and Community Development  
 Section 6–308(c) and 6–308.1(a)  
 Annotated Code of Maryland  
 (2006 Volume and 2016 Supplement)

### Preamble

WHEREAS, The Supplemental Nutrition Assistance Program (SNAP) Retailer Regulations Final Rule requires all food retailers, including corner and convenience stores, to significantly increase the number of staple foods in order to maintain SNAP eligibility; and

WHEREAS, As a result stores may be required to purchase additional equipment; now, therefore, ~~be it~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – Housing and Community Development**

6–305.

(e) **(1)** The Department shall reserve at least the lesser of \$5,000,000 or the annual capital appropriation for the Fund to make financial assistance available to projects located in sustainable communities.

**(2)** THE DEPARTMENT MAY MEET THE FUNDING OBLIGATIONS FOR SUSTAINABLE COMMUNITIES AND FOOD DESERTS BY USING ANY FINANCIAL ASSISTANCE AVAILABLE TO THE DEPARTMENT THAT IS AUTHORIZED TO BE USED FOR THESE PROJECTS.

6–307.

(a) Financial assistance under the Business Development Program shall be on the terms that the Department considers necessary to make the project financially feasible.

(b) Financial assistance under the Business Development Program may be used for:

(1) a part of the development costs of a project; [or]

(2) the development costs, working capital, or business expenses of a microenterprise project; **OR**

**(3) IN ACCORDANCE WITH § 6-308.3 OF THIS SUBTITLE, SMALL LOANS FOR FOOD DESERT PROJECTS.**

(c) The Department may require that financial assistance under the Business Development Program be secured by a mortgage or other security instrument, which may be subordinate to other security interests.

(d) The Department may modify the interest rate, the time or amount of payment, or any other term of a grant or loan to facilitate the successful completion or operation of a project.

(e) The Department may contract for services related to the Business Development Program.

6-308.

(c) The Secretary, on the recommendation of the Interagency Food Desert Advisory Committee established under § 6-308.2 of this subtitle, may designate an area as a food desert after considering the following factors:

(1) availability of fresh fruit, vegetables, and other healthy foods in the area;

(2) income levels of local residents;

(3) transportation needs of local residents and the availability of public transportation;

(4) comments from local governments; and

(5) any other factors that the Department considers relevant.

6-308.1.

(a) If the Department determines that an entity is capable of administering financial assistance under the Program, the entity may originate and administer financial assistance in accordance with standards the Department adopts by regulation.

6–308.3.

(a) If the Department determines that an entity is capable of administering a food desert project, the entity may originate and administer financial assistance to a food desert project in accordance with standards the Department adopts by regulation.

(b) The Department may:

(1) pay an approved entity a reasonable origination, application, and processing fee for each food desert project that is originated by the approved entity;

(2) directly fund the financial assistance for a food desert project that is originated by an approved entity; [and]

(3) provide financial assistance to an approved entity for the purpose of the approved entity providing financial assistance for a food desert project in accordance with this subtitle; AND

(4) (I) **PROVIDE SMALL LOANS IN AMOUNTS THAT ARE NOT MORE THAN \$50,000 PER LOAN TO AN APPROVED ENTITY FOR ASSISTANCE IN PROVIDING BETTER ACCESS TO HEALTHY FOOD IN FOOD DESERTS, INCLUDING BY PROVIDING LOANS FOR REFRIGERATORS, FREEZERS, AND OTHER EQUIPMENT; AND**

(II) ~~IN CARRYING OUT THIS ITEM,~~ **WORK WITH INTERMEDIARIES TO ADMINISTER THE SMALL LOANS AUTHORIZED UNDER ITEM (I) OF THIS PARAGRAPH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 637

(House Bill 269)

AN ACT concerning

**Housing ~~Counselor~~ Navigator and Aftercare Program**

FOR the purpose of establishing the Housing ~~Counselor~~ Navigator and Aftercare Program ~~in the Department of Human Resources~~ to assist families and individuals who are experiencing, or who are in imminent danger of, a housing crisis in obtaining and maintaining permanent housing; allowing a family to apply for Program services if the family is the recipient of temporary cash assistance or is in the process of applying for temporary cash assistance; specifying certain activities that a housing ~~counselor~~ navigator shall perform in assisting a family or individual client with securing and maintaining permanent, affordable housing; specifying certain purposes for which Program funds may be used; specifying certain client-related expenses; requiring a local administrative agency to be designated by ~~the Department~~ a certain department or a local government for certain purposes; ~~specifying that the Program be funded by a certain fund~~; requiring the Governor to include a certain appropriation for the Program in the annual budget each fiscal year beginning in a certain fiscal year, subject to certain limitations; ~~altering the purpose of the Foreclosed Property Registry Fund~~; making certain provisions of this Act contingent on the taking effect of another Act; defining a certain term; and generally relating to the Housing ~~Counselor~~ Navigator and Aftercare Program.

BY adding to

Article – Human Services

Section 6–801 through 6–807 to be under the new subtitle “Subtitle 8. Housing ~~Counselor~~ Navigator and Aftercare Program”

Annotated Code of Maryland

(2007 Volume and 2016 Supplement)

BY adding to

Article – Housing and Community Development

Section 4–2301 through 4–2307 to be under the new subtitle “Subtitle 23. Housing Navigator and Aftercare Program”

Annotated Code of Maryland

(2006 Volume and 2016 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Real Property~~

~~Section 14–126.1(i)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Human Services

#### SUBTITLE 8. HOUSING ~~COUNSELOR~~ NAVIGATOR AND AFTERCARE PROGRAM.

6–801.

IN THIS SUBTITLE, “PROGRAM” MEANS THE HOUSING ~~COUNSELOR~~ NAVIGATOR AND AFTERCARE PROGRAM.

6-802.

THERE IS A HOUSING ~~COUNSELOR~~ NAVIGATOR AND AFTERCARE PROGRAM IN THE DEPARTMENT.

6-803.

THE PURPOSE OF THE PROGRAM IS TO ASSIST FAMILIES AND INDIVIDUALS WHO ARE EXPERIENCING, OR WHO ARE IN IMMINENT DANGER OF, A HOUSING CRISIS IN OBTAINING AND MAINTAINING PERMANENT HOUSING.

6-804.

A FAMILY MAY APPLY FOR ~~HOUSING COUNSELING AND AFTERCARE~~ PROGRAM SERVICES IF THE FAMILY IS THE RECIPIENT OF OR IS IN THE PROCESS OF APPLYING FOR TEMPORARY CASH ASSISTANCE, AS DEFINED IN § 5-301 OF THIS ARTICLE.

6-805.

A HOUSING ~~COUNSELOR~~ NAVIGATOR SHALL ASSIST A FAMILY OR AN INDIVIDUAL CLIENT WITH SECURING AND MAINTAINING PERMANENT, AFFORDABLE HOUSING BY:

(1) ASSISTING THE CLIENT WITH SEARCHING FOR AND OBTAINING PERMANENT, AFFORDABLE HOUSING;

(2) DEVELOPING A COMPREHENSIVE, CURRENT LIST OF HOUSING RESOURCES AND EXPANDING THE LIST OF HOUSING RESOURCES TO INCLUDE NEW RESOURCES;

(3) ESTABLISHING A WORKING RELATIONSHIP WITH THE CLIENT AND ADVOCATING FOR THE CLIENT WITH LANDLORDS, PROPERTY MANAGERS, REALTY COMPANIES, AND OTHER SOURCES OF LOW-INCOME HOUSING;

(4) WORKING WITH A CLIENT’S CASE MANAGER, WHEN APPLICABLE, TO COORDINATE SERVICES TO THE CLIENT;

(5) ASSISTING THE CLIENT, AS NEEDED, WITH ISSUES THAT CONTRIBUTE TO CHRONIC HOUSING PROBLEMS, SUCH AS BUDGETING AND HOUSEHOLD MANAGEMENT; AND

- (6) PERFORMING OTHER DUTIES AS ASSIGNED BY THE DEPARTMENT.

6-806.

(A) PROGRAM FUNDS MAY BE USED FOR:

(1) SALARY AND FICA FOR HOUSING ~~COUNSELORS~~ NAVIGATORS AND AFTERCARE CASE MANAGERS;

(2) CLIENT-RELATED EXPENSES, INCLUDING:

(I) FIRST AND FINAL MONTHS' RENT;

(II) TRANSPORTATION FOR HOUSING SEARCHES;

(III) MOVING EXPENSES;

(IV) ESSENTIAL FURNISHINGS;

(V) STORAGE;

(VI) ARREARAGES;

(VII) CREDIT CHECKS AND HOUSING APPLICATION FEES;

(VIII) SECURITY DEPOSITS;

(IX) UTILITY DEPOSITS; AND

(X) OTHER IDENTIFIED NEEDS; AND

(3) OTHER ITEMS THAT THE DEPARTMENT DESIGNATES.

(B) A LOCAL ADMINISTRATIVE AGENCY SHALL BE DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAM IN A PARTICULAR SUBDIVISION, PROVIDE SERVICES, AND PROVIDE FUNDS FOR ADDITIONAL COSTS, INCLUDING OPERATING COSTS, RELATED TO THE PROGRAM.

~~(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROGRAM BE FUNDED BY THE FORECLOSED PROPERTY REGISTRY FUND IN THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.~~

6-807.

~~BEGINNING~~ SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, BEGINNING IN FISCAL YEAR 2019 AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET AN APPROPRIATION FOR THE PROGRAM OF \$516,828.

~~Article—Real Property~~

~~14-126.1.~~

~~(i) (1) There is a Foreclosed Property Registry Fund in the Department.~~

~~(2) The purpose of the Fund is to support:~~

~~(I) [the] THE development, administration, and maintenance of the Foreclosed Property Registry established under this section; AND~~

~~(II) THE HOUSING COUNSELOR AND AFTERCARE PROGRAM ESTABLISHED UNDER TITLE 6, SUBTITLE 8 OF THE HUMAN SERVICES ARTICLE, WHICH ASSISTS FAMILIES AND INDIVIDUALS IN OBTAINING AND MAINTAINING PERMANENT HOUSING.~~

~~(3) The Department shall administer the Fund.~~

~~(4) (i) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.~~

~~(5) The Fund consists of:~~

~~(i) Revenue distributed to the Fund under subsection (h) of this section;~~

~~(ii) Investment earnings of the Fund;~~

~~(iii) Money appropriated in the State budget to the Fund; and~~

~~(iv) Any other money from any other source accepted for the benefit of the Fund.~~

~~(6) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.~~

~~(ii) Any investment earnings of the Fund shall be paid into the Fund.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Housing and Community Development

SUBTITLE 23. HOUSING NAVIGATOR AND AFTERCARE PROGRAM.

4-2301.

IN THIS SUBTITLE, “PROGRAM” MEANS THE HOUSING NAVIGATOR AND AFTERCARE PROGRAM.

4-2302.

THERE IS A HOUSING NAVIGATOR AND AFTERCARE PROGRAM IN THE DEPARTMENT.

4-2303.

THE PURPOSE OF THE PROGRAM IS TO ASSIST FAMILIES AND INDIVIDUALS WHO ARE EXPERIENCING, OR WHO ARE IN IMMINENT DANGER OF, A HOUSING CRISIS IN OBTAINING AND MAINTAINING PERMANENT HOUSING.

4-2304.

A FAMILY MAY APPLY FOR PROGRAM SERVICES IF THE FAMILY IS THE RECIPIENT OF OR IS IN THE PROCESS OF APPLYING FOR TEMPORARY CASH ASSISTANCE, AS DEFINED IN § 5-301 OF THE HUMAN SERVICES ARTICLE.

4-2305.

A HOUSING NAVIGATOR SHALL ASSIST A FAMILY OR AN INDIVIDUAL CLIENT WITH SECURING AND MAINTAINING PERMANENT, AFFORDABLE HOUSING BY:

(1) ASSISTING THE CLIENT WITH SEARCHING FOR AND OBTAINING PERMANENT, AFFORDABLE HOUSING;

(2) DEVELOPING A COMPREHENSIVE, CURRENT LIST OF HOUSING RESOURCES AND EXPANDING THE LIST OF HOUSING RESOURCES TO INCLUDE NEW RESOURCES;

(3) ESTABLISHING A WORKING RELATIONSHIP WITH THE CLIENT AND ADVOCATING FOR THE CLIENT WITH LANDLORDS, PROPERTY MANAGERS, REALTY COMPANIES, AND OTHER SOURCES OF LOW-INCOME HOUSING;

(4) WORKING WITH A CLIENT'S CASE MANAGER, WHEN APPLICABLE, TO COORDINATE SERVICES TO THE CLIENT;

(5) ASSISTING THE CLIENT, AS NEEDED, WITH ISSUES THAT CONTRIBUTE TO CHRONIC HOUSING PROBLEMS, SUCH AS BUDGETING AND HOUSEHOLD MANAGEMENT; AND

(6) PERFORMING OTHER DUTIES AS ASSIGNED BY THE DEPARTMENT.

4-2306.

(A) PROGRAM FUNDS MAY BE USED FOR:

(1) SALARY AND FICA FOR HOUSING NAVIGATORS AND AFTERCARE CASE MANAGERS;

(2) CLIENT-RELATED EXPENSES, INCLUDING:

(I) FIRST AND FINAL MONTHS' RENT;

(II) TRANSPORTATION FOR HOUSING SEARCHES;

(III) MOVING EXPENSES;

(IV) ESSENTIAL FURNISHINGS;

(V) STORAGE;

(VI) ARREARAGES;

(VII) CREDIT CHECKS AND HOUSING APPLICATION FEES;

(VIII) SECURITY DEPOSITS;

(IX) UTILITY DEPOSITS; AND

(X) OTHER IDENTIFIED NEEDS; AND

(3) OTHER ITEMS THAT THE DEPARTMENT DESIGNATES.

(B) A LOCAL ADMINISTRATIVE AGENCY SHALL BE DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAM IN A PARTICULAR SUBDIVISION, PROVIDE SERVICES, AND PROVIDE FUNDS FOR ADDITIONAL COSTS, INCLUDING OPERATING COSTS, RELATED TO THE PROGRAM.

4-2307.

SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, BEGINNING IN FISCAL YEAR 2019 AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET AN APPROPRIATION FOR THE PROGRAM OF \$516,828.

SECTION 3. AND BE IT FURTHER ENACTED, That if Section 2 of this Act takes effect, Section 1 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2017, contingent on the taking effect of Chapter 105 of the Acts of the General Assembly of 2017, and if Chapter 105 does not take effect, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 3 and 4 of this Act, this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 638

(Senate Bill 531)

AN ACT concerning

### Housing Counselor Navigator and Aftercare Program

FOR the purpose of establishing the Housing ~~Counselor~~ Navigator and Aftercare Program ~~in the Department of Human Resources~~ to assist families and individuals who are experiencing, or who are in imminent danger of, a housing crisis in obtaining and maintaining permanent housing; allowing a family to apply for Program services if the family is the recipient of temporary cash assistance or is in the process of applying for temporary cash assistance; specifying certain activities that a housing ~~counselor~~ navigator shall perform in assisting a family or individual client with securing and maintaining permanent, affordable housing; specifying certain purposes for which Program funds may be used; specifying certain client-related expenses; requiring a local administrative agency to be designated by ~~the~~

~~Department a certain department~~ or a local government for certain purposes; ~~specifying that the Program be funded by a certain fund;~~ requiring the Governor to include a certain appropriation for the Program in the annual budget each fiscal year beginning in a certain fiscal year, subject to certain limitations; ~~altering the purpose of the Foreclosed Property Registry Fund;~~ *making certain provisions of this Act contingent on the taking effect of another Act;* defining a certain term; and generally relating to the Housing ~~Counselor~~ Navigator and Aftercare Program.

BY adding to

Article – Human Services

Section 6–801 through 6–807 to be under the new subtitle “Subtitle 8. Housing ~~Counselor~~ Navigator and Aftercare Program”

Annotated Code of Maryland

(2007 Volume and 2016 Supplement)

BY adding to

Article – Housing and Community Development

Section 4–2301 through 4–2307 to be under the new subtitle “Subtitle 23. Housing Navigator and Aftercare Program”

Annotated Code of Maryland

(2006 Volume and 2016 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Real Property~~

~~Section 14–126.1(i)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Human Services

#### SUBTITLE 8. HOUSING ~~COUNSELOR~~ NAVIGATOR AND AFTERCARE PROGRAM.

##### 6–801.

IN THIS SUBTITLE, “PROGRAM” MEANS THE HOUSING ~~COUNSELOR~~ NAVIGATOR AND AFTERCARE PROGRAM.

##### 6–802.

THERE IS A HOUSING ~~COUNSELOR~~ NAVIGATOR AND AFTERCARE PROGRAM IN THE DEPARTMENT.

##### 6–803.

THE PURPOSE OF THE PROGRAM IS TO ASSIST FAMILIES AND INDIVIDUALS WHO ARE EXPERIENCING, OR WHO ARE IN IMMINENT DANGER OF, A HOUSING CRISIS IN OBTAINING AND MAINTAINING PERMANENT HOUSING.

**6-804.**

A FAMILY MAY APPLY FOR ~~HOUSING COUNSELING AND AFTERCARE~~ PROGRAM SERVICES IF THE FAMILY IS THE RECIPIENT OF OR IS IN THE PROCESS OF APPLYING FOR TEMPORARY CASH ASSISTANCE, AS DEFINED IN § 5-301 OF THIS ARTICLE.

**6-805.**

A HOUSING ~~COUNSELOR~~ NAVIGATOR SHALL ASSIST A FAMILY OR AN INDIVIDUAL CLIENT WITH SECURING AND MAINTAINING PERMANENT, AFFORDABLE HOUSING BY:

(1) ASSISTING THE CLIENT WITH SEARCHING FOR AND OBTAINING PERMANENT, AFFORDABLE HOUSING;

(2) DEVELOPING A COMPREHENSIVE, CURRENT LIST OF HOUSING RESOURCES AND EXPANDING THE LIST OF HOUSING RESOURCES TO INCLUDE NEW RESOURCES;

(3) ESTABLISHING A WORKING RELATIONSHIP WITH THE CLIENT AND ADVOCATING FOR THE CLIENT WITH LANDLORDS, PROPERTY MANAGERS, REALTY COMPANIES, AND OTHER SOURCES OF LOW-INCOME HOUSING;

(4) WORKING WITH A CLIENT'S CASE MANAGER, WHEN APPLICABLE, TO COORDINATE SERVICES TO THE CLIENT;

(5) ASSISTING THE CLIENT, AS NEEDED, WITH ISSUES THAT CONTRIBUTE TO CHRONIC HOUSING PROBLEMS, SUCH AS BUDGETING AND HOUSEHOLD MANAGEMENT; AND

(6) PERFORMING OTHER DUTIES AS ASSIGNED BY THE DEPARTMENT.

**6-806.**

(A) PROGRAM FUNDS MAY BE USED FOR:

(1) SALARY AND FICA FOR HOUSING ~~COUNSELORS~~ NAVIGATORS AND AFTERCARE CASE MANAGERS;

- (2) CLIENT-RELATED EXPENSES, INCLUDING:
- (I) FIRST AND FINAL MONTHS' RENT;
  - (II) TRANSPORTATION FOR HOUSING SEARCHES;
  - (III) MOVING EXPENSES;
  - (IV) ESSENTIAL FURNISHINGS;
  - (V) STORAGE;
  - (VI) ARREARAGES;
  - (VII) CREDIT CHECKS AND HOUSING APPLICATION FEES;
  - (VIII) SECURITY DEPOSITS;
  - (IX) UTILITY DEPOSITS; AND
  - (X) OTHER IDENTIFIED NEEDS; AND
- (3) OTHER ITEMS THAT THE DEPARTMENT DESIGNATES.

(B) A LOCAL ADMINISTRATIVE AGENCY SHALL BE DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAM IN A PARTICULAR SUBDIVISION, PROVIDE SERVICES, AND PROVIDE FUNDS FOR ADDITIONAL COSTS, INCLUDING OPERATING COSTS, RELATED TO THE PROGRAM.

~~(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROGRAM BE FUNDED BY THE FORECLOSED PROPERTY REGISTRY FUND IN THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.~~

6-807.

~~BEGINNING~~ SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, BEGINNING IN FISCAL YEAR 2019 AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET AN APPROPRIATION FOR THE PROGRAM OF \$516,828.

~~Article – Real Property~~

~~14-126.1.~~

- ~~(i) (1) There is a Foreclosed Property Registry Fund in the Department.~~

~~(2) The purpose of the Fund is to support:~~

~~(i) [the] THE development, administration, and maintenance of the Foreclosed Property Registry established under this section; AND~~

~~(ii) THE HOUSING COUNSELOR AND AFTERCARE PROGRAM ESTABLISHED UNDER TITLE 6, SUBTITLE 8 OF THE HUMAN SERVICES ARTICLE, WHICH ASSISTS FAMILIES AND INDIVIDUALS IN OBTAINING AND MAINTAINING PERMANENT HOUSING.~~

~~(3) The Department shall administer the Fund.~~

~~(4) (i) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.~~

~~(5) The Fund consists of:~~

~~(i) Revenue distributed to the Fund under subsection (h) of this section;~~

~~(ii) Investment earnings of the Fund;~~

~~(iii) Money appropriated in the State budget to the Fund; and~~

~~(iv) Any other money from any other source accepted for the benefit of the Fund.~~

~~(6) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.~~

~~(ii) Any investment earnings of the Fund shall be paid into the Fund.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.~~

~~*SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:*~~

~~*Article – Housing and Community Development*~~

~~*SUBTITLE 23. HOUSING NAVIGATOR AND AFTERCARE PROGRAM.*~~

4-2301.

IN THIS SUBTITLE, “PROGRAM” MEANS THE HOUSING NAVIGATOR AND AFTERCARE PROGRAM.

4-2302.

THERE IS A HOUSING NAVIGATOR AND AFTERCARE PROGRAM IN THE DEPARTMENT.

4-2303.

THE PURPOSE OF THE PROGRAM IS TO ASSIST FAMILIES AND INDIVIDUALS WHO ARE EXPERIENCING, OR WHO ARE IN IMMINENT DANGER OF, A HOUSING CRISIS IN OBTAINING AND MAINTAINING PERMANENT HOUSING.

4-2304.

A FAMILY MAY APPLY FOR PROGRAM SERVICES IF THE FAMILY IS THE RECIPIENT OF OR IS IN THE PROCESS OF APPLYING FOR TEMPORARY CASH ASSISTANCE, AS DEFINED IN § 5-301 OF THE HUMAN SERVICES ARTICLE.

4-2305.

A HOUSING NAVIGATOR SHALL ASSIST A FAMILY OR AN INDIVIDUAL CLIENT WITH SECURING AND MAINTAINING PERMANENT, AFFORDABLE HOUSING BY:

(1) ASSISTING THE CLIENT WITH SEARCHING FOR AND OBTAINING PERMANENT, AFFORDABLE HOUSING;

(2) DEVELOPING A COMPREHENSIVE, CURRENT LIST OF HOUSING RESOURCES AND EXPANDING THE LIST OF HOUSING RESOURCES TO INCLUDE NEW RESOURCES;

(3) ESTABLISHING A WORKING RELATIONSHIP WITH THE CLIENT AND ADVOCATING FOR THE CLIENT WITH LANDLORDS, PROPERTY MANAGERS, REALTY COMPANIES, AND OTHER SOURCES OF LOW-INCOME HOUSING;

(4) WORKING WITH A CLIENT’S CASE MANAGER, WHEN APPLICABLE, TO COORDINATE SERVICES TO THE CLIENT;

(5) ASSISTING THE CLIENT, AS NEEDED, WITH ISSUES THAT CONTRIBUTE TO CHRONIC HOUSING PROBLEMS, SUCH AS BUDGETING AND HOUSEHOLD MANAGEMENT; AND

**(6) PERFORMING OTHER DUTIES AS ASSIGNED BY THE DEPARTMENT.**

**4-2306.**

**(A) PROGRAM FUNDS MAY BE USED FOR:**

**(1) SALARY AND FICA FOR HOUSING NAVIGATORS AND AFTERCARE CASE MANAGERS;**

**(2) CLIENT-RELATED EXPENSES, INCLUDING:**

**(I) FIRST AND FINAL MONTHS' RENT;**

**(II) TRANSPORTATION FOR HOUSING SEARCHES;**

**(III) MOVING EXPENSES;**

**(IV) ESSENTIAL FURNISHINGS;**

**(V) STORAGE;**

**(VI) ARREARAGES;**

**(VII) CREDIT CHECKS AND HOUSING APPLICATION FEES;**

**(VIII) SECURITY DEPOSITS;**

**(IX) UTILITY DEPOSITS; AND**

**(X) OTHER IDENTIFIED NEEDS; AND**

**(3) OTHER ITEMS THAT THE DEPARTMENT DESIGNATES.**

**(B) A LOCAL ADMINISTRATIVE AGENCY SHALL BE DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAM IN A PARTICULAR SUBDIVISION, PROVIDE SERVICES, AND PROVIDE FUNDS FOR ADDITIONAL COSTS, INCLUDING OPERATING COSTS, RELATED TO THE PROGRAM.**

**4-2307.**

**SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, BEGINNING IN FISCAL YEAR 2019 AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET AN APPROPRIATION FOR THE PROGRAM OF \$516,828.**

SECTION 3. AND BE IT FURTHER ENACTED, That if Section 2 of this Act takes effect, Section 1 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2017, contingent on the taking effect of Chapter 105 of the Acts of the General Assembly of 2017, and if Chapter 105 does not take effect, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 3 and 4 of this Act, this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 639

(House Bill 916)

AN ACT concerning

### Motor Vehicle Insurance – Discrimination in Underwriting and Rating – Prohibitions

FOR the purpose of prohibiting an insurer, with respect to private passenger motor vehicle insurance, from ~~refusing to underwrite, canceling, refusing to renew, rating a risk, or increasing a renewal premium based, in whole or in part, on the marital status or employment or occupation of or education level attained by the insured or applicant; repealing certain provisions of law authorizing an insurer, under certain circumstances, to use the credit history of an applicant to rate a new policy of private passenger motor vehicle insurance; defining a certain term; making conforming changes~~ increasing the premium for an insured who becomes a surviving spouse based solely on the insured's change in marital status; and generally relating to private passenger motor vehicle insurance.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 27–501(e–2)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Insurance

27-501.

(e-2) (1) In this subsection, “credit history” means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of determining personal lines insurance premiums or eligibility for coverage.

(2) With respect to homeowner’s insurance, an insurer may not:

(i) refuse to underwrite, cancel, or refuse to renew a risk based, in whole or in part, on the credit history of an applicant or insured;

(ii) rate a risk based, in whole or in part, on the credit history of an applicant or insured in any manner, including:

1. the provision or removal of a discount;
2. assigning the insured or applicant to a rating tier; or
3. placing an insured or applicant with an affiliated company; or

(iii) require a particular payment plan based, in whole or in part, on the credit history of the insured or applicant.

(3) (i) With respect to private passenger motor vehicle insurance, an insurer may not:

1. refuse to underwrite, cancel, refuse to renew, ~~RATE A RISK,~~ or increase the renewal premium based, in whole or in part, on the:

~~A.~~ credit history of the insured or applicant;

~~B.~~ ~~MARITAL STATUS OF THE INSURED OR APPLICANT;~~

~~C.~~ ~~EMPLOYMENT OR OCCUPATION OF THE INSURED OR APPLICANT; OR~~

~~D.~~ ~~EDUCATION LEVEL ATTAINED BY THE INSURED OR APPLICANT;~~ or

2. require a particular payment plan based, in whole or in part, on the credit history of the insured or applicant.

~~[(ii)~~ 1. An insurer may, subject to paragraphs (4) and (5) of this subsection, use the credit history of an applicant to rate a new policy of private passenger motor vehicle insurance.

~~2.]~~ ~~(H)~~ For purposes of this ~~[subsection, rating]~~ ~~PARAGRAPH, “RATE”~~ includes: INCLUDES:

- ~~[A.]~~ ~~1.~~ the provision or removal of a discount;
- ~~[B.]~~ ~~2.~~ assigning the ~~INSURED OR~~ applicant to a rating tier; or
- ~~[C.]~~ ~~3.~~ placing an ~~INSURED OR~~ applicant with an affiliated company.

~~[(4)~~ With respect to private passenger motor vehicle insurance, an insurer that rates a new policy based, in whole or in part, on the credit history of the applicant:

(i) may not use a factor on the credit history of the applicant that occurred more than 5 years prior to the issuance of the new policy;

(ii) 1. shall advise an applicant at the time of application that credit history is used; and

2. shall, on request of the applicant, provide a premium quotation that separately identifies the portion of the premium attributable to the applicant’s credit history;

(iii) may not use the following factors in rating the policy:

1. the absence of credit history or the inability to determine the applicant’s credit history; or

2. the number of credit inquiries about an applicant’s credit history;

(iv) 1. shall review the credit history of an insured who was adversely impacted by the use of the insured’s credit history at the initial rating of the policy:

A. every 2 years; or

B. on request of the insured; and

2. shall adjust the premium of an insured whose credit history was reviewed under this subparagraph to reflect any improvement in the insured's credit history; or

(v) shall disclose to the applicant at the time of the issuance of a policy that the insurer is required to:

1. review the credit history of an insured who was adversely impacted by the use of the insured's credit history at the initial rating or underwriting of the policy:

A. every 2 years; or

B. on request of the insured; and

2. adjust the premium of an insured whose credit history was reviewed to reflect any improvement in the insured's credit history.

(5) With respect to private passenger motor vehicle insurance, an insurer that rates a new policy based, in whole or in part, on the credit history of the applicant may, if actuarially justified, provide a discount of up to 40% or impose a surcharge of up to 40%.~~‡~~

**(6) WITH RESPECT TO PRIVATE PASSENGER MOTOR VEHICLE INSURANCE, AN INSURER MAY NOT INCREASE THE PREMIUM FOR AN INSURED WHO BECOMES A SURVIVING SPOUSE BASED SOLELY ON THE INSURED'S CHANGE IN MARITAL STATUS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 640

(Senate Bill 534)

AN ACT concerning

### Motor Vehicle Insurance – Discrimination in Underwriting and Rating – Prohibitions

FOR the purpose of prohibiting an insurer, with respect to private passenger motor vehicle insurance, from ~~refusing to underwrite, canceling, refusing to renew, rating a risk, or increasing a renewal premium based, in whole or in part, on the marital status or~~

~~employment or occupation of or education level attained by the insured or applicant; repealing certain provisions of law authorizing an insurer, under certain circumstances, to use the credit history of an applicant to rate a new policy of private passenger motor vehicle insurance; defining a certain term; making conforming changes~~ increasing the premium for an insured who becomes a surviving spouse based solely on the insured's change in marital status; and generally relating to private passenger motor vehicle insurance.

BY repealing and reenacting, with amendments,  
 Article – Insurance  
 Section 27–501(e–2)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – Insurance**

27–501.

(e–2) (1) In this subsection, “credit history” means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of determining personal lines insurance premiums or eligibility for coverage.

(2) With respect to homeowner’s insurance, an insurer may not:

(i) refuse to underwrite, cancel, or refuse to renew a risk based, in whole or in part, on the credit history of an applicant or insured;

(ii) rate a risk based, in whole or in part, on the credit history of an applicant or insured in any manner, including:

1. the provision or removal of a discount;
2. assigning the insured or applicant to a rating tier; or
3. placing an insured or applicant with an affiliated company; or

(iii) require a particular payment plan based, in whole or in part, on the credit history of the insured or applicant.

(3) (i) With respect to private passenger motor vehicle insurance, an insurer may not:

1. refuse to underwrite, cancel, refuse to renew, ~~RATE A RISK~~, or increase the renewal premium based, in whole or in part, on the:

~~A.~~ credit history of the insured or applicant;

~~B. MARITAL STATUS OF THE INSURED OR APPLICANT;~~

~~C. EMPLOYMENT OR OCCUPATION OF THE INSURED OR APPLICANT; OR~~

~~D. EDUCATION LEVEL ATTAINED BY THE INSURED OR APPLICANT;~~ or

2. require a particular payment plan based, in whole or in part, on the credit history of the insured or applicant.

~~(ii)~~ 1. An insurer may, subject to paragraphs (4) and (5) of this subsection, use the credit history of an applicant to rate a new policy of private passenger motor vehicle insurance.

2. ~~(H)~~ For purposes of this ~~(i)~~ subsection, rating ~~(i)~~ PARAGRAPH, "RATE" includes: INCLUDES:

~~(A.) 1.~~ the provision or removal of a discount;

~~(B.) 2.~~ assigning the ~~INSURED OR~~ applicant to a rating tier; or

~~(C.) 3.~~ placing an ~~INSURED OR~~ applicant with an affiliated company.

~~(4)~~ With respect to private passenger motor vehicle insurance, an insurer that rates a new policy based, in whole or in part, on the credit history of the applicant:

(i) may not use a factor on the credit history of the applicant that occurred more than 5 years prior to the issuance of the new policy;

(ii) 1. shall advise an applicant at the time of application that credit history is used; and

2. shall, on request of the applicant, provide a premium quotation that separately identifies the portion of the premium attributable to the applicant's credit history;

(iii) may not use the following factors in rating the policy:

1. the absence of credit history or the inability to determine the applicant's credit history; or

2. the number of credit inquiries about an applicant's credit history;

(iv) 1. shall review the credit history of an insured who was adversely impacted by the use of the insured's credit history at the initial rating of the policy:

A. every 2 years; or

B. on request of the insured; and

2. shall adjust the premium of an insured whose credit history was reviewed under this subparagraph to reflect any improvement in the insured's credit history; or

(v) shall disclose to the applicant at the time of the issuance of a policy that the insurer is required to:

1. review the credit history of an insured who was adversely impacted by the use of the insured's credit history at the initial rating or underwriting of the policy:

A. every 2 years; or

B. on request of the insured; and

2. adjust the premium of an insured whose credit history was reviewed to reflect any improvement in the insured's credit history.

(5) With respect to private passenger motor vehicle insurance, an insurer that rates a new policy based, in whole or in part, on the credit history of the applicant may, if actuarially justified, provide a discount of up to 40% or impose a surcharge of up to 40%.~~‡~~

**(6) WITH RESPECT TO PRIVATE PASSENGER MOTOR VEHICLE INSURANCE, AN INSURER MAY NOT INCREASE THE PREMIUM FOR AN INSURED WHO BECOMES A SURVIVING SPOUSE BASED SOLELY ON THE INSURED'S CHANGE IN MARITAL STATUS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

## Chapter 641

(House Bill 1067)

AN ACT concerning

~~Shelter Services for Homeless Women~~ Public Schools and Shelters – Homeless Girls and Women – Feminine Hygiene Products

FOR the purpose of requiring the Department of Human Resources to make available to certain service providers, local administering agencies for certain service providers ~~and to certain service providers a certain supply of feminine hygiene products for a certain purpose; providing that certain feminine hygiene products be made available to certain entities and to female residents in shelters for free, and county boards of education certain supplies of feminine hygiene products for female residents in shelters and certain homeless female students; requiring, alternatively, if a certain contingency is met, the Department of Housing and Community Development to make available to certain service providers, local administering agencies for certain service providers, and county boards of education certain supplies of feminine hygiene products for female residents in shelters and certain homeless female students; requiring certain feminine hygiene products to be made available free to certain entities and individuals; requiring each county board of education to make available to certain homeless female students a certain supply of feminine hygiene products in a certain manner; defining certain terms; making certain provisions of this Act subject to certain contingencies; and generally relating to feminine hygiene products and shelter services for homeless girls and women.~~

BY adding to

Article – Human Services

Section 6–441 to be under the new part “Part V. Homeless Women and Youth – Feminine Hygiene Products”

Annotated Code of Maryland

(2007 Volume and 2016 Supplement)

BY adding to

Article – Housing and Community Development

Section 4–2301 to be under the new subtitle “Subtitle 23. Homeless Women and Youth – Feminine Hygiene Products”

Annotated Code of Maryland

(2006 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Human Services**

6-439. RESERVED.

6-440. RESERVED.

PART V. HOMELESS WOMEN AND YOUTH – FEMININE HYGIENE PRODUCTS.

6-441.

(A) (1) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FEMININE HYGIENE PRODUCTS” MEANS TAMPONS AND SANITARY NAPKINS FOR USE IN CONNECTION WITH THE MENSTRUAL CYCLE.

(3) “LOCAL ADMINISTERING AGENCY” MEANS THE AGENCY DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAMS FOR TRANSITIONAL HOUSING SERVICES, INCLUDING THE HOMELESS WOMEN – CRISIS SHELTER HOME PROGRAM, AND TO PROVIDE A SERVICE DIRECTLY OR BY CONTRACT WITH A SERVICE PROVIDER.

(4) “SERVICE PROVIDER” MEANS A PUBLIC OR PRIVATE NONPROFIT THAT CONTRACTS WITH THE DEPARTMENT OR A LOCAL ADMINISTERING AGENCY TO PROVIDE SHELTER SERVICES FOR HOMELESS INDIVIDUALS.

(B) (1) THE DEPARTMENT SHALL MAKE AVAILABLE TO:

(I) SERVICE PROVIDERS AND LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS ~~AND TO SERVICE PROVIDERS~~ A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS OF FEMALE RESIDENTS IN SHELTERS; AND

(II) COUNTY BOARDS OF EDUCATION A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS DURING THE NORMAL SCHOOL YEAR OF FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

(2) THE FEMININE HYGIENE PRODUCTS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE FREE TO:

(I) SERVICE PROVIDERS, LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS, ~~TO SERVICE PROVIDERS,~~ AND ~~TO~~ FEMALE RESIDENTS IN SHELTERS ~~FOR FREE;~~ AND

(II) COUNTY BOARDS OF EDUCATION AND QUALIFYING FEMALE STUDENTS IN SCHOOLS.

(C) EACH COUNTY BOARD OF EDUCATION, THROUGH SCHOOL NURSES, SHALL MAKE AVAILABLE TO FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT A FREE SUPPLY OF FEMININE HYGIENE PRODUCTS, AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Housing and Community Development

SUBTITLE 23. HOMELESS WOMEN AND YOUTH – FEMININE HYGIENE PRODUCTS.

4-2301.

(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FEMININE HYGIENE PRODUCTS” MEANS TAMPONS AND SANITARY NAPKINS FOR USE IN CONNECTION WITH THE MENSTRUAL CYCLE.

(3) “LOCAL ADMINISTERING AGENCY” MEANS THE AGENCY DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAMS FOR TRANSITIONAL HOUSING SERVICES, INCLUDING THE HOMELESS WOMEN – CRISIS SHELTER HOME PROGRAM, AND TO PROVIDE A SERVICE DIRECTLY OR BY CONTRACT WITH A SERVICE PROVIDER.

(4) “SERVICE PROVIDER” MEANS A PUBLIC OR PRIVATE NONPROFIT THAT CONTRACTS WITH THE DEPARTMENT OR A LOCAL ADMINISTERING AGENCY TO PROVIDE SHELTER SERVICES FOR HOMELESS INDIVIDUALS.

(B) (1) THE DEPARTMENT SHALL MAKE AVAILABLE TO:

(I) SERVICE PROVIDERS AND LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS OF FEMALE RESIDENTS IN SHELTERS; AND

(II) COUNTY BOARDS OF EDUCATION A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS DURING THE NORMAL

SCHOOL YEAR OF FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

(2) THE FEMININE HYGIENE PRODUCTS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE FREE TO:

(I) SERVICE PROVIDERS, LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS, AND FEMALE RESIDENTS IN SHELTERS; AND

(II) COUNTY BOARDS OF EDUCATION AND QUALIFYING FEMALE STUDENTS IN SCHOOLS.

(C) EACH COUNTY BOARD OF EDUCATION, THROUGH SCHOOL NURSES, SHALL MAKE AVAILABLE TO FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT A FREE SUPPLY OF FEMININE HYGIENE PRODUCTS, AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter 105 of the Acts of the General Assembly of 2017. If Chapter 105 does not take effect, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly. If Section 2 of this Act takes effect, Section 1 shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 642**

**(Senate Bill 625)**

AN ACT concerning

**Public Schools and Shelters – Homeless Girls and Women – Feminine Hygiene Products**

FOR the purpose of requiring the Department of Human Resources to make available to certain service providers, local administering agencies for certain service providers, and county boards of education certain supplies of feminine hygiene products for female residents in shelters and certain homeless female students; requiring,

*alternatively, if a certain contingency is met, the Department of Housing and Community Development to make available to certain service providers, local administering agencies for certain service providers, and county boards of education certain supplies of feminine hygiene products for female residents in shelters and certain homeless female students; requiring certain feminine hygiene products to be made available free to certain entities and individuals; requiring each county board of education to make available to certain homeless female students a certain supply of feminine hygiene products in a certain manner during a certain year; authorizing funds provided by the Department of Human Resources to local administering agencies for certain service providers and to certain service providers for a certain purpose to be used to purchase a certain supply of feminine hygiene products for a certain purpose; providing that certain feminine hygiene products be made available free to certain female residents in shelters; defining certain terms; making certain provisions of this Act subject to certain contingencies; and generally relating to feminine hygiene products for homeless girls and women.*

~~BY adding to~~

~~Article — Education~~

~~Section 7-440~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2016 Supplement)~~

BY adding to

Article – Human Services

Section 6-441 to be under the new part “Part V. Homeless Women  
*and Youth – Feminine Hygiene Products*”

Annotated Code of Maryland

(2007 Volume and 2016 Supplement)

BY adding to

Article – Housing and Community Development

Section 4-2301 to be under the new subtitle “Subtitle 23. Homeless Women and Youth  
– Feminine Hygiene Products”

Annotated Code of Maryland

(2006 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

~~**Article — Education**~~

~~**7-440.**~~

~~**(A) IN THIS SECTION, “FEMININE HYGIENE PRODUCTS” MEANS TAMPONS  
AND SANITARY NAPKINS FOR USE IN CONNECTION WITH THE MENSTRUAL CYCLE.**~~

~~(B) EACH COUNTY BOARD, THROUGH SCHOOL NURSES, SHALL MAKE AVAILABLE TO FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY VENTO HOMELESS ASSISTANCE ACT A FREE SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS OF THE STUDENTS DURING THE NORMAL SCHOOL YEAR.~~

Article – Human Services

6-439. RESERVED.

6-440. RESERVED.

PART V. HOMELESS WOMEN AND YOUTH – FEMININE HYGIENE PRODUCTS.

6-441.

(A) (1) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FEMININE HYGIENE PRODUCTS” MEANS TAMPONS AND SANITARY NAPKINS FOR USE IN CONNECTION WITH THE MENSTRUAL CYCLE.

(3) “LOCAL ADMINISTERING AGENCY” MEANS THE AGENCY DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAMS FOR TRANSITIONAL HOUSING SERVICES, INCLUDING THE HOMELESS WOMEN – CRISIS SHELTER HOME PROGRAM, AND TO PROVIDE A SERVICE DIRECTLY OR BY CONTRACT WITH A SERVICE PROVIDER.

(4) “SERVICE PROVIDER” MEANS A PUBLIC OR PRIVATE NONPROFIT THAT CONTRACTS WITH THE DEPARTMENT OR A LOCAL ADMINISTERING AGENCY TO PROVIDE SHELTER SERVICES FOR HOMELESS INDIVIDUALS.

(B) (1) ~~FUNDS PROVIDED BY THE~~ THE DEPARTMENT SHALL MAKE AVAILABLE TO:

(I) SERVICE PROVIDERS AND LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS ~~AND TO SERVICE PROVIDERS FOR PROGRAMS FOR TRANSITIONAL HOUSING SERVICES, INCLUDING THE HOMELESS WOMEN – CRISIS SHELTER HOME PROGRAM, MAY BE USED TO PURCHASE~~ A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS OF FEMALE RESIDENTS IN SHELTERS; AND

(II) COUNTY BOARDS OF EDUCATION A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS DURING THE NORMAL

SCHOOL YEAR OF FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

(2) THE FEMININE HYGIENE PRODUCTS ~~PURCHASED~~ PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE FREE TO:

(I) SERVICE PROVIDERS, LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS, AND FEMALE RESIDENTS IN SHELTERS; AND

(II) COUNTY BOARDS OF EDUCATION AND QUALIFYING FEMALE STUDENTS IN SCHOOLS.

(C) EACH COUNTY BOARD OF EDUCATION, THROUGH SCHOOL NURSES, SHALL MAKE AVAILABLE TO FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT A FREE SUPPLY OF FEMININE HYGIENE PRODUCTS, AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Housing and Community Development

SUBTITLE 23. HOMELESS WOMEN AND YOUTH – FEMININE HYGIENE PRODUCTS.

4-2301.

(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FEMININE HYGIENE PRODUCTS” MEANS TAMPONS AND SANITARY NAPKINS FOR USE IN CONNECTION WITH THE MENSTRUAL CYCLE.

(3) “LOCAL ADMINISTERING AGENCY” MEANS THE AGENCY DESIGNATED BY THE DEPARTMENT OR A LOCAL GOVERNMENT TO MANAGE THE PROGRAMS FOR TRANSITIONAL HOUSING SERVICES, INCLUDING THE HOMELESS WOMEN – CRISIS SHELTER HOME PROGRAM, AND TO PROVIDE A SERVICE DIRECTLY OR BY CONTRACT WITH A SERVICE PROVIDER.

**(4) “SERVICE PROVIDER” MEANS A PUBLIC OR PRIVATE NONPROFIT THAT CONTRACTS WITH THE DEPARTMENT OR A LOCAL ADMINISTERING AGENCY TO PROVIDE SHELTER SERVICES FOR HOMELESS INDIVIDUALS.**

**(B) (1) THE DEPARTMENT SHALL MAKE AVAILABLE TO:**

**(I) SERVICE PROVIDERS AND LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS OF FEMALE RESIDENTS IN SHELTERS; AND**

**(II) COUNTY BOARDS OF EDUCATION A SUPPLY OF FEMININE HYGIENE PRODUCTS SUFFICIENT TO MEET THE NEEDS DURING THE NORMAL SCHOOL YEAR OF FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.**

**(2) THE FEMININE HYGIENE PRODUCTS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE FREE TO:**

**(I) SERVICE PROVIDERS, LOCAL ADMINISTERING AGENCIES FOR SERVICE PROVIDERS, AND FEMALE RESIDENTS IN SHELTERS; AND**

**(II) COUNTY BOARDS OF EDUCATION AND QUALIFYING FEMALE STUDENTS IN SCHOOLS.**

**(C) EACH COUNTY BOARD OF EDUCATION, THROUGH SCHOOL NURSES, SHALL MAKE AVAILABLE TO FEMALE STUDENTS WHO ARE DETERMINED TO BE HOMELESS CHILDREN OR YOUTH UNDER THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT A FREE SUPPLY OF FEMININE HYGIENE PRODUCTS, AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.**

**SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter 105 of the Acts of the General Assembly of 2017. If Chapter 105 does not take effect, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly. If Section 2 of this Act takes effect, Section 1 shall be null and void without the necessity of further action by the General Assembly.**

**SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2017.**

**Approved by the Governor, May 25, 2017.**

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**Chapter 643****(House Bill 1163)**

AN ACT concerning

**Criminal Procedure – Conditional Release – Electronic Monitoring  
(Amber’s Law)**

FOR the purpose of ~~requiring a certain judicial officer to consider including, if requested by a victim, electronic monitoring that provides a certain victim notification as a condition of pretrial release; authorizing a judge to order that a defendant be subject to electronic monitoring that provides a certain victim notification as a condition of pretrial release under certain circumstances; authorizing a court to order a defendant to pay a certain fee; authorizing a court to waive a certain monitoring fee under certain circumstances; prohibiting a person who commits a crime from violating certain release conditions regarding contacting a certain victim; requiring a judicial officer to provide a certain individual with the opportunity to request certain reasonable protections at a certain time; specifying that the court may include electronic monitoring that provides a certain victim notification as a condition of probation;~~ requiring that a certain victim impact statement identify a request by a victim that a person be placed on electronic monitoring with certain victim notification; requiring that the State Board of Victim Services include in a certain pamphlet information on how a victim may request that a person be placed on electronic monitoring with certain victim notification; defining a certain term; and generally relating to conditions of release for victim protection.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section ~~5-201, 5-202(e), 5-213.1, 6-220(b), 11-203, 11-402(e)(6), 11-402(e)(6)~~ and 11-914(9)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 11-101(a), 11-104(b), 11-402(e)(1), and 11-914(1), (2), and (3)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY adding to

Article – Criminal Procedure

Section 11-101(f) and 11-105

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Family Law  
Section 4–509(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Criminal Procedure

~~5–201.~~

~~(a) IN THIS SECTION, “VICTIM STAY AWAY ALERT TECHNOLOGY” HAS THE MEANING STATED IN § 11–101 OF THIS ARTICLE.~~

~~(B) (1) The court or a District Court commissioner shall consider including, as a condition of pretrial release for a defendant, reasonable protections for the safety of the alleged victim.~~

~~(2) If a victim has requested reasonable protections for safety, the court or a District Court commissioner shall consider including, as a condition of pretrial release, provisions regarding:~~

~~(I) no contact with the alleged victim or the alleged victim’s premises or place of employment; AND~~

~~(II) ELECTRONIC MONITORING, INCLUDING ELECTRONIC MONITORING WITH VICTIM STAY AWAY ALERT TECHNOLOGY.~~

~~[(b)] (C) (1) In accordance with eligibility criteria, conditions, and procedures required under the Maryland Rules, the court may require, as a condition of a defendant’s pretrial release, that the defendant be monitored by a private home detention monitoring agency licensed under Title 20 of the Business Occupations and Professions Article.~~

~~(2) A defendant placed in private home detention under paragraph (1) of this subsection shall pay directly to the private home detention monitoring agency the agency’s monitoring fee.~~

~~5–202.~~

~~(c) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:~~

~~(i) the provisions of a temporary protective order described in § 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in~~

~~§ 4-506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or~~

~~(ii) the provisions of an order for protection, as defined in § 4-508.1 of the Family Law Article, issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4-508.1 of the Family Law Article.~~

~~(2) A judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection on:~~

~~(i) suitable bail;~~

~~(ii) any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or~~

~~(iii) both bail and other conditions described under item (ii) of this paragraph.~~

~~(3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4-216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.~~

~~(4) (i) AS A CONDITION OF PRETRIAL RELEASE OF A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, A JUDGE MAY ORDER THAT THE DEFENDANT:~~

~~1. BE SUPERVISED BY MEANS OF ELECTRONIC MONITORING, INCLUDING ELECTRONIC MONITORING WITH VICTIM STAY AWAY ALERT TECHNOLOGY AS DEFINED IN § 11-101 OF THIS ARTICLE; AND~~

~~2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, BE RESPONSIBLE FOR PAYING THE FEE FOR ELECTRONIC MONITORING.~~

~~(ii) IF A JUDGE DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE FOR ELECTRONIC MONITORING, A JUDGE MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE AND ORDER THAT THE FEE BE PAID BY THE SUPERVISING AUTHORITY.~~

~~5-213.1.~~

~~(a) A person charged with committing [a violation of Title 3, Subtitle 3 of the Criminal Law Article] A CRIME against a victim [who is a minor] may not violate a~~

~~condition of pretrial or posttrial release prohibiting the person from contacting, harassing, or abusing the alleged victim or going in or near the alleged victim's residence or place of employment.~~

~~(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days.~~

~~6-220.~~

~~(b) (1) When a defendant pleads guilty or nolo contendere or is found guilty of a crime, a court may stay the entering of judgment, defer further proceedings, and place the defendant on probation subject to reasonable conditions if:~~

~~(i) the court finds that the best interests of the defendant and the public welfare would be served; and~~

~~(ii) the defendant gives written consent after determination of guilt or acceptance of a nolo contendere plea.~~

~~(2) Subject to paragraphs (3) and (4) of this subsection, the conditions may include an order that the defendant:~~

~~(i) pay a fine or monetary penalty to the State or make restitution;~~  
~~for]~~

~~(ii) participate in a rehabilitation program, the parks program, or a voluntary hospital program; OR~~

~~(iii) BE SUBJECT TO ELECTRONIC MONITORING, INCLUDING ELECTRONIC MONITORING WITH VICTIM STAY AWAY ALERT TECHNOLOGY AS DEFINED IN § 11-101 OF THIS ARTICLE.~~

~~(3) Before the court orders a fine, monetary penalty, or restitution, the defendant is entitled to notice and a hearing to determine the amount of the fine, monetary penalty, or restitution, what payment will be required, and how payment will be made.~~

~~(4) Any fine or monetary penalty imposed as a condition of probation shall be within the amount set by law for a violation resulting in conviction.~~

~~(5) As a condition of probation, the court may order a person to a term of custodial confinement or imprisonment.~~

~~11-101.~~

(a) In this title the following words have the meanings indicated.

(F) “VICTIM STAY-AWAY ALERT TECHNOLOGY” MEANS A SYSTEM OF ELECTRONIC MONITORING THAT IS CAPABLE OF NOTIFYING A VICTIM IF THE DEFENDANT IS AT OR NEAR A LOCATION FROM WHICH THE DEFENDANT HAS BEEN ORDERED BY THE COURT TO STAY AWAY.

11-104.

(b) On first contact with a victim or victim’s representative, a law enforcement officer, District Court commissioner, or juvenile intake officer shall give the victim or the victim’s representative the pamphlet described in § 11-914(9)(i) of this title.

**11-105.**

**ON A FINDING OF PROBABLE CAUSE AND BEFORE THE ISSUANCE OF AN ARREST WARRANT OR A SUMMONS, A JUDICIAL OFFICER SHALL PROVIDE TO AN INDIVIDUAL FILING AN APPLICATION FOR A STATEMENT OF CHARGES UNDER MARYLAND RULE 4-211(B) AN OPPORTUNITY TO REQUEST REASONABLE PROTECTIONS FOR THE SAFETY OF AN ALLEGED VICTIM OR THE VICTIM’S FAMILY.**

~~11-203.~~

~~As provided under § 5-201 of this article or § 3-8A-15 of the Courts Article, the court, a juvenile intake officer, or a District Court commissioner shall consider:~~

~~(1) the safety of the alleged victim in setting conditions of:~~

~~(i) the pretrial release of a defendant; or~~

~~(ii) the prehearing release of a child respondent who is alleged to have committed a delinquent act; [and]~~

~~(2) a condition of no contact with the alleged victim or the alleged victim’s premises or place of employment; AND~~

~~(3) A CONDITION THAT THE DEFENDANT BE PLACED ON ELECTRONIC MONITORING, INCLUDING ELECTRONIC MONITORING WITH VICTIM STAY AWAY ALERT TECHNOLOGY.~~

11-402.

(e) A victim impact statement for a crime or delinquent act shall:

(1) identify the victim;

(6) identify any request by the victim to prohibit the defendant or child respondent from having contact with the victim as a condition of probation, parole,

mandatory supervision, work release, or any other judicial or administrative release of the defendant or child respondent, **INCLUDING A REQUEST FOR ELECTRONIC MONITORING OR ELECTRONIC MONITORING WITH VICTIM STAY-AWAY ALERT TECHNOLOGY**; and

11-914.

Subject to the authority of the Executive Director, the Board shall:

(1) submit to the Governor an annual written report of its activities, including its administration of the Fund;

(2) monitor the service needs of victims;

(3) advise the Governor on the needs of victims;

(9) develop pamphlets to notify victims and victim's representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights or State law [and], how to request information regarding an unsolved case, **AND HOW TO REQUEST THAT AN OFFENDER BE PLACED ON ELECTRONIC MONITORING OR ELECTRONIC MONITORING WITH VICTIM STAY-AWAY ALERT TECHNOLOGY**, including:

(i) one pamphlet relating to the MDEC system protocol registration process and the time before and after the filing of a charging document other than an indictment or information in circuit court; and

(ii) a second pamphlet relating to the time after the filing of an indictment or information in circuit court; and

### ~~Article – Family Law~~

#### ~~4-509.~~

~~(a) A person who fails to comply with the relief granted in an interim protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:~~

~~(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and~~

~~(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 644**  
**(House Bill 1279)**

AN ACT concerning

**Police Training Commission – Training Requirements – Human Trafficking**

FOR the purpose of requiring the Police Training Commission to require that certain entrance-level and in-service police training conducted by the State and each county and municipal police training school include certain training relating to the criminal laws concerning human trafficking and the appropriate treatment of victims of human trafficking; ~~authorizing certain training to be conducted in person or online;~~ and generally relating to police training requirements.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 3-207(a)(6)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

~~BY adding to~~  
~~Article – Public Safety~~  
~~Section 3-207(h)~~  
~~Annotated Code of Maryland~~  
~~(2011 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Public Safety**

3-207.

(a) The Commission has the following powers and duties:

(6) to require, for entrance-level police training and at least every 3 years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of:

(i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;

~~(II) SUBJECT TO SUBSECTION (H) OF THIS SECTION, THE CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING AND THE APPROPRIATE TREATMENT OF VICTIMS OF HUMAN TRAFFICKING, INCLUDING:~~

~~1. HOW TO IDENTIFY VICTIMS OF HUMAN TRAFFICKING;~~

~~2. THE NECESSITY OF TREATING VICTIMS OF HUMAN TRAFFICKING AS CRIME VICTIMS RATHER THAN CRIMINALS;~~

~~3. HOW TO PROMOTE THE SAFETY OF VICTIMS OF HUMAN TRAFFICKING; AND~~

~~4. THE RESOURCES AVAILABLE TO MEET THE NEEDS OF VICTIMS OF HUMAN TRAFFICKING~~ THE CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING, INCLUDING SERVICES AND SUPPORT AVAILABLE TO VICTIMS AND THE RIGHTS AND APPROPRIATE TREATMENT OF VICTIMS;

[(ii)] (III) the contact with and treatment of victims of crimes and delinquent acts;

[(iii)] (IV) the notices, services, support, and rights available to victims and victims' representatives under State law; and

[(iv)] (V) the notification of victims of identity fraud and related crimes of their rights under federal law;

~~(H) A TRAINING COURSE REQUIRED UNDER SUBSECTION (A)(6)(II) OF THIS SECTION MAY BE CONDUCTED IN PERSON OR ONLINE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 645

(Senate Bill 220)

AN ACT concerning

### Police Training Commission – Training Requirements – Human Trafficking

FOR the purpose of requiring the Police Training Commission to require that certain entrance–level and in–service police training conducted by the State and each county and municipal police training school include certain training relating to the criminal laws concerning human trafficking and the appropriate treatment of victims of human trafficking; ~~authorizing certain training to be conducted in person or online;~~ and generally relating to police training requirements.

BY repealing and reenacting, with amendments,  
 Article – Public Safety  
 Section 3–207(a)(6)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2016 Supplement)

~~BY adding to  
 Article – Public Safety  
 Section 3–207(h)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

#### Article – Public Safety

3–207.

(a) The Commission has the following powers and duties:

(6) to require, for entrance–level police training and at least every 3 years for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of:

(i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;

~~(II) SUBJECT TO SUBSECTION (H) OF THIS SECTION, THE CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING AND THE APPROPRIATE TREATMENT OF VICTIMS OF HUMAN TRAFFICKING, INCLUDING:~~

~~1. HOW TO IDENTIFY VICTIMS OF HUMAN TRAFFICKING;~~

~~2. THE NECESSITY OF TREATING VICTIMS OF HUMAN TRAFFICKING AS CRIME VICTIMS RATHER THAN CRIMINALS;~~

~~3. HOW TO PROMOTE THE SAFETY OF VICTIMS OF HUMAN TRAFFICKING; AND~~

~~4. THE RESOURCES AVAILABLE TO MEET THE NEEDS OF VICTIMS OF HUMAN TRAFFICKING~~ THE CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING, INCLUDING SERVICES AND SUPPORT AVAILABLE TO VICTIMS AND THE RIGHTS AND APPROPRIATE TREATMENT OF VICTIMS;

[(ii)] (III) the contact with and treatment of victims of crimes and delinquent acts;

[(iii)] (IV) the notices, services, support, and rights available to victims and victims' representatives under State law; and

[(iv)] (V) the notification of victims of identity fraud and related crimes of their rights under federal law;

~~(H) A TRAINING COURSE REQUIRED UNDER SUBSECTION (A)(6)(II) OF THIS SECTION MAY BE CONDUCTED IN PERSON OR ONLINE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 646

(Senate Bill 221)

AN ACT concerning

### Adult Entertainment Establishments – National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

FOR the purpose of requiring the owner of a certain adult entertainment establishment to post a certain information sign in each restroom of the adult entertainment establishment in a certain manner; requiring a certain agency that determines a certain violation has occurred to notify the owner of the adult entertainment establishment or the owner's agent of the violation; providing that the owner is subject to a certain civil penalty if the owner does not post certain signs within a certain period of time after receiving a certain notice; defining certain terms; and

generally relating to posting signs with information about the National Human Trafficking Resource Center Hotline in adult entertainment establishments.

BY repealing and reenacting, without amendments,  
Article – Business Regulation  
Section 15–207(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 19–103  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Business Regulation**

15–207.

(a) (1) The Department shall design a sign that states the following:

“REPORT HUMAN TRAFFICKING: National Human Trafficking Resource Center — 1–888–373–7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- Is being forced to have sex without consent
- Has had an ID or documents taken away
- Is being threatened by or is in debt to an employer
- Wants to leave a job but cannot freely do so.

TOLL–FREE. 24/7. CONFIDENTIAL. INTERPRETERS AVAILABLE.

This sign is required under State law.”

(2) The sign shall:

- (i) be at least 3 by 5 inches in size;
- (ii) contain the text required under paragraph (1) of this subsection in English, Spanish, and any other languages required by the federal Voting Rights Act;
- (iii) draw attention to the phone number of the National Human Trafficking Resource Center Hotline by showing the phone number in bold type; and
- (iv) be placed on the Department Web site.

19–103.

(a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ADULT ENTERTAINMENT” MEANS LIVE ENTERTAINMENT:

~~(I) IN WHICH INDIVIDUALS APPEAR FOR PUBLIC VIEW IN A STATE OF NUDITY OR PARTIAL NUDITY; OR;~~

~~(H) THAT IS INTENDED TO PROVIDE SEXUAL STIMULATION OR SEXUAL GRATIFICATION;~~

~~(III) THAT IS DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATERIAL THAT DEPICTS, DESCRIBES, OR RELATES TO:~~

~~1. HUMAN GENITALS IN A DISCERNIBLE STATE OF SEXUAL STIMULATION OR AROUSAL; OR~~

~~2. ACTS OF HUMAN MASTURBATION, SEXUAL INTERCOURSE, SODOMY, OR PHYSICAL CONTACT WITH AN INDIVIDUAL’S CLOTHED OR UNCLOTHED GENITALS, PUBIC AREA, BUTTOCKS, OR, IF THE INDIVIDUAL IS FEMALE, BREASTS; OR~~

~~(IV) THAT, APPLYING CONTEMPORARY STANDARDS, THE AVERAGE INDIVIDUAL WOULD FIND, TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST~~

(II) THAT, APPLYING CONTEMPORARY STANDARDS, THE AVERAGE INDIVIDUAL WOULD FIND, TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST.

(3) “ADULT ENTERTAINMENT ESTABLISHMENT” MEANS A BUSINESS ESTABLISHMENT WHERE ADULT ENTERTAINMENT IS OFFERED.

(4) [“truck stop”] “TRUCK STOP” means a facility:

[ (1) (I) the primary purpose of which is to provide services to long-haul truck drivers; and

[ (2) (II) that provides:

[ (i) 1. shower facilities to the truck drivers for a fee; or

[(ii)] 2. parking for the truck drivers' vehicles.

(b) (1) The owner of a privately owned bus station [or], truck stop, **OR ADULT ENTERTAINMENT ESTABLISHMENT** shall post the National Human Trafficking Resource Center Hotline information sign described in § 15–207 of this article in each restroom of the bus station [or], truck stop, **OR ADULT ENTERTAINMENT ESTABLISHMENT**.

(2) A sign required under this section shall be posted:

(i) on the inside of each stall door in the restroom; or

(ii) on the back of the door at the entrance to the restroom.

(c) (1) An agency that enforces this section and determines that a violation of this section has occurred shall notify the business owner of the bus station [or], truck stop, **OR ADULT ENTERTAINMENT ESTABLISHMENT**, or the business owner's agent, of the violation.

(2) If the business owner of the bus station [or], truck stop, **OR ADULT ENTERTAINMENT ESTABLISHMENT** does not post signs as required under this section within 24 hours after receiving the notice required under paragraph (1) of this subsection, the business owner is subject to a civil penalty not exceeding \$1,000.

(3) For each restroom in which a business owner fails to post a sign in accordance with this section, the business owner is subject to a separate civil penalty.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 647

### (House Bill 653)

AN ACT concerning

#### **Crimes – Solicitation to Commit Murder or Arson – Statute of Limitations**

FOR the purpose of ~~providing that~~ increasing the statute of limitations for the crime of solicitation to commit murder in the first degree, arson in the first degree, or arson in the second degree ~~is the statute of limitations for the prosecution of the substantive crime that is the subject of the solicitation~~; and generally relating to the statute of limitations for the crime of solicitation.

BY adding to

Article – Courts and Judicial Proceedings  
Section 5–106(ff)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

5–106.

**(FF) THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF THE CRIME OF SOLICITATION TO COMMIT MURDER IN THE FIRST DEGREE IN VIOLATION OF § 2–201 OF THE CRIMINAL LAW ARTICLE, ARSON IN THE FIRST DEGREE IN VIOLATION OF § 6–102 OF THE CRIMINAL LAW ARTICLE, OR ARSON IN THE SECOND DEGREE IN VIOLATION OF § 6–103 OF THE CRIMINAL LAW ARTICLE IS ~~THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF THE SUBSTANTIVE CRIME THAT IS THE SUBJECT OF THE SOLICITATION~~ 3 YEARS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 648**

**(Senate Bill 387)**

AN ACT concerning

**Crimes – Solicitation to Commit Murder or Arson – Statute of Limitations**

FOR the purpose of ~~providing that~~ increasing the statute of limitations for the crime of solicitation to commit murder in the first degree, murder in the second degree, arson in the first degree, or arson in the second degree ~~is the statute of limitations for the prosecution of the substantive crime that is the subject of the solicitation;~~ and generally relating to the statute of limitations for the crime of solicitation.

BY adding to

Article – Courts and Judicial Proceedings  
Section 5–106(ff)

Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

5–106.

**(FF) THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF THE CRIME OF SOLICITATION TO COMMIT MURDER IN THE FIRST DEGREE IN VIOLATION OF § 2–201 OF THE CRIMINAL LAW ARTICLE, MURDER IN THE SECOND DEGREE IN VIOLATION OF § 2–204 OF THE CRIMINAL LAW ARTICLE, ARSON IN THE FIRST DEGREE IN VIOLATION OF § 6–102 OF THE CRIMINAL LAW ARTICLE, OR ARSON IN THE SECOND DEGREE IN VIOLATION OF § 6–103 OF THE CRIMINAL LAW ARTICLE IS ~~THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF THE SUBSTANTIVE CRIME THAT IS THE SUBJECT OF THE SOLICITATION~~ 3 YEARS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 649**

**(House Bill 521)**

AN ACT concerning

**Criminal Procedure – Sex Offender Registrant – Notice of International Travel**

FOR the purpose of altering the period within which a certain sex offender registrant is required to notify each local law enforcement unit where the registrant resides or habitually lives before the registrant leaves the United States to commence residence or employment or attend school in a foreign country; and generally relating to sex offenders.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–705(h)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Procedure**

11–705.

(h) A registrant shall notify each local law enforcement unit where the registrant resides or habitually lives at least [3] 21 days prior to leaving the United States to commence residence or employment or attend school in a foreign country.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 650**

**(House Bill 738)**

AN ACT concerning

**Criminal Law – Sex Offenses – Out-of-State Convictions**

FOR the purpose of providing that a certain conviction from another state or a federal, military, or Native American tribal court may serve as a predicate crime for a certain enhanced penalty for repeat sex offenders; and generally relating to sex offenses.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 3–313  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Law**

3–313.

(a) On conviction of a violation of § 3–304, § 3–306, § 3–307, § 3–310, or § 3–312 of this subtitle, a person [who has been convicted on a prior occasion not arising from the same incident of any violation of §§ 3–303 through 3–306 of this subtitle] is subject to

imprisonment not exceeding life **IF THE PERSON HAS BEEN CONVICTED ON A PRIOR OCCASION NOT ARISING FROM THE SAME INCIDENT:**

**(1) OF ANY VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THIS SUBTITLE; OR**

**(2) IN ANOTHER STATE OR IN A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL COURT OF A CRIME THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THIS SUBTITLE.**

(b) If the State intends to proceed against a person under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 651**

**(House Bill 1263)**

AN ACT concerning

### **Family Law – Child Abuse and Neglect – Definitions**

FOR the purpose of altering the definition of “abuse” for the purpose of certain child abuse and neglect statutes to include the physical or mental injury of a child by a person who, because of the person’s position or occupation, exercises authority over the child under certain circumstances; providing that “abuse” does not include the physical injury of a child by accidental means; altering the definition of “mental injury” for the purpose of certain child abuse and neglect statutes; making certain conforming changes to the definition of “sexual abuse” for the purpose of certain child abuse and neglect statutes; and generally relating to child abuse and neglect.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5-701(b), (r), and (x)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Family Law**

5–701.

(b) **(1)** “Abuse” means:

**[(1)] (I)** the physical or mental injury of a child [by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member,] under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed **BY:**

- 1. A PARENT;**
- 2. A HOUSEHOLD MEMBER OR FAMILY MEMBER;**
- 3. A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OF THE CHILD;**
- 4. A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF THE CHILD; OR**
- 5. A PERSON WHO, BECAUSE OF THE PERSON’S POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD; or**

**[(2)] (II)** sexual abuse of a child, whether physical injuries are sustained or not.

**(2) “ABUSE” DOES NOT INCLUDE THE PHYSICAL INJURY OF A CHILD BY ACCIDENTAL MEANS.**

(r) “Mental injury” means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function **CAUSED BY AN INTENTIONAL ACT OR SERIES OF ACTS, REGARDLESS OF WHETHER THERE WAS AN INTENT TO HARM THE CHILD.**

(x) (1) “Sexual abuse” means any act that involves sexual molestation or exploitation of a child by [a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member]:

- (I) A PARENT;**

(II) A HOUSEHOLD MEMBER OR FAMILY MEMBER;

(III) A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OF THE CHILD;

(IV) A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF THE CHILD; OR

(V) A PERSON WHO, BECAUSE OF THE PERSON'S POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD.

(2) "Sexual abuse" includes:

(i) allowing or encouraging a child to engage in:

1. obscene photography, films, poses, or similar activity;

2. pornographic photography, films, poses, or similar activity; or

3. prostitution;

(ii) human trafficking;

(iii) incest;

(iv) rape;

(v) sexual offense in any degree;

(vi) sodomy; and

(vii) unnatural or perverted sexual practices.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 652

(Senate Bill 996)

AN ACT concerning

### Family Law – Child Abuse and Neglect – Definitions

FOR the purpose of altering the definition of “abuse” for the purpose of certain child abuse and neglect statutes to include the physical or mental injury of a child by a person who, because of the person’s position or occupation, exercises authority over the child under certain circumstances; providing that “abuse” does not include the physical injury of a child by accidental means; altering the definition of “mental injury” for the purpose of certain child abuse and neglect statutes; making certain conforming changes to the definition of “sexual abuse” for the purpose of certain child abuse and neglect statutes; and generally relating to child abuse and neglect.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–701(b), (r), and (x)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Family Law

5–701.

(b) (1) “Abuse” means:

[(1)] (I) the physical or mental injury of a child [by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member,] under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed **BY:**

1. A PARENT;
2. A HOUSEHOLD MEMBER OR FAMILY MEMBER;
3. A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OF THE CHILD;
4. A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF THE CHILD; OR
5. A PERSON WHO, BECAUSE OF THE PERSON’S POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD; or

[(2)] (II) sexual abuse of a child, whether physical injuries are sustained or not.

**(2) “ABUSE” DOES NOT INCLUDE THE PHYSICAL INJURY OF A CHILD BY ACCIDENTAL MEANS.**

(r) “Mental injury” means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function **CAUSED BY AN INTENTIONAL ACT OR SERIES OF ACTS, REGARDLESS OF WHETHER THERE WAS AN INTENT TO HARM THE CHILD.**

(x) (1) “Sexual abuse” means any act that involves sexual molestation or exploitation of a child by [a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member]:

**(I) A PARENT;**

**(II) A HOUSEHOLD MEMBER OR FAMILY MEMBER;**

**(III) A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OF THE CHILD;**

**(IV) A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF THE CHILD; OR**

**(V) A PERSON WHO, BECAUSE OF THE PERSON’S POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD.**

(2) “Sexual abuse” includes:

(i) allowing or encouraging a child to engage in:

1. obscene photography, films, poses, or similar activity;

2. pornographic photography, films, poses, or similar activity; or

3. prostitution;

(ii) human trafficking;

(iii) incest;

(iv) rape;

- (v) sexual offense in any degree;
- (vi) sodomy; and
- (vii) unnatural or perverted sexual practices.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 653

### (House Bill 721)

AN ACT concerning

#### Juvenile Services – Services and Programs for Females

FOR the purpose of requiring the Department of Juvenile Services to serve children in the juvenile services system with programming that provides females with certain services and programs; altering the duties of the State Advisory Board for Juvenile Services; requiring the Department of Juvenile Services to submit certain reports to the Governor and the General Assembly on or before certain dates; and generally relating to juvenile services.

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section ~~9–215~~ and 9–238.1  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Human Services

9–215.

In addition to its other duties specified in this title, the State Advisory Board shall:

- (1) consult with and advise the Secretary on:
  - (i) each aspect of the juvenile services program in the State;

(ii) the educational programs and services of the Department; [and]  
(iii) programs designed to divert children from the juvenile justice system; AND

**(IV) THE TREATMENT AND PROGRAMMING NEEDS OF FEMALES IN THE JUVENILE JUSTICE SYSTEM;**

(2) recommend to the Secretary policies and programs to improve juvenile services in the State;

(3) participate in interpreting for the public the objectives of the Department; and

(4) participate in planning the development and use of available resources to meet the needs of the Department.

9-238.1.

(a) The Department shall serve children in the juvenile services system with programming that:

(1) ensures the safety of the community and the children served;  
(2) holds delinquent children accountable to victims and communities;  
(3) assists children to develop competencies to become successful members of society;  
(4) delivers services on a regional basis through at least four operational regions;

(5) (i) ensures that each committed facility owned by the Department serves no more than 48 children at one time; and

(ii) ensures that each committed facility licensed by the Department serves no more than 48 children at one time, unless the Secretary finds good cause for a committed facility licensed by the Department to serve more than 48 children at one time; [and]

(6) uses detention and committed facilities that are operationally separate from each other and that do not share common program space, including dining halls and educational or recreational facilities; AND

**(7) PROVIDES FEMALES WITH A RANGE AND QUALITY OF SERVICES AND PROGRAMS ~~SUBSTANTIALLY EQUIVALENT TO THOSE OFFERED TO MALES TO MEET THEIR SPECIFIC NEEDS, INCLUDING:~~**

**(I) DIVERSION PROGRAMS;**

**(II) COMMUNITY DETENTION SERVICES AND PROGRAMS; AND**

**(III) REENTRY SERVICES AND PROGRAMS.**

(b) A region shall:

(1) include at least one secure facility used solely for children pending court disposition and children awaiting placement after disposition;

(2) except for specialized services as provided in subsection (c) of this section, include a number of committed facilities estimated to be necessary to diagnose, care for, train, educate, and properly rehabilitate every child from the region in the custody of the Department; and

(3) include a nonpublic facility only if the Department determines that the facility:

(i) has provided or will efficiently and effectively provide adequate care for the children placed in the facility; and

(ii) has demonstrated or will demonstrate a record of success based on standards promulgated by the Department.

(c) The Department may place a child into a committed facility outside the child's region if a determination is made by the Department that specialized services for the child require the placement in the best interests of the child.

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

**(a) On or before December 31, 2017, the Department of Juvenile Services shall submit an interim report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the implementation of the requirements specified in § 9–238.1(a)(7) of the Human Services Article, as enacted by this Act.**

**(b) On or before December 31, 2018, the Department shall submit a final report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the implementation of the requirements specified in § 9–238.1(a)(7) of the Human Services Article, as enacted by this Act.**

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 654

(Senate Bill 674)

AN ACT concerning

### Juvenile Services – Services and Programs for Females

FOR the purpose of requiring the Department of Juvenile Services to serve children in the juvenile services system with programming that provides females with certain services and programs; altering the duties of the State Advisory Board for Juvenile Services; requiring the Department of Juvenile Services to submit certain reports to the Governor and the General Assembly on or before certain dates; and generally relating to juvenile services.

BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 9–215 and 9–238.1  
 Annotated Code of Maryland  
 (2007 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

#### Article – Human Services

9–215.

In addition to its other duties specified in this title, the State Advisory Board shall:

- (1) consult with and advise the Secretary on:
  - (i) each aspect of the juvenile services program in the State;
  - (ii) the educational programs and services of the Department; [and]
  - (iii) programs designed to divert children from the juvenile justice

system; AND

**(IV) THE TREATMENT AND PROGRAMMING NEEDS OF FEMALES  
IN THE JUVENILE JUSTICE SYSTEM;**

(2) recommend to the Secretary policies and programs to improve juvenile services in the State;

(3) participate in interpreting for the public the objectives of the Department; and

(4) participate in planning the development and use of available resources to meet the needs of the Department.

9–238.1.

(a) The Department shall serve children in the juvenile services system with programming that:

(1) ensures the safety of the community and the children served;

(2) holds delinquent children accountable to victims and communities;

(3) assists children to develop competencies to become successful members of society;

(4) delivers services on a regional basis through at least four operational regions;

(5) (i) ensures that each committed facility owned by the Department serves no more than 48 children at one time; and

(ii) ensures that each committed facility licensed by the Department serves no more than 48 children at one time, unless the Secretary finds good cause for a committed facility licensed by the Department to serve more than 48 children at one time; [and]

(6) uses detention and committed facilities that are operationally separate from each other and that do not share common program space, including dining halls and educational or recreational facilities; AND

**(7) PROVIDES FEMALES WITH A RANGE AND QUALITY OF SERVICES AND PROGRAMS ~~SUBSTANTIALLY EQUIVALENT TO THOSE OFFERED TO MALES TO MEET THEIR SPECIFIC NEEDS, INCLUDING:~~**

**(I) DIVERSION PROGRAMS;**

**(II) COMMUNITY DETENTION SERVICES AND PROGRAMS; AND**

**(III) REENTRY SERVICES AND PROGRAMS.**

(b) A region shall:

(1) include at least one secure facility used solely for children pending court disposition and children awaiting placement after disposition;

(2) except for specialized services as provided in subsection (c) of this section, include a number of committed facilities estimated to be necessary to diagnose, care for, train, educate, and properly rehabilitate every child from the region in the custody of the Department; and

(3) include a nonpublic facility only if the Department determines that the facility:

(i) has provided or will efficiently and effectively provide adequate care for the children placed in the facility; and

(ii) has demonstrated or will demonstrate a record of success based on standards promulgated by the Department.

(c) The Department may place a child into a committed facility outside the child's region if a determination is made by the Department that specialized services for the child require the placement in the best interests of the child.

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

(a) On or before December 31, 2017, the Department of Juvenile Services shall submit an interim report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the implementation of the requirements specified in § 9-238.1(a)(7) of the Human Services Article, as enacted by this Act.

(b) On or before December 31, 2018, the Department shall submit a final report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the implementation of the requirements specified in § 9-238.1(a)(7) of the Human Services Article, as enacted by this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 655****(Senate Bill 272)**

AN ACT concerning

**Guardianship and Child in Need of Assistance Proceedings – Jurisdiction and Authority of Juvenile Court**

FOR the purpose of authorizing the juvenile court to direct the provision of certain services to a certain child during a certain disposition hearing; requiring the juvenile court to direct the provision of certain services to a certain child during a certain permanency planning hearing or guardianship hearing; providing that, if the juvenile court enters an order directing the provision of certain services to a certain child, the juvenile court retains jurisdiction for a certain time period and for a certain purpose, notwithstanding certain provisions of law; providing that a certain order shall remain effective for a certain period of time; and generally relating to the jurisdiction and authority of the juvenile court.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–801(a) and (l)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–804, 3–819(c), and 3–823(h)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Courts and Judicial Proceedings  
Section 3–819(m) and 3–823(k)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–301, 5–324(b), and 5–328  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Family Law  
Section 5–324(d)  
Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, § 5–324(b)(1)(ii)7B of the Family Law Article provides that, for children placed under an order of guardianship by the juvenile court following the termination of parental rights, the juvenile court shall direct the provision of certain services or the taking of certain actions as to the child’s education, health, and welfare, including, for a child with a disability, services to obtain ongoing care, if any, needed after the guardianship case ends; and

WHEREAS, In the recent case of *In re Adoption/Guardianship of Dustin R.*, No. 24, September Term, 2015, the Maryland Court of Appeals affirmed that these provisions empower the juvenile court to order a State agency to provide services needed to obtain ongoing care for a child under an order of guardianship after the child reaches the age of 21 years and the guardianship ends and that these provisions do not violate the separation of powers doctrine enshrined in Article 8 of the Maryland Declaration of Rights; and

WHEREAS, The Court of Appeals further held that the juvenile court has inherent *parens patriae* powers to order these services for the protection of the child; and

WHEREAS, The Court of Appeals further held that these services should act as a bridge for a child with a disability to provide continuity as the child transitions to the adult guardianship system; and

WHEREAS, The Court of Appeals further stated that, if a State agency challenges the necessity of these services, the juvenile court has the authority to enforce an order directing the provision of these services until the child’s adult guardian files a request for a judicial or administrative hearing on the challenge; and

WHEREAS, Children in foster care face significant challenges when they age out of the child welfare system and transition to adulthood, including a lack of access to necessary services, resources, and support; and

WHEREAS, Children who are under the CINA jurisdiction of the juvenile court are not eligible for the protection provided by § 5–324(b)(1)(ii)7B of the Family Law Article, yet would benefit from that protection; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

3–801.

- (a) In this subtitle the following words have the meanings indicated.

(l) “Developmental disability” means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is likely to continue indefinitely;

(3) Results in an inability to live independently without external support or continuing and regular assistance; and

(4) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

3–804.

(a) (1) Except as provided in paragraph (2) of this subsection, the court has jurisdiction under this subtitle only if the alleged CINA or child in a voluntary placement is under the age of 18 years when the petition is filed.

(2) The court has jurisdiction under this subtitle over a former CINA:

(i) Whose commitment to the local department was rescinded after the individual reached the age of 18 years but before the individual reached the age of 20 years and 6 months; and

(ii) Who did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty.

(b) If the court obtains jurisdiction over a child, that jurisdiction continues in that case until the child reaches the age of 21 years, unless the court terminates the case.

(c) After the court terminates jurisdiction, a custody order issued by the court in a CINA case:

(1) Remains in effect; and

(2) May be revised or superseded only by another court of competent jurisdiction.

**(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF THE COURT ENTERS AN ORDER DIRECTING THE PROVISION OF SERVICES TO A CHILD UNDER § 3–819(C)(3) OR § 3–823(H)(2)(VII) OF THIS SUBTITLE, THE COURT RETAINS JURISDICTION TO RULE ON ANY MOTION RELATED TO THE ENFORCEMENT,**

**MODIFICATION, OR TERMINATION OF THE ORDER, FOR AS LONG AS THE ORDER IS EFFECTIVE.**

3-819.

(c) In addition to any action under subsection (b)(1)(iii) of this section, the court may:

(1) (i) Place a child under the protective supervision of the local department on terms the court considers appropriate;

(ii) Grant limited guardianship to the department or an individual or both for specific purposes including medical and educational purposes or for other appropriate services if a parent is unavailable, unwilling, or unable to consent to services that are in the best interest of the child; or

(iii) Order the child and the child's parent, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and family; [and]

(2) Determine custody, visitation, support, or paternity of a child in accordance with § 3-803(b) of this subtitle; AND

**(3) FOR A CHILD WITH A DEVELOPMENTAL DISABILITY, DIRECT THE PROVISION OF SERVICES TO OBTAIN ONGOING CARE, IF ANY, NEEDED AFTER THE COURT'S JURISDICTION ENDS.**

**(M) AN ORDER DIRECTING THE PROVISION OF SERVICES TO A CHILD UNDER SUBSECTION (C)(3) OF THIS SECTION IS EFFECTIVE UNTIL:**

**(1) THE CHILD IS TRANSITIONED TO ADULT GUARDIANSHIP CARE IF ADULT GUARDIANSHIP IS NECESSARY AND THERE IS NO LESS RESTRICTIVE ALTERNATIVE THAT MEETS THE NEEDS OF THE CHILD; AND**

**(2) (I) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE ENTERS INTO AN AGREEMENT TO PROVIDE OR OBTAIN THE SERVICES ORDERED BY THE COURT; OR**

**(II) IF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE CHALLENGES THE NECESSITY OF THE SERVICES ORDERED BY THE COURT, THE CONCLUSION OF ANY ADMINISTRATIVE OR JUDICIAL REVIEW PROCEEDING REGARDING THE CHALLENGE.**

3-823.

(h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the court shall conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated.

(ii) The court shall conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis.

(iii) 1. Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual.

2. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.

3. The court may not conclude a review hearing under subparagraph 2 of this subparagraph unless the court has seen the child in person.

(2) At the review hearing, the court shall:

(i) Determine the continuing necessity for and appropriateness of the commitment;

(ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;

(iii) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;

(iv) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;

(v) Evaluate the safety of the child and take necessary measures to protect the child; [and]

(vi) Change the permanency plan if a change in the permanency plan would be in the child's best interest; **AND**

**(VII) FOR A CHILD WITH A DEVELOPMENTAL DISABILITY, DIRECT THE PROVISION OF SERVICES TO OBTAIN ONGOING CARE, IF ANY, NEEDED AFTER THE COURT'S JURISDICTION ENDS.**

(3) Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.

**(K) AN ORDER DIRECTING THE PROVISION OF SERVICES TO A CHILD UNDER SUBSECTION (H)(2)(VII) OF THIS SECTION IS EFFECTIVE UNTIL:**

**(1) THE CHILD IS TRANSITIONED TO ADULT GUARDIANSHIP CARE IF ADULT GUARDIANSHIP IS NECESSARY AND THERE IS NO LESS RESTRICTIVE ALTERNATIVE THAT MEETS THE NEEDS OF THE CHILD; AND**

**(2) (I) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE ENTERS INTO AN AGREEMENT TO PROVIDE OR OBTAIN THE SERVICES ORDERED BY THE COURT; OR**

**(II) IF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE CHALLENGES THE NECESSITY OF THE SERVICES ORDERED BY THE COURT, THE CONCLUSION OF ANY ADMINISTRATIVE OR JUDICIAL REVIEW PROCEEDING REGARDING THE CHALLENGE.**

### **Article – Family Law**

5–301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Caregiver” means a person with whom a child resides and who exercises responsibility for the welfare of the child.

(c) “Child” means an individual who is the subject of a guardianship or adoption petition under this subtitle.

**(D) “DEVELOPMENTAL DISABILITY” HAS THE MEANING STATED IN § 3–801 OF THE COURTS ARTICLE.**

[(d)] **(E)** “Guardianship” means an award, under this subtitle, of any power of a guardian.

[(e)] **(F)** “Identifying information” means information that reveals the identity or location of an individual.

[(f)] **(G)** (1) “Parent” means an individual who, at the time a petition for guardianship is filed under this subtitle or at any time before a court terminates the individual’s parental rights:

(i) meets a criterion in § 5–306(a) of this subtitle; or

(ii) is the mother.

(2) “Parent” does not include an individual whom a court has adjudicated not to be a father or mother of a child.

**[(g)] (H)** “Party” means:

- (1) in a guardianship case under this subtitle:
  - (i) the child;
  - (ii) except as provided in § 5–326(a)(3)(iii) of this subtitle, the child’s parent; and
  - (iii) the local department to which the child is committed;
- (2) in an adoption case under Part III of this subtitle:
  - (i) the child;
  - (ii) the child’s parent; and
  - (iii) the individual seeking adoption;
- (3) in an adoption case under Part IV of this subtitle:
  - (i) the child; and
  - (ii) the individual seeking adoption; and
- (4) if express reference is made to a CINA case, a governmental unit or person defined as a party in § 3–801 of the Courts Article.

5–324.

(b) (1) In a separate order accompanying an order granting guardianship of a child, a juvenile court:

- (i) shall include a directive terminating the child’s CINA case;
- (ii) consistent with the child’s best interests:
  1. may place the child:
    - A. subject to paragraph (2) of this subsection, in a specific type of facility; or
    - B. with a specific individual;

2. may direct provision of services by a local department to:
    - A. the child; or
    - B. the child's caregiver;
  3. subject to a local department retaining legal guardianship, may award to a caregiver limited authority to make an emergency or ordinary decision as to the child's care, education, mental or physical health, or welfare;
  4. may allow access to a medical or other record of the child;
  5. may allow visitation for the child with a specific individual;
  6. may appoint, or continue the appointment of, a court-appointed special advocate for any purpose set forth under § 3-830 of the Courts Article;
  7. shall direct the provision of any other service or taking of any other action as to the child's education, health, and welfare, including:
    - A. for a child who is at least 16 years old, services needed to help the child's transition from guardianship to independence; or
    - B. for a child with a **DEVELOPMENTAL** disability, services to obtain ongoing care, if any, needed after the guardianship case ends; and
  8. may co-commit the child to the custody of the Department of Health and Mental Hygiene and order the Department of Health and Mental Hygiene to provide a plan for the child of clinically appropriate services in the least restrictive setting, in accordance with federal and State law;
    - (iii) if entered under § 5-322 of this subtitle, shall state each party's response to the petition;
    - (iv) shall state a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan;
    - (v) shall state whether the child's parent has waived the right to notice; and
    - (vi) shall set a date, no later than 180 days after the date of the order, for the initial guardianship review hearing under § 5-326 of this subtitle.
- (2) (i) Except for emergency commitment in accordance with § 10-617 of the Health – General Article or as expressly authorized by a juvenile court in accordance

with the standards in § 3–819(h) or (i) of the Courts Article, a child may not be committed or otherwise placed for inpatient care or treatment in a psychiatric facility or a facility for the developmentally disabled.

(ii) A juvenile court shall include in a commitment order under this paragraph a requirement that the guardian:

1. file a progress report with the juvenile court at least every 180 days; and

2. provide a copy of each report to each person entitled to notice of a review hearing under § 5–326 of this subtitle.

(iii) Every 180 days during a commitment or placement under this paragraph, a juvenile court shall hold a hearing to determine whether the standards in § 3–819(h) or (i) of the Courts Article continue to be met.

**(D) AN ORDER DIRECTING THE PROVISION OF SERVICES TO A CHILD WITH A DEVELOPMENTAL DISABILITY UNDER SUBSECTION (B)(1)(II)7B OF THIS SECTION IS EFFECTIVE UNTIL:**

**(1) THE CHILD IS TRANSITIONED TO ADULT GUARDIANSHIP CARE IF ADULT GUARDIANSHIP IS NECESSARY AND THERE IS NO LESS RESTRICTIVE ALTERNATIVE THAT MEETS THE NEEDS OF THE CHILD; AND**

**(2) (I) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE ENTERS INTO AN AGREEMENT TO PROVIDE OR OBTAIN THE SERVICES ORDERED BY THE COURT; OR**

**(II) IF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE CHALLENGES THE NECESSITY OF THE SERVICES ORDERED BY THE COURT, THE CONCLUSION OF ANY ADMINISTRATIVE OR JUDICIAL REVIEW PROCEEDING REGARDING THE CHALLENGE.**

5–328.

(a) If a local department is a child’s guardian under this subtitle, a juvenile court:

(1) retains jurisdiction until:

(i) the child attains 18 years of age; or

(ii) the juvenile court finds the child to be eligible for emancipation;

and

(2) may continue jurisdiction until the child attains 21 years of age.

(b) If a juvenile court designates an individual as a child's guardian, the juvenile court:

(1) may retain jurisdiction until the child attains 18 years of age; or

(2) on finding further review unnecessary to maintain the child's health and welfare, may terminate the case before the child attains 18 years of age.

(c) An order for adoption of a child terminates the child's guardianship case.

(d) On termination of a guardianship case, a juvenile court shall close the case.

**(E) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, IF THE COURT ENTERS AN ORDER DIRECTING THE PROVISION OF SERVICES TO A CHILD UNDER § 5-324(B)(1)(II)7B OF THIS SUBTITLE, THE COURT RETAINS JURISDICTION TO RULE ON ANY MOTION RELATED TO THE ENFORCEMENT, MODIFICATION, OR TERMINATION OF THE ORDER, FOR AS LONG AS THE ORDER IS EFFECTIVE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 656

(Senate Bill 505)

AN ACT concerning

### **Civil Actions – Child Sexual Abuse – Statute of Limitations and Required Findings**

FOR the purpose of altering the statute of limitations in certain civil actions relating to child sexual abuse; establishing a statute of repose for certain civil actions relating to child sexual abuse; providing that, in a certain action filed more than a certain number of years after the victim reaches the age of majority, damages may be awarded against a person or governmental entity that is not an alleged perpetrator only under certain circumstances; providing that a certain action is exempt from certain provisions of the Local Government Torts Claims Act; providing that a certain action is exempt from certain provisions of the Maryland Torts Claims Act; defining a certain term; making certain stylistic changes; providing for the application of this Act; and generally relating to child sexual abuse.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–117 and 5–304(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 5–304(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 12–106(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 12–106(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

5–117.

(a) **(1)** In this section, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

**(2)** “ALLEGED PERPETRATOR” MEANS THE INDIVIDUAL ALLEGED TO HAVE COMMITTED THE SPECIFIC INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT SERVE AS THE BASIS OF AN ACTION UNDER THIS SECTION.

**(3)** ~~“sexual~~ “SEXUAL abuse” has the meaning stated in § 5–701 of the Family Law Article.

(b) An action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor shall be filed [within] ~~AGAINST THE ALLEGED PERPETRATOR OF THE SEXUAL ABUSE:~~

(1) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF MAJORITY; OR

(2) ~~WITHIN~~ SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, WITHIN THE LATER OF:

(I) [7] 20 years [of] AFTER the date that the victim [attains] REACHES the age of majority; OR

(II) 3 YEARS AFTER THE DATE THAT THE DEFENDANT IS CONVICTED OF A CRIME RELATING TO THE ALLEGED INCIDENT OR INCIDENTS UNDER:

1. § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

2. THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE.

~~(C) (1) AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM WAS A MINOR SHALL BE FILED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT AN ALLEGED PERPETRATOR OF THE SEXUAL ABUSE;~~

~~(I) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF MAJORITY; OR~~

~~(II) WITHIN 20 YEARS AFTER THE DATE THAT THE VICTIM REACHES THE AGE OF MAJORITY.~~

~~(2) IN AN ACTION BROUGHT UNDER THIS SUBSECTION, DAMAGES MAY BE AWARDED AGAINST A PERSON OR GOVERNMENTAL ENTITY ONLY ON A DETERMINATION BY THE FINDER OF FACT THAT THE PERSON OR GOVERNMENTAL ENTITY:~~

~~(I) PRIOR TO THE INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT FORM THE BASIS OF THE ACTION, HAD ACTUAL KNOWLEDGE OF A PREVIOUS INCIDENT OR INCIDENTS OF SEXUAL ABUSE; AND~~

~~(II) NEGLIGENTLY FAILED TO PREVENT THE INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT FORM THE BASIS OF THE ACTION.~~

(C) IN AN ACTION BROUGHT UNDER THIS SECTION MORE THAN 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY, DAMAGES MAY BE AWARDED

**AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT THE ALLEGED PERPETRATOR OF THE SEXUAL ABUSE ONLY IF:**

**(1) THE PERSON OR GOVERNMENTAL ENTITY OWED A DUTY OF CARE TO THE VICTIM;**

**(2) THE PERSON OR GOVERNMENTAL ENTITY EMPLOYED THE ALLEGED PERPETRATOR OR EXERCISED SOME DEGREE OF RESPONSIBILITY OR CONTROL OVER THE ALLEGED PERPETRATOR; AND**

**(3) THERE IS A FINDING OF GROSS NEGLIGENCE ON THE PART OF THE PERSON OR GOVERNMENTAL ENTITY.**

**(D) IN NO EVENT MAY AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM WAS A MINOR BE FILED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT THE ALLEGED PERPETRATOR MORE THAN 20 YEARS AFTER THE DATE ON WHICH THE VICTIM REACHES THE AGE OF MAJORITY.**

5-304.

(a) This section does not apply to an action [against]:

**(1) AGAINST** a nonprofit corporation described in § 5-301(d)(23), (24), (25), (26), (28), or (29) of this subtitle or its employees; **OR**

**(2) BROUGHT UNDER § 5-117 OF THIS TITLE.**

(b) (1) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 1 year after the injury.

(2) The notice shall be in writing and shall state the time, place, and cause of the injury.

**Article – State Government**

12-106.

(a) This section does not apply to a claim that is:

**(1) asserted by cross-claim, counterclaim, or third-party claim; OR**

**(2) BROUGHT UNDER § 5-117 OF THE COURTS ARTICLE.**

(b) Except as provided in subsection (c) of this section, a claimant may not institute an action under this subtitle unless:

- (1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;
- (2) the Treasurer or designee denies the claim finally; and
- (3) the action is filed within 3 years after the cause of action arises.

SECTION 2. AND BE IT FURTHER ENACTED, ~~That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act~~ That this Act may not be construed to apply retroactively to revive any action that was barred by the application of the period of limitations applicable before October 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That the statute of repose under § 5-117(d) of the Courts Article as enacted by Section 1 of this Act shall be construed to apply both prospectively and retroactively to provide repose to defendants regarding actions that were barred by the application of the period of limitations applicable before October 1, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 657

(House Bill 498)

AN ACT concerning

### Health Care Decisions Act – Advance Directives and Surrogate Decision Making – Disqualified Individuals

FOR the purpose of prohibiting certain individuals from serving as a health care agent under certain circumstances; establishing a certain exception; prohibiting certain individuals from making decisions about health care for certain individuals ~~who have been certified to be incapable of making an informed decision~~; under certain circumstances; requiring a person who obtains certain information that would prohibit an individual from serving as a health care agent or making health care decisions for a certain individual to provide the information to a certain health care provider or a certain health care facility; defining a certain term; and generally

relating to the Health Care Decisions Act and decision making by health care agents and surrogates.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 5–602(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 5–602(b) and 5–605(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health – General**

5–602.

(a) (1) Any competent individual may, at any time, make a written or electronic advance directive regarding the provision of health care to that individual, or the withholding or withdrawal of health care from that individual.

(2) Notwithstanding any other provision of law, in the absence of a validly executed or witnessed advance directive, any authentic expression made by an individual while competent of the individual’s wishes regarding health care for the individual shall be considered.

(b) (1) **(I)** In this subsection[, “disqualified person” means:] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “DISQUALIFIED PERSON” MEANS:**

**[(i)] 1.** An owner, operator, or employee of a health care facility from which the declarant is receiving health care; or

**[(ii)] 2.** A spouse, parent, child, or sibling of an owner, operator, or employee of a health care facility from which the declarant is receiving health care.

**(III) “PERSON ELIGIBLE FOR RELIEF” HAS THE MEANING STATED IN § 4–501 OF THE FAMILY LAW ARTICLE.**

(2) Any competent individual may, at any time, make a written or electronic advance directive appointing an agent to make health care decisions for the individual under the circumstances stated in the advance directive.

(3) (I) A disqualified person may not serve as a health care agent unless the person:

[(i)] 1. Would qualify as a surrogate decision maker under § 5–605(a) of this subtitle; or

[(ii)] 2. Was appointed by the declarant before the date on which the declarant received, or contracted to receive, health care from the facility.

(II) **AN INDIVIDUAL MAY NOT SERVE AS A HEALTH CARE AGENT IF:**

1. **THE INDIVIDUAL IS THE SUBJECT OF AN INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER AND THE DECLARANT IS A PERSON ELIGIBLE FOR RELIEF UNDER THE ORDER; OR**

2. **THE EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE INDIVIDUAL IS THE SPOUSE OF THE DECLARANT AND:**

A. **THE INDIVIDUAL AND DECLARANT HAVE EXECUTED A SEPARATION AGREEMENT; OR**

B. **THE INDIVIDUAL OR DECLARANT HAS FILED AN APPLICATION FOR DIVORCE.**

**(III) AN INDIVIDUAL MAY SERVE AS A HEALTH CARE AGENT FOR A DECLARANT AFTER THE DATE OF THE EXECUTION OF A SEPARATION AGREEMENT OR THE FILING OF AN APPLICATION FOR DIVORCE IF THE DECLARANT:**

1. **IS ABLE TO MAKE A DECISION ABOUT THE INDIVIDUAL'S APPOINTMENT AS THE DECLARANT'S HEALTH CARE AGENT; OR**

2. **HAS OTHERWISE INDICATED AN INTENT TO HAVE THE INDIVIDUAL SERVE AS THE DECLARANT'S HEALTH CARE AGENT.**

(4) An agent appointed under this subtitle has decision making priority over any individuals otherwise authorized under this subtitle to make health care decisions for a declarant.

**(5) A PERSON WHO OBTAINS NEW INFORMATION THAT WOULD PROHIBIT AN INDIVIDUAL FROM SERVING AS A DECLARANT'S HEALTH CARE AGENT**

UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION SHALL PROVIDE THE INFORMATION TO ANY HEALTH CARE PROVIDER OR HEALTH CARE FACILITY PROVIDING SERVICES TO THE DECLARANT.

5–605.

(a) (1) (I) In this subsection[, “unavailable” means:] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) **“PERSON ELIGIBLE FOR RELIEF” HAS THE MEANING STATED IN § 4–501 OF THE FAMILY LAW ARTICLE.**

(III) **“UNAVAILABLE” MEANS:**

[(i)] 1. After reasonable inquiry, a health care provider is unaware of the existence of a health care agent or surrogate decision maker;

[(ii)] 2. After reasonable inquiry, a health care provider cannot ascertain the whereabouts of a health care agent or surrogate decision maker;

[(iii)] 3. A health care agent or surrogate decision maker has not responded in a timely manner, taking into account the health care needs of the individual, to a written or oral message from a health care provider;

[(iv)] 4. A health care agent or surrogate decision maker is incapacitated; or

[(v)] 5. A health care agent or surrogate decision maker is unwilling to make decisions concerning health care for the individual.

(2) [The] **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE** following individuals or groups, in the specified order of priority, may make decisions about health care for a person who has been certified to be incapable of making an informed decision and who has not appointed a health care agent in accordance with this subtitle or whose health care agent is unavailable. Individuals in a particular class may be consulted to make a decision only if all individuals in the next higher class are unavailable:

(i) A guardian for the patient, if one has been appointed;

(ii) The patient’s spouse or domestic partner;

(iii) An adult child of the patient;

(iv) A parent of the patient;

(v) An adult brother or sister of the patient; or

(vi) A friend or other relative of the patient who meets the requirements of paragraph (3) of this subsection.

(3) A friend or other relative may make decisions about health care for a patient under paragraph (2) of this subsection if the person:

(i) Is a competent individual; and

(ii) Presents an affidavit to the attending physician stating:

1. That the person is a relative or close friend of the patient;

and

2. Specific facts and circumstances demonstrating that the person has maintained regular contact with the patient sufficient to be familiar with the patient's activities, health, and personal beliefs.

**(4) AN INDIVIDUAL MAY NOT MAKE DECISIONS ABOUT HEALTH CARE FOR A PATIENT UNDER PARAGRAPH (2) OF THIS SUBSECTION IF:**

**(I) THE INDIVIDUAL IS THE SUBJECT OF AN INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER AND THE PATIENT IS A PERSON ELIGIBLE FOR RELIEF UNDER THE ORDER; OR**

**(II) THE INDIVIDUAL IS THE SPOUSE OF THE PATIENT AND:**

**1. THE INDIVIDUAL AND PATIENT HAVE EXECUTED A SEPARATION AGREEMENT; OR**

**2. THE INDIVIDUAL OR PATIENT HAS FILED AN APPLICATION FOR DIVORCE.**

**[(4)] (5)** The attending physician shall include the affidavit presented under paragraph (3) of this subsection in the patient's medical record.

**(6) A PERSON WHO OBTAINS NEW INFORMATION THAT WOULD PROHIBIT AN INDIVIDUAL FROM MAKING HEALTH CARE DECISIONS FOR A PATIENT UNDER PARAGRAPH (4) OF THIS SUBSECTION SHALL PROVIDE THE INFORMATION TO ANY HEALTH CARE PROVIDER OR HEALTH CARE FACILITY PROVIDING SERVICES TO THE PATIENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

**Chapter 658****(House Bill 509)**

AN ACT concerning

**Higher Education – Student Loan Notification Letter**

FOR the purpose of requiring institutions of higher education that receive State funds to provide certain information to students regarding their education loans; requiring the education loan information to be provided annually, ~~concurrent with the student's first tuition bill of a calendar year; authorizing students to choose the delivery method for education loan information; providing that the information shall include certain assumptions and; providing that certain information may be included~~ in with a certain notice; providing that certain information may include a certain statements statement; prohibiting an institution of higher education from incurring a certain liability under certain circumstances; defining a certain term; providing for a delayed effective date; and generally relating to notification of education loans to students by institutions of higher education.

BY adding to

Article – Education

Section 18–115

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

18–115.

**(A) (1) IN THIS SECTION, “EDUCATION LOAN” MEANS A DIRECT LOAN ~~OR LOAN INSURED OR GUARANTEED UNDER A FEDERAL OR PRIVATE PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF EDUCATION~~ THAT IS MADE TO ASSIST A STUDENT IN OBTAINING A POSTSECONDARY EDUCATION.**

**(2) “EDUCATION LOAN” DOES NOT INCLUDE A PARENT PLUS LOAN OR A PRIVATE STUDENT LOAN.**

**(B) THIS SECTION APPLIES ONLY TO AN INSTITUTION OF HIGHER EDUCATION THAT RECEIVES FUNDING FROM THE STATE.**

(C) AN INSTITUTION OF HIGHER EDUCATION THAT RECEIVES EDUCATION LOAN INFORMATION FOR A STUDENT ENROLLED IN THE INSTITUTION FROM THE U.S. DEPARTMENT OF EDUCATION SHALL PROVIDE TO THE STUDENT:

~~(1) AN ESTIMATE OF THE TOTAL AMOUNT OF EDUCATION LOANS TAKEN OUT BY THE STUDENT;~~

~~(2) AN ESTIMATE OF:~~

~~(I) THE POTENTIAL TOTAL PAYOFF AMOUNT OF THE EDUCATION LOANS INCURRED OR A RANGE OF THE TOTAL PAYOFF AMOUNT; AND~~

~~(II) MONTHLY REPAYMENT AMOUNTS THAT A SIMILARLY SITUATED BORROWER MAY INCUR, INCLUDING PRINCIPAL AND INTEREST, FOR THE AMOUNT OF LOANS THE STUDENT HAS TAKEN OUT AT THE TIME THE INFORMATION IS PROVIDED;~~

~~(3) THE PERCENTAGE OF THE BORROWING LIMIT THE STUDENT HAS REACHED AT THE TIME THE INFORMATION IS PROVIDED; AND EACH UNDERGRADUATE STUDENT ENROLLED IN THE INSTITUTION WHO APPLIES FOR FEDERAL STUDENT AID IN THE APPLICABLE AWARD YEAR:~~

(1) THE INFORMATION REPORTED ON THE STUDENT'S STUDENT AID REPORT ISSUED BY THE U.S. DEPARTMENT OF EDUCATION FROM THE MOST RECENT AWARD YEAR, INCLUDING:

(I) THE TOTAL AMOUNT OF OUTSTANDING LOANS; AND

(II) THE MONTHLY PAYMENT AMOUNT FOR A 10-YEAR PERIOD FOR EVERY \$1,000 OWED BY THE BORROWER;

(2) THE LIFETIME LOAN LIMIT FOR UNDERGRADUATE STUDENT BORROWERS;

(3) A STATEMENT THAT THE ACTUAL REPAYMENT AMOUNT IS DEPENDENT ON THE FOLLOWING FACTORS:

(I) THE TOTAL AMOUNT A STUDENT BORROWS;

(II) THE INTEREST RATE AT THE TIME THE FUNDS ARE BORROWED AND THE AMOUNT OF INTEREST THAT ACCRUES OVER THE COURSE OF THE LOAN;

(III) THE LENGTH OF THE REPAYMENT TERM OF THE LOAN; AND

**(IV) THE DECISIONS A STUDENT MAKES RELATING TO:**

- 1. INCOME-BASED REPAYMENT PLANS;**
- 2. DEFERMENTS; AND**
- 3. LOAN FORGIVENESS;**

**(4) A LINK TO THE NATIONAL STUDENT LOAN DATA SYSTEM FOR STUDENTS WEB SITE AND AN INCOME-DRIVEN REPAYMENT PLAN WEB SITE; AND**

~~(4)~~ **(5) THE ADDRESS OF THE FINANCIAL AID OFFICE WHERE THE STUDENT MAY SEEK FINANCIAL AID COUNSELING.**

**(D) (1) AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION TO STUDENTS ANNUALLY, CONCURRENT WITH THE STUDENT'S FIRST TUITION BILL OF A CALENDAR YEAR.**

~~(2) THE STUDENT SHALL BE ABLE TO CHOOSE FROM EITHER E-MAIL OR U.S. MAIL AS THE DELIVERY METHOD FOR INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.~~

~~(E) THE INFORMATION PROVIDED UNDER THIS SECTION:~~

~~(1) SHALL CLEARLY STATE ANY ASSUMPTIONS MADE IN CALCULATIONS TO DEVISE ESTIMATES; AND~~

~~(2) MAY INCLUDE A STATEMENT THAT THE ESTIMATES AND RANGES PROVIDED ARE GENERAL IN NATURE AND ON RECEIPT OF A STUDENT'S FREE APPLICATION FOR FEDERAL STUDENT AID.~~

~~(2) THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION MAY BE INCLUDED WITH THE STUDENT'S FINANCIAL AID AWARD NOTICE.~~

**(E) THE INFORMATION PROVIDED UNDER THIS SECTION MAY INCLUDE THE FOLLOWING STATEMENT:**

**"THE INFORMATION PROVIDED BY THE INSTITUTION OF HIGHER EDUCATION WAS OBTAINED FROM YOUR STUDENT AID REPORT ISSUED BY THE U.S. DEPARTMENT OF EDUCATION FOR THE MOST RECENT AWARD YEAR. IT IS BASED ON ASSUMPTIONS MADE BY THE U.S. DEPARTMENT OF EDUCATION AS REPORTED IN YOUR STUDENT AID REPORT AND IS NOT MEANT AS A GUARANTEE OR PROMISE.**

THIS INFORMATION DOES NOT INCLUDE PARENT PLUS LOANS OR PRIVATE STUDENT LOANS.”

(F) ~~AN~~ IF AN INSTITUTION OF HIGHER EDUCATION INCLUDES THE STATEMENT UNDER SUBSECTION (E) OF THIS SECTION WITH THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE INSTITUTION OF HIGHER EDUCATION DOES NOT INCUR LIABILITY FOR ANY INACCURATE REPRESENTATIONS MADE UNDER THIS SECTION IF THE REPRESENTATIONS WERE:

(1) MADE BASED ON INCORRECT INFORMATION PROVIDED BY THE U.S. DEPARTMENT OF EDUCATION; AND

(2) REASONABLY RELIED ON IN GOOD FAITH BY THE INSTITUTION OF HIGHER EDUCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, ~~2017~~ 2018.

Approved by the Governor, May 25, 2017.

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## Chapter 659

(Senate Bill 734)

AN ACT concerning

### Sexual Assault Victims Resources Act of 2017

FOR the purpose of expanding the services to be provided by certain sexual assault crisis programs; specifying criteria for receiving certain grant funding; requiring the Governor to include certain funding in the State budget; authorizing the Governor, under certain circumstances, to reduce a certain appropriation; providing for the allocation of certain grant money; stating certain findings of the General Assembly; establishing the Maryland Sexual Assault Evidence Kit Policy and Funding Committee; providing for the composition, terms, quorum, meetings, and staffing of the Committee; prohibiting a member of the Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Committee to develop and disseminate certain best practices information and recommendations; authorizing the Committee to adopt rules governing its operation; requiring the Attorney General to adopt certain regulations in consultation with the Committee; requiring the Committee to make certain evaluations regarding State and local funding; requiring the Committee to report on its activities to the Governor and the General Assembly on or before a certain date each year; defining a certain term; and generally relating to resources for sexual assault victims.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–923  
Annotated Code of Maryland  
(2008 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Criminal Procedure  
Section 11–927  
Annotated Code of Maryland  
(2008 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Procedure**

11–923.

(a) The General Assembly finds that an increasing number of sexual assault offense victims in the State:

- (1) lack necessary counseling and follow–up services; and
- (2) in some parts of the State, have only the help of extremely limited support services.

(b) The purpose of this section is to provide for sexual assault crisis programs that address the special needs of sexual assault victims.

(c) (1) The Governor’s Office of Crime Control and Prevention shall help establish sexual assault crisis programs in the State.

(2) The programs shall be developed and located to facilitate their use by alleged victims residing in surrounding areas.

- (3) The programs shall:
  - (i) provide specialized support services to adult and minor alleged victims of sexual assault crimes; [and]
  - (ii) include a hotline and counseling service;

**(III) PROVIDE INFORMATION TO ALLEGED VICTIMS OF SEXUAL ASSAULT CRIMES REGARDING:**

1. CRIMINAL PROSECUTIONS OF SEXUAL ASSAULT CRIMES;
2. CIVIL LAW REMEDIES AVAILABLE TO VICTIMS OF SEXUAL ASSAULT;
3. SEXUAL ASSAULT EVIDENCE COLLECTION; AND
4. VICTIM RIGHTS; AND

**(IV) PARTICIPATE IN THE SEXUAL ASSAULT RESPONSE TEAM IN EACH COUNTY IN WHICH THE PROGRAM REGULARLY PROVIDES SERVICES.**

(d) The Governor's Office of Crime Control and Prevention may award grants to public or private nonprofit organizations to operate the sexual assault crisis programs **CERTIFIED BY THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION.**

(e) The Governor's Office of Crime Control and Prevention shall regularly consult, collaborate with, and consider the recommendations of the federally recognized State sexual assault coalition regarding sexual assault crisis programs and policies, practices, and procedures that impact victims of sexual assault.

(f) **(1)** Money for the sexual assault crisis programs shall be as provided in the annual State budget and shall be used to supplement, but not supplant, money that the programs receive from other sources.

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IN EACH FISCAL YEAR THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF NOT LESS THAN \$3,000,000 FOR THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION AND SEXUAL ASSAULT CRISIS PROGRAMS FUNDED UNDER THIS SECTION.**

**(3) IN EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR SEXUAL ASSAULT CRISIS PROGRAMS FUNDED UNDER THIS SECTION IN AN AMOUNT NOT LESS THAN THE APPROPRIATION MADE FOR THE SEXUAL ASSAULT CRISIS PROGRAMS IN THE IMMEDIATELY PRECEDING FISCAL YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(4) (I) IF A FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION AND SEXUAL ASSAULT CRISIS PROGRAM RECEIVE A NEW AWARD OF FUNDS UNDER THE FEDERAL VICTIMS OF CRIME ACT FOR A PURPOSE FOR WHICH FUNDS ARE APPROPRIATED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE GOVERNOR MAY REDUCE THE APPROPRIATION REQUIRED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION BY THE AMOUNT RECEIVED UNDER THE FEDERAL VICTIMS OF CRIME ACT.**

**(II) THE REDUCTION AUTHORIZED UNDER THIS PARAGRAPH MAY NOT EXCEED 40% OF THE APPROPRIATION REQUIRED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.**

**(III) THE GOVERNOR MAY NOT REDUCE THE APPROPRIATION UNDER THIS PARAGRAPH IF THE FUNDS RECEIVED UNDER THE FEDERAL VICTIMS OF CRIME ACT HAVE BEEN AWARDED ON OR BEFORE JUNE 1, 2017, OR ARE AWARDED FOR CONTINUATION OF SERVICES PREVIOUSLY FUNDED BY THE FEDERAL VICTIMS OF CRIME ACT.**

**(5) AN APPROPRIATION MADE UNDER THIS SUBSECTION SHALL BE ALLOCATED AS FOLLOWS:**

**(I) AT LEAST \$100,000 TO THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION;**

**(II) AT LEAST \$100,000 TO EACH OF THE SEXUAL ASSAULT CRISIS PROGRAMS PROVIDED FOR IN SUBSECTION (D) OF THIS SECTION; AND**

**(III) THE BALANCE OF THE APPROPRIATION TO BE DISTRIBUTED TO THE SEXUAL ASSAULT CRISIS PROGRAMS PROVIDED FOR IN SUBSECTION (D) OF THIS SECTION WITH EACH SEXUAL ASSAULT CRISIS PROGRAM RECEIVING A PROPORTIONATE SHARE RELATIVE TO THE NUMBER OF INDIVIDUALS WHO RESIDE IN THE GEOGRAPHIC AREA REGULARLY SERVED BY THE SEXUAL ASSAULT CRISIS PROGRAM.**

(g) The Executive Director of the Governor's Office of Crime Control and Prevention shall include a report on the sexual assault crisis programs in the annual report submitted by the Governor's Office of Crime Control and Prevention to the General Assembly, in accordance with § 2-1246 of the State Government Article.

(h) (1) The Governor's Office of Crime Control and Prevention shall establish and sustain child advocacy centers in the State.

(2) The child advocacy centers:

(i) may be based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of these entities;

(ii) shall be developed and located to facilitate their use by alleged victims residing in the surrounding areas;

(iii) shall investigate allegations of sexual crimes against children and sexual abuse of minors;

(iv) shall provide or facilitate referrals to appropriate counseling, legal, medical, and advocacy services for victims; and

(v) shall be included in all joint investigation procedures developed in accordance with § 5-706 of the Family Law Article.

(3) The Governor's Office of Crime Control and Prevention may contract with public or private nonprofit organizations to operate child advocacy centers.

(4) Money for child advocacy centers shall be as provided in the annual State budget and shall be used to supplement, but not supplant, money that the programs receive from other sources.

(5) On or before January 1 each year, the Governor's Office of Crime Control and Prevention shall submit an annual report, in accordance with § 2-1246 of the State Government Article, on child advocacy centers to the General Assembly.

#### **11-927.**

**(A) IN THIS SECTION, "COMMITTEE" MEANS THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE.**

**(B) THE GENERAL ASSEMBLY FINDS THAT:**

**(1) THERE IS A LACK OF CONSISTENT POLICIES REGARDING SEXUAL ASSAULT EVIDENCE COLLECTION IN THE STATE;**

**(2) EFFECTIVE POLICIES REGARDING COLLECTION OF MEDICAL FORENSIC EVIDENCE ARE AN IMPORTANT COMPONENT OF PROVIDING SEXUAL ASSAULT VICTIMS WITH ACCESS TO JUSTICE AND OF HOLDING THE PERPETRATORS OF SEXUAL ASSAULTS ACCOUNTABLE;**

**(3) SEXUAL ASSAULT EVIDENCE COLLECTION EXAMS ARE UNAVAILABLE AT MANY HOSPITALS;**

(4) THERE IS A SHORTAGE OF FORENSIC NURSE EXAMINERS QUALIFIED TO PERFORM SEXUAL ASSAULT EVIDENCE COLLECTION;

(5) LAW ENFORCEMENT AGENCIES LACK A UNIFORM APPROACH FOR TESTING AND RETAINING SEXUAL ASSAULT EVIDENCE KITS; ~~AND~~

(6) HOSPITALS, LAW ENFORCEMENT AGENCIES, AND OTHERS IN THE JUSTICE SYSTEM LACK THE RESOURCES AND FUNDING NECESSARY TO ENSURE CONSISTENCY IN SEXUAL ASSAULT EVIDENCE COLLECTION; AND

(7) POLICIES REGARDING SEXUAL ASSAULT EVIDENCE COLLECTION ARE PART OF THE JUSTICE SYSTEM AND REQUIRE COORDINATION WITH MULTIPLE STATE AGENCIES AND VICTIM SERVICES PROVIDERS.

(C) THE PURPOSES OF THIS SECTION ARE TO:

(1) PROVIDE FOR A STATEWIDE SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE TO INCREASE ACCESS TO JUSTICE FOR SEXUAL ASSAULT VICTIMS;

(2) HOLD THE PERPETRATORS OF SEXUAL ASSAULT ACCOUNTABLE;

(3) INCREASE AVAILABILITY OF SEXUAL ASSAULT EVIDENCE COLLECTION EXAMS; AND

(4) CREATE EFFECTIVE STATEWIDE POLICIES REGARDING THE COLLECTION, TESTING, AND RETENTION OF MEDICAL FORENSIC EVIDENCE IN SEXUAL ASSAULT CASES.

(D) (1) THERE IS A MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE.

(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE FOLLOWING MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE, AS EX OFFICIO MEMBERS:

1. ONE MEMBER OF THE SENATE BUDGET AND TAXATION COMMITTEE; AND

2. ONE MEMBER OF THE SENATE JUDICIAL PROCEEDINGS COMMITTEE;

(II) THE FOLLOWING MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE, AS EX OFFICIO MEMBERS:

1. ONE MEMBER OF THE HOUSE APPROPRIATIONS COMMITTEE; AND

2. ONE MEMBER OF THE HOUSE JUDICIARY COMMITTEE;

(III) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;

(IV) THE SUPERINTENDENT OF THE STATE POLICE, OR THE SUPERINTENDENT'S DESIGNEE;

(V) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S DESIGNEE WHO HAS EXPERTISE IN RESPONDING TO CHILD SEXUAL ABUSE;

(VI) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE WHO HAS EXPERTISE IN THE PROCUREMENT OF SEXUAL ASSAULT EVIDENCE KITS;

(VII) THE EXECUTIVE DIRECTOR OF THE CRIMINAL INJURIES COMPENSATION BOARD, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(VIII) THE FOLLOWING MEMBERS APPOINTED BY THE ATTORNEY GENERAL:

1. ONE REPRESENTATIVE OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION;

2. THE EXECUTIVE DIRECTOR OF THE MARYLAND COALITION AGAINST SEXUAL ASSAULT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

3. ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF CHIEFS OF POLICE;

4. ONE REPRESENTATIVE OF A LEGAL SERVICES PROGRAM OR AGENCY THAT WORKS PRIMARILY TO REPRESENT SEXUAL ASSAULT VICTIMS;

5. ONE FORENSIC NURSE EXAMINER WHO WORKS IN A COUNTY IN WHICH THERE IS MORE THAN ONE HOSPITAL; AND

6. ONE REPRESENTATIVE OF A CRIME LAB WHO HAS EXPERTISE IN SEXUAL ASSAULT FORENSIC EVIDENCE KIT ANALYSIS; AND

(IX) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE OF THE STATE BOARD OF NURSING WHO HAS EXPERTISE IN FORENSIC NURSING; AND

2. ONE REPRESENTATIVE OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(3) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE, IS THE COMMITTEE CHAIR.

(4) A MEMBER OF THE COMMITTEE:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(5) (I) THE TERM OF AN APPOINTED MEMBER OF THE COMMITTEE IS 4 YEARS.

(II) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON JUNE 1, 2017.

(III) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(6) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE COMMITTEE IS A QUORUM.

(7) (I) THE COMMITTEE SHALL MEET QUARTERLY AT THE TIMES AND PLACES THAT THE COMMITTEE DETERMINES.

(II) THE COMMITTEE MAY HOLD ADDITIONAL MEETINGS AT THE CALL OF THE COMMITTEE CHAIR OR ANY SIX MEMBERS OF THE COMMITTEE AFTER GIVING PROPER NOTICE IN THE MANNER PROVIDED IN THE RULES OF THE COMMITTEE.

(E) (1) THE COMMITTEE SHALL DEVELOP AND DISSEMINATE BEST PRACTICES INFORMATION AND RECOMMENDATIONS REGARDING:

(I) THE TESTING AND RETENTION OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS;

(II) COORDINATION BETWEEN STATE AGENCIES, VICTIM SERVICES PROVIDERS, LOCAL LAW ENFORCEMENT, AND LOCAL SEXUAL ASSAULT RESPONSE TEAMS;

(III) PAYMENT FOR SEXUAL ASSAULT EVIDENCE COLLECTION KITS;

(IV) INCREASING THE AVAILABILITY OF SEXUAL ASSAULT EVIDENCE COLLECTION EXAMS FOR ALLEGED VICTIMS OF SEXUAL ASSAULT;

(V) REDUCING THE SHORTAGE OF FORENSIC NURSE EXAMINERS; AND

(VI) INCREASING THE AVAILABILITY OF INFORMATION TO SEXUAL ASSAULT VICTIMS REGARDING:

1. CRIMINAL PROSECUTIONS OF SEXUAL ASSAULT CRIMES;

2. CIVIL LAW REMEDIES AVAILABLE TO VICTIMS OF SEXUAL ASSAULT;

3. SEXUAL ASSAULT EVIDENCE COLLECTION KITS; AND

4. VICTIM RIGHTS.

(2) THE COMMITTEE MAY ADOPT RULES GOVERNING THE ADMINISTRATION AND PROCEEDINGS OF THE COMMITTEE.

**(F) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE COMMITTEE, SHALL ADOPT REGULATIONS BASED ON THE COMMITTEE’S RECOMMENDATIONS PROVIDING FOR THE COLLECTION, TESTING, AND RETENTION OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS IN THE STATE.**

**(G) (1) THE COMMITTEE SHALL EVALUATE STATE AND LOCAL FUNDING NEEDS TO DETERMINE WHETHER FUNDING ALLOCATIONS ARE SUFFICIENT AND APPROPRIATE TO IMPLEMENT THE BEST PRACTICES DEVELOPED BY THE COMMITTEE UNDER SUBSECTION (E) OF THIS SECTION AND THE REGULATIONS ADOPTED BY THE ATTORNEY GENERAL UNDER SUBSECTION (F) OF THIS SECTION.**

**(2) THE COMMITTEE’S EVALUATION UNDER THIS SUBSECTION SHALL INCLUDE CONSIDERATIONS OF WHETHER THE COSTS ASSOCIATED WITH HOSPITAL PERSONNEL TRAINING AND THE AVAILABILITY OF SEXUAL ASSAULT EXAMINATIONS MAY BE INCLUDED AS PART OF A HOSPITAL’S REQUIRED COMMUNITY BENEFIT.**

**(H) IN FISCAL YEAR 2018 AND IN EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO IMPLEMENT THIS SECTION, INCLUDING FUNDS TO:**

**(1) EMPLOY A FULL-TIME ASSISTANT ATTORNEY GENERAL TO:**

**(I) STAFF THE COMMITTEE; AND**

**(II) ASSIST WITH THE IMPLEMENTATION OF REGULATIONS ADOPTED UNDER THIS SECTION; AND**

**(2) OPERATE AND MAINTAIN AN OFFICE.**

**(I) ON OR BEFORE JANUARY 1 ANNUALLY, BEGINNING JANUARY 1, 2019, THE COMMITTEE SHALL REPORT ON THE COMMITTEE’S ACTIVITIES DURING THE PRIOR FISCAL YEAR TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Maryland Sexual Assault Evidence Kit Policy and Funding Committee shall expire as follows:

- (1) one member in 2020;
- (2) four members in 2021;
- (3) four members in 2022; and
- (4) four members in 2023.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 660

### (House Bill 267)

AN ACT concerning

#### **Program Open Space – Authorized Transfer to the Maryland Heritage Areas Authority Financing Fund – Increase**

FOR the purpose of increasing the maximum amount that may be transferred, in the State budget or through a certain budget amendment process, to the Maryland Heritage Areas Authority Financing Fund from certain funds that are distributed to Program Open Space; requiring that, if more than a certain amount of funding is transferred to the Maryland Heritage Areas Authority Fund in accordance with this Act, a certain amount of the funding be provided from the State's share of funds; and generally relating to an authorization to transfer certain funds distributed to Program Open Space to the Maryland Heritage Areas Authority Financing Fund.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–903(a)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Natural Resources**

5–903.

(a) (1) **(I) ~~OF~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,** ~~OF~~ the funds distributed to Program Open Space under § 13–209 of the Tax – Property Article, up to **[\$3,000,000] \$6,000,000** may be transferred by an appropriation in the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that subtitle.

**(II) IF THE AMOUNT TRANSFERRED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH EXCEEDS \$3,000,000, THE AMOUNT EXCEEDING \$3,000,000 SHALL BE PROVIDED FROM THE STATE'S SHARE OF FUNDS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 661

(Senate Bill 257)

AN ACT concerning

**Program Open Space – Authorized Transfer to the Maryland Heritage Areas Authority Financing Fund – Increase**

FOR the purpose of increasing the maximum amount that may be transferred, in the State budget or through a certain budget amendment process, to the Maryland Heritage Areas Authority Financing Fund from certain funds that are distributed to Program Open Space; requiring that, if more than a certain amount of funding is transferred to the Maryland Heritage Areas Authority Fund in accordance with this Act, a certain amount of the funding be provided from the State's share of funds; and generally relating to an authorization to transfer certain funds distributed to Program Open Space to the Maryland Heritage Areas Authority Financing Fund.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 5–903(a)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Natural Resources

5–903.

(a) (1) **(I) ~~Of~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,** ~~OF~~ the funds distributed to Program Open Space under § 13–209 of the Tax – Property Article, up to ~~[\$3,000,000]~~ **\$6,000,000** may be transferred by an appropriation in the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State

Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that subtitle.

**(II) IF THE AMOUNT TRANSFERRED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH EXCEEDS \$3,000,000, THE AMOUNT EXCEEDING \$3,000,000 SHALL BE PROVIDED FROM THE STATE'S SHARE OF FUNDS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 662

(Senate Bill 975)

AN ACT concerning

### **Real Property – Agricultural Land Preservation Easements – Separate Parcels**

FOR the purpose of establishing that, unless a certain deed expressly provides otherwise, the grant of a certain agricultural land preservation easement governing two or more separate parcels of land owned by the same grantor under separate deeds or two or more parcels separately identified and described in the same deed does not consolidate the parcels for any other purpose, under certain circumstances; establishing that a certain parcel of land subject to an agricultural land preservation easement may be conveyed separately to a certain ~~family member~~ *child of a certain grantor* ~~without the~~ *with certain* approval of the Maryland Agricultural Land Preservation Foundation, ~~regardless of the size of the parcel,~~ but shall remain subject to the easement *in perpetuity*; ~~requiring the owner of a certain parcel to notify the Foundation at least a certain number of days before conveying the parcel to a certain family member;~~ establishing that, notwithstanding any other provision of law, ~~a conveyance of a separate parcel to a certain family member under this Act is not a subdivision or off-conveyance;~~ ~~defining a certain term~~ *requiring the Foundation to apply certain acreage requirements for agricultural subdivision as a part of its review of a certain request for a certain agricultural subdivision and a certain corrective easement*; providing for the application of this Act; providing for the termination of this Act; and generally relating to agricultural land preservation easements.

BY adding to

Article – Agriculture

Section 2-513.2

Annotated Code of Maryland

*(2016 Replacement Volume)*

BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 2–118  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Agriculture**

**2–513.2.**

**AS A PART OF ITS REVIEW OF A REQUEST BY AN ORIGINAL GRANTOR OF AN EASEMENT FOR AN AGRICULTURAL SUBDIVISION OF LAND SUBJECT TO THE EASEMENT AND A CORRECTIVE EASEMENT OF LAND SUBJECT TO THE EASEMENT, THE FOUNDATION SHALL APPLY THE ACREAGE REQUIREMENTS FOR AGRICULTURAL SUBDIVISIONS THAT EXISTED AT THE TIME THE EASEMENT WAS PURCHASED.**

**Article – Real Property**

2–118.

(a) Any restriction prohibiting or limiting the use of water or land areas, or any improvement or appurtenance thereto, for any of the purposes listed in subsection (b) of this section whether drafted in the form of an easement, covenant, restriction, or condition, creates an incorporeal property interest in the water or land areas, or the improvement or appurtenance thereto, so restricted, which is enforceable in both law and equity in the same manner as an easement or servitude with respect to the water or land areas, or the improvement or appurtenance thereto, if the restriction is executed in compliance with the requirements of this article for the execution of deeds or the Estates and Trusts Article for the execution of wills.

(b) A restriction as provided in subsection (a) of this section may be for any of the following purposes:

(1) Construction, placement, preservation, maintenance in a particular condition, alteration, removal, or decoration of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

(2) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or other materials;

(3) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in a manner as to affect the surface or otherwise alter the topography of the area;

(4) Removal or destruction of trees, shrubs, or other vegetation;

(5) Surface use except for purposes of preserving the water or land areas, or the improvement or appurtenance thereto;

(6) Activities affecting drainage, flood control, water conservation, erosion control, soil conservation, or fish or wildlife habitat preservation;

(7) Preservation of exposure of solar energy devices; or

(8) Other acts or uses having any relation to the preservation of water or land areas or the improvement or appurtenance thereto.

(c) If the restriction is not granted for the benefit of any dominant tract of land, it is enforceable with respect to the servient land, both at law and in equity, as an easement in gross, and as such it is inheritable and assignable.

(d) A restriction provided for by this section may be extinguished or released, in whole or in part, in the same manner as other easements.

(e) If any grant, reservation, dedication, devise, or gift of any nature which clearly indicates the maker's intention to subject any interest or estate in property to public use for the preservation of agricultural, historic, or environmental qualities fails to specify a grantee, donee, legatee, or beneficiary to receive the same or specifies a grantee, donee, legatee, or beneficiary who is not legally capable of taking the interest or estate, it passes to the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust, or the Maryland Environmental Trust in any proceedings under §§ 14-301 and 14-302 of the Estates and Trusts Article.

**(F) (1) ~~IN THIS SECTION, "FAMILY MEMBER" MEANS A RELATIVE OF A GRANTOR BY BLOOD, ADOPTION, OR MARRIAGE.~~**

**~~(2)~~ THIS SUBSECTION APPLIES ONLY TO LAND THAT IS SUBJECT TO AN AGRICULTURAL LAND PRESERVATION EASEMENT GRANTED TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION ON OR BEFORE DECEMBER 31, 1999.**

**~~(2) (3) (2)~~ UNLESS THE DEED GRANTING THE EASEMENT EXPRESSLY PROVIDES OTHERWISE, THE GRANT OF AN AGRICULTURAL LAND PRESERVATION EASEMENT GOVERNING TWO OR MORE SEPARATE PARCELS OF LAND OWNED BY THE SAME GRANTOR UNDER SEPARATE DEEDS OR TWO OR MORE PARCELS SEPARATELY IDENTIFIED AND DESCRIBED IN THE SAME DEED DOES NOT CONSOLIDATE THE**

PARCELS FOR ANY OTHER PURPOSE, IF THE PARCELS ARE DESCRIBED SEPARATELY IN THE DEED GRANTING THE EASEMENT.

~~(3) (4) (3)~~ NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ~~A ONE~~ ONE ~~OF THE PARCEL~~ PARCELS OF LAND DESCRIBED UNDER PARAGRAPH ~~(2) (3) (2)~~ OF THIS SUBSECTION:

(I) ~~MAY BE CONVEYED SEPARATELY TO A FAMILY MEMBER CHILD OF THE ORIGINAL GRANTOR WITHOUT WITH~~ THE APPROVAL OF THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, ~~REGARDLESS OF THE SIZE OF THE PARCEL IN ACCORDANCE WITH § 2-513.2 OF THE AGRICULTURE ARTICLE AND THE CRITERIA, ELIGIBILITY REQUIREMENTS, AND PROCEDURE FOR AN AGRICULTURAL SUBDIVISION AND CORRECTIVE EASEMENT ESTABLISHED BY REGULATION BY THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;~~ BUT

(II) SHALL REMAIN SUBJECT TO THE AGRICULTURAL LAND PRESERVATION EASEMENT IN PERPETUITY.

~~(4) (5) THE OWNER OF A SEPARATE PARCEL OF LAND SUBJECT TO AN AGRICULTURAL LAND PRESERVATION EASEMENT SHALL NOTIFY THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION AT LEAST 60 DAYS BEFORE CONVEYING THE PARCEL TO A FAMILY MEMBER.~~

~~(5) (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVEYANCE OF A SEPARATE PARCEL TO A FAMILY MEMBER UNDER THIS SUBSECTION IS NOT A SUBDIVISION OR OFF CONVEYANCE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any agricultural land preservation easement granted to the Maryland Agricultural Land Preservation Foundation before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 25, 2017.

AN ACT concerning

**Estates and Trusts – Vehicle Transfers – Excise Tax and Fee Exemption**

FOR the purpose of providing that the motor vehicle excise tax and certificate of title fee may not be imposed for the issuance of a certificate of title for certain vehicles transferred, under certain circumstances, to a trust or from a trust to certain beneficiaries; altering a certain definition; defining a certain term; and generally relating to an exemption from the motor vehicle excise tax and certificate of title fee.

BY repealing and reenacting, without amendments,  
Article – Estates and Trusts  
Section 14.5–103(a), (d), (t), and (v)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 14.5–1001  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Transportation  
Section 13–802(c) and 13–810(a)(26)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 13–810(a)(24) and (25)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Estates and Trusts**

14.5–103.

- (a) In this title the following words have the meanings indicated.
- (d) “Beneficiary” means a person that:

(1) Has a present or future beneficial interest in a trust, vested or contingent; or

(2) In a capacity other than that of a trustee, holds a power of appointment over trust property.

(t) (1) “Qualified beneficiary” means a beneficiary that on the date the qualification of the beneficiary is determined:

(i) Is a distributee or permissible distributee of trust income or principal;

(ii) Would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in item (i) of this paragraph terminated on that date without causing the trust to terminate; or

(iii) Would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date and no power of appointment was exercised.

(2) “Qualified beneficiary” does not include an appointee under the will of a living person or the object of an unexercised inter vivos power of appointment.

(v) (1) “Settlor” means a person, including a testator, that creates or contributes property to a trust.

(2) “Settlor” includes a person that, with other settlors, creates or contributes property to a trust in which case each such person is a settlor of the portion of the trust property attributable to the contribution of that person except to the extent another person has the power to revoke or withdraw that portion.

14.5–1001.

(a) (1) In this section the following words have the meanings indicated.

(2) “Consideration” does not include the amount of any obligation under a mortgage, [or] deed of trust, **OR OTHER WRITING** encumbering the transferred property.

(3) “Trust” does not include:

(i) A real estate investment trust as defined in § 8–101 of the Corporations and Associations Article; or

(ii) A statutory trust as defined in § 12–101 of the Corporations and Associations Article.

**(4) “VEHICLE” INCLUDES:**

**(I) A MOTOR VEHICLE, A TRAILER, A SEMITRAILER, A MOPED, A MOTOR SCOOTER, OR AN OFF-HIGHWAY RECREATIONAL VEHICLE FOR WHICH SALES AND USE TAX IS NOT COLLECTED AT THE TIME OF PURCHASE; OR**

**(II) A MOTOR VEHICLE, TRAILER, OR SEMITRAILER THAT IS IN INTERSTATE OPERATION AND REGISTERED UNDER § 13-109(C) OR (D) OF THE TRANSPORTATION ARTICLE WITHOUT A CERTIFICATE OF TITLE.**

(b) A recordation tax, transfer tax, or any other State or local excise tax may not be imposed on the transfer of real property or an interest in real property without consideration or on the recordation of an instrument that transfers real property or an interest in real property without consideration if:

(1) The transfer is to a trust; or

(2) The transfer is from a trust to one or more beneficiaries and:

(i) The transfer is made to a person that would be exempt from tax under Title 12 or Title 13 of the Tax – Property Article if the transfer had been made to that person directly by the grantor; or

(ii) The transfer is made during the life of the grantor of the trust and the trustee of the trust originally acquired the real property for adequate consideration.

**(C) AN EXCISE TAX OR A CERTIFICATE OF TITLE FEE IMPOSED UNDER TITLE 13, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE MAY NOT BE IMPOSED ON THE ISSUANCE OF AN ORIGINAL OR SUBSEQUENT CERTIFICATE OF TITLE ISSUED FOR A VEHICLE THAT IS TRANSFERRED WITHOUT CONSIDERATION IF:**

**(1) THE TRANSFER IS TO A TRUST AND THE TRANSFER WOULD BE EXEMPT FROM THE EXCISE TAX UNDER § 13-810 OF THE TRANSPORTATION ARTICLE IF THE TRANSFEROR TRANSFERRED THE VEHICLE DIRECTLY TO ONE OR MORE OF THE BENEFICIARIES; OR**

**(2) THE TRANSFER IS FROM A TRUST TO ONE OR MORE BENEFICIARIES OF THE TRUST AND:**

**(I) THE TRANSFER IS MADE TO A PERSON THAT WOULD BE EXEMPT FROM THE EXCISE TAX UNDER § 13-810 OF THE TRANSPORTATION ARTICLE IF THE TRANSFER HAD BEEN MADE TO THAT PERSON DIRECTLY BY THE TRANSFEROR OF THE VEHICLE TO THE TRUST; OR**

**(II) THE TRANSFER IS MADE DURING THE LIFE OF THE SETTLOR OF THE TRUST AND THE TRUSTEE OF THE TRUST ORIGINALLY ACQUIRED THE VEHICLE FOR ADEQUATE CONSIDERATION.**

**Article – Transportation**

13–802.

**(C) THE ADMINISTRATION MAY NOT CHARGE A FEE FOR A CERTIFICATE OF TITLE ISSUED FOR A VEHICLE THAT IS TRANSFERRED TO A TRUST OR FROM A TRUST TO ONE OR MORE BENEFICIARIES IN ACCORDANCE WITH § 14.5–1001 OF THE ESTATES AND TRUSTS ARTICLE.**

13–810.

(a) On issuance in this State of an original or subsequent certificate of title for a vehicle, the vehicle is exempt from the excise tax imposed by this part, if it is:

(24) A vehicle acquired by a religious, charitable, or volunteer organization exempt from taxation under § 501(c) of the Internal Revenue Code, the Department of Human Resources, or a local department of social services for the purpose of transferring the vehicle to a Family Investment Program recipient or an individual certified by the Department of Human Resources or a local department of social services as eligible for the transfer; [or]

(25) A rental vehicle; OR

**(26) A VEHICLE THAT IS TRANSFERRED TO A TRUST OR FROM A TRUST TO ONE OR MORE BENEFICIARIES IN ACCORDANCE WITH § 14.5–1001 OF THE ESTATES AND TRUSTS ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 664****(Senate Bill 559)**

AN ACT concerning

**Baltimore County – Alcoholic Beverages – Issuance of Licenses Near Places of Worship**

FOR the purpose of authorizing the Baltimore County Board of License Commissioners to ~~issue or~~ transfer, convert, and issue a certain license for an establishment that is at

least a certain number of feet away from a place of worship under certain circumstances and subject to certain restrictions and qualifications; making a certain exception to a prohibition against issuing a license for an establishment that is within 300 feet of a place of worship or school; and generally relating to alcoholic beverages in Baltimore County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 13–102  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 13–1601  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 13–1710  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Alcoholic Beverages**

13–102.

This title applies only in Baltimore County.

13–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship or school.

(2) The distance from the establishment to the place of worship or school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the renewal or transfer of a license of an establishment if, after issuance of the license, a place of worship or school was built within 300 feet of the establishment;

- (2) the issuance of a temporary license;
- (3) a transfer that moves the licensed premises within the same building;
- (4) a transfer of ownership of the licensed premises; [or]

(5) the renewal of a Class B beer, wine, and liquor (on-sale) license or a 7-day Class BDR (deluxe restaurant) (on-sale) beer, wine, and liquor license, if the licensed premises has a seating capacity of more than 50 individuals and is within a town center;  
OR

~~(6) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE ISSUANCE, RENEWAL, OR TRANSFER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) SERVICE BAR LICENSE, IF THE LICENSED PREMISES IS:~~

~~(I) LOCATED WITHIN A COUNTY REVITALIZATION DISTRICT;~~

~~(II) ZONED BL-CCC AND IN COMPLIANCE WITH ANY APPLICABLE ZONING ORDINANCE;~~

~~(III) USED FOR ON-PREMISES CONSUMPTION OF BEER, WINE, AND LIQUOR ONLY AS PART OF THE OPERATION OF A RESTAURANT AS DEFINED IN THE RULES OF THE BOARD;~~

~~(IV) LOCATED IN THE ELECTION DISTRICT FOR WHICH THE LICENSE WAS ISSUED; AND~~

~~(V) LOCATED AT LEAST 100 FEET FROM A PLACE OF WORSHIP.~~

~~(C) (1) A LICENSE MAY NOT BE ISSUED FOR:~~

~~(I) A LOCATION THAT HAS BEEN LICENSED UNDER ANY CLASS OF ON-SALE LICENSE WITHIN 2 YEARS PRECEDING THE DATE OF APPLICATION FOR THE LICENSE; OR~~

~~(II) A RESTAURANT THAT ALLOWS SERVICE OF PURCHASED FOOD TO A CUSTOMER WHO IS NOT SEATED AT A TABLE.~~

~~(2) A LICENSE MAY NOT BE CONVERTED TO ANY OTHER CLASS OF LICENSE.~~

~~(D) THE QUALIFICATIONS FOR A LICENSE HOLDER, THE LICENSE FEES, AND THE HOURS AND DAYS OF SALE FOR A LICENSE EXEMPTED UNDER SUBSECTION (B)(6) OF THIS SECTION ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE, AND~~

~~LIQUOR (ON SALE) HOTEL AND RESTAURANT LICENSE~~ THE TRANSFER, CONVERSION, AND ISSUANCE OF A LICENSE UNDER § 13-1710 OF THIS TITLE.

13-1710.

(A) (1) IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER TO AN ESTABLISHMENT SPECIFIED IN SUBSECTION (C) OF THIS SECTION OF A CLASS B BEER, WINE, AND LIQUOR LICENSE OR A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT:

(I) WAS ISSUED ON OR BEFORE DECEMBER 31, 2016;

(II) WAS IN EXISTENCE IN THE SAME ELECTION DISTRICT OF THE COUNTY AS THE PROPOSED LICENSED PREMISES ON DECEMBER 31, 2016; AND

(III) IS VALID ON THE DATE OF TRANSFER.

(2) TO BE TRANSFERRED UNDER THIS SECTION, A LICENSE MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY STATUTE OR REGULATION.

(3) ON THE DATE OF TRANSFER, A LICENSE SHALL BE CONVERTED INTO A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) SERVICE BAR COMMERCIAL REVITALIZATION DISTRICT LICENSE (B-SB-CRD LICENSE).

(B) THE QUALIFICATIONS FOR A LICENSE HOLDER, THE FEE, AND THE HOURS AND DAYS OF SALE FOR A SERVICE BAR LICENSE ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

(C) (1) A B-SB-CRD LICENSE MAY BE ISSUED ONLY FOR A PREMISES THAT IS:

(I) IN A FREE-STANDING BUILDING WITH ITS OWN PARKING LOT;

(II) ZONED BL-CCC AND IN COMPLIANCE WITH ANY APPLICABLE ZONING ORDINANCE; AND

(III) AT LEAST 100 FEET FROM A PLACE OF WORSHIP.

(2) A B-SB-CRD LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD.

**(3) THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS OFFERED FOR SALE.**

**(4) THE B-SB-CRD LICENSE SHALL BE USED TO ALLOW THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES TO PATRONS ONLY AS PART OF A MEAL AT A DINING TABLE.**

**(5) THE LICENSED PREMISES MAY NOT HAVE A SEPARATE BAR AREA FOR SERVICE OF ALCOHOLIC BEVERAGES.**

**(6) THE B-SB-CRD LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION.**

**(D) A B-SB-CRD BAR LICENSE ISSUED UNDER THIS SECTION MAY NOT BE CONVERTED INTO ANY OTHER CLASS OF LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 665

(House Bill 287)

AN ACT concerning

### Hunger-Free Schools Act of 2017

FOR the purpose of altering a certain definition for certain fiscal years to determine the number of students used to calculate a certain grant for schools that participate in a certain federal program; ~~requiring the superintendent of each local school system to report certain information to the General Assembly on or before a certain date;~~ and generally relating to the compensatory education grant for primary and secondary education.

BY repealing and reenacting, with amendments,

Article – Education

Section 5-207(a)(3)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

5–207.

(a) (3) (i) Except as provided in subparagraph (ii) of this paragraph, “compensatory education enrollment count” means the number of students eligible for free or reduced price meals for the prior fiscal year.

(ii) For fiscal years 2017 [and 2018] **THROUGH 2022**, “compensatory education enrollment count” means:

1. The number of students eligible for free or reduced price meals for the prior fiscal year; or

2. For county boards that participate, in whole or in part, in the United States Department of Agriculture community eligibility provision, the number of students equal to the greater of:

A. The sum of the number of students in participating schools identified by direct certification for the prior fiscal year, plus the number of students identified by the income information provided by the family to the school system on an alternative form developed by the Department for the prior fiscal year, plus the number of students eligible for free and reduced price meals from any schools not participating in the community eligibility provision for the prior fiscal year; or

B. Subject to subparagraph (iii) of this paragraph, the number of students eligible for free and reduced price meals at schools not participating in the community eligibility provision for the prior fiscal year, plus the product of the percentage of students eligible for free and reduced price meals at participating schools for the fiscal year prior to opting into the community eligibility provision multiplied by the prior fiscal year enrollment.

(iii) For the purpose of the calculation under subparagraph (ii)2B of this paragraph, the schools participating in the community eligibility provision during the pilot year may use the percentage of students identified for free and reduced price meals during the pilot year.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 1, 2017, the superintendent of each local school system shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article:~~

~~(1) for each school in the local school system:~~

~~(i) the total enrollment;~~

~~(ii) the enrollment by free and reduced-price meals status;~~

~~(iii) the identified student percentage that would be used to determine eligibility to participate in the United States Department of Agriculture community eligibility provision; and~~

~~(iv) whether each school is currently participating in the Maryland Meals for Achievement program and the amount of State funds provided under the program in the most recently completed fiscal year;~~

~~(2) for each school system that is not participating in the community eligibility provision in whole or in part:~~

~~(i) a summary of all meetings and public events held to discuss and gather feedback regarding whether the school system, in whole or in part, should elect to participate in the community eligibility provision;~~

~~(ii) a detailed financial analysis of participating, in whole or in part, in the community eligibility provision;~~

~~(iii) identified barriers to participating, in whole or in part, in the community eligibility provision, including, if applicable, the cost of overcoming the barrier; and~~

~~(iv) whether the principal or other appropriate administrator in a school that is eligible to participate in the community eligibility provision recommends that their school participate, including:~~

~~1. the anticipated impact on students, families, and school staff of students having access to free breakfast and lunch under the community eligibility provision; and~~

~~2. if student attendance, tardiness, engagement, test scores, or behavior problems are a concern in the school, the extent of that problem, identified causes, and how participating in the community eligibility provision might influence these concerns; and~~

~~(3) for each school system that is participating in the community eligibility provision in whole or in part:~~

~~(i) for each participating school, a detailed accounting of federal reimbursement received for meals for the fiscal years in which the school participated and cost of providing the meals; and~~

~~(ii) for each participating school, based on information provided by the principal or other appropriate administrator;~~

- ~~1. the positive and negative impacts of participating;~~
- ~~2. the impact on students, families, and school staff of students having access to free breakfast and lunch under the community eligibility provision; and~~
- ~~3. whether, since participating in the community eligibility provision, there has been a change in student attendance, tardiness, engagement, test scores, or behavior, including data to show the change.~~

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 666

(House Bill 81)

AN ACT concerning

### **Estates and Trusts – Conditions of Disability and Incapacity – Confinement**

FOR the purpose of repealing a certain condition of disability for purposes of guardianship proceedings to protect a disabled individual's property; repealing a certain condition of incapacity as defined under the Maryland Trust Act; and generally relating to conditions of disability and incapacity under the estates and trusts law.

BY repealing and reenacting, without amendments,  
 Article – Estates and Trusts  
 Section 13–201(a) and 14.5–103(a)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Estates and Trusts  
 Section 13–201(c) and 14.5–103(l)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – Estates and Trusts**

13–201.

(a) Upon petition, and after any notice or hearing prescribed by law or the Maryland Rules, the court may appoint a guardian of the property of a minor or a disabled person.

(c) A guardian shall be appointed if the court determines that:

(1) The person is unable to manage his property and affairs effectively because of physical or mental disability, disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, [confinement,] detention by a foreign power, or disappearance; and

(2) The person has or may be entitled to property or benefits which require proper management.

14.5–103.

(a) In this title the following words have the meanings indicated.

(1) “Incapacity” means the inability of an individual to manage the individual’s property or financial affairs effectively due to:

(1) Physical or mental disability;

(2) Disease or illness;

(3) Habitual drunkenness;

(4) Drug addiction;

(5) Imprisonment;

(6) Compulsory hospitalization;

(7) [Confinement;

(8)] Detention by a foreign power; or

[(9)] (8) Disappearance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

**Chapter 667****(House Bill 188)**

AN ACT concerning

**Public Health – Advance Directives – Witness Requirements, Advance Directives Services, and Fund**

FOR the purpose of ~~altering the circumstances under which a witness's subscription is not required for an electronic advance directive; requiring the Maryland Health Care Commission to adopt regulations specifying the manner in which~~ clarifying that certain guidelines, in accordance with which a declarant's identity may be established authenticated without a witness's subscription apply as periodically updated providing that a witness is not required for an electronic advance directive if the declarant's identity has been authenticated in accordance with certain replacement guidelines under certain circumstances; ~~requiring the Department of Health and Mental Hygiene to issue a request for proposals from electronic advance directives services for a certain purpose; clarifying that the Department of Health and Mental Hygiene may contract with multiple electronic advance directives services; repealing the requirement that a certain electronic advance directives service be approved by the Department;~~ requiring an electronic advance directives service to use certain guidelines to authenticate a declarant's identity for an electronic advance directive that is not witnessed; requiring the Maryland Health Care Commission and the Department to approve only electronic advance directives services that use certain guidelines to authenticate a declarant's identity for an electronic advance directive that is not witnessed; requiring an individual to submit an electronic advance directive that is not witnessed to an electronic advance directives service recognized by the Commission; ~~repealing a certain provision of law requiring the Department to review an advance directive and verify that the advance directive includes certain items before accepting the advance directive into an electronic advance directives service; establishing the Advance Directive Program Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State;~~ requiring, on or before a certain date each year, the Department to report to the Governor and certain committees of the General Assembly on the Advance Directive Program; ~~repealing certain provisions of law relating to the establishment, operation, and duties of the State Board of Spinal Cord Injury Research; repealing certain provisions of law establishing the Spinal Cord Injury Research Trust Fund; repealing certain provisions of law authorizing the Secretary of Health and Mental Hygiene to take certain actions relating to grants made from money in the Spinal Cord Injury Research Trust Fund; requiring a certain amount of a certain tax on~~

certain health insurers to be distributed annually to the Advance Directive Program Fund instead of to the Spinal Cord Injury Research Trust Fund; transferring money remaining in the Spinal Cord Injury Research Trust Fund to the Advance Directive Program Fund; defining a certain term; altering a certain definition; repealing certain definitions; and generally relating to advance directives, advance directives services, and the Advance Directive Program Fund.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 5–601(a) and 5–620  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 5–601(b), 5–602(c), ~~and 5–622(a)(1)~~ 5–622(a), and 5–623(c)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing  
Article – Health – General  
Section 5–624; and 13–1401 through 13–1407 and the subtitle “Subtitle 14. State Board of Spinal Cord Injury Research”  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Health – General  
Section 5–626 ~~and 5–627~~  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 6–103.1  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(i)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)94. and 95.

Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)96.

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Health – General

5–601.

(a) In this subtitle the following words have the meanings indicated.

(b) “Advance directive” means:

(1) A witnessed written or electronic document, voluntarily executed by the declarant in accordance with the requirements of this subtitle; [or]

(2) A witnessed oral statement, made by the declarant in accordance with the provisions of this subtitle; **OR**

**(3) AN ELECTRONIC DOCUMENT, VOLUNTARILY EXECUTED BY THE DECLARANT, IN WHICH THE DECLARANT’S IDENTITY IS ~~ESTABLISHED AUTHENTICATED~~ IN ACCORDANCE WITH ~~REGULATIONS ADOPTED UNDER § 5–602(C)(3)(H) OF THIS SUBTITLE~~ THE GUIDELINES DESCRIBED IN § 5–602(C)(3) OF THIS SUBTITLE.**

5–602.

(c) (1) **[A] EXCEPT AS PROVIDED FOR IN PARAGRAPH (3) OF THIS SUBSECTION,** A written or electronic advance directive shall be dated, signed by or at the express direction of the declarant, and subscribed by two witnesses.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, any competent individual may serve as a witness to an advance directive, including an employee of a health care facility, nurse practitioner, physician assistant, or physician caring for the declarant if acting in good faith.

(ii) The health care agent of the declarant may not serve as a witness.

(iii) At least one of the witnesses must be an individual who is not knowingly entitled to any portion of the estate of the declarant or knowingly entitled to any financial benefit by reason of the death of the declarant.

(3) ~~(H)~~ A witness is not required for an electronic advance directive if the declarant's identity has been ~~established~~ **AUTHENTICATED** in accordance with ~~the~~ National Institute of Standards and Technology Special Publication 800–63–2: Electronic Authentication Guideline] ~~REGULATIONS ADOPTED BY THE MARYLAND HEALTH CARE COMMISSION UNDER SUBPARAGRAPH (H) OF THIS PARAGRAPH, AS PERIODICALLY UPDATED OR, IF REPLACED, THE REPLACEMENT GUIDELINE.~~

~~(H) THE MARYLAND HEALTH CARE COMMISSION SHALL ADOPT REGULATIONS SPECIFYING THE MANNER IN WHICH THE DECLARANT'S IDENTITY MAY BE ESTABLISHED WITHOUT A WITNESS'S SUBSCRIPTION.~~

(4) The State–designated health information exchange may accept as valid an unwitnessed electronic advance directive in the form of a video record or file to state the declarant's wishes regarding health care for the declarant or to appoint an agent if the video record or file:

(i) Is dated; and

(ii) Is stored in an electronic file by an electronic advance directives service recognized by the Maryland Health Care Commission.

5–620.

There is an Advance Directive Program in the Department.

5–622.

(a) (1) To facilitate the use of cloud–based technology for electronic advance directives, the Department shall **ISSUE A REQUEST FOR PROPOSALS FROM AND** contract with an electronic advance directives service **OR MULTIPLE ELECTRONIC ADVANCE DIRECTIVES SERVICES** to connect with health care providers at the point of care through the State–designated health information exchange.

(2) [The] AN electronic advance directives service shall:

(i) Be approved by the Maryland Health Care Commission ~~and the Department;~~ [and]

(ii) Meet the technology, security, and privacy standards set by the Maryland Health Care Commission; AND

(iii) USE THE GUIDELINES DESCRIBED IN § 5-602(C)(3) OF THIS SUBTITLE TO AUTHENTICATE A DECLARANT'S IDENTITY FOR AN ELECTRONIC ADVANCE DIRECTIVE THAT IS NOT WITNESSED.

(3) THE MARYLAND HEALTH CARE COMMISSION ~~AND THE DEPARTMENT~~ MAY APPROVE ONLY ADVANCE DIRECTIVES SERVICES THAT USE THE GUIDELINES DESCRIBED IN § 5-602(C)(3) OF THIS SUBTITLE TO AUTHENTICATE A DECLARANT'S IDENTITY FOR AN ELECTRONIC ADVANCE DIRECTIVE THAT IS NOT WITNESSED.

5-623.

(c) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN individual is not required to submit an advance directive to an electronic advance directives service recognized by the Maryland Health Care Commission.

(2) AN INDIVIDUAL SHALL SUBMIT AN ELECTRONIC ADVANCE DIRECTIVE THAT IS NOT WITNESSED TO AN ELECTRONIC ADVANCE DIRECTIVES SERVICE THAT IS RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

[5-624.

Before accepting an advance directive into an electronic advance directives service recognized by the Maryland Health Care Commission, the Department shall review and verify that the advance directive includes:

(1) The signature of the declarant;

(2) The date on which the advance directive was signed by the declarant;

and

(3) The signature of two witnesses as provided in § 5-602(c) of this subtitle.]

**5-626.**

**(A) IN THIS SECTION, "FUND" MEANS THE ADVANCE DIRECTIVE PROGRAM FUND.**

**(B) THERE IS AN ADVANCE DIRECTIVE PROGRAM FUND.**

**(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO CARRY OUT THE PURPOSES OF THE ADVANCE DIRECTIVE PROGRAM ESTABLISHED UNDER § 5-620 OF THIS SUBTITLE.**

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) MONEY TRANSFERRED TO THE FUND UNDER § 6-103.1 OF THE INSURANCE ARTICLE;

(2) INTEREST EARNED UNDER SUBSECTION (H) OF THIS SECTION;  
AND

(3) ANY OTHER MONEY RECEIVED FROM ANY OTHER LAWFUL SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) MONEY IN THE FUND MAY BE USED ONLY TO CARRY OUT THE PURPOSES OF THE ADVANCE DIRECTIVE PROGRAM ESTABLISHED UNDER § 5-620 OF THIS SUBTITLE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

~~5-627.~~

~~ON OR BEFORE JANUARY 15 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE SENATE FINANCE COMMITTEE ON THE PROGRAM, INCLUDING, FOR THE PRIOR CALENDAR YEAR, THE COSTS TO ESTABLISH AND MAINTAIN THE PROGRAM AND THE FEES CHARGED TO REGISTRANTS UNDER THE PROGRAM.~~

[Subtitle 14. State Board of Spinal Cord Injury Research.]

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the State Board of Spinal Cord Injury Research.
- (c) “Fund” means the Spinal Cord Injury Research Trust Fund.]

[13–1402.

There is a State Board of Spinal Cord Injury Research in the Department.]

[13–1403.

- (a) (1) The Board consists of 11 members.
- (2) Of the 11 members of the Board:
  - (i) One shall be a member of the Maryland House of Delegates appointed by the Speaker of the House;
  - (ii) One shall be a member of the Senate of Maryland appointed by the President of the Senate;
  - (iii) Four shall be individuals with knowledge and expertise concerning spinal cord injuries appointed by the Governor from separate lists submitted to the Governor by the University of Maryland School of Medicine and the Johns Hopkins School of Medicine, with:
    - 1. Two individuals from the University of Maryland School of Medicine; and
    - 2. Two individuals from the Johns Hopkins School of Medicine;
  - (iv) Two shall be nurses with knowledge and expertise concerning spinal cord injuries appointed by the Governor from separate lists submitted to the Governor by the University of Maryland School of Nursing and the Johns Hopkins School of Nursing, with:
    - 1. One nurse from the University of Maryland School of Nursing; and
    - 2. One nurse from the Johns Hopkins School of Nursing;
  - (v) Two members, appointed by the Governor from a list submitted by the Department of Disabilities, shall be individuals who have a spinal cord injury or who have a family member with a spinal cord injury; and

(vi) One member, appointed by the Governor, shall be an individual from the general public with knowledge and expertise concerning spinal cord injuries.

(b) (1) Subject to paragraph (2) of this subsection, the term of a member is 4 years.

(2) The Governor shall stagger the terms of the initial members.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(5) A member who serves 2 consecutive 4-year terms may not be reappointed until 4 years after completion of those terms.

(6) (i) If a vacancy occurs, the Governor promptly shall appoint a successor who will serve until the term expires.

(ii) The successor may be reappointed for a full term.]

[13–1404.

(a) The Governor shall appoint the chairman of the Board.

(b) A majority of the authorized membership of the Board is a quorum.

(c) At the times and places that it determines, the Board:

(1) Shall meet at least twice a year; and

(2) Subject to the call by the chairman or by request of a majority of the members of the Board, may meet more frequently as deemed necessary.

(d) A member of the Board:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.]

[13–1405.

(a) The Board shall:

(1) Develop criteria, subject to the approval of the Secretary, for the award of grants for the purpose specified in § 13–1406(c) of this subtitle;

(2) Subject to § 13–1407 of this subtitle, administer:

(i) A grants program for the purpose specified in § 13–1406(c)(1) of this subtitle; and

(ii) The Fund;

(3) Make recommendations to the Secretary for approval of applications for grants from the Fund; and

(4) On or before January 1 of each year beginning in 2002, submit a report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly concerning:

(i) The activities of the Board in administering the grant program specified in this subtitle, including the status of money in the Fund;

(ii) The status of spinal cord injury neurological research projects that are funded by grants issued by the Board; and

(iii) Any other matter determined by the Board.

(b) A member of the Board who is a member of the General Assembly may not vote on matters before the Board relating to the exercise of the sovereign powers of the State.]

[13–1406.

(a) There is a Spinal Cord Injury Research Trust Fund.

(b) The Fund shall consist of money transferred to the Fund under § 6–103.1 of the Insurance Article or received from any other lawful source.

(c) (1) Money in the Fund shall be used to:

(i) Make grants for spinal cord injury research that is focused on basic, preclinical, and clinical research for developing new therapies to restore neurological function in individuals with spinal cord injuries; and

(ii) Administer the Advance Directive Program established under § 5–620 of this article.

(2) For the purpose specified in paragraph (1) of this subsection, a grant may include an award to or for:

- (i) A public or private entity;
- (ii) A university researcher;
- (iii) A research institution;
- (iv) Private industry;
- (v) A clinical trial;
- (vi) A supplement to an existing charitable or private industry grant;
- (vii) A matching fund;
- (viii) A fellowship in spinal cord injury research;
- (ix) A research meeting concerning spinal cord injury research; or
- (x) Any other recipient or purpose which the Board determines is consistent with the purpose specified in paragraph (1) of this subsection.

(d) (1) The Fund is a continuing, nonlapsing fund, not subject to § 7–302 of the State Finance and Procurement Article.

(2) (i) The Fund shall be used exclusively to offset the actual documented direct costs of fulfilling the statutory and regulatory duties of the Board under this subtitle.

(ii) The Department shall pay the indirect costs the Board incurs in fulfilling the statutory and regulatory duties of the Board under this subtitle.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purpose specified in subsection (c) of this section.

(e) The chairman of the Board or the designee of the chairman shall administer the Fund.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.]

[13–1407.

The Secretary:

- (1) May:

(i) Approve an application for a grant for the purpose specified in § 13–1406(c) of this subtitle, if the Board has recommended approval of that application; and

(ii) On recommendation by the Board, adopt any regulation necessary to carry out this subtitle; and

(2) Shall:

(i) Ensure that recipients of grant funds under this subtitle use the funds for the purposes authorized by this subtitle; and

(ii) Designate the staff necessary to assist the Board in carrying out its functions under this subtitle.]

### Article – Insurance

6–103.1.

Notwithstanding § 2–114 of this article, beginning [January 15, 2006] **JULY 1, 2017**, from the tax imposed on the health insurers under this subtitle, \$500,000 shall be distributed annually to the [Spinal Cord Injury Research Trust] **ADVANCE DIRECTIVE PROGRAM** Fund created under [§ 13–1406] **§ 5–626** of the Health – General Article.

### Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

94. the Community Program Fund; [and]

95. the Maryland Corps Program Fund; AND

**96. THE ADVANCE DIRECTIVE PROGRAM FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That all money remaining in the Spinal Cord Injury Research Trust Fund shall be transferred to the Advance Directive Program Fund on July 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 15, 2018, the Department of Health and Mental Hygiene shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the House Appropriations Committee, the House Health and Government Operations Committee, the Senate Budget and Taxation Committee, and the Senate Finance Committee on the Advance Directive Program, including the costs to establish and maintain the Program and the fees charged to registrants under the Program.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 668

(House Bill 518)

AN ACT concerning

### Public Health – Prenatal ~~Infectious Disease~~ HIV Testing

FOR the purpose of ~~establishing the Prenatal Infectious Disease Testing Advisory Group in the Department of Health and Mental Hygiene; providing for the membership of the Advisory Group; specifying the terms of the initial members of the Advisory Group; providing for the appointment of the chair of the Advisory Group; providing that a majority of the members serving on the Advisory Group is a quorum; requiring the Advisory Group to determine the times and places of its meetings; prohibiting a member of the Advisory Group from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Advisory Group to make certain recommendations to the Department; requiring the Department of Health and Mental Hygiene, in consultation with stakeholders, to adopt certain regulations; requiring a certain health care provider to follow certain requirements for infectious disease prenatal HIV testing; requiring the Advisory Group Department to provide certain recommendations requirements to certain hospitals and certain organizations; repealing certain provisions of law that require certain health care providers to obtain certain consent, conduct certain tests and treatment, provide a certain referral, and provide certain counseling; repealing a certain provision of law relating to the liability of, and disciplinary action against, certain health care providers under certain circumstances; providing that certain health care providers may not be subject to certain disciplinary action for following certain requirements; defining a certain term;~~ altering a certain definition; making a stylistic change;

making certain provisions of this Act subject to a certain contingency; and generally relating to prenatal ~~infectious disease~~ HIV testing and the Prenatal Infectious Disease Testing Advisory Group.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 18–338.2  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 18–338.2  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)  
 (As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Health – General

18–338.2.

(a) (1) In this section the following words have the meanings indicated.

~~(2) “ADVISORY GROUP” MEANS THE PRENATAL INFECTIOUS DISEASE TESTING ADVISORY GROUP.~~

~~(2)~~ (3) “Health care facility” means a facility or office where health or medical care is provided to patients by a health care provider, including:

- (i) A hospital as defined in § 19–301 of this article;
- (ii) A facility operated by the Department or a health officer; and
- (iii) The office of a health care provider.

~~(3)~~ (4) “Health care provider” means a physician, nurse, LICENSED DIRECT-ENTRY MIDWIFE, or designee of a health care facility.

~~(4)~~ (5) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome (AIDS).

~~(5)~~ (6) “Prenatal care” means obstetric and gynecologic ~~service~~ SERVICES performed as part of a prenatal care program, including:

- (i) Screening;
  - (ii) Physical examination;
  - (iii) Laboratory and diagnostic testing procedures and interpretation;
- and
- (iv) Counseling.

~~(B) (1) THERE IS A PRENATAL INFECTIOUS DISEASE TESTING ADVISORY GROUP IN THE DEPARTMENT.~~

~~(2) THE ADVISORY GROUP CONSISTS OF THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:~~

~~(I) ONE OBSTETRICIAN GYNECOLOGIST, RECOMMENDED BY MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY;~~

~~(II) ONE PEDIATRICIAN, RECOMMENDED BY MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY;~~

~~(III) ONE NURSE MIDWIFE, RECOMMENDED BY THE STATE BOARD OF NURSING;~~

~~(IV) ONE NURSE WITH EXPERIENCE IN OBSTETRICS, RECOMMENDED BY THE STATE BOARD OF NURSING;~~

~~(V) ONE REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT;~~

~~AND~~

~~(VI) ONE REPRESENTATIVE OF THE DEPARTMENT.~~

~~(3) (I) THE TERM OF A MEMBER IS 4 YEARS.~~

~~(II) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY GROUP ON OCTOBER 1, 2017.~~

~~(III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(4) FROM AMONG THE MEMBERS OF THE ADVISORY GROUP, THE GOVERNOR SHALL APPOINT A CHAIR FOR A 2-YEAR TERM.~~

~~(5) (i) A MAJORITY OF THE MEMBERS THEN SERVING ON THE ADVISORY GROUP IS A QUORUM.~~

~~(ii) THE ADVISORY GROUP SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.~~

~~(6) A MEMBER OF THE ADVISORY GROUP:~~

~~(i) MAY NOT RECEIVE COMPENSATION; BUT~~

~~(ii) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(7) (i) THE ADVISORY GROUP SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT ON INFECTIOUS DISEASE TESTING DURING PRENATAL CARE, INCLUDING RECOMMENDATIONS REGARDING CONSENT, THE STAGE OF PREGNANCY AT WHICH TESTING SHOULD OCCUR, SUPPORT SERVICES, AND COUNSELING.~~

~~(ii) THE RECOMMENDATIONS MADE UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH SHALL BE IN ACCORDANCE WITH BEST PRACTICES FOR INFECTIOUS DISEASE TESTING DURING PRENATAL CARE.~~

~~(B) (8) (i) THE DEPARTMENT, IN CONSULTATION WITH STAKEHOLDERS, SHALL ADOPT REGULATIONS ESTABLISHING REQUIREMENTS FOR INFECTIOUS DISEASE PRENATAL HIV TESTING DURING PRENATAL CARE.~~

~~(ii) THE REGULATIONS SHALL BE BASED ON THE RECOMMENDATIONS MADE TO THE DEPARTMENT UNDER PARAGRAPH (7) OF THIS SUBSECTION.~~

[b] (c) (1) [Except as provided in paragraph (2) of this subsection, a] ~~A~~ health care provider who provides prenatal medical care shall~~]:~~

1. Obtain consent from a pregnant patient for HIV testing in accordance with § 18-336 of this subtitle;

~~(ii)~~ 2. Test the patient during the first and third trimesters, unless the patient declines the tests; and

~~(iii)~~ **3.** Provide a referral for treatment and supportive services, including case management services; AND

**(II) FOLLOW THE REQUIREMENTS FOR PRENATAL HIV TESTING THAT ARE ADOPTED BY THE DEPARTMENT.**

(2) Paragraph ~~(1)~~ **(1)(I)** of this subsection:

(i) Applies to routine prenatal medical care visits; and

(ii) Does not apply to the incidental or episodic provision of prenatal medical care given to a pregnant patient by a health care provider; ~~FOLLOW THE REQUIREMENTS FOR INFECTIOUS DISEASE TESTING THAT ARE ADOPTED BY THE DEPARTMENT UNDER SUBSECTION (B)(8) OF THIS SECTION.~~

~~(2)~~ **(3)** ~~THE ADVISORY GROUP DEPARTMENT SHALL PROVIDE THE RECOMMENDATIONS MADE~~ **REQUIREMENTS ESTABLISHED** UNDER SUBSECTION ~~(B)(7)(i)~~ **(B)** OF THIS SECTION TO:

**(I) HOSPITALS THAT OFFER OBSTETRIC SERVICES;**

**(II) THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS;**

**(III) THE AMERICAN COLLEGE OF NURSE MIDWIVES; AND**

**(IV) THE ASSOCIATION OF INDEPENDENT MIDWIVES OF MARYLAND.**

~~(e)~~ **(D)** A health care provider who provides labor and delivery services to pregnant women shall offer:

(1) A rapid HIV test to pregnant women with unknown or undocumented HIV status during labor and delivery; and

(2) Antiretroviral prophylaxis prior to receiving the results of the confirmatory test if a rapid HIV test during labor and delivery is positive.

~~(d)~~ **(E)** (1) As part of a health care provider's patient acceptance procedures or protocol, a health care provider shall provide a pregnant woman with counseling concerning being tested for the presence of HIV as part of the woman's prenatal care program.

(2) The counseling shall include:

(i) Information required for pretest counseling under § 18–336 of this subtitle; and

(ii) Education on:

1. The effect of a positive HIV test result on the pregnant woman and the fetus concerning the risk of transmission of HIV to the fetus; and

2. Recognized methods of reducing that risk, including the use of pharmaceuticals during pregnancy known to reduce the risk of transmission of HIV to the fetus.†

[(e)] ~~(D)~~ (F) (1) Except as otherwise provided in paragraph (2) of this subsection, the record of an HIV test performed under this section is confidential and not discoverable or admissible in evidence in any criminal, civil, or administrative action.

(2) Provided that the identity or any other information that could readily be associated with the identity of the pregnant woman is not disclosed, the results of an HIV test performed under this section may be introduced into evidence in any criminal, civil, or administrative action, including the adjudication of a workers' compensation claim.

[(f)] ~~(E)~~ (G) †(1) A health care provider, including a health care facility, acting in good faith to provide the counseling required under subsection ~~(d)~~ (E) of this section may not be held liable in any cause of action related to a woman's decision to consent or not to consent to have an HIV test.

(2)† A health care provider may not be subject to disciplinary action by the professional licensing board that licenses the health care provider for [not testing a pregnant patient for HIV during the third trimester] **FOLLOWING THE REQUIREMENTS FOR INFECTIOUS DISEASE PRENATAL HIV TESTING ESTABLISHED in accordance with this section BY THE DEPARTMENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Health – General

#### 18–338.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Health care facility” means a facility or office where health or medical care is provided to patients by a health care provider, including:

(i) A hospital as defined in § 19–301 of this article;

- (ii) A facility operated by the Department or a health officer; and
- (iii) The office of a health care provider.

(3) “Health care provider” means a physician, nurse, licensed direct–entry midwife, or designee of a health care facility.

(4) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome (AIDS).

(5) “Prenatal care” means obstetric and gynecologic services performed as part of a prenatal care program, including:

- (i) Screening;
  - (ii) Physical examination;
  - (iii) Laboratory and diagnostic testing procedures and interpretation;
- and
- (iv) Counseling.

(b) The Department, in consultation with stakeholders, shall adopt regulations establishing requirements for prenatal HIV testing.

(c) (1) [Except as provided in paragraph (2) of this subsection, a] A health care provider who provides prenatal medical care shall[:

(i) 1. Obtain consent from a pregnant patient for HIV testing in accordance with § 18–336 of this subtitle;

2. Test the patient during the first and third trimesters, unless the patient declines the tests; and

3. Provide a referral for treatment and supportive services, including case management services; and

(ii) Follow] FOLLOW the requirements for prenatal HIV testing that are adopted by the Department.

[(2) Paragraph (1)(i) of this subsection:

(i) Applies to routine prenatal medical care visits; and

(ii) Does not apply to the incidental or episodic provision of prenatal medical care given to a pregnant patient by a health care provider.]

[(3)] (2) The Department shall provide the requirements established under subsection (b) of this section to:

- (i) Hospitals that offer obstetric services;
- (ii) The American College of Obstetricians and Gynecologists;
- (iii) The American College of Nurse Midwives; and
- (iv) The Association of Independent Midwives of Maryland.

[(d) A health care provider who provides labor and delivery services to pregnant women shall offer:

(1) A rapid HIV test to pregnant women with unknown or undocumented HIV status during labor and delivery; and

(2) Antiretroviral prophylaxis prior to receiving the results of the confirmatory test if a rapid HIV test during labor and delivery is positive.

(e) (1) As part of a health care provider's patient acceptance procedures or protocol, a health care provider shall provide a pregnant woman with counseling concerning being tested for the presence of HIV as part of the woman's prenatal care program.

(2) The counseling shall include:

(i) Information required for pretest counseling under § 18-336 of this subtitle; and

(ii) Education on:

1. The effect of a positive HIV test result on the pregnant woman and the fetus concerning the risk of transmission of HIV to the fetus; and

2. Recognized methods of reducing that risk, including the use of pharmaceuticals during pregnancy known to reduce the risk of transmission of HIV to the fetus.]

[(f)] (D) (1) Except as otherwise provided in paragraph (2) of this subsection, the record of an HIV test performed under this section is confidential and not discoverable or admissible in evidence in any criminal, civil, or administrative action.

(2) Provided that the identity or any other information that could readily be associated with the identity of the pregnant woman is not disclosed, the results of an HIV test performed under this section may be introduced into evidence in any criminal, civil, or administrative action, including the adjudication of a workers' compensation claim.

~~[(g)] (E) [(1) A health care provider, including a health care facility, acting in good faith to provide the counseling required under subsection (e) of this section may not be held liable in any cause of action related to a woman's decision to consent or not to consent to have an HIV test.~~

~~(2) A health care provider may not be subject to disciplinary action by the professional licensing board that licenses the health care provider for following the requirements for prenatal HIV testing established by the Department.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Prenatal Infectious Disease Testing Advisory Group shall expire as follows:~~

- ~~(1) two members in 2019;~~
- ~~(2) two members in 2020; and~~
- ~~(3) two members in 2021.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

~~(a) Section 2 of this Act is contingent on the Department of Health and Mental Hygiene, in consultation with stakeholders, adopting regulations that are consistent with § 18-338.2 of the Health – General Article, as amended by Chapter 441 of the Acts of the General Assembly of 2016, before October 1, 2018.~~

~~(b) (1) The Department of Health and Mental Hygiene shall notify the Department of Legislative Services no later than 5 days before the regulations described in subsection (a) of this section will take effect.~~

~~(2) If notice of the taking effect of the regulations is received on or before October 1, 2018, Section 2 of this Act shall take effect on the date the regulations take effect. If notice of the taking effect of the regulations is not received by the Department of Legislative Services on or before October 1, 2018, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect October 1, 2017.~~

**Approved by the Governor, May 25, 2017.**

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**Chapter 669**

**(Senate Bill 41)**

AN ACT concerning

**State Board of Nursing – Nurse Licensure Compact – Revisions**

FOR the purpose of changing the name of the Nurse Multistate Licensure Compact to the Nurse Licensure Compact; altering the findings of the party states to the Compact; altering the general purposes of the Compact; providing that a multistate license to practice certain types of nursing issued by a home state to a resident in that state will be recognized by each party state for a certain purpose; requiring a party state to implement procedures for considering the criminal history records of applicants for certain types of licensure; requiring the procedures to include the submission of certain information by applicants for a certain purpose; requiring each party state to require that an applicant meet certain requirements to obtain or retain a multistate license in the home state; repealing a certain provision of the Compact governing the effect of the Compact on requirements imposed by states for advanced practice registered nursing; providing that nothing in the Compact affects requirements established by a party state for the issuance of a single state license; authorizing a nurse holding a home state license on the effective date of the Compact to retain and renew it under certain circumstances; altering the information that the licensing board in an issuing party state must ascertain about an applicant for a multistate license; requiring a nurse to apply for licensure in the new home state if the nurse changes the nurse's home state by moving between two party states; providing that a certain license will be deactivated in accordance with certain rules; repealing a certain provision of the Compact governing how the change in a nurse's primary state of residence affects a license; providing that a licensing board has the authority to take certain actions in addition to certain other powers; repealing the authority of a licensing board to issue certain cease and desist orders and promulgate certain rules and regulations; providing that only the home state has the power to take adverse action against a nurse's license issued by the home state; requiring the home state licensing board to give certain priority and effect to reported conduct received from a remote state; requiring, under certain circumstances, that a nurse's multistate license privilege to practice in all other party states be deactivated until certain encumbrances have been removed; requiring that certain disciplinary orders include a certain statement; providing that nothing in the Compact shall override a certain party state's decision; requiring a home state to deactivate the multistate licensure privilege for the duration of a nurse's participation in an alternative program; requiring all party states to participate in a certain coordinated licensure information system; altering the information that is required to be reported to the system; requiring that participation in a nonpublic or confidential alternative program be transmitted through the system only to party state licensing boards; requiring the Compact administrator of each party state to furnish a certain uniform data set to the Compact administrator of each other party state; requiring the Compact administrator of a party state to provide all investigative documents and information requested by another party state; providing that the party states create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators; providing that the Commission is an instrumentality of the party states; requiring that certain judicial proceedings be

brought solely and exclusively in a certain court; authorizing the Commission to waive venue and jurisdictional defenses to a certain extent; providing that nothing in the Compact shall be construed to be a waiver of sovereign immunity; providing that each party state must have and be limited to one administrator; requiring that the head of the licensing board or the designee be the administrator of the Compact for each party state; providing for the removal or suspension of an administrator; requiring that a vacancy in the Commission be filled in accordance with certain laws; requiring each administrator to be entitled to only one vote with regard to the promulgation and creation of certain rules and bylaws; requiring administrators to vote in person or by other certain means; authorizing the bylaws of the Commission to provide for participation in meetings by certain means of communication; requiring the Commission to meet at certain times; requiring, except under certain circumstances, that all meetings of the Commission be open to the public; requiring that certain public notice of meetings be given; requiring the Commission's legal counsel or designee to certify that a meeting may be closed and reference the relevant exempting provision; requiring the Commission to keep certain minutes; requiring that certain minutes and documents remain under seal except under certain circumstances; requiring the Commission to adopt and publish on its Web site certain bylaws or rules; requiring that the bylaws exclusively govern the personnel policies and programs of the Commission; providing that the rules shall have the force and effect of law and be binding in all party states; requiring the Commission to maintain certain financial records, keep certain accounts, and issue an annual report; providing that the Commission has certain powers; requiring the Commission to pay or provide for the payment of certain expenses; authorizing the Commission to levy and collect a certain annual assessment; requiring that a certain assessment amount be allocated based on a certain formula; prohibiting the Commission from incurring certain obligations or, except under certain circumstances, pledging the credit of a party state; providing that the receipts and disbursements of the Commission are subject to certain audit and accounting procedures; providing that certain persons are immune from suit and liability for certain acts except under certain circumstances; requiring the Commission, except under certain circumstances, to defend certain persons in certain civil actions and indemnify and hold harmless certain persons for certain amounts; establishing certain rulemaking procedures of the Commission; requiring each party state to enforce the Compact and take certain actions to effectuate the Compact's purpose and intent; requiring that the Commission be entitled to receive certain service of process and have standing to intervene in a proceeding; providing that failure to provide service of process in a proceeding to the Commission renders a judgment or an order void as to the Commission, the Compact, or adopted rules; requiring the Commission to take certain actions under certain circumstances; providing for a party state's membership to be terminated under certain circumstances; providing that a state whose membership is terminated continues to be responsible for certain assessments, obligations, and liabilities; prohibiting the Commission from bearing certain costs except under certain circumstances; authorizing a defaulting state to appeal the action of the Commission by petitioning a certain court; requiring that a prevailing party be awarded certain costs; requiring the Commission to attempt to resolve certain disputes under certain circumstances and adopt a certain rule

regarding the resolution of certain disputes; authorizing party states to submit certain issues to an arbitration panel under certain circumstances; providing that the decision of a majority of the arbitrators shall be final and binding; requiring the Commission to enforce certain provisions and rules; authorizing the Commission to initiate certain legal action in a certain court under certain circumstances; prohibiting the remedies provided for in certain provisions of the Compact from being the exclusive remedies of the Commission; authorizing the Commission to pursue any other remedies available under federal or state law; establishing when the Compact shall become effective and binding; specifying how certain licenses issued under the prior compact are to be treated; providing for the withdrawal of a party state from the Compact and amendments to the Compact; requiring that representatives of nonparty states be invited to participate in the activities of the Commission under certain circumstances; altering certain definitions; defining certain terms; repealing a certain defined term; making conforming changes; making this Act subject to a certain contingency; and generally relating to the Nurse Licensure Compact.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–7A–01 and 8–7A–03 through 8–7A–05 to be under the amended subtitle  
“Subtitle 7A. Nurse Licensure Compact”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 8–7A–02

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Health Occupations**

Subtitle 7A. Nurse [Multistate] Licensure Compact.

8–7A–01.

The Nurse [Multistate] Licensure Compact is hereby enacted and entered into with all other jurisdictions that legally join in the Compact in the form substantially as the Compact appears in this section as follows:

Article I. Findings and [Statement] **DECLARATION** of Purpose.

1.

The party states [to this Compact] find that:

(a) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse [licensing] **LICENSURE** laws;

(b) Violations of nurse licensure and other laws [relating to] **REGULATING** the practice of nursing may result in injury or harm to the public;

(c) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse [licensing] **LICENSURE** and regulation;

(d) New practice modalities and technology make compliance with individual state nurse [licensing] **LICENSURE** laws difficult and complex; [and]

(e) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant [to] **FOR** both nurses and [the] states; **AND**

**(F) UNIFORMITY OF NURSE LICENSURE REQUIREMENTS THROUGHOUT THE STATES PROMOTES PUBLIC SAFETY AND PUBLIC HEALTH BENEFITS.**

2.

The general purposes of this Compact are to:

(a) Facilitate the states' responsibility to protect the health and safety of the public;

(b) Ensure and encourage the cooperation of party states in the areas of nurse [licensing] **LICENSURE** and regulation;

(c) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(d) Promote compliance with the laws governing the practice of nursing in each jurisdiction; [and]

(e) [Authorize the] **INVEST ALL** party states **WITH THE AUTHORITY** to hold a nurse accountable for meeting all [nurse] **STATE** practice laws in the state in which the patient is located at the time [that] care [was] **IS** rendered through the mutual recognition of party state licenses;

**(F) DECREASE REDUNDANCIES IN THE CONSIDERATION AND ISSUANCE OF NURSE LICENSES; AND**

**(G) PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY NURSES WHO MEET UNIFORM LICENSURE REQUIREMENTS.**

Article II. Definitions.

3.

[For the purposes of this Compact, and of any supplemental or concurring legislation enacted under this Compact, except as may be otherwise required by the context] **AS USED IN THIS COMPACT:**

(a) “Adverse action” means [a home or remote state action] **ANY ADMINISTRATIVE, CIVIL, EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE’S LAWS THAT IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY AGAINST A NURSE, INCLUDING ACTIONS AGAINST AN INDIVIDUAL’S LICENSE OR MULTISTATE LICENSURE PRIVILEGE SUCH AS:**

**(1) REVOCATION;**

**(2) SUSPENSION;**

**(3) PROBATION;**

**(4) MONITORING OF THE LICENSEE;**

**(5) A LIMITATION ON THE LICENSEE’S PRACTICE;**

**(6) A CEASE AND DESIST ACTION; OR**

**(7) ANY OTHER ENCUMBRANCE ON LICENSURE AFFECTING A NURSE’S AUTHORIZATION TO PRACTICE.**

(b) “Alternative program” means a [voluntary,] nondisciplinary monitoring program approved by a [nurse] licensing board.

**(C) “COMMISSION” MEANS THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS.**

**[(c)] (D) “Compact” means this Nurse [Multistate Licensing] LICENSURE Compact.**

**[(d)] (E) “Coordinated licensure information system” means an integrated process for collecting, storing, and sharing information on nurse [licensing] LICENSURE and enforcement activities related to nurse [licensing] LICENSURE laws[, which] THAT is**

administered by a nonprofit organization composed of and controlled by [state nurse] licensing boards.

**[(e)] (F)** “Current significant investigative information” means investigative information that:

(1) A licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) Indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and [has] had an opportunity to respond.

**(G) “ENCUMBRANCE” MEANS A REVOCATION OR SUSPENSION OF, OR ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING IMPOSED BY A LICENSING BOARD.**

**[(f)] (H)** “Home state” means the party state that is the nurse’s primary state of residence.

**[(g)] (1)** “Home state action” means any administrative, civil, equitable, or criminal action permitted by the laws of the home state which are imposed on a nurse by the licensing board of the home state.

(2) “Home state action” includes:

(i) Revocation of a license;

(ii) Suspension of a license;

(iii) Probation of a licensee; or

(iv) Any other action which affects a nurse’s authorization to practice.]

**(I) “LICENSING BOARD” MEANS A PARTY STATE’S REGULATORY BODY RESPONSIBLE FOR ISSUING NURSE LICENSES.**

**[(h)] (J)** “Multistate [licensing privilege] LICENSE” means [the current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical or vocational nurse in a party state] **A LICENSE TO PRACTICE AS A REGISTERED OR LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN) ISSUED BY A HOME STATE LICENSING BOARD THAT AUTHORIZES THE**

**LICENSED NURSE TO PRACTICE IN ALL PARTY STATES UNDER A MULTISTATE LICENSURE PRIVILEGE.**

**(K) “MULTISTATE LICENSURE PRIVILEGE” MEANS A LEGAL AUTHORIZATION ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING THE PRACTICE OF NURSING AS EITHER A REGISTERED NURSE (RN) OR LPN/VN IN A REMOTE STATE.**

**[(i)] (L) “Nurse” means a registered nurse or RN, a licensed practical NURSE OR LPN, or A vocational nurse OR VN, as those terms are defined by [the laws of] each party [state] STATE’S PRACTICE LAWS.**

**[(j)] (M) “Party state” means any state that has adopted this Compact.**

**[(k)] (N) “Remote state” means a party state, other than the home state[:**

**(1) Where the patient is located at the time nursing care is provided; or**

**(2) In the case of the practice of nursing that does not involve a patient, in the party state where the recipient of nursing practices is located.**

**(l) “Remote state action” means any:**

**(1) Administrative, civil, equitable, or criminal action permitted by the laws of the remote state which are imposed on a nurse by the licensing board of the remote state or other authority, including actions against an individual’s multistate licensing privilege to practice in the remote state; and**

**(2) Cease and desist or other injunctive or equitable orders issued by remote states or their licensing boards].**

**(O) “SINGLE-STATE LICENSE” MEANS A NURSE LICENSE ISSUED BY A PARTY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING STATE AND DOES NOT INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN ANY OTHER PARTY STATE.**

**[(m)] (P) “State” means a state, territory, or possession of the United States[, OR the District of Columbia[, or the Commonwealth of Puerto Rico].**

**[(n)] (Q) (1) “State practice laws” means [those individual] A party state’s laws, RULES, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline.**

(2) “State practice laws” does not include [the initial qualifications for licensure or the] requirements necessary to obtain and retain a license, except for [the] qualifications [and] **OR** requirements of the home state.

Article III. General Provisions and Jurisdiction.

4.

A **MULTISTATE** license to practice registered **OR LICENSED PRACTICAL/VOCATIONAL** nursing issued by a home state to a resident [of] **IN** that state will be recognized by each party state as [authorization for a multistate licensing privilege to practice as a registered nurse in a party state. A license to practice licensed practical or vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorization for a multistate licensing privilege to practice as a licensed practical or vocational nurse in a party state. In order to obtain or retain a license, an applicant shall meet the home state’s qualifications for licensure and license renewal, as well as other applicable state laws] **AUTHORIZING A NURSE TO PRACTICE AS A REGISTERED NURSE (RN) OR AS A LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN), UNDER A MULTISTATE LICENSURE PRIVILEGE, IN EACH PARTY STATE.**

[5.

Party states may, in accordance with the due process laws of that state, limit or revoke the multistate licensing privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state. All party states are authorized to take actions against the nurse’s privileges, including: suspension, revocation, probation, or any other action which affects a nurse’s authorization to practice. If a party state takes such an action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure system shall promptly notify the home state of any such actions by remote states.]

[6.

(a) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time that care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all practices of nursing, as defined by the laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws of the party state.

(b) This Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensing privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

(c) Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided by the laws of each party state. However, the license granted to the individuals may not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.]

**5.**

**(A) A PARTY STATE MUST IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY RECORDS OF APPLICANTS FOR AN INITIAL MULTISTATE LICENSE OR LICENSURE BY ENDORSEMENT.**

**(B) THE PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL RECORDS.**

**6.**

**EACH PARTY STATE SHALL REQUIRE THE FOLLOWING FOR AN APPLICANT TO OBTAIN OR RETAIN A MULTISTATE LICENSE IN THE HOME STATE:**

**(A) MEETS THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR RENEWAL OF LICENSURE, AS WELL AS ALL OTHER APPLICABLE STATE LAWS; AND**

**(B) (1) (I) HAS GRADUATED OR IS ELIGIBLE TO GRADUATE FROM A LICENSING BOARD-APPROVED RN OR LPN/VN PRELICENSURE EDUCATION PROGRAM; OR**

**(II) HAS GRADUATED FROM A FOREIGN RN OR LPN/VN PRELICENSURE EDUCATION PROGRAM THAT:**

**1. HAS BEEN APPROVED BY THE AUTHORIZED ACCREDITING BODY IN THE APPLICABLE COUNTRY; AND**

**2. HAS BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO BE COMPARABLE TO A LICENSING BOARD-APPROVED PRELICENSURE EDUCATION PROGRAM;**

**(2) IF A GRADUATE OF A FOREIGN PRELICENSURE EDUCATION PROGRAM NOT TAUGHT IN ENGLISH OR IF ENGLISH IS NOT THE INDIVIDUAL'S NATIVE LANGUAGE, HAS SUCCESSFULLY PASSED AN ENGLISH PROFICIENCY**

EXAMINATION THAT INCLUDES THE COMPONENTS OF READING, SPEAKING, WRITING, AND LISTENING;

(3) HAS SUCCESSFULLY PASSED AN NCLEX–RN OR NCLEX–PN EXAMINATION OR RECOGNIZED PREDECESSOR, AS APPLICABLE;

(4) IS ELIGIBLE FOR OR HOLDS AN ACTIVE, UNENCUMBERED LICENSE;

(5) HAS SUBMITTED, IN CONNECTION WITH AN APPLICATION FOR INITIAL LICENSURE OR LICENSURE BY ENDORSEMENT, FINGERPRINTS OR OTHER BIOMETRIC DATA FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE’S CRIMINAL RECORDS;

(6) HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS NOT ENTERED INTO AN AGREED DISPOSITION, OF A FELONY OFFENSE UNDER APPLICABLE STATE OR FEDERAL CRIMINAL LAW;

(7) HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS NOT ENTERED INTO AN AGREED DISPOSITION, OF A MISDEMEANOR OFFENSE RELATED TO THE PRACTICE OF NURSING AS DETERMINED ON A CASE–BY–CASE BASIS;

(8) IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM;

(9) IS SUBJECT TO SELF–DISCLOSURE REQUIREMENTS REGARDING CURRENT PARTICIPATION IN AN ALTERNATIVE PROGRAM; AND

(10) HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER.

7.

(A) ALL PARTY STATES ARE AUTHORIZED, IN ACCORDANCE WITH EXISTING STATE DUE PROCESS LAWS, TO TAKE ADVERSE ACTION AGAINST A NURSE’S MULTISTATE LICENSURE PRIVILEGE.

(B) IF A PARTY STATE TAKES ADVERSE ACTION, THE PARTY STATE SHALL PROMPTLY NOTIFY THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM.

(C) THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY ADVERSE ACTION TAKEN BY REMOTE STATES.

8.

(A) A NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH THE STATE PRACTICE LAWS OF THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED.

(B) THE PRACTICE OF NURSING IS NOT LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL NURSING PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF THE PARTY STATE IN WHICH THE CLIENT IS LOCATED.

(C) THE PRACTICE OF NURSING IN A PARTY STATE UNDER A MULTISTATE LICENSURE PRIVILEGE SUBJECTS A NURSE TO THE JURISDICTION OF THE LICENSING BOARD, THE COURTS, AND THE LAWS OF THE PARTY STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED.

9.

(A) INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE TO BE ABLE TO APPLY FOR A PARTY STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER THE LAWS OF EACH PARTY STATE.

(B) THE SINGLE-STATE LICENSE GRANTED TO INDIVIDUALS NOT RESIDING IN A PARTY STATE MAY NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE NURSING IN ANY OTHER PARTY STATE.

(C) NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE.

(D) ANY NURSE HOLDING A HOME STATE MULTISTATE LICENSE ON THE EFFECTIVE DATE OF THIS COMPACT MAY RETAIN AND RENEW THE MULTISTATE LICENSE ISSUED BY THE NURSE'S THEN-CURRENT HOME STATE, PROVIDED THAT:

(1) A NURSE WHO CHANGES THE NURSE'S HOME STATE AFTER THIS COMPACT'S EFFECTIVE DATE MUST MEET ALL APPLICABLE REQUIREMENTS IN § 6 OF THIS ARTICLE TO OBTAIN A MULTISTATE LICENSE FROM THE NEW HOME STATE; AND

(2) A NURSE WHO FAILS TO SATISFY THE MULTISTATE LICENSURE REQUIREMENTS IN § 6 OF THIS ARTICLE DUE TO A DISQUALIFYING EVENT OCCURRING AFTER THIS COMPACT'S EFFECTIVE DATE:

(I) IS INELIGIBLE TO RETAIN OR RENEW A MULTISTATE LICENSE; AND

(II) SHALL HAVE THE NURSE'S MULTISTATE LICENSE REVOKED OR DEACTIVATED IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE COMMISSION.

Article IV. Applications for Licensure in a Party State.

[7.] 10.

(a) Upon application for a **MULTISTATE** license, the licensing board in [a] **THE ISSUING** party state shall ascertain, through the coordinated licensure information system, whether:

(1) The applicant has ever held, or is the holder of, a license issued by any other state;

(2) [There are any restrictions on the multistate license privilege; and

(3) Any other adverse action by any state has been taken against the licensee] **THERE ARE ANY ENCUMBRANCES ON ANY LICENSE OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT;**

**(3) ANY ADVERSE ACTION HAS BEEN TAKEN AGAINST ANY LICENSE OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT; AND**

**(4) THE APPLICANT IS CURRENTLY PARTICIPATING IN AN ALTERNATIVE PROGRAM.**

(b) A nurse [in a party state shall] **MAY** hold [licensure] **A MULTISTATE LICENSE, ISSUED BY THE HOME STATE,** in only one party state at a time[, issued by the home state].

(c) **(1) [A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such a change, provided that the nurse submits evidence of the change in primary state of residence that is satisfactory to the new home state's licensing board.] IF A NURSE CHANGES THE NURSE'S HOME STATE BY MOVING BETWEEN TWO PARTY STATES, THE NURSE MUST APPLY FOR LICENSURE IN THE NEW HOME STATE, AND THE MULTISTATE LICENSE ISSUED BY THE PRIOR HOME STATE WILL BE DEACTIVATED IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE COMMISSION.**

**(2) THE NURSE MAY APPLY FOR LICENSURE IN ADVANCE OF A CHANGE IN THE NURSE'S HOME STATE.**

**(3) A MULTISTATE LICENSE MAY NOT BE ISSUED BY THE NEW HOME STATE UNTIL THE NURSE PROVIDES SATISFACTORY EVIDENCE OF A CHANGE IN THE**

**NURSE'S HOME STATE TO THE NEW HOME STATE AND SATISFIES ALL APPLICABLE REQUIREMENTS TO OBTAIN A MULTISTATE LICENSE FROM THE NEW HOME STATE.**

[(d) When a nurse changes primary state of residence by moving:

(1) Between two party states and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) From a nonparty state to a party state and obtains a license from the new home state, the individual state license issued by the nonparty state will remain in full force and effect, subject to the laws of the nonparty state; or

(3) From a party state to a nonparty state, the license issued by the former home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.]

**(D) IF A NURSE CHANGES THE NURSE'S HOME STATE BY MOVING FROM A PARTY STATE TO A NONPARTY STATE, THE MULTISTATE LICENSE ISSUED BY THE PRIOR HOME STATE WILL CONVERT TO A SINGLE-STATE LICENSE VALID ONLY IN THE FORMER HOME STATE.**

[Article V. Adverse Actions.

8.

In addition to the General Provisions contained in Article III, the following provisions apply:

(a) The licensing board of a remote state shall promptly notify the administrator of the coordinated licensure information system of any remote state actions, including the factual and legal basis for such action, if known, and promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

(b) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes the primary state of residence during the course of an investigation. It shall also have the authority to take action or actions, and shall promptly report the conclusions of the investigation to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(c) A remote state may take an adverse action affecting the multistate licensing privilege to practice within that party state. However, only the home state shall have the power to impose an adverse action against the license issued by the home state.

(d) For purposes of imposing an adverse action, the licensing board of the home state shall give the same priority and effect to the reported conduct received from a remote state as it would if the conduct had occurred in the home state. In doing so, the home state shall apply its own state laws to determine the appropriate action to take against the licensee.

(e) The home state may take an adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such an adverse action.

(f) Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action, and that such participation shall remain nonpublic if required by the laws of the party state. Party states shall require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from that party state.]

[Article VI.] **ARTICLE V.** Additional [Authority] **AUTHORITIES** Invested in Party State  
[Nurse] Licensing Boards.

[9.

Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(a) Recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse, if otherwise permitted by state law;

(b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance of witnesses or the production of evidence from another party state or both, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or the evidence are located;

(c) Issue cease and desist orders to limit or revoke a nurse's authority to practice in the state; and

(d) Promulgate uniform rules and regulations as provided by Article VIII of this Compact.]

11.

**(A) IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A LICENSING BOARD SHALL HAVE THE AUTHORITY TO:**

**(1) TAKE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE;**

**(2) COMPLETE ANY PENDING INVESTIGATIONS OF A NURSE WHO CHANGES THE NURSE'S HOME STATE DURING THE COURSE OF THE INVESTIGATIONS;**

**(3) TAKE APPROPRIATE ACTION BASED ON INVESTIGATIONS AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM WHO SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ACTIONS;**

**(4) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AS WELL AS THE PRODUCTION OF EVIDENCE;**

**(5) OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT, FINGERPRINT OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION FOR CRIMINAL BACKGROUND CHECKS, RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS, AND USE THE RESULTS IN MAKING LICENSURE DECISIONS;**

**(6) IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE AFFECTED NURSE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT NURSE; AND**

**(7) TAKE ADVERSE ACTION BASED ON THE FACTUAL FINDINGS OF A REMOTE STATE, PROVIDED THAT THE LICENSING BOARD FOLLOWS ITS OWN PROCEDURES FOR TAKING SUCH ADVERSE ACTION.**

**(B) ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION AGAINST A NURSE'S LICENSE ISSUED BY THE HOME STATE.**

**(C) (1) SUBPOENAS ISSUED BY A LICENSING BOARD IN A PARTY STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER PARTY STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.**

**(2) THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.**

**(D) (1) FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE LICENSING BOARD SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF SUCH CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.**

**(2) IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A NURSE'S MULTISTATE LICENSE, THE NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN ALL OTHER PARTY STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE MULTISTATE LICENSE.**

**(3) ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSE SHALL INCLUDE A STATEMENT THAT THE NURSE'S MULTISTATE LICENSURE PRIVILEGE IS DEACTIVATED IN ALL PARTY STATES DURING THE PENDENCY OF THE ORDER.**

**(E) (1) NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE ACTION.**

**(2) THE HOME STATE LICENSING BOARD SHALL DEACTIVATE THE MULTISTATE LICENSURE PRIVILEGE UNDER THE MULTISTATE LICENSE OF ANY NURSE FOR THE DURATION OF THE NURSE'S PARTICIPATION IN AN ALTERNATIVE PROGRAM.**

**[Article VII.] ARTICLE VI. Coordinated Licensure Information System AND EXCHANGE OF INFORMATION.**

**[10.] 12.**

**(a) (1) All party states shall participate in a [cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical or vocational nurses] COORDINATED LICENSURE INFORMATION SYSTEM OF ALL LICENSED REGISTERED NURSES (RNS) AND LICENSED PRACTICAL/VOCATIONAL NURSES (LPNS/VNS).**

**(2) This system shall include information on the licensure and disciplinary history of each nurse, as [contributed] SUBMITTED by party states, to assist in the coordination of nurse licensure and enforcement efforts.**

**(B) THE COMMISSION, IN CONSULTATION WITH THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM, SHALL FORMULATE NECESSARY AND PROPER PROCEDURES FOR THE IDENTIFICATION, COLLECTION, AND EXCHANGE OF INFORMATION UNDER THIS COMPACT.**

**[(b)] (C)** [Notwithstanding any other provision of law, the nurse licensing boards of party states] **ALL LICENSING BOARDS** shall promptly report [an] **TO THE COORDINATED LICENSURE INFORMATION SYSTEM:**

**(1) ANY** adverse action[, actions against multistate licensing privileges,];

**(2) [any] ANY** current significant investigative information [yet to result in an adverse action,];

**(3) [denials] DENIALS** of applications [, and the reasons for such denials, to the coordinated licensure information system] **WITH THE REASONS FOR THE DENIALS; AND**

**(4) NURSE PARTICIPATION IN ALTERNATIVE PROGRAMS KNOWN TO THE LICENSING BOARD REGARDLESS OF WHETHER SUCH PARTICIPATION IS DEEMED NONPUBLIC OR CONFIDENTIAL UNDER STATE LAW.**

**[(c)] (D)** Current significant investigative information **AND PARTICIPATION IN NONPUBLIC OR CONFIDENTIAL ALTERNATIVE PROGRAMS** shall be transmitted through the coordinated licensure information system only to [the nurse licensing boards of] party [states] **STATE LICENSING BOARDS.**

**[(d)] (E)** Notwithstanding any other provision of law, [the nurse licensing boards of party states] **ALL PARTY STATE LICENSING BOARDS** contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other **ENTITIES OR** individuals [or entities] without the express permission of the contributing state.

**[(e)] (F)** Any personally identifiable information obtained [by the nurse licensing board of a party state] from the coordinated licensure information system **BY A PARTY STATE LICENSING BOARD** may not be shared with nonparty states or disclosed to other **ENTITIES OR** individuals [or entities] except to the extent permitted by the laws of the party state contributing the information.

**[(f)] (G)** Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

**[(g)] (H)** The Compact [administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this Compact] **ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH A UNIFORM DATA SET TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE, WHICH SHALL INCLUDE:**

**(1) IDENTIFYING INFORMATION;**

**(2) LICENSURE DATA;**

**(3) INFORMATION RELATED TO ALTERNATIVE PROGRAM PARTICIPATION; AND**

**(4) OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY COMMISSION RULES.**

**(I) THE COMPACT ADMINISTRATOR OF A PARTY STATE SHALL PROVIDE ALL INVESTIGATIVE DOCUMENTS AND INFORMATION REQUESTED BY ANOTHER PARTY STATE.**

[Article VIII. Nurse Multistate Licensure Compact Administration and Interchange of Information.

11.

(a) The head of the nurse licensing board of a party state, or the designee of the head of the nurse licensing board, shall be the administrator of this Compact.

(b) In the State of Maryland, the administrator of this Compact shall be the executive director of the State Board of Nursing.

(c) The Compact administrator of each party state shall furnish to the Compact administrator of each other party state any information or documents, including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this Compact.

(d) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this Compact. These uniform rules shall be adopted by party states, under the authority vested in Article VI.]

[Article IX. Immunity.

12.

No party state, or the officers, employees, or agents of a party state's nurse licensing board, that acts in accordance with the provisions of this Compact may be liable on account of any act or omission that is made in good faith while engaged in the performance of their duties under this Compact. Good faith in this Article does not include willful misconduct, gross negligence, or recklessness.]

**ARTICLE VII. ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE  
LICENSURE COMPACT ADMINISTRATORS.**

**13.**

**(A) (1) THE PARTY STATES HEREBY CREATE AND ESTABLISH A JOINT PUBLIC ENTITY KNOWN AS THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS.**

**(2) THE COMMISSION IS AN INSTRUMENTALITY OF THE PARTY STATES.**

**(3) (I) VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED.**

**(II) THE COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.**

**(4) NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A WAIVER OF SOVEREIGN IMMUNITY.**

**(B) (1) (I) EACH PARTY STATE SHALL HAVE AND BE LIMITED TO ONE ADMINISTRATOR.**

**(II) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE HEAD OF THE LICENSING BOARD OR DESIGNEE SHALL BE THE ADMINISTRATOR OF THIS COMPACT FOR EACH PARTY STATE.**

**2. THE EXECUTIVE DIRECTOR OF THE MARYLAND STATE BOARD OF NURSING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, IS THE ADMINISTRATOR OF THIS COMPACT IN MARYLAND.**

**(III) ANY ADMINISTRATOR MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE ADMINISTRATOR IS APPOINTED.**

(IV) ANY VACANCY OCCURRING IN THE COMMISSION SHALL BE FILLED IN ACCORDANCE WITH THE LAWS OF THE PARTY STATE IN WHICH THE VACANCY EXISTS.

(2) (I) EACH ADMINISTRATOR SHALL BE ENTITLED TO ONLY ONE VOTE WITH REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION.

(II) AN ADMINISTRATOR SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS.

(III) THE BYLAWS MAY PROVIDE FOR AN ADMINISTRATOR'S PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.

(3) (I) THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR YEAR.

(II) ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS OR RULES OF THE COMMISSION.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING PROVISIONS IN ARTICLE VIII.

(5) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE COMMISSION MUST DISCUSS:

(I) NONCOMPLIANCE OF A PARTY STATE WITH ITS OBLIGATIONS UNDER THIS COMPACT;

(II) THE EMPLOYMENT, COMPENSATION, DISCIPLINE, OR OTHER PERSONNEL MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

(III) CURRENT, THREATENED, OR REASONABLY ANTICIPATED LITIGATION;

(IV) NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS, SERVICES, OR REAL ESTATE;

(V) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON;

(VI) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

(VII) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;

(VIII) DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;

(IX) DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS PREPARED BY OR ON BEHALF OF THE COMMISSION FOR THE PURPOSE OF INVESTIGATION OF COMPLIANCE WITH THIS COMPACT; OR

(X) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR STATE LAWS.

(6) (I) THE COMMISSION MAY MEET IN CLOSED SESSION ONLY AFTER A MAJORITY OF THE ADMINISTRATORS VOTE TO CLOSE A MEETING IN WHOLE OR IN PART.

(II) AS SOON AS PRACTICABLE, THE COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO CLOSE THE MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY VOTES ALLOWED.

(7) (I) IF A MEETING, OR PORTION OF A MEETING, IS CLOSED IN ACCORDANCE WITH PARAGRAPHS (5) AND (6) OF THIS SUBSECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION.

(II) THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS FOR THE ACTIONS, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED.

(III) ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN THE MINUTES.

(IV) ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.

(C) THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE ADMINISTRATORS, ADOPT BYLAWS OR RULES TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND EXERCISE THE POWERS OF THIS COMPACT, INCLUDING:

(1) ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;

(2) PROVIDING REASONABLE STANDARDS AND PROCEDURES:

(I) FOR THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES; AND

(II) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR FUNCTION OF THE COMMISSION;

(3) PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL MEETINGS, AND PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY INTERESTED PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S INTEREST, THE PRIVACY OF INDIVIDUALS, AND PROPRIETARY INFORMATION, INCLUDING TRADE SECRETS;

(4) ESTABLISHING THE TITLES, DUTIES AND AUTHORITY, AND REASONABLE PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE COMMISSION;

(5) PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR THE ESTABLISHMENT OF THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION; AND

(6) PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF THE COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS FUNDS THAT MAY EXIST AFTER THE TERMINATION OF THIS COMPACT AFTER THE PAYMENT OR RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS.

(D) THE COMMISSION SHALL PUBLISH ITS BYLAWS AND RULES AND ANY AMENDMENTS IN A CONVENIENT FORM ON THE WEB SITE OF THE COMMISSION.

(E) NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY PARTY STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION.

(F) THE RULES SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL PARTY STATES.

(G) THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

(H) THE COMMISSION SHALL MEET AND TAKE ANY ACTIONS THAT ARE CONSISTENT WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

(I) THE COMMISSION HAS THE FOLLOWING POWERS:

(1) TO PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT;

(2) TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY LICENSING BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;

(3) TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

(4) TO BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING EMPLOYEES OF A PARTY STATE OR NONPROFIT ORGANIZATIONS;

(5) TO COOPERATE WITH OTHER ORGANIZATIONS THAT ADMINISTER STATE COMPACTS RELATED TO THE REGULATION OF NURSING, INCLUDING BUT NOT LIMITED TO SHARING ADMINISTRATIVE OR STAFF EXPENSES, OFFICE SPACE, OR OTHER RESOURCES;

(6) TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT, AND ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED PERSONNEL MATTERS;

(7) TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS, GRANTS, AND GIFTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE OF THE SAME, PROVIDED THAT AT ALL TIMES THE

COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;

(8) TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR OTHERWISE OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, WHETHER REAL, PERSONAL, OR MIXED, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;

(9) TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL, PERSONAL, OR MIXED;

(10) TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

(11) TO BORROW MONEY;

(12) TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES COMPOSED OF ADMINISTRATORS, STATE NURSING REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES, CONSUMER REPRESENTATIVES, AND OTHER INTERESTED PERSONS;

(13) TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

(14) TO ADOPT AND USE AN OFFICIAL SEAL; AND

(15) TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE REGULATION OF NURSE LICENSURE AND PRACTICE.

(J) (1) THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM EACH PARTY STATE TO COVER THE COST OF ITS OPERATIONS, ACTIVITIES, AND STAFF IN ITS ANNUAL BUDGET AS APPROVED BY THE COMMISSION EACH YEAR.

(II) THE AGGREGATE ANNUAL ASSESSMENT AMOUNT, IF ANY, SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE THAT IS BINDING ON ALL PARTY STATES.

**(3) THE COMMISSION MAY NOT:**

**(I) INCUR OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE OBLIGATIONS OF THE COMMISSION; OR**

**(II) PLEDGE THE CREDIT OF ANY OF THE PARTY STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, THE PARTY STATE.**

**(4) (I) THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS.**

**(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS.**

**(III) ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.**

**(K) THE COMMISSION SHALL ISSUE AN ANNUAL REPORT.**

**(L) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES.**

**(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR WANTON MISCONDUCT OF THAT PERSON.**

**(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL DEFEND ANY ADMINISTRATOR, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING**

OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES.

(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CONSTRUED TO:

1. PROHIBIT A PERSON FROM RETAINING THE PERSON'S OWN COUNSEL; OR

2. PROTECT ANY PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR WANTON MISCONDUCT OF THAT PERSON.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY ADMINISTRATOR, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES.

(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR WANTON MISCONDUCT OF THAT PERSON.

#### ARTICLE VIII. RULEMAKING.

14.

(A) (1) THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS IN ACCORDANCE WITH THE CRITERIA IN THIS ARTICLE AND THE RULES ADOPTED UNDER THIS ARTICLE.

(2) RULES AND AMENDMENTS TO THE RULES SHALL BECOME BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT AND SHALL HAVE THE SAME FORCE AND EFFECT AS PROVISIONS OF THIS COMPACT.

(B) RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

(C) BEFORE ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION, AND AT LEAST 60 DAYS IN ADVANCE OF THE MEETING AT WHICH THE RULE OR RULES WILL BE CONSIDERED AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING:

(1) ON THE WEB SITE OF THE COMMISSION; AND

(2) ON THE WEB SITE OF EACH LICENSING BOARD OR THE PUBLICATION IN WHICH EACH PARTY STATE WOULD OTHERWISE PUBLISH PROPOSED RULES.

(D) THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

(1) THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN WHICH THE PROPOSED RULE OR AMENDMENT WILL BE CONSIDERED AND VOTED ON;

(2) THE TEXT OF THE PROPOSED RULE OR AMENDMENT, AND THE REASON FOR THE PROPOSED RULE OR AMENDMENT;

(3) A REQUEST FOR COMMENTS ON THE PROPOSED RULE OR AMENDMENT FROM ANY INTERESTED PERSON; AND

(4) THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN COMMENTS.

(E) BEFORE ADOPTION OF A PROPOSED RULE OR AMENDMENT, THE COMMISSION SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

(F) EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS SECTION, THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING BEFORE IT ADOPTS A RULE OR AN AMENDMENT.

(G) (1) THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE OF THE SCHEDULED PUBLIC HEARING.

(2) HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN WRITING.

(3) ALL HEARINGS SHALL BE RECORDED, AND A COPY SHALL BE MADE AVAILABLE ON REQUEST.

(4) (I) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING A SEPARATE HEARING ON EACH RULE OR AMENDMENT.

(II) RULES OR AMENDMENTS MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.

(H) IF NO ONE APPEARS AT THE PUBLIC HEARING, THE COMMISSION MAY PROCEED WITH ADOPTION OF THE PROPOSED RULE OR AMENDMENT.

(I) FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

(J) THE COMMISSION SHALL BY MAJORITY VOTE OF ALL ADMINISTRATORS:

(1) TAKE FINAL ACTION ON THE PROPOSED RULE OR AMENDMENT;  
AND

(2) DETERMINE THE EFFECTIVE DATE OF THE RULE OR AMENDMENT, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE RULE OR AMENDMENT.

(K) (1) ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE OR AMENDMENT WITHOUT PRIOR NOTICE OR AN OPPORTUNITY FOR COMMENT OR A HEARING.

(2) THE USUAL RULEMAKING PROCEDURES PROVIDED IN THIS COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE RULE OR AMENDMENT AS SOON AS REASONABLY POSSIBLE, BUT IN NO EVENT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE RULE OR AMENDMENT.

(3) FOR THE PURPOSES OF THIS SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO:

(I) MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE;

(II) PREVENT A LOSS OF COMMISSION OR PARTY STATE FUNDS;  
OR

(III) MEET A DEADLINE FOR THE ADOPTION OF AN ADMINISTRATIVE RULE THAT IS REQUIRED BY FEDERAL LAW OR RULE.

(L) (1) THE COMMISSION MAY REVISE A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS.

(2) PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE WEB SITE OF THE COMMISSION.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE REVISION SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF 30 DAYS AFTER POSTING.

(II) THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE OR AN AMENDMENT.

(III) A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD.

(IV) IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION.

(V) IF THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.

#### ARTICLE IX. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

15.

(A) (1) EACH PARTY STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS COMPACT'S PURPOSES AND INTENT.

(2) THE COMMISSION SHALL:

(I) BE ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY PROCEEDING THAT MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE COMMISSION; AND

(II) HAVE STANDING TO INTERVENE IN A PROCEEDING FOR ALL PURPOSES.

(3) FAILURE TO PROVIDE SERVICE OF PROCESS IN A PROCEEDING TO THE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT, OR THE ADOPTED RULES.

**(B) (1) IF THE COMMISSION DETERMINES THAT A PARTY STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT OR THE ADOPTED RULES, THE COMMISSION SHALL:**

**(I) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER PARTY STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT, OR ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION; AND**

**(II) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING THE DEFAULT.**

**(2) (I) IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING STATE'S MEMBERSHIP IN THIS COMPACT MAY BE TERMINATED ON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ADMINISTRATORS, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF TERMINATION.**

**(II) A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.**

**(3) (I) TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED.**

**(II) NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO THE GOVERNOR OF THE DEFAULTING STATE, TO THE EXECUTIVE OFFICER OF THE DEFAULTING STATE'S LICENSING BOARD, AND TO EACH OF THE PARTY STATES.**

**(4) A STATE WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE DATE OF TERMINATION.**

**(5) THE COMMISSION MAY NOT BEAR ANY COSTS RELATED TO A STATE THAT IS FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN TERMINATED UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.**

(6) (I) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL OFFICES.

(II) THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS' FEES.

(C) (1) ON REQUEST BY A PARTY STATE, THE COMMISSION SHALL ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG PARTY STATES AND BETWEEN PARTY AND NONPARTY STATES.

(2) THE COMMISSION SHALL ADOPT A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES, AS APPROPRIATE.

(3) IN THE EVENT THE COMMISSION CANNOT RESOLVE DISPUTES AMONG PARTY STATES ARISING UNDER THIS COMPACT:

(I) THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN ARBITRATION PANEL, WHICH WILL BE COMPOSED OF INDIVIDUALS APPOINTED BY THE COMPACT ADMINISTRATOR IN EACH OF THE AFFECTED PARTY STATES AND AN INDIVIDUAL MUTUALLY AGREED ON BY THE COMPACT ADMINISTRATORS OF ALL THE PARTY STATES INVOLVED IN THE DISPUTE; AND

(II) THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE FINAL AND BINDING.

(D) (1) THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

(2) (I) BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL OFFICES AGAINST A PARTY STATE THAT IS IN DEFAULT TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND ITS ADOPTED RULES AND BYLAWS.

(II) THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES.

(III) IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS' FEES.

**(3) (I) THE REMEDIES PROVIDED FOR IN THIS ARTICLE MAY NOT BE THE EXCLUSIVE REMEDIES OF THE COMMISSION.**

**(II) THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.**

Article X. [Entry into Force,] **EFFECTIVE DATE**, Withdrawal, and Amendment.

[13.

(a) This Compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this Compact by enacting a statute repealing this Compact, but no such withdrawal may take effect until 6 months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

(b) No withdrawal may affect the validity or applicability of state nurse licensing boards remaining party to this Compact in reporting an adverse action that occurs prior to the withdrawal.

(c) Nothing contained in this Compact may be construed to invalidate or prevent any nurse licensing agreement or other cooperative agreement between a party state and a nonparty state that is made in accordance with other provisions of this Compact.

(d) This Compact may be amended by the party states. No amendment to this Compact may be effective until it is enacted into the laws of all party states.]

16.

**(A) (1) THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING ON THE EARLIER OF THE DATE OF LEGISLATIVE ENACTMENT OF THIS COMPACT INTO LAW BY NO LESS THAN 26 STATES OR DECEMBER 31, 2018.**

**(2) ALL PARTY STATES TO THIS COMPACT THAT ALSO WERE PARTIES TO THE PRIOR NURSE MULTISTATE LICENSURE COMPACT (“PRIOR COMPACT”), SUPERSEDED BY THIS COMPACT, SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE PRIOR COMPACT WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THIS COMPACT.**

**(B) EACH PARTY STATE TO THIS COMPACT SHALL CONTINUE TO RECOGNIZE A NURSE’S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN THAT PARTY STATE ISSUED UNDER THE PRIOR COMPACT UNTIL SUCH PARTY STATE HAS WITHDRAWN FROM THE PRIOR COMPACT.**

(C) (1) ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A STATUTE REPEALING THE COMPACT.

(2) A PARTY STATE'S WITHDRAWAL MAY NOT TAKE EFFECT UNTIL 6 MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

(D) A PARTY STATE'S WITHDRAWAL OR TERMINATION MAY NOT AFFECT THE CONTINUING REQUIREMENT OF THE WITHDRAWING OR TERMINATED STATE'S LICENSING BOARD TO REPORT ADVERSE ACTIONS AND SIGNIFICANT INVESTIGATIONS OCCURRING BEFORE THE EFFECTIVE DATE OF THE WITHDRAWAL OR TERMINATION.

(E) NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO INVALIDATE OR PREVENT ANY NURSE LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER PROVISIONS OF THIS COMPACT.

(F) (1) THIS COMPACT MAY BE AMENDED BY THE PARTY STATES.

(2) AN AMENDMENT TO THIS COMPACT MAY NOT BECOME EFFECTIVE AND BINDING ON THE PARTY STATES UNLESS AND UNTIL IT IS ENACTED INTO THE LAWS OF ALL PARTY STATES.

(G) REPRESENTATIVES OF NONPARTY STATES TO THIS COMPACT SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE COMMISSION, ON A NONVOTING BASIS, BEFORE THE ADOPTION OF THIS COMPACT BY ALL STATES.

#### Article XI. Construction and Severability.

[14.] 17.

(a) This Compact shall be liberally construed so as to effectuate the [purpose] PURPOSES of the Compact.

(B) The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the [Constitution of the United States or of the party states,] CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES, or IF the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance may not be affected thereby.

(C) If this Compact is held to be contrary to the constitution of a party state, this Compact shall remain in full force and effect as to the remaining party states[,] and [to the

party state] IN FULL FORCE AND EFFECT AS TO THE PARTY STATE affected as to all severable matters.

[(b) In the event that party states find a need for settling disputes arising under this Compact:

(1) The party states may submit the issues in dispute to an arbitration panel which shall be comprised of an individual appointed by the Compact administrator in the home state, an individual appointed by the Compact administrator in the remote state or states involved in the dispute, and an individual who is chosen by mutual agreement of all of the party states involved in the dispute; and

(2) The decision of a majority of the arbitrators shall be final and binding.]

8-7A-02.

Judicial review of the validity of discipline in another state as set forth in Article V of this Compact shall be limited to the issue of the identity of the individual who was disciplined in another state.

8-7A-03.

(a) This Nurse [Multistate] Licensure Compact may not nullify any other provision in this title or any other title applicable to the practice of nursing in the State.

(b) In any instance where this Nurse [Multistate] Licensure Compact is silent as to an issue, the other provisions of this title and any regulations promulgated under this title shall prevail.

8-7A-04.

In addition to the powers and duties set forth in this title, the Board shall promulgate regulations to effectuate the provisions of this Nurse [Multistate] Licensure Compact.

8-7A-05.

This Nurse [Multistate] Licensure Compact:

(a) Is designed to facilitate the regulation of nurses, and may not relieve employers from complying with contractual and statutorily imposed obligations; and

(b) May not supersede existing State labor laws.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect until a substantially similar act is enacted by at least 26 ~~other~~ states or on December 31, 2018, whichever occurs first, in accordance with Article X, § 16(a)(1) of the Nurse Licensure

Compact, as enacted by Section 1 of this Act. If 26 ~~other~~ states enact a substantially similar act before December 31, 2018, the State Board of Nursing shall notify the Department of Legislative Services within 5 days after the 26th state has enacted the act.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 670

### (House Bill 122)

AN ACT concerning

#### **Motor Vehicles – Electronic Inspection Certificates for Used Vehicles – Sunset Extension**

FOR the purpose of extending the termination date for certain provisions of the used vehicle inspection law applicable to the electronic submission of an inspection certificate.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 23–101(a), (b), and (e) and 23–108.1

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Chapter 91 of the Acts of the General Assembly of 2014

Section 3

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Transportation**

23–101.

(a) In this subtitle the following words have the meanings indicated.

(b) “Division” means the Automotive Safety Enforcement Division of the Department of State Police.

(e) “Inspection certificate” means a certification by an inspection station, in a format established by the Division, that:

(1) Certifies that, as of its date, a specified vehicle meets or exceeds the standards for equipment established under this title; and

(2) Identifies the inspection station and the registered individual who personally inspected the vehicle.

23–108.1.

For vehicle titling and registration purposes, the Division:

(1) Shall establish the manner and format for the submission of an inspection certificate for the transfer of a used motor vehicle;

(2) May authorize electronic submission of the inspection certificate; and

(3) Shall authorize the use of an inspection certificate form for the submission of the inspection certificate.

### **Chapter 91 of the Acts of 2014**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. It shall remain effective for a period of [3] 6 years and, at the end of June 30, [2017] 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 671**

### **(House Bill 295)**

AN ACT concerning

### **Criminal Procedure – Criminal Injuries Compensation Board – Impaired Boating**

FOR the purpose of making victims of a certain offense involving the operation of a vessel while under the influence of or impaired by alcohol or drugs eligible for payment through the Criminal Injuries Compensation Board; ~~providing for the retroactive application of this Act; authorizing the refiling of certain previously denied claims; authorizing the late filing of certain unfiled claims; providing for the prospective~~

application of this Act; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, without amendments,  
 Article – Criminal Procedure  
 Section 11–801(a), (b), and (c)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 11–801(d)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – Criminal Procedure**

11–801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the Criminal Injuries Compensation Board.
- (c) “Claimant” means the person filing a claim under this subtitle.
- (d) (1) “Crime” means:

(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:

- 1. this State; or
- 2. another state against a resident of this State; or

(ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

(2) “Crime” does not include an act involving the operation of a vessel or motor vehicle unless the act is:

(i) a violation of § 20–102, § 20–104, § 21–902, or § 21–904 of the Transportation Article; [or]

(II) A VIOLATION OF § 8-738 OF THE NATURAL RESOURCES ARTICLE; OR

~~[(ii)] (III)~~ operating a motor vehicle or vessel that results in an intentional injury.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any injury arising from a violation of § 8-738 of the Natural Resources Article occurring on or after January 1, 2012.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That a claimant who has been denied compensation by the Criminal Injuries Compensation Board for injuries arising out of a violation of § 8-738 of the Natural Resources Article shall be permitted to refile his or her claim to be considered for compensation, provided that:~~

~~(1) the original claim was filed on or after January 1, 2012; and~~

~~(2) the refiled claim is filed within 2 years after the effective date of this Act.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That a claim for compensation resulting from injuries arising out of a violation of § 8-738 of the Natural Resources Article occurring on or after January 1, 2012, may not be barred by the Criminal Injuries Compensation Board as untimely under § 11-809(a) of the Criminal Procedure Article or any other provision of law, for up to 2 years after the effective date of this Act.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any final decision of the Secretary of Public Safety and Correctional Services, for which the time for appeal of the decision has expired, made before the effective date of this Act.

SECTION ~~5~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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Chapter 672

(House Bill 493)

AN ACT concerning

Long-Term Care Insurance – Premium Rates

FOR the purpose of requiring the Maryland Insurance Commissioner to ~~establish by regulation, and post~~ provide information on the Maryland Insurance Administration's Web ~~site,~~ site describing certain factors and a certain process relating to premium rates for policies or contracts of long-term care insurance ~~certain rate tables to be used by certain carriers that offer, issue, or deliver policies, contracts, or certificates of long-term care insurance in the State to determine certain premium rates; prohibiting a carrier from imposing certain premium rate increases under certain circumstances; prohibiting a carrier from charging a premium to an insured or changing a premium before the applicable premium rate or premium rate change is filed with and approved by the Commissioner; requiring any applicable premium rate or premium rate change of a carrier to be filed with the Commissioner in accordance with certain regulations; requiring the Commissioner to disapprove or modify a proposed premium rate filing under certain circumstances; requiring the Commissioner to consider, to the extent appropriate, certain factors in determining whether to disapprove or modify a premium rate filing; requiring each premium rate filing and certain supporting information to be open to public inspection; authorizing a carrier to request a certain finding by the Commissioner; authorizing a person to obtain copies of a premium rate filing and any supporting information under certain circumstances; authorizing the Commissioner to require a carrier to demonstrate that, based on certain analysis and assumptions, its premium rates for a policy or contract of long-term care insurance are not inadequate, unfairly discriminatory, or excessive in relation to benefits, notwithstanding the Commissioner's previous approval of the carrier's premium rate filing; requiring the Commissioner to issue a certain order to a carrier under certain circumstances; requiring the Commissioner to hold a hearing before issuing a certain order and to provide written notice of the hearing; providing that an order does not affect a certain policy, contract, or certificate of long-term care insurance; requiring the Commissioner, at certain intervals and with a certain exception, to hold a public hearing for a certain purpose; requiring the Commissioner to provide certain individuals an opportunity to testify at certain hearings, subject to a certain limitation; providing that each decision or finding of the Commissioner about certain premium rates is subject to judicial review; requiring a carrier to provide a certain notice to its insureds ~~each year; requiring a carrier to post a certain notice on the carrier's Web site;~~ requiring an insurance producer who offers or sells policies or contracts of long-term care insurance in the State to advise certain individuals about the availability and benefits of certain policies that qualify under the Qualified State Long-Term Care Insurance Partnership; requiring the insurance producer to ~~maintain certain statements in a certain location and make the statements available to the Commissioner for inspection~~ provide a certain statement to each applicant for long-term care insurance; authorizing the Commissioner to take certain actions for a violation of a certain provision of this Act; requiring a carrier to provide an insured a certain nonforfeiture benefit under certain circumstances requiring the Administration to make a certain assessment and a certain determination relating to nonforfeiture benefits and to report on its assessment and determination to certain legislative committees on or before a certain date; defining certain terms; providing~~

for the application of this Act; and generally relating to premium rates for long-term care insurance.

BY adding to

Article – Insurance

Section 11-701 through 11-704 to be under the new subtitle “Subtitle 7. Long-Term Care Insurance Premium Rate Review”; and 18-103(d) ~~and 18-116.1~~

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Insurance

#### SUBTITLE 7. LONG-TERM CARE INSURANCE PREMIUM RATE REVIEW.

##### 11-701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CARRIER” MEANS AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, ~~A HEALTH MAINTENANCE ORGANIZATION,~~ OR A PREFERRED PROVIDER ORGANIZATION THAT OFFERS, ISSUES, OR DELIVERS A POLICY, CONTRACT, OR CERTIFICATE OF LONG-TERM CARE INSURANCE IN THE STATE.

(C) “CERTIFICATE” HAS THE MEANING STATED IN § 18-101 OF THIS ARTICLE.

(D) “LONG-TERM CARE INSURANCE” HAS THE MEANING STATED IN § 18-101 OF THIS ARTICLE.

##### 11-702.

~~(A) THE COMMISSIONER SHALL ESTABLISH BY REGULATION A STANDARD MORTALITY RATE TABLE AND A STANDARD MORBIDITY RATE TABLE A CARRIER MUST USE TO DETERMINE PREMIUM RATES FOR POLICIES OR CONTRACTS OF LONG TERM CARE INSURANCE.~~

~~(B) THE COMMISSIONER SHALL POST THE STANDARD RATE TABLES ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION ON THE ADMINISTRATION’S WEB SITE.~~

~~(C) A CARRIER MAY NOT:~~

~~(1) WITHIN ANY 10-YEAR PERIOD OF COVERAGE UNDER A POLICY OR CONTRACT OF LONG-TERM CARE INSURANCE, INCREASE THE PREMIUM RATE FOR THE POLICY OR CONTRACT BY MORE THAN 50% OF THE INITIAL PREMIUM RATE FOR THAT PERIOD; OR~~

~~(2) IMPOSE A PREMIUM RATE INCREASE FOR A POLICY OR CONTRACT OF LONG-TERM CARE INSURANCE THAT EXCEEDS 15% WITHIN A 12-MONTH PERIOD.~~

THE COMMISSIONER SHALL PROVIDE INFORMATION ON THE ADMINISTRATION'S WEB SITE DESCRIBING:

(1) THE FACTORS THAT CARRIERS USE TO DETERMINE PREMIUM RATES FOR POLICIES OR CONTRACTS OF LONG-TERM CARE INSURANCE; AND

(2) THE PROCESS AND FACTORS THAT THE ADMINISTRATION USES IN REVIEWING AND APPROVING PREMIUM RATES FOR POLICIES OR CONTRACTS OF LONG-TERM CARE INSURANCE.

11-703.

(A) A CARRIER MAY NOT CHARGE A PREMIUM TO AN INSURED UNDER A POLICY OR CONTRACT OF LONG-TERM CARE INSURANCE BEFORE THE APPLICABLE PREMIUM RATE IS FILED WITH AND APPROVED BY THE COMMISSIONER.

(B) A CARRIER MAY NOT CHANGE THE PREMIUM CHARGED TO AN INSURED UNDER A POLICY OR CONTRACT OF LONG-TERM CARE INSURANCE UNTIL THE APPLICABLE PREMIUM RATE CHANGE HAS BEEN FILED WITH AND APPROVED BY THE COMMISSIONER.

(C) (1) ANY APPLICABLE PREMIUM RATE OR PREMIUM RATE CHANGE OF A CARRIER SHALL BE FILED WITH THE COMMISSIONER IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER.

(2) (i) THE COMMISSIONER SHALL DISAPPROVE OR MODIFY A PROPOSED PREMIUM RATE FILING IF THE PROPOSED PREMIUM RATES APPEAR, BASED ON ~~STATISTICAL~~ ACTUARIAL ANALYSIS AND REASONABLE ASSUMPTIONS, TO BE INADEQUATE, UNFAIRLY DISCRIMINATORY, OR EXCESSIVE IN RELATION TO BENEFITS.

(ii) IN DETERMINING WHETHER TO DISAPPROVE OR MODIFY A PREMIUM RATE FILING OF A CARRIER, THE COMMISSIONER SHALL CONSIDER, TO THE EXTENT APPROPRIATE:

1. PAST AND PROSPECTIVE LOSS EXPERIENCE IN AND OUTSIDE THE STATE;
2. UNDERWRITING PRACTICE AND JUDGMENT;
3. A REASONABLE MARGIN FOR RESERVE NEEDS;
4. PAST AND PROSPECTIVE EXPENSES, BOTH COUNTRYWIDE AND THOSE SPECIFICALLY APPLICABLE TO THE STATE; AND
5. ANY OTHER RELEVANT FACTORS IN AND OUTSIDE THE STATE.

(3) (I) EACH PREMIUM RATE FILING AND ANY SUPPORTING INFORMATION FILED UNDER THIS SUBTITLE SHALL BE OPEN TO PUBLIC INSPECTION AS SOON AS FILED.

(II) A CARRIER MAY REQUEST A FINDING BY THE COMMISSIONER THAT CERTAIN INFORMATION FILED WITH THE COMMISSIONER BE CONSIDERED CONFIDENTIAL COMMERCIAL INFORMATION UNDER § 4-335 OF THE GENERAL PROVISIONS ARTICLE AND NOT SUBJECT TO PUBLIC INSPECTION.

(III) ON REQUEST AND PAYMENT OF A REASONABLE FEE, A PERSON MAY OBTAIN COPIES OF A PREMIUM RATE FILING AND ANY SUPPORTING INFORMATION.

~~(D) NOTWITHSTANDING THE COMMISSIONER'S PREVIOUS APPROVAL OF A PREMIUM RATE FILING OF A CARRIER, THE COMMISSIONER, AT ANY TIME, MAY REQUIRE THE CARRIER TO DEMONSTRATE THAT, BASED ON STATISTICAL ANALYSIS AND REASONABLE ASSUMPTIONS AND CONSIDERING THE FACTORS LISTED IN SUBSECTION (C)(2) OF THIS SECTION, ITS PREMIUM RATES FOR A POLICY OR CONTRACT OF LONG TERM CARE INSURANCE ARE NOT INADEQUATE, UNFAIRLY DISCRIMINATORY, OR EXCESSIVE IN RELATION TO BENEFITS.~~

~~(E) (1) IF, AFTER THE APPLICABLE REVIEW PERIOD, THE COMMISSIONER FINDS THAT THE PREMIUM RATES IN A PREMIUM RATE FILING OF A CARRIER ARE INADEQUATE, UNFAIRLY DISCRIMINATORY, OR EXCESSIVE, AS DETERMINED UNDER SUBSECTION (C)(2) OF THIS SECTION, THE COMMISSIONER SHALL ISSUE TO THE CARRIER AN ORDER THAT:~~

~~(I) SPECIFIES THE REASONS WHY THE PREMIUM RATE FILING IS INADEQUATE, UNFAIRLY DISCRIMINATORY, OR EXCESSIVE IN RELATION TO BENEFITS; AND~~

~~(H) STATES WHEN, WITHIN A REASONABLE PERIOD OF TIME AFTER THE ORDER, THE PREMIUM RATE FILING WILL NO LONGER BE EFFECTIVE.~~

~~(2) (I) THE COMMISSIONER SHALL HOLD A HEARING BEFORE ISSUING AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(H) THE COMMISSIONER SHALL GIVE WRITTEN NOTICE OF THE HEARING TO THE CARRIER AT LEAST 10 DAYS BEFORE THE HEARING.~~

~~(H) THE WRITTEN NOTICE SHALL SPECIFY THE MATTERS TO BE CONSIDERED AT THE HEARING.~~

~~(3) AN ORDER ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT AFFECT A POLICY, CONTRACT, OR CERTIFICATE OF LONG TERM CARE INSURANCE ISSUED OR DELIVERED BEFORE THE EXPIRATION OF THE PERIOD STATED IN THE ORDER.~~

~~(F) (D) (1) AT EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AT LEAST QUARTERLY, THE COMMISSIONER SHALL HOLD A PUBLIC HEARING TO REVIEW LONG-TERM CARE INSURANCE RATE FILINGS RECEIVED BY THE COMMISSIONER DURING THE PRECEDING 3-MONTH PERIOD.~~

~~(2) A PUBLIC HEARING IS NOT REQUIRED IF THE COMMISSIONER HAS NOT RECEIVED A LONG-TERM CARE INSURANCE RATE FILING DURING THE PRECEDING 3-MONTH PERIOD.~~

~~(G) (E) THE COMMISSIONER SHALL PROVIDE ALL INDIVIDUALS PRESENT AT A PUBLIC HEARING HELD UNDER THIS SUBTITLE WHO WISH TO TESTIFY AN OPPORTUNITY TO DO SO, BUT MAY LIMIT REPETITIOUS TESTIMONY.~~

~~(H) (F) EACH DECISION OR FINDING OF THE COMMISSIONER ABOUT PREMIUM RATES MADE UNDER THIS SUBTITLE IS SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE.~~

11-704.

~~(A) A CARRIER SHALL PROVIDE NOTICE TO ITS INSURED EACH YEAR, AND POST A NOTICE ON THE CARRIER'S WEB SITE, THAT AN INSURED MAY ACCESS INFORMATION ABOUT PROPOSED RATE INCREASES AND SUBMIT COMMENTS REGARDING PROPOSED RATE INCREASES ON THE ADMINISTRATION'S WEB SITE.~~

~~(B) (1) AT LEAST 30 DAYS BEFORE A PUBLIC HEARING HELD IN ACCORDANCE WITH § 11-703(F) OF THIS SUBTITLE, A CARRIER SHALL PROVIDE A~~

~~WRITTEN NOTICE TO EACH INSURED OF THE FILING OF ANY PROPOSED PREMIUM INCREASE APPLICABLE TO THE INSURED.~~

~~(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:~~

~~(I) THE AMOUNT OR PERCENTAGE OF THE PROPOSED PREMIUM INCREASE;~~

~~(II) THE DATE OF THE PUBLIC HEARING; AND~~

~~(III) A STATEMENT THAT THE INSURED MAY:~~

~~1. TESTIFY AT THE HEARING ON THE PROPOSED PREMIUM INCREASE; OR~~

~~2. SUBMIT COMMENTS REGARDING THE PROPOSED RATE INCREASE ON THE ADMINISTRATION'S WEB SITE.~~

(A) A CARRIER SHALL PROVIDE A ONE-TIME WRITTEN NOTICE TO ITS INSURED THAT AN INSURED MAY ACCESS INFORMATION ABOUT PROPOSED RATE INCREASES ON THE ADMINISTRATION'S WEB SITE.

(B) (1) FOR A POLICY OR CONTRACT ISSUED OR DELIVERED ON OR AFTER JANUARY 1, 2018, THE ONE-TIME WRITTEN NOTICE SHALL BE PROVIDED AT THE TIME THE POLICY OR CONTRACT IS ISSUED OR DELIVERED.

(2) FOR A POLICY OR CONTRACT ISSUED OR DELIVERED BEFORE JANUARY 1, 2018, THE ONE-TIME WRITTEN NOTICE SHALL BE PROVIDED NO LATER THAN THE NEXT POLICY OR CONTRACT ANNIVERSARY DATE AFTER JANUARY 1, 2018.

18-103.

(D) ~~(1)~~ AN INSURANCE PRODUCER WHO OFFERS OR SELLS POLICIES OR CONTRACTS OF LONG-TERM CARE INSURANCE IN THE STATE SHALL:

~~(1)~~ (1) ADVISE AN INDIVIDUAL CONSIDERING THE PURCHASE OF A LONG-TERM CARE INSURANCE POLICY OR CONTRACT ABOUT THE AVAILABILITY AND BENEFITS OF A POLICY THAT QUALIFIES UNDER THE QUALIFIED STATE LONG-TERM CARE INSURANCE PARTNERSHIP ESTABLISHED UNDER TITLE 15, SUBTITLE 4 OF THE HEALTH – GENERAL ARTICLE;

~~(H) MAINTAIN IN AN OFFICE THAT IS GENERALLY ACCESSIBLE TO THE PUBLIC DURING NORMAL BUSINESS HOURS A DISCLOSURE STATEMENT SIGNED BY THE INDIVIDUAL ATTESTING THAT THE INSURANCE PRODUCER HAS ADVISED THE INDIVIDUAL IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH; AND~~

(2) PROVIDE A DISCLOSURE STATEMENT, APPROVED BY THE COMMISSIONER, TO EACH APPLICANT FOR LONG-TERM CARE INSURANCE ABOUT THE QUALIFIED STATE LONG-TERM CARE INSURANCE PARTNERSHIP; AND

~~(H) (3) MAKE THE DISCLOSURE STATEMENTS STATEMENT REQUIRED UNDER ITEM (H) (2) OF THIS SUBSECTION AVAILABLE TO THE COMMISSIONER FOR INSPECTION.~~

~~(2) IF AN INSURANCE PRODUCER VIOLATES PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER MAY TAKE ANY ACTION AUTHORIZED UNDER § 10-126 OF THIS ARTICLE.~~

~~18-116.1.~~

~~A CARRIER SHALL PROVIDE AN INSURED WHO HAS MAINTAINED A CONTRACT OR POLICY OF LONG-TERM CARE INSURANCE THROUGH THE CARRIER FOR AT LEAST 10 YEARS AND HAS PAID ALL PREMIUMS FOR THE CONTRACT OR POLICY IN FULL, A NONFORFEITURE BENEFIT THAT IS:~~

~~(1) EQUIVALENT TO AT LEAST THE ACCUMULATED VALUE OF ALL PREMIUMS PAID BY THE INSURED; AND~~

~~(2) ADJUSTED FOR INFLATION BASED ON THE CONSUMER PRICE INDEX FOR THE WASHINGTON-BALTIMORE METROPOLITAN AREA, AS COMPUTED BY THE U.S. DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration shall:

(1) assess the impact on long-term care insurance policyholders and carriers of the existing regulation requiring carriers to offer a nonforfeiture benefit;

(2) based on its assessment and any other relevant factors, determine whether expanding the nonforfeiture benefit requirement may be desirable; and

(3) on or before January 1, 2018, report, in accordance with § 2-1246 of the State Government Article, on its assessment and determination to the Senate Finance Committee and the House Health and Government Operations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all:

(1) policies, contracts, or certificates of long-term care insurance issued, delivered, or ~~renewed~~ in effect in the State on or after the effective date of this Act; and

(2) rate filings submitted to the Maryland Insurance Commissioner on or after the effective date of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 673

### (House Bill 601)

AN ACT concerning

#### **Senior Call-Check Service and Notification Program – Establishment**

FOR the purpose of altering the purpose of and programs to be funded by the Universal Service Trust Fund; requiring the Secretary of Information Technology to certify certain information; requiring the Public Service Commission to determine the amount of a certain monthly surcharge; authorizing the Legislative Auditor to conduct certain postaudits for a certain additional purpose; establishing the Senior Call-Check Service and Notification Program; providing a mechanism for the funding of the Program; requiring the Program to be funded at a certain amount based on a certain estimate by the Department of Aging, subject to a certain limitation; specifying that an individual who meets a certain requirement is eligible for the Program; requiring the Department of Aging to establish and maintain the Program and to adopt certain regulations; specifying a sequence of telephone calls and notifications that satisfies Program requirements; authorizing the Department of Aging to contract with a certain private vendor or nonprofit organization to provide a certain service; providing for ~~immunity from civil liability and criminal penalty for entities and individuals participating in~~ the application of the State Tort Claims Act and the Local Government Tort Claims Act to certain persons for certain services under the Program; providing that certain persons may not be liable for certain acts or omissions directly arising from services provided under the Program; defining certain terms; and generally relating to telephone service and the Senior Call-Check Service and Notification Program.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 3A-101 and 3A-501  
Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 3A–506

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – State Finance and Procurement

Section 3A–701 and 3A–702 to be under the new subtitle “Subtitle 7. Senior  
Call–Check Service and Notification Program”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – State Finance and Procurement**

3A–101.

(a) In this title the following words have the meanings indicated.

(b) “Department” means the Department of Information Technology.

(c) “Secretary” means the Secretary of Information Technology.

(d) “Telecommunication” means the transmission of information, images, pictures, voice, or data by radio, video, or other electronic or impulse means.

(e) “Unit of State government” means an agency or unit of the Executive Branch of State government.

3A–501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Governor’s Advisory Board for Telecommunications Relay.

(c) “Communications company” means a public service company, as defined in § 1–101 of the Public Utilities Article, or any other company, that provides a communications service.

(d) “Communications service” means:

(1) landline telephone service;

(2) wireless or cellular telephone service; or

(3) Voice over Internet Protocol (VoIP) service, as defined in § 8–601 of the Public Utilities Article.

(e) “Dual party telephone relay program” means a service that provides full and simultaneous communication between a person or persons with a disability that prevents them from using a standard telephone and a person or persons without that disability using conventional telephone equipment or other technology or equipment, whereby the disabled person or persons have their message relayed through an intermediary party using specialized telecommunications equipment.

(f) “Program” means the dual party telephone relay program.

(g) “Program participant” means a resident of the State who uses the dual party telephone relay program.

(h) (1) “Specialized customer telephone equipment” means any communications device that enables or assists a person with a disability to communicate with others by means of the public switched telephone network or Internet protocol-enabled voice communications service.

(2) “Specialized customer telephone equipment” includes:

- (i) TDD/TT/TTY;
- (ii) amplifiers;
- (iii) captioned telephones;
- (iv) VRS equipment;
- (v) cell phones;
- (vi) pagers;
- (vii) puff blow devices;
- (viii) Braille–TTY devices; and
- (ix) equipment for the mobility disabled.

(i) “Telecommunications device for the deaf” or “TDD/TT/TTY” means all types of mechanical devices that enable disabled individuals to communicate through messages sent and received through a telephone or wireless network.

3A-506.

(a) (1) [The] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** programs under § 3A-504(a) of this subtitle and [§ 3A-602(a)] **§§ 3A-602(A) AND 3A-702** of this title shall be funded as provided in the State budget.

(2) **FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE PROGRAM UNDER § 3A-702 OF THIS TITLE SHALL BE FUNDED AT AN AMOUNT THAT:**

(I) **IS EQUAL TO THE COST THAT THE DEPARTMENT OF AGING IS EXPECTED TO INCUR FOR THE UPCOMING FISCAL YEAR TO PROVIDE THE SERVICE AND ADMINISTER THE PROGRAM; AND**

(II) **DOES NOT EXCEED 5 CENTS PER MONTH FOR EACH ACCOUNT OUT OF THE SURCHARGE AMOUNT AUTHORIZED UNDER SUBSECTION (C) OF THIS SECTION.**

(b) (1) There is a Universal Service Trust Fund created for the purpose of paying the costs of maintaining and operating the [program] **PROGRAMS** under:

(I) § 3A-504(a) of this subtitle, subject to the limitations and controls provided in this subtitle[, and the program under];

(II) § 3A-602(a) of this title, subject to the limitations and controls provided in Subtitle 6 of this title; **AND**

(III) **§ 3A-702 OF THIS TITLE, SUBJECT TO THE LIMITATIONS AND CONTROLS PROVIDED IN SUBTITLE 7 OF THIS TITLE.**

(2) Money in the Universal Service Trust Fund shall be held in the State Treasury.

(3) Money in the Universal Service Trust Fund may only be used:

(i) to fund the costs of the programs specified in paragraph (1) of this subsection; and

(ii) to pay for the administration of the Universal Service Trust Fund.

(c) (1) The costs of the programs under § 3A-504(a) of this subtitle and [§ 3A-602(a)] **§§ 3A-602(A) AND 3A-702** of this title shall be funded by revenues generated by:

(i) a surcharge to be paid by the subscribers to a communications service; and

(ii) other funds as provided in the State budget.

(2) (i) The surcharge may not exceed 18 cents per month for each account and shall be applied to all current bills rendered for a communications service in the State.

(ii) The surcharge is payable at the time the bills for a communications service are due.

(3) The surcharge to be collected under this section applies only to a communications service for which charges are billed by, or on behalf of, a communications company to a subscriber of the communications service.

(d) (1) The Secretary shall annually certify to the Public Service Commission the costs of the programs under § 3A-504(a) of this subtitle and **[§ 3A-602(a)] §§ 3A-602(A) AND 3A-702** of this title to be paid by the Universal Service Trust Fund for the following fiscal year.

(2) (i) The Public Service Commission shall determine the surcharge for the following fiscal year necessary to fund the programs under § 3A-504(a) of this subtitle and **[§ 3A-602(a)] §§ 3A-602(A) AND 3A-702** of this title.

(ii) 1. In accordance with subsection (c)(2) of this section and subparagraph 2 of this subparagraph, the Public Service Commission shall set the surcharge for the following fiscal year at an amount that is no higher than necessary to generate sufficient revenues to fund the costs of the programs for the following fiscal year, as certified under paragraph (1) of this subsection.

2. In setting the surcharge under subparagraph 1 of this subparagraph, the Public Service Commission shall take into account whether the surcharge may be adjusted as a result of any uncommitted funds in the Universal Service Trust Fund at the end of the fiscal year that may be used to fund the costs of the programs for the following fiscal year.

(3) The Secretary shall, on 60 days' notice, direct the affected communications companies to add the surcharge determined by the Public Service Commission under paragraph (2) of this subsection to all current bills rendered for communications service in the State.

(e) (1) The affected communications companies shall act as collection agents for the Universal Service Trust Fund and shall remit all proceeds monthly to the Comptroller for deposit to the Universal Service Trust Fund.

(2) The communications companies shall be entitled to credit against these proceeds in an amount equal to 1 1/2 percent of these proceeds to cover the expenses of billing, collecting, and remitting the surcharge and any additional charges.

(f) (1) The Secretary shall administer the Universal Service Trust Fund.

(2) The income derived from investment of money in the Universal Service Trust Fund shall accrue to the Universal Service Trust Fund.

(3) Any funds remaining at the end of a fiscal year in the Universal Service Trust Fund shall be carried forward within the Universal Service Trust Fund for the maintenance and operation of the programs specified under subsection (b) of this section in the following fiscal year.

(g) (1) The Legislative Auditor may conduct postaudits of a fiscal and compliance nature of the Universal Service Trust Fund and the expenditures made for purposes of § 3A-504(a) of this subtitle and [§ 3A-602(a)] §§ 3A-602(A) AND 3A-702 of this title.

(2) The cost of the fiscal portion of the postaudit examination shall be paid from the Universal Service Trust Fund as an administrative cost.

#### **SUBTITLE 7. SENIOR CALL-CHECK SERVICE AND NOTIFICATION PROGRAM.**

##### **3A-701.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ELIGIBLE PARTICIPANT” MEANS A RESIDENT OF THE STATE WHO IS AT LEAST 65 YEARS OLD.

(C) “PERSON OF RECORD” INCLUDES A LOCAL LAW ENFORCEMENT UNIT OR OTHER LOCAL GOVERNMENT AGENCY THAT CHOOSES TO PARTICIPATE IN THE PROGRAM.

(D) “PROGRAM” MEANS THE SENIOR CALL-CHECK SERVICE AND NOTIFICATION PROGRAM.

(E) (1) “SENIOR CALL-CHECK SERVICE AND NOTIFICATION” MEANS A TELEPHONE CALL MADE OR RECEIVED EACH DAY AT A REGULARLY SCHEDULED TIME BY THE DEPARTMENT OF AGING OR THE DEPARTMENT OF AGING’S DESIGNEE TO THE RESIDENCE OF AN ELIGIBLE PARTICIPANT TO VERIFY THAT THE PARTICIPANT IS ABLE TO RECEIVE NOTIFICATIONS AND ANSWER THE TELEPHONE OR PLACE A CALL FROM THE TELEPHONE.

(2) “SENIOR CALL–CHECK SERVICE AND NOTIFICATION” INCLUDES:

(I) AN AUTOMATED OR LIVE TELEPHONE CALL PLACED BY AN ELIGIBLE PARTICIPANT OR RECEIVED BY AN ELIGIBLE PARTICIPANT AT A REGULARLY SCHEDULED TIME EACH DAY;

(II) IF THE ELIGIBLE PARTICIPANT DOES NOT ANSWER OR PLACE THE REGULARLY SCHEDULED CALL AND THE SECRETARY OF AGING DESIGNS THE PROGRAM TO REQUIRE THIS ACTION, ONE OR MORE AUTOMATED OR LIVE TELEPHONE CALLS TO THE ELIGIBLE PARTICIPANT;

(III) IF THE ELIGIBLE PARTICIPANT DOES NOT ANSWER A TELEPHONE CALL MADE UNDER ITEM (II) OF THIS PARAGRAPH, AN ADDITIONAL AUTOMATED OR LIVE TELEPHONE CALL TO NOTIFY A PERSON OF RECORD WHOSE NAME HAS BEEN PROVIDED TO THE DEPARTMENT OF AGING; AND

(IV) A NOTIFICATION TO THE ELIGIBLE PARTICIPANT REGARDING INFORMATION THAT THE SECRETARY OF AGING HAS DETERMINED TO BE RELEVANT.

3A-702.

(A) THE DEPARTMENT OF AGING SHALL:

(1) ESTABLISH AND ADMINISTER THE PROGRAM TO PROVIDE SENIOR CALL–CHECK SERVICE AND NOTIFICATION TO ELIGIBLE PARTICIPANTS; AND

(2) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM.

(B) THE DEPARTMENT OF AGING MAY CONTRACT WITH A PRIVATE VENDOR OR NONPROFIT ORGANIZATION TO PROVIDE THE SENIOR CALL–CHECK SERVICE AND NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

~~(C) (1) ALL INDIVIDUALS AND ENTITIES INVOLVED IN ADMINISTERING THE PROGRAM SHALL BE IMMUNE FROM LIABILITY OR CRIMINAL PENALTY FOR THE PERFORMANCE OR NONPERFORMANCE OF THE REQUIREMENTS UNDER THE PROGRAM.~~

~~(2) ENTITIES OR INDIVIDUALS THAT ARE IMMUNE FROM CIVIL LIABILITY AND CRIMINAL PENALTY INCLUDE:~~

~~(i) THE DEPARTMENT OF AGING;~~

~~(II) THE DEPARTMENT OF AGING'S DESIGNEE UNDER SUBSECTION (B) OF THIS SECTION;~~

~~(III) THE PUBLIC SERVICE COMMISSION;~~

~~(IV) A TELEPHONE COMPANY;~~

~~(V) A LOCAL LAW ENFORCEMENT UNIT;~~

~~(VI) A LOCAL GOVERNMENT AGENCY;~~

~~(VII) A PERSON OF RECORD; AND~~

~~(VIII) A VOLUNTEER-BASED ORGANIZATION.~~

(C) (1) THE STATE TORT CLAIMS ACT AND THE LOCAL GOVERNMENT TORT CLAIMS ACT, AS APPROPRIATE, APPLY TO A STATE OR LOCAL UNIT AND TO AN EMPLOYEE OR AGENT OF A STATE OR LOCAL UNIT THAT PARTICIPATES IN THE PROGRAM FOR SERVICES THE UNIT OR PERSON PROVIDES UNDER THE PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT OF AGING.

(2) A PERSON OF RECORD AND A VOLUNTEER MAY NOT BE LIABLE FOR REASONABLE ACTS OR OMISSIONS DIRECTLY ARISING FROM SERVICES THE PERSON PROVIDES UNDER THE PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT OF AGING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 674

(House Bill 744)

AN ACT concerning

### Corporations – Maryland General Corporation Law – Miscellaneous Provisions

FOR the purpose of providing that certain individuals, under certain circumstances, are deemed to have consented to the appointment of the resident agent of a Maryland corporation or a Maryland real estate investment trust or, if there is no resident agent, the State Department of Assessments and Taxation, as an agent on which

service of process may be made in certain actions or proceedings; providing that a certain consent to service of process is effective under certain circumstances and has certain legal force and validity; providing that a certain appointment as an agent for service of process is irrevocable; requiring the Department to collect a certain additional fee for processing a certified list of certain charter documents or certificates of certain business entities on an expedited basis; altering certain requirements for the execution and signing of certain documents; altering certain requirements for the resident agent of a Maryland corporation, a limited partnership, and a Maryland statutory trust; prohibiting the charter or bylaws of a corporation with capital stock from imposing liability on a certain stockholder for the attorney's fees or expenses of the corporation or any other party in connection with a certain claim; authorizing the charter or bylaws of a corporation, consistent with certain requirements, to require that certain claims be brought only in certain courts; prohibiting certain provisions of the charter or bylaws of a corporation from prohibiting certain claims from being brought in certain courts; altering the officers of a corporation required to countersign a stock certificate; authorizing the board of directors of a corporation to adopt a certain procedure by resolution unless the charter or bylaws provide otherwise; requiring a certain number of the last acting officers of a corporation, the charter of which has been forfeited for certain reasons, instead of the president or vice president, the secretary, and the treasurer, to sign and acknowledge articles of revival and file them with the Department; requiring that the directors manage the assets, rather than become the trustees of the assets, of a corporation for purposes of liquidating the assets when the corporation's charter has been forfeited; requiring the directors to take certain actions unless and until articles of revival are filed; repealing a provision of law authorizing the directors to sue or be sued in their own names as trustees; repealing a provision of law establishing that the director-trustees govern by majority vote; providing that forfeiture of the charter of a corporation does not subject a director of the corporation to a certain standard of conduct; authorizing a nonstock corporation to convert only into a certain foreign corporation; making certain provisions of this Act applicable to real estate investment trusts; providing for the application of certain provisions of this Act; making certain conforming changes; defining a certain term; and generally relating to the Maryland General Corporation Law and real estate investment trusts.

BY renumbering

Article – Corporations and Associations  
Section 1–101(p) through (cc), respectively  
to be Section 1–101(q) through (dd), respectively  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Corporations and Associations  
Section 1–101(p) and 2–113  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 1–203(b)(8), 1–301, 2–108(a), 2–212(a), 2–514(a), 3–507(b)(1), 3–515, 5–207,  
8–601.1, 10–104(a), and 12–203(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 6–102.1

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1–101(p) through (cc), respectively, of Article – Corporations and Associations of the Annotated Code of Maryland be renumbered to be Section(s) 1–101(q) through (dd), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Corporations and Associations**

1–101.

**(P) “INTERNAL CORPORATE CLAIM” MEANS A CLAIM, INCLUDING A CLAIM BROUGHT BY OR IN THE RIGHT OF A CORPORATION:**

**(1) BASED ON AN ALLEGED BREACH BY A DIRECTOR, AN OFFICER, OR A STOCKHOLDER OF A DUTY OWED TO THE CORPORATION OR THE STOCKHOLDERS OF THE CORPORATION OR A STANDARD OF CONDUCT APPLICABLE TO DIRECTORS;**

**(2) ARISING UNDER THIS ARTICLE; OR**

**(3) ARISING UNDER THE CHARTER OR BYLAWS OF THE CORPORATION.**

1–203.

(b) (8) For processing each of the following documents on an expedited basis, the additional fee is as indicated:

Recording any document, including financing statements, or submitting for preclearance any document listed in paragraph (1) or (4) of this subsection, if processing under § 1–203.2(b)(1) of this subtitle is

requested ..... \$425

Recording any document, including financing statements, or submitting for preclearance any document listed in paragraph (1) or (4) of this subsection, if processing under § 1–203.2(b)(1) is not requested ..... \$50

Certificate of status of a corporation, partnership, limited partnership, limited liability partnership, or limited liability company, or a name reservation ..... \$20

**CERTIFIED LIST OF THE CHARTER DOCUMENTS OF A MARYLAND CORPORATION OR ANY CERTIFICATE OF A MARYLAND LIMITED PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY RECORDED OR FILED WITH THE DEPARTMENT .. \$20**

A copy of any document recorded or filed with the Department, or a corporate abstract ..... \$20

Application for a ground rent redemption or a ground rent extinguishment, or payment of a redemption or extinguishment amount to the former owner of the ground rent..... \$50

1–301.

(a) Articles supplementary and articles of amendment, restatement, amendment and restatement, consolidation, merger, share exchange, transfer, conversion, and extension and, except as provided in § 3–406(b) of this article, articles of dissolution shall be executed as follows:

(1) They shall be signed and acknowledged for each corporation, statutory trust, or real estate investment trust party to the articles, by its chairman or vice chairman of the board of directors or board of trustees, by its chief executive officer, chief operating officer, chief financial officer, president, or one of its vice presidents, or, if authorized by the bylaws or resolution of the board of directors or board of trustees [and the articles so state], by any other officer or agent of the corporation, statutory trust, or real estate investment trust;

(2) They shall be witnessed or attested by the secretary, treasurer, chief financial officer, assistant treasurer, or assistant secretary of each corporation, statutory trust, or real estate investment trust party to the articles, or, if authorized by the bylaws or resolution of the board of directors or board of trustees [and the articles so state], by any other officer or agent of the corporation, statutory trust, or real estate investment trust;

(3) They shall be signed and acknowledged for each other entity party to the articles by a person authorized to act for the entity by law or by the governing document; and

(4) Except as provided in subsection (b) of this section, the matters and facts set forth in the articles with respect to authorization and approval shall be verified under oath as follows:

(i) With respect to any Maryland corporation, statutory trust, or real estate investment trust party to the articles, by the chairman or the secretary of the meeting at which the articles or transaction were approved, by the chairman or vice chairman of the board of directors or board of trustees, by the chief executive officer, chief operating officer, chief financial officer, president, vice president, secretary, or assistant secretary of the corporation, statutory trust, or real estate investment trust, or, if authorized in accordance with item (1) of this subsection [and the articles so state], by any other officer or agent of the corporation, statutory trust, or real estate investment trust;

(ii) With respect to any foreign corporation party to articles of consolidation, merger, or share exchange, by the chief executive officer, chief operating officer, chief financial officer, president, vice president, secretary, or assistant secretary of the corporation; and

(iii) With respect to any other Maryland or foreign entity party to the articles, by a person authorized by law or by the governing document to act for the entity.

(b) When articles of transfer are executed:

(1) With respect to the transferor corporation, the requirements of subsection (a)(4)(i) of this section apply;

(2) With respect to a transferee corporation, the matters and facts set forth in the articles with respect to authorization and approval shall be verified under oath by the chief executive officer, chief operating officer, president, vice president, secretary, or assistant secretary of the corporation; and

(3) With respect to a transferee which is not a corporation, the articles shall be signed and acknowledged by the transferee.

(c) All other instruments required to be filed with the Department may be signed:

(1) By the chairman or vice chairman of the board of directors, the chief executive officer, chief operating officer, president, or any vice president and witnessed or attested by the secretary or any assistant secretary, or by any other officer or agent of the corporation who is authorized by the bylaws or resolution of the board of directors to perform the duties usually performed by the secretary [and the instrument so states];

(2) If it appears from the instrument that there are no such officers, by a majority of the directors or by such directors as may be designated by the board and the instrument so states; or

(3) If it appears from the instrument that there are no officers or directors, by the holders of a majority of outstanding stock.

2–108.

(a) Each Maryland corporation shall have:

(1) A principal office in this State; and

(2) At least one resident agent [who shall be either:

(i) A citizen of this State who resides here; or

(ii) A Maryland corporation].

2–113.

**(A) THE CHARTER OR BYLAWS OF A CORPORATION WITH CAPITAL STOCK MAY NOT IMPOSE LIABILITY ON A STOCKHOLDER WHO IS A PARTY TO AN INTERNAL CORPORATE CLAIM FOR THE ATTORNEY’S FEES OR EXPENSES OF THE CORPORATION OR ANY OTHER PARTY IN CONNECTION WITH AN INTERNAL CORPORATE CLAIM.**

**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CHARTER OR BYLAWS OF A CORPORATION MAY REQUIRE, CONSISTENT WITH APPLICABLE JURISDICTIONAL REQUIREMENTS, THAT ANY INTERNAL CORPORATE CLAIM BE BROUGHT ONLY IN COURTS SITTING IN ONE OR MORE SPECIFIED JURISDICTIONS.**

**(2) (I) THIS PARAGRAPH DOES NOT APPLY TO A PROVISION CONTAINED IN THE CHARTER OR BYLAWS OF A CORPORATION ON OCTOBER 1, 2017, UNLESS AND UNTIL THE PROVISION IS ALTERED OR REPEALED BY AN AMENDMENT TO THE CHARTER OR BYLAWS OF THE CORPORATION, AS APPLICABLE.**

**(II) THE CHARTER OR BYLAWS OF A CORPORATION MAY NOT PROHIBIT BRINGING AN INTERNAL CORPORATE CLAIM IN THE COURTS OF THIS STATE OR A FEDERAL COURT SITTING IN THIS STATE.**

2–212.

(a) Each stock certificate shall be signed by the president, a vice president, the chief executive officer, the chief operating officer, the chief financial officer, the chairman of the board, or the vice chairman of the board and countersigned by the secretary, an assistant secretary, the treasurer, [or] an assistant treasurer, **OR ANY OTHER OFFICER.**

2–514.

(a) [If the] **THE** charter or bylaws of a corporation [so] **MAY** provide[,] **AND, UNLESS THE CHARTER OR BYLAWS PROVIDE OTHERWISE,** the board of directors may adopt by resolution a procedure by which a stockholder of the corporation may certify in writing to the corporation that any shares of stock registered in the name of the stockholder are held for the account of a specified person other than the stockholder.

3-507.

(b) (1) [The] **ANY TWO OF THE** last acting [president or vice president and secretary or treasurer] **OFFICERS** of the corporation shall sign and acknowledge articles of revival and file them for record with the Department.

3-515.

(a) When the charter of a Maryland corporation has been forfeited, until a court appoints a receiver, the directors of the corporation [become the trustees of] **SHALL MANAGE** its assets for purposes of liquidation.

(b) [The director-trustees are vested in their capacity as trustees with full title to all the assets of the corporation. They] **UNLESS AND UNTIL ARTICLES OF REVIVAL ARE FILED, THE DIRECTORS** shall:

(1) Collect and distribute the assets, applying them to the payment, satisfaction, and discharge of existing debts and obligations of the corporation, including necessary expenses of liquidation; and

(2) Distribute the remaining assets among the stockholders.

(c) The [director-trustees] **DIRECTORS** may:

(1) Carry out the contracts of the corporation;

(2) Sell all or any part of the assets of the corporation at public or private sale;

(3) Sue or be sued [in their own names as trustees or] in the name of the corporation; and

(4) Do all other acts consistent with law and the charter of the corporation necessary or proper to liquidate the corporation and wind up its affairs.

[(d) The director-trustees govern by majority vote.]

**(D) FORFEITURE OF THE CHARTER OF A CORPORATION DOES NOT SUBJECT A DIRECTOR OF THE CORPORATION TO A STANDARD OF CONDUCT OTHER THAN THE STANDARD OF CONDUCT SET FORTH IN § 2-405.1 OF THIS ARTICLE.**

5-207.

(a) A nonstock corporation may [consolidate]:

**(1) CONSOLIDATE** or merge only with another nonstock corporation; **AND**

**(2) CONVERT ONLY INTO A FOREIGN CORPORATION THAT DOES NOT HAVE THE AUTHORITY TO ISSUE STOCK.**

(b) A consolidation, merger, [or] transfer of assets, **OR CONVERSION** of a nonstock corporation shall be effected as provided in Title 3 of this article.

(c) Notwithstanding § 3-105(e) of this article, a proposed consolidation, merger, [or] transfer of assets, **OR CONVERSION** of a nonstock corporation organized to hold title to property for a labor organization, and for related purposes, shall be approved by the same affirmative vote of the members of the corporation that the constitution or bylaws of the labor organization requires for the same action.

8-601.1.

Sections **2-113**, 2-201(c), 2-313, 2-502(e), and 2-504(f) of this article and, except as otherwise provided in § 8-601 of this subtitle or in the declaration of trust, § 2-405.1 of this article shall apply to real estate investment trusts.

10-104.

(a) Each limited partnership shall have:

(1) A principal office in this State; and

(2) At least one resident agent [who shall be either:

(i) A citizen of the State who resides here; or

(ii) A Maryland corporation].

12-203.

(a) A Maryland statutory trust shall have:

(1) A principal office in this State; and

- (2) At least one resident agent [who is:
  - (i) An individual who resides in the State; or
  - (ii) A Maryland corporation].

#### **Article – Courts and Judicial Proceedings**

#### **6–102.1.**

**(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO, ON OR AFTER OCTOBER 1, 2017:**

**(1) ACCEPTS THE ELECTION OR APPOINTMENT AS A DIRECTOR OF A MARYLAND CORPORATION OR A TRUSTEE OF A MARYLAND REAL ESTATE INVESTMENT TRUST; OR**

**(2) SERVES AS A DIRECTOR OF A MARYLAND CORPORATION OR A TRUSTEE OF A MARYLAND REAL ESTATE INVESTMENT TRUST.**

**(B) AN INDIVIDUAL SUBJECT TO THIS SECTION IS DEEMED, BY THE ACCEPTANCE OR SERVICE, TO HAVE CONSENTED TO THE APPOINTMENT OF THE RESIDENT AGENT OF THE CORPORATION OR REAL ESTATE INVESTMENT TRUST OR, IF THERE IS NO RESIDENT AGENT, THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, AS AN AGENT ON WHICH SERVICE OF PROCESS MAY BE MADE IN ANY CIVIL ACTION OR PROCEEDING BROUGHT IN THE STATE:**

**(1) (I) BY OR ON BEHALF OF, OR AGAINST, THE CORPORATION OR REAL ESTATE INVESTMENT TRUST; AND**

**(II) TO WHICH THE INDIVIDUAL IS A NECESSARY OR PROPER PARTY; OR**

**(2) AGAINST THE INDIVIDUAL FOR AN INTERNAL CORPORATE CLAIM AS DEFINED IN § 1–101 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

**(C) THE CONSENT TO SERVICE OF PROCESS BY AN INDIVIDUAL UNDER SUBSECTION (B) OF THIS SECTION:**

**(1) IS EFFECTIVE WHETHER OR NOT THE INDIVIDUAL IS A DIRECTOR OR TRUSTEE AT THE TIME A CIVIL ACTION OR PROCEEDING IS COMMENCED; AND**

(2) CONSTITUTES THE CONSENT OF THE INDIVIDUAL THAT ANY PROCESS SERVED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION HAS THE SAME LEGAL FORCE AND VALIDITY AS IF SERVED ON THE INDIVIDUAL.

(D) THE APPOINTMENT UNDER SUBSECTION (B) OF THIS SECTION OF THE RESIDENT AGENT OF A CORPORATION OR A REAL ESTATE INVESTMENT TRUST OR THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AS AN AGENT FOR SERVICE OF PROCESS IS IRREVOCABLE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 675

(Senate Bill 579)

AN ACT concerning

### State Government – Display of the POW/MIA Flag on State Building Grounds

FOR the purpose of requiring the Secretary of General Services and the Secretary of Transportation to cause the POW/MIA flag to be flown on the grounds of certain State buildings whenever the flag of the United States is flown; providing for the application of a certain provision of this Act; defining a certain term; and generally relating to the display of the POW/MIA flag on the grounds of State buildings.

BY adding to

Article – State Finance and Procurement

Section 4–210

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – State Finance and Procurement

4–210.

(A) IN THIS SECTION, “POW/MIA FLAG” MEANS THE POW/MIA FLAG OF THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA.

**(B) THIS SECTION DOES NOT APPLY TO:****(1) THE STATE HOUSE; OR****(2) A STATE BUILDING THAT:****(I) IS A HISTORIC BUILDING; OR****(II) 1. HAS A FLAGPOLE ATTACHED TO THE BUILDING; AND****2. IS DETERMINED TO BE STRUCTURALLY UNABLE TO WITHSTAND ADDITIONAL FLAGS BEING FLOWN FROM THE FLAGPOLE.****(C) THE SECRETARY OF GENERAL SERVICES AND THE SECRETARY OF TRANSPORTATION SHALL CAUSE THE POW/MIA FLAG TO BE FLOWN ON THE GROUNDS OF ALL STATE BUILDINGS UNDER THEIR CONTROL WHENEVER THE FLAG OF THE UNITED STATES IS FLOWN.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 676****(House Bill 675)**

AN ACT concerning

**Health Insurance – Coverage for Digital Tomosynthesis**

FOR the purpose of establishing that a certain coverage requirement applicable to certain insurers, nonprofit health service plans, and health maintenance organizations includes coverage for digital tomosynthesis under certain circumstances; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from imposing a copayment or coinsurance requirement for digital tomosynthesis that is greater than a copayment or coinsurance requirement for other breast cancer screenings for which coverage is required under certain provisions of law; defining a certain term; providing for the application of this Act; making this Act an emergency measure; and generally relating to health insurance coverage for tomosynthesis.

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 15–814  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Insurance**

15–814.

**(A) IN THIS SECTION, “DIGITAL TOMOSYNTHESIS” MEANS A RADIOLOGIC PROCEDURE THAT INVOLVES THE ACQUISITION OF PROJECTION IMAGES OVER THE STATIONARY BREAST TO PRODUCE CROSS-SECTIONAL DIGITAL THREE-DIMENSIONAL IMAGES OF THE BREAST.**

**[(a)] (B)** This section applies to:

(1) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

**[(b)] (C) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN entity subject to this section shall provide coverage for breast cancer screening in accordance with the latest screening guidelines issued by the American Cancer Society.**

**(2) THE COVERAGE REQUIRED UNDER THIS SECTION SHALL INCLUDE COVERAGE FOR DIGITAL TOMOSYNTHESIS THAT, UNDER ACCEPTED STANDARDS IN THE PRACTICE OF MEDICINE, THE TREATING PHYSICIAN DETERMINES IS MEDICALLY APPROPRIATE AND NECESSARY FOR AN ENROLLEE OR INSURED.**

**[(c)] (D)** An entity subject to this section is not required to cover breast cancer screenings used to identify breast cancer in asymptomatic women that are provided by a facility that is not accredited by the American College of Radiology or certified or licensed under a program established by the State.

**[(d)] (E) (1)** An entity subject to this section may not impose a deductible on the coverage required under this section.

(2) Each health insurance policy and certificate issued by an entity subject to this section shall contain a notice of the prohibition established by paragraph (1) of this subsection in a form approved by the Commissioner.

**(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A COPAYMENT OR COINSURANCE REQUIREMENT FOR DIGITAL TOMOSYNTHESIS THAT IS GREATER THAN A COPAYMENT OR COINSURANCE REQUIREMENT FOR OTHER BREAST CANCER SCREENINGS FOR WHICH COVERAGE IS REQUIRED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 677**

**(Senate Bill 61)**

AN ACT concerning

### **Health Insurance – Coverage for Digital Tomosynthesis**

FOR the purpose of establishing that a certain coverage requirement applicable to certain insurers, nonprofit health service plans, and health maintenance organizations includes coverage for digital tomosynthesis under certain circumstances; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from imposing a copayment or coinsurance requirement for digital tomosynthesis that is greater than a copayment or coinsurance requirement for other breast cancer screenings for which coverage is required under certain provisions of law; defining a certain term; providing for the application of this Act; making this Act an emergency measure; and generally relating to health insurance coverage for tomosynthesis.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 15–814

Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Insurance**

15–814.

**(A) IN THIS SECTION, “DIGITAL TOMOSYNTHESIS” MEANS A RADIOLOGIC PROCEDURE THAT INVOLVES THE ACQUISITION OF PROJECTION IMAGES OVER THE STATIONARY BREAST TO PRODUCE CROSS-SECTIONAL DIGITAL THREE-DIMENSIONAL IMAGES OF THE BREAST.**

**[(a)] (B)** This section applies to:

(1) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

**[(b)] (C) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN entity subject to this section shall provide coverage for breast cancer screening in accordance with the latest screening guidelines issued by the American Cancer Society.**

**(2) THE COVERAGE REQUIRED UNDER THIS SECTION SHALL INCLUDE COVERAGE FOR DIGITAL TOMOSYNTHESIS THAT, UNDER ACCEPTED STANDARDS IN THE PRACTICE OF MEDICINE, THE TREATING PHYSICIAN DETERMINES IS MEDICALLY APPROPRIATE AND NECESSARY FOR AN ENROLLEE OR INSURED.**

**[(c)] (D)** An entity subject to this section is not required to cover breast cancer screenings used to identify breast cancer in asymptomatic women that are provided by a facility that is not accredited by the American College of Radiology or certified or licensed under a program established by the State.

**[(d)] (E) (1)** An entity subject to this section may not impose a deductible on the coverage required under this section.

(2) Each health insurance policy and certificate issued by an entity subject to this section shall contain a notice of the prohibition established by paragraph (1) of this subsection in a form approved by the Commissioner.

**(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A COPAYMENT OR COINSURANCE REQUIREMENT FOR DIGITAL TOMOSYNTHESIS THAT IS GREATER THAN A COPAYMENT OR COINSURANCE REQUIREMENT FOR OTHER BREAST CANCER SCREENINGS FOR WHICH COVERAGE IS REQUIRED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 678**

**(House Bill 740)**

AN ACT concerning

### **President Jimmy Carter Cancer Treatment Access Act**

FOR the purpose of prohibiting a certain insurer, nonprofit health service plan, or health maintenance organization from imposing a step therapy or fail-first protocol on an insured or an enrollee for a certain prescription drug used in the treatment of a certain cancer under certain circumstances; providing for the application of this Act; making stylistic and conforming changes; and generally relating to step therapy or fail-first protocols for prescription drugs to treat cancer under health insurance policies and contracts.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 15–142  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, President Jimmy Carter announced in August 2015 that he had an aggressive form of melanoma skin cancer, and the tumors had spread from his skin into his liver and brain; and

WHEREAS, President Carter received treatment with surgery, radiation, and a new immunotherapy drug; and

WHEREAS, In December 2015, President Carter revealed that recent tests did not show any signs of the original cancer spots or any new ones; and

WHEREAS, Every Maryland resident with health insurance should have the same access to cancer drugs that President Carter had; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Insurance**

15–142.

(a) (1) In this section the following words have the meanings indicated.

(2) “Step therapy or fail–first protocol” means a protocol established by an insurer, a nonprofit health service plan, or a health maintenance organization that requires a prescription drug or sequence of prescription drugs to be used by an insured or an enrollee before a prescription drug ordered by a prescriber for the insured or the enrollee is covered.

(3) “Step therapy drug” means a prescription drug or sequence of prescription drugs required to be used under a step therapy or fail–first protocol.

(4) “Supporting Medical Information” means:

(i) a paid claim from an entity subject to this section for an insured or an enrollee;

(ii) a pharmacy record that documents that a prescription has been filled and delivered to an insured or an enrollee, or a representative of an insured or an enrollee; or

(iii) other information mutually agreed on by an entity subject to this section and the prescriber of an insured or an enrollee.

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense–incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

(2) An insurer, a nonprofit health service plan, or a health maintenance organization that provides coverage for prescription drugs through a pharmacy benefits manager is subject to the requirements of this section.

(c) An entity subject to this section may not impose a step therapy or fail-first protocol on an insured or AN enrollee if:

(1) the step therapy drug has not been approved by the U.S. Food and Drug Administration for the medical condition being treated; or

(2) a prescriber provides supporting medical information to the entity that a prescription drug covered by the entity:

(i) was ordered by a prescriber for the insured or enrollee within the past 180 days; and

(ii) based on the professional judgment of the prescriber, was effective in treating the insured's or enrollee's disease or medical condition.

(d) **[This] SUBSECTION (C) OF THIS** section may not be construed to require coverage for a prescription drug that is not:

(1) covered by the policy or contract of an entity subject to this section; or

(2) otherwise required by law to be covered.

**(E) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A STEP THERAPY OR FAIL-FIRST PROTOCOL ON AN INSURED OR AN ENROLLEE FOR A PRESCRIPTION DRUG APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION IF:**

**(1) THE PRESCRIPTION DRUG IS USED TO TREAT THE INSURED'S OR ENROLLEE'S STAGE FOUR ADVANCED METASTATIC CANCER; AND**

**(2) USE OF THE PRESCRIPTION DRUG IS:**

**(i) CONSISTENT WITH ~~BEST PRACTICES~~ THE U.S. FOOD AND DRUG ADMINISTRATION-APPROVED INDICATION OR THE NATIONAL COMPREHENSIVE CANCER NETWORK DRUGS & BIOLOGICS COMPENDIUM INDICATION FOR THE TREATMENT OF STAGE FOUR ADVANCED METASTATIC CANCER; AND**

**(II) SUPPORTED BY PEER-REVIEWED MEDICAL LITERATURE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 679****(Senate Bill 919)**

AN ACT concerning

**President Jimmy Carter Cancer Treatment Access Act**

FOR the purpose of prohibiting a certain insurer, nonprofit health service plan, or health maintenance organization from imposing a step therapy or fail-first protocol on an insured or an enrollee for a certain prescription drug used in the treatment of a certain cancer under certain circumstances; providing for the application of this Act; making stylistic and conforming changes; and generally relating to step therapy or fail-first protocols for prescription drugs to treat cancer under health insurance policies and contracts.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 15–142  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

**Preamble**

WHEREAS, President Jimmy Carter announced in August 2015 that he had an aggressive form of melanoma skin cancer, and the tumors had spread from his skin into his liver and brain; and

WHEREAS, President Carter received treatment with surgery, radiation, and a new immunotherapy drug; and

WHEREAS, In December 2015, President Carter revealed that recent tests did not show any signs of the original cancer spots or any new ones; and

WHEREAS, Every Maryland resident with health insurance should have the same access to cancer drugs that President Carter had; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Insurance**

15–142.

(a) (1) In this section the following words have the meanings indicated.

(2) “Step therapy or fail–first protocol” means a protocol established by an insurer, a nonprofit health service plan, or a health maintenance organization that requires a prescription drug or sequence of prescription drugs to be used by an insured or an enrollee before a prescription drug ordered by a prescriber for the insured or the enrollee is covered.

(3) “Step therapy drug” means a prescription drug or sequence of prescription drugs required to be used under a step therapy or fail–first protocol.

(4) “Supporting Medical Information” means:

(i) a paid claim from an entity subject to this section for an insured or an enrollee;

(ii) a pharmacy record that documents that a prescription has been filled and delivered to an insured or an enrollee, or a representative of an insured or an enrollee; or

(iii) other information mutually agreed on by an entity subject to this section and the prescriber of an insured or an enrollee.

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense–incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

(2) An insurer, a nonprofit health service plan, or a health maintenance organization that provides coverage for prescription drugs through a pharmacy benefits manager is subject to the requirements of this section.

(c) An entity subject to this section may not impose a step therapy or fail–first protocol on an insured or AN enrollee if:

(1) the step therapy drug has not been approved by the U.S. Food and Drug Administration for the medical condition being treated; or

(2) a prescriber provides supporting medical information to the entity that a prescription drug covered by the entity:

(i) was ordered by a prescriber for the insured or enrollee within the past 180 days; and

(ii) based on the professional judgment of the prescriber, was effective in treating the insured’s or enrollee’s disease or medical condition.

(d) **[This] SUBSECTION (C) OF THIS** section may not be construed to require coverage for a prescription drug that is not:

(1) covered by the policy or contract of an entity subject to this section; or

(2) otherwise required by law to be covered.

**(E) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A STEP THERAPY OR FAIL–FIRST PROTOCOL ON AN INSURED OR AN ENROLLEE FOR A PRESCRIPTION DRUG APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION IF:**

**(1) THE PRESCRIPTION DRUG IS USED TO TREAT THE INSURED’S OR ENROLLEE’S STAGE FOUR ADVANCED METASTATIC CANCER; AND**

**(2) USE OF THE PRESCRIPTION DRUG IS:**

**(I) CONSISTENT WITH ~~BEST PRACTICES~~ THE U.S. FOOD AND DRUG ADMINISTRATION–APPROVED INDICATION OR THE NATIONAL COMPREHENSIVE CANCER NETWORK DRUGS & BIOLOGICS COMPENDIUM INDICATION FOR THE TREATMENT OF STAGE FOUR ADVANCED METASTATIC CANCER; AND**

**(II) SUPPORTED BY PEER–REVIEWED MEDICAL LITERATURE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 680

(Senate Bill 580)

AN ACT concerning

### **State Personnel – Leap ~~Day Pay Act~~ Year – Personal Leave**

FOR the purpose of ~~requiring the Secretary of Budget and Management to amend the Standard Pay Plan during a leap year to increase certain pay rates for certain classes of State employees to account for a certain day; providing a certain number of days, not to exceed a certain number of hours, of personal leave to State employees during each calendar year that is a leap year; and generally relating to the Standard Pay Plan pay rates for classes of~~ personal leave during leap years for State employees.

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section ~~§ 105~~ 9-401  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – State Personnel and Pensions**

~~§ 105.~~

(a) ~~This section applies only to the Standard Pay Plan.~~

(b) ~~[With] SUBJECT TO SUBSECTION (D) OF THIS SECTION, WITH the approval of the Governor, the Secretary may amend the Standard Pay Plan to increase pay rates for specific classes to:~~

(1) ~~recruit or retain competent personnel; or~~

(2) ~~ensure that pay rates adequately compensate for the effort, knowledge, responsibility, skills, and working conditions of employees in the class.~~

(c) ~~If an amendment affects a position in the Executive Branch that is listed in the budget bill in accordance with § 7-109 of the State Finance and Procurement Article, the amendment is contingent on the approval of the Board of Public Works.~~

~~(d) IN A LEAP YEAR, TO ENSURE THAT NO EMPLOYEE'S PAY RATE IS REDUCED, THE SECRETARY SHALL AMEND THE STANDARD PAY PLAN TO INCREASE PAY RATES FOR ALL CLASSES TO ACCOUNT FOR THE ADDITIONAL DAY IN THE LEAP YEAR.~~

~~(E) An amendment to the Standard Pay Plan may not take effect unless sufficient money is available in the budget to cover the resulting pay rates.~~

~~[(e)] (F) (1) Subject to § 2-1246 of the State Government Article, the Secretary shall report all amendments to the Standard Pay Plan to the General Assembly on or before the 15th day of the next regular legislative session.~~

~~(2) If the General Assembly rejects an amendment, the appropriate reduction in pay rates takes effect as of the next fiscal year.~~

9-401.

(a) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, or otherwise provided by law, each employee in the State Personnel Management System, except a temporary employee, is entitled to 6 days, not to exceed 48 hours, of personal leave with pay at the beginning of the first full pay period of the calendar year.

(2) For the calendar year in which an employee begins employment, the employee is entitled only to the following personal leave with pay:

(i) 6 days, not to exceed 48 hours, if employment begins on or after January 1 and on or before the last day in February;

(ii) 5 days, not to exceed 40 hours, if employment begins on or after March 1 and on or before April 30;

(iii) 4 days, not to exceed 32 hours, if employment begins on or after May 1 and on or before June 30; or

(iv) 3 days, not to exceed 24 hours, if employment begins on or after July 1.

(3) FOR EACH CALENDAR YEAR THAT IS A LEAP YEAR, EACH EMPLOYEE IN THE STATE PERSONNEL MANAGEMENT SYSTEM, EXCEPT A TEMPORARY EMPLOYEE, IS ENTITLED TO 7 DAYS, NOT TO EXCEED 56 HOURS, OF PERSONAL LEAVE WITH PAY AT THE BEGINNING OF THE FIRST FULL PAY PERIOD OF THE CALENDAR YEAR.

(b) Personal leave may be used for any purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 681**

### **(House Bill 82)**

AN ACT concerning

#### **Woodrow Wilson Bridge and Tunnel Compact – Repeal**

FOR the purpose of repealing provisions relating to the Woodrow Wilson Bridge and Tunnel Compact; repealing a requirement that the Governor execute the compact with the Commonwealth of Virginia and the District of Columbia under certain circumstances; repealing the Woodrow Wilson Memorial Bridge and Tunnel Authority; repealing the board of the Authority; repealing a requirement that the compact may not be interpreted to affect the levy of taxes by signatories to the compact; repealing provisions concerning the manner in which the compact is adopted; repealing provisions concerning withdrawal from the compact; repealing a requirement that certain officials enter into a certain agreement with the federal government; repealing a requirement that the Authority prepare a certain management plan; repealing provisions concerning the legal liability of the Authority; repealing a requirement that certain bonds may not be deemed to constitute a debt or pledge of the full faith and credit of the Authority or any signatory of the compact; repealing the power of the Authority to establish, finance, construct, maintain, repair, and operate a project to upgrade the Interstate 95 Potomac River crossing; repealing certain additional powers of the Authority; repealing the power of the Authority to acquire land and property by purchase or condemnation in a certain manner; repealing provisions concerning procurement by the Authority; repealing the power of the Authority to alter or relocate public highways or public utilities; repealing the power of the Authority to issue revenue bonds; repealing the power of the Authority to secure bonds by a trust indenture; repealing the power of the Authority to fix, revise, charge, and collect tolls for the use of the project; repealing a requirement that tolls and certain other revenues be used to pay the cost of operating and maintaining the project and the principal of and interest on certain bonds; repealing a requirement that tolls be set at certain rates; repealing a requirement that all money received under the compact be deemed trust funds; repealing the authority of certain bondholders to legally enforce certain rights; repealing a certain exemption from Maryland taxes; repealing the authority of certain persons to invest in certain bonds; repealing certain provisions concerning police officers employed by the Authority; repealing a requirement that the Authority submit a certain report; repealing certain criminal penalties; repealing certain

definitions; repealing requirements that the compact may not take effect until the Commonwealth of Virginia, the State of Maryland, and the United States Department of Transportation have entered into a certain agreement; repealing requirements that the compact may not take effect until the Commonwealth of Virginia and the District of Columbia have passed similar acts and the compact has been approved by the United States Congress; repealing a requirement that the Maryland Department of Transportation and the Maryland Transportation Authority submit a certain report; repealing a requirement that the Maryland Department of Transportation monitor traffic on the American Legion Bridge and collect tolls on the American Legion Bridge under certain circumstances; and generally relating to the repeal of the Woodrow Wilson Bridge and Tunnel Compact.

BY repealing

Article – Transportation

Section 10–301 and the subtitle “Subtitle 3. Woodrow Wilson Bridge and Tunnel Compact”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 494 of the Acts of the General Assembly of 1995)

BY repealing

Article – Transportation

Section 10–302 and 10–303

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 494 of the Acts of the General Assembly of 1995, as amended by Chapter 599 of the Acts of the General Assembly of 1996)

BY repealing

Chapter 494 of the Acts of the General Assembly of 1995

Section 2, 3, and 4

BY repealing

Chapter 599 of the Acts of the General Assembly of 1996

Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–301 through 10–303 and the subtitle “Subtitle 3. Woodrow Wilson Bridge and Tunnel Compact” of Article – Transportation of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2, 3, and 4 of Chapter 494 of the Acts of the General Assembly of 1995 be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter 599 of the Acts of the General Assembly of 1996 be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 682**

### **(Senate Bill 125)**

AN ACT concerning

#### **Woodrow Wilson Bridge and Tunnel Compact – Repeal**

FOR the purpose of repealing provisions relating to the Woodrow Wilson Bridge and Tunnel Compact; repealing a requirement that the Governor execute the compact with the Commonwealth of Virginia and the District of Columbia under certain circumstances; repealing the Woodrow Wilson Memorial Bridge and Tunnel Authority; repealing the board of the Authority; repealing a requirement that the compact may not be interpreted to affect the levy of taxes by signatories to the compact; repealing provisions concerning the manner in which the compact is adopted; repealing provisions concerning withdrawal from the compact; repealing a requirement that certain officials enter into a certain agreement with the federal government; repealing a requirement that the Authority prepare a certain management plan; repealing provisions concerning the legal liability of the Authority; repealing a requirement that certain bonds may not be deemed to constitute a debt or pledge of the full faith and credit of the Authority or any signatory of the compact; repealing the power of the Authority to establish, finance, construct, maintain, repair, and operate a project to upgrade the Interstate 95 Potomac River crossing; repealing certain additional powers of the Authority; repealing the power of the Authority to acquire land and property by purchase or condemnation in a certain manner; repealing provisions concerning procurement by the Authority; repealing the power of the Authority to alter or relocate public highways or public utilities; repealing the power of the Authority to issue revenue bonds; repealing the power of the Authority to secure bonds by a trust indenture; repealing the power of the Authority to fix, revise, charge, and collect tolls for the use of the project; repealing a requirement that tolls and certain other revenues be used to pay the cost of operating and maintaining the project and the principal of and interest on certain bonds; repealing a requirement that tolls be set at certain rates; repealing a requirement that all money received under the compact be deemed trust funds; repealing the authority of certain bondholders to legally enforce certain rights; repealing a certain exemption from Maryland taxes; repealing the authority of certain persons to invest in certain bonds; repealing certain provisions concerning police officers employed by the Authority; repealing a requirement that the Authority submit a certain report; repealing certain criminal penalties; repealing certain definitions; repealing requirements that the compact may not take effect until the

Commonwealth of Virginia, the State of Maryland, and the United States Department of Transportation have entered into a certain agreement; repealing requirements that the compact may not take effect until the Commonwealth of Virginia and the District of Columbia have passed similar acts and the compact has been approved by the United States Congress; repealing a requirement that the Maryland Department of Transportation and the Maryland Transportation Authority submit a certain report; repealing a requirement that the Maryland Department of Transportation monitor traffic on the American Legion Bridge and collect tolls on the American Legion Bridge under certain circumstances; and generally relating to the repeal of the Woodrow Wilson Bridge and Tunnel Compact.

BY repealing

Article – Transportation

Section 10–301 and the subtitle “Subtitle 3. Woodrow Wilson Bridge and Tunnel Compact”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 494 of the Acts of the General Assembly of 1995)

BY repealing

Article – Transportation

Section 10–302 and 10–303

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 494 of the Acts of the General Assembly of 1995, as amended by Chapter 599 of the Acts of the General Assembly of 1996)

BY repealing

Chapter 494 of the Acts of the General Assembly of 1995

Section 2, 3, and 4

BY repealing

Chapter 599 of the Acts of the General Assembly of 1996

Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–301 through 10–303 and the subtitle “Subtitle 3. Woodrow Wilson Bridge and Tunnel Compact” of Article – Transportation of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2, 3, and 4 of Chapter 494 of the Acts of the General Assembly of 1995 be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter 599 of the Acts of the General Assembly of 1996 be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 683

### (House Bill 263)

AN ACT concerning

#### **School Bus Monitoring Cameras – Exclusion of Vehicle Rental Companies – Repeal and Notification Requirement**

FOR the purpose of altering a certain definition to repeal the exclusion of motor vehicle rental companies as owners of motor vehicles for the purpose of the enforcement of violations of overtaking and passing school vehicles operating alternately flashing red lights that are recorded by school bus monitoring cameras; requiring a law enforcement agency to provide a certain notice to a motor vehicle rental company before issuing a certain citation; prohibiting a law enforcement agency from mailing a motor vehicle rental company a certain citation if the motor vehicle rental company provides the law enforcement agency with certain information or pays a certain penalty; making conforming changes; and generally relating to vehicle rental companies and school bus monitoring cameras.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–706.1(a)(3) and (f)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–706.1(e) and (h)(5)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Transportation**

21–706.1.

(a) (3) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. A motor vehicle [rental or] leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a school bus monitoring camera during the commission of a violation.

(2) A civil penalty under this subsection may not exceed \$250.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (f)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(f) (1) Subject to the provisions of paragraphs (2) through [(4)] (5) of this subsection, a law enforcement agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) To the extent possible, the location of the violation;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) A signed statement by a technician employed by the law enforcement agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;

(ix) A statement that recorded images are evidence of a violation; and

(x) Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

2. That failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The law enforcement agency may mail a warning notice in place of a citation to the owner liable under subsection (e) of this section.

**(3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS, WITHIN 45 DAYS OF RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY WITH:**

**1. A STATEMENT MADE UNDER OATH THAT STATES THE NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;**

**2. A. A STATEMENT MADE UNDER OATH THAT STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE WHO WAS DRIVING OR RENTING THE VEHICLE AT THE TIME THE VIOLATION OCCURRED BECAUSE THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE VIOLATION; AND**

**B. A COPY OF THE POLICE REPORT ASSOCIATED WITH THE MOTOR VEHICLE THEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR**

**3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE VIOLATION.**

**(II) A LAW ENFORCEMENT AGENCY MAY NOT MAIL A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS**

**SECTION IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (1) OF THIS PARAGRAPH.**

**(4) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION AND subsection (h)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.**

**[(4)] (5) A person who receives a citation under paragraph (1) of this subsection may:**

**(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the county; or**

**(ii) Elect to stand trial for the alleged violation.**

**(h) (5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the law enforcement agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.**

**(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the law enforcement agency may issue a citation as provided in subsection (f) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.**

**(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.**

**Approved by the Governor, May 25, 2017.**

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**Chapter 684**

**(House Bill 492)**

AN ACT concerning

**Vehicle Laws – Certificate of Title – Transfer-on-Death Beneficiary Designation**

FOR the purpose of requiring that an application for a certificate of title of a motor vehicle contain certain information on ~~beneficiaries~~ a beneficiary under certain

circumstances; requiring that a certificate of title issued for a motor vehicle by the Motor Vehicle Administration contain ~~certain information on a certain notation~~ indicating beneficiaries a beneficiary under certain circumstances; authorizing a sole owner of a motor vehicle to ~~apply for a certificate of title designating~~ designate a beneficiary ~~or beneficiaries~~ on the death of the owner; providing that a beneficiary ~~or beneficiaries~~ may be indicated on a motor vehicle certificate of title in a certain manner; providing that designating a beneficiary ~~or beneficiaries~~ does not affect ownership of a motor vehicle until the owner's death; authorizing the owner of a motor vehicle to remove or alter the designation of a beneficiary ~~on the motor vehicle's certificate of title~~ without the consent of the beneficiary; providing that the designation of a beneficiary ~~or beneficiaries on a certificate of title~~ is not required to be supported by consideration ~~or~~ and the certificate of title for which the designation is made is not required to be delivered to a designated beneficiary for the designation to be effective; establishing that, on the death of an owner of a motor vehicle who has designated a beneficiary ~~or beneficiaries~~, ownership passes to the surviving beneficiary ~~or beneficiaries~~; ~~providing that multiple beneficiaries hold a motor vehicle as tenants in common on the death of the owner~~; requiring a beneficiary to apply for a new certificate of title on the death of the owner; establishing certain requirements for an application for a certificate of title by a beneficiary; providing for the disposition of a motor vehicle if ~~no designated beneficiaries~~ a designated beneficiary does not survive the owner of a motor vehicle; authorizing the Administration to charge a certain fee for issuing a certificate of title to a beneficiary ~~or beneficiaries~~; authorizing the Administration to adopt certain regulations; providing for the construction of this Act; and generally relating to certificates of title for a motor vehicle.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 13–104(c) and 13–107(a)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

BY adding to  
 Article – Transportation  
 Section 13–115  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Transportation

13–104.

- (c) The application shall contain:

- (1) The full name and Maryland address of the owner, including:
  - (i) If the owner is an individual, the owner's Maryland residence and mailing addresses;
  - (ii) If the owner is a business firm, association, or corporation, its federal identification number and:
    1. Its business address in this State; or
    2. The name and address of its resident agent in this State;
  - (iii) If the owner is a partnership or joint venture, the name of each partner or joint venturer;
  - (iv) If the owner is an unincorporated association, joint stock company, or other group described in § 6–406 of the Courts Article, the name and address of a resident agent on whom service may be made in any lawsuit arising out of the ownership, maintenance, or use of the vehicle; and
  - (v) If the owner is a trustee, the address of the trust in this State and the name and address of a person in this State on whom service may be made in any lawsuit arising out of the ownership, maintenance, or use of the vehicle;
- (2)
  - (i) If the owner is an individual, the owner's date of birth; and
  - (ii) If the owner is a partnership or joint venture, the date of birth of each partner or joint venturer;
- (3) A description of the vehicle, including:
  - (i) To the extent that the information exists, its make, model, year, vehicle identification number, type of body, and number of cylinders;
  - (ii) If the vehicle is a two-stage vehicle:
    1. The make and year of the first stage; and
    2. The make, model, and year of the second stage;
  - (iii) If the vehicle is a motorcycle with an engine manufactured on or after January 1, 1977, the identifying number of the engine; and
  - (iv) Any other information that the Administration requires;
- (4) A statement of:

and (i) The applicant's title to and each security interest in the vehicle;

(ii) The name and address of each secured party with any security interest in the vehicle and the nature and order of priority of that interest; [and]

**(5) IF THE SOLE INDIVIDUAL OWNER OF A MOTOR VEHICLE DESIGNATES A TRANSFER-ON-DEATH BENEFICIARY UNDER § 13-115 OF THIS SUBTITLE, THE NAME AND MAILING ADDRESS OF ~~EACH~~ THE BENEFICIARY; AND**

**(6)** Any other information that the Administration reasonably requires to determine if the owner is entitled to a certificate of title.

13-107.

(a) Each certificate of title issued for a vehicle by the Administration shall contain:

(1) The date issued;

(2) The name and Maryland address of the owner of the vehicle;

(3) The names and addresses of all secured parties, in the order of their priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;

(4) The title number assigned to the vehicle;

(5) A description of the vehicle including, to the extent that the information exists, its make, model, year, vehicle identification number, and type of body;

(6) In the case of a vehicle returned to the manufacturer or factory branch under Title 14, Subtitle 15 of the Commercial Law Article and subsequently retitled in the State, a permanent notation that informs all subsequent transferees that:

(i) Prior to its sale to the transferee, the vehicle was returned to the manufacturer or factory branch under the Automotive Warranty Enforcement Act; and

(ii) A history of the vehicle is on file with the Administration;

(7) The classification or weight for which the vehicle is registered; [and]

**(8) ~~THE NAME AND ADDRESS OF ANY~~ A NOTATION INDICATING A BENEFICIARY OR BENEFICIARIES ADDED UNDER § 13-115 OF THIS SUBTITLE; AND**

**(9)** Any other information that the Administration determines.

13-115.

(A) AN INDIVIDUAL WHO IS THE SOLE OWNER OF A MOTOR VEHICLE MAY APPLY TO THE ADMINISTRATION TO DESIGNATE ~~ON THE MOTOR VEHICLE'S CERTIFICATE OF TITLE~~ A BENEFICIARY ~~OR BENEFICIARIES~~ TO TAKE OWNERSHIP OF THE MOTOR VEHICLE ON THE DEATH OF THE OWNER.

(B) THE DESIGNATION OF A BENEFICIARY ~~OR BENEFICIARIES~~ MAY BE SHOWN BY THE WORDS "TRANSFER-ON-DEATH" OR THE ABBREVIATION "TOD" AFTER THE NAME OF THE REGISTERED OWNER ~~OR BEFORE THE NAME AND ADDRESS OF A BENEFICIARY OR BENEFICIARIES~~ ON A CERTIFICATE OF TITLE.

(C) (1) THE DESIGNATION OF A BENEFICIARY ~~OR BENEFICIARIES~~ ~~ON A CERTIFICATE OF TITLE OF~~ FOR A MOTOR VEHICLE DOES NOT AFFECT THE OWNERSHIP OF THE MOTOR VEHICLE UNTIL THE DEATH OF THE OWNER OF THE MOTOR VEHICLE.

(2) THE OWNER OF A MOTOR VEHICLE MAY CANCEL OR CHANGE THE DESIGNATION OF A BENEFICIARY ~~OR BENEFICIARIES~~ ~~ON THE MOTOR VEHICLE'S CERTIFICATE OF TITLE~~ AT ANY TIME WITHOUT THE CONSENT OF THE BENEFICIARY ~~OR BENEFICIARIES~~ BY APPLYING TO THE ADMINISTRATION ~~FOR AN UPDATED CERTIFICATE OF TITLE~~.

(D) THE DESIGNATION OF A BENEFICIARY ~~OR BENEFICIARIES~~ ~~ON THE CERTIFICATE OF TITLE OF A MOTOR VEHICLE~~ IS NOT REQUIRED TO BE SUPPORTED BY CONSIDERATION, AND THE CERTIFICATE OF TITLE ~~ON~~ OF THE MOTOR VEHICLE FOR WHICH THE DESIGNATION IS MADE IS NOT REQUIRED TO BE DELIVERED TO THE BENEFICIARY ~~OR BENEFICIARIES~~ IN ORDER FOR THE DESIGNATION TO BE EFFECTIVE.

(E) ~~(1)~~ ON THE DEATH OF THE OWNER OF A MOTOR VEHICLE WHO HAS DESIGNATED A BENEFICIARY ~~OR BENEFICIARIES~~, OWNERSHIP OF A MOTOR VEHICLE SHALL PASS TO THE BENEFICIARY ~~OR BENEFICIARIES~~ ~~DESIGNATED UNDER THIS SECTION WHO SURVIVE THE OWNER~~ IF THE BENEFICIARY SURVIVES THE OWNER.

~~(2) MULTIPLE SURVIVING BENEFICIARIES HOLD THEIR INTERESTS AS TENANTS IN COMMON.~~

(F) (1) A DESIGNATED BENEFICIARY ~~OR BENEFICIARIES~~ WHO ~~SURVIVE~~ SURVIVES THE OWNER SHALL APPLY TO THE ADMINISTRATION FOR A NEW CERTIFICATE OF TITLE FOR THE MOTOR VEHICLE.

(2) AN APPLICATION FOR A CERTIFICATE OF TITLE BY A BENEFICIARY ~~OR BENEFICIARIES~~ FOLLOWING THE DEATH OF THE OWNER SHALL INCLUDE:

(I) THE ORIGINAL CERTIFICATE OF TITLE DESIGNATING THE BENEFICIARY ~~OR BENEFICIARIES~~;

(II) A DEATH CERTIFICATE FOR THE DECEASED OWNER;

(III) PROOF OF THE IDENTITY OF THE BENEFICIARY ~~OR BENEFICIARIES~~; AND

(IV) ANY APPLICABLE TAXES OR FEES.

(G) IF NO BENEFICIARY SURVIVES A DESIGNATED BENEFICIARY DOES NOT SURVIVE THE DEATH OF THE OWNER, THE MOTOR VEHICLE IS PART OF THE ESTATE OF THE DECEASED OWNER.

(H) THIS SECTION DOES NOT LIMIT THE RIGHTS OF CREDITORS OF MOTOR VEHICLE OWNERS AGAINST BENEFICIARIES AND OTHER TRANSFEREES UNDER OTHER LAWS OF THIS STATE.

(I) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED ITS COSTS, FOR ISSUING A CERTIFICATE OF TITLE UNDER THIS SECTION.

(J) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 685

(House Bill 83)

AN ACT concerning

### Income Tax – Subtraction Modification – Discharged Student Loan Debt

FOR the purpose of altering a subtraction modification under the Maryland income tax for certain income of certain individuals resulting from the discharge of student loan indebtedness by repealing a requirement that the discharge must be due to total and

permanent disability or death; making a conforming change; providing for the application of this Act; and generally relating to a subtraction modification under the Maryland income tax for certain income resulting from the discharge of certain indebtedness.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 10–207(a)  
Annotated Code of Maryland  
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 10–207(aa)  
Annotated Code of Maryland  
(2016 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Tax – General**

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(aa) (1) The subtraction under subsection (a) of this section includes the amount of student loan indebtedness discharged [due to total and permanent disability or death].

(2) To qualify for the subtraction modification provided under this subsection, an individual must attach to the individual's income tax return or otherwise file with the Comptroller a copy of the notice stating that the loans have been discharged [due to total and permanent disability or death].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017, and shall be applicable to all taxable years beginning after December 31, 2016.

**Approved by the Governor, May 25, 2017.**

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**Chapter 686**

**(House Bill 979)**

AN ACT concerning

**Property Tax Credit – Public Safety Officers**

FOR the purpose of authorizing the governing body of a county or municipal corporation to grant, by law, a certain property tax credit against the county or municipal corporation property tax imposed on a certain dwelling that is owned by a certain public safety officer under certain circumstances; providing that the credit may not exceed a certain amount per dwelling and the amount of property tax imposed on the dwelling; requiring the State Department of Assessments and Taxation to be responsible for certain administrative duties relating to the credit; requiring a county or municipal corporation to reimburse the Department for certain administrative costs; authorizing the governing body of a county or municipal corporation to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for certain public safety officers.

BY adding to

Article – Tax – Property

Section 9–259

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Tax – Property**

**9–259.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DWELLING” HAS THE MEANING STATED IN § 9–105 OF THIS TITLE.

(3) “PUBLIC SAFETY OFFICER” MEANS:

(I) A FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, A CORRECTIONAL OFFICER, A POLICE OFFICER, OR A DEPUTY SHERIFF EMPLOYED FULL TIME BY A PUBLIC SAFETY AGENCY IN THE COUNTY OR MUNICIPAL CORPORATION WHERE THE INDIVIDUAL RESIDES; OR

(II) A VOLUNTEER FIREFIGHTER FOR A PUBLIC SAFETY AGENCY IN THE COUNTY OR MUNICIPAL CORPORATION WHERE THE INDIVIDUAL RESIDES.

(B) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON A DWELLING LOCATED IN THE COUNTY OR MUNICIPAL CORPORATION THAT IS OWNED BY A PUBLIC SAFETY OFFICER IF THE PUBLIC SAFETY OFFICER IS OTHERWISE ELIGIBLE FOR THE CREDIT AUTHORIZED UNDER § 9–105 OF THIS TITLE.

(C) IN ANY TAXABLE YEAR, THE CREDIT UNDER THIS SECTION MAY NOT EXCEED:

- (1) \$2,500 PER DWELLING; AND
- (2) THE AMOUNT OF PROPERTY TAX IMPOSED ON THE DWELLING.

(D) (1) THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE ADMINISTRATIVE DUTIES THAT RELATE TO THE APPLICATION AND DETERMINATION OF ELIGIBILITY FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION.

(2) A COUNTY OR MUNICIPAL CORPORATION SHALL REIMBURSE THE DEPARTMENT FOR THE REASONABLE COST OF ADMINISTERING THE CREDIT UNDER THIS SECTION.

(E) THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL CORPORATION MAY ESTABLISH, BY LAW:

- (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE AMOUNT OF THE CREDIT UNDER THIS SECTION;
- (2) THE DURATION OF THE CREDIT; AND
- (3) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR PUBLIC SAFETY OFFICERS TO QUALIFY FOR THE CREDIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.

Approved by the Governor, May 25, 2017.

AN ACT concerning

**Higher Education – Adult Correctional Institutions – Job Training and Education**

FOR the purpose of requiring, *under certain circumstances and* subject to certain funding recommendations, post–secondary education and workforce training programs developed and recommended by the Correctional Education Council to provide inmates in correctional institutions in the Division of Correction with the requisite training, certifications, and experience to obtain careers in in–demand job sectors; ~~requiring~~ *authorizing* the Justice Reinvestment Oversight Board to make a certain recommendation relating to the distribution of certain savings; and generally relating to post–secondary education and workforce training programs for the Division of Correction.

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 11–101, 11–901(a), 11–902(e), and 11–903  
Annotated Code of Maryland  
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 11–902(a)  
Annotated Code of Maryland  
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9–3202  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–3207(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, Correctional education and workforce training programs have been found to measurably reduce recidivism and foster rehabilitation; and

WHEREAS, The State must ensure that incarcerated individuals receive the education and training necessary to prepare them for careers in in-demand job sectors; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Labor and Employment

11–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Department” means the Department of Labor, Licensing, and Regulation.
- (c) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

11–901.

(a) There is a Correctional Education Council under the jurisdiction of the Department of Public Safety and Correctional Services and the Department.

11–902.

(a) **(1)** The Correctional Education Council shall develop and recommend an educational and workforce training program for each correctional institution in the Division of Correction.

**(2)** The programs shall meet the special needs and circumstances of the inmates in each correctional institution.

**(3) ~~IN ACCORDANCE WITH THE FUNDING RECOMMENDATIONS OF IF~~ THE JUSTICE REINVESTMENT OVERSIGHT BOARD MAKES A FUNDING RECOMMENDATION UNDER ~~§ 9-3207(B)(5)~~ § 9-3207(B)(6) OF THE STATE GOVERNMENT ARTICLE, A POST-SECONDARY EDUCATION AND WORKFORCE TRAINING PROGRAM, IN ACCORDANCE WITH THE FUNDING RECOMMENDATION, SHALL PROVIDE INMATES WITH THE REQUISITE TRAINING, CERTIFICATIONS, AND EXPERIENCE TO OBTAIN CAREERS IN IN-DEMAND JOB SECTORS.**

(e) (1) (i) The Council shall actively advocate and promote the interests of educational programs and workforce skills training opportunities in correctional institutions.

(ii) The Council shall seek to ensure that a quality education, equal educational opportunity, and workforce skills training are available to all inmates at correctional institutions.

(2) The Council, on a regular basis, shall review the educational and workforce skills training programs at correctional institutions to ensure that the unique educational and training needs of the populations of the correctional institutions are being satisfactorily met.

(3) The Council shall include in its review:

- (i) curriculum guides;
- (ii) courses of study;
- (iii) resource materials;
- (iv) textbooks;
- (v) supplementary readers;
- (vi) materials of instruction;
- (vii) visual and auditory aids;
- (viii) supplies;
- (ix) teacher performance; and
- (x) other teaching aids.

(4) Based on its review, the Council shall recommend and advocate improvements to the educational and workforce skills training programs at correctional institutions.

11-903.

(a) The Department is responsible for the provision of education and workforce skills training programs in the adult correctional institutions in the State.

(b) The Secretary shall appoint a Director of Education and Workforce Skills Training for Correctional Institutions.

(c) The Director shall receive the salary provided in the budget of the Department.

(d) The Director shall:

(1) implement and operate the educational and workforce skills training programs developed by the Council in the correctional institutions;

(2) meet with and advise the Council about the programs; and

(3) consult with the Commissioner of Correction and the warden of each institution about the operation of the programs.

### Article – State Government

9–3202.

There is a Justice Reinvestment Oversight Board in the Governor’s Office of Crime Control and Prevention.

9–3207.

(b) (1) In collaboration with the Department of Public Safety and Correctional Services, the Board shall determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council based on the difference between the prison population as measured on October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration.

(2) If the prison population on the comparison day is less than the prison population on the baseline day, the Board shall determine a savings based on the difference in the prison population multiplied by the variable cost.

(3) The Board annually shall determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings in accordance with paragraph (2) of this subsection.

(4) If a prison population decline causes a correctional unit, wing, or facility to close, the Board shall conduct an assessment to determine the savings from the closure and distribute the savings, realized annually, according to the schedule in paragraph (5) of this subsection.

(5) The Board annually shall recommend that the savings identified in paragraphs (2) through (4) of this subsection be distributed as follows:

(i) up to 50% of the savings shall be placed in the Performance Incentive Grant Fund for purposes established under § 9–3209(b)(1) of this subtitle; and

(ii) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, the remaining savings shall be used for

~~1.~~ additional services identified as reinvestment priorities in the Justice Reinvestment Coordinating Council’s Final Report, ~~AND~~.

**2. (6) THE BOARD MAY RECOMMEND THAT A PORTION OF THE REMAINING SAVINGS IDENTIFIED UNDER PARAGRAPH (5)(II) OF THIS SUBSECTION BE USED FOR THE DEVELOPMENT AND IMPLEMENTATION OF A POST-SECONDARY EDUCATION AND WORKFORCE TRAINING PROGRAM FOR EACH CORRECTIONAL INSTITUTION IN THE DIVISION OF CORRECTION THAT PROVIDES INMATES WITH THE REQUISITE TRAINING, CERTIFICATIONS, AND EXPERIENCE TO OBTAIN CAREERS IN IN-DEMAND JOB SECTORS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 688

(House Bill 1081)

AN ACT concerning

### Correctional Officers' Retirement System – Membership

FOR the purpose of altering the membership of the Correctional Officers' Retirement System to include certain individuals serving in certain positions in the Department of Public Safety and Correctional Services ~~and the Department of Juvenile Services~~; providing that certain members of the Correctional Officers' Retirement System who meet certain criteria may receive a normal service retirement allowance that is based on certain creditable service; requiring the State Retirement Agency, on or before a certain date, to notify certain individuals affected by this Act of their rights to transfer certain service credit to the Correctional Officers' Retirement System; and generally relating to membership in the Correctional Officers' Retirement System.

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 25–201 and 25–401  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – State Personnel and Pensions

25–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(1) correctional officers serving in any of the first six job classifications;

(2) security attendants at Clifton T. Perkins Hospital Center;

(3) a detention center officer employed by a participating governmental unit that on or after July 1, 2006, has elected to participate in the Correctional Officers' Retirement System;

(4) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;

(5) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager;

(6) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who:

(i) begins employment in that position on or after July 1, 2014; or

(ii) is serving in that position on June 30, 2014, and elects to transfer to the Correctional Officers' Retirement System from:

1. the Employees' Pension System on or before December 31, 2014; or

2. the Employees' Retirement System on or before December 31, 2015; [and]

(7) an individual serving as a correctional case management specialist, supervisor, or manager on or after July 1, 2016; AND

**(8) AN INDIVIDUAL SERVING AS A PAROLE AND PROBATION AGENT, SUPERVISOR, OR REGIONAL ADMINISTRATOR ON OR AFTER JULY 1, 2017; ~~AND~~**

**~~(9) AN INDIVIDUAL SERVING AS A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE IN ONE OF THE FOLLOWING POSITIONS ON OR AFTER JULY 1, 2017:~~**

**~~(i) AN ALCOHOL AND DRUG:~~**

**~~1. ASSOCIATE COUNSELOR, COUNSELOR PROVISIONAL, OR COUNSELOR LEAD;~~**

~~2. PROFESSIONAL COUNSELOR ADVANCED, COUNSELOR PROVISIONAL, OR COUNSELOR SUPERVISOR; OR~~

~~3. SUPERVISED COUNSELOR;~~

~~(H) A CASE MANAGEMENT SPECIALIST, SPECIALIST SUPERVISOR, OR PROGRAM SUPERVISOR;~~

~~(HH) A COORDINATOR OF RECREATION;~~

~~(IV) A DETENTION OFFICER OR SUPERVISOR;~~

~~(V) A PROGRAM ADMINISTRATOR;~~

~~(VI) A PSYCHOLOGIST, PSYCHOLOGY ASSOCIATE, OR PSYCHOLOGY SERVICE CHIEF;~~

~~(VII) A RESIDENT ADVISOR, ADVISOR LEAD, ADVISOR SUPERVISOR, OR ADVISOR TRAINEE;~~

~~(VIII) A RESIDENT YOUTH CENTER COOK OR COOK LEAD;~~

~~(IX) A RESIDENTIAL GROUP LIFE MANAGER;~~

~~(X) A SOCIAL WORKER, SOCIAL WORKER ADVANCED, OR SOCIAL WORK REGIONAL SUPERVISOR;~~

~~(XI) A YOUTH RECREATION SPECIALIST; OR~~

~~(XII) A YOUTH TRANSPORTATION OFFICER, OFFICER LEAD, OFFICER SUPERVISOR, OR OFFICER TRAINEE.~~

(b) This subtitle does not apply to:

(1) an employee of the Baltimore City Jail as of June 30, 1991, who:

(i) became an employee of the Baltimore City Detention Center on July 1, 1991; and

(ii) did not elect to become a member of the Correctional Officers' Retirement System on that date;

(2) a detention center officer employed by a participating governmental unit as a local detention center officer on the effective date of participation on or after July

1, 2006, who did not elect to become a member of the Correctional Officers' Retirement System within 6 months of the effective date of participation; or

(3) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who is in that position on June 30, 2014, and does not elect to transfer membership to the Correctional Officers' Retirement System from:

(i) the Employees' Pension System on or before December 31, 2014;

or

(ii) the Employees' Retirement System on or before December 31, 2015.

25-401.

(a) A member may retire with a normal service retirement allowance if:

(1) on or before the date of retirement, the member:

(i) has at least 20 years of eligibility service;

(ii) 1. is a correctional case management specialist, supervisor, or manager on or before June 30, 2016;

2. is vested in the Correctional Officers' Retirement System;

and

3. has a combined total of at least 20 years of eligibility service from:

A. the Correctional Officers' Retirement System and the Employees' Retirement System; or

B. the Correctional Officers' Retirement System and the Employees' Pension System; [or]

**(III) 1. IS SERVING IN A POSITION SPECIFIED IN ~~§ 25-201(A)(8) OR (9)~~ § 25-201(A)(8) OF THIS TITLE ON OR BEFORE JUNE 30, 2017;**

**2. IS VESTED IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; AND**

**3. HAS A COMBINED TOTAL OF AT LEAST 20 YEARS OF ELIGIBILITY SERVICE FROM:**

**A. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' RETIREMENT SYSTEM; OR**

**B. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM; OR**

**[(iii)] (IV)** is at least 55 years old and has:

1. at least 5 years of eligibility service credit, if the member is a member on or before June 30, 2011; or

2. at least 10 years of eligibility service credit, if the member becomes a member on or after July 1, 2011; and

(2) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) On retirement under this section, a member is entitled to receive a normal service retirement allowance that equals one fifty-fifth of the member's average final compensation multiplied by the number of years of creditable service.

(c) (1) This subsection applies only to:

(I) a correctional case management specialist, supervisor, or manager who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(ii) of this section; **OR**

**(II) A MEMBER SERVING IN A POSITION SPECIFIED IN § ~~25-201(A)(8) OR (9)~~ § 25-201(A)(8) OF THIS TITLE WHO HAS A COMBINED TOTAL OF 20 YEARS OF ELIGIBILITY SERVICE AS PROVIDED IN SUBSECTION (A)(1)(III) OF THIS SECTION.**

(2) A member is entitled to receive a normal service retirement allowance that equals an allowance based on the creditable service the member has in the Correctional Officers' Retirement System.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2017, the State Retirement Agency shall notify the individuals who are affected by this Act of their right to transfer service credit from the Employees' Retirement System or the Employees' Pension System to the Correctional Officers' Retirement System.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

**Chapter 689****(Senate Bill 650)**

AN ACT concerning

**Correctional Officers' Retirement System – Membership**

FOR the purpose of altering the membership of the Correctional Officers' Retirement System to include certain individuals serving in certain positions in the Department of Public Safety and Correctional Services ~~and the Department of Juvenile Services~~; providing that certain members of the Correctional Officers' Retirement System who meet certain criteria may receive a normal service retirement allowance that is based on certain creditable service; requiring the State Retirement Agency, on or before a certain date, to notify certain individuals affected by this Act of their rights to transfer certain service credit to the Correctional Officers' Retirement System; and generally relating to membership in the Correctional Officers' Retirement System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 25–201 and 25–401  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Personnel and Pensions**

25–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

- (1) correctional officers serving in any of the first six job classifications;
- (2) security attendants at Clifton T. Perkins Hospital Center;
- (3) a detention center officer employed by a participating governmental unit that on or after July 1, 2006, has elected to participate in the Correctional Officers' Retirement System;
- (4) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;
- (5) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager;

(6) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who:

(i) begins employment in that position on or after July 1, 2014; or

(ii) is serving in that position on June 30, 2014, and elects to transfer to the Correctional Officers' Retirement System from:

1. the Employees' Pension System on or before December 31, 2014; or

2. the Employees' Retirement System on or before December 31, 2015; [and]

(7) an individual serving as a correctional case management specialist, supervisor, or manager on or after July 1, 2016; AND

**(8) AN INDIVIDUAL SERVING AS A PAROLE AND PROBATION AGENT, SUPERVISOR, OR REGIONAL ADMINISTRATOR ON OR AFTER JULY 1, 2017; ~~AND~~**

~~**(9) AN INDIVIDUAL SERVING AS A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE IN ONE OF THE FOLLOWING POSITIONS ON OR AFTER JULY 1, 2017:**~~

~~**(I) AN ALCOHOL AND DRUG:**~~

~~**1. ASSOCIATE COUNSELOR, COUNSELOR PROVISIONAL, OR COUNSELOR LEAD;**~~

~~**2. PROFESSIONAL COUNSELOR ADVANCED, COUNSELOR PROVISIONAL, OR COUNSELOR SUPERVISOR; OR**~~

~~**3. SUPERVISED COUNSELOR;**~~

~~**(II) A CASE MANAGEMENT SPECIALIST, SPECIALIST SUPERVISOR, OR PROGRAM SUPERVISOR;**~~

~~**(III) A COORDINATOR OF RECREATION;**~~

~~**(IV) A DETENTION OFFICER OR SUPERVISOR;**~~

~~**(V) A PROGRAM ADMINISTRATOR;**~~

~~(VI) A PSYCHOLOGIST, PSYCHOLOGY ASSOCIATE, OR PSYCHOLOGY SERVICE CHIEF;~~

~~(VII) A RESIDENT ADVISOR, ADVISOR LEAD, ADVISOR SUPERVISOR, OR ADVISOR TRAINEE;~~

~~(VIII) A RESIDENT YOUTH CENTER COOK OR COOK LEAD;~~

~~(IX) A RESIDENTIAL GROUP LIFE MANAGER;~~

~~(X) A SOCIAL WORKER, SOCIAL WORKER ADVANCED, OR SOCIAL WORK REGIONAL SUPERVISOR;~~

~~(XI) A YOUTH RECREATION SPECIALIST; OR~~

~~(XII) A YOUTH TRANSPORTATION OFFICER, OFFICER LEAD, OFFICER SUPERVISOR, OR OFFICER TRAINEE.~~

(b) This subtitle does not apply to:

(1) an employee of the Baltimore City Jail as of June 30, 1991, who:

(i) became an employee of the Baltimore City Detention Center on July 1, 1991; and

(ii) did not elect to become a member of the Correctional Officers' Retirement System on that date;

(2) a detention center officer employed by a participating governmental unit as a local detention center officer on the effective date of participation on or after July 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement System within 6 months of the effective date of participation; or

(3) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who is in that position on June 30, 2014, and does not elect to transfer membership to the Correctional Officers' Retirement System from:

(i) the Employees' Pension System on or before December 31, 2014;  
or

(ii) the Employees' Retirement System on or before December 31, 2015.

25-401.

(a) A member may retire with a normal service retirement allowance if:

(1) on or before the date of retirement, the member:

(i) has at least 20 years of eligibility service;

(ii) 1. is a correctional case management specialist, supervisor, or manager on or before June 30, 2016;

2. is vested in the Correctional Officers' Retirement System;

and

3. has a combined total of at least 20 years of eligibility service from:

A. the Correctional Officers' Retirement System and the Employees' Retirement System; or

B. the Correctional Officers' Retirement System and the Employees' Pension System; [or]

**(III) 1. IS SERVING IN A POSITION SPECIFIED IN § ~~25-201(A)(8) OR (9)~~ § 25-201(A)(8) OF THIS TITLE ON OR BEFORE JUNE 30, 2017;**

**2. IS VESTED IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; AND**

**3. HAS A COMBINED TOTAL OF AT LEAST 20 YEARS OF ELIGIBILITY SERVICE FROM:**

**A. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' RETIREMENT SYSTEM; OR**

**B. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM; OR**

**[(iii)] (IV)** is at least 55 years old and has:

1. at least 5 years of eligibility service credit, if the member is a member on or before June 30, 2011; or

2. at least 10 years of eligibility service credit, if the member becomes a member on or after July 1, 2011; and

(2) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) On retirement under this section, a member is entitled to receive a normal service retirement allowance that equals one fifty–fifth of the member’s average final compensation multiplied by the number of years of creditable service.

(c) (1) This subsection applies only to:

(I) a correctional case management specialist, supervisor, or manager who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(ii) of this section; **OR**

(II) **A MEMBER SERVING IN A POSITION SPECIFIED IN ~~§ 25–201(A)(8) OR (9)~~ § 25–201(A)(8) OF THIS TITLE WHO HAS A COMBINED TOTAL OF 20 YEARS OF ELIGIBILITY SERVICE AS PROVIDED IN SUBSECTION (A)(1)(III) OF THIS SECTION.**

(2) A member is entitled to receive a normal service retirement allowance that equals an allowance based on the creditable service the member has in the Correctional Officers’ Retirement System.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2017, the State Retirement Agency shall notify the individuals who are affected by this Act of their right to transfer service credit from the Employees’ Retirement System or the Employees’ Pension System to the Correctional Officers’ Retirement System.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 690

**(Senate Bill 664)**

AN ACT concerning

### **Correctional Officers’ Retirement System – Membership**

FOR the purpose of altering the membership of the Correctional Officers’ Retirement System to include certain individuals serving in certain positions in the Department of Public Safety and Correctional Services; providing that certain members of the Correctional Officers’ Retirement System who meet certain criteria may receive a normal service retirement allowance that is based on certain creditable service; requiring the State Retirement Agency, on or before a certain date, to notify certain individuals affected by this Act of their right to transfer certain service credit to the

Correctional Officers' Retirement System; and generally relating to membership in the Correctional Officers' Retirement System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 25–201 and 25–401  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Personnel and Pensions**

25–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

- (1) correctional officers serving in any of the first six job classifications;
- (2) security attendants at Clifton T. Perkins Hospital Center;
- (3) a detention center officer employed by a participating governmental unit that on or after July 1, 2006, has elected to participate in the Correctional Officers' Retirement System;
- (4) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;
- (5) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager;
- (6) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who:
  - (i) begins employment in that position on or after July 1, 2014; or
  - (ii) is serving in that position on June 30, 2014, and elects to transfer to the Correctional Officers' Retirement System from:
    1. the Employees' Pension System on or before December 31, 2014; or
    2. the Employees' Retirement System on or before December 31, 2015; [and]

(7) an individual serving as a correctional case management specialist, supervisor, or manager on or after July 1, 2016; AND

**(8) AN INDIVIDUAL SERVING AS A DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES EMPLOYEE IN ONE OF THE FOLLOWING POSITIONS ON OR AFTER JULY 1, 2017:**

**(I) AN ALCOHOL AND DRUG:**

**1. ASSOCIATE COUNSELOR, COUNSELOR LEAD, COUNSELOR PROVISIONAL, OR COUNSELOR SUPERVISOR;**

**2. PROFESSIONAL COUNSELOR, COUNSELOR PROVISIONAL, OR COUNSELOR SUPERVISOR; OR**

**3. SUPERVISED COUNSELOR OR COUNSELOR PROVISIONAL;**

**(II) A MENTAL HEALTH PROFESSIONAL COUNSELOR, GRADUATE PROFESSIONAL COUNSELOR, PROFESSIONAL COUNSELOR ADVANCED, OR PROFESSIONAL SUPERVISOR;**

**(III) A PSYCHOLOGIST, PSYCHOLOGY ASSOCIATE, OR PSYCHOLOGY ASSOCIATE DOCTORATE; ~~OR~~**

**(IV) A SOCIAL WORKER, SOCIAL WORKER ADVANCED, SOCIAL WORKER SUPERVISOR, OR SOCIAL WORK REGIONAL SUPERVISOR; OR**

**(V) A RECREATION OFFICER OR SUPERVISOR.**

(b) This subtitle does not apply to:

(1) an employee of the Baltimore City Jail as of June 30, 1991, who:

(i) became an employee of the Baltimore City Detention Center on July 1, 1991; and

(ii) did not elect to become a member of the Correctional Officers' Retirement System on that date;

(2) a detention center officer employed by a participating governmental unit as a local detention center officer on the effective date of participation on or after July 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement System within 6 months of the effective date of participation; or

(3) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who is in that position on June 30, 2014, and does not elect to transfer membership to the Correctional Officers' Retirement System from:

- (i) the Employees' Pension System on or before December 31, 2014;
- or
- (ii) the Employees' Retirement System on or before December 31, 2015.

25-401.

(a) A member may retire with a normal service retirement allowance if:

- (1) on or before the date of retirement, the member:
  - (i) has at least 20 years of eligibility service;
  - (ii) 1. is a correctional case management specialist, supervisor, or manager on or before June 30, 2016;
  - 2. is vested in the Correctional Officers' Retirement System;
  - and
  - 3. has a combined total of at least 20 years of eligibility service from:
    - A. the Correctional Officers' Retirement System and the Employees' Retirement System; or
    - B. the Correctional Officers' Retirement System and the Employees' Pension System; [or]

**(III) 1. IS SERVING IN A POSITION SPECIFIED IN § 25-201(A)(8) OF THIS TITLE ON OR BEFORE JUNE 30, 2017;**

**2. IS VESTED IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; AND**

**3. HAS A COMBINED TOTAL OF AT LEAST 20 YEARS OF ELIGIBILITY SERVICE FROM:**

**A. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' RETIREMENT SYSTEM; OR**

**B. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM; OR**

**[(iii)] (IV)** is at least 55 years old and has:

1. at least 5 years of eligibility service credit, if the member is a member on or before June 30, 2011; or

2. at least 10 years of eligibility service credit, if the member becomes a member on or after July 1, 2011; and

(2) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) On retirement under this section, a member is entitled to receive a normal service retirement allowance that equals one fifty-fifth of the member's average final compensation multiplied by the number of years of creditable service.

(c) (1) This subsection applies only to:

**(I)** a correctional case management specialist, supervisor, or manager who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(ii) of this section; **OR**

**(II) A MEMBER SERVING IN A POSITION SPECIFIED IN § 25-201(A)(8) OF THIS TITLE WHO HAS A COMBINED TOTAL OF 20 YEARS OF ELIGIBILITY SERVICE AS PROVIDED IN SUBSECTION (A)(1)(III) OF THIS SECTION.**

(2) A member is entitled to receive a normal service retirement allowance that equals an allowance based on the creditable service the member has in the Correctional Officers' Retirement System.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2017, the State Retirement Agency shall notify the individuals who are affected by this Act of their right to transfer service credit from the Employees' Retirement System or the Employees' Pension System to the Correctional Officers' Retirement System.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 691**  
**(Senate Bill 117)**

AN ACT concerning

**Community Colleges – Out-of-State Fee – Waiver for Border State Residents**

FOR the purpose of authorizing the boards of trustees of community colleges with service areas that border other states to set an out-of-state fee for certain students who reside in out-of-state counties that border Maryland; requiring that this fee be more than the out-of-county fee paid by certain Maryland students; allowing this fee to be less than the usual out-of-state fee paid by certain out-of-state students; prohibiting students attending community colleges by paying this fee from being counted for the purposes of certain State aid to community colleges; making a conforming change; and generally relating to a fee for out-of-state community college students residing in counties bordering their school's service area.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 16–310(a) and 16–505(g)(4)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Education  
Section 16–310(b)(1)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

16–310.

(a) (1) Subject to paragraphs (2), (3), (4), (5), [and] (6), **AND (7)** of this subsection and subsection (f) of this section, any student who attends a community college in this State and is not a resident of this State shall pay, in addition to the student tuition and fees payable by a county resident, an out-of-state fee, at least equal to:

(i) 60% of the county share per full-time equivalent student as determined under § 16–305 of this subtitle; and

(ii) The marginal cost component of the State share per full-time equivalent student as determined under § 16–305(c)(5) of this subtitle.

**(2) (I) EACH BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITH A SERVICE AREA THAT BORDERS ANOTHER STATE MAY SET AN OUT-OF-STATE FEE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR ANY STUDENT WHO RESIDES IN AN OUT-OF-STATE COUNTY THAT BORDERS THE COMMUNITY COLLEGE'S SERVICE AREA.**

**(II) THE FEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:**

**1. SHALL BE MORE THAN THE OUT-OF-COUNTY FEE AS DETERMINED IN SUBSECTION (B)(1) OF THIS SECTION; AND**

**2. MAY BE LESS THAN THE OUT-OF-STATE FEE AS DETERMINED IN PARAGRAPH (1) OF THIS SUBSECTION.**

**(III) ANY STUDENT ATTENDING A COMMUNITY COLLEGE IN THIS STATE WHO PAYS A FEE AS PROVIDED IN THIS PARAGRAPH MAY NOT BE INCLUDED AS AN IN-STATE RESIDENT FOR COMPUTATION OF STATE AID TO COMMUNITY COLLEGES IN ACCORDANCE WITH § 16-305 OF THIS SUBTITLE.**

**[(2)] (3) (i)** A resident of the state of West Virginia who attends Garrett College under a negotiated reciprocity agreement between the states of Maryland and West Virginia is an in-county resident for tuition purposes.

(ii) For each full-time equivalent student participating in the reciprocity agreement, the State shall pay to Garrett College an amount equal to the net State support per full-time equivalent student as provided in § 16-305 of this subtitle. For any fiscal year, if State appropriations for reimbursement of any reciprocity agreements under this paragraph do not provide sufficient funds to fully reimburse the college, the Governor shall include in the budget bill for the next fiscal year a deficiency appropriation to provide the additional funds to fully reimburse the college.

(iii) The Commission may make payments to effectuate the provisions of this paragraph from funds specifically appropriated for this purpose as provided in the State budget or any supplemental budget request.

(iv) The payments authorized by this paragraph are in addition to the State operating fund to community colleges authorized in § 16-305(c) of this subtitle.

**[(3)] (4) (i)** Any student attending a community college in this State who is not a resident of this State and is enrolled in an education program leading to licensure in nursing shall be included as an in-county resident for tuition purposes and shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16-305 of this subtitle.

(ii) The student shall furnish a surety bond or promissory note to the State with security satisfactory to the Maryland Higher Education Commission, that on completion of the nursing education program, the student will work for at least 2 years in a hospital or related institution as defined in § 19–301 of the Health – General Article in this State.

(iii) The Secretary of Health and Mental Hygiene may determine if there is a shortage of nurses.

(iv) Subject to subparagraphs (v) and (vi) of this paragraph, if the Secretary determines that there is no shortage of nurses, the Nonresident Student Tuition Reduction and State Aid Program established under this paragraph may not be applied to any courses required for the nursing program.

(v) Subparagraph (iv) of this paragraph applies only to students who enroll in a nursing education program subsequent to the determination made under subparagraph (iv) of this paragraph.

(vi) Subparagraph (v) of this paragraph may not affect any student who is participating in the Nonresident Tuition Reduction and State Aid Program prior to the determination under subparagraph (iii) of this paragraph.

**[(4)] (5)** (i) Each board of community college trustees may waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who is employed by a business located in the county that supports the community college.

(ii) Any student attending a community college in this State who receives a tuition waiver as provided by this paragraph shall not be included as an in-State resident for computation of State aid to community colleges in accordance with § 16–305 of this subtitle.

**[(5)] (6)** (i) Each board of community college trustees shall waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who resides in this State but does not meet the in-State residency requirement for tuition purposes and is a public school teacher employed by a county board if:

1. A. The course or program is required by the State or the county board to maintain the teacher's present position with the county board; or

B. The course or program maintains or improves skills required by the county board in the teacher's current position;

2. The teacher resides in this State and is employed as a full-time public school teacher; and

3. The teacher has been employed as a public school teacher in the State for less than a year.

(ii) A public school teacher is responsible for the difference between in-State and out-of-state tuition if:

1. The teacher resigns or is terminated from employment with the county board; and

2. The teacher remains enrolled in the course or program at a community college during the teacher's first year as a Maryland resident.

(iii) Any public school teacher attending a community college in this State who satisfies the requirements established in this paragraph shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16-305 of this subtitle.

**[(6)] (7)** (i) In this paragraph, "BRAC" means the Base Realignment and Closure process as announced by the United States Department of Defense.

(ii) Each board of community college trustees may waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who resides in the State but does not meet the in-State residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of BRAC.

(iii) Any BRAC employee or family member of a BRAC employee attending a community college in the State who satisfies the requirements established in this paragraph shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16-305 of this subtitle.

(b) (1) Subject to the provisions of paragraphs (2), (3), and (4) of this subsection and subsection (g) of this section, any student who attends a community college not supported by the county in which the student resides shall pay, in addition to the student tuition and fees payable by a resident of a county that supports the community college, an out-of-county or out-of-region fee at least equal to 60% of the county share per full-time equivalent student as determined under § 16-305 of this subtitle.

16-505.

(g) (4) A student who is not a resident of the State shall be considered a resident for purposes of assessing tuition and fees to the extent that such student would be eligible for in-county status under the provisions of § **[16-310(a)(3)] 16-310(A)(4)** or (f) of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 692

(Senate Bill 273)

AN ACT concerning

### State Forest, State Park, and Wildlife Management Area Revenue Equity Program

FOR the purpose of prohibiting a county from receiving certain revenues derived from a State forest or State park reserve within a county if the county receives a certain payment in a fiscal year; prohibiting a county from receiving certain revenues derived from concession operations within a State forest or State park if the county receives a certain payment in a fiscal year; requiring certain payments to certain counties for State forests, State parks, and wildlife management areas that are exempt from the property tax; providing for the amount calculation of the payments; ~~establishing eligibility criteria for a county to receive certain payments for State forests, State parks, and wildlife management areas that are exempt from the property tax; providing for a triennial adjustment to the amount of the payments beginning in a certain fiscal year; establishing the manner of determining which land is considered in determining the amount of the payment; clarifying how to apportion the land in a State forest, State park, or wildlife management area that is contained in multiple counties; clarifying when land shall be included in the total number of acres for a county in a fiscal year~~ calculation of payments to a county; excluding certain lands from being included in the ~~total number of acres in~~ calculation of payments to a county; requiring the State Department of Assessments and Taxation, in consultation with the Secretary of Natural Resources, to certify certain information to the Governor and the Secretary of Budget and Management on or before a certain date each year; ~~requiring the Governor to include certain amounts to be paid to each county in the annual budget bill;~~ requiring the State to pay to each county a certain percent of a certain payment on or before certain dates; clarifying that the provisions of this Act may not be construed to prohibit the application of or collection of certain taxes; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to payments to counties for State forests, State parks, and wildlife management areas within a county.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 5–101(a) and (e) and 10–801  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 5–212 and 5–212.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 6–102, 7–210, 7–211(c), and 7–501(a) and (b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Tax – Property  
Section 6.5–101 through 6.5–301 to be under the new title “Title 6.5. State Forest,  
State Park, and Wildlife Management Area Revenue Equity Program”  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### **Article – Natural Resources**

5–101.

(a) In this title the following words have the meanings indicated.

(e) (1) “Forest land” means a biological community dominated by trees and other woody plants that are capable of producing timber or other wood products with a stocking of at least 100 trees per acre with at least 50% of those trees having a 2–inch or greater diameter at 4.5 feet above the ground.

(2) “Forest land” includes forested areas that have been cut but not converted to other land uses.

5–212.

(a) In this section, “Fund” means the Forest or Park Reserve Fund.

(b) There is a Forest or Park Reserve Fund in the Department.

(c) The purpose of the Fund is to enable the Department to purchase and manage in the name of the State lands suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves.

(d) The Department shall administer the Fund.

(e) (1) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(2) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(f) The Fund consists of:

(1) Except as provided in § 5–307(f)(4) of this title, any money obtained from the State forest reserves, State parks, scenic reserves, parkways, historic monuments, and recreation areas;

(2) Revenue distributed to the Fund from fines collected under § 5–1302 of this title; and

(3) Revenue received by the Fund under § 5–207(b) of this subtitle.

(g) (1) Subject to [paragraph] **PARAGRAPHS (3) AND (4)** of this subsection, the Fund may be used only for:

(i) 1. Purchasing and managing in the name of the State lands suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves; and

2. Helping to offset the costs to the Forest and Park Service for developing and implementing a forest health emergency contingency program under § 5–307 of this title;

(ii) Subject to [paragraph] **PARAGRAPHS (2) AND (4)** of this subsection, payments to counties in the amount of:

1. If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the revenue derived from the State forest or park reserve located in that county; and

2. If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the revenue derived from the State forest or park reserve located in that county; and

(iii) Administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(2) For fiscal years 2012, 2013, and 2015 only, the payments under paragraph (1)(ii) of this subsection shall be based only on the revenue derived from sales of timber.

(3) From revenues described in subsection (f) of this section that are attributable to Maryland Park Service operations, less any amount of those revenues allocated for administrative costs in accordance with paragraph (1)(iii) of this subsection, the Governor shall include in the State budget an appropriation for the Maryland Park Service equal to:

- (i) At least 60% of the remaining revenues, for fiscal year 2016;
- (ii) At least 80% of the remaining revenues, for fiscal year 2017; and
- (iii) 100% of the remaining revenues, for fiscal year 2018 and each fiscal year thereafter.

**(4) A COUNTY MAY NOT RECEIVE A PAYMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IN A FISCAL YEAR IF THE COUNTY RECEIVES A PAYMENT FROM THE STATE UNDER § 6.5–201 OF THE TAX – PROPERTY ARTICLE IN THE SAME FISCAL YEAR.**

(h) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

5–212.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Account” means the Forest and Park Concession Account.

(3) (i) “Concession operations” means activities within a State forest or park that:

- 1. Raise revenue;
- 2. Function under a separate budget system; and
- 3. Supplement the operation of the facility where it is located.

(ii) “Concession operations” includes:

- 1. Food concessions;

2. Boat rentals;
3. Gift shops;
4. Marine sales;
5. Snack bars; and
6. Camp stores.

(b) There is a Forest and Park Concession Account in the Department.

(c) The purpose of the Account is to finance:

- (1) The maintenance and operation of concession operations; and
- (2) The functions of State forests and parks.

(d) The Department shall administer the Account.

(e) (1) The Treasurer shall hold the Account separately and the Comptroller shall reconcile the Account.

(2) The Account is a special, nonlapsing account that is not subject to § 7–302 of the State Finance and Procurement Article.

(f) The Account consists of any money derived from concession operations in State forests and parks.

(g) (1) Except as provided in paragraph (2) of this subsection, the Account shall be used only for:

(i) The maintenance and operation of concession operations;

(ii) The function of State forests and parks to the extent of the projected balance of the Account from the prior fiscal year; and

(iii) Administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(2) (i) Subject to [subparagraph] **SUBPARAGRAPHS (ii) AND (III)** of this paragraph, each county in which any State forest or park is located shall be paid annually out of the Account:

1. If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the net revenue derived from concession operations within a State forest or park located in that county; or

2. If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the net revenue derived from concession operations within a State forest or park located in that county.

(ii) For fiscal year 2015 only, the payments under subparagraph (i) of this paragraph may not be made.

**(III) A COUNTY MAY NOT RECEIVE A PAYMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN A FISCAL YEAR IF THE COUNTY RECEIVES A PAYMENT FROM THE STATE UNDER § 6.5–201 OF THE TAX – PROPERTY ARTICLE IN THE SAME FISCAL YEAR.**

(h) (1) The Treasurer shall invest the money of the Account in the same manner as other State money may be invested.

(2) Any investment earnings of the Account shall be credited to the General Fund of the State.

(i) (1) Expenditures from the Account may be made only in accordance with the State budget.

(2) The budget submitted by the Governor to the General Assembly shall include the revenues and expenditures of the Account in the same detail as other special fund accounts administered by the Department.

10–801.

(a) The Department may acquire, by purchase, lease, condemnation, or gift, title or control of any area of land or water in the State suitable to protect, propagate, or manage wildlife or for hunting purposes. The area of land or water shall be known as a wildlife management area. Any area of land or water greater than 100 acres may be acquired in Garrett County or Allegany County only with the approval of that county. This requirement does not apply to any areas which have previously been authorized for acquisition by the General Assembly.

(b) The Department may purchase or erect any structure necessary for wildlife management and may purchase or lease any area of land or water excluding the ownership of and the right to drill any mineral, oil, or gas.

### Article – Tax – Property

6–102.

(a) Except as otherwise provided in this section, a leasehold or other limited interest in property is not subject to property tax.

(b) An interest of a life tenant or the owner of any other freehold estate in property is subject to property tax as though the person in possession or the user of the property were the owner of the property.

(c) An interest of the mortgagor, pledgor, or conditional sale buyer in personal property is subject to property tax as though the person in possession or the user of the personal property were the owner of the personal property.

(d) The following interests in real property are subject to property tax as though the person in possession or the user of the property were the owner of the property:

(1) an interest of a tenant under a 99-year lease, whether or not the lease is renewable;

(2) an interest of a tenant under a lease for less than 99 years, if the lease is perpetually renewable; and

(3) an interest of a mortgagor or grantor under a deed of trust.

(e) Unless exempted under § 7-211, § 7-211.1, § 7-244, or § 7-501 of this article, the interest or privilege of a person in property that is owned by the federal government, the State, a county, a municipal corporation, or an agency or instrumentality of the federal government, the State, a county, or a municipal corporation is subject to property tax as though the lessee or the user of the property were the owner of the property, if the property is leased or otherwise made available to that person:

(1) by the federal government, the State, a county, a municipal corporation, or an agency or instrumentality of the federal government, the State, a county, or a municipal corporation; and

(2) with the privilege to use the property in connection with a business that is conducted for profit.

## **TITLE 6.5. STATE FOREST, STATE PARK, AND WILDLIFE MANAGEMENT AREA REVENUE EQUITY PROGRAM.**

### **SUBTITLE 1. GENERAL PROVISIONS.**

#### **6.5-101.**

**(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “FOREST LAND” HAS THE MEANING STATED IN § 5-101 OF THE NATURAL RESOURCES ARTICLE.**

(C) “STATE FOREST” MEANS FOREST LAND OWNED OR LEASED BY THE DEPARTMENT OF NATURAL RESOURCES.

(D) “STATE PARK” MEANS A PARK OWNED BY THE STATE THAT IS PROMOTED, ADMINISTERED, OR MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES.

~~(E) (1) “UNIT OF OPEN SPACE” MEANS 10,000 ACRES OF LAND WITHIN A COUNTY THAT CONSISTS OF STATE FORESTS, STATE PARKS, OR WILDLIFE MANAGEMENT AREAS.~~

~~(2) A “UNIT OF OPEN SPACE” MAY BE LESS THAN 10,000 ACRES AS PROVIDED UNDER § 6.5-201 OF THIS TITLE.~~

~~(F)~~ (E) “WILDLIFE MANAGEMENT AREA” MEANS LAND ACQUIRED AND USED BY THE STATE IN ACCORDANCE WITH TITLE 10, SUBTITLE 8 OF THE NATURAL RESOURCES ARTICLE.

6.5-102.

THIS TITLE APPLIES TO COUNTIES THAT HAVE AT:

(1) AT LEAST 40,000 65,000 ACRES OF STATE FORESTS, STATE PARKS, AND WILDLIFE MANAGEMENT AREAS THAT ARE EXEMPT FROM THE PROPERTY TAX UNDER § 7-210 OF THIS ARTICLE; OR

(2) (I) AT LEAST 40,000 ACRES OF STATE FORESTS, STATE PARKS, AND WILDLIFE MANAGEMENT AREAS THAT ARE EXEMPT FROM THE PROPERTY TAX UNDER § 7-210 OF THIS ARTICLE; AND

(II) A COUNTY REAL PROPERTY TAX RATE OF AT LEAST \$1.00 FOR EACH \$100 OF ASSESSMENT.

## SUBTITLE 2. PAYMENTS TO COUNTIES.

6.5-201.

~~(A) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, BEGINNING IN FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE STATE SHALL PAY TO EACH COUNTY \$250,000 FOR EACH UNIT OF OPEN SPACE IN THE COUNTY.~~

~~(2) THE PAYMENTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE NUMBER OF UNITS OF OPEN SPACE IN A COUNTY IN THE PRECEDING FISCAL YEAR.~~

~~(3) (i) IN FISCAL YEAR 2019, A COUNTY MAY NOT RECEIVE A PAYMENT IN ACCORDANCE WITH THIS SECTION UNLESS THE COUNTY HAS AT LEAST SEVEN UNITS OF OPEN SPACE.~~

~~(ii) IN FISCAL YEAR 2020, A COUNTY MAY NOT RECEIVE A PAYMENT IN ACCORDANCE WITH THIS SECTION UNLESS THE COUNTY HAS AT LEAST FIVE UNITS OF OPEN SPACE.~~

~~(iii) IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, A COUNTY MAY NOT RECEIVE A PAYMENT IN ACCORDANCE WITH THIS SECTION UNLESS THE COUNTY HAS AT LEAST THREE UNITS OF OPEN SPACE.~~

~~(4) (i) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED MONTHLY BY THE BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR THAT IS THE U.S. CITY AVERAGE OF ALL ITEMS IN A BASKET OF CONSUMER GOODS AND SERVICES.~~

~~(ii) BEGINNING WITH PAYMENTS MADE IN FISCAL YEAR 2022, AND EVERY 3 YEARS THEREAFTER, THE AMOUNT THE STATE IS REQUIRED TO PAY FOR EACH UNIT OF OPEN SPACE SHALL BE ADJUSTED TO REFLECT THE CHANGE IN THE CONSUMER PRICE INDEX FROM JULY 1 OF THE THIRD PRECEDING FISCAL YEAR THROUGH JUNE 30 OF THE PRECEDING FISCAL YEAR.~~

~~(b) THE NUMBER OF UNITS OF OPEN SPACE IN A COUNTY SHALL BE DETERMINED BY:~~

~~(1) SUBJECT TO SUBSECTION (d) OF THIS SECTION, THE TOTAL NUMBER OF ACRES IN A COUNTY THAT ARE INCLUDED IN A STATE FOREST, STATE PARK, OR WILDLIFE MANAGEMENT AREA;~~

~~(2) ROUNDING THE NUMBER OF ACRES DETERMINED UNDER ITEM (1) OF THIS SUBSECTION UP TO THE NEAREST WHOLE ACRE;~~

~~(3) DIVIDING THE NUMBER OF ACRES DETERMINED UNDER ITEM (2) OF THIS SUBSECTION BY 10,000; AND~~

~~(4) ROUNDING THE NUMBER DETERMINED UNDER ITEM (3) OF THIS SUBSECTION UP TO THE NEAREST WHOLE NUMBER.~~

~~(C) IF A STATE FOREST, STATE PARK, OR WILDLIFE MANAGEMENT AREA IS CONTAINED WITHIN THE BOUNDARIES OF MORE THAN ONE COUNTY, THE NUMBER OF ACRES ATTRIBUTABLE TO THAT STATE FOREST, STATE PARK, OR WILDLIFE MANAGEMENT AREA SHALL BE ALLOCATED TO EACH COUNTY BASED ON THE PERCENTAGE CONTAINED WITHIN EACH COUNTY.~~

(A) BEGINNING IN FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE STATE SHALL PAY TO EACH COUNTY AN AMOUNT EQUAL TO THE COUNTY PROPERTY TAX RATE MULTIPLIED BY THE ASSESSED VALUE, AS DETERMINED BY THE DEPARTMENT, OF THE STATE FORESTS, STATE PARKS, AND WILDLIFE MANAGEMENT AREAS IN THE COUNTY THAT ARE EXEMPT FROM THE PROPERTY TAX UNDER § 7-210 OF THIS ARTICLE.

~~(B)~~ (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, LAND THAT IS PART OF A STATE FOREST, STATE PARK, OR WILDLIFE MANAGEMENT AREA AT ANY TIME DURING A FISCAL YEAR AND EXEMPT FROM THE PROPERTY TAX UNDER § 7-210 OF THIS ARTICLE SHALL BE INCLUDED WHEN DETERMINING THE TOTAL NUMBER OF ACRES UNDER SUBSECTION (B) CALCULATING THE AMOUNT THAT THE STATE SHALL PAY A COUNTY UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE FOLLOWING MAY NOT BE INCLUDED WHEN ~~DETERMINING THE NUMBER OF UNITS OF OPEN SPACE IN A COUNTY~~ CALCULATING THE AMOUNT THAT THE STATE SHALL PAY A COUNTY UNDER SUBSECTION (A) OF THIS SECTION:

(I) PROPERTY THAT IS SUBJECT TO PROPERTY TAX UNDER § 6-102 OF THIS ARTICLE;

(II) PROPERTY THAT IS EXEMPT FROM PROPERTY TAX IN ACCORDANCE WITH § 7-501 OF THIS ARTICLE;

(III) STATE PROPERTY FOR WHICH A PAYMENT IN LIEU OF TAX AGREEMENT IS IN EFFECT UNDER § 7-211(C) OR § 7-501 OF THIS ARTICLE; OR

(IV) THE PORTION OF DEEP CREEK LAKE STATE PARK THAT IS ATTRIBUTABLE TO PAYMENTS REQUIRED UNDER § 5-215 OF THE NATURAL RESOURCES ARTICLE.

6.5-202.

(A) ~~(1)~~ ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT, IN CONSULTATION WITH THE SECRETARY OF NATURAL RESOURCES, SHALL CERTIFY TO THE GOVERNOR AND THE SECRETARY OF BUDGET AND MANAGEMENT:

~~(H)~~ **(1) THE TOTAL NUMBER OF UNITS OF OPEN SPACE ASSESSED VALUE OF ALL STATE FORESTS, STATE PARKS, AND WILDLIFE MANAGEMENT AREAS IN EACH COUNTY THAT ARE EXEMPT FROM THE PROPERTY TAX UNDER § 7-210 OF THIS ARTICLE, AS DETERMINED UNDER § 6.5-201 OF THIS SUBTITLE; AND**

~~(H)~~ **(2) THE TOTAL AMOUNT TO BE PAID BY THE STATE TO EACH COUNTY AS DETERMINED UNDER § 6.5-201 OF THIS SUBTITLE.**

~~(2) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL THE TOTAL AMOUNT TO BE PAID TO EACH COUNTY AS CERTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

**(B) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 1, AND JUNE 1 EACH FISCAL YEAR, THE STATE SHALL PAY 25% OF THE AMOUNT CERTIFIED UNDER SUBSECTION (A) OF THIS SECTION TO EACH COUNTY.**

### SUBTITLE 3. MISCELLANEOUS.

#### 6.5-301.

**(A) IN THIS SECTION, “LOCAL TAX” MEANS A TAX IMPOSED BY A COUNTY OR MUNICIPAL CORPORATION.**

**(B) THIS TITLE MAY NOT BE CONSTRUED TO PROHIBIT THE APPLICATION OF OR COLLECTION OF A LOCAL TAX ON THE EXTRACTION OF NATURAL RESOURCES.**

#### 7-210.

(a) Except as otherwise provided in § 6-102 of this article and except as otherwise provided under this section, government-owned property is not subject to property tax, if the property:

(1) is devoted to a governmental use or purpose; and

(2) is owned by:

(i) the federal government;

(ii) the State;

(iii) a county or a municipal corporation; or

(iv) an agency or instrumentality of the federal government, the State, a county, or of a municipal corporation.

(b) The exemption provided for the property owned by an agency or instrumentality in subsection (a)(2)(iv) of this section applies only to the extent that a law exempts the property.

7–211.

(c) (1) Except for an interest in federal enclave property as defined in § 7–211.3 of this subtitle, an interest of a person in any property of the federal government or the State is not subject to property tax, if the government that owns the property makes negotiated payments in lieu of tax payments.

(2) Land owned by the federal government that is the location for federal enclave property as defined in § 7–211.3 of this subtitle is not subject to property tax.

7–501.

(a) The governing body of Allegany County, Anne Arundel County, Montgomery County, or Washington County or the governing body of a municipal corporation in those counties may authorize, by law, an exemption from county or municipal corporation property tax for the property that is described in § 6–102(e) of this article.

(b) Except for an interest in federal enclave property as defined in § 7–211.3 of this title, in all counties except Worcester County, the governing body of the county or of a municipal corporation in those counties or the Mayor and City Council of Baltimore City may authorize, by law, an exemption from county or municipal corporation property tax for the property described in § 6–102(e) of this article and provide for a negotiated payment in lieu of the tax.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 693

(Senate Bill 592)

AN ACT concerning

### **Allegany County – Property Tax Credits – Community Organizations and Lions Center**

FOR the purpose of ~~requiring~~ authorizing the governing body of Allegany County and of a municipal corporation in Allegany County to grant a property tax credit against the county and municipal corporation property tax imposed on certain property owned

by certain ~~community~~ organizations; providing for the application of this Act; and generally relating to property tax credits for certain ~~community~~ organizations in Allegany County.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~9-302(a)~~ 9-302(b)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Tax – Property

9-302.

~~(a) The governing body of Allegany County and of a municipal corporation in Allegany County shall grant a property tax credit under this section against the county and municipal corporation property tax imposed on:~~

~~(1) personal property that is owned by a nonprofit television broadcast translator station that is supported principally by public subscription; [and]~~

~~(2) property that is:~~

~~(i) owned by the South Cumberland Business and Civic Association, Incorporated; and~~

~~(ii) known as the South Cumberland Civic Center; AND~~

~~(3) PROPERTY THAT IS OWNED BY:~~

~~(I) THE FROSTBURG MUSEUM ASSOCIATION, INCORPORATED;~~

~~(II) THE ALLEGANY COUNTY ANIMAL SHELTER MANAGEMENT FOUNDATION; AND~~

~~(III) THE FAMILY JUNCTION, INCORPORATED.~~

(b) The governing body of Allegany County or of a municipal corporation in Allegany County may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on:

(1) property that is owned by the Upper Potomac Jaycees, Incorporated;

- (2) property that is owned by the Allegany Beagle Club, Incorporated;
  - (3) property that is:
    - (i) leased by Frostburg Community Hospital, Inc.; and
    - (ii) used for hospital purposes;
  - (4) property that is owned by the Western Maryland Scenic Railroad;
  - (5) property that is owned by the Frostburg Lions Club;
  - (6) property that is owned by the Cumberland/Allegany County Industrial Foundation, Inc.;
  - (7) property that is owned by the La Vale Lions Club Foundation, Inc.;
  - (8) property that is owned by the Carver Community Center, Inc.;
  - (9) property that is owned by the Cumberland Cultural Foundation and is known as the Gilchrist Museum;
  - (10) property that is owned by the Allegany County Agricultural Expo, Inc.;
- [and]
- (11) property that is owned by the Allegany County Building Trades Education Foundation, Inc.;
  - (12) **PROPERTY THAT IS OWNED BY THE FROSTBURG MUSEUM ASSOCIATION, INC.;**
  - (13) **PROPERTY THAT IS OWNED BY THE ALLEGANY COUNTY ANIMAL SHELTER MANAGEMENT FOUNDATION, INC.;**
  - (14) **PROPERTY THAT IS OWNED BY THE FAMILY JUNCTION, INC.;**
  - (15) **PROPERTY THAT IS OWNED BY THE LAVALE SWIM CLUB INC.; AND**
  - (16) **PROPERTY THAT IS:**
    - (I) **OWNED BY:**
      - 1. **THE LIONS CENTER, LLC;**
      - 2. **THE LIONS CENTER I, LLC; OR**

**3. THE LIONS CENTER II, LLC; AND**

**(II) KNOWN AS THE LIONS CENTER FOR REHABILITATION AND EXTENDED CARE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect all taxable years beginning on or after June 30, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 694**

**(Senate Bill 979)**

AN ACT concerning

**Vehicle Laws – All-Terrain Vehicles and Snowmobiles**

FOR the purpose of prohibiting an individual from driving or attempting to drive an all-terrain vehicle or a snowmobile on portions of a highway in the State on which an all-terrain vehicle or a snowmobile is authorized unless the individual holds a driver's license or is exempt from certain licensing requirements; applying certain provisions of law relating to the operation of a snowmobile to the operation of an all-terrain vehicle; prohibiting a certain individual from operating an all-terrain vehicle or a snowmobile on certain property unless the individual is accompanied by a certain adult; authorizing a local authority in Garrett County to authorize a person to cross a highway in a certain manner on an all-terrain vehicle when operated under a certain speed; authorizing a local authority in Garrett County to authorize the operation of a snowmobile or an all-terrain vehicle on a certain portion of highway when operated under a certain speed; authorizing Garrett County to designate a certain portion of highway on which an all-terrain vehicle or a snowmobile may travel under a certain speed for certain purposes; altering the circumstances under which a local authority in Garrett County may authorize a snowmobile to travel on a highway; ~~authorizing each county and Baltimore City to regulate the operation of all-terrain vehicles, require the all-terrain vehicle to be registered, and impose a registration fee;~~ defining the term "all-terrain vehicles"; making conforming changes; making a stylistic change; and generally relating to all-terrain vehicles and snowmobiles.

BY renumbering

Article – Transportation

Section 11–103.3  
to be Section 11–103.4  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Transportation  
Section 11–103.3 and 21–1130  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 16–101(a), 21–104.1, and 25–102(a)(14), ~~and 25–102.1~~  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 11–103.3 of Article – Transportation of the Annotated Code of Maryland be  
renumbered to be Section(s) 11–103.4.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
as follows:

### **Article – Transportation**

#### **11–103.3.**

**“ALL–TERRAIN VEHICLE” MEANS A MOTOR VEHICLE THAT:**

- (1) (I) IS DESIGNED FOR OFF–HIGHWAY USE;**
- (II) OPERATES ON AT LEAST THREE LOW–PRESSURE TIRES;**
- (III) HAS A SEAT OR SADDLE DESIGNED TO BE STRADDLED BY  
THE OPERATOR;**
- (IV) HAS HANDLEBARS FOR STEERING;**
- (V) IS INTENDED BY THE MANUFACTURER TO BE OPERATED BY  
A SINGLE OPERATOR; AND**
- (VI) MAY BE DESIGNED TO CARRY ONE PASSENGER; OR**
- (2) (I) IS DESIGNED FOR OFF–HIGHWAY USE;**

- (II) OPERATES ON FOUR OR MORE LOW-PRESSURE TIRES;
- (III) HAS A BENCH OR BUCKET-STYLE SEATING; AND
- (IV) HAS A STEERING WHEEL FOR STEERING.

16-101.

(a) (1) An individual may not drive or attempt to drive a motor vehicle on any highway in this State unless:

[(1)] (I) The individual holds a driver's license issued under this title;

[(2)] (II) The individual is expressly exempt from the licensing requirements of this title; or

[(3)] (III) The individual otherwise is specifically authorized by this title to drive vehicles of the class that the individual is driving or attempting to drive.

**(2) ON PORTIONS OF A HIGHWAY IN THE STATE WHERE DRIVING AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE IS AUTHORIZED BY THIS ARTICLE, AN INDIVIDUAL MAY NOT DRIVE OR ATTEMPT TO DRIVE AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE ON THE HIGHWAY UNLESS:**

**(I) THE INDIVIDUAL HOLDS A DRIVER'S LICENSE ISSUED UNDER THIS TITLE; OR**

**(II) THE INDIVIDUAL IS EXPRESSLY EXEMPT FROM THE LICENSING REQUIREMENTS OF THIS TITLE.**

21-104.1.

(a) Any person operating **AN ALL-TERRAIN VEHICLE OR** a snowmobile on any portion of a highway designated for **ALL-TERRAIN VEHICLE OR** snowmobile use under § 25-102(a)(14) of this article has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, except for those provisions of this title that by their very nature cannot apply.

(b) In Garrett County a person may not operate **AN ALL-TERRAIN VEHICLE OR** a snowmobile on a controlled access highway.

(c) Except as provided in subsection (b) of this section, in Garrett County a person may operate **AN ALL-TERRAIN VEHICLE OR** a snowmobile on a State highway when crossing **OR TRAVELING ON** the State highway [at a right angle] **IN ACCORDANCE WITH § 25-102(A)(14) OF THIS ARTICLE.**

## 21-1130.

AN INDIVIDUAL UNDER THE AGE OF 16 YEARS MAY NOT OPERATE AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE ON PUBLIC PROPERTY UNLESS THE INDIVIDUAL IS ACCOMPANIED BY AN ADULT WHO HOLDS A VALID DRIVER'S LICENSE.

## 25-102.

(a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

(14) (i) **1. [Except] SUBJECT TO ITEM 2 OF THIS ITEM, EXCEPT** in Garrett County, designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails [**However, only**]; **BUT**

**2. DESIGNATING ONLY** those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails [**may be so designated by the local authority**]; and

(ii) In Garrett County, ~~permitting~~ **AUTHORIZING**:

**1. AUTHORIZING** a person to [**cross**]:

~~1.~~ **A. CROSS** a highway on AN ALL-TERRAIN VEHICLE OR a snowmobile at a right angle[, and designating] **AT A SPEED OF NOT MORE THAN 25 MILES PER HOUR; OR**

~~2.~~ **B. OPERATE AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE ON NOT MORE THAN 2 MILES OF HIGHWAY AT A SPEED OF NOT MORE THAN 25 MILES PER HOUR; AND**

~~3.~~ **2. DESIGNATING** a certain portion of highways upon which ALL-TERRAIN VEHICLES AND snowmobiles may travel **AT A SPEED OF NOT MORE THAN 25 MILES PER HOUR** for the sole purpose of gaining access to [**snowmobile trails**]:

**A. TRAILS ON WHICH THE OPERATION OF AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE IS AUTHORIZED;**

**B. FIELDS; OR**

**C. ANOTHER AREA WHERE THE OPERATION OF AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE IS AUTHORIZED;**

~~25-102.1.~~

~~(a) (1) In this section, "off the road motorcycle" means a motorcycle not otherwise registered under this article.~~

~~(2) "Off the road motorcycle" includes motorcycles designed for off the road operation, motorcycles not otherwise eligible for registration under this article, and motorcycles commonly referred to as "dirt bikes".~~

~~(b) Each county and Baltimore City may regulate the operation of off the road motorcycles AND ALL TERRAIN VEHICLES, require them to be registered, and impose a registration fee for them.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 695

(Senate Bill 591)

AN ACT concerning

### Garrett County – Payment to Rescue Squads – ~~Repeal~~

FOR the purpose of ~~repealing from~~ altering the Public Local Laws of Garrett County ~~certain provisions of law relating to certain payments to rescue squads by~~ to require the Board of County Commissioners of Garrett County to appropriate certain funds for the benefit of certain rescue squads; authorizing the County Commissioners to pay the value of a certain appropriation to a rescue squad by in-kind payment of personnel, equipment, or services; *repealing certain provisions concerning the use and withholding of county funds and certain reporting requirements under certain circumstances*; and generally relating to the payment of rescue squads in Garrett County.

BY repealing and reenacting, with amendments,

The Public Local Laws of Garrett County

Section 35.05

Article 12 – Public Local Laws of Maryland

(2005 Edition and September 2015 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## Article 12 – Garrett County

§35.05.

(A) In this section, RESCUE SQUAD means a voluntary, nonprofit entity that provides pre-hospital emergency services and patient transport.

(B) (1) The Board of County Commissioners of Garrett County shall appropriate ~~and pay to~~ **FOR THE BENEFIT OF** rescue squads in the county a total amount per year of up to \$0.008 per hundred dollars on the assessable real property in Garrett County other than operating real property of a public utility and up to \$0.02 per hundred dollars on the assessable personal property and operating real property of a public utility.

(2) ~~The Board of County Commissioners of Garrett County shall make the payments twice a year in December and June~~ **THE VALUE OF THE APPROPRIATION SHALL BE PAID TO THE RESCUE SQUADS IN THE COUNTY BY:**

**(I) DIRECT PAYMENT; OR**

**(II) IN-KIND PAYMENT BY THE BOARD OF COUNTY COMMISSIONERS THROUGH THE ASSIGNMENT OF PERSONNEL, EQUIPMENT, OR SERVICES TO THE RESCUE SQUAD.**

(3) The payments to each rescue squad shall be equivalent.

[(C) A rescue squad shall use the funds for:

(1) The purchase, maintenance and repair of rescue apparatus and equipment;

(2) The construction, maintenance, or repair of facilities and grounds necessary for:

(a) Emergency medical service purposes;

(b) Hosting community events;

(c) Providing emergency shelter; or

(d) Enhancing fund-raising or operations capability;

(3) The promotion, retention, or recruitment of membership; or

(4) Other special expenditures, including hardships or other extenuating circumstances that have:

(a) The prior approval of the Garrett County Emergency Services Board; and

(b) Consideration of recommendations from the Garrett County Fire and Rescue Association.

(D) The Board of County Commissioners of Garrett County may reserve the right to withhold any or all of the funds from a rescue squad that fails to meet all standards and policies recommended by the Garrett County Emergency Services Board to the Board of County Commissioners.

(E) A rescue squad receiving funding under this section shall file annually signed copies of federal Form 990 and Form 990 Schedule A, including receipt and disbursement of funds received under this chapter with the Board of County Commissioners. A rescue squad may not file federal Form 990 EZ with the County Commissioners under this section. If the Internal Revenue Service changes, amends, or replaces Form 990 and Form 990 Schedule A with a report that is to be filed annually, a fully executed copy of that report with all corresponding schedules shall be filed with the County Commissioners.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 696

### (Senate Bill 341)

AN ACT concerning

#### Vehicle Laws – School Vehicles – Definition

FOR the purpose of altering the definition of “school vehicle” to include certain vehicles that meet certain standards and requirements, were originally titled in another state and used to transport children, students, and teachers in that state, and are used only for transporting children to and from a certain program; and generally relating to school vehicles.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 11–154  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation  
 Section 11–173 and 11–174  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Transportation**

11–154.

(a) “School vehicle” means, except as provided in subsection (b) of this section, any motor vehicle that:

(1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

(2) Is [either]:

(i) A Type I school vehicle, as defined in this subtitle; [or]

(ii) A Type II school vehicle, as defined in this subtitle; **OR**

**(III) A VEHICLE THAT:**

**1. WAS ORIGINALLY TITLED IN ANOTHER STATE AND USED TO TRANSPORT CHILDREN, STUDENTS, OR TEACHERS FOR EDUCATIONAL PURPOSES OR IN CONNECTION WITH A SCHOOL ACTIVITY IN THAT STATE;**

~~**2. MEETS THE STANDARDS AND REQUIREMENTS ESTABLISHED BY THE ADMINISTRATION FOR REGISTRATION AS A TYPE II SCHOOL VEHICLE AS DEFINED IN THIS SUBTITLE;**~~

~~**2.**~~ **2. COMPLIES WITH REGULATIONS ON TRANSPORTING CHILDREN ENROLLED IN THE FEDERALLY FUNDED HEAD START PROGRAM ADOPTED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND**

~~**3.**~~ **3. IS USED ONLY FOR TRANSPORTING CHILDREN TO AND FROM A HEAD START PROGRAM IN ALLEGANY COUNTY OR GARRETT COUNTY.**

(b) “School vehicle” does not include:

(1) A privately owned vehicle while it is carrying members of its owner’s household and not operated for compensation; or

(2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:

(i) The vehicle is designed for carrying 15 persons or less, including the driver;

(ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;

(iii) The owner has obtained vehicle liability insurance or other security as required by Title 17 of this article; and

(iv) The vehicle is equipped with proper seat belts or safety seats so as to permit each child to be secured in a seat belt or a safety seat as required by §§ 22–412.2 and 22–412.3 of this article.

11–173.

(a) “Type I school vehicle” means a school vehicle that:

(1) Is designed and constructed to carry passengers;

(2) Is either of the body–on–chassis type construction or integral type construction; and

(3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger.

(b) “Type I school vehicle” does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

11–174.

“Type II school vehicle” means a school vehicle that:

(1) Is designed and constructed to carry passengers;

(2) Is either of the body–on–chassis type construction or integral type construction; and

(3) Has a gross vehicle weight of 15,000 pounds or less and provides a minimum of 13 inches of seating space per passenger.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 697

### (House Bill 11)

AN ACT concerning

#### **Vehicle Laws – Causing Diesel Emissions to Discharge Onto Another – Prohibition**

FOR the purpose of prohibiting a person from causing a diesel-powered motor vehicle to emit certain clearly visible emissions onto another person or motor vehicle; providing for the application of this Act; and generally relating to a prohibition on the discharge of excess diesel-powered motor vehicle emissions.

BY adding to

Article – Transportation

Section 21–1130

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Transportation**

#### **21–1130.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT KNOWINGLY OR INTENTIONALLY CAUSE A DIESEL-POWERED MOTOR VEHICLE TO DISCHARGE CLEARLY VISIBLE SMOKE, SOOT, OR OTHER EXHAUST EMISSIONS ONTO ANOTHER PERSON OR MOTOR VEHICLE.**

**(B) THIS SECTION DOES NOT APPLY TO A PERSON OPERATING:**

**(1) A DIESEL-POWERED VEHICLE THAT DISCHARGES VISIBLE EXHAUST AS THE RESULT OF NORMAL ACCELERATION OR TOWING;**

**(2) A COMMERCIAL VEHICLE WITH A GROSS WEIGHT OF 10,000 POUNDS OR MORE; OR**

**(3) A CONSTRUCTION VEHICLE OPERATING AT A CONSTRUCTION SITE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 698**

**(House Bill 1433)**

AN ACT concerning

**Local Income Tax Overpayments – Local Reserve Account Repayment –  
Forgiveness**

FOR the purpose of repealing a requirement that a county or municipal corporation that receives a certain overpayment of local income tax revenue reimburse a certain account for its share of the overpayment; repealing a certain requirement that the Comptroller withhold, under certain circumstances, the amount certain counties or municipal corporations owe to a certain account from certain distributions; prohibiting the Comptroller from requiring a county or municipal corporation that receives an overpayment to reimburse a certain account; repealing a certain requirement that the Comptroller perform a certain analysis before requiring a county or municipal corporation to make a certain reimbursement; stating the intent of the General Assembly; and generally relating to the requirement that certain counties or municipal corporations repay certain overpayments of local income tax revenue.

BY repealing and reenacting, with amendments,

Article – Tax – General  
Section 2–611  
Annotated Code of Maryland  
(2016 Replacement Volume)

BY repealing

Chapter 24 of the Acts of the General Assembly of 2016  
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Tax – General**

2–611.

(a) In this section, “account” means the Local Reserve Account established to comply with § 2–606 of this subtitle.

(b) This section applies to a county or municipal corporation that receives an overpayment or underpayment of local income tax revenue from the Comptroller.

(c) After reviewing income tax revenue distributions to a county or municipal corporation, if the Comptroller determines that the county or municipal corporation received an underpayment of income tax, the Comptroller shall initially pay the amount due to the county or municipal corporation from the account.

(d) [(1)] After reviewing income tax revenue distributions to a county or municipal corporation, if the Comptroller determines that the county or municipal corporation received an overpayment of income tax, [the county or municipal corporation shall reimburse the account for its share of the overpayment.

(2) If the affected county or municipal corporation does not reimburse the account in a timely fashion, the Comptroller shall withhold the amount owed to the account from the quarterly income tax distributions in forty equal installments beginning with the first applicable quarterly distribution made after the county or municipal corporation has made its final reimbursement payment, if required to do so, under § 27 of Chapter 489 of the Acts of 2015, as amended.] **THE COMPTROLLER MAY NOT REQUIRE THE COUNTY OR MUNICIPAL CORPORATION TO REIMBURSE THE ACCOUNT FOR ITS SHARE OF THE OVERPAYMENT.**

(e) A determination by the Comptroller under this section that a county or municipal corporation received an underpayment or overpayment of income tax shall be based on a full accounting of income tax returns for the taxable year for which the county or municipal corporation received the underpayment or overpayment.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

#### **Chapter 24 of the Acts of 2016**

[SECTION 2. AND BE IT FURTHER ENACTED, That the Comptroller may not require a county or municipal corporation to make a reimbursement payment under § 2–611 of the Tax – General Article until the Comptroller completes a statewide analysis to determine the number of counties or municipal corporations that received an overpayment or underpayment of local income tax revenue.]

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Comptroller return from the Local Reserve Account any reimbursement

payment made by a county or municipal corporation under Chapter 24 of the Acts of the General Assembly of 2016.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 699

(Senate Bill 397)

AN ACT concerning

### **Local Income Tax Overpayments – Local Reserve Account Repayment – Forgiveness**

FOR the purpose of repealing a requirement that a county or municipal corporation that receives a certain overpayment of local income tax revenue reimburse a certain account for its share of the overpayment; repealing a certain requirement that the Comptroller withhold, under certain circumstances, the amount certain counties or municipal corporations owe to a certain account from certain distributions; prohibiting the Comptroller from requiring a county or municipal corporation that receives an overpayment to reimburse a certain account; repealing a certain requirement that the Comptroller perform a certain analysis before requiring a county or municipal corporation to make a certain reimbursement; stating the intent of the General Assembly; and generally relating to the requirement that certain counties or municipal corporations repay certain overpayments of local income tax revenue.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2–611

Annotated Code of Maryland

(2016 Replacement Volume)

BY repealing

Chapter 24 of the Acts of the General Assembly of 2016

Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Tax – General**

2–611.

(a) In this section, “account” means the Local Reserve Account established to comply with § 2–606 of this subtitle.

(b) This section applies to a county or municipal corporation that receives an overpayment or underpayment of local income tax revenue from the Comptroller.

(c) After reviewing income tax revenue distributions to a county or municipal corporation, if the Comptroller determines that the county or municipal corporation received an underpayment of income tax, the Comptroller shall initially pay the amount due to the county or municipal corporation from the account.

(d) [(1)] After reviewing income tax revenue distributions to a county or municipal corporation, if the Comptroller determines that the county or municipal corporation received an overpayment of income tax, [the county or municipal corporation shall reimburse the account for its share of the overpayment.

(2) If the affected county or municipal corporation does not reimburse the account in a timely fashion, the Comptroller shall withhold the amount owed to the account from the quarterly income tax distributions in forty equal installments beginning with the first applicable quarterly distribution made after the county or municipal corporation has made its final reimbursement payment, if required to do so, under § 27 of Chapter 489 of the Acts of 2015, as amended.] **THE COMPTROLLER MAY NOT REQUIRE THE COUNTY OR MUNICIPAL CORPORATION TO REIMBURSE THE ACCOUNT FOR ITS SHARE OF THE OVERPAYMENT.**

(e) A determination by the Comptroller under this section that a county or municipal corporation received an underpayment or overpayment of income tax shall be based on a full accounting of income tax returns for the taxable year for which the county or municipal corporation received the underpayment or overpayment.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

#### **Chapter 24 of the Acts of 2016**

[SECTION 2. AND BE IT FURTHER ENACTED, That the Comptroller may not require a county or municipal corporation to make a reimbursement payment under § 2–611 of the Tax – General Article until the Comptroller completes a statewide analysis to determine the number of counties or municipal corporations that received an overpayment or underpayment of local income tax revenue.]

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Comptroller return from the Local Reserve Account any reimbursement

payment made by a county or municipal corporation under Chapter 24 of the Acts of the General Assembly of 2016.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 700

(House Bill 1468)

AN ACT concerning

### **Medical Records – Disclosure of Directory Information and Medical Records – ~~Mental Health Services~~**

FOR the purpose of altering the circumstances under which a health care provider may disclose a medical record developed primarily in connection with mental health services ~~to certain family members of a patient or other individuals without the authorization of a person in interest;~~ authorizing a health care provider to disclose directory information about a patient to a certain individual except under certain circumstances; requiring a health care provider to inform a patient of health care information that the health care provider may include in a certain directory and the persons to whom the information may be disclosed; requiring a health care provider to provide a patient, at a certain time, with an opportunity to restrict or prohibit the disclosure of directory information; authorizing a health care provider to disclose a patient's directory information under certain circumstances if providing an opportunity for a patient to restrict or prohibit the disclosure is not practicable for certain reasons; altering the circumstances under which a health care provider may disclose a medical record and the types of records that may be disclosed to certain family members of a patient or other individuals without the authorization of a person in interest; altering the definition of "directory information" as it relates to confidentiality of medical records to include health care information developed primarily in connection with mental health services; stating the intent of the General Assembly; and generally relating to confidentiality of directory information and medical records ~~relating to mental health services.~~

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 4-301(a) ~~and 4-302(e)~~  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 4–301(b), ~~4–302(c)~~, and 4–305(b)(7)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health – General**

4–301.

(a) In this subtitle the following words have the meanings indicated.

(b) [(1)] “Directory information” means information concerning the presence and general health condition of a patient who has been admitted to a health care facility or who is currently receiving emergency health care in a health care facility.

[(2)] “Directory information” does not include health care information developed primarily in connection with mental health services.]

4–302.

(c) **(1) ~~A UNLESS THE PATIENT HAS RESTRICTED OR PROHIBITED THE DISCLOSURE OF DIRECTORY INFORMATION, A~~** health care provider may disclose directory information about a patient ~~without the authorization of a person in interest, except if the patient has instructed the health care provider in writing not to disclose directory information~~ **TO AN INDIVIDUAL WHO HAS ASKED FOR THE PATIENT BY NAME.**

**(2) A HEALTH CARE PROVIDER SHALL:**

**(I) INFORM A PATIENT OF THE HEALTH CARE INFORMATION THAT THE HEALTH CARE PROVIDER MAY INCLUDE IN A DIRECTORY AND THE PERSONS TO WHOM THE HEALTH CARE PROVIDER MAY DISCLOSE THE INFORMATION; AND**

**(II) AS SOON AS PRACTICABLE, PROVIDE THE PATIENT WITH THE OPPORTUNITY TO RESTRICT OR PROHIBIT DISCLOSURE OF DIRECTORY INFORMATION.**

**(3) IF PROVIDING AN OPPORTUNITY UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO RESTRICT OR PROHIBIT THE DISCLOSURE OF DIRECTORY INFORMATION IS NOT PRACTICABLE BECAUSE OF THE PATIENT’S INCAPACITY OR NEED FOR EMERGENCY CARE OR TREATMENT, A HEALTH CARE PROVIDER MAY DISCLOSE THE PATIENT’S DIRECTORY INFORMATION IF THE DISCLOSURE IS:**

**(I) CONSISTENT WITH A PRIOR EXPRESSED PREFERENCE OF THE PATIENT THAT IS KNOWN TO THE HEALTH CARE PROVIDER; AND**

**(II) DETERMINED TO BE, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, IN THE PATIENT'S BEST INTEREST.**

4-305.

(b) A health care provider may disclose a medical record without the authorization of a person in interest:

(7) ~~Except if the patient has instructed the health care provider not to make the disclosure, [or if the record has been developed primarily in connection with the provision of mental health services,] to~~ **TO** immediate family members of the patient or any other individual with whom the patient is known to have a close personal relationship, ~~if made in accordance with good medical or other professional practice;~~ **PROVIDED THAT:**

**(I) THE DISCLOSURE IS LIMITED TO INFORMATION THAT IS DIRECTLY RELEVANT TO THE INDIVIDUAL'S INVOLVEMENT IN THE PATIENT'S HEALTH CARE; AND**

**(II) 1. IF THE PATIENT IS PRESENT OR OTHERWISE AVAILABLE BEFORE THE DISCLOSURE AND HAS THE CAPACITY TO MAKE HEALTH CARE DECISIONS:**

**A. THE PATIENT HAS BEEN PROVIDED WITH AN OPPORTUNITY TO OBJECT TO THE DISCLOSURE AND THE PATIENT HAS NOT OBJECTED; OR**

**B. THE HEALTH CARE PROVIDER REASONABLY INFERS FROM THE CIRCUMSTANCES THAT, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, THE PATIENT DOES NOT OBJECT TO THE DISCLOSURE; OR**

**2. IF THE PATIENT IS NOT PRESENT OR OTHERWISE AVAILABLE BEFORE THE DISCLOSURE IS MADE, OR PROVIDING THE PATIENT WITH AN OPPORTUNITY TO OBJECT TO THE DISCLOSURE IS NOT PRACTICABLE BECAUSE OF THE PATIENT'S INCAPACITY OR NEED FOR EMERGENCY CARE OR TREATMENT, THE HEALTH CARE PROVIDER DETERMINES, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, THAT THE DISCLOSURE IS IN THE BEST INTERESTS OF THE PATIENT;**

**SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that Title 4, Subtitle 3 of the Health – General Article:**

(1) may not ~~to~~ be interpreted to be more restrictive than the federal privacy regulations adopted under the federal Health Insurance Portability and Accountability Act;

(2) is not intended to be in conflict with the federal Health Insurance Portability and Accountability Act; and

(3) is to be interpreted in a way that is consistent with any federal regulations adopted under the federal Health Insurance Portability and Accountability Act, federal policy guidance on the federal Health Insurance Portability and Accountability Act, and any judicial decisions relating to the federal Health Insurance Portability and Accountability Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 701

(Senate Bill 584)

AN ACT concerning

### **Medical Records – Disclosure of Directory Information and Medical Records – ~~Mental Health Services~~**

FOR the purpose of altering the circumstances under which a health care provider may disclose a medical record developed primarily in connection with mental health services ~~to certain family members of a patient or other individuals without the authorization of a person in interest;~~ authorizing a health care provider to disclose directory information about a patient to a certain individual except under certain circumstances; requiring a health care provider to inform a patient of health care information that the health care provider may include in a certain directory and the persons to whom the information may be disclosed; requiring a health care provider to provide a patient, at a certain time, with an opportunity to restrict or prohibit the disclosure of directory information; authorizing a health care provider to disclose a patient's directory information under certain circumstances if providing an opportunity for a patient to restrict or prohibit the disclosure is not practicable for certain reasons; altering the circumstances under which a health care provider may disclose a medical record and the types of records that may be disclosed to certain family members of a patient or other individuals without the authorization of a person in interest; altering the definition of "directory information" as it relates to confidentiality of medical records to include health care information developed primarily in connection with mental health services; stating the intent of the General

Assembly; and generally relating to confidentiality of directory information and medical records ~~relating to mental health services.~~

BY repealing and reenacting, without amendments,  
 Article – Health – General  
 Section 4–301(a) ~~and 4–302(c)~~  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 4–301(b), ~~4–302(c)~~, and 4–305(b)(7)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Health – General**

4–301.

(a) In this subtitle the following words have the meanings indicated.

(b) [(1)] “Directory information” means information concerning the presence and general health condition of a patient who has been admitted to a health care facility or who is currently receiving emergency health care in a health care facility.

[(2)] “Directory information” does not include health care information developed primarily in connection with mental health services.]

4–302.

(c) ~~▲ (1) UNLESS THE PATIENT HAS RESTRICTED OR PROHIBITED THE DISCLOSURE OF DIRECTORY INFORMATION, A~~ health care provider may disclose directory information about a patient ~~without the authorization of a person in interest, except if the patient has instructed the health care provider in writing not to disclose directory information~~ **TO AN INDIVIDUAL WHO HAS ASKED FOR THE PATIENT BY NAME.**

**(2) A HEALTH CARE PROVIDER SHALL:**

**(i) INFORM A PATIENT OF THE HEALTH CARE INFORMATION THAT THE HEALTH CARE PROVIDER MAY INCLUDE IN A DIRECTORY AND THE PERSONS TO WHOM THE HEALTH CARE PROVIDER MAY DISCLOSE THE INFORMATION; AND**

(II) AS SOON AS PRACTICABLE, PROVIDE THE PATIENT WITH THE OPPORTUNITY TO RESTRICT OR PROHIBIT DISCLOSURE OF DIRECTORY INFORMATION.

(3) IF PROVIDING AN OPPORTUNITY UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO RESTRICT OR PROHIBIT THE DISCLOSURE OF DIRECTORY INFORMATION IS NOT PRACTICABLE BECAUSE OF THE PATIENT'S INCAPACITY OR NEED FOR EMERGENCY CARE OR TREATMENT, A HEALTH CARE PROVIDER MAY DISCLOSE THE PATIENT'S DIRECTORY INFORMATION IF THE DISCLOSURE IS:

(I) CONSISTENT WITH A PRIOR EXPRESSED PREFERENCE OF THE PATIENT THAT IS KNOWN TO THE HEALTH CARE PROVIDER; AND

(II) DETERMINED TO BE, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, IN THE PATIENT'S BEST INTEREST.

4-305.

(b) A health care provider may disclose a medical record without the authorization of a person in interest:

~~(7) Except if the patient has instructed the health care provider not to make the disclosure, [or if the record has been developed primarily in connection with the provision of mental health services,] to~~ TO immediate family members of the patient or any other individual with whom the patient is known to have a close personal relationship, ~~if made in accordance with good medical or other professional practice;~~ PROVIDED THAT:

(I) THE DISCLOSURE IS LIMITED TO INFORMATION THAT IS DIRECTLY RELEVANT TO THE INDIVIDUAL'S INVOLVEMENT IN THE PATIENT'S HEALTH CARE; AND

(II) 1. IF THE PATIENT IS PRESENT OR OTHERWISE AVAILABLE BEFORE THE DISCLOSURE AND HAS THE CAPACITY TO MAKE HEALTH CARE DECISIONS:

A. THE PATIENT HAS BEEN PROVIDED WITH AN OPPORTUNITY TO OBJECT TO THE DISCLOSURE AND THE PATIENT HAS NOT OBJECTED; OR

B. THE HEALTH CARE PROVIDER REASONABLY INFERS FROM THE CIRCUMSTANCES THAT, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, THE PATIENT DOES NOT OBJECT TO THE DISCLOSURE; OR

**2. IF THE PATIENT IS NOT PRESENT OR OTHERWISE AVAILABLE BEFORE THE DISCLOSURE IS MADE, OR PROVIDING THE PATIENT WITH AN OPPORTUNITY TO OBJECT TO THE DISCLOSURE IS NOT PRACTICABLE BECAUSE OF THE PATIENT'S INCAPACITY OR NEED FOR EMERGENCY CARE OR TREATMENT, THE HEALTH CARE PROVIDER DETERMINES, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, THAT THE DISCLOSURE IS IN THE BEST INTERESTS OF THE PATIENT;**

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that Title 4, Subtitle 3 of the Health – General Article:

(1) may not ~~to~~ be interpreted to be more restrictive than the federal privacy regulations adopted under the federal Health Insurance Portability and Accountability Act;

(2) is not intended to be in conflict with the federal Health Insurance Portability and Accountability Act; and

(3) is to be interpreted in a way that is consistent with any federal regulations adopted under the federal Health Insurance Portability and Accountability Act, federal policy guidance on the federal Health Insurance Portability and Accountability Act, and any judicial decisions relating to the federal Health Insurance Portability and Accountability Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 702

(House Bill 1071)

AN ACT concerning

### Vehicle Laws – Victim's Representative Notification – License Suspension Hearing

FOR the purpose of requiring the Maryland Police Training and Standards Commission to ~~develop and, as necessary, update~~ distribute a certain form; requiring a ~~law enforcement officer~~ certain investigating agency to provide certain information and a certain form to a victim's representative in certain situations ~~and within a certain period of time after a certain event; requiring a law enforcement officer to certify certain facts to the Motor Vehicle Administration under certain circumstances; requiring the Administration to contact a certain State's Attorney in certain~~

~~situations in order to obtain certain information; altering the period of time during which a victim's representative may file a certain form; altering the circumstances under which the Motor Vehicle Administration is required to provide notice of a certain hearing to a victim's representative; requiring the Administration to notify the Office of Administrative Hearings if a certain form is filed; requiring the Administration to provide certain materials to a certain individual without cost; providing that a certain individual must only provide certain notice to the Administration when it is practicable to do so; requiring the Administration to make certain materials available on the Administration's Web site; requiring the Administration to track certain statistics; requiring the Governor's Office of Crime Control and Prevention to develop and, as necessary, update a certain form; and generally relating to a victim's representative notification.~~

BY adding to

Article – Public Safety  
Section 3–207(h)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation  
Section 12–206.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation  
Section 16–206(a)(5)(i) and (f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Public Safety

3–207.

~~(H) THE COMMISSION, IN CONSULTATION WITH THE OFFICE OF ADMINISTRATIVE HEARINGS, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, AND THE MOTOR VEHICLE ADMINISTRATION, SHALL DEVELOP AND, AS NECESSARY, UPDATE A UNIFORM VICTIM'S REPRESENTATION NOTIFICATION FORM THAT MAY BE FILED BY A VICTIM'S REPRESENTATIVE UNDER § 12–206.1 OF THE TRANSPORTATION ARTICLE~~ THE COMMISSION SHALL DISTRIBUTE THE VICTIM'S REPRESENTATION NOTIFICATION FORM DEVELOPED BY THE GOVERNOR'S

OFFICE OF CRIME CONTROL AND PREVENTION UNDER § 12-206.1(E) OF THE  
TRANSPORTATION ARTICLE TO EACH LAW ENFORCEMENT AGENCY IN THE STATE.

Article – Transportation

12-206.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Victim” means a person who dies as the result of the commission of a moving violation by another person.

(3) “Victim’s representative” means a member of the family of a victim or a guardian or personal representative of a victim.

(b) (1) ~~During the investigation of a moving violation~~ **WITHIN 5 DAYS AFTER A CONVICTION OF A MOVING VIOLATION ON FIRST CONTACT WITH A VICTIM’S REPRESENTATIVE**, a law enforcement officer, **THE INVESTIGATING AGENCY** shall inform:

**(I) INFORM a THE** victim’s representative of the right to file a victim’s representation notification form with the Administration to request to be notified of a hearing under § 16-206(f) of this article; **AND**

**(II) PROVIDE THE VICTIM’S REPRESENTATIVE WITH A COPY OF THE VICTIM’S REPRESENTATION NOTIFICATION FORM DEVELOPED BY THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION (E) OF THIS SECTION.**

(2) A victim’s representation notification form under this subsection may only be filed ~~within 20 days after the conviction of the moving violation~~ **AT LEAST 30 DAYS BEFORE A HEARING UNDER § 16-206(F) OF THIS ARTICLE.**

~~(3) (i) A LAW ENFORCEMENT OFFICER WHO COMPLIES WITH OR ATTEMPTS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION SHALL CERTIFY TO THE ADMINISTRATION THAT THE OFFICER:~~

~~1. INFORMED A VICTIM’S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM’S REPRESENTATION NOTIFICATION FORM UNDER THIS SUBSECTION; OR~~

~~2. WAS UNABLE TO IDENTIFY A VICTIM’S REPRESENTATIVE.~~

~~(H) IF THE ADMINISTRATION DOES NOT RECEIVE A CERTIFICATION FROM A LAW ENFORCEMENT OFFICER UNDER THIS PARAGRAPH, THE ADMINISTRATION SHALL CONTACT THE STATE'S ATTORNEY THAT SERVES THE COUNTY IN WHICH THE VICTIM DIED TO IDENTIFY A VICTIM'S REPRESENTATIVE.~~

(c) (1) If a victim's representative files a victim's representation notification form under subsection (b) of this section AND THE PERSON WHO COMMITTED THE MOVING VIOLATION THAT RESULTED IN THE VICTIM'S DEATH REQUESTS A HEARING UNDER § 16-206(F) OF THIS ARTICLE, the Administration shall ~~give the~~ NOTIFY:

(I) THE victim's representative ~~notice~~ OF THE HEARING in accordance with § 12-114 of this title at least 21 days before ~~a hearing under § 16-206(f) of this article~~ THE HEARING; AND

(II) THE OFFICE OF ADMINISTRATIVE HEARINGS THAT THE VICTIM'S REPRESENTATIVE HAS FILED A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER SUBSECTION (B) OF THIS SECTION.

(2) Notice provided under this subsection shall state:

- (i) The date, time, place, and nature of the hearing;
- (ii) The legal authority and jurisdiction of the Administration to hear the matter;
- (iii) The nature of the proposed action that the Administration is to consider;
- (iv) That a copy of the hearing procedures is available on request and [the cost to obtain a copy] **WITHOUT COST TO THE VICTIM'S REPRESENTATIVE;**
- (v) The right of the victim's representative to be present at the hearing;
- (vi) The right of the victim's representative to submit a written statement for consideration by the Administration at the hearing; and
- (vii) The right of the victim's representative to make an oral statement for consideration by the Administration at the hearing.

(3) (i) If a victim's representative intends to make an oral statement, the victim's representative shall, ~~IF PRACTICABLE,~~ notify the Administration at least 10 days before the hearing.

(ii) If a victim's representative intends to submit a written statement, the statement shall, ~~IF PRACTICABLE,~~ be submitted to the Administration at least 10 days before the hearing.

~~(4) (I) THE ADMINISTRATION SHALL MAKE AN ELECTRONIC VERSION OF THE ADMINISTRATIVE HEARING PROCEDURES AVAILABLE ON THE ADMINISTRATION'S WEB SITE.~~

~~(II) THE ADMINISTRATION SHALL UPDATE THE ELECTRONIC VERSION OF THE ADMINISTRATIVE HEARING PROCEDURES TO REFLECT CHANGES IN PROCEDURES.~~

(d) (1) If a victim's representative provides notice in accordance with subsection (c)(3)(i) of this section, the Administration shall allow the victim's representative to make an oral statement for consideration by the Administration at the hearing.

(2) If a victim's representative submits a written statement in accordance with subsection (c)(3)(ii) of this section, the Administration shall:

(i) Provide a copy of the written statement to the licensee before the hearing begins; and

(ii) Consider the written statement at the hearing.

~~(E) THE ADMINISTRATION SHALL MAINTAIN A RECORD OF THE NUMBER OF:~~

~~(1) CERTIFICATIONS RECEIVED FROM LAW ENFORCEMENT OFFICERS UNDER SUBSECTION (B) OF THIS SECTION AND WHETHER A CERTIFICATION INDICATED THAT A LAW ENFORCEMENT OFFICER WAS ABLE TO INFORM A VICTIM'S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM'S REPRESENTATION NOTIFICATION FORM;~~

~~(2) ORAL STATEMENTS OFFERED BY VICTIMS' REPRESENTATIVES AT HEARINGS HELD UNDER § 16-206(F) OF THIS ARTICLE; AND~~

~~(3) WRITTEN STATEMENTS OFFERED BY VICTIMS' REPRESENTATIVES AT HEARINGS HELD UNDER § 16-206(F) OF THIS ARTICLE.~~

(E) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL DEVELOP AND, AS NECESSARY, UPDATE A UNIFORM VICTIM'S REPRESENTATION NOTIFICATION FORM THAT MAY BE FILED BY A VICTIM'S REPRESENTATIVE UNDER THIS SECTION.

(a) (5) (i) The Administration may suspend the license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of another person.

(f) In accordance with Title 12, Subtitle 2 of this article, the Administration shall provide notice of a suspension under subsection (a)(5) of this section and the licensee may request a hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 703

### (House Bill 836)

AN ACT concerning

#### Criminal Procedure – Expungement – Common Law Battery

FOR the purpose of authorizing a person to file a petition for expungement based on a conviction of common law battery; providing that a petition for expungement based on a conviction of common law battery may not be filed within a certain time period ~~after the person was convicted of a certain crime~~; providing for the effective date of this Act; and generally relating to expungement.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section ~~10-105~~ 10-110(a) and (c)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### Article – Criminal Procedure

~~10-105.~~

~~(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, as a substitute for a criminal charge may file a petition listing relevant facts for expungement~~

~~of a police record, court record, or other record maintained by the State or a political subdivision of the State if:~~

- ~~(1) the person is acquitted;~~
- ~~(2) the charge is otherwise dismissed;~~
- ~~(3) a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article;~~
- ~~(4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;~~
- ~~(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" or stet with the requirement of drug or alcohol abuse treatment on the docket;~~
- ~~(6) the case is compromised under § 3-207 of the Criminal Law Article;~~
- ~~(7) the charge was transferred to the juvenile court under § 4-202 of this article;~~
- ~~(8) the person:~~
  - ~~(i) is convicted of only one criminal act, and that act is not a crime of violence; and~~
  - ~~(ii) is granted a full and unconditional pardon by the Governor;~~
- ~~(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:~~
  - ~~(i) urination or defecation in a public place;~~
  - ~~(ii) panhandling or soliciting money;~~
  - ~~(iii) drinking an alcoholic beverage in a public place;~~
  - ~~(iv) obstructing the free passage of another in a public place or a public conveyance;~~
  - ~~(v) sleeping on or in park structures, such as benches or doorways;~~
  - ~~(vi) loitering;~~
  - ~~(vii) vagrancy;~~

~~(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or~~

~~(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7-705(b)(6) of the Transportation Article, any of the acts specified in § 7-705 of the Transportation Article;~~

~~(10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor;~~

~~(i) trespass;~~

~~(ii) disturbing the peace; or~~

~~(iii) telephone misuse; [or]~~

~~(11) the person was convicted of a crime and the act on which the conviction was based is no longer a crime; OR~~

~~(12) THE PERSON WAS CONVICTED OF COMMON LAW BATTERY.~~

~~(a-1) A person's attorney or personal representative may file a petition, on behalf of the person, for expungement under this section if the person died before disposition of the charge by nolle prosequi or dismissal.~~

~~(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, if the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.~~

~~(ii) If the proceeding began in one court and was transferred to the juvenile court under § 4-202 or § 4-202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.~~

~~(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.~~

~~(ii) The appellate court may remand the matter to the court of original jurisdiction.~~

~~(e) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within~~

~~3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge.~~

~~(2) A petition for expungement based on a probation before judgment or a stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than the later of:~~

~~(i) the date the petitioner was discharged from probation or the requirements of obtaining drug or alcohol abuse treatment were completed; or~~

~~(ii) 3 years after the probation was granted or stet with the requirement of drug or alcohol abuse treatment was entered on the docket.~~

~~(3) A petition for expungement based on a nolle prosequi with the requirement of drug or alcohol treatment may not be filed until the completion of the required treatment.~~

~~(4) A petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor.~~

~~(5) Except as provided in paragraph (2) of this subsection, a petition for expungement based on a stet or a compromise under § 3-207 of the Criminal Law Article may not be filed within 3 years after the stet or compromise.~~

~~(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.~~

~~(7) A petition for expungement based on a finding of not criminally responsible under subsection (a)(9) or (10) of this section may not be filed within 3 years after the finding of not criminally responsible was made by the court.~~

~~(8) A PETITION FOR EXPUNGEMENT BASED ON A CONVICTION OF COMMON LAW BATTERY UNDER SUBSECTION (A)(12) OF THIS SECTION MAY NOT BE FILED WITHIN 15 YEARS AFTER THE PERSON WAS CONVICTED OF A CRIME OTHER THAN A MINOR TRAFFIC VIOLATION OR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME.~~

~~[(8)] (9) A court may grant a petition for expungement at any time on a showing of good cause.~~

~~(d) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.~~

~~(2) Unless the State's Attorney files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.~~

~~(e) (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.~~

~~(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.~~

~~(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.~~

~~(4) The person is not entitled to expungement if:~~

~~(i) the petition is based on the entry of probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person within 3 years of the entry of the probation before judgment has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime; or~~

~~(ii) the person is a defendant in a pending criminal proceeding.~~

~~(f) Unless an order is stayed pending an appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.~~

~~(g) (1) The State's Attorney is a party to the proceeding.~~

~~(2) A party aggrieved by the decision of the court is entitled to appellate review as provided in the Courts Article.~~

#### 10-110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of a misdemeanor that is a violation of:

(1) § 6-320 of the Alcoholic Beverages Article;

(2) an offense listed in § 17-613(a) of the Business Occupations and Professions Article;

(3) § 5-712, § 19-304, § 19-308, or Title 5, Subtitle 6 or Subtitle 9 of the Business Regulation Article;

- (4) § 3-1508 or § 10-402 of the Courts Article;
- (5) § 14-1915, § 14-2902, or § 14-2903 of the Commercial Law Article;
- (6) § 5-211 of the Criminal Procedure Article;
- (7) § 3-203 or § 3-808 of the Criminal Law Article;
- (8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, or § 5-902 of the Criminal Law Article;
- (9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, or § 6-503 of the Criminal Law Article;
- (10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, or § 7-309 of the Criminal Law Article;
- (11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, § 8-503, § 8-521, § 8-523, or § 8-904 of the Criminal Law Article;
- (12) § 9-204, § 9-205, § 9-503, or § 9-506 of the Criminal Law Article;
- (13) § 10-110, § 10-201, § 10-402, § 10-404, or § 10-502 of the Criminal Law Article;
- (14) § 11-306(a) of the Criminal Law Article;
- (15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, § 12-204, § 12-205, or § 12-302 of the Criminal Law Article;
- (16) § 13-401, § 13-602, or § 16-201 of the Election Law Article;
- (17) § 4-509 of the Family Law Article;
- (18) § 18-215 of the Health – General Article;
- (19) § 4-411 or § 4-2005 of the Human Services Article;
- (20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1, or § 27-407.2 of the Insurance Article;
- (21) § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public Safety Article;
- (22) § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;

(23) § 9–124 of the State Government Article;

(24) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax – General Article;

(25) the common law offenses of affray, rioting, criminal contempt, BATTERY, or hindering; or

(26) an attempt, a conspiracy, or a solicitation of any offense listed in items (1) through (25) of this subsection.

(c) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement under this section may not be filed earlier than 10 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(2) A petition for expungement for a violation of § 3–203 of the Criminal Law Article, COMMON LAW BATTERY, or for an offense classified as a domestically related crime under § 6–233 of the Criminal Procedure Article may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017, the effective date of Section 2 of Chapter 515 of the Acts of the General Assembly of 2016. If the effective date of Section 2 of Chapter 515 is amended, this Act shall take effect on the taking effect of Section 2 of Chapter 515.

Approved by the Governor, May 25, 2017.

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## Chapter 704

(House Bill 851)

AN ACT concerning

### Landlord and Tenant – Military Personnel – Limitation on Liability for Rent

FOR the purpose of altering the circumstances under which the liability for rent under a lease is limited for a person on active duty with the United States military; limiting the liability for rent of the spouse of a person on active duty with the United States military under certain circumstances; clarifying the liability of a person on active duty or the spouse of a person on active duty for rent under a lease under certain circumstances; defining a certain term; and generally relating to the liability for rent of certain military personnel and spouses.

BY repealing and reenacting, with amendments,  
 Article – Real Property  
 Section 8–212.1  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Real Property**

8–212.1.

**(A) IN THIS SECTION, “CHANGE OF ASSIGNMENT” INCLUDES:**

**(1) PERMANENT CHANGE OF STATION ORDERS;**

**(2) TEMPORARY DUTY ORDERS FOR A PERIOD EXCEEDING 90 DAYS;**

**(3) ORDERS REQUIRING A PERSON TO MOVE INTO QUARTERS LOCATED ON A MILITARY INSTALLATION; AND**

**(4) A RELEASE FROM ACTIVE DUTY, INCLUDING:**

**(I) RETIREMENT;**

**(II) SEPARATION OR DISCHARGE UNDER HONORABLE CONDITIONS; AND**

**(III) DEMOBILIZATION OF AN ACTIVATED RESERVIST OR A MEMBER OF THE NATIONAL GUARD WHO WAS SERVING ON ACTIVE DUTY ORDERS FOR AT LEAST 180 CONSECUTIVE DAYS.**

**(B) Notwithstanding any other provision of this title, if a person who is on active duty with the United States military, OR THE PERSON’S SPOUSE, enters into a residential lease of property and THE PERSON subsequently receives [permanent change of station orders or temporary duty orders for a period in excess of 3 months] A CHANGE OF ASSIGNMENT, BEFORE OR AFTER OCCUPYING THE PROPERTY, any liability of the person, OR THE PERSON’S SPOUSE, for rent under the lease may not exceed:**

**(1) ANY RENT OR LAWFUL CHARGES THEN DUE AND PAYABLE PLUS 30 days’ rent after written notice and proof of the CHANGE OF assignment is given to the landlord; and**

(2) The cost of repairing damage to the premises caused by an act or omission of the tenant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 705

### (Senate Bill 49)

AN ACT concerning

#### Landlord and Tenant – Military Personnel – Limitation on Liability for Rent

FOR the purpose of altering the circumstances under which the liability, for rent under a lease, of a person on active duty with the United States military is limited; limiting the liability for rent of the spouse of a person on active duty with the United States military under certain circumstances; clarifying the liability of a person on active duty or the spouse of a person on active duty for rent under a lease under certain circumstances; defining a certain term; and generally relating to the liability for rent of certain military personnel and spouses.

BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 8–212.1  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Real Property

8–212.1.

(A) IN THIS SECTION, “CHANGE OF ASSIGNMENT” INCLUDES:

- (1) PERMANENT CHANGE OF STATION ORDERS;
- (2) TEMPORARY DUTY ORDERS FOR A PERIOD EXCEEDING 90 DAYS;

(3) **ORDERS REQUIRING A PERSON TO MOVE INTO QUARTERS LOCATED ON A MILITARY INSTALLATION; AND**

(4) **A RELEASE FROM ACTIVE DUTY, INCLUDING:**

(I) **RETIREMENT;**

(II) **SEPARATION OR DISCHARGE UNDER HONORABLE CONDITIONS; AND**

(III) **DEMOBILIZATION OF AN ACTIVATED RESERVIST OR A MEMBER OF THE NATIONAL GUARD WHO WAS SERVING ON ACTIVE DUTY ORDERS FOR AT LEAST 180 CONSECUTIVE DAYS.**

(B) Notwithstanding any other provision of this title, if a person who is on active duty with the United States military, **OR THE PERSON'S SPOUSE**, enters into a residential lease of property and **THE PERSON** subsequently receives [permanent change of station orders or temporary duty orders for a period in excess of 3 months] **A CHANGE OF ASSIGNMENT, BEFORE OR AFTER OCCUPYING THE PROPERTY**, any liability of the person, **OR THE PERSON'S SPOUSE**, for rent under the lease may not exceed:

(1) **ANY RENT OR LAWFUL CHARGES THEN DUE AND PAYABLE PLUS** 30 days' rent after written notice and proof of the **CHANGE OF** assignment is given to the landlord; and

(2) The cost of repairing damage to the premises caused by an act or omission of the tenant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 706

(House Bill 1275)

AN ACT concerning

**State Government – Department of Veterans Affairs – Veterans' Services  
Specialists**

FOR the purpose of requiring units of State government to designate an employee of the unit as a veterans' services specialist to coordinate services with the director of the veterans Outreach and Advocacy Program in the Department of Veterans Affairs and attend certain training, to provide the Department of Veterans Affairs with certain information, and to post certain information on the unit's Web site; requiring certain governmental units to direct veterans to contact the Department and provide the veterans with certain contact information; requiring the Department to coordinate certain meetings and submit a certain report; and generally relating to veterans' services specialists at units of State government.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9–943  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY adding to  
Article – State Government  
Section 9–944  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – State Government**

9–943.

(a) (1) For the purposes of reaching any veteran, veteran's dependent, or veteran's survivor in need of assistance in obtaining services or benefits granted by the law, the director shall develop and implement an outreach plan.

(2) In order to carry out the director's responsibilities under paragraph (1) of this subsection, the director may:

(i) enter into contracts; and

(ii) work with governmental units and community-based organizations, including the Department of Health and Mental Hygiene, the Department of Aging, faith-based groups, veterans groups, senior centers, adult day care centers, institutions of higher education, and other entities the director considers appropriate.

(b) (1) The director shall develop mechanisms for outreach to be disseminated by direct mail and through community-based veterans organizations, the Department of Veterans Affairs, the Department of Human Resources, the Department of Health and Mental Hygiene, and any other State agency or unit the director considers appropriate.

- (2) The mechanisms for outreach shall include:
- (i) the development of a pamphlet describing the services provided by the Outreach and Advocacy Program;
  - (ii) a regular newsletter;
  - (iii) brochures describing various benefits or any other issue or benefit of interest to veterans or their dependents; and
  - (iv) other measures the director considers appropriate.
- (c) The Department shall develop and maintain a database of veterans in the State.
- (d) The Department, in conjunction with the types of community-based organizations listed in subsection (a)(2) of this section, shall develop a survey to assist in identifying veterans and dependents who may be eligible for pension programs.
- (e) The Program shall:
- (1) in conjunction with other governmental units and community-based groups, seek out veterans and their dependents who may be eligible for pension program benefits; and
  - (2) provide wounded or disabled veterans with information on available services and benefits and support in obtaining these services and benefits.

**9-944.**

**(A) IN THIS SECTION, "SPECIALIST" MEANS AN EMPLOYEE DESIGNATED BY A GOVERNMENTAL UNIT WHO IS RESPONSIBLE FOR RESPONDING TO AND ASSISTING VETERANS WHO ARE EMPLOYED BY THE UNIT OR WHO CONTACT THE UNIT FOR ASSISTANCE.**

**(B) EACH GOVERNMENTAL UNIT SHALL:**

**(1) DESIGNATE AN EMPLOYEE OF THE UNIT, WHO TO THE EXTENT PRACTICABLE IS A VETERAN, AS A VETERANS' SERVICES SPECIALIST FOR THE UNIT AND WHOSE DUTIES INCLUDE THE COORDINATION OF VETERANS' SERVICES WITH THE DEPARTMENT;**

**(2) PROVIDE THE DEPARTMENT WITH ANY NONPROTECTED OR NONPRIVATE INFORMATION ABOUT SERVICES THE UNIT PROVIDES TO VETERANS; AND**

**(3) POST ON THE UNIT'S WEB SITE:**

**(I) ALL SERVICES AVAILABLE FOR VETERANS FROM THE UNIT;**

**(II) THE CONTACT INFORMATION FOR THE UNIT'S VETERANS' SERVICES SPECIALIST; AND**

**(III) A LINK TO THE DEPARTMENT WITH THE CONTACT INFORMATION FOR THE DIRECTOR OF THE OUTREACH AND ADVOCACY PROGRAM IN THE DEPARTMENT.**

**(C) THE VETERANS' SERVICES SPECIALIST SHALL:**

**(1) COORDINATE THE PROVISION OF VETERANS' SERVICES AVAILABLE THROUGH THE UNIT WITH THE DEPARTMENT; AND**

**(2) ATTEND ANNUAL TRAINING THAT THE DEPARTMENT PROVIDES CONCERNING THE COORDINATION OF VETERANS' SERVICES.**

**(D) ON REQUEST FOR SERVICES BY A VETERAN, A GOVERNMENTAL UNIT THAT DOES NOT PROVIDE SERVICES TO VETERANS SHALL DIRECT THE VETERAN TO CONTACT THE DEPARTMENT AND PROVIDE THE VETERAN WITH THE DEPARTMENT CONTACT INFORMATION.**

**(E) THE DEPARTMENT SHALL:**

**(1) COORDINATE A MEETING EACH QUARTER, OR AS OTHERWISE NECESSARY, WITH GOVERNMENTAL UNITS TO DISCUSS AND RECEIVE INFORMATION CONCERNING THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION; AND**

**(2) ON OR BEFORE JANUARY 15 EACH YEAR, REPORT ON THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 707**  
**(Senate Bill 857)**

AN ACT concerning

**State Government – Department of Veterans Affairs – Veterans’ Services  
Specialists**

FOR the purpose of requiring ~~certain~~ units of State government to ~~assign a full-time~~ *designate an* employee of the unit as a veterans’ services specialist to coordinate services with the director of the veterans Outreach and Advocacy Program in the Department of Veterans Affairs and attend certain training, to provide the Department of Veterans Affairs with certain information, and to post certain information on the unit’s Web site; ~~making the Act applicable to certain units of State government;~~ requiring certain governmental units to direct veterans to contact the Department and provide the veterans with certain contact information; *requiring the Department to coordinate certain meetings and submit a certain report;* and generally relating to veterans’ services specialists at units of State government.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9–943  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY adding to  
Article – State Government  
Section 9–944  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Government**

9–943.

(a) (1) For the purposes of reaching any veteran, veteran’s dependent, or veteran’s survivor in need of assistance in obtaining services or benefits granted by the law, the director shall develop and implement an outreach plan.

(2) In order to carry out the director’s responsibilities under paragraph (1) of this subsection, the director may:

(i) enter into contracts; and

(ii) work with governmental units and community-based organizations, including the Department of Health and Mental Hygiene, the Department of Aging, faith-based groups, veterans groups, senior centers, adult day care centers, institutions of higher education, and other entities the director considers appropriate.

(b) (1) The director shall develop mechanisms for outreach to be disseminated by direct mail and through community-based veterans organizations, the Department of Veterans Affairs, the Department of Human Resources, the Department of Health and Mental Hygiene, and any other State agency or unit the director considers appropriate.

(2) The mechanisms for outreach shall include:

(i) the development of a pamphlet describing the services provided by the Outreach and Advocacy Program;

(ii) a regular newsletter;

(iii) brochures describing various benefits or any other issue or benefit of interest to veterans or their dependents; and

(iv) other measures the director considers appropriate.

(c) The Department shall develop and maintain a database of veterans in the State.

(d) The Department, in conjunction with the types of community-based organizations listed in subsection (a)(2) of this section, shall develop a survey to assist in identifying veterans and dependents who may be eligible for pension programs.

(e) The Program shall:

(1) in conjunction with other governmental units and community-based groups, seek out veterans and their dependents who may be eligible for pension program benefits; and

(2) provide wounded or disabled veterans with information on available services and benefits and support in obtaining these services and benefits.

#### 9-944.

**(A) IN THIS SECTION, “SPECIALIST” MEANS ~~A FULL-TIME EMPLOYEE OF AN~~ EMPLOYEE DESIGNATED BY A GOVERNMENTAL UNIT WHO IS RESPONSIBLE FOR RESPONDING TO AND ASSISTING VETERANS WHO ARE EMPLOYED BY THE UNIT OR WHO CONTACT THE UNIT FOR ASSISTANCE.**

~~(B)~~ ~~THIS SECTION APPLIES TO:~~

- ~~(1) THE DEPARTMENT OF HUMAN RESOURCES;~~
- ~~(2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;~~
- ~~(3) THE WORKFORCE INVESTMENT BOARD;~~
- ~~(4) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; AND~~
- ~~(5) PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE.~~

~~(C)~~ ~~(B)~~ EACH GOVERNMENTAL UNIT ~~SUBJECT TO THIS SECTION~~ SHALL:

~~(1) ASSIGN A FULL-TIME EMPLOYEE~~ DESIGNATE AN EMPLOYEE OF THE UNIT, WHO TO THE EXTENT PRACTICABLE IS A VETERAN, AS A VETERANS' SERVICES SPECIALIST FOR THE UNIT AND WHOSE DUTIES INCLUDE THE COORDINATION OF VETERANS' SERVICES WITH THE DEPARTMENT;

(2) PROVIDE THE DEPARTMENT WITH ANY NONPROTECTED OR NONPRIVATE INFORMATION ABOUT SERVICES THE UNIT PROVIDES TO VETERANS; AND

(3) POST ON THE UNIT'S WEB SITE:

(I) ALL SERVICES AVAILABLE FOR VETERANS FROM THE UNIT;

(II) THE CONTACT INFORMATION FOR THE UNIT'S VETERANS' SERVICES SPECIALIST; AND

(III) A LINK TO THE DEPARTMENT WITH THE CONTACT INFORMATION FOR THE DIRECTOR OF THE OUTREACH AND ADVOCACY PROGRAM IN THE DEPARTMENT.

~~(D)~~ ~~(C)~~ THE VETERANS' SERVICES SPECIALIST SHALL:

(1) COORDINATE THE PROVISION OF VETERANS' SERVICES AVAILABLE THROUGH THE UNIT WITH THE DEPARTMENT; AND

(2) ATTEND ANNUAL TRAINING THAT THE DEPARTMENT PROVIDES CONCERNING THE COORDINATION OF VETERANS' SERVICES.

~~(E)~~ (D) ON REQUEST FOR SERVICES BY A VETERAN, A GOVERNMENTAL UNIT THAT DOES NOT PROVIDE SERVICES TO VETERANS SHALL DIRECT THE VETERAN TO CONTACT THE DEPARTMENT AND PROVIDE THE VETERAN WITH THE DEPARTMENT CONTACT INFORMATION.

(E) THE DEPARTMENT SHALL:

(1) COORDINATE A MEETING EACH QUARTER, OR AS OTHERWISE NECESSARY, WITH GOVERNMENTAL UNITS TO DISCUSS AND RECEIVE INFORMATION CONCERNING THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION; AND

(2) ON OR BEFORE JANUARY 15 EACH YEAR, REPORT ON THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 708**

**(House Bill 587)**

AN ACT concerning

**State Finance and Procurement – Veteran-Owned Small Business Enterprises –  
Definitions and Penalties**

FOR the purpose of ~~defining “small business” and “veteran” for~~ defining “veteran” and altering the definition of “veteran-owned small business enterprise” for the purposes of certain provisions of law relating to procurement from veteran-owned small business enterprises; altering the definition of “veteran-owned small business enterprise” the structure of a unit’s procurement procedures; *authorizing certain penalties to be applied to a person that willfully misrepresents a business as a veteran-owned small business enterprise; providing for a delayed effective date;* and generally relating to veteran-owned small business enterprises.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 14-601  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

*BY adding to*

*Article – State Finance and Procurement*

*Section 14–606*

*Annotated Code of Maryland*

*(2015 Replacement Volume and 2016 Supplement)*

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – State Finance and Procurement**

14–601.

(A) In this subtitle[, “veteran–owned”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

~~(B) “SMALL BUSINESS” HAS THE MEANING STATED IN § 14–501 OF THIS TITLE.~~

~~(C)~~ (B) “VETERAN” MEANS AN INDIVIDUAL WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.

~~(D)~~ (C) “VETERAN–OWNED small business enterprise” means a ~~SMALL~~ business that:

**(1) MEETS THE SIZE STANDARDS ADOPTED BY THE UNITED STATES SMALL BUSINESS ADMINISTRATION IN 13 C.F.R. 121.201 AND ANY SUBSEQUENT REVISION OF THAT REGULATION; AND**

**(2) is [verified by the Center for Veterans Enterprise of the United States Department of Veterans Affairs as a veteran–owned small business] AT LEAST 51% OWNED BY ONE OR MORE INDIVIDUALS WHO:**

**(I) ARE VETERANS; AND**

**(II) CONTROL THE MANAGEMENT AND DAILY OPERATIONS OF THE BUSINESS.**

**14–606.**

**IN ADDITION TO THE PENALTIES UNDER § 14–605(B) OF THIS SUBTITLE, A PERSON THAT WILLFULLY MISREPRESENTS A BUSINESS AS A VETERAN–OWNED SMALL BUSINESS ENTERPRISE FOR PURPOSES OF OBTAINING OR RETAINING A CONTRACT OR SUBCONTRACT MAY BE SUBJECT TO:**

(1) SUSPENSION OR DEBARMENT UNDER TITLE 16 OF THIS ARTICLE;  
OR

(2) CIVIL PENALTIES UNDER THE MARYLAND FALSE CLAIMS ACT UNDER TITLE 8 OF THE GENERAL PROVISIONS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, ~~2017~~ 2018.

Approved by the Governor, May 25, 2017.

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## Chapter 709

(Senate Bill 1084)

AN ACT concerning

~~State Finance and Procurement – Veteran-Owned Small Business Enterprises –  
 Definitions  
 Task Force on Veteran-Owned Small Business Enterprise Participation in  
 Procurement~~  
State Finance and Procurement – Veteran-Owned Small Business Enterprises –  
 Definitions and Penalties

FOR the purpose of ~~defining “small business” and “veteran” for the purposes of certain provisions of law relating to procurement from veteran-owned small business enterprises; altering the definition of “veteran-owned small business enterprise”; and generally relating to veteran-owned small business enterprises~~ establishing the Task Force on Veteran-Owned Small Business Enterprise Participation in Procurement; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; establishing the duties of the Task Force; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Veteran-Owned Small Business Enterprise Participation in Procurement defining “veteran” and altering the definition of “veteran-owned small business enterprise” for the purposes of certain provisions of law relating to the structure of a unit’s procurement procedures; authorizing certain penalties to be applied to a person that willfully misrepresents a business as a veteran-owned small business enterprise; providing for a delayed effective date; and generally relating to veteran-owned small business enterprises.

~~BY repealing and reenacting, with amendments,~~

~~Article – State Finance and Procurement  
Section 14-601  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)~~

*BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 14-601  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)*

*BY adding to  
Article – State Finance and Procurement  
Section 14-606  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)*

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:~~

~~**Article – State Finance and Procurement**~~

~~14-601.~~

~~(A) In this subtitle[, “veteran owned”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “SMALL BUSINESS” HAS THE MEANING STATED IN § 14-501 OF THIS TITLE.~~

~~(C) “VETERAN” MEANS AN INDIVIDUAL WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.~~

~~(D) “VETERAN OWNED small business enterprise” means a SMALL business that is [verified by the Center for Veterans Enterprise of the United States Department of Veterans Affairs as a veteran owned small business] AT LEAST 51% OWNED BY ONE OR MORE INDIVIDUALS WHO ARE VETERANS.~~

~~(a) There is a Task Force on Veteran Owned Small Business Enterprise Participation in Procurement.~~

~~(b) The Task Force consists of the following members:~~

~~(1) one member of the Senate of Maryland, appointed by the President of the Senate;~~

- ~~(2) one member of the House of Delegates, appointed by the Speaker of the House;~~
- ~~(3) the Secretary of Veterans Affairs, or the Secretary's designee;~~
- ~~(4) the Secretary of Commerce, or the Secretary's designee;~~
- ~~(5) the Secretary of General Services, or the Secretary's designee;~~
- ~~(6) the Secretary of Information Technology, or the Secretary's designee;~~
- ~~(7) the Secretary of Budget and Management, or the Secretary's designee;~~
- ~~(8) the Secretary of Transportation, or the Secretary's designee;~~
- ~~(9) the Chancellor of the University System of Maryland, or the Chancellor's designee;~~
- ~~(10) the Special Secretary of the Governor's Office of Minority Affairs, or the Special Secretary's designee;~~
- ~~(11) the Procurement Advisor to the Board of Public Works;~~
- ~~(12) one Maryland resident veteran owner of a veteran owned small business enterprise, as defined in § 14-601 of the State Finance and Procurement Article, appointed by the Governor; and~~
- ~~(13) one Maryland resident veteran owner of a small business, as defined in § 14-501 of the State Finance and Procurement Article, that is not a veteran owned small business enterprise, as defined in § 14-601 of the State Finance and Procurement Article, appointed by the Governor.~~
- ~~(e) The Governor shall designate the chair of the Task Force.~~
- ~~(d) The State agencies represented on the Task Force shall provide staff for the Task Force, as directed by the chair of the Task Force.~~
- ~~(e) A member of the Task Force:~~
- ~~(1) may not receive compensation as a member of the Task Force; but~~
- ~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~
- ~~(f) The Task Force shall:~~

~~(1) study methods to increase veteran-owned small business enterprise participation in State procurement and ensure compliance with the State's 1% purchasing goal;~~

~~(2) investigate and analyze barriers to veteran-owned small business enterprise participation that hinder compliance with the State's 1% purchasing goal, including the requirement in § 14-601 of the State Finance and Procurement Article for verification by the Center for Veterans Enterprise of the United States Department of Veterans Affairs;~~

~~(3) compare and contrast the current Veteran-Owned Small Business Enterprise Participation Program to similar programs in the federal government and other state governments, focusing on ease of access by interested firms, and methods of verification, certification, and fraud protection;~~

~~(4) compare and contrast the current Veteran-Owned Small Business Enterprise Participation Program to similar programs in Maryland, such as the Small Business Reserve Program and the Minority Business Enterprise Participation Program, focusing on ease of access by interested firms, and methods of verification, certification, and fraud prevention; and~~

~~(5) make specific recommendations for legislative and regulatory changes to increase compliance with the State's 1% purchasing goal for veteran-owned small business enterprise participation in State procurement.~~

~~(g) On or before December 31, 2017, the Task Force shall report its findings and recommendations, including specific proposals for legislation or regulation, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017. June 1, 2017. It shall remain effective for a period of 1 year and, at the end of May 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:~~

~~*Article – State Finance and Procurement*~~

~~14-601.~~

~~(A) In this subtitle[, “veteran-owned”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

**(B) “VETERAN” MEANS AN INDIVIDUAL WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.**

**(C) “VETERAN-OWNED small business enterprise” means a business that:**

**(1) MEETS THE SIZE STANDARDS ADOPTED BY THE UNITED STATES SMALL BUSINESS ADMINISTRATION IN 13 C.F.R. 121.201 AND ANY SUBSEQUENT REVISION OF THAT REGULATION; AND**

**(2) is [verified by the Center for Veterans Enterprise of the United States Department of Veterans Affairs as a veteran-owned small business] AT LEAST 51% OWNED BY ONE OR MORE INDIVIDUALS WHO:**

**(I) ARE VETERANS; AND**

**(II) CONTROL THE MANAGEMENT AND DAILY OPERATIONS OF THE BUSINESS.**

**14-606.**

**IN ADDITION TO THE PENALTIES UNDER § 14-605(B) OF THIS SUBTITLE, A PERSON THAT WILLFULLY MISREPRESENTS A BUSINESS AS A VETERAN-OWNED SMALL BUSINESS ENTERPRISE FOR PURPOSES OF OBTAINING OR RETAINING A CONTRACT OR SUBCONTRACT MAY BE SUBJECT TO:**

**(1) SUSPENSION OR DEBARMENT UNDER TITLE 16 OF THIS ARTICLE;**  
**OR**

**(2) CIVIL PENALTIES UNDER THE MARYLAND FALSE CLAIMS ACT UNDER TITLE 8 OF THE GENERAL PROVISIONS ARTICLE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.**

**Approved by the Governor, May 25, 2017.**

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**Chapter 710**

**(House Bill 176)**

AN ACT concerning

**Motor Vehicle Registration – Exception for Golf Carts – Golden Beach Patuxent Knolls**

FOR the purpose of creating an exception from motor vehicle registration requirements under certain circumstances for golf carts on county highways in the community of Golden Beach Patuxent Knolls, St. Mary's County; providing that a person who operates a golf cart on a county highway in the community of Golden Beach Patuxent Knolls may operate the golf cart only on certain county roads at certain times and only if the golf cart is equipped with certain lighting devices; requiring a person who operates a golf cart on a county highway in the community of Golden Beach Patuxent Knolls to keep as far to the right of the roadway as feasible and possess a valid driver's license; authorizing the St. Mary's County Department of Public Works and Transportation, ~~in consultation with the State Highway Administration,~~ to designate the county highways in the community of Golden Beach Patuxent Knolls on which a person may operate a golf cart; and generally relating to an exception to motor vehicle registration requirements for golf carts in the community of Golden Beach Patuxent Knolls, St. Mary's County.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 13–402(a)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–402(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY adding to

Article – Transportation

Section 21–104.3

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

13–402.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(c) Registration under this subtitle is not required for:

(1) A vehicle that is driven on a highway:

(i) In conformity with the provisions of this title relating to manufacturers, transporters, dealers, secured parties, owners or operators of special mobile equipment, or nonresidents; or

(ii) Under a temporary registration card issued by the Administration;

(2) A vehicle owned and used by the United States, unless an authorized officer or employee of the United States requests registration of the vehicle;

(3) A farm tractor or any farm equipment;

(4) A vehicle the front or rear wheels of which are lifted from the highway;

(5) A towed vehicle that is attached to the towing vehicle by a tow bar and for which no driver is necessary;

(6) A vehicle owned by and in the possession of a licensed dealer for purpose of sale;

(7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction of the resident's former domicile;

(8) New vehicles being operated as part of a shuttle, as defined in § 13–626 of this title, while following a registered vehicle displaying a shuttle permit issued by the Administration;

(9) A vehicle operated in connection with maritime commerce exclusively within any terminal owned or leased by the Maryland Port Administration;

(10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

(11) A golf cart that is operated on a highway on Smith Island, provided that the golf cart is equipped with lighting devices as required by the Administration if it is operated on a highway between dusk and dawn;

(12) A golf cart that is operated on a highway in the City of Crisfield, Somerset County, in accordance with § 21–104.2 of this article;

(13) **A GOLF CART THAT IS OPERATED ON A COUNTY HIGHWAY IN THE COMMUNITY OF GOLDEN BEACH PATUXENT KNOLLS, ST. MARY'S COUNTY, IN ACCORDANCE WITH § 21-104.3 OF THIS ARTICLE;**

(14) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25-102(a)(16) of this article; or

[(14)] (15) A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government.

### **21-104.3.**

(A) **A PERSON WHO OPERATES A GOLF CART ON A COUNTY HIGHWAY IN THE COMMUNITY OF GOLDEN BEACH PATUXENT KNOLLS, ST. MARY'S COUNTY, WITHOUT REGISTRATION AS AUTHORIZED UNDER § 13-402(C)(13) OF THIS ARTICLE:**

(1) **MAY OPERATE THE GOLF CART ONLY:**

(I) **ON A COUNTY HIGHWAY ON WHICH THE MAXIMUM POSTED SPEED LIMIT DOES NOT EXCEED 35 MILES PER HOUR;**

(II) **BETWEEN DAWN AND DUSK; AND**

(III) **IF THE GOLF CART IS EQUIPPED WITH LIGHTING DEVICES AS REQUIRED BY THE ADMINISTRATION;**

(2) **SHALL KEEP THE GOLF CART AS FAR TO THE RIGHT OF THE ROADWAY AS FEASIBLE; AND**

(3) **SHALL POSSESS A VALID DRIVER'S LICENSE.**

(B) **THE ST. MARY'S COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION, ~~IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION,~~ MAY DESIGNATE THE COUNTY HIGHWAYS IN THE COMMUNITY OF GOLDEN BEACH PATUXENT KNOLLS ON WHICH A PERSON MAY OPERATE A GOLF CART.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

## Chapter 711

(House Bill 951)

AN ACT concerning

### State Highway Administration – Alfred B. Hilton Memorial ~~Highway~~ Bridge – Dedication

FOR the purpose of requiring the State Highway Administration to dedicate the ~~portion of~~  
~~Maryland Route 462~~ bridge located ~~between~~ at the intersection of Maryland Route  
~~155~~ 22 and Interstate Highway 95 as the Alfred B. Hilton Memorial ~~Highway~~ Bridge.

BY adding to

Article – Transportation

Section 8–659

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Transportation

**8–659.**

**THE ADMINISTRATION SHALL DEDICATE THE ~~PORTION OF MARYLAND ROUTE~~  
**462 BRIDGE LOCATED ~~BETWEEN~~ AT THE INTERSECTION OF MARYLAND ROUTE 155**  
**22 AND INTERSTATE HIGHWAY 95 AS THE ALFRED B. HILTON MEMORIAL ~~HIGHWAY~~**  
**BRIDGE.****

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 712

(Senate Bill 1157)

AN ACT concerning

**State Highway Administration – Alfred B. Hilton Memorial Bridge – Dedication**

FOR the purpose of requiring the State Highway Administration to dedicate the bridge located at the intersection of Maryland Route 22 and Interstate Highway 95 as the Alfred B. Hilton Memorial Bridge.

BY adding to

Article – Transportation

Section 8–659

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Transportation

**8–659.**

**THE ADMINISTRATION SHALL DEDICATE THE BRIDGE LOCATED AT THE INTERSECTION OF MARYLAND ROUTE 22 AND INTERSTATE HIGHWAY 95 AS THE ALFRED B. HILTON MEMORIAL BRIDGE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 713

(House Bill 456)

AN ACT concerning

### Family Child Care Homes and Child Care Centers Children With Disabilities and Child Care Providers – Dispute Resolution Process ~~– Regulations~~

FOR the purpose of requiring the State ~~Board of Education to develop certain regulations relating to the establishment of a certain dispute resolution process to be used in certain disputes related to certain family child care homes and child care centers; providing guidelines for the content of the regulations; requiring a certain dispute resolution process to be developed by a certain workgroup composed of certain members; and generally relating to regulations for family child care homes and child care centers in the State~~ Department of Education to develop a dispute resolution process to be used by families of children with disabilities and child care providers for resolving complaints of discrimination based on a child's disability; requiring the

Department, in developing the specific components of the dispute resolution process, to convene a workgroup that includes representatives of certain entities; requiring the dispute resolution process to include certain components; authorizing the dispute resolution process to include certain components; requiring the Department to submit a certain report to the General Assembly on or before a certain date; and generally relating to the State Department of Education and a process for resolving disputes regarding the care of children with disabilities.

~~BY repealing and reenacting, without amendments,  
Article — Education  
Section 9.5 — 303(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article — Education  
Section 9.5 — 303(e) and 9.5 — 404  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That ~~the Laws of Maryland read as follows:~~

(a) The State Department of Education shall develop a dispute resolution process to be used by families of children with disabilities and child care providers for resolving complaints of discrimination based on a child's disability.

(b) In developing the specific components of the dispute resolution process required under subsection (a) of this section, the Department shall convene a workgroup that includes:

(1) at least one representative from:

Care;  
(i) the State Department of Education, including the Office of Child

(ii) Disability Rights Maryland;

(iii) the Maryland Developmental Disabilities Council; and

(iv) Maryland Family Network;

(2) at least three child care providers, or child care associations, representing different child care settings, including at least one representative of family child care homes; and

(3) any other stakeholders the workgroup considers necessary.

- (c) The dispute resolution process shall include:
- (1) a process for investigating complaints;
  - (2) a written report on the findings of an investigation; and
  - (3) if there is a finding of discrimination on the basis of disability, a resolution of the complaint that includes:
    - (i) an agreement with the child care provider detailing the requirements for remedying the violations; and
    - (ii) appropriate remedies that support children with disabilities, their families, and the child care provider.
- (d) The dispute resolution process may include:
- (1) an ombudsman;
  - (2) mediation;
  - (3) other appropriate informal resolution processes; or
  - (4) partnerships with other relevant State agencies.
- (e) On or before October 1, 2017, the State Department of Education shall submit to the General Assembly, in accordance with § 2-1246 of the State Government Article, a report that includes:
- (1) the dispute resolution process developed by the workgroup in accordance with the provisions of this Act; and
  - (2) draft legislation or regulations to implement the dispute resolution process developed by the workgroup.

### ~~Article Education~~

#### ~~9.5-303.~~

- (a) ~~The State Board shall adopt regulations that relate to the registration of family child care homes and large family child care homes.~~
- (e) ~~At a minimum, the regulations shall provide for:~~
- (1) ~~Minimum standards of environmental health and safety, including provisions for:~~

- ~~(i) Adequate and safe physical surroundings, including requirements for window coverings in accordance with § 5-505 of the Family Law Article;~~
  - ~~(ii) The physical and mental health of child care providers; and~~
  - ~~(iii) Investigation of any criminal record of a child care provider;~~
- ~~(2) A thorough evaluation of each prospective family child care home, large family child care home, and child care provider, to be completed before the Department accepts an initial registration;~~
- ~~(3) An initial family child care registration that expires 2 years after its effective date;~~
- ~~(4) A continuing family child care registration that:~~
- ~~(i) Upon application by the child care provider that meets the requirements set by the Department, is issued to the provider before the end of the initial registration period; and~~
  - ~~(ii) Once issued, remains in effect until surrendered, suspended, revoked, or replaced by a conditional registration;~~
- ~~(5) Reporting of any changed circumstances that relate to the requirements, by the child care provider, at the time the change occurs;~~
- ~~(6) An orientation to be provided to prospective child care providers by the Department before initial registration;~~
- ~~(7) Announced inspection by the Department of each registered family child care home and large family child care home prior to issuance of an initial or continuing registration to determine whether applicable requirements are being met;~~
- ~~(8) Unannounced inspection by the Department of each registered family child care home and large family child care home at least once during each 12-month period that an initial or continuing registration is in effect to determine whether safe and appropriate child care is being provided;~~
- ~~(9) Procedures to be followed by the Department in response to a complaint about a family child care home or large family child care home;~~
- ~~(10) A DISPUTE RESOLUTION PROCESS THAT:~~
- ~~(i) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME;~~

~~(H) IS UNIFORM AND TIMELY;~~

~~(HH) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;~~

~~(IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;~~

~~(V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND~~

~~(VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;~~

~~[(10)](11) A requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:~~

~~(i) Basic first aid training through the American Red Cross or through a program with equivalent standards; and~~

~~(ii) Cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the family child care home or large family child care home; and~~

~~[(11)](12) (i) A requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the family child care home or large family child care home; and~~

~~(ii) A requirement that the notice sent by the family child care home or large family child care home shall:~~

~~1. Be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;~~

~~2. Be in writing;~~

~~3. Identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and~~

~~4. Describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption.~~

~~9.5-404.~~

~~(a) The State Board shall adopt rules and regulations for licensing and operating child care centers.~~

~~(b) These rules and regulations shall:~~

~~(1) Ensure safe and sanitary conditions in child care centers;~~

~~(2) Ensure proper care, protection, and supervision of children in child care centers;~~

~~(3) Ensure the health of children in child care centers by:~~

~~(i) Monitoring children for signs and symptoms of child abuse;~~

~~(ii) Instructing licensees and staff concerning child abuse detection and reporting;~~

~~(iii) Monitoring health practices to help prevent the spread of disease; and~~

~~(iv) Monitoring the care of infants and children with special needs;~~

~~(4) Promote the sound growth and development of children in child care centers;~~

~~(5) Promote proper nutrition and developmentally appropriate practices by:~~

~~(i) Establishing training and policies promoting breast feeding;~~

~~(ii) 1. Requiring compliance with the United States Food and Drug Administration Child and Adult Care Food Program standards for beverages served to children, except that milk that is not nonfat or low fat may be ordered by a health care practitioner or requested by a parent or guardian; and~~

~~2. Prohibiting beverages other than infant formula that contain added sweetener or caffeine; and~~

~~(iii) Setting limits on screen time;~~

~~(6) ESTABLISH A DISPUTE RESOLUTION PROCESS THAT:~~~~(I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A CHILD CARE CENTER;~~~~(II) IS UNIFORM AND TIMELY;~~~~(III) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;~~~~(IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;~~~~(V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND~~~~(VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;~~~~[(6)] (7) Carry out otherwise the purposes and requirements of this subtitle, including imposition of intermediate sanctions to ensure compliance;~~~~[(7)] (8) Prohibit a child from remaining at a child care center for more than 14 hours in 1 day unless the Department issues an exception for that child based on guidelines set by the State Superintendent;~~~~[(8)] (9) (i) Require that a child care center have in attendance at all times at least 1 individual who is responsible for supervision of children, including children on field trips, and who holds a current certificate indicating successful completion of approved:~~~~1. Basic first aid training through the American Red Cross or through a program with equivalent standards; and~~~~2. Cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the child care center; and~~~~(ii) Require that a child care center serving more than 20 children have in attendance certificate holders described in item (i) of this item in a ratio of at least 1 certificate holder for every 20 children;~~~~[(9)] (10) (i) Require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in~~

~~accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the child care center; and~~

~~(ii) Require that the notice sent by the child care center shall:~~

~~1. Be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;~~

~~2. Be in writing;~~

~~3. Identify the contaminants and their levels in the center's water supply; and~~

~~4. Describe the child care center's plan for dealing with the water contamination problem until the child care center's water is determined by the appropriate authority to be safe for consumption;~~

~~[(10)](11) (i) Require a child care center to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children, such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the child care center;~~

~~(ii) Require the plan under item (i) of this item to include:~~

~~1. A designated relocation site and evacuation route;~~

~~2. Procedures for notifying parents or other adults responsible for the child of the relocation;~~

~~3. Procedures to address the needs of individual children, including children with special needs;~~

~~4. Procedures for the reassignment of staff duties during an emergency, as appropriate; and~~

~~5. Procedures for communicating with local emergency management officials or other appropriate State or local authorities; and~~

~~(iii) Require a child care center to train staff and ensure that staff are familiar with the plan; and~~

~~[(11)](12) Require a child care center to have window coverings in accordance with § 5-505 of the Family Law Article.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the dispute resolution processes required in Section 1 of this Act shall be developed by a workgroup that includes:~~

- ~~(1) at least one representative from:
 
  - ~~(i) the Department, including the Office of Child Care;~~
  - ~~(ii) Disability Rights Maryland;~~
  - ~~(iii) the Maryland Developmental Disabilities Council; and~~
  - ~~(iv) Maryland Family Network;~~~~
- ~~(2) at least three child care providers representing different child care settings; and~~
- ~~(3) any other stakeholders the workgroup considers necessary.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 714

(Senate Bill 943)

AN ACT concerning

~~Family Child Care Homes and Child Care Centers~~ Children With Disabilities and Child Care Providers – Dispute Resolution Process ~~—Regulations~~

FOR the purpose of requiring the State ~~Board of Education to develop certain regulations relating to the establishment of a certain dispute resolution process to be used in certain disputes related to certain family child care homes and child care centers; providing guidelines for the content of the regulations; requiring a certain dispute resolution process to be developed by a certain workgroup composed of certain members; and generally relating to regulations for family child care homes and child care centers in the State~~ Department of Education to develop a dispute resolution process to be used by families of children with disabilities and child care providers for resolving complaints of discrimination based on a child's disability; requiring the Department, in developing the specific components of the dispute resolution process, to convene a workgroup that includes representatives of certain entities; requiring the dispute resolution process to include certain components; authorizing the dispute resolution process to include certain components; requiring the Department to

submit a certain report to the General Assembly on or before a certain date; and generally relating to the State Department of Education and a process for resolving disputes regarding the care of children with disabilities.

~~BY repealing and reenacting, without amendments,~~

~~Article — Education~~

~~Section 9.5—303(a)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2016 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Education~~

~~Section 9.5—303(e) and 9.5—404~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That ~~the Laws of Maryland read as follows:~~

(a) The State Department of Education shall develop a dispute resolution process to be used by families of children with disabilities and child care providers for resolving complaints of discrimination based on a child's disability.

(b) In developing the specific components of the dispute resolution process required under subsection (a) of this section, the Department shall convene a workgroup that includes:

(1) at least one representative from:

(i) the State Department of Education, including the Office of Child Care;

(ii) Disability Rights Maryland;

(iii) the Maryland Developmental Disabilities Council; and

(iv) Maryland Family Network;

(2) at least three child care providers, or child care associations, representing different child care settings, including at least one representative of family child care homes; and

(3) any other stakeholders the workgroup considers necessary.

(c) The dispute resolution process shall include:

(1) a process for investigating complaints;

- (2) a written report on the findings of an investigation; and
- (3) if there is a finding of discrimination on the basis of disability, a resolution of the complaint that includes:
  - (i) an agreement with the child care provider detailing the requirements for remedying the violations; and
  - (ii) appropriate remedies that support children with disabilities, their families, and the child care provider.
- (d) The dispute resolution process may include:
  - (1) an ombudsman;
  - (2) mediation;
  - (3) other appropriate informal resolution processes; or
  - (4) partnerships with other relevant State agencies.
- (e) On or before October 1, 2017, the State Department of Education shall submit to the General Assembly, in accordance with § 2-1246 of the State Government Article, a report that includes:
  - (1) the dispute resolution process developed by the workgroup in accordance with the provisions of this Act; and
  - (2) draft legislation or regulations to implement the dispute resolution process developed by the workgroup.

### ~~Article — Education~~

~~9.5 303.~~

- ~~(a) The State Board shall adopt regulations that relate to the registration of family child care homes and large family child care homes.~~
- ~~(e) At a minimum, the regulations shall provide for:~~
  - ~~(1) Minimum standards of environmental health and safety, including provisions for:~~
    - ~~(i) Adequate and safe physical surroundings, including requirements for window coverings in accordance with § 5-505 of the Family Law Article;~~

- ~~(ii) The physical and mental health of child care providers; and~~
- ~~(iii) Investigation of any criminal record of a child care provider;~~
- ~~(2) A thorough evaluation of each prospective family child care home, large family child care home, and child care provider, to be completed before the Department accepts an initial registration;~~
- ~~(3) An initial family child care registration that expires 2 years after its effective date;~~
- ~~(4) A continuing family child care registration that:
  - ~~(i) Upon application by the child care provider that meets the requirements set by the Department, is issued to the provider before the end of the initial registration period; and~~
  - ~~(ii) Once issued, remains in effect until surrendered, suspended, revoked, or replaced by a conditional registration;~~~~
- ~~(5) Reporting of any changed circumstances that relate to the requirements, by the child care provider, at the time the change occurs;~~
- ~~(6) An orientation to be provided to prospective child care providers by the Department before initial registration;~~
- ~~(7) Announced inspection by the Department of each registered family child care home and large family child care home prior to issuance of an initial or continuing registration to determine whether applicable requirements are being met;~~
- ~~(8) Unannounced inspection by the Department of each registered family child care home and large family child care home at least once during each 12-month period that an initial or continuing registration is in effect to determine whether safe and appropriate child care is being provided;~~
- ~~(9) Procedures to be followed by the Department in response to a complaint about a family child care home or large family child care home;~~
- ~~(10) A DISPUTE RESOLUTION PROCESS THAT:
  - ~~(I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME;~~
  - ~~(II) IS UNIFORM AND TIMELY;~~~~

~~(III) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;~~

~~(IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;~~

~~(V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND~~

~~(VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;~~

~~[(10)] (11) A requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:~~

~~(i) Basic first aid training through the American Red Cross or through a program with equivalent standards; and~~

~~(ii) Cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the family child care home or large family child care home; and~~

~~[(11)] (12) (i) A requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the family child care home or large family child care home; and~~

~~(ii) A requirement that the notice sent by the family child care home or large family child care home shall:~~

~~1. Be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;~~

~~2. Be in writing;~~

~~3. Identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and~~

~~4. Describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child~~

~~care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption.~~

~~9.5-404.~~

~~(a) The State Board shall adopt rules and regulations for licensing and operating child care centers.~~

~~(b) These rules and regulations shall:~~

~~(1) Ensure safe and sanitary conditions in child care centers;~~

~~(2) Ensure proper care, protection, and supervision of children in child care centers;~~

~~(3) Ensure the health of children in child care centers by:~~

~~(i) Monitoring children for signs and symptoms of child abuse;~~

~~(ii) Instructing licensees and staff concerning child abuse detection and reporting;~~

~~(iii) Monitoring health practices to help prevent the spread of disease;~~  
and

~~(iv) Monitoring the care of infants and children with special needs;~~

~~(4) Promote the sound growth and development of children in child care centers;~~

~~(5) Promote proper nutrition and developmentally appropriate practices by:~~

~~(i) Establishing training and policies promoting breast feeding;~~

~~(ii) 1. Requiring compliance with the United States Food and Drug Administration Child and Adult Care Food Program standards for beverages served to children, except that milk that is not nonfat or low fat may be ordered by a health care practitioner or requested by a parent or guardian; and~~

~~2. Prohibiting beverages other than infant formula that contain added sweetener or caffeine; and~~

~~(iii) Setting limits on screen time;~~

~~(6) ESTABLISH A DISPUTE RESOLUTION PROCESS THAT:~~

~~(I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A CHILD CARE CENTER;~~

~~(II) IS UNIFORM AND TIMELY;~~

~~(III) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;~~

~~(IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;~~

~~(V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND~~

~~(VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;~~

~~[(6)] (7) Carry out otherwise the purposes and requirements of this subtitle, including imposition of intermediate sanctions to ensure compliance;~~

~~[(7)] (8) Prohibit a child from remaining at a child care center for more than 14 hours in 1 day unless the Department issues an exception for that child based on guidelines set by the State Superintendent;~~

~~[(8)] (9) (i) Require that a child care center have in attendance at all times at least 1 individual who is responsible for supervision of children, including children on field trips, and who holds a current certificate indicating successful completion of approved:~~

~~1. Basic first aid training through the American Red Cross or through a program with equivalent standards; and~~

~~2. Cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the child care center; and~~

~~(ii) Require that a child care center serving more than 20 children have in attendance certificate holders described in item (i) of this item in a ratio of at least 1 certificate holder for every 20 children;~~

~~[(9)] (10) (i) Require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the child care center; and~~

~~(ii) Require that the notice sent by the child care center shall:~~

~~1. Be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;~~

~~2. Be in writing;~~

~~3. Identify the contaminants and their levels in the center's water supply; and~~

~~4. Describe the child care center's plan for dealing with the water contamination problem until the child care center's water is determined by the appropriate authority to be safe for consumption;~~

~~[(10)](11) (i) Require a child care center to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children, such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the child care center;~~

~~(ii) Require the plan under item (i) of this item to include:~~

~~1. A designated relocation site and evacuation route;~~

~~2. Procedures for notifying parents or other adults responsible for the child of the relocation;~~

~~3. Procedures to address the needs of individual children, including children with special needs;~~

~~4. Procedures for the reassignment of staff duties during an emergency, as appropriate; and~~

~~5. Procedures for communicating with local emergency management officials or other appropriate State or local authorities; and~~

~~(iii) Require a child care center to train staff and ensure that staff are familiar with the plan; and~~

~~[(11)](12) Require a child care center to have window coverings in accordance with § 5-505 of the Family Law Article.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the dispute resolution processes required in Section 1 of this Act shall be developed by a workgroup that includes:~~

~~(1) at least one representative from:~~

- (i) ~~the Department, including the Office of Child Care;~~
  - (ii) ~~Disability Rights Maryland;~~
  - (iii) ~~the Maryland Developmental Disabilities Council; and~~
  - (iv) ~~Maryland Family Network;~~
- (2) ~~at least three child care providers representing different child care settings; and~~
- (3) ~~any other stakeholders the workgroup considers necessary.~~

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 715

(House Bill 1240)

AN ACT concerning

### Individualized Education Programs – ~~Burden of Proof in Due Process Hearings~~ and Studies

FOR the purpose of ~~requiring certain complaining parties to bear a certain burden of proof in due process hearings that are held to resolve a dispute relating to the provision of a free appropriate public education to children with disabilities; providing a certain exception that if a parent or guardian files a due process complaint against a public agency concerning a dispute over the delivery of certain services or certain changes at a certain meeting, the public agency is required to bear a certain burden of proof; providing a certain exception that requires a parent or guardian seeking tuition reimbursement for a unilateral placement of a student by the parent or guardian to bear a certain burden of proof; authorizing a certain administrative law judge to shift a certain burden of proof under certain circumstances;~~ requiring the State Department of Education, in consultation with each local school system, to study and make recommendations regarding certain matters; requiring the Department to report its findings and recommendations to the General Assembly on or before a certain date; requiring the Department to contract with a public or private entity to conduct a certain study of the individualized education program process in the State and to make certain recommendations regarding the process; requiring the Governor to include sufficient funds in the State budget for certain fiscal years to cover the

costs of a certain study; requiring the Department to report the findings and recommendations of a certain study to the General Assembly on or before a certain date; ~~providing for a delayed effective date for a certain provision of this Act;~~ providing for the termination of ~~certain provisions of this Act;~~ and generally relating to ~~the burden of proof in due process hearings and~~ the study of the individualized education program process.

~~BY repealing and reenacting, with amendments,  
Article — Education  
Section 8-413  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:~~

~~**Article — Education**~~

~~§ 413.~~

~~(a) (1) In this section the following words have the meanings indicated:~~

~~(2) “Administrative law judge” means an individual serving in the role of an impartial hearing officer as required under the federal Individuals with Disabilities Education Act.~~

~~(3) “Due process complaint” means a written request for a due process hearing filed by the parent of a child with a disability, as defined in § 8-412 of this subtitle, or a public agency, to resolve a dispute over the identification, evaluation, educational placement, or the provision of free appropriate public education, in accordance with federal law.~~

~~(4) “Federal law” means the Individuals with Disabilities Education Act and regulations adopted under that Act.~~

~~(5) “Parent” means:~~

~~(i) A child’s natural or adoptive parents, a guardian, or a person acting as a parent of a child, such as a relative or a stepparent with whom the child lives;~~

~~(ii) A foster parent with whom a child lives if the foster parent has been granted limited guardianship for educational decision making purposes by the court that placed the child in foster care;~~

~~(iii) Another individual who is legally responsible for the child’s welfare; or~~

~~(iv) A parent surrogate appointed in accordance with § 8-412 of this subtitle.~~

~~(6) "Public agency" means the State Department of Education, a local school system, or any State agency responsible for providing education to students with disabilities, including the Maryland School for the Blind and the Maryland School for the Deaf.~~

~~(7) "Resolution session" means a preliminary meeting the public agency shall convene with the child's parent in accordance with federal law.~~

~~(b) (1) The parent of a child with a disability or a public agency may formally request mediation at any time to resolve any disagreement between the parties regarding the child's special education services or program.~~

~~(2) If a parent files a due process complaint against a public agency concerning the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education, any party shall be given the opportunity to request mediation of those aspects of the decision subject to dispute.~~

~~(3) The request for mediation may not be used to deny or delay the parent's rights under federal law or this section.~~

~~(4) Any party to the mediation has the right to be accompanied and advised by counsel.~~

~~(5) Mediation shall be conducted in accordance with departmental regulations.~~

~~(6) A mediation agreement shall be in writing and is enforceable in a court of competent jurisdiction in accordance with federal law.~~

~~(7) The Department shall make a staff member available to assist a parent in understanding the mediation process.~~

~~(c) (1) Before conducting a due process hearing in accordance with subsection (d) of this section, the public agency shall provide the parent with an opportunity to resolve the due process complaint at a resolution session in accordance with federal law.~~

~~(2) A resolution session agreement shall be in writing and enforceable in a court of competent jurisdiction in accordance with federal law.~~

~~(3) A written resolution agreement may be voided by the parties within 3 business days of execution in accordance with federal law.~~

~~(d) (1) A parent of a child with disabilities shall file a due process complaint with the Office of Administrative Hearings and the public agency.~~

~~(2) A public agency shall file a due process complaint with the Office of Administrative Hearings and the parent.~~

~~(3) Except as provided in paragraph (4) of this subsection, the complaining party shall file a due process complaint within 2 years of the date the party knew or should have known about the action that forms the basis of the due process complaint.~~

~~(4) The statute of limitations described under paragraph (3) of this subsection does not apply to a parent who is prevented from requesting a due process hearing due to:~~

~~(i) Specific misrepresentations made by the public agency that it had resolved the problem that formed the basis of the due process complaint; or~~

~~(ii) The public agency's withholding of information that the public agency was required to provide to the parent.~~

~~(5) In order to conduct a hearing, the Office of Administrative Hearings shall appoint an administrative law judge who:~~

~~(i) Is an administrative law judge in the Office of Administrative Hearings; and~~

~~(ii) Meets the requirements of a due process hearing officer in accordance with federal law.~~

~~(6) Unless the parent and the public agency otherwise agree, during the course of any administrative or judicial proceeding, the child must remain in the last approved placement in accordance with federal law.~~

~~(7) If the hearing concerns the initial admission of a child into a public school, the child with the consent of the parent must be placed in the public school program until the proceedings have been completed.~~

~~(8) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS SUBPARAGRAPH (II) AND (III) OF THIS PARAGRAPH AND PARAGRAPH (9) OF THIS SUBSECTION, THE COMPLAINING PARTY SHALL HAVE THE BURDEN OF PROOF IN A DUE PROCESS PROCEEDING CONDUCTED UNDER THIS SECTION.~~

~~(II) IF A PARENT OR GUARDIAN FILES A DUE PROCESS COMPLAINT AGAINST A PUBLIC AGENCY CONCERNING A DISPUTE OVER THE DELIVERY OF SERVICES UNDER THE CHILD'S CURRENT INDIVIDUALIZED EDUCATION PROGRAM, THE A PUBLIC AGENCY SHALL HAVE THE BURDEN OF PROOF IN A DUE PROCESS PROCEEDING CONDUCTED UNDER THIS SECTION IF A PARENT OR~~

~~GUARDIAN FILES A DUE PROCESS COMPLAINT AGAINST A PUBLIC AGENCY CONCERNING:~~

~~1. A DISPUTE OVER THE DELIVERY OF SERVICES UNDER THE CHILD'S EXISTING INDIVIDUALIZED EDUCATION PROGRAM; OR~~

~~2. A DISPUTE OVER PROPOSED CHANGES TO THE CHILD'S EXISTING INDIVIDUALIZED EDUCATION PROGRAM AT THE ANNUAL REVIEW MEETING.~~

~~(III) A PARENT OR GUARDIAN SEEKING TUITION REIMBURSEMENT FOR A UNILATERAL PLACEMENT OF A STUDENT BY THE PARENT SHALL HAVE THE BURDEN OF PROOF IN A DUE PROCESS PROCEEDING CONDUCTED UNDER THIS SECTION.~~

~~(9) UNDER EXTENUATING CIRCUMSTANCES, THE ADMINISTRATIVE LAW JUDGE APPOINTED UNDER THIS SUBSECTION MAY SHIFT THE BURDEN OF PROOF TO CONFORM WITH THE REQUIREMENTS OF LAW AND JUSTICE IN INDIVIDUAL CASES UNDER UNIQUE CIRCUMSTANCES AS DETERMINED BY THE ADMINISTRATIVE LAW JUDGE.~~

~~(e) (1) The administrative law judge appointed under subsection (d) of this section shall conduct the hearing in accordance with federal law, Title 10 of the State Government Article, and the Office of Administrative Hearings Rules of Administrative Procedure, and may:~~

~~(i) After review of the educational records of the child, dismiss any request for review which does not relate to a matter described in subsection (d)(1) of this section;~~

~~(ii) Require the parties to attend a prehearing conference prior to the due process hearing;~~

~~(iii) Hear any testimony that it considers relevant;~~

~~(iv) Require an independent evaluation or call an impartial expert witness in the diagnosis or education of students with disabilities whose testimony shall be on the record and whose costs shall be paid by the State Education Agency; and~~

~~(v) Administer oaths to witnesses at the hearing on request of a party.~~

~~(2) The provisions of the Family Educational Rights and Privacy Act and 34 C.F.R. Part 99 shall apply to school records sought by the impartial expert witness.~~

~~(3) If the parties cannot agree on an impartial expert witness, each party shall be given the opportunity to submit a list of possible experts, and the administrative law judge shall decide which impartial expert witness to call.~~

~~(f) (1) Any party to the hearing has the right to:~~

~~(i) Be accompanied and be advised by counsel and individuals with special knowledge or training with respect to the problems of children with disabilities;~~

~~(ii) Present evidence and confront, cross-examine, and compel the attendance of witnesses;~~

~~(iii) Prohibit the introduction of any evidence at the hearing which has not been disclosed to all parties at least 5 days before the hearing;~~

~~(iv) Obtain a written or electronic verbatim record of the hearing; and~~

~~(v) Obtain written findings of fact and decisions.~~

~~(2) Parents involved in the hearings must be given the right to:~~

~~(i) Have the child who is the subject of the hearing present; and~~

~~(ii) Open the hearing to the public.~~

~~(g) (1) The decision of the administrative law judge shall be made on substantive grounds based on the determination of whether the child received a free appropriate public education.~~

~~(2) In matters alleging a procedural violation, an administrative law judge may find that the child did not receive a free appropriate public education only if the procedural inadequacies:~~

~~(i) Impeded the child's right to a free appropriate public education;~~

~~(ii) Significantly impeded the parents' opportunity to participate in the educational decision making process regarding the provision of a free appropriate public education to the parents' child; or~~

~~(iii) Caused a deprivation of educational benefits.~~

~~(h) The hearing shall be held and a written decision shall be issued within the time periods established by federal law. The administrative law judge may grant a specific extension of time at the request of either party.~~

~~(i) If, at the time of the due process complaint, the child who is the subject of the hearing is not enrolled and attending an approved educational program or, if the due~~

~~process complaint is over the placement or manifestation determination of a child, due to a violation of the rules of conduct, an expedited hearing shall occur within 20 school days of the date the hearing is requested and shall result in a decision within 10 school days of the hearing.~~

~~(j) Within 120 calendar days of the issuance of the hearing decision, any party to the hearing may file an appeal from a final decision of the Office of Administrative Hearings to the federal District Court for Maryland or to the circuit court for the county in which the child resides.~~

~~(k) (1) A public agency is not required to pay for the cost of education, including special education and related services, for a child with a disability at a private or nonpublic school if the public agency made a free appropriate public education available to the child and the parent of the child elected to place the child in such a school or facility.~~

~~(2) If the parent of a child with a disability, who previously received special education and related services under the authority of a public agency, enrolls the child in a nonpublic school or facility without the consent of or referral by the public agency, an administrative law judge or a court may require the public agency to reimburse the parent for the costs of the placement enrollment if the administrative law judge or court determines that the public agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.~~

~~(3) Reimbursement may be reduced or denied by the administrative law judge or court in accordance with federal law.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

~~That:~~

~~(a) The State Department of Education, in consultation with each local school system, shall:~~

~~(1) review and assess the current allocation of State Department of Education staff, local school system staff, and other State agency staff and supporting resources that are available to assist the parents and guardians of children with disabilities to participate in the individualized education program (IEP) process, including all procedures relating to the identification, evaluation, and educational placement of a child, the provision of a free and appropriate education, and the dispute resolution procedures provided under § 8-413 of the Education Article;~~

~~(2) review and assess the current population density of children with IEPs in each local school system and in geographical regions in the State;~~

~~(3) review and assess the current population density of special education teachers in each local school system and in geographical regions in the State; and~~

~~(3)~~ (4) make recommendations for reallocating public agency staff and resources on the basis of geographical region so that public agencies may more effectively assist the parents and guardians of children with disabilities to participate in the IEP process and more timely and cost effectively resolve disputes concerning a child's special education services or program.

(b) On or before December 31, 2018, the State Department of Education shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before ~~December 31, 2017~~ July 1, 2018, the State Department of Education, in consultation with the Department of Budget and Management and the Department of Legislative Services, shall contract with a public or private entity to conduct ~~an independent~~ study of the individualized education program (IEP) process in the State, including the procedures relating to the identification, evaluation, and educational placement of a child, the provision of a free and appropriate education, and the dispute resolution procedures provided under § 8-413 of the Education Article.

(2) The entity that conducts the study shall seek input from special education teachers, special education advocates, and special education organizations.

(b) At a minimum, the study shall:

(1) review and assess how ~~the State Department of Education staff, local school system staff, and other State agency staff comply with State and federal law governing the IEP process;~~

~~(2) review and assess how~~ local school systems spend their special education funds and allocate their teaching and family support services staff;

~~(3)~~ (2) review and assess the effectiveness of special education family support services provided by local school system staff members;

~~(4)~~ (3) review and assess how ~~the State Department of Education can provide~~ local school systems utilize technical assistance provided by the State Department of Education to local school systems to assist parents in understanding their rights and responsibilities in the IEP process;

(4) identify best practices for retaining special education teachers;

(5) identify and highlight the best practices currently utilized by the State Department of Education staff, local system staff, and other State agency staff as part of the IEP process in the State; and

- (6) make recommendations for:
- (i) ensuring that special education funds are being spent cost effectively;
  - (ii) ensuring that local school systems are effectively allocating their teaching and family support services staff to improve the education achievement of special education students;
  - (iii) clarifying and simplifying the IEP process to enable parents and guardians to more easily understand their rights and responsibilities in the process; and
  - (iv) modifying the administrative goals, objectives, and strategies of teachers and IEP teams to make them more efficient and cost effective in their delivery of services to special education students, including potential reductions in caseloads and recordkeeping.
- (c) The Governor shall include sufficient funds in the State budget for the appropriate fiscal years for the State Department of Education to cover the costs of conducting the study.
- (d) On or before ~~December 31, 2018~~ July 1, 2019, the State Department of Education shall report the findings and recommendations of the study, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2020.~~

~~SECTION 5. 3. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2017. Sections 2 and 3 of this Act. It Sections 2 and 3 of this Act shall take effect June 1, 2017. They shall remain effective for a period of ~~2~~ 3 years and, at the end of May 31, ~~2019~~ 2020, with no further action required by the General Assembly, Sections 2 and 3 of this Act shall be abrogated and of no further force and effect.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2020.~~

Approved by the Governor, May 25, 2017.

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## Chapter 716

(Senate Bill 25)

AN ACT concerning

**Maryland Transit Administration – Transit Service – Contracted Taxicab  
Service**

FOR the purpose of repealing the exclusion of taxicab service from the definition of “transit service”; ~~clarifying that fares imposed by the Maryland Transit Administration for any transit service using taxicabs are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions;~~ providing for the application of this Act; and generally relating to transit and taxicab service.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 7–101(a), (b), (d), and (l)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 7–101(n) ~~and 7–505~~  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

7–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Administration” means the Maryland Transit Administration.
- (d) “District” means:

(1) The Metropolitan Transit District, consisting of Baltimore City, Baltimore County, Anne Arundel County, and other areas as designated by the Secretary after consultation and coordination with the affected jurisdiction and subject to the provisions of the Washington Metropolitan Transit Authority Compact; and

(2) Any area in which railroad service is performed under contract with the Administration or in which railroad facilities are owned by the Administration.

(l) “Transit facility” includes any one or more or combination of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and

services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.

(n) (1) "Transit service" means the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the District.

(2) "Transit service" does not include any:

(i) [Taxicab service;

(ii)] Vanpool operation; or

[(iii)] (II) Railroad service.

~~7-505.~~

~~(a) As to all or any part of any railroad facility or transit facility, the Administration may:~~

~~(1) Fix, revise, charge, and collect rentals, rates, fees, fares, and other charges for its use or for its services; and~~

~~(2) Contract with any person who desires its use for any purpose and fix the terms, conditions, rentals, rates, fees, fares, and other charges for this use.~~

~~(b) To the extent practicable and consistent with providing adequate service at reasonable fares, the rentals, rates, fees, fares, and other charges imposed for and the services provided by the transit facilities and railroad facilities owned or controlled by the Administration shall be fixed and adjusted in respect of the aggregate of the charges so as to provide funds that, together with any other revenues, are sufficient to:~~

~~(1) Maintain, repair, and operate the transit facilities and railroad facilities;~~

~~(2) Provide for depreciation of the transit facilities and railroad facilities;~~

~~(3) Replace, enlarge, extend, reconstruct, renew, and improve the transit facilities and railroad facilities;~~

~~(4) Pay the costs of purchasing, leasing, or otherwise acquiring and installing rolling stock and other equipment;~~

~~(5) Pay the principal of and interest on any outstanding obligations of the Administration, including obligations incurred for the acquisition of rolling stock;~~

~~(6) Pay the current expenses of the Administration; and~~

~~(7) Provide for any purpose that the Administration considers necessary and desirable to carry out the provisions of this title.~~

~~(e) Except for the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the rentals, rates, fares, fees, and other charges imposed by the Administration, INCLUDING FARES FOR ANY TRANSIT SERVICE USING TAXICABS, are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.~~

~~(d) (1) The Administration may contract with the federal government, this State, or any of their agencies or political subdivisions for payments to the Administration for free or reduced fare transportation of employees or other persons.~~

~~(2) With respect to the operation of transit service, the Administration shall allow individuals with disabilities who are employed by sheltered workshops and who earn less than the current minimum wage, as determined by the Federal Wage and Hours Board, to travel free to and from these workshops.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract between the Maryland Transit Administration and a provider of sedan service entered into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 717

(House Bill 1017)

AN ACT concerning

### **Motor Vehicle Administration – Driving Records – Expungement**

FOR the purpose of altering the standards and procedures applicable to the expungement of public driving records by the Motor Vehicle Administration; prohibiting the Administration from expunging certain driving record entries; requiring the Administration to adopt certain regulations; and generally relating to the expungement of driving records by the Motor Vehicle Administration.

BY repealing and reenacting, with amendments,

Article – Transportation  
Section 16–117.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

16–117.1.

(a) In this section, “criminal offense” does not include any violation of the Maryland Vehicle Law.

(b) [Except as provided in subsections (c) and (e) of this section and in Subtitle 8 of this title, if a licensee applies for the expungement of the licensee’s public driving record, the] **THE** Administration shall expunge the **PUBLIC DRIVING** record **OF A LICENSEE** if[, at the time of application]:

(1) [The licensee does not have charges pending for allegedly committing a moving violation or a criminal offense involving a motor vehicle; and

(2) (i) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and the licensee’s license never has been suspended **FOR REASONS RELATED TO DRIVER SAFETY, AS DEFINED BY THE ADMINISTRATION**, or revoked;

[(ii)] (2) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and the licensee’s record shows not more than one suspension **FOR REASONS RELATED TO DRIVER SAFETY, AS DEFINED BY THE ADMINISTRATION**, and no revocations; or

[(iii)] (3) Within the preceding 10 years:

[1.] (I) The licensee has not been [convicted of nor been] granted probation before judgment for a violation of § 20–102 or § 21–902 of this article; **AND**

[2.] The licensee’s driving record shows no convictions from another jurisdiction of a moving violation identical or substantially similar to § 20–102 or § 21–902 of this article; and

[3.] (II) The licensee has not been convicted of any [other] moving violation or criminal offense involving a motor vehicle, regardless of the number of suspensions or revocations.

(c) The Administration may refuse to expunge a driving record if it determines that the ~~individual requesting the expungement~~ LICENSEE has not driven a motor vehicle on the highways during the particular conviction-free period on which the ~~request~~ EXPUNGEMENT is based.

(d) [The Administration shall expunge from its driver record data base the driving record of an individual or a probation before judgment disposition of an individual:

(1) Who has not been convicted of a moving violation or criminal offense involving a motor vehicle for the preceding 3 years;

(2) Who has not been convicted of, or been granted probation before judgment for:

(i) A violation of § 20–102 of this article;

(ii) A violation of § 21–902 of this article; or

(iii) A moving violation identical or substantially similar to § 20–102 or § 21–902 of this article; and

(3) Whose license or privilege to drive never has been suspended or revoked.

(e)] Notwithstanding any other provision of this section, the Administration may not expunge [any]:

(1) **ANY** driving records before the expiration of the time they are required to be retained under § 16–819 of this title;

(2) **ANY DRIVING RECORD ENTRIES REQUIRED FOR ASSESSMENT OF SUBSEQUENT OFFENDER PENALTIES; AND**

(3) **ANY DRIVING RECORD ENTRIES RELATED TO A MOVING VIOLATION OR AN ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON.**

**(E) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 718****(House Bill 713)**

AN ACT concerning

**Sales and Use Tax – Light Rail Vehicles – Exemption**

FOR the purpose of providing an exemption from the sales and use tax for the sale of certain light rail vehicles and related equipment if the vehicle will be used to provide service on the Purple Line; and generally relating to a sales and use tax exemption for the sale of certain light rail vehicles.

BY adding to

Article – Tax – General

Section 11–233

Annotated Code of Maryland

~~(2010 Replacement Volume and 2016 Supplement)~~ *(2016 Replacement Volume)*

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Tax – General****11–233.**

**THE SALES AND USE TAX DOES NOT APPLY TO A SALE OF A LIGHT RAIL TRANSIT VEHICLE OR RELATED EQUIPMENT IF THE VEHICLE WILL BE USED TO PROVIDE TRANSIT SERVICE ON THE PURPLE LINE IN MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 719****(House Bill 290)**

AN ACT concerning

**Maryland Transportation Authority – ~~Vehicles Not Using Bridge Toll~~  
Prohibition Third Generation–Electronic Toll Collection System**

FOR the purpose of ~~prohibiting the Maryland Transportation Authority from charging a toll at a toll plaza adjacent to a bridge that is a transportation facilities project for a vehicle that does not traverse the bridge; requiring the Authority to direct, by physical traffic management measures, vehicles that do not traverse the bridge into a toll-free lane through the toll plaza or construct a lane bypassing the toll plaza for use by vehicles that do not traverse the bridge; and generally relating to tolls and Maryland Transportation Authority bridges~~ requiring the Maryland Transportation Authority, on or before a certain date each year, to submit a certain report to the Governor and certain committees of the General Assembly on certain matters related to the Third Generation–Electronic Toll Collection System, including information related to efforts to review and analyze the location of certain toll plazas for certain purposes; providing for the termination of this Act; and generally relating to the Third Generation–Electronic Toll Collection System.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 4–101(h) ~~and 4–312(a)(2)~~

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Transportation~~

~~Section 4–312(e)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

4–101.

(h) “Transportation facilities project” includes:

(1) The Susquehanna River Bridge, the Harry W. Nice Memorial Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;

(2) A vehicle parking facility located in a priority funding area as defined in § 5–7B–02 of the State Finance and Procurement Article;

(3) Any other project for transportation facilities that the Authority authorizes to be acquired or constructed; and

(4) Any additions, improvements, or enlargements to any of these projects, whenever authorized.

~~4-312.~~

~~(a) (2) As to all or any part of any transportation facilities project, the Authority may:~~

~~(i) Fix, revise, charge, and collect rentals, rates, fees, tolls, and other charges and revenues for its use or for its services; and~~

~~(ii) Contract with any person who desires its use for any purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or revenues for this use.~~

~~(e) (1) Except as otherwise provided in this subsection, the rentals, rates, fees, tolls, and other charges and revenues are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.~~

~~(2) This subtitle does not permit the exercise of any power or the undertaking of any activity that would conflict with the provisions and limitations of the federal Urban Mass Transportation Act of 1964.~~

~~(3) Tolls for the use of the bridge carrying the John F. Kennedy Memorial Highway over the Susquehanna River may not be less than the comparable tolls charged for the use of the Susquehanna River Bridge.~~

~~(4) (I) AT A TOLL PLAZA ADJACENT TO A BRIDGE THAT IS A TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY MAY NOT CHARGE A TOLL FOR A VEHICLE THAT DOES NOT TRAVERSE THE BRIDGE.~~

~~(II) THE AUTHORITY SHALL:~~

~~1. DIRECT, BY PHYSICAL TRAFFIC MANAGEMENT MEASURES, VEHICLES THAT DO NOT TRAVERSE THE BRIDGE INTO A TOLL FREE LANE THROUGH THE TOLL PLAZA; OR~~

~~2. CONSTRUCT A LANE BYPASSING THE TOLL PLAZA FOR USE BY VEHICLES THAT DO NOT TRAVERSE THE BRIDGE.~~

~~(5) Prior to fixing or revising tolls on any part of any transportation facilities project, the Authority shall provide, in accordance with § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee, Senate Finance~~

~~Committee, House Appropriations Committee, and House Ways and Means Committee information on the proposed toll charges, including:~~

- ~~(i) The annual revenues generated by the toll charges;~~
- ~~(ii) The proposed use of the revenues; and~~
- ~~(iii) The proposed commuter discount rates.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31 each year, the Maryland Transportation Authority shall issue a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Environment and Transportation Committee on the procurement and implementation of the Third Generation–Electronic Toll Collection System that includes for each component of the System:

(1) a summary of key issues being addressed in the procurement and implementation of the System, including:

(i) efforts to review and analyze the location of a toll plaza adjacent to a bridge that is a transportation facilities project to ensure that the Authority is appropriately charging a toll for vehicles that traverse the transportation facilities project; and

(ii) a projected time frame for:

1. Board of Public Works approval of contracts for the System; and
2. implementation of the System;

(2) if a contract has been approved by the Board of Public Works:

(i) a summary of the key contract terms, including duration and cost;

(ii) the selected vendors and their qualifications;

(iii) a description of the factors that made a selected vendor the best–value selection;

(iv) major changes made with respect to the previous tolling system contract, including new payment options for tolls; and

(v) a description of the performance measures included in the contract and the actions that may be taken if the performance measures are not met; and

- (3) if a component of the System has been implemented, the impact on:
- Authority; and
- (i) the tolling operations of and customer service provided by the
- (ii) the possibility of implementing all–electronic tolling or changes to toll rates.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period 3 years and, at the end of June 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 25, 2017.

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## Chapter 720

(House Bill 123)

AN ACT concerning

### Health Insurance – Required Conformity With Federal Law

FOR the purpose of altering the length of a policy term and the information provided in a certain notice for short–term medical insurance procured from a nonadmitted insurer; making certain provisions of the federal Patient Protection and Affordable Care Act relating to preventive and wellness services and chronic disease management applicable to certain coverage offered in certain markets; altering certain provisions of law relating to certain special enrollment periods in the small employer health insurance market; authorizing the dependents of certain victims to enroll in a certain health plan, at a certain time, under certain circumstances; adding a definition of “short–term limited duration insurance” and altering the definition of “health benefit plan” for the individual health insurance market; altering the scope of certain supplemental coverage under a group health plan; prohibiting a carrier, under certain circumstances, from canceling or refusing to renew an individual health benefit because an eligible individual is entitled to or enrolled in Medicare; requiring an entity that leases employees from certain organizations or coemployers to be treated as a small employer to the extent permitted by federal law; providing that a carrier will not be considered to have elected not to renew certain health benefit plans if the carrier complies with certain federal regulations on guaranteed renewability; altering certain definitions to conform to guaranteed renewability provisions in certain federal regulations; and generally relating to health insurance and conformity with federal law.

BY repealing and reenacting, with amendments,

## Article – Insurance

~~Section 15–137.1, 15–1208.2(d), 15–1301(l), and 31–101(g)~~

Section 3–306.2, 15–137.1, 15–1201(i), 15–1208.2(d), 15–1212(a), 15–1301(l) and (s),  
15–1309(a), 15–1401(h), 15–1409(a), and 31–101(g) and (z)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section 15–1212(k), 15–1301(s), 15–1308(h), 15–1309(i), and 15–1409(g)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Insurance**3–306.2.

(a) Subject to subsections (b) through (e) of this section, disability insurance and short-term medical insurance under § 3–302(c) of this subtitle may be procured from a nonadmitted insurer if the coverage procured is in excess of coverage available from, or is not available from, an admitted insurer that writes that particular kind and class of insurance in the State.

(b) Procurement of disability insurance under this section from a nonadmitted insurer is subject to:

(1) the diligent search requirements of §§ 3–306 and 3–306.1 of this subtitle; and

(2) all other requirements of this subtitle.

(c) Procurement of short-term medical insurance under this section from a nonadmitted insurer is subject to:

(1) a policy term that:

(i) **[may not exceed 11] IS LESS THAN 3** months; and

(ii) may not be extended or renewed;

(2) the provision of written notice to the applicant, on a form approved by the Commissioner:

(i) stating that coverage may be available under the Affordable Care Act without medical underwriting;

(ii) providing contact information for the Maryland Health Benefit Exchange;

(iii) stating that the short-term medical insurance may be available from an admitted insurer;

(iv) stating that similar coverage may be available from an admitted insurer offering travel insurance, as defined in § 10-101 of this article; and

(v) [stating that:

1. the short-term medical insurance does not meet the requirements for minimum essential coverage under the Affordable Care Act; and

2. a purchaser of the short-term medical insurance may be subject to tax penalties for not having minimum essential coverage] **DISPLAYING PROMINENTLY IN THE CONTRACT AND IN ANY APPLICATION MATERIALS PROVIDED IN CONNECTION WITH ENROLLMENT IN THE COVERAGE IN AT LEAST 14 POINT TYPE THE FOLLOWING: “THIS IS NOT QUALIFYING HEALTH COVERAGE (“MINIMUM ESSENTIAL COVERAGE”) THAT SATISFIES THE HEALTH COVERAGE REQUIREMENTS OF THE AFFORDABLE CARE ACT. IF YOU DON’T HAVE MINIMUM ESSENTIAL COVERAGE, YOU MAY OWE AN ADDITIONAL PAYMENT WITH YOUR TAXES.”;**

(3) the diligent search requirements of §§ 3-306 and 3-306.1 of this subtitle; and

(4) all other requirements of this subtitle.

(d) Short-term medical insurance may not be procured from a nonadmitted insurer unless:

(1) the insurance is procured through a qualified surplus lines broker;

(2) if the insurance is offered on a Web site on the Internet, the Web site identifies the qualified surplus lines broker through whom the insurance may be procured; and

(3) the diligent search required under §§ 3-306 and 3-306.1 of this subtitle includes a search of the short-term medical insurance policies offered for sale by admitted insurers.

(e) A short-term medical insurance policy procured from a nonadmitted insurer may not include:

(1) a preexisting condition exclusion, unless the exclusion relates to a condition that was first manifested, treated, or diagnosed before the effective date of the policy; or

(2) a definition of sickness or illness that excludes any sickness or illness that began, existed, or had its origin before the effective date of the policy, unless the sickness or illness was first manifested, treated, or diagnosed before the effective date of the policy.

(f) The Commissioner shall develop and make available on the Administration's Web site a consumer guide on short-term medical insurance that includes information on:

(1) the availability of coverage from admitted insurers; and

(2) the types of coverage and provisions in short-term medical insurance policies that may be important to consumers.

15-137.1.

(a) Notwithstanding any other provisions of law, the following provisions of Title I, Subtitles A, C, and D of the Affordable Care Act apply to individual health insurance coverage and health insurance coverage offered in the small group and large group markets, as those terms are defined in the federal Public Health Service Act, issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization:

- (1) coverage of children up to the age of 26 years;
- (2) preexisting condition exclusions;
- (3) policy rescissions;
- (4) bona fide wellness programs;
- (5) lifetime limits;
- (6) annual limits for essential benefits;
- (7) waiting periods;
- (8) designation of primary care providers;
- (9) access to obstetrical and gynecological services;
- (10) emergency services;

- (11) summary of benefits and coverage explanation;
- (12) minimum loss ratio requirements and premium rebates;
- (13) disclosure of information;
- (14) annual limitations on cost sharing;
- (15) child-only plan offerings in the individual market;
- (16) minimum benefit requirements for catastrophic plans;
- (17) health insurance premium rates;
- (18) coverage for individuals participating in approved clinical trials;
- (19) contract requirements for stand-alone dental plans sold on the Maryland Health Benefit Exchange;
- (20) guaranteed availability of coverage; [and]
- (21) prescription drug benefit requirements; AND

**(22) PREVENTIVE AND WELLNESS SERVICES AND CHRONIC DISEASE MANAGEMENT.**

(b) The provisions of subsection (a) of this section do not apply to coverage for excepted benefits, as defined in 45 C.F.R. § 146.145.

(c) The Commissioner may enforce this section under any applicable provisions of this article.

15-1201.

(i) (1) “Health benefit plan” means:

(i) a policy or certificate for hospital or medical benefits issued by an insurer;

(ii) a nonprofit health service plan contract; or

(iii) a health maintenance organization subscriber or group master contract.

(2) “Health benefit plan” includes a policy or certificate for hospital or medical benefits that covers residents of this State who are eligible employees and that is issued through:

(i) a multiple employer trust or association located in this State or another state; or

(ii) a professional employer organization, coemployer, or other organization located in this State or another state that engages in employee leasing.

(3) “Health benefit plan” does not include:

(i) accident-only insurance;

(ii) credit health insurance;

(iii) disability income insurance;

(iv) coverage issued as a supplement to liability insurance;

(v) workers’ compensation or similar insurance;

(vi) automobile medical payment insurance;

(vii) the following benefits, if the benefits are provided under a separate policy, certificate, or contract, or are not otherwise an integral part of a small employer health benefit plan:

1. dental benefits;

2. vision benefits; or

3. long-term care insurance as defined in § 18-101 of this article;

(viii) disease-specific insurance if:

1. the benefits are provided under a separate policy, certificate, or contract;

2. there is no coordination between the provision of the benefits and an exclusion of benefits under any group health plan maintained by the same employer; and

3. the benefits are paid with respect to an event, without regard to whether benefits are provided with respect to the event under any group health plan maintained by the same employer;

(ix) hospital indemnity or other fixed indemnity insurance if:

1. the benefits are provided under a separate policy, certificate, or contract;

2. there is no coordination between the provision of the benefits and an exclusion of benefits under any group health plan maintained by the same employer;

3. the benefits are paid with respect to an event, without regard to whether benefits are provided with respect to the event under any group health plan maintained by the same employer; and

4. the benefits are payable in a fixed dollar amount per period of time, [such as \$100 per day of hospitalization,] regardless of the amount of expenses incurred; or

(x) the following supplemental benefits, if the benefits are provided under a separate policy, certificate, or contract:

1. a Medicare supplement policy as defined in § 15–901 of this title;

2. coverage supplemental to the coverage provided under Chapter 55, Title 10 of the United States Code; and

3. similar supplemental coverage provided to coverage under a group health plan if[:

A. the coverage is specifically designed to fill gaps in primary coverage, such as coinsurance or deductibles; and

B. the coverage is not supplemental solely because it becomes secondary or supplemental under a coordination of benefits clause] **THE COVERAGE QUALIFIES FOR THE EXCEPTION DESCRIBED IN 45 C.F.R. § 146.145(B)(5)(I)(C).**

15–1208.2.

(d) (1) A carrier shall provide an open enrollment period for each individual who experiences a triggering event described in paragraph (4) of this subsection.

(2) The open enrollment period shall be for at least 30 days, beginning on the date of the triggering event.

(3) During the open enrollment period for an individual who experiences a triggering event, a carrier shall permit the individual to enroll in or change from one health benefit plan offered by the small employer to another health benefit plan offered by the small employer.

(4) A triggering event occurs when:

(i) subject to paragraph (5) of this subsection, an eligible employee or dependent loses minimum essential coverage;

(ii) an eligible employee or a dependent loses pregnancy–related coverage described under § 1902(a)(10)(A)(i)(IV) and (a)(10)(A)(ii)(IX) of the Social Security Act, which is considered to occur on the last day the eligible employee or dependent would have pregnancy–related coverage;

(iii) an eligible employee or a dependent loses medically needy coverage as described under § 1902(a)(10)(C) of the Social Security Act, which is considered to occur on the last day the eligible employee or dependent would have medically needy coverage;

(iv) an eligible employee or a dependent who is enrolled in a qualified health plan in the SHOP Exchange:

1. adequately demonstrates to the SHOP Exchange that the qualified health plan in which the eligible employee or a dependent is enrolled substantially violated a material provision of the qualified health plan’s contract in relation to the eligible employee or a dependent;

2. gains access to new qualified health plans as a result of a permanent move **AND EITHER:**

**A. HAD MINIMUM ESSENTIAL COVERAGE AS DESCRIBED IN 26 C.F.R. § 1.5000A–1(B) FOR 1 OR MORE DAYS DURING THE 60 DAYS BEFORE THE DATE OF THE PERMANENT MOVE; OR**

**B. WAS LIVING OUTSIDE THE UNITED STATES OR IN A UNITED STATES TERRITORY AT THE TIME OF THE PERMANENT MOVE; or**

3. demonstrates to the SHOP Exchange, in accordance with guidelines issued by the federal Department of Health and Human Services, that the eligible employee or a dependent meets other exceptional circumstances as the SHOP Exchange may provide;

(v) an eligible employee or a dependent:

1. loses eligibility for coverage under a Medicaid plan under Title XIX of the Social Security Act or a state child health plan under Title XXI of the Social Security Act; or

2. becomes eligible for assistance, with respect to coverage under the SHOP Exchange, under a Medicaid plan or state child health plan, including any

waiver or demonstration project conducted under or in relation to a Medicaid plan or a state child health plan;

(vi) for SHOP Exchange health benefit plans:

1. an eligible employee's or a dependent's enrollment or nonenrollment in a qualified health plan is, as evaluated and determined by the Exchange:

A. unintentional, inadvertent, or erroneous; and

B. the result of the error, misrepresentation, misconduct, or inaction of an officer, employee, or agent of the Exchange or the federal Department of Health and Human Services, or its instrumentalities, or a non-Exchange entity providing enrollment assistance or conducting enrollment activities; or

2. an eligible employee is an Indian as defined in § 4 of the federal Indian Health Care Improvement Act; ~~or~~

**3. AN ELIGIBLE EMPLOYEE OR DEPENDENT ADEQUATELY DEMONSTRATES TO THE EXCHANGE THAT A MATERIAL ERROR RELATED TO PLAN BENEFITS, SERVICE AREA, OR PREMIUM INFLUENCED THE ELIGIBLE EMPLOYEE'S OR DEPENDENT'S DECISION TO PURCHASE A QUALIFIED HEALTH PLAN THROUGH THE EXCHANGE; OR**

~~(vii) an eligible employee or a dependent has a loss of coverage under a noncalendar year group health benefit plan or individual health benefit plan, even if the eligible employee or dependent has the option to renew the coverage under the individual or group health benefit plan~~ **AN ELIGIBLE EMPLOYEE OR DEPENDENT:**

**1. IS A VICTIM OF DOMESTIC ABUSE OR SPOUSAL ABANDONMENT, AS DEFINED BY 26 C.F.R. § 1.36B-2T;**

**2. IS ENROLLED IN MINIMUM ESSENTIAL COVERAGE;**

**AND**

**3. SEEKS TO ENROLL IN COVERAGE SEPARATE FROM THE PERPETRATOR OF THE ABUSE OR ABANDONMENT;**

**(VIII) AN ELIGIBLE EMPLOYEE OR DEPENDENT:**

**1. APPLIES FOR COVERAGE THROUGH THE INDIVIDUAL EXCHANGE DURING THE ANNUAL OPEN ENROLLMENT PERIOD OR A SPECIAL ENROLLMENT PERIOD;**

**2. IS ASSESSED BY THE INDIVIDUAL EXCHANGE AS POTENTIALLY ELIGIBLE FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM; AND**

**3. IS DETERMINED INELIGIBLE FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE EITHER:**

**A. AFTER OPEN ENROLLMENT HAS ENDED; OR**

**B. MORE THAN 60 DAYS AFTER THE QUALIFYING EVENT;**

**OR**

**(IX) AN ELIGIBLE EMPLOYEE OR DEPENDENT:**

**1. APPLIES FOR COVERAGE THROUGH THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM DURING THE ANNUAL OPEN ENROLLMENT PERIOD; AND**

**2. IS DETERMINED INELIGIBLE FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM AFTER OPEN ENROLLMENT HAS ENDED.**

(5) Loss of minimum essential coverage under paragraph (4)(i) of this subsection does not include loss of coverage due to:

(i) voluntary termination of coverage;

(ii) failure to pay premiums on a timely basis, including COBRA premiums prior to expiration of COBRA coverage; or

(iii) a rescission authorized under 45 C.F.R. § 147.128.

(6) The triggering event described in paragraph (4)(iii) of this subsection is permitted only once per year per individual.

(7) If an eligible employee or a dependent meets the requirements for the triggering event described in paragraph (4)(vi)1 of this subsection, the Exchange may take any action necessary to correct or eliminate the effects of the error, misrepresentation, or inaction.

(8) If an eligible employee meets the requirements for the triggering event described in paragraph (4)(vi)2 of this subsection, the eligible employee **AND A DEPENDENT** may enroll in a qualified health plan or change from one qualified health plan to another one time per month.

(9) An eligible employee or a dependent who meets the requirements for the triggering event described in paragraph (4)(v) of this subsection shall have 60 days from the triggering event to select a health benefit plan.

~~(10) A loss of coverage under a health benefit plan described in paragraph (4)(vii) of this subsection is considered to be the last day of the plan or policy year of the health benefit plan.~~ **IF A VICTIM OF DOMESTIC ABUSE OR SPOUSAL ABANDONMENT MEETS THE REQUIREMENTS FOR THE TRIGGERING EVENT DESCRIBED IN PARAGRAPH (4)(VII) OF THIS SUBSECTION, THE VICTIM'S DEPENDENTS MAY ENROLL IN A QUALIFIED HEALTH PLAN AT THE SAME TIME AS THE VICTIM.**

15-1212.

(a) (1) In this section the following words have the meanings indicated.

(2) “Plan” means, with respect to [a carrier and] a product, the pairing of the health benefits under the product with a particular cost-sharing structure, provider network, and service area.

(3) (i) “Product” means a discrete package of health benefits that [a carrier offers] ARE OFFERED using a particular product network type within a geographic service area.

(ii) “Product” comprises all plans offered within the product.

(4) “Uniform modification of coverage” means a change to a small employer’s health benefit plan that[:

(i) 1. is made in accordance with a State or federal requirement;  
and

2. is effective uniformly among small employers with the same product; or

(ii) meets all of the following requirements:

1. the product is offered by the same carrier;

2. the product is offered as the same network type, such as preferred provider, exclusive provider, closed health maintenance organization plan, or health maintenance organization plan with point of service benefits;

3. the product continues to cover at least a majority of the same service area;

4. within the product, each plan has the same cost-sharing structure as before modification, except:

A. for any variation in cost sharing solely related to changes in cost and utilization of medical care; or

B. to maintain the same metal tier level described in § 1302(d) and (e) of the Affordable Care Act;

5. the product provides the same covered benefits, except for any changes in benefits that cumulatively impact the rate for any plan within the product within an allowable variation of plus or minus 2 percentage points; and

6. the modification is effective uniformly among small employers with the same product] MEETS THE CRITERIA STATED IN 45 C.F.R. § 147.106(E).

**(K) A CARRIER WILL NOT BE CONSIDERED TO HAVE ELECTED NOT TO RENEW ALL HEALTH BENEFIT PLANS THAT ARE ISSUED TO SMALL EMPLOYERS IN THE STATE IF THE CARRIER COMPLIES WITH 45 C.F.R. § 147.106(D)(3).**

15-1301.

(l) (1) “Health benefit plan” means a:

(i) hospital or medical policy or certificate, including those issued under multiple employer trusts or associations located in Maryland or any other state covering Maryland residents;

(ii) policy, contract, or certificate issued by a nonprofit health service plan that covers Maryland residents; or

(iii) health maintenance organization subscriber or group master contract.

(2) “Health benefit plan” does not include:

(i) one or more, or any combination of the following:

1. coverage only for accident or disability income insurance;

2. coverage issued as a supplement to liability insurance;

3. liability insurance, including general liability insurance and automobile liability insurance;

4. workers' compensation or similar insurance;
5. automobile medical payment insurance;
6. credit-only insurance; and
7. coverage for on-site medical clinics;

(ii) the following benefits if they are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of a plan:

1. limited scope dental or vision benefits; and
2. benefits for long-term care, nursing home care, home health care, community-based care, or any combination of these benefits;

(iii) coverage only for a specified disease or illness if offered as independent, noncoordinated benefits;

(iv) hospital indemnity or other fixed indemnity insurance if:

1. offered as independent, noncoordinated benefits;
2. [except as provided in item 5 of this item, the benefits are provided only to individuals who attest in their hospital indemnity or fixed indemnity insurance application that they have other health coverage that is minimum essential coverage, or that they are treated as having minimum essential coverage due to their status as a bona fide resident of any possession of the United States under § 5000A(f)(4)(b) of the Internal Revenue Code, provided that if an application is not required as part of the renewal process, the continued payment of premiums by the individual after receipt of the notice described in item 5B of this item is deemed to satisfy the attestation requirement;

3.] the benefits are paid in a fixed dollar amount per period of hospitalization, illness, or service, regardless of the amount of expenses incurred and of the amount of benefits provided with respect to the event or service under any other health coverage; **AND**

[4.] 3. a notice is displayed prominently in the application materials, in at least 14 point type, that has the following language in capital letters: "This is a supplement to health insurance and is not a substitute for major medical coverage. Lack of major medical coverage (or other minimum essential coverage) may result in an additional payment with your taxes."; [and

5. A. for hospital indemnity insurance or other fixed indemnity insurance contracts issued before May 1, 2015, that require an application as part of the renewal process, the individual provides, on or before October 1, 2016, a written

attestation on the application that the individual has other health insurance coverage that is minimum essential coverage, or that the individual is deemed to have minimum essential coverage due to the individual's status as a bona fide resident of any possession of the United States under § 5000A(f)(4)(b) of the Internal Revenue Code; or

B. for hospital indemnity or other fixed indemnity insurance contracts issued before May 1, 2015, that do not require an application as part of the renewal process, the issuer sends no later than the first renewal of the contract that occurs on or after October 1, 2016, a notice, in at least 14 point type, to the individual that includes the following language: “This is a supplement to health insurance and is not a substitute for major medical coverage. Lack of major medical coverage (or other minimum essential coverage) may result in an additional payment with your taxes. This insurance will remain in force as long as you continue to pay your premiums.”;] or

(v) the following benefits if offered as a separate insurance policy:

1. Medicare supplemental health insurance (as defined under § 1882(g)(1) of the Social Security Act);

2. coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code; and

3. similar supplemental coverage provided to coverage under ~~an employer-sponsored plan~~ **A GROUP HEALTH PLAN IF THE COVERAGE QUALIFIES FOR THE EXCEPTION DESCRIBED IN 45 C.F.R. § 146.145(B)(5)(I)(C).**

**(S) “SHORT-TERM LIMITED DURATION INSURANCE” HAS THE MEANING STATED IN 45 C.F.R. § 144.103.**

**[(s)] (T) “Waiting period” means the period of time that must pass before an individual is eligible to be covered for benefits under the terms of a group health benefit plan.**

15-1308.

**(H) A CARRIER WILL NOT BE CONSIDERED TO HAVE ELECTED NOT TO RENEW ALL INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE IF THE CARRIER COMPLIES WITH 45 C.F.R. § 147.106(D)(3).**

15-1309.

(a) (1) In this section the following words have the meanings indicated.

(2) “Plan” means, with respect to [a carrier and] a product, the pairing of the health benefits under the product with a particular cost-sharing structure, provider network, and service area.

(3) (i) “Product” means a discrete package of health benefits that [a carrier offers] ARE OFFERED using a particular product network type within a geographic service area.

(ii) “Product” comprises all plans offered within the product.

(4) “Uniform modification of coverage” means a change to a health benefit plan that[:

(i) 1. is made in accordance with a State or federal requirement;  
and

2. is effective uniformly for all individuals with the same product; or

(ii) meets all of the following requirements:

1. the product is offered by the same carrier;

2. the product is offered as the same network type, such as preferred provider, exclusive provider, closed health maintenance organization plan, or health maintenance organization plan with point of service benefits;

3. the product continues to cover at least a majority of the same service area;

4. within the product, each plan has the same cost-sharing structure as before modification, except:

A. for any variation in cost sharing solely related to changes in cost and utilization of medical care; or

B. to maintain the same metal tier level described in § 1302(d) and (e) of the Affordable Care Act;

5. the product provides the same covered benefits, except for any changes in benefits that cumulatively impact the rate for any plan within the product within an allowable variation of plus or minus 2 percentage points; and

6. the modification is effective uniformly for all individuals with the same product] MEETS THE CRITERIA STATED IN 45 C.F.R. § 147.106(E).

**(I) A CARRIER MAY NOT CANCEL OR REFUSE TO RENEW AN INDIVIDUAL HEALTH BENEFIT PLAN BECAUSE AN ELIGIBLE INDIVIDUAL IS ENTITLED TO OR**

**ENROLLED IN MEDICARE IF THE ELIGIBLE INDIVIDUAL IS RENEWING COVERAGE UNDER THE SAME POLICY OR CONTRACT OF INSURANCE.**

15-1401.

(h) (1) “Health benefit plan” means any:

(i) hospital or medical policy, including those issued under multiple employer trusts or associations located in Maryland or any other state covering Maryland residents;

(ii) policy or contract issued by a nonprofit health service plan that covers Maryland residents; or

(iii) health maintenance organization subscriber or group master contract.

(2) “Health benefit plan” does not include:

(i) one or more, or any combination of the following:

1. coverage only for accident or disability income insurance;

2. coverage issued as a supplement to liability insurance;

3. liability insurance, including general liability insurance and automobile liability insurance;

4. workers’ compensation or similar insurance;

5. automobile medical payment insurance;

6. credit-only insurance;

7. coverage for on-site medical clinics; and

8. other similar insurance coverage, specified in federal regulations issued under the federal Health Insurance Portability and Accountability Act, under which benefits for medical care are secondary or incidental to other insurance benefits;

(ii) the following benefits if they are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of the plan:

1. limited scope dental or vision benefits;

2. benefits for long-term care, nursing home care, home health care, community-based care, or any combination of these benefits; and

3. such other similar, limited benefits as are specified in federal regulations issued under the federal Health Insurance Portability and Accountability Act;

(iii) the following benefits if offered as independent, noncoordinated benefits:

1. coverage only for a specified disease or illness; and

2. hospital indemnity or other fixed indemnity insurance, if the benefits are payable in a fixed dollar amount per period of time, [such as \$100 per day of hospitalization,] regardless of the amount of expenses incurred; or

(iv) the following benefits if offered as a separate insurance policy:

1. Medicare supplemental health insurance (as defined under § 1882(g)(1) of the Social Security Act);

2. coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code; and

3. similar supplemental coverage provided to coverage under an employer sponsored plan if[:

A. the coverage is specifically designed to fill gaps in primary coverage, such as coinsurance or deductibles; and

B. the coverage is not supplemental solely because it becomes secondary or supplemental under a coordination of benefits clause] **THE COVERAGE QUALIFIES FOR THE EXCEPTION DESCRIBED IN 45 C.F.R. § 146.145(B)(5)(I)(C).**

15-1409.

(a) In this section, “product” means a discrete package of health benefits that [a carrier offers] **ARE OFFERED** using a particular product network type within a geographic service area.

(G) **A CARRIER WILL NOT BE CONSIDERED TO HAVE ELECTED NOT TO RENEW ALL GROUP HEALTH BENEFIT PLANS IN THE STATE IF THE CARRIER COMPLIES WITH 45 C.F.R. § 147.106(D)(3).**

31-101.

(g) (1) “Health benefit plan” means a policy, contract, certificate, or agreement offered, issued, or delivered by a carrier to an individual or small employer in the State to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

(2) “Health benefit plan” does not include:

(i) coverage only for accident or disability insurance or any combination of accident and disability insurance;

(ii) coverage issued as a supplement to liability insurance;

(iii) liability insurance, including general liability insurance and automobile liability insurance;

(iv) workers’ compensation or similar insurance;

(v) automobile medical payment insurance;

(vi) credit-only insurance;

(vii) coverage for on-site medical clinics; or

(viii) other similar insurance coverage, specified in federal regulations issued pursuant to the federal Health Insurance Portability and Accountability Act, under which benefits for health care services are secondary or incidental to other insurance benefits.

(3) “Health benefit plan” does not include the following benefits if they are provided under a separate policy, certificate, or contract of insurance, or are otherwise not an integral part of the plan:

(i) limited scope dental or vision benefits;

(ii) benefits for long-term care, nursing home care, home health care, community-based care, or any combination of these benefits; or

(iii) such other similar limited benefits as are specified in federal regulations issued pursuant to the federal Health Insurance Portability and Accountability Act.

(4) “Health benefit plan” does not include the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid with respect to an event without regard to whether the benefits are provided under any group health plan maintained by the same plan sponsor:

- (i) coverage only for a specified disease or illness;
- (ii) group hospital indemnity or other fixed indemnity insurance, if the benefits are payable in a fixed dollar amount per period of time, such as \$100 per day of hospitalization, regardless of the amount of expenses incurred; or
- (iii) individual hospital indemnity or other fixed indemnity insurance, if:

1. [except as provided in item 4 of this item, the benefits are provided only to individuals who attest in their hospital indemnity or fixed indemnity insurance application that they have other health coverage that is minimum essential coverage, or that they are treated as having minimal essential coverage due to their status as a bona fide resident of any possession of the United States under § 5000A(f)(4)(b) of the Internal Revenue Code, provided that if an application is not required as part of the renewal process, the continued payment of premiums by the individual after receipt of the notice described in item 4B of this item is deemed to satisfy the attestation requirement;

2.] the benefits are paid in a fixed dollar amount per period of hospitalization, illness, or service, regardless of the amount of expenses incurred and of the amount of benefits provided with respect to the event or service under any other health coverage; **AND**

[3.] 2. a notice is displayed prominently in the application materials, in at least 14 point type, that has the following language in capital letters: “This is a supplement to health insurance and is not a substitute for major medical coverage. Lack of major medical coverage (or other minimum essential coverage) may result in an additional payment with your taxes.”];

4. A. for hospital indemnity insurance or other fixed indemnity insurance contracts issued before May 1, 2015, that require an application as part of the renewal process, the individual provides, on or before October 1, 2016, a written attestation on the application that the individual has other health insurance coverage that is minimum essential coverage, or that the individual is deemed to have minimum essential coverage due to the individual’s status as a bona fide resident of any possession of the United States under § 5000A(f)(4)(b) of the Internal Revenue Code; or

B. for hospital indemnity or other fixed indemnity insurance contracts issued before May 1, 2015, that do not require an application as part of the renewal process, the issuer sends no later than the first renewal of the contract that occurs on or after October 1, 2016, a notice, in at least 14 point type, to the individual that includes the following language: “This is a supplement to health insurance and is not a substitute for major medical coverage. Lack of major medical coverage (or other minimum essential coverage) may result in an additional payment with your taxes. This insurance will remain in force as long as you continue to pay your premiums.”].

(5) “Health benefit plan” does not include the following if offered as a separate policy, certificate, or contract of insurance:

(i) Medicare supplemental insurance (as defined under § 1882(g)(1) of the Social Security Act);

(ii) coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code (Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)); or

(iii) similar supplemental coverage provided to coverage under a group health plan if:

~~1. the coverage is specifically designed to fill gaps in primary coverage, such as coinsurance or deductibles; and~~

~~2. the coverage is not supplemental solely because it becomes secondary or supplemental under a coordination of benefits clause~~ **THE COVERAGE QUALIFIES FOR THE EXCEPTION DESCRIBED IN 45 C.F.R. § 146.145(B)(5)(I)(C).**

(z) (1) “Small employer” means an employer that, during the preceding calendar year, employed an average of not more than:

(i) 50 employees for plan years that begin before January 1, 2016;  
and

(ii) 100 employees for plan years that begin on or after January 1, 2016, or another number of employees or date as provided under federal law.

(2) For purposes of this subsection:

(i) all persons treated as a single employer under § 414(b), (c), [(m),] or (o) of the Internal Revenue Code shall be treated as a single employer;

(ii) an employer and any predecessor employer shall be treated as a single employer;

(iii) the number of employees of an employer shall be determined by adding:

1. the number of full-time employees; and

2. the number of full-time equivalent employees, which shall be calculated for a particular month by dividing the aggregate number of hours of service of employees who are not full-time employees for the month by 120;

(iv) if an employer was not in existence throughout the preceding calendar year, the determination of whether the employer is a small employer shall be based on the average number of employees that the employer is reasonably expected to employ on business days in the current calendar year; [and]

(v) an employer that makes enrollment in qualified health plans available to its employees through the SHOP Exchange, and would cease to be a small employer by reason of an increase in the number of its employees, shall continue to be treated as a small employer for purposes of this title as long as it continuously makes enrollment through the SHOP Exchange available to its employees; AND

(VI) TO THE EXTENT PERMITTED BY FEDERAL LAW, AN ENTITY THAT LEASES EMPLOYEES FROM A PROFESSIONAL EMPLOYER ORGANIZATION, COEMPLOYER, OR OTHER ORGANIZATION ENGAGED IN EMPLOYEE LEASING AND THAT OTHERWISE MEETS THE DESCRIPTION IN THIS SECTION SHALL BE TREATED AS A SMALL EMPLOYER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 721

(Senate Bill 169)

AN ACT concerning

~~Maryland Medical Assistance Program~~ **Health – Cost of Emergency Room Visits to Treat Dental Conditions and Coverage of Dental Services Under Medicaid – Study**

FOR the purpose of ~~requiring~~ authorizing the ~~Department of Health and Mental Hygiene~~ Maryland Dental Action Coalition to conduct a study to determine the annual cost of emergency room visits to treat dental conditions of ~~adult enrollees in the Maryland Medical Assistance Program~~ certain adults *and whether it is advisable to expand benefits for dental services for certain adults under the Maryland Medical Assistance Program*; ~~requiring~~ authorizing the ~~Department~~ Coalition to conduct the study in a certain manner, report the findings of the study to the Department of Health and Mental Hygiene and the General Assembly on or before a certain date, and distribute the report to certain stakeholders or a certain coalition of stakeholders; *authorizing the Program, under certain circumstances, to provide dental services for certain adults beginning on a certain date and subject to certain limitations; making certain provisions of this Act subject to a certain contingency*; and generally relating to ~~the~~

~~Maryland Medical Assistance Program and a study of the cost of emergency room visits to treat dental conditions and the advisability of expanding benefits for dental services under the Maryland Medical Assistance Program.~~

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15-103(a)(1)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15-103(a)(2)(xi) and (xii)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health – General

Section 15-103(a)(2)(xiii)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(a) ~~The Department of Health and Mental Hygiene shall~~ Maryland Dental Action Coalition may conduct a study to determine:

~~(1) the annual cost of emergency room visits to treat dental conditions of adult enrollees in the Maryland Medical Assistance Program;~~

~~(1)~~ (i) adult enrollees in the Maryland Medical Assistance Program;

~~(2)~~ (ii) adults who have private health insurance coverage; and

~~(3)~~ (iii) adults who are uninsured; and

(2) whether it is advisable to expand the benefits provided under the Maryland Medical Assistance Program to include dental services for adults whose annual household income is at or below 133 percent of the poverty level.

(b) In conducting the study ~~required~~ authorized under subsection (a) of this section, the ~~Department shall~~ Coalition may:

(1) use emergency room utilization data from the Health Services Cost Review Commission to determine for ~~adult Medical Assistance enrollees~~ the categories of individuals specified in subsection (a) of this section:

(i) the annual cost of emergency room visits for dental health care treatment for all dental conditions by zip code and county; and

(ii) the annual cost of emergency room visits for dental health care treatment for chronic dental conditions by zip code and county;

(2) evaluate whether there may be underreporting of dental-related diagnoses in the emergency room utilization data from the Health Services Cost Review Commission; and

(3) identify methods to improve the reporting and analysis of the data relating to utilization of emergency rooms for treatment of dental conditions.

(c) (1) On or before December 1, 2017, the ~~Department shall~~ Coalition may report to the ~~General Assembly, in accordance with § 2-1246 of the State Government Article, Department of Health and Mental Hygiene and the General Assembly~~ the findings of the study conducted under subsection (a) of this section.

(2) The ~~Department shall~~ Coalition may distribute the report to any local stakeholders, or coalition of stakeholders, with an interest in using the emergency room data for their region of the State to improve access to dental services ~~for adult enrollees in the Maryland Medical Assistance Program.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

*Article – Health – General*

15-103.

(a) (1) *The Secretary shall administer the Maryland Medical Assistance Program.*

(2) *The Program:*

(xi) *May include bedside nursing care for eligible Program recipients;*

[and]

(xii) *Shall provide services in accordance with funding restrictions included in the annual State budget bill; AND*

**(XIII) BEGINNING ON JANUARY 1, 2019, MAY PROVIDE, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, AND AS PERMITTED BY FEDERAL LAW, DENTAL SERVICES FOR ADULTS WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR BELOW 133 PERCENT OF THE POVERTY LEVEL.**

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Section 2 of this Act is contingent on the Maryland Dental Action Coalition determining, as part of the findings of the study authorized under Section 1(a) of this Act, that it is advisable to expand the benefits provided under the Maryland Medical Assistance Program to include dental services for adults whose annual household income is at or below 133 percent of the poverty level.

(b) If the report authorized under Section 1(c)(1) of this Act does not include the finding described in subsection (a) of this section, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect June 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 722**

**(House Bill 1553)**

AN ACT concerning

**Nonprofit Health Entity – Acquisition – Waiver of Waiting Period**

FOR the purpose of authorizing a certain regulating entity, under certain circumstances, to waive a certain waiting period between the date a determination is made on a certain acquisition of a nonprofit health entity and the date the determination takes effect; making conforming changes; making this Act an emergency measure; and generally relating to acquisitions of nonprofit health entities.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 6.5–203  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Government**

6.5–203.

(a) (1) As soon as practicable, but no later than 90 days after receiving a complete application, including all necessary expert reports, the appropriate regulating entity shall hold a public hearing.

(2) If the nonprofit health entity is a hospital, the regulating entity shall hold the public hearing in the jurisdiction in which the hospital is located.

(b) A public hearing under this section shall be a quasi-legislative hearing and not a contested case hearing.

(c) Any person may file written comments and exhibits or make a statement at the public hearing.

(d) The regulating entity may:

- (1) subpoena information and witnesses;
- (2) require sworn statements;
- (3) take depositions; and
- (4) use related discovery procedures.

(e) (1) The regulating entity may contract with experts as reasonably necessary to:

- (i) determine whether to approve an acquisition generally;
- (ii) perform an independent valuation of the public or charitable assets of the transferor;
- (iii) evaluate the impact of the acquisition on the affected community;
- (iv) determine whether there has been due diligence by the transferor; and
- (v) determine the existence of any conflicts of interest.

(2) The selection of an expert by a regulating entity under paragraph (1) of this subsection shall be subject to the State procurement laws.

(3) If a regulating entity contracts for expert assistance under paragraph (1) of this subsection, the transferee shall pay the reasonable cost of the expert assistance, as determined by the regulating entity.

(f) Within 60 days after the record, including the public hearing process, has been closed, the appropriate regulating entity shall:

- (1) approve the acquisition, with or without modifications; or
- (2) disapprove the acquisition.

(g) (1) Subject to paragraph (2) of this subsection, at its discretion, the regulating entity may extend for good cause for a 60–day period the time for making a determination under subsection (f) of this section.

(2) The regulating entity is limited to a maximum of two 60–day extensions for making a determination on the same application.

(h) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** determination made by the appropriate regulating entity under subsection (f) of this section may not take effect until **THE EARLIER OF:**

(I) 90 calendar days after the date the determination is made; or

(II) **THE DATE** when ratified or rejected by the General Assembly[, whichever is earlier].

**(2) THE APPROPRIATE REGULATING ENTITY MAY WAIVE THE WAITING PERIOD UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IF THE APPROPRIATE REGULATING ENTITY DETERMINES THAT WAIVING THE WAITING PERIOD IS IN THE BEST INTEREST OF THE PUBLIC.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, May 25, 2017.**

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## Chapter 723

(Senate Bill 527)

AN ACT concerning

### **Credit Regulation – Unsecured Open End Credit Plans – Fees and Charges**

FOR the purpose of providing that certain fees and charges permitted to be imposed on a certain consumer borrower under a certain unsecured open end credit plan, when

combined with any interest charged under the plan, may not exceed a certain effective rate of interest; making a conforming change; and generally relating to the regulation of fees and charges under unsecured open end credit plans.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 12–905

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Commercial Law**

12–905.

(a) With respect to an unsecured open end credit plan, fees or charges may not be imposed on a consumer borrower in addition to interest or finance charges as permitted by this subtitle, except as follows:

(1) If the plan is offered by a seller of goods or services, or both, and may be used only for the purchase or lease of the seller's goods and services, the seller may charge one of the following fees:

(i) An annual charge in any amount the agreement provides for the privileges made available to the consumer borrower under the plan;

(ii) A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase under the plan; or

(iii) A minimum charge for each scheduled billing period under the plan during any portion of which there is an outstanding unpaid indebtedness under the plan.

(2) If the plan is offered by any other credit grantor, the credit grantor may impose any or all of the following fees:

(i) An annual charge in any amount the agreement provides for the privileges made available to the consumer borrower under the plan;

(ii) A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase or loan under the plan; and

(iii) A minimum charge for each scheduled billing period under the plan during any portion of which there is an outstanding unpaid indebtedness under the plan.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, if the credit agreement provides, a credit union may make loans or extend credit to its members incorporating the same terms and conditions as a federal credit union is permitted under federal law and regulations relating to:

- (i) An over the limit fee assessed on a credit card account; and
- (ii) Fees for ancillary and administrative services requested by the member, including:
  1. Researching account records;
  2. Providing duplicate statements and other documents; and
  3. Expedited issuance of a duplicate or original credit card or device.

(b) (1) Except as provided in subsection (f) of this section, with respect to a secured open end credit plan, fees or charges may not be imposed on a consumer borrower in addition to interest or finance charges except for actual and verifiable fees incurred by the credit grantor and not retained by the credit grantor for the following:

- (i) Attorney's fees for services rendered in connection with the preparation, closing, or disbursement of the loan;
- (ii) Any expense, tax, or charge paid to a governmental agency;
- (iii) Examination of title, appraisal, or other costs necessary or appropriate to the security of the loan; and
- (iv) Premiums for any insurance coverage permitted under this subtitle.

(2) The additional fees or charges permitted under this subsection may be imposed, charged, and collected at any time.

(c) If a plan is established for a consumer borrower, a fee or charge may not be charged or collected unless the agreement concerning the plan permits the fee to be charged.

(d) If a plan is established for a nonconsumer borrower, the nonconsumer borrower and credit grantor may agree upon any terms concerning charges and fees.

(e) **(1)** For purposes of this section, the additional charges listed in subsections **[(a)] (A)(1) AND (3)**, (b), and (f) of this section are not interest or finance charges with respect to a plan.

**(2) ANY FEES OR CHARGES PERMITTED UNDER SUBSECTION (A)(2) OF THIS SECTION, WHEN COMBINED WITH ANY INTEREST CHARGED, MAY NOT EXCEED AN EFFECTIVE RATE OF 33% PER ANNUM SIMPLE INTEREST.**

(f) (1) Subject to the provisions of paragraphs (2) through (8) of this subsection, a credit grantor of an open end credit plan that is secured by a deposit, savings, passbook, or other similar account or certificate of deposit may impose:

(i) An application fee not to exceed \$35; and

(ii) An annual charge not to exceed \$35 for the privileges made available to the consumer borrower under the plan.

(2) If an application to the plan is approved, the credit grantor shall credit the application fee:

(i) To the initial annual charge; and

(ii) If there is no annual charge, to the interest or finance charges under the plan.

(3) If an application to the plan is rejected, the credit grantor shall return the application fee to the applicant.

(4) Within 45 days after the receipt of the application, the credit grantor shall:

(i) Accept the application; or

(ii) Reject the application and return the application fee to the applicant.

(5) Any such plan shall have a credit limit of no less than the amount of the deposit, savings, passbook, or other similar account or certificate of deposit required as security.

(6) The application shall state the amount of:

(i) The minimum required security; and

(ii) The application fee.

(7) The agreement shall state the amount of the annual charge.

(8) If an annual charge is imposed, the credit grantor shall pay interest on the deposit, savings, passbook, or other similar account or certificate of deposit required as security in the greater of:

(i) A rate of 4 percent per annum simple interest; or

(ii) The rate of interest regularly paid on regular passbook savings accounts by the lending institution that issued the deposit, savings, passbook, or other similar account or certificate of deposit required as security.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 724

### (House Bill 1270)

AN ACT concerning

#### **Credit Regulation – Unsecured Open End Credit Plans – Fees and Charges**

FOR the purpose of providing that certain fees and charges permitted to be imposed on a certain consumer borrower under a certain unsecured open end credit plan, when combined with any interest charged under the plan, may not exceed a certain effective rate of interest; making a conforming change; and generally relating to the regulation of fees and charges under unsecured open end credit plans.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 12–905

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Commercial Law**

12–905.

(a) With respect to an unsecured open end credit plan, fees or charges may not be imposed on a consumer borrower in addition to interest or finance charges as permitted by this subtitle, except as follows:

(1) If the plan is offered by a seller of goods or services, or both, and may be used only for the purchase or lease of the seller's goods and services, the seller may charge one of the following fees:

(i) An annual charge in any amount the agreement provides for the privileges made available to the consumer borrower under the plan;

(ii) A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase under the plan; or

(iii) A minimum charge for each scheduled billing period under the plan during any portion of which there is an outstanding unpaid indebtedness under the plan.

(2) If the plan is offered by any other credit grantor, the credit grantor may impose any or all of the following fees:

(i) An annual charge in any amount the agreement provides for the privileges made available to the consumer borrower under the plan;

(ii) A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase or loan under the plan; and

(iii) A minimum charge for each scheduled billing period under the plan during any portion of which there is an outstanding unpaid indebtedness under the plan.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, if the credit agreement provides, a credit union may make loans or extend credit to its members incorporating the same terms and conditions as a federal credit union is permitted under federal law and regulations relating to:

(i) An over the limit fee assessed on a credit card account; and

(ii) Fees for ancillary and administrative services requested by the member, including:

1. Researching account records;

2. Providing duplicate statements and other documents; and

3. Expedited issuance of a duplicate or original credit card or device.

(b) (1) Except as provided in subsection (f) of this section, with respect to a secured open end credit plan, fees or charges may not be imposed on a consumer borrower

in addition to interest or finance charges except for actual and verifiable fees incurred by the credit grantor and not retained by the credit grantor for the following:

- (i) Attorney's fees for services rendered in connection with the preparation, closing, or disbursement of the loan;
- (ii) Any expense, tax, or charge paid to a governmental agency;
- (iii) Examination of title, appraisal, or other costs necessary or appropriate to the security of the loan; and
- (iv) Premiums for any insurance coverage permitted under this subtitle.

(2) The additional fees or charges permitted under this subsection may be imposed, charged, and collected at any time.

(c) If a plan is established for a consumer borrower, a fee or charge may not be charged or collected unless the agreement concerning the plan permits the fee to be charged.

(d) If a plan is established for a nonconsumer borrower, the nonconsumer borrower and credit grantor may agree upon any terms concerning charges and fees.

(e) **(1)** For purposes of this section, the additional charges listed in subsections ~~[(a)]~~ **(A)(1) AND (3)**, (b), and (f) of this section are not interest or finance charges with respect to a plan.

**(2) ANY FEES OR CHARGES PERMITTED UNDER SUBSECTION (A)(2) OF THIS SECTION, WHEN COMBINED WITH ANY INTEREST CHARGED, MAY NOT EXCEED AN EFFECTIVE RATE OF 33% PER ANNUM SIMPLE INTEREST.**

(f) (1) Subject to the provisions of paragraphs (2) through (8) of this subsection, a credit grantor of an open end credit plan that is secured by a deposit, savings, passbook, or other similar account or certificate of deposit may impose:

- (i) An application fee not to exceed \$35; and
- (ii) An annual charge not to exceed \$35 for the privileges made available to the consumer borrower under the plan.

(2) If an application to the plan is approved, the credit grantor shall credit the application fee:

- (i) To the initial annual charge; and

(ii) If there is no annual charge, to the interest or finance charges under the plan.

(3) If an application to the plan is rejected, the credit grantor shall return the application fee to the applicant.

(4) Within 45 days after the receipt of the application, the credit grantor shall:

(i) Accept the application; or

(ii) Reject the application and return the application fee to the applicant.

(5) Any such plan shall have a credit limit of no less than the amount of the deposit, savings, passbook, or other similar account or certificate of deposit required as security.

(6) The application shall state the amount of:

(i) The minimum required security; and

(ii) The application fee.

(7) The agreement shall state the amount of the annual charge.

(8) If an annual charge is imposed, the credit grantor shall pay interest on the deposit, savings, passbook, or other similar account or certificate of deposit required as security in the greater of:

(i) A rate of 4 percent per annum simple interest; or

(ii) The rate of interest regularly paid on regular passbook savings accounts by the lending institution that issued the deposit, savings, passbook, or other similar account or certificate of deposit required as security.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 725**

**(Senate Bill 290)**

AN ACT concerning

**Maryland Automobile Insurance Fund – Motor Vehicle Liability Insurance Policies – Eligibility and Producer Charge Placement and Reinstatement**

FOR the purpose of ~~authorizing and requiring the Maryland Automobile Insurance Fund, under certain circumstances, to sell, issue, and deliver a motor vehicle liability insurance policy that provides a certain security to a person that is eligible for a policy under a certain provision of this Act and has a certain license; providing that a person that commutes to a full-time job in the State and resides in a state that is immediately adjacent to this State is eligible for a certain policy~~ authorizing a certain motor vehicle insurer and the Maryland Automobile Insurance Fund to reinstate a certain private passenger motor vehicle liability insurance policy in a certain manner under certain circumstances; requiring a policyholder to provide to a certain insurer and the Fund a certain certification in a certain form and manner and at a certain time; requiring a certain reinstatement to be implemented in accordance with certain guidelines; providing that a certain reinstatement is subject to certain provisions of law; providing that a premium finance company is not required to reinstate a policy under certain circumstances; increasing the maximum charge that a fund producer may charge and collect as actual expenses incurred in placing automobile insurance with the Fund; providing that a certain provision of law does not prohibit a certain insurer or the Fund from charging and collecting a certain fee for a certain reinstatement of a private passenger motor vehicle liability insurance policy; providing that a certain provision of law does not prohibit a licensed insurance producer or a fund producer from charging and collecting a certain fee for a certain reinstatement of a private passenger motor vehicle liability insurance policy; requiring the Maryland Insurance Commissioner to review certain expenses; authorizing the Commissioner to approve certain reinstatement fees; and generally relating to the ~~Fund and~~ placement and reinstatement of motor vehicle liability insurance policies.

BY adding to

Article – Insurance

Section 19–519, 23–311, and 27–216(b)(4)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section ~~20–502(a) and (b) and~~ 27–216(b)(2)(iv)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section ~~20–502(d) and~~ 27–216(b)(1) and 27–501(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Insurance

~~20-502.~~

~~(a) On payment of the premium set by the Fund, the Fund is authorized to and shall sell, issue, and deliver a policy that provides the security required under § 17-103 of the Transportation Article to a person:~~

~~(1) (I) that owns a covered vehicle registered with the Motor Vehicle Administration[.];~~

~~(II) THAT has a license issued by the Motor Vehicle Administration to drive a covered vehicle[. or];~~

~~(III) THAT is a lessee under a “lease not intended as security”, as defined in § 11-127.1(b) of the Transportation Article; OR~~

~~(IV) 1. THAT IS ELIGIBLE FOR A POLICY UNDER SUBSECTION (B)(6) OF THIS SECTION; AND~~

~~2. THAT HAS A LICENSE TO DRIVE A COVERED VEHICLE ISSUED BY THE MOTOR VEHICLE LICENSING AUTHORITY IN THE PERSON’S STATE OF DOMICILE;~~

~~(2) that does not owe to the Fund:~~

~~(i) an unpaid premium with respect to a policy that has expired or been canceled; or~~

~~(ii) a claim payment obtained by fraud;~~

~~(3) that:~~

~~(i) has attempted in good faith to obtain a policy that provides the security required under § 17-103 of the Transportation Article from at least two Association members and has been rejected or refused the policy by two Association members for any reason other than nonpayment of premiums; or~~

~~(ii) has had a policy that provides the security required under § 17-103 of the Transportation Article canceled or nonrenewed by an Association member for any reason other than nonpayment of premiums; and~~

- ~~(4) that meets the requirements of subsection (b) of this section.~~
- ~~(b) To be eligible for a policy issued under this subtitle, a person must:~~
- ~~(1) be domiciled in the State;~~
- ~~(2) own, lease, or rent a primary place of residence in the State and, regardless of the person's domicile, reside in the State for more than 1 year;~~
- ~~(3) maintain a main or branch office or warehouse facility in the State, and base and operate motor vehicles intrastate in the State;~~
- ~~(4) have filed as a State resident for income tax purposes; [or]~~
- ~~(5) have a nonresident permit issued under § 13-402.1(e) of the Transportation Article; OR~~
- ~~(6) (i) COMMUTE TO A FULL-TIME JOB IN THE STATE; AND~~
- ~~(ii) RESIDE IN A STATE THAT IS IMMEDIATELY ADJACENT TO THE STATE.~~
- ~~(d) The eligibility of an applicant for insurance from the Fund shall be certified at a time and in a manner approved by the Fund.~~

**19-519.**

**(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN AUTHORIZED MOTOR VEHICLE INSURER AND THE MARYLAND AUTOMOBILE INSURANCE FUND MAY REINSTATE, WITHOUT A LAPSE IN COVERAGE, A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY THAT WAS CANCELED BY THE INSURER OR THE FUND FOR NONPAYMENT OF PREMIUM ON PAYMENT BY THE POLICYHOLDER OF:**

- (1) ALL EARNED PREMIUMS OWED TO THE INSURER OR THE FUND;**
- AND**
- (2) ANY REASONABLE FEE APPROVED BY THE COMMISSIONER UNDER § 27-216(B)(4) OF THIS ARTICLE.**

**(B) BEFORE AN AUTHORIZED MOTOR VEHICLE INSURER OR THE MARYLAND AUTOMOBILE INSURANCE FUND REINSTATES A POLICY UNDER THIS SECTION, THE POLICYHOLDER SHALL PROVIDE TO THE INSURER OR THE FUND A WRITTEN CERTIFICATION, IN THE FORM AND MANNER SPECIFIED BY THE INSURER OR THE**

FUND, THAT NO LOSSES WERE INCURRED BY THE POLICYHOLDER FROM THE TIME AND DATE THE POLICY WAS CANCELED THROUGH THE TIME AND DATE THE POLICY IS REINSTATED.

(C) A REINSTATEMENT OF A POLICY BY AN AUTHORIZED MOTOR VEHICLE INSURER OR THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER THIS SECTION:

(1) SHALL BE IMPLEMENTED IN ACCORDANCE WITH WRITTEN UNDERWRITING GUIDELINES ADOPTED BY THE INSURER OR THE FUND; AND

(2) IS SUBJECT TO THE REQUIREMENTS OF § 27-501(A) OF THIS ARTICLE IN THE SAME MANNER AS A CANCELLATION, A REFUSAL TO UNDERWRITE, OR A REFUSAL TO RENEW A RISK OR CLASS OF RISK.

23-311.

A PREMIUM FINANCE COMPANY IS NOT REQUIRED TO REINSTATE A POLICY IF:

(1) THE INSURER REQUIRES A REINSTATEMENT FEE, AS AUTHORIZED UNDER § 27-216(B)(4) OF THIS ARTICLE, TO BE PAID BY THE INSURED; AND

(2) THE INSURED DOES NOT TIMELY PAY THE REINSTATEMENT FEE.

27-216.

(b) (1) A person may not willfully collect a premium or charge for insurance that:

(i) exceeds or is less than the premium or charge applicable to that insurance under the applicable classifications and rates as filed with and approved by the Commissioner; or

(ii) if classifications, premiums, or rates are not required by this article to be filed with and approved by the Commissioner, exceeds or is less than the premium or charge specified in the policy and set by the insurer.

(2) Paragraph (1) of this subsection does not prohibit:

(iv) a fund producer from charging and collecting, as actual expenses incurred in placing automobile insurance with the Maryland Automobile Insurance Fund:

1. a maximum charge of ~~[\$10]~~ **\$25** plus \$1 more than the actual charge by the Motor Vehicle Administration for a driving record required to be presented with the application, unless otherwise provided by the Fund; or

2. the amount provided in subsection (e) of this section.

**(4) (I) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT AN AUTHORIZED MOTOR VEHICLE INSURER OR THE MARYLAND AUTOMOBILE INSURANCE FUND FROM CHARGING AND COLLECTING A REASONABLE FEE APPROVED BY THE COMMISSIONER UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH FOR THE REINSTATEMENT OF A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY IN ACCORDANCE WITH § 19-519 OF THIS ARTICLE.**

**(II) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT A LICENSED INSURANCE PRODUCER OR A FUND PRODUCER FROM CHARGING AND COLLECTING A REASONABLE FEE APPROVED BY THE COMMISSIONER UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH FOR THE REINSTATEMENT OF A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY IN ACCORDANCE WITH § 19-519 OF THIS ARTICLE.**

**(III) THE COMMISSIONER:**

**1. SHALL REVIEW THE ADMINISTRATIVE EXPENSES SUBMITTED BY AN AUTHORIZED MOTOR VEHICLE INSURER OR THE MARYLAND AUTOMOBILE INSURANCE FUND THAT ARE ASSOCIATED WITH REINSTATEMENTS UNDER § 19-519 OF THIS ARTICLE; AND**

**2. MAY APPROVE A REINSTATEMENT FEE NOT TO EXCEED:**

**A. \$10 TO BE CHARGED AND COLLECTED BY THE INSURER OR THE FUND; AND**

**B. \$15 TO BE CHARGED AND COLLECTED BY THE INSURANCE PRODUCER OR THE FUND PRODUCER.**

27-501.

**(a) (1) An insurer or insurance producer may not cancel or refuse to underwrite or renew a particular insurance risk or class of risk for a reason based wholly or partly on race, color, creed, sex, or blindness of an applicant or policyholder or for any arbitrary, capricious, or unfairly discriminatory reason.**

**(2) Except as provided in this section, an insurer or insurance producer may not cancel or refuse to underwrite or renew a particular insurance risk or class of risk except by the application of standards that are reasonably related to the insurer's economic and business purposes.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 726**

### **(House Bill 1273)**

AN ACT concerning

#### **Pharmacists – Substitution and Dispensing of Biological Products**

FOR the purpose of authorizing a pharmacist to substitute an interchangeable biological product for a certain prescribed product under certain circumstances; requiring a pharmacist or the pharmacist's designee, except under certain circumstances, to inform certain consumers of the availability of an interchangeable biological product and the approximate cost difference as compared to a certain drug; requiring the State Board of Pharmacy to maintain on its Web site a link to certain lists of biological products; requiring a pharmacist who makes a certain substitution to notify the patient in writing that a certain product is interchangeable and to record and keep a record of certain information relating to the substitution; authorizing the Department of Health and Mental Hygiene to disqualify an interchangeable biological product from being used as a substitute in the State under certain circumstances; requiring the Department to provide an opportunity for public comment under certain circumstances; providing that a pharmacist who substitutes an interchangeable biological product in compliance with certain provisions of law incurs no greater liability than would be incurred in filling the prescription by dispensing a certain drug or device; requiring, within a certain period of time after dispensing a biological product to a patient, the dispensing pharmacist or the pharmacist's designee to communicate the specific biological product dispensed, including certain information, to the prescriber except under certain circumstances; specifying the methods by which the communication must be provided except under certain circumstances; defining certain terms; and generally relating to the substitution and dispensing of biological products.

BY renumbering

Article – Health Occupations

Section 12–101(c) through (j) and (k) through (aa), respectively  
to be Section 12–101(d) through (k) and (n) through (dd), respectively

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 12–101(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health Occupations  
Section 12–101(c), (l), and (m) and 12–504.1  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 12–504  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12–101(c) through (j) and (k) through (aa), respectively, of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) 12–101(d) through (k) and (n) through (dd), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Health Occupations**

12–101.

(a) In this title the following words have the meanings indicated.

(C) **“BIOLOGICAL PRODUCT” HAS THE MEANING STATED IN 42 U.S.C. § 262.**

(L) **“DRUG” HAS THE MEANING STATED IN § 21–101 OF THE HEALTH – GENERAL ARTICLE.**

(M) **“INTERCHANGEABLE BIOLOGICAL PRODUCT” MEANS A BIOLOGICAL PRODUCT THAT IS:**

(1) **LICENSED AND DETERMINED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO MEET THE STANDARDS FOR INTERCHANGEABILITY UNDER 42 U.S.C. § 262(K)(4); OR**

(2) **DETERMINED TO BE THERAPEUTICALLY EQUIVALENT AS STATED IN THE LATEST EDITION OF OR SUPPLEMENT TO THE UNITED STATES FOOD AND DRUG ADMINISTRATION’S APPROVED DRUG PRODUCTS WITH THERAPEUTIC EQUIVALENCE EVALUATIONS (THE “ORANGE BOOK”).**

12-504.

(a) In this section, “brand name” means the proprietary name a manufacturer places on a drug or device product or its container.

(b) (1) Subject to the provisions of this subtitle, a pharmacist, or the pharmacist’s designee, who is under the direct supervision of the pharmacist, shall inform a retail consumer to the best of the pharmacist’s or the pharmacist’s designee’s knowledge of the availability of a generically equivalent drug **OR AN INTERCHANGEABLE BIOLOGICAL PRODUCT** and shall inform a retail consumer of the approximate cost difference as compared to the brand name drug.

(2) The Board shall adopt procedures for:

(i) A consumer to notify the Board when a pharmacist fails to provide the information required under paragraph (1) of this subsection; and

(ii) Advising a pharmacist to bring the pharmacist into compliance with the requirements of paragraph (1) of this subsection.

(3) Paragraph (1) of this subsection does not apply:

(i) To a prescription that is written for a generic drug **OR AN INTERCHANGEABLE BIOLOGICAL PRODUCT**;

(ii) When the authorized prescriber states expressly that the prescription is to be dispensed only as directed;

(iii) To a pharmacist who works in a pharmacy, whether centralized or decentralized, which primarily serves public or private institutional recipients; or

(iv) When the cost of the prescription is reimbursed by a third party payer, including medical assistance.

**(C) THE BOARD SHALL MAINTAIN A LINK ON ITS WEB SITE TO THE CURRENT LISTS OF BIOLOGICAL PRODUCTS DETERMINED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO BE INTERCHANGEABLE WITH A SPECIFIC BIOLOGICAL PRODUCT.**

**[(c)] (D)** A pharmacist may substitute a generically equivalent drug or device product **OR AN INTERCHANGEABLE BIOLOGICAL PRODUCT**, of the same dosage form and strength, for any brand name drug or device product prescribed, if:

(1) The authorized prescriber does not state expressly that the prescription is to be dispensed only as directed;

(2) The substitution is [recognized]:

(I) **RECOGNIZED** in the United States Food and Drug Administration's current list of approved drug or device products with therapeutic equivalence evaluations; [and] **OR**

(II) **AN INTERCHANGEABLE BIOLOGICAL PRODUCT FOR THE BRAND NAME DRUG OR DEVICE PRODUCT PRESCRIBED; AND**

(3) The consumer is charged less for the substituted drug or device **OR INTERCHANGEABLE BIOLOGICAL PRODUCT** than the price of the brand name drug or device.

[(d)] (E) If a drug or device product **OR AN INTERCHANGEABLE BIOLOGICAL PRODUCT** is substituted under this section, the pharmacist shall:

(1) Notify the patient in writing that the drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT** dispensed is a generic equivalent of **OR IS INTERCHANGEABLE WITH** the prescribed drug or device product; and

(2) Record on the prescription and keep a record of the name and manufacturer of the substituted drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT**.

[(e)] (F) The Department may list any additional drug or device products that are determined by the Department to meet requirements that are adequate to assure product quality and therapeutic equivalence, after an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article.

[(f)] (G) The Department may disqualify a drug or device product **OR AN INTERCHANGEABLE BIOLOGICAL PRODUCT** on the United States Food and Drug Administration's current list from being used in Maryland as a [generic] substitute if the Department determines that the drug or device **OR INTERCHANGEABLE BIOLOGICAL PRODUCT** is therapeutically nonequivalent **OR NOT INTERCHANGEABLE, RESPECTIVELY**, or has a negative physical or biological effect on the consumer of that drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT**:

(1) After providing an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article; or

(2) Prior to providing an opportunity for public comment, if the Department believes that a particular generic drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT** constitutes an imminent danger to the public health, safety or welfare, and the Department:

(i) Provides an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article within 30 days of disqualifying the drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT**; and

(ii) After providing an opportunity for public comment, determines whether the drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT** should remain disqualified.

**[(g)] (H)** For a drug or device product **OR AN INTERCHANGEABLE BIOLOGICAL PRODUCT** that the Department has disqualified from being used in Maryland as a **[generic]** substitute under subsection **[(f)] (G)** of this section, the Department shall provide an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article before reinstating the drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT** for use in Maryland as a **[generic]** substitute.

**[(h)] (I)** A pharmacist who substitutes a drug or device product **OR AN INTERCHANGEABLE BIOLOGICAL PRODUCT** in compliance with this section incurs no greater liability in filling the prescription by dispensing the equivalent drug or device product **OR INTERCHANGEABLE BIOLOGICAL PRODUCT** than would be incurred in filling the prescription by dispensing the prescribed brand name drug or device.

#### **12-504.1.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WITHIN 5 BUSINESS DAYS AFTER DISPENSING A BIOLOGICAL PRODUCT TO A PATIENT, THE DISPENSING PHARMACIST OR THE PHARMACIST'S DESIGNEE SHALL COMMUNICATE THE SPECIFIC BIOLOGICAL PRODUCT DISPENSED, INCLUDING THE NAME AND MANUFACTURER OF THE BIOLOGICAL PRODUCT, TO THE PRESCRIBER.**

**(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

**(1) THE COMMUNICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED BY MAKING AN ENTRY THAT IS ELECTRONICALLY ACCESSIBLE TO THE PRESCRIBER THROUGH:**

**(I) AN INTEROPERABLE ELECTRONIC MEDICAL RECORDS SYSTEM;**

**(II) AN ELECTRONIC PRESCRIBING TECHNOLOGY;**

**(III) A PHARMACY BENEFITS MANAGEMENT SYSTEM; OR**

**(IV) A PHARMACY RECORD; AND**

(2) MAKING AN ENTRY THROUGH A MECHANISM LISTED IN PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO PROVIDE THE COMMUNICATION TO THE PRESCRIBER REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(C) IF THE MECHANISMS LISTED IN SUBSECTION (B)(1) OF THIS SECTION ARE NOT AVAILABLE, THE COMMUNICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MAY BE PROVIDED BY FACSIMILE, TELEPHONE, ELECTRONIC TRANSMISSION, OR OTHER MEANS.

(D) THE COMMUNICATION REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IF:

(1) THE UNITED STATES FOOD AND DRUG ADMINISTRATION HAS NOT APPROVED AN INTERCHANGEABLE BIOLOGICAL PRODUCT FOR THE BIOLOGICAL PRODUCT PRESCRIBED TO THE PATIENT; OR

(2) A REFILL PRESCRIPTION IS NOT CHANGED FROM THE BIOLOGICAL PRODUCT DISPENSED ON THE MOST RECENT FILLING OF THE PRESCRIPTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 727

(Senate Bill 710)

AN ACT concerning

### Education – Children With Disabilities – Individualized Education Program Process – Parental Consent

FOR the purpose of requiring an individualized education program team to obtain written consent from the parent of a child with a disability if the team proposes certain actions regarding the individualized education program of the child; requiring an individualized education program team, under certain circumstances, to send a parent certain written notice within a certain time frame that informs the parent of certain rights to consent or refuse to consent to certain actions; authorizing an individualized education program team to implement a certain action regarding an

individualized education program if a parent does not provide certain written consent or a written refusal to consent to a certain action within a certain time frame; authorizing an individualized education program team to use certain dispute resolution options to resolve a certain matter under certain circumstances; and generally relating to parental consent in the individualized education program process.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 8–405  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Education**

8–405.

(a) (1) In this section the following words have the meanings indicated.

(2) “Accessible copy” includes a copy of a document provided to an individual in a format as defined in § 8–408 of this subtitle.

(3) “Extenuating circumstance” means:

(i) A death in the family;

(ii) A personal emergency;

(iii) A natural disaster; or

(iv) Any other similar situation defined by the Department.

(4) “Individualized education program” and “individualized family service plan” have the same meaning as provided in the federal Individuals with Disabilities Education Act.

(b) (1) When a team of qualified professionals and the parents meet for the purpose of discussing the identification, evaluation, educational program, or the provision of a free appropriate public education of a child with a disability:

(i) The parents of the child shall be afforded the opportunity to participate and shall be provided reasonable notice in advance of the meeting; and

(ii) Reasonable notice shall be at least 10 calendar days in advance of the meeting, unless an expedited meeting is being conducted to:

1. Address disciplinary issues;
2. Determine the placement of the child with a disability not currently receiving educational services; or
3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

(2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, a verbal and written explanation of the parents' rights and responsibilities in the individualized education program process and a program procedural safeguards notice; and

B. Written information that the parents may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members.

2. If a parent's native language is not English, the information in subparagraph 1B of this subparagraph shall be provided to the parent in the parent's native language.

(ii) The parents may request the information provided under subparagraph (i) of this paragraph at any subsequent meeting.

(iii) If a child who has an individualized education program developed in another school system moves into a different local school system, that local school system shall provide the information required under subparagraph (i)1B of this paragraph at the time of the first written communication with the parents regarding the child's individualized education program or special education services.

(iv) A local school system shall publish information that a parent may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members in a prominent place on the section of its Web site relating to special education services.

(3) Failure to provide the information required under paragraph (2)(i)1B of this subsection does not constitute grounds for a due process complaint under § 8–413 of this subtitle.

(4) (i) If, during an individualized education program team meeting, a parent disagrees with the child's individualized education program or the special education

services provided to the child, the individualized education program team shall provide the parent with, in plain language:

1. An oral and a written explanation of the parent's right to request mediation in accordance with § 8-413 of this subtitle;
2. Contact information, including a telephone number that a parent may use to receive more information about the mediation process; and
3. Information regarding pro bono representation and other free or low-cost legal and related services available in the area.

(ii) A parent may request the information provided under subparagraph (i) of this paragraph at any individualized education program team meeting.

(5) (i) If the native language spoken by a parent who requests information under paragraph (4) of this subsection is spoken by more than 1% of the student population in the local school system, the parent may request that the information be translated into the parent's native language.

(ii) If a parent makes a request under subparagraph (i) of this paragraph, the individualized education program team shall provide the parent with the translated document within 30 days after the date of the request.

(c) The individualized education program team shall determine, on at least an annual basis, whether the child requires extended year services in order to ensure that the child is not deprived of a free appropriate public education by virtue of the normal break in the regular school year.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, and subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before a scheduled meeting of the individualized education program team or other multidisciplinary education team for any purpose for a child with a disability, appropriate school personnel shall provide the parents of the child with an accessible copy of each assessment, report, data chart, draft individualized education program, or other document that either team plans to discuss at the meeting.

(ii) Subject to subparagraph (i) of this paragraph, an assessment, report, data chart, or other document prepared by a school psychologist or other medical professional that either team plans to discuss at the meeting may be provided to the parents of the child orally and in writing prior to the meeting.

(iii) The parents of a child may notify appropriate school personnel that they do not want to receive the documents required to be provided under subparagraph (i) of this paragraph.

(2) (i) Subject to subparagraph (ii) of this paragraph, appropriate school personnel are not required to comply with paragraph (1) of this subsection in the event of an extenuating circumstance.

(ii) In the event of an extenuating circumstance, appropriate school personnel who fail to comply with paragraph (1) of this subsection shall document the extenuating circumstance and communicate that information to the parents of the child.

(e) (1) Not later than 5 business days after a scheduled meeting of the individualized education program team or other multidisciplinary team for a child with a disability, appropriate school personnel shall provide the parents of the child with a copy of the completed individualized education program.

(2) If the individualized education program has not been completed by the 5th business day after the meeting, the parents shall be provided with the draft copy of the individualized education program.

(3) The completed or draft individualized education program shall be provided to the parents in an accessible format.

(4) (i) If the native language spoken by the parents of a child with a completed individualized education program or a completed individualized family service plan is spoken by more than 1 percent of the student population in the local school system, the parents may request the document to be translated into the parents' native language.

(ii) If a parent makes a request under subparagraph (i) of this paragraph, appropriate school personnel shall provide the parents with the translated document within 30 days after the date of the request.

**(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL OBTAIN WRITTEN CONSENT FROM A PARENT IF THE TEAM PROPOSES TO:**

**(I) ENROLL THE CHILD IN AN ALTERNATIVE EDUCATION PROGRAM THAT DOES NOT ISSUE OR PROVIDE CREDITS TOWARD A MARYLAND HIGH SCHOOL DIPLOMA;**

**(II) IDENTIFY THE CHILD FOR THE ALTERNATIVE EDUCATION ASSESSMENT ALIGNED WITH THE STATE'S ALTERNATIVE CURRICULUM; OR**

**(III) INCLUDE RESTRAINT OR SECLUSION IN THE INDIVIDUALIZED EDUCATION PROGRAM TO ADDRESS THE CHILD'S BEHAVIOR AS DESCRIBED IN COMAR 13A.08.04.05; ~~OR~~**

**~~(IV) INITIATE A CHANGE IN THE CHILD'S EDUCATIONAL PLACEMENT.~~**

**(2) IF THE PARENT DOES NOT PROVIDE WRITTEN CONSENT TO AN ACTION PROPOSED IN PARAGRAPH (1) OF THIS SUBSECTION AT THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL SEND THE PARENT WRITTEN NOTICE NO LATER THAN 5 BUSINESS DAYS AFTER THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING THAT INFORMS THE PARENT THAT:**

**(I) THE PARENT HAS THE RIGHT TO EITHER CONSENT TO OR REFUSE TO CONSENT TO AN ACTION PROPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND**

**(II) IF THE PARENT DOES NOT PROVIDE WRITTEN CONSENT OR A WRITTEN REFUSAL TO CONSENT TO AN ACTION PROPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 15 BUSINESS DAYS OF THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MAY IMPLEMENT THE PROPOSED ACTION.**

**(3) IF THE PARENT REFUSES TO CONSENT TO THE ACTION PROPOSED, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MAY USE THE DISPUTE RESOLUTION OPTIONS LISTED IN § 8-413 OF THIS SUBTITLE TO RESOLVE THE MATTER.**

**[(f)] (G)** To fulfill the purposes of this section, school personnel may provide the documents required under this section through:

- (1) Electronic delivery;
- (2) Home delivery with the student; or
- (3) Any other reasonable and legal method of delivery.

**[(g)] (H)** Failure to comply with this section does not constitute a substantive violation of the requirement to provide a student with a free appropriate public education.

**[(h)] (I)** The Department shall adopt:

(1) Regulations that define what information should be provided in the verbal and written explanations of the parents' rights and responsibilities in the individualized education program process; and

(2) Any other regulations necessary to carry out subsection (b)(2) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 728

### (Senate Bill 1)

AN ACT concerning

#### Education – Specialized Intervention Services – Reports

FOR the purpose of requiring certain county boards of education to report certain information relating to the provision of specialized intervention services to the State Department of Education and the General Assembly on or before a certain date each year; requiring the State Department of Education to establish certain guidelines; requiring certain county boards and the Department to publish annually certain information on certain Web sites; defining a certain term; and generally relating to the reporting of specialized intervention services.

BY adding to

Article – Education

Section 5–111.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### Article – Education

##### 5–111.1.

**(A) IN THIS SECTION, “SPECIALIZED INTERVENTION SERVICES” MEANS SERVICES PROVIDED TO STUDENTS IN KINDERGARTEN THROUGH GRADE ~~12~~ 3 WHO:**

**(1) ARE NOT CURRENTLY IDENTIFIED AS NEEDING SPECIAL EDUCATION OR RELATED SERVICES UNDER TITLE 8, SUBTITLE 4 OF THIS ARTICLE;**

**(2) NEED ADDITIONAL ACADEMIC AND BEHAVIORAL SUPPORTS TO SUCCEED IN A CORE CURRICULUM AND DIFFERENTIATED INSTRUCTION GENERAL EDUCATION ENVIRONMENT; AND**

(3) RECEIVE ADDITIONAL ACADEMIC AND BEHAVIORAL SUPPORT IN SMALL GROUPS OR INDIVIDUAL SETTINGS AT LEAST 3 TIMES EACH WEEK FOR AT LEAST 90 MINUTES EACH WEEK FOR A PERIOD OF AT LEAST 10 WEEKS DURING A SCHOOL YEAR.

(B) BEGINNING WITH THE 2018–2019 SCHOOL YEAR, ON OR BEFORE DECEMBER 1 EACH YEAR, EACH COUNTY BOARD SHALL SUBMIT TO THE DEPARTMENT AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT FOR THE PRIOR SCHOOL YEAR ON:

(1) THE NUMBER OF STUDENTS WHO RECEIVED SPECIALIZED INTERVENTION SERVICES;

(2) THE GRADES IN WHICH SPECIALIZED INTERVENTION SERVICES WERE PROVIDED; AND

(3) THE ANNUAL BUDGET, INCLUDING ALL FEDERAL, STATE, AND LOCAL FUNDS, FOR SPECIALIZED INTERVENTION SERVICES, INCLUDING SCREENINGS, EVALUATIONS, MATERIALS, PROFESSIONAL DEVELOPMENT, AND STAFFING.

(C) THE DEPARTMENT SHALL ESTABLISH GUIDELINES FOR THE REPORT THAT EACH COUNTY BOARD IS REQUIRED TO SUBMIT UNDER SUBSECTION (B) OF THIS SECTION.

~~(D)~~ (D) A COUNTY BOARD SHALL PUBLISH ANNUALLY ON THE COUNTY BOARD'S WEB SITE THE INFORMATION SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION.

~~(E)~~ (E) THE DEPARTMENT SHALL PUBLISH ANNUALLY ON THE DEPARTMENT'S WEB SITE THE INFORMATION RECEIVED UNDER SUBSECTION (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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Chapter 729

(House Bill 616)

**Education – Pregnant and Parenting Students – Attendance Policy**

FOR the purpose of specifying that certain absences from school are lawful absences under certain circumstances; requiring each county board of education to develop a certain attendance policy for pregnant and parenting students that, at a minimum, excuses certain absences under certain circumstances and provides a certain number of days of excused absences for certain students under certain circumstances; ~~requiring~~ authorizing certain schools to allow certain students to make up the work that the student missed in a certain time period and to choose the method by which to make up the work that the student missed; requiring each county board to publish its attendance policy for pregnant and parenting students on the county board's Web site; and generally relating to absences from school for pregnant and parenting students.

BY adding to

Article – Education

Section 7–301.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education****7–301.1.**

**(A) A STUDENT'S ABSENCE DUE TO A STUDENT'S PREGNANCY OR PARENTING NEEDS IS A LAWFUL ABSENCE AS PROVIDED UNDER THIS SECTION.**

**(B) EACH COUNTY BOARD SHALL DEVELOP A WRITTEN ATTENDANCE POLICY FOR PREGNANT AND PARENTING STUDENTS THAT, AT A MINIMUM, MEETS THE REQUIREMENTS OF THIS SECTION.**

**(C) (1) THE POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL:**

**(I) EXCUSE ALL ABSENCES DUE TO PREGNANCY– OR PARENTING–RELATED CONDITIONS, INCLUDING ABSENCES FOR:**

- 1. LABOR;**
- 2. DELIVERY;**
- 3. RECOVERY; AND**

4. PRENATAL AND POSTNATAL MEDICAL APPOINTMENTS;

~~(II) EXCUSE ANY PREGNANCY-RELATED ABSENCES THAT ARE DEEMED MEDICALLY NECESSARY BY THE STUDENT'S PHYSICIAN;~~

~~(III)~~ (II) PROVIDE AT LEAST 10 DAYS OF EXCUSED ABSENCES FOR A PARENTING STUDENT AFTER THE BIRTH OF THE STUDENT'S CHILD;

~~(IV)~~ (III) EXCUSE ANY PARENTING-RELATED ABSENCES DUE TO AN ILLNESS OR A MEDICAL APPOINTMENT OF THE STUDENT'S CHILD, INCLUDING UP TO 4 DAYS OF ABSENCES PER SCHOOL YEAR FOR WHICH THE SCHOOL MAY NOT REQUIRE A NOTE FROM A PHYSICIAN; AND

~~(V)~~ (IV) EXCUSE ANY ABSENCE DUE TO A LEGAL APPOINTMENT INVOLVING THE PREGNANT OR PARENTING STUDENT THAT IS RELATED TO FAMILY LAW PROCEEDINGS, INCLUDING ADOPTION, CUSTODY, AND VISITATION.

(2) ~~AT THE CONCLUSION OF ANY PREGNANCY OR PARENTING-RELATED PERIOD OF ABSENCE, THE SCHOOL SHALL~~ IN ADDITION TO HOME AND HOSPITAL SERVICES, THE SCHOOL MAY ALLOW THE STUDENT TO:

(i) MAKE UP THE WORK THAT THE STUDENT MISSED IN A TIME PERIOD THAT EQUALS AT LEAST AS MANY DAYS THAT THE STUDENT WAS ABSENT; AND

(ii) CHOOSE ONE OF THE FOLLOWING ALTERNATIVES TO MAKE UP WORK THAT THE STUDENT MISSED:

1. RETAKE A SEMESTER;
2. PARTICIPATE IN AN ONLINE COURSE CREDIT RECOVERY PROGRAM; OR
3. ALLOW THE STUDENT 6 WEEKS TO CONTINUE AT THE SAME PACE AND FINISH AT A LATER DATE.

(3) EACH COUNTY BOARD SHALL PUBLISH ITS WRITTEN ATTENDANCE POLICY FOR PREGNANT AND PARENTING STUDENTS ON THE COUNTY BOARD'S WEB SITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 730**

**(House Bill 1145)**

AN ACT concerning

**Public School Employee Whistleblower Protection Act**

FOR the purpose of prohibiting a public school employer from taking or refusing to take certain personnel actions against public school employees who disclose certain behavior or refuse to participate in certain behavior; providing that certain protections under this Act apply only if certain public school employees have a good faith belief that the public school employer is engaged or has engaged in unlawful activity and that the unlawful activity poses a substantial and specific danger to public health or safety; requiring that prior to reporting to a supervisor the public school employee report the unlawful activity in writing to the public school employer and provide the employer a reasonable opportunity to correct the unlawful activity; requiring a public school employee to exhaust administrative remedies before instituting a certain civil action; authorizing certain public school employees to institute a civil action in the county where a certain violation occurred, where the employee resides, or where the public school employer maintains its principal office in the State; requiring that a public school employee file a civil action under this Act within 6 months after the retaliatory personnel action occurred or within 6 months after the employee first became aware of the retaliatory personnel action; establishing the remedies a court may impose; providing a defense that the personnel action was based on grounds other than those protected under this Act; and generally relating to the Public School Employee Whistleblower Protection Act.

BY adding to

Article – Education

Section 6–901 through 6–906 to be under the new subtitle “Subtitle 9. Public School Employee Whistleblower Protection Act”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

**SUBTITLE 9. PUBLIC SCHOOL EMPLOYEE WHISTLEBLOWER PROTECTION ACT.**

**6-901.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “PUBLIC SCHOOL EMPLOYEE” MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY A PUBLIC SCHOOL EMPLOYER OR AN INDIVIDUAL OF EQUIVALENT STATUS IN BALTIMORE CITY.

(2) “PUBLIC SCHOOL EMPLOYEE” DOES NOT INCLUDE A STATE EMPLOYEE.

(C) “PUBLIC SCHOOL EMPLOYER” MEANS A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

(D) “SUPERVISOR” MEANS ANY INDIVIDUAL WITHIN AN EMPLOYER’S ORGANIZATION WHO HAS THE AUTHORITY TO DIRECT AND CONTROL THE WORK PERFORMANCE OF AN EMPLOYEE, OR WHO HAS MANAGERIAL AUTHORITY TO TAKE CORRECTIVE ACTION REGARDING THE VIOLATION OF A LAW, RULE, OR REGULATION OF WHICH THE EMPLOYEE COMPLAINS.

**6-902.**

SUBJECT TO § 6-903 OF THIS SUBTITLE, A PUBLIC SCHOOL EMPLOYER MAY NOT TAKE OR REFUSE TO TAKE ANY PERSONNEL ACTION AS REPRISAL AGAINST A PUBLIC SCHOOL EMPLOYEE BECAUSE THE EMPLOYEE:

(1) DISCLOSES OR THREATENS TO DISCLOSE TO A SUPERVISOR AN ACTIVITY, A POLICY, OR A PRACTICE OF THE EMPLOYER THAT IS IN VIOLATION OF A LAW, RULE, OR REGULATION;

(2) PROVIDES INFORMATION TO OR TESTIFIES BEFORE ANY PUBLIC BODY CONDUCTING AN INVESTIGATION, A HEARING, OR AN INQUIRY INTO ANY VIOLATION OF A LAW, RULE, OR REGULATION BY THE EMPLOYER; OR

(3) OBJECTS TO OR REFUSES TO PARTICIPATE IN ANY ACTIVITY, POLICY, OR PRACTICE IN VIOLATION OF A LAW, RULE, OR REGULATION.

**6-903.**

THE PROTECTION PROVIDED AGAINST A VIOLATION OF § 6-902 OF THIS SUBTITLE SHALL APPLY ONLY IF:

(1) THE PUBLIC SCHOOL EMPLOYEE HAS A REASONABLE, GOOD FAITH BELIEF THAT THE PUBLIC SCHOOL EMPLOYER HAS, OR STILL IS, ENGAGED IN AN ACTIVITY, A POLICY, OR A PRACTICE THAT IS IN VIOLATION OF A LAW, RULE, OR REGULATION;

(2) THE PUBLIC SCHOOL EMPLOYEE DISCLOSES INFORMATION THAT THE EMPLOYEE REASONABLY BELIEVES EVIDENCES:

(I) AN ABUSE OF AUTHORITY, GROSS MISMANAGEMENT, OR GROSS WASTE OF MONEY;

(II) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY; OR

(III) A VIOLATION OF LAW; AND

(3) THE PUBLIC SCHOOL EMPLOYEE HAS REPORTED THE ACTIVITY, POLICY, OR PRACTICE TO A SUPERVISOR OR AN ADMINISTRATOR OF THE PUBLIC SCHOOL EMPLOYER IN WRITING AND AFFORDED THE EMPLOYER A REASONABLE OPPORTUNITY TO CORRECT THE ACTIVITY, POLICY, OR PRACTICE.

6-904.

(A) A PUBLIC SCHOOL EMPLOYEE SHALL EXHAUST ANY ADMINISTRATIVE REMEDIES BEFORE INSTITUTING A CIVIL ACTION UNDER THIS SECTION.

(B) ANY PUBLIC SCHOOL EMPLOYEE WHO IS SUBJECT TO A PERSONNEL ACTION IN VIOLATION OF § 6-902 OF THIS SUBTITLE MAY INSTITUTE A CIVIL ACTION IN THE COUNTY WHERE:

(1) THE ALLEGED VIOLATION OCCURRED;

(2) THE EMPLOYEE RESIDES; OR

(3) THE PUBLIC SCHOOL EMPLOYER MAINTAINS ITS PRINCIPAL OFFICES IN THE STATE.

~~(B)~~ (C) THE ACTION SHALL BE BROUGHT WITHIN 6 MONTHS AFTER THE ALLEGED VIOLATION OF § 6-902 OF THIS SUBTITLE OCCURRED, OR WITHIN 6 MONTHS AFTER THE PUBLIC SCHOOL EMPLOYEE FIRST BECAME AWARE OF THE ALLEGED VIOLATION OF § 6-902 OF THIS SUBTITLE.

6-905.

IN ANY ACTION BROUGHT UNDER THIS SUBTITLE, A COURT MAY:

- (1) ISSUE AN INJUNCTION TO RESTRAIN CONTINUED VIOLATION OF THIS SUBTITLE;
- (2) REINSTATE THE PUBLIC SCHOOL EMPLOYEE TO THE SAME OR AN EQUIVALENT POSITION HELD BEFORE THE VIOLATION OF § 6-902 OF THIS SUBTITLE;
- (3) REMOVE ANY ADVERSE PERSONNEL RECORD ENTRIES BASED ON OR RELATED TO THE VIOLATION OF § 6-902 OF THIS SUBTITLE;
- (4) REINSTATE FULL FRINGE BENEFITS AND SENIORITY RIGHTS;
- (5) REQUIRE COMPENSATION FOR LOST WAGES, BENEFITS, AND OTHER REMUNERATION; AND
- (6) ASSESS REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION EXPENSES AGAINST:
  - (I) THE PUBLIC SCHOOL EMPLOYER, IF THE PUBLIC SCHOOL EMPLOYEE PREVAILS; OR
  - (II) THE PUBLIC SCHOOL EMPLOYEE, IF THE COURT DETERMINES THAT THE ACTION WAS BROUGHT BY THE PUBLIC SCHOOL EMPLOYEE IN BAD FAITH AND WITHOUT BASIS IN LAW OR FACT.

**6-906.**

IN ANY ACTION BROUGHT UNDER THIS SUBTITLE, IT IS A DEFENSE THAT THE PERSONNEL ACTION WAS BASED ON GROUNDS OTHER THAN THE PUBLIC SCHOOL EMPLOYEE'S EXERCISE OF ANY RIGHTS PROTECTED UNDER THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 731**

**(Senate Bill 452)**

AN ACT concerning

**Education – Accountability Program – Assessments**  
**~~(Less Testing, More Learning~~ (More Learning, Less Testing Act of 2017)**

FOR the purpose of *requiring the State Board of Education to develop, in collaboration with certain entities and individuals, a middle school level social studies assessment that meets certain requirements and for implementation in a certain school year*; ~~requiring certain county boards of education to develop a certain social studies assessment beginning in a certain school year; repealing certain requirements relating to a certain social studies assessments assessment; requiring a county board to certify annually to the State Board of Education that the county board's social studies assessment aligns with certain standards and matches a certain tool; requiring the State Board to adopt certain regulations limiting the amount of time that may be spent on certain assessments~~ requiring the State Board of Education, in collaboration with certain stakeholders, to redesign a certain assessment to meet certain criteria when a certain contract expires; requiring certain county boards of education and certain employee representatives to meet and confer regarding certain items and to mutually agree to a certain amount of time that must be devoted to certain assessments, subject to certain conditions, on or before certain dates; requiring certain county boards to establish on or before certain dates a certain committee on assessments; requiring the committee to submit recommendations to certain county boards and certain employee representatives on or before certain dates; prohibiting a student who participates in certain programs from being subject to certain testing time limits; prohibiting certain types of assessments and activities from being counted toward certain testing time limits; ~~requiring certain county boards to establish on or before a certain date a certain committee on assessments; providing for the membership of the committee; requiring the committee on or before a certain date to develop a certain rubric to evaluate certain local assessments; requiring the committee to report annually to the local county board beginning on or before a certain date; providing for the content of the report; authorizing a county board, after reviewing the committee's report, to adopt or reject the committee's recommendations; requiring a county board that adopts a recommendation to implement the change to the assessment for the following school year; requiring the county board to report annually to the State Board certain information beginning on a certain date; requiring the committee to publish annually on its Web site certain information beginning on a certain date; requiring the State Department of Education to survey annually certain public schools to measure time spent administering assessments~~ requiring the State Board to define a certain rubric, on or before a certain date, to be used for a certain purpose; defining a certain term; providing for the construction of this Act; repealing certain obsolete provisions of law; and generally relating to assessments in public schools.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–203

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

## Preamble

WHEREAS, Maryland's education accountability program must recognize the need for a well-educated populace to perpetuate and maintain democracy and the growth of the State economy; and

WHEREAS, It is necessary that the program include high-quality student assessments that provide timely, actionable feedback for students, parents, and educators that can be used to guide and inform instruction, aid leaders' decisions to target resources, and provide supports for students; and

WHEREAS, In addition to providing an accurate measure of student achievement and growth, and measuring student knowledge and skills against college- and career-ready standards, the high-quality student assessments should inform and guide additional teaching, supports, or interventions that help students master challenging material; and

WHEREAS, Consultation with educators at all levels, businesses, government officials, community representatives, bargaining representatives, and parents is essential in the development of an education accountability program; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Education**

7-203.

(a) The State Board, the State Superintendent, each county board, and each public school shall implement a program of education accountability for the operation and management of the public schools.

(b) (1) In this subsection, "grade band assessment" means one assessment of a middle school student's knowledge in a core academic subject area during grades 6 through 8.

(2) The education accountability program shall include the following:

(i) The State Board and the State Superintendent shall assist each county board to establish educational goals and objectives that conform with statewide educational objectives for subject areas including reading, writing, mathematics, science, and social studies;

(ii) With the assistance of its county board, each public school shall survey current student achievement in reading, language, mathematics, science, social studies, and other areas to assess its needs;

(iii) 1. The State Board and the State Superintendent shall implement assessment programs in reading, language, mathematics, ~~AND~~ science~~],~~ and social studies~~],~~ that include written responses;

2. The assessment program required in this subsection shall:

A. Provide information needed to improve public schools by enhancing the learning gains of students and academic mastery of the skills and knowledge set forth in the State's adopted curricula or common core curricula;

B. Inform the public annually of the educational progress made at the school, local school system, and State levels; and

C. Provide timely feedback to schools and teachers for the purposes of adapting the instructional program and making placement decisions for students; ~~and]~~

3. [Beginning in the 2014–2015 school year, the] **THE** following assessments shall be implemented and administered annually:

A. At the middle school level, a statewide, comprehensive, grade band assessment program that measures the learning gains of each public school student towards achieving mastery of the standards set forth in the common core curricula or the State's adopted curricula for the core content areas of reading, language, mathematics, ~~AND~~ science~~],~~ and social studies~~],~~; and

B. At the high school level, a statewide, standardized, end-of-course assessment that is aligned with and that measures each public school student's skills and knowledge of the State's adopted curricula for the core content areas of reading, language, mathematics, ~~AND~~ science~~],~~ and social studies~~],~~;

~~4. BEGINNING IN THE 2017-2018 SCHOOL YEAR, EACH COUNTY BOARD SHALL DEVELOP A SOCIAL STUDIES ASSESSMENT THAT IS A LOCALLY DESIGNED AND IMPLEMENTED PERFORMANCE-BASED ASSESSMENT FULLY EMBEDDED IN THE LOCAL CURRICULUM; AND~~

~~5. EACH COUNTY BOARD SHALL CERTIFY EACH YEAR TO THE STATE BOARD THAT:~~

~~A. THE COUNTY BOARD'S SOCIAL STUDIES ASSESSMENT ALIGNS WITH SOCIAL STUDIES CONTENT STANDARDS, SKILLS, AND PROCESSES; AND~~

~~B. THE ASSESSMENT MATCHES APPROPRIATE LOCALLY DESIGNED ASSESSMENT TOOLS;~~

(iv) Each public school shall establish as the basis for its assessment of its needs, project goals and objectives that are in keeping with the goals and objectives established by its county board and the State Board;

(v) With the assistance of its county board, the State Board, and the State Superintendent, each public school shall develop programs to meet its needs on the basis of the priorities it sets;

(vi) Evaluation programs shall be developed at the same time to determine if the goals and objectives are being met; and

(vii) A reevaluation of programs, goals, and objectives shall be undertaken regularly.

~~¶~~(3) (i) ~~After the 2014–2015 school year, the~~ **THE** State Board shall determine whether the assessments ~~at the middle school and high school levels~~ required under paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth in the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies.

(ii) If the State Board makes a determination under subparagraph (i) of this paragraph that an assessment does not adequately measure the skills and knowledge set forth in the State's adopted curricula for a core content area, the ~~Department~~ **STATE BOARD** shall develop a State-specific assessment in that core content area to be implemented in the 2018–2019 school year. ~~¶~~

**(4) AT THE MIDDLE SCHOOL LEVEL, THE STATE BOARD SHALL DEVELOP, IN COLLABORATION WITH COUNTY BOARDS, COUNTY CURRICULUM SPECIALISTS IN SOCIAL STUDIES, MIDDLE SCHOOL SOCIAL STUDIES TEACHERS, AND ACADEMICS WITH EXPERTISE IN SOCIAL STUDIES EDUCATION, A SOCIAL STUDIES ASSESSMENT THAT:**

**(I) CONSISTS, TO THE GREATEST EXTENT POSSIBLE, OF CRITERION-REFERENCED, PERFORMANCE-BASED TASKS THAT REQUIRE STUDENTS TO UTILIZE CRITICAL AND HISTORICAL THINKING SKILLS AND ANALYZE PRIMARY SOURCES;**

**(II) SHALL BE ADMINISTERED, TO THE GREATEST EXTENT POSSIBLE, WITHIN EXISTING CLASS PERIODS; AND**

**(III) SHALL BE IMPLEMENTED IN THE 2019–2020 SCHOOL YEAR.**

~~(4)~~ **(5) AT THE HIGH SCHOOL LEVEL, WHEN THE DEPARTMENT'S CONTRACT FOR THE CURRENT HIGH SCHOOL SOCIAL STUDIES ASSESSMENT EXPIRES, THE STATE BOARD SHALL, IN COLLABORATION WITH COUNTY BOARDS,**

**COUNTY CURRICULUM SPECIALISTS IN SOCIAL STUDIES, HIGH SCHOOL SOCIAL STUDIES TEACHERS, AND ACADEMICS WITH EXPERTISE IN SOCIAL STUDIES EDUCATION, REDESIGN THE HIGH SCHOOL LEVEL SOCIAL STUDIES ASSESSMENT TO:**

**(I) CONSIST, TO THE GREATEST EXTENT POSSIBLE, OF CRITERION-REFERENCED, PERFORMANCE-BASED TASKS THAT REQUIRE STUDENTS TO UTILIZE CRITICAL AND HISTORICAL THINKING SKILLS AND ANALYZE PRIMARY SOURCES;**

**(II) BE ADMINISTERED, TO THE GREATEST EXTENT POSSIBLE, WITHIN EXISTING CLASS PERIODS; AND**

**(III) BE IMPLEMENTED IN THE 2018-2019 SCHOOL YEAR, AND EACH YEAR THEREAFTER.**

(c) National standardized testing may not be the only measure for evaluating educational accountability.

(d) The Department shall assist each county board to establish an education accountability program by providing:

(1) Guidelines for development and implementation of the program by the county boards; and

(2) Assistance and coordination where it is needed and requested by the county boards.

(e) (1) The Department shall survey a statewide, representative sample of public schools and public school teachers annually to measure:

(i) The amount of instructional time spent on social studies and science instruction in elementary schools;

(ii) The availability and use of appropriate instructional resources and teaching technology in social studies and science classrooms;

(iii) The availability and use of appropriate professional development for social studies and science teachers; and

(iv) The number of secondary school social studies and science classes that are taught by teachers who are:

1. Certified in the subject being taught; and
2. Not certified in the subject being taught.

(2) The Department shall:

(i) Compile the results of the survey conducted under paragraph (1) of this subsection; and

(ii) Publish the results on the Department's Web site.

(f) The State Superintendent shall send the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly a report each January that includes:

(1) Documentation of the progress of the Department, the county boards, and each public school in this State towards their respective goals and objectives; and

(2) Recommendations for legislation that the State Board and the State Superintendent consider necessary to improve the quality of education in this State.

(g) On the recommendation of the State Superintendent, the State Board shall include in its annual budget request the funds it considers necessary to carry out the provisions of this section.

**(H) (1) (I) IN THIS SUBSECTION, "ASSESSMENT" MEANS A FEDERAL, STATE, OR LOCALLY MANDATED TEST THAT IS INTENDED TO MEASURE A STUDENT'S ACADEMIC READINESS, LEARNING PROGRESS, AND SKILL ACQUISITION.**

**(II) "ASSESSMENT" DOES NOT INCLUDE A ~~TEACHER-DEVELOPED QUIZ OR TEST:~~**

**1. A TEACHER-DEVELOPED QUIZ OR TEST; OR**

**2. A SAMPLING TEST THAT IS NOT ADMINISTERED TO ALL STUDENTS.**

~~**(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT LIMIT THE AMOUNT OF TIME IN THE AGGREGATE THAT MAY BE DEVOTED TO FEDERAL, STATE, AND LOCALLY MANDATED ASSESSMENTS FOR EACH GRADE TO 2% OF THE MINIMUM REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS TITLE.**~~

**(2) (I) ON OR BEFORE AUGUST 1, 2017, AND EACH AUGUST 1 THEREAFTER IN AN ODD-NUMBERED YEAR, A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FOR TEACHERS FOR THAT LOCAL SCHOOL SYSTEM SHALL MEET AND CONFER REGARDING:**

**1. A RUBRIC FOR EVALUATING LOCAL ASSESSMENTS;**

2. THE TIME REQUIRED TO ADMINISTER EACH LOCAL ASSESSMENT; AND

3. THE PURPOSE OF EACH LOCAL ASSESSMENT.

(II) ~~A~~ 1. BEGINNING ON OR AFTER JANUARY 1, 2018, AND EACH JANUARY 1 THEREAFTER IN AN EVEN-NUMBERED YEAR, A COUNTY BOARD MAY SHALL ESTABLISH A DISTRICT COMMITTEE ON ASSESSMENTS TO ASSIST AND FACILITATE THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT INCLUDES ADMINISTRATORS, TEACHERS, AND PARENTS PARENTS, AND TEACHERS SELECTED BY THE EXCLUSIVE BARGAINING UNIT TO ADVISE AND MAKE RECOMMENDATIONS IN THE FOLLOWING AREAS:

A. THE TIME REQUIRED TO ADMINISTER EACH ASSESSMENT;

B. THE DUPLICATIVENESS OF ASSESSMENTS;

C. THE PURPOSE OF ASSESSMENTS;

D. THE VALUE OF FEEDBACK PROVIDED TO EDUCATORS;

AND

E. THE TIMELINESS OF RESULTS.

2. ON OR BEFORE JUNE 1, 2019, AND EACH JUNE 1 THEREAFTER IN AN ODD-NUMBERED YEAR, THE DISTRICT COMMITTEE ON ASSESSMENTS SHALL SUBMIT THE COMMITTEE'S RECOMMENDATIONS TO THE COUNTY BOARD AND EXCLUSIVE EMPLOYEE REPRESENTATIVE FOR TEACHERS FOR THAT LOCAL SCHOOL SYSTEM.

(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, ON OR BEFORE DECEMBER 1, 2017, AND EACH DECEMBER 1 THEREAFTER IN AN ODD-NUMBERED YEAR, A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FOR THAT LOCAL SCHOOL SYSTEM SHALL MUTUALLY AGREE TO THE AMOUNT OF TIME IN THE AGGREGATE THAT SHALL BE DEVOTED TO FEDERAL, STATE, OR LOCALLY MANDATED ASSESSMENTS, ON A GRADE-BY-GRADE BASIS, FOR THE FOLLOWING YEAR.

(IV) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, IF A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AMOUNT OF TIME IN THE AGGREGATE THAT SHALL BE DEVOTED TO FEDERAL, STATE, OR LOCALLY MANDATED ASSESSMENTS SHALL BE NO MORE THAN 2.2% OF THE

MINIMUM REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS TITLE.

(V) IF A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AMOUNT OF TIME IN THE AGGREGATE THAT SHALL BE DEVOTED TO FEDERAL, STATE, OR LOCALLY MANDATED ASSESSMENTS IN THE EIGHTH GRADE SHALL BE NO MORE THAN 2.3% OF THE MINIMUM REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS TITLE.

~~(3) A STUDENT WHO PARTICIPATES IN AN ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE PROGRAM MAY NOT BE SUBJECT TO THE AGGREGATE TESTING LIMIT PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

(3) A STUDENT MAY NOT BE SUBJECT TO THE REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION IF THE STUDENT PARTICIPATES IN:

(I) AN ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE PROGRAM; OR

(II) THE SCHOLASTIC APTITUDE TEST (SAT), IF ADMINISTERED DURING THE REGULAR SCHOOL DAY.

(4) TIME DEVOTED TO TEACHER-SELECTED CLASSROOM QUIZZES, AND EXAMS, PORTFOLIO REVIEWS, OR PERFORMANCE ASSESSMENTS MAY NOT BE COUNTED TOWARD THE TESTING LIMIT ESTABLISHED IN REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE INCLUDE THE REQUIREMENTS OF:

(I) A STUDENT'S 504 PLAN;

(II) THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. 1400, ET SEQ.; OR

(III) FEDERAL LAW RELATING TO ENGLISH LANGUAGE LEARNERS; OR.

(6) THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE REQUIREMENTS OF

~~(IV) THE THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT, 20 U.S.C. 6301, ET SEQ.~~

~~(6) (i) ON OR BEFORE DECEMBER 1, 2017, EACH COUNTY BOARD SHALL ESTABLISH A DISTRICT COMMITTEE ON ASSESSMENTS TO MONITOR AND EVALUATE THE COUNTY'S ASSESSMENT PROGRAM.~~

~~(ii) THE DISTRICT COMMITTEE FORMED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH SHALL CONSIST OF AT LEAST THE FOLLOWING MEMBERS, SELECTED BY THE COUNTY SUPERINTENDENT:~~

~~1. A REPRESENTATIVE OF AN EXCLUSIVE BARGAINING UNIT IN THE COUNTY;~~

~~2. A REPRESENTATIVE OF AN ELEMENTARY SCHOOL IN THE COUNTY;~~

~~3. A REPRESENTATIVE OF A MIDDLE SCHOOL IN THE COUNTY;~~

~~4. A REPRESENTATIVE OF A HIGH SCHOOL IN THE COUNTY;~~

~~5. A REPRESENTATIVE OF STUDENTS WITH DISABILITIES WHO RECEIVE SERVICES IN THE COUNTY; AND~~

~~6. A REPRESENTATIVE OF TEACHERS WHO TEACH ENGLISH LANGUAGE LEARNERS.~~

~~(iii) 1. ON OR BEFORE JULY 1, 2018, THE DISTRICT COMMITTEE SHALL DEVELOP A RUBRIC FOR EVALUATING LOCAL ASSESSMENTS, INCLUDING DISTRICT MANDATED ASSESSMENTS AND SCHOOL BASED ASSESSMENTS.~~

~~2. THE RUBRIC SHALL EVALUATE THE FOLLOWING FACTORS:~~

~~A. THE TIME REQUIRED TO ADMINISTER EACH ASSESSMENT;~~

~~B. THE DUPLICATIVENESS OF ASSESSMENTS;~~

~~C. THE PURPOSE OF ASSESSMENTS;~~

~~D. THE VALUE OF FEEDBACK PROVIDED TO EDUCATORS;~~  
AND

~~E. THE TIMELINESS OF RESULTS.~~

~~(IV) 1. ON OR BEFORE DECEMBER 1, 2018, AND EACH DECEMBER 1 THEREAFTER, THE DISTRICT COMMITTEE SHALL SUBMIT A REPORT TO THE COUNTY BOARD.~~

~~2. THE REPORT SHALL:~~

~~A. IDENTIFY LOCAL ASSESSMENTS THAT ARE DUPLICATIVE;~~

~~B. RECOMMEND ADJUSTMENTS TO LOCAL ASSESSMENTS CURRENTLY IN PLACE; AND~~

~~C. PROPOSE A TIMELINE FOR THE IMPLEMENTATION OF THE RECOMMENDED ADJUSTMENTS.~~

~~3. AFTER REVIEWING THE REPORT FROM THE DISTRICT COMMITTEE, THE COUNTY BOARD MAY ADOPT OR REJECT THE DISTRICT COMMITTEE'S RECOMMENDATION TO ADJUST THE ASSESSMENTS.~~

~~A. IF THE COUNTY BOARD REJECTS A RECOMMENDATION, THE COUNTY BOARD SHALL RETURN THE RECOMMENDATION TO THE DISTRICT COMMITTEE WITH THE COUNTY BOARD'S COMMENTS.~~

~~B. IF THE COUNTY BOARD ADOPTS A RECOMMENDATION, THE COUNTY BOARD SHALL IMPLEMENT THE RECOMMENDATION AND MAKE THE CHANGE TO THE ASSESSMENT THAT WILL BE USED IN THE FOLLOWING SCHOOL YEAR.~~

~~4. ON JULY 1, 2019, AND EACH JULY 1 THEREAFTER, THE COUNTY BOARD SHALL REPORT TO THE STATE BOARD:~~

~~A. THE DISTRICT COMMITTEE'S RECOMMENDED ADJUSTMENTS TO THE ASSESSMENTS; AND~~

~~B. THE STATUS OF THE COUNTY BOARD'S IMPLEMENTATION OF THE DISTRICT COMMITTEE'S RECOMMENDATIONS.~~

~~(V) ON OR BEFORE JULY 1, 2018, AND EACH JULY 1 THEREAFTER, THE DISTRICT COMMITTEE SHALL PUBLISH ON ITS WEB SITE:~~

~~1. A CALENDAR OF ASSESSMENTS; AND~~

~~2. THE DATE THE DISTRICT COMMITTEE WILL REPORT TO THE COUNTY BOARD.~~

~~(7) THE DEPARTMENT SHALL SURVEY A STATEWIDE, REPRESENTATIVE SAMPLE OF PUBLIC SCHOOLS ANNUALLY TO MEASURE HOW MUCH TIME IS SPENT IN EACH GRADE AND IN EACH LOCAL SCHOOL SYSTEM ON ADMINISTERING FEDERAL, STATE, AND LOCALLY MANDATED ASSESSMENTS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before July 15, 2017, the State Board of Education shall define a rubric by which a county board of education or a District Committee on Assessments shall evaluate local assessments under § 7-203(h)(2) of the Education Article as enacted by Section 1 of this Act.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 732

(Senate Bill 1191)

AN ACT concerning

### Schools and Child Care Centers – State Grant Program – Security Upgrades for Facilities at Risk of Hate Crimes or Attacks

FOR the purpose of authorizing the Maryland Center for School Safety to make grants for certain security-related projects to schools and child care centers determined to be at risk of certain hate crimes or attacks ~~because of their ideology, beliefs, or mission~~; authorizing certain schools or child care centers to apply to the Center for a certain State grant; establishing the terms and conditions for the use of certain State grant funds by certain recipients; providing that the funding for certain State grants shall be as provided by the Governor in the State budget; authorizing the State Board of Education, after consultation with the Center, to adopt certain regulations; defining a certain term; and generally relating to a State Grant Program for Schools and Child Care Centers at Risk of Hate Crimes or Attacks.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 10-305

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY adding to

Article – Education

Section 7–1502.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Law**

10–305.

A person may not deface, damage, or destroy, attempt to deface, damage, or destroy, burn or attempt to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

(1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or

(2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless.

**Article – Education**

**7–1502.1.**

**(A) IN THIS SECTION, “CHILD CARE CENTER” HAS THE MEANING STATED IN § 9.5–401 OF THIS ARTICLE.**

**(B) THE CENTER MAY MAKE GRANTS TO SCHOOLS AND CHILD CARE CENTERS DETERMINED TO BE AT RISK OF HATE CRIMES OR ATTACKS ~~BECAUSE OF THEIR IDEOLOGY, BELIEFS, OR MISSION~~ AS DESCRIBED UNDER § 10–305 OF THE CRIMINAL LAW ARTICLE FOR SECURITY-RELATED TECHNOLOGY AND SECURITY-RELATED FACILITY UPGRADES.**

**(C) ANY SCHOOL OR CHILD CARE CENTER DETERMINED TO BE AT RISK OF HATE CRIMES OR ATTACKS ~~BECAUSE OF ITS IDEOLOGY, BELIEFS, OR MISSION~~ AS DESCRIBED UNDER § 10–305 OF THE CRIMINAL LAW ARTICLE BY THE CENTER MAY APPLY TO THE CENTER FOR A STATE GRANT TO BE APPLIED TOWARD THE COST OF A SECURITY-RELATED PROJECT.**

**(D) THE ALLOCATION AND USE OF STATE FUNDS UNDER THIS SECTION ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

**(1) STATE FUNDS MAY BE USED ONLY FOR FUNDING ADDITIONAL SECURITY TRAINING NEEDS, SECURITY PERSONNEL, SECURITY CAMERAS, SECURITY-RELATED TECHNOLOGY, DOOR-HARDENING, IMPROVED LIGHTING, OR OTHER SECURITY-RELATED FACILITY UPGRADES; AND**

**(2) THE AMOUNT OF THE STATE GRANT FOR ANY PROJECT SHALL BE DETERMINED AFTER CONSIDERATION OF ALL ELIGIBLE APPLICANTS, THE TOTAL OF THE UNALLOCATED STATE FUNDS AVAILABLE AT THE TIME THE APPLICATION IS RECEIVED, AND THE PRIORITIES OF AREA NEED AS MAY BE ESTABLISHED BY THE CENTER.**

**(E) FUNDING FOR THE STATE GRANTS UNDER THIS SECTION SHALL BE AS PROVIDED BY THE GOVERNOR IN THE ANNUAL STATE BUDGET.**

**(F) THE STATE BOARD, AFTER CONSULTATION WITH THE CENTER, MAY ADOPT REGULATIONS FOR RECEIVING AND CONSIDERING APPLICATIONS AND FOR DISBURSING FUNDS TO APPLICANTS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 733**

**(Senate Bill 1169)**

AN ACT concerning

### **Unemployment Insurance – Charge of Benefits – Waiver Due to Natural Disaster**

FOR the purpose of authorizing the Secretary of Labor, Licensing, and Regulation to waive the charge of benefits against the earned rating record of an employing unit if the benefits are paid to a claimant during a certain period of unemployment because the employing unit shut down due to a natural disaster and the Governor declared a state of emergency due to the natural disaster; providing that the waiver may be in effect only for a certain period; and generally relating to the charge of unemployment insurance benefits against the earned rating records of employing units.

BY adding to

Article – Labor and Employment

Section 8-611(k)  
Annotated Code of Maryland  
(2016 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Labor and Employment**

8-611.

**(K) (1) THE SECRETARY MAY WAIVE THE CHARGE OF BENEFITS PAID TO A CLAIMANT AGAINST THE EARNED RATING RECORD OF AN EMPLOYING UNIT IF:**

**(I) THE BENEFITS ARE PAID TO THE CLAIMANT DURING A PERIOD IN WHICH THE CLAIMANT IS TEMPORARILY UNEMPLOYED BECAUSE THE EMPLOYING UNIT SHUT DOWN DUE TO A NATURAL DISASTER; AND**

**(II) THE GOVERNOR DECLARED A STATE OF EMERGENCY DUE TO THE NATURAL DISASTER.**

**(2) IF THE SECRETARY WAIVES THE CHARGE OF BENEFITS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE WAIVER MAY BE IN EFFECT ONLY UNTIL THE EARLIER OF:**

**(I) 4 MONTHS AFTER THE NATURAL DISASTER; OR**

**(II) THE DATE THE EMPLOYING UNIT REOPENS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 734**

**(House Bill 439)**

AN ACT concerning

**Somerset County – State’s Attorney – Annual Salary**

FOR the purpose of altering the annual salary of the State's Attorney for Somerset County; providing for the application of this Act; and generally relating to the salary of the State's Attorney for Somerset County.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 15–420(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 15–420(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Procedure**

15–420.

- (a) This section applies only in Somerset County.
- (b) The State's Attorney's salary is [~~\$98,000~~] **\$113,066**.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the State's Attorney for Somerset County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the State's Attorney for Somerset County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

AN ACT concerning

**Southern Maryland Code Counties – Towing Companies – Authority to Regulate**

FOR the purpose of authorizing ~~the governing body of a county~~ the county commissioners of a code county in the Southern Maryland class to adopt rules and regulations for the licensing, maintenance, and operation of towing companies in the county for certain purposes; authorizing certain rules and regulations adopted by a certain county to require a person who operates a towing company in the county to obtain a certain license and pay a certain fee; requiring a certain county to hold a certain hearing that is advertised in advance in a certain manner before adopting certain rules and regulations; providing that a person who violates certain rules and regulations is guilty of a misdemeanor and is subject to a certain penalty; providing that each day that a certain violation continues is a separate offense; stating that, in the event of a conflict with certain federal or State laws or certain written guidance issued by a unit of federal or State government, the rules and regulations adopted in accordance with this Act shall be preempted; providing for the application of this Act; defining certain terms; and generally relating to the authority of Southern Maryland code counties to regulate towing companies.

BY adding to

Article – Local Government

Section ~~13-1001 through 13-1007~~ 11-501 through 11-507 to be under the new subtitle “Subtitle ~~10-5~~ 5. Towing Companies”

Annotated Code of Maryland

(2013 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Local Government**

**SUBTITLE ~~10-5~~ 5. TOWING COMPANIES.**

**~~13-1001.~~ 11-501.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) **“NONCONSENSUAL TOWING” MEANS TOWING A MOTOR VEHICLE FROM PRIVATE PROPERTY WITHOUT THE CONSENT OF THE MOTOR VEHICLE’S OWNER OR OPERATOR.**

(C) **“TOW TRUCK” HAS THE MEANING STATED IN § 13-920 OF THE TRANSPORTATION ARTICLE.**

~~(C)~~ (D) “TOWING” MEANS THE MOVING OR REMOVAL OF A MOTOR VEHICLE BY A TOW TRUCK.

~~(D)~~ (E) “TOWING COMPANY” MEANS A PERSON THAT PROVIDES TOWING SERVICES.

~~(E)~~ (F) “TOWING SERVICE” MEANS THE OPERATION OF REMOVING OR TOWING MOTOR VEHICLES.

~~13-1002.~~ 11-502.

THIS SUBTITLE APPLIES ~~TO ALL COUNTIES, INCLUDING BALTIMORE CITY~~ ONLY IN CODE COUNTIES IN THE SOUTHERN MARYLAND CLASS, AS ESTABLISHED IN § 9-302 OF THIS ARTICLE.

~~13-1003.~~ 11-503.

THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COMMISSIONERS MAY ADOPT RULES AND REGULATIONS FOR THE LICENSING, MAINTENANCE, AND OPERATION OF TOWING COMPANIES IN THE COUNTY TO:

~~(1) PROTECT COUNTY RESIDENTS FROM FRAUD, DISCRIMINATION, DECEPTION, AND SIMILAR ABUSES;~~

~~(2) ELIMINATE UNNECESSARY STREET CONGESTION, DELAYS, AND TRAFFIC HAZARDS CAUSED BY ACCIDENT, MECHANICAL FAILURE, OR VIOLATION OF LAW;~~

(1) PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND UNIFORMITY REGARDING NONCONSENSUAL TOWING PRACTICES;

~~(3)~~ (2) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;

~~(4)~~ (3) PROMOTE GOOD CIVIC DESIGN; AND

~~(5)~~ (4) PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, AND PROSPERITY OF THE COMMUNITY.

~~13-1004.~~ 11-504.

THE RULES AND REGULATIONS ADOPTED BY THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COMMISSIONERS MAY:

(1) REQUIRE A PERSON WHO MAINTAINS OR OPERATES A TOWING COMPANY IN THE COUNTY TO OBTAIN A LICENSE FROM THE COUNTY; AND

(2) SPECIFY A REASONABLE FEE FOR THE LICENSE.

~~13-1005.~~ 11-505.

(A) (1) BEFORE ADOPTING RULES AND REGULATIONS UNDER § ~~13-1003~~ 11-503 OF THIS SUBTITLE, THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING.

(2) THE RULES OR REGULATIONS ARE NOT VALID UNLESS A PUBLIC HEARING IS HELD AS ADVERTISED.

(B) THE ~~GOVERNING BODY OF THE COUNTY~~ COUNTY COMMISSIONERS SHALL PUBLISH NOTICE OF THE TIME AND PLACE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE A WEEK FOR NOT LESS THAN 4 SUCCESSIVE WEEKS.

~~13-1006.~~ 11-506.

(A) A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER § ~~13-1003~~ 11-503 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$500 OR IMPRISONMENT NOT EXCEEDING 2 MONTHS OR BOTH.

(B) EACH DAY ON WHICH A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

~~13-1007.~~ 11-507.

IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN PROGRAM GUIDANCE ISSUED BY A UNIT OF THE FEDERAL OR STATE GOVERNMENT SHALL PREEMPT A RULE OR REGULATION ADOPTED OR ANY OTHER ACTION TAKEN UNDER THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

AN ACT concerning

**Sheriff of Harford County – Salary**

FOR the purpose of altering the annual salary of the Sheriff of Harford County beginning on a certain date; providing for the application of this Act; and generally relating to the salary of the Sheriff of Harford County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(n)(1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

2–309.

(n) (1) (i) [The] **BEGINNING DECEMBER 1, 2018, THE** Sheriff of Harford County shall receive [a] AN ANNUAL salary [of:

1. \$90,000 in 2004; and

2. \$98,500 commencing January 1, 2007,] **OF \$136,000**, thereafter to be adjusted annually on July 1 in accordance with subparagraph (ii) of this paragraph.

(ii) 1. On and after July 1, [2007] **2019**, the annual salary of the Sheriff of Harford County shall be adjusted annually to reflect the annual change in the “Consumer Price Index” for “All urban consumers” for the expenditure category “All items not seasonally adjusted”, and for all regions. The Annual Consumer Price Index for the period ending each December, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, shall be used to adjust the annual salary of the Sheriff of Harford County while in office.

2. Notwithstanding subsubparagraph 1 of this subparagraph, the adjustment to the annual salary of the Sheriff of Harford County may not exceed 3 percent in any fiscal year.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Harford County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or

compensation of the Sheriff of Harford County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 737

(House Bill 1469)

AN ACT concerning

### **Public Assistance – Family Investment Program – Child Support Pass Through**

FOR the purpose of requiring that a certain amount of child support received in a month pass through to a family seeking assistance under the Family Investment Program and prohibiting the consideration of that child support in computing the amount of assistance received; providing for a delayed effective date; and generally relating to the Family Investment Program.

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 5–310(a)  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Human Services**

5–310.

(a) (1) For applicants to the FIP, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 20% of that earned income.

(2) **THE FIRST \$100 OF CHILD SUPPORT COLLECTED IN A MONTH FOR ONE CHILD AND THE FIRST \$200 OF CHILD SUPPORT COLLECTED IN A MONTH FOR TWO OR MORE CHILDREN SHALL PASS THROUGH TO THE FAMILY AND SHALL BE DISREGARDED IN COMPUTING THE AMOUNT OF ASSISTANCE.**

(3) For eligible recipients who obtain unsubsidized employment, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 40% of that earned income.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2017~~ July 1, 2019.

Approved by the Governor, May 25, 2017.

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## Chapter 738

### (Senate Bill 1009)

AN ACT concerning

#### Public Assistance – Family Investment Program – Child Support Pass Through

FOR the purpose of requiring that a certain amount of child support received in a month pass through to a family seeking assistance under the Family Investment Program and prohibiting the consideration of that child support in computing the amount of assistance received; providing for a delayed effective date; and generally relating to the Family Investment Program.

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 5–310(a)  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Human Services

5–310.

(a) (1) For applicants to the FIP, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 20% of that earned income.

(2) **THE FIRST ~~\$100~~ ~~\$50~~ \$100 OF CHILD SUPPORT COLLECTED IN A MONTH FOR ONE CHILD AND THE FIRST ~~\$200~~ ~~\$100~~ \$200 OF CHILD SUPPORT COLLECTED IN A MONTH FOR TWO OR MORE CHILDREN SHALL PASS THROUGH TO**

THE FAMILY AND SHALL BE DISREGARDED IN COMPUTING THE AMOUNT OF ASSISTANCE.

(3) For eligible recipients who obtain unsubsidized employment, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 40% of that earned income.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2017~~ July 1, 2019.

Approved by the Governor, May 25, 2017.

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## Chapter 739

(House Bill 926)

AN ACT concerning

### Child Support – Health Insurance – Definition

FOR the purpose of defining the term “health insurance” for purposes of calculating a child support obligation under the child support guidelines; and generally relating to child support.

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 12–201  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Family Law

12–201.

(a) In this subtitle the following words here the meanings indicated.

(b) (1) “Actual income” means income from any source.

(2) For income from self–employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, “actual income” means gross receipts minus ordinary and necessary expenses required to produce income.

(3) “Actual income” includes:

- (i) salaries;
- (ii) wages;
- (iii) commissions;
- (iv) bonuses;
- (v) dividend income;
- (vi) pension income;
- (vii) interest income;
- (viii) trust income;
- (ix) annuity income;
- (x) Social Security benefits;
- (xi) workers’ compensation benefits;
- (xii) unemployment insurance benefits;
- (xiii) disability insurance benefits;

(xiv) for the obligor, any third party payment paid to or for a minor child as a result of the obligor’s disability, retirement, or other compensable claim;

(xv) alimony or maintenance received; and

(xvi) expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business to the extent the reimbursements or payments reduce the parent’s personal living expenses.

(4) Based on the circumstances of the case, the court may consider the following items as actual income:

- (i) severance pay;
- (ii) capital gains;
- (iii) gifts; or
- (iv) prizes.

(5) “Actual income” does not include benefits received from means–tested public assistance programs, including temporary cash assistance, Supplemental Security Income, food stamps, and transitional emergency, medical, and housing assistance.

(c) “Adjusted actual income” means actual income minus:

(1) preexisting reasonable child support obligations actually paid; and

(2) except as provided in § 12–204(a)(2) of this subtitle, alimony or maintenance obligations actually paid.

(d) “Adjusted basic child support obligation” means an adjustment of the basic child support obligation for shared physical custody.

(e) “Basic child support obligation” means the base amount due for child support based on the combined adjusted actual incomes of both parents.

(f) “Combined adjusted actual income” means the combined monthly adjusted actual incomes of both parents.

(g) (1) “Extraordinary medical expenses” means uninsured expenses over \$100 for a single illness or condition.

(2) “Extraordinary medical expenses” includes uninsured, reasonable, and necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.

(h) **“HEALTH INSURANCE” INCLUDES MEDICAL INSURANCE, DENTAL INSURANCE, PRESCRIPTION DRUG COVERAGE, AND VISION INSURANCE.**

(i) “Income” means:

(1) actual income of a parent, if the parent is employed to full capacity; or

(2) potential income of a parent, if the parent is voluntarily impoverished.

[(i)] (j) “Obligee” means any person who is entitled to receive child support.

[(j)] (k) “Obligor” means an individual who is required to pay child support under a court order.

[(k)] (l) “Ordinary and necessary expenses” does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or

investment tax credits or any other business expenses determined by the court to be inappropriate for determining actual income for purposes of calculating child support.

**[(l)] (M)** “Potential income” means income attributed to a parent determined by the parent’s employment potential and probable earnings level based on, but not limited to, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community.

**[(m)] (N)** (1) “Shared physical custody” means that each parent keeps the child or children overnight for more than 35% of the year and that both parents contribute to the expenses of the child or children in addition to the payment of child support.

(2) Subject to paragraph (1) of this subsection, the court may base a child support award on shared physical custody:

- (i) solely on the amount of visitation awarded; and
- (ii) regardless of whether joint custody has been granted.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 740**

### **(Senate Bill 293)**

AN ACT concerning

#### **Child Care Subsidy Program – Alternative Methodology – Report**

FOR the purpose of requiring the State Department of Education to report to certain committees of the General Assembly on or before a certain date on methodologies to set child care subsidy reimbursement rates in the Child Care Subsidy Program; requiring the report to contain certain information; and generally relating to the Child Care Subsidy Program.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, on or before October 1, 2017, the State Department of Education shall report to the Joint Committee on Children, Youth, and Families, the Senate Budget and Taxation Committee, and the House Appropriations Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) whether an alternative methodology for setting child care subsidy reimbursement rates in the Child Care Subsidy Program should replace the market rate survey or be used in addition to the market rate survey;

(2) the benefits and constraints of various alternative reimbursement rate setting methodologies;

(3) how other states set child care subsidy reimbursement rates;

(4) feedback on reimbursement rate setting methodologies from stakeholder meetings of the Office of Child Care Advisory Council, resource and referral agencies, child care worker organizations, and other appropriate entities; and

(5) what alternative reimbursement rate setting methodology should be used or, if no alternative is recommended, whether there are ways to modify the market rate survey method to better measure the actual cost of child care and the cost of improvements to the quality of child care.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 741

**(House Bill 437)**

AN ACT concerning

### **Higher Education – University System of Maryland – Quasi-Endowment Funds**

FOR the purpose of authorizing the Board of Regents of the University System of Maryland to transfer up to a certain amount of funds from the State-supported fund balance to a quasi-endowment fund; limiting the use of certain proceeds to certain purposes; and generally relating to quasi-endowment funds of the University System of Maryland.

BY repealing and reenacting, with amendments,

Article – Education

Section 12-104(e)(2)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Education**

12–104.

(e) (2) (i) Subject to [subparagraph (ii)] **SUBPARAGRAPHS (II) AND (III)** of this paragraph, the Board may maintain and manage quasi–endowment funds.

(ii) The Board may only make a one–time transfer of no more than \$50,000,000 from the non–State supported fund balance held and invested by the State Treasurer to the quasi–endowment fund.

**(III) 1. SUBJECT TO THE LIMITATION UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE BOARD MAY MAKE ONLY A ONE–TIME TRANSFER OF NO MORE THAN \$50,000,000 FROM THE STATE–SUPPORTED FUND BALANCE HELD AND INVESTED BY THE STATE TREASURER TO THE QUASI–ENDOWMENT FUND.**

**2. THE BOARD MAY USE THE INVESTMENT PROCEEDS FOR FACILITY RENEWAL PROJECTS RELATING ONLY TO CAPITAL FACILITIES USED FOR STATE–SUPPORTED ACTIVITIES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 742****(Senate Bill 202)**

AN ACT concerning

**Higher Education – University System of Maryland – Quasi–Endowment Funds**

FOR the purpose of authorizing the Board of Regents of the University System of Maryland to transfer up to a certain amount of funds from the State–supported fund balance to a quasi–endowment fund; limiting the use of certain proceeds to certain purposes; and generally relating to quasi–endowment funds of the University System of Maryland.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 12–104(e)(2)

Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

12–104.

(e) (2) (i) Subject to [subparagraph (ii)] **SUBPARAGRAPHS (II) AND (III)** of this paragraph, the Board may maintain and manage quasi–endowment funds.

(ii) The Board may only make a one–time transfer of no more than \$50,000,000 from the non–State supported fund balance held and invested by the State Treasurer to the quasi–endowment fund.

**(III) 1. SUBJECT TO THE LIMITATION UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE BOARD MAY MAKE ONLY A ONE–TIME TRANSFER OF NO MORE THAN \$50,000,000 FROM THE STATE–SUPPORTED FUND BALANCE HELD AND INVESTED BY THE STATE TREASURER TO THE QUASI–ENDOWMENT FUND.**

**2. THE BOARD MAY USE THE INVESTMENT PROCEEDS FOR FACILITY RENEWAL PROJECTS RELATING ONLY TO CAPITAL FACILITIES USED FOR STATE–SUPPORTED ACTIVITIES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 743**

**(Senate Bill 200)**

AN ACT concerning

**Income Tax Credit – Qualified Research and Development Expenses – Credit Amounts**

FOR the purpose of altering the total amount of research and development tax credits that the Department of Commerce may approve in a calendar year; providing for the application of this Act; and generally relating to certain credits against the State

income tax based on certain expenses paid or incurred for certain research and development conducted in the State.

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10–721(b)

Annotated Code of Maryland

~~(2010 Replacement Volume and 2016 Supplement)~~

(2016 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–721(c)

Annotated Code of Maryland

~~(2010 Replacement Volume and 2016 Supplement)~~

(2016 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Tax – General

10–721.

(b) Subject to the limitations of this section, an individual or a corporation may claim credits against the State income tax in an amount equal to:

(1) 3% of the Maryland qualified research and development expenses, not exceeding the Maryland base amount for the individual or corporation, paid or incurred by the individual or corporation during the taxable year; and

(2) 10% of the amount by which the Maryland qualified research and development expenses paid or incurred by the individual or corporation during the taxable year exceed the Maryland base amount for the individual or corporation.

(c) (1) By September 15 of the calendar year following the end of the taxable year in which the Maryland qualified research and development expenses were incurred, an individual or corporation shall submit an application to the Department for the credits allowed under subsection (b)(1) and (2) of this section.

(2) (i) Except as provided under paragraph (4) of this subsection, the total amount of credits approved by the Department under subsection (b)(1) of this section may not exceed **[\$4,500,000 for any calendar year]**:

**1. \$4,500,000 IN CALENDAR YEAR 2016; AND**

2. ~~\$6,000,000 IN CALENDAR YEAR 2017;~~ \$5,500,000 IN CALENDAR YEAR 2017 AND EACH CALENDAR YEAR THEREAFTER.

~~3. \$8,000,000 IN CALENDAR YEAR 2018; AND~~

~~4. \$10,000,000 IN CALENDAR YEAR 2019 AND EACH CALENDAR YEAR THEREAFTER.~~

(ii) Subject to paragraph (4) of this subsection, if the total amount of credits applied for by all individuals and corporations under subsection (b)(1) of this section exceeds the maximum specified under subparagraph (i) of this paragraph, the Department shall approve a credit under subsection (b)(1) of this section for each applicant in an amount equal to the product of multiplying the credit applied for by the applicant times a fraction:

1. the numerator of which is the maximum specified under subparagraph (i) of this paragraph; and

2. the denominator of which is the total of all credits applied for by all applicants under subsection (b)(1) of this section in the calendar year.

(3) (i) Except as provided in paragraph (4) of this subsection, the total amount of credits approved by the Department under subsection (b)(2) of this section may not exceed [\$4,500,000 for any calendar year]:

1. \$4,500,000 IN CALENDAR YEAR 2016; AND

2. ~~\$6,000,000 IN CALENDAR YEAR 2017;~~ \$6,500,000 IN CALENDAR YEAR 2017 AND EACH CALENDAR YEAR THEREAFTER.

~~3. \$8,000,000 IN CALENDAR YEAR 2018; AND~~

~~4. \$10,000,000 IN CALENDAR YEAR 2019 AND EACH CALENDAR YEAR THEREAFTER.~~

(ii) Subject to paragraph (4) of this subsection, if the total amount of credits applied for by all individuals and corporations under subsection (b)(2) of this section exceeds the maximum specified under subparagraph (i) of this paragraph, the Department shall approve a credit under subsection (b)(2) of this section for each applicant in an amount equal to the product of multiplying the credit applied for by the applicant times a fraction:

1. the numerator of which is the maximum specified under subparagraph (i) of this paragraph; and

2. the denominator of which is the total of all credits applied for by all applicants under subsection (b)(2) of this section in the calendar year.

(4) (i) For any calendar year, if the maximum specified under paragraph (2)(i) of this subsection exceeds the total amount of credits applied for by all individuals and corporations under subsection (b)(1) of this section, the maximum specified under paragraph (3)(i) of this subsection shall be increased for that calendar year by an amount equal to the amount by which the maximum specified under paragraph (2)(i) of this subsection exceeds the total amount of credits applied for by all individuals and corporations under subsection (b)(1) of this section.

(ii) For any calendar year, if the maximum specified under paragraph (3)(i) of this subsection exceeds the total amount of credits applied for by all individuals and corporations under subsection (b)(2) of this section, the maximum specified under paragraph (2)(i) of this subsection shall be increased for that calendar year by an amount equal to the amount by which the maximum specified under paragraph (3)(i) of this subsection exceeds the total amount of credits applied for by all individuals and corporations under subsection (b)(2) of this section.

(5) By December 15 of the calendar year following the end of the taxable year in which the Maryland qualified research and development expenses were incurred, the Department shall certify to the individual or corporation the amount of the research and development tax credits approved by the Department for the individual or corporation under subsection (b)(1) and (2) of this section.

(6) To claim the approved credits allowed under this section, an individual or corporation shall:

(i) file an amended income tax return for the taxable year in which the Maryland qualified research and development expense was incurred; and

(ii) attach a copy of the Department's certification of the approved credit amount to the amended income tax return.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017, and shall be applicable to all Maryland research and development tax credits certified after December 15, 2016.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 744**

**(Senate Bill 154)**

AN ACT concerning

**Vehicle Laws – School Bus Monitoring Cameras – Civil Penalty**

FOR the purpose of altering the civil penalty for a violation recorded by a school bus monitoring camera for failure to stop for a school vehicle operating alternately flashing red lights; requiring the Montgomery County Department of Police to report to the General Assembly on or before a certain date; providing for the termination of this Act; repealing a requirement that the District Court prescribe a certain civil penalty; and generally relating to civil penalties for violations recorded by school bus monitoring cameras.

BY repealing and reenacting, without amendments,  
 Article – Transportation  
 Section 21–706 and 21–706.1(a)(6)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 21–706.1(e)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – Transportation**

#### 21–706.

(a) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22–228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22–228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

#### 21–706.1.

(a) (6) “Violation” means a violation of § 21–706 of this subtitle.

(e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this

section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a school bus monitoring camera during the commission of a violation.

(2) ~~[(A)] THE~~ civil penalty under this subsection ~~[(may not exceed)] IS \$250~~  
\$500.

(3) For purposes of this section, the District Court shall ~~[(prescribe)]:~~

(i) ~~[(A)] PRESCRIBE A~~ uniform citation form consistent with subsection (f)(1) of this section and § 7–302 of the Courts Article; and

(ii) ~~[(A) A civil penalty, which shall be indicated] INDICATE THE CIVIL PENALTY~~ on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2018, the Montgomery County Department of Police shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the total number of violations recorded by school bus monitoring cameras in Montgomery County after the effective date of this Act, the effect of this Act on the frequency of violations in Montgomery County, and the number of violations recorded in Montgomery County for vehicles travelling in the opposite direction of school buses on multilane highways with painted medians.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 25, 2017.

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## Chapter 745

(Senate Bill 261)

AN ACT concerning

### Property Tax Credit – Residential Property Damaged by Natural Disaster

FOR the purpose of altering a certain property tax credit authorized against the county or municipal corporation property tax for certain residential real property damaged by flooding to include damage caused by a natural disaster; providing for the application

of this Act; and generally relating to a property tax credit for residential real property damaged by a natural disaster.

BY repealing and reenacting, with amendments,  
 Article – Tax – Property  
 Section 9–211  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Tax – Property**

9–211.

The Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on residential real property that the Mayor and City Council of Baltimore City or the appropriate governing body determines has suffered [flood damage or sewage] damage caused by [flood conditions] **A NATURAL DISASTER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 746**

**(House Bill 1246)**

AN ACT concerning

**Forests and Parks – Public Recreation on Private and State–Owned Land –  
 Hunting**

FOR the purpose of expanding a certain liability exemption for a landowner who agrees to the use of a defined part of the landowner’s property for cross–country skiing or off–highway vehicle use to apply to hunting; making certain conforming changes; making a certain stylistic change; and generally relating to public recreation on private and State–owned land.

BY repealing and reenacting, without amendments,  
 Article – Natural Resources

Section 5–1101(a) and (g), 5–1104, 5–1106, 5–1108, and 10–411  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 5–1109  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Natural Resources**

5–1101.

- (a) In this subtitle the following words have the meanings indicated.
- (g) “Recreational purpose” means any recreational pursuit.

5–1104.

Except as specifically recognized by or provided in § 5–1106 of this subtitle, an owner of land who either directly or indirectly invites or permits without charge persons to use the property for any recreational or educational purpose or to cut firewood for personal use does not by this action:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or
- (3) Assume responsibility for or incur liability as a result of any injury to the person or property caused by an act of omission of the person.

5–1106.

The provisions of this subtitle do not limit in any way any liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or for injury suffered where the owner of the land charges the person who enters or goes on the land for recreational or educational use. However, if land is leased to the State or any of its political subdivisions, any consideration the owner receives for the lease is not a charge within the meaning of this section.

5–1108.

(a) To facilitate a method of providing written consent, the Secretary shall distribute permission cards, to be available to the public and to landowners.

(b) One side of the card shall read:

PERMISSION TO ENTER

I hereby grant the person named on the reverse side permission to enter my property, subject to the terms of the agreement, on the following dates:

Signed \_\_\_\_\_  
(Landowner)

(c) The reverse side shall read:

AGREEMENT

In return for the privilege of entering on the private property for any recreational or educational purpose as defined in the Natural Resources Article § 5–1101, I agree to adhere to every law, observe every safety precaution and practice, take every precaution against fire, and assume all responsibility and liability for my person and my property, while on the landowner's property.

Signed \_\_\_\_\_

5–1109.

(a) If a landowner agrees to the use of a defined part of the landowner's real property for the use of cross-country skiing [or], for the use of an OHV, **OR FOR HUNTING**, any person who uses the part of the real property impliedly consents to adhere to every law, to observe every safety precaution and practice, to take every precaution against fire, and to assume all responsibility and liability for the person's safety and property while cross-country skiing [or], using an OHV, **OR HUNTING** on the landowner's real property.

(b) The provisions of § 5–1108(b) and (c) of this subtitle apply when a landowner leases any defined part of the landowner's real property for the use of cross-country skiing [or], for the use of an OHV, **OR FOR HUNTING**.

(c) The Department shall adopt regulations to [permit] **ALLOW** cross-country skiing [or], OHV use, **OR HUNTING** on those defined parts of a landowner's real property on which cross-country skiing [or], OHV use, **OR HUNTING** is allowed under this section.

10–411.

(a) A person may not upon any pretense come to hunt on the lands owned by another person without the written permission of the landowner or the landowner's agent or lessee.

(b) Any person hunting on this private property is liable for any damage the person causes to the private property while hunting on the private property.

(c) The landowner may not be liable for accidental injury or damage to the person whether or not the landowner or the landowner's agent gave permission to hunt on the private property.

(d) In Harford County a person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$25 and not exceeding \$250.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 747**

### **(House Bill 756)**

AN ACT concerning

#### **Vehicle Laws – Annual Vehicle Shows**

FOR the purpose of exempting a motorcycle dealer and a salesman employed by the dealer from restrictions on the number of annual vehicle shows in which the dealer or salesman may participate; creating an exception for motorcycle shows to the general requirement that vehicle shows offer only new vehicles; modifying a certain requirement that an application to the Motor Vehicle Administration to participate in a vehicle show include the names and addresses of all participating dealers; exempting certain motorcycle dealers from certain provisions of law governing the sale of vehicles at vehicle shows; authorizing a motorcycle dealer or salesman to conduct all aspects of a motorcycle sale at a vehicle show; and generally relating to annual vehicle shows.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 15–304(c), (d), and (e)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Transportation  
Section 15–304(f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

15–304.

(c) Notwithstanding the provisions of this section:

(1) A new vehicle dealer, or a licensed vehicle salesman who is employed by the dealer, may participate in 2 annual vehicle shows for each dealer location.

(2) A display or exhibit of vehicles provided by a vehicle manufacturer is not a vehicle show under this section if buyers' orders are not executed and deposits are not accepted.

(3) **(I)** A new vehicle dealer franchised to sell Class M motor homes or Class G trailers, or a licensed salesman who is employed by the dealer, may participate in more than 2 annual vehicle shows, if the shows are limited to Class M motor homes or Class G trailers.

**(II) A NEW VEHICLE DEALER FRANCHISED TO SELL MOTORCYCLES, OR A LICENSED SALESMAN WHO IS EMPLOYED BY THE DEALER, MAY PARTICIPATE IN MORE THAN 2 ANNUAL VEHICLE SHOWS.**

(d) A vehicle dealer or licensed vehicle salesman listed in subsection (c) of this section may participate in a vehicle show if:

(1) The dealer holds a valid license issued under this title; and

(2) At least 60 days before the vehicle show, an application is filed with the Administration, for approval by the Administration, that contains:

(i) A list of the names and business addresses of participating dealers **TO THE EXTENT KNOWN**;

(ii) The location of the vehicle show;

(iii) The specific dates on which the vehicle show will be held; and

(iv) Other reasonable information required by the Administration;

and

(3) The vehicle show does not exceed 10 consecutive days and, **EXCEPT FOR MOTORCYCLE SHOWS**, is restricted to new vehicles only.

(e) (1) **THIS SUBSECTION DOES NOT APPLY TO A LICENSED MOTORCYCLE DEALER OR A LICENSED MOTORCYCLE SALESMAN WHO IS EMPLOYED BY THE DEALER.**

(2) A licensed dealer, or a licensed vehicle salesman who is employed by the dealer, who participates in a vehicle show may execute a buyer's order and accept a deposit as provided in paragraph [(2)] (3) of this subsection.

[(2)] (3) A licensed dealer may not accept a deposit that:

(i) For an order for any vehicle, except a Class M motor home, exceeds 5 percent of the cost of the vehicle; or

(ii) For an order of a Class M motor home, exceeds 10 percent of the cost of the motor home.

[(3)] (4) Except as otherwise provided in paragraph [(1)] (2) of this subsection, a licensed dealer, or a licensed vehicle salesman who is employed by the dealer, shall conduct activities involved in a vehicle sale, including the completion of the sales contract, the issuance of temporary registration plates and a temporary registration certificate, and delivery of the vehicle, at the dealer's fixed location as shown in the dealer's application for the license.

**(F) A LICENSED MOTORCYCLE DEALER, OR A LICENSED SALESMAN WHO IS EMPLOYED AT A VEHICLE SHOW BY THE DEALER, MAY CONDUCT ALL ACTIVITIES INVOLVED IN A MOTORCYCLE SALE, INCLUDING EXECUTING A BUYER'S ORDER, ACCEPTING A DEPOSIT OF ANY AMOUNT, COMPLETING THE SALES CONTRACT, ISSUING TEMPORARY REGISTRATION PLATES AND A TEMPORARY REGISTRATION CERTIFICATE, AND DELIVERY OF THE MOTORCYCLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 748

**(House Bill 889)**

AN ACT concerning

**Vehicle Laws – HOV Lanes – Tow Trucks**

FOR the purpose of authorizing a tow truck to be driven in a high occupancy vehicle (HOV) lane at all times regardless of the number of passengers in the vehicle under certain circumstances; and generally relating to the use of HOV lanes by tow trucks.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 21–314  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Transportation**

21–314.

(a) In this section, “HOV lane” means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

(b) Except as provided in subsection (c) of this section, a person may not drive a vehicle in an HOV lane unless authorized by a traffic control device.

(c) (1) The following vehicles may be driven in an HOV lane at all times regardless of the number of passengers in or on the vehicle:

(i) A bus;

(ii) A motorcycle; [and]

(iii) A plug-in electric drive vehicle displaying a valid permit issued under § 25–108 of this article; **AND**

**(IV) A TOW TRUCK THAT IS PROPERLY REGISTERED IN ACCORDANCE WITH § 13–920 OF THIS ARTICLE AND IS USING ANY VISUAL SIGNAL THAT MEETS THE REQUIREMENTS OF § 22–218 OF THIS ARTICLE WHILE RESPONDING TO A CALL FOR SERVICE IF AN APPROPRIATE LAW ENFORCEMENT AGENCY HAS AUTHORIZED THE TOW TRUCK OPERATOR TO USE HOV LANES.**

(2) A qualified hybrid vehicle displaying a valid permit issued under § 25–108 of this article may be driven in the portion of U.S. Route 50 designated as an HOV lane, between Interstate 95/Interstate 495 and U.S. Route 301, at all times regardless of the number of passengers in or on the vehicle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 749**

### **(House Bill 494)**

AN ACT concerning

#### **Motor Vehicles – Use of Fog Lights When Windshield Wipers Operating – Repeal**

FOR the purpose of repealing the authority of a driver to use a vehicle's fog lights instead of the vehicle's headlamps during the continuous operation of the vehicle's windshield wipers under certain circumstances; and generally relating to the use of vehicle lamps and lights when the windshield wipers are operating.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 22–201.2  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### **Article – Transportation**

22–201.2.

(a) Notwithstanding any other provision of this subtitle, if a driver of a vehicle on a highway operates the vehicle's windshield wipers for a continuous period of time because of impaired visibility resulting from unfavorable atmospheric conditions, the driver shall light the vehicle's headlamps [or fog lights].

(b) A violation of this section is not considered a moving violation for purposes of § 16–402 of this article.

(c) (1) If a person is convicted under this section, the conviction may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a violation of this section.

(3) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating headlamp [or fog light].

(d) A person who is convicted of a violation of subsection (a) of this section is subject to a fine not to exceed \$25.

(e) A police officer may enforce the provisions of this section only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 750

### (Senate Bill 86)

AN ACT concerning

### **Motor Vehicles – Use of Fog Lights When Windshield Wipers Operating – Repeal**

FOR the purpose of repealing the authority of a driver to use a vehicle's fog lights instead of the vehicle's headlamps during the continuous operation of the vehicle's windshield wipers under certain circumstances; and generally relating to the use of vehicle lamps and lights when the windshield wipers are operating.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 22–201.2

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

22–201.2.

(a) Notwithstanding any other provision of this subtitle, if a driver of a vehicle on a highway operates the vehicle's windshield wipers for a continuous period of time because of impaired visibility resulting from unfavorable atmospheric conditions, the driver shall light the vehicle's headlamps [or fog lights].

(b) A violation of this section is not considered a moving violation for purposes of § 16–402 of this article.

(c) (1) If a person is convicted under this section, the conviction may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a violation of this section.

(3) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating headlamp [or fog light].

(d) A person who is convicted of a violation of subsection (a) of this section is subject to a fine not to exceed \$25.

(e) A police officer may enforce the provisions of this section only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 751****(Senate Bill 668)**

AN ACT concerning

**Vehicle Laws – Operation of Motorcycles – Handlebar Height**

FOR the purpose of increasing the maximum height that the handlebars of a motorcycle may be above a certain part of the motorcycle seat in order for a person to lawfully operate the motorcycle; and generally relating to the operation of motorcycles.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 21–1305(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

21–1305.

(b) A person may not operate any motorcycle with handlebars more than [15] **20** inches in height above the part of the seat occupied by the operator.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 752****(Senate Bill 707)**

AN ACT concerning

**Vehicle Law – Waste and Recycling Collection Vehicles – Use of Yellow and  
Amber Lights  
(The Senator Bob Hooper Sanitation Safety Act)**

FOR the purpose of authorizing certain waste or recycling collection vehicles to be equipped with or display certain lights or signal devices; and generally relating to lighting equipment on waste or recycling collection vehicles.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 22–218(c)(11)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 22–218(c)(6)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

22–218.

(c) (6) Service vehicles, **WASTE OR RECYCLING COLLECTION VEHICLES**, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(11) The yellow or amber lights or signal devices permitted on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 753**

**(House Bill 952)**

AN ACT concerning

**Vehicle Law – Waste and Recycling Collection Vehicles – Use of Yellow and Amber Lights**

***(The Senator Bob Hooper Sanitation Safety Act)***

FOR the purpose of authorizing certain waste or recycling collection vehicles to be equipped with or display certain lights or signal devices; and generally relating to lighting equipment on waste or recycling collection vehicles.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 22–218(c)(11)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 22–218(c)(6)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

22–218.

(c) (6) Service vehicles, **WASTE OR RECYCLING COLLECTION VEHICLES**, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(11) The yellow or amber lights or signal devices permitted on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 754**

**(House Bill 997)**

AN ACT concerning

**Vehicle Laws – Bicycles, Play Vehicles, and Unicycles – Operation on Sidewalks and in Crosswalks**

FOR the purpose of providing that, subject to certain provisions of law, a person has certain rights and is subject to certain restrictions applicable to pedestrians while the person is lawfully operating a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area or in or through a crosswalk; providing that, at an intersection, a person operating a bicycle, play vehicle, or unicycle is subject to certain traffic control signals; providing that a certain provision of law does not apply to a person operating a bicycle, play vehicle, or unicycle; altering a certain definition; and generally relating to the operation of bicycles, play vehicles, and unicycles.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–101(a), (i), ~~(m)~~, (o), and (w) and 21–506

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–101(m) and 21–1202

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

21–101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(i) “Crosswalk” means that part of a roadway that is:

(1) Within the prolongation or connection of the lateral lines of sidewalks at any place where 2 or more roadways of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway;

(2) Within the prolongation or connection of the lateral lines of a bicycle way where a bicycle way and a roadway of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway; or

(3) Distinctly indicated for pedestrian crossing by lines or other markings.

(m) “Play vehicle” means a vehicle that:

- (1) Has two or ~~three~~ **MORE** wheels;
- (2) Is propelled only by human power; ~~and~~
- (3) Is not a bicycle, as defined in Title 11 of this article; **AND**
- (4) IS NOT A WHEELCHAIR.**

(o) “Public bicycle area” means any highway, bicycle path, or other facility or area maintained by this State, a political subdivision of this State, or any of their agencies for the use of bicycles.

(w) “Sidewalk” means that part of a highway:

- (1) That is intended for use by pedestrians; and
- (2) That is between:
  - (i) The lateral curb lines or, in the absence of curbs, the lateral boundary lines of a roadway; and
  - (ii) The adjacent property lines.

21–506.

(a) Where a sidewalk is provided, a pedestrian may not walk along and on an adjacent roadway.

(b) Where a sidewalk is not provided, a pedestrian who walks along and on a highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction.

21–1202.

**(A)** Every person operating a bicycle or a motor scooter in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21–504 of this title, except:

- (1) As otherwise provided in this subtitle; and
- (2) For those provisions of this title that by their very nature cannot apply.

**(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON HAS THE RIGHTS AND IS SUBJECT TO THE RESTRICTIONS APPLICABLE TO**

PEDESTRIANS UNDER THIS TITLE WHILE THE PERSON IS LAWFULLY OPERATING A BICYCLE, PLAY VEHICLE, OR UNICYCLE:

(I) ON A SIDEWALK OR SIDEWALK AREA; OR

(II) IN OR THROUGH A CROSSWALK.

(2) AT AN INTERSECTION, A PERSON OPERATING A BICYCLE, PLAY VEHICLE, OR UNICYCLE IS SUBJECT TO ALL TRAFFIC CONTROL SIGNALS, AS PROVIDED IN §§ 21–202 AND 21–203 OF THIS TITLE.

(3) SECTION 21–506 OF THIS TITLE DOES NOT APPLY TO A PERSON OPERATING A BICYCLE, PLAY VEHICLE, OR UNICYCLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 755

(House Bill 830)

AN ACT concerning

### **Pollinator Habitat Plans – Plan Contents – ~~Requirement~~ Requirements and Prohibition**

FOR the purpose of requiring a certain pollinator habitat plan to include certain best management practices for the designation of certain habitat areas; requiring that a certain pollinator habitat plan established by the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration be as protective of pollinators as the Department of Agriculture’s managed pollinator protection plan; prohibiting the use of certain pesticides, *seeds, or plants*, ~~seeds, or plants~~ in the pollinator habitat plan a certain pollinator habitat area, subject to certain exceptions; defining a certain term certain terms term; making conforming changes; and generally relating to pollinator habitat plans.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–1801

Annotated Code of Maryland

(2016 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Agriculture**

2–1801.

~~(a) IN THIS SECTION, “NEONICOTINOID PESTICIDE” HAS THE MEANING STATED IN § 5-2A-01 OF THIS ARTICLE.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) “CERTIFIED APPLICATOR” HAS THE MEANING STATED IN § 5-201 OF THIS ARTICLE.~~

~~(3) “NEONICOTINOID, “NEONICOTINOID PESTICIDE” HAS THE MEANING STATED IN § 5-2A-01 OF THIS ARTICLE.~~

(B) (1) On or before July 1, 2017, subject to paragraph (2) of this subsection, the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration, in consultation with the Department, each shall establish a pollinator habitat plan.

(2) A pollinator habitat plan required under this subsection:

(i) Shall include best management practices for the **DESIGNATION, maintenance, creation, enhancement, and restoration of pollinator ~~habitats~~ HABITAT AREAS;**

(ii) Shall [adhere to] **BE AS PROTECTIVE OF POLLINATORS AS** the Department’s managed pollinator protection plan;

(iii) May not require an action on land that is inconsistent with any federal, State, or local law, regulation, rule, or guidance that applies to the land; [and]

(iv) May not require the creation of pollinator habitat on productive farmland; **AND**

(v) ~~MAY EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, MAY NOT ALLOW THE USE OF THE FOLLOWING PESTICIDES, SEEDS, OR PLANTS, SEEDS, OR PLANTS IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA IN ACCORDANCE WITH A POLLINATOR HABITAT PLAN:~~

1. **NEONICOTINOID PESTICIDES; ~~OR~~**

2. PESTICIDES LABELED AS TOXIC TO BEES OR OTHER POLLINATORS; OR
3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID PESTICIDE; OR
- ~~3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID PESTICIDE.~~

(3) (I) PESTICIDES LABELED AS TOXIC TO BEES OR OTHER POLLINATORS MAY BE USED IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA UNDER A POLLINATOR HABITAT PLAN IF:

~~1. THE SECRETARY OF HEALTH AND MENTAL HYGIENE, THE SECRETARY OF AGRICULTURE, OR THE SECRETARY OF NATURAL RESOURCES DETERMINES THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE OF THREAT TO PUBLIC HEALTH OR TO CONTROL FOR INVASIVE SPECIES; AND~~

~~2. THE PESTICIDES ARE APPLIED BY A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR THAT ARE NOT NEONICOTINOID PESTICIDES MAY BE USED IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA UNDER A POLLINATOR HABITAT PLAN IF THE SECRETARY OF HEALTH AND MENTAL HYGIENE DETERMINES THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE OF THREAT TO PUBLIC HEALTH.~~

(II) A POLLINATOR HABITAT PLAN REQUIRED UNDER THIS SUBSECTION MAY NOT RESTRICT A FARMER, OR A PERSON WORKING UNDER THE SUPERVISION OF A FARMER, FROM USING THE PESTICIDES, SEEDS, OR PLANTS SPECIFIED UNDER PARAGRAPH (2)(V) OF THIS SUBSECTION FOR AGRICULTURAL PURPOSES, INCLUDING:

1. CROP PRODUCTION;
2. LIVESTOCK;
3. POULTRY;
4. EQUINE; AND
5. NONCROP AGRICULTURAL FIELDS.

[(b)] (C) The Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration each shall:

(1) On or before September 1, 2017, make available to the public on its Web site the pollinator habitat plan established in accordance with subsection [(a)] (B) of this section; and

(2) On or before July 1, 2018, implement the pollinator habitat plan established in accordance with subsection [(a)] (B) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ ~~June~~ July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 756

(House Bill 1335)

AN ACT concerning

### Vehicle Laws – Obstruction Hanging From Rearview Mirror – Enforcement

FOR the purpose of providing for enforcement only as a secondary offense for a violation of the prohibition under certain circumstances against a person driving a vehicle on a highway with any object, material, or obstruction hanging from the rearview mirror under certain circumstances.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 21–1104  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Transportation

21–1104.

(a) A person may not drive a vehicle if it is so loaded or there is in the front seat so many passengers as to:

(1) Obstruct the view of the driver to the front or sides of the vehicle; or

(2) Interfere with the control of the driver over the driving mechanism of the vehicle.

(b) A passenger in a vehicle may not ride in any position where he:

(1) Interferes with the view of the driver to the front or sides of the vehicle;  
or

(2) Interferes with the control of the driver over the driving mechanism of the vehicle.

(c) (1) Except as provided in paragraph (2) of this subsection **AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION**, a person may not drive a vehicle on a highway with any object, material, or obstruction so located in or on the vehicle as to interfere with the clear view of the driver through the windshield.

(2) This subsection does not apply to:

(i) Required or permitted equipment of the vehicle;

(ii) Adjustable, nontransparent sun visors that are not attached to glass; or

(iii) Direction, destination, or termini signs on any passenger common carrier motor vehicle.

**(3) (I) A PERSON MAY NOT DRIVE A VEHICLE ON A HIGHWAY WITH ANY OBJECT, MATERIAL, OR OBSTRUCTION HANGING FROM THE REARVIEW MIRROR THAT INTERFERES WITH THE CLEAR VIEW OF THE DRIVER THROUGH THE WINDSHIELD.**

**(II) A POLICE OFFICER MAY ENFORCE THIS PARAGRAPH ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER OF A MOTOR VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not drive a vehicle with any sign, poster, card, sticker, or other nontransparent material on the windshield, side wings, or side or rear windows of the vehicle.

(2) This subsection does not apply to:

(i) Materials placed on the windshield or rear window, within a 7 inch square area in the lower corner, or on the side windows of the vehicle to the rear of the driver, if the materials are placed so as not to interfere with the driver's clear view of traffic;

(ii) Direction, destination, or termini signs on any passenger common carrier motor vehicle; or

(iii) Electronic toll collection tags placed in the windshield of a vehicle in accordance with the regulations of the Maryland Transportation Authority.

(3) The Administration shall adopt regulations to exempt from the provisions of paragraph (1) of this subsection materials placed on the windshield of a vehicle in compliance with security measures required by a federal or State government agency and approved by the Administration.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 757

### (House Bill 1150)

AN ACT concerning

#### Vehicle Laws – Off-Highway Recreational Vehicles

FOR the purpose of altering the definition of “off-highway recreational vehicle” as it applies to the Maryland Vehicle Law to include a side-by-side utility vehicle; altering the fee for a certificate of title for an off-highway recreational vehicle; and generally relating to off-highway recreational vehicles.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 11-140.1 and 13-802  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

#### Article – Transportation

11-140.1.

(a) “Off-highway recreational vehicle” means a vehicle that is:

(1) A motor–assisted or motor–driven vehicle that:

(i) Is designed to carry only the operator of the vehicle on a seat or saddle designed to be straddled by the operator or is designed to carry only the operator of the vehicle and one passenger; and

(ii) Is commonly known as an all–terrain vehicle;

(2) **A MOTOR–ASSISTED OR MOTOR–DRIVEN VEHICLE THAT:**

**(I) TRAVELS ON FOUR OR MORE TIRES;**

**(II) IS INTENDED FOR USE BY ONE OR MORE PERSONS;**

**(III) HAS THE FOLLOWING FEATURES:**

**1. A STEERING WHEEL FOR STEERING CONTROL;**

**2. A ROLL–OVER PROTECTIVE STRUCTURE;**

**3. AN OCCUPANT RETENTION SYSTEM;**

**4. NONSTRADDLE SEATING;**

**5. A MAXIMUM SPEED CAPABILITY EXCEEDING 30 MILES PER HOUR;**

**6. AN OVERALL WIDTH OF LESS THAN 80 INCHES, EXCLUSIVE OF ACCESSORIES; AND**

**7. AN ENGINE DISPLACEMENT OF LESS THAN 1,000 CUBIC CENTIMETERS; AND**

**(IV) IS COMMONLY KNOWN AS A SIDE–BY–SIDE UTILITY VEHICLE;**

**(3)** A motorcycle that is designed for off–highway operation and is not eligible for registration as a Class D (motorcycle) vehicle under this article, commonly known as a dirt bike; or

**[(3)] (4)** A snowmobile.

(b) “Off–highway recreational vehicle” does not include:

(1) A farm vehicle as defined in § 13-911 of this article when used exclusively on farm property by a farmer; or

(2) Any vehicle when used on residential property for the purpose of landscaping, gardening, or lawn care.

(c) The Administration may establish by regulation other requirements for or limitations on the definition of “off-highway recreational vehicle”.

13-802.

(a) Except as provided in subsection (b) of this section and § 13-805 of this subtitle, the fee for each certificate of title issued under this title is \$100.

(b) (1) The fee for each certificate of title issued for a rental vehicle is \$50.

(2) **THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR AN OFF-HIGHWAY RECREATIONAL VEHICLE IS \$35.**

(3) The fee for each certificate of title issued for a motor scooter or a moped is \$20.

[(3)] (4) On the death of a joint owner of a vehicle, the Administration may not charge a fee for a new certificate of title issued for the vehicle to another joint owner who is the surviving spouse.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 758

(House Bill 1447)

AN ACT concerning

### **Motor Vehicle Administration – Registration Plates – Return ~~and Expiration~~**

FOR the purpose of providing that certain registration plates required to be returned to the Motor Vehicle Administration may be returned through the mail; ~~providing that certain registration plates may not expire until the Administration makes a determination on a certain application;~~ and generally relating to the return ~~and expiration~~ of motor vehicle registration plates.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 11–101 and 11–131  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Transportation  
Section 13–410(h) ~~and (i)~~  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Transportation

11–101.

In the Maryland Vehicle Law, the following words have the meanings indicated, unless the context requires otherwise.

11–131.

“Mail” means to deposit in the United States mail, properly addressed and with postage prepaid.

13–410.

**(H) A REGISTRATION PLATE THAT IS REQUIRED TO BE RETURNED TO THE ADMINISTRATION MAY BE RETURNED THROUGH THE MAIL.**

~~**(I) NOTWITHSTANDING § 13–412 OF THIS SUBTITLE, IF THE REGISTERED OWNER OF A VEHICLE FOR WHICH REGISTRATION PLATES ARE ISSUED UNDER THIS TITLE APPLIES FOR REPLACEMENT REGISTRATION PLATES, THE CURRENT REGISTRATION PLATES OF THE REGISTERED OWNER MAY NOT EXPIRE UNTIL THE ADMINISTRATION MAKES A DETERMINATION ON THE APPLICATION.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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**Chapter 759****(House Bill 1456)**

AN ACT concerning

**Vehicle Laws – Passing to the Right – Use of Shoulder**

FOR the purpose of authorizing the driver of a vehicle to pass to the right of another vehicle making or about to make a left turn under certain circumstances; making a certain technical correction and certain conforming changes; and generally relating to the use of the shoulder to pass on the right.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 21–304  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Transportation**

21–304.

(a) Subject to the requirements of subsection (b) of this section, the driver of a vehicle may overtake and pass to the right of another vehicle only:

(1) If the overtaken vehicle is making or about to make a left turn;

(2) On a highway with unobstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or

(3) On any one–way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

(c) **(1)** Except **AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND** for an operator of a bicycle or motor scooter, a person may not make the movement described under [subsection] **SUBSECTIONS (A) AND (b)** of this section by driving off the roadway.

(2) THE DRIVER OF A VEHICLE MAY MAKE THE MOVEMENT DESCRIBED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION BY DRIVING OUTSIDE THE MARKED LANE ONTO THE SHOULDER TO OVERTAKE AND PASS A VEHICLE THAT IS MAKING OR ABOUT TO MAKE A LEFT TURN IF THE DRIVER CAN DO SO WITHOUT LEAVING THE PAVED SURFACE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 760

(House Bill 1301)

AN ACT concerning

### Vehicle Laws – School Crossing Guards – Authority to Direct Traffic

FOR the purpose of expanding the authority of school crossing guards to direct traffic by authorizing a school crossing guard who meets certain qualifications to direct vehicles and pedestrians on a highway or on school grounds in order to assist nonschool vehicles in entering and leaving school grounds; providing for the application of this Act; and generally relating to the authority of school crossing guards to direct traffic.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 21–107  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Transportation

21–107.

(a) A school crossing guard who meets the qualifications in subsection (b) of this section may stop or otherwise direct vehicles and pedestrians on a highway or on school grounds to assist:

(1) Pedestrians in the safe crossing of highways at a school crossing; [and]

(2) School vehicles in entering and leaving school grounds; AND

**(3) EXCEPT IN BALTIMORE CITY, VEHICLES THAT ARE NOT SCHOOL VEHICLES IN ENTERING AND LEAVING SCHOOL GROUNDS.**

(b) A school crossing guard is qualified to direct traffic as described in subsection (a) of this section if the school crossing guard:

(1) Is 18 years of age or older;

(2) Is under the control of a local law enforcement agency or a county school board;

(3) Has completed training to perform any traffic direction duties to which the guard is assigned as prescribed by the law enforcement agency or county school board that has control over the school crossing guard; and

(4) Is wearing an appropriate uniform as specified by the law enforcement agency or county school board that has control over the school crossing guard.

(c) A person may not willfully disobey a lawful direction of a school crossing guard exercising the authority granted in this section.

(d) Nothing in this section prohibits a school crossing guard who does not meet the qualifications specified in subsection (b) of this section from assisting a pedestrian to cross a highway, providing the school crossing guard does not attempt to do so by directing traffic.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 761

(House Bill 1334)

AN ACT concerning

### State Highway Administration – Traffic Control Devices – Decorative Treatments

FOR the purpose of requiring the State Highway Administration to establish a certain policy regarding the application of decorative treatments on certain traffic control

devices; authorizing a person to apply to a district office within the Administration for a certain permit to install certain decorative treatments; authorizing a district office to issue a permit to install certain decorative treatments on a traffic control device within the jurisdiction of the district office; requiring the Administration to adopt certain regulations; authorizing the Administration to adopt certain regulations; and generally relating to the installation of decorative treatments on traffic control devices.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 8–101(a) and (b)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Transportation  
Section 8–659  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

#### Preamble

WHEREAS, Traffic signal cabinets are a magnet for graffiti; and

WHEREAS, Decorative treatments on traffic signal cabinets beautify public spaces, build community, and are a demonstrated method to mitigate and prevent graffiti; and

WHEREAS, Cities across the country have successfully implemented programs to transform graffitied traffic signal cabinets into works of art; and

WHEREAS, The State Highway Administration’s current methodology for addressing graffiti is ineffective and propagates additional graffiti; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Transportation

8–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Administration” means the State Highway Administration.

8–659.

(A) IN THIS SECTION, “TRAFFIC CONTROL DEVICE” HAS THE MEANING STATED IN § 11-167 OF THIS ARTICLE.

(B) THE ADMINISTRATION SHALL ESTABLISH A POLICY THAT ALLOWS FOR THE INSTALLATION OF DECORATIVE TREATMENTS ON TRAFFIC CONTROL DEVICES THAT HAVE BEEN MARRED BY GRAFFITI OR VANDALISM THAT INCLUDES:

- (1) ILLICIT WRITINGS OR DRAWINGS;
- (2) ILLEGAL POSTINGS; OR
- (3) BLIGHT FROM INCOMPLETE MITIGATION OF GRAFFITI.

(C) (1) A PERSON MAY APPLY TO THE APPROPRIATE DISTRICT OFFICE WITHIN THE ADMINISTRATION FOR A PERMIT TO INSTALL A DECORATIVE TREATMENT, INCLUDING A DIGITALLY PRINTED VINYL WRAP OR PAINT, ON A TRAFFIC CONTROL DEVICE.

(2) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A DISTRICT OFFICE MAY ISSUE A PERMIT TO INSTALL A DECORATIVE TREATMENT ON A TRAFFIC CONTROL DEVICE WITHIN THE JURISDICTION OF THE DISTRICT OFFICE.

(D) (1) THE ADMINISTRATION SHALL ADOPT REGULATIONS FOR THE INSTALLATION OF DECORATIVE TREATMENTS THAT PROHIBIT DECORATIVE TREATMENTS FROM:

(I) INTERFERING WITH THE OPERATION OR MAINTENANCE OF A TRAFFIC CONTROL DEVICE; OR

(II) OBSTRUCTING ACCESS TO AND VENTILATION OF A TRAFFIC CONTROL DEVICE.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE ADMINISTRATION SHALL ADOPT VIEWPOINT AND CONTENT NEUTRAL REGULATIONS THAT PROVIDE THE MINIMUM REQUIREMENTS FOR DECORATIVE TREATMENTS.

(II) A DECORATIVE TREATMENT MAY NOT:

1. CONTAIN AN ADVERTISEMENT;
2. CONTAIN AN IMAGE OR A DESCRIPTION OF GRAPHIC VIOLENCE;

3. CONTAIN PROFANITY;
4. CONTAIN PORNOGRAPHY, OBSCENE MATERIAL, OR IMAGES OF NUDITY;
5. Demean or disparage an individual or a group of individuals;
6. VIOLATE A COPYRIGHT OR ANY OTHER LEGAL OWNERSHIP INTEREST; OR
7. UNNECESSARILY ENGAGE THE ATTENTION OF DRIVERS OR CAUSE DRIVER DISTRACTION.

**(3) THE ADMINISTRATION MAY ADOPT ANY ADDITIONAL REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## **Chapter 762**

**(House Bill 1287)**

AN ACT concerning

### **Commission on the School-to-Prison Pipeline and Restorative Practices**

FOR the purpose of establishing the Commission on the School-to-Prison Pipeline and Restorative Practices; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before certain dates; defining certain terms; providing for the termination of this Act; and generally relating to the Commission on the School-to-Prison Pipeline and Restorative Practices.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

- (a) (1) In this section the following words have the meanings indicated.

(2) “Restorative practices” means a whole-school ethos or culture comprising principles and practices that:

(i) support peacemaking and solve conflict by building a community and addressing harm in a school setting;

(ii) are conducted by trained staff; and

(iii) focus on repairing the harm to the community through dialogue that emphasizes individual accountability and helps build a sense of belonging, safety, and social responsibility in the school community.

(3) “School-to-prison pipeline” means the relationship between racial disparities in the availability of school resources, disparities in educational outcomes, and the overrepresentation of minorities in the criminal justice system.

(b) There is a Commission on the School-to-Prison Pipeline and Restorative Practices.

(c) The Commission consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the State Superintendent’s designee;

(4) the President of the State Board of Education, or the President’s designee;

(5) the Secretary of Juvenile Services, or the Secretary’s designee;

(6) the President of the Maryland Association of Boards of Education, or the President’s designee;

(7) the President of the Maryland State Education Association, or the President’s designee;

(8) the President of the Maryland Association of Student Councils, or the President’s designee;

(9) one representative of the Maryland Association of School Resource Officers, appointed by the President of the Maryland Association of School Resource Officers;

(10) one representative of the Maryland PTA, appointed by the President of the Maryland PTA;

~~(10)~~ (11) the Executive Director of the Maryland Equity Project at the University of Maryland, College Park, College of Education, or the Executive Director's designee;

~~(11)~~ (12) the Director of the Center for Dispute Resolution at the University of Maryland School of Law, or the Director's designee;

~~(12)~~ (13) the Director of the Positive Schools Center at the University of Maryland School of Social Work, or the Director's designee;

~~(13)~~ (14) one principal of a public school in Maryland that utilizes restorative practices, appointed by the State Superintendent;

~~(14)~~ (15) the President of the American Civil Liberties Union of Maryland, or the President's designee;

~~(15)~~ (16) the Maryland Public Defender, or the Public Defender's designee;

~~(16)~~ (17) the Executive Director of the Advocates for Children and Youth, or the Executive Director's designee;

~~(17)~~ (18) the Executive Director of Community Mediation Maryland, or the Executive Director's designee;

~~(18)~~ (19) the Executive Director of Community Conferencing Center, or the Executive Director's designee;

~~(19)~~ (20) the Executive Director of the Arc of Maryland, or the Executive Director's designee;

~~(20)~~ (21) one representative of the Youth Leadership and Advocacy Network; and

~~(21)~~ (22) one teacher of a public school in Maryland that utilizes restorative practices, appointed by the State Superintendent.

(d) The Director of the Center for Dispute Resolution at the University of Maryland School of Law shall be the chair of the Commission.

(e) The Center for Dispute Resolution at the University of Maryland School of Law shall provide staff for the Commission.

(f) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Commission shall:

(1) study and analyze the current disciplinary practices in Maryland public schools;

(2) investigate potential implementation options regarding incorporating restorative practices, including strategies that prioritize prevention and consider overall school climate;

(3) document the relationships between educational histories of Maryland students, including suspensions, expulsions, retention rates, and dropout rates and their involvement in the criminal justice system;

(4) examine national best practices for training of administrators, teachers, principals, and other personnel in restorative practices and eliminating the school-to-prison pipeline; and

(5) examine national best practices for engaging parents in restorative practices and eliminating the school-to-prison pipeline.

(h) On or before October 1, 2017, the State Department of Education shall brief the Commission on:

(1) two years of data on the number and distribution by the local school system of school-based arrests, referrals to law enforcement, including referrals to the Maryland Department of Juvenile Services, offenses with which students were charged, and incidents in which force has been used against a student, disaggregated by a student's age, race, gender, grade level, disability status, free or reduced price meals eligibility, and English language learner status;

(2) the behaviors, designated by codes of the Maryland Student Records Systems Manual, for which students were disciplined and the consequences used for each response, referencing Section II of the Maryland Guidelines for a State Code of Discipline document adopted July 22, 2014, by the State Board of Education, including, as appropriate, the length of suspension or expulsion, and whether a student is returned to the student's regular school program after the conclusion of the suspension or expulsion; and

(3) each local school system's Code of Conduct and discipline policies, how closely aligned those policies are to the Maryland Guidelines for a State Code of Discipline, and to what extent each local school system utilizes alternatives to suspension, exclusion, and arrest, including restorative practices.

(i) The Commission shall make recommendations on:

(1) the establishment of a Collaborative Action Plan, which could create a statewide framework for redesigning public school discipline practices around restorative justice practices and eliminating the school-to-prison pipeline in Maryland;

(2) legislative and policy initiatives that can be utilized to enact a Collaborative Action Plan; and

(3) any additional findings of the Commission.

(j) On or before January 1, 2019, the Commission shall report its final findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 25, 2017.**

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## Chapter 763

(Senate Bill 424)

AN ACT concerning

### **The Textbook Cost Savings Act of 2017**

FOR the purpose of requiring the Governor to include a certain amount of general funds in the State budget for a certain fiscal year for the purpose of providing a certain grant to the William E. Kirwan Center for Academic Innovation at the University System of Maryland for a certain initiative; authorizing certain funds to be used for certain purposes; requiring certain funds allocated for certain purposes to be for the adoption, adaptation, and creation of certain resources that are equally accessible to and independently usable by individuals with disabilities; stating a certain policy of the State; requiring the Center and the State Department of Education to explore jointly the possibility of providing access to certain types of learning materials and

resources to certain students; requiring the Center and the Department to submit certain reports on or before certain dates; providing for the termination of this Act; and generally relating to the funding of an initiative that supports and promotes the adoption, adaptation, and creation of openly licensed educational resources in higher education.

BY adding to

Article – Education

Section 12–114.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

**12–114.1.**

**(A) IT IS THE POLICY OF THE STATE THAT ALL STUDENTS HAVE ACCESS TO HIGH–QUALITY, LOW–COST LEARNING MATERIALS AND RESOURCES.**

**(B) (1) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE \$100,000 IN GENERAL FUNDS IN THE STATE BUDGET FOR THE PURPOSE OF PROVIDING A GRANT TO THE WILLIAM E. KIRWAN CENTER FOR ACADEMIC INNOVATION AT THE UNIVERSITY SYSTEM OF MARYLAND FOR THE MARYLAND OPEN SOURCE TEXTBOOK INITIATIVE.**

**(2) THE FUNDS ALLOCATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE USED TO:**

**(I) AWARD GRANTS TO SUPPORT AND PROMOTE THE ADOPTION, ADAPTATION, AND CREATION OF OPENLY LICENSED EDUCATIONAL RESOURCES IN ORDER TO REDUCE A STUDENT’S COST OF ATTENDANCE WHILE MAINTAINING OR IMPROVING LEARNING OUTCOMES;**

**(II) REIMBURSE EXPENSES INCURRED IN THE OPERATION OF THE MARYLAND OPEN SOURCE TEXTBOOK INITIATIVE, INCLUDING ADMINISTRATIVE FUNCTIONS AND THE EVALUATION OF ITS EFFICACY; AND**

**(III) REIMBURSE MONEY EXPENDED IN FISCAL YEAR 2018 THAT WOULD HAVE MET THE REQUIREMENTS OF ITEMS (I) AND (II) OF THIS PARAGRAPH IF FUNDS HAD BEEN AVAILABLE.**

**(C) TO THE EXTENT PRACTICABLE, FUNDS ALLOCATED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE FOR THE ADOPTION, ADAPTATION, AND CREATION OF OPENLY LICENSED EDUCATIONAL RESOURCES THAT ARE EQUALLY ACCESSIBLE TO AND INDEPENDENTLY USABLE BY INDIVIDUALS WITH DISABILITIES.**

SECTION 2. AND BE IT FURTHER ENACTED, That the William E. Kirwan Center for Academic Innovation at the University System of Maryland and the State Department of Education shall explore jointly the possibility of providing all students in primary and secondary education with high-quality, low-cost learning materials and resources such as openly licensed educational resources. On or before December 31, 2017, the Center and the Department shall submit an interim report regarding their progress to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly. On or before December 31, 2018, the Center and the Department shall submit their findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period of 5 years and, at the end of June 30, 2022, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 25, 2017.**

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## Chapter 764

(Senate Bill 815)

AN ACT concerning

### **State Board of Pharmacy – Registered Pharmacy Technicians – Exemption for Pharmacy Students**

FOR the purpose of providing that a certain provision of law requiring an individual to be registered and approved by the State Board of Pharmacy as a pharmacy technician before performing delegated pharmacy acts does not apply to a certain pharmacy student; repealing an obsolete provision of law; and generally relating to the State Board of Pharmacy, registered pharmacy technicians, and pharmacy students.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 12-101(a), (f), (h), (s), and (w)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 12–6B–01  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health Occupations**

12–101.

(a) In this title the following words have the meanings indicated.

(f) (1) “Delegated pharmacy act” means an activity that constitutes the practice of pharmacy delegated by a licensed pharmacist under this title and regulations adopted by the Board.

(2) “Delegated pharmacy act” does not include:

(i) An act within the parameters of a therapy management contract as provided under Subtitle 6A of this title;

(ii) The administration of an influenza vaccination in accordance with § 12–508 of this title;

(iii) The delegation of a pharmacy act by a registered pharmacy technician, pharmacy student, or pharmacy technician trainee;

(iv) A pharmacy activity performed by a pharmacy student in accordance with § 12–301(b) of this title;

(v) A pharmacy activity performed by an applicant for a license to practice pharmacy in accordance with regulations adopted by the Board; or

(vi) The performance of other functions prohibited in regulations adopted by the Board.

(h) “Direct supervision” means that a licensed pharmacist is physically available, notwithstanding appropriate breaks, on-site and in the prescription area or in an area where pharmacy services are provided to supervise the practice of pharmacy and delegated pharmacy acts.

(s) “Pharmacy student” means an individual who is enrolled as a student in a school or college of pharmacy approved by the Board or accredited by the Accreditation Council for Pharmacy Education.

(w) “Registered pharmacy technician” means an individual who is registered with the Board to perform delegated pharmacy acts.

12–6B–01.

(a) Except as otherwise provided in this title, [on or after January 1, 2007,] an individual shall be registered and approved by the Board as a pharmacy technician before the individual may perform delegated pharmacy acts.

(b) This section does not apply to [a]:

(1) A pharmacy technician trainee under the direct supervision of a licensed pharmacist provided that the individual does not perform delegated pharmacy acts for more than 6 months; OR

(2) A PHARMACY STUDENT WHO:

~~(1)~~ (I) IS CURRENTLY COMPLETING THE FIRST YEAR OF A PROFESSIONAL PHARMACY EDUCATION PROGRAM; AND

~~(2)~~ (II) UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST, PERFORMS DELEGATED PHARMACY ACTS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 765

(House Bill 983)

AN ACT concerning

**Health Insurance – ~~Telemedicine~~ Health Care Services Delivered Through Telehealth – ~~Counseling for Substance Use Disorders~~ Coverage**

FOR the purpose of requiring the health care services delivered through ~~telemedicine~~ telehealth under health insurance to include counseling for substance use disorders; altering a certain definition; making conforming changes; providing for the application of this Act; and generally relating to coverage of and reimbursement for ~~counseling for substance use disorders~~ health care services delivered through ~~telemedicine~~ telehealth under health insurance.

BY repealing and reenacting, with amendments,  
 Article – Insurance  
 Section 15–139  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Insurance

15–139.

(a) (1) In this section, ~~“telemedicine”~~ **“TELEHEALTH”** means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology by a licensed health care provider to deliver a health care service within the scope of practice of the health care provider at a ~~site~~ **LOCATION** other than the ~~site at which the patient is located~~ **LOCATION OF THE PATIENT**.

(2) ~~“Telemedicine”~~ **“TELEHEALTH”** does not include:

- (i) an audio-only telephone conversation between a health care provider and a patient;
- (ii) an electronic mail message between a health care provider and a patient; or
- (iii) a facsimile transmission between a health care provider and a patient.

(b) This section applies to:

- (1) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in the State; and
- (2) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

(c) **(1)** An entity subject to this section:

**[(1)] (I)** shall provide coverage under a health insurance policy or contract for health care services appropriately delivered through ~~telemedicine~~ **TELEHEALTH**; and

**[(2)] (II)** may not exclude from coverage a health care service solely because it is provided through ~~telemedicine~~ **TELEHEALTH** and is not provided through an in-person consultation or contact between a health care provider and a patient.

**(2) THE HEALTH CARE SERVICES APPROPRIATELY DELIVERED THROUGH ~~TELEMEDICINE~~ TELEHEALTH SHALL INCLUDE COUNSELING FOR SUBSTANCE USE DISORDERS.**

(d) An entity subject to this section:

(1) shall reimburse a health care provider for the diagnosis, consultation, and treatment of an insured patient for a health care service covered under a health insurance policy or contract that can be appropriately provided through ~~telemedicine~~ **TELEHEALTH**;

(2) is not required to:

(i) reimburse a health care provider for a health care service delivered in person or through ~~telemedicine~~ **TELEHEALTH** that is not a covered benefit under the health insurance policy or contract; or

(ii) reimburse a health care provider who is not a covered provider under the health insurance policy or contract; and

(3) (i) may impose a deductible, copayment, or coinsurance amount on benefits for health care services that are delivered either through an in-person consultation or through ~~telemedicine~~ **TELEHEALTH**;

(ii) may impose an annual dollar maximum as permitted by federal law; and

(iii) may not impose a lifetime dollar maximum.

(e) An entity subject to this section may undertake utilization review, including preauthorization, to determine the appropriateness of any health care service whether the service is delivered through an in-person consultation or through ~~telemedicine~~ **TELEHEALTH** if the appropriateness of the health care service is determined in the same manner.

(f) A health insurance policy or contract may not distinguish between patients in rural or urban locations in providing coverage under the policy or contract for health care services delivered through ~~telemedicine~~ **TELEHEALTH**.

(g) A decision by an entity subject to this section not to provide coverage for ~~telemedicine~~ **TELEHEALTH** in accordance with this section constitutes an adverse decision,

as defined in § 15–10A–01 of this title, if the decision is based on a finding that ~~telemedicine~~ **TELEHEALTH** is not medically necessary, appropriate, or efficient.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 766

(House Bill 1147)

AN ACT concerning

### Health Insurance – Prescription Drugs – Dispensing Synchronization

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to allow and apply a certain prorated copayment or coinsurance amount for a partial supply of a prescription drug dispensed by a certain pharmacy under certain circumstances; prohibiting a certain insurer, nonprofit health service plan, and health maintenance organization from denying payment of benefits to a certain pharmacy for a covered prescription drug solely on a certain basis and from using a certain payment structure; requiring a certain insurer, nonprofit health service plan, and health maintenance organization to allow a certain pharmacy to override certain codes and pay a certain pharmacy a certain dispensing fee for a certain purpose; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to payment for a partial supply of a prescription drug under health insurance.

BY adding to

Article – Insurance

Section 15–850

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Insurance

**15–850.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “IN-NETWORK PHARMACY” MEANS A PHARMACY THAT IS AMONG THE PARTICIPATING PROVIDERS WITH WHICH AN ENTITY SUBJECT TO THIS SECTION CONTRACTS TO PROVIDE HEALTH CARE SERVICES TO MEMBERS.

(3) “MEMBER” MEANS AN INDIVIDUAL ENTITLED TO HEALTH CARE BENEFITS FOR PRESCRIPTION DRUGS OR DEVICES UNDER A POLICY ISSUED OR DELIVERED IN THE STATE BY AN ENTITY SUBJECT TO THIS SECTION.

(B) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(C) AN ENTITY SUBJECT TO THIS SECTION SHALL ALLOW AND APPLY A PRORATED DAILY COPAYMENT OR COINSURANCE AMOUNT FOR A PARTIAL SUPPLY OF A PRESCRIPTION DRUG DISPENSED BY AN IN-NETWORK PHARMACY IF:

(1) THE PRESCRIBER OR THE PHARMACIST DETERMINES DISPENSING A PARTIAL SUPPLY OF A PRESCRIPTION DRUG TO BE IN THE BEST INTEREST OF THE MEMBER; ~~AND~~

(2) THE PRESCRIPTION DRUG IS ANTICIPATED TO BE REQUIRED FOR MORE THAN 3 MONTHS;

~~(2)~~ (3) THE MEMBER REQUESTS OR AGREES TO A PARTIAL SUPPLY FOR THE PURPOSE OF SYNCHRONIZING THE DISPENSING OF THE MEMBER’S PRESCRIPTION DRUGS;

**(4) THE PRESCRIPTION DRUG IS NOT A SCHEDULE II CONTROLLED DANGEROUS SUBSTANCE; AND**

**(5) THE SUPPLY AND DISPENSING OF THE PRESCRIPTION DRUG MEETS ALL PRIOR AUTHORIZATION AND UTILIZATION MANAGEMENT REQUIREMENTS SPECIFIC TO THE PRESCRIPTION DRUG AT THE TIME OF THE SYNCHRONIZED DISPENSING.**

**(D) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN ENTITY SUBJECT TO THIS SECTION:**

**(1) MAY NOT DENY PAYMENT OF BENEFITS TO AN IN-NETWORK PHARMACY FOR A COVERED PRESCRIPTION DRUG SOLELY ON THE BASIS THAT ONLY A PARTIAL SUPPLY OF THE PRESCRIPTION DRUG WAS DISPENSED; AND**

**(2) SHALL ALLOW AN IN-NETWORK PHARMACY TO OVERRIDE ANY DENIAL CODES INDICATING THAT A PRESCRIPTION IS BEING REFILLED TOO SOON.**

**(E) ~~AN~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN ENTITY SUBJECT TO THIS SECTION:**

**(1) MAY NOT USE A PAYMENT STRUCTURE THAT INCORPORATES PRORATED DISPENSING FEES FOR DISPENSING A PARTIAL SUPPLY OF A PRESCRIPTION DRUG; AND**

**(2) SHALL PAY AN IN-NETWORK PHARMACY A FULL DISPENSING FEE FOR DISPENSING A PARTIAL SUPPLY OF A PRESCRIPTION DRUG UNDER THIS SECTION, REGARDLESS OF:**

**(I) ANY PRORATED COPAYMENT OR COINSURANCE AMOUNT CHARGED TO A MEMBER; OR**

**(II) ANY FEE PAID TO THE PHARMACY FOR SYNCHRONIZING A MEMBER'S PRESCRIPTIONS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after ~~October 1, 2017~~ January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2017~~ January 1, 2019.

Approved by the Governor, May 25, 2017.

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**Chapter 767****(Senate Bill 898)**

AN ACT concerning

**Health Insurance – Prescription Drugs – Dispensing Synchronization**

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to allow and apply a certain prorated copayment or coinsurance amount for a partial supply of a prescription drug dispensed by a certain pharmacy under certain circumstances; prohibiting a certain insurer, nonprofit health service plan, and health maintenance organization from denying payment of benefits to a certain pharmacy for a covered prescription drug solely on a certain basis and from using a certain payment structure; requiring a certain insurer, nonprofit health service plan, and health maintenance organization to allow a certain pharmacy to override certain codes and pay a certain pharmacy a certain dispensing fee for a certain purpose; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to payment for a partial supply of a prescription drug under health insurance.

BY adding to

Article – Insurance

Section 15–850

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Insurance****15–850.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “IN-NETWORK PHARMACY” MEANS A PHARMACY THAT IS AMONG THE PARTICIPATING PROVIDERS WITH WHICH AN ENTITY SUBJECT TO THIS SECTION CONTRACTS TO PROVIDE HEALTH CARE SERVICES TO MEMBERS.

(3) “MEMBER” MEANS AN INDIVIDUAL ENTITLED TO HEALTH CARE BENEFITS FOR PRESCRIPTION DRUGS OR DEVICES UNDER A POLICY ISSUED OR DELIVERED IN THE STATE BY AN ENTITY SUBJECT TO THIS SECTION.

**(B) (1) THIS SECTION APPLIES TO:**

**(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

**(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

**(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.**

**(C) AN ENTITY SUBJECT TO THIS SECTION SHALL ALLOW AND APPLY A PRORATED DAILY COPAYMENT OR COINSURANCE AMOUNT FOR A PARTIAL SUPPLY OF A PRESCRIPTION DRUG DISPENSED BY AN IN-NETWORK PHARMACY IF:**

**(1) THE PRESCRIBER OR THE PHARMACIST DETERMINES DISPENSING A PARTIAL SUPPLY OF A PRESCRIPTION DRUG TO BE IN THE BEST INTEREST OF THE MEMBER; ~~AND~~**

**(2) THE PRESCRIPTION DRUG IS ANTICIPATED TO BE REQUIRED FOR MORE THAN 3 MONTHS;**

**~~(2)~~ (3) THE MEMBER REQUESTS OR AGREES TO A PARTIAL SUPPLY FOR THE PURPOSE OF SYNCHRONIZING THE DISPENSING OF THE MEMBER'S PRESCRIPTION DRUGS;**

**(4) THE PRESCRIPTION DRUG IS NOT A SCHEDULE II CONTROLLED DANGEROUS SUBSTANCE; AND**

**(5) THE SUPPLY AND DISPENSING OF THE PRESCRIPTION DRUG MEETS ALL PRIOR AUTHORIZATION AND UTILIZATION MANAGEMENT REQUIREMENTS SPECIFIC TO THE PRESCRIPTION DRUG AT THE TIME OF THE SYNCHRONIZED DISPENSING.**

**(D) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN ENTITY SUBJECT TO THIS SECTION:**

(1) MAY NOT DENY PAYMENT OF BENEFITS TO AN IN-NETWORK PHARMACY FOR A COVERED PRESCRIPTION DRUG SOLELY ON THE BASIS THAT ONLY A PARTIAL SUPPLY OF THE PRESCRIPTION DRUG WAS DISPENSED; AND

(2) SHALL ALLOW AN IN-NETWORK PHARMACY TO OVERRIDE ANY DENIAL CODES INDICATING THAT A PRESCRIPTION IS BEING REFILLED TOO SOON.

(E) ~~AN~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN ENTITY SUBJECT TO THIS SECTION:

(1) MAY NOT USE A PAYMENT STRUCTURE THAT INCORPORATES PRORATED DISPENSING FEES FOR DISPENSING A PARTIAL SUPPLY OF A PRESCRIPTION DRUG; AND

(2) SHALL PAY AN IN-NETWORK PHARMACY A FULL DISPENSING FEE FOR DISPENSING A PARTIAL SUPPLY OF A PRESCRIPTION DRUG UNDER THIS SECTION, REGARDLESS OF:

(I) ANY PRORATED COPAYMENT OR COINSURANCE AMOUNT CHARGED TO A MEMBER; OR

(II) ANY FEE PAID TO THE PHARMACY FOR SYNCHRONIZING A MEMBER'S PRESCRIPTIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after ~~October 1, 2017~~ January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2017~~ January 1, 2019.

Approved by the Governor, May 25, 2017.

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## Chapter 768

(House Bill 184)

AN ACT concerning

**Public Health – Treatment of Attention-Deficit/Hyperactivity Disorder –  
Identification and Posting Notice of Guidelines Information**

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~develop~~ identify, in consultation with ~~the Maryland Chapter of the American Academy of Pediatrics, a certain notice that explains the guidelines of the Centers for Disease Control and Prevention for the treatment of~~ certain stakeholders, certain information relating to attention-deficit/hyperactivity disorder in children and adolescents and to post the notice in a certain form on a certain; requiring the Department to post certain information in a certain form on the Department's Web site; ~~requiring certain health care practitioners to publicly and conspicuously display the notice in a certain office;~~ defining a certain term; and generally relating to the identification and notice posting of guidelines information for the treatment of children and adolescents with attention-deficit/hyperactivity disorder.

BY adding to

Article – Health Occupations

Section 1–207.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Health Occupations

#### 1–207.1.

(A) IN THIS SECTION, “HEALTH CARE PRACTITIONER” MEANS A PERSON WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION.

(B) THE DEPARTMENT SHALL:

(1) ~~DEVELOP IDENTIFY, IN CONSULTATION WITH THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS~~ STAKEHOLDERS WHO WISH TO PARTICIPATE, A NOTICE WRITTEN IN LAYMAN'S LANGUAGE THAT EXPLAINS THE GUIDELINES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION FOR THE TREATMENT OF UP-TO-DATE, EVIDENCE-BASED, WRITTEN INFORMATION RELATING TO ATTENTION-DEFICIT/HYPERACTIVITY DISORDER IN CHILDREN AND ADOLESCENTS THAT:

(I) HAS BEEN REVIEWED BY MEDICAL EXPERTS, MENTAL HEALTH CARE PRACTITIONERS, AND NATIONAL AND LOCAL ORGANIZATIONS SPECIALIZING IN THE PROVISION OF SERVICES FOR THE TREATMENT OF ATTENTION-DEFICIT/HYPERACTIVITY DISORDER;

(II) IS DESIGNED FOR USE BY HEALTH CARE PRACTITIONERS AND THE FAMILIES OF CHILDREN AND ADOLESCENTS WHO ARE DIAGNOSED WITH ATTENTION-DEFICIT/HYPERACTIVITY DISORDER;

(III) IS CULTURALLY AND LINGUISTICALLY APPROPRIATE FOR POTENTIAL RECIPIENTS OF THE INFORMATION; AND

(IV) INCLUDES:

1. TREATMENT OPTIONS FOR ATTENTION-DEFICIT/HYPERACTIVITY DISORDER, INCLUDING MEDICATION USAGE, BEHAVIORAL HEALTH SERVICES, AND NONPHARMACOLOGICAL INTERVENTION STRATEGIES; AND

2. CONTACT INFORMATION FOR NATIONAL AND LOCAL EDUCATION PROGRAMS AND SUPPORT SERVICES; AND

(2) POST THE ~~NOTICE~~ INFORMATION IDENTIFIED BY THE DEPARTMENT UNDER ITEM (1) OF THIS SUBSECTION IN PRINTABLE FORM ON THE DEPARTMENT'S WEB SITE THAT MAY BE ACCESSED BY HEALTH CARE PRACTITIONERS ENGAGED IN TREATING CHILDREN AND ADOLESCENTS FOR ATTENTION-DEFICIT/HYPERACTIVITY DISORDER.

~~(C) IF A HEALTH CARE PRACTITIONER IS ENGAGED IN TREATING CHILDREN AND ADOLESCENTS FOR ATTENTION DEFICIT/HYPERACTIVITY DISORDER, THE HEALTH CARE PRACTITIONER SHALL PUBLICLY AND CONSPICUOUSLY DISPLAY THE NOTICE DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION IN EACH OFFICE WHERE THE HEALTH CARE PRACTITIONER IS ENGAGED IN PRACTICE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 769

(House Bill 912)

AN ACT concerning

State Board of Examiners of Psychologists – Criminal History Records Checks –  
Renewals and Reinstatements

FOR the purpose of requiring the State Board of Examiners of Psychologists to begin, by a certain date, a process of requiring criminal history records checks on selected renewal applicants as determined by regulations adopted by the Board and certain former licensees and registrants who file for reinstatement of a license or registration; requiring an additional criminal history records check to be performed on a certain schedule; requiring the Board to consider certain factors in determining whether to renew certain licenses and registrations; prohibiting the Board from renewing a license or registration under certain circumstances; and generally relating to the requirement by the State Board of Examiners of Psychologists for a criminal history records check.

BY adding to

Article – Health Occupations

Section 18–309(h)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health Occupations**

18–309.

**(H) (1) (I) BEGINNING MARCH 2019, THE BOARD SHALL BEGIN A PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH § 18–302.1 OF THIS SUBTITLE ON:**

**1. SELECTED ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND**

**2. EACH FORMER LICENSEE OR REGISTRANT WHO FILES FOR REINSTATEMENT UNDER § 18–310 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE OR REGISTRATION FOR A PERIOD OF 1 YEAR OR MORE.**

**(II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK SHALL BE PERFORMED:**

**1. 6 YEARS AFTER A RENEWAL APPLICANT SUBMITTED TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 18–302(E) OF THIS SUBTITLE; AND**

**2. EVERY 6 YEARS AFTER A RENEWAL APPLICANT WAS REQUIRED TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.**

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 18–302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO RENEW A LICENSE OR REGISTRATION, THE BOARD SHALL CONSIDER:

- (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- (IV) SUBSEQUENT WORK HISTORY;
- (V) EMPLOYMENT AND CHARACTER REFERENCES; AND
- (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW A LICENSE OR REGISTRATION IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 18–302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 770

(House Bill 957)

AN ACT concerning

~~Physicians – Licensure – Liability Coverage~~  
**State Board of Physicians – Medical Professional Liability Insurance Coverage –  
 Verification, Publication, and Notification Requirements**  
 (Janet’s Law)

FOR the purpose of ~~requiring licensed physicians to maintain certain minimum amounts of professional liability insurance or attest to certain coverage as a condition of licensure and comply with certain regulations; requiring a licensed physician to notify the State Board of Physicians of the cancellation of the insurance or coverage~~

~~within a certain time period; requiring a certain physician to provide the State Board of Physicians with certain verification or documentation on a certain application and at any other time on request of the Board; within a certain number of days after the Board requests the verification or documentation the physician receives a certain request from the Board; authorizing the Board to adopt certain regulations; authorizing the Board to take certain actions if verification or other documentation of insurance or coverage is not provided as required by certain provisions of this Act; authorizing the Board to conduct certain audits for certain purposes; providing for the construction of certain provisions of this Act; making conforming changes; requiring the public individual profile of certain licensees of the Board to include certain information as reported to the Board, including information regarding whether the licensee maintains medical professional liability insurance; requiring certain licensees practicing medicine in the State to notify patients in writing, at each visit, of certain information relating to medical professional liability insurance coverage; requiring the notification to be provided at certain visits and as part of certain informed consents and signed by a patient at a certain time times; requiring a licensee to retain the notification as part of certain records and, under certain circumstances, to post certain information in a certain location at the licensee's place of practice; requiring the State Board of Physicians to develop certain language for a certain required notification; and generally relating to physicians and liability coverage.~~

*BY adding to*

*Article – Health Occupations*

*Section 14-312.1 and 14-508*

*Annotated Code of Maryland*

*(2014 Replacement Volume and 2016 Supplement)*

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section ~~14-205(b)(1), 14-309, 14-316(c), 14-317, and 14-404(a)(41) and (42)~~  
14-411.1(b)(6)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

~~BY adding to~~

~~Article – Health Occupations~~

~~Section 14-312.1 and 14-404(a)(43) and (44) 14-508~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Health Occupations**

~~(b) (1) In addition to the powers set forth elsewhere in this title, the Board may:~~

~~(i) Adopt regulations to regulate the performance of acupuncture, but only to the extent authorized by § 14-504 of this title;~~

~~(ii) After consulting with the State Board of Pharmacy, adopt rules and regulations regarding the dispensing of prescription drugs by a licensed physician;~~

~~(iii) Subject to the Administrative Procedure Act, deny a license to an applicant or, if an applicant has failed to renew the applicant's license, refuse to renew or reinstate an applicant's license for:~~

~~1. Any of the reasons that are grounds for action under § 14-404 of this title; [or]~~

~~2. Failure to submit to a criminal history records check in accordance with § 14-308.1 of this title;~~

~~3. FAILURE TO PROVIDE THE BOARD WITH VERIFICATION OR DOCUMENTATION THAT THE PHYSICIAN MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS TITLE; OR~~

~~4. PROVIDING THE BOARD WITH FALSE VERIFICATION OR DOCUMENTATION THAT THE PHYSICIAN MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS TITLE;~~

~~(iv) On receipt of a written and signed complaint, including a referral from the Commissioner of Labor and Industry, conduct an unannounced inspection of the office of a physician or acupuncturist, other than an office of a physician or acupuncturist in a hospital, related institution, freestanding medical facility, or a freestanding birthing center, to determine compliance at that office with the Centers for Disease Control and Prevention's guidelines on universal precautions; and~~

~~(v) Contract with others for the purchase of administrative and examination services to carry out the provisions of this title.~~

~~14-309.~~

~~(a) To apply for a license, an applicant shall:~~

~~(1) Submit to a criminal history records check in accordance with § 14-308.1 of this subtitle;~~

~~(2) PROVIDE THE BOARD WITH VERIFICATION OR OTHER DOCUMENTATION THAT THE APPLICANT MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS SUBTITLE;~~

~~[(2)] (3) Submit an application to the Board on the form that the Board requires; and~~

~~[(3)] (4) Pay to the Board the application fee set by the Board.~~

~~(b) The Board may not release a list of applicants for licensure.~~

~~14-312.1.~~

~~(A) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO, OR TO PREVENT THE RENDERING OF, EMERGENCY MEDICAL SERVICES BY A LICENSED PHYSICIAN IN ACCORDANCE WITH § 5-603 OF THE COURTS ARTICLE.~~

~~(B) EACH LICENSED PHYSICIAN SHALL:~~

~~(1) (i) MAINTAIN MEDICAL PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNTS OF:~~

~~1. \$1,000,000 PER OCCURRENCE OR CLAIM; AND~~

~~2. \$3,000,000 PER ANNUAL AGGREGATE; OR~~

~~(ii) ATTEST THAT THE LICENSED PHYSICIAN IS COVERED BY:~~

~~1. THE FEDERAL TORT CLAIMS ACT OR THE MARYLAND TORT CLAIMS ACT; OR~~

~~2. MEDICAL PROFESSIONAL LIABILITY INSURANCE PROVIDED BY THE LICENSED PHYSICIAN'S EMPLOYER IN THE AMOUNTS SPECIFIED IN ITEM (i) OF THIS ITEM;~~

~~(2) HAVE INSURANCE OR COVERAGE DESCRIBED IN ITEM (1)(i) OF THIS SUBSECTION THAT IS APPROPRIATE FOR THE INDIVIDUAL PHYSICIAN'S CIRCUMSTANCES; AND~~

~~(3) COMPLY WITH ANY REGULATIONS ADOPTED BY THE BOARD UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(C) IF THE INSURANCE OR COVERAGE REQUIRED BY SUBSECTION (B) OF THIS SECTION IS CANCELED, THE LICENSED PHYSICIAN SHALL GIVE THE BOARD~~

~~NOTICE OF THE CANCELLATION AT LEAST 10 BUSINESS DAYS BEFORE THE EFFECTIVE DATE OF THE CANCELLATION.~~

14-312.1.

~~(D) (1) A ON REQUEST OF THE BOARD, A PHYSICIAN WHO REPORTS TO THE BOARD THAT THE PHYSICIAN MAINTAINS MEDICAL PROFESSIONAL LIABILITY INSURANCE FOR PURPOSES OF THE PUBLIC INDIVIDUAL PROFILE MAINTAINED BY THE BOARD UNDER § 14-411.1(B) OF THIS TITLE SHALL PROVIDE THE BOARD WITH VERIFICATION OR OTHER DOCUMENTATION APPROVED BY THE BOARD THAT THE PHYSICIAN MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY SUBSECTION (B) OF THIS SECTION; WITHIN 5 25 BUSINESS DAYS AFTER THE REQUEST IS MADE PHYSICIAN RECEIVES A REQUEST FROM THE BOARD.~~

~~(I) ON THE PHYSICIAN'S APPLICATION FOR:~~

~~1. AN INITIAL LICENSE UNDER § 14 309 OF THIS SUBTITLE; AND~~

~~2. RENEWAL OR REINSTATEMENT OF A LICENSE UNDER § 14 316 OR § 14 317 OF THIS SUBTITLE; AND~~

~~(II) AT ANY OTHER TIME ON REQUEST OF THE BOARD.~~

~~(2) IF A PHYSICIAN FAILS TO SUBMIT VERIFICATION OR DOCUMENTATION AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION OR FAILS TO MAINTAIN THE INSURANCE OR COVERAGE REQUIRED BY SUBSECTION (B) OF THIS SECTION:~~

~~(I) THE BOARD SHALL PROVIDE THE PHYSICIAN WITH NOTICE; AND~~

~~(II) THE PHYSICIAN SHALL BE SUBJECT TO:~~

~~1. DENIAL OF LICENSURE BY THE BOARD UNDER § 14 205(B)(1)(III) OF THIS TITLE; OR~~

~~2. DISCIPLINE BY A DISCIPLINARY PANEL UNDER § 14 404 OF THIS TITLE.~~

~~(3) IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE BOARD, THE BOARD MAY ENFORCE THIS SUBSECTION BY RANDOMLY AUDITING A PORTION OF LICENSED PHYSICIANS TO DETERMINE COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION.~~

~~(4) IN ADDITION TO ANY OTHER AVAILABLE PENALTY, AN APPLICANT FOR AN INITIAL LICENSE OR FOR RENEWAL OR REINSTATEMENT OF A LICENSE WHO PROVIDES FALSE VERIFICATION OR DOCUMENTATION OF INSURANCE OR COVERAGE SHALL BE SUBJECT TO:~~

~~(i) DENIAL OF LICENSURE BY THE BOARD UNDER § 14-205(B)(1)(III) OF THIS TITLE; OR~~

~~(ii) DISCIPLINE BY A DISCIPLINARY PANEL UNDER § 14-404 OF THIS TITLE.~~

~~(E) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~  
~~14-316.~~

~~(e) Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:~~

~~(1) Otherwise is entitled to be licensed;~~

~~(2) PROVIDES THE BOARD WITH VERIFICATION OR DOCUMENTATION THAT THE PHYSICIAN MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS SUBTITLE;~~

~~[(2)] (3) Pays to the Board a renewal fee set by the Board; and~~

~~[(3)] (4) Submits to the Board:~~

~~(i) A renewal application on the form that the Board requires; and~~

~~(ii) Satisfactory evidence of compliance with any continuing education requirements set under this section for license renewal.~~

~~14-317.~~

~~The Board shall reinstate the license of a physician who has failed to renew the license for any reason if the physician:~~

~~(1) Meets the renewal requirements of § 14-316 of this subtitle;~~

~~(2) PROVIDES THE BOARD WITH VERIFICATION OR DOCUMENTATION THAT THE PHYSICIAN MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS SUBTITLE;~~

~~[(2)] (3) Pays to the Board a reinstatement fee set by the Board; and~~

~~[(3)] (4) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements.~~

~~14-404.~~

~~(a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:~~

~~(41) Performs a cosmetic surgical procedure in an office or a facility that is not:~~

~~(i) Accredited by:~~

~~1. The American Association for Accreditation of Ambulatory Surgical Facilities;~~

~~2. The Accreditation Association for Ambulatory Health Care; or~~

~~3. The Joint Commission on the Accreditation of Healthcare Organizations; or~~

~~(ii) Certified to participate in the Medicare program, as enacted by Title XVIII of the Social Security Act; [or]~~

~~(42) Fails to submit to a criminal history records check under § 14-308.1 of this title;~~

~~(43) FAILS TO:~~

~~(i) MAINTAIN THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS TITLE; OR~~

~~(ii) PROVIDE THE BOARD WITH VERIFICATION OR DOCUMENTATION THAT THE PHYSICIAN MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS TITLE; OR~~

~~(44) PROVIDES THE BOARD WITH FALSE VERIFICATION OR DOCUMENTATION THAT THE PHYSICIAN MAINTAINS THE INSURANCE OR COVERAGE REQUIRED BY § 14-312.1 OF THIS TITLE.~~

14-411.1.

(b) The Board shall create and maintain a public individual profile on each licensee that includes the following information:

(6) [Medical] AS REPORTED TO THE BOARD BY THE LICENSEE, education and practice information about the licensee including:

(i) The name of any medical school that the licensee attended and the date on which the licensee graduated from the school;

(ii) A description of any internship and residency training;

(iii) A description of any specialty board certification by a recognized board of the American Board of Medical Specialties or the American Osteopathic Association;

(iv) The name of any hospital where the licensee has medical privileges [as reported to the Board under § 14-413 of this subtitle];

(v) The location of the licensee's primary practice setting; [and]

(vi) Whether the licensee participates in the Maryland Medical Assistance Program; AND

(VII) WHETHER THE LICENSEE MAINTAINS MEDICAL PROFESSIONAL LIABILITY INSURANCE.

**14-508.**

**(A) EACH LICENSEE PRACTICING MEDICINE IN THE STATE SHALL NOTIFY A PATIENT IN WRITING, ~~AT EACH VISIT,~~ IF:**

**(1) THE LICENSEE DOES NOT MAINTAIN MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE; OR**

**(2) THE LICENSEE'S MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE HAS LAPSED FOR ANY PERIOD OF TIME AND THE LICENSEE'S COVERAGE HAS NOT BEEN RENEWED.**

**(B) THE WRITTEN NOTIFICATION PROVIDED TO THE PATIENT UNDER SUBSECTION (A) OF THIS SECTION MUST BE:**

**(1) PROVIDED:**

**(I) AT THE FIRST VISIT BY THE PATIENT DURING ANY PERIOD IN WHICH THE LICENSEE DOES NOT MAINTAIN MEDICAL PROFESSIONAL LIABILITY INSURANCE, UNLESS THE VISIT IS FOR THE PURPOSE OF RECEIVING INCIDENTAL MEDICAL CARE THAT WILL BE RENDERED FREE OF CHARGE; AND**

**(II) AS PART OF EACH INFORMED CONSENT OBTAINED BEFORE ANY PROCEDURE OR OPERATION DISCUSSED OR OFFERED FOR THE PATIENT'S CONSIDERATION IS PERFORMED;**

**(2) SIGNED BY THE PATIENT AT THE TIME OF THE PATIENT'S VISIT OR THE INFORMED CONSENT IS SIGNED; AND**

**~~(2)~~ (3) RETAINED BY THE LICENSEE AS PART OF THE LICENSEE'S PATIENT RECORDS.**

**(C) EACH LICENSEE PRACTICING MEDICINE IN THE STATE WHO DOES NOT MAINTAIN MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE SHALL POST THIS INFORMATION IN A CONSPICUOUS LOCATION IN THE LICENSEE'S PLACE OF PRACTICE.**

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall develop appropriate language for the notification required under § 14-508 of the Health Occupations Article as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 771

(House Bill 584)

AN ACT concerning

### Investigational Drugs, Biological Products, and Devices – Right to Try Act

FOR the purpose of authorizing a manufacturer of an investigational drug, biological product, or device to provide the investigational drug, biological product, or device to certain patients; specifying the manner in which an investigational drug, biological product, or device may be provided to certain patients; authorizing a manufacturer of an investigational drug, biological product, or device to require an eligible patient to pay certain costs, subject to certain limitations; ~~establishing that the heirs of certain patients are not liable for certain debts~~ requiring a manufacturer of an

investigational drug, biological product, or device to notify a certain patient and a certain health care provider of certain side effects or risks; requiring the Office of the Attorney General to develop an informed consent form that meets certain requirements; providing for the construction of certain provisions of this Act; ~~establishing that a certain manufacturer may enforce a certain claim against the estate of a certain patient, but not the patient's heirs or legatees, except under certain circumstances;~~ prohibiting a health occupations board, under certain circumstances, from revoking, failing to renew, suspending, or taking certain action against a health care provider's license based solely on a certain recommendation of the health care provider; prohibiting the Department of Health and Mental Hygiene from taking action against a health care provider's Medicare certification based solely on a certain recommendation of the health care provider or certain treatment provided by a health care provider; prohibiting an official, employee, or agent of the State from blocking or attempting to block a certain patient's access to an investigational drug, biological product, or device; establishing that this Act does not create a certain cause of action; providing for the effect of certain provisions of this Act; defining certain terms; and generally relating to the provision of investigational drugs, biological products, and devices in the State.

BY adding to

Article – Health – General

Section 21-2B-01 through ~~21-2B-07~~ 21-2B-06 to be under the new subtitle  
“Subtitle 2B. Right to Try Act”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health – General**

**SUBTITLE 2B. RIGHT TO TRY ACT.**

**21-2B-01.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CARRIER” HAS THE MEANING STATED IN § 15-10A-01(C) OF THE INSURANCE ARTICLE.

~~(B)~~ (C) “ELIGIBLE PATIENT” MEANS AN INDIVIDUAL WHO:

(1) HAS A TERMINAL ILLNESS, ATTESTED TO BY THE INDIVIDUAL'S TREATING PHYSICIAN;

(2) HAS CONSIDERED ALL OTHER TREATMENT OPTIONS CURRENTLY APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION;

(3) HAS RECEIVED A RECOMMENDATION FROM THE INDIVIDUAL'S TREATING PHYSICIAN FOR THE USE OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE;

(4) (I) HAS GIVEN INFORMED CONSENT FOR THE USE OF THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; OR

(II) IF THE INDIVIDUAL IS A MINOR OR LACKS THE MENTAL CAPACITY TO PROVIDE INFORMED CONSENT, HAS A PARENT OR LEGAL GUARDIAN WHO HAS GIVEN INFORMED CONSENT ON THE INDIVIDUAL'S BEHALF FOR THE USE OF THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE;

(5) IS INELIGIBLE FOR OR UNABLE TO PARTICIPATE IN A CLINICAL TRIAL; AND

(6) HAS DOCUMENTATION FROM THE INDIVIDUAL'S TREATING PHYSICIAN THAT THE INDIVIDUAL MEETS THE REQUIREMENTS OF ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

~~(C)~~ (D) "HEALTH OCCUPATIONS BOARD" MEANS A BOARD ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE THAT ISSUES LICENSES TO PRACTICE A HEALTH OCCUPATION IN THE STATE.

~~(D)~~ (E) "INFORMED CONSENT" MEANS A WRITTEN DOCUMENT PREPARED USING THE INFORMED CONSENT FORM DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL IN ACCORDANCE WITH § 21-2B-02(D)(1) OF THIS SUBTITLE THAT:

(1) IS SIGNED BY THE PATIENT OR A PARENT OR LEGAL GUARDIAN OF THE PATIENT;

(2) IS ATTESTED TO BY THE PATIENT'S TREATING PHYSICIAN AND A WITNESS; AND

(3) AT A MINIMUM:

(I) EXPLAINS THE CURRENTLY APPROVED PRODUCTS AND TREATMENTS FOR THE DISEASE OR CONDITION FROM WHICH THE PATIENT SUFFERS;

(II) ATTESTS TO THE FACT THAT THE PATIENT CONCURS WITH THE PATIENT'S TREATING PHYSICIAN IN BELIEVING THAT ALL CURRENTLY APPROVED AND CONVENTIONALLY RECOGNIZED TREATMENTS ARE UNLIKELY TO PROLONG THE PATIENT'S LIFE;

(III) IDENTIFIES CLEARLY THE SPECIFIC PROPOSED INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE THAT THE PATIENT IS SEEKING TO USE;

(IV) INFORMS THE PROVIDER AND ELIGIBLE PATIENT OF ANY KNOWN OR ANTICIPATED SIDE EFFECTS, RISKS, OR REPORTED PATIENT DISCOMFORT THAT IS LIKELY RELATED TO THE TREATMENT;

~~(IV)~~ (V) DESCRIBES THE BEST AND WORST POTENTIAL OUTCOMES OF USING THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE WITH A REALISTIC DESCRIPTION OF THE MOST LIKELY OUTCOME, INCLUDING THE POSSIBILITY THAT NEW, UNANTICIPATED, DIFFERENT, OR WORSE SYMPTOMS MIGHT RESULT AND THAT DEATH COULD BE HASTENED BY THE PROPOSED TREATMENT, BASED ON THE TREATING PHYSICIAN'S KNOWLEDGE OF THE PROPOSED TREATMENT IN CONJUNCTION WITH AN AWARENESS OF THE PATIENT'S CONDITION;

~~(V)~~ (VI) MAKES CLEAR THAT THE PATIENT'S ~~HEALTH INSURANCE~~ CARRIER AND HEALTH CARE PROVIDER ARE NOT OBLIGATED TO PAY FOR ANY CARE OR TREATMENTS THAT ~~MAY BE~~ ARE NECESSARY AS A RESULT OF THE USE OF THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE ~~UNLESS THEY ARE SPECIFICALLY REQUIRED TO DO SO BY~~ EXCEPT AS REQUIRED BY FEDERAL OR STATE LAW OR CONTRACT;

~~(VI)~~ (VII) MAKES CLEAR THAT THE PATIENT'S ELIGIBILITY FOR HOSPICE CARE MAY BE WITHDRAWN IF THE PATIENT BEGINS CURATIVE TREATMENT WITH THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE AND THAT HOSPICE CARE MAY BE REINSTATED IF THIS TREATMENT ENDS AND THE PATIENT MEETS HOSPICE ELIGIBILITY REQUIREMENTS; AND

~~(VII)~~ (VIII) STATES THAT THE PATIENT UNDERSTANDS THAT THE PATIENT ~~IS~~ MAY BE LIABLE FOR ALL EXPENSES RELATING TO THE USE OF THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE AND THAT THIS LIABILITY EXTENDS TO THE PATIENT'S ESTATE, BUT NOT THE HEIRS OR LEGATEES OF THE PATIENT, UNLESS A CONTRACT BETWEEN THE PATIENT AND THE MANUFACTURER OF THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE STATES OTHERWISE.

~~(E)~~ (F) “INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE” MEANS A DRUG, BIOLOGICAL PRODUCT, OR DEVICE THAT:

(1) HAS SUCCESSFULLY COMPLETED PHASE I OF A CLINICAL TRIAL BUT HAS NOT YET BEEN APPROVED FOR GENERAL USE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION; AND

(2) REMAINS UNDER INVESTIGATION OR IN A CLINICAL TRIAL APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

~~(F)~~ (G) “TERMINAL ILLNESS” MEANS A DISEASE OR CONDITION THAT, WITHOUT LIFE-SUSTAINING PROCEDURES, WILL RESULT IN DEATH OR A STATE OF PERMANENT UNCONSCIOUSNESS FROM WHICH RECOVERY IS UNLIKELY WITHIN 12 MONTHS.

21-2B-02.

(A) A MANUFACTURER OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE MAY:

(1) PROVIDE THE MANUFACTURER’S INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE TO AN ELIGIBLE PATIENT WITHOUT COMPENSATION; OR

(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, REQUIRE AN ELIGIBLE PATIENT TO PAY THE COSTS OF OR ASSOCIATED WITH THE MANUFACTURE OF THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE PROVIDED TO THE ELIGIBLE PATIENT.

(B) (1) ANY PAYMENT REQUIRED BY A MANUFACTURER UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE LIMITED TO THE RECOVERY OF THE COSTS OF OR ASSOCIATED WITH THE MANUFACTURE OF THE SPECIFIC INVESTIGATIONAL DRUG OR BIOLOGICAL PRODUCT DOSAGES OR DEVICES PROVIDED TO THE ELIGIBLE PATIENT.

(2) A MANUFACTURER OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE MAY NOT PROFIT FROM PROVIDING AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE PROVIDED TO AN ELIGIBLE PATIENT.

(C) AFTER THE DATE THAT AN ELIGIBLE PATIENT BEGINS TAKING OR USING THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE AND DURING THE TIME THE ELIGIBLE PATIENT IS TAKING OR USING THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE, THE MANUFACTURER SHALL NOTIFY THE ELIGIBLE PATIENT AND THE ELIGIBLE PATIENT’S HEALTH CARE PROVIDER OF ANY

SIDE EFFECTS OR RISKS ASSOCIATED WITH THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE THAT ARE REQUIRED TO BE DISCLOSED TO THE UNITED STATES FOOD AND DRUG ADMINISTRATION DURING THE DRUG APPROVAL PROCESS.

(D) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL DEVELOP AN INFORMED CONSENT FORM THAT:

(I) COMPLIES WITH THE REQUIREMENTS OF ~~§ 21-2B-01(D)(3)~~ § 21-2B-01(E)(3) OF THIS SUBTITLE;

(II) INCLUDES INSTRUCTIONS FOR THE PHYSICIAN OR PATIENT ON HOW TO COMPLETE THE FORM; AND

(III) PROVIDES SPACES FOR A PHYSICIAN TO INCLUDE THE INFORMATION RELATING TO A PARTICULAR PATIENT AND THE PHYSICIAN'S RECOMMENDATION FOR THE PATIENT.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT A TREATING PHYSICIAN OR A MANUFACTURER OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE FROM INCLUDING ADDITIONAL INFORMATION OR ADVISEMENTS WITH THE INFORMED CONSENT FORM DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

21-2B-03.

~~IF AN ELIGIBLE PATIENT DIES WHILE BEING TREATED WITH AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE, THE ELIGIBLE PATIENT'S HEIRS ARE NOT LIABLE MANUFACTURER OF THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE MAY ENFORCE A CLAIM AGAINST THE ESTATE OF THE ELIGIBLE PATIENT, BUT NOT THE ELIGIBLE PATIENT'S HEIRS OR LEGATEES, FOR ANY OUTSTANDING DEBT RELATED TO THE TREATMENT OR LACK OF INSURANCE COVERAGE FOR THE TREATMENT UNLESS A CONTRACT BETWEEN THE ELIGIBLE PATIENT AND THE MANUFACTURER STATES OTHERWISE.~~

~~21-2B-04.~~

(A) A HEALTH OCCUPATIONS BOARD MAY NOT REVOKE, FAIL TO RENEW, SUSPEND, OR TAKE ANY ACTION AGAINST A HEALTH CARE PROVIDER'S LICENSE BASED SOLELY ON THE HEALTH CARE PROVIDER'S RECOMMENDATION TO AN ELIGIBLE PATIENT REGARDING ACCESS TO OR TREATMENT WITH AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE, PROVIDED THE RECOMMENDATION IS CONSISTENT WITH MEDICAL STANDARDS OF CARE.

(B) THE DEPARTMENT MAY NOT TAKE ACTION AGAINST A HEALTH CARE PROVIDER'S MEDICARE CERTIFICATION BASED SOLELY ON THE HEALTH CARE PROVIDER'S RECOMMENDATION THAT AN ELIGIBLE PATIENT HAVE ACCESS TO AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE OR THE HEALTH CARE PROVIDER'S TREATMENT OF AN ELIGIBLE PATIENT WITH AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE.

~~21-2B-05.~~ 21-2B-04.

(A) AN OFFICIAL, EMPLOYEE, OR AGENT OF THE STATE MAY NOT BLOCK OR ATTEMPT TO BLOCK AN ELIGIBLE PATIENT'S ACCESS TO AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE.

(B) THIS SECTION DOES NOT PROHIBIT A LICENSED HEALTH CARE PROVIDER FROM PROVIDING COUNSEL, ADVICE, OR A RECOMMENDATION THAT IS CONSISTENT WITH MEDICAL STANDARDS OF CARE.

~~21-2B-06.~~ 21-2B-05.

THIS SUBTITLE DOES NOT CREATE A PRIVATE CAUSE OF ACTION AGAINST A MANUFACTURER OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE OR AGAINST ANOTHER PERSON INVOLVED IN THE CARE OF AN ELIGIBLE PATIENT USING THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE FOR ANY HARM TO THE ELIGIBLE PATIENT RESULTING FROM THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE IF THE MANUFACTURER OR OTHER PERSON IS COMPLYING IN GOOD FAITH WITH THIS SUBTITLE AND HAS EXERCISED REASONABLE CARE.

~~21-2B-07.~~ 21-2B-06.

THIS SUBTITLE DOES NOT AFFECT THE COVERAGE REQUIREMENTS UNDER TITLE 15, SUBTITLE 8 OF THE INSURANCE ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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Chapter 772

(House Bill 443)

AN ACT concerning

**Assisted Living Programs – Licensure Fees**

FOR the purpose of repealing a requirement that the Department of Health and Mental Hygiene adopt regulations requiring the Secretary of Health and Mental Hygiene to charge certain fees in a certain manner; requiring the Department to adopt regulations that establish a certain application fee for an assisted living program license; and generally relating to licensure fees for assisted living programs.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 19–1805  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health – General**

19–1805.

(a) The Department shall:

- (1) Define different levels of assisted living according to the level of care provided;
- (2) Require all assisted living programs to be licensed to operate according to the level of the program;
- (3) Develop a waiver process for authorizing an assisted living program to continue to care for an individual whose medical or functional condition has changed since admission to the program to an extent that the level of care required by the individual exceeds the level of care for which the program is licensed;
- (4) Promote affordable and accessible assisted living programs throughout the State;
- (5) Establish and enforce quality standards for assisted living programs;
- (6) Require periodic inspections of assisted living program facilities, including at least an annual unannounced on-site inspection;
- (7) Establish requirements for the qualifications or training or both of assisted living program employees;

(8) Establish a “resident bill of rights” for residents of assisted living program facilities; and

(9) Define which, if any, assisted living programs may be exempt from the requirements of § 19–311 of this title.

(b) (1) The Department, in consultation with representatives of the affected industry and advocates for residents of the facilities and with the approval of the Department of Aging and the Department of Human Resources, shall adopt regulations to implement this subtitle.

(2) The regulations adopted under paragraph (1) of this subsection shall:

(i) Provide for the licensing of assisted living programs and the renewal of licenses;

(ii) [Require the Secretary to charge fees in a manner that will produce funds not to exceed the actual direct and indirect costs to the Department for inspecting assisted living program facilities and maintaining the licensure program for assisted living programs under this subtitle] **ESTABLISH THE APPLICATION FEE TO BE PAID TO THE SECRETARY BY AN APPLICANT FOR AN ASSISTED LIVING PROGRAM LICENSE;**

(iii) Require the Department, during a survey or other inspection of an assisted living program, to review the number of waivers granted to the program under subsection (a)(3) of this section and determine whether a change in the program’s licensure status is warranted; and

(iv) Require an assisted living program facility to post in a conspicuous place visible to actual and potential residents of the facility and other interested parties:

1. A. Its statement of deficiencies for the most recent survey;

B. Any subsequent complaint investigations conducted by federal, State, or local surveyors; and

C. Any plans of correction in effect with respect to the survey or complaint investigation; or

2. A notice of the location, within the facility, of the items listed in item 1 of this item.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 773

### (House Bill 185)

AN ACT concerning

#### **Department of Health and Mental Hygiene – Distribution of Tobacco Products to Minors – Prohibition and Enforcement**

FOR the purpose of prohibiting certain persons from distributing certain tobacco products, certain paraphernalia, or certain coupons to a minor, with certain exceptions; providing that a person who violates a certain provision of this Act is subject to certain civil penalties; establishing a certain defense in a prosecution for a certain violation; providing that a county health officer, or a designee of a county health officer, may issue a certain civil citation for a violation of a certain provision of this Act; requiring certain civil citations to include certain information and to be processed in a certain manner; providing for a certain election to stand trial; requiring the District Court to remit certain collected penalties in a certain manner; providing that adjudication of a violation of a certain provision of this Act is not a criminal conviction for any purpose; providing that a conviction for a violation of certain provisions of law precludes a proceeding for a certain civil penalty arising out of the same violation; providing that enforcement of a certain civil penalty precludes a prosecution for a violation of certain provisions of law arising out of the same violation; requiring the Comptroller's Office to provide certain information to the Prevention and Health Promotion Administration each year; requiring the Comptroller's Office to provide certain information to the General Assembly on or before a certain date each year; requiring local health departments to report certain violations to the Comptroller's Office; requiring the Department of Health and Mental Hygiene, in collaboration and consultation with certain agencies, to develop certain strategies; requiring the Department to report on the development of certain strategies and certain training and assistance on or before a certain date each year; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to prohibitions on the distribution of tobacco products to minors.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 16–205  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Law

*Section 10–107*  
*Annotated Code of Maryland*  
*(2012 Replacement Volume and 2016 Supplement)*

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section ~~10–107~~ and 10–108  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Health – General  
Section 24–307  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 2–107  
Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Business Regulation**

16–205.

(a) The Comptroller shall issue an appropriate license to each applicant who meets the requirements of this subtitle for a license to act as a manufacturer, storage warehouse, subwholesaler, vending machine operator, or wholesaler.

(b) The clerk shall issue to each applicant who meets the requirements of this subtitle a license to act as a retailer.

**(C) THE COMPTROLLER’S OFFICE SHALL PROVIDE TO THE PREVENTION AND HEALTH PROMOTION ADMINISTRATION EACH YEAR THE NAME AND ADDRESS OF EACH PERSON LICENSED UNDER SUBSECTION (B) OF THIS SECTION.**

**Article – Criminal Law**

10–107.

(a) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product, if the coupon is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.

(b) (1) This subsection does not apply to the distribution of a tobacco product or tobacco paraphernalia to a minor who is acting solely as the agent of the minor's employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes.

(2) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16 of the Business Regulation Article, may not distribute to a minor:

(i) a tobacco product;

(ii) tobacco paraphernalia; or

(iii) a coupon redeemable for a tobacco product.

(c) A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to a minor; or

(2) distribute tobacco paraphernalia to a minor.

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by an employer, government unit, or institution of higher education that positively identified the purchaser or recipient as at least 18 years of age.

(e) **(1)** A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

~~(1)~~ **(I)** \$300 for a first violation;

~~(2)~~ **(II)** \$1,000 for a second violation occurring within 2 years after the first violation; and

~~(3)~~ **(III)** \$3,000 for each subsequent violation occurring within 2 years after the preceding violation.

**(2) ENFORCEMENT OF A CIVIL PENALTY FOR A VIOLATION OF THIS SECTION PRECLUDES A PROSECUTION FOR A VIOLATION OF § 10-107 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME VIOLATION.**

(f) For purposes of this section, each separate incident at a different time and occasion is a violation.

10–108.

(a) In this section, “violation” has the meaning stated in § 3–8A–01 of the Courts Article.

(b) This section does not apply to the possession of a tobacco product or cigarette rolling paper by a minor who is acting as the agent of the minor’s employer within the scope of employment.

(c) A minor may not:

(1) use or possess a tobacco product or cigarette rolling paper; or

(2) obtain or attempt to obtain a tobacco product or cigarette rolling paper by using a form of identification that:

(i) is falsified; or

(ii) identifies an individual other than the minor.

(d) (1) A violation of this section is a civil offense.

(2) A minor who violates this section is subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(e) A law enforcement officer authorized to make arrests shall issue a citation to a minor if the law enforcement officer has probable cause to believe that the minor is committing or has committed a violation of this section.

### Article – Health – General

24–307.

**(A) (1) THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF A COUPON THAT IS REDEEMABLE FOR A TOBACCO PRODUCT IF THE COUPON IS:**

**(I) CONTAINED IN A NEWSPAPER, A MAGAZINE, OR ANY OTHER TYPE OF PUBLICATION IN WHICH THE COUPON IS INCIDENTAL TO THE PRIMARY PURPOSE OF THE PUBLICATION; OR**

**(II) SENT THROUGH THE MAIL.**

(2) THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF A TOBACCO PRODUCT OR TOBACCO PARAPHERNALIA TO A MINOR WHO IS ACTING SOLELY AS THE AGENT OF THE MINOR'S EMPLOYER IF THE EMPLOYER DISTRIBUTES TOBACCO PRODUCTS OR TOBACCO PARAPHERNALIA FOR COMMERCIAL PURPOSES.

(B) A PERSON WHO DISTRIBUTES TOBACCO PRODUCTS FOR COMMERCIAL PURPOSES, INCLUDING A PERSON LICENSED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE, MAY NOT DISTRIBUTE TO A MINOR:

- (1) A TOBACCO PRODUCT;
- (2) TOBACCO PARAPHERNALIA; OR
- (3) A COUPON REDEEMABLE FOR A TOBACCO PRODUCT.

(C) (1) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:

- (I) \$300 FOR A FIRST VIOLATION;
- (II) \$1,000 FOR A SECOND VIOLATION OCCURRING WITHIN 24 MONTHS AFTER THE FIRST VIOLATION; AND
- (III) \$3,000 FOR EACH SUBSEQUENT VIOLATION OCCURRING WITHIN 24 MONTHS AFTER THE PRECEDING VIOLATION.

(2) THE LOCAL HEALTH DEPARTMENTS SHALL REPORT VIOLATIONS OF SUBSECTION (B) OF THIS SECTION TO THE COMPTROLLER'S OFFICE.

(3) A CONVICTION FOR A VIOLATION OF THIS SECTION PRECLUDES A PROCEEDING FOR A CIVIL PENALTY UNDER § 24-307 OF THE HEALTH - GENERAL ARTICLE ARISING OUT OF THE SAME VIOLATION.

(D) IN A PROSECUTION FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION, IT IS A DEFENSE THAT THE DEFENDANT EXAMINED THE PURCHASER'S OR RECIPIENT'S DRIVER'S LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN EMPLOYER, A GOVERNMENTAL UNIT, OR AN INSTITUTION OF HIGHER EDUCATION THAT POSITIVELY IDENTIFIED THE PURCHASER OR RECIPIENT AS AT LEAST 18 YEARS OLD.

(E) (1) IN THIS SUBSECTION, "DESIGNEE" MEANS A RETIRED SWORN LAW ENFORCEMENT OFFICER EMPLOYED BY A COUNTY HEALTH OFFICER OR AN EMPLOYEE OF A LOCAL HEALTH DEPARTMENT TRAINED IN CIVIL ENFORCEMENT.

**(2) A COUNTY HEALTH OFFICER OR A DESIGNEE OF A COUNTY HEALTH OFFICER MAY ISSUE A CIVIL CITATION FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION.**

**(3) A CITATION ISSUED UNDER THIS SUBSECTION SHALL INCLUDE:**

**(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;**

**(II) THE NATURE OF THE VIOLATION;**

**(III) THE LOCATION AND TIME OF THE VIOLATION;**

**(IV) THE AMOUNT OF THE CIVIL PENALTY;**

**(V) THE MANNER, LOCATION, AND TIME IN WHICH THE CIVIL PENALTY MAY BE PAID;**

**(VI) A NOTICE STATING THE PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE VIOLATION; AND**

**(VII) A WARNING THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER IN ACCORDANCE WITH THE CITATION:**

**1. IS AN ADMISSION OF LIABILITY; AND**

**2. MAY RESULT IN ENTRY OF A DEFAULT JUDGMENT THAT MAY INCLUDE THE CIVIL PENALTY, COURT COSTS, AND ADMINISTRATIVE EXPENSES.**

**(4) THE COUNTY HEALTH OFFICER OR DESIGNEE SHALL RETAIN A COPY OF THE CITATION ISSUED UNDER THIS SUBSECTION.**

**(5) (I) A PERSON WHO RECEIVES A CITATION FROM A COUNTY HEALTH OFFICER OR DESIGNEE UNDER THIS SUBSECTION MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND TRIAL WITH THE COUNTY HEALTH OFFICER OR DESIGNEE AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR THE PAYMENT OF THE CIVIL PENALTY.**

**(II) AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY HEALTH OFFICER OR DESIGNEE SHALL FORWARD THE NOTICE AND A COPY OF THE CITATION TO THE DISTRICT COURT.**

(6) (I) AFTER RECEIVING A CITATION AND NOTICE UNDER THIS SUBSECTION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE.

(II) IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF SUBSECTION (B) OF THIS SECTION SHALL BE HANDLED IN THE SAME MANNER AS A MUNICIPAL INFRACTION UNDER §§ 6-108 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.

(7) THE DISTRICT COURT SHALL REMIT ANY PENALTIES COLLECTED FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION TO THE COUNTY IN WHICH THE VIOLATION OCCURRED.

(8) ADJUDICATION OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE.

(F) (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN COLLABORATION AND CONSULTATION WITH THE OFFICE OF THE COMPTROLLER, LOCAL HEALTH DEPARTMENTS, AND LOCAL LAW ENFORCEMENT AGENCIES, SHALL DEVELOP ONGOING STRATEGIES FOR ENFORCEMENT OF §§ 10-107 AND 10-108 OF THE CRIMINAL LAW ARTICLE.

(2) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(I) THE DEVELOPMENT OF ENFORCEMENT STRATEGIES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) TRAINING AND ASSISTANCE TO TOBACCO RETAILERS TO IMPROVE COMPLIANCE WITH § 10-107 OF THE CRIMINAL LAW ARTICLE.

#### Article – Tax – General

2-107.

(a) Authorized employees of the Field Enforcement Bureau of the Comptroller's Office:

(1) shall be individuals who are sworn police officers; and

(2) have all the powers, duties, and responsibilities of a peace officer for the purpose of enforcing the laws pertaining to:

(i) alcoholic beverage tax;

- (ii) tobacco tax;
- (iii) motor fuel tax;
- (iv) motor carrier tax;
- (v) motor fuel and lubricants; and

(vi) transient vendors within the meaning of Subtitle 20A of Title 17 of the Business Regulation Article.

(b) (1) The Department of State Police shall help the Field Enforcement Bureau in enforcing the motor carrier tax, motor fuel tax and motor fuel and lubricants laws.

(2) The Comptroller shall pay the salaries and expenses of all Department of State Police staff assigned to the Field Enforcement Bureau.

(c) (1) (i) Except for the Sheriff, constables and bailiffs of Baltimore County, each law enforcement officer shall enforce the alcoholic beverage tax and tobacco tax laws.

(ii) A State's Attorney or other prosecutor may prosecute alleged violations of the alcoholic beverage tax or tobacco tax laws.

(2) The Field Enforcement Bureau:

(i) shall advise a State's Attorney and law enforcement officers about enforcement problems; and

(ii) otherwise may work cooperatively with law enforcement officers and prosecutors to carry out the duties of the unit.

(3) This subsection does not restrict the appropriation of money by a political subdivision of the State to aid in the enforcement of the alcoholic beverage tax and tobacco tax laws.

(d) (1) Each unit of the State government shall cooperate with the Comptroller's Office by making available, on request, any information in the unit's possession as may be of assistance in the administration and enforcement of the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(2) The Field Enforcement Bureau shall cooperate with and help the federal government, other states, and local governments and law enforcement personnel of those jurisdictions to enforce the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(E) ON OR BEFORE OCTOBER 1 EACH YEAR, THE COMPTROLLER'S OFFICE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE AGGREGATE NUMBER OF LICENSED TOBACCO RETAILERS THAT COMMITTED A VIOLATION OF § 10-107 OF THE CRIMINAL LAW ARTICLE AND THE AGGREGATE NUMBER OF MINORS WHO COMMITTED A VIOLATION OF § 10-108 OF THE CRIMINAL LAW ARTICLE DURING THE REPORTING PERIOD;

(2) THE NUMBER OF PRIOR VIOLATIONS FOR LICENSED TOBACCO RETAILERS AND MINORS THAT COMMITTED A VIOLATION DURING THE REPORTING PERIOD; AND

(3) THE SUBSEQUENT ACTION TAKEN BY THE COMPTROLLER'S OFFICE AGAINST EACH VIOLATOR AND, FOR EACH ACTION TAKEN, THE NUMBER OF VIOLATIONS COMMITTED BY THE VIOLATOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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## Chapter 774

(House Bill 1107)

AN ACT concerning

### Procurement – Intergovernmental Cooperative Purchasing Agreements

FOR the purpose of requiring a certain procurement officer to make a certain determination before a primary procurement unit is authorized to take certain action regarding an intergovernmental cooperative purchasing agreement; requiring a certain determination to include certain evidence and a certain statement; requiring a primary procurement unit to post certain determinations on the primary procurement unit's Web site; clarifying that a certain contract be awarded in a certain manner, including compliance with certain notice requirements; requiring an intergovernmental cooperative purchasing agreement to be approved by a certain unit head and subject to certain other approval under certain circumstances; and generally relating to intergovernmental cooperative purchasing agreements.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement

Section 13–110(a)(1) and (4)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 13–110(b)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Finance and Procurement**

13–110.

(a) (1) In this section the following words have the meanings indicated.

(4) “Intergovernmental cooperative purchasing agreement” means a contract:

(i) 1. entered into by at least one governmental entity and a person selected in a manner that is consistent with the purposes set forth under § 11–201 of this article;

2. that is available for use by the governmental entity entering the contract and at least one additional governmental entity which may, but need not be, an original party to the contract; and

3. that is intended to promote efficiency and savings that can result from intergovernmental cooperative purchasing; or

(ii) between a primary procurement unit and a person who, at the time the intergovernmental cooperative purchasing agreement is awarded, has a contract with the federal government or an agency or other instrumentality of the federal government, and who agrees to provide the unit with identical prices, terms, and conditions as stipulated in the federal contract.

(b) (1) Subject to § 12–107 of this article, [whenever] a primary procurement unit procurement officer [determines that it is in the best interest of the State to sponsor or participate in an intergovernmental cooperative purchasing agreement, with the approval of the unit head and subject to any other approval required by law,] **SHALL MAKE A DETERMINATION, IN ACCORDANCE WITH PARAGRAPH (2) OR (3) OF THIS SUBSECTION, BEFORE** the primary procurement unit may [become a party to or participate under the agreement]:

(I) INITIALLY SPONSOR OR PARTICIPATE IN AN INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT;

(II) RENEW AN INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT; OR

(III) MODIFY AN INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT.

(2) A DETERMINATION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE IN WRITING AND INCLUDE:

(I) SUFFICIENT EVIDENCE THAT THE INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT:

1. WILL PROVIDE COST BENEFITS TO THE STATE; OR

2. WILL PROMOTE ADMINISTRATIVE EFFICIENCIES OR PROMOTE INTERGOVERNMENTAL COOPERATION; AND

(II) A STATEMENT THAT THE INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT:

1. IS IN THE BEST INTEREST OF THE STATE; AND

2. IS NOT INTENDED TO EVADE THE PURPOSES OF THIS

## DIVISION II.

~~(2)~~ (3) A determination under PARAGRAPH (1)(II) OR (III) OF this subsection shall be in writing and include [a statement]:

(I) SUFFICIENT EVIDENCE that the intergovernmental cooperative purchasing agreement:

(i) 1. will provide cost benefits to the State[.]; AND

2. WILL promote administrative efficiencies, or promote intergovernmental cooperation; and

(ii) A STATEMENT THAT THE INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT:

1. IS IN THE BEST INTEREST OF THE STATE; AND

2. is not intended to evade the purposes of this Division II.

~~(3)~~ (4) A PRIMARY PROCUREMENT UNIT SHALL POST EACH DETERMINATION REQUIRED UNDER THIS SUBSECTION ON THE PRIMARY PROCUREMENT UNIT'S WEB SITE.

[(3)] ~~(4)~~ (5) If a primary procurement unit sponsors ~~OR PARTICIPATES IN~~ an intergovernmental cooperative purchasing agreement:

~~(I) THE INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT SHALL BE APPROVED BY THE UNIT HEAD AND IS SUBJECT TO ANY OTHER APPROVAL REQUIRED BY LAW;~~

~~[(i)] (II)~~ the contract shall be awarded in the same manner as the contract would be awarded under this Division II if the unit was the sole participant under the contract, INCLUDING COMPLIANCE WITH ALL NOTICE REQUIREMENTS; and

~~[(ii)] (III)~~ all procedures under this Division II, including procedures governing contract claims and protests, shall apply.

[(4)] ~~(5)~~ (6) If a primary procurement unit participates in an intergovernmental cooperative purchasing agreement, any protest or contract claim involving the agreement shall be handled in accordance with the terms of the agreement.

**(7) IF A PRIMARY PROCUREMENT UNIT SPONSORS OR PARTICIPATES IN AN INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT, THE INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT SHALL BE:**

**(I) APPROVED BY THE UNIT HEAD; AND**

**(II) SUBJECT TO ANY OTHER APPROVAL REQUIRED BY LAW.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.

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Chapter 775

(Senate Bill 7)

AN ACT concerning

**Governor's P-20 Leadership Council – College and Career Readiness and  
College Completion Reporting – Revisions**

FOR the purpose of altering a certain reporting requirement of the Governor's P-20 Leadership Council relating to college and career readiness and college completion strategies; and generally relating to the reporting of college and career readiness and college completion strategies.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 11-207, 11-209, and 24-801(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 24-801(m)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

11-207.

(a) The Commission shall:

(1) Establish procedures for transfer of students between the public segments of postsecondary education;

(2) Recommend cooperative programs among segments of postsecondary education to assure appropriate flexibility in the higher education system; and

(3) In conjunction with the governing boards, establish standards for articulation agreements.

(b) The Commission, in collaboration with the public institutions of higher education, shall develop and implement a statewide transfer agreement whereby at least 60 credits of general education, elective, and major courses that a student earns at any community college in the State toward an associate of arts or associate of science degree shall be transferable to any public senior higher education institution in the State for credit toward a bachelor's degree by July 1, 2016.

(c) The Commission, in collaboration with the public institutions of higher education, shall develop and implement a statewide reverse transfer agreement whereby

at least 30 credits that a student earns at any public senior higher education institution in the State toward a bachelor's degree are transferable to any community college in the State for credit toward an associate's degree by July 1, 2016.

(d) The Commission and each public institution of higher education shall develop and implement incentives for students to obtain an associate's degree before enrolling in a public senior institution of higher education.

(e) The Commission may recommend procedures and guidelines for consideration by the governing boards of institutions of postsecondary education on:

(1) Improvement and coordination of student financial assistance programs; and

(2) Other subjects of general interest and concern to the higher education community in the State.

11–209.

(a) In this section, “near completer” means an individual who has completed some college credits but does not have a college degree and is no longer attending an institution of higher education.

(b) The Commission, in collaboration with institutions of higher education, shall create a statewide communication campaign to identify near completers in the State and to encourage near completers to re-enroll in an institution of higher education to earn a degree.

(c) The communication campaign shall:

(1) Make use of a variety of marketing media, including billboards, brochures, and electronic resources;

(2) Provide a centralized contact point for near completers to get information about and assistance with re-enrolling;

(3) Make readily available contact information for each public institution of higher education in the State; and

(4) Focus on near completers who:

(i) Earned a minimum grade point average of 2.0 on a scale of 4.0 while in college; and

(ii) 1. Earned at least 45 credit hours if the individual attended a community college; or

2. Earned at least 90 credit hours if the individual attended a senior higher education institution.

(d) (1) The Commission shall develop and implement a plan that would provide an incentive to:

- (i) A near completer to re-enroll and earn a degree; and
- (ii) A college to identify and graduate near completers.

(2) The incentive plan shall use all available resources, including institutional funds, private sector funds, and State funds.

(e) The Commission and institutions of higher education may implement other near completer initiatives in addition to the campaign and incentive plan required under this section.

(f) By December 1, 2013, the Commission shall submit a report, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the details of the statewide communication campaign and the incentive plan, including the expected timeline for implementation.

24-801.

(a) In this section, “Council” means the Governor’s P-20 Leadership Council of Maryland.

(m) By December 1, 2014, and every 2 years thereafter, the Council shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the progress of implementing college and career readiness and college completion strategies established in [§] §§ 7-205.1, [Title 11, Subtitle 7A, §§] 11-207, 11-209, 15-114 through 15-117, and Title 18, Subtitle 14A of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 776

**(House Bill 167)**

AN ACT concerning

**Counties and Municipalities – At-Will Supervisory Employees – Residency Requirements**

FOR the purpose of authorizing a county or municipality to require a certain at-will supervisory employee to reside in the State, county, or municipality or within a certain distance of the State, county, or municipality as a condition of employment under certain circumstances; providing for the application of a certain local law, ordinance, or policy enacted or adopted by a county or municipality; and generally relating to residency requirements for employees of counties and municipalities in the State.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 1–201  
Annotated Code of Maryland  
(2013 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Local Government**

1–201.

(a) This section does not apply to:

- (1) an elected official;
- (2) the head of a unit of a county or municipality who reports directly to:
  - (i) the chief administrative officer of the county or municipality;
  - (ii) an elected executive; or
  - (iii) the governing body of the county or municipality; or
- (3) the chief administrative officer of the county or municipality.

(b) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** county or municipality may not require an employee to reside in the State, county, or municipality or within a specified distance of the State, county, or municipality as a condition of employment.

(2) **A COUNTY OR MUNICIPALITY MAY REQUIRE AN AT-WILL SUPERVISORY EMPLOYEE TO RESIDE IN THE STATE, COUNTY, OR MUNICIPALITY OR WITHIN A SPECIFIED DISTANCE OF THE STATE, COUNTY, OR MUNICIPALITY AS A**

**CONDITION OF EMPLOYMENT IF THE AT-WILL SUPERVISORY EMPLOYEE REPORTS DIRECTLY TO THE HEAD OF A UNIT OF THE COUNTY OR MUNICIPALITY.**

**(3)** Subject to subsection (c) of this section, when making employment, promotion, demotion, layoff, and discharge decisions, a county or municipality may not discriminate based on an individual's place of residence.

(c) A county or municipality may grant a resident of the State, county, or municipality additional points or credits in employment or promotion decisions if the points or credits are provided in accordance with a merit system established by the county or municipality by local law or ordinance.

(d) An agency created under State law that provides governmental services to more than one county or municipality may not require an employee, as a condition of employment, to reside in the State or a county or municipality or within a specified distance of the State, a county, or a municipality for which the agency provides governmental services.

SECTION 2. AND BE IT FURTHER ENACTED, That a local law, ordinance, or policy enacted or adopted in accordance with this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to the continued employment of any individual employed by a county or municipality before the effective date of the local law, ordinance, or policy enacted or adopted by the county or municipality in accordance with this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 777**

**(House Bill 1002)**

AN ACT concerning

**Electric Universal Service Program – Unexpended Funds**

FOR the purpose of providing that the Public Service Commission has oversight responsibility over certain expenditures of the electric universal service program; requiring the Department of Human Resources to expend certain funds collected for the Program in certain fiscal years for certain purposes, including bill assistance and arrearage retirement, targeted weatherization, or arrearage management; providing that the Commission may defer the return of certain funds only for a certain number of years; requiring the Commission to combine certain amounts to be returned for

certain years for certain purposes; requiring the Commission to establish a certain rate credit for the return of certain unexpended funds on or before a certain date; stating the intent of the General Assembly regarding the timing for expending certain unexpended bill assistance and arrearage funds; establishing a certain joint workgroup for certain purposes; and generally relating to the electric universal service program.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7–512.1(a) ~~and (b)~~, (b), and (f)

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 7–512.1(e) ~~and (f)~~

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Public Utilities**

7–512.1.

(a) (1) The Commission shall establish an electric universal service program to assist electric customers with annual incomes at or below 175% of the federal poverty level.

(2) The components of the electric universal service program shall include:

(i) bill assistance;

(ii) low–income residential weatherization; and

(iii) the retirement of arrearages for electric customers who have not received assistance in retiring arrearages under the universal service program within the preceding 7 fiscal years.

(3) The Department of Housing and Community Development is responsible for administering the low–income residential weatherization component of the electric universal service program.

(4) (i) The Department of Human Resources, through the Office of Home Energy Programs, is responsible for administering the bill assistance and the arrearage retirement components of the electric universal service program.

(ii) The Department of Human Resources may:

1. establish minimum and maximum benefits available to an electric customer under the bill assistance and arrearage retirement components; and

2. coordinate benefits under the electric universal service program with benefits under the Maryland Energy Assistance Program and other available energy assistance programs.

(5) The Department of Human Resources may, with input from a panel or roundtable of interested parties, contract to assist in administering the bill assistance and the arrearage retirement components of the electric universal service program.

(6) The Commission has oversight responsibility for the bill assistance and the arrearage retirement components of the electric universal service program **AND ANY OTHER FUNDS EXPENDED UNDER THIS SECTION.**

(7) In a specific case, the electric universal service program may waive the income eligibility limitation under paragraph (1) of this subsection in order to provide assistance to an electric customer who would qualify for a similar waiver under the Maryland Energy Assistance Program established under Title 5, Subtitle 5A of the Human Services Article.

(b) (1) All customers shall contribute to the funding of the electric universal service program through a charge collected by each electric company.

(2) The Commission shall determine a fair and equitable allocation for collecting the charges among all customer classes pursuant to subsection (e) of this section.

(3) **[In] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,** IN accordance with subsection (f)(6) of this section, any unexpended bill assistance and arrearage retirement funds returned to customers under subsection (f) of this section shall be returned to each customer class as a credit in the same proportion that the customer class contributed charges to the fund.

(4) **THE DEPARTMENT OF HUMAN RESOURCES SHALL EXPEND ANY UNEXPENDED BILL ASSISTANCE AND ARREARAGE FUNDS THAT WERE COLLECTED IN FISCAL YEARS 2010 THROUGH 2017, IN EXCESS OF THE TOTAL AMOUNT AUTHORIZED UNDER SUBSECTION (E) OF THIS SECTION, FOR ONE OR MORE OF THE FOLLOWING PURPOSES:**

**(I) BILL ASSISTANCE AND THE RETIREMENT OF ARREARAGES FOR CUSTOMERS WHO ARE ELIGIBLE TO RECEIVE ASSISTANCE AT THE TIME SERVICES ARE PROVIDED;**

**(II) TARGETED AND ENHANCED LOW-INCOME RESIDENTIAL WEATHERIZATION DESIGNED TO REMEDIATE HOUSEHOLDS THAT ARE CONSIDERED INELIGIBLE TO PARTICIPATE IN OTHER STATE ENERGY EFFICIENCY PROGRAMS DUE TO SIGNIFICANT HEALTH AND SAFETY HAZARDS; OR**

**(III) AN ARREARAGE MANAGEMENT PROGRAM FOR LOW-INCOME CUSTOMERS IN ARREARS, INCLUDING PROVIDING CREDITS OR MATCHING PAYMENTS FOR CUSTOMERS WHO MAKE TIMELY PAYMENTS ON CURRENT BILLS.**

**(5)** An electric company shall recover electric universal service program costs in accordance with § 7-512 of this subtitle.

**[(5)] (6)** As determined by the Office of Home Energy Programs, bill assistance payments to an electric company may be on a monthly basis for each customer.

**[(6)] (7)** The Commission shall determine the allocation of the electric universal service charge among the generation, transmission, and distribution rate components of all classes.

**[(7)] (8)** The Commission may not assess the electric universal service surcharge on a per kilowatt-hour basis.

(e) The total amount of funds to be collected for the electric universal service program each year shall be \$37 million, allocated in the following manner:

(1) \$27.4 million shall be collected from the industrial and commercial classes; and

(2) \$9.6 million shall be collected from the residential class.

(f) (1) In this subsection, “fund” means the electric universal service program fund.

(2) There is an electric universal service program fund.

(3) (i) 1. The Comptroller shall collect the revenue collected by electric companies under subsection (b) of this section and place the revenue into the fund.

2. The General Assembly may appropriate funds supplemental to the funds collected under subparagraph 1 of this subparagraph.

(ii) The fund is a continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(iii) The purpose of the fund is to assist electric customers as provided in subsection (a)(1) of this section.

(4) The Department of Human Resources, with oversight by the Commission, shall disburse the bill assistance and arrearage retirement funds in accordance with the provisions of this section.

(5) The Comptroller annually shall disburse up to \$1,000,000 of low-income residential weatherization funds to the Department of Housing and Community Development, as provided in the State budget.

(6) (i) At the end of a given fiscal year, any unexpended bill assistance and arrearage retirement funds that were collected for that fiscal year shall be retained in the fund and shall be made available for disbursement through the first 6 months of the next fiscal year to customers who:

1. qualify for assistance from the fund during the given fiscal year;
2. apply for assistance from the fund before the end of the given fiscal year; and
3. remain eligible for assistance at the time services are provided.

(ii) If the Commission determines that an extension is needed, the Commission may extend up to an additional 3 months the period in which unexpended bill assistance and arrearage retirement funds may be made available for disbursement under subparagraph (i) of this paragraph.

(iii) **1.** Any bill assistance and arrearage retirement funds collected for a given fiscal year that are retained under subparagraph (i) of this paragraph and that remain unexpended at the end of the period allowed under subparagraphs (i) and (ii) of this paragraph shall be returned to each customer class in the proportion that the customer class contributed charges to the fund for the given fiscal year in the form of a credit toward the charge assessed in the following fiscal year.

**2. IF THE COMMISSION DETERMINES THAT IT IS IMPRACTICAL TO ESTABLISH A RATE CREDIT FOR THE AMOUNT TO BE RETURNED FOR A GIVEN FISCAL YEAR TO CUSTOMERS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COMMISSION:**

**A. MAY DEFER THE RETURN FOR NOT MORE THAN 2 ADDITIONAL FISCAL YEARS; AND**

**B. SHALL COMBINE THE RETURNED AMOUNT FOR THAT FISCAL YEAR WITH AMOUNTS TO BE RETURNED FOR THE FOLLOWING FISCAL YEARS**

**WHEN CALCULATING THE RATE CREDIT FOR THE FINAL FISCAL YEAR OF THE PERIOD.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2020, the Public Service Commission shall establish a rate credit under § 7–512.1(f)(6)(iii)2 of the Public Utilities Article, as enacted by this Act, for the return of unexpended bill assistance and arrearage funds, in excess of the total amount authorized under § 7–512.1(e) of the Public Utilities Article, accumulated through the end of fiscal year 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Human Resources shall expend any unexpended bill assistance and arrearage funds that were collected in fiscal years 2010 through 2017, in excess of the total amount authorized for disbursement, as required in § 7–512.1(b)(4) of the Public Utilities Article as enacted by Section 1 of this Act, beginning in fiscal year 2019.

SECTION 4. AND BE IT FURTHER ENACTED, That a joint workgroup is established with members selected by the presiding officers from the Senate Finance Committee and the House Economic Matters Committee to monitor, as the committees consider appropriate, the disbursements made in accordance with this Act and related matters concerning the Electric Universal Service Program.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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**Chapter 778**

**(House Bill 289)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Marketplace License**

FOR the purpose of establishing a marketplace license in a certain alcoholic beverages district in Baltimore City; authorizing the Baltimore City Board of License Commissioners to issue the license; specifying the scope, hours for sale, and fees for the license; authorizing a license holder to obtain a refillable container permit under certain conditions; specifying certain capacity standards to be met by the marketplace; authorizing a holder of a Class B beer, wine, and liquor license to surrender the license to the Board under certain circumstances; requiring the Board to issue a substitute marketplace license under certain circumstances; defining a certain term; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 12–102  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 12–1001.1  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

12–102.

This title applies only in Baltimore City.

12–1001.1.

(A) IN THIS SECTION, “MARKETPLACE” MEANS PREMISES THAT:

(1) ACCOMMODATE THE PUBLIC; AND

(2) ARE EQUIPPED WITH FIVE OR MORE OUTLETS FOR PREPARING AND SERVING REGULAR MEALS THAT MAY BE CONSUMED BY PATRONS IN A COMMON SEATING AREA OR ANYWHERE ELSE ON THE PREMISES.

(B) THERE IS A MARKETPLACE LICENSE IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT.

(C) THE BOARD MAY ISSUE A MARKETPLACE LICENSE ONLY TO THE PERSON, FIRM, OR CORPORATION THAT OWNS OR LEASES THE MARKETPLACE.

(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM ONE OR MORE OUTLETS WITHIN THE MARKETPLACE BY THE DRINK OR BY THE BOTTLE FOR ON–PREMISES CONSUMPTION.

(2) A LICENSE HOLDER MAY OBTAIN A REFILLABLE CONTAINER PERMIT UNDER § 12–1102 OF THIS TITLE TO SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION.

(E) THE MARKETPLACE SHALL HAVE:

(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$1,000,000 FOR MARKETPLACE FACILITIES;

(2) A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS; ~~AND~~

(3) A MINIMUM CAPACITY OF 200 INDIVIDUALS AND A MAXIMUM CAPACITY OF 500 INDIVIDUALS, AS DETERMINED BY THE CITY FIRE DEPARTMENT; AND

~~(3)~~ (4) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE MARKETPLACE.

(F) THE HOURS FOR SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR CLASS B BEER, WINE, AND LIQUOR LICENSE HOLDERS UNDER § 12-2004 OF THIS TITLE.

(G) (1) THE ANNUAL LICENSE FEE IS \$6,000;

~~(I) \$1,320, FOR A MARKETPLACE WITH A SEATING CAPACITY OF NOT MORE THAN 200 INDIVIDUALS; OR~~

~~(II) \$1,800, FOR A MARKETPLACE WITH A SEATING CAPACITY OF MORE THAN 200 INDIVIDUALS.~~

(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER SHALL PAY ANNUALLY:

(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) A license holder in Baltimore City who has a Class B beer, wine, and liquor license on or after July 1, 2016, and meets the requirements for a marketplace license under this Act may surrender the Class B beer, wine, and liquor license to the Baltimore City Board of License Commissioners.

(b) If a license holder surrenders a Class B beer, wine, and liquor license under subsection (a) of this section, the Baltimore City Board of License Commissioners shall issue a substitute marketplace license without additional payment or penalty to the license holder.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**

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## Chapter 779

(Senate Bill 581)

AN ACT concerning

### Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds

FOR the purpose of establishing the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to a certain Commission on or before a certain date; providing for the termination of this Act; making this Act an emergency measure; and generally relating to the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) There is a Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds.

(b) (1) Subject to paragraph (2) of this subsection, the composition of the Workgroup shall be determined by the State Department of Education.

(2) The State Department of Education shall include in the Workgroup:

(i) one member of the Senate of Maryland, selected by the President of the Senate;

(ii) one member of the House of Delegates, selected by the Speaker of the House; and

(iii) at least the following representatives ~~in the Workgroup~~:

~~(i)~~ 1. two representatives from a jurisdiction in the State with more than 100,000 students:

~~1.~~ A. one individual who is an early education educator; and

~~2.~~ B. one individual who is an elementary administrator;

~~(ii)~~ 2. two representatives from a jurisdiction in the State with less than 100,000 students:

~~1.~~ A. one individual who is an early education educator; and

~~2.~~ B. one individual who is an elementary administrator;

~~(iii)~~ 3. one representative from a Head Start program;

~~(iv)~~ 4. one representative from a private prekindergarten provider;

~~(v)~~ 5. one representative from the Maryland Parent Teacher Association; ~~and~~

~~(vi)~~ 6. one representative from ~~the Maryland Family Network~~ an early childhood advocacy organization; and

7. one representative from an organization that advocates for children with special needs.

(c) The State Department of Education shall designate a chair of the Workgroup.

(d) The State Department of Education shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) estimate the number and proportion of eligible children who are 4 years old currently being served by publicly funded prekindergarten programs using the free and reduced-price meal eligibility data for kindergarten through second grade as a proxy; and

(2) make recommendations regarding an implementation plan based on Augenblick, Palaich and Associates' January 2016 "A Comprehensive Analysis of

Prekindergarten in Maryland” report submitted in accordance with Chapter 2 of the Acts of the General Assembly of 2014 to make quality, full-day prekindergarten universally available to children who are 4 years old, including:

- (i) a mixed delivery system of public and private providers meeting the high quality requirement;
- (ii) a sliding income scale for family contribution;
- (iii) capacity of existing high quality providers and credentialed staff;
- (iv) a plan to increase capacity of high quality providers and staff;
- (v) the impact on school space;
- (vi) the impact by jurisdiction;
- (vii) the potential for school systems to partner with private providers or Head Start centers to increase capacity; and
- (viii) any options to merge various funding streams for prekindergarten to provide a seamless and diverse experience for families.

(g) On or before September 1, 2017, the Workgroup shall report its findings and recommendations to the Commission on Innovation and Excellence in Education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect June 1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 1 year ~~and, at the end of May 31, 2018, from the date it is enacted and, at the end of the 1-year period,~~ with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 780

(House Bill 514)

AN ACT concerning

### Energy Efficiency Programs – Calculation of Program Savings and Consideration of Cost-Effectiveness

FOR the purpose of requiring the Public Service Commission to require each electric company to procure or provide certain energy efficiency and conservation programs and services to its electricity customers on a certain savings trajectory ~~beginning with a~~ for the duration of certain program cycle cycles; establishing a baseline for the savings trajectory; requiring the Commission to update certain gross retail sales for certain plans; requiring the Commission to use the total resource cost test and the societal cost test when considering the cost-effectiveness of an energy efficiency and conservation program or service; requiring that certain nonenergy benefits be quantifiable and directly related to a certain program or service; requiring each electric company, after consulting with the Maryland Energy Administration, to submit a certain plan to the Commission on a certain date and with a certain frequency; ~~defining certain terms~~ requiring the Commission to determine the advisability of certain matters relating to energy efficiency and conservation programs beginning in a certain program cycle; and generally relating to energy efficiency programs.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 7–211  
Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Public Utilities

7–211.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Affiliate” has the meaning stated in § 7–501 of this title.
- (3) “Demand response program” means a program established by an electric company that promotes changes in electric usage by customers from their normal consumption patterns in response to:
- (i) changes in the price of electricity over time; or
  - (ii) incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.
- (4) “Electricity consumption” and “electricity consumed” mean the sum of retail electricity sales to all customers and reported electricity losses within the electric distribution system.

(5) “Peak demand” means the highest level of electricity demand in the State measured in megawatts during the period from May 1 to September 30 on a weather-normalized basis.

(6) “Per capita electricity consumption” means the result calculated by dividing the total gigawatt-hours of electricity consumed by electricity customers in the State as of December 31 of a year, as determined by the Commission, by the population of the State as of December 31 of that year, as determined by the Department of Planning.

(7) “Plan” means an electricity savings and demand reduction plan and cost recovery proposal.

(8) “Provide heating, ventilation, air conditioning, or refrigeration services” has the meaning stated in § 9A-101 of the Business Regulation Article.

(b) The General Assembly finds and declares that:

(1) energy efficiency is among the least expensive ways to meet the growing electricity demands of the State; and

(2) to provide affordable, reliable, and clean energy for consumers of Maryland, it is the goal of the State to achieve the following energy efficiency, conservation, and demand response targets, based on 2007 electricity consumption:

(i) a 15% reduction in per capita electricity consumption by the end of 2015; and

(ii) a 15% reduction in per capita peak demand by the end of 2015.

(c) Beginning with the 2008 calendar year and each year thereafter, the Commission shall calculate:

(1) the per capita electricity consumption for that year; and

(2) the peak demand for that year.

(d) Subject to review and approval by the Commission, each gas company and electric company shall develop and implement programs and services to encourage and promote the efficient use and conservation of energy by consumers, gas companies, and electric companies.

(e) As directed by the Commission, each municipal electric utility and each electric cooperative that serves a population of less than 250,000 in its distribution territory shall include energy efficiency and conservation programs or services as part of their service to their customers.

(f) The Commission shall:

(1) require each gas company and electric company to establish any program or service that the Commission deems appropriate and cost effective to encourage and promote the efficient use and conservation of energy;

(2) adopt rate-making policies that provide cost recovery and, in appropriate circumstances, reasonable financial incentives for gas companies and electric companies to establish programs and services that encourage and promote the efficient use and conservation of energy; and

(3) ensure that adoption of electric customer choice under Subtitle 5 of this title does not adversely impact the continuation of cost-effective energy efficiency and conservation programs.

(g) (1) Except as provided in subsection (e) of this section, on or before December 31, 2008, by regulation or order, the Commission shall:

[(1)] (I) to the extent that the Commission determines that cost-effective energy efficiency and conservation programs and services are available, for each affected class, require each electric company to procure or provide for its electricity customers cost-effective energy efficiency and conservation programs and services with projected and verifiable electricity savings that are designed to achieve a targeted reduction of at least 5% by the end of 2011 and 10% by the end of 2015 of per capita electricity consumed in the electric company's service territory during 2007; and

[(2)] (II) require each electric company to implement a cost-effective demand response program in the electric company's service territory that is designed to achieve a targeted reduction of at least 5% by the end of 2011, 10% by the end of 2013, and 15% by the end of 2015, in per capita peak demand of electricity consumed in the electric company's service territory during 2007.

**(2) (I) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ~~BEGINNING WITH~~ FOR THE DURATION OF THE 2018-2020 AND 2021-2023 PROGRAM ~~CYCLE~~ CYCLES, BY REGULATION OR ORDER, THE COMMISSION SHALL, TO THE EXTENT THAT THE COMMISSION DETERMINES THAT COST-EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES ARE AVAILABLE, FOR EACH AFFECTED CLASS, REQUIRE EACH ELECTRIC COMPANY TO PROCURE OR PROVIDE FOR ITS ELECTRICITY CUSTOMERS COST-EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES WITH PROJECTED AND VERIFIABLE ELECTRICITY SAVINGS THAT ARE DESIGNED ON A TRAJECTORY TO ACHIEVE A TARGETED ANNUAL INCREMENTAL GROSS ENERGY SAVINGS OF AT LEAST 2.0% PER YEAR, CALCULATED AS A PERCENTAGE OF THE ELECTRIC COMPANY'S 2016 WEATHER-NORMALIZED GROSS RETAIL SALES AND ELECTRICITY LOSSES.**

(II) THE SAVINGS TRAJECTORY SHALL USE THE APPROVED 2016 PLANS SUBMITTED UNDER SUBSECTION (H)(2) OF THIS SECTION AS A BASELINE FOR AN INCREMENTAL INCREASE OF A RATE OF .20% PER YEAR UNTIL THE MINIMUM 2.0% PER YEAR SAVINGS RATE IS ACHIEVED.

(III) THE GROSS RETAIL SALES AGAINST WHICH THE SAVINGS ARE MEASURED SHALL:

1. REFLECT SALES ASSOCIATED WITH CUSTOMER CLASSES SERVED BY UTILITY-ADMINISTERED PROGRAMS ONLY; AND ~~SHALL~~

2. BE UPDATED BY THE COMMISSION FOR EACH PLAN SUBMITTED UNDER SUBSECTION (H)(2) OF THIS SECTION.

(IV) THE TARGETED ANNUAL INCREMENTAL GROSS ENERGY SAVINGS SHALL BE ACHIEVED BASED ON THE 3-YEAR AVERAGE OF AN ELECTRIC COMPANY'S PLAN SUBMITTED UNDER SUBSECTION (H)(2) OF THIS SECTION.

(h) (1) (i) On or before July 1, 2008, and every 3 years thereafter, each electric company shall consult with the Maryland Energy Administration regarding the design and adequacy of the electric company's plan to achieve the electricity savings and demand reduction targets specified in subsection (g) of this section.

(ii) An electric company shall provide the Maryland Energy Administration with any additional information regarding the plan, as requested.

(2) On or before September 1, 2008, and every 3 years thereafter, an electric company shall submit its plan to the Commission that details the electric company's proposals for achieving the electricity savings and demand reduction targets specified in subsection (g) of this section for the 3 subsequent calendar years.

(3) The Commission shall consider any written findings provided by the Maryland Energy Administration regarding the design and adequacy of the plan.

(4) Each electric company shall provide annual updates to the Commission and the Maryland Energy Administration on plan implementation and progress towards achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(5) (i) The plan shall include a description of the proposed energy efficiency and conservation programs and services and the proposed demand response program, anticipated costs, projected electricity savings, and any other information requested by the Commission.

(ii) The plan shall address residential, commercial, and industrial sectors as appropriate, including low-income communities and low- to moderate-income communities.

(iii) 1. If, in connection with a program or service, the electric company proposes to provide heating, ventilation, air conditioning, or refrigeration services for its customers, the plan shall include procedures for the competitive selection of heating, ventilation, air conditioning, or refrigeration service providers.

2. On request by the electric company and for good cause shown, the Commission may waive the requirement that the electric company competitively select heating, ventilation, air conditioning, or refrigeration providers under subparagraph 1 of this subparagraph.

(6) The plan and any updates shall include a certification or recertification by the electric company that, if an affiliate of the electric company provides heating, ventilation, air conditioning, or refrigeration services through any existing contract or obligation in connection with a program or service, the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(7) The Commission shall review each electric company's plan to determine if the plan is adequate and cost-effective in achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(i) ~~(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(II) "PARTICIPANT NONENERGY BENEFITS" INCLUDE REDUCED BUILDING OPERATING COSTS, INCREASED PROPERTY VALUES, AND IMPROVED COMFORT, IMPROVED HEALTH, AND IMPROVED SAFETY.~~

~~(III) "SOCIETAL NONENERGY BENEFITS" INCLUDE INCREASED JOB CREATION, INCREASED GROWTH IN TAX RECEIPTS, IMPROVED LABOR PRODUCTIVITY, INCREASED HOUSING VALUES, IMPROVED NEIGHBORHOOD STABILITY, AND REDUCED EMISSIONS.~~

~~(IV) "UTILITY NONENERGY BENEFITS", FOR PURPOSES OF SCREENING LOW INCOME PROGRAMS, INCLUDE IMPROVED BILL PAYMENTS AND REDUCED CUSTOMER ARREARAGES.~~

~~(1)~~ ~~(2)~~ In determining whether a program or service encourages and promotes the efficient use and conservation of energy, the Commission shall consider the:

(i) cost-effectiveness OF THE RESIDENTIAL SECTOR SUBPORTFOLIO AND THE COMMERCIAL AND INDUSTRIAL SECTOR SUBPORTFOLIO BY UTILIZING:

1. THE TOTAL RESOURCE COST TEST IN ORDER TO COMPARE THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGETS OF THE PROGRAM OR SERVICE WITH THE RESULTS OF SIMILAR PROGRAMS OR SERVICES IMPLEMENTED IN OTHER JURISDICTIONS, INCLUDING:

- A. PARTICIPANT NONENERGY BENEFITS; AND
- B. UTILITY NONENERGY BENEFITS; AND

2. THE SOCIETAL COST TEST IN ORDER TO DETERMINE WHETHER COST-EFFECTIVENESS REQUIREMENTS ~~ARE~~ WILL BE MET PROSPECTIVELY, INCLUDING:

- A. PARTICIPANT NONENERGY BENEFITS;
- B. UTILITY NONENERGY BENEFITS; AND
- C. SOCIETAL NONENERGY BENEFITS;
  - (ii) impact on rates of each ratepayer class;
  - (iii) impact on jobs; and
  - (iv) impact on the environment.

**(2) NONENERGY BENEFITS CONSIDERED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE QUANTIFIABLE AND DIRECTLY RELATED TO A PROGRAM OR SERVICE.**

~~(2)-(3)~~ **(3)** The Commission shall monitor and analyze the impact of each program and service to ensure that the outcome of each program and service provides the best possible results.

~~(3)-(4)~~ **(4)** In monitoring and analyzing the impact of a program or service under paragraph ~~(2)-(3)~~ **(3)** of this subsection, if the Commission finds that the outcome of the program or services may not be providing the best possible results, the Commission shall direct the electric company to include in its annual update under subsection (h)(4) of this section specific measures to address the findings.

~~(4)-(5)~~ **(5)** An electric company that enters into a contract or obligation with an affiliate of the electric company to provide heating, ventilation, air conditioning, or refrigeration services in connection with a program or service shall notify the Commission within 30 days after entering into the contract or obligation that the electric company:

(i) has entered into a contract or obligation with an affiliate of the electric company; and

(ii) certifies that the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(j) (1) At least once each year, each electric company and gas company shall notify affected customers of the energy efficiency and conservation charges imposed and benefits conferred.

(2) The notice shall be provided by publication on the company's website and inclusion with billing information such as a bill insert or bill message.

(k) On or before March 1 of each year, the Commission, in consultation with the Maryland Energy Administration, shall report, subject to § 2–1246 of the State Government Article, to the General Assembly on:

(1) the status of programs and services to encourage and promote the efficient use and conservation of energy, including an evaluation of the impact of the programs and services that are directed to low-income communities, low- to moderate-income communities to the extent possible, and other particular classes of ratepayers;

(2) a recommendation for the appropriate funding level to adequately fund these programs and services; and

(3) in accordance with subsection (c) of this section, the per capita electricity consumption and the peak demand for the previous calendar year.

(l) Notwithstanding any other law, the Commission may not require or allow an electric company to require an electric customer to authorize the electric company to control the amount of the electric customer's electricity usage, including through control of the electric customer's thermostat.

(m) (1) On or before June 30, 2013, by regulation or order, the Commission shall establish a pilot program for electric customers to recharge electric vehicles during off-peak hours.

(2) (i) An electric company may request to participate in the pilot program.

(ii) The Commission shall make every effort to include at least two electric companies in the pilot program.

(3) The pilot program shall include incentives for residential, commercial, and governmental customers to recharge electric vehicles in a manner that will:

system; and

- (i) increase the efficiency and reliability of the electric distribution system; and
  - (ii) lower electricity use at times of high demand.
- (4) Incentives may include:
- (i) time-of-day pricing of electricity;
  - (ii) credits on distribution charges;
  - (iii) rebates on the cost of charging systems;
  - (iv) demand response programs; or
  - (v) other incentives approved by the Commission.

(5) On or before February 1, 2015, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the experience of the pilot program and the Commission's findings.

SECTION 2. AND BE IT FURTHER ENACTED, That, beginning on or before September 1, 2017, and every 3 years thereafter, each electric company shall, after consulting with the Maryland Energy Administration, submit its plan for achieving annual incremental gross energy savings to the Commission as required under § 7-211(h) of the Public Utilities Article.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2022, the Public Service Commission shall determine the advisability of maintaining the methodology and magnitude of the savings trajectory established in § 7-211(g)(2) of the Public Utilities Article, as enacted by this Act, as the basis for designing cost-effective energy efficiency and conservation programs and services in subsequent program cycles that the Commission shall authorize beginning with the 2024-2026 program cycle.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 781

(House Bill 1134)

AN ACT concerning

**Maryland Financial Consumer Protection Commission**

FOR the purpose of establishing the Maryland Financial Consumer Protection Commission; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; authorizing the Commission to ~~hold public meetings across the State and~~ provide certain reports to the Governor, the General Assembly, and the Maryland Congressional Delegation under certain circumstances; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before ~~a~~ certain ~~date~~ dates; providing for the termination of this Act; and generally relating to the Maryland Financial Consumer Protection Commission.

**Preamble**

WHEREAS, The financial crisis of 2008 created the worst worldwide economic downturn since the Great Depression, leaving millions of Americans without jobs, pensions, or homes; and

WHEREAS, The U.S. Congress concluded that the failures of the nation's financial regulatory system were a major cause of the Great Recession; and

WHEREAS, To prevent future financial crises, the U.S. Congress enacted a number of initiatives including the Dodd–Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd–Frank Act); and

WHEREAS, The Dodd–Frank Act was designed to prevent the excessive risk–taking that led to the financial crisis and provide commonsense protections for American families, including the Consumer Financial Protection Bureau (CFPB) to prevent financial firms from exploiting consumers; and

WHEREAS, Over the last 6 years, the CFPB has helped more than 27 million consumers receive relief from illegal financial practices and has helped provide \$11.7 billion in relief to consumers as a result of their enforcement actions; and

WHEREAS, Since the 2008 financial crisis, the Securities and Exchange Commission has adopted new rules and increased enforcement to protect investors and promote market integrity and stability; and

WHEREAS, Other federal agencies, including the Commodity Futures Trading Commission, the Department of Education, the Department of Labor, the Federal Reserve Board, and the Pension Benefit Guaranty Corporation, have adopted new regulations and policies to protect pensions, investments, student loans, and other financial products and services; and

WHEREAS, Various members of the new federal administration and the U.S. Congress are proposing to repeal provisions of the Dodd–Frank Act and weaken other key components of federal regulation of the financial services industry, thereby endangering America’s economic security and prosperity; and

WHEREAS, Efforts to reduce the transparency essential to healthy capital markets and weaken the regulatory oversight needed to maintain the integrity of these markets dramatically increase the risk of fraud, market manipulation, and financial crises, putting all Americans at risk; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

- (a) There is a Maryland Financial Consumer Protection Commission.
- (b) The Commission consists of the following members:
  - (1) two members of the Senate of Maryland, appointed by the President of the Senate;
  - (2) two members of the House of Delegates, appointed by the Speaker of the House;
  - (3) ~~the Secretary of Labor, Licensing, and Regulation, or the Secretary’s Commissioner of Financial Regulation, or the Commissioner’s designee;~~
  - (4) the Attorney General, or the Attorney General’s designee; ~~and~~
  - (5) five members ~~of the public~~, appointed jointly by the President of the Senate and the Speaker of the House, as follows:
    - (i) one member of the public;
    - (ii) one representative of a consumer advocacy organization with general knowledge about financial banking and lending services;
    - (iii) one representative of a financial institution operating in the State;
    - (iv) one member with knowledge about the structure of the federal financial regulatory system, including the units of the federal government with regulatory oversight over the financial banking and lending industry; and
    - (v) one member with knowledge about:
      - 1. federal laws and regulations that impact the financial banking and lending industry; and



(g) The Commission may:

~~(1) hold public meetings across the State to conduct its duties; and~~

~~(2)~~ provide periodic reports and recommendations to the Governor, the General Assembly, and the Maryland Congressional Delegation, as it deems appropriate.

(h) On or before December 31, 2017, and on or before December 31, 2018, the Commission shall submit a report on its findings and recommendations, including any legislative proposals, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of ~~1 year~~ 2 years and 1 month and, at the end of June 30, ~~2018~~ 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 782

**(House Bill 467)**

AN ACT concerning

**Providing Our Workers Education and Readiness (POWER) – Apprenticeship Act**

FOR the purpose of requiring a contractor or subcontractor awarded a certain contract for a certain construction project that receives certain funding from the State capital budget to be affiliated with, and to use apprentices from, an apprenticeship program that is registered with and approved by the Department of Labor, Licensing, and Regulation or the United States Department of Labor, or requiring the contractor or subcontractor to make certain payments to the State Apprenticeship Training Fund or to certain apprenticeship programs under certain circumstances; providing that, under a certain circumstance, certain contractors and subcontractors are not subject to the requirement; requiring certain contractors and subcontractors to make certain payments in a certain manner under certain circumstances; authorizing a contractor or subcontractor to make a certain request; requiring the Secretary of Labor, Licensing, and Regulation to make a good-faith effort to accommodate a certain request; requiring registered apprenticeship programs that receive certain funds to certify to the Secretary that the funds are used solely for the purpose of improving or expanding apprenticeship training; authorizing the State Apprenticeship Training Fund to include certain payments made in accordance with this Act;

requiring the Secretary to use the money in the Fund to pay certain costs; requiring the Secretary to adopt certain regulations; ~~establishing a certain penalty; providing that a certain contractor or subcontractor that fails to meet certain requirements shall be liable for a certain amount; establishing a certain penalty; authorizing the Secretary to file suit to enforce certain provisions in a certain court; requiring a certain court to require a certain contractor or subcontractor to pay certain amounts;~~ defining certain terms; providing for the application of this Act; and generally relating to a requirement that certain contractors and subcontractors awarded certain contracts be affiliated with certain apprenticeship programs and use certain registered apprentices or make certain payments to the State Apprenticeship Training Fund or to certain apprenticeship programs.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 17–602  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

BY adding to  
 Article – State Finance and Procurement  
 Section 17–6A–01 through ~~17–6A–05~~ 17–6A–06 to be under the new subtitle  
 “Subtitle 6A. Apprenticeship Requirements for Capital Construction Projects”  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – State Finance and Procurement**

17–602.

- (a) There is a State Apprenticeship Training Fund in the Department.
- (b) The Fund consists of:
  - (1) payments made by contractors or subcontractors in accordance with this subtitle **AND SUBTITLE 6A OF THIS TITLE**; and
  - (2) penalties collected as a result of violations of this subtitle **AND SUBTITLE 6A OF THIS TITLE**.
- (c) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of this article.
- (d) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(e) The Secretary shall use money in the Fund to:

(1) promote preapprenticeship programs and other workforce development programs in the State's public secondary schools and community colleges that assist students in preparing for and entering apprenticeship training programs; and

(2) pay any costs associated with carrying out the provisions of this subtitle  
**AND SUBTITLE 6A OF THIS TITLE.**

**SUBTITLE 6A. APPRENTICESHIP REQUIREMENTS FOR CAPITAL CONSTRUCTION  
PROJECTS.**

**17-6A-01.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
INDICATED.**

**(B) "CONSTRUCTION" INCLUDES:**

- (1) BUILDING;**
- (2) RECONSTRUCTING;**
- (3) IMPROVING;**
- (4) ENLARGING;**
- (5) PAINTING AND DECORATING;**
- (6) ALTERING;**
- (7) MAINTAINING; AND**
- (8) REPAIRING.**

**(C) (1) "COVERED CONTRACT" MEANS A CONTRACT:**

**(I) FOR A CAPITAL CONSTRUCTION PROJECT FUNDED WITH AT  
LEAST \$1,000,000 OF FUNDS IN THE STATE CAPITAL BUDGET;**

**(II) ENTERED INTO BY THE RECIPIENT OF THE FUNDING IN THE  
STATE CAPITAL BUDGET AND A CONTRACTOR, OR THE CONTRACTOR AND A  
SUBCONTRACTOR; AND**

(III) FOR AN AMOUNT OF \$500,000 OR MORE.

(2) “COVERED CONTRACT” DOES NOT INCLUDE A CONTRACT FOR A COVERED PROJECT AS DEFINED IN § 17-601(D) OF THIS TITLE.

(D) “DEPARTMENT” MEANS THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

(E) “FUND” MEANS THE STATE APPRENTICESHIP TRAINING FUND ESTABLISHED UNDER § 17-602 OF THIS TITLE.

(F) “REGISTERED APPRENTICESHIP PROGRAM” MEANS AN APPRENTICESHIP PROGRAM THAT IS REGISTERED WITH, AND APPROVED BY, THE DEPARTMENT OR THE UNITED STATES DEPARTMENT OF LABOR.

(G) “SECRETARY” MEANS THE SECRETARY OF LABOR, LICENSING, AND REGULATION.

#### 17-6A-02.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH CONTRACTOR OR SUBCONTRACTOR AWARDED A COVERED CONTRACT SHALL:

(1) (I) BE AFFILIATED WITH A REGISTERED APPRENTICESHIP PROGRAM; AND

(II) USE APPRENTICES FROM A REGISTERED APPRENTICESHIP PROGRAM FOR EACH CRAFT OR TRADE IN WHICH THE CONTRACTOR OR SUBCONTRACTOR EMPLOYS PERSONS TO COMPLETE THE COVERED CONTRACT;

(2) MAKE PAYMENTS TO THE FUND; OR

(3) MAKE PAYMENTS IN AMOUNTS DETERMINED UNDER § 17-6A-03 OF THIS SUBTITLE TO A REGISTERED APPRENTICESHIP PROGRAM FOR THE PURPOSE OF SUPPORTING THE PROGRAM.

(B) A CONTRACTOR OR SUBCONTRACTOR IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IF THERE ARE NO REGISTERED APPRENTICESHIP PROGRAMS FOR THE CRAFT OR TRADE IN WHICH THE CONTRACTOR OR SUBCONTRACTOR EMPLOYS PERSONS TO COMPLETE THE COVERED CONTRACT.

#### 17-6A-03.

(A) (1) A CONTRACTOR OR SUBCONTRACTOR THAT ELECTS TO MAKE PAYMENTS TO THE FUND IN ACCORDANCE WITH THIS SUBTITLE SHALL MAKE PAYMENTS, AS DETERMINED BY THE SECRETARY, NOT TO EXCEED 25 CENTS PER HOUR FOR EACH EMPLOYEE WHO IS EMPLOYED BY THE CONTRACTOR OR SUBCONTRACTOR TO COMPLETE THE COVERED CONTRACT.

(2) PAYMENTS MADE TO THE FUND IN ACCORDANCE WITH THIS SUBSECTION SHALL BE MADE ON A MONTHLY BASIS.

(B) (1) IF THE SECRETARY DETERMINES THAT A CONTRACTOR OR SUBCONTRACTOR AWARDED A COVERED CONTRACT HAS MADE CONTRIBUTIONS TO A REGISTERED APPRENTICESHIP PROGRAM AT RATES LOWER THAN THOSE REQUIRED BY THIS SUBTITLE, THE CONTRACTOR OR SUBCONTRACTOR SHALL MAKE PAYMENTS TO THE FUND FOR THE DIFFERENCE BETWEEN ITS CONTRIBUTION AND THE CONTRIBUTION RATE REQUIRED BY THIS SUBTITLE.

(2) PAYMENTS MADE TO THE FUND IN ACCORDANCE WITH THIS SUBSECTION SHALL BE MADE ON A MONTHLY BASIS.

#### 17-6A-04.

(A) (1) A CONTRACTOR OR SUBCONTRACTOR THAT MAKES CONTRIBUTIONS TO THE FUND OR A REGISTERED APPRENTICESHIP PROGRAM MAY REQUEST THAT THE CONTRIBUTIONS OF THE CONTRACTOR OR SUBCONTRACTOR BE DIRECTED TO A SPECIFIC PREAPPRENTICESHIP OR WORKFORCE DEVELOPMENT PROGRAM.

(2) THE SECRETARY SHALL MAKE A GOOD-FAITH EFFORT TO ACCOMMODATE REQUESTS RECEIVED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(B) A REGISTERED APPRENTICESHIP PROGRAM THAT RECEIVES FUNDS FROM CONTRACTORS OR SUBCONTRACTORS UNDER § 17-6A-02(A)(3) OF THIS SUBTITLE SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING.

#### 17-6A-05.

(A) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

(B) (1) THE REGULATIONS SHALL ESTABLISH THE PROCESS FOR A CONTRACTOR OR SUBCONTRACTOR TO PROVIDE WRITTEN VERIFICATION TO THE DEPARTMENT THAT THE REQUIREMENTS OF THIS SUBTITLE HAVE BEEN MET.

(2) IF A CONTRACTOR OR SUBCONTRACTOR IS AFFILIATED WITH A REGISTERED APPRENTICESHIP PROGRAM, THE REGULATIONS SHALL REQUIRE THE REGISTERED APPRENTICESHIP PROGRAM TO PROVIDE WRITTEN DOCUMENTATION TO THE CONTRACTOR OR SUBCONTRACTOR VERIFYING THE AFFILIATION.

(C) THE REGULATIONS SHALL ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED BY A REGISTERED APPRENTICESHIP PROGRAM UNDER § 17-6A-02(A)(3) OF THIS SUBTITLE ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.

~~(D) (1) A PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE MAY BE ASSESSED A CIVIL PENALTY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$20,000.~~

~~(2) IN DETERMINING THE AMOUNT OF THE PENALTY UNDER PARAGRAPH (1) OF THIS PARAGRAPH, THE SECRETARY OR THE ADMINISTRATIVE LAW JUDGE SHALL CONSIDER:~~

~~(I) THE GRAVITY OF THE VIOLATION;~~

~~(II) THE SIZE OF THE CONTRACTOR OR SUBCONTRACTOR'S BUSINESS;~~

~~(III) THE CONTRACTOR OR SUBCONTRACTOR'S GOOD FAITH;~~

~~(IV) THE CONTRACTOR OR SUBCONTRACTOR'S HISTORY OF VIOLATIONS UNDER THIS ARTICLE; AND~~

~~(V) WHETHER THE CONTRACTOR OR SUBCONTRACTOR HAS MADE RESTITUTION OR OTHERWISE REMEDIED AND COME INTO COMPLIANCE WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY OTHER PROVISION OF THIS ARTICLE THAT THE CONTRACTOR OR SUBCONTRACTOR IS DETERMINED TO HAVE BEEN IN VIOLATION.~~

17-6A-06.

(A) A CONTRACTOR OR SUBCONTRACTOR THAT FAILS TO MEET THE REQUIREMENTS OF THIS SUBTITLE SHALL BE LIABLE FOR AN AMOUNT EQUAL TO

TWICE THE AMOUNT OF UNPAID APPRENTICESHIP CONTRIBUTIONS REQUIRED BY THIS SUBTITLE.

(B) (1) IN THIS SUBSECTION, “WILLFULLY” MEANS A REPRESENTATION OR AN OMISSION KNOWN TO BE FALSE OR MADE WITH DELIBERATE IGNORANCE OR RECKLESS DISREGARD FOR TRUTH OR FALSITY.

(2) (I) ANY PERSON, FIRM, OR CORPORATION THAT IS FOUND TO HAVE MADE WILLFULLY A FALSE OR FRAUDULENT REPRESENTATION OR OMISSION REGARDING A MATERIAL FACT IN CONNECTION WITH CONTRIBUTIONS REQUIRED BY THIS SUBTITLE SHALL BE LIABLE FOR A CIVIL PENALTY IN AN AMOUNT OF UP TO \$1,000 FOR EACH EMPLOYEE FOR WHOM CONTRIBUTIONS ARE REQUIRED AND EACH FALSIFICATION.

(II) A PENALTY SHALL BE RECOVERABLE IN A CIVIL ACTION AND PAID TO THE STATE.

(C) (1) THE SECRETARY MAY FILE SUIT TO ENFORCE THIS SECTION IN ANY COURT OF COMPETENT JURISDICTION.

(2) IN AN ACTION FILED UNDER THIS SUBSECTION, THE COURT SHALL REQUIRE THE CONTRACTOR OR SUBCONTRACTOR TO PAY THE AMOUNT REQUIRED BY SUBSECTION (A) OF THIS SECTION, INCLUDING INTEREST, REASONABLE COUNSEL FEES, AND COURT COSTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any covered contract executed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 783

(House Bill 1144)

AN ACT concerning

**Payroll Recovery Act**

FOR the purpose of requiring the Central Payroll Bureau of the Office of the State Comptroller to establish certain pay periods and pay certain employees within certain periods of time; requiring each appointing authority to calculate and report certain payroll information to the Central Payroll Bureau; ~~requiring the Bureau~~ each appointing authority to provide each employee a notice of certain information ~~and~~; requiring the Bureau to provide to each employee a statement, each pay period, that includes certain information; ~~requiring the Bureau to provide notice of at least a certain number of pay periods before making certain changes~~; ~~authorizing~~ requiring an employee or the employee's exclusive representative to initiate a certain grievance procedure if the ~~Bureau does not pay the employee~~ appointing authority does not report certain payroll information in a certain manner; authorizing the grievance to be initiated ~~up to~~ within a certain ~~number of years~~ period of time ~~number of days~~ after the failure to pay occurs; providing for a certain exception; establishing the damages ~~the Bureau~~ an appointing authority is required to pay under certain circumstances; defining a certain term; providing that certain employees eligible to file a grievance under this Act that are barred by a certain time limitation may file the grievance on or before a certain date for an action that occurred during a certain period of time; providing for the termination of this Act; and generally relating to the payment of certain wages.

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 2–402 and 12–402  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

BY adding to  
 Article – State Personnel and Pensions  
 Section 2–406 and 2–407  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### **Article – State Personnel and Pensions**

2–402.

(a) Except as provided in subsection (b) of this section and notwithstanding any other law, the Central Payroll Bureau of the Office of the State Comptroller shall provide for the payment of all wages to:

(1) each officer and employee of the State who is paid from funds appropriated by the General Assembly; and

(2) whether or not paid from funds appropriated by the General Assembly, each officer and employee of:

- (i) the University System of Maryland;
- (ii) Morgan State University;
- (iii) St. Mary's College of Maryland; and
- (iv) Baltimore City Community College.

(b) The Central Payroll Bureau shall maintain all supporting payroll records for the payment of wages under this section.

**(c) (1) IN THIS SUBSECTION:**

**(I) "WAGE" MEANS ALL COMPENSATION THAT IS DUE TO AN EMPLOYEE; AND**

**(II) "WAGE" INCLUDES:**

- 1. A BONUS;
- 2. A COMMISSION;
- 3. A FRINGE BENEFIT;
- 4. OVERTIME WAGES;
- 5. PREMIUM PAY; OR
- 6. ANY OTHER REMUNERATION PROMISED FOR SERVICE.

**(2) THE CENTRAL PAYROLL BUREAU SHALL:**

**(I) ESTABLISH REGULAR PAY PERIODS; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, PAY EACH EMPLOYEE ~~ALL WAGES DUE~~ AT LEAST ONCE EVERY ~~TWO~~ 2 WEEKS OR TWICE EACH MONTH.**

**(3) THE CENTRAL PAYROLL BUREAU MAY PAY AN ADMINISTRATIVE, AN EXECUTIVE, OR A PROFESSIONAL EMPLOYEE LESS FREQUENTLY THAN REQUIRED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.**

(D) EACH APPOINTING AUTHORITY SHALL ACCURATELY AND TIMELY CALCULATE AND REPORT TO THE CENTRAL PAYROLL BUREAU THE PAYROLL INFORMATION FOR EACH EMPLOYEE.

2-406.

~~(A) THE CENTRAL PAYROLL BUREAU OF THE OFFICE OF THE STATE COMPTROLLER~~ EACH APPOINTING AUTHORITY SHALL PROVIDE EACH EMPLOYEE,

~~(1)~~ AT THE TIME OF HIRING, NOTICE OF:

~~(1)~~ (1) THE EMPLOYEE'S RATE OF PAY;

~~(2)~~ (2) THE REGULAR PAY PERIODS; AND

~~(3)~~ (3) THE EMPLOYEE'S LEAVE BENEFITS; ~~AND.~~

~~(2)~~ (B) THE CENTRAL PAYROLL BUREAU OF THE OFFICE OF THE STATE COMPTROLLER SHALL PROVIDE FOR EACH EMPLOYEE, FOR EACH PAY PERIOD, A STATEMENT OF THE GROSS EARNINGS OF THE EMPLOYEE AND ANY DEDUCTIONS FROM THE GROSS EARNINGS.

~~(B) THE CENTRAL PAYROLL BUREAU SHALL PROVIDE NOTICE OF AT LEAST ONE PAY PERIOD BEFORE A CHANGE IN:~~

~~(1) THE AMOUNT OF WAGES TO BE PAID; OR~~

~~(2) THE DATE ON WHICH WAGES ARE TO BE PAID.~~

2-407.

~~(A) IF THE CENTRAL PAYROLL BUREAU OF THE OFFICE OF THE STATE COMPTROLLER DOES NOT PAY AN EMPLOYEE~~ AN APPOINTING AUTHORITY DOES NOT REPORT PAYROLL INFORMATION IN ACCORDANCE WITH § 2-402 OF THIS SUBTITLE, THE EMPLOYEE OR THE EMPLOYEE'S EXCLUSIVE REPRESENTATIVE MAY INITIATE A GRIEVANCE AT STEP TWO OF UNDER THE GRIEVANCE PROCEDURE ESTABLISHED UNDER § 12-204 TITLE 12, SUBTITLE 2 OF THIS ARTICLE.

~~(B) (1) NOTWITHSTANDING EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND NOTWITHSTANDING § 12-203(B) § 12-203~~ OF THIS ARTICLE, A GRIEVANCE UNDER SUBSECTION (A) OF THIS SECTION MAY SHALL BE INITIATED UP TO 2 YEARS NO LATER THAN 6 MONTHS AFTER THE DATE ON WHICH WITHIN 20 DAYS AFTER THE FAILURE TO PAY OCCURRED.

(2) IF THE FAILURE TO PAY IS NOT KNOWN TO, OR DISCOVERED BY, THE EMPLOYEE WITHIN 20 DAYS AFTER THE FAILURE TO PAY OCCURS, A GRIEVANCE UNDER SUBSECTION (A) OF THIS SECTION MAY BE INITIATED NO LATER THAN 6 MONTHS AFTER THE DATE ON WHICH THE FAILURE TO PAY OCCURRED.

(C) (1) ~~SUBJECT TO PARAGRAPH (2)~~ PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IN AN ACTION UNDER IF A GRIEVANCE IS INITIATED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, AN EMPLOYEE IS ENTITLED TO WAGES AND DAMAGES IN THE AMOUNT OF 30% OF THE WAGE THAT THE CENTRAL PAYROLL BUREAU FAILED TO PAY UNLESS THE WAGE IS WITHHELD AS A RESULT OF A BONA FIDE DISPUTE.

~~(2) THE DAMAGES UNDER PARAGRAPH (1) OF THIS SUBSECTION:~~

~~(I) SHALL BE CALCULATED FOR EACH REGULAR PAY PERIOD FOR WHICH THE WAGE IS NOT PAID; AND~~

~~(II) MAY NOT EXCEED THREE TIMES THE AMOUNT OF WAGE DUE FOR A PAY PERIOD.~~

(2) IF THE GRIEVANCE WAS FILED:

(I) IN THE FIRST 3 BUSINESS DAYS OF A PAY PERIOD, THEN DAMAGES SHALL START IN THE FOLLOWING REGULAR PAY PERIOD; OR

(II) AFTER THE THIRD BUSINESS DAY OF A PAY PERIOD, THEN THE DAMAGES SHALL START IN THE SECOND REGULAR PAY PERIOD FOLLOWING THE PAY PERIOD IN WHICH THE EMPLOYEE WAS NOT PAID THE EMPLOYEE'S FULL WAGE.

(3) THE DAMAGES UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) MAY NOT BEGIN UNTIL AT LEAST ~~ONE~~ 1 REGULAR PAY PERIOD HAS ELAPSED SINCE THE EMPLOYEE WAS NOT PAID THE EMPLOYEE'S FULL WAGE DUE FOR A PAY PERIOD;

(II) SHALL INCREASE PER PAY PERIOD BY 30% OF THE WAGE THAT THE APPOINTING AUTHORITY FAILED TO REPORT;

(III) SHALL CONTINUE UNTIL THE PAY PERIOD WHEN THE APPOINTING AUTHORITY REPORTS THE MISSING WAGES AND DAMAGES, IF ANY, TO THE CENTRAL PAYROLL BUREAU; AND

**(IV) MAY NOT EXCEED ~~THREE~~ 3 TIMES THE AMOUNT OF WAGE DUE THAT THE APPOINTING AUTHORITY FAILED TO REPORT FOR A PAY PERIOD.**

12-402.

(a) Except as provided in subsection (b) of this section, the remedies available to a grievant under this title are limited to the restoration of the rights, pay, status, or benefits that the grievant otherwise would have had if the contested policy, procedure, or regulation had been applied appropriately as determined by the final decision maker.

(b) (1) A decision maker at Step Two or Step Three of the grievance procedure:

(I) may order an appointing authority to grant back pay; AND

(II) ON A FINDING THAT WAGES WERE WITHHELD IN VIOLATION OF §§ 2-402 AND 2-407 OF THIS ARTICLE, SHALL ORDER THE PAYMENT OF DAMAGES IN ACCORDANCE WITH § 2-407(C) OF THIS ARTICLE.

(2) (i) In a reclassification grievance back pay may be awarded for a period not exceeding 1 year before the grievance procedure was initiated.

(ii) A back pay order under this paragraph is in the discretion of the Secretary and the Office of Administrative Hearings.

(3) Subject to the limitations in Title 14, Subtitle 2 of this article, an appointing authority shall carry out a back pay order **OR DAMAGES ORDER** issued under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before July 31, 2017, an employee that is eligible to file a grievance under this Act and is barred by any time limitation under the State Personnel and Pensions Article may initiate a grievance established by this Act ~~on or before July 31, 2017~~ for an action that occurred on or after ~~January 1, 2016~~ March 16, 2016, but before July 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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Chapter 784

(House Bill 1600)

AN ACT concerning

**State Board of Cosmetologists – License Renewal – Continuing Education**

FOR the purpose of requiring the State Board of Cosmetologists to require, beginning on a certain date, certain licensees to complete continuing education to qualify for the renewal of a license; requiring the Board to adopt certain regulations; and generally relating to continuing education for a license renewal for cosmetologists.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 5–205 and 5–311  
Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Business Occupations and Professions**

5–205.

(a) In addition to any duties set forth elsewhere, the Board shall adopt:

- (1) bylaws for the conduct of its proceedings;
- (2) regulations for qualification and examination of applicants for licenses, registration, and permits and issuance of licenses, certificates of registration, and permits;
- (3) regulations to govern the conduct of persons regulated under this title;
- (4) regulations to govern sanitation and safety in practicing cosmetology, including regulations that establish precautions to prevent the spread of infectious and contagious diseases; and
- (5) regulations to govern the direct supervision of the operation of limited practice beauty salons.

(b) (1) The Board shall establish reasonable fees for licensing, licensing renewal, examinations, reinstatements, certifications, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and for any other service performed by the Board necessary to carry out the provisions of this title.

(2) (i) Except for the examination fees which the Board shall establish in amounts not to exceed the costs of the examinations and subject to subparagraph (ii) of

this paragraph, the fees established by the Board shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of regulating the cosmetology industry in the State in accordance with the provisions of this title.

(ii) The Board may not set fees for licensing and license renewals that exceed \$50.

(3) The total cost of regulating the cosmetology industry in the State in accordance with the provisions of this title may not be more than the revenues generated by the fees established under paragraph (1) of this subsection.

(c) (1) The Board shall adopt regulations that establish detailed curriculum standards for use by the State Board of Education or the Maryland Higher Education Commission in approving applications for instruction in the practice of cosmetology, the provision of esthetic services, the provision of hair services, and the provision of nail technician services at public schools or private career schools.

(2) The curriculum standards established under paragraph (1) of this subsection shall:

(i) incorporate modern methods and practices for:

1. practicing cosmetology;
2. providing esthetic services;
3. providing hair services;
4. providing hair services – blow drying; and
5. providing nail technician services;

(ii) include a reference to each topic and the emphasis of each topic required of a comprehensive curriculum in the appropriate licensing area; and

(iii) be reviewed and updated periodically as determined by the Board.

**(D) (1) BEGINNING OCTOBER 1, 2018, THE BOARD SHALL REQUIRE A LICENSEE RENEWING A LICENSE TO COMPLETE AT LEAST SIX CREDIT HOURS OF CONTINUING EDUCATION APPROVED BY THE BOARD.**

**(2) THE BOARD SHALL ADOPT REGULATIONS THAT SET STANDARDS FOR CONTINUING EDUCATION COURSES THAT, AT A MINIMUM, REQUIRE:**

(I) TWO HOURS OF TRAINING IN HEALTH, SAFETY, AND WELFARE SUBJECTS; AND

(II) FOUR HOURS OF TRAINING IN GENERAL ELECTIVE COURSES.

5-311.

(a) The initial term of a license is 2 years.

(b) A license expires on the date set by the Board unless the license is renewed for an additional term as provided in this section.

(c) At least 1 month before a license expires, the Board shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) the amount of the renewal fee.

(d) Before a license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Board a renewal fee established by the Board in accordance with § 5-205 of this title; [and]

(3) submits to the Board a renewal application on the form that the Board provides; AND

(4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLETION OF THE CONTINUING EDUCATION REQUIREMENTS UNDER § 5-205 OF THIS TITLE.

(e) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

(f) (1) If an individual who, on or before September 30, 1999, holds a limited license to provide esthetic services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under § 5–305(b)(3)(ii) of this subtitle that are in addition to the hours of instruction required on or before that date.

(2) If an individual who, on or before September 30, 1999, holds a limited license to provide manicuring services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under § 5–305(d)(3)(ii) of this subtitle that are in addition to the hours of instruction required on or before that date.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 785

(Senate Bill 1149)

AN ACT concerning

**Baltimore City – Maryland Transit Administration – ~~Free Ridership for State Employees~~ Transit Services for Public School Students**

FOR the purpose of requiring the Maryland Transit Administration to ~~extend to employees of the Judicial Branch and the Legislative Branch of State government the application of any program, policy, or practice through which free ridership on transit vehicles is offered to employees of the Executive Branch of State government~~ provide certain services to certain students of the Baltimore City public school system; providing that services provided under this Act are limited to certain activities and a certain time period; prohibiting the Maryland Transit Administration from seeking certain fees or reimbursement; authorizing the Maryland Transit Administration to adopt certain regulations; requiring the Administration, in conjunction with Baltimore City Public Schools, to adopt regulations that establish certain eligibility criteria for certain students for use of services provided under this Act; requiring the City of Baltimore and the Baltimore City Board of School Commissioners to submit a certain report beginning on or before a certain date, and on or before a certain date each year thereafter; providing for a delayed effective date; providing for the termination of this Act; and generally relating to the Maryland Transit Administration and free ridership for ~~State employees~~ Baltimore City public school students.

BY adding to

Article – TransportationSection 7–709Annotated Code of Maryland(2015 Replacement Volume and 2016 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Maryland Transit Administration shall extend to employees of the Judicial Branch and the Legislative Branch of State government the application of any program, policy, or practice through which free ridership on transit vehicles is offered to employees of the Executive Branch of State government.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation7–709.

(A) THE ADMINISTRATION SHALL PROVIDE RIDERSHIP ON TRANSIT VEHICLES TO ANY ELIGIBLE STUDENT OF A PUBLIC SCHOOL OF BALTIMORE CITY.

(B) THE SERVICES PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED:

(1) BETWEEN THE HOURS OF 5 A.M. AND 8 P.M.; AND

(2) FOR SCHOOL-RELATED OR EDUCATIONAL EXTRACURRICULAR ACTIVITIES ON AND OFF CAMPUS ONLY.

(C) THE ADMINISTRATION MAY NOT COLLECT FEES OR REIMBURSEMENT FOR SERVICES PROVIDED UNDER THIS SECTION.

(D) (1) THE ADMINISTRATION MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(2) THE ADMINISTRATION, IN CONJUNCTION WITH BALTIMORE CITY PUBLIC SCHOOLS, SHALL ADOPT REGULATIONS THAT ESTABLISH THE ELIGIBILITY CRITERIA FOR STUDENTS RECEIVING A STUDENT SMART CARD FOR THE USE OF SERVICES PROVIDED UNDER THIS SECTION.

(E) ON OR BEFORE DECEMBER 1, 2017 2018, AND ON OR BEFORE DECEMBER 1 EACH YEAR THEREAFTER, THE CITY OF BALTIMORE AND THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

**(1) THE FINANCIAL CONDITION OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;**

**(2) THE IMPACT OF THE SERVICES PROVIDED UNDER THIS SECTION;**  
**AND**

**(3) WHETHER THERE IS A NEED TO MAINTAIN:**

**(I) THE SERVICES REQUIRED UNDER THIS SECTION; AND**

**(II) THE PROHIBITION ON THE COLLECTION OF FEES AND REIMBURSEMENT BY THE ADMINISTRATION FOR SERVICES PROVIDED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ July 1, ~~2017~~ 2018. It shall remain effective for a period of 3 years and, at the end of June 30, ~~2020~~ 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 786

**(House Bill 529)**

AN ACT concerning

### **Election Law – Political Parties, Candidacy, and Campaign Finance**

FOR the purpose of altering the required provisions to be included in the constitution and bylaws of political parties; altering the date by which certain candidates for public office must file a declaration of intent; ~~altering the types of statements a governmental entity must require certain persons to file; repealing an exemption, applicable to certain contract awardees, from the filing of certain statements;~~ altering the number of petition signatures a candidate who seeks nomination by petition must file to appear on the general election ballot; repealing the requirement that a governmental entity notify the State Board of Elections if a person doing public business with the governmental entity fails to file a statement under a certain provision of law; requiring a governmental entity that has awarded a person a contract that causes the person to be doing public business to provide the State Board with certain information; authorizing the governmental entity to comply with a certain provision of this Act by sending a certain quarterly report to the State Board; requiring that the quarterly report include the required information for certain

persons and be submitted by a certain date; repealing an exemption from certain requirements for a contract for which notice of award has been posted on eMaryland Marketplace; specifying a certain report a gubernatorial ticket must file to qualify to receive public contributions from the Fair Campaign Financing Fund; altering a certain definition; defining a certain term; and generally relating to political parties, candidacy, and campaign finance.

BY adding to

Article – Election Law

Section 1–101(l–1)

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 1–101(bb), 4–204, 5–703, 5–703.1, 14–107, and 15–104

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Election Law

1–101.

**(L–1) (1) “CENTRAL COMMITTEE” MEANS A POLITICAL COMMITTEE FOR A POLITICAL PARTY ESTABLISHED UNDER TITLE 4 OF THIS ARTICLE.**

**(2) “CENTRAL COMMITTEE” INCLUDES A POLITICAL COMMITTEE FOR A POLITICAL PARTY THAT ENGAGES IN CAMPAIGN FINANCE ACTIVITY THAT IS SUBJECT TO TITLE 13 OF THIS ARTICLE.**

(bb) (1) “Independent expenditure” means [an expenditure] **A GIFT, TRANSFER, DISBURSEMENT, OR PROMISE OF MONEY OR A THING OF VALUE** by a person expressly advocating the success or defeat of a clearly identified candidate or ballot issue if the [expenditure] **GIFT, TRANSFER, DISBURSEMENT, OR PROMISE OF MONEY OR A THING OF VALUE** is not made in coordination, COOPERATION, CONSULTATION, UNDERSTANDING, AGREEMENT, OR CONCERT with, or at the request or suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee.

(2) For purposes of this subsection, “clearly identified” means:

(i) the name of the candidate appears;

- (ii) a photograph or drawing of the candidate appears; or
- (iii) the identity of the candidate or ballot issue is apparent by unambiguous reference.

4–204.

(a) Except as otherwise provided in this article, each political party shall adopt and be governed by a constitution and all bylaws and rules adopted in accordance with the constitution.

(b) (1) The constitution and bylaws of each political party shall provide:

(i) for such matters as in its opinion are necessary for the proper conduct of party affairs;

(ii) for the selection of a State governing body;

(iii) for the calling of regular meetings, advance notification of meetings, and special notice for special meetings;

(iv) for the establishment of a quorum;

(v) a method of amending the political party's constitution and bylaws;

(vi) procedures for filling a vacancy in a nomination for public office;

(vii) for a principal political party, for the convening of a meeting of the central committee within 45 days after the primary election in each gubernatorial election year;

(viii) [if the political party is required to nominate its candidates by petition] **FOR A POLITICAL PARTY THAT IS NOT A PRINCIPAL POLITICAL PARTY**, procedures for [determining which of two or more party members who qualify for nomination in the same contest shall be designated on the ballot as nominees of the political party] **SELECTING NOMINEES FOR A PUBLIC OFFICE**; and

(ix) for the adoption of rules governing the political party.

(2) The Republican Party State Central Committee may adopt provisions in its constitution and bylaws providing for the removal of members of the Republican State Central Committee who fail to discharge the minimum responsibilities of a State central committee member.

(c) (1) In accordance with the constitution and bylaws of a principal political party, the central committee of that party for each county shall adopt a constitution, bylaws, and rules.

(2) Until a central committee adopts a constitution, bylaws, and rules, the central committee shall be governed by the State central committee.

(d) (1) Within 30 days after the adoption or amendment by a political party of a constitution, bylaw, or rule, the political party shall file a copy of the constitution, bylaw, or rule with the State Board.

(2) Within 30 days after the adoption or amendment by a central committee of any county of a constitution, bylaw, or rule, the local central committee shall file a copy of the constitution, bylaw, or rule with the State central committee and the State Board.

(e) (1) The constitution and bylaws adopted by a new political party shall conform to the requirements of subsections (a), (b), and (c)(1) of this section.

(2) If a new political party decides to form local central committees, the political party shall notify the State Board of the number and size of the local central committees within 6 months after the date the State Board notified the political party that it is considered a State political party.

5-703.

(a) Except for a candidate for a nonpartisan county board of education, this section applies to any candidate for public office subject to this title.

(b) A candidate for a public office may be nominated by petition under this subtitle if the candidate is not affiliated with any political party.

(c) (1) A candidate for public office who seeks nomination by petition shall file a declaration of intent to seek nomination by petition.

(2) The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

(3) The declaration of intent shall be filed as follows:

(i) [in a year in which the Governor is elected, by the date and time specified for a candidate to file a certificate of candidacy;

(ii) in a year in which the President and Mayor of Baltimore City are elected, by the date and time specified for a candidate to file a certificate of candidacy] **NOT LATER THAN THE FIRST MONDAY IN JULY**; and

[(iii)] (II) for a special election to fill a vacancy for Representative in Congress, by the date and time specified [for a candidate to file a certificate of candidacy] in the Governor's proclamation.

(4) A candidate who seeks nomination by petition may not be charged a fee for filing the declaration of intent.

(d) (1) A candidate for public office who seeks nomination by petition shall file a certificate of candidacy not later than 5 p.m. on the first Monday in August in the year of the general election for the office.

(2) Except for the time of filing, the certificate of candidacy for a candidate who seeks nomination by petition shall comply with the requirements for a certificate of candidacy under Subtitle 3 of this title.

(e) (1) A candidate who seeks nomination by petition may not have the candidate's name placed on the general election ballot unless the candidate files with the appropriate board petitions signed by ~~not less than~~ **THE LESSER OF 10,000 REGISTERED VOTERS OR** 1% of the total number of registered voters who are eligible to vote for the office for which the nomination by petition is sought, except that the petitions shall be signed by at least 250 registered voters who are eligible to vote for the office.

(2) The petitions shall be filed as required in Title 6 of this article.

(3) The number of registered voters required to satisfy the requirements of paragraph (1) of this subsection shall be determined as of January 1 of the year of the primary election for which the nomination is sought.

(f) (1) Except as provided in paragraph (2) of this subsection, a petition that contains the required number of signatures specified under subsection (e)(1) of this section shall be filed with the appropriate board by 5 p.m. on the first Monday in August in the year in which the general election is held.

(2) In a special election to fill a vacancy in the office of Representative in Congress, a petition that contains the required number of signatures shall be filed with the State Board by 5 p.m. on the day of the special primary election.

5-703.1.

(a) Except for a candidate for a nonpartisan county board of education, this section applies to any candidate for public office subject to this title.

(b) A candidate for a public office may be nominated by a political party under this subtitle if the political party is not required to nominate its candidates by party primary.

(c) (1) A candidate for public office who seeks political party nomination under this section shall file a declaration of intent to seek political party nomination.

(2) The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

(3) The declaration of intent shall be filed as follows:

(i) [in a year in which the Governor is elected, by the date and time specified for a candidate to file a certificate of candidacy;

(ii) in the year in which the President and Mayor of Baltimore City are elected, by the date and time specified for a candidate to file a certificate of candidacy] **NOT LATER THAN THE FIRST MONDAY IN JULY**; and

[(iii)] **(II)** for a special election to fill a vacancy:

1. for Representative in Congress, by the date and time specified in the Governor's proclamation [for a candidate to file a certificate of candidacy]; or

2. for a local public office, by the date and time specified in the county proclamation [for a candidate to file a certificate of candidacy].

(4) A candidate who seeks nomination by political party may not be charged a fee for filing the declaration of intent.

(d) (1) A candidate for public office who seeks nomination by political party shall file a certificate of candidacy not later than 5 p.m. on the first Monday in August in the year of the general election for the office.

(2) Except for the time of filing, the certificate of candidacy for a candidate who seeks nomination by political party shall comply with the requirements for a certificate of candidacy under Subtitle 3 of this title.

(e) A candidate for nomination by political party may not have the candidate's name placed on the general election ballot unless the candidate files with the appropriate board, on a form the State Board prescribes, a certificate of nomination signed by the officers of the political party.

14-107.

(a) **(1)** [(1) Except as provided in paragraph (2) of this subsection, a] **A** governmental entity that has awarded a person a contract that causes the person to be doing public business shall:

~~[(i)] (1) require the person to certify that the person has filed [the statement] ALL STATEMENTS required under [§ 14-104(b)(1)] § 14-104(B) of this title; and~~

~~[(ii)] (2) notify the State Board if a person doing public business with the governmental entity fails to file the statement under [§ 14-104(b)(1)] § 14-104(B) of this title.~~

**(I) REQUIRE THE PERSON TO CERTIFY THAT THE PERSON HAS FILED THE STATEMENT REQUIRED UNDER § 14-104(B)(1) OF THIS TITLE; AND**

**(II) PROVIDE THE STATE BOARD WITH THE PERSON'S NAME, ADDRESS, AND ANY OTHER CONTACT INFORMATION REQUIRED BY THE STATE BOARD.**

**(2) (I) A GOVERNMENTAL ENTITY MAY COMPLY WITH PARAGRAPH (1)(II) OF THIS SUBSECTION BY SENDING TO THE STATE BOARD A QUARTERLY REPORT ON A FORM PROVIDED BY THE STATE BOARD.**

**(II) A QUARTERLY REPORT SENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:**

**1. INCLUDE THE REQUIRED INFORMATION FOR ANY PERSON THAT WAS AWARDED A CONTRACT THAT CAUSED THE PERSON TO BE DOING PUBLIC BUSINESS WITH THE GOVERNMENTAL ENTITY DURING THE PRECEDING CALENDAR QUARTER; AND**

**2. BE SUBMITTED TO THE STATE BOARD NO LATER THAN 10 BUSINESS DAYS AFTER THE CLOSE OF EACH CALENDAR QUARTER.**

[(2) This subsection does not apply to a contract for which notice of award has been posted on eMaryland Marketplace.]

(b) (1) If a person files a statement under § 14-104 of this title that does not include all the information required, the State Board shall notify the person in writing of the particular deficiencies.

(2) Within 30 days after service of the notice under paragraph (1) of this subsection, the person shall file an amended statement that includes all the information required.

(c) (1) As provided in this subsection, the State Board may impose fees for late filing of:

(i) a statement required under § 14-104 of this title; or

(ii) an amended statement required under subsection (b) of this section.

(2) The State Board may impose late filing fees in the same amounts and in the same manner as provided under § 13–331(a) and (b) of this article for late filing of campaign finance reports.

(3) Late filing fees imposed under this subsection shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(d) A person who knowingly and willfully violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(e) An officer or partner of a business entity who knowingly authorizes or participates in a violation of this title by the business entity is subject to the penalty provided in subsection (d) of this section.

15–104.

A gubernatorial ticket is qualified to receive a public contribution for an election on the date specified by regulation adopted under this title if:

(1) the gubernatorial ticket has raised seed money;

(2) the seed money is refundable only if the gubernatorial ticket withdraws as a gubernatorial ticket; and

(3) as certified by the gubernatorial ticket's treasurer on a [form prescribed by the State Board] **CAMPAIGN FINANCE REPORT**, the seed money was:

(i) raised in accordance with this title; and

(ii) received after March 1 of the year immediately preceding the year of that election.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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**Chapter 787**

**(House Bill 602)**

AN ACT concerning

### Keep Antibiotics Effective Act of 2017

FOR the purpose of ~~prohibiting, on or after a certain date, a certain owner of cattle, swine, or poultry from administering, or authorizing an agent to administer, certain antimicrobial drugs in certain cattle, swine, and poultry without a certain antimicrobial drug prescription or veterinary feed directive issued by a licensed veterinarian in accordance with certain conditions;~~ authorizing, on or after a certain date, the administration of certain antimicrobial drugs to certain cattle, swine, or poultry if, in the professional judgment of a licensed veterinarian, the administration is necessary for certain purposes; prohibiting certain antimicrobial drugs from being administered to cattle, swine, ~~and~~ or poultry in a certain pattern or for certain purposes; requiring certain antimicrobial drugs to be administered in a certain manner; ~~requiring a certain owner to submit to the State Department of Agriculture a copy of a certain antimicrobial drug prescription or veterinary feed directive in a certain manner; requiring the Department to maintain certain information and make the information available for public review in a certain manner;~~ requiring the Department of Agriculture to collect certain publicly available data from certain federal agencies and other appropriate entities; requiring the Department to report to the General Assembly on or before a certain date each year, beginning on or before a certain date; authorizing the Secretary of Agriculture to impose a certain penalty; authorizing the Department to adopt certain regulations; providing for the application of this Act; defining certain terms; and generally relating to the use of antimicrobial drugs in cattle, swine, and poultry.

BY adding to

Article – Agriculture

Section 3–1001 through 3–1006 to be under the new subtitle “Subtitle 10. Use of Antimicrobial Drugs”

Annotated Code of Maryland  
(2016 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### Article – Agriculture

#### SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.

#### 3–1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISEASE CONTROL” MEANS THE USE OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF A DOCUMENTED DISEASE OR INFECTION PRESENT IN ~~A BARN OR EQUIVALENT ANIMAL HOUSING UNIT;~~

(1) A GROUP OF ANIMALS IN CONTACT WITH EACH OTHER; OR

(2) A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.

(C) “DOCUMENTED” MEANS ACKNOWLEDGED AND RECORDED.

~~(C)~~ (D) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG” MEANS ANY DRUG FROM A CLASS OF DRUG OR DERIVATIVE OF A CLASS OF DRUG THAT IS:

(1) (I) MADE FROM A MOLD OR BACTERIUM THAT KILLS OR SLOWS THE GROWTH OF OTHER MICROBES, SPECIFICALLY BACTERIA; AND

(II) USED IN HUMAN BEINGS OR INTENDED FOR USE IN HUMAN BEINGS TO TREAT OR PREVENT DISEASE OR INFECTION; OR

(2) LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG ADMINISTRATION’S GUIDANCE FOR INDUSTRY #152, INCLUDING CRITICALLY IMPORTANT, HIGHLY IMPORTANT, OR IMPORTANT ANTIMICROBIAL DRUGS.

~~(D)~~ (E) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION” MEANS AN ORDER ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE:

(1) FOR A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG THAT IS:

(I) IN A WATER-SOLUBLE POWDER FORM; AND

(II) TO BE ADDED TO THE DRINKING WATER OF CATTLE, SWINE, OR POULTRY; AND

(2) THAT PROVIDES THE SAME OR SUBSTANTIALLY SIMILAR INFORMATION AS THE INFORMATION THAT IS REQUIRED FOR A VETERINARY FEED DIRECTIVE UNDER TITLE 21, § 558.6(B)(3) AND (4) OF THE CODE OF FEDERAL REGULATIONS.

~~(E)~~ (F) “OWNER” MEANS A PERSON THAT:

(1) HAS AN OWNERSHIP INTEREST IN CATTLE, SWINE, OR POULTRY, INCLUDING A RIGHT OR AN OPTION TO PURCHASE THE CATTLE, SWINE, OR POULTRY; OR

(2) IS OTHERWISE ENGAGED IN THE BUSINESS OF OBTAINING LIVE CATTLE, SWINE, OR POULTRY UNDER A GROWING AGREEMENT FOR THE PURPOSE OF EITHER SLAUGHTERING THE CATTLE, SWINE, OR POULTRY OR SELLING THE CATTLE, SWINE, OR POULTRY FOR SLAUGHTER.

~~(F)~~ (G) “VETERINARY FEED DIRECTIVE” MEANS A WRITTEN STATEMENT ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE THAT:

- (1) ORDERS THE USE OF AN ANIMAL DRUG IN OR ON ANIMAL FEED;
- (2) AUTHORIZES AN OWNER OR A CARETAKER OF AN ANIMAL TO OBTAIN AND USE ANIMAL FEED BEARING OR CONTAINING AN ANIMAL DRUG TO TREAT THE ANIMAL; AND
- (3) MEETS THE CONDITIONS AND REQUIREMENTS SPECIFIED UNDER TITLE 21, § 558.6 OF THE CODE OF FEDERAL REGULATIONS.

3-1002.

EXCEPT AS OTHERWISE PROVIDED IN FEDERAL LAW OR REGULATION, THIS SUBTITLE DOES NOT APPLY TO ANTIMICROBIAL USE IN:

- (1) CATTLE ON A FARM OPERATION THAT SELLS FEWER THAN 200 CATTLE PER YEAR;
- (2) SWINE ON A FARM OPERATION THAT SELLS FEWER THAN 200 SWINE PER YEAR; OR
- (3) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN 60,000 BIRDS PER YEAR.

~~3-1003.~~

~~(A) ON OR AFTER FEBRUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED DIRECTIVE ISSUED BY A LICENSED VETERINARIAN:~~

~~(1) IN THE CONTEXT OF A VETERINARIAN CLIENT-PATIENT RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID~~

~~VETERINARIAN CLIENT PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, § 530.3 OF THE CODE OF FEDERAL REGULATIONS;~~

~~(2) WHO HAS, WITHIN THE PREVIOUS 6 MONTHS, VISITED THE FARM OPERATION IN WHICH THE CATTLE, SWINE, OR POULTRY IS LOCATED; AND~~

~~(3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY:~~

~~(I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;~~

~~(II) FOR DISEASE CONTROL;~~

~~(III) FOR A SURGERY OR A MEDICAL PROCEDURE; OR~~

~~(IV) TO PREVENT A DISEASE THAT RESULTS FROM A VETERINARIAN DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.~~

~~(B) (1) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR:~~

~~(I) GROWTH PROMOTION;~~

~~(II) FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR~~

~~(III) ROUTINE DISEASE PREVENTION.~~

~~(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG SHALL BE ADMINISTERED IN A MANNER THAT TREATS THE FEWEST NUMBER OF CATTLE, SWINE, OR POULTRY FOR THE SHORTEST DURATION NECESSARY FOR THE USE AUTHORIZED BY THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.~~

~~3-1004.~~

~~(A) ON OR BEFORE FEBRUARY 1, 2019, AND EACH FEBRUARY 1 THEREAFTER, AN OWNER SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT, FOR EACH MEDICALLY IMPORTANT ANTIMICROBIAL DRUG ADMINISTERED TO CATTLE, SWINE, OR POULTRY DURING THE PREVIOUS CALENDAR YEAR:~~

~~(1) A COPY OF THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION; OR~~

~~(2) A COPY OF THE VETERINARY FEED DIRECTIVE.~~

~~(B) ALL RECORDS AND INFORMATION RELATING TO A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR OWNER OF THE FARM OPERATION TO WHICH THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR VETERINARY FEED DIRECTIVE RELATES.~~

3-1003.

(A) (1) ON OR AFTER JANUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY IF, IN THE PROFESSIONAL JUDGMENT OF A LICENSED VETERINARIAN, THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY:

- (I) TO TREAT A DISEASE OR INFECTION;
- (II) TO CONTROL THE SPREAD OF A DISEASE OR INFECTION; OR
- (III) FOR A SURGERY OR MEDICAL PROCEDURE.

(2) ON OR AFTER JANUARY 1, 2018, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY IF, IN THE PROFESSIONAL JUDGMENT OF A LICENSED VETERINARIAN, THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY FOR PROPHYLAXIS TO ADDRESS AN ELEVATED RISK OF CONTRACTION OF A PARTICULAR DISEASE OR INFECTION.

(B) UNLESS ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS CONSISTENT WITH SUBSECTION (A)(1) OF THIS SECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED IN A REGULAR PATTERN TO CATTLE, SWINE, OR POULTRY.

(C) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY SOLELY FOR THE PURPOSE OF:

- (1) PROMOTING WEIGHT GAIN; OR
- (2) IMPROVING FEED EFFICIENCY.

**3-1004.**

**(A) EACH YEAR THE DEPARTMENT SHALL COLLECT PUBLICLY AVAILABLE DATA ON THE USE IN THE STATE OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS IN CATTLE, SWINE, AND POULTRY FROM:**

**(1) THE U.S. DEPARTMENT OF AGRICULTURE;**

**(2) THE CENTERS FOR DISEASE CONTROL AND PREVENTION;**

**(3) THE U.S. FOOD AND DRUG ADMINISTRATION; AND**

**(4) APPROPRIATE NATIONAL TRADE ASSOCIATIONS, ORGANIZATIONS, AND COUNCILS.**

**~~(c)~~ (B) ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE ~~INFORMATION SUBMITTED~~ DATA COLLECTED UNDER SUBSECTION (A) OF THIS SECTION.**

**3-1005.**

**THE SECRETARY MAY IMPOSE AN ADMINISTRATIVE PENALTY, NOT EXCEEDING \$2,000, ON A PERSON THAT VIOLATES THIS SUBTITLE.**

**3-1006.**

**THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.**

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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**Chapter 788**

**(Senate Bill 422)**

AN ACT concerning

**Keep Antibiotics Effective Act of 2017**

FOR the purpose of ~~prohibiting, on or after a certain date, a certain owner of cattle, swine, or poultry from administering, or authorizing an agent to administer, certain antimicrobial drugs in certain cattle, swine, and poultry without a certain antimicrobial drug prescription or veterinary feed directive issued by a licensed veterinarian in accordance with certain conditions;~~ authorizing, on or after a certain date, the administration of certain antimicrobial drugs to certain cattle, swine, or poultry if, in the professional judgment of a licensed veterinarian, the administration is necessary for certain purposes; prohibiting certain antimicrobial drugs from being administered to cattle, swine, ~~and~~ or poultry in a certain pattern or for certain purposes; requiring certain antimicrobial drugs to be administered in a certain manner; ~~requiring a certain owner veterinarian to submit to the State Department of Agriculture a copy of a certain antimicrobial drug prescription or veterinary feed directive in a certain manner, with a certain exception;~~ requiring the Department of Agriculture to collect certain publicly available data from certain federal agencies and other appropriate entities; requiring the Department to maintain certain information and make the information available for public review in a certain manner; requiring the Department to report to the General Assembly on or before a certain date each year, beginning on or before a certain date; authorizing the Secretary of Agriculture to impose a certain penalty; authorizing the Department to adopt certain regulations; providing for the application of this Act; defining certain terms; and generally relating to the use of antimicrobial drugs in cattle, swine, and poultry.

BY adding to

Article – Agriculture

Section 3–1001 through ~~3–1006~~ ~~3–1005~~ 3–1006 to be under the new subtitle “Subtitle 10. Use of Antimicrobial Drugs”

Annotated Code of Maryland  
(2016 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Agriculture

#### SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.

##### 3–1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISEASE CONTROL” MEANS THE USE OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF A DOCUMENTED DISEASE OR INFECTION PRESENT IN ~~A BARN OR EQUIVALENT ANIMAL HOUSING UNIT;~~

**(1) A GROUP OF ANIMALS IN CONTACT WITH EACH OTHER; OR**

**(2) A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.**

**(C) “DOCUMENTED” MEANS ACKNOWLEDGED AND RECORDED.**

**~~(D)~~ (D) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG” MEANS ANY DRUG FROM A CLASS OF DRUG OR DERIVATIVE OF A CLASS OF DRUG THAT IS:**

**(1) (I) MADE FROM A MOLD OR BACTERIUM THAT KILLS OR SLOWS THE GROWTH OF OTHER MICROBES, SPECIFICALLY BACTERIA; AND**

**(II) USED IN HUMAN BEINGS OR INTENDED FOR USE IN HUMAN BEINGS TO TREAT OR PREVENT DISEASE OR INFECTION; OR**

**(2) LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG ADMINISTRATION’S GUIDANCE FOR INDUSTRY #152, INCLUDING CRITICALLY IMPORTANT, HIGHLY IMPORTANT, OR IMPORTANT ANTIMICROBIAL DRUGS.**

**~~(E)~~ (E) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION” MEANS AN ORDER ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE:**

**(1) FOR A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG THAT IS:**

**(I) IN A WATER-SOLUBLE POWDER FORM; AND**

**(II) TO BE ADDED TO THE DRINKING WATER OF CATTLE, SWINE, OR POULTRY; AND**

**(2) THAT PROVIDES THE SAME OR SUBSTANTIALLY SIMILAR INFORMATION AS THE INFORMATION THAT IS REQUIRED FOR A VETERINARY FEED DIRECTIVE UNDER TITLE 21, § 558.6(B)(3) AND (4) OF THE CODE OF FEDERAL REGULATIONS.**

**~~(F)~~ (F) “OWNER” MEANS A PERSON THAT:**

**(1) HAS AN OWNERSHIP INTEREST IN CATTLE, SWINE, OR POULTRY, INCLUDING A RIGHT OR AN OPTION TO PURCHASE THE CATTLE, SWINE, OR POULTRY; OR**

**(2) IS OTHERWISE ENGAGED IN THE BUSINESS OF OBTAINING LIVE CATTLE, SWINE, OR POULTRY UNDER A GROWING AGREEMENT FOR THE PURPOSE**

OF EITHER SLAUGHTERING THE CATTLE, SWINE, OR POULTRY OR SELLING THE CATTLE, SWINE, OR POULTRY FOR SLAUGHTER.

~~(F)~~ (G) “VETERINARY FEED DIRECTIVE” MEANS A WRITTEN STATEMENT ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE THAT:

- (1) ORDERS THE USE OF AN ANIMAL DRUG IN OR ON ANIMAL FEED;
- (2) AUTHORIZES AN OWNER OR A CARETAKER OF AN ANIMAL TO OBTAIN AND USE ANIMAL FEED BEARING OR CONTAINING AN ANIMAL DRUG TO TREAT THE ANIMAL; AND
- (3) MEETS THE CONDITIONS AND REQUIREMENTS SPECIFIED UNDER TITLE 21, § 558.6 OF THE CODE OF FEDERAL REGULATIONS.

3-1002.

EXCEPT AS OTHERWISE PROVIDED IN FEDERAL LAW OR REGULATION, THIS SUBTITLE DOES NOT APPLY TO ANTIMICROBIAL USE IN:

- (1) CATTLE ON A FARM OPERATION THAT SELLS FEWER THAN 200 CATTLE PER YEAR;
- (2) SWINE ON A FARM OPERATION THAT SELLS FEWER THAN 200 SWINE PER YEAR; OR
- (3) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN 60,000 BIRDS PER YEAR.

~~3-1003.~~

~~(A) ON OR AFTER FEBRUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED DIRECTIVE ISSUED BY A LICENSED VETERINARIAN:~~

~~(1) IN THE CONTEXT OF A VETERINARIAN CLIENT PATIENT RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID VETERINARIAN CLIENT PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, § 530.3 OF THE CODE OF FEDERAL REGULATIONS;~~

~~(2) WHO HAS, WITHIN THE PREVIOUS 6 MONTHS, VISITED THE FARM OPERATION IN WHICH THE CATTLE, SWINE, OR POULTRY IS LOCATED; AND~~

~~(3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY:~~

~~(I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;~~

~~(II) FOR DISEASE CONTROL;~~

~~(III) FOR A SURGERY OR A MEDICAL PROCEDURE; OR~~

~~(IV) TO PREVENT A DISEASE THAT RESULTS FROM A VETERINARIAN DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.~~

~~(B) (1) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR:~~

~~(I) GROWTH PROMOTION;~~

~~(II) FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR~~

~~(III) ROUTINE DISEASE PREVENTION.~~

~~(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG SHALL BE ADMINISTERED IN A MANNER THAT TREATS THE FEWEST NUMBER OF CATTLE, SWINE, OR POULTRY FOR THE SHORTEST DURATION NECESSARY FOR THE USE AUTHORIZED BY THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.~~

~~3-1004.~~

~~(A) ON OR BEFORE FEBRUARY 1, 2019, AND EACH FEBRUARY 1 THEREAFTER, AN OWNER SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT, FOR EACH MEDICALLY IMPORTANT ANTIMICROBIAL DRUG ADMINISTERED TO CATTLE, SWINE, OR POULTRY DURING THE PREVIOUS CALENDAR YEAR:~~

~~(1) A COPY OF THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION; OR~~

~~(2) A COPY OF THE VETERINARY FEED DIRECTIVE.~~

~~(B) ALL RECORDS AND INFORMATION RELATING TO A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR OWNER OF THE FARM OPERATION TO WHICH THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR VETERINARY FEED DIRECTIVE RELATES.~~

3-1003.

(A) (1) ON OR AFTER JANUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY IF, IN THE PROFESSIONAL JUDGMENT OF A LICENSED VETERINARIAN, THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY:

- (I) TO TREAT A DISEASE OR INFECTION;
- (II) TO CONTROL THE SPREAD OF A DISEASE OR INFECTION; OR
- (III) FOR A SURGERY OR MEDICAL PROCEDURE.

(2) ON OR AFTER JANUARY 1, 2018, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY IF, IN THE PROFESSIONAL JUDGMENT OF A LICENSED VETERINARIAN, THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY FOR PROPHYLAXIS TO ADDRESS AN ELEVATED RISK OF CONTRACTION OF A PARTICULAR DISEASE OR INFECTION.

(B) UNLESS ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS CONSISTENT WITH SUBSECTION (A)(1) OF THIS SECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED IN A REGULAR PATTERN TO CATTLE, SWINE, OR POULTRY.

(C) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY SOLELY FOR THE PURPOSE OF:

- (1) PROMOTING WEIGHT GAIN; OR
- (2) IMPROVING FEED EFFICIENCY.

3-1004.

**(A) EACH YEAR THE DEPARTMENT SHALL COLLECT PUBLICLY AVAILABLE DATA ON THE USE IN THE STATE OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS IN CATTLE, SWINE, AND POULTRY FROM:**

- (1) THE U.S. DEPARTMENT OF AGRICULTURE;**
- (2) THE CENTERS FOR DISEASE CONTROL AND PREVENTION;**
- (3) THE U.S. FOOD AND DRUG ADMINISTRATION; AND**
- (4) APPROPRIATE NATIONAL TRADE ASSOCIATIONS, ORGANIZATIONS, AND COUNCILS.**

**~~(B)~~ (B) ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE ~~INFORMATION SUBMITTED~~ DATA COLLECTED UNDER SUBSECTION (A) OF THIS SECTION.**

**3-1005.**

**THE SECRETARY MAY IMPOSE AN ADMINISTRATIVE PENALTY, NOT EXCEEDING \$2,000, ON A PERSON THAT VIOLATES THIS SUBTITLE.**

**3-1006.**

**THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 789

(House Bill 177)

AN ACT concerning

**Killing or Wounding Black Bears – Penalties – Exemption for Protection of  
Managed Honey Bee Colonies**

FOR the purpose of exempting an individual who kills or wounds a black bear in defense of the life of a honey bee in a certain bee colony from certain penalties, subject to a certain exception; establishing that the exemption does not apply *applies only* if the individual has ~~not~~ taken certain actions; and generally relating to penalties for killing or wounding a black bear.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 10–423  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Natural Resources

10–423.

(a) **(1) ~~Any~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY** penalty imposed under this section does not apply to an individual who kills or wounds a black bear in defense of the individual's own life, the lives of other individuals, or the lives of animals, **INCLUDING HONEY BEES IN A BEE COLONY MANAGED BY THE INDIVIDUAL,** on the individual's property.

**(2) THE EXEMPTION FOR AN INDIVIDUAL THAT KILLS OR WOUNDS A BLACK BEAR IN DEFENSE OF A HONEY BEE UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY APPLIES ONLY TO AN INDIVIDUAL WHO HAS NOT:**

**(i) CONTACTED THE DEPARTMENT TO RECEIVE AN ELECTRIC FENCE; AND**

**(ii) ~~INSTALLED~~ INSTALLED AND PROPERLY MAINTAINED THE AN ELECTRIC FENCE.**

(b) If the Secretary adopts any regulation, including an emergency regulation, under § 10–205 of this title or § 10–405 of this subtitle to prohibit the hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting of black bears, a person who violates the regulation is subject to the following penalties:

(1) For a first offense, a fine not exceeding \$1,500, imprisonment not exceeding 6 months, or both; and

(2) For a second or subsequent offense, a fine not exceeding \$2,000, imprisonment not exceeding 1 year, or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 790

### (Senate Bill 1165)

AN ACT concerning

#### **Maryland Longitudinal Data System – Student and Workforce Data Linkage – Extension of Time Limit**

FOR the purpose of altering the length of time that student data and workforce data used by the Maryland Longitudinal Data System is limited to being linked beyond a certain date; prohibiting the Maryland Longitudinal Data System Center from selling certain protected information; prohibiting the Center from charging certain fees; and generally relating to the linkage of student and workforce data by the Maryland Longitudinal Data System.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 24–702 and 24–703(g) and (h)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### **Article – Education**

24–702.

(a) The State Department of Education, Maryland Higher Education Commission, University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Department of Labor, Licensing, and Regulation jointly shall establish the Maryland Longitudinal Data System that shall be fully operational by December 31, 2014.

(b) The Maryland Longitudinal Data System is a statewide data system that contains individual–level student data and workforce data from all levels of education and the State's workforce, and allows the Center to:

(1) Effectively organize, manage, disaggregate, and analyze individual student data; and

(2) Examine student progress and outcomes over time, including preparation for postsecondary education and the workforce.

(c) The linkage of student data and workforce data for the purposes of the Maryland Longitudinal Data System shall be limited to no longer than [5] 20 years from the date of latest attendance in any educational institution in the State.

(d) The purpose of the Maryland Longitudinal Data System is to:

(1) Generate timely and accurate information about student performance that can be used to improve the State's education system and guide decision makers at all levels; and

(2) Facilitate and enable the linkage of student data and workforce data.

24-703.

(g) (1) Direct access to data in the Maryland Longitudinal Data System shall be restricted to authorized staff of the Center.

(2) The Center may only use de-identified data in the analysis, research, and reporting conducted by the Center.

(3) The Center may only use aggregate data in the release of data in reports and in response to data requests.

(4) Data that may be identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the Center.

(5) The Center may not release OR SELL information that may not be disclosed under the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

(h) The Center may receive funding from the following sources:

(1) State appropriations;

(2) Grants or other assistance from local education agencies and institutions of higher education;

(3) Federal grants; AND

(4) [User fees; and

(5) Any other grants or contributions from public or private entities received by the Center.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 791

(House Bill 680)

AN ACT concerning

### **Maryland Longitudinal Data System – Student and Workforce Data Linkage – Extension of Time Limit**

FOR the purpose of altering the length of time that student data and workforce data used by the Maryland Longitudinal Data System is limited to being linked beyond a certain date; prohibiting the Maryland Longitudinal Data System Center from selling certain protected information; prohibiting the Center from charging certain fees; and generally relating to the linkage of student and workforce data by the Maryland Longitudinal Data System.

BY repealing and reenacting, with amendments,

Article – Education

Section 24–702 *and* 24–703(g) and (h)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Education**

24–702.

(a) The State Department of Education, Maryland Higher Education Commission, University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Department of Labor, Licensing, and Regulation jointly shall establish the Maryland Longitudinal Data System that shall be fully operational by December 31, 2014.

(b) The Maryland Longitudinal Data System is a statewide data system that contains individual-level student data and workforce data from all levels of education and the State's workforce, and allows the Center to:

(1) Effectively organize, manage, disaggregate, and analyze individual student data; and

(2) Examine student progress and outcomes over time, including preparation for postsecondary education and the workforce.

(c) The linkage of student data and workforce data for the purposes of the Maryland Longitudinal Data System shall be limited to no longer than [5] 20 years from the date of latest attendance in any educational institution in the State.

(d) The purpose of the Maryland Longitudinal Data System is to:

(1) Generate timely and accurate information about student performance that can be used to improve the State's education system and guide decision makers at all levels; and

(2) Facilitate and enable the linkage of student data and workforce data.

24-703.

(g) (1) Direct access to data in the Maryland Longitudinal Data System shall be restricted to authorized staff of the Center.

(2) The Center may only use de-identified data in the analysis, research, and reporting conducted by the Center.

(3) The Center may only use aggregate data in the release of data in reports and in response to data requests.

(4) Data that may be identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the Center.

(5) The Center may not release OR SELL information that may not be disclosed under the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

(h) The Center may receive funding from the following sources:

(1) State appropriations;

(2) Grants or other assistance from local education agencies and institutions of higher education;

(3) Federal grants; AND

(4) [User fees; and

(5)] Any other grants or contributions from public or private entities received by the Center.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 792

(Senate Bill 853)

AN ACT concerning

### **Transitional Supports for Ex-Offenders – Repeal of Restrictions (Maryland Equal Access to Food Act of 2017)**

FOR the purpose of repealing certain provisions of law subjecting certain individuals convicted of certain felonies involving a controlled dangerous substance who apply for temporary cash assistance or food stamps to certain testing and treatment requirements and sanctions; altering the criminal violations that make certain recipients ineligible for temporary cash assistance or food stamps for a certain period of time after a certain date and subject to certain testing and treatment requirements and sanctions; and generally relating to participation in the temporary cash assistance and food stamp programs.

BY repealing and reenacting, with amendments,

Article – Human Services  
Section 5–601  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Human Services**

5–601.

(a) In this section, “resident” means an individual who resides in this State on the date the individual applies for public assistance.

(b) Subject to § 5–314 of this title and as authorized under 21 U.S.C. § 862a(d)(1), the State removes itself from the application of § 115 of the federal Personal Responsibility and Work Opportunity Act of 1996 to allow the Department to provide temporary cash assistance and food stamps to a resident who has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance.

(c) (1) [Notwithstanding subsection (b) of this section, if a resident applying for temporary cash assistance or food stamps has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance after August 22, 1996, the resident is subject to testing for substance abuse, as provided by the Department, and to treatment as required under § 5–314 of this title for 2 years, beginning on the date of application, to the extent authorized under federal law.

(2) Notwithstanding subsection (b) of this section, if a resident receiving temporary cash assistance or food stamps is found to be in violation of [§§ 5–602 through 5–609,] § 5–612[,] or § 5–613 of the Criminal Law Article, [or 21 U.S.C. § 841,] the resident is:

(i) ineligible for temporary cash assistance or food stamps for 1 year after the date of the conviction; and

(ii) subject to testing for substance abuse, as provided by the Department, and to treatment as required under § 5–314 of this title, for 2 years beginning on the later of:

1. the date the individual is released from incarceration;
2. the date the individual completes any term of probation;

or

3. the date the individual completes any term of parole or mandatory supervision.

[(3)] (2) [An applicant or] A recipient who fails to comply with the testing required under this subsection or the treatment required under § 5–314 of this title or who tests positive for the abuse of controlled dangerous substances is subject to the sanctions provided under § 5–314 of this title.

[(4)] (3) In consultation with the Department of Health and Mental Hygiene, the Secretary shall adopt regulations to establish the testing methods and procedures, consistent with § 5–314 of this title, to be required by the Department under this subsection, including the intervals of testing and methods required.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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**Chapter 793**

**(House Bill 860)**

AN ACT concerning

**Transitional Supports for Ex-Offenders – ~~Repeal~~ Alteration ~~Repeal~~ of  
Restrictions  
(Maryland Equal Access to Food Act of 2017)**

FOR the purpose of repealing certain provisions of law subjecting certain individuals convicted of certain felonies involving a controlled dangerous substance who apply for temporary cash assistance or food stamps to certain testing and treatment requirements and sanctions; altering the criminal violations that make certain recipients ineligible for temporary cash assistance or food stamps for a certain period of time after a certain date and subject to certain testing and treatment requirements and sanctions; ~~altering the conditions under which certain recipients are subject to certain testing and treatment or become ineligible for temporary cash assistance or food stamps;~~ and generally relating to participation in the temporary cash assistance and food stamp programs.

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 5–601  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Human Services**

5–601.

(a) In this section, “resident” means an individual who resides in this State on the date the individual applies for public assistance.

(b) Subject to § 5–314 of this title and as authorized under 21 U.S.C. § 862a(d)(1), the State removes itself from the application of § 115 of the federal Personal Responsibility and Work Opportunity Act of 1996 to allow the Department to provide temporary cash assistance and food stamps to a resident who has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance.

(c) (1) [Notwithstanding subsection (b) of this section, if a resident applying for temporary cash assistance or food stamps has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance after August 22, 1996, the resident is subject to testing for substance abuse, as provided by the Department, and to treatment as required under § 5–314 of this title for 2 years, beginning on the date of application, to the extent authorized under federal law.

(2) Notwithstanding subsection (b) of this section, if a resident receiving temporary cash assistance or food stamps is found to be in violation of [§§ 5–602 through 5–609,] § 5–612[,], or § 5–613 of the Criminal Law Article, [or 21 U.S.C. § 841,] the resident is:

(i) ineligible for temporary cash assistance or food stamps for 1 year after the date of the conviction; and

(ii) subject to testing for substance abuse, as provided by the Department, and to treatment as required under § 5–314 of this title, for 2 years beginning on the later of:

1. the date the individual is released from incarceration;
2. the date the individual completes any term of probation;

or

3. the date the individual completes any term of parole or mandatory supervision.

~~(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF A RESIDENT RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS IS FOUND TO BE IN VIOLATION OF §§ 5–602 THROUGH 5–609 OR 21 U.S.C. § 841 FOR:~~

~~(1) A SECOND OR SUBSEQUENT TIME AFTER THE RESIDENT BEGAN RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS, THE RESIDENT IS SUBJECT TO TESTING FOR SUBSTANCE ABUSE, AS PROVIDED BY THE DEPARTMENT, AND TO TREATMENT AS REQUIRED UNDER § 5–314 OF THIS TITLE, FOR 2 YEARS BEGINNING ON THE LATER OF:~~

~~1. THE DATE THE INDIVIDUAL IS RELEASED FROM INCARCERATION;~~

~~2. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PROBATION; OR~~

~~3. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PAROLE OR MANDATORY SUPERVISION; AND~~

~~(H) A THIRD OR SUBSEQUENT TIME AFTER THE RESIDENT BEGAN RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS, THE RESIDENT IS INELIGIBLE FOR TEMPORARY CASH ASSISTANCE OR FOOD STAMPS FOR 1 YEAR AFTER THE DATE OF THE MOST RECENT CONVICTION.~~

[(3)] ~~(2)~~ ~~(3)~~ (2) [An applicant or] A recipient who fails to comply with the testing required under this subsection or the treatment required under § 5–314 of this title or who tests positive for the abuse of controlled dangerous substances is subject to the sanctions provided under § 5–314 of this title.

[(4)] ~~(3)~~ ~~(4)~~ (3) In consultation with the Department of Health and Mental Hygiene, the Secretary shall adopt regulations to establish the testing methods and procedures, consistent with § 5–314 of this title, to be required by the Department under this subsection, including the intervals of testing and methods required.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 794

(Senate Bill 29)

AN ACT concerning

### Natural Resources – Forest Conservation Act – Forest Conservation Thresholds and Afforestation and Reforestation Requirements

FOR the purpose of clarifying the authority of certain units of local government to adopt certain forest conservation thresholds and afforestation and reforestation requirements that are more stringent than certain forest conservation thresholds and reforestation requirements in State law; and generally relating to forest conservation thresholds and afforestation and reforestation requirements under the Forest Conservation Act.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 5–1606  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Natural Resources**

5–1606.

(a) (1) For the following land use categories, tracts having less than 20% of the net tract area in forest cover shall be afforested up to 20% of the net tract area:

- (i) Agriculture and resource areas; and
- (ii) Medium density residential areas.

(2) For the following land use categories, tracts having less than 15% of the net tract area in forest cover shall be afforested up to 15% of the net tract area:

- (i) Institutional development areas;
- (ii) High density residential areas;
- (iii) Mixed use and planned unit development areas; and
- (iv) Commercial and industrial use areas.

(3) Afforestation requirements must conform to the conditions in §§ 5–1607 and 5–1610 of this subtitle, including payment into the Forest Conservation Fund, if afforestation on–site or off–site cannot be reasonably accomplished.

(4) (i) The afforestation requirements under this subsection shall be accomplished within 1 year or 2 growing seasons after the completion of the development project.

(ii) If afforestation cannot be reasonably accomplished on–site or off–site, the requirement to contribute money to a Forest Conservation Fund under § 5–1610 of this subtitle shall be met within 90 days after the completion of the development project.

(5) Linear projects that involve no change in land use may not be subject to afforestation requirements.

(b) There is a forest conservation threshold established for all land use categories as provided in subsection (c) of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1 acre removed.

(c) After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan and grading and sediment control activities and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, or payment into the Forest Conservation Fund, according to the formula set forth in subsection (b) of this section and consistent with the following forest conservation thresholds for the applicable land use category:

- (1) Agricultural and resource areas: 50% of net tract area;
  - (2) Medium density residential areas: 25% of net tract area;
  - (3) Institutional development areas: 20% of net tract area;
  - (4) High density residential areas: 20% of net tract area;
  - (5) Mixed use and planned unit development areas: 15% of net tract area;
- and
- (6) Commercial and industrial use areas: 15% of net tract area.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, for all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for every 1 acre removed.

(2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under paragraph (1) of this subsection.

(e) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 2 acres planted for every 1 acre removed.

(f) (1) The reforestation requirements under this section shall be accomplished within 1 year or 2 growing seasons after completion of the development project.

(2) If reforestation cannot be reasonably accomplished on-site or off-site, the requirement to contribute money to a Forest Conservation Fund under § 5-1610 of this subtitle shall be met within 90 days after completion of the development project.

**(G) A UNIT OF LOCAL GOVERNMENT WITH PLANNING AND ZONING AUTHORITY MAY ADOPT FOREST CONSERVATION THRESHOLDS AND AFFORESTATION AND REFORESTATION REQUIREMENTS AS PART OF ITS LOCAL FOREST CONSERVATION PROGRAM THAT ARE MORE STRINGENT THAN THE FOREST**

**CONSERVATION THRESHOLDS AND AFFORESTATION AND REFORESTATION REQUIREMENTS IN THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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**Chapter 795****(House Bill 617)**

AN ACT concerning

**Natural Resources – Forest Conservation Act – Forest Conservation Thresholds and Afforestation and Reforestation Requirements**

FOR the purpose of clarifying the authority of certain units of local government to adopt certain forest conservation thresholds and afforestation and reforestation requirements that are more stringent than certain forest conservation thresholds and reforestation requirements in State law; and generally relating to forest conservation thresholds and afforestation and reforestation requirements under the Forest Conservation Act.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 5–1606  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Natural Resources**

5–1606.

(a) (1) For the following land use categories, tracts having less than 20% of the net tract area in forest cover shall be afforested up to 20% of the net tract area:

- (i) Agriculture and resource areas; and
- (ii) Medium density residential areas.

(2) For the following land use categories, tracts having less than 15% of the net tract area in forest cover shall be afforested up to 15% of the net tract area:

- (i) Institutional development areas;
- (ii) High density residential areas;
- (iii) Mixed use and planned unit development areas; and
- (iv) Commercial and industrial use areas.

(3) Afforestation requirements must conform to the conditions in §§ 5–1607 and 5–1610 of this subtitle, including payment into the Forest Conservation Fund, if afforestation on–site or off–site cannot be reasonably accomplished.

(4) (i) The afforestation requirements under this subsection shall be accomplished within 1 year or 2 growing seasons after the completion of the development project.

(ii) If afforestation cannot be reasonably accomplished on–site or off–site, the requirement to contribute money to a Forest Conservation Fund under § 5–1610 of this subtitle shall be met within 90 days after the completion of the development project.

(5) Linear projects that involve no change in land use may not be subject to afforestation requirements.

(b) There is a forest conservation threshold established for all land use categories as provided in subsection (c) of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1 acre removed.

(c) After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan and grading and sediment control activities and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, or payment into the Forest Conservation Fund, according to the formula set forth in subsection (b) of this section and consistent with the following forest conservation thresholds for the applicable land use category:

- (1) Agricultural and resource areas: 50% of net tract area;
- (2) Medium density residential areas: 25% of net tract area;
- (3) Institutional development areas: 20% of net tract area;
- (4) High density residential areas: 20% of net tract area;

(5) Mixed use and planned unit development areas: 15% of net tract area;  
and

(6) Commercial and industrial use areas: 15% of net tract area.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, for all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for every 1 acre removed.

(2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under paragraph (1) of this subsection.

(e) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 2 acres planted for every 1 acre removed.

(f) (1) The reforestation requirements under this section shall be accomplished within 1 year or 2 growing seasons after completion of the development project.

(2) If reforestation cannot be reasonably accomplished on-site or off-site, the requirement to contribute money to a Forest Conservation Fund under § 5-1610 of this subtitle shall be met within 90 days after completion of the development project.

**(G) A UNIT OF LOCAL GOVERNMENT WITH PLANNING AND ZONING AUTHORITY MAY ADOPT FOREST CONSERVATION THRESHOLDS AND AFFORESTATION AND REFORESTATION REQUIREMENTS AS PART OF ITS LOCAL FOREST CONSERVATION PROGRAM THAT ARE MORE STRINGENT THAN THE FOREST CONSERVATION THRESHOLDS AND AFFORESTATION AND REFORESTATION REQUIREMENTS IN THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 796

**(House Bill 73)**

AN ACT concerning

**Election Law – Election Judges – Minimum Age ~~and Minimum Compensation~~**

FOR the purpose of authorizing a minor who is at least a certain age and who is a registered voter to be appointed and serve as an election judge; ~~prohibiting a local board of elections from paying an election judge less than a certain minimum wage~~; making a conforming change; making a technical correction; requiring the State Board of Elections to survey the local boards of elections concerning minor election judges authorized by this Act and submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to election judges.

BY repealing and reenacting, with amendments,  
 Article – Election Law  
 Section 10–202(a) ~~and 10–205~~  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Labor and Employment  
 Section 3–210(c)  
 Annotated Code of Maryland  
 (2016 Replacement Volume)

~~BY repealing and reenacting, without amendments,  
 Article – Labor and Employment  
 Section 3–413  
 Annotated Code of Maryland  
 (2016 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Election Law**

10–202.

(a) (1) Except as provided in paragraph (2) of this subsection, an election judge shall be a registered voter who resides in the county for which the election judge is appointed.

(2) (i) If a qualified individual residing in the county cannot be found with reasonable effort, the local board may appoint a registered voter residing in any part of the State.

(ii) Subject to the provisions of § 3–210(c) of the Labor and Employment Article, a minor who is at least [17] **16** years old and who is [too young to be]

a registered voter may be appointed and serve as an election judge [if the minor demonstrates, to the satisfaction of the local board, that the minor meets all of the other qualifications for registration in the county].

~~10-205.~~

~~(a) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A local board may fix the compensation of election judges within the limits authorized for this purpose by the county's governing body.~~

~~(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A LOCAL BOARD MAY NOT PAY AN ELECTION JUDGE LESS THAN THE MINIMUM WAGE REQUIRED UNDER § 3-413 OF THE LABOR AND EMPLOYMENT ARTICLE.~~

~~[(2)] (3) A local board shall pay an election judge for each election day and each early voting day that the election judge actually serves.~~

~~(b) (1) In Allegany County, the compensation for each day actually served may not be less than:~~

~~(i) \$100 per day for each chief election judge; and~~

~~(ii) \$80 per day for every other election judge.~~

~~(2) (i) In Baltimore City, the compensation for each election day or early voting day actually served shall be:~~

~~1. not less than \$200 per day for each chief election judge;~~  
~~and~~

~~2. not less than \$150 per day for every other election judge.~~

~~(ii) 1. In Baltimore City, except as provided in subsubparagraph 2 of this subparagraph, an election judge shall receive \$20 as compensation for completing the course of instruction required under § 10-206(g)(1) of this subtitle.~~

~~2. Unless the local board excuses the election judge from service, an election judge who fails to serve on election day or on an early voting day may not receive the compensation authorized under this subparagraph.~~

~~(3) In Baltimore County, the compensation for each election day or early voting day actually served shall be:~~

~~(i) \$225 per day for each chief election judge; and~~

~~(ii) \$162.50 per day for every other election judge.~~

~~(4) In Calvert County, the compensation for each election day or early voting day actually served shall be:~~

- ~~(i) \$200 per day for each chief election judge; and~~
- ~~(ii) \$175 per day for every other election judge.~~

~~(5) In Harford County, the compensation for each election day or early voting day actually served shall be:~~

- ~~(i) not less than \$160 per day for each chief election judge; and~~
- ~~(ii) not less than \$125 per day for every other election judge.~~

~~(6) (i) In Prince George's County, the compensation for each election day or early voting day actually served shall be not less than:~~

- ~~1. \$250 per day for two chief election judges; and~~
- ~~2. \$200 per day for every other election judge.~~

~~(ii) 1. In Prince George's County, except as provided under subsubparagraph 2 of this subparagraph, election judges and alternate election judges shall receive \$50 as compensation for completing the course of instruction required under § 10-206 of this subtitle.~~

~~2. An election judge or alternate election judge may not receive the compensation authorized under this subparagraph if the election judge refuses to serve on an election day or on an early voting day, unless the local board excuses the election judge.~~

~~(7) (i) In Washington County, the compensation for each election day or early voting day actually served shall be:~~

~~1. \$175 per day for each chief election judge, plus a mileage allowance as determined by the Washington County Board; and~~

- ~~2. \$150 per day for every other election judge.~~

~~(ii) In Washington County, a chief election judge or election judge who successfully completes a course of instruction in poll working shall be eligible for additional compensation, if approved by the Washington County Board and provided for in the county budget.~~

## Article – Labor and Employment

3-210.

(c) A minor who is **16 OR** 17 years old and serves as an election judge, under § 10-202 of the Election Law Article, may work more than 12 hours on AN EARLY VOTING DAY OR ON election day only, subject to consent from at least one parent or guardian.

~~3-413.~~

~~(a) In this section, “employer” includes a governmental unit.~~

~~(b) Except as provided in subsection (d) of this section and § 3-414 of this subtitle, each employer shall pay:~~

~~(1) to each employee who is subject to both the federal Act and this subtitle, at least the greater of:~~

~~(i) the minimum wage for that employee under the federal Act; or~~

~~(ii) the State minimum wage rate set under subsection (c) of this section; and~~

~~(2) each other employee who is subject to this subtitle, at least:~~

~~(i) the greater of:~~

~~1. the highest minimum wage under the federal Act; or~~

~~2. the State minimum wage rate set under subsection (c) of this section; or~~

~~(ii) a training wage under regulations that the Commissioner adopts that include the conditions and limitations authorized under the federal Fair Labor Standards Amendments of 1989.~~

~~(e) The State minimum wage rate is:~~

~~(1) for the 6-month period beginning January 1, 2015, \$8.00 per hour;~~

~~(2) for the 12-month period beginning July 1, 2015, \$8.25 per hour;~~

~~(3) for the 12-month period beginning July 1, 2016, \$8.75 per hour;~~

~~(4) for the 12-month period beginning July 1, 2017, \$9.25 per hour; and~~

~~(5) beginning July 1, 2018, \$10.10 per hour.~~

~~(d) (1) (i) Except as provided in paragraph (2) of this subsection and subject to subparagraph (ii) of this paragraph, an employer may pay an employee a wage that equals a rate of 85% of the State minimum wage established under this section if the employee is under the age of 20 years.~~

~~(ii) An employer may pay to an employee the wage provided under subparagraph (i) of this paragraph only for the first 6 months that the employee is employed.~~

~~(2) (i) This paragraph applies only to an employer that is an amusement or a recreational establishment, including a swimming pool, if the employer:~~

~~1. operates for no more than 7 months in a calendar year; or~~

~~2. for any 6 months during the preceding calendar year, has average receipts that do not exceed one third of the average receipts for the other 6 months.~~

~~(ii) An employer may pay an employee a wage that equals the greater of:~~

~~1. 85% of the State minimum wage established under this section; or~~

~~2. \$7.25.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Elections shall survey the local boards of elections after the 2018 elections concerning their experience with 16-year-old election judges authorized by this Act.

(b) The State Board shall compile and summarize the responses to the survey in a report that includes findings and recommendations concerning the value of 16-year-old election judges.

(c) On or before February 1, 2019, the State Board shall submit the report required under this section to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

**Chapter 797****(Senate Bill 811)**

AN ACT concerning

**Civil Cases – Maryland Legal Services Corporation Fund – Surcharges – Repeal of Sunset**

FOR the purpose of repealing the termination date of certain provisions of law altering certain surcharges on certain fees, charges, and costs in certain civil cases and requiring a certain informational budget to be prepared for the Maryland Legal Services Corporation and submitted to the General Assembly; and generally relating to the Maryland Legal Services Corporation Fund.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 7–202(a)(1), (d), and (g) and 7–301(c)(1), (2), and (5)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 11–208  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 486 of the Acts of the General Assembly of 2010, as amended by Chapters  
71 and 72 of the Acts of the General Assembly of 2013  
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

7–202.

(a) (1) (i) The State Court Administrator shall determine the amount of all court costs and charges for the circuit courts of the counties with the approval of the Board of Public Works.

(ii) The fees and charges shall be uniform throughout the State.

(d) The State Court Administrator, as part of the Administrator's determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than \$55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(g) If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by §§ 3–601 through 3–603 of the Real Property Article, the party may request a judge of that circuit court to determine the reasonableness of the fee.

7–301.

(c) (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$8 per summary ejectment case; and

2. \$18 per case for all other civil cases; and

(ii) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(5) The Court of Appeals may provide by rule for waiver of prepayment of filing fees and other costs in cases of indigency.

### **Article – Human Services**

11–208.

(a) The executive director shall prepare an annual budget for the Corporation.

(b) (1) For informational purposes only, the Corporation shall submit its budget to the General Assembly in conjunction with the budget request of the Judicial Branch of the State government on November 1 of each year.

(2) The informational budget required under this subsection shall include 3 years of data, including the most recently completed fiscal year, an estimate for the current fiscal year, and an estimate for the next fiscal year, including:

(i) a summary of total expenditures and the sources of revenue that support that spending;

(ii) line item expenditure detail for personnel, operating expenses, and grants, including individual grantees;

(iii) narrative explanation of all revenue and spending changes between the current fiscal year and the next fiscal year;

(iv) performance measurement data that details the use of funds; and

(v) detail on the Corporation's reserve fund, including actual and estimated end of fiscal year balances, transfers to and from the reserve fund, and the policies governing the reserve fund.

**Chapter 486 of the Acts of 2010, as amended by Chapters 71 and 72 of the Acts of 2013**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. [It shall remain effective for a period of 8 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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**Chapter 798**

**(House Bill 972)**

AN ACT concerning

**Civil Cases – Maryland Legal Services Corporation Fund – Surcharges – Repeal of Sunset**

FOR the purpose of repealing the termination date of certain provisions of law altering certain surcharges on certain fees, charges, and costs in certain civil cases and requiring a certain informational budget to be prepared for the Maryland Legal Services Corporation and submitted to the General Assembly; and generally relating to the Maryland Legal Services Corporation Fund.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 7–202(a)(1), (d), and (g) and 7–301(c)(1), (2), and (5)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 11–208  
Annotated Code of Maryland  
(2007 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 486 of the Acts of the General Assembly of 2010, as amended by Chapters  
71 and 72 of the Acts of the General Assembly of 2013  
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

7–202.

(a) (1) (i) The State Court Administrator shall determine the amount of all court costs and charges for the circuit courts of the counties with the approval of the Board of Public Works.

(ii) The fees and charges shall be uniform throughout the State.

(d) The State Court Administrator, as part of the Administrator's determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than \$55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(g) If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by §§ 3–601 through 3–603 of the Real Property Article, the party may request a judge of that circuit court to determine the reasonableness of the fee.

7–301.

(c) (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$8 per summary ejectment case; and

2. \$18 per case for all other civil cases; and

(ii) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(5) The Court of Appeals may provide by rule for waiver of prepayment of filing fees and other costs in cases of indigency.

### Article – Human Services

11–208.

(a) The executive director shall prepare an annual budget for the Corporation.

(b) (1) For informational purposes only, the Corporation shall submit its budget to the General Assembly in conjunction with the budget request of the Judicial Branch of the State government on November 1 of each year.

(2) The informational budget required under this subsection shall include 3 years of data, including the most recently completed fiscal year, an estimate for the current fiscal year, and an estimate for the next fiscal year, including:

(i) a summary of total expenditures and the sources of revenue that support that spending;

(ii) line item expenditure detail for personnel, operating expenses, and grants, including individual grantees;

(iii) narrative explanation of all revenue and spending changes between the current fiscal year and the next fiscal year;

(iv) performance measurement data that details the use of funds; and

(v) detail on the Corporation's reserve fund, including actual and estimated end of fiscal year balances, transfers to and from the reserve fund, and the policies governing the reserve fund.

### Chapter 486 of the Acts of 2010, as amended by Chapters 71 and 72 of the Acts of 2013

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. [It shall remain effective for a period of 8 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 799

(Senate Bill 348)

AN ACT concerning

**State Compensation for Erroneous Conviction and Imprisonment –  
~~Gubernatorial Pardon Requirement – Repeal~~ Certification of Error**

FOR the purpose of ~~repealing a requirement that an erroneously convicted individual must receive a gubernatorial pardon to be eligible for certain payments by the Board of Public Works;~~ authorizing a certain individual to request that a State's Attorney certify that a conviction was made in error under certain circumstances; providing that an individual is eligible for a certain grant from the Board of Public Works if a State's Attorney has certified that the individual's conviction was made in error; establishing the Task Force to Study Erroneous Conviction and Imprisonment; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations on certain issues related to erroneous convictions and establishing innocence; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; making conforming changes; and generally relating to State compensation for erroneously convicted and imprisoned individuals.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 8–301(a), (f), and (g)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY adding to

Article – Criminal Procedure

Section 8–301(h)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 10–501  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Procedure**

8–301.

(a) A person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime may, at any time, file a petition for writ of actual innocence in the circuit court for the county in which the conviction was imposed if the person claims that there is newly discovered evidence that:

(1) creates a substantial or significant possibility that the result may have been different, as that standard has been judicially determined; and

(2) could not have been discovered in time to move for a new trial under Maryland Rule 4–331.

(f) (1) In ruling on a petition filed under this section, the court may set aside the verdict, resentence, grant a new trial, or correct the sentence, as the court considers appropriate.

(2) The court shall state the reasons for its ruling on the record.

(g) A petitioner in a proceeding under this section has the burden of proof.

**(H) ON WRITTEN REQUEST BY THE PETITIONER, THE STATE’S ATTORNEY MAY CERTIFY THAT A CONVICTION WAS IN ERROR, IF:**

**(1) THE COURT GRANTS A PETITION FOR RELIEF UNDER THIS SECTION;**

**(2) IN RULING ON A PETITION UNDER THIS SECTION, THE COURT SETS ASIDE THE VERDICT OR GRANTS A NEW TRIAL; AND**

**(3) THE STATE’S ATTORNEY DECLINES TO PROSECUTE THE PETITIONER BECAUSE THE STATE’S ATTORNEY DETERMINES THAT THE PETITIONER IS INNOCENT.**

**Article – State Finance and Procurement**

10–501.

(a) (1) ~~Subject to subsection (b) of this section, the~~ ~~THE~~ Board of Public Works may grant to an individual erroneously convicted, sentenced, and confined under State law for a crime the individual did not commit an amount commensurate with the actual damages sustained by the individual, and may grant a reasonable amount for any financial or other appropriate counseling for the individual, due to the confinement.

(2) In making a grant under paragraph (1) of this subsection, the Board of Public Works shall use money in the General Emergency Fund or money that the Governor provides in the annual budget.

(b) ~~An individual is eligible for a grant under subsection (a) of this section only~~ if:

(1) the individual has received from the Governor a full pardon stating that the individual's conviction has been shown conclusively to be in error; OR

(2) THE STATE'S ATTORNEY CERTIFIES THAT THE INDIVIDUAL'S CONVICTION WAS IN ERROR UNDER § 8-301 OF THE CRIMINAL PROCEDURE ARTICLE.

(c) ~~The~~ Board of Public Works may pay the grant determined under subsection (a) of this section in a lump sum or in installments.

~~(d)~~ ~~(c)~~ (1) The Board of Public Works may not pay any part of a grant made under this section to any individual other than the [pardoned] **ERRONEOUSLY CONVICTED** individual.

(2) (i) An individual may not pay any part of a grant received under this section to another person for services rendered in connection with the collection of the grant.

(ii) An obligation incurred in violation of this paragraph is void.

(iii) A payment made in violation of this paragraph shall be forfeited to the State.

~~(e)~~ ~~(d)~~ This section does not prohibit an individual from contracting for services to:

(1) determine the individual's innocence;

(2) obtain a pardon; or

(3) obtain the individual's release from confinement.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Erroneous Conviction and Imprisonment.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Public Defender of Maryland, or the Public Defender's designee;

(4) the President of the Maryland State's Attorney's Association, or the President's designee;

(5) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;

(6) the Director of the Maryland Restorative Justice Initiative or the Director's designee;

(7) a representative with expertise in criminal postconviction procedures from the University of Maryland School of Law, appointed by the Dean of the school; and

~~(7)~~ (8) a representative of the Innocence Project Clinic from the University of Baltimore School of Law, appointed by the Dean of the school.

(c) The Governor shall designate the chair of the Task Force.

(d) The Governor's Office of Crime Control and Prevention shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study the State's current process for establishing whether a conviction was made in error and for determining the innocence of a person erroneously convicted;

(2) study the processes and standards in other states for designating an erroneous conviction, determining a person's innocence, and compensating a person for imprisonment based on an erroneous conviction; and

(3) make recommendations on whether the State should create and implement a new process to designate an erroneous conviction and determine the innocence of a person erroneously convicted, including whether a specific agency should certify that a person is innocent.

(g) On or before December 15, 2017, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of September 30, 2018, with no further action required by the General Assembly. Section 2 of this Act shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 800

**(House Bill 593)**

AN ACT concerning

**State Compensation for Erroneous Conviction and Imprisonment –  
~~Gubernatorial Pardon Requirement – Repeal~~ Certification of Error**

FOR the purpose of ~~repealing a requirement that an erroneously convicted individual must receive a gubernatorial pardon to be eligible for certain payments by the Board of Public Works;~~ authorizing a certain individual to request that a State's Attorney certify that a conviction was made in error under certain circumstances; providing that an individual is eligible for a certain grant from the Board of Public Works if a State's Attorney has certified that the individual's conviction was made in error; establishing the Task Force to Study Erroneous Conviction and Imprisonment; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations on certain issues related to erroneous convictions and establishing innocence; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; making conforming changes; and generally relating to State compensation for erroneously convicted and imprisoned individuals.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 8–301(a), (f), and (g)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY adding to

Article – Criminal Procedure

Section 8–301(h)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 10–501

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Procedure**

8–301.

(a) A person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime may, at any time, file a petition for writ of actual innocence in the circuit court for the county in which the conviction was imposed if the person claims that there is newly discovered evidence that:

(1) creates a substantial or significant possibility that the result may have been different, as that standard has been judicially determined; and

(2) could not have been discovered in time to move for a new trial under Maryland Rule 4–331.

(f) (1) In ruling on a petition filed under this section, the court may set aside the verdict, resentence, grant a new trial, or correct the sentence, as the court considers appropriate.

(2) The court shall state the reasons for its ruling on the record.

(g) A petitioner in a proceeding under this section has the burden of proof.

**(H) ON WRITTEN REQUEST BY THE PETITIONER, THE STATE’S ATTORNEY MAY CERTIFY THAT A CONVICTION WAS IN ERROR, IF:**

**(1) THE COURT GRANTS A PETITION FOR RELIEF UNDER THIS SECTION;**

**(2) IN RULING ON A PETITION UNDER THIS SECTION, THE COURT SETS ASIDE THE VERDICT OR GRANTS A NEW TRIAL; AND**

**(3) THE STATE'S ATTORNEY DECLINES TO PROSECUTE THE PETITIONER BECAUSE THE STATE'S ATTORNEY DETERMINES THAT THE PETITIONER IS INNOCENT.**

### Article – State Finance and Procurement

10–501.

(a) (1) ~~Subject to subsection (b) of this section, the~~ ~~THE~~ Board of Public Works may grant to an individual erroneously convicted, sentenced, and confined under State law for a crime the individual did not commit an amount commensurate with the actual damages sustained by the individual, and may grant a reasonable amount for any financial or other appropriate counseling for the individual, due to the confinement.

(2) In making a grant under paragraph (1) of this subsection, the Board of Public Works shall use money in the General Emergency Fund or money that the Governor provides in the annual budget.

(b) ~~An individual is eligible for a grant under subsection (a) of this section only if:~~

**(1) the individual has received from the Governor a full pardon stating that the individual's conviction has been shown conclusively to be in error; OR**

**(2) THE STATE'S ATTORNEY CERTIFIES THAT THE INDIVIDUAL'S CONVICTION WAS IN ERROR UNDER § 8–301 OF THE CRIMINAL PROCEDURE ARTICLE.**

~~(c)~~ The Board of Public Works may pay the grant determined under subsection (a) of this section in a lump sum or in installments.

~~(d)(e)~~ (1) The Board of Public Works may not pay any part of a grant made under this section to any individual other than the [pardoned] **ERRONEOUSLY CONVICTED** individual.

(2) (i) An individual may not pay any part of a grant received under this section to another person for services rendered in connection with the collection of the grant.

(ii) An obligation incurred in violation of this paragraph is void.

(iii) A payment made in violation of this paragraph shall be forfeited to the State.

~~f(e)(D)~~ This section does not prohibit an individual from contracting for services to:

- (1) determine the individual's innocence;
- (2) obtain a pardon; or
- (3) obtain the individual's release from confinement.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Erroneous Conviction and Imprisonment.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Public Defender of Maryland, or the Public Defender's designee;

(4) the President of the Maryland State's Attorney's Association, or the President's designee;

(5) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;

(6) the Director of the Maryland Restorative Justice Initiative or the Director's designee;

(7) a representative with expertise in criminal postconviction procedures from the University of Maryland School of Law, appointed by the Dean of the school; and

(8) a representative of the Innocence Project Clinic from the University of Baltimore School of Law, appointed by the Dean of the school.

(c) The Governor shall designate the chair of the Task Force.

(d) The Governor's Office of Crime Control and Prevention shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study the State's current process for establishing whether a conviction was made in error and for determining the innocence of a person erroneously convicted;

(2) study the processes and standards in other states for designating an erroneous conviction, determining a person's innocence, and compensating a person for imprisonment based on an erroneous conviction; and

(3) make recommendations on whether the State should create and implement a new process to designate an erroneous conviction and determine the innocence of a person erroneously convicted, including whether a specific agency should certify that a person is innocent.

(g) On or before December 15, 2017, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of September 30, 2018, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 801

(Senate Bill 949)

AN ACT concerning

### **Criminal Procedure – Expungement – Possession of Marijuana ~~and Fees~~**

FOR the purpose of authorizing a person to file a certain petition for expungement ~~if the~~  
~~within a certain amount of time after a~~ at a certain time if the person was convicted

~~of possession of marijuana before a certain time; requiring that filing fees for petitions for expungement collected by the District Court be remitted to the Administrative Office of the Courts to be used only for a certain purpose; *making a certain conforming change*; providing for the effective date of certain provisions of this Act; and generally relating to expungement of records.~~

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 10–105  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 10–110(a)(8)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2016 Supplement)  
(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

~~BY adding to~~  
~~Article – Courts and Judicial Proceedings~~  
~~Section 7–302(h)~~  
~~Annotated Code of Maryland~~  
~~(2013 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Criminal Procedure

10–105.

(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, as a substitute for a criminal charge may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:

- (1) the person is acquitted;
- (2) the charge is otherwise dismissed;

(3) a probation before judgment is entered, unless the person is charged with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5 or § 3–211 of the Criminal Law Article;

(4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;

(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge “stet” or stet with the requirement of drug or alcohol abuse treatment on the docket;

(6) the case is compromised under § 3–207 of the Criminal Law Article;

(7) the charge was transferred to the juvenile court under § 4–202 of this article;

(8) the person:

(i) is convicted of only one criminal act, and that act is not a crime of violence; and

(ii) is granted a full and unconditional pardon by the Governor;

(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:

(i) urination or defecation in a public place;

(ii) panhandling or soliciting money;

(iii) drinking an alcoholic beverage in a public place;

(iv) obstructing the free passage of another in a public place or a public conveyance;

(v) sleeping on or in park structures, such as benches or doorways;

(vi) loitering;

(vii) vagrancy;

(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or

(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7–705(b)(6) of the Transportation Article, any of the acts specified in § 7–705 of the Transportation Article;

(10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor:

- (i) trespass;
- (ii) disturbing the peace; or
- (iii) telephone misuse; [or]

(11) the person was convicted of a crime and the act on which the conviction was based is no longer a crime; **OR**

**(12) THE PERSON WAS CONVICTED OF POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE BEFORE OCTOBER 1, 2014.**

(a-1) A person's attorney or personal representative may file a petition, on behalf of the person, for expungement under this section if the person died before disposition of the charge by nolle prosequi or dismissal.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

(ii) If the proceeding began in one court and was transferred to the juvenile court under § 4-202 or § 4-202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

(c) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within 3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge.

(2) A petition for expungement based on a probation before judgment or a stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than the later of:

(i) the date the petitioner was discharged from probation or the requirements of obtaining drug or alcohol abuse treatment were completed; or

(ii) 3 years after the probation was granted or stet with the requirement of drug or alcohol abuse treatment was entered on the docket.

(3) A petition for expungement based on a nolle prosequi with the requirement of drug or alcohol treatment may not be filed until the completion of the required treatment.

(4) A petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor.

(5) Except as provided in paragraph (2) of this subsection, a petition for expungement based on a stet or a compromise under § 3-207 of the Criminal Law Article may not be filed within 3 years after the stet or compromise.

(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.

(7) A petition for expungement based on a finding of not criminally responsible under subsection (a)(9) or (10) of this section may not be filed within 3 years after the finding of not criminally responsible was made by the court.

**(8) A PETITION FOR EXPUNGEMENT BASED ON THE CONVICTION OF A CRIME UNDER SUBSECTION (A)(12) OF THIS SECTION MAY NOT BE FILED WITHIN 4 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION, WHICHEVER IS LATER.**

~~(8)~~ **(9)** A court may grant a petition for expungement at any time on a showing of good cause.

(d) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) Unless the State's Attorney files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

(e) (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

(4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person within 3 years of the entry of the probation before judgment has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime; or

(ii) the person is a defendant in a pending criminal proceeding.

(f) Unless an order is stayed pending an appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.

(g) (1) The State's Attorney is a party to the proceeding.

(2) A party aggrieved by the decision of the court is entitled to appellate review as provided in the Courts Article.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

#### Article – Criminal Procedure

10–110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of a misdemeanor that is a violation of:

(8) § 5–601 NOT INVOLVING THE USE OR POSSESSION OF MARIJUANA, § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;

#### ~~Article – Courts and Judicial Proceedings~~

~~7–302.~~

~~(H) (1) FILING FEES FOR PETITIONS FOR EXPUNGEMENT COLLECTED BY THE DISTRICT COURT SHALL BE REMITTED TO THE ADMINISTRATIVE OFFICE OF THE COURTS.~~

~~(2) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY USE MONEY RECEIVED UNDER THIS SUBSECTION ONLY FOR THE PURPOSE OF FUNDING THE PROCESSING OF EXPUNGEMENTS.~~

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2017, the effective date of Section 2 of Chapter 515 of the Acts of the General Assembly of 2016. If the effective date of Section 2 of Chapter 515 of the Acts of the General Assembly of 2016 is amended, Section 2 of this Act shall take effect on the taking effect of Section 2 of Chapter 515 of the Acts of the General Assembly of 2016.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 802

(House Bill 739)

AN ACT concerning

### **Public Safety – SWAT Teams – ~~Reporting and Limitations~~ Standards**

FOR the purpose of requiring the Maryland Police Training and Standards Commission to adopt a certain set of standards for the training and deployment of SWAT teams and of law enforcement officers not on a SWAT team who conduct no-knock warrant service in the State; requiring each law enforcement agency to follow a certain set of standards; requiring, at certain intervals, a law enforcement agency that maintains a SWAT team to report certain information to the Governor's Office of Crime Control and Prevention using a certain format; requiring the Commission, in consultation with the Office, to develop a standardized format that certain law enforcement agencies shall use in reporting to the Office certain data relating to the deployment of SWAT teams; requiring the Office to analyze and summarize certain reports of law enforcement agencies and to submit a certain report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency before a certain date each year; providing that, if a law enforcement agency fails to comply with the reporting provisions of this Act, the Office shall report the noncompliance to the Commission; requiring the Commission to contact a certain law enforcement agency and request that the agency comply with this Act under certain circumstances; providing that, if a certain law enforcement agency fails to comply with certain reporting provisions within a certain period after being contacted by the Commission, the Office and the Commission jointly shall make a certain report to the Governor and the Legislative Policy Committee of the General Assembly; defining certain terms a certain term; and generally relating to the deployment of SWAT teams.

~~BY adding to~~

~~Article – Public Safety~~

~~Section 3–801 through 3–803 to be under the new subtitle “Subtitle 8. SWAT Teams”~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2016 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3–201(a) and 3–207(a)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Public Safety

Section 3–201(g) and 3–207(a)(24)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–207(a)(22) and (23)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Public Safety**

**~~SUBTITLE 8. SWAT TEAMS.~~**

**~~3–801.~~**

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “COMMISSION” MEANS THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THIS TITLE.~~

~~(C) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS LISTED IN § 3–101(E) OF THIS TITLE.~~

~~(D) "LAW ENFORCEMENT OFFICER" MEANS A PERSON WHO, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS SUBTITLE.~~

~~(E) "SWAT TEAM" MEANS AN AGENCY DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A COORDINATED TEAM TO RESOLVE CRITICAL INCIDENTS THAT ARE SO HAZARDOUS, COMPLEX, OR UNUSUAL THAT THEY MAY EXCEED THE CAPABILITIES OF FIRST RESPONDERS OR INVESTIGATIVE UNITS.~~

~~3-802.~~

~~(A) THE COMMISSION SHALL ADOPT A SET OF STANDARDS FOR THE TRAINING AND DEPLOYMENT OF SWAT TEAMS IN THE STATE BASED ON BEST PRACTICES IN THE STATE AND NATIONWIDE.~~

~~(B) EACH LAW ENFORCEMENT AGENCY SHALL FOLLOW THE STANDARDS ADOPTED UNDER THIS SECTION.~~

~~3-803.~~

~~(A) ON OR BEFORE APRIL 1, 2018, AND ON OR BEFORE APRIL 1 EACH YEAR THEREAFTER, A LAW ENFORCEMENT AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE FOLLOWING INFORMATION TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION USING THE FORMAT DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION:~~

~~(1) THE NUMBER OF TIMES THE SWAT TEAM WAS DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS CALENDAR YEAR;~~

~~(2) THE CITY OR TOWN, COUNTY, AND ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH DEPLOYMENT;~~

~~(3) THE SPECIFIC REASONS FOR EACH DEPLOYMENT OF THE SWAT TEAM, INCLUDING THE ALLEGED CRIME COMMITTED BY A SUSPECT;~~

~~(4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY, FOR EACH DEPLOYMENT OF THE SWAT TEAM; AND~~

~~(5) THE RESULT OF EACH DEPLOYMENT OF THE SWAT TEAM, INCLUDING:~~

~~(i) THE AGE, GENDER, AND RACE OF ANY INDIVIDUAL DETAINED AT THE DEPLOYMENT LOCATION, IF KNOWN;~~

~~(H) THE NUMBER OF ARRESTS MADE, IF ANY;~~

~~(HH) WHETHER PROPERTY WAS SEIZED;~~

~~(IV) WHETHER A FORCIBLE ENTRY WAS MADE;~~

~~(V) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM MEMBER;~~

~~(VI) WHETHER A WEAPON WAS FOUND, USED, OR DISCHARGED BY A RESIDENT OR OCCUPANT OF THE DEPLOYMENT LOCATION;~~

~~(VII) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED OR KILLED BY A SWAT TEAM MEMBER;~~

~~(VIII) WHETHER A DOMESTIC ANIMAL WAS PRESENT AT THE DEPLOYMENT LOCATION; AND~~

~~(IX) WHETHER A LAW ENFORCEMENT OFFICER OR POLICE K-9 WAS TARGETED, ASSAULTED, INJURED, OR KILLED BY A RESIDENT OR OCCUPANT OF THE DEPLOYMENT LOCATION.~~

~~(B) THE COMMISSION, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, SHALL DEVELOP A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE TO REPORT DATA TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(C) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 EACH YEAR.~~

~~(D) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO THE COMMISSION.~~

~~(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.~~

~~(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING CONTACTED BY THE COMMISSION WITH A REQUEST TO COMPLY, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND THE COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.~~

3-201.

(a) In this subtitle the following words have the meanings indicated.

(G) "SWAT TEAM" MEANS AN AGENCY-DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A COORDINATED TEAM TO RESOLVE CRITICAL INCIDENTS THAT ARE SO HAZARDOUS, COMPLEX, OR UNUSUAL THAT THEY MAY EXCEED THE CAPABILITIES OF FIRST RESPONDERS OR INVESTIGATIVE UNITS.

3-207.

(a) The Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(22) to require:

(i) a statement condemning motorcycle profiling to be included in existing written policies regarding other profiling; and

(ii) for entrance-level police training and for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling; [and]

(23) to perform any other act, including adopting regulations, that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle; AND

**(24) TO CONSULT AND COOPERATE WITH COMMANDERS OF SWAT TEAMS TO DEVELOP STANDARDS FOR TRAINING AND DEPLOYMENT OF SWAT TEAMS AND OF LAW ENFORCEMENT OFFICERS WHO ARE NOT MEMBERS OF A SWAT TEAM WHO CONDUCT NO-KNOCK WARRANT SERVICE IN THE STATE BASED ON BEST PRACTICES IN THE STATE AND NATIONWIDE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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**Chapter 803**

**(Senate Bill 941)**

AN ACT concerning

**Public Safety – SWAT Teams – ~~Reporting and Limitations~~ Standards**

FOR the purpose of requiring the Maryland Police Training and Standards Commission to adopt a certain set of standards for the training and deployment of SWAT teams *and of law enforcement officers not on a SWAT team who conduct no-knock warrant service* in the State; ~~requiring each law enforcement agency to follow a certain set of standards; requiring, at certain intervals, a law enforcement agency that maintains a SWAT team to report certain information to the Governor's Office of Crime Control and Prevention using a certain format; requiring the Commission, in consultation with the Office, to develop a standardized format that certain law enforcement agencies shall use in reporting to the Office certain data relating to the deployment of SWAT teams; requiring the Office to analyze and summarize certain reports of law enforcement agencies and to submit a certain report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency before a certain date each year; providing that, if a law enforcement agency fails to comply with the reporting provisions of this Act, the Office shall report the noncompliance to the Commission; requiring the Commission to contact a certain law enforcement agency and request that the agency comply with this Act under certain circumstances; providing that, if a certain law enforcement agency fails to comply with certain reporting provisions within a certain period after being contacted by the Commission, the Office and the Commission jointly shall make a certain report to the Governor and the Legislative Policy Committee of the General Assembly requiring the Commission to adopt a certain set of standards for recording data on the deployment of SWAT teams; defining certain terms a certain term; and generally relating to the deployment of SWAT teams.~~

~~BY adding to~~

~~Article – Public Safety~~~~Section 3–801 through 3–803 to be under the new subtitle “Subtitle 8. SWAT Teams”~~~~Annotated Code of Maryland~~~~(2011 Replacement Volume and 2016 Supplement)~~BY repealing and reenacting, without amendments,Article – Public SafetySection 3–201(a) and 3–207(a)(1)Annotated Code of Maryland(2011 Replacement Volume and 2016 Supplement)BY adding toArticle – Public SafetySection 3–201(g) and 3–207(a)(24)Annotated Code of Maryland(2011 Replacement Volume and 2016 Supplement)BY repealing and reenacting, with amendments,Article – Public SafetySection 3–207(a)(22) and (23)Annotated Code of Maryland(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Public Safety**

~~**SUBTITLE 8. SWAT TEAMS.**~~

~~**3–801.**~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “COMMISSION” MEANS THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THIS TITLE.~~

~~(C) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS LISTED IN § 3–101(E) OF THIS TITLE.~~

~~(D) “LAW ENFORCEMENT OFFICER” MEANS A PERSON WHO, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS SUBTITLE.~~

~~(E) "SWAT TEAM" MEANS AN AGENCY DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A COORDINATED TEAM TO RESOLVE CRITICAL INCIDENTS THAT ARE SO HAZARDOUS, COMPLEX, OR UNUSUAL THAT THEY MAY EXCEED THE CAPABILITIES OF FIRST RESPONDERS OR INVESTIGATIVE UNITS.~~

~~3-802.~~

~~(A) THE COMMISSION SHALL ADOPT A SET OF STANDARDS FOR THE TRAINING AND DEPLOYMENT OF SWAT TEAMS IN THE STATE BASED ON BEST PRACTICES IN THE STATE AND NATIONWIDE.~~

~~(B) EACH LAW ENFORCEMENT AGENCY SHALL FOLLOW THE STANDARDS ADOPTED UNDER THIS SECTION.~~

~~3-803.~~

~~(A) ON OR BEFORE APRIL 1, 2018, AND ON OR BEFORE APRIL 1 EACH YEAR THEREAFTER, A LAW ENFORCEMENT AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE FOLLOWING INFORMATION TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION USING THE FORMAT DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION:~~

~~(1) THE NUMBER OF TIMES THE SWAT TEAM WAS DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS CALENDAR YEAR;~~

~~(2) THE CITY OR TOWN, COUNTY, AND ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH DEPLOYMENT;~~

~~(3) THE SPECIFIC REASONS FOR EACH DEPLOYMENT OF THE SWAT TEAM, INCLUDING THE ALLEGED CRIME COMMITTED BY A SUSPECT;~~

~~(4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY, FOR EACH DEPLOYMENT OF THE SWAT TEAM; AND~~

~~(5) THE RESULT OF EACH DEPLOYMENT OF THE SWAT TEAM, INCLUDING:~~

~~(I) THE AGE, GENDER, AND RACE OF ANY INDIVIDUAL DETAINED AT THE DEPLOYMENT LOCATION, IF KNOWN;~~

~~(II) THE NUMBER OF ARRESTS MADE, IF ANY;~~

~~(III) WHETHER PROPERTY WAS SEIZED;~~

~~(IV) WHETHER A FORCIBLE ENTRY WAS MADE;~~

~~(V) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM MEMBER;~~

~~(VI) WHETHER A WEAPON WAS FOUND, USED, OR DISCHARGED BY A RESIDENT OR OCCUPANT OF THE DEPLOYMENT LOCATION;~~

~~(VII) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED OR KILLED BY A SWAT TEAM MEMBER;~~

~~(VIII) WHETHER A DOMESTIC ANIMAL WAS PRESENT AT THE DEPLOYMENT LOCATION; AND~~

~~(IX) WHETHER A LAW ENFORCEMENT OFFICER OR POLICE K-9 WAS TARGETED, ASSAULTED, INJURED, OR KILLED BY A RESIDENT OR OCCUPANT OF THE DEPLOYMENT LOCATION.~~

~~(B) THE COMMISSION, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, SHALL DEVELOP A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE TO REPORT DATA TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(C) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 EACH YEAR.~~

~~(D) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO THE COMMISSION.~~

~~(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.~~

~~(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING CONTACTED BY THE COMMISSION WITH A REQUEST TO COMPLY, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND THE COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.~~

3-201.

(a) In this subtitle the following words have the meanings indicated.

(G) "SWAT TEAM" MEANS AN AGENCY-DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A COORDINATED TEAM TO RESOLVE CRITICAL INCIDENTS THAT ARE SO HAZARDOUS, COMPLEX, OR UNUSUAL THAT THEY MAY EXCEED THE CAPABILITIES OF FIRST RESPONDERS OR INVESTIGATIVE UNITS.

3-207.

(a) The Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(22) to require:

(i) a statement condemning motorcycle profiling to be included in existing written policies regarding other profiling; and

(ii) for entrance-level police training and for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling; [and]

(23) to perform any other act, including adopting regulations, that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle; AND

~~(24) TO DEVELOP STANDARDS FOR THE TRAINING AND DEPLOYMENT OF SWAT TEAMS IN THE STATE BASED ON BEST PRACTICES IN THE STATE AND NATIONWIDE CONSULT AND COOPERATE WITH COMMANDERS OF SWAT TEAMS TO DEVELOP STANDARDS FOR TRAINING AND DEPLOYMENT OF SWAT TEAMS AND OF~~

**LAW ENFORCEMENT OFFICERS WHO ARE NOT MEMBERS OF A SWAT TEAM WHO CONDUCT NO-KNOCK WARRANT SERVICE IN THE STATE BASED ON BEST PRACTICES IN THE STATE AND NATIONWIDE.**

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Police Training and Standards Commission, in consultation with commanders of SWAT teams, as defined in § 3-201(g) of the Public Safety Article, shall create standards for the recording of data on the deployment of SWAT teams, including:~~

- ~~(1) the annual number of SWAT team deployments by a law enforcement agency; and~~
- ~~(2) for each SWAT team deployment:~~
  - ~~(i) the city, county, and zip code where the deployment occurred;~~
  - ~~(ii) the legal authority for the deployment, including the type of any warrant issued;~~
  - ~~(iii) the age, gender, and race of any individual detained at the deployment location;~~
  - ~~(iv) the number of arrests made at the deployment location;~~
  - ~~(v) any property seized from the deployment location;~~
  - ~~(vi) whether forcible entry was made at the deployment location;~~
  - ~~(vii) whether a weapon was discharged by a SWAT team member at the deployment location;~~
  - ~~(viii) whether a weapon was used or discharged by a resident or occupant of the deployment location;~~
  - ~~(ix) whether a domestic animal was present at the deployment location;~~
  - ~~(x) whether a person or domestic animal was injured or killed by a SWAT team member during a deployment; and~~
  - ~~(xi) whether a law enforcement officer or police K-9 was targeted, assaulted, injured, or killed by a resident or occupant of the deployment location.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

**Chapter 804****(Senate Bill 224)**

AN ACT concerning

**Public Safety – Regulated Firearms – Definition of Convicted of a Disqualifying Crime**

FOR the purpose of altering a certain definition of “convicted of a disqualifying crime” to include a case in which a person received probation before judgment for assault in the second degree that is a domestically related crime; and generally relating to regulated firearms.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 5–101(b–1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Public Safety**

5–101.

(b–1) (1) “Convicted of a disqualifying crime” includes:

(i) a case in which a person received probation before judgment for a crime of violence; and

(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6–233 of the Criminal Procedure Article.

(2) “Convicted of a disqualifying crime” does not include a case in which a person received a probation before judgment:

(i) for assault in the second degree, **UNLESS THE CRIME WAS A DOMESTICALLY RELATED CRIME AS DEFINED IN § 6–233 OF THE CRIMINAL PROCEDURE ARTICLE**; or

(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## **Chapter 805**

### **(House Bill 294)**

AN ACT concerning

#### **Public Safety – Regulated Firearms – Definition of Convicted of a Disqualifying Crime**

FOR the purpose of altering a certain definition of “convicted of a disqualifying crime” to include a case in which a person received probation before judgment for assault in the second degree that is a domestically related crime; and generally relating to regulated firearms.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 5–101(b–1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

#### **Article – Public Safety**

5–101.

(b–1) (1) “Convicted of a disqualifying crime” includes:

(i) a case in which a person received probation before judgment for a crime of violence; and

(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6–233 of the Criminal Procedure Article.

(2) “Convicted of a disqualifying crime” does not include a case in which a person received a probation before judgment:

(i) for assault in the second degree, **UNLESS THE CRIME WAS A DOMESTICALLY RELATED CRIME AS DEFINED IN § 6–233 OF THE CRIMINAL PROCEDURE ARTICLE**; or

(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 806

(House Bill 746)

AN ACT concerning

### **Public School Labor Relations Board – Administration and Enforcement – Revisions**

FOR the purpose of requiring the Attorney General to assign an assistant Attorney General to provide legal services to the Public School Labor Relations Board, the Higher Education Labor Relations Board, and the State Labor Relations Board; providing that, in connection with the Public School Labor Relations Board’s administration and enforcement of certain provisions of law, certain references to written communications shall include electronic communications and certain time limits may be extended for good cause; requiring a party subject to an order of the Board to comply with the order without need for judicial enforcement; authorizing a court to grant certain relief and remedies requested by the Board; requiring the chair of the Board to be a certain member of the Board; defining a certain term; and generally relating to the Public School Labor Relations Board.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 6–401(a) and (b), 6–501(a) through (c), and 6–803(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Education  
Section 6–401(b–1) and 6–501(c–1)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 6–803(c), 6–805, and 6–806  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

6–401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

**(B–1) “DAY” MEANS A CALENDAR DAY UNLESS OTHERWISE INDICATED.**

6–501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) “Confidential employee” includes an individual whose employment responsibilities require knowledge of the public school employer’s posture in the collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

**(C–1) “DAY” MEANS A CALENDAR DAY UNLESS OTHERWISE INDICATED.**

6–803.

(a) The Board shall consist of the following five members appointed by the Governor, with the advice and consent of the Senate:

- (1) One member who:
  - (i) Represents the public;
  - (ii) Has experience in labor relations;

(iii) Is not an officer or employee of a board of education or an employee organization representing public school system employees;

(iv) Is not an elected official of the State, a county, or an employee organization representing public school employees; and

(v) Is known for objective and independent judgment;

(2) Two members, including one member chosen from a list of candidates submitted by the organization representing a majority of public school employees in the State for collective bargaining purposes and another member chosen from a list of candidates submitted by a statewide organization representing public school employees in at least one jurisdiction within the State for collective bargaining purposes other than the majority organization under this paragraph, who:

(i) Are not employees of the State or a public school employee organization; and

(ii) Are known for objective and independent judgment; and

(3) Two members chosen from a list of candidates submitted by the Maryland Association of Boards of Education and the State Superintendents Association of Maryland, who:

(i) Are not officers or employees of the State or county or State boards of education and are not officers or employees of employee organizations representing employees of public school systems in Maryland; and

(ii) Are known for objective and independent judgment.

(c) The [Public School Labor Relations Board] **MEMBER LISTED IN SUBSECTION (A)(1) OF THIS SECTION** shall [elect a] chair [from among its members] **THE BOARD.**

6–805.

**(A)** The Board shall share an executive director with the Higher Education Labor Relations Board and the State Labor Relations Board.

**(B) THE ATTORNEY GENERAL SHALL ASSIGN AN ASSISTANT ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE BOARD, THE HIGHER EDUCATION LABOR RELATIONS BOARD, AND THE STATE LABOR RELATIONS BOARD.**

6–806.

(a) **(1)** The Board shall administer and enforce the provisions of Subtitles 4 and 5 of this title.

**(2) IN CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF SUBTITLES 4 AND 5 OF THIS TITLE:**

**(I) REFERENCES TO WRITTEN COMMUNICATIONS, SUCH AS LETTERS AND NOTICES, SHALL INCLUDE ELECTRONIC COMMUNICATIONS, UNLESS OTHERWISE INDICATED BY THE BOARD; AND**

**(II) THE BOARD MAY EXTEND THE TIME LIMITS SET FORTH IN SUBTITLES 4 AND 5 OF THIS TITLE FOR GOOD CAUSE SHOWN.**

**(3) (I) UNLESS A COURT HAS ISSUED A STAY, A PARTY SUBJECT TO AN ORDER OF THE BOARD SHALL COMPLY WITH THE ORDER WITHOUT THE NEED FOR JUDICIAL ENFORCEMENT.**

**(II) AT THE REQUEST OF THE BOARD, A COURT MAY:**

**1. GRANT INJUNCTIVE RELIEF TO ENFORCE COMPLIANCE WITH AN ORDER OF THE BOARD; AND**

**2. GRANT ANY OTHER REMEDY THE COURT DEEMS APPROPRIATE.**

(b) The Board may:

(1) Adopt regulations, guidelines, and policies to carry out the rights and responsibilities of the Board under this title; and

(2) Make recommendations for legislative action regarding the operation of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## **Chapter 807**

**(Senate Bill 459)**

AN ACT concerning

**Bail Bond – Installment Contract – Form and Confessed Judgment Prohibition**

FOR the purpose of requiring an agreement to accept payment for the premium charged for a bail bond in installments to be in a form approved by the Maryland Insurance Commissioner; prohibiting the agreement from including a confessed judgment clause that waives a consumer's right to assert a certain defense; prohibiting a bail bondsman from including a certain confessed judgment clause that waives a consumer's right to assert a certain defense in a certain an agreement to accept payment for the premium charged for a bail bond in installments; providing that it is an unfair trade practice to include a certain confessed judgment clause to include a the confession of judgment clause in a certain in an agreement to accept payment for the premium charged for a bail bond in installments; defining a certain term; and generally relating to bail bonds.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–309

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 27–201

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section 27–225

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Insurance**

10–309.

(a) This section applies to bail bondsmen licensed under this subtitle and to bail bondsmen that provide bail bondsman services under § 5–203 of the Criminal Procedure Article.

(b) A bail bondsman may arrange to accept payment for the premium charged for a bail bond in installments.

(c) If a bail bondsman arranges to accept payment for the premium charged for a bail bond in installments, the installment agreement:

**(1) SHALL BE IN A FORM ADOPTED BY THE COMMISSIONER;****~~(1)~~ (2)** shall include:[(1)] **(I)** the total amount of the premium owed;[(2)] **(II)** the amount of any down payment made;[(3)] **(III)** the balance amount owed to the bail bondsman or the bail bondsman's insurer;[(4)] **(IV)** the amount and due date of each installment payment; and[(5)] **(V)** the total number of installment payments required to pay the amount due; **AND****~~(2)~~ (3) ~~MAY~~ MAY NOT INCLUDE A CONFESSED JUDGMENT CLAUSE THAT WAIVES A CONSUMER'S RIGHT TO ASSERT A LEGAL DEFENSE TO AN ACTION.**

(d) If a bail bondsman arranges to accept payment of the premium charged for a bail bond in installments, the bail bondsman shall:

(1) secure a signed affidavit of surety by the defendant or the insurer containing the information required under subsection (c) of this section and provide the affidavit of surety to the court;

(2) take all necessary steps to collect the total amount owed by the insured, including seeking remedies provided by law for the collection of debts; and

(3) keep and maintain records of all collection attempts, installment agreements, and affidavits of surety.

(e) (1) The bail bondsman shall keep and maintain the records required under this section in an office that is generally accessible to the public during normal business hours.

(2) The bail bondsman shall make the records required under this section available to the Commissioner for inspection.

(3) Each year, each bail bondsman shall certify to the Commissioner that the records required to be kept and maintained under this section are accurate and true.

(f) If a bail bondsman violates any provision of this section, the Commissioner may take any actions authorized under § 10–126 of this title.

The commission of an act prohibited under this subtitle is defined as an unfair method of competition and an unfair and deceptive act or practice in the business of insurance.

27-225.

(A) IN THIS SECTION “BAIL BOND” HAS THE MEANING STATED IN ~~§ 10-301(P)~~ § 10-301 OF THIS ARTICLE.

~~A BAIL BONDSMAN MAY NOT INCLUDE A CONFESSION OF JUDGMENT IN AN AGREEMENT TO ACCEPT PAYMENT FOR THE PREMIUM CHARGED FOR A BAIL BOND IN INSTALLMENTS.~~

(B) A CONFESSED JUDGMENT CLAUSE THAT WAIVES A CONSUMER’S RIGHT TO ASSERT A LEGAL DEFENSE TO AN ACTION MAY NOT BE INCLUDED IN A BAIL BOND AGREEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 808

(Senate Bill 713)

AN ACT concerning

### Products That Contain Mercury – Prohibition on Sale of Electric Switches, Electric Relays, and Gas Valve Switches

FOR the purpose of prohibiting a certain marketer from *knowingly* selling or providing certain electric switches, electric relays, and gas valve switches that contain mercury to a consumer *on or after a certain date; establishing certain penalties for certain violations; authorizing the Department of the Environment to impose certain penalties in a certain manner for certain violations;* providing for the application of this Act; ~~providing for a delayed effective date;~~ and generally relating to products that contain mercury.

BY renumbering

Article – Environment

Section 6-905.3 through 6-905.6, respectively

to be Section 6-905.4 through 6-905.7, respectively

Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 6–905(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Environment  
Section 6–905(b–1), (b–2), and (c–1) and 6–905.3  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 6–905(e) and (f)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–905.3 through 6–905.6, respectively, of Article – Environment of the Annotated Code of Maryland be renumbered to be Section(s) 6–905.4 through 6–905.7, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Environment**

6–905.

(a) In this part the following words have the meanings indicated.

**(B–1) “ELECTRIC RELAY” MEANS A PRODUCT OR DEVICE THAT OPENS OR CLOSES ELECTRICAL CONTACTS TO EFFECT THE OPERATION OF OTHER DEVICES IN THE SAME OR ANOTHER ELECTRICAL CIRCUIT.**

**(B–2) “ELECTRIC SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR CLOSES AN ELECTRICAL CIRCUIT.**

**(C–1) “GAS VALVE SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR CLOSES A GAS VALVE.**

(e) “Marketer” means a person that manufactures, assembles, sells, distributes, affixes a brand name or private label to, or licenses the use of a brand name on:

(1) A fever thermometer containing mercury; [or]

(2) A thermostat containing mercury;

**(3) AN ELECTRIC SWITCH CONTAINING MERCURY OR A PRODUCT COMPONENT WITH AN ELECTRIC SWITCH CONTAINING MERCURY;**

**(4) AN ELECTRIC RELAY CONTAINING MERCURY OR A PRODUCT COMPONENT WITH AN ELECTRIC RELAY CONTAINING MERCURY; OR**

**(5) A GAS VALVE SWITCH CONTAINING MERCURY OR A PRODUCT COMPONENT WITH A GAS VALVE SWITCH CONTAINING MERCURY.**

(f) “Mercury-added product” means any of the following products if containing elemental mercury or a mercury compound that has been added to the product for any reason:

(1) Dyes or pigments; AND

(2) [Electric switches; and

(3)] Fluorescent lamps.

### **6-905.3.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR AFTER OCTOBER 1, 2018, A MARKETER MAY NOT KNOWINGLY SELL OR PROVIDE TO A CONSUMER INDIVIDUALLY OR AS A PRODUCT COMPONENT:**

**(1) AN ELECTRIC SWITCH CONTAINING MERCURY;**

**(2) AN ELECTRIC RELAY CONTAINING MERCURY; OR**

**(3) A GAS VALVE SWITCH CONTAINING MERCURY.**

**(B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC SWITCH, AN ELECTRIC RELAY, OR A GAS VALVE SWITCH THAT IS SOLD OR PROVIDED TO REPLACE A SWITCH OR RELAY THAT IS A COMPONENT OF A LARGER PRODUCT IN USE ON OR BEFORE OCTOBER 1, ~~2017~~ 2018, IF:**

**(1) THE LARGER PRODUCT IS USED IN MANUFACTURING;**

(2) THE LARGER PRODUCT IS USED IN A GENERATING, TRANSMISSION, OR DISTRIBUTING FACILITY FOR ELECTRIC ENERGY, GAS, OR WATER;

(3) THE SWITCH OR RELAY IS INTEGRATED WITH, AND NOT PHYSICALLY SEPARATE FROM, OTHER COMPONENTS OF THE LARGER PRODUCT; ~~OR~~

(4) THE USE OF THE SWITCH OR RELAY IS REQUIRED UNDER FEDERAL LAW OR REGULATION; OR

(5) THE MANUFACTURER OF THE LARGER PRODUCT HAS NOT APPROVED FOR USE IN THE LARGER PRODUCT A SWITCH OR RELAY THAT DOES NOT CONTAIN MERCURY.

(C) (1) A PERSON THAT VIOLATES THIS SECTION IS LIABLE FOR A CIVIL PENALTY TO BE COLLECTED IN A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY COUNTY IN THE STATE NOT EXCEEDING:

(I) \$1,000 FOR A FIRST OFFENSE;

(II) \$2,500 FOR A SECOND OFFENSE; OR

(III) \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

(2) (I) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY, AFTER AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY IMPOSE A FINE FOR EACH VIOLATION OF THIS SECTION, NOT EXCEEDING:

1. \$1,000 FOR A FIRST OFFENSE;

2. \$2,500 FOR A SECOND OFFENSE; OR

3. \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

(II) THE DEPARTMENT SHALL CONSIDER THE FOLLOWING IN ASSESSING THE FINE IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. THE WILLFULNESS OF THE VIOLATION;

2. THE EXTENT TO WHICH THE VIOLATION WAS KNOWN, BUT UNCORRECTED, BY THE VIOLATOR;

3. THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL HARM TO HUMAN HEALTH OR THE ENVIRONMENT;

**4. THE NATURE AND DEGREE OF INJURY TO, OR INTERFERENCE WITH, GENERAL WELFARE AND HEALTH; AND**

**5. THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A PATTERN OF THE SAME OR A SIMILAR TYPE OF VIOLATION BY THE VIOLATOR.**

**(3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE UNDER THIS SECTION.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, ~~2017~~ ~~2018~~ 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 809

(House Bill 504)

AN ACT concerning

### Products That Contain Mercury – Prohibition on Sale of Electric Switches, Electric Relays, and Gas Valve Switches

FOR the purpose of prohibiting a certain marketer from knowingly selling or providing certain electric switches, electric relays, and gas valve switches that contain mercury to a consumer on or after a certain date; establishing certain penalties for certain violations; authorizing the Department of the Environment to impose certain penalties in a certain manner for certain violations; providing for the application of this Act; and generally relating to products that contain mercury.

BY renumbering

Article – Environment

Section 6–905.3 through 6–905.6, respectively

to be Section 6–905.4 through 6–905.7, respectively

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 6–905(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

BY adding to

Article – Environment  
 Section 6–905(b–1), (b–2), and (c–1) and 6–905.3  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment  
 Section 6–905(e) and (f)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–905.3 through 6–905.6, respectively, of Article – Environment of the Annotated Code of Maryland be renumbered to be Section(s) 6–905.4 through 6–905.7, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

#### **Article – Environment**

6–905.

(a) In this part the following words have the meanings indicated.

**(B–1) “ELECTRIC RELAY” MEANS A PRODUCT OR DEVICE THAT OPENS OR CLOSES ELECTRICAL CONTACTS TO EFFECT THE OPERATION OF OTHER DEVICES IN THE SAME OR ANOTHER ELECTRICAL CIRCUIT.**

**(B–2) “ELECTRIC SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR CLOSES AN ELECTRICAL CIRCUIT.**

**(C–1) “GAS VALVE SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR CLOSES A GAS VALVE.**

(e) “Marketer” means a person that manufactures, assembles, sells, distributes, affixes a brand name or private label to, or licenses the use of a brand name on:

(1) A fever thermometer containing mercury; [or]

(2) A thermostat containing mercury;

**(3) AN ELECTRIC SWITCH CONTAINING MERCURY OR A PRODUCT COMPONENT WITH AN ELECTRIC SWITCH CONTAINING MERCURY;**

**(4) AN ELECTRIC RELAY CONTAINING MERCURY OR A PRODUCT COMPONENT WITH AN ELECTRIC RELAY CONTAINING MERCURY; OR**

**(5) A GAS VALVE SWITCH CONTAINING MERCURY OR A PRODUCT COMPONENT WITH A GAS VALVE SWITCH CONTAINING MERCURY.**

(f) “Mercury-added product” means any of the following products if containing elemental mercury or a mercury compound that has been added to the product for any reason:

- (1) Dyes or pigments; AND
- (2) [Electric switches; and
- (3)] Fluorescent lamps.

**6-905.3.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR AFTER OCTOBER 1, 2018, A MARKETER MAY NOT KNOWINGLY SELL OR PROVIDE TO A CONSUMER INDIVIDUALLY OR AS A PRODUCT COMPONENT:**

- (1) AN ELECTRIC SWITCH CONTAINING MERCURY;**
- (2) AN ELECTRIC RELAY CONTAINING MERCURY; OR**
- (3) A GAS VALVE SWITCH CONTAINING MERCURY.**

**(B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC SWITCH, AN ELECTRIC RELAY, OR A GAS VALVE SWITCH THAT IS SOLD OR PROVIDED TO REPLACE A SWITCH OR RELAY THAT IS A COMPONENT OF A LARGER PRODUCT IN USE ON OR BEFORE OCTOBER 1, ~~2010~~ 2018, IF:**

- (1) THE LARGER PRODUCT IS USED IN MANUFACTURING;**
- (2) THE LARGER PRODUCT IS USED IN A GENERATING, TRANSMISSION, OR DISTRIBUTING FACILITY FOR ELECTRIC ENERGY, GAS, OR WATER;**
- (3) THE SWITCH OR RELAY IS INTEGRATED WITH, AND NOT PHYSICALLY SEPARATE FROM, OTHER COMPONENTS OF THE LARGER PRODUCT; ~~OR~~**
- (4) THE USE OF THE SWITCH OR RELAY IS REQUIRED UNDER FEDERAL LAW OR REGULATION; OR**

**(5) THE MANUFACTURER OF THE LARGER PRODUCT HAS NOT APPROVED FOR USE IN THE LARGER PRODUCT A SWITCH OR RELAY THAT DOES NOT CONTAIN MERCURY.**

**(C) (1) A PERSON THAT VIOLATES THIS SECTION IS LIABLE FOR A CIVIL PENALTY TO BE COLLECTED IN A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY COUNTY IN THE STATE NOT EXCEEDING:**

**(I) \$1,000 FOR A FIRST OFFENSE;**

**(II) \$2,500 FOR A SECOND OFFENSE; OR**

**(III) \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.**

**(2) (I) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY, AFTER AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY IMPOSE A FINE FOR EACH VIOLATION OF THIS SECTION, NOT EXCEEDING:**

**1. \$1,000 FOR A FIRST OFFENSE;**

**2. \$2,500 FOR A SECOND OFFENSE; OR**

**3. \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.**

**(II) THE DEPARTMENT SHALL CONSIDER THE FOLLOWING IN ASSESSING THE FINE IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:**

**1. THE WILLFULNESS OF THE VIOLATION;**

**2. THE EXTENT TO WHICH THE VIOLATION WAS KNOWN, BUT UNCORRECTED, BY THE VIOLATOR;**

**3. THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL HARM TO HUMAN HEALTH OR THE ENVIRONMENT;**

**4. THE NATURE AND DEGREE OF INJURY TO, OR INTERFERENCE WITH, GENERAL WELFARE AND HEALTH; AND**

**5. THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A PATTERN OF THE SAME OR A SIMILAR TYPE OF VIOLATION BY THE VIOLATOR.**

**(3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE UNDER THIS SECTION.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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**Chapter 810**

**(Senate Bill 1081)**

AN ACT concerning

**Health – Family Planning Services – Continuity of Care**

FOR the purpose of establishing the Family Planning Program in the Department of Health and Mental Hygiene; providing for the purpose of the Program; requiring the Program to provide family planning services to certain individuals through certain providers; authorizing the Department to adopt certain regulations; requiring that funding used to support family planning services under the Program shall be in addition to certain funding; requiring the Maryland Medical Assistance Program to ensure access to and the continuity of services provided by certain family planning providers in a certain manner; defining certain terms; and generally relating to family planning services.

BY adding to

Article – Health – General

Section 13–3401 and 13–3402 to be under the new subtitle “Subtitle 34. Family Planning Program”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15–101(a) and (h)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–102.1(b)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health – General**

**SUBTITLE 34. FAMILY PLANNING PROGRAM.**

**13-3401.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “FAMILY PLANNING PROVIDERS” MEANS PROVIDERS OF SERVICES:

(1) FUNDED UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31, 2016; AND

(2) THAT LOST ELIGIBILITY FOR TITLE X FUNDING AS A RESULT OF THE TERMINATION OF FEDERAL FUNDING FOR PROVIDERS BECAUSE OF:

(I) THE SCOPE OF SERVICES OFFERED BY THE PROVIDERS; OR

(II) THE SCOPE OF SERVICES FOR WHICH THE PROVIDERS OFFER REFERRALS.

(C) “FAMILY PLANNING SERVICES” MEANS SERVICES PROVIDED UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31, 2016.

(D) “PROGRAM” MEANS THE FAMILY PLANNING PROGRAM ESTABLISHED UNDER § 13-3402 OF THIS SUBTITLE.

**13-3402.**

(A) THERE IS A FAMILY PLANNING PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO ENSURE THE CONTINUITY OF FAMILY PLANNING SERVICES IN THE STATE.

(C) THE PROGRAM SHALL PROVIDE FAMILY PLANNING SERVICES TO INDIVIDUALS WHO ARE ELIGIBLE FOR FAMILY PLANNING SERVICES THROUGH FAMILY PLANNING PROVIDERS THAT MEET PROGRAM REQUIREMENTS.

(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE, INCLUDING REGULATIONS ESTABLISHING ~~REQUIREMENTS FOR FAMILY~~

~~PLANNING PROVIDERS THAT ARE THE SAME AS THE REQUIREMENTS FOR PROVIDERS OF SERVICES UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT~~ A SLIDING SCALE FEE FOR SERVICES PROVIDED UNDER THE PROGRAM.

(E) FUNDING USED TO SUPPORT FAMILY PLANNING SERVICES UNDER THE PROGRAM SHALL BE IN ADDITION TO ANY FUNDING APPLIED BY THE DEPARTMENT BEFORE DECEMBER 31, 2016, TO THE MAINTENANCE OF EFFORT REQUIREMENT FOR FEDERAL FUNDING UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT.

15-101.

- (a) In this title the following words have the meanings indicated.
- (h) “Program” means the Maryland Medical Assistance Program.

15-102.1.

(b) The Department shall, to the extent permitted, subject to the limitations of the State budget:

- (1) Provide a comprehensive system of quality health care services with an emphasis on prevention, education, individualized care, and appropriate case management;
- (2) Develop a prenatal care program for Program recipients and encourage its utilization;
- (3) Allocate State resources for the Program to provide a balanced system of health care services to the population served by the Program;
- (4) Seek to coordinate the Program activities with other State programs and initiatives that are necessary to address the health care needs of the population served by the Program;
- (5) Promote Program policies that facilitate access to and continuity of care by encouraging:
  - (i) Provider availability throughout the State;
  - (ii) Consumer education;
  - (iii) The development of ongoing relationships between Program recipients and primary health care providers; and

(iv) The regular review of the Program's regulations to determine whether the administrative requirements of those regulations are unnecessarily burdensome on Program providers;

**(6) ENSURE ACCESS TO AND THE CONTINUITY OF SERVICES PROVIDED BY FAMILY PLANNING PROVIDERS ~~THAT RECEIVED FUNDING UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31, 2016~~ THAT WERE FAMILY PLANNING PROVIDERS IN THE PROGRAM AS OF DECEMBER 31, 2016, AND WERE DISCONTINUED AS RECIPIENTS OF FEDERAL FUNDING UNDER FEDERAL LAW OR REGULATION BECAUSE OF THE SCOPE OF SERVICES OFFERED BY THE PROVIDER OR THE SCOPE OF SERVICES FOR WHICH THE PROVIDER OFFERED REFERRALS, BY:**

**(I) REIMBURSING FOR THE PROGRAM SERVICES PROVIDED;**  
AND

**(II) ESTABLISHING PROGRAM REQUIREMENTS FOR THE FAMILY PLANNING PROVIDERS THAT ~~ARE THE SAME AS:~~**

**1. ARE SIMILAR TO THE REQUIREMENTS FOR OTHER PROVIDERS OF THE SAME SERVICES;**

**2. DO NOT PROHIBIT A PROVIDER FROM OFFERING A SERVICE IF THE SERVICE IS WITHIN THE SCOPE OF PRACTICE OF THE PROVIDER AS ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE; AND**

**3. DO NOT LIMIT THE SCOPE OF SERVICES FOR WHICH A PROVIDER MAY OFFER REFERRALS;**

**[(6)] (7)** Strongly urge health care providers to participate in the Program and thereby address the needs of Program recipients;

**[(7)] (8)** Require health care providers who participate in the Program to provide access to Program recipients on a nondiscriminatory basis in accordance with State and federal law;

**[(8)] (9)** Seek to provide appropriate levels of reimbursement for providers to encourage greater participation by providers in the Program;

**[(9)] (10)** Promote individual responsibility for maintaining good health habits;

**[(10)] (11)** Encourage the Program and Maryland's health care regulatory system to work to cooperatively promote the development of an appropriate mix of health

care providers, limit cost increases for the delivery of health care to Program recipients, and ensure the delivery of quality health care to Program recipients;

[(11)] (12) Encourage the development and utilization of cost-effective and preventive alternatives to the delivery of health care services to appropriate Program recipients in inpatient institutional settings;

[(12)] (13) Encourage the appropriate executive agencies to coordinate the eligibility determination, policy, operations, and compliance components of the Program;

[(13)] (14) Work with representatives of inpatient institutions, third party payors, and the appropriate State agencies to contain Program costs;

[(14)] (15) Identify and seek to develop an optimal mix of State, federal, and privately financed health care services for Program recipients, within available resources through cooperative interagency efforts;

[(15)] (16) Develop joint Legislative and Executive Branch strategies to persuade the federal government to reconsider those policies that discourage the delivery of cost-effective health care services to Program recipients;

[(16)] (17) Evaluate departmental recommendations as to those persons whose financial need or health care needs are most acute;

[(17)] (18) Establish mechanisms for aggressively pursuing recoveries against third parties permitted under current law and exploring additional methods for seeking to recover other money expended by the Program; and

[(18)] (19) Take appropriate measures to assure the quality of health care services provided by managed care organizations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 811

(Senate Bill 488)

AN ACT concerning

**Prince George's County – Alcoholic Beverages Regulation Reform Act of 2017**

FOR the purpose of requiring the County Executive for Prince George's County, instead of the Governor, to appoint members to the Board of License Commissioners for Prince George's County; requiring the appointments to be made ~~after a certain hearing; providing that a certain appointment is subject to certain confirmation during a certain session of the General Assembly; providing that a seat is deemed to be vacant under certain circumstances; requiring at least one member~~ *subject to confirmation by the Senate; requiring a confirmation hearing before the Prince George's County Senate Delegation to be held within a certain time; requiring members* of the Board to have a certain type of experience; repealing ~~provisions of law requiring the Governor to request lists of candidates from certain central committees before making an appointment~~ *certain appointment procedures for members of the Board;* requiring the County Executive to consider the need for certain types of diversity when evaluating an applicant for membership on the Board; prohibiting a member of the Board from soliciting or ~~transmitting a contribution for a certain purpose from a person regulated by the Board~~ *receiving certain benefits; prohibiting certain individuals from soliciting or receiving certain benefits from certain individuals; prohibiting a member of the Board from being appointed to more than a certain number of terms;* requiring the County Executive, *rather than the Governor,* to appoint an eligible individual to fill a vacancy under certain circumstances; *providing that a vacancy appointment is subject to a certain confirmation hearing;* authorizing the County Executive to remove a member under certain circumstances; ~~requiring the County Executive to give certain notice and file a statement of charges and findings on the charges if a member is removed; requiring a certain resignation letter to be addressed to the County Executive under certain circumstances; altering the authority of the Board to set the compensation of employees of the Board; requiring that the Board appoint an executive director, rather than an administrator; requiring that the executive director receive a salary as determined by the County Executive and as set forth in the county budget; repealing a certain provision of law prohibiting the County Executive and County Council to adopt a certain policy; requiring the Board attorney to receive a salary as provided in the county budget, rather than a certain amount; repealing a certain provision of law specifying that the Board attorney serves at the will of the Board; providing that the County Council is required to pay for certain expenses as contained in the county's budget; altering the number of full-time and part-time inspectors of the Board; altering the number of deputy chief inspectors to be designated by the Board; altering the salary of a part-time inspector~~ *requiring the County Executive rather than the Governor to appoint the chair of the Board; repealing a provision of law prohibiting the County Executive and the County Council from adopting a certain policy; requiring the Board to appoint a director, rather than an administrator; altering certain provisions relating to the salary and expenses of certain members and employees of the Board; altering the number of full-time and part-time inspectors of the Board; authorizing, except under certain circumstances, certain individuals to hold certain employment; providing that a member of the Board is subject to the same restrictions on earned income as certain individuals are under a certain provision of law;* providing *that* the members, employees, and inspectors of the Board are subject to certain public ethics laws to the same extent as certain local officials; authorizing a person to file a complaint with the county's Office of Ethics and Accountability

under certain circumstances; requiring the Office to take certain action if a complaint is filed; requiring the Office of Legislative Audits to conduct a certain audit of the Board and focus on certain matters; authorizing the employees and authorized representatives of the Office of Legislative Audits to have access to certain records for a certain purpose; exempting certain audit reports from the requirement that the Legislative Auditor send copies of audit reports to certain individuals; requiring certain audit reports to be sent to certain persons; providing that the terms of office of the members of the Board or successor members who are in office as of the effective date of this Act shall terminate as of the effective date of this Act; requiring the County Executive to employ an outside professional consultant to review certain standard operating procedures, make a certain comparison, and recommend certain changes; making conforming changes; defining a certain term; altering a certain definition; making this Act an emergency measure; and generally relating to ~~the appointment, removal, and resignation of members of~~ the Board of License Commissioners for Prince George's County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 26–102  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 26–202, ~~26–205,~~ and through 26–206  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 26–206.1 and 26–209  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – General Provisions  
Section 5–809(a)  
Annotated Code of Maryland  
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – General Provisions  
Section 5–809(b)  
Annotated Code of Maryland  
(2014 Volume and 2016 Supplement)

BY adding to

*Article – State Government*  
*Section 2-1220(g)*  
*Annotated Code of Maryland*  
*(2014 Replacement Volume and 2016 Supplement)*

*BY repealing and reenacting, with amendments,*  
*Article – State Government*  
*Section 2-1223(a) and 2-1224(a), (d), and (e)*  
*Annotated Code of Maryland*  
*(2014 Replacement Volume and 2016 Supplement)*

*BY repealing and reenacting, without amendments,*  
*Article – State Government*  
*Section 2-1224(b) and (c)*  
*Annotated Code of Maryland*  
*(2014 Replacement Volume and 2016 Supplement)*

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

### Article – Alcoholic Beverages

26-102.

This title applies only in Prince George's County.

26-202.

(a) (1) The [Governor] COUNTY EXECUTIVE shall appoint five members to the Board SUBJECT TO CONFIRMATION BY THE SENATE.

(2) ~~The appointments shall be made:~~

~~(1) AFTER A HEARING AT WHICH MEMBERS OF THE PUBLIC SHALL BE GIVEN THE OPPORTUNITY TO BE HEARD; AND~~

~~[(i)] (H) 1. if the Senate is in session, with the advice and consent of the Senate; or~~

~~[(ii)] 2. if the Senate is not in session, by the [Governor] COUNTY EXECUTIVE alone.~~

~~(3) (1) IF AN APPOINTMENT IS MADE WHILE THE SENATE IS NOT IN SESSION, THE APPOINTMENT IS SUBJECT TO CONFIRMATION BY THE SENATE DURING THE NEXT SESSION OF THE GENERAL ASSEMBLY.~~

~~(H) IF THE SENATE FAILS TO CONFIRM THE APPOINTMENT, THE SEAT SHALL BE DEEMED VACANT~~

(I) WITHIN 60 DAYS AFTER NOMINATION BY THE COUNTY EXECUTIVE AND NOT LESS THAN 7 DAYS BEFORE A CONFIRMATION VOTE ON A NOMINEE IS SCHEDULED, THE PRINCE GEORGE'S COUNTY SENATE DELEGATION SHALL HOLD A PUBLIC CONFIRMATION HEARING FOR AN INDIVIDUAL NOMINATED TO THE BOARD.

(II) IF A CANDIDATE IS NOMINATED FOR THE BOARD AND IS NOT CONFIRMED BY THE SENATE DURING THE FOLLOWING SESSION:

1. THE SEAT SHALL BE DECLARED VACANT; AND

2. THE COUNTY EXECUTIVE SHALL NOMINATE AN INDIVIDUAL TO FILL THE VACANCY.

(III) A CANDIDATE WHO IS NOT CONFIRMED BY THE SENATE MAY BE RENOMINATED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE SENATE ONLY DURING THE FOLLOWING SESSION.

~~(b) (1) (i) Four members of the Board shall be, at the time of appointment, members of the political party that at the last preceding gubernatorial election polled the highest number of votes in the county for Governor.~~

~~(ii) One member of the Board shall be, at the time of appointment, a member of the political party that at the last preceding gubernatorial election polled the second highest number of votes in the county for Governor.~~

~~(H) AT LEAST ONE MEMBER OF THE BOARD SHALL HAVE:~~

~~1. PUBLIC SAFETY EXPERIENCE;~~

~~2. REGULATORY EXPERIENCE; OR~~

~~3. BUSINESS EXPERIENCE.~~

~~[(2) (i) Before making an appointment or filling a vacancy, the Governor shall request the central committees for the county representing each of the two leading political parties of the State to designate at least four eligible candidates for each position to be filled.~~

~~(ii) Except as provided in subparagraph (iii) of this paragraph, the Governor shall appoint one of the designated individuals.~~

~~(iii) If the Governor decides that all of the individuals are unfit or incompetent, the Governor:~~

- ~~1. may not appoint any of the individuals;~~
- ~~2. shall file a written statement with the Secretary of State, setting forth the facts and the grounds for the decision and calling on the central committees for a new list of six names for each position to be filled; and~~
- ~~3. shall make the appointments from the new list and the original list.]~~

~~**(2) WHEN EVALUATING AN APPLICANT FOR MEMBERSHIP ON THE BOARD, THE COUNTY EXECUTIVE SHALL CONSIDER THE NEED FOR GEOGRAPHIC, POLITICAL, RACIAL, ETHNIC, AND GENDER DIVERSITY ON THE BOARD.**~~

~~(3) (1)~~ A member shall be:

- (i) a resident and voter of the county; and
- (ii) a person of high character and integrity ~~and of recognized business capacity.~~

**(2) EACH MEMBER OF THE BOARD SHALL HAVE:**

- (I) LEGAL EXPERIENCE;**
- (II) PUBLIC SAFETY EXPERIENCE;**
- (III) REGULATORY EXPERIENCE; OR**
- (IV) MANAGEMENT EXPERIENCE.**

**(3) WHEN EVALUATING AN APPLICANT FOR MEMBERSHIP ON THE BOARD, THE COUNTY EXECUTIVE SHALL CONSIDER THE NEED FOR GEOGRAPHIC, POLITICAL, RACIAL, ETHNIC, AND GENDER DIVERSITY ON THE BOARD.**

(c) (1) In this subsection, “direct or indirect interest” means an interest that is proprietary or obtained by a loan, mortgage, or lien, or in any other manner.

(2) A member of the Board may not:

- (i) have a direct or indirect interest in or on a premises in the State where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises in the State where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State; ~~or~~

(iv) solicit or receive a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder;

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY OR ON BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL CONTRIBUTION, REMUNERATION, OR GIFT FROM A PERSON ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**(VI) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM A LICENSE HOLDER.**

(d) (1) In this subsection, “candidate”, “contribution”, and “political committee” have the meanings stated in § 1–101 of the Election Law Article.

(2) A member of the Board may not solicit or transmit a contribution for the benefit of a candidate or political committee from:

(i) a person engaged in the sale of alcoholic beverages in the county or an agent or employee of the person; ~~for~~

(ii) a license holder; ~~OR~~

~~**(III) ANY OTHER PERSON REGULATED BY THE BOARD.**~~

(e) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

**(3) A MEMBER MAY NOT BE APPOINTED TO MORE THAN THREE TERMS.**

(f) (1) The [Governor] COUNTY EXECUTIVE shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

**(3) AN APPOINTMENT MADE TO FILL A VACANCY IS SUBJECT TO A CONFIRMATION HEARING BY THE SENATE UNDER SUBSECTION (A) OF THIS SECTION.**

(g) (1) The [Governor] COUNTY EXECUTIVE may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The [Governor] COUNTY EXECUTIVE shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the [Governor] COUNTY EXECUTIVE shall file with the ~~[Office of the Secretary of State]~~ ~~COUNTY ATTORNEY~~ a statement of charges against the member and the [Governor's] COUNTY EXECUTIVE'S findings on the charges.

(h) (1) If a member of the Board stops residing in or being a registered voter of the county, the member shall immediately forfeit the office as a license commissioner for the county.

(2) (i) A member of the Board may not serve in any other position of public office.

(ii) On filing a certificate of candidacy for election to a public office or within 30 days before the filing deadline for the primary election for the public office sought, whichever occurs later, a member of the Board shall certify to the County Board of Elections under oath that the individual is no longer a member of the Board.

(iii) The certification shall be accompanied by a letter addressed to the [Governor] COUNTY EXECUTIVE containing the resignation of the member from the Board.

26-203.

In making the appointments, the [Governor] COUNTY EXECUTIVE shall designate a chair from among the members of the Board.

26-204.

(a) The Board shall meet at least twice each month.

- (b) (1) (i) The chair of the Board shall receive a salary of \$22,000 annually.
- (ii) Each other member of the Board shall receive a salary of \$20,000 annually.
- (2) The chair and each other member of the Board are eligible for:
- (i) all county health benefits; and
- (ii) membership in and retirement benefits of the State Retirement and Pension System.
- (3) The health benefits under paragraph (2)(i) of this subsection include hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement.
- [(4) The County Executive and County Council may not adopt through public local law a policy contrary to paragraph (2) of this subsection.]

26–205.

- (a) Subject to this section and § 26–206 of this subtitle, the ~~Board~~ **DIRECTOR** may:
- (1) employ:
- (i) a secretary;
- (ii) inspectors; and
- (iii) clerical and other assistants as are necessary; and
- (2) set the compensation of the employees **IN ACCORDANCE WITH THE COUNTY'S CLASSIFICATION PLAN.**
- (b) (1) The Board shall appoint ~~an~~ **A** [administrator] ~~EXECUTIVE DIRECTOR~~.
- (2) The [administrator] ~~EXECUTIVE DIRECTOR~~ shall serve at the will of the Board and devote full time to the duties of the Board.
- (3) The [administrator may] ~~EXECUTIVE DIRECTOR SHALL~~ **MAY** receive a salary [of \$40,705 annually] as determined by the [Board after a performance evaluation] **COUNTY EXECUTIVE AND AS ~~SET FORTH~~ PROVIDED IN THE COUNTY BUDGET.**

(4) [(i)] The [administrator] ~~EXECUTIVE~~ DIRECTOR is eligible to participate in the county's supplemental retirement plan.

[(ii)] The County Executive and County Council may not adopt through public local law a policy contrary to subparagraph (i) of this paragraph.]

**(5) THE DIRECTOR SHALL FOLLOW THE REQUIREMENTS OF SUBTITLE 16 OF THE PRINCE GEORGE'S COUNTY CODE WHILE HIRING ANY EMPLOYEES UNDER SUBSECTION (A) OF THIS SECTION.**

(c) [(1)] The Board shall appoint an attorney who shall [serve at the will of the Board] ~~RECEIVE A SALARY IN AN AMOUNT AS PROVIDED IN THE COUNTY BUDGET.~~

[(2)] The County Council shall pay the attorney:

(i) a salary of \$18,500 annually;

(ii) all court costs and expenses incurred while performing the duties of attorney; and

(iii) legal fees that the Board approves for representing the Board in court.

(3) The Board shall establish the fee rate for representing the Board in court.

(4) The attorney is eligible for:

(i) all county health benefits, including hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement; and

(ii) membership in and retirement benefits of the State Retirement and Pension System.

(5) The County Executive and County Council may not adopt through public local law a policy contrary to paragraph (4) of this subsection.]]

(d) (1) The restrictions under § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee apply to employees of the Board.

(2) An employee of the Board:

(i) shall devote full time to the business of the Board during the hours designated by the Board for the performance of the employee's official duties;

(ii) may not engage in an occupation, business, or profession connected to or associated with the manufacture or sale of alcoholic beverages; and

(iii) may not transact business beyond the employee's official duties:

1. with a license holder; or

2. in connection with the operation of an establishment licensed for the manufacture or sale of alcoholic beverages.

(3) An employee of the Board who violates this section shall be removed.

(e) (1) [Subject to paragraph (3) of this subsection, on] **ON** the submission by the Board of an annual budget, the County Council shall pay for all expenses of the Board **AS CONTAINED IN THE COUNTY BUDGET**.

(2) In the budget, the salaries of the members [and the attorney for the Board and any additional compensation for legal fees for the attorney] shall be as set forth under [subsection (c) of this section and §§ 26–204 and 26–206(g)] **§ 26–204** of this subtitle.

[(3) (i) Except as provided in § 26–206(g) of this subtitle, payments for all other expenses shall be at the discretion of the County Council, including:

1. the salary of the administrator under subsection (b)(3) of this section;

2. compensation of other personnel, who shall be qualified and employed under the county merit system;

3. printing;

4. supplies; and

5. office space.

(ii) The County Executive and the County Council shall recognize and categorize the Board as a public safety agency for budgetary purposes.

(iii) The County Council may include in the budget an amount not to exceed \$50,000 for the purpose of maintaining software and mobile devices used to modernize practices and increase the efficiency and transparency of the Board.]

26–206.

(a) The ~~Board~~ **DIRECTOR** shall appoint all of ~~its~~ **THE BOARD'S** inspectors.

(b) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article;

(2) may issue a civil citation under § 26–2603 of this title; and

(3) has the authority to order that an unlicensed establishment be closed immediately under § 26–2501 of this title.

(c) An inspector shall:

(1) visit and inspect periodically every licensed premises; and

(2) carry out other duties that the Board requires.

(d) Inspectors are subject to the restrictions under:

(1) § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee; and

(2) § 26–205(d) of this subtitle requiring an employee to devote full time to the business of the Board, prohibiting certain activities, and requiring removal for violation of those requirements and prohibitions.

(e) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) There are **UP TO** three full-time inspectors and **UP TO** 24 part-time inspectors of the Board **AS PROVIDED IN THE COUNTY BUDGET**.

(2) To be a full-time or part-time inspector, an individual shall be a resident of the county.

(3) (i) From the full-time inspectors, the Board shall designate annually a chief inspector and ~~UP TO~~ two deputy chief inspectors.

(ii) Under the direction of the Board, the chief inspector shall regulate the duties, hours, and assignments of the inspectors.

(4) The full-time inspectors who are certified by the personnel director as meeting the standards that the county merit board sets out are included in the county merit system.

(g) A part-time inspector shall receive a salary [of \$13,900 annually] AS PROVIDED IN THE COUNTY BUDGET.

**26-206.1.**

**(A) (1) A MEMBER OF THE BOARD IS SUBJECT TO THE RESTRICTIONS ON EARNED INCOME THAT A FILED CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY, A MEMBER-ELECT OF THE GENERAL ASSEMBLY, AND A MEMBER OF THE GENERAL ASSEMBLY ARE SUBJECT TO UNDER § 5-514(A)(1) OF THE GENERAL PROVISIONS ARTICLE.**

**(2) THE PRINCE GEORGE'S COUNTY BOARD OF ETHICS MAY EXEMPT A MEMBER OF THE BOARD FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IN THE SAME MANNER THAT THE JOINT ETHICS COMMITTEE MAY EXEMPT AN INDIVIDUAL FROM § 5-514(A)(1) OF THE GENERAL PROVISIONS ARTICLE.**

**(B) AN ACTION OF A MEMBER, AN INSPECTOR, OR AN EMPLOYEE OF THE BOARD IS SUBJECT TO STATE REQUIREMENTS OF THE PUBLIC INFORMATION ACT UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

**26-209.**

**(A) ALL MEMBERS, EMPLOYEES, AND INSPECTORS OF THE BOARD ARE SUBJECT TO THE COUNTY'S PUBLIC ETHICS LAWS ENACTED UNDER § 5-807 OF THE GENERAL PROVISIONS ARTICLE TO THE SAME EXTENT AS A LOCAL OFFICIAL OF THE COUNTY.**

**(B) (1) A PERSON MAY FILE A COMPLAINT WITH THE COUNTY'S OFFICE OF ETHICS AND ACCOUNTABILITY IF THE PERSON BELIEVES THAT A MEMBER, AN EMPLOYEE, OR AN INSPECTOR OF THE BOARD HAS VIOLATED:**

**(I) ANY PROVISION OF CIVIL OR CRIMINAL LAW, INCLUDING LAWS AGAINST BRIBERY, IN CONNECTION WITH THE PERFORMANCE OF THE DUTIES OF THE MEMBER, EMPLOYEE, OR INSPECTOR; OR**

**(II) ANY PROVISION OF THE COUNTY'S PUBLIC ETHICS LAWS.**

**(2) IF A COMPLAINT IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY'S OFFICE OF ETHICS AND ACCOUNTABILITY SHALL:**

**(I) INVESTIGATE THE COMPLAINT; AND**

(II) IF APPROPRIATE, REFER THE COMPLAINT TO THE STATE'S ATTORNEY OF THE COUNTY FOR CRIMINAL PROSECUTION.

Article – General Provisions

5–809.

(a) In this section, “local official” includes an individual who is designated as a local official and whose position is funded wholly or partly by the State.

(b) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection and subsection (c) of this section, the financial disclosure provisions enacted by a county or municipal corporation under § 5–807 of this subtitle:

(i) shall be similar to the provisions of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(2) The financial disclosure provisions for elected local officials enacted by a county or municipal corporation under § 5–807 of this subtitle:

(i) shall be equivalent to or exceed the requirements of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

**(3) THE FINANCIAL DISCLOSURE PROVISIONS FOR MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY ENACTED BY PRINCE GEORGE’S COUNTY UNDER § 5–807 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE.**

Article – State Government

2–1220.

**(G) (1) BEGINNING ON JULY 1, 2017, AND AT LEAST ONCE EVERY 3 YEARS THEREAFTER, THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT A PERFORMANCE AUDIT OF THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE MANAGEMENT PRACTICES OF THE BOARD AND OF THE ECONOMY WITH WHICH THE BOARD USES RESOURCES.**

**(2) THE PERFORMANCE AUDIT SHALL FOCUS ON OPERATIONS RELATING TO LIQUOR INSPECTIONS, LICENSING, DISCIPLINARY PROCEDURES, AND MANAGEMENT OVERSIGHT.**

2-1223.

(a) (1) Except as prohibited by the federal Internal Revenue Code, during an examination, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

(2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of:

(i) any local school system to perform the audits authorized under § 2-1220 of this subtitle or in accordance with a request for information as provided in § 5-114(d) of the Education Article; [and]

(ii) the Board of Liquor License Commissioners for Baltimore City to perform the audits authorized under § 2-1220(f) of this subtitle; AND

**(III) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY TO PERFORM THE AUDITS AUTHORIZED UNDER § 2-1220(G) OF THIS SUBTITLE.**

2-1224.

(a) In this section, "unit" includes:

(1) the Board of Liquor License Commissioners for Baltimore City; AND

(2) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY.

(b) Except with the written approval of the Legislative Auditor, an employee or authorized representative of the Office of Legislative Audits shall submit any report of findings only to the Legislative Auditor.

(c) (1) On the completion of each examination, the Legislative Auditor shall submit a full and detailed report to the Joint Audit Committee.

(2) A report shall include:

(i) the findings;

(ii) any appropriate recommendations for changes in record keeping or in other conduct of the unit or body that is the subject of the report; and

(iii) any response of that unit or body, subject to procedures approved by the Joint Audit Committee.

(d) The Legislative Auditor shall send a copy of the report to:

(1) the President of the Senate and the Speaker of the House of Delegates;

(2) the Chairmen of the Senate Budget and Taxation and House Appropriations Committees;

(3) members of the General Assembly, subject to § 2-1246 of this subtitle;

(4) the Governor, unless the report is of the Board of Liquor License Commissioners for Baltimore City **OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;**

(5) the Comptroller;

(6) the State Treasurer, unless the report is of the Board of Liquor License Commissioners for Baltimore City **OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;**

(7) the Attorney General, unless the report is of the Board of Liquor License Commissioners for Baltimore City **OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;**

(8) the unit or body that is the subject of the report;

(9) the Secretary of Budget and Management, unless the report is of the Board of Liquor License Commissioners for Baltimore City **OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;**

(10) the Executive Director; and

(11) any other person whom the Joint Audit Committee specifies.

(e) In addition to the requirements of subsection (d) of this section, each report of:

(1) a local school system shall be distributed to the chair of the House Ways and Means Committee and the cochairs of the Joint Committee on the Management of Public Funds; [and]

(2) the Board of Liquor License Commissioners for Baltimore City shall be distributed to the chair of the Baltimore City delegation and the chair of the Baltimore City senators; AND

**(3) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY SHALL BE DISTRIBUTED TO:**

**(I) THE PRINCE GEORGE’S COUNTY COUNCIL;**

**(II) THE PRINCE GEORGE’S COUNTY EXECUTIVE;**

**(III) THE CHAIR OF THE PRINCE GEORGE’S COUNTY HOUSE DELEGATION TO THE GENERAL ASSEMBLY; AND**

**(IV) THE CHAIR OF THE PRINCE GEORGE’S COUNTY SENATE DELEGATION TO THE GENERAL ASSEMBLY.**

SECTION 2. AND BE IT FURTHER ENACTED, That ~~the terms:~~

(a) The term of office of the members of the Board of License Commissioners for Prince George’s County, or their successors selected to fill a vacancy, who are in office as of the effective date of this Act, shall terminate on the effective date of this Act.

(b) A member whose term is terminated under subsection (a) of this section shall continue to serve until a successor is appointed.

**SECTION 3. AND BE IT FURTHER ENACTED, That:**

(a) The County Executive shall hire an outside professional consultant on or before September 1, 2017, to review the standard operating procedures of the Board.

(b) In conducting the review, the consultant shall:

(1) compare the standard operating procedures to best practices in the area as well as to the standard operating procedures of other boards of license commissioners throughout the State; and

(2) recommend changes to improve the operation and efficiency of the Board.

(c) The consultant shall submit a report detailing the findings and recommendations to the Prince George’s County Executive, the Prince George’s County

Council, the Prince George's County House Delegation to the General Assembly, and the Prince George's County Senate Delegation to the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That an inspector appointed before the effective date of this Act shall be placed in the classified service of the Prince George's County personnel system.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 812

(House Bill 1317)

AN ACT concerning

**Prince George's County ~~Delegation – Appointment of Board of License Commissioners~~ Alcoholic Beverages Regulation Reform Act of 2017**

PG 310-17

FOR the purpose of ~~repealing the requirement that~~ requiring the County Executive for Prince George's County, instead of the Governor, to appoint all of the members of to the Board of License Commissioners for Prince George's County; requiring the County Executive to make the appointments, to be made subject to confirmation by the ~~Prince George's County Council~~ Senate; requiring a confirmation hearing before the Prince George's County ~~Council~~ Senate Delegation to be held within a certain time; requiring members of the Board to have a certain type of experience; repealing certain appointment procedures for members of the Board; requiring the County Executive to consider the need for certain types of diversity when evaluating an applicant for membership on the Board; prohibiting a member of the Board from soliciting or receiving certain benefits; prohibiting certain individuals from soliciting or receiving certain benefits from certain individuals; prohibiting a member of the Board from being appointed to more than a certain number of terms; requiring the County Executive, rather than the Governor, to ~~make an appointment~~ appoint an eligible individual to fill a vacancy under certain circumstances; providing that a vacancy appointment is subject to a certain confirmation hearing; authorizing the County Executive rather than the Governor to remove a member under certain conditions circumstances; requiring a certain certification letter to be addressed to the County Executive rather than the Governor; requiring the County Executive

rather than the Governor to appoint the chair of the Board; repealing a provision of law prohibiting the County Executive and *the* County Council from adopting a certain policy; ~~authorizing the Board to set the compensation of the Board employees in accordance with the county's classification plan; replacing the position of Board administrator with the position of executive director of the Board; requiring the County Executive to appoint the executive director, subject to confirmation by the County Council; providing for the salary of the executive director; allowing the executive director to participate in the county's supplemental retirement plan; requiring that the attorney whom the Board appoints shall receive an amount as specified in the county budget; repealing certain provisions of law regarding the compensation of the attorney; requiring that an employee of the Board be subject to the county ethics laws; specifying that the expenses of the Board be contained in the county budget; repealing certain provisions of law regarding the payment of certain expenses; altering the number of full-time inspectors and the number of part-time inspectors; altering the salary of a part-time inspector; providing that the terms of office of the members of the Board or successor members who are in office as of the effective date of this Act shall terminate on a certain date; providing for staggered terms of office for members appointed after a certain date~~ requiring the Board to appoint a director, rather than an administrator; altering certain provisions relating to the salary and expenses of certain members and employees of the Board; altering the number of full-time and part-time inspectors of the Board; authorizing, except under certain circumstances, certain individuals to hold certain employment; providing that a member of the Board is subject to the same restrictions on earned income as certain individuals are under a certain provision of law; authorizing the Prince George's County Board of Ethics to exempt a member of the Board from the restriction on earned income; requiring certain individuals to comply with certain public ethics laws; requiring that certain financial disclosure provisions for the Board be equivalent to or exceed the requirements of a certain provision of law; providing that the members, employees, and inspectors of the Board are subject to certain public ethics laws to the same extent as certain local officials; authorizing a person to file a complaint with the county's Office of Ethics and Accountability under certain circumstances; requiring the Office of Ethics and Accountability to take certain action if a complaint is filed; requiring that the Office of Legislative Audits to conduct a certain audit of the Board and focus on certain matters; authorizing the employees and authorized representatives of the Office of Legislative Audits to have access to certain records for a certain purpose; exempting certain audit reports from the requirement that the Legislative Auditor send copies of audit reports to certain individuals; requiring that certain audit reports to be sent to certain persons; providing for the termination of certain terms of office *requiring certain audit reports to be sent to certain persons; providing that the terms of office of the members of the Board or successor members who are in office as of the effective date of this Act shall terminate as of the effective date of this Act; requiring the County Executive to employ an outside professional consultant to review certain standard operating procedures, make a certain comparison, and recommend certain changes; making conforming changes; defining a certain term; altering a certain definition; making this Act an emergency measure; and generally relating to the Board of License Commissioners for Prince George's County.*

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 26–102  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 26–202 through 26–206  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 26–206.1 and 26–209  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – General Provisions  
Section 5–809(a)  
Annotated Code of Maryland  
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – General Provisions  
Section 5–809(b)  
Annotated Code of Maryland  
(2014 Volume and 2016 Supplement)

BY adding to  
Article – State Government  
Section 2–1220(g)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 2–1223(a) and 2–1224(a), (d), and (e)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 2–1224(b) and (c)  
Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

26–102.

This title applies only in Prince George’s County.

26–202.

(a) ~~¶(1)¶~~ The [Governor] COUNTY EXECUTIVE shall appoint five members to the Board SUBJECT TO CONFIRMATION BY THE ~~COUNTY COUNCIL~~ SENATE.

~~¶(2) The appointments shall be made:~~

~~(i) if the Senate is in session, with the advice and consent of the Senate; or~~

~~(ii) if the Senate is not in session, by the Governor alone~~

(I) WITHIN 60 DAYS AFTER NOMINATION BY THE COUNTY EXECUTIVE, AND NOT LESS THAN 7 DAYS BEFORE A CONFIRMATION VOTE ON A NOMINEE IS SCHEDULED, THE COUNTY COUNCIL PRINCE GEORGE’S COUNTY SENATE DELEGATION SHALL HOLD A PUBLIC CONFIRMATION HEARING FOR AN INDIVIDUAL NOMINATED TO THE BOARD.

~~(II) IF THE COUNTY COUNCIL DOES NOT HOLD A PUBLIC HEARING AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE NOMINEE SHALL BECOME A MEMBER OF THE BOARD IF A CANDIDATE IS NOMINATED FOR THE BOARD AND IS NOT CONFIRMED BY THE SENATE DURING THE FOLLOWING SESSION:~~

1. THE SEAT SHALL BE DECLARED VACANT; AND

2. THE COUNTY EXECUTIVE SHALL NOMINATE AN INDIVIDUAL TO FILL THE VACANCY.

(III) A CANDIDATE WHO IS NOT CONFIRMED BY THE SENATE MAY BE RENOMINATED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE SENATE ONLY DURING THE FOLLOWING SESSION.¶

(b) [(1) (i) Four members of the Board shall be, at the time of appointment, members of the political party that at the last preceding gubernatorial election polled the highest number of votes in the county for Governor.

(ii) One member of the Board shall be, at the time of appointment, a member of the political party that at the last preceding gubernatorial election polled the second highest number of votes in the county for Governor.

[(2) (i) Before making an appointment or filling a vacancy, the Governor shall request the central committees for the county representing each of the two leading political parties of the State to designate at least four eligible candidates for each position to be filled.

(ii) Except as provided in subparagraph (iii) of this paragraph, the Governor shall appoint one of the designated individuals.

(iii) If the Governor decides that all of the individuals are unfit or incompetent, the Governor:

1. may not appoint any of the individuals;
2. shall file a written statement with the Secretary of State, setting forth the facts and the grounds for the decision and calling on the central committees for a new list of six names for each position to be filled; and
3. shall make the appointments from the new list and the original list.‡

[(3)] ~~(2)~~ (1) A member shall be:

- (i) a resident and voter of the county; and
- (ii) a person of high character and integrity ~~and of recognized business capacity.~~

**(2) EACH MEMBER OF THE BOARD SHALL HAVE:**

**(I) LEGAL EXPERIENCE;**

**(II) PUBLIC SAFETY EXPERIENCE;**

**(III) REGULATORY EXPERIENCE; OR**

**(IV) ~~BUSINESS~~ MANAGEMENT EXPERIENCE.**

**(3) WHEN EVALUATING AN APPLICANT FOR MEMBERSHIP ON THE BOARD, THE COUNTY EXECUTIVE SHALL CONSIDER THE NEED FOR GEOGRAPHIC, POLITICAL, RACIAL, ETHNIC, AND GENDER DIVERSITY ON THE BOARD.**

(c) (1) In this subsection, “direct or indirect interest” means an interest that is proprietary or obtained by a loan, mortgage, or lien, or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises in the State where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises in the State where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State; ~~or~~

(iv) solicit or receive a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder;

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY OR ON BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL CONTRIBUTION, REMUNERATION, OR GIFT FROM A PERSON ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**(VI) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM A LICENSE HOLDER.**

(d) (1) In this subsection, “candidate”, “contribution”, and “political committee” have the meanings stated in § 1–101 of the Election Law Article.

(2) A member of the Board may not solicit or transmit a contribution for the benefit of a candidate or political committee from:

(i) a person engaged in the sale of alcoholic beverages in the county or an agent or employee of the person; or

(ii) a license holder.

(e) (1) The term of a member is 3 years.

(2) The terms of the members are staggered ~~as~~ required by the terms provided for members of the Board on July 1, 2016~~†~~.

**(3) A MEMBER MAY NOT BE APPOINTED TO MORE THAN THREE TERMS.**

(f) (1) The ~~[Governor]~~ **COUNTY EXECUTIVE** shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

**(3) AN APPOINTMENT MADE TO FILL A VACANCY IS SUBJECT TO A CONFIRMATION HEARING BY THE ~~COUNTY COUNCIL~~ SENATE UNDER SUBSECTION (A) OF THIS SECTION.**

(g) ~~[(1)]~~ The ~~[Governor]~~ **COUNTY EXECUTIVE** may remove a member for misconduct in office, incompetence, or willful neglect of duty.

~~[(2)]~~ The ~~Governor~~ **COUNTY EXECUTIVE** shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the ~~Governor~~ **COUNTY EXECUTIVE** shall file with the Office of the Secretary of State a statement of charges against the member and the ~~Governor's~~ **COUNTY EXECUTIVE'S** findings on the charges.~~†~~

(h) (1) If a member of the Board stops residing in or being a registered voter of the county, the member shall immediately forfeit the office as a license commissioner for the county.

(2) (i) A member of the Board may not serve in any other position of public office.

(ii) On filing a certificate of candidacy for election to a public office or within 30 days before the filing deadline for the primary election for the public office sought, whichever occurs later, a member of the Board shall certify to the County Board of Elections under oath that the individual is no longer a member of the Board.

(iii) The certification shall be accompanied by a letter addressed to the [Governor] COUNTY EXECUTIVE containing the resignation of the member from the Board.

26–203.

In making the appointments, the [Governor] COUNTY EXECUTIVE shall designate a chair from among the members of the Board.

26–204.

(a) The Board shall meet at least twice each month.

(b) (1) (i) The chair of the Board shall receive a salary of \$22,000 annually.

(ii) Each other member of the Board shall receive a salary of \$20,000 annually.

(2) The chair and each other member of the Board are eligible for:

(i) all county health benefits; and

(ii) membership in and retirement benefits of the State Retirement and Pension System.

(3) The health benefits under paragraph (2)(i) of this subsection include hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement.

[(4) The County Executive and County Council may not adopt through public local law a policy contrary to paragraph (2) of this subsection.]

26–205.

(a) Subject to this section and § 26–206 of this subtitle, the ~~Board~~ **DIRECTOR** may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees IN ACCORDANCE WITH THE COUNTY'S CLASSIFICATION PLAN.

(b) (1) The ~~{Board} COUNTY EXECUTIVE~~ shall appoint ~~an~~ A [administrator] ~~EXECUTIVE DIRECTOR, SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.~~

(2) The [administrator] ~~EXECUTIVE DIRECTOR~~ shall serve at the will of the ~~{Board} COUNTY EXECUTIVE~~ and devote full time to the duties of the Board.

(3) The [administrator may] ~~EXECUTIVE DIRECTOR SHALL~~ MAY receive a salary [of \$40,705 annually] as determined by the [Board after a performance evaluation] ~~COUNTY EXECUTIVE AND AS PROVIDED IN THE COUNTY BUDGET.~~

(4) ~~(i)~~ The [administrator] ~~EXECUTIVE DIRECTOR~~ is eligible to participate in the county's supplemental retirement plan.

~~(ii) The County Executive and County Council may not adopt through public local law a policy contrary to subparagraph (i) of this paragraph.~~

**(5) THE DIRECTOR SHALL FOLLOW THE REQUIREMENTS OF SUBTITLE 16 OF THE PRINCE GEORGE'S COUNTY CODE WHILE HIRING ANY EMPLOYEES UNDER SUBSECTION (A) OF THIS SECTION.**

(c) [(1)] The Board shall appoint an attorney who shall [serve at the will of the Board] ~~RECEIVE A SALARY AS PROVIDED IN THE COUNTY BUDGET.~~

[(2)] The County Council shall pay the attorney:

(i) a salary of \$18,500 annually;

(ii) all court costs and expenses incurred while performing the duties of attorney; and

(iii) legal fees that the Board approves for representing the Board in court.

(3) The Board shall establish the fee rate for representing the Board in court.

(4) The attorney is eligible for:

(i) all county health benefits, including hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement; and

(ii) membership in and retirement benefits of the State Retirement and Pension System.

(5) The County Executive and County Council may not adopt through public local law a policy contrary to paragraph (4) of this subsection.]

(d) (1) The restrictions under § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee apply to employees of the Board.

(2) An employee of the Board:

(i) shall devote full time to the business of the Board during the hours designated by the Board for the performance of the employee's official duties;

(ii) may not engage in an occupation, business, or profession connected to or associated with the manufacture or sale of alcoholic beverages; and

(iii) may not transact business beyond the employee's official duties:

1. with a license holder; or

2. in connection with the operation of an establishment licensed for the manufacture or sale of alcoholic beverages.

(3) An employee of the Board who violates this section shall be removed.

~~(4) AN EMPLOYEE OF THE BOARD IS SUBJECT TO THE COUNTY ETHICS LAWS.~~

(e) (1) [Subject to paragraph (3) of this subsection, on] **ON** the submission by the Board of an annual budget, the County Council shall pay for all expenses of the Board **AS CONTAINED IN THE COUNTY BUDGET.**

(2) In the budget, the salaries of the members [and the attorney for the Board and any additional compensation for legal fees for the attorney] shall be as set forth under [subsection (c) of this section and §§ 26–204 and 26–206(g)] **§ 26–204** of this subtitle.

[(3) (i) Except as provided in § 26–206(g) of this subtitle, payments for all other expenses shall be at the discretion of the County Council, including:

1. the salary of the administrator under subsection (b)(3) of this section;

2. compensation of other personnel, who shall be qualified and employed under the county merit system;

3. printing;
4. supplies; and
5. office space.

(ii) The County Executive and the County Council shall recognize and categorize the Board as a public safety agency for budgetary purposes.

(iii) The County Council may include in the budget an amount not to exceed \$50,000 for the purpose of maintaining software and mobile devices used to modernize practices and increase the efficiency and transparency of the Board.]

26–206.

(a) The ~~Board~~ **DIRECTOR** shall appoint all of ~~its~~ **THE BOARD'S** inspectors.

(b) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article;

(2) may issue a civil citation under § 26–2603 of this title; and

(3) has the authority to order that an unlicensed establishment be closed immediately under § 26–2501 of this title.

(c) An inspector shall:

(1) visit and inspect periodically every licensed premises; and

(2) carry out other duties that the Board requires.

(d) Inspectors are subject to the restrictions under:

(1) § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee; and

(2) § 26–205(d) of this subtitle requiring an employee to devote full time to the business of the Board, prohibiting certain activities, and requiring removal for violation of those requirements and prohibitions.

(e) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) There are ~~[UP TO three]~~ **TWO** full-time inspectors and ~~[UP TO 24]~~ **NOT MORE THAN 16** part-time inspectors of the Board **AS PROVIDED IN THE COUNTY BUDGET.**

(2) To be a full-time or part-time inspector, an individual shall be a resident of the county.

(3) (i) From the full-time inspectors, the Board shall designate annually a chief inspector and ~~[two]~~ **ONE** deputy chief ~~[inspectors]~~ **INSPECTOR.**

(ii) Under the direction of the Board, the chief inspector shall regulate the duties, hours, and assignments of the inspectors.

(4) The full-time inspectors who are certified by the personnel director as meeting the standards that the county merit board sets out are included in the county merit system.

(g) A part-time inspector shall receive ~~[a]~~ **THE** salary [of \$13,900 annually] **THAT IS AS PROVIDED IN THE COUNTY BUDGET.**

### 26-206.1.

~~(A) IN THIS SECTION, "DIRECT OR INDIRECT INTEREST" MEANS AN INTEREST THAT IS:~~

~~(1) PROPRIETARY;~~

~~(2) OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER; OR~~

~~(3) BENEFICIALLY OWNED THROUGH AN INVESTMENT VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE BENEFICIARY DOES NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR PARTICIPATE IN THE INTERMEDIARY'S INVESTMENT DECISIONS.~~

~~(B) (1) A MEMBER OF THE BOARD IS SUBJECT TO THE RESTRICTIONS ON EARNED INCOME THAT A FILED CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY, A MEMBER-ELECT OF THE GENERAL ASSEMBLY, AND A MEMBER OF THE GENERAL ASSEMBLY ARE SUBJECT TO UNDER § 5-514(A)(1) OF THE GENERAL PROVISIONS ARTICLE.~~

~~(2) THE PRINCE GEORGE'S COUNTY BOARD OF ETHICS MAY EXEMPT A MEMBER OF THE BOARD FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IN THE SAME MANNER THAT THE JOINT ETHICS COMMITTEE MAY~~

EXEMPT AN INDIVIDUAL FROM § 5-514(A)(1) OF THE GENERAL PROVISIONS ARTICLE.

~~(C)~~ (B) AN ACTION OF A MEMBER, AN INSPECTOR, OR AN EMPLOYEE OF THE BOARD IS SUBJECT TO STATE REQUIREMENTS OF THE PUBLIC INFORMATION ACT UNDER TITLE 3 4 OF THE GENERAL PROVISIONS ARTICLE.

26-209.

(A) ALL MEMBERS, EMPLOYEES, AND INSPECTORS OF THE BOARD ARE SUBJECT TO THE COUNTY'S PUBLIC ETHICS LAWS ENACTED UNDER § 5-807 OF THE GENERAL PROVISIONS ARTICLE TO THE SAME EXTENT AS A LOCAL OFFICIAL OF THE COUNTY.

(B) (1) A PERSON MAY FILE A COMPLAINT WITH THE COUNTY'S OFFICE OF ETHICS AND ACCOUNTABILITY IF THE PERSON BELIEVES THAT A MEMBER, AN EMPLOYEE, OR AN INSPECTOR OF THE BOARD HAS VIOLATED:

(I) ANY PROVISION OF CIVIL OR CRIMINAL LAW, INCLUDING LAWS AGAINST BRIBERY, IN CONNECTION WITH THE PERFORMANCE OF THE DUTIES OF THE MEMBER, EMPLOYEE, OR INSPECTOR; OR

(II) ANY PROVISION OF THE COUNTY'S PUBLIC ETHICS LAWS.

(2) IF A COMPLAINT IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY'S OFFICE OF ETHICS AND ACCOUNTABILITY SHALL:

(I) INVESTIGATE THE COMPLAINT; AND

(II) IF APPROPRIATE, REFER THE COMPLAINT TO THE STATE'S ATTORNEY OF THE COUNTY FOR CRIMINAL PROSECUTION.

Article – General Provisions

5-809.

(a) In this section, "local official" includes an individual who is designated as a local official and whose position is funded wholly or partly by the State.

(b) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection and subsection (c) of this section, the financial disclosure provisions enacted by a county or municipal corporation under § 5-807 of this subtitle:

(i) shall be similar to the provisions of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(2) The financial disclosure provisions for elected local officials enacted by a county or municipal corporation under § 5–807 of this subtitle:

(i) shall be equivalent to or exceed the requirements of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

**(3) THE FINANCIAL DISCLOSURE PROVISIONS FOR MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY ENACTED BY PRINCE GEORGE’S COUNTY UNDER § 5–807 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE.**

#### Article – State Government

2–1220.

**(G) (1) BEGINNING ON JULY 1, 2017, AND AT LEAST ONCE EVERY 3 YEARS THEREAFTER, THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT A PERFORMANCE AUDIT OF THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE MANAGEMENT PRACTICES OF THE BOARD AND OF THE ECONOMY WITH WHICH THE BOARD USES RESOURCES.**

**(2) THE PERFORMANCE AUDIT SHALL FOCUS ON OPERATIONS RELATING TO LIQUOR INSPECTIONS, LICENSING, DISCIPLINARY PROCEDURES, AND MANAGEMENT OVERSIGHT.**

2–1223.

(a) (1) Except as prohibited by the federal Internal Revenue Code, during an examination, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

(2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of:

(i) any local school system to perform the audits authorized under § 2-1220 of this subtitle or in accordance with a request for information as provided in § 5-114(d) of the Education Article; [and]

(ii) the Board of Liquor License Commissioners for Baltimore City to perform the audits authorized under § 2-1220(f) of this subtitle; AND

**(III) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY TO PERFORM THE AUDITS AUTHORIZED UNDER § 2-1220(G) OF THIS SUBTITLE.**

2-1224.

(a) In this section, "unit" includes:

(1) the Board of Liquor License Commissioners for Baltimore City; AND

**(2) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY.**

(b) Except with the written approval of the Legislative Auditor, an employee or authorized representative of the Office of Legislative Audits shall submit any report of findings only to the Legislative Auditor.

(c) (1) On the completion of each examination, the Legislative Auditor shall submit a full and detailed report to the Joint Audit Committee.

(2) A report shall include:

(i) the findings;

(ii) any appropriate recommendations for changes in record keeping or in other conduct of the unit or body that is the subject of the report; and

(iii) any response of that unit or body, subject to procedures approved by the Joint Audit Committee.

(d) The Legislative Auditor shall send a copy of the report to:

- (1) the President of the Senate and the Speaker of the House of Delegates;
  - (2) the Chairmen of the Senate Budget and Taxation and House Appropriations Committees;
  - (3) members of the General Assembly, subject to § 2–1246 of this subtitle;
  - (4) the Governor, unless the report is of the Board of Liquor License Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY;
  - (5) the Comptroller;
  - (6) the State Treasurer, unless the report is of the Board of Liquor License Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY;
  - (7) the Attorney General, unless the report is of the Board of Liquor License Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY;
  - (8) the unit or body that is the subject of the report;
  - (9) the Secretary of Budget and Management, unless the report is of the Board of Liquor License Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY;
  - (10) the Executive Director; and
  - (11) any other person whom the Joint Audit Committee specifies.
- (e) In addition to the requirements of subsection (d) of this section, each report of:
- (1) a local school system shall be distributed to the chair of the House Ways and Means Committee and the cochairs of the Joint Committee on the Management of Public Funds; [and]
  - (2) the Board of Liquor License Commissioners for Baltimore City shall be distributed to the chair of the Baltimore City delegation and the chair of the Baltimore City senators; AND
  - (3) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY SHALL BE DISTRIBUTED TO:
- (I) THE PRINCE GEORGE’S COUNTY COUNCIL;

**(II) THE PRINCE GEORGE'S COUNTY EXECUTIVE;**

**(III) THE CHAIR OF THE PRINCE GEORGE'S COUNTY HOUSE DELEGATION TO THE GENERAL ASSEMBLY; AND**

**(IV) THE CHAIR OF THE PRINCE GEORGE'S COUNTY SENATE DELEGATION TO THE GENERAL ASSEMBLY.**

SECTION 2. AND BE IT FURTHER ENACTED, That ~~the~~:

(a) The term of office of the members of the Board of License Commissioners for Prince George's County, or their successors selected to fill a vacancy, who are in office as of the effective date of this Act, shall terminate on April 30, 2017 the effective date of this Act.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the terms of office of the initial members of the Board of License Commissioners for Prince George's County who are appointed on or after April 30, 2017, shall expire as follows:~~

- ~~(1) two members on April 30, 2018;~~
- ~~(2) two members on April 30, 2019; and~~
- ~~(3) one member on April 30, 2020.~~

(b) A member whose term is terminated under subsection (a) of this section shall continue to serve until a successor is appointed.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The County Executive shall hire an outside professional consultant on or before September 1, 2017, to review the standard operating procedures of the Board.

(b) In conducting the review, the consultant shall:

(1) compare the standard operating procedures to best practices in the area as well as to the standard operating procedures of other boards of license commissioners throughout the State; and

(2) recommend changes to improve the operation and efficiency of the Board.

(c) The consultant shall submit a report detailing the findings and recommendations to the Prince George's County Executive, the Prince George's County Council, the Prince George's County House Delegation to the General Assembly, and the Prince George's County Senate Delegation to the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That an inspector appointed before the effective date of this Act shall be placed in the classified service of the Prince George's County personnel system.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 813

(House Bill 1283)

AN ACT concerning

### Alcoholic Beverages – Class 5 Brewery License

FOR the purpose of ~~repealing~~ altering a certain provision of law authorizing a holder of a Class 5 brewery license to serve certain samples of beer ~~brewed at the brewery~~ to certain individuals at no charge; authorizing a license holder to brew and bottle beer at a location other than the Class 5 brewery under certain circumstances; authorizing a certain type of Class 5 brewery to sell beer for on-premises consumption under certain circumstances; specifying that beer sold by a holder of a Class 5 brewery license at retail to a certain individual for off-premises consumption must be in a container other than a keg; ~~repealing~~ altering certain provisions of law ~~requiring to authorize rather than require~~ a local licensing board to grant an on-site consumption permit to a certain applicant ~~and to take certain related actions; repealing a certain provision of law authorizing a local licensing board to charge a certain fee; authorizing a local licensing board to issue in a certain manner a Class D beer license for on-premises consumption to a holder of a Class 5 brewery license;~~ establishing certain requirements for the beer that the holder of a Class 5 brewery license serves for on-premises consumption; altering the maximum amount of beer that the license holder may sell for on-premises consumption each year; authorizing the license holder to file a request to sell up to a certain additional amount of beer in a single year under certain circumstances; requiring that beer sold in excess of a certain amount be purchased from a licensed wholesaler; providing that a certain Class D beer license entitles the holder to sell beer ~~brewed at the brewery under a certain trade name~~ to a certain individual for on-premises consumption under certain circumstances; requiring a holder of a ~~Class D beer~~ certain permit or license ~~or a certain employee~~ to comply with certain alcohol awareness training requirements; requiring a holder of a ~~Class D beer~~ certain permit or license to abide by certain trade

practice restrictions; ~~repealing a certain provision of law authorizing a holder of a brewery promotional event permit to provide certain samples to consumers;~~ authorizing the holder of certain licenses and permits to exercise the certain privileges of the licenses and permits only during certain hours on certain days; defining a certain term; requiring the Comptroller to report certain information to certain committees each year; authorizing the Comptroller to include certain information in a certain report; requiring certain license holders to report certain information for certain purposes; making conforming and clarifying changes; providing for the termination of certain provisions of this Act; and generally relating to Class 5 brewery licenses.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 2–207  
 Annotated Code of Maryland  
 (2016 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

2–207.

**(A) IN THIS SECTION, “AFFILIATE” MEANS A PERSON THAT DIRECTLY OR INDIRECTLY THROUGH ONE OR MORE INTERMEDIARIES CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A HOLDER OF A CLASS 5 BREWERY LICENSE.**

~~(B)~~ **(B)** There is a Class 5 brewery license.

~~(C)~~ **(C)** A license holder may:

(1) establish and operate a plant for brewing and bottling malt beverages at the location described in the license;

(2) import beer from a holder of a nonresident dealer’s permit;

**(3) CONTRACT TO BREW AND BOTTLE BEER WITH AND ON BEHALF OF THE HOLDER OF A CLASS 2 RECTIFYING LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, CLASS 8 FARM BREWERY LICENSE, OR A NONRESIDENT DEALER’S PERMIT;**

~~(4)~~ **(4)** sell and deliver beer to:

(i) a holder of a wholesaler's license that is authorized to acquire beer; or

(ii) a person outside of the State that is authorized to acquire beer;

~~(4) (5)~~  ~~[serve, SUBJECT TO SUBSECTION (1) OF THIS SECTION, SERVE, at no charge, not more than six samples of beer FERMENTED AND brewed ENTIRELY at the brewery, with each sample consisting of A TOTAL OF not more than 3 18 ounces from a single style of beer PER DAY VISIT, to an individual who:~~

(i) has attained the legal drinking age; and

(ii) is participating in a guided tour of the brewery or attends a scheduled promotional event or other organized activity at the brewery;

~~(5) (6)]~~ subject to ~~subsection (c) of this section,~~ sell beer ~~FERMENTED AND brewed ENTIRELY at the brewery~~ **SUBSECTIONS (D) AND (I) OF THIS SECTION, SELL BEER** for off-premises consumption at retail IN A CONTAINER OTHER THAN A KEG to an individual participating in a guided tour of the brewery or attending a scheduled promotional event or other organized activity at the brewery; and

~~[(6)(7)]-(5)~~ subject to subsection ~~(e)~~ **(F)** of this section, sell beer ~~FERMENTED AND brewed ENTIRELY~~ at the location described in the license for on-premises consumption.

~~(e) (D)~~ An individual may purchase beer under subsection ~~[(4)(5) (C)(6)]~~ ~~(B)(4)~~ of this section if the individual:

(1) purchases not more than 288 ounces of beer PER DAY VISIT; and

(2) has attained the legal drinking age.

~~(d) (E)~~ The annual license fee is \$1,500.

~~(e) (F)~~ (1) A local licensing board ~~[shall~~ **MAY** grant an on-site consumption permit] ~~MAY ISSUE, IN ACCORDANCE WITH TITLE 4 OF THIS ARTICLE, A CLASS D BEER LICENSE FOR ON-PREMISES CONSUMPTION~~ to an applicant that holds a Class 5 brewery license ~~[and, subject to paragraph (3) (6) of this subsection, a Class D beer license].~~

~~(2) (i)~~ ~~[An on-site consumption permit] A OR A CLASS D BEER LICENSE OR AN EQUIVALENT LICENSE UNDER PARAGRAPH (3) OF THIS SUBSECTION~~ entitles the holder to sell beer ~~FERMENTED AND brewed ENTIRELY at the brewery UNDER THE TRADE NAME OF THE LICENSE HOLDER~~ for on-premises consumption to an individual who has attained the legal drinking age.

(2) SUBJECT TO THE MAXIMUM VOLUME LIMIT UNDER PARAGRAPH (4) OF THIS SUBSECTION, A CLASS D BEER LICENSE OR AN EQUIVALENT LICENSE UNDER PARAGRAPH (6) OF THIS SUBSECTION ENTITLES THE HOLDER TO SELL TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE, FOR ON-PREMISES CONSUMPTION AT THE BREWERY:

(I) BEER:

1. OF WHICH THE HOLDER OF THE CLASS 5 LICENSE IS THE BRAND OWNER; AND

2. THAT IS FERMENTED AND BREWED ENTIRELY AT THE BREWERY OF THE LICENSE HOLDER;

(II) BEER THAT IS FERMENTED AND BREWED ENTIRELY AT THE BREWERY UNDER CONTRACT WITH A BRAND OWNER WHO DOES NOT POSSESS A CLASS 5 LICENSE; AND

(III) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BEER BREWED AT A LOCATION OTHER THAN THE CLASS 5 BREWERY IF:

1. THE BRAND OWNER OF THE BEER IS THE HOLDER OF THE CLASS 5 LICENSE OR AN AFFILIATE OF THE HOLDER OF THE CLASS 5 LICENSE;

2. THE NUMBER OF BARRELS OF THE BEER SOLD FOR ON-PREMISES CONSUMPTION UNDER THE CLASS D BEER LICENSE OR AN EQUIVALENT LICENSE OR AN ON-SITE CONSUMPTION PERMIT IN A CALENDAR YEAR DOES NOT EXCEED THE GREATER OF:

A. 25% OF THE TOTAL NUMBER OF BARRELS OF BEER SOLD FOR ON-PREMISES CONSUMPTION UNDER THE CLASS D LICENSE OR AN EQUIVALENT LICENSE OR AN ON-SITE CONSUMPTION PERMIT IN THAT CALENDAR YEAR; OR

B. 1.2% OF TOTAL FINISHED PRODUCTION UNDER THE CLASS 5 BREWERY LICENSE; AND

3. A. THE LICENSE HOLDER CONTRACTS WITH OR ON BEHALF OF A HOLDER OF A MANUFACTURER'S LICENSE OR NONRESIDENT DEALER'S PERMIT; OR

B. THE BEER IS MANUFACTURED BY AN AFFILIATE OF THE LICENSE HOLDER.

**(3) (I) THIS PARAGRAPH APPLIES TO A CLASS 5 BREWERY WITH MORE THAN 1,000,000 BARRELS OF FINISHED PRODUCTION ANNUALLY, ALONE OR IN COMBINATION WITH ITS AFFILIATES.**

**(II) BEER THAT IS DELIVERED TO THE CLASS 5 BREWERY IN FINISHED FORM MAY BE SOLD FOR ON-PREMISES CONSUMPTION UNDER SUBPARAGRAPH (III)2 OF THIS PARAGRAPH ONLY IF IT IS PURCHASED FROM A LICENSED WHOLESALER.**

**~~(ii) (4)~~ The EXCEPT AS PROVIDED IN ~~SUBPARAGRAPH (III) OF THIS PARAGRAPH~~ PARAGRAPH (5) OF THIS SUBSECTION, THE total amount of beer sold each year for on-premises consumption under this paragraph may not exceed ~~500~~ **2,000** barrels.**

**~~(III) 1 (5)~~ (I) IF, IN A SINGLE YEAR, THE LICENSE HOLDER REACHES 80% OF THE VOLUME AUTHORIZED TO BE SOLD FOR ON-PREMISES CONSUMPTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LICENSE HOLDER MAY FILE A REQUEST WITH THE COMPTROLLER FOR PERMISSION TO SELL UP TO AN ADDITIONAL 1,000 BARRELS FOR ON-PREMISES CONSUMPTION IN THAT YEAR.**

**2 (II) THE MAXIMUM VOLUME THAT A LICENSE HOLDER MAY SELL FOR ON-PREMISES CONSUMPTION IN A SINGLE YEAR IS 3,000 BARRELS.**

**3 (III) ANY BEER THAT THE LICENSE HOLDER SELLS FOR ON-PREMISES CONSUMPTION IN EXCESS OF THE 2,000-BARREL LIMIT UNDER ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH~~ PARAGRAPH (4) OF THIS SUBSECTION SHALL BE PURCHASED FROM A LICENSED WHOLESALER.**

**~~(3) (6)~~ [Before a local licensing board that does not issue a Class D beer license may grant an on-site consumption permit, the local licensing board shall:**

- (i) establish an equivalent license; and
- (ii) require the applicant to obtain that equivalent license.

**~~(4) (7)~~ A local licensing board may:**

- ~~(i)~~ charge a fee for granting an on-site consumption permit; ~~and.~~**

**~~(ii) require that the holder of the permit]~~ A HOLDER OF A CLASS D BEER LICENSE or an employee designated by the holder SHALL comply with the alcohol awareness training requirements under § 4-505 of this article.**

~~(4) (5) (8)~~ (8) A LOCAL LICENSING BOARD SHALL REQUIRE THE HOLDER OF AN ON-SITE CONSUMPTION PERMIT OR A CLASS D BEER LICENSE ~~SHALL OR AN EQUIVALENT LICENSE UNDER PARAGRAPH (3) (6)~~ OF THIS SUBSECTION TO:

(I) COMPLY WITH THE ALCOHOL AWARENESS REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE; AND

(II) ABIDE BY ALL APPLICABLE TRADE PRACTICE RESTRICTIONS.

~~(G)~~ (G) (1) The Comptroller may issue a brewery promotional event permit to a holder of a Class 5 brewery license.

(2) ~~The~~ SUBJECT TO SUBSECTION (I) OF THIS SECTION, THE permit authorizes the holder to conduct on the premises of the brewery a promotional event at which the holder may ~~sell beer~~ sell beer, WITH RESPECT TO INDIVIDUALS WHO HAVE ATTAINED THE LEGAL DRINKING AGE:

(i) provide samples CONSISTING OF A TOTAL of not more than ~~3~~ 18 fluid ounces ~~per brand to consumers~~ A CONSUMER; and

(ii) ~~sell beer produced by the holder~~ sell beer to individuals who participate in the event.

(3) ~~The~~ SUBJECT TO SUBSECTION (I) OF THIS SECTION, THE beer at the event shall be:

~~(I) FERMENTED AND BREWED ENTIRELY AT THE BREWERY;~~  
AND

~~(II)~~ sold by the glass for on-premises consumption only.

(4) To obtain a permit, an applicant, at least 15 days before the event, shall file with the Comptroller an application that the Comptroller provides.

(5) A holder of a Class 5 brewery license may not be issued more than 12 permits in a calendar year.

(6) A single promotional event may not exceed 3 consecutive days.

(7) The permit fee is \$25 per event.

~~(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS 5 BREWERY LICENSE MAY EXERCISE THE PRIVILEGES OF THE LICENSE FROM 10 A.M. TO 6 P.M. ON MONDAY THROUGH SUNDAY.~~

~~(2) A NOTWITHSTANDING ANY PROVISION AUTHORIZING LATER SALES IN THE JURISDICTION, A HOLDER OF A CLASS 5 BREWERY LICENSE AND AN ON-SITE CONSUMPTION PERMIT OR A CLASS D BEER LICENSE OR AN EQUIVALENT LICENSE FOR ON-PREMISES CONSUMPTION MAY ONLY EXERCISE THE SALES AND SERVING PRIVILEGES OF THE PERMIT AND LICENSES THE CLASS D OR EQUIVALENT LICENSE;~~

~~(I) FROM 10 A.M. TO 7 9 P.M. ON SUNDAY THROUGH THURSDAY;~~  
AND

~~(II) FROM 10 A.M. TO 9 10 P.M. ON FRIDAY AND SATURDAY.~~

~~(2) THIS SUBSECTION DOES NOT APPLY TO A PROMOTIONAL EVENT CONDUCTED UNDER SUBSECTION (F) OF THIS SECTION.~~

~~(H) ALL BEER OFFERED, SERVED, OR SOLD TO A CONSUMER UNDER SUBSECTION (B)(4), (5), OR (6), OR (C), (E), OR (F) OF THIS SECTION SHALL BE FERMENTED AND BREWED;~~

~~(1) ENTIRELY AT THE BREWERY; AND~~

~~(2) UNDER THE TRADE NAME OF THE LICENSE HOLDER.~~

~~(H) (1) THIS SUBSECTION DOES NOT APPLY TO:~~

~~(I) THE HOLDER OF A CLASS 5 BREWERY LICENSE THAT HELD AN ON-SITE CONSUMPTION PERMIT AND A CLASS D LICENSE OR AN EQUIVALENT LICENSE ON OR BEFORE APRIL 1, 2017;~~

~~(II) AN INDIVIDUAL WHO HELD A MINORITY INTEREST IN AN ON-SITE CONSUMPTION PERMIT AND A CLASS D LICENSE OR AN EQUIVALENT LICENSE ON OR BEFORE APRIL 1, 2017, AND THEN OBTAINS BY TRANSFER A MAJORITY INTEREST IN THE SAME LICENSE OR PERMIT;~~

~~(III) A LOCATION IN THE STATE FOR WHICH A COMPLETED BREWER'S NOTICE FORM WAS FILED WITH THE U. S. DEPARTMENT OF TREASURY ON OR BEFORE APRIL 1, 2017;~~

~~(IV) A PROMOTIONAL EVENT CONDUCTED UNDER SUBSECTION (G) OF THIS SECTION; AND~~

~~(V) A GUIDED TOUR DURING WHICH:~~

1. SAMPLES OF BEER ARE SERVED UNDER SUBSECTION (C)(5) OF THIS SECTION; OR

2. BEER IS SOLD FOR OFF-PREMISES CONSUMPTION UNDER SUBSECTION (C)(6) OF THIS SECTION.

(2) THIS SUBSECTION APPLIES TO:

(I) A HOLDER OF A CLASS 5 BREWERY LICENSE WHO:

1. AFTER APRIL 1, 2017, OBTAINS AN ON-SITE CONSUMPTION PERMIT AND A CLASS D BEER LICENSE OR EQUIVALENT LICENSE FOR ON-PREMISES CONSUMPTION; OR

2. NOT HOLDING A MINORITY INTEREST IN AN ON-SITE CONSUMPTION PERMIT AND A CLASS D LICENSE OR AN EQUIVALENT LICENSE ON OR BEFORE APRIL 1, 2017, OBTAINS A MAJORITY INTEREST BY TRANSFER IN AN ON-SITE CONSUMPTION PERMIT AND A CLASS D LICENSE OR AN EQUIVALENT LICENSE; AND

(II) NOTWITHSTANDING SUBSECTION (H)(1)(III) OF THIS SECTION, A MANUFACTURER OF BEER WITH MORE THAN 1,000,000 BARRELS OF FINISHED PRODUCTION ANNUALLY ALONE OR IN COMBINATION WITH ITS AFFILIATES.

(3) NOTWITHSTANDING ANY PROVISION IN DIVISION II OF THIS ARTICLE, THE SALES AND SERVING PRIVILEGES OF AN ON-SITE CONSUMPTION PERMIT AND A CLASS D LICENSE OR AN EQUIVALENT LICENSE MAY BE EXERCISED ONLY FROM 10 A.M. TO 10 P.M. MONDAY THROUGH SUNDAY.

(I) ALL BEER OFFERED, SERVED, OR SOLD TO A CONSUMER UNDER SUBSECTIONS (C)(5) OR (6) OR (G) OF THIS SECTION SHALL BE:

(1) FERMENTED AND BREWED ENTIRELY AT THE CLASS 5 BREWERY;  
OR

(2) BEER OF WHICH THE LICENSE HOLDER OR AN AFFILIATE OF THE LICENSE HOLDER IS THE BRAND OWNER.

[(g)] ~~(H)~~ ~~(H)~~ (J) (1) (i) The Comptroller may issue a refillable container permit for draft beer under § 4-1104 or Subtitle 11 of the various titles in Division II of this article to a holder of a Class 5 brewery license:

1. on completion of an application form that the Comptroller provides; and

2. at no cost to the holder of the Class 5 brewery license.

(ii) A refillable container permit may be renewed each year concurrently with the renewal of the Class 5 brewery license.

(2) The hours of sale for a refillable container permit issued under this subsection are the same as the hours when a guided tour, a promotional event, or other organized activity at the licensed premises authorized under subsection (b) of this section may be conducted.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

2-207.

**~~(H) (J) (K)~~ (1) ON OR BEFORE OCTOBER 1 EACH YEAR, THE COMPTROLLER SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FOLLOWING, IDENTIFIED BY JURISDICTION AND CLASS 5 LICENSE HOLDER:**

**(I) THE TOTAL BEER PRODUCTION OF THE LICENSE HOLDER IN THE PRECEDING FISCAL YEAR;**

**(II) THE TOTAL SALES OF THE LICENSE HOLDER FOR ON-SITE CONSUMPTION UNDER AN ON-SITE CONSUMPTION PERMIT, A CLASS D BEER LICENSE, OR AN EQUIVALENT LICENSE IN THE PRECEDING FISCAL YEAR;**

**(III) WHETHER THE LICENSE HOLDER HAS REQUESTED PERMISSION TO SELL ADDITIONAL BEER UNDER SUBSECTION ~~(E)(2)(H)~~ (F)(5)(I) OF THIS SECTION, AND WHETHER THE COMPTROLLER GRANTED THAT PERMISSION, FOR THE PRECEDING FISCAL YEAR; AND**

**(IV) THE TOTAL SALES OF THE LICENSE HOLDER OF ADDITIONAL BEER UNDER SUBSECTION ~~(E)(2)(H)~~ (F)(5)(I) OF THIS SECTION IN THE PRECEDING FISCAL YEAR.**

**(2) EACH HOLDER OF A CLASS ~~B~~ 5 LICENSE SHALL REPORT TO THE COMPTROLLER THE INFORMATION NEEDED TO PREPARE THE ANNUAL REPORT UNDER THIS SUBSECTION.**

**(3) THE COMPTROLLER MAY INCLUDE THE INFORMATION REPORTED UNDER THIS SUBSECTION IN THE ANNUAL REPORT SUBMITTED UNDER § 1-306 OF THIS ARTICLE.**

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. Section 2 of this Act shall remain effective for a period of 5 years and, at the end of June 30, 2022, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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**Chapter 814**

**(House Bill 523)**

AN ACT concerning

**Electronic Nicotine Delivery Systems and Vaping Liquid – Licensing**

FOR the purpose of requiring a person to have an appropriate license whenever the person acts in the State as an electronic nicotine delivery systems manufacturer, retailer, ~~storage warehouse,~~ vape shop vendor, ~~or~~ wholesaler distributor, or wholesaler importer; providing for a certain exception for certain retailers and wholesalers; requiring a license to act as an electronic nicotine delivery system retailer or vape shop vendor for each place of business of the retailer or vape shop vendor; making holders of electronic nicotine delivery systems licenses subject to certain restrictions and requirements; providing for certain application procedures and fees; requiring the display of a license in a certain manner; prohibiting a person from reapplying for a license within a certain period after the person's license was revoked; requiring ~~the Comptroller certain clerks of the circuit court~~ the Comptroller to issue electronic nicotine delivery systems licenses to manufacturers, ~~storage warehouses, and wholesalers~~ wholesaler distributors, and wholesaler importers in the State under certain circumstances; requiring certain clerks of the circuit court to issue electronic nicotine delivery systems products licenses to retailers and vape shop vendors under certain circumstances; requiring certain clerks of the circuit court to forward certain applications to the Comptroller within a certain time; specifying the scope of the licenses; providing for the renewal of a license; ~~authorizing the Comptroller to delegate certain powers and duties; providing for certain disciplinary actions and proceedings; authorizing the Comptroller to adopt certain regulations; granting certain rights to judicial review under certain circumstances; prohibiting~~ authorizing the Comptroller to delegate certain powers and duties; exempting certain persons from obtaining certain licenses under certain conditions; providing for certain disciplinary actions and proceedings; authorizing the Comptroller to adopt certain regulations; granting certain rights to judicial review under certain circumstances; prohibiting a person from acting, attempting to act, or offering to act in the State as an electronic

nicotine delivery systems manufacturer, retailer, ~~storage warehouse,~~ vape shop vendor, ~~or~~ wholesaler distributor, or wholesaler importer unless the person has an appropriate license; requiring the Comptroller to pay certain fees into the General Fund of the State; stating the intent of the General Assembly; requiring a person who transports electronic nicotine delivery systems by vehicle on a public road to have certain information; authorizing the Comptroller by regulation to require a common carrier that brings electronic nicotine delivery systems products into the State to submit certain information; ~~requiring the Comptroller to pay certain fees into the General Fund of the State; stating the intent of the General Assembly; requiring a person who transports electronic nicotine delivery systems by vehicle on a public road to have certain information; authorizing the Comptroller by regulation to require a common carrier that brings electronic nicotine delivery systems products into the State to submit certain information;~~ prohibiting a person from shipping, importing, or selling electronic nicotine delivery systems into or within the State except under certain circumstances; ~~requiring a person that ships, imports, or sells electronic nicotine delivery systems to take certain actions;~~ placing certain restrictions on the sale, storage, and distribution of electronic nicotine delivery systems; establishing certain penalties; prohibiting the sale, distribution, or offer for sale of electronic nicotine delivery systems to minors; defining certain terms; and generally relating to licenses for electronic nicotine distribution systems manufacturers, retailers, ~~storage warehouses,~~ vape shop vendors, ~~and wholesalers~~ wholesaler distributors, and wholesaler importers in the State.

BY adding to

Article – Business Regulation

Section 16.7–101 through ~~16.7–218~~ 16.7–214 to be under the new title “Title 16.7.

Electronic Nicotine Delivery Systems Licenses”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–305(b)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Business Regulation**

#### **TITLE 16.7. ELECTRONIC NICOTINE DELIVERY SYSTEMS LICENSES.**

##### **SUBTITLE 1. DEFINITIONS; ~~GENERAL PROVISIONS;~~ GENERAL PROVISIONS.**

**16.7–101.**

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COUNTY LICENSE” MEANS A LICENSE ISSUED BY THE CLERK TO SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS IN A COUNTY.

(C) (1) “ELECTRONIC NICOTINE DELIVERY SYSTEM” MEANS AN ELECTRONIC DEVICE, A COMPONENT FOR AN ELECTRONIC DEVICE, OR A PRODUCT USED TO REFILL OR RESUPPLY AN ELECTRONIC DEVICE THAT CAN BE USED TO DELIVER NICOTINE TO AN INDIVIDUAL INHALING FROM THE DEVICE.

(2) “ELECTRONIC NICOTINE DELIVERY SYSTEM” INCLUDES AN ELECTRONIC CIGARETTE, AN ELECTRONIC CIGAR, AN ELECTRONIC CIGARILLO, ~~OR~~ AN ELECTRONIC PIPE, AND VAPING LIQUID.

(3) “ELECTRONIC NICOTINE DELIVERY SYSTEM” DOES NOT INCLUDE:

(I) A NICOTINE DEVICE THAT CONTAINS OR DELIVERS NICOTINE INTENDED FOR HUMAN CONSUMPTION IF THE DEVICE HAS BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR SALE AS A TOBACCO CESSATION PRODUCT AND IS BEING MARKETED AND SOLD SOLELY FOR THAT PURPOSE;

(II) CANNABIS OIL OR ANY OTHER UNLAWFUL SUBSTANCE; OR

(III) AN ELECTRONIC DEVICE THAT IS BEING USED TO DELIVER CANNABIS OIL OR ANOTHER UNLAWFUL SUBSTANCE.

(D) “ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER” MEANS A PERSON THAT:

(1) MANUFACTURES, MIXES, OR OTHERWISE PRODUCES ELECTRONIC NICOTINE DELIVERY SYSTEMS INTENDED FOR SALE IN THE STATE, INCLUDING ELECTRONIC NICOTINE DELIVERY SYSTEMS INTENDED FOR SALE IN THE UNITED STATES THROUGH AN IMPORTER; AND

(2) (I) SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS TO A CONSUMER, IF THE CONSUMER PURCHASES OR ORDERS THE SYSTEMS THROUGH THE MAIL, A COMPUTER NETWORK, A TELEPHONIC NETWORK, OR ANOTHER ELECTRONIC NETWORK, A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR, OR A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER IN THE STATE; ~~OR~~

(II) ~~SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS THAT~~

~~MAY BE LAWFULLY SOLD IN THE STATE TO A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER LOCATED OUTSIDE THE STATE;~~

~~(H) UNLESS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, OR THE CRIMINAL LAW ARTICLE, DISTRIBUTES SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS LOCATED IN THE STATE; OR~~

~~(IV) STORES ELECTRONIC NICOTINE DELIVERY SYSTEMS IN A STORAGE WAREHOUSE IN THE STATE FOR SUBSEQUENT SHIPMENT TO LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALERS, FEDERAL RESERVATIONS, OR PERSONS OUTSIDE THE STATE; OR~~

~~(V) (II) IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER ALSO HOLDS A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A VAPE SHOP VENDOR, SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS LOCATED IN THE STATE; OR~~

~~(III) UNLESS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, OR THE CRIMINAL LAW ARTICLE, DISTRIBUTES SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS TO A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR VAPE SHOP VENDOR.~~

(E) “ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER” MEANS A PERSON THAT:

(1) SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS; ~~OR~~

(2) HOLDS ELECTRONIC NICOTINE DELIVERY SYSTEMS FOR SALE TO CONSUMERS; OR

(3) UNLESS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, THE CRIMINAL LAW ARTICLE, OR § 24-305 OF THE HEALTH – GENERAL ARTICLE, DISTRIBUTES SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS IN THE STATE.

~~(F) “ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE” MEANS A STORAGE FACILITY IN THE STATE OPERATED FOR THE PURPOSE OF STORING ELECTRONIC NICOTINE DELIVERY SYSTEMS ON BEHALF OF AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER.~~

~~(G) (F)~~ “ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER

DISTRIBUTOR” MEANS A PERSON THAT:

(1) OBTAINS AT LEAST 70% OF ITS ELECTRONIC NICOTINE DELIVERY SYSTEMS FROM A HOLDER OF AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER LICENSE UNDER THIS SUBTITLE OR A BUSINESS ENTITY LOCATED IN THE UNITED STATES; AND

(2) (I) HOLDS ELECTRONIC NICOTINE DELIVERY SYSTEMS FOR SALE TO ANOTHER PERSON FOR RESALE; OR

~~(2)~~ (II) SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS TO ANOTHER PERSON FOR RESALE.

~~(H)~~ (G) “ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER” MEANS A PERSON THAT:

(1) OBTAINS AT LEAST 70% OF ITS ELECTRONIC NICOTINE DELIVERY SYSTEMS FROM A BUSINESS ENTITY LOCATED IN A FOREIGN COUNTRY; AND

(2) (I) HOLDS ELECTRONIC NICOTINE DELIVERY SYSTEMS FOR SALE TO ANOTHER PERSON FOR RESALE; OR

(II) SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS TO ANOTHER PERSON FOR RESALE.

~~(H)~~ (H) “LICENSE” MEANS:

~~(1)~~ (1) A LICENSE ISSUED BY THE ~~COMPTROLLER CLERK~~ COMPTROLLER UNDER § ~~16.7-204(A) 16.7-204 16.7-203 16.7-203(A)~~ OF THIS TITLE TO:

~~(1)~~ ~~(1)~~ (I) ACT AS A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER;

~~(H)~~ ~~(2)~~ (II) ACT AS A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER ~~DISTRIBUTOR; OR~~ DISTRIBUTOR;

~~(3)~~ (III) ACT AS A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER; OR

~~(H)~~ ~~(4)~~ (2) ACT AS A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE; OR

~~(2) (5)~~ ~~A LICENSE ISSUED BY THE CLERK UNDER § 16.7-204(B) OF THIS TITLE TO~~ A LICENSE ISSUED BY THE CLERK UNDER § 16.7-203(B) OF THIS TITLE TO:

~~(I)~~ (I) ACT AS ~~AN~~ A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER; OR ~~A~~

~~(6) (5)~~ (II) ACT AS A LICENSED VAPE SHOP VENDOR.

~~(I) (J)~~ (I) “SELL” MEANS TO EXCHANGE OR TRANSFER, OR TO AGREE TO EXCHANGE OR TRANSFER, TITLE OR POSSESSION OF PROPERTY, IN ANY MANNER OR BY ANY MEANS, FOR CONSIDERATION.

~~(J) (K)~~ (J) “VAPE SHOP VENDOR” MEANS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS BUSINESS THAT DERIVES AT LEAST 70% OF ITS REVENUES, MEASURED BY AVERAGE DAILY RECEIPTS, FROM THE SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS AND RELATED ACCESSORIES.

~~(L) (K)~~ “VAPING LIQUID” MEANS A LIQUID THAT:

(1) CONSISTS OF ~~PROPYLENE~~ PROPYLENE GLYCOL, VEGETABLE GLYCERIN, OR OTHER SIMILAR SUBSTANCE;

(2) ~~CONTAINS~~ MAY OR MAY NOT CONTAIN NATURAL OR ARTIFICIAL FLAVORS;

(3) MAY OR MAY NOT CONTAIN NICOTINE; AND

(4) CONVERTS TO VAPOR INTENDED FOR INHALATION WHEN HEATED IN AN ELECTRONIC DEVICE.

#### 16.7-102.

(A) THE COMPTROLLER MAY DELEGATE ANY POWER OR DUTY OF THE COMPTROLLER UNDER THIS TITLE.

(B) ANY PERSON LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE, OR AN AFFILIATE, AS DEFINED UNDER § 16-402(C) OF THIS ARTICLE, OF A PERSON LICENSED UNDER TITLE 16 OF THIS ARTICLE:

(1) IS AUTHORIZED TO MANUFACTURE, DISTRIBUTE, OR SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS PURSUANT TO THIS TITLE IN THE SAME CAPACITY AS THE PERSON IS LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE; AND

(2) MAY NOT BE REQUIRED TO OBTAIN AN ADDITIONAL LICENSE UNDER THIS TITLE.

~~16.7-102.~~

~~THE COMPTROLLER MAY DELEGATE ANY POWER OR DUTY OF THE COMPTROLLER UNDER THIS TITLE.~~

SUBTITLE 2. ELECTRONIC NICOTINE DELIVERY SYSTEMS LICENSES.

16.7-201.

(A) A PERSON MUST HOLD AN APPROPRIATE LICENSE BEFORE THE PERSON MAY ACT AS:

- (1) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER;
- (2) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER;
- (3) ~~AN ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE;~~
- (4) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS ~~WHOLESALE~~ WHOLESALE DISTRIBUTOR;
- ~~(5) (4)~~ AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE ~~IMPORTER~~ IMPORTER; OR
- ~~(5) (6)~~ (5) A VAPE SHOP VENDOR.

(B) A PLACE OF BUSINESS IN WHICH A PERSON ACTS AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A VAPE SHOP VENDOR MUST HOLD AN APPROPRIATE LICENSE.

~~16.7-202.~~

~~(A) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER SHALL MAINTAIN IN THE STATE AN ESTABLISHED PLACE OF BUSINESS FOR THE MANUFACTURE AND STORAGE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS.~~

~~(B) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE SHALL MAINTAIN AN ESTABLISHED~~

~~PLACE OF BUSINESS FOR STORAGE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS.~~

~~(C) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SHALL MAINTAIN AN ESTABLISHED PLACE OF BUSINESS, INCLUDING WAREHOUSE FACILITIES, FOR THE SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS.~~

~~16.7-203. 16.7-202.~~

(A) (1) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER, ~~ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE,~~ ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR, OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SHALL:

~~(1) (I) SUBMIT~~ OBTAIN AN APPROPRIATE COUNTY LICENSE BY SUBMITTING AN APPLICATION TO THE ~~COMPTROLLER CLERK~~ COMPTROLLER ON THE FORM AND CONTAINING THE INFORMATION THAT THE ~~COMPTROLLER CLERK~~ COMPTROLLER REQUIRES; ~~AND~~

(II) INDICATE THE LICENSES FOR WHICH THE APPLICANT IS APPLYING; AND

~~(2) (III) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, PAY TO THE~~ ~~COMPTROLLER CLERK~~ COMPTROLLER A FEE OF \$25 FOR EACH LICENSE FOR WHICH THE APPLICANT APPLIES.

(2) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SHALL PAY TO THE ~~CLERK~~ COMPTROLLER A FEE OF \$150.

~~(3) A PERSON THAT IS ISSUED A LICENSE UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE TO ACT AS A CIGARETTE WHOLESALER OR OTHER TOBACCO PRODUCTS WHOLESALER OR TO ACT AS A CIGARETTE SUBWHOLESALER OR OTHER TOBACCO PRODUCTS SUBWHOLESALER IS NOT REQUIRED TO PAY THE LICENSE FEE FOR AN ELECTRONIC DELIVERY SYSTEM WHOLESALER DISTRIBUTOR OR AN ELECTRONIC NICOTINE DELIVERY SYSTEM WHOLESALER IMPORTER.~~

(B) (1) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A VAPE SHOP VENDOR:

(I) SHALL OBTAIN A COUNTY LICENSE BY SUBMITTING TO THE

CLERK AN APPLICATION FOR EACH PERMANENT OR TEMPORARY PLACE OF BUSINESS LOCATED IN THE SAME ENCLOSURE AND OPERATED BY THE SAME APPLICANT; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SHALL PAY TO THE CLERK A FEE OF \$25.

~~(2) A PERSON THAT HAS A LICENSE ISSUED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE TO ACT AS A CIGARETTE RETAILER OR OTHER TOBACCO PRODUCTS RETAILER IS NOT REQUIRED TO PAY THE LICENSE FEE.~~

~~(3) THE APPLICATION SHALL:~~

~~(I) BE MADE ON THE FORM THAT THE CLERK REQUIRES; AND~~

~~(II) CONTAIN THE INFORMATION THAT THE ~~COMPTRROLLER~~ CLERK COMPTRROLLER REQUIRES.~~

~~(C) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE SHALL:~~

~~(1) SUBMIT AN APPLICATION TO THE ~~COMPTRROLLER~~ ON THE FORM AND CONTAINING THE INFORMATION THAT THE ~~COMPTRROLLER~~ REQUIRES; AND~~

~~(2) PAY TO THE ~~COMPTRROLLER~~ A FEE OF \$25.~~

~~(D) (1) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER SHALL:~~

~~(i) SUBMIT AN APPLICATION TO THE ~~COMPTRROLLER~~ ON THE FORM AND CONTAINING THE INFORMATION THAT THE ~~COMPTRROLLER~~ REQUIRES; AND~~

~~(ii) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PAY TO THE ~~COMPTRROLLER~~ A FEE OF \$250.~~

~~(2) A PERSON THAT HAS A LICENSE ISSUED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE TO ACT AS A CIGARETTE WHOLESALER OR OTHER TOBACCO PRODUCTS WHOLESALER OR TO ACT AS A CIGARETTE SUBWHOLESALER OR OTHER TOBACCO PRODUCTS SUBWHOLESALER IS NOT REQUIRED TO PAY THE LICENSE FEE.~~

~~(E) (C)~~ A LICENSEE SHALL DISPLAY A LICENSE IN THE WAY THAT THE COMPTRROLLER REQUIRES BY REGULATION.

~~(F)~~ (D) IF A PERSON HAS HAD A LICENSE REVOKED UNDER ~~§ 16.7-208~~ § 16.7-207 OF THIS SUBTITLE, THE PERSON MAY NOT REAPPLY FOR A LICENSE WITHIN 1 YEAR AFTER THE DATE WHEN THE PRIOR LICENSE WAS REVOKED.

~~16.7-204.~~ 16.7-203.

(A) THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL ISSUE AN APPROPRIATE LICENSE TO EACH APPLICANT THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER, ~~ELECTRONIC NICOTINE DELIVERY SYSTEMS WAREHOUSE,~~ OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR, OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER.

(B) THE CLERK SHALL ISSUE TO EACH APPLICANT THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A VAPE SHOP VENDOR.

(C) THE CLERK SHALL FORWARD A COPY OF AN APPLICATION RECEIVED FOR EACH LICENSE ISSUED UNDER SUBSECTION (B) OF THIS SECTION TO THE COMPTROLLER WITHIN 30 DAYS OF ISSUANCE OF THE LICENSE.

~~16.7-205.~~ 16.7-204.

(A) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER LICENSE AUTHORIZES THE LICENSEE TO:

(1) SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS TO:

(I) A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER LOCATED IN THE STATE;

(II) ~~A LICENSED~~ AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER OR RETAILER LOCATED OUTSIDE THE STATE IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS MAY BE SOLD LAWFULLY IN MARYLAND; ~~AND~~

(III) A LICENSED VAPE SHOP VENDOR; AND

(IV) A CONSUMER IF:

1. THE LICENSEE MANUFACTURED THE SYSTEMS; AND

2. THE CONSUMER PURCHASES OR ORDERS THE SYSTEMS THROUGH THE MAIL, A COMPUTER NETWORK, A TELEPHONIC NETWORK, OR ANOTHER ELECTRONIC NETWORK; AND

~~(2) EXCEPT AS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, OR THE CRIMINAL LAW ARTICLE, DISTRIBUTE SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS PRODUCTS TO CONSUMERS LOCATED IN THE STATE;~~

~~(3) STORE ELECTRONIC NICOTINE DELIVERY SYSTEMS IN A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE FOR SUBSEQUENT SHIPMENT TO LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALERS, FEDERAL RESERVATIONS, OR PERSONS OUT OF STATE; AND~~

~~(4) (2) IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER LICENSEE ALSO HOLDS A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A VAPE SHOP VENDOR, TRANSFER ELECTRONIC NICOTINE DELIVERY SYSTEMS TO INVENTORY FOR SALE UNDER THE RETAIL LICENSE OR VAPE SHOP LICENSE; AND~~

~~(3) EXCEPT AS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, OR THE CRIMINAL LAW ARTICLE, DISTRIBUTE ELECTRONIC NICOTINE DELIVERY SYSTEMS PRODUCTS TO A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR VAPE SHOP VENDOR; AND~~

~~(5) ON APPROVAL OF THE COMPTROLLER, ACT AS AN AGENT OF A STATE LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER FOR DISTRIBUTION OF ELECTRONIC NICOTINE DELIVERY SYSTEMS.~~

(B) (1) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER LICENSE AUTHORIZES THE LICENSEE TO:

~~(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS; AND~~

~~(2) (II) BUY ELECTRONIC NICOTINE DELIVERY SYSTEMS FROM AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER; AND~~

~~(3) (III) IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER LICENSEE ALSO HOLDS A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER, SELL AT RETAIL ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURED UNDER THE MANUFACTURER LICENSE; AND~~

~~(4)~~ (IV) EXCEPT AS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, THE CRIMINAL LAW ARTICLE, OR § 24-305 OF THE HEALTH – GENERAL ARTICLE, DISTRIBUTE SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS PRODUCTS TO CONSUMERS IN THE STATE.

(2) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER LICENSE DOES NOT AUTHORIZE THE LICENSEE TO SHIP, SELL, OR CAUSE TO BE SHIPPED TO A CONSUMER WHO PURCHASES OR ORDERS AN ELECTRONIC NICOTINE DELIVERY SYSTEM THROUGH THE MAIL, A COMPUTER NETWORK, A TELEPHONIC NETWORK, OR ANOTHER ELECTRONIC NETWORK.

~~(c) (1) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WAREHOUSE STORAGE LICENSE AUTHORIZES THE LICENSEE TO OPERATE A STORAGE FACILITY FOR THE PURPOSE OF STORING ELECTRONIC NICOTINE DELIVERY SYSTEMS ON BEHALF OF A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER.~~

~~(2) IF AN ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE LICENSEE IS A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER, THE ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE LICENSE AUTHORIZES THE HOLDER TO STORE ELECTRONIC NICOTINE DELIVERY SYSTEMS.~~

~~(D)~~ (C) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR LICENSE OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER LICENSE AUTHORIZES THE LICENSEE TO:

(1) SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS TO ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILERS;

(2) BUY ELECTRONIC NICOTINE DELIVERY SYSTEMS DIRECTLY FROM AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER AND AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER;

(3) HOLD ELECTRONIC NICOTINE DELIVERY SYSTEMS;

(4) ~~TRANSPORT ELECTRONIC NICOTINE DELIVERY SYSTEMS IN THE STATE;~~

~~(5)~~ SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS TO ANOTHER LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR

~~OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER IF THE~~  
~~COMPTROLLER SPECIFICALLY AUTHORIZES THE SALE; AND~~

~~(6)~~ (5) STORE ELECTRONIC NICOTINE DELIVERY SYSTEMS AT A  
LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE.

~~(E)~~ (D) A VAPE SHOP VENDOR LICENSE AUTHORIZES THE LICENSEE TO:

(1) SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS AS A VAPE SHOP  
VENDOR; ~~AND~~

(2) IF THE VAPE SHOP VENDOR LICENSEE ALSO HOLDS A LICENSE TO  
ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER, SELL AT  
RETAIL ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURED UNDER THE  
MANUFACTURER LICENSE; AND

(3) BUY ELECTRONIC NICOTINE DELIVERY SYSTEMS FROM AN  
ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER.

~~16.7-206.~~ 16.7-205.

(A) UNLESS A LICENSE IS RENEWED FOR A 1-YEAR TERM AS PROVIDED IN  
THIS SECTION, THE LICENSE EXPIRES ON THE DATE SET BY THE ISSUING OFFICIAL.

(B) AT LEAST 1 MONTH BEFORE A LICENSE ISSUED UNDER THIS SUBTITLE  
EXPIRES, THE ISSUING OFFICIAL SHALL SEND TO THE LICENSEE A RENEWAL NOTICE  
THAT STATES THE DATE ON WHICH THE CURRENT LICENSE EXPIRES.

(C) BEFORE A LICENSE ISSUED UNDER THIS SUBTITLE EXPIRES, THE  
LICENSEE MAY RENEW THE LICENSE FOR AN ADDITIONAL 1-YEAR TERM, IF THE  
LICENSEE:

(1) OTHERWISE IS ENTITLED TO BE LICENSED;

(2) SUBMITS TO THE ISSUING OFFICIAL A RENEWAL APPLICATION ON  
THE FORM THAT THE ISSUING OFFICIAL REQUIRES; AND

(3) PAYS TO THE ISSUING OFFICIAL THE LICENSE FEE REQUIRED  
UNDER § 16.7-203 OF THIS SUBTITLE.

(D) THE ISSUING OFFICIAL SHALL RENEW THE LICENSE OF EACH LICENSEE  
THAT MEETS THE REQUIREMENTS OF THIS SECTION.

~~16.7-207.~~ 16.7-206.

(A) (1) A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A LICENSED VAPE SHOP VENDOR MAY NOT ASSIGN THE LICENSE.

(2) IF A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SELLS THE LICENSEE'S ELECTRONIC NICOTINE DELIVERY SYSTEMS BUSINESS AND PAYS TO THE ~~COMPTROLLER CLERK~~ COMPTROLLER A LICENSE ASSIGNMENT FEE OF \$10, THE LICENSEE MAY ASSIGN THE LICENSE TO THE BUYER OF THE BUSINESS IF THE BUYER OTHERWISE QUALIFIES UNDER THIS TITLE FOR AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER'S DISTRIBUTOR OR IMPORTER LICENSE.

(B) IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS BUSINESS OF A LICENSEE IS TRANSFERRED BECAUSE OF BANKRUPTCY, DEATH, INCOMPETENCY, RECEIVERSHIP, OR OTHERWISE BY OPERATION OF LAW, THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL TRANSFER THE LICENSE WITHOUT CHARGE TO THE NEW OWNER OF THE LICENSEE'S BUSINESS IF THE TRANSFEREE OTHERWISE QUALIFIES UNDER THIS TITLE FOR THE LICENSE BEING TRANSFERRED.

(C) (1) IF A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SURRENDERS THE LICENSE TO THE ~~COMPTROLLER CLERK~~ COMPTROLLER AND IF NO DISCIPLINARY PROCEEDINGS ARE PENDING AGAINST THE LICENSEE, THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL REFUND A PRO RATA PORTION OF THE LICENSE FEE FOR THE UNEXPIRED TERM OF THE LICENSE.

(2) A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A LICENSED VAPE SHOP VENDOR IS NOT ALLOWED A REFUND FOR THE UNEXPIRED TERM OF THE LICENSE.

~~16.7-208.~~ 16.7-207.

(A) SUBJECT TO THE HEARING PROVISIONS OF ~~§ 16.7-209~~ § 16.7-208 OF THIS SUBTITLE, THE ~~COMPTROLLER CLERK~~ COMPTROLLER MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR ANOTHER PERSON;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) BUYS ELECTRONIC NICOTINE DELIVERY SYSTEMS FOR RESALE:

(I) IN VIOLATION OF A LICENSE; OR

(II) FROM A PERSON THAT IS NOT A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER OR A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER;

(4) IS CONVICTED, UNDER THE LAWS OF THE UNITED STATES OR OF ANY OTHER STATE, OF:

(I) A FELONY; OR

(II) A MISDEMEANOR THAT IS A CRIME OF MORAL TURPITUDE AND IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE;

(5) VIOLATES FEDERAL, STATE, OR LOCAL LAW REGARDING THE SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS; OR

(6) VIOLATES THIS TITLE, TITLE 16, OR TITLE 16.5 OF THIS ARTICLE OR REGULATIONS ADOPTED UNDER THESE TITLES.

(B) SUBJECT TO THE HEARING PROVISIONS OF ~~§ 16.7-209~~ § 16.7-208 OF THIS SUBTITLE, THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL DENY A LICENSE TO ANY APPLICANT THAT HAS HAD A LICENSE REVOKED UNDER THIS SECTION UNTIL:

(1) 1 YEAR HAS PASSED SINCE THE LICENSE WAS REVOKED; AND

(2) IT SATISFACTORILY APPEARS TO THE ~~COMPTROLLER CLERK~~ COMPTROLLER THAT THE APPLICANT WILL COMPLY WITH THIS TITLE AND ANY REGULATIONS ADOPTED UNDER THIS TITLE.

(C) PRIOR TO THE ISSUANCE OR RENEWAL OF ANY LICENSE, THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL CONDUCT AN INVESTIGATION WITH REGARD TO:

(1) THE APPLICANT;

(2) THE BUSINESS TO BE OPERATED; AND

(3) THE FACTS SET FORTH IN THE APPLICATION.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE ~~COMPTROLLER CLERK~~ COMPTROLLER TAKES ANY FINAL ACTION UNDER ~~§ 16.7-208~~ § 16.7-207 OF THIS SUBTITLE, THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE ~~COMPTROLLER CLERK~~ COMPTROLLER.

(B) THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) THE ~~COMPTROLLER CLERK~~ COMPTROLLER MAY ADMINISTER OATHS IN A PROCEEDING UNDER THIS SECTION.

(D) THE PERSON AGAINST WHICH THE ACTION IS CONTEMPLATED MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(E) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHICH THE ACTION IS CONTEMPLATED DOES NOT APPEAR, THE ~~COMPTROLLER CLERK~~ COMPTROLLER MAY NEVERTHELESS HEAR AND DETERMINE THE MATTER.

~~16.7-210.~~ 16.7-209.

(A) SUBJECT TO THE NOTICE REQUIREMENT OF SUBSECTION (C) OF THIS SECTION, IF A LICENSEE ENGAGES IN AN ACT OR OMISSION THAT IS GROUNDS FOR DISCIPLINE UNDER ~~§ 16.7-208~~ § 16.7-207 OF THIS SUBTITLE, THE ~~COMPTROLLER CLERK~~ COMPTROLLER MAY SUSPEND THE LICENSE FOR A CONSECUTIVE PERIOD OF TIME THAT:

(1) FOR A FIRST OFFENSE, IS NOT LESS THAN 5 AND NOT MORE THAN 20 BUSINESS DAYS; AND

(2) FOR A SUBSEQUENT OFFENSE, IS NOT LESS THAN 20 BUSINESS DAYS AND NOT MORE THAN 6 MONTHS.

(B) SUBJECT TO THE NOTICE REQUIREMENT UNDER SUBSECTION (C) OF THIS SECTION, THE ~~COMPTROLLER CLERK~~ COMPTROLLER MAY REVOKE A LICENSE IF A LICENSEE WILLFULLY AND PERSISTENTLY ENGAGES IN AN ACT OR OMISSION THAT IS GROUNDS FOR DISCIPLINE UNDER ~~§ 16.7-208(A)~~ § 16.7-207(A) OF THIS SUBTITLE.

(C) IF A LICENSE IS SUSPENDED OR REVOKED UNDER THIS SECTION:

(1) THE ~~COMPTROLLER CLERK~~ COMPTROLLER SHALL GIVE THE LICENSEE NOTICE OF THE SUSPENSION OR REVOCATION; AND

(2) THE SUSPENSION OR REVOCATION OF A LICENSE MAY NOT BAR OR ABATE A DISCIPLINARY ACTION UNDER THIS SECTION.

(D) THE TRANSFER, RENEWAL, OR EXPIRATION OF A LICENSE MAY NOT BAR OR ABATE A DISCIPLINARY ACTION UNDER THIS SECTION.

(E) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A LICENSE ISSUED UNDER THE PROVISIONS OF THIS SUBTITLE IS SUSPENDED OR REVOKED BY THE ~~COMPTROLLER CLERK~~ COMPTROLLER, THE LICENSEE MAY, BEFORE THE EFFECTIVE DATE OF THE SUSPENSION OR REVOCATION, PETITION THE ~~COMPTROLLER CLERK~~ COMPTROLLER FOR PERMISSION TO MAKE AN OFFER OF COMPROMISE CONSISTING OF A SUM OF MONEY IN LIEU OF SERVING THE SUSPENSION OR REVOCATION.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY IF A LICENSE IS SUSPENDED OR REVOKED FOR A VIOLATION OF § 24-305 OF THE HEALTH - GENERAL ARTICLE, OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW PROHIBITING THE SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS TO MINORS.

~~(2) MONEY PAID IN LIEU OF SUSPENSION OR REVOCATION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.~~

~~(3)~~ (2) MONEY PAID IN LIEU OF SUSPENSION OR REVOCATION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

(3) AN OFFER OF COMPROMISE MAY NOT EXCEED \$2,000 FOR RETAIL LICENSEES OR \$50,000 FOR OTHER LICENSEES.

~~(4)~~ ~~(3)~~ (4) THE ~~COMPTROLLER CLERK~~ COMPTROLLER MAY ACCEPT THE OFFER OF COMPROMISE IF:

(I) THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED BY ALLOWING THE LICENSEE TO OPERATE DURING THE PERIOD SET FOR THE SUSPENSION OR REVOCATION; AND

(II) THE PAYMENT OF THE SUM OF MONEY WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.

~~(5) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.~~

~~(4) (5) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.~~

~~16.7-210.~~

~~A PARTY TO A PROCEEDING BEFORE THE COMPTROLLER THAT IS AGGRIEVED BY A FINAL DECISION OF THE COMPTROLLER IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE, IS ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.~~

~~16.7-211.~~

~~A PARTY TO A PROCEEDING BEFORE THE COMPTROLLER THAT IS AGGRIEVED BY A FINAL DECISION OF THE COMPTROLLER IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE, IS ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.~~

~~16.7-212.~~

(A) A PERSON MAY NOT ACT, ATTEMPT TO ACT, OR OFFER TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER, AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER, ~~AN ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE,~~ AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE, ~~OR DISTRIBUTOR,~~ AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER, OR A VAPE SHOP VENDOR IN THE STATE UNLESS THE PERSON HAS AN APPROPRIATE LICENSE.

(B) (1) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

(2) EACH DAY THAT A VIOLATION OF THIS SECTION CONTINUES IS A SEPARATE OFFENSE.

~~16.7-213.~~

~~(A) (1) THE COMPTROLLER SHALL PAY INTO THE GENERAL FUND OF THE STATE ALL LICENSE FEES COLLECTED UNDER THIS TITLE.~~

~~(2) ALL LICENSE FEES COLLECTED BY THE COUNTIES UNDER THIS TITLE ARE SUBJECT TO THE DISTRIBUTION PROVISIONS OF § 17-206 OF THIS ARTICLE.~~

~~(B) THE GENERAL ASSEMBLY INTENDS THAT THESE LICENSE FEES BE USED TO ADMINISTER THIS TITLE.~~

~~16.7-214, 16.7-212.~~

~~(A) EACH ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER:~~

~~(1) SHALL OBTAIN AN INVOICE FOR EACH PURCHASE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS;~~

~~(2) SHALL KEEP A RECORD OF ALL ELECTRONIC NICOTINE DELIVERY SYSTEMS RECEIVED, TO WHICH THE ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SHALL POST EACH DAY:~~

~~(I) THE INVOICE NUMBER;~~

~~(II) THE DATE OF RECEIPT;~~

~~(III) THE QUANTITY RECEIVED;~~

~~(IV) THE BRAND;~~

~~(V) THE MANUFACTURER; AND~~

~~(VI) THE NAME OF THE PERSON FROM WHOM THE ELECTRONIC NICOTINE DELIVERY SYSTEMS ARE RECEIVED;~~

~~(3) FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS SALES TO OTHER ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILERS AND VAPE SHOP VENDORS:~~

~~(I) SHALL KEEP A RECORD OF THE NAME AND ADDRESS OF EACH ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER AND VAPE SHOP VENDOR TO WHOM A SALE IS MADE; AND~~

~~(II) EXCEPT FOR A TRANSFER OF ELECTRONIC NICOTINE DELIVERY SYSTEMS TO RETAIL STOCK BY A WRITTEN MEMORANDUM, SHALL PREPARE FOR EACH SALE AN INVOICE THAT SHOWS THE POLITICAL SUBDIVISION WHERE EACH ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER AND VAPE SHOP VENDOR IS LOCATED; AND~~

~~(4) SHALL KEEP A COMPLETE AND ACCURATE RECORD OF EACH SALE~~

~~OF ELECTRONIC NICOTINE DELIVERY SYSTEMS TO AN OUT-OF-STATE PERSON FOR RESALE TO OUT-OF-STATE CONSUMERS.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SHALL MAKE AN INVENTORY RECORD EACH MONTH OF ALL ELECTRONIC NICOTINE DELIVERY SYSTEMS ON THE PREMISES OR UNDER THE CONTROL OF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER;~~

~~(I) AT THE BEGINNING OR END OF THE MONTH; OR~~

~~(II) ON ANOTHER SPECIFIC DAY OF THE MONTH, IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER FINDS IT MORE PRACTICABLE TO TAKE INVENTORY ON THAT DAY AND NOTIFIES THE COMPTROLLER THAT THE INVENTORY WILL BE TAKEN ON THAT DAY.~~

~~(2) ELECTRONIC NICOTINE DELIVERY SYSTEMS TRANSFERRED TO RETAIL STOCK BY WRITTEN MEMORANDUM NEED NOT BE INCLUDED IN THE INVENTORY RECORD.~~

~~(C) EACH ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER SHALL:~~

~~(1) KEEP THE RECORDS REQUIRED BY THIS SECTION FOR 6 YEARS OR FOR A SHORTER TIME SET BY THE COMPTROLLER; AND~~

~~(2) ALLOW THE COMPTROLLER TO EXAMINE THE RECORDS.~~

~~(A) (1) THE COMPTROLLER SHALL PAY INTO THE GENERAL FUND OF THE STATE ALL LICENSE FEES COLLECTED UNDER THIS TITLE.~~

~~(2) ALL LICENSE FEES COLLECTED BY THE COUNTIES UNDER THIS TITLE ARE SUBJECT TO THE DISTRIBUTION PROVISIONS OF § 17-205 OF THIS ARTICLE.~~

~~(B) THE GENERAL ASSEMBLY INTENDS THAT THESE LICENSE FEES BE USED TO ADMINISTER THIS TITLE.~~

~~16.7-215.~~

~~(A) A PERSON THAT TRANSPORTS ELECTRONIC NICOTINE DELIVERY SYSTEMS BY VEHICLE ON A PUBLIC ROAD SHALL HAVE IN THE VEHICLE A DELIVERY~~

~~TICKET OR AN INVOICE THAT STATES:~~

- ~~(1) THE NAME AND ADDRESS OF THE SELLER OR CONSIGNOR;~~
- ~~(2) THE NAME AND ADDRESS OF A BUYER OR CONSIGNEE THAT IS AUTHORIZED TO HOLD ELECTRONIC NICOTINE DELIVERY SYSTEMS; AND~~
- ~~(3) THE QUANTITY AND BRANDS OF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS THAT ARE BEING TRANSPORTED.~~

~~(B) THE COMPTROLLER BY REGULATION MAY REQUIRE A COMMON CARRIER THAT BRINGS ELECTRONIC NICOTINE DELIVERY SYSTEMS INTO THE STATE TO SUBMIT TO THE COMPTROLLER A COPY OF ANY FREIGHT BILL RELATING TO THE ELECTRONIC NICOTINE DELIVERY SYSTEMS SHIPMENT.~~

~~16.7-216.~~ 16.7-213.

(A) A PERSON MAY NOT SHIP, IMPORT, OR SELL INTO OR WITHIN THE STATE ANY ELECTRONIC NICOTINE DELIVERY SYSTEMS UNLESS THE PERSON:

- ~~(1) (i) IS THE OWNER OF THE BRAND;~~
- ~~(ii) IS THE UNITED STATES IMPORTER FOR THE BRAND; OR~~
- ~~(iii) IS A DESIGNATED AGENT IN MARYLAND OF:~~
  - ~~1. THE OWNER OF THE BRAND; OR~~
  - ~~2. THE UNITED STATES IMPORTER OF THE BRAND; AND~~
- ~~(2) HOLDS ANY LICENSE REQUIRED BY THIS SUBTITLE.~~

(B) A PERSON THAT SHIPS, IMPORTS, OR SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS INTO OR WITHIN THE STATE:

(1) SHALL COMPLY WITH ANY FEDERAL AND STATE REQUIREMENTS CONCERNING THE PLACEMENT OF WARNING LABELS OR OTHER INFORMATION ON THE CONTAINERS OR INDIVIDUAL PACKAGES OF ELECTRONIC NICOTINE DELIVERY SYSTEMS; AND

(2) SHALL ENSURE THAT THE CONTAINERS OR INDIVIDUAL PACKAGES OF ELECTRONIC NICOTINE DELIVERY SYSTEMS DO NOT CONTAIN ANY INFORMATION OR MARKINGS THAT ARE FALSE, MISLEADING, OR CONTRARY TO:

(I) FEDERAL TRADEMARK LAWS; OR

(II) THE TRADEMARK LAW OF THE STATE UNDER TITLE 1, SUBTITLE 4 OF THIS ARTICLE.

(C) A PERSON THAT SHIPS, IMPORTS, OR SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS INTO OR WITHIN THE STATE IN VIOLATION OF THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE ~~COMPTROLLER CLERK~~ COMPTROLLER UNDER § ~~16.7-208~~ 16.7-207 OF THIS SUBTITLE.

~~16.7-217.~~

~~(A) THIS SECTION APPLIES TO A PERSON THAT IS ENGAGED IN THE BUSINESS OF SELLING OR DISTRIBUTING ELECTRONIC NICOTINE DELIVERY SYSTEMS.~~

~~(B) A PERSON MAY NOT:~~

~~(1) SELL OR SHIP ELECTRONIC NICOTINE DELIVERY SYSTEMS, ORDERED OR PURCHASED BY MAIL OR THROUGH A COMPUTER NETWORK, TELEPHONIC NETWORK, OR OTHER ELECTRONIC NETWORK BY A CONSUMER OR OTHER UNLICENSED RECIPIENT, DIRECTLY TO A CONSUMER OR OTHER UNLICENSED RECIPIENT IN THE STATE; OR~~

~~(2) CAUSE ELECTRONIC NICOTINE DELIVERY SYSTEMS, ORDERED OR PURCHASED BY MAIL OR THROUGH A COMPUTER NETWORK, TELEPHONIC NETWORK, OR OTHER ELECTRONIC NETWORK BY A CONSUMER OR OTHER UNLICENSED RECIPIENT, TO BE SHIPPED DIRECTLY TO A CONSUMER OR OTHER UNLICENSED RECIPIENT IN THE STATE.~~

~~(C) (1) A PERSON OTHER THAN A LICENSEE THAT SELLS OR SHIPS ELECTRONIC NICOTINE DELIVERY SYSTEMS IN VIOLATION OF THIS SECTION OR CAUSES ELECTRONIC NICOTINE DELIVERY SYSTEMS TO BE SHIPPED IN VIOLATION OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 PER TRANSACTION OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.~~

~~(2) A LICENSEE THAT SELLS AND SHIPS ELECTRONIC NICOTINE DELIVERY SYSTEMS IN VIOLATION OF THIS SECTION OR CAUSES ELECTRONIC NICOTINE DELIVERY SYSTEMS TO BE SHIPPED IN VIOLATION OF THIS SECTION IS:~~

~~(I) SUBJECT TO DISCIPLINE BY THE COMPTROLLER UNDER § 16.7-208 OF THIS SUBTITLE; AND~~

~~(H) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH PACKAGE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS TRANSPORTED OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.~~

~~16.7-218.~~ 16.7-214.

UNLESS OTHERWISE SPECIFIED IN THIS TITLE, A PERSON THAT VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

### Article – Health – General

24–305.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not sell, distribute, or offer for sale to a minor an [electronic device, a component for an electronic device, or a product used to refill or resupply an electronic device that can be used to deliver nicotine to the individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe] **ELECTRONIC NICOTINE DELIVERY SYSTEM, AS DEFINED IN § 16.7–101(C) OF THE BUSINESS REGULATION ARTICLE.**

(2) This subsection does not apply to [a] **AN ELECTRONIC nicotine [device] DELIVERY SYSTEM** that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for this purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 815

(Senate Bill 403)

AN ACT concerning

### **Private Passenger Motor Vehicle Liability Insurance – ~~Supplemental~~ Enhanced Underinsured Motorist Coverage**

FOR the purpose of authorizing a certain insured to obtain certain ~~supplemental~~ enhanced underinsured motorist coverage, instead of certain uninsured motorist coverage.

under a private passenger motor vehicle liability insurance policy under certain circumstances; requiring certain insurers to offer certain ~~supplemental~~ enhanced underinsured motorist coverage under certain circumstances; providing for the characteristics of the ~~supplemental~~ enhanced underinsured motorist coverage, including the amounts of the coverage, what an insurer may exclude from the coverage, and the limits of liability under the coverage; ~~authorizing a certain insured to waive the right to obtain supplemental underinsured motorist coverage in a certain manner; providing that a certain waiver is not effective unless, prior to the waiver, the insurer gives the first named insured a certain notice; providing for the form of a certain waiver; providing for the effective period of a certain waiver; prohibiting an insurer from refusing to underwrite a person because the person refuses to make a certain waiver, subject to certain penalties; requiring an injured person and a certain insurer to take certain actions regarding a certain settlement offer under certain circumstances; establishing a certain exception to a certain limitation on duplicate or supplemental recovery of certain benefits~~ altering a certain prohibition on the recovery of benefits under certain coverages; prohibiting, with a certain exception, a person from recovering benefits under certain coverages from more than one motor vehicle liability insurance policy or insurer on a supplemental basis; defining a certain term; providing for the application of this Act; providing for a delayed effective date; and generally relating to private passenger motor vehicle liability insurance and ~~supplemental~~ enhanced underinsured motorist coverage.

BY renumbering

Article – Insurance

Section 19–509.1

to be Section 19–509.2

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–509, 19–510, 19–511, and 19–513

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section 19–509.1, ~~19–510.1~~, and 19–511.1

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–509.2

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 17–103(b)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 19–509.1 of Article – Insurance of the Annotated Code of Maryland be renumbered to be Section(s) 19–509.2.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Insurance

19–509.

(a) In this section, “uninsured motor vehicle” means a motor vehicle:

(1) the ownership, maintenance, or use of which has resulted in the bodily injury or death of an insured; and

(2) for which the sum of the limits of liability under all valid and collectible liability insurance policies, bonds, and securities applicable to bodily injury or death:

(i) is less than the amount of coverage provided under this section;  
 or

(ii) has been reduced by payment to other persons of claims arising from the same occurrence to an amount less than the amount of coverage provided under this section.

(b) The uninsured motorist coverage required by this section does not apply to a motor vehicle liability insurance policy:

(1) that insures a motor vehicle that:

[(1)] (I) is not subject to registration under § 13–402 of the Transportation Article because it is not driven on a highway; or

[(2)] (II) is exempt from registration under § 13–402(c)(10) of the Transportation Article; **OR**

**(2) IF THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS ~~NOT WAIVED THE~~**

**RIGHT ELECTED TO OBTAIN SUPPLEMENTAL ENHANCED UNDERINSURED MOTORIST COVERAGE IN ACCORDANCE WITH § 19-510.1 OF THIS SUBTITLE UNDER § 19-509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER THIS SECTION.**

(c) In addition to any other coverage required by this subtitle, each motor vehicle liability insurance policy issued, sold, or delivered in the State after July 1, 1975, shall contain coverage for damages, subject to the policy limits, that:

(1) the insured is entitled to recover from the owner or operator of an uninsured motor vehicle because of bodily injuries sustained in a motor vehicle accident arising out of the ownership, maintenance, or use of the uninsured motor vehicle; and

(2) a surviving relative of the insured, who is described in § 3-904 of the Courts Article, is entitled to recover from the owner or operator of an uninsured motor vehicle because the insured died as the result of a motor vehicle accident arising out of the ownership, maintenance, or use of the uninsured motor vehicle.

(d) The uninsured motorist coverage required by this section shall be in the form and subject to the conditions that the Commissioner approves.

(e) (1) The uninsured motorist coverage contained in a motor vehicle liability insurance policy:

(i) shall at least equal:

1. the amounts required by Title 17 of the Transportation Article; and

2. the coverage provided to a qualified person under Title 20, Subtitle 6 of this article; and

(ii) may not exceed the amount of liability coverage provided under the policy.

(2) Unless waived in accordance with § 19-510 of this subtitle, the amount of uninsured motorist coverage provided under a private passenger motor vehicle liability insurance policy shall equal the amount of liability coverage provided under the policy.

(f) An insurer may exclude from the uninsured motorist coverage required by this section benefits for:

(1) the named insured or a family member of the named insured who resides in the named insured's household for an injury that occurs when the named insured or family member is occupying or is struck as a pedestrian by an uninsured motor vehicle that is owned by the named insured or an immediate family member of the named insured who resides in the named insured's household; and

(2) the named insured, a family member of the named insured who resides in the named insured's household, and any other individual who has other applicable motor vehicle insurance for an injury that occurs when the named insured, family member, or other individual is occupying or is struck as a pedestrian by the insured motor vehicle while the motor vehicle is operated or used by an individual who is excluded from coverage under § 27-609 of this article.

(g) The limit of liability for an insurer that provides uninsured motorist coverage under this section is the amount of that coverage less the amount paid to the insured, that exhausts any applicable liability insurance policies, bonds, and securities, on behalf of any person that may be held liable for the bodily injuries or death of the insured.

(h) (1) A policy that, as its primary purpose, provides coverage in excess of other valid and collectible insurance or qualified self-insurance may include the uninsured motorist coverage provided for in this section.

(2) The uninsured motorist coverage required by this section is primary to any right to recovery from the Maryland Automobile Insurance Fund under Title 20, Subtitle 6 of this article.

(i) An endorsement or provision that protects the insured against damages caused by an uninsured motor vehicle that is contained in a policy issued and delivered in the State is deemed to cover damages caused by a motor vehicle insured by a liability insurer that is insolvent or otherwise unable to pay claims to the same extent and in the same manner as if the damages were caused by an uninsured motor vehicle.

(j) A provision in a motor vehicle liability insurance policy issued after July 1, 1975, about coverage for damages sustained by the insured as a result of the operation of an uninsured motor vehicle that requires a dispute between the insured and the insurer to be submitted to binding arbitration is prohibited and is of no legal effect.

### **19-509.1.**

**(A) IN THIS SECTION, "UNDERINSURED MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT HAS LIABILITY COVERAGE IN AN AMOUNT LESS THAN, MORE THAN, OR EQUAL TO THE UNINSURED MOTORIST COVERAGE PROVIDED UNDER THE INSURED PARTY'S MOTOR VEHICLE LIABILITY INSURANCE POLICY.**

**(B) THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST COVERAGE ~~PROVIDED FOR~~ REQUIRED BY THIS SECTION DOES NOT APPLY TO A MOTOR VEHICLE LIABILITY INSURANCE POLICY:**

**(1) THAT INSURES A MOTOR VEHICLE THAT:**

(I) IS NOT SUBJECT TO REGISTRATION UNDER § 13-402 OF THE TRANSPORTATION ARTICLE BECAUSE IT IS NOT DRIVEN ON A HIGHWAY; OR

(II) IS EXEMPT FROM REGISTRATION UNDER § 13-402(C)(10) OF THE TRANSPORTATION ARTICLE; OR

(2) ~~IF~~ WHEN A FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS ~~WAIVED THE RIGHT NOT ELECTED TO OBTAIN SUPPLEMENTAL ENHANCED~~ UNDERINSURED MOTORIST COVERAGE ~~IN ACCORDANCE WITH § 19-510.1~~ UNDER THIS SECTION INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.

(C) (1) AN INSURER SHALL OFFER ENHANCED UNDERINSURED MOTORIST COVERAGE AT THE TIME OF PURCHASE OF A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY.

(2) THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE MAY ELECT TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.

(3) UNLESS THE FIRST NAMED INSURED AFFIRMATIVELY MAKES A CHANGE IN WRITING, THE ELECTION TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE APPLIES TO ALL SUBSEQUENT RENEWALS OF COVERAGE AND TO ALL OTHER POLICIES OR ENDORSEMENTS THAT EXTEND, CHANGE, SUPERSEDE, OR REPLACE AN EXISTING PRIVATE PASSENGER MOTOR VEHICLE INSURANCE POLICY ISSUED TO THE FIRST NAMED INSURED.

~~(D)~~ (D) IN ADDITION TO ANY OTHER COVERAGE REQUIRED BY THIS SUBTITLE, EACH PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY ISSUED, SOLD, OR DELIVERED IN THE STATE ON OR AFTER JULY 1, 2018, TO AN INSURED THAT ~~DOES NOT WAIVE THE RIGHT~~ ELECTS TO OBTAIN SUPPLEMENTAL ENHANCED UNDERINSURED MOTORIST COVERAGE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE SHALL CONTAIN COVERAGE FOR DAMAGES, SUBJECT TO THE POLICY LIMITS, THAT:

(1) THE INSURED IS ENTITLED TO RECOVER FROM THE OWNER OR OPERATOR OF AN UNDERINSURED MOTOR VEHICLE BECAUSE OF BODILY INJURIES SUSTAINED IN A MOTOR VEHICLE ACCIDENT ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE UNDERINSURED MOTOR VEHICLE; AND

(2) A SURVIVING RELATIVE OF THE INSURED, WHO IS DESCRIBED IN § 3-904 OF THE COURTS ARTICLE, IS ENTITLED TO RECOVER FROM THE OWNER OR

OPERATOR OF AN UNDERINSURED MOTOR VEHICLE BECAUSE THE INSURED DIED AS THE RESULT OF A MOTOR VEHICLE ACCIDENT ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE UNDERINSURED MOTOR VEHICLE.

~~(D)~~ (E) THE OFFER OF SUPPLEMENTAL ENHANCED UNDERINSURED MOTORIST COVERAGE ~~PROVIDED FOR~~ REQUIRED BY THIS SECTION SHALL BE ~~IN ON~~ ON THE FORM ~~AND SUBJECT TO THE CONDITIONS~~ THAT THE COMMISSIONER ~~APPROVES~~ REQUIRES.

~~(E)~~ (F) (1) THE SUPPLEMENTAL ENHANCED UNDERINSURED MOTORIST COVERAGE CONTAINED IN A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY:

(I) SHALL AT LEAST EQUAL:

1. THE AMOUNTS REQUIRED BY TITLE 17 OF THE TRANSPORTATION ARTICLE; AND

2. THE COVERAGE PROVIDED TO A QUALIFIED PERSON UNDER TITLE 20, SUBTITLE 6 OF THIS ARTICLE; AND

(II) MAY NOT EXCEED THE AMOUNT OF LIABILITY COVERAGE PROVIDED UNDER THE POLICY, ~~EXCEPT IN ITS APPLICATION~~.

(2) ~~UNLESS WAIVED IN ACCORDANCE WITH § 19-510.1 OF THIS SUBTITLE, THE~~ THE AMOUNT OF SUPPLEMENTAL ENHANCED UNDERINSURED MOTORIST COVERAGE PROVIDED UNDER A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY SHALL EQUAL THE AMOUNT OF LIABILITY COVERAGE PROVIDED UNDER THE POLICY.

~~(F)~~ (G) AN INSURER MAY EXCLUDE FROM THE SUPPLEMENTAL ENHANCED UNDERINSURED MOTORIST COVERAGE ~~PROVIDED FOR~~ REQUIRED BY THIS SECTION BENEFITS FOR:

(1) THE NAMED INSURED OR A FAMILY MEMBER OF THE NAMED INSURED WHO RESIDES IN THE NAMED INSURED'S HOUSEHOLD FOR AN INJURY THAT OCCURS WHEN THE NAMED INSURED OR FAMILY MEMBER IS OCCUPYING OR IS STRUCK AS A PEDESTRIAN BY AN UNDERINSURED MOTOR VEHICLE THAT IS OWNED BY THE NAMED INSURED OR AN IMMEDIATE FAMILY MEMBER OF THE NAMED INSURED WHO RESIDES IN THE NAMED INSURED'S HOUSEHOLD; AND

(2) THE NAMED INSURED, A FAMILY MEMBER OF THE NAMED INSURED WHO RESIDES IN THE NAMED INSURED'S HOUSEHOLD, AND ANY OTHER INDIVIDUAL WHO HAS OTHER APPLICABLE MOTOR VEHICLE INSURANCE FOR AN

INJURY THAT OCCURS WHEN THE NAMED INSURED, FAMILY MEMBER, OR OTHER INDIVIDUAL IS OCCUPYING OR IS STRUCK AS A PEDESTRIAN BY THE INSURED MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS OPERATED OR USED BY AN INDIVIDUAL WHO IS EXCLUDED FROM COVERAGE UNDER § 27-609 OF THIS ARTICLE.

~~(G)~~ (H) THE LIMIT OF LIABILITY FOR AN INSURER THAT PROVIDES ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST COVERAGE UNDER THIS SECTION:

(1) IS SUBJECT TO § 19-511.1 OF THIS SUBTITLE; AND

(2) IS THE AMOUNT OF THAT COVERAGE WITHOUT ANY REDUCTION FOR THE AMOUNT PAID TO THE INSURED, THAT EXHAUSTS ANY APPLICABLE LIABILITY INSURANCE POLICIES, BONDS, AND SECURITIES, ON BEHALF OF ANY PERSON THAT MAY BE HELD LIABLE FOR THE BODILY INJURIES OR DEATH OF THE INSURED.

~~(H)~~ (I) (1) A POLICY THAT, AS ITS PRIMARY PURPOSE, PROVIDES COVERAGE IN EXCESS OF OTHER VALID AND COLLECTIBLE INSURANCE OR QUALIFIED SELF-INSURANCE MAY INCLUDE THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST COVERAGE PROVIDED FOR IN THIS SECTION.

(2) THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST COVERAGE ~~PROVIDED FOR IN~~ REQUIRED BY THIS SECTION IS PRIMARY TO ANY RIGHT TO RECOVERY FROM THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER TITLE 20, SUBTITLE 6 OF THIS ARTICLE.

~~(I)~~ (J) AN ENDORSEMENT OR A PROVISION THAT PROTECTS THE INSURED AGAINST DAMAGES CAUSED BY AN UNDERINSURED MOTOR VEHICLE THAT IS CONTAINED IN A POLICY ISSUED AND DELIVERED IN THE STATE IS DEEMED TO COVER DAMAGES CAUSED BY A MOTOR VEHICLE INSURED BY A LIABILITY INSURER THAT IS INSOLVENT OR OTHERWISE UNABLE TO PAY CLAIMS TO THE SAME EXTENT AND IN THE SAME MANNER AS IF THE DAMAGES WERE CAUSED BY AN UNDERINSURED MOTOR VEHICLE.

~~(J)~~ (K) A PROVISION IN A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY ISSUED ON OR AFTER JULY 1, 2018, ABOUT COVERAGE FOR DAMAGES SUSTAINED BY THE INSURED AS A RESULT OF THE OPERATION OF AN UNDERINSURED MOTOR VEHICLE THAT REQUIRES A DISPUTE BETWEEN THE INSURED AND THE INSURER TO BE SUBMITTED TO BINDING ARBITRATION IS PROHIBITED AND IS OF NO LEGAL EFFECT.

(A) A final judgment in an action for personal injury protection coverage under a motor vehicle liability insurance policy does not preclude a subsequent action for uninsured or underinsured motorist coverage arising out of the same motor vehicle accident or occurrence.

**(B) A FINAL JUDGMENT IN AN ACTION FOR PERSONAL INJURY PROTECTION COVERAGE UNDER A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY DOES NOT PRECLUDE A SUBSEQUENT ACTION FOR ~~SUPPLEMENTAL ENHANCED~~ UNDERINSURED MOTORIST COVERAGE ARISING OUT OF THE SAME MOTOR VEHICLE ACCIDENT OR OCCURRENCE.**

19-510.

(a) This section applies only when:

(1) the liability coverage under a policy or binder of private passenger motor vehicle liability insurance exceeds the amount required under § 17-103 of the Transportation Article; AND

**(2) THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS ~~WAIVED THE RIGHT TO OBTAIN SUPPLEMENTAL~~ NOT ELECTED TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE ~~IN ACCORDANCE WITH § 19-510.1~~ UNDER § 19-509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.**

(b) (1) If the first named insured under a policy or binder of private passenger motor vehicle liability insurance does not wish to obtain uninsured motorist coverage in the same amount as the liability coverage provided under the policy or binder, the first named insured shall make an affirmative written waiver of having uninsured motorist coverage in the same amount as the liability coverage.

(2) If the first named insured does not make an affirmative written waiver under this section, the insurer shall provide uninsured motorist coverage in an amount equal to the amount of the liability coverage provided under the policy or binder.

(c) A waiver made under this section is not effective unless, prior to the waiver, the insurer gives the first named insured written notice of the nature, extent, benefit, and cost of the level of the uninsured motorist coverage being waived.

(d) (1) A waiver made under this section shall be made on the form that the Commissioner requires.

(2) The form may be part of the insurance contract.

(3) The form shall clearly and concisely explain in 10 point boldface type:

(i) the nature, extent, benefit, and cost of the level of the uninsured motorist coverage that would be provided under the policy if not waived by the first named insured;

(ii) that a failure of the first named insured to make a waiver requires an insurer to provide uninsured motorist coverage in an amount equal to the amount of the liability coverage provided under the policy or binder of private passenger motor vehicle liability insurance;

(iii) that an insurer may not refuse to underwrite a person because the person refuses to waive the excess uninsured motorist coverage under this section; and

(iv) that a waiver made under this section must be an affirmative written waiver.

(4) Subject to the Commissioner's approval, a waiver made under this section may be made on the same form as the waiver made under § 19-506 of this subtitle.

(e) A waiver made under this section by a person that is insured continuously by an insurer or by the Maryland Automobile Insurance Fund is effective until the waiver is withdrawn in writing.

(f) (1) An insurer may not refuse to underwrite a person because the person refuses to waive the excess uninsured motorist coverage under this section.

(2) An insurer that violates this subsection is subject to the penalties provided by §§ 4-113 and 4-114 of this article.

~~19-510.1.~~

~~(A) (1) IF THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE DOES NOT WISH TO OBTAIN SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE, THE FIRST NAMED INSURED SHALL MAKE AN AFFIRMATIVE WRITTEN WAIVER OF HAVING SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE.~~

~~(2) IF THE FIRST NAMED INSURED DOES NOT MAKE AN AFFIRMATIVE WRITTEN WAIVER UNDER THIS SECTION, THE INSURER SHALL PROVIDE SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE IN ACCORDANCE WITH § 19-509.1 OF THIS SUBTITLE.~~

~~(B) A WAIVER MADE UNDER THIS SECTION IS NOT EFFECTIVE UNLESS, PRIOR TO THE WAIVER, THE INSURER GIVES THE FIRST NAMED INSURED WRITTEN NOTICE OF THE NATURE, EXTENT, BENEFIT, AND COST OF THE LEVEL OF THE SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE BEING WAIVED.~~

~~(C) (1) A WAIVER MADE UNDER THIS SECTION SHALL BE MADE ON THE FORM THAT THE COMMISSIONER REQUIRES.~~

~~(2) THE FORM MAY BE PART OF THE INSURANCE CONTRACT.~~

~~(3) THE FORM SHALL CLEARLY AND CONCISELY EXPLAIN IN AT LEAST 10 POINT BOLDFACE TYPE:~~

~~(I) THE NATURE, EXTENT, BENEFIT, AND COST OF THE LEVEL OF THE SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE THAT WOULD BE PROVIDED UNDER THE POLICY IF NOT WAIVED BY THE FIRST NAMED INSURED;~~

~~(II) THAT A FAILURE OF THE FIRST NAMED INSURED TO MAKE A WAIVER REQUIRES AN INSURER TO PROVIDE SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE;~~

~~(III) THAT AN INSURER MAY NOT REFUSE TO UNDERWRITE A PERSON BECAUSE THE PERSON REFUSES TO WAIVE THE SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE UNDER THIS SECTION; AND~~

~~(IV) THAT A WAIVER MADE UNDER THIS SECTION MUST BE AN AFFIRMATIVE WRITTEN WAIVER.~~

~~(4) SUBJECT TO THE COMMISSIONER'S APPROVAL, A WAIVER MADE UNDER THIS SECTION MAY BE MADE ON THE SAME FORM AS THE WAIVER MADE UNDER § 19-506 OF THIS SUBTITLE.~~

~~(D) A WAIVER MADE UNDER THIS SECTION BY A PERSON THAT IS INSURED CONTINUOUSLY BY AN INSURER OR BY THE MARYLAND AUTOMOBILE INSURANCE FUND IS EFFECTIVE UNTIL THE WAIVER IS WITHDRAWN IN WRITING.~~

~~(E) (1) AN INSURER MAY NOT REFUSE TO UNDERWRITE A PERSON BECAUSE THE PERSON REFUSES TO WAIVE THE SUPPLEMENTAL UNDERINSURED MOTORIST COVERAGE UNDER THIS SECTION.~~

~~(2) AN INSURER THAT VIOLATES THIS SUBSECTION IS SUBJECT TO THE PENALTIES PROVIDED BY §§ 4-113 AND 4-114 OF THIS ARTICLE.~~

19-511.

(A) THIS SECTION ~~APPLIES ONLY~~ DOES NOT APPLY WHEN THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE ~~HAS WAIVED THE RIGHT~~ HAS ELECTED TO OBTAIN

~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST COVERAGE IN ACCORDANCE WITH § 19-510.1 UNDER § 19-509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.

**[(a)] (B)** If an injured person receives a written offer from a motor vehicle insurance liability insurer or that insurer's authorized agent to settle a claim for bodily injury or death, and the amount of the settlement offer, in combination with any other settlements arising out of the same occurrence, would exhaust the bodily injury or death limits of the applicable liability insurance policies, bonds, and securities, the injured person shall send by certified mail, to any insurer that provides uninsured motorist coverage for the bodily injury or death, a copy of the liability insurer's written settlement offer.

**[(b)] (C)** Within 60 days after receipt of the notice required under subsection **[(a)] (B)** of this section, the uninsured motorist insurer shall send to the injured person:

- (1) written consent to acceptance of the settlement offer and to the execution of releases; or
- (2) written refusal to consent to acceptance of the settlement offer.

**[(c)] (D)** Within 30 days after a refusal to consent to acceptance of a settlement offer under subsection **[(b)(2)] (C)(2)** of this section, the uninsured motorist insurer shall pay to the injured person the amount of the settlement offer.

**[(d)] (E)** (1) Payment as described in subsection **[(c)] (D)** of this section shall preserve the uninsured motorist insurer's subrogation rights against the liability insurer and its insured.

(2) Receipt by the injured person of the payment described in subsection **[(c)] (D)** of this section shall constitute the assignment, up to the amount of the payment, of any recovery on behalf of the injured person that is subsequently paid from the applicable liability insurance policies, bonds, and securities.

**[(e)] (F)** The injured person may accept the liability insurer's settlement offer and execute releases in favor of the liability insurer and its insured without prejudice to any claim the injured person may have against the uninsured motorist insurer:

- (1) on receipt of written consent to acceptance of the settlement offer and to the execution of releases; or
- (2) if the uninsured motorist insurer has not met the requirements of subsection **[(b)] (C)** or subsection **[(c)] (D)** of this section.

**[(f)] (G)** Written consent by an uninsured motorist insurer to acceptance of a settlement offer under subsection **[(b)(1)] (C)(1)** of this section:

(1) may not be construed to limit the right of the uninsured motorist insurer to raise any issue relating to liability or damages in an action against the uninsured motorist insurer; and

(2) does not constitute an admission by the uninsured motorist insurer as to any issue raised in an action against the uninsured motorist insurer.

**19-511.1.**

**(A) THIS SECTION APPLIES ONLY WHEN THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS ~~NOT WAIVED THE RIGHT~~ ELECTED TO OBTAIN ~~SUPPLEMENTAL ENHANCED~~ UNDERINSURED MOTORIST COVERAGE ~~IN ACCORDANCE WITH § 19-510.1~~ UNDER § 19-509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.**

**(B) IF AN INJURED PERSON RECEIVES A WRITTEN OFFER FROM A MOTOR VEHICLE LIABILITY INSURER OR THAT INSURER'S AUTHORIZED AGENT TO SETTLE A CLAIM FOR BODILY INJURY OR DEATH, AND THE AMOUNT OF THE SETTLEMENT OFFER, IN COMBINATION WITH ANY OTHER SETTLEMENTS ARISING OUT OF THE SAME OCCURRENCE, WOULD EXHAUST THE BODILY INJURY OR DEATH LIMITS OF THE APPLICABLE LIABILITY INSURANCE POLICIES, BONDS, AND SECURITIES, THE INJURED PERSON SHALL SEND BY CERTIFIED MAIL, TO ANY INSURER THAT PROVIDES ~~SUPPLEMENTAL ENHANCED~~ UNDERINSURED MOTORIST COVERAGE FOR THE BODILY INJURY OR DEATH, A COPY OF THE LIABILITY INSURER'S WRITTEN SETTLEMENT OFFER.**

**(C) WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE ~~SUPPLEMENTAL ENHANCED~~ UNDERINSURED MOTORIST INSURER SHALL SEND TO THE INJURED PERSON:**

**(1) WRITTEN CONSENT TO ACCEPTANCE OF THE SETTLEMENT OFFER AND TO THE EXECUTION OF RELEASES; OR**

**(2) WRITTEN REFUSAL TO CONSENT TO ACCEPTANCE OF THE SETTLEMENT OFFER.**

**(D) WITHIN 30 DAYS AFTER A REFUSAL TO CONSENT TO ACCEPTANCE OF A SETTLEMENT OFFER UNDER SUBSECTION (C)(2) OF THIS SECTION, THE ~~SUPPLEMENTAL ENHANCED~~ UNDERINSURED MOTORIST INSURER SHALL PAY TO THE INJURED PERSON THE AMOUNT OF THE SETTLEMENT OFFER.**

(E) (1) PAYMENT AS DESCRIBED IN SUBSECTION (D) OF THIS SECTION SHALL PRESERVE THE EXTENDED ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST INSURER'S SUBROGATION RIGHTS AGAINST THE MOTOR VEHICLE LIABILITY INSURER AND ITS INSURED.

(2) RECEIPT BY THE INJURED PERSON OF THE PAYMENT DESCRIBED IN SUBSECTION (D) OF THIS SECTION SHALL CONSTITUTE THE ASSIGNMENT, UP TO THE AMOUNT OF THE PAYMENT, OF ANY RECOVERY ON BEHALF OF THE INJURED PERSON THAT IS SUBSEQUENTLY PAID FROM THE APPLICABLE LIABILITY INSURANCE POLICIES, BONDS, AND SECURITIES.

(F) THE INJURED PERSON MAY ACCEPT THE MOTOR VEHICLE LIABILITY INSURER'S SETTLEMENT OFFER AND EXECUTE RELEASES IN FAVOR OF THE LIABILITY INSURER AND ITS INSURED WITHOUT PREJUDICE TO ANY CLAIM THE INJURED PERSON MAY HAVE AGAINST THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST INSURER:

(1) ON RECEIPT OF WRITTEN CONSENT TO ACCEPTANCE OF THE SETTLEMENT OFFER AND TO THE EXECUTION OF RELEASES; OR

(2) IF THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST INSURER HAS NOT MET THE REQUIREMENTS OF SUBSECTION (C) OR (D) OF THIS SECTION.

(G) WRITTEN CONSENT BY ~~A~~ ~~SUPPLEMENTAL~~ AN ENHANCED UNDERINSURED MOTORIST INSURER TO ACCEPTANCE OF A SETTLEMENT OFFER UNDER SUBSECTION (C)(1) OF THIS SECTION:

(1) MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST INSURER TO RAISE ANY ISSUE RELATING TO LIABILITY OR DAMAGES IN AN ACTION AGAINST THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST INSURER; AND

(2) DOES NOT CONSTITUTE AN ADMISSION BY THE UNINSURED MOTORIST INSURER AS TO ANY ISSUE RAISED IN AN ACTION AGAINST THE ~~SUPPLEMENTAL~~ ENHANCED UNDERINSURED MOTORIST INSURER.

19-513.

(a) This section does not prohibit a nonprofit health service plan or an authorized insurer, with the approval of the Commissioner, from providing medical, hospital, and disability benefits in connection with motor vehicle accidents.

(b) ~~(1) [Notwithstanding] EXCEPT AS PROVIDED IN § 19-509.1 OF THIS SUBTITLE, AND NOTWITHSTANDING~~ any other provision of this subtitle, a person may not recover benefits under the coverages described in §§ 19-504, 19-505, 19-509, 19-509.1, and 19-512 of this subtitle from more than one motor vehicle liability insurance policy or insurer on a duplicative ~~or supplemental~~ basis.

(2) EXCEPT AS PROVIDED IN § 19-509.1 OF THIS SUBTITLE, AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A PERSON MAY NOT RECOVER BENEFITS UNDER THE COVERAGES DESCRIBED IN §§ 19-504, 19-505, 19-509, AND 19-512 OF THIS SUBTITLE FROM MORE THAN ONE MOTOR VEHICLE LIABILITY INSURANCE POLICY OR INSURER ON A SUPPLEMENTAL BASIS.

(c) (1) The insurer of a motor vehicle for which the coverage described in § 19-505 of this subtitle is in effect shall pay the benefits described in § 19-505 of this subtitle to an individual who is injured in a motor vehicle accident:

(i) while occupying the insured motor vehicle; or

(ii) by the insured motor vehicle as a pedestrian, while in, on, or alighting from a vehicle powered by animal or muscular power, or while on or alighting from an animal.

(2) An insurer may not pay benefits under paragraph (1) of this subsection to an individual who is in violation of § 17-103 of the Transportation Article.

(d) (1) The insurer under a policy that contains the coverages described in §§ 19-505 and 19-509 of this subtitle shall pay the benefits described in §§ 19-505 and 19-509 to an individual insured under the policy who is injured in a motor vehicle accident;

(i) while occupying a motor vehicle for which the coverages described in §§ 19-505 and 19-509 of this subtitle are not in effect; or

(ii) by a motor vehicle for which the coverages described in §§ 19-505 and 19-509 of this subtitle are not in effect as a pedestrian, while in, on, or alighting from a vehicle powered by animal or muscular power, or while on or alighting from an animal.

(2) Benefits payable under paragraph (1) of this subsection shall be reduced to the extent of any medical or disability benefits coverage that is:

(i) applicable to the motor vehicle for which the coverages described in §§ 19-505 and 19-509 of this subtitle are not in effect; and

(ii) collectible from the insurer of that motor vehicle.

(e) Benefits payable under the coverages described in §§ 19–505 and 19–509 of this subtitle shall be reduced to the extent that the recipient has recovered benefits under the workers' compensation laws of a state or the federal government for which the provider of the workers' compensation benefits has not been reimbursed.

### Article – Transportation

17–103.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to \$30,000 for any one person and up to \$60,000 for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

(3) Unless waived under § 19–506 of the Insurance Article or rejected under § 19–506.1 of the Insurance Article, the benefits described under § 19–505 of the Insurance Article as to basic required primary coverage;

(4) The benefits required under § 19–509 OR § 19–509.1 of the Insurance Article as to required additional coverage; and

(5) For vehicles subject to the provisions of § 25–111.1 of this article, the security requirements adopted under 49 C.F.R., Part 387.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act applies to each policy of private passenger motor vehicle insurance issued, sold, or delivered in the State on or after July 1, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ October 1, 2018 ~~2017~~.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 816

(Senate Bill 1034)

AN ACT concerning

**Maryland Public Broadcasting Commission – ~~Recording and Distribution~~  
~~During Legislative Session – Funding~~ Funding and Video Streaming**

FOR the purpose of requiring, ~~each~~ *beginning in a certain* fiscal year, that the Governor include in the annual budget bill ~~an~~ *a certain* appropriation to the Maryland Public Broadcasting Commission ~~to be used for certain purposes; providing for the calculation of the appropriation; requiring the total appropriation in the annual budget bill to be altered by a certain percentage each year; requiring the Commission, subject to a certain appropriation, to record and distribute certain events or activities; requiring, if certain federal funds are reduced in a fiscal year, the Governor to include a certain appropriation in the next fiscal year; stating the intent of the General Assembly~~ *requiring, if a certain amount of certain funds received in a certain fiscal year is lower than the amount of certain budgeted funds in a certain fiscal year, the Governor to include a certain appropriation to the Commission in the upcoming fiscal year; prohibiting certain funds from being included in a certain calculation for any subsequent fiscal year; requiring the Commission to video stream certain proceedings under certain circumstances in a certain fiscal year;* and generally relating to ~~an annual appropriation to~~ *funding for* the Maryland Public Broadcasting Commission.

BY adding to

Article – Education

Section 24–204(d) ~~and 24–205(d)~~

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Education

24–204.

~~(D) (1) FOR EACH FISCAL YEAR THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE COMMISSION EQUAL TO: THE TOTAL AMOUNT OF THE APPROPRIATION FOR THE PRIOR FISCAL YEAR INCREASED BY THE PERCENTAGE BY WHICH THE TOTAL AMOUNT OF GENERAL FUND REVENUES APPROPRIATED IN THE PROPOSED BUDGET BILL EXCEEDS THE TOTAL AMOUNT OF GENERAL FUND REVENUES APPROPRIATED IN THE BUDGET BILL FOR THE PRIOR FISCAL YEAR.~~

~~(2) IF THE AMOUNT OF FEDERAL FUNDS ANTICIPATED FOR THE COMMISSION FOR ANY FISCAL YEAR IS REDUCED, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL FOR THE NEXT FISCAL YEAR AN APPROPRIATION EQUAL TO THE DIFFERENCE BETWEEN THE ANTICIPATED FEDERAL FUNDS AND THE ACTUAL FEDERAL FUNDS RECEIVED IN THE PRIOR FISCAL YEAR.~~

(D) (1) BEGINNING IN FISCAL YEAR 2019, AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND APPROPRIATION TO THE COMMISSION IN AN AMOUNT NOT LESS THAN THE GENERAL FUND APPROPRIATION FOR THE CURRENT FISCAL YEAR AS APPROVED IN THE STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY AND INCREASED BY THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR THE CURRENT FISCAL YEAR, AS CONTAINED IN THE DECEMBER REPORT OF ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) (I) IN ADDITION TO THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF THE ACTUAL AMOUNT OF SPECIAL FUNDS IN SPECIAL FUND CODE R15304 COMMUNITY SERVICES GRANT AND CPB GRANT IN BUDGET CODE R15P00 MARYLAND PUBLIC BROADCASTING COMMISSION RECEIVED BY THE COMMISSION IN THE SECOND PREVIOUS FISCAL YEAR IS LOWER THAN THE AMOUNT THAT WAS BUDGETED FOR THE COMMISSION AS APPROVED IN THE STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY FOR THE SECOND PREVIOUS FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL, FOR THE UPCOMING FISCAL YEAR, A GENERAL FUND APPROPRIATION TO THE COMMISSION IN AN AMOUNT NOT LESS THAN THE DIFFERENCE BETWEEN THE ACTUAL FUNDS AND THE BUDGETED FUNDS.

(II) THE GENERAL FUNDS APPROPRIATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE INCLUDED IN THE CALCULATION UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ANY SUBSEQUENT FISCAL YEAR.

~~(I) \$500,000 TO BE USED FOR THE PURPOSES SPECIFIED UNDER § 24-205(D) OF THIS SUBTITLE; AND~~

~~(H) IF THE AMOUNT OF FEDERAL FUNDS ANTICIPATED FOR THE COMMISSION IN THE PRIOR FISCAL YEAR IS REDUCED, THE DIFFERENCE BETWEEN THE ANTICIPATED FEDERAL FUNDS AND THE ACTUAL FEDERAL FUNDS RECEIVED IN THE PRIOR FISCAL YEAR.~~

~~(2) EACH FISCAL YEAR THE GOVERNOR SHALL INCREASE THE TOTAL AMOUNT APPROPRIATED TO THE COMMISSION IN THE ANNUAL BUDGET BILL BY THE PERCENTAGE BY WHICH THE TOTAL AMOUNT OF GENERAL FUND REVENUES APPROPRIATED IN THE PROPOSED BUDGET BILL EXCEEDS THE TOTAL AMOUNT OF GENERAL FUND REVENUES APPROPRIATED IN THE BUDGET BILL FOR THE PRIOR FISCAL YEAR.~~

~~24-205.~~

~~(D) SUBJECT TO THE APPROPRIATION UNDER § 24-204(D) OF THIS SUBTITLE, THE COMMISSION SHALL RECORD, ARCHIVE, AND DISTRIBUTE, INCLUDING STREAM:~~

~~(1) THE ANNUAL STATE OF THE STATE ADDRESS;~~

~~(2) FLOOR SESSIONS DURING THE LAST 2 WEEKS OF THE LEGISLATIVE SESSION; AND~~

~~(3) THE STATE OF THE JUDICIARY ADDRESS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, in the interest of transparency and unbiased reporting, the Governor include in the annual budget an appropriation of at least \$500,000 to the Maryland Public Broadcasting Commission to record, archive, distribute, and stream, in fiscal year 2018 only, if funding is made available to the Maryland Public Broadcasting Commission for such purposes, the Commission shall video stream:~~

~~(1) the annual State of the State Address;~~

~~(2) floor sessions during the last 2 weeks of the legislative session; and~~

~~(3) the State of the Judiciary Address.~~

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 817

(House Bill 34)

AN ACT concerning

### Real Property – Homeowners Associations – Resale of Lot – Inspection Fees

FOR the purpose of authorizing a homeowners association to charge a certain maximum fee for an inspection of a lot owner's lot under certain circumstances; and generally relating to inspection fees and homeowners associations.

BY repealing and reenacting, with amendments,

Article – Real Property  
Section 11B–106  
Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Real Property**

11B–106.

(a) A contract for the resale of a lot within a development, or for the initial sale of a lot within a development containing 12 or fewer lots, to a member of the public who intends to occupy or rent the lot for residential purposes, is not enforceable by the vendor unless:

(1) The purchaser is given, on or before entering into the contract for the sale of such lot, or within 20 calendar days of entering into the contract, the disclosures set forth in subsection (b) of this section;

(2) The purchaser is given any changes in mandatory fees and payments exceeding 10 percent of the amount previously stated to exist and any other substantial and material amendment to the disclosures after they become known to the vendor; and

(3) The contract of sale contains a notice in conspicuous type, which shall include bold and underscored type, in a form substantially the same as the following:

“This sale is subject to the requirements of the Maryland Homeowners Association Act (the “Act”). The Act requires that the seller disclose to you at or before the time the contract is entered into, or within 20 calendar days of entering into the contract, certain information concerning the development in which the lot you are purchasing is located. The content of the information to be disclosed is set forth in § 11B–106(b) of the Act (the “MHAA information”) as follows:

(The notice shall include at this point the text of § 11B–106(b) in its entirety).

If you have not received all of the MHAA information 5 calendar days or more before entering into the contract, you have 5 calendar days to cancel this contract after receiving all of the MHAA information. You must cancel the contract in writing, but you do not have to state a reason. The seller must also provide you with notice of any changes in mandatory fees exceeding 10% of the amount previously stated to exist and copies of any other substantial and material amendment to the information provided to you. You have 3 calendar days to cancel this contract after receiving notice of any changes in mandatory fees, or copies of any other substantial and material amendment to the MHAA information which adversely affects you. If you do cancel the contract you will be entitled to a refund of any deposit you made on account of the contract. However, unless you return the MHAA

information to the seller when you cancel the contract, the seller may keep out of your deposit the cost of reproducing the MHAA information, or \$100, whichever amount is less.

By purchasing a lot within this development, you will automatically be subject to various rights, responsibilities, and obligations, including the obligation to pay certain assessments to the homeowners association within the development. The lot you are purchasing may have restrictions on:

- (1) Architectural changes, design, color, landscaping, or appearance;
- (2) Occupancy density;
- (3) Kind, number, or use of vehicles;
- (4) Renting, leasing, mortgaging, or conveying property;
- (5) Commercial activity; or
- (6) Other matters.

You should review the MHAA information carefully to ascertain your rights, responsibilities, and obligations within the development.”

(b) The vendor shall provide the purchaser the following information in writing:

- (1) A statement as to whether the lot is located within a development;
- (2)
  - (i) The current monthly fees or assessments imposed by the homeowners association upon the lot;
  - (ii) The total amount of fees, assessments, and other charges imposed by the homeowners association upon the lot during the prior fiscal year of the homeowners association; and
  - (iii) A statement of whether any of the fees, assessments, or other charges against the lot are delinquent;
- (3) The name, address, and telephone number of the management agent of the homeowners association, or other officer or agent authorized by the homeowners association to provide to members of the public, information regarding the homeowners association and the development, or a statement that no agent or officer is presently so authorized by the homeowners association;
- (4) A statement as to whether the owner has actual knowledge of:
  - (i) The existence of any unsatisfied judgments or pending lawsuits against the homeowners association; and

(ii) Any pending claims, covenant violations actions, or notices of default against the lot; and

(5) A copy of:

(i) The articles of incorporation, the declaration, and all recorded covenants and restrictions of the primary development, and of other related developments to the extent reasonably available, to which the purchaser shall become obligated on becoming an owner of the lot, including a statement that these obligations are enforceable against an owner's tenants, if applicable; and

(ii) The bylaws and rules of the primary development, and of other related developments to the extent reasonably available, to which the purchaser shall become obligated on becoming an owner of the lot, including a statement that these obligations are enforceable against an owner and the owner's tenants, if applicable.

(c) (1) Except as provided in paragraph [(3)] (4) of this subsection, within 20 days after a written request by a lot owner **OTHER THAN A DECLARANT** and receipt of a reasonable fee, not to exceed the cost to the homeowners association, if any, up to a maximum of \$250, the homeowners association, the management agent of the homeowners association, or any other authorized officer or agent of the homeowners association, shall provide the information listed under subsection (b) of this section.

(2) **IN ADDITION TO THE FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HOMEOWNERS ASSOCIATION IS ENTITLED TO A REASONABLE FEE NOT TO EXCEED ~~\$100~~ \$50 FOR AN INSPECTION OF THE LOT OWNER'S LOT IF ~~REQUIRED~~ THE INSPECTION IS REQUIRED BY THE GOVERNING DOCUMENTS OF THE HOMEOWNERS ASSOCIATION.**

(3) In addition to the [fee] **FEES** under [paragraph (1)] **PARAGRAPHS (1) AND (2)** of this subsection, the homeowners association is entitled to a reasonable fee:

(i) Not to exceed \$50 for delivery of the information within 14 days after the request for the information; and

(ii) Not to exceed \$100 for delivery of the information within 7 days after the request for the information.

[(3)] (4) (i) The Department of Housing and Community Development shall adjust the maximum fee authorized under paragraph (1) of this subsection every 2 years, beginning on October 1, 2018, to reflect any aggregate increase in the Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore, or any successor index, for the previous 2 years.

(ii) The Department of Housing and Community Development shall maintain on its Web site a list of the maximum fees authorized under paragraph (1) of this subsection as adjusted every 2 years in accordance with subparagraph (i) of this paragraph.

(d) (1) Within 30 calendar days of any resale transfer of a lot within a development, the transferor shall notify the homeowners association for the primary development of the transfer.

(2) The notification shall include, to the extent reasonably available, the name and address of the transferee, the name and forwarding address of the transferor, the date of transfer, the name and address of any mortgagee, and the proportionate amount of any outstanding homeowners association fee or assessment assumed by each of the parties to the transaction.

(e) The requirements of subsection (b) of this section shall be deemed to have been fulfilled if the information required to be disclosed is provided to the purchaser in writing in a clear and concise manner. The disclosures may be summarized or produced in any collection of documents, including plats, the declaration, or the organizational documents of the homeowners association, provided those documents effectively convey the required information to the purchaser.

(f) In satisfying the requirements of subsection (b) of this section, the vendor shall be entitled to rely upon the disclosures contained in the depository after June 30, 1989.

(g) The provisions of subsections (a), (b), (e), and (f) of this section do not apply to the sale of a lot in an action to foreclose a mortgage or deed of trust.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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## Chapter 818

(House Bill 631)

AN ACT concerning

**Public Health – Essential Off-Patent or Generic Drugs – Price Gouging –  
Prohibition**

FOR the purpose of prohibiting a manufacturer or wholesale distributor from engaging in price gouging in the sale of an essential off-patent or generic drug; *establishing that it is not a violation of a certain provision of this Act for a wholesale distributor to*

~~increase a price of an essential off-patent or generic drug under certain circumstances; requiring authorizing the Maryland Medical Assistance Program to notify the manufacturer of an essential generic drug and the Attorney General of a certain increase in the price of the an essential off-patent or generic drug under certain circumstances; requiring a manufacturer of an essential off-patent or generic drug to submit a certain statement to the Attorney General within a certain time frame; authorizing the Attorney General to require a manufacturer of an essential off-patent or generic drug to produce certain records or other documents that may be relevant in determining whether a certain violation has occurred; authorizing a circuit court, under certain circumstances, to issue certain orders compelling certain actions, restraining or enjoining certain violations, and imposing a certain civil penalty; making certain information subject to public inspection only to the extent permitted under certain provisions of law; providing that information included in a certain statement requiring that certain information provided to the Attorney General under this Act be considered confidential commercial information for certain purposes except under certain circumstances; prohibiting the Attorney General from bringing a certain action under certain circumstances; prohibiting a person who is alleged to have violated a requirement of this Act from asserting a certain defense; defining certain terms; and generally relating to prohibiting price gouging in the sale of essential off-patent or generic drugs.~~

BY adding to

Article – Health – General

Section 2–801 through 2–803 to be under the new subtitle “Subtitle 8. Prohibition Against Price Gouging for Essential Off-Patent or Generic Drugs”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Health – General**

**SUBTITLE 8. PROHIBITION AGAINST PRICE GOUGING FOR ESSENTIAL  
OFF-PATENT OR GENERIC DRUGS.**

**2–801.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(B) “AVERAGE MANUFACTURER PRICE” HAS THE MEANING STATED IN 42 U.S.C. § 1396r-8.~~

~~(C)~~ (B) (1) “ESSENTIAL OFF-PATENT OR GENERIC DRUG” MEANS ANY PRESCRIPTION DRUG:

(I) FOR WHICH ~~ANY~~ ALL EXCLUSIVE MARKETING RIGHTS, IF ANY, GRANTED UNDER ~~FEDERAL LAW~~ THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, § 351 OF THE FEDERAL PUBLIC HEALTH SERVICE ACT, AND FEDERAL PATENT LAW HAVE EXPIRED;

(II) 1. THAT APPEARS ON THE MODEL LIST OF ESSENTIAL MEDICINES MOST RECENTLY ADOPTED BY THE WORLD HEALTH ORGANIZATION; OR

2. THAT HAS BEEN DESIGNATED BY THE SECRETARY AS AN ESSENTIAL MEDICINE DUE TO ITS EFFICACY IN TREATING A LIFE-THREATENING HEALTH CONDITION OR A CHRONIC HEALTH CONDITION THAT SUBSTANTIALLY IMPAIRS AN INDIVIDUAL'S ABILITY TO ENGAGE IN ACTIVITIES OF DAILY LIVING; ~~AND~~

(III) THAT IS ACTIVELY MANUFACTURED AND MARKETED FOR SALE IN THE UNITED STATES BY THREE OR FEWER MANUFACTURERS; AND

~~(III)~~ (IV) THAT IS MADE AVAILABLE FOR SALE IN THE STATE.

(2) "ESSENTIAL OFF-PATENT OR GENERIC DRUG" INCLUDES ANY DRUG-DEVICE COMBINATION PRODUCT USED FOR THE DELIVERY OF ~~AN ESSENTIAL GENERIC~~ A DRUG FOR WHICH ALL EXCLUSIVE MARKETING RIGHTS, IF ANY, GRANTED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, § 351 OF THE FEDERAL PUBLIC HEALTH SERVICE ACT, AND FEDERAL PATENT LAW HAVE EXPIRED.

~~(D)~~ (C) "PRICE GOUGING" MEANS AN UNCONSCIONABLE INCREASE IN THE PRICE OF A PRESCRIPTION DRUG.

~~(E)~~ (D) "STATE HEALTH PLAN" HAS THE MEANING STATED IN § 2-601 OF THIS TITLE.

~~(F)~~ (E) "STATE HEALTH PROGRAM" HAS THE MEANING STATED IN § 2-601 OF THIS TITLE.

~~(G)~~ (F) "UNCONSCIONABLE INCREASE" MEANS AN INCREASE IN THE PRICE OF A PRESCRIPTION DRUG THAT:

(1) IS EXCESSIVE AND NOT JUSTIFIED BY THE COST OF PRODUCING THE DRUG OR THE COST OF APPROPRIATE EXPANSION OF ACCESS TO THE DRUG TO PROMOTE PUBLIC HEALTH; AND

(2) RESULTS IN CONSUMERS FOR WHOM THE DRUG HAS BEEN PRESCRIBED HAVING NO MEANINGFUL CHOICE ABOUT WHETHER TO PURCHASE THE DRUG AT AN EXCESSIVE PRICE BECAUSE OF:

(I) THE IMPORTANCE OF THE DRUG TO THEIR HEALTH; AND

(II) INSUFFICIENT COMPETITION IN THE MARKET FOR THE DRUG.

~~(H)~~ (G) “WHOLESALE ACQUISITION COST” HAS THE MEANING STATED IN 42 U.S.C. § 1395W-3A.

2-802.

(A) A MANUFACTURER OR WHOLESALE DISTRIBUTOR MAY NOT ENGAGE IN PRICE GOUGING IN THE SALE OF AN ESSENTIAL OFF-PATENT OR GENERIC DRUG.

(B) IT IS NOT A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A WHOLESALE DISTRIBUTOR TO INCREASE THE PRICE OF AN ESSENTIAL OFF-PATENT OR GENERIC DRUG IF THE PRICE INCREASE IS DIRECTLY ATTRIBUTABLE TO ADDITIONAL COSTS FOR THE DRUG IMPOSED ON THE WHOLESALE DISTRIBUTOR BY THE MANUFACTURER OF THE DRUG.

2-803.

(A) THE MARYLAND MEDICAL ASSISTANCE PROGRAM ~~SHALL~~ MAY NOTIFY THE ~~MANUFACTURER OF AN ESSENTIAL GENERIC DRUG AND THE~~ ATTORNEY GENERAL OF ANY INCREASE IN THE PRICE OF AN ESSENTIAL OFF-PATENT OR GENERIC DRUG WHEN:

~~(1) THREE OR FEWER MANUFACTURERS ARE ACTIVELY MANUFACTURING AND MARKETING THE ESSENTIAL GENERIC DRUG FOR SALE IN THE UNITED STATES; AND~~

~~(2)~~ (1) THE PRICE INCREASE, BY ITSELF OR IN COMBINATION WITH OTHER PRICE INCREASES:

(I) WOULD RESULT IN AN INCREASE OF 50% OR MORE IN THE ~~AVERAGE MANUFACTURER PRICE OR~~ WHOLESALE ACQUISITION COST OF THE DRUG WITHIN THE PRECEDING ~~2-YEAR~~ 1-YEAR PERIOD; OR

(II) WOULD RESULT IN AN INCREASE OF 50% OR MORE IN THE PRICE PAID BY THE MARYLAND MEDICAL ASSISTANCE PROGRAM FOR THE DRUG WITHIN THE PRECEDING ~~2-YEAR~~ 1-YEAR PERIOD; AND

~~(3)~~ (2) (I) A 30-DAY SUPPLY OF THE MAXIMUM RECOMMENDED DOSAGE OF THE DRUG FOR ANY INDICATION, ACCORDING TO THE LABEL FOR THE DRUG APPROVED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, WOULD COST MORE THAN \$80 AT THE DRUG'S WHOLESALE ACQUISITION COST;

(II) A FULL COURSE OF TREATMENT WITH THE DRUG, ACCORDING TO THE LABEL FOR THE DRUG APPROVED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, WOULD COST MORE THAN \$80 AT THE DRUG'S WHOLESALE ACQUISITION COST; OR

(III) IF THE DRUG IS MADE AVAILABLE TO CONSUMERS ONLY IN QUANTITIES THAT DO NOT CORRESPOND TO A 30-DAY SUPPLY, A FULL COURSE OF TREATMENT, OR A SINGLE DOSE, IT WOULD COST MORE THAN \$80 AT THE DRUG'S WHOLESALE ACQUISITION COST TO OBTAIN A 30-DAY SUPPLY OR A FULL COURSE OF TREATMENT.

(B) ~~WITHIN 20 DAYS AFTER THE DATE OF RECEIPT OF A NOTICE UNDER SUBSECTION (A) OF THIS SECTION~~ ON REQUEST OF THE ATTORNEY GENERAL, THE MANUFACTURER OF AN ESSENTIAL OFF-PATENT OR GENERIC DRUG SHALL IDENTIFIED IN A NOTICE UNDER SUBSECTION (A) OF THIS SECTION, WITHIN 20 45 DAYS AFTER THE REQUEST, SHALL SUBMIT A STATEMENT TO THE ATTORNEY GENERAL:

(1) (I) ~~ITEMIZING THE COMPONENTS OF THE COST OF PRODUCING THE ESSENTIAL GENERIC DRUG; AND~~

(II) ~~IDENTIFYING THE CIRCUMSTANCES AND TIMING OF ANY INCREASE IN MATERIALS OR MANUFACTURING COSTS THAT CAUSED ANY INCREASE IN THE PRICE OF THE ESSENTIAL GENERIC DRUG WITHIN THE 2-YEAR~~ 1-YEAR PERIOD PRECEDING THE DATE OF THE PRICE INCREASE;

(2) (I) ~~IDENTIFYING THE CIRCUMSTANCES AND TIMING OF ANY EXPENDITURES MADE BY THE MANUFACTURER TO EXPAND ACCESS TO THE ESSENTIAL GENERIC DRUG; AND~~

(II) ~~EXPLAINING ANY IMPROVEMENT IN PUBLIC HEALTH ASSOCIATED WITH THOSE EXPENDITURES; AND~~

(3) ~~PROVIDING ANY OTHER INFORMATION THAT THE MANUFACTURER BELIEVES TO BE RELEVANT TO A DETERMINATION OF WHETHER A VIOLATION OF THIS SUBTITLE HAS OCCURRED.~~

(C) THE ATTORNEY GENERAL MAY REQUIRE A MANUFACTURER OR A WHOLESALE DISTRIBUTOR TO PRODUCE ANY RECORDS OR OTHER DOCUMENTS THAT MAY BE RELEVANT TO A DETERMINATION OF WHETHER A VIOLATION OF THIS SUBTITLE HAS OCCURRED.

(D) ON PETITION OF THE ATTORNEY GENERAL AND SUBJECT TO SUBSECTION (E) OF THIS SECTION, A CIRCUIT COURT MAY ISSUE AN ORDER:

(1) COMPELLING ~~THE~~ A MANUFACTURER OR A WHOLESALE DISTRIBUTOR ~~OF AN ESSENTIAL GENERIC DRUG~~:

(I) TO PROVIDE THE STATEMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION; ~~OR~~ AND

(II) TO PRODUCE SPECIFIC RECORDS OR OTHER DOCUMENTS REQUESTED BY THE ATTORNEY GENERAL UNDER SUBSECTION (C) OF THIS SECTION THAT MAY BE RELEVANT TO A DETERMINATION OF WHETHER A VIOLATION OF THIS SUBTITLE HAS OCCURRED;

(2) RESTRAINING OR ENJOINING A VIOLATION OF THIS SUBTITLE;

(3) RESTORING TO ANY CONSUMER, INCLUDING A THIRD PARTY PAYOR, ANY MONEY ACQUIRED AS A RESULT OF A PRICE INCREASE THAT VIOLATES THIS SUBTITLE;

(4) REQUIRING A MANUFACTURER THAT HAS ENGAGED IN PRICE GOUGING IN THE SALE OF AN ESSENTIAL OFF-PATENT OR GENERIC DRUG TO MAKE THE ~~ESSENTIAL GENERIC~~ DRUG AVAILABLE TO PARTICIPANTS IN ANY STATE HEALTH PLAN OR STATE HEALTH PROGRAM FOR A PERIOD OF UP TO 1 YEAR AT THE PRICE AT WHICH THE DRUG WAS MADE AVAILABLE TO PARTICIPANTS IN THE STATE HEALTH PLAN OR STATE HEALTH PROGRAM IMMEDIATELY PRIOR TO THE MANUFACTURER'S VIOLATION OF THIS SUBTITLE; AND

(5) IMPOSING A CIVIL PENALTY OF UP TO \$10,000 FOR EACH VIOLATION OF THIS SUBTITLE.

(E) THE ATTORNEY GENERAL MAY NOT BRING AN ACTION FOR A REMEDY UNDER SUBSECTION (D)(2) THROUGH (5) OF THIS SECTION UNLESS THE ATTORNEY GENERAL HAS PROVIDED THE MANUFACTURER OR WHOLESALE DISTRIBUTOR AN OPPORTUNITY TO MEET WITH THE ATTORNEY GENERAL TO OFFER A JUSTIFICATION FOR THE INCREASE IN THE PRICE OF THE ESSENTIAL OFF-PATENT OR GENERIC DRUG.

~~(E) (F) (H)~~ ANY INFORMATION PROVIDED BY A MANUFACTURER OR A WHOLESALE DISTRIBUTOR TO THE ATTORNEY GENERAL UNDER THIS SUBTITLE SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL BE SUBJECT TO PUBLIC INSPECTION ONLY TO THE EXTENT PERMITTED UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.

~~(2)~~ THE INFORMATION INCLUDED IN THE STATEMENT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CONSIDERED CONFIDENTIAL COMMERCIAL INFORMATION FOR PURPOSES OF § 4-335 OF THE GENERAL PROVISIONS ARTICLE UNLESS THE CONFIDENTIALITY OF THE INFORMATION IS WAIVED BY THE MANUFACTURER OR WHOLESALE DISTRIBUTOR.

~~(E) (F) (G)~~ IN ANY ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER SUBSECTION (D) OF THIS SECTION, A PERSON WHO IS ALLEGED TO HAVE VIOLATED A REQUIREMENT OF THIS SUBTITLE MAY NOT ASSERT AS A DEFENSE THAT THE PERSON DID NOT DEAL DIRECTLY WITH A CONSUMER RESIDING IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

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## Chapter 819

(House Bill 1573)

AN ACT concerning

### Prince George's County – Tax Sales – Limited Auction and Foreclosure for Abandoned Property

PG 411-17

FOR the purpose of requiring the tax collector in Prince George's County to conduct a certain limited auction prior to conducting a public auction for property subject to tax liens; specifying the individuals who may participate in a limited auction; ~~requiring a purchaser of property at a limited auction to occupy the property as the purchaser's dwelling;~~ requiring the tax collector to include the date, time, and location of a limited auction in certain notices; establishing that a limited auction shall be subject to the same requirements as a certain public auction; establishing that the purchase of property at a limited auction shall be treated the same as the purchase of property at a certain public auction; requiring the tax collector to establish a system to verify that individuals who place bids at a limited auction are eligible to place bids; establishing that a certificate of sale for property purchased at

a limited auction is void if it is not purchased by an individual who meets certain criteria; requiring that certain property be sold at a certain limited or public auction if a certificate of sale is void under a certain provision of this Act; requiring property offered for sale at a limited auction that is not sold at the limited auction to be offered for sale at a public auction; prohibiting a certain certificate of sale from being assigned to another person; establishing certain remedies when a certificate of sale for property sold at a limited auction is void; authorizing a holder of a certificate of sale for certain property sold at a limited auction to file a complaint to foreclose all rights of redemption in the property at any time after the date of sale; and generally relating to tax sales of property in Prince George's County.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 14–817, ~~14–821~~, and 14–833(c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 14–833(d)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Tax – Property  
Section 14–833(h)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Tax – Property**

14–817.

(a) (1) (i) The sale shall be held on the day and at the place stated in the notice by advertising.

(ii) The sale shall be held in the county in which the land to be sold is located.

(iii) If the sale cannot be completed on that day, the collector shall continue the sale as determined by the collector and announced to the bidders at the sale until all property included in the sale is sold.

(2) All sales shall be at public auction to the person who makes the highest good faith accepted bid, in fee or leasehold, as the case may be.

(3) (i) The collector shall retain any common law or other authority normally granted to an auctioneer conducting a public auction and may refuse to accept bids that are not made in good faith.

(ii) The collector may delegate this authority to an auctioneer.

(4) The conduct of the sale shall be according to terms set by the collector, and published with a reasonable degree of specificity in the public notice of the tax sale, to ensure the orderly functioning of the public auction and the integrity of the tax sale process, including requirements that potential bidders:

(i) establish their eligibility for bidding by presenting evidence of the legal existence of the bidding entity that is satisfactory to the collector;

(ii) limit their representation at a tax sale to no more than a single agent per bidding entity; and

(iii) refrain from any act, agreement, consent, or conspiracy to suppress, predetermine, rig, or fix the bidding at the sale.

(5) (i) If determined by the collector to be in the best public interest and included in the required public notice of the sale, the collector may solicit and accept bids from the highest bidder for any group of properties to be sold at the tax sale.

(ii) 1. Upon the request of any individual or group, the collector may remove any individual property or properties from a group of properties to be sold at the tax sale.

2. Upon the request of the property owner at least 15 days before the date of the tax sale, the collector shall remove any individual property or properties from a group of properties to be sold at the tax sale.

(iii) The collector shall provide notice to the potential bidders of any alterations to a group of properties at the time the bidders become known.

(iv) The collector may conduct the sale of a group of properties under this paragraph by a sealed bid process.

(v) Except in Montgomery County, the collector shall establish a high-bid premium under subsection (b)(2) of this section for all properties to be sold:

1. in groups; or

2. by sealed bid process.

(b) (1) Except as provided in subsection (c) of this section, property may not be sold for a sum less than the total amount of all taxes on the property that are certified to the collector under § 14–810 of this subtitle, together with interest and penalties on the taxes and the expenses incurred in making the sale, and the lien for the taxes, interest, penalties, and expenses passes to the purchaser.

(2) (i) The collector may establish a high–bid premium to be applied to all properties to be sold at the tax sale.

(ii) Except as provided in subparagraphs (iii) and (iv) of this paragraph, the high–bid premium shall be 20% of the amount by which the highest bid exceeds 40% of the property’s full cash value.

(iii) Except as provided in subparagraph (iv) of this paragraph, in Baltimore City and Prince George’s County, the high–bid premium shall be 20% of the amount by which the highest bid exceeds the greater of:

1. the lien amount; or
2. 40% of the property’s full cash value.

(iv) For property assessed under agricultural use assessment, the high–bid premium shall be 20% of the amount by which the highest bid exceeds the appropriate value determined by the collector.

(v) In addition to the amounts payable under paragraph (1) of this subsection, the highest bidder shall pay a high–bid premium if the collector:

1. determines that a high–bid premium shall be used for the tax sale; and
2. indicates in the public notice of the sale that the high–bid premium will be applied.

(vi) The collector shall refund the high–bid premium, without interest, to:

1. the holder of the tax sale certificate on redemption of the property for which the high–bid premium was paid; or
2. the plaintiff in an action to foreclose the right of redemption on delivery of a tax sale deed for the property for which the high–bid premium was paid.

(vii) The high–bid premium is not refundable after the time required under § 14–833 of this subtitle for an action to foreclose the right of redemption if there has

been no redemption and if an action to foreclose the right of redemption has not been filed within that time.

(c) (1) In Baltimore City, abandoned property consisting of either a vacant lot or improved property cited as vacant and unfit for habitation on a housing or building violation notice may be sold for a sum less than the total amount of:

(i) all taxes on the property that are certified to the collector under § 14–810 of this subtitle;

(ii) interest and penalties on the taxes; and

(iii) expenses incurred in making the sale.

(2) The collector shall establish a minimum bid for abandoned property sold under this subsection.

(3) The person responsible for the taxes prior to the sale shall remain liable to the collector for the difference between the amount received in the tax sale under this section and the taxes, interest, penalties, and expenses remaining after the sale.

(4) The balance remaining after the tax sale shall be included in the amount necessary to redeem the property under § 14–828 of this subtitle.

(5) In a proceeding brought by the Mayor and City Council of Baltimore City to foreclose the right of redemption under this subtitle, the complaint may request a judgment for the city in the amount of the balance.

(6) The balance remaining after the tax sale is no longer a lien on the property when:

(i) a judgment is entered foreclosing the owner's right of redemption;

(ii) the deed is recorded; and

(iii) all liens accruing subsequent to the date of sale are paid in full.

(7) The Mayor and City Council may institute a separate action to collect the balance at any time within 7 years after the tax sale if the plaintiff is a private purchaser.

**(D) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

**(2) IN ADDITION TO THE SALE BY PUBLIC AUCTION REQUIRED UNDER THIS SECTION, THE COLLECTOR SHALL CONDUCT A SALE BY LIMITED AUCTION PRIOR TO THE PUBLIC AUCTION.**

**(3) THE SALE BY LIMITED AUCTION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE OPEN TO BIDS ONLY FROM AN INDIVIDUAL WHO IS:**

**(I) EMPLOYED IN A PUBLIC SCHOOL LOCATED IN PRINCE GEORGE'S COUNTY;**

**(II) EMPLOYED BY THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT;**

**(III) EMPLOYED BY THE PRINCE GEORGE'S COUNTY FIRE DEPARTMENT;**

**(IV) EMPLOYED BY THE PRINCE GEORGE'S COUNTY OFFICE OF THE SHERIFF;**

**(V) EMPLOYED BY THE PRINCE GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS;**

**(VI) EMPLOYED BY THE PRINCE GEORGE'S COUNTY GOVERNMENT IN A POSITION NOT INCLUDED UNDER ITEM (I), (II), (III), (IV), OR (V) OF THIS PARAGRAPH;**

**(VII) EMPLOYED BY THE FEDERAL GOVERNMENT;**

**(VIII) EMPLOYED BY A MUNICIPAL GOVERNMENT IN PRINCE GEORGE'S COUNTY;**

**(IX) A VETERAN OF ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES WHO HAS RECEIVED AN HONORABLE DISCHARGE; OR**

**(X) A RESIDENT OF PRINCE GEORGE'S COUNTY.**

~~**(4) A PURCHASER OF PROPERTY AT A LIMITED AUCTION SHALL OCCUPY THE PROPERTY AS THE PURCHASER'S DWELLING AS DEFINED IN § 9-105 OF THIS ARTICLE.**~~

~~**(5)**~~ **(4) THE COLLECTOR SHALL INCLUDE THE DATE, TIME, AND LOCATION OF THE LIMITED AUCTION REQUIRED UNDER THIS SUBSECTION IN ANY NOTICE OF SALE AT PUBLIC AUCTION REQUIRED UNDER THIS SUBTITLE.**

~~**(6)**~~ **(5) (I) THE LIMITED AUCTION SHALL BE SUBJECT TO THE SAME REQUIREMENTS FOR A PUBLIC AUCTION UNDER THIS SECTION.**

(II) THE PURCHASE OF PROPERTY AT A LIMITED AUCTION SHALL BE CONSIDERED THE SAME AS A PURCHASE AT PUBLIC AUCTION UNDER THIS SECTION AND SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE IN THE SAME MANNER AS A SALE AT PUBLIC AUCTION.

(III) THE COLLECTOR SHALL ESTABLISH A SYSTEM TO VERIFY THAT INDIVIDUALS PLACING BIDS ON PROPERTY AT THE LIMITED AUCTION ARE ELIGIBLE TO DO SO UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(IV) A CERTIFICATE OF SALE FOR PROPERTY PURCHASED AT A LIMITED AUCTION SHALL BE VOID IF THE PURCHASER WAS NOT AN ELIGIBLE PARTICIPANT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(V) IF A CERTIFICATE OF SALE IS VOID UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE PROPERTY SHALL BE LISTED AT THE NEXT LIMITED OR PUBLIC AUCTION HELD IF THE PROPERTY IS STILL ELIGIBLE TO BE SOLD UNDER THIS SUBTITLE.

~~(7)~~ (6) PROPERTY OFFERED FOR SALE DURING A LIMITED AUCTION THAT IS NOT SOLD SHALL BE OFFERED FOR SALE AT PUBLIC AUCTION IN ACCORDANCE WITH THIS SECTION.

14-821.

(A) [Any] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY certificate of sale executed and delivered by the collector to the purchaser is assignable and an assignment of the certificate of sale vests in the assignee, or the legal representative of the assignee, all the right, title, and interest of the original purchaser. The assignment of certificate of sale may be made in accordance with the provisions of law relating to the short assignment of mortgages.

(B) A CERTIFICATE OF SALE ISSUED TO A PURCHASER AT A LIMITED AUCTION UNDER § 14-817(D) OF THIS SUBTITLE MAY NOT BE ASSIGNED TO ANOTHER PERSON.

14-833.

(c) (1) The certificate is void unless a proceeding to foreclose the right of redemption is filed within 2 years of the date of the certificate of sale.

(2) In Baltimore City a certificate for abandoned property sold under § 14-817(c) of this subtitle with a minimum bid less than the lien amount reverts to the Mayor and City Council and is void as to the private purchaser at tax sale unless:

(i) a proceeding to foreclose the right of redemption is filed within 3 months of the date of the certificate of sale; and

(ii) unless the holder is granted an extension by the court due to a showing of extraordinary circumstances beyond the certificate holder's control, the holder secures a decree from the circuit court in which the foreclosure proceeding was filed within 18 months from the date of the filing of the foreclosure proceeding.

**(3) IN PRINCE GEORGE'S COUNTY, A CERTIFICATE FOR PROPERTY SOLD AT A LIMITED AUCTION IS VOID IF THE PURCHASER WAS NOT AN ELIGIBLE PARTICIPANT UNDER § 14-817(D)(3) OF THIS SUBTITLE.**

(d) (1) If a certificate is void under subsection (c) of this section, then any right, title, and interest of the holder of the certificate of sale, in the property sold shall cease and all money received by the collector on account of the sale shall be deemed forfeited, and shall be applied by the collector on the taxes in arrears on the property.

**(H) THE HOLDER OF A CERTIFICATE OF SALE FOR ABANDONED PROPERTY CONSISTING OF EITHER A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNFIT FOR HABITATION ON A HOUSING OR BUILDING VIOLATION NOTICE IN PRINCE GEORGE'S COUNTY THAT IS SOLD UNDER § 14-817(D) OF THIS SUBTITLE MAY FILE A COMPLAINT TO FORECLOSE ALL RIGHTS OF REDEMPTION IN THE PROPERTY AT ANY TIME AFTER THE DATE OF SALE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**

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