

Laws  
of the  
State of Maryland

At the Session of the General Assembly Begun and Held in the  
City of Annapolis on the Fourteenth Day of January 2015  
and Ending on the Thirteenth Day of April 2015

Bills vetoed by the Governor appear after the Laws

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VOLUME III

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## Chapter 315

(Senate Bill 582)

AN ACT concerning

### Pilot Program for Small Business Development by Ex–Offenders

FOR the purpose of requiring the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services and the Maryland Small Business Development Financing Authority, to establish under certain circumstances the Pilot Program for Small Business Development by Ex–Offenders for certain purposes by a certain date; providing for the termination of the Program; authorizing the Department to coordinate with certain entities; requiring the Department to develop a certain evaluation process for the Program; requiring the Department, in consultation with the Department of Public Safety and Correctional Services, to select certain individuals to participate in the Program; providing that a person selected by the Department to participate in the Program shall receive certain training and mentoring; requiring the Department to partner the individual with a certain mentor for a certain purpose; requiring the Department to assist the individual in obtaining certain financing through the Maryland Small Business Development Financing Authority; requiring the Department to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Pilot Program for Small Business Development by Ex–Offenders.

BY adding to

Article – Labor and Employment

Section 11–1201 to be under the new subtitle “Subtitle 12. Pilot Program for Small Business Development by Ex–Offenders”

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

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

### Article – Labor and Employment

#### SUBTITLE 12. PILOT PROGRAM FOR SMALL BUSINESS DEVELOPMENT BY EX–OFFENDERS.

11–1201.

(A) IN THIS SECTION, “PROGRAM” MEANS THE PILOT PROGRAM FOR SMALL BUSINESS DEVELOPMENT BY EX–OFFENDERS.

**(B) (1) ON OR BEFORE JANUARY 1, 2016, SUBJECT TO THE AVAILABILITY OF FUNDS, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY, SHALL ESTABLISH A PROGRAM TO ASSIST INDIVIDUALS EXITING THE CORRECTIONAL SYSTEM BY PROVIDING:**

- (I) TRAINING IN HOW TO ESTABLISH SMALL BUSINESSES; AND**
- (II) FUNDING TO ESTABLISH SMALL BUSINESSES.**

**(2) THE PROGRAM ESTABLISHED UNDER THIS SECTION SHALL TERMINATE AT THE END OF DECEMBER 31, 2020.**

**(3) THE DEPARTMENT MAY COORDINATE WITH OTHER ENTITIES THAT OFFER TO PROVIDE RESOURCES FOR THE PROGRAM, INCLUDING FUNDING, TRAINING, AND MENTORING SERVICES.**

**(C) THE DEPARTMENT SHALL DEVELOP AN EVALUATION PROCESS FOR THE PROGRAM THAT INCLUDES A MECHANISM TO EVALUATE WHETHER THE PROGRAM HAS OPERATED TO ENCOURAGE THE ESTABLISHMENT OF STABLE SMALL BUSINESSES BY INDIVIDUALS WHO HAVE PARTICIPATED IN THE PROGRAM.**

**(D) IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT SHALL SELECT BETWEEN THREE AND FIVE INDIVIDUALS TO PARTICIPATE IN THE PROGRAM WHO:**

- (1) HAVE RECENTLY EXITED THE CORRECTIONAL SYSTEM; AND**
- (2) HAVE IDENTIFIED AN INTEREST OR A SKILL SET THAT INDICATES A LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION OF THE BUSINESS PLAN PROPOSED BY THE INDIVIDUAL.**

**(E) AN INDIVIDUAL SELECTED TO PARTICIPATE IN THE PROGRAM SHALL RECEIVE TRAINING AND MENTORING IN THE DEVELOPMENT OF A BUSINESS PLAN.**

**(F) THE DEPARTMENT SHALL:**

**(1) PARTNER AN INDIVIDUAL PARTICIPATING IN THE PROGRAM WITH A MENTOR WHO WILL GUIDE THE INDIVIDUAL OVER A 3-YEAR PERIOD FOLLOWING THE IMPLEMENTATION OF THE INDIVIDUAL'S BUSINESS PLAN; AND**

**(2) ASSIST THE INDIVIDUAL IN OBTAINING FINANCING FOR THE INDIVIDUAL'S SMALL BUSINESS THROUGH THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2020, the Department of Labor, Licensing, and Regulation shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the effectiveness of the Pilot Program established under this Act in assisting individuals who have been recently released from the correctional system in establishing successful, stable small businesses.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 5 years and 6 months, at the end of December 31, 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 12, 2015.**

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**Chapter 316**

**(Senate Bill 185)**

AN ACT concerning

**Higher Education – Workforce Shortage Student Assistance Grants for Child Care Providers – Hattie N. Harrison Memorial Scholarship – ~~Establishment~~**

FOR the purpose of ~~altering the workforce shortage fields eligible for a Workforce Shortage Student Assistance grant to include school counselors under certain circumstances; naming a certain grant to be~~ naming the Workforce Shortage Student Assistance grant for child care providers to be the grant known as the Hattie N. Harrison Memorial Scholarship; and generally relating to the Workforce Shortage Student Assistance grants ~~program~~ for child care providers.

BY repealing and reenacting, without amendments,

Article – Education

Section 18-708(b) through (d)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 18-708(e)(5)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

18–708.

(b) There is a program of Workforce Shortage Student Assistance grants under this section for students who pledge to work in fields of critical shortage in the State on completion of their studies.

(c) The purpose of the program is to:

(1) Provide financial assistance to students enrolled at institutions of higher education in the State; and

(2) Address the workforce shortage needs of the State.

(d) A recipient of a Workforce Shortage Student Assistance grant under this section shall:

(1) Be a resident of the State;

(2) Be selected by the Office from qualified applicants;

(3) Sign a letter of intent to enroll at an eligible institution in the State in an eligible program as specified for each field in which there is a critical shortage in this State as provided in this section;

(4) Sign a letter of intent to perform the service obligation on completion of the recipient's required studies;

(5) Accept any other conditions attached to the grant;

(6) Satisfy any additional criteria the Commission may establish; and

(7) After completion of studies in an eligible program, perform the service obligation as specified for each field in which there is a critical shortage, as provided in this section.

(e) (5) (i) Except as provided in subparagraph (ii) of this paragraph, the following workforce shortage fields shall be included in the grant program:

1. School teachers (the grant to be known as the Sharon Christa McAuliffe Memorial Teacher Scholarship);

2. Social workers (the grant to be known as the Ruth M. Kirk Public Social Work Scholarship);

~~3. SCHOOL COUNSELORS (THE GRANT TO BE KNOWN AS THE HATTIE N. HARRISON MEMORIAL SCHOLARSHIP);~~

~~3.] 4.~~ Nurses;

~~4.] 5.~~ Child care providers (THE GRANT TO BE KNOWN AS THE HATTIE N. HARRISON MEMORIAL SCHOLARSHIP);

~~5.] 6.~~ Developmental disabilities, mental health, child welfare, and juvenile justice providers (the grant to be known as the Ida G. and L. Leonard Ruben Scholarships);

~~6.] 7.~~ Physical and occupational therapists and assistants; and

~~7.] 8.~~ Public servants (the grant to be known as the William Donald Schaefer Scholarship and the grant to be known as the Parren J. Mitchell Public Service Scholarship).

(ii) The Commission may remove a shortage field specified in subparagraph (i) of this paragraph if in the Commission's judgment the field no longer qualifies as a workforce shortage field.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 317

(House Bill 1)

AN ACT concerning

**Higher Education – Workforce Shortage Student Assistance Grants for Child Care Providers – Hattie N. Harrison Memorial Scholarship – Establishment**

FOR the purpose of ~~altering the workforce shortage fields eligible for a Workforce Shortage Student Assistance grant to include school counselors under certain circumstances; naming a certain grant to be~~ naming the Workforce Shortage Student Assistance grant for child care providers to be the grant known as the Hattie N. Harrison

Memorial Scholarship; and generally relating to the Workforce Shortage Student Assistance grants ~~program~~ for child care providers.

BY repealing and reenacting, without amendments,

Article – Education

Section 18–708(b) through (d)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 18–708(e)(5)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

### **Article – Education**

18–708.

(b) There is a program of Workforce Shortage Student Assistance grants under this section for students who pledge to work in fields of critical shortage in the State on completion of their studies.

(c) The purpose of the program is to:

(1) Provide financial assistance to students enrolled at institutions of higher education in the State; and

(2) Address the workforce shortage needs of the State.

(d) A recipient of a Workforce Shortage Student Assistance grant under this section shall:

(1) Be a resident of the State;

(2) Be selected by the Office from qualified applicants;

(3) Sign a letter of intent to enroll at an eligible institution in the State in an eligible program as specified for each field in which there is a critical shortage in this State as provided in this section;

(4) Sign a letter of intent to perform the service obligation on completion of the recipient's required studies;



(5) Accept any other conditions attached to the grant;

(6) Satisfy any additional criteria the Commission may establish; and

(7) After completion of studies in an eligible program, perform the service obligation as specified for each field in which there is a critical shortage, as provided in this section.

(e) (5) (i) Except as provided in subparagraph (ii) of this paragraph, the following workforce shortage fields shall be included in the grant program:

1. School teachers (the grant to be known as the Sharon Christa McAuliffe Memorial Teacher Scholarship);

2. Social workers (the grant to be known as the Ruth M. Kirk Public Social Work Scholarship);

~~3. SCHOOL COUNSELORS (THE GRANT TO BE KNOWN AS THE HATTIE N. HARRISON MEMORIAL SCHOLARSHIP);~~

~~3.} 4.~~ Nurses;

~~4.} 5.~~ Child care providers (THE GRANT TO BE KNOWN AS THE HATTIE N. HARRISON MEMORIAL SCHOLARSHIP);

~~5.} 6.~~ Developmental disabilities, mental health, child welfare, and juvenile justice providers (the grant to be known as the Ida G. and L. Leonard Ruben Scholarships);

~~6.} 7.~~ Physical and occupational therapists and assistants; and

~~7.} 8.~~ Public servants (the grant to be known as the William Donald Schaefer Scholarship and the grant to be known as the Parren J. Mitchell Public Service Scholarship).

(ii) The Commission may remove a shortage field specified in subparagraph (i) of this paragraph if in the Commission's judgment the field no longer qualifies as a workforce shortage field.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 318****(Senate Bill 5)**

AN ACT concerning

**Election Law – Canvass of Votes – Public Observation**

FOR the purpose of clarifying the definition of “canvass” as it applies to votes cast during early voting; providing that a board of canvassers and the staff of a local board may be observed as they complete each part of the canvass by authorized observers *and any other individuals who wish to be present*; specifying certain individuals or entities who have the right to designate a registered voter as an observer at each counting center; authorizing the State Board of Elections to adopt regulations prohibiting public observation of the canvass only if necessary to accomplish certain purposes; requiring the State Board to ensure that the requirements of this Act are implemented uniformly and consistently by each local board; making conforming changes; and generally relating to public observation of the canvass of votes.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 11–101 and 11–301

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

**Article – Election Law**

11–101.

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

(b) “Board of canvassers” means the local board of elections in a county after the local board organizes itself for the purpose of canvassing the vote after an election in that county.

(c) (1) “Canvass” means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results.

(2) For absentee ballots, the “canvass” includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying.

(3) For provisional ballots, the “canvass” includes the review of the provisional ballot applications described in § 11–303 of this title and the assembly and review of provisional ballots in preparation for vote tallying.

**(4) FOR VOTES CAST DURING EARLY VOTING, THE “CANVASS” INCLUDES THE TABULATION OF VOTES CAST DURING EARLY VOTING.**

(d) “Counting center” means one or more central locations designated by a local board to conduct the canvass.

(e) “Removable data storage device” means a read–only memory device that is programmed to record votes as they are cast on an electronic voting system.

(f) (1) “Unofficial returns” means a vote tabulation reported on election night after the polls close.

(2) “Unofficial returns” does not include the absentee ballot count or the provisional ballot count.

(g) “Vote tabulation” or “vote counting” means the aggregation of the votes cast by individual voters to produce vote totals at any level.

(h) “Vote tallying” means the recording of votes cast by individual voters on a certified voting system whether done by:

- (1) a mechanical lever voting machine;
- (2) an electronic voting device; or
- (3) making marks manually on a tally sheet.

11–301.

(a) A board of canvassers shall:

(1) convene at the designated counting center for that county on or before the day of the election, but not later than 5 p.m. on that day, and be sworn in; **AND**

(2) meet only in public session[; and

(3) subject to regulations adopted by the State Board to ensure the integrity of the electoral process and that the accuracy of the vote tabulation is not impeded or compromised, provide for observation and understanding of the canvass by those individuals in attendance].

**(A-1) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A BOARD OF CANVASSERS AND THE STAFF OF A LOCAL BOARD MAY BE OBSERVED AS THEY COMPLETE EACH PART OF THE CANVASS BY AUTHORIZED OBSERVERS DESIGNATED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND ANY OTHER INDIVIDUALS WHO WISH TO BE PRESENT.**

**(2) THE FOLLOWING INDIVIDUALS OR ENTITIES HAVE THE RIGHT TO DESIGNATE A REGISTERED VOTER AS AN OBSERVER AT EACH COUNTING CENTER:**

**(I) A CANDIDATE;**

**(II) A POLITICAL PARTY; AND**

**(III) ANY OTHER GROUP OF VOTERS SUPPORTING OR OPPOSING A CANDIDATE, PRINCIPLE, OR PROPOSITION ON THE BALLOT.**

**(3) THE STATE BOARD MAY ADOPT REGULATIONS PROHIBITING PUBLIC OBSERVATION OF A PART OF THE CANVASS ONLY IF PROHIBITING PUBLIC OBSERVATION IS NECESSARY TO ENSURE:**

**(I) THE INTEGRITY OR ACCURACY OF THE CANVASS; OR**

**(II) THAT THE CANVASS PROCESS IS NOT IMPEDED.**

**(4) THE STATE BOARD SHALL ENSURE THAT THE REQUIREMENTS OF THIS SUBSECTION ARE IMPLEMENTED UNIFORMLY AND CONSISTENTLY BY EACH LOCAL BOARD.**

(b) Each board of canvassers shall elect by majority vote a chairman and secretary from among its members.

(c) Each member of the board of canvassers shall take an oath, administered and recorded by the clerk of the circuit court, to canvass and declare the votes cast truthfully and to perform other duties required by law.

(d) (1) At the first meeting of the board of canvassers for the purpose of canvassing, a majority of the whole board of canvassers shall be a quorum.

(2) If a quorum is not present, the members present shall adjourn until the next day.

(e) Except as otherwise provided in this article, all decisions shall be reached by a majority vote of the members present.

(f) If a member is not present at the scheduled time for vote canvassing, a substitute member of the board of canvassers may be sworn in.

(g) At least one member of the board of canvassers present shall be a registered voter of the principal minority party.

(h) Once the board has satisfied the requirements of subsections (a) through (g) of this section, it may proceed with the canvass in accordance with the regulations of the State Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 319

### (Senate Bill 13)

AN ACT concerning

#### **Institutions of Higher Education – Fully Online Distance Education – Definition**

FOR the purpose of altering the definition of “fully online distance education program” as it relates to the registration of institutions of higher education that offer certain online distance education programs in the State; and generally relating to institutions of higher education and fully online distance education in the State.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 11–202.2  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2014 Supplement)

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

#### **Article – Education**

11–202.2.

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

(2) “Fully online distance education program in the State” means a program, originating outside the State, offered by an out-of-state institution in which [a]:

(I) A student domiciled in Maryland enrolls[, where];

(II) 51% or more of the program is offered through electronic distribution; AND

**(III) THE COMMISSION DETERMINES THAT THE PORTION OF THE PROGRAM OFFERED AT A LOCATION IN THE STATE, IF ANY, DOES NOT REQUIRE A CERTIFICATE OF APPROVAL UNDER § 11-202 OF THIS SUBTITLE FOR THE INSTITUTION TO OPERATE IN THE STATE.**

(3) “Out-of-state institution” means an institution of higher education whose primary campus exists outside Maryland and whose authority to grant degrees is conferred by another state.

(b) (1) An institution of higher education that enrolls Maryland students in a fully online distance education program in the State shall file an application to register with the Commission before or within 3 months of enrolling the first Maryland student.

(2) This section does not apply to an institution of higher education that enrolls Maryland students in a fully online distance education program in the State that:

(i) Is subject to program review by the Commission under § 11-206 or § 11-206.1 of this subtitle; or

(ii) Participates in the Southern Regional Education Board’s Electronic Campus.

(3) (i) After filing an application under paragraph (1) of this subsection, an institution that has enrolled a Maryland student before obtaining a registration under this section may continue to operate without a registration while the Commission considers the institution’s application, conducts a hearing concerning the institution’s application, or participates in judicial review regarding an institution’s application.

(ii) An institution that continues to operate without a registration under subparagraph (i) of this paragraph shall furnish a performance bond or other form of financial guarantee to the State in an amount set by regulation that is in addition to and separate from a performance bond or other form of financial guarantee required under § 11-203 of this subtitle.

(c) Each institution of higher education required to register under this section shall:

(1) Be accredited by an accrediting body recognized and approved by the United States Department of Education;

- (2) Submit to the Commission:
    - (i) Every 2 years, a financial statement reviewed by an independent accountant retained by the institution;
    - (ii) An affidavit from the president or chief executive officer of the institution affirming:
      1. That the institution has not filed for bankruptcy protection under Title 11 of the United States Code during its existence; and
      2. The willingness of the president or the chief executive officer to abide by the provisions of this section;
    - (iii) Proof of good business standing in the state in which the central administration of the institution is incorporated; and
    - (iv) Proof of good academic standing submitted by:
      1. The regulatory higher education entity in the state in which the central administration of the institution is located; or
      2. If the state in which the institution is located does not have a regulatory higher education entity, the accrediting body that accredited the institution;
  - (3) Promptly notify the Commission of a change in ownership or a change in majority control;
  - (4) Comply with the Principles of Good Practice for distance education established by the Commission through regulation;
  - (5) Make public and post on the institution's Web site:
    - (i) Whether the institution is registered in Maryland; and
    - (ii) The process by which to make complaints against the institution;
  - (6) Comply with the refund policy and procedures established by the Commission; and
  - (7) Be subject to complaint investigation by the Office of the Attorney General or the Commission or both.
- (d) The refund policy and procedures established by the Commission shall allow for:

(1) (i) At least 2 weeks of required orientation or preenrollment instruction in a fully online distance education program in the State at no charge for a student who has completed less than 24 credits of college-level learning from an accredited institution; and

(ii) A prorated refund methodology that provides a refund to any student not covered by item (i) of this paragraph who has completed 60% or less of a course, term, or program within the applicable billing period; or

(2) A prorated refund methodology that provides a refund to any student who has completed 60% or less of a course, term, or program within the applicable billing period.

(e) (1) Subject to paragraph (2) of this subsection, the Commission shall require the payment of a fee set by regulation, as a condition of registration.

(2) (i) Subject to subparagraph (ii) of this paragraph, the fees charged shall be:

1. A fixed amount for all institutions regardless of type, location, or student enrollment; and

2. Set to cover the approximate cost of implementing a system of registration.

(ii) Notwithstanding subparagraph (i) of this paragraph, the Commission may charge an institution that enrolls not more than 20 Maryland students a fee that is less than the amount of the fee charged to other institutions.

(f) The Commission shall make public and post on its Web site:

(1) A list of registered institutions of higher education that offer fully online distance education programs in the State; and

(2) If the Commission denies or revokes the registration of an institution, the name of the denied or revoked institution.

(g) On or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly:

(1) The number of institutions of higher education that apply for registration under this section;

(2) The type and size of the institutions that apply;

(3) The number of institutions approved for registration;



- (4) The number of institutions denied registration;
- (5) The number of Maryland students enrolled in institutions required to register under this section;
- (6) The results of the requirements of § 11–202.3 of this subtitle;
- (7) The number of institutions found to be in violation of the requirement to register under this section;
- (8) Any fines imposed, and in what amounts, on institutions that violate this section; and
- (9) Any fine revenues collected from institutions for violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 320

### (Senate Bill 44)

AN ACT concerning

#### Vehicle Laws – Maximum Speed Limits on Highways

FOR the purpose of increasing the maximum speed limit that may be established on certain highways in the State; and generally relating to maximum speed limits on highways.

BY repealing and reenacting, without amendments,  
 Article – Transportation  
 Section 21–801.1(b) and (d)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 21–801.1(e)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

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

**Article – Transportation**

21–801.1.

(b) Except as otherwise provided in this section, the maximum speed limits are:

- (1) 15 miles an hour in alleys in Baltimore County;
- (2) 30 miles an hour on:
  - (i) All highways in a business district; and
  - (ii) Undivided highways in a residential district;
- (3) 35 miles an hour on divided highways in a residential district;
- (4) 50 miles an hour on undivided highways in other locations; and
- (5) 55 miles an hour on divided highways in other locations.

(d) Except as provided in subsection (e) of this section, a maximum speed limit specified in subsection (b) of this section or in effect under subsection (c) of this section may be altered as provided in this subtitle.

(e) (1) Notwithstanding any other provision of this subtitle, a maximum speed limit of more than 55 miles an hour may not be established or continued on any highway in this State that is not an interstate highway or an expressway.

(2) Subject to the provisions of paragraph (1) of this subsection, a maximum speed limit of more than **[65] 70** miles an hour may not be established on any highway in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 321**

**(Senate Bill 67)**

AN ACT concerning

**Crime of Violence – Home Invasion**

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

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 4–401(b) and ~~14–101(a)~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Public Safety  
 Section 5–101(c)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Law**

4–401.

- (b) (1) “Crime of violence” means:
- (i) murder in any degree;
  - (ii) manslaughter;
  - (iii) kidnapping;
  - (iv) rape in any degree;
  - (v) assault in the first degree;
  - (vi) robbery under § 3–402 or § 3–403 of this article;
  - (vii) burglary in any degree;
  - (viii) HOME INVASION UNDER § 6–202 (B) OF THIS ARTICLE;**
  - (IX) escape in the first degree; or**
  - [(ix)](X) theft.**

(2) “Crime of violence” includes an attempt to commit a crime listed in paragraph (1) of this subsection.

~~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) earjacking;~~
- ~~(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) an attempt to commit any of the crimes described in items (1) through (16) of this subsection;~~
- ~~(18) continuing course of conduct with a child under § 3-315 of this article;~~
- ~~(19) assault in the first degree;~~
- ~~(20) assault with intent to murder;~~
- ~~(21) assault with intent to rape;~~
- ~~(22) assault with intent to rob;~~
- ~~(23) assault with intent to commit a sexual offense in the first degree; [and]~~
- ~~(24) assault with intent to commit a sexual offense in the second degree; OR~~
- ~~(25) HOME INVASION UNDER § 6-202(B) OF THIS ARTICLE.~~

### Article – Public Safety

5-101.

- (c) “Crime of violence” means:
- (1) abduction;
  - (2) arson in the first degree;
  - (3) assault in the first or second degree;
  - (4) burglary in the first, second, or third degree;
  - (5) carjacking and armed carjacking;
  - (6) escape in the first degree;

- Code;
- Code;
- (7) kidnapping;
  - (8) voluntary manslaughter;
  - (9) maiming as previously proscribed under former Article 27, § 386 of the Code;
  - (10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
  - (11) murder in the first or second degree;
  - (12) rape in the first or second degree;
  - (13) robbery;
  - (14) robbery with a dangerous weapon;
  - (15) sexual offense in the first, second, or third degree;
  - (16) **HOME INVASION UNDER § 6-202(B) OF THE CRIMINAL LAW ARTICLE;**

**(17)** an attempt to commit any of the crimes listed in items (1) through **[(15)](16)** of this subsection; or

**[(17)] (18)** assault with intent to commit any of the crimes listed in items (1) through **[(15)] (16)** of this subsection or a crime punishable by imprisonment for more than 1 year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 322

(Senate Bill 83)

AN ACT concerning

~~Department of Natural Resources – Vibrio Notice Regulations~~  
Environment – Vibrio Public Information Campaign

FOR the purpose of requiring the ~~Department of Natural Resources by regulation to provide for the inclusion of a Vibrio notice with certain recreational tidal fishing licenses, recreational crabbing licenses, and certificates of boat number; authorizing the Department by regulation to provide for the inclusion of a Vibrio notice with certain other licenses or authorizations; specifying the minimum information that a Vibrio notice must contain; and generally relating to Vibrio notice regulations~~ *Department of the Environment, after certain consultation, to develop and implement a certain public information campaign about the health risks associated with the Vibrio bacteria in the waters of the State; requiring the public information campaign to identify certain facts relevant to Vibrio and Vibrio infections, target certain geographical areas and time periods, provide certain warnings relevant to Vibrio and Vibrio infections, emphasize certain measures, implement certain processes related to informing and preparing the medical community in the State for Vibrio infections, and provide a link to a certain Web site where additional information about Vibrio infections is available; requiring the Department to develop and implement the public information campaign on or before a certain date; making this Act an emergency measure; and generally relating to the development and implementation of a public information campaign about the Vibrio bacteria.*

~~BY adding to~~

~~Article — Natural Resources~~

~~Section 4-222~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2014 Supplement)~~

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

~~Article — Natural Resources~~

~~4-222.~~

~~(A) (1) THE DEPARTMENT SHALL BY REGULATION PROVIDE FOR THE INCLUSION OF A VIBRIO NOTICE WITH EACH NEW OR RENEWED:~~

~~(i) RECREATIONAL TIDAL FISHING LICENSE;~~

~~(ii) RECREATIONAL CRABBING LICENSE; AND~~

~~(iii) CERTIFICATE OF BOAT NUMBER.~~

~~(2) THE DEPARTMENT MAY BY REGULATION PROVIDE FOR THE INCLUSION OF A VIBRIO NOTICE WITH ANY OTHER LICENSE OR AUTHORIZATION ISSUED BY THE DEPARTMENT.~~

~~(B) THE VIBRIO NOTICE SHALL, AT A MINIMUM:~~

~~(1) NOTIFY THE INDIVIDUAL THAT VIBRIO BACTERIA MAY BE PRESENT IN STATE WATERS DURING CERTAIN TIMES OF THE YEAR;~~

~~(2) WARN THAT IN RARE INSTANCES SERIOUS INFECTION MAY RESULT WHEN VIBRIO COMES INTO CONTACT WITH AN OPEN WOUND; AND~~

~~(3) PROVIDE A LINK TO THE DEPARTMENT WEB SITE WHERE THE INDIVIDUAL CAN GET MORE INFORMATION ABOUT VIBRIO.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.~~

*(a) The Department of the Environment, in consultation with the Department of Natural Resources, the Department of Health and Mental Hygiene, and other interested State, local, and private stakeholders, shall develop and implement an appropriate public information campaign about the health risks associated with the Vibrio bacteria in the waters of the State.*

*(b) The Vibrio public information campaign shall:*

*(1) identify that Vibrio is a naturally occurring bacteria that is a rare waterborne cause of illness nationwide;*

*(2) target the geographical areas and times of the year that the Vibrio bacteria is most active;*

*(3) warn of the dangers of contracting a Vibrio infection and that certain pre-existing health conditions may increase the risk posed by Vibrio;*

*(4) emphasize preventative measures, identify symptoms to facilitate early detection, and encourage individuals with symptoms to seek immediate medical attention;*

*(5) implement processes to ensure that the medical community in the State is properly notified of the risks and symptoms of a Vibrio infection and is properly prepared for the treatment of a Vibrio infection; and*

*(6) provide a link to the Web site of the Department of the Environment where additional information about Vibrio infections is available.*

*(c) The Department of the Environment shall develop and implement the Vibrio public information campaign required under this Act on or before June 15, 2015.*

*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 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 12, 2015.

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## Chapter 323

### (Senate Bill 86)

AN ACT concerning

#### **Public Safety – Hit and Run Suspects – Yellow Alert Program**

FOR the purpose of requiring the Department of State Police to establish a Yellow Alert Program to provide a system for rapid dissemination of certain information to assist in locating and apprehending certain missing persons suspected of failing to remain at the scene of a vehicle accident under certain circumstances; requiring the Department to adopt certain guidelines and develop certain procedures for issuing a Yellow Alert, provide certain training and assistance to local law enforcement agencies, recruit certain broadcasters, local volunteer groups, and other members of the public to assist in developing and implementing a Yellow Alert, and consult with the State Highway Administration to establish a certain plan; requiring certain law enforcement officers or agencies to provide certain notification under certain circumstances; defining certain terms; and generally relating to the establishment of a Yellow Alert Program.

BY adding to

Article – Public Safety

Section 3–606

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 27–113

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

#### **Article – Public Safety**

**3–606.**

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

(2) “LAW ENFORCEMENT AGENCY” MEANS A STATE, COUNTY, OR MUNICIPAL POLICE DEPARTMENT OR AGENCY, OR A SHERIFF’S DEPARTMENT.

(3) “MISSING SUSPECT” MEANS AN INDIVIDUAL:

(I) WHOSE WHEREABOUTS ARE UNKNOWN;

(II) WHO IS SUSPECTED OF VIOLATING § 27-113 OF THE TRANSPORTATION ARTICLE; AND

(III) WHOSE VEHICLE THE REPORTING LAW ENFORCEMENT AGENCY IS ABLE TO DESCRIBE, INCLUDING ANY INFORMATION ABOUT THE VEHICLE’S REGISTRATION PLATE.

(B) (1) THE DEPARTMENT OF STATE POLICE SHALL ESTABLISH A YELLOW ALERT PROGRAM TO PROVIDE A SYSTEM FOR RAPID DISSEMINATION OF INFORMATION TO ASSIST IN LOCATING AND APPREHENDING A MISSING SUSPECT.

(2) THE DEPARTMENT OF STATE POLICE SHALL:

(I) ADOPT GUIDELINES AND DEVELOP PROCEDURES FOR ISSUING A YELLOW ALERT FOR A MISSING SUSPECT;

(II) PROVIDE TRAINING TO LOCAL LAW ENFORCEMENT AGENCIES ON THE GUIDELINES AND PROCEDURES TO BE USED TO MAKE AND HANDLE A REPORT OF A MISSING SUSPECT;

(III) PROVIDE ASSISTANCE TO A LOCAL LAW ENFORCEMENT AGENCY, AS NECESSARY, TO ASSIST IN THE LOCATION AND APPREHENSION OF A MISSING SUSPECT;

(IV) RECRUIT PUBLIC AND COMMERCIAL TELEVISION AND RADIO BROADCASTERS, LOCAL VOLUNTEER GROUPS, AND OTHER MEMBERS OF THE PUBLIC TO ASSIST IN DEVELOPING AND IMPLEMENTING A YELLOW ALERT; AND

(V) CONSULT WITH THE STATE HIGHWAY ADMINISTRATION TO ESTABLISH A PLAN FOR PROVIDING INFORMATION RELATING TO A YELLOW ALERT TO THE PUBLIC THROUGH THE DYNAMIC MESSAGE SIGN SYSTEM LOCATED ACROSS THE STATE.

(C) A LAW ENFORCEMENT OFFICER OR AGENCY THAT APPREHENDS A MISSING SUSPECT WHO IS THE SUBJECT OF A YELLOW ALERT IMMEDIATELY SHALL NOTIFY THE DEPARTMENT OF STATE POLICE AND THE LAW ENFORCEMENT AGENCY THAT FILED THE REPORT RESULTING IN THE YELLOW ALERT THAT THE MISSING SUSPECT HAS BEEN APPREHENDED.

### Article – Transportation

27–113.

(a) In this section, “serious bodily injury” means an injury that:

- (1) Creates a substantial risk of death;
- (2) Causes serious permanent or serious protracted disfigurement;
- (3) Causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or
- (4) Causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

(b) A person who violates § 20–102 of this article (“Driver to remain at scene — Accident resulting in bodily injury or death”) and who knew or reasonably should have known that the accident might result in serious bodily injury to another person and serious bodily injury actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 5 years or a fine of not more than \$5,000 or both.

(c) A person who violates § 20–102 of this article (“Driver to remain at scene — Accident resulting in bodily injury or death”) and who knew or reasonably should have known that the accident might result in the death of another person and death actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 10 years or a fine of not more than \$10,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 324

(Senate Bill 135)

AN ACT concerning

**Workers' Compensation – Heart Disease and Hypertension Presumption – Anne Arundel County ~~Correctional~~ Detention Officers**

FOR the purpose of extending the presumption of compensability under the workers' compensation law to include, subject to certain conditions, Anne Arundel County ~~correctional~~ detention officers who suffer from heart disease or hypertension resulting in partial or total disability or death; requiring Anne Arundel County ~~correctional~~ detention officers to submit certain medical disclosures to a certain official; providing that, subject to a certain limitation, workers' compensation benefits received under this Act are in addition to certain retirement benefits; altering the definition of "public safety employee" to include Anne Arundel County ~~correctional~~ detention officers for the purposes of determining certain compensation; providing for the application of certain provisions of this Act; and generally relating to compensability of Anne Arundel County ~~correctional~~ detention officers under the workers' compensation law.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 9–503(b) and (e) and 9–628(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 9–628(h)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

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

**Article – Labor and Employment**

9–503.

(b) (1) A paid police officer employed by an airport authority, a county, the Maryland–National Capital Park and Planning Commission, a municipality, or the State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, Prince George's County correctional officer, or deputy sheriff of Allegany County is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if:

(i) the police officer, deputy sheriff, or correctional officer is suffering from heart disease or hypertension; and

(ii) the heart disease or hypertension results in partial or total disability or death.

(2) (i) A deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, [a] deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer is entitled to the presumption under this subsection only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual's heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer.

(ii) To be eligible for the presumption under this subsection, a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, [a] deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer, as a condition of employment, shall submit to a medical examination to determine any heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer.

(e) (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, park police officer or employee of the Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of those individuals shall receive the benefits in addition to any benefits that the individual or the dependents of the individual are entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, a park police officer or employee of the Maryland–National Capital Park and Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, [or] Prince George's County or Montgomery County correctional officer, **OR ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Labor and Employment**

9–628.

(a) In this section, “public safety employee” means:

(1) a firefighter, fire fighting instructor, or paramedic employed by:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

(2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life support worker who is a covered employee under § 9–234 of this title and who provides volunteer fire or rescue services to:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

(3) a police officer employed by:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority;

(v) the Maryland–National Capital Park and Planning Commission;  
or

(vi) the Washington Metropolitan Area Transit Authority;

(4) a Prince George’s County deputy sheriff or correctional officer;

(5) a Montgomery County deputy sheriff or correctional officer;

(6) an Allegany County deputy sheriff;

(7) a Howard County deputy sheriff, but only when the deputy sheriff is performing law enforcement duties expressly requested, defined, and authorized in accordance with a written memorandum of understanding executed between the Howard County Sheriff and other law enforcement agencies; or

(8) an Anne Arundel County deputy sheriff **OR** ~~CORRECTIONAL DETENTION OFFICER~~.

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9–629 of this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of this Act, an Anne Arundel County ~~correctional~~ detention officer who is employed on or before September 30, 2015:

(1) As a condition of continued employment shall provide to the Anne Arundel County ~~Sheriff~~ Superintendent of Detention Facilities on or before December 31, 2015, a copy of a medical report disclosing and describing any existing heart disease or hypertension from which the ~~correctional~~ detention officer may be suffering; and

(2) Is entitled to the presumption under § 9–503(b) of the Labor and Employment Article, as enacted by Section 1 of this Act, only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual’s heart disease or hypertension condition existing as of the date of the medical report provided under item (1) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of 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 claims arising from events occurring before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

**Chapter 325****(Senate Bill 145)**

AN ACT concerning

**Civil Actions – Disclosure of Information – Repeal of Certification Requirement**

FOR the purpose of repealing the requirement that a plaintiff file a certain certification with the court and serve the certification on an insurer or a person that has a self-insurance plan before the insurer or person with a self-insurance plan is required to provide the plaintiff with certain information on the last known home and business addresses of the defendant; providing for the application of this Act; and generally relating to the disclosure of information in a civil action.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 6–311  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 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**

6–311.

(a) In this section, “person” has the meaning stated in Rule 1–202 of the Maryland Rules.

(b) (1) This section applies to an action against a person who had applicable insurance coverage under an insurance policy or self-insurance plan at the time the alleged liability that is the subject of the action was incurred.

(2) Subject to paragraph (1) of this subsection, this section applies to a person who is a defendant subject to a complaint, counterclaim, cross-claim, or third-party complaint.

(c) (1) [Subject to subsections (d) and (e) of this section, on] **ON** written request of a plaintiff to the action, an insurer or a person that has a self-insurance plan shall provide to the plaintiff the defendant’s last known home and business addresses if known.

(2) An insurer or a person that has a self-insurance plan, and their employees and agents, may not be civilly or criminally liable for the disclosure of information required under this subsection.



(d) [Subsection (c)(1) of this section applies only if the plaintiff files a certification that states that the defendant:

(1) Had applicable insurance coverage at the time the alleged liability was incurred; and

(2) Is evading service of process or the whereabouts of the defendant are unknown to the plaintiff.

(e) A plaintiff shall file a certification described under subsection (d) of this section with the clerk of the court in which the case is filed and serve the certification on the insurer or the person that has the self-insurance plan, as provided in the Maryland Rules.

(f) A defendant who is subject to the provisions of this section is deemed to have consented to the disclosure of the information described in this section.

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 case filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 326

(Senate Bill 150)

AN ACT concerning

**Courts – Child Abuse and Neglect – Waiver of Reunification Efforts  
(Anayah’s Law)**

FOR the purpose of altering the circumstances under which a local department of social services may ask the court in a child in need of assistance proceeding to find that reasonable ~~reunification efforts are not required~~ efforts to reunify the child with the child’s parent or guardian are not required; defining a certain term; making a stylistic change; and generally relating to child abuse and neglect.

~~BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3 – 801(a) and (b)~~

~~Annotated Code of Maryland  
(2013 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–812  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 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**

~~§ 801.~~

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

~~(b) “Abuse” means:~~

~~(1) Sexual abuse of a child, whether a physical injury is sustained or not;~~  
or

~~(2) Physical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or is at substantial risk of being harmed by:~~

~~(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or~~

~~(ii) A household or family member.~~

~~§ 812.~~

~~(a) (1) In this section the following words have the meanings indicated, unless the context of their use indicates otherwise.~~

~~(2) “Crime of violence”:~~

~~(i) Has the meaning stated in § 14–101 of the Criminal Law Article;~~  
or

~~(ii) As to a crime committed in another state, means a crime that, if committed in this State, would be a crime of violence as defined in § 14–101 of the Criminal Law Article.~~

~~(3) “Torture” means to cause intense pain to body or mind for purposes of punishment or extraction of information or for sadistic purposes.~~

~~(b) In a petition under this subtitle, a local department may ask the court to find that reasonable efforts to reunify a child with the child's parent or guardian are not required if the local department concludes that a parent or guardian has:~~

~~{(1) Subjected the child to:~~

~~(i) Chronic abuse;~~

~~(ii) Chronic and life-threatening neglect;~~

~~(iii) Sexual abuse; or~~

~~(iv) Torture;}~~

~~(1) (I) LEFT THE CHILD WITHOUT ANY PROVISION FOR SUPPORT AND WITHOUT ANY PERSON WHO HAS ACCEPTED LEGAL RESPONSIBILITY FOR THE CARE, CUSTODY, AND CONTROL OF THE CHILD, WHEN THE WHEREABOUTS OF THE PARENT OR GUARDIAN ARE UNKNOWN AND REASONABLE EFFORTS TO LOCATE THE PARENT OR GUARDIAN HAVE BEEN UNSUCCESSFUL;~~

~~(II) INFLECTED OR KNOWINGLY ALLOWED ANOTHER PERSON TO INFLECT SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE THREATENING NEGLECT, OR TORTURE ON THE CHILD;~~

~~(III) ENGAGED IN A PATTERN OF ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD RESIDING IN THE HOUSEHOLD;~~

~~(IV) ALLOWED THE CHILD TO REMAIN IN A SITUATION IN WHICH THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD SUFFERED UNEXPLAINED SERIOUS PHYSICAL INJURY, DEATH, OR NEAR DEATH UNDER CIRCUMSTANCES THAT INDICATE THAT THE INJURY, DEATH, OR NEAR DEATH RESULTED FROM THE INTENTIONAL OR RECKLESS CONDUCT OF, OR WILLFUL NEGLECT BY, AN INDIVIDUAL RESIDING IN THE HOUSEHOLD; OR~~

~~(V) KNOWINGLY FAILED TO TAKE APPROPRIATE STEPS TO PROTECT THE CHILD AFTER AN INDIVIDUAL RESIDING IN THE HOUSEHOLD INFLECTED SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE THREATENING NEGLECT, OR TORTURE ON THE CHILD OR ANOTHER CHILD RESIDING IN THE HOUSEHOLD;~~

~~(2) Been convicted, in any state or any court of the United States, of:~~

~~(i) A crime of violence against:~~

- ~~1. A minor offspring of the parent or guardian;~~
- ~~2. The child; or~~
- ~~3. Another parent or guardian of the child; or~~

~~(ii) Aiding or abetting, conspiring, or soliciting to commit a crime described in item (i) of this item; or~~

- ~~(3) Involuntarily lost parental rights of a sibling of a child.~~

3-812.

(a) (1) In this section the following words have the meanings indicated, unless the context of their use indicates otherwise.

(2) **“ABANDON” MEANS TO LEAVE A CHILD WITHOUT ANY PROVISION FOR SUPPORT AND WITHOUT ANY PERSON WHO HAS ACCEPTED LONG-TERM RESPONSIBILITY TO MAINTAIN CARE AND HAVE CUSTODY AND CONTROL OF THE CHILD WHEN:**

**(I) THE WHEREABOUTS OF THE PARENT OR GUARDIAN ARE UNKNOWN; AND**

**(II) THE LOCAL DEPARTMENT HAS MADE REASONABLE EFFORTS TO LOCATE THE PARENT OR GUARDIAN OVER A PERIOD OF AT LEAST 6 MONTHS AND HAS BEEN UNSUCCESSFUL.**

**(3) “Crime of violence”:**

(i) Has the meaning stated in § 14-101 of the Criminal Law Article;  
or

(ii) As to a crime committed in another state, means a crime that, if committed in this State, would be a crime of violence as defined in § 14-101 of the Criminal Law Article.

**[(3)] (4) “Torture” means to cause intense pain to body or mind for purposes of punishment or extraction of information or for sadistic purposes.**

(b) In a petition under this subtitle, a local department may ask the court to find that reasonable efforts to reunify a child with the child’s parent or guardian are not required if the local department concludes that a parent or guardian [has]:

**[(1) Subjected the child to:**

- (i) Chronic abuse;
- (ii) Chronic and life-threatening neglect;
- (iii) Sexual abuse; or
- (iv) Torture;]

**(1) HAS SUBJECTED THE CHILD TO ANY OF THE FOLLOWING AGGRAVATED CIRCUMSTANCES:**

**(I) THE PARENT OR GUARDIAN HAS ENGAGED IN OR FACILITATED:**

**1. CHRONIC OR SEVERE PHYSICAL ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;**

**2. CHRONIC AND LIFE-THREATENING NEGLECT OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;**

**3. SEXUAL ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD; OR**

**4. TORTURE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;**

**(II) THE PARENT OR GUARDIAN KNOWINGLY FAILED TO TAKE APPROPRIATE STEPS TO PROTECT THE CHILD AFTER A PERSON IN THE HOUSEHOLD INFLECTED SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE-THREATENING NEGLECT, OR TORTURE ON THE CHILD OR ANOTHER CHILD IN THE HOUSEHOLD;**

**(III) THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD HAS SUFFERED SEVERE PHYSICAL ABUSE OR DEATH RESULTING FROM ABUSE BY THE PARENT OR GUARDIAN OR ANOTHER ADULT IN THE HOUSEHOLD AND ALL PERSONS WHO COULD HAVE INFLECTED THE ABUSE OR CAUSED THE DEATH REMAIN IN THE HOUSEHOLD; OR**

**(IV) THE PARENT OR GUARDIAN HAS ABANDONED THE CHILD;**

**(2) [Been] HAS BEEN convicted, in any state or any court of the United States, of:**

**(i) A crime of violence against:**

**1. A minor offspring of the parent or guardian;**

2. The child; or

3. Another parent or guardian of the child; or

(ii) Aiding or abetting, conspiring, or soliciting to commit a crime described in item (i) of this item; or

(3) [Involuntarily] HAS INVOLUNTARILY lost parental rights of a sibling of [a] THE child.

(c) If the local department determines after the initial petition is filed that any of the circumstances specified in subsection (b) of this section exists, the local department may immediately request the court to find that reasonable efforts to reunify the child with the child's parent or guardian are not required.

(d) If the court finds by clear and convincing evidence that any of the circumstances specified in subsection (b) of this section exists, the court shall waive the requirement that reasonable efforts be made to reunify the child with the child's parent or guardian.

(e) If the court finds that reasonable efforts are not required, the local department shall:

(1) Request that a permanency planning hearing be held in accordance with § 3–823 of this subtitle within 30 days after the court makes the finding; and

(2) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and complete the steps necessary to finalize the permanent placement of the child.

(f) If a parent consents to guardianship or adoption in accordance with § 5–320 or § 5–338 of the Family Law Article, loss of parental rights shall be considered voluntary.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 327

(Senate Bill 157)

AN ACT concerning

**Consultation, Diagnosis, and Treatment of Mental and Emotional Disorders –  
Consent by Minors**

FOR the purpose of altering the ~~list of~~ health care providers who provide consultation, diagnosis, and treatment of a mental or emotional disorder to which certain minors have the same capacity as an adult to consent; providing that the capacity to consent does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder by certain health care providers for which a certain individual has given consent; authorizing, except under certain circumstances, certain health care providers to give certain individuals information about treatment needed by or provided to a minor under a certain provision of this Act; defining a certain term; and generally relating to the consent of minors to consultation, diagnosis, and treatment of mental and emotional disorders.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 20–104  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

**Article – Health – General**

20–104.

**(A) IN THIS SECTION, “HEALTH CARE PROVIDER” MEANS AN INDIVIDUAL WHO IS:**

**(1) LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE; AND**

**(2) ~~PRACTICING~~ ACTING WITHIN THE SCOPE OF THE INDIVIDUAL’S LICENSE TO DIAGNOSE AND TREAT MENTAL AND EMOTIONAL DISORDERS.**

~~(B)~~ **(1)** A minor who is 16 years old or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a ~~physician, psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST,~~ **HEALTH CARE PROVIDER** or a clinic.

**(2)** The capacity of a minor to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a ~~physician, psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST,~~ **HEALTH CARE PROVIDER** or a clinic under paragraph (1) of this subsection does not include the capacity to refuse

consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent.

~~(C)~~ **(C)** (1) Except as provided in paragraph (2) of this subsection, without the consent of or over the express objection of a minor, the ~~attending physician, the psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST,~~ **HEALTH CARE PROVIDER** or, on advice or direction of the ~~attending physician [or], the psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST~~ **HEALTH CARE PROVIDER**, a member of the medical staff of a hospital or public clinic may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under this section.

(2) If a ~~psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, OR LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST,~~ **HEALTH CARE PROVIDER** is on a treatment team for a minor that is headed by a physician, the physician heading the treatment team shall decide whether a parent, guardian, or custodian of the minor or the spouse of the parent should receive information about treatment needed by the minor or provided to the minor under this section.

~~(D)~~ **(D)** Unless the parent, guardian, or custodian of a minor consents to consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian is not liable for any costs of the consultation, diagnosis, or treatment of the minor under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 328

(Senate Bill 174)

AN ACT concerning

### **Behavioral Health Administration – Behavioral Health Advisory Council**

FOR the purpose of establishing the Behavioral Health Advisory Council in the Office of the Governor; providing for the purpose, duties, and membership of the Council; requiring the Council to appoint the chair of the Council; providing for the terms of



members; authorizing the Council to adopt certain procedures; authorizing the chair to designate certain individuals to serve on a committee or task force of the Council; requiring the Council to meet at least a certain number of times a year; providing that a member may not receive compensation as a member of the Council but is entitled to certain reimbursement for expenses; requiring the Behavioral Health Administration to provide certain staff for the Council; repealing the Maryland Advisory Council on Mental Hygiene and the State Drug and Alcohol Abuse Council; making certain conforming changes; and generally relating to the Behavioral Health Advisory Council.

BY adding to

Article – Health – General

Section 7.5–301 through 7.5–305 to be under the new subtitle “Subtitle 3. Behavioral Health Advisory Council”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–101(g), 10–312(b)(4)(i)9., and 10–1203(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing

Article – Health – General

Section 10–301 through 10–305 and the part “Part I. Maryland Advisory Council”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing

Article – State Government

Section 9–2801 through 9–2806 and the subtitle “Subtitle 28. State Drug and Alcohol Abuse Council”

Annotated Code of Maryland

(2014 Replacement Volume)

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

**Article – Health – General**

**SUBTITLE 3. BEHAVIORAL HEALTH ADVISORY COUNCIL.**

**7.5–301.**

**IN THIS SUBTITLE, “COUNCIL” MEANS THE BEHAVIORAL HEALTH ADVISORY COUNCIL.**

**7.5–302.**

**THERE IS A BEHAVIORAL HEALTH ADVISORY COUNCIL IN THE OFFICE OF THE GOVERNOR.**

**7.5–303.**

**(A) (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:**

**(I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;**

**(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;**

**(III) FIVE REPRESENTATIVES OF THE DEPARTMENT, INCLUDING:**

**1. THE SECRETARY, OR THE SECRETARY'S DESIGNEE;**

**2. THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH AND DISABILITIES, OR THE DEPUTY SECRETARY'S DESIGNEE;**

**3. THE DIRECTOR OF THE BEHAVIORAL HEALTH ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;**

**4. THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH BENEFIT EXCHANGE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**

**5. THE DEPUTY SECRETARY FOR HEALTH CARE FINANCING, OR THE DEPUTY SECRETARY'S DESIGNEE;**

**(IV) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;**

**(V) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;**

**(VI) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;**

**(VII) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**

(VIII) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S DESIGNEE;

(IX) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;

(X) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(XI) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XIII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XIV) THE PUBLIC DEFENDER OF MARYLAND, OR THE PUBLIC DEFENDER'S DESIGNEE;

(XV) TWO REPRESENTATIVES OF THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE, AND THE ASSISTANT STATE SUPERINTENDENT OF THE DIVISION OF REHABILITATION SERVICES, OR THE ASSISTANT STATE SUPERINTENDENT'S DESIGNEE;

(XVI) TWO REPRESENTATIVES OF THE MARYLAND JUDICIARY, A DISTRICT COURT JUDGE, AND A CIRCUIT COURT JUDGE, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;

(XVII) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF CORE SERVICE AGENCIES, OR THE PRESIDENT'S DESIGNEE;

(XVIII) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS, OR THE PRESIDENT'S DESIGNEE;

(XIX) FOUR REPRESENTATIVES FROM COUNTY BEHAVIORAL HEALTH ADVISORY COUNCILS, ONE FROM EACH REGION OF THE STATE;

(XX) ONE REPRESENTATIVE, APPOINTED BY THE ~~GOVERNOR~~ SECRETARY OF HEALTH AND MENTAL HYGIENE, FROM EACH OF THE FOLLOWING ORGANIZATIONS:

1. COMMUNITY BEHAVIORAL HEALTH ASSOCIATION;
2. DRUG POLICY AND PUBLIC HEALTH STRATEGIES CLINIC, UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW;
3. MARYLAND ADDICTIONS DIRECTOR’S COUNCIL;
4. MARYLAND ASSOCIATION FOR THE TREATMENT OF OPIOID DEPENDENCE;
5. MARYLAND BLACK MENTAL HEALTH ALLIANCE;
6. MARYLAND COALITION OF FAMILIES;
7. MARYLAND DISABILITY LAW CENTER;
8. MARYLAND RECOVERY ORGANIZATION CONNECTING COMMUNITIES;
9. MENTAL HEALTH ASSOCIATION OF MARYLAND;
10. NATIONAL ALLIANCE ON MENTAL ILLNESS OF MARYLAND;
11. NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE OF MARYLAND; ~~AND~~
12. ON OUR OWN OF MARYLAND; AND
13. MARYLAND ASSOCIATION OF BOARDS OF EDUCATION; AND

(XXI) TWO INDIVIDUALS REPRESENTING THE MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT COMMUNITY, APPOINTED BY THE GOVERNOR FROM EACH OF THE FOLLOWING:

1. ACADEMIC OR RESEARCH PROFESSIONALS WHO ARE NOT STATE EMPLOYEES;
2. MEDICAL PROFESSIONALS;
3. INDIVIDUALS FORMERLY OR CURRENTLY IN RECEIPT OF BEHAVIORAL HEALTH SERVICES;

4. FAMILY MEMBERS OF INDIVIDUALS WITH MENTAL HEALTH OR SUBSTANCE USE DISORDERS;

5. A PARENT OF A YOUNG CHILD WITH BEHAVIORAL HEALTH DISORDERS;

6. A YOUTH WITH A BEHAVIORAL HEALTH DISORDER WHO IS BETWEEN THE AGES OF 16 AND 25 YEARS; AND

7. INDIVIDUALS ACTIVE IN BEHAVIORAL HEALTH ISSUES WITHIN THEIR COMMUNITY.

(2) ADDITIONAL REPRESENTATIVES OR INDIVIDUALS DESIGNATED BY THE COUNCIL SHALL BE APPOINTED BY THE ~~GOVERNOR~~ SECRETARY.

(B) MEMBERS APPOINTED BY THE GOVERNOR UNDER SUBSECTION (A)(1)(XXI) OF THIS SECTION SHALL BE REPRESENTATIVE, TO THE EXTENT PRACTICABLE, OF:

(1) GEOGRAPHIC REGIONS OF THE STATE;

(2) AT-RISK POPULATIONS;

(3) ETHNIC, GENDER, ACROSS-THE-LIFESPAN, AND CULTURAL DIVERSITY; AND

(4) BALANCED REPRESENTATION FROM AREAS OF MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(C) THE COUNCIL SHALL APPOINT A CHAIR FROM AMONG THE MEMBERSHIP OF THE COUNCIL.

(D) (1) MEMBERS APPOINTED BY THE GOVERNOR UNDER SUBSECTION ~~(A)(1)(XX) AND (XXI)~~ (A)(1)(XXI) OF THIS SECTION:

(I) SERVE A 3-YEAR TERM;

(II) MAY SERVE FOR A MAXIMUM OF TWO CONSECUTIVE TERMS;

(III) AFTER AT LEAST 6 YEARS HAVE PASSED SINCE SERVING, MAY BE REAPPOINTED FOR TERMS THAT COMPLY WITH ITEMS (I) AND (II) OF THIS PARAGRAPH;

(IV) AT THE END OF A TERM, CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND

(V) IF APPOINTED AFTER A TERM HAS BEGUN, SERVE ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(2) EX OFFICIO MEMBERS SERVE AS LONG AS THE MEMBER HOLDS THE SPECIFIED OFFICE OR DESIGNATION.

(3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBSECTION, ALL MEMBERS SERVE AT THE PLEASURE OF THE GOVERNOR.

(E) WITH THE CONSENT OF THE COUNCIL, THE CHAIR MAY DESIGNATE ADDITIONAL INDIVIDUALS WITH RELEVANT EXPERTISE TO SERVE ON A COMMITTEE OR TASK FORCE.

#### 7.5–304.

(A) (1) THE COUNCIL MAY ADOPT PROCEDURES NECESSARY TO DO BUSINESS, INCLUDING THE CREATION OF COMMITTEES OR TASK FORCES.

(2) THE COUNCIL MAY CONSULT WITH STATE AGENCIES TO CARRY OUT THE DUTIES OF THE COUNCIL.

(3) THE COUNCIL SHALL MEET AT LEAST SIX TIMES A YEAR.

(4) A MAJORITY OF THE VOTING MEMBERS OF THE COUNCIL IS A QUORUM.

(B) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(C) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE ONE FULL–TIME PROJECT MANAGER FOR ADMINISTRATIVE COORDINATION, AND OTHER STAFF AS NECESSARY TO SUPPORT THE FUNCTIONS OF THE COUNCIL.

#### 7.5–305.

THE COUNCIL SHALL:

**(1) PROMOTE AND ADVOCATE FOR:**

**(I) PLANNING, POLICY, WORKFORCE DEVELOPMENT, AND SERVICES TO ENSURE A COORDINATED, QUALITY SYSTEM OF CARE THAT IS OUTCOME-GUIDED AND THAT INTEGRATES PREVENTION, RECOVERY, EVIDENCE-BASED PRACTICES, AND COST-EFFECTIVE STRATEGIES THAT ENHANCE BEHAVIORAL HEALTH SERVICES ACROSS THE STATE; AND**

**(II) A CULTURALLY COMPETENT AND COMPREHENSIVE APPROACH TO PUBLICLY FUNDED PREVENTION, EARLY INTERVENTION, TREATMENT AND RECOVERY SERVICES THAT SUPPORT AND FOSTER WELLNESS, RECOVERY, RESILIENCY, AND HEALTH FOR INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH DISORDERS AND THEIR FAMILY MEMBERS; AND**

**(2) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31 OF EACH YEAR.**

10-101.

(g) “State Advisory Council” means the [State] **BEHAVIORAL HEALTH** Advisory Council [on Mental Hygiene].

10-312.

(b) Each county advisory committee and intercounty advisory committee shall:

(4) (i) Prepare and disseminate an annual report to the following:

9. The [Maryland] **BEHAVIORAL HEALTH** Advisory Council [on Mental Hygiene]; and

10-1203.

(a) To the extent resources are available, the Secretary, after consultation with the [Maryland] **BEHAVIORAL HEALTH** Advisory Council [on Mental Hygiene] as established in [Subtitle 3 of this title] **TITLE 7.5, SUBTITLE 3 OF THIS ARTICLE** and federal requirements mandated under P.L. 99-660, may initiate the development of core service agencies as a mechanism for community planning, management, and financing of mental health services.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10-301 through 10-305 and the part “Part I. Maryland Advisory Council” of Article – Health – General of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 9–2801 through 9–2806 and the subtitle “Subtitle 28. State Drug and Alcohol Abuse Council” of Article – State Government of the Annotated Code of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 329

(Senate Bill 187)

AN ACT concerning

~~Governor’s Workforce Investment Board~~ – Workgroup to Study Access to  
Obstetric Services

FOR the purpose of ~~requiring~~ authorizing the ~~Governor’s Workforce Investment Board~~ to ~~coordinate~~ Maryland Hospital Association, in consultation with the Secretary of Health and Mental Hygiene, health occupations boards, the Governor’s Workforce Investment Board, and certain other entities and parties, to establish a workgroup to study access to obstetric services in the State ~~by developing~~; requiring the workgroup to develop a certain mechanism to evaluate certain factors and to make certain recommendations; requiring the workgroup to report to the Governor and certain committees of the General Assembly on or before a certain date ~~each year~~; and generally relating to ~~the Governor’s Workforce Investment Board~~ and a workgroup to study access to obstetric services.

~~BY adding to~~

~~Article – Labor and Employment~~

~~Section 11–505.2~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2014 Supplement)~~

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

~~Article – Labor and Employment~~

~~11–505.2.~~

~~(A) THE GOVERNOR’S WORKFORCE INVESTMENT BOARD SHALL COORDINATE WITH THE SECRETARY OF HEALTH AND MENTAL HYGIENE, THE~~



~~HEALTH OCCUPATIONS BOARDS, AND OTHER PARTIES AS DETERMINED APPROPRIATE BY THE BOARD TO ESTABLISH A WORKGROUP TO STUDY ACCESS TO OBSTETRIC SERVICES IN THE STATE BY DEVELOPING A COMPREHENSIVE MECHANISM TO EVALUATE:~~

~~(1) THE NUMBER AND GEOGRAPHIC LOCATIONS OF OBSTETRICAL HEALTH CARE WORKERS IN THE STATE;~~

~~(2) PRACTICE PATTERNS;~~

~~(3) PROVIDER PREFERENCES; AND~~

~~(4) OTHER FACTORS DETERMINED TO BE RELEVANT BY THE WORKGROUP.~~

~~(B) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE WORKGROUP SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE FINDINGS OF THE BOARD.~~

(a) The Maryland Hospital Association, in consultation with the Secretary of Health and Mental Hygiene, the health occupations boards, the Governor's Workforce Investment Board, the Medical Mutual Liability Insurance Society of Maryland, the Maryland Association for Justice, the Maryland Affiliate of American College of Nurse-Midwives, and other parties as determined appropriate by the Maryland Hospital Association, may establish a workgroup to study access to obstetric services in the State.

(b) The workgroup shall develop a comprehensive mechanism to evaluate:

(1) the number and geographic locations of obstetrical health care workers in the State;

(2) practice patterns;

(3) provider preferences; and

(4) other factors determined to be relevant by the workgroup.

(c) The workgroup shall make recommendations for enactment of legislation that would provide incentives to increase the availability of obstetric care services throughout the State.

(d) On or before December 1, 2015, the workgroup shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate

Finance Committee and the House Health and Government Operations Committee on the findings and recommendations of the workgroup.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## **Chapter 330**

**(Senate Bill 195)**

AN ACT concerning

### **Mental Health – Voluntary and Involuntary Admissions – Assent and Certification by Psychiatric Nurse Practitioners**

FOR the purpose of altering the individuals who may give assent to the admission of a minor to a certain unit of a State facility for the treatment of a mental disorder by providing that assent may be given by a physician and psychiatric nurse practitioner; altering a requirement that a certain certificate accompany an application for involuntary admission to a facility or Veterans' Administration hospital by providing that the certificate may be of a physician and psychiatric nurse practitioner; making conforming changes; and generally relating to the standards for voluntary and involuntary admissions to facilities for the treatment of mental disorders.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 10–610, 10–615, and 10–616  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

#### **Article – Health – General**

10–610.

(a) On behalf of a minor, a parent or guardian of the person of the minor may apply, under this section, for admission of the minor to:

- (1) Any facility that is not a State facility; or
- (2) The following State facilities:

- (i) A regional institute for children and adolescents; and
- (ii) The child or adolescent unit of a State facility.

(b) The applicant shall submit a formal, written application that contains the personal information and is on the form required by the Administration.

(c) A facility may not admit an individual under this section unless:

- (1) The individual has a mental disorder;
- (2) The mental disorder is susceptible to care or treatment;
- (3) The applicant understands the nature of a request for admission; and
- (4) Assent to the admission has been given:

- (i) By the admitting physician of the facility; or

- (ii) For a child or adolescent unit of a State facility, by:

- 1. [a] A physician and psychologist [or by];

- 2. 2 physicians; OR

- 3. A PHYSICIAN AND PSYCHIATRIC NURSE

**PRACTITIONER.**

(d) An admission under this section to a child or adolescent unit of a State facility may not exceed 20 days.

10-615.

Each application for involuntary admission to a facility or Veterans' Administration hospital under Part III of this subtitle shall:

- (1) Be in writing;
- (2) Be dated;
- (3) Be on the form required by:
  - (i) The Administration, in the case of a facility; or

(ii) The Veterans' Administration hospital, in the case of a Veterans' Administration hospital;

(4) State the relationship of the applicant to the individual for whom admission is sought;

(5) Be signed by the applicant;

(6) Be accompanied by the certificates of:

(i) 1 physician and 1 psychologist; [or]

(ii) 2 physicians; [and] **OR**

**(III) 1 PHYSICIAN AND 1 PSYCHIATRIC NURSE PRACTITIONER;**

**AND**

(7) Contain any other information that the Administration requires.

10–616.

(a) (1) A certificate for involuntary admission of an individual under Part III of this subtitle shall:

(i) Be based on the personal examination of the physician [or], psychologist, **OR PSYCHIATRIC NURSE PRACTITIONER** who signs the certificate; and

(ii) Be in the form that the Secretary adopts, by rule or regulation.

(2) The rules and regulations shall require the form to include:

(i) A diagnosis of a mental disorder of the individual;

(ii) An opinion that the individual needs inpatient care or treatment;

and

(iii) An opinion that admission to a facility or Veterans' Administration hospital is needed for the protection of the individual or another.

(b) A certificate may not be used for admission if the examination on which the certificate is made was done:

(1) More than 1 week before the certificate is signed; or

(2) More than 30 days before the facility or the Veterans' Administration hospital receives the application for admission.

(c) A certificate may not be used for an admission if the physician or psychologist who signed the certificate:

(1) Has a financial interest, through ownership or compensation, in a proprietary facility and admission to that proprietary facility is sought for the individual whose status is being certified; or

(2) Is related, by blood or marriage, to the individual or to the applicant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 331

(Senate Bill 201)

AN ACT concerning

### **State Board for the Certification of Residential Child Care Program Professionals – Revisions**

FOR the purpose of altering the requirements for the designation and appointment of a certain program administrator of a residential child care program under certain circumstances; requiring the chief administrator or other appropriate program authority to forward to the State Board for the Certification of Residential Child Care Program Professionals a certain criminal history records check of a certain individual at a certain time; requiring the ~~State Board for the Certification of Residential Child Care Program Professionals~~ to evaluate the moral character of an acting residential child care program administrator; requiring the governing body of a residential child care program to appoint a chief administrator of the program; making certain provisions of law that apply to the owner of a residential child care program apply instead to the chief administrator of the program; providing for the designation of an acting chief administrator under certain circumstances; altering the period of time during which a noncertified person may serve in the capacity of acting program administrator; requiring, unless waived by the Board, an applicant for a program administrator certificate and a residential child and youth care practitioner certificate to have completed a child protective services background clearance to qualify for a certificate; requiring an applicant for a certificate or for renewal or reinstatement of a certificate to provide evidence of application for a child protective services background clearance; requiring the results of the child protective services background clearance to be provided to the Board and the applicant; authorizing the Board to waive, for certain applicants, the required evidence of application for a child

protective services background clearance under certain circumstances; altering the requirements for an applicant to obtain a criminal history records check; restricting the use of information obtained from a criminal history records check; authorizing the subject of a criminal history records check to contest the contents of a certain statement; clarifying the types of addresses that a certain application file must contain; requiring an applicant to provide evidence of completing a national criminal history records check before the Board may grant a waiver of a certain examination requirement; requiring an applicant to whom the Board has issued a certificate to maintain on file and update certain addresses; authorizing the Board to take certain disciplinary action if an applicant or a certificate holder fails to maintain certain addresses on file or notify the Board of certain address changes; repealing certain obsolete provisions of law; defining certain terms; and generally relating to the State Board for the Certification of Residential Child Care Program Professionals.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 20–101, 20–301 through 20–304, 20–306, 20–307, 20–310, 20–311, and 20–313

Annotated Code of Maryland  
(2014 Replacement Volume)

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

### **Article – Health Occupations**

20–101.

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

(b) (1) “Agency” means:

(i) The Developmental Disabilities Administration in the Department;

(ii) The Department;

(iii) The Department of Human Resources;

(iv) The Department of Juvenile Services; and

(v) The Behavioral Health Administration in the Department.

(2) “Agency” includes the State Superintendent of Schools.

(c) “Board” means the State Board for Certification of Residential Child Care Program Professionals.

**(D) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

**[(d)] (E)** “Certificate” means, unless the context requires otherwise, a certificate issued by the Board to practice as a program administrator or as a residential child and youth care practitioner.

**[(e)] (F)** “Certified program administrator” means, unless the context requires otherwise, an individual who is certified by the Board to practice as a program administrator.

**[(f)] (G)** “Certified residential child and youth care practitioner” means, unless the context requires otherwise, an individual who is certified by the Board to practice as a residential child and youth care practitioner.

**(H) “CHIEF ADMINISTRATOR” MEANS THE INDIVIDUAL, REGARDLESS OF TITLE, WHO IS APPOINTED BY THE GOVERNING BODY OF A RESIDENTIAL CHILD CARE PROGRAM AS HAVING RESPONSIBILITY FOR THE OVERALL ADMINISTRATION OF THE PROGRAM.**

**(I) “CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE” MEANS A SEARCH BY A LOCAL DEPARTMENT OF SOCIAL SERVICES OF A CENTRAL REGISTRY ESTABLISHED UNDER TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE FOR INFORMATION ABOUT CHILD ABUSE AND NEGLECT INVESTIGATIONS RELATING TO AN INDIVIDUAL.**

**[(g)] (J)** “Program administrator” means the individual responsible for the day-to-day management and operation of a residential child care program and for assuring the care, treatment, safety, and protection of the children in the residential child care program.

**[(h)] (K)** (1) “Residential child and youth care practitioner” means an individual assigned to perform direct responsibilities related to activities of daily living, self-help, and socialization skills in a residential child care program under the direction of a certified program administrator.

(2) “Residential child and youth care practitioner” does not include an individual assigned to perform direct responsibilities related to activities of daily living, self-help, and socialization skills in a residential child care program licensed by the Developmental Disabilities Administration.

**[(i)] (L)** (1) “Residential child care program” means an entity that provides for children 24-hour per day care within a structured set of services and activities that are

designed to achieve specific objectives relative to the needs of the children served and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and activities.

(2) “Residential child care program” includes a program:

(i) Licensed by:

1. The Department of Health and Mental Hygiene;
2. The Department of Human Resources; or
3. The Department of Juvenile Services; and

(ii) That is subject to the licensing regulations of the Governor’s Office for Children governing the operations of residential child care programs.

20–301.

(a) (1) Except as otherwise provided in this subsection, [on or after October 1, 2007,] an individual shall receive a certificate from the Board before the individual may be a program administrator in this State.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if a program administrator leaves or is removed from a position as program administrator by death or for any other unexpected cause, the [owner] **CHIEF ADMINISTRATOR** of a residential child care program or other appropriate program authority shall immediately designate a certified program administrator to serve in that capacity.

(ii) 1. In the event a certified program administrator is not available, the [owner] **CHIEF ADMINISTRATOR** or other appropriate program authority may appoint a noncertified person to serve in the capacity of acting program administrator for a period not to exceed ~~180~~ **60 90** days.

2. The [owner] **CHIEF ADMINISTRATOR** or other appropriate program authority shall immediately notify the Board of the appointment and forward the credentials **AND THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK** of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, **OF GOOD MORAL CHARACTER**, and competent.

3. The ~~180-day~~ **60-DAY 90-DAY** period begins on the date that the program administrator leaves or is removed from the position as a program administrator.

4. The Board may extend the ~~180-day~~ **60-DAY 90-DAY** period for a further period of not more than 30 days.



(b) (1) Except as provided in paragraph (2) of this subsection, on or before October 1, 2015, an individual shall receive a certificate from the Board before the individual may be a residential child and youth care practitioner in this State.

(2) This subsection does not apply to:

(i) An employee of the Maryland School for the Blind who is a residential child and youth care practitioner and holds a current paraprofessional certificate; or

(ii) For up to 180 days, an individual participating in a Board-approved training program.

**(C) (1) THE GOVERNING BODY OF EACH RESIDENTIAL CHILD CARE PROGRAM SHALL APPOINT A CHIEF ADMINISTRATOR OF THE PROGRAM.**

**(2) IF THE CHIEF ADMINISTRATOR OF A RESIDENTIAL CHILD CARE PROGRAM LEAVES OR IS REMOVED FROM A POSITION AS CHIEF ADMINISTRATOR BY DEATH OR FOR ANY OTHER UNEXPECTED CAUSE, THE GOVERNING BODY OF THE RESIDENTIAL CHILD CARE PROGRAM SHALL IMMEDIATELY DESIGNATE AN INDIVIDUAL TO SERVE AS THE ACTING CHIEF ADMINISTRATOR FOR A PERIOD NOT TO EXCEED 180 DAYS.**

20-302.

(a) To qualify for a certificate as a program administrator, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall have completed [a]:

**(1) A State and national criminal history records check; AND**

**(2) UNLESS WAIVED BY THE BOARD UNDER § 20-303(D) OF THIS SUBTITLE, A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE.**

(d) The applicant shall be at least 21 years old.

(e) The applicant shall have:

(1) (i) A bachelor's degree from an accredited college or university; and

(ii) At least 4 years experience in the human service field with at least 3 years in a supervisory or administrative capacity; or

- (2) (i) A master's degree from an accredited college or university; and
- (ii) At least 2 years experience in the human service field with at least 1 year in a supervisory or administrative capacity.

(f) Except as otherwise provided in this title, the applicant shall pass an examination given by the Board under this subtitle.

20–302.1.

(a) To qualify for a certificate as a residential child and youth care practitioner, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall have completed [a]:

**(1) A State and national criminal history records check; AND**

**(2) UNLESS WAIVED BY THE BOARD UNDER § 20–303(D) OF THIS SUBTITLE, A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE.**

(d) The applicant shall be:

(1) At least 21 years old; or

(2) At least 18 years old and have earned at least an associate's or bachelor's degree from an accredited college or university.

(e) The applicant shall have:

(1) A high school diploma or equivalent and have successfully completed an approved training program; **AND**

(2) **(I)** At least 2 years experience in the human service field [and sponsorship from a certified program administrator]; or

**[(3)] (II)** An associate's or bachelor's degree from an accredited college or university.

(f) (1) Except as provided in paragraph (2) of this subsection, the applicant shall have successfully completed a training program approved under § 20–302.2 of this subtitle.

(2) (i) An applicant who has an associate's or bachelor's degree from an accredited college or university may be waived from the training program requirement, if the applicant passes an examination and meets other requirements established by the Board under this subtitle.

(ii) The Board shall establish requirements and procedures for waiving the training program requirement for an applicant under subparagraph (i) of this paragraph.

(g) The applicant shall pass an examination given by the Board under this subtitle.

(h) The Board shall waive the education, experience, training, and examination requirements of this section for an applicant who:

(1) Applies for certification on or before October 1, 2015; and

(2) Presents to the Board satisfactory evidence that the applicant worked as a residential child and youth care practitioner in the State for at least 2 years before October 1, 2015.

20-303.

(a) To apply for a certificate, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires;

**(2) PROVIDE EVIDENCE OF APPLICATION FOR A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE;**

**[(2)] (3)** Pay to the Board the application fee set by the Board; and

**[(3)] (4)** [Provide fingerprints for use by the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services to conduct] **APPLY TO THE CENTRAL REPOSITORY FOR** a State and national criminal history records check.

**[(b)] (1)** An applicant required to provide fingerprints under subsection (a)(3) of this section shall pay any processing or other fees required by the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

**(2)** The results of the criminal history records check shall be provided to the Board and the applicant.]

**(B) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

**(I) A LEGIBLE SET OF FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

**(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND**

**(III) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

**(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD THE APPLICANT'S CRIMINAL HISTORY RECORDS INFORMATION.**

**(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:**

**(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND**

**(II) MAY BE USED ONLY FOR THE CERTIFICATION PURPOSE AUTHORIZED BY THIS SUBTITLE.**

**(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

**(C) THE RESULTS OF THE CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE SHALL BE PROVIDED TO THE BOARD AND THE APPLICANT.**

**(D) THE BOARD MAY, AT ITS DISCRETION, WAIVE THE REQUIREMENT IN SUBSECTION (A)(2) OF THIS SECTION ~~IF THE APPLICANT~~ FOR AN OUT-OF-STATE APPLICANT WHO PRESENTS EVIDENCE TO THE BOARD THAT CIRCUMSTANCES OUTSIDE THE APPLICANT'S CONTROL PREVENT THE APPLICANT FROM OBTAINING, FROM THE APPLICANT'S STATE OF RESIDENCE, A BACKGROUND CLEARANCE THAT IS EQUIVALENT TO A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE ~~IN A TIMELY MANNER.~~**

- (a) The Board shall keep a file of each certificate application made under this subtitle.
- (b) The file shall contain:
  - (1) The name, **RESIDENT** address, **EMPLOYMENT ADDRESS**, and age of the applicant;
  - (2) The date of the application;
  - (3) Complete and current information on the educational, training, and experience qualifications of the applicant;
  - (4) The date the Board reviewed and acted on the application;
  - (5) The action taken by the Board on the application;
  - (6) The identifying numbers of any certificate or renewal certificate issued to the applicant; and
  - (7) Any other information that the Board considers necessary.
- (c) The application files shall be open to public inspection.

20–306.

- (a) Subject to the provisions of this section, the Board may waive any examination requirement of this title for an individual who is certified as a program administrator in any other state that the Board determines has a comparable certification process to the one established in this title.
- (b) The Board may grant a waiver under this section only if the applicant:
  - (1) Is of good moral character;
  - (2) Pays the application fee required by the Board under § 20–303 of this subtitle; and
  - (3) Provides adequate evidence that:
    - (i) At the time the applicant was certified in the other state, the applicant was qualified to take the examination that then was required by the laws of this State;
    - (ii) The applicant qualified for a certificate in the other state by passing an examination given in that or any other state; and

(iii) The applicant has completed a State AND NATIONAL criminal history records check.

[(c) The Board shall waive the requirements for certification as a certified program administrator under § 20–302 of this subtitle for any person who:

(1) Has filed a letter of intent with the Board by October 1, 2007;

(2) Has completed not less than 8 years' experience in the human service field with at least 4 years in a supervisory or administrative capacity; and

(3) Has by October 1, 2007, successfully passed an examination approved by the Board.]

20–307.

(a) The Board shall issue a certificate to any applicant who meets the requirements of this title.

(b) The Board shall include on each certificate that the Board issues:

(1) The full name of the certificate holder; AND

(2) A serial number[; and

(3) The seal of the Board].

(c) The Board may issue a certificate to replace a lost, destroyed, or mutilated certificate if the certificate holder pays the certificate replacement fee set by the Board.

**(D) AN APPLICANT TO WHOM THE BOARD HAS ISSUED A CERTIFICATE UNDER THIS SECTION SHALL MAINTAIN ON FILE WITH THE BOARD THE APPLICANT'S CURRENT RESIDENT ADDRESS AND EMPLOYMENT ADDRESS AND UPDATE THE INFORMATION WHENEVER CHANGES IN RESIDENCY OR EMPLOYMENT OCCUR.**

20–310.

(a) (1) A certificate expires on a date set by the Board, unless the certificate is renewed for an additional term as provided in this section.

(2) A certificate may not be renewed for a term longer than 2 years.

(b) At least 1 month before the certificate expires, the Board shall send to the certified program administrator or certified residential child and youth care practitioner, by electronic means or first-class mail to the last known electronic or physical address of

the certified program administrator or certified residential child and youth care practitioner, a renewal notice that states:

(1) The date on which the current certificate expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the certificate expires; and

(3) The amount of the renewal fee.

(c) Before the certificate expires, the certified program administrator or certified residential child and youth care practitioner periodically may renew it for an additional 2-year term, if the certified program administrator or certified residential child and youth care practitioner:

(1) Otherwise is entitled to obtain a certificate;

(2) Pays to the Board a renewal fee set by the Board; and

(3) 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 and other qualifications and requirements set under this section for certificate renewal;

**(III) EVIDENCE OF APPLICATION FOR A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE; AND**

**(IV) FINGERPRINTS FOR USE BY THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO CONDUCT A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

(d) In addition to any other qualifications and requirements established in consultation with the Children's Cabinet, the Board may set continuing education requirements as a condition for the renewal of certificates under this section.

(e) The Board shall renew the certificate of each certified program administrator or certified residential child and youth care practitioner who meets the requirements of this section.

**(F) THE BOARD MAY, AT ITS DISCRETION, WAIVE THE REQUIREMENT IN SUBSECTION (C)(3)(III) OF THIS SECTION ~~IF THE APPLICANT~~ FOR AN OUT-OF-STATE APPLICANT WHO PRESENTS EVIDENCE TO THE BOARD THAT CIRCUMSTANCES**

**BEYOND THE APPLICANT'S CONTROL PREVENT THE APPLICANT FROM OBTAINING, FROM THE APPLICANT'S STATE OF RESIDENCE, A BACKGROUND CLEARANCE THAT IS EQUIVALENT TO A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE IN A TIMELY MANNER.**

**(G) A CERTIFIED PROGRAM ADMINISTRATOR OR A CERTIFIED RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER SHALL REPORT TO THE BOARD ANY ARRESTS OR INVESTIGATIONS THAT WOULD APPEAR ON A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE AND THAT OCCUR DURING THE PERIOD BETWEEN ISSUANCE OF THE CLEARANCE AND RENEWAL OF THE CERTIFICATE.**

20-311.

(a) The Board shall reinstate the certificate of a program administrator or residential child and youth care practitioner who has failed to renew the certificate for any reason, if the individual:

- (1) Has not had the certificate suspended or revoked;
- (2) Meets the renewal requirements of § 20-310 of this subtitle;
- (3) Pays to the Board the reinstatement fee set by the Board;

(4) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for certificate reinstatements; [and]

**(5) PROVIDES FINGERPRINTS FOR USE BY THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO CONDUCT A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK;**

**(6) PROVIDES EVIDENCE OF APPLICATION FOR A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE; AND**

**[(5)] (7) Applies to the Board for reinstatement of the certificate within 5 years after the certificate expires.**

(b) (1) The Board may not reinstate the certificate of a program administrator or residential child and youth care practitioner who fails to apply for reinstatement of the certificate within 5 years after the certificate expires.

(2) However, the program administrator or residential child and youth care practitioner may be certified by meeting the current requirements for obtaining a new certificate under this title.



**(C) THE BOARD MAY, AT ITS DISCRETION, WAIVE THE REQUIREMENT IN SUBSECTION (A)(6) OF THIS SECTION ~~IF THE APPLICANT~~ FOR AN OUT-OF-STATE APPLICANT WHO PRESENTS EVIDENCE TO THE BOARD THAT CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL PREVENT THE APPLICANT FROM OBTAINING, FROM THE APPLICANT'S STATE OF RESIDENCE, A BACKGROUND CLEARANCE THAT IS EQUIVALENT TO A CHILD PROTECTIVE SERVICES BACKGROUND CLEARANCE ~~IN A TIMELY MANNER.~~**

20-313.

(a) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges that a certified program administrator or certified residential child and youth care practitioner has failed to meet any standard of the Board.

(b) Subject to the hearing provisions of § 20-314 of this subtitle, the Board may deny a certificate to any applicant, reprimand any certified program administrator or certified residential child and youth care practitioner, place any certified program administrator or certified residential child and youth care practitioner on probation, or suspend or revoke a certificate if the applicant, certified program administrator, or certified residential child and youth care practitioner:

(1) Fraudulently or deceptively obtains or attempts to obtain a certificate for a program administrator or residential child and youth care practitioner, or for another;

(2) Fraudulently or deceptively uses a certificate;

(3) Otherwise fails to meet substantially the standards for certification adopted by the Board under § 20-205 of this title;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Performs the duties of a program administrator or residential child and youth care practitioner while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(6) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(7) Performs the duties of a program administrator or residential child and youth care practitioner with an unauthorized person or supervises or aids an unauthorized person in performing the duties of a program administrator or residential child and youth care practitioner;

(8) Willfully makes or files a false report or record while performing the duties of a program administrator or residential child and youth care practitioner;

(9) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(10) Commits an act of unprofessional conduct in performing the duties of a program administrator or residential child and youth care practitioner; [or]

(11) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the individual is certified and qualified to render because the individual is HIV positive; **OR**

**(12) FAILS TO MAINTAIN ON FILE WITH THE BOARD A CURRENT RESIDENT ADDRESS AND EMPLOYMENT ADDRESS OR NOTIFY THE BOARD WHEN THE RESIDENCY OR PLACE OF EMPLOYMENT CHANGES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 332

(Senate Bill 204)

AN ACT concerning

### **Election Law – Primary Election Dates in the Presidential Election Year**

FOR the purpose of altering the date of the statewide primary election in the year in which the President of the United States is elected; altering the date of the primary election for municipal offices in Baltimore City in the year in which the President of the United States is elected; making certain conforming changes; *altering the deadline for filing a certain petition to challenge a candidate's residency*; clarifying certain provisions of law concerning the filling of certain vacancies in nomination; repealing an obsolete provision of law concerning the printing of certain ballots; and generally

relating to primary election dates in the presidential election year and the nomination of candidates.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5–303(c), ~~5–305~~, 5–703(c), 5–703.1(c), 5–801(b), 5–1002(b), 5–1003(b), 5–1004(b), 6–210(e), 8–201, 8–502(c), 9–207(a), 9–215(a), and 13–309(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

### Article – Election Law

5–303.

(c) The certificate of candidacy for the election of a write-in candidate shall be filed by the earlier of:

(1) 7 days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate; or

(2) 5 p.m. on the [Wednesday preceding the day of the election] **7TH DAY PRECEDING THE START OF EARLY VOTING** for which the certificate is filed.

5–305.

(a) This section applies only to a petition that will affect the right of a candidate to have the candidate's name appear on the ballot in a primary or general election.

(b) A registered voter who is a resident of the district or other geographic area in which a candidate is seeking office may file a petition with the circuit court for that district or geographic area to challenge the candidate's residency as provided in § 5–202 of this title.

(c) (1) The petition must be filed [6] **9** days after the filing dates provided in § 5–303 of this subtitle and [~~§ 5–703(c)] §§ **5–703(C) AND 5–703.1(C)** of this title.~~

(2) Judicial review of any petition that is filed under subsection (b) of this section shall be expedited by the circuit court that hears the cause to the extent necessary in consideration of the deadlines established by law, and in no case, longer than 7 days from the date the petition is filed.

5–703.

(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 ~~or the Baltimore City municipal election is held~~, by the date and time specified for a candidate to file a certificate of candidacy;

(ii) in a year in which the President ~~is~~ ***AND MAYOR OF BALTIMORE CITY ARE*** elected, by **[July 1] THE DATE AND TIME SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY**; and

(iii) 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.

5-703.1.

(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 **[July 1] THE DATE AND TIME SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY**; and

(iii) 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.

5-801.

(b) The certificate of declination shall be under oath and filed:

(1) with the board at which the certificate of candidacy was filed; and

(2) (i) in the year of a gubernatorial election ~~for the year of an election for the Mayor of the City of Baltimore~~, within 2 days after the election results are certified, **BY THE 70TH DAY PRECEDING THE GENERAL ELECTION**; or

(ii) in the year of a presidential election, by the 70th day preceding the general election.

5-1002.

(b) (1) A vacancy in nomination that occurs because a nominee dies, declines the nomination, or is disqualified for any cause shall be filled by the State central committee of the political party to which the nominee belongs **BY THE 60TH DAY BEFORE THE GENERAL ELECTION**.

(2) [By the later of the 40th day before the general election or the fifth day following the death, declination, or disqualification of the former nominee:]

(i) [the] **THE** State central committee shall file a certificate of designation for the nominee with the State Board[; and].

(ii) [the] **THE** successor nominee designated by the State central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State Board.

5-1003.

(b) (1) A vacancy in nomination under this section that occurs because the nominee dies, withdraws the candidacy, or is disqualified for any reason shall be filled by:

(i) a vote of the central committees of the political party in each of the counties included in the district of that nominee; or

(ii) a State central committee for a nonprincipal political party that does not have local central committees.

(2) The central committee of each county shall cast a vote that is proportionate to its share of the population in that district as reported in the most recent

decennial census of the United States and promptly notify its State central committee of the results of its vote.

(3) (i) If no person receives a majority of the votes cast under paragraph (2) of this subsection, or if there is a tie vote by the central committees, the vacancy in nomination shall be filled by the State central committee.

(ii) In the event of a tie vote, the nominee selected by the State central committee shall be one of the candidates involved in the tie.

(4) [By the later of the 40th day before the general election or the fifth day following] **FOLLOWING** the death, declination, or disqualification of the nominee, **BY THE 60TH DAY BEFORE THE GENERAL ELECTION:**

(i) the State central committee shall file a certificate of designation for the nominee with the State Board; and

(ii) the successor nominee designated by the State central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State Board.

5–1004.

(b) If a nominee for an office that is entirely in one county dies, declines the nomination, becomes disqualified, or gains a tie vote with another candidate in a primary election, the vacancy in nomination shall be filled by [the later of:

(1) the 40th day before the general election; or

(2) the fifth day following the death, declination, or disqualification of the nominee] **THE 60TH DAY BEFORE THE GENERAL ELECTION.**

6–210.

(e) (1) Except as provided in ~~paragraph (2)~~ **PARAGRAPHS (2) AND (3)** **PARAGRAPH (2)** of this subsection, any judicial review of a determination, as provided in § 6–209 of this subtitle, shall be sought by the [10th] ~~2ND~~ day following the determination to which ~~it~~ **THE JUDICIAL REVIEW** relates.

(2) **(1)** ~~If EXCEPT FOR A PRESIDENTIAL PRIMARY, IF~~ **IF** the petition seeks to place the name of an individual or a question on the ballot at any election, **EXCEPT A PRESIDENTIAL PRIMARY ELECTION,** judicial review shall be sought by the day specified in paragraph (1) of this subsection or the 63rd day preceding that election, whichever day is earlier.

~~(3) IF THE PETITION SEEKS TO PLACE THE NAME OF AN INDIVIDUAL ON THE PRESIDENTIAL PRIMARY BALLOT, JUDICIAL REVIEW SHALL BE SOUGHT BY THE FIFTH DAY FOLLOWING THE DETERMINATION TO WHICH THE PETITION RELATES.~~

(II) IF THE PETITION SEEKS TO PLACE THE NAME OF AN INDIVIDUAL ON THE BALLOT FOR A PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH § 8-502 OF THIS ARTICLE, JUDICIAL REVIEW OF A DETERMINATION MADE UNDER § 6-208(A)(2) OF THIS TITLE SHALL BE SOUGHT BY THE 5TH DAY FOLLOWING THE DETERMINATION TO WHICH THE JUDICIAL REVIEW RELATES.

8-201.

(a) (1) There shall be a statewide primary election in every even-numbered year.

(2) A primary election shall be held:

(i) in the year in which the Governor is elected, on the last Tuesday in June; and

(ii) in the year in which the President of the United States is elected, on the [first] ~~SECOND~~ FOURTH Tuesday in April.

(b) In Baltimore City, there shall be a primary election for municipal offices on the [first] ~~SECOND~~ FOURTH Tuesday in April in the year in which the President of the United States is elected.

8-502.

(c) (1) The Secretary of State shall certify to the State Board the names of candidates for nomination by a principal political party [during the period beginning 90 days before the primary election and ending 80] **NO LATER THAN 90** days before the primary election.

(2) The Secretary of State shall certify the name of a presidential candidate on the ballot when the Secretary has determined, in the Secretary's sole discretion and consistent with party rules, that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland, unless the candidate executes and files with the Secretary of State an affidavit stating without qualification that the candidate is not and does not intend to become a candidate for the office in the Maryland primary election.

9-207.

(a) The State Board shall certify the content and arrangement of each ballot:

(1) for a primary election, [no more than 11 days after the filing date provided in § 5–303 of this article] **AT LEAST 55 DAYS BEFORE THE ELECTION**;

(2) for a general election, at least 55 days before the election;

(3) for a special primary election, at least 18 days before the election; and

(4) for a special general election, not later than a date specified in the Governor's proclamation.

9–215.

(a) Each ballot shall be printed:

(1) in plain, clear type in black ink; **AND**

(2) on material of the size and arrangement that is required to fit the needs of the voting system[; and

(3) (i) in a general election, on clear white material; or

(ii) in a primary election, on material of a different color for voters of each political party and for voters not affiliated with a political party that nominates its candidates by primary election].

13–309.

(a) Subject to other provisions of this subtitle and except as provided in subsection (d) of this section, a campaign finance entity shall file campaign finance reports as follows:

(1) **IN THE GUBERNATORIAL ELECTION YEAR ONLY**, except for a ballot issue committee, on or before the third Tuesday in April, if the campaign finance entity did not file the annual campaign finance report specified under subsection (b)(2) of this section on the immediately preceding third Wednesday in January;

(2) except for a ballot issue committee, on or before the fifth Tuesday immediately preceding each primary election;

(3) except for a ballot issue committee, on or before the second Friday immediately preceding a primary election;

(4) on or before the last Tuesday in August immediately preceding a general election;

(5) for a ballot issue committee only, on or before the fourth Friday immediately preceding a general election;



(6) on or before the second Friday immediately preceding a general election; and

(7) on or before the second Tuesday after a general election.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 333

(Senate Bill 225)

AN ACT concerning

### **Higher Education – Unaccompanied Homeless Youth Tuition Exemption – Modification**

FOR the purpose of altering the definition of unaccompanied homeless youth by requiring certain documentation that establishes that the child or youth has had a consistent presence in the State for a certain period of time before enrollment in a certain public institution of higher education and a determination of homelessness by a certain individual ~~or certain documentation~~; requiring a financial aid administrator to annually make a certain verification; and generally relating to the tuition exemption for unaccompanied homeless youth.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 15–106.1  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2014 Supplement)

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

#### **Article – Education**

15–106.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) (i) “Foster care recipient” means an individual who:

1. Was placed in an out-of-home placement by the Maryland Department of Human Resources; and

2. A. Resided in an out-of-home placement in the State at the time the individual graduated from high school or successfully completed a general equivalency development examination (GED); or

B. Resided in an out-of-home placement in the State on the individual's 13th birthday and was placed into guardianship or adopted out of an out-of-home placement after the individual's 13th birthday.

(ii) "Foster care recipient" includes a younger sibling of an individual described in subparagraph (i) of this paragraph if the younger sibling is concurrently placed into guardianship or adopted out of an out-of-home placement by the same guardianship or adoptive family.

(3) "Out-of-home placement" has the meaning stated in § 5-501 of the Family Law Article.

(4) (i) "Tuition" means the charges imposed by a public institution of higher education for enrollment at the institution.

(ii) "Tuition" includes charges for registration and all fees required as a condition of enrollment.

(5) "Unaccompanied homeless youth" means a child or youth who:

**(I) HAS HAD A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS DOCUMENTED BY SCHOOL, EMPLOYMENT, OR OTHER RECORDS;**

~~(ii)~~ **(II)** Is not in the physical custody of a parent or guardian;  
[and]

~~(iii)~~ **(III)** Is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act; AND

~~(iii)~~ **(IV)** WAS DETERMINED TO BE A HOMELESS CHILD OR YOUTH BY:

1. A MARYLAND LOCAL SCHOOL SYSTEM HOMELESS LIAISON, AS DEFINED BY THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT;

2. A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A MARYLAND-BASED PROGRAM FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT;

**3. A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A MARYLAND-BASED PROGRAM FUNDED UNDER TITLE IV, SUBTITLE B OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT; OR**

**~~4. DOCUMENTATION WITH SCHOOL, EMPLOYMENT, OR OTHER RECORDS THAT SHOW A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION~~**  
**THE FINANCIAL AID DIRECTOR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION IN WHICH THE YOUTH SEEKS TO ENROLL.**

(b) When determining whether a youth is an unaccompanied homeless youth, a financial aid administrator shall verify ANNUALLY that the youth qualifies as an independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. § 1087vv(d)(1)(H).

(c) (1) A foster care recipient or an unaccompanied homeless youth is exempt from paying any tuition at a public institution of higher education, regardless of that foster care recipient's or unaccompanied homeless youth's receipt of any scholarship or grant if:

(i) The foster care recipient or unaccompanied homeless youth is enrolled at the institution on or before the date that the foster care recipient or unaccompanied homeless youth reaches the age of 25 years;

(ii) The foster care recipient or unaccompanied homeless youth is enrolled as a candidate for a vocational certificate, an associate's degree, or a bachelor's degree; and

(iii) The foster care recipient or unaccompanied homeless youth has filed for federal and State financial aid by March 1 each year.

(2) If a foster care recipient or an unaccompanied homeless youth receives a scholarship or grant for postsecondary study and is enrolled before the recipient's 25th birthday as a candidate for a vocational certificate, an associate's degree, or bachelor's degree at a public institution of higher education, the scholarship or grant may not be applied to the tuition for the foster care recipient or unaccompanied homeless youth.

(3) A foster care recipient or an unaccompanied homeless youth who is exempt from tuition under this section continues to be exempt until the earlier of:

(i) 5 years after first enrolling as a candidate for an associate's degree or a bachelor's degree at a public institution of higher education in the State; or

(ii) The date that the foster care recipient or unaccompanied homeless youth is awarded a bachelor's degree.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 334

(Senate Bill 265)

AN ACT concerning

**Calvert County – Electronic Bingo and Electronic Tip Jars – Distribution of Admissions and Amusement Tax Revenues**

FOR the purpose of extending and altering the amount of, for certain fiscal years, certain distributions of revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County; repealing a certain obsolete provision; and generally relating to the distribution of certain revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars.

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 2–202  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 4–105(a–1)(2)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 5–1901(f)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Tax – General**

2–202.

(a) After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in subsection (b) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(e) of this article:

(i) 1. for fiscal years 2016 through 2021, the revenue attributable to a tax rate of 20% to the Maryland E–Nnovation Initiative Fund under § 6–604 of the Economic Development Article;

2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and

(ii) the revenue attributable to a tax rate of 5% to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and

(2) the remaining admissions and amusement tax revenue:

(i) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

(ii) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

1. 80% of that revenue to the Authority; and

2. 20% to the county or municipal corporation.

(b) From the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County under § 4–102(e) of this article, the Comptroller shall distribute:

(1) [for fiscal year 2013, the revenue attributable to a tax rate of 8%:

(i) \$100,000 to the Boys and Girls Club of the Town of North Beach;  
and

(ii) the remainder to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article that may only be used for a project approved by the Secretary of Natural Resources that increases youth recreational opportunities in the county;

(2) for fiscal years 2014 through [2016,] **2019**, from:

(i) the revenue attributable to a tax rate of 1.5%:

1. ~~[\$100,000]~~ **\$50,000** to the Boys and Girls Club of the Town of North Beach; and
  2. the remainder to the Town of North Beach;
- (ii) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and
  - (iii) the revenue attributable to a tax rate of 4% to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article; and

~~[(3)]~~ **(2)** for fiscal year ~~[2017]~~ **2020** and each fiscal year thereafter, from:

- (i) the revenue attributable to a tax rate of 1.5%:
  1. ~~[\$100,000]~~ **\$50,000** to the Boys and Girls Club of the Town of North Beach; and
  2. the remainder to the Town of North Beach;
- (ii) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and
- (iii) the revenue attributable to a tax rate of 4% to the Calvert County Board of Education for school renovation and renewal projects that may not be used to supplant county funds for public school construction.

4–105.

(a–1) (2) The rate of the State admissions and amusement tax imposed on electronic bingo or electronic tip jars in Calvert County under § 4–102(e) of this subtitle is 33% of the net proceeds subject to the tax.

### Article – Natural Resources

5–1901.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under § ~~[2–202(b)(1)(ii)]~~ **2–202(B)(1)(III)** of the Tax – General Article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 335

(Senate Bill 269)

AN ACT concerning

### Domestic Violence – Additional Relief

FOR the purpose of expanding the relief that may be awarded in ~~an interim protective order to include any other relief that a District Court commissioner determines is appropriate; expanding the relief that may be awarded in a temporary protective order and~~ a final protective order to include any other relief that a judge determines is ~~appropriate~~ necessary to protect a person eligible for relief from abuse; and generally relating to domestic violence.

BY repealing and reenacting, without amendments,  
 Article – Family Law  
 Section ~~4-504.1(b), 4-505(a)(1), and 4-506(c)(1)~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section ~~4-504.1(e), 4-505(a)(2), and 4-506(d)~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

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

### Article – Family Law

~~4-504.1.~~

~~(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.~~

~~(e) An interim protective order may:~~

~~(1) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;~~

~~(2) order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;~~

~~(3) order the respondent to refrain from entering the residence of a person eligible for relief;~~

~~(4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:~~

~~(i) order the respondent to vacate the home immediately;~~

~~(ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and~~

~~(iii) subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;~~

~~(5) in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;~~

~~(6) in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;~~

~~(7) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief;~~

~~(8) order the respondent to remain away from the residence of any family member of a person eligible for relief; [or]~~

~~(9) award temporary possession of any pet of the person eligible for relief or the respondent; OR~~

~~(10) ORDER ANY OTHER RELIEF THAT THE COMMISSIONER DETERMINES IS APPROPRIATE.~~

~~4-505.~~

~~(a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.~~



~~(2) The temporary protective order may order any or all of the following relief:~~

~~(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;~~

~~(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;~~

~~(iii) order the respondent to refrain from entering the residence of a person eligible for relief;~~

~~(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;~~

~~(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;~~

~~(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;~~

~~(vii) award temporary custody of a minor child of the person eligible for relief and the respondent;~~

~~(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:~~

~~1. the use of a firearm by the respondent against a person eligible for relief;~~

~~2. a threat by the respondent to use a firearm against a person eligible for relief;~~

~~3. serious bodily harm to a person eligible for relief caused by the respondent; or~~

~~4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; [and]~~

~~(ix) award temporary possession of any pet of the person eligible for relief or the respondent; AND~~

~~(X) ORDER ANY OTHER RELIEF THAT THE JUDGE DETERMINES IS APPROPRIATE.~~

4-506.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(d) The final protective order may include any or all of the following relief:

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;

(12) order the respondent to pay filing fees and costs of a proceeding under this subtitle; [or]

(13) award temporary possession of any pet of the person eligible for relief or the respondent; **OR**

**(14) ORDER ANY OTHER RELIEF THAT THE JUDGE DETERMINES IS ~~APPROPRIATE~~ NECESSARY TO PROTECT A PERSON ELIGIBLE FOR RELIEF FROM ABUSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 336****(Senate Bill 288)**

AN ACT concerning

**Criminal Procedure – Financial Crimes Against Vulnerable and Elder Adults –  
Petition to Freeze Assets**

FOR the purpose of authorizing a State’s Attorney to file a petition to freeze assets of a defendant charged with a certain financial crime involving a vulnerable or elder adult under certain circumstances; requiring that a petition to freeze assets be served in accordance with the Maryland Rules and include certain information; requiring that a petition to freeze assets be mailed to certain ~~lienholders and certain~~ financial institutions; authorizing a court to grant a petition to freeze assets and issue an order to freeze assets under certain circumstances; requiring that an order to freeze assets be served on certain financial institutions in accordance with the Maryland Rules and include certain information; providing that a financial institution is not obligated to restrict access to money described in a petition to freeze assets until the occurrence of certain events; requiring that an order to freeze assets remain in effect for a certain period of time; authorizing the court to modify an order to freeze assets under certain circumstances; ~~specifying that a certain lienholder is not prohibited from exercising certain rights if a default occurs in the obligation giving rise to the lien~~; specifying that a certain financial institution is not prohibited from exercising certain rights; defining certain terms; and generally relating to petitions to freeze assets.

BY adding to

Article – Criminal Procedure

Section 4–206

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Procedure**

**4–206.**

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

(2) “FINAL DISPOSITION” MEANS A DISMISSAL, AN ENTRY OF A NOLLE PROSEQUI, THE MARKING OF A CRIMINAL CHARGE “STET” ON THE DOCKET, AN

ENTRY OF A NOT GUILTY VERDICT, THE PRONOUNCEMENT OF A SENTENCE, OR THE IMPOSITION OF PROBATION UNDER § 6-220 OF THIS ARTICLE.

(3) “FINANCIAL INSTITUTION” HAS THE MEANING STATED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(4) “FREEZE ASSETS” MEANS TO PROHIBIT A PERSON FROM TRANSFERRING THE PERSON’S MONEY ~~OR PERSONAL OR REAL PROPERTY~~ BY PLACING THE ~~PROPERTY MONEY~~ UNDER SEAL OR REMOVING THE ~~PROPERTY MONEY~~ TO A PLACE DESIGNATED BY A COURT.

~~(5) “LIENHOLDER” MEANS A PERSON WHO HAS A LIEN ON OR A SECURED INTEREST IN PERSONAL OR REAL PROPERTY.~~

(B) A STATE’S ATTORNEY MAY FILE A PETITION TO FREEZE ASSETS OF A DEFENDANT CHARGED WITH VIOLATING § 8-801 OF THE CRIMINAL LAW ARTICLE WITH THE CIRCUIT COURT OF THE COUNTY IN WHICH THE DEFENDANT WAS CHARGED IF:

(1) THE PETITION IS FILED WITHIN 60 DAYS OF THE DEFENDANT BEING CHARGED WITH A VIOLATION OF § 8-801 OF THE CRIMINAL LAW ARTICLE;

(2) THE ALLEGED VALUE OF LOST OR STOLEN PROPERTY IN THE CRIMINAL CHARGE GIVING RISE TO THE PETITION IS \$10,000 OR MORE;

(3) THE AMOUNT OF MONEY ~~OR PROPERTY~~ SUBJECT TO THE PETITION DOES NOT EXCEED THE ALLEGED VALUE OF LOST OR STOLEN PROPERTY IN THE CRIMINAL CHARGE GIVING RISE TO THE PETITION; AND

(4) THE STATE’S ATTORNEY SENDS A NOTICE OF INTENT TO FILE A PETITION TO EACH:

~~(I) LIENHOLDER OF PROPERTY SUBJECT TO THE PETITION;~~  
AND

~~(II) FINANCIAL INSTITUTION IN POSSESSION OF PROPERTY MONEY SUBJECT TO THE PETITION.~~

(C) (1) A PETITION TO FREEZE ASSETS SHALL BE SERVED ON THE DEFENDANT IN ACCORDANCE WITH THE MARYLAND RULES AND INCLUDE:

(I) THE NAME OF THE DEFENDANT;

(II) THE CASE NUMBER OF THE CHARGE GIVING RISE TO THE PETITION;

(III) A DESCRIPTION OF THE MONEY ~~OR PROPERTY~~ THAT IS SUBJECT TO THE PETITION;

(IV) ~~IF KNOWN OR REASONABLY SUBJECT TO DISCOVERY, THE NAME OF EACH LIENHOLDER ON ANY OF THE PROPERTY;~~

~~(V)~~ (V) IF KNOWN OR REASONABLY SUBJECT TO DISCOVERY, THE NAME OF EACH FINANCIAL INSTITUTION IN POSSESSION OF ANY OF THE ~~PROPERTY MONEY~~; AND

~~(VI)~~ (V) AN OATH OR AFFIRMATION THAT THE CONTENTS OF THE PETITION ARE TRUE TO THE BEST OF THE STATE'S ATTORNEY'S KNOWLEDGE, INFORMATION, AND BELIEF.

(2) A PETITION TO FREEZE ASSETS SHALL BE MAILED TO EACH:

~~(I) LIENHOLDER OF PROPERTY SUBJECT TO THE PETITION;~~  
AND

~~(II) FINANCIAL INSTITUTION IN POSSESSION OF PROPERTY MONEY SUBJECT TO THE PETITION.~~

(D) A COURT MAY GRANT A PETITION TO FREEZE ASSETS AND ISSUE AN ORDER TO FREEZE ASSETS IF THE STATE'S ATTORNEY PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT:

(1) THE DEFENDANT HAS A LEGAL, EQUITABLE, OR POSSESSORY INTEREST IN THE MONEY ~~OR PROPERTY~~ LISTED IN THE PETITION; AND

(2) THE MONEY ~~OR PROPERTY~~ LISTED IN THE PETITION IS NOT JOINTLY HELD UNLESS THE STATE'S ATTORNEY ALSO PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT:

(I) THE DEFENDANT TRANSFERRED THE DEFENDANT'S MONEY ~~OR PROPERTY~~ TO AVOID BEING SUBJECT TO AN ORDER TO FREEZE ASSETS; OR

(II) THE MONEY ~~OR PROPERTY~~ LISTED IN THE PETITION WAS USED IN CONNECTION WITH A VIOLATION OF § 8-801 OF THE CRIMINAL LAW ARTICLE.

**(E) (1) THE ORDER TO FREEZE ASSETS SHALL BE SERVED ON EACH FINANCIAL INSTITUTION IN POSSESSION OF MONEY SUBJECT TO THE ORDER.**

**(2) THE ORDER SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES AND INCLUDE:**

**(I) THE NAME OF THE ACCOUNT HOLDER;**

**(II) THE CASE NUMBER OF THE PROCEEDING IN WHICH THE COURT ISSUED THE ORDER TO FREEZE ASSETS; AND**

**(III) A DESCRIPTION OF THE MONEY THAT IS SUBJECT TO THE ORDER TO FREEZE ASSETS.**

**(F) A FINANCIAL INSTITUTION IS NOT OBLIGATED TO RESTRICT ACCESS TO MONEY DESCRIBED IN A PETITION UNTIL:**

**(1) AN ORDER TO FREEZE ASSETS HAS BEEN SERVED ON THE FINANCIAL INSTITUTION; AND**

**(2) THE FINANCIAL INSTITUTION HAS HAD A REASONABLE OPPORTUNITY TO FREEZE THE ASSETS.**

**~~(E)~~ (G) AN ORDER TO FREEZE ASSETS SHALL REMAIN IN EFFECT UNTIL THE EARLIER OF:**

**(1) A DISMISSAL, AN ENTRY OF A NOLLE PROSEQUI, OR AN ENTRY OF A NOT GUILTY VERDICT FOR THE CRIMINAL CHARGE FOR THE VIOLATION GIVING RISE TO THE ORDER;**

**(2) THE MARKING OF THE CHARGE “STET” ON THE DOCKET, THE PRONOUNCEMENT OF A SENTENCE, OR THE IMPOSITION OF PROBATION UNDER § 6-220 OF THIS ARTICLE FOR THE CRIMINAL CHARGE GIVING RISE TO THE ORDER, PROVIDED THAT THE DEFENDANT HAS MADE FULL RESTITUTION IF ORDERED BY THE COURT; OR**

**(3) 1 YEAR AFTER THE FINAL DISPOSITION OF THE CRIMINAL CHARGE FOR THE VIOLATION GIVING RISE TO THE ORDER.**

**~~(F)~~ (H) ON MOTION, THE COURT MAY MODIFY AN ORDER TO FREEZE ASSETS TO ALLOW THE DEFENDANT TO MAKE RESTITUTION, TO ALLOW THE VICTIM TO COLLECT RESTITUTION, OR FOR GOOD CAUSE.**

**~~(G)~~ (I) THIS SECTION DOES NOT PROHIBIT:**

~~(1) A LIENHOLDER FROM EXERCISING RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SELL PROPERTY THAT HAS BEEN SUBJECT TO AN ORDER TO FREEZE ASSETS UNDER THIS SECTION, IF A DEFAULT OCCURS IN THE OBLIGATION GIVING RISE TO THE LIEN; OR~~

~~(2) A FINANCIAL INSTITUTION FROM EXERCISING RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SET OFF SET OFF MUTUAL DEBTS UNDER COMMON LAW.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 337

(House Bill 737)

AN ACT concerning

### **Criminal Procedure – Financial Crimes Against Vulnerable and Elder Adults – Petition to Freeze Assets**

FOR the purpose of authorizing a State’s Attorney to file a petition to freeze assets of a defendant charged with a certain financial crime involving a vulnerable or elder adult under certain circumstances; requiring that a petition to freeze assets be served in accordance with the Maryland Rules and include certain information; requiring that a petition to freeze assets be mailed to certain ~~lienholders and certain~~ financial institutions; authorizing a court to grant a petition to freeze assets and issue an order to freeze assets under certain circumstances; requiring that an order to freeze assets be served on certain financial institutions in accordance with the Maryland Rules and include certain information; providing that a financial institution is not obligated to restrict access to money described in a petition to freeze assets until the occurrence of certain events; requiring that an order to freeze assets remain in effect for a certain period of time; authorizing the court to modify an order to freeze assets under certain circumstances; specifying that a certain lienholder is not prohibited from exercising certain rights if a default occurs in the obligation giving rise to the lien; specifying that a certain financial institution is not prohibited from exercising certain rights; defining certain terms; and generally relating to petitions to freeze assets.

BY adding to

Article – Criminal Procedure



Section 4-206  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Procedure**

**4-206.**

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

(2) “FINAL DISPOSITION” MEANS A DISMISSAL, AN ENTRY OF A NOLLE PROSEQUI, THE MARKING OF A CRIMINAL CHARGE “STET” ON THE DOCKET, AN ENTRY OF A NOT GUILTY VERDICT, THE PRONOUNCEMENT OF A SENTENCE, OR THE IMPOSITION OF PROBATION UNDER § 6-220 OF THIS ARTICLE.

(3) “FINANCIAL INSTITUTION” HAS THE MEANING STATED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(4) “FREEZE ASSETS” MEANS TO PROHIBIT A PERSON FROM TRANSFERRING THE PERSON’S MONEY ~~OR PERSONAL OR REAL PROPERTY~~ BY PLACING THE ~~PROPERTY MONEY~~ UNDER SEAL OR REMOVING THE ~~PROPERTY MONEY~~ TO A PLACE DESIGNATED BY A COURT.

~~(5) “LIENHOLDER” MEANS A PERSON WHO HAS A LIEN ON OR A SECURED INTEREST IN PERSONAL OR REAL PROPERTY.~~

(B) A STATE’S ATTORNEY MAY FILE A PETITION TO FREEZE ASSETS OF A DEFENDANT CHARGED WITH VIOLATING § 8-801 OF THE CRIMINAL LAW ARTICLE WITH THE CIRCUIT COURT OF THE COUNTY IN WHICH THE DEFENDANT WAS CHARGED IF:

(1) THE PETITION IS FILED WITHIN 60 DAYS OF THE DEFENDANT BEING CHARGED WITH A VIOLATION OF § 8-801 OF THE CRIMINAL LAW ARTICLE;

(2) THE ALLEGED VALUE OF LOST OR STOLEN PROPERTY IN THE CRIMINAL CHARGE GIVING RISE TO THE PETITION IS \$10,000 OR MORE;

(3) THE AMOUNT OF MONEY ~~OR PROPERTY~~ SUBJECT TO THE PETITION DOES NOT EXCEED THE ALLEGED VALUE OF LOST OR STOLEN PROPERTY IN THE CRIMINAL CHARGE GIVING RISE TO THE PETITION; AND

(4) THE STATE'S ATTORNEY SENDS A NOTICE OF INTENT TO FILE A PETITION TO EACH:

~~(I) LIENHOLDER OF PROPERTY SUBJECT TO THE PETITION;~~  
AND

~~(H) FINANCIAL INSTITUTION IN POSSESSION OF ~~PROPERTY~~ MONEY SUBJECT TO THE PETITION.~~

(C) (1) A PETITION TO FREEZE ASSETS SHALL BE SERVED ON THE DEFENDANT IN ACCORDANCE WITH THE MARYLAND RULES AND INCLUDE:

(I) THE NAME OF THE DEFENDANT;

(II) THE CASE NUMBER OF THE CHARGE GIVING RISE TO THE PETITION;

(III) A DESCRIPTION OF THE MONEY ~~OR PROPERTY~~ THAT IS SUBJECT TO THE PETITION;

~~(IV) IF KNOWN OR REASONABLY SUBJECT TO DISCOVERY, THE NAME OF EACH LIENHOLDER ON ANY OF THE PROPERTY;~~

~~(V) IF KNOWN OR REASONABLY SUBJECT TO DISCOVERY, THE NAME OF EACH FINANCIAL INSTITUTION IN POSSESSION OF ANY OF THE ~~PROPERTY~~ MONEY;~~ AND

~~(VI)~~ (V) AN OATH OR AFFIRMATION THAT THE CONTENTS OF THE PETITION ARE TRUE TO THE BEST OF THE STATE'S ATTORNEY'S KNOWLEDGE, INFORMATION, AND BELIEF.

(2) A PETITION TO FREEZE ASSETS SHALL BE MAILED TO EACH:

~~(I) LIENHOLDER OF PROPERTY SUBJECT TO THE PETITION;~~  
AND

~~(H) FINANCIAL INSTITUTION IN POSSESSION OF ~~PROPERTY~~ MONEY SUBJECT TO THE PETITION.~~

(D) A COURT MAY GRANT A PETITION TO FREEZE ASSETS AND ISSUE AN ORDER TO FREEZE ASSETS IF THE STATE'S ATTORNEY PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT:

(1) THE DEFENDANT HAS A LEGAL, EQUITABLE, OR POSSESSORY INTEREST IN THE MONEY ~~OR PROPERTY~~ LISTED IN THE PETITION; AND

(2) THE MONEY ~~OR PROPERTY~~ LISTED IN THE PETITION IS NOT JOINTLY HELD UNLESS THE STATE'S ATTORNEY ALSO PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT:

(I) THE DEFENDANT TRANSFERRED THE DEFENDANT'S MONEY ~~OR PROPERTY~~ TO AVOID BEING SUBJECT TO AN ORDER TO FREEZE ASSETS; OR

(II) THE MONEY ~~OR PROPERTY~~ LISTED IN THE PETITION WAS USED IN CONNECTION WITH A VIOLATION OF § 8-801 OF THE CRIMINAL LAW ARTICLE.

(E) (1) THE ORDER TO FREEZE ASSETS SHALL BE SERVED ON EACH FINANCIAL INSTITUTION IN POSSESSION OF MONEY SUBJECT TO THE ORDER.

(2) THE ORDER SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES AND INCLUDE:

(I) THE NAME OF THE ACCOUNT HOLDER;

(II) THE CASE NUMBER OF THE PROCEEDING IN WHICH THE COURT ISSUED THE ORDER TO FREEZE ASSETS; AND

(III) A DESCRIPTION OF THE MONEY THAT IS SUBJECT TO THE ORDER TO FREEZE ASSETS.

(F) A FINANCIAL INSTITUTION IS NOT OBLIGATED TO RESTRICT ACCESS TO MONEY DESCRIBED IN A PETITION UNTIL:

(1) AN ORDER TO FREEZE ASSETS HAS BEEN SERVED ON THE FINANCIAL INSTITUTION; AND

(2) THE FINANCIAL INSTITUTION HAS HAD A REASONABLE OPPORTUNITY TO FREEZE THE ASSETS.

~~(E)~~ (G) AN ORDER TO FREEZE ASSETS SHALL REMAIN IN EFFECT UNTIL THE EARLIER OF:

(1) A DISMISSAL, AN ENTRY OF A NOLLE PROSEQUI, OR AN ENTRY OF A NOT GUILTY VERDICT FOR THE CRIMINAL CHARGE FOR THE VIOLATION GIVING RISE TO THE ORDER;

(2) THE MARKING OF THE CHARGE “STET” ON THE DOCKET, THE PRONOUNCEMENT OF A SENTENCE, OR THE IMPOSITION OF PROBATION UNDER § 6–220 OF THIS ARTICLE FOR THE CRIMINAL CHARGE GIVING RISE TO THE ORDER, PROVIDED THAT THE DEFENDANT HAS MADE FULL RESTITUTION IF ORDERED BY THE COURT; OR

(3) 1 YEAR AFTER THE FINAL DISPOSITION OF THE CRIMINAL CHARGE FOR THE VIOLATION GIVING RISE TO THE ORDER.

~~(F)~~ (H) ON MOTION, THE COURT MAY MODIFY AN ORDER TO FREEZE ASSETS TO ALLOW THE DEFENDANT TO MAKE RESTITUTION, TO ALLOW THE VICTIM TO COLLECT RESTITUTION, OR FOR GOOD CAUSE.

~~(G)~~ (I) THIS SECTION DOES NOT PROHIBIT:

~~(1) A LIENHOLDER FROM EXERCISING RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SELL PROPERTY THAT HAS BEEN SUBJECT TO AN ORDER TO FREEZE ASSETS UNDER THIS SECTION, IF A DEFAULT OCCURS IN THE OBLIGATION GIVING RISE TO THE LIEN; OR~~

~~(2) A FINANCIAL INSTITUTION FROM EXERCISING RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO ~~SET OFF~~ SET OFF MUTUAL DEBTS UNDER COMMON LAW.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 338

(Senate Bill 315)

AN ACT concerning

### Domestic Violence – 2–Year Protective Order

FOR the purpose of specifying that a court may issue a final protective order for a period not to exceed 2 years by consent of the respondent under certain circumstances; authorizing a judge, under certain circumstances, to extend the term of a protective order for a certain period of time if the respondent named in the protective order consents to the extension; making a conforming change; and generally relating to domestic violence.

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 4–506(j) and 4–507(a)(3)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

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

**Article – Family Law**

4–506.

(j) (1) Except as provided in paragraphs (2) and (3) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) All relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 2 years if:

(i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief:

1. for an act of abuse committed within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; **OR**

2. **BY CONSENT OF THE RESPONDENT WITHIN 1 YEAR AFTER THE DATE THAT A PRIOR FINAL PROTECTIVE ORDER ISSUED AGAINST THE SAME RESPONDENT ON BEHALF OF THE SAME PERSON ELIGIBLE FOR RELIEF EXPIRES;** and

(ii) the prior final protective order was issued for a period of at least 6 months.

(3) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

4–507.

**(a) (3) (i) [If.] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A JUDGE MAY EXTEND THE TERM OF A PROTECTIVE ORDER FOR A PERIOD NOT TO EXCEED 2 YEARS FROM THE DATE THE EXTENSION IS GRANTED IF:**

1. during the term of [a] THE protective order, [a] THE judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective [order.] ORDER; OR

2. THE RESPONDENT NAMED IN THE PROTECTIVE ORDER CONSENTS TO THE EXTENSION OF THE PROTECTIVE ORDER.

(II) [the] THE judge may extend the term of the protective order [for a period not to exceed 2 years from the date the extension is granted.] UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH after:

1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

[(ii)] (III) In determining the period of extension of a protective order under subparagraph [(i)](I)1 of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;

2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;

3. the pendency and type of criminal charges against the respondent; and

4. the nature and extent of the injury or risk of injury caused by the respondent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 339

(Senate Bill 331)

AN ACT concerning

Workers' Compensation – Baltimore County Deputy Sheriff

FOR the purpose of altering a certain definition of “public safety employee” to include a deputy sheriff in Baltimore County when performing certain duties for purposes of providing for enhanced compensation benefits under the Workers’ Compensation Law for a compensable permanent partial disability of less than a certain number of weeks under certain circumstances; providing for the application of this Act; and generally relating to workers’ compensation benefits for deputy sheriffs in Baltimore County.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 9–628(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 9–628(h) and 9–629  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

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

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

9–628.

(a) In this section, “public safety employee” means:

(1) a firefighter, fire fighting instructor, or paramedic employed by:

(i) a municipal corporation;

(ii) a county;

(iii) the State;

(iv) the State Airport Authority; or

(v) a fire control district;

(2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life support worker who is a covered employee under § 9–234 of this title and who provides volunteer fire or rescue services to:

(i) a municipal corporation;

- (ii) a county;
  - (iii) the State;
  - (iv) the State Airport Authority; or
  - (v) a fire control district;
- (3) a police officer employed by:
- (i) a municipal corporation;
  - (ii) a county;
  - (iii) the State;
  - (iv) the State Airport Authority;
  - (v) the Maryland–National Capital Park and Planning Commission;

or

- (vi) the Washington Metropolitan Area Transit Authority;
- (4) a Prince George’s County deputy sheriff or correctional officer;
- (5) a Montgomery County deputy sheriff or correctional officer;
- (6) an Allegany County deputy sheriff;
- (7) a Howard County deputy sheriff, but only when the deputy sheriff is performing law enforcement duties expressly requested, defined, and authorized in accordance with a written memorandum of understanding executed between the Howard County Sheriff and other law enforcement agencies; [or]

- (8) an Anne Arundel County deputy sheriff; **OR**

**(9) A BALTIMORE COUNTY DEPUTY SHERIFF, BUT ONLY WHEN THE DEPUTY SHERIFF ~~IS~~ SUSTAINS AN ACCIDENTAL PERSONAL INJURY THAT ARISES OUT OF AND IN THE COURSE AND SCOPE OF PERFORMING ~~LAW ENFORCEMENT DUTIES EXPRESSLY REQUESTED, DEFINED, AND AUTHORIZED IN ACCORDANCE WITH A WRITTEN MEMORANDUM OF UNDERSTANDING EXECUTED BETWEEN THE BALTIMORE COUNTY SHERIFF AND OTHER LAW ENFORCEMENT AGENCIES DIRECTLY RELATED TO:~~**

- (I) COURTHOUSE SECURITY;**



**(II) PRISONER TRANSPORTATION;****(III) SERVICE OF WARRANTS;****(IV) PERSONNEL MANAGEMENT; OR****(V) OTHER ADMINISTRATIVE DUTIES.**

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this subtitle.

9-629.

If a covered employee is awarded compensation for a period equal to or greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee but does not exceed one-third of the State average weekly wage.

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 claims arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 340

**(Senate Bill 335)**

AN ACT concerning

**Community Colleges – Victims of Human Trafficking – Exemption From  
Out-of-County and Out-of-Region Fees**

FOR the purpose of exempting certain victims of human trafficking from paying a certain out-of-county fee or a certain out-of-region fee at community colleges in the State; authorizing each board of community college trustees to waive a certain out-of-county fee or a certain out-of-region fee for certain students; requiring certain information collected by a community college to remain confidential; requiring a community college to collect certain information and report certain

information to the *Maryland Higher Education Commission* each year; requiring the Commission to submit a certain report to the General Assembly each year; requiring the ~~Maryland Higher Education~~ Commission to adopt certain regulations; defining a certain term; and generally relating to an exemption from the out-of-county fees and out-of-region fees for victims of human trafficking.

BY repealing and reenacting, with amendments,

Article – Education

Section 16–310(b)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

### Article – Education

16–310.

(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.

(2) (i) Any student who resides in an incorporated municipality whose corporate limits extend into 2 counties in the State is considered an in-county resident for tuition purposes at a community college campus located within that municipality that is supported by either county.

(ii) If a student is considered an in-county resident under this paragraph and the student does not reside in the county that supports the community college, the county in which the student resides shall pay the difference between the out-of-county tuition and the in-county tuition.

(3) Each board of community college trustees may waive the out-of-county or out-of-region 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.

(4) (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-county fee or out-of-region fee as determined in paragraph (1) of this subsection for a student who resides in the county but does not meet the in-county 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.

(5) (I) IN THIS PARAGRAPH, “VICTIM OF HUMAN TRAFFICKING” MEANS AN INDIVIDUAL WHO HAS BEEN RECRUITED, HARBORED, TRANSPORTED, PROVIDED, OR OBTAINED FOR LABOR, SERVICES, OR A SEXUAL ACT THROUGH THE USE OF FORCE, FRAUD, OR COERCION.

(II) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES MAY WAIVE THE OUT-OF-COUNTY FEE OR OUT-OF-REGION FEE AS DETERMINED IN PARAGRAPH (1) OF THIS SUBSECTION FOR A STUDENT WHO ATTENDS THE COMMUNITY COLLEGE AND:

1. IS NOT A RESIDENT OF THE COUNTY; AND
2. IS A VICTIM OF HUMAN TRAFFICKING.

(III) INFORMATION COLLECTED UNDER THIS PARAGRAPH AS PART OF A STUDENT’S REGISTRATION SHALL REMAIN CONFIDENTIAL.

(IV) 1. A COMMUNITY COLLEGE THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR ~~THE TUITION RATE~~ A WAIVER OF THE OUT-OF-COUNTY FEE OR OUT-OF-REGION FEE UNDER THIS PARAGRAPH SHALL:

A. KEEP A RECORD OF THE NUMBER OF INDIVIDUALS ~~WHO PAY THE TUITION RATE~~ FOR WHOM A WAIVER WAS GRANTED IN ACCORDANCE WITH THE REQUIREMENTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

B. REPORT THE INFORMATION REQUIRED IN ITEM A OF THIS SUBSUBPARAGRAPH TO THE COMMISSION EACH YEAR.

2. THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF THE INFORMATION SUBMITTED TO THE COMMISSION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

~~(III)~~ (V) 1. THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS PARAGRAPH.

2. THE REGULATIONS SHALL INCLUDE A REQUIREMENT THAT AN APPLICATION FOR A WAIVER OF THE OUT-OF-COUNTY FEE OR OUT-OF-REGION FEE AS PROVIDED IN THIS PARAGRAPH SHALL CONTAIN EVIDENCE THAT THE APPLICANT IS A VICTIM OF HUMAN TRAFFICKING, INCLUDING:

**A. CERTIFIED LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE AGENCY RECORDS OR FILES;**

**B. DOCUMENTATION FROM A HUMAN TRAFFICKING PREVENTION OR ASSISTANCE PROGRAM; OR**

**C. DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE OR TREATMENT AS A VICTIM OF HUMAN TRAFFICKING.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 341

(House Bill 847)

AN ACT concerning

### **Community Colleges – Victims of Human Trafficking – Exemption From Out-of-County and Out-of-Region Fees**

FOR the purpose of exempting certain victims of human trafficking from paying a certain out-of-county fee or a certain out-of-region fee at community colleges in the State; authorizing each board of community college trustees to waive a certain out-of-county fee or a certain out-of-region fee for certain students; requiring certain information collected by a community college to remain confidential; requiring a community college to collect certain information and report certain information to the Maryland Higher Education Commission each year; requiring the Commission to submit a certain report to the General Assembly each year; requiring the Maryland Higher Education Commission to adopt certain regulations; defining a certain term; and generally relating to an exemption from the out-of-county fees and out-of-region fees for victims of human trafficking.

BY repealing and reenacting, with amendments,

Article – Education

Section 16–310(b)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

16–310.

(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.

(2) (i) Any student who resides in an incorporated municipality whose corporate limits extend into 2 counties in the State is considered an in-county resident for tuition purposes at a community college campus located within that municipality that is supported by either county.

(ii) If a student is considered an in-county resident under this paragraph and the student does not reside in the county that supports the community college, the county in which the student resides shall pay the difference between the out-of-county tuition and the in-county tuition.

(3) Each board of community college trustees may waive the out-of-county or out-of-region 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.

(4) (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-county fee or out-of-region fee as determined in paragraph (1) of this subsection for a student who resides in the county but does not meet the in-county 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.

**(5) (I) IN THIS PARAGRAPH, “VICTIM OF HUMAN TRAFFICKING” MEANS AN INDIVIDUAL WHO HAS BEEN RECRUITED, HARBORED, TRANSPORTED, PROVIDED, OR OBTAINED FOR LABOR, SERVICES, OR A SEXUAL ACT THROUGH THE USE OF FORCE, FRAUD, OR COERCION.**

**(II) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES MAY WAIVE THE OUT-OF-COUNTY FEE OR OUT-OF-REGION FEE AS DETERMINED IN PARAGRAPH (1) OF THIS SUBSECTION FOR A STUDENT WHO ATTENDS THE COMMUNITY COLLEGE AND:**

**1. IS NOT A RESIDENT OF THE COUNTY; AND**

2. IS A VICTIM OF HUMAN TRAFFICKING.

(III) INFORMATION COLLECTED UNDER THIS PARAGRAPH AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.

(IV) 1. A COMMUNITY COLLEGE THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR A WAIVER OF THE OUT-OF-COUNTY FEE OR OUT-OF-REGION FEE UNDER THIS PARAGRAPH SHALL:

A. KEEP A RECORD OF THE NUMBER OF INDIVIDUALS FOR WHOM A WAIVER WAS GRANTED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

B. REPORT THE INFORMATION REQUIRED IN ITEM A OF THIS SUBSUBPARAGRAPH TO THE COMMISSION EACH YEAR.

2. THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF THE INFORMATION SUBMITTED TO THE COMMISSION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

~~(III)~~ (V) 1. THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS PARAGRAPH.

2. THE REGULATIONS SHALL INCLUDE A REQUIREMENT THAT AN APPLICATION FOR A WAIVER OF THE OUT-OF-COUNTY FEE OR OUT-OF-REGION FEE AS PROVIDED IN THIS PARAGRAPH SHALL CONTAIN EVIDENCE THAT THE APPLICANT IS A VICTIM OF HUMAN TRAFFICKING, INCLUDING:

A. CERTIFIED LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE AGENCY RECORDS OR FILES;

B. DOCUMENTATION FROM A HUMAN TRAFFICKING PREVENTION OR ASSISTANCE PROGRAM; OR

C. DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE OR TREATMENT AS A VICTIM OF HUMAN TRAFFICKING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 342****(Senate Bill 344)**

AN ACT concerning

**Public Health – ~~Emergency Use Auto-Injectable Epinephrine~~ and Allergy Treatment Program**

FOR the purpose of ~~establishing the Emergency Use Auto-Injectable Epinephrine Program in the Department of Health and Mental Hygiene; providing for the purpose of the Program; authorizing the Department to adopt certain regulations, collect certain fees, issue and renew certain certificates, and approve certain training programs relating to the Program; altering the name of the Insect Sting Emergency Treatment Program to be the Emergency and Allergy Treatment Program; altering the purpose of the Program; repealing the authority of the Department of Health and Mental Hygiene to conduct certain educational training programs; establishing~~ altering the qualifications for applicants for a certain certificate; requiring the Department to issue certain certificates to certain applicants; providing for the contents, replacement, term, and renewal of certain certificates; requiring an applicant for a certain certificate to have a certain policy; repealing a requirement that certain educational training programs be conducted by certain individuals and include certain information; repealing certain application requirements; authorizing certain physicians to prescribe and certain pharmacists to dispense auto-injectable epinephrine to certain certificate holders; authorizing certain certificate holders to take certain actions; *authorizing certain certificate holders and agents to administer auto-injectable epinephrine to an individual under certain circumstances; repealing certain requirements regarding the issuance, contents, replacement, and renewal of a certain certificate; providing that a cause of action may not arise against certain certificate holders for certain acts or omissions under certain circumstances; providing that a cause of action may not arise against certain physicians who prescribe or dispense auto-injectable epinephrine and certain paraphernalia to certain certificate holders under certain circumstances; altering certain immunities from certain causes of action for certain certificate holders and physicians; *applying certain immunities from certain causes of action that are applicable to certain certificate holders to certain agents; providing that a cause of action may not arise against certain pharmacists who dispense auto-injectable epinephrine and certain paraphernalia to certain certificate holders under certain circumstances; repealing certain provisions of law authorizing certain individuals to receive, possess, and administer certain epinephrine; providing for immunity from civil liability for certain individuals under certain circumstances; providing for* altering the effect of certain provisions of this Act; providing for the construction of this Act; requiring certain certificate holders to submit to the Department a certain report; requiring the Department to publish a certain report on or before a certain date each year; requiring the Department to report to certain committees of the General Assembly on or before a certain date on the implementation of this Act; altering certain definitions; defining certain terms; making certain conforming and stylistic changes;*

and generally relating to the Emergency ~~Use Auto-Injectable Epinephrine and~~ Allergy Treatment Program.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–701 through 13–704, 13–708, and 13–709 to be under the amended subtitle “Subtitle 7. Emergency and Allergy Treatment Program”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing

Article – Health – General

Section 13–705 through 13–707

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY adding to

Article – Health – General

Section ~~13–7A–01 through 13–7A–10 to be under the new subtitle “Subtitle 7A. Emergency Use Auto-Injectable Epinephrine Program”~~ 13–705 and 13–706

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

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

### **Article – Health – General**

Subtitle 7. [Insect Sting] Emergency AND ALLERGY Treatment Program.

13–701.

The [Insect Sting] Emergency AND ALLERGY Treatment Program is a program in the Department for the purpose of providing a means of authorizing certain individuals to administer life-saving treatment to [persons] INDIVIDUALS who have severe adverse reactions to ALLERGENS OR insect stings when physician services or emergency medical services are not immediately available *IN A YOUTH CAMP.*

13–702.

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

(B) “AGENT” MEANS AN INDIVIDUAL WHO IS:

(1) *IS AT LEAST 18 YEARS OF AGE;*



(2) HAS SUCCESSFULLY COMPLETED, AT THE EXPENSE OF AN APPLICANT, AN EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT; AND

(3) IS APPOINTED BY A CERTIFICATE HOLDER ~~THAT IS NOT AN INDIVIDUAL~~ TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

(C) “ANAPHYLAXIS” MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.

(D) “AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.

[(b)] (E) “Certificate” means a certificate OR AN ENDORSEMENT ON THE OPERATING CERTIFICATE OF A YOUTH CAMP issued by the Department [or a private or public entity] TO ~~A PERSON~~ AN INDIVIDUAL WHO OPERATES A YOUTH CAMP UNDER TITLE 14, SUBTITLE 4 OF THIS ARTICLE to OBTAIN, STORE, AND administer [subcutaneous injections of] AUTO-INJECTABLE epinephrine.

(F) “CERTIFICATE HOLDER” MEANS ~~A PERSON~~ AN INDIVIDUAL WHO IS AUTHORIZED BY THE DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.

[(c)] (G) “Program” means the [Insect Sting] Emergency AND ALLERGY Treatment Program.

(H) “YOUTH CAMP” HAS THE MEANING STATED IN § 14-401 OF THIS ARTICLE.

13-703.

(A) The Department may:

(1) Adopt regulations for the administration of the Program;

(2) Collect fees necessary for the administration of the Program;

(3) Issue and renew [certificates] A CERTIFICATE to [persons] A PERSON meeting the requirements of this subtitle; and

(4) [(i) Conduct educational training programs described in § 13-704(e) of this subtitle; and

(ii)] Approve educational training programs, INCLUDING PROGRAMS conducted by other State agencies or private entities.

**(B) A CERTIFICATE ISSUED BY THE DEPARTMENT SHALL BE VALID FOR UP TO 1 YEAR.**

13-704.

(a) To qualify for a certificate, an individual shall meet the requirements of this section.

(b) The applicant shall [be of good moral character] OPERATE A YOUTH CAMP.

(c) The applicant ~~OR THE AGENT OF AN APPLICANT~~ shall be at least 18 years old.

(d) [The applicant shall have, or reasonably expect to have, responsibility for at least one other person as a result of the individual's occupation or volunteer status.

(e) (1)] The applicant ~~OR AN AGENT OF THE APPLICANT~~ shall successfully complete, AT THE EXPENSE OF THE APPLICANT, an educational training program approved by the Department.

[(2) Educational training programs required under this subsection shall:

(i) 1. Be conducted by a physician licensed to practice medicine in this State under Title 14 of the Health Occupations Article; or

2. Be conducted by a nurse practitioner licensed to practice registered nursing in this State under Title 8 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing; and

(ii) Include training in:

1. The recognition of the symptoms of systemic reactions to insect stings; and

2. The proper administration of a subcutaneous injection of epinephrine.]

**(E) AN APPLICANT SHALL HAVE A WRITTEN POLICY THAT INCLUDES:**

**(1) AUTHORIZATION FOR THE ~~APPLICANT OR AN AGENT OF THE APPLICANT~~ CERTIFICATE HOLDER OR AGENT TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE, IF AVAILABLE, TO AN INDIVIDUAL WHO HAS BEEN DETERMINED TO**

BE OR IS BELIEVED TO BE EXPERIENCING ANAPHYLAXIS, WHETHER OR NOT THE INDIVIDUAL:

(I) HAS PREVIOUSLY BEEN KNOWN TO HAVE EXPERIENCED ANAPHYLAXIS; OR

(II) HAS A PRESCRIPTION FOR EPINEPHRINE PRESCRIBED BY AN AUTHORIZED HEALTH CARE PRACTITIONER LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) A REQUIREMENT THAT YOUTH CAMP PERSONNEL COMPLETE TRAINING ON HOW TO RECOGNIZE THE SYMPTOMS OF ANAPHYLAXIS;

(3) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;

(4) PROCEDURES FOR PROPER EMERGENCY FOLLOW-UP;

(5) AUTHORIZATION FOR A CERTIFICATE HOLDER TO OBTAIN AND STORE AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY; AND

(6) A REQUIREMENT THAT ~~A~~ EACH CERTIFICATE HOLDER IMPLEMENT A METHOD FOR NOTIFYING THE PARENT OR GUARDIAN OF A CAMPER ~~AT A YOUTH CAMP~~ OF THE YOUTH CAMP'S POLICY UNDER THIS SECTION ~~AT THE BEGINNING OF THE YOUTH CAMP SEASON~~ BEFORE THE CAMPER'S ATTENDANCE.

[13-705.

An applicant for a certificate shall:

(1) Submit an application to the Department or a private or public entity on the form that the Department requires; and

(2) Pay to the Department or a private or public entity the application fee set by the Department.]

13-705.

(A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE MAY PRESCRIBE AUTO-INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE HOLDER.

(2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE OR A PHYSICIAN MAY DISPENSE AUTO-INJECTABLE EPINEPHRINE UNDER A PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.

**(B) A CERTIFICATE HOLDER MAY:**

**(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; AND**

**(2) POSSESS AND STORE PRESCRIBED AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; AND.**

**~~(2)~~ (C) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, A CERTIFICATE HOLDER OR AGENT MAY ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER OR AGENT TO BE EXPERIENCING ANAPHYLAXIS.**

[13-706.

(a) The Department or a private or public entity shall issue a certificate to any applicant who meets the requirements of this subtitle.

(b) Each certificate shall include:

(1) The kind of certificate;

(2) The full name of the certificate holder; and

(3) A serial number.

(c) A replacement certificate may be issued to replace a lost, destroyed, or mutilated certificate if the certificate holder pays the certificate replacement fee.

(d) (1) The certificate shall be valid for 1 year.

(2) In order to renew the certificate for an additional year, the applicant shall:

(i) Successfully complete a refresher training program approved by the Department; or

(ii) Demonstrate proficiency to the Department or a private or public entity issuing certificates under this subtitle.]

13-706.

(A) A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES OCCURS WHILE THE YOUTH CAMP IS IN SESSION THAT REQUIRED THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE.

(B) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM THE REPORTS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION.

[13-707.

An individual who is certified may:

(1) Upon presentment of a certificate, receive from any physician licensed to practice medicine in this State a prescription for premeasured doses of epinephrine and the necessary paraphernalia for the administration of a subcutaneous injection of epinephrine;

(2) Possess prescribed epinephrine and the necessary paraphernalia for the administration of a subcutaneous injection of epinephrine; and

(3) In an emergency situation when physician services or emergency medical services are not immediately available, administer a subcutaneous injection of epinephrine to a person suffering or believed by the certificate holder to be suffering a severe adverse reaction to an insect sting.]

[13-708.] 13-707.

(a) A cause of action may not arise against a certificate holder OR AGENT authorized under this subtitle for any act or omission when the certificate holder OR AGENT is acting in good faith while [rendering emergency treatment] ADMINISTERING AUTO-INJECTABLE EPINEPHRINE to [a person suffering] AN INDIVIDUAL EXPERIENCING or believed by the certificate holder OR AGENT to be [suffering a severe adverse reaction to an insect sting] EXPERIENCING ANAPHYLAXIS, except where the conduct of the certificate holder OR AGENT amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(b) (1) A cause of action may not arise against any physician for any act or omission when the physician in good faith prescribes OR DISPENSES AUTO-INJECTABLE epinephrine and the necessary paraphernalia for the administration of [a subcutaneous

injection of] AUTO-INJECTABLE epinephrine to [an individual] A PERSON certified by the Department under [§ 13-706 of] this subtitle.

**(2) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST FOR ANY ACT OR OMISSION WHEN THE PHARMACIST IN GOOD FAITH DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE TO A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS SUBTITLE.**

(c) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or by common law to which a volunteer ~~or~~, physician, **OR PHARMACIST** may be entitled.

**[13-709.] 13-708.**

(a) This subtitle may not be construed to create a duty upon any individual to obtain a certificate under this subtitle, and an individual may not be held civilly liable for failing to obtain a certificate under this subtitle.

(b) An individual may not be held civilly liable in any action arising from or in connection with the administration of **AUTO-INJECTABLE** epinephrine by the individual solely because the individual did not possess a certificate issued under this subtitle.

**~~SUBTITLE 7A. EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE PROGRAM.~~**

**~~13-7A-01.~~**

**~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~**

**~~(B) “AGENT” MEANS AN INDIVIDUAL WHO IS APPOINTED BY A CERTIFICATE HOLDER THAT IS NOT AN INDIVIDUAL TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THE PROGRAM.~~**

**~~(C) “ANAPHYLAXIS” MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.~~**

**~~(D) “AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.~~**

~~(E) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE DEPARTMENT TO AN AUTHORIZED PERSON TO OBTAIN, STORE, AND ADMINISTER AUTO INJECTABLE EPINEPHRINE.~~

~~(F) "CERTIFICATE HOLDER" MEANS A PERSON WHO IS AUTHORIZED BY THE DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.~~

~~(G) "PROGRAM" MEANS THE EMERGENCY USE AUTO INJECTABLE EPINEPHRINE PROGRAM ESTABLISHED UNDER § 13-7A-02 OF THIS SUBTITLE.~~

~~13-7A-02.~~

~~(A) THERE IS AN EMERGENCY USE AUTO INJECTABLE EPINEPHRINE PROGRAM IN THE DEPARTMENT.~~

~~(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A MEANS OF AUTHORIZING PERSONS TO OBTAIN AND STORE AUTO INJECTABLE EPINEPHRINE AND ADMINISTER AUTO INJECTABLE EPINEPHRINE TO INDIVIDUALS WHO ARE EXPERIENCING ANAPHYLAXIS WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.~~

~~13-7A-03.~~

~~THE DEPARTMENT MAY:~~

~~(1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM;~~

~~(2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM;~~

~~(3) ISSUE AND RENEW CERTIFICATES TO PERSONS MEETING THE REQUIREMENTS OF THIS SUBTITLE; AND~~

~~(4) (I) APPROVE EDUCATIONAL TRAINING PROGRAMS DESCRIBED IN § 13-7A-04(D) OF THIS SUBTITLE; AND~~

~~(H) APPROVE EDUCATIONAL TRAINING PROGRAMS CONDUCTED BY OTHER STATE AGENCIES OR PRIVATE ENTITIES.~~

~~13-7A-04.~~

~~(A) TO QUALIFY FOR A CERTIFICATE, A PERSON SHALL MEET THE REQUIREMENTS OF THIS SECTION.~~

~~(B) THE APPLICANT OR AN AGENT OF THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.~~

~~(C) THE APPLICANT SHALL HAVE, OR REASONABLY EXPECT TO HAVE, RESPONSIBILITY FOR AT LEAST ONE OTHER PERSON AS A RESULT OF THE INDIVIDUAL'S OCCUPATION OR VOLUNTEER STATUS.~~

~~(D) (1) THE APPLICANT OR AGENT OF THE APPLICANT SHALL SUCCESSFULLY COMPLETE, AT THE EXPENSE OF THE APPLICANT, AN EDUCATIONAL TRAINING PROGRAM OFFERED BY:~~

~~(i) THE AMERICAN RED CROSS;~~

~~(ii) THE AMERICAN CPR CARE ASSOCIATION;~~

~~(iii) A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED IN TRAINING LAYPERSONS IN EMERGENCY MEDICAL TREATMENT; OR~~

~~(iv) ANY OTHER PERSON APPROVED BY THE DEPARTMENT.~~

~~(2) THE EDUCATIONAL TRAINING PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE AN ONLINE TRAINING PROGRAM.~~

~~13-7A-05.~~

~~AN APPLICANT FOR A CERTIFICATE SHALL:~~

~~(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM THAT THE DEPARTMENT REQUIRES; AND~~

~~(2) PAY TO THE DEPARTMENT THE APPLICATION FEE SET BY THE DEPARTMENT.~~

~~13-7A-06.~~

~~(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.~~

~~(B) EACH CERTIFICATE SHALL INCLUDE:~~

~~(1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND~~



~~(2) A SERIAL NUMBER.~~

~~(C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST, DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE CERTIFICATE REPLACEMENT FEE.~~

~~(D) (1) THE CERTIFICATE SHALL BE VALID FOR 2 YEARS.~~

~~(2) TO RENEW THE CERTIFICATE FOR AN ADDITIONAL 2 YEAR TERM, THE APPLICANT OR THE AGENT OF THE APPLICANT SHALL:~~

~~(I) SUCCESSFULLY COMPLETE A REFRESHER TRAINING PROGRAM REQUIRED UNDER § 13-7A-04 OF THIS SUBTITLE; OR~~

~~(H) DEMONSTRATE PROFICIENCY TO THE DEPARTMENT.~~

~~13-7A-07.~~

~~(A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE MAY PRESCRIBE AUTO-INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE HOLDER.~~

~~(2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE OR A PHYSICIAN MAY DISPENSE AUTO-INJECTABLE EPINEPHRINE UNDER A PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.~~

~~(B) A CERTIFICATE HOLDER MAY:~~

~~(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;~~

~~(2) POSSESS AND STORE PRESCRIBED AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; AND~~

~~(3) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER TO BE EXPERIENCING ANAPHYLAXIS.~~

~~13-7A-08.~~

~~(A) A CAUSE OF ACTION MAY NOT ARISE AGAINST A CERTIFICATE HOLDER FOR ANY ACT OR OMISSION IF THE CERTIFICATE HOLDER IS ACTING IN GOOD FAITH WHILE RENDERING EMERGENCY TREATMENT TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED BY THE CERTIFICATE HOLDER TO BE EXPERIENCING ANAPHYLAXIS UNLESS THE CONDUCT OF THE CERTIFICATE HOLDER AMOUNTS TO GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY TORTIOUS CONDUCT.~~

~~(B) (1) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHYSICIAN FOR ANY ACT OR OMISSION IF THE PHYSICIAN IN GOOD FAITH PRESCRIBES OR DISPENSES AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE TO AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13-7A-06 OF THIS SUBTITLE.~~

~~(2) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST FOR ANY ACT OR OMISSION IF THE PHARMACIST IN GOOD FAITH DISPENSES AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE TO AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13-7A-06 OF THIS SUBTITLE.~~

~~(C) THIS SECTION DOES NOT AFFECT ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF STATUTORY LAW OR BY COMMON LAW TO WHICH A VOLUNTEER, PHYSICIAN, OR PHARMACIST MAY BE ENTITLED.~~

#### ~~13-7A-09.~~

~~(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY INDIVIDUAL TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE.~~

~~(B) AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE IN ANY ACTION ARISING FROM OR IN CONNECTION WITH THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE BY THE INDIVIDUAL SOLELY BECAUSE THE INDIVIDUAL DID NOT POSSESS A CERTIFICATE ISSUED UNDER THIS SUBTITLE.~~

#### ~~13-7A-10.~~

~~(A) A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT~~

~~OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES THAT INVOLVED THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE.~~

~~(B) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM THE REPORTS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Department of Health and Mental Hygiene shall report to the Senate Finance Committee, the Senate Judicial Proceedings Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 343

(Senate Bill 350)

AN ACT concerning

### **Procurement – Veteran–Owned Small Business Enterprises – Participation Goal**

FOR the purpose of altering a certain participation goal for certain veteran–owned business enterprises for certain procurement contracts; repealing obsolete language; and generally relating to procurement participation by veteran–owned small business enterprises.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 14–602  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2014 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**

14–602.

(a) [Beginning July 1, 2012, a] A unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve an overall minimum of [0.5%] ~~5%~~ 1% of the unit's total dollar value of procurement contracts to be made directly or indirectly with veteran-owned small business enterprises.

(b) Solicitation documents shall establish the expected degree of veteran-owned small business enterprise participation based, in part, on:

(1) the potential subcontract opportunities available in the procurement contract; and

(2) the availability of veteran-owned small business enterprises to respond competitively to the potential subcontract opportunities.

(c) The provisions of this subtitle do not apply to a unit's procurement procedures to the extent that any unit determines that those provisions are in conflict with an applicable federal program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 344

### (House Bill 243)

AN ACT concerning

#### **Procurement – Veteran-Owned Small Business Enterprises – Participation Goal**

FOR the purpose of altering a certain participation goal for certain veteran-owned business enterprises for certain procurement contracts; repealing obsolete language; and generally relating to procurement participation by veteran-owned small business enterprises.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 14-602  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 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**

14–602.

(a) [Beginning July 1, 2012, a] **A** unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve an overall minimum of **[0.5%]** ~~5%~~ **1%** of the unit’s total dollar value of procurement contracts to be made directly or indirectly with veteran–owned small business enterprises.

(b) Solicitation documents shall establish the expected degree of veteran–owned small business enterprise participation based, in part, on:

(1) the potential subcontract opportunities available in the procurement contract; and

(2) the availability of veteran–owned small business enterprises to respond competitively to the potential subcontract opportunities.

(c) The provisions of this subtitle do not apply to a unit’s procurement procedures to the extent that any unit determines that those provisions are in conflict with an applicable federal program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 345**

**(Senate Bill 369)**

AN ACT concerning

**Prince George’s County – City of College Park – Class D Beer and Wine License**

FOR the purpose of authorizing a certain Class D (on–sale) beer and wine license issued for certain premises in the City of College Park to be converted, on or after a certain date, into a certain Class D (on– and off–sale) beer and wine license for certain other premises in the City of College Park; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY adding to

Article 2B – Alcoholic Beverages

Section 9–217(l)(3)

Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article 2B – Alcoholic Beverages**

9–217.

(1) (3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, ON OR AFTER JULY 1, 2015, ONE CLASS D (ON–SALE) BEER AND WINE LICENSE ISSUED FOR PREMISES IN THE 7100 BLOCK OF BALTIMORE AVENUE IN THE CITY OF COLLEGE PARK MAY BE CONVERTED INTO A CLASS D (ON– AND OFF–SALE) BEER AND WINE LICENSE FOR PREMISES THAT ARE LOCATED IN THE 7100 TO 7200 BLOCK OF BALTIMORE AVENUE IN THE CITY OF COLLEGE PARK.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 346**

(Senate Bill 398)

AN ACT concerning

~~Public Service Commission – Community Solar Projects or Virtual Net Energy Metering – Study~~

*Electricity – Community Solar Energy Generating System Program*

FOR the purpose of ~~requiring the Public Service Commission, in consultation with the Maryland Energy Administration, to convene a stakeholder workgroup to study and make recommendations on the establishment of advisability of establishing a program to allow certain customers to participate in certain community solar projects or virtual net energy metering; requiring the workgroup to examine certain matters relating to the establishment of advisability of establishing a certain program; requiring the Commission to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study by the Public Service Commission on the establishment of advisability of establishing a program for community solar projects or virtual net energy metering~~ *establishing a pilot program on community solar energy generating systems under*

the authority of the Public Service Commission; providing for the structure and operation of the program, including the generation of electricity and allocation of costs to subscribers to a community solar energy generating system; providing for the beginning and termination of the pilot program; requiring the Commission to adopt certain regulations by a certain date; providing for the continuation of certain contracts under certain circumstances; providing for the inclusion of certain generation in a certain limitation; defining certain terms; stating certain findings of the General Assembly; requiring the Public Service Commission to study certain matters and report its findings to certain committees on or before a certain date; and generally relating to a program for community solar energy generating systems.

BY adding to

Article – Public Utilities

Section 7-306.1

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

~~That:~~

~~(a) The Public Service Commission, in consultation with the Maryland Energy Administration, shall convene a stakeholder workgroup to study and make recommendations on the establishment of advisability of establishing a program to allow residential customers who are unable to install solar panels on their own property to participate in community solar projects or virtual net energy metering through which a customer may subscribe to the output of the solar installation and obtain the benefits of solar generation.~~

~~(b) In conducting the study, the workgroup shall examine:~~

~~(1) the costs and benefits associated with the transmission and distribution of the energy produced through a community solar project or virtual net energy metering;~~

~~(2) how similar efforts programs in other states have been established and work;~~

~~(3) the allocation of solar renewable energy credits produced by a community solar project or virtual net energy metering;~~

~~(4) possible eligibility requirements for customers to participate in a community solar project or virtual net energy metering; and~~

~~(5) whether and how community solar projects or virtual net energy metering can help reduce the cost of compliance with the State's renewable energy portfolio standard;~~

~~(6) whether and how community solar projects or virtual net energy metering have a substantially different technical impact on the distribution system than traditional solar net energy metering;~~

~~(7) whether and how community solar projects or virtual net energy metering can expand access to ratepayers who want to invest in solar energy, particularly low-income ratepayers; and~~

~~(5) (8) any other matters the workgroup identifies as pertinent to establishment of determining the advisability of establishing the program.~~

~~(e) On or before December 1, 2016, the Public Service Commission shall report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 2 years and, at the end of June 30, 2017, 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 – Public Utilities**

**7-306.1.**

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

**(2) “BASELINE ANNUAL USAGE” MEANS:**

**(I) A SUBSCRIBER’S ACCUMULATED ELECTRICITY USE IN KILOWATT-HOURS FOR THE 12 MONTHS BEFORE THE SUBSCRIBER’S MOST RECENT SUBSCRIPTION; OR**

**(II) FOR A SUBSCRIBER THAT DOES NOT HAVE A RECORD OF 12 MONTHS OF ELECTRICITY USE AT THE TIME OF THE SUBSCRIBER’S MOST RECENT SUBSCRIPTION, AN ESTIMATE OF THE SUBSCRIBER’S ACCUMULATED 12 MONTHS OF ELECTRICITY USE IN KILOWATT-HOURS, DETERMINED IN A MANNER THE COMMISSION APPROVES.**

**(3) “COMMUNITY SOLAR ENERGY GENERATING SYSTEM” MEANS A SOLAR ENERGY SYSTEM THAT:**



(I) IS CONNECTED TO THE ELECTRIC DISTRIBUTION GRID SERVING THE STATE;

(II) IS LOCATED IN THE SAME ELECTRIC SERVICE TERRITORY AS ITS SUBSCRIBERS;

(III) IS ATTACHED TO THE ELECTRIC METER OF A SUBSCRIBER OR IS A SEPARATE FACILITY WITH ITS OWN ELECTRIC METER;

(IV) CREDITS ITS GENERATED ELECTRICITY, OR THE VALUE OF ITS GENERATED ELECTRICITY, TO THE BILLS OF THE SUBSCRIBERS TO THAT SYSTEM THROUGH VIRTUAL NET ENERGY METERING;

(V) HAS AT LEAST TWO SUBSCRIBERS;

(VI) DOES NOT HAVE SUBSCRIPTIONS LARGER THAN 200 KILOWATTS CONSTITUTING MORE THAN 60% OF ITS SUBSCRIPTIONS;

(VII) HAS A GENERATING CAPACITY THAT DOES NOT EXCEED 2 MEGAWATTS AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE SYSTEM'S INVERTER; AND

(VIII) MAY BE OWNED BY ANY PERSON.

(4) "PROGRAM" MEANS THE COMMUNITY SOLAR ENERGY GENERATING SYSTEMS PILOT PROGRAM.

(5) "SUBSCRIBER" MEANS A RETAIL CUSTOMER OF AN ELECTRIC COMPANY THAT:

(I) HOLDS A SUBSCRIPTION TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM; AND

(II) HAS IDENTIFIED ONE OR MORE INDIVIDUAL METERS OR ACCOUNTS TO WHICH THE SUBSCRIPTION SHALL BE ATTRIBUTED.

(6) "SUBSCRIBER ORGANIZATION" MEANS:

(I) A PERSON THAT OWNS OR OPERATES A COMMUNITY SOLAR ENERGY GENERATING SYSTEM; OR

(II) THE COLLECTIVE GROUP OF SUBSCRIBERS OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(7) “SUBSCRIPTION” MEANS THE PORTION OF THE ELECTRICITY GENERATED BY A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT IS CREDITED TO A SUBSCRIBER.

(8) “UNSUBSCRIBED ENERGY” MEANS ANY COMMUNITY SOLAR ENERGY GENERATING SYSTEM OUTPUT IN KILOWATT-HOURS THAT IS NOT ALLOCATED TO ANY SUBSCRIBER.

(9) “VIRTUAL NET ENERGY METERING” MEANS MEASUREMENT OF THE DIFFERENCE BETWEEN THE KILOWATT-HOURS OR VALUE OF ELECTRICITY THAT IS SUPPLIED BY AN ELECTRIC COMPANY AND THE KILOWATT-HOURS OR VALUE OF ELECTRICITY ATTRIBUTABLE TO A SUBSCRIPTION TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM AND FED BACK TO THE ELECTRIC GRID OVER THE SUBSCRIBER’S BILLING PERIOD, AS CALCULATED UNDER THE TARIFFS ESTABLISHED UNDER SUBSECTION (E)(2) OF THIS SECTION.

(B) THE GENERAL ASSEMBLY FINDS THAT:

(1) COMMUNITY SOLAR ENERGY GENERATING SYSTEMS:

(I) PROVIDE RESIDENTS AND BUSINESSES, INCLUDING THOSE THAT LEASE PROPERTY, INCREASED ACCESS TO LOCAL SOLAR ELECTRICITY WHILE ENCOURAGING PRIVATE INVESTMENT IN SOLAR RESOURCES;

(II) ENHANCE CONTINUED DIVERSIFICATION OF THE STATE’S ENERGY RESOURCE MIX TO ACHIEVE THE STATE’S RENEWABLE ENERGY PORTFOLIO STANDARD AND GREENHOUSE GAS EMISSIONS REDUCTION ACT GOALS; AND

(III) PROVIDE ELECTRIC COMPANIES AND RATEPAYERS THE OPPORTUNITY TO REALIZE THE MANY BENEFITS ASSOCIATED WITH DISTRIBUTED ENERGY; AND

(2) IT IS IN THE PUBLIC INTEREST THAT THE STATE ENABLE THE DEVELOPMENT AND DEPLOYMENT OF ENERGY GENERATION FROM COMMUNITY SOLAR ENERGY GENERATING SYSTEMS IN ORDER TO:

(I) ALLOW RENTERS AND LOW-INCOME AND MODERATE-INCOME RETAIL ELECTRIC CUSTOMERS TO OWN AN INTEREST IN A COMMUNITY SOLAR ENERGY GENERATING SYSTEM;

(II) FACILITATE MARKET ENTRY FOR ALL POTENTIAL SUBSCRIBERS WHILE GIVING PRIORITY TO SUBSCRIBERS WHO ARE THE MOST SENSITIVE TO MARKET BARRIERS; AND

(III) ENCOURAGE DEVELOPERS TO PROMOTE PARTICIPATION BY RENTERS AND LOW-INCOME AND MODERATE-INCOME RETAIL ELECTRIC CUSTOMERS.

(C) A COMMUNITY SOLAR ENERGY GENERATING SYSTEM, INCLUDING A SUBSCRIBER OR SUBSCRIBER ORGANIZATION ASSOCIATED WITH THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM, IS NOT:

(1) AN ELECTRIC COMPANY;

(2) AN ELECTRICITY SUPPLIER; OR

(3) A GENERATING STATION.

(D) (1) (I) THE COMMISSION SHALL ESTABLISH A PILOT PROGRAM FOR A COMMUNITY SOLAR ENERGY GENERATING SYSTEM PROGRAM.

(II) THE STRUCTURE OF THE PILOT PROGRAM IS AS PROVIDED IN THIS SUBSECTION.

(2) ALL RATE CLASSES MAY PARTICIPATE IN THE PILOT PROGRAM.

(3) SUBSCRIBERS SERVED BY ELECTRIC STANDARD OFFER SERVICE AND ELECTRICITY SUPPLIERS MAY HOLD SUBSCRIPTIONS TO THE SAME COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(4) A SUBSCRIBER ORGANIZATION SHALL:

(I) DETERMINE HOW TO ALLOCATE SUBSCRIPTIONS TO SUBSCRIBERS; AND

(II) NOTIFY AN ELECTRIC COMPANY AND, IF APPLICABLE, A RELEVANT ELECTRICITY SUPPLIER ABOUT THE REGULATIONS THE COMMISSION ADOPTS UNDER SUBSECTION (E) OF THIS SECTION.

(5) AN ELECTRIC COMPANY SHALL USE THE TARIFF STRUCTURE UNDER SUBSECTION (E)(2) OF THIS SECTION TO PROVIDE EACH SUBSCRIBER WITH THE CREDITS.

(6) A SUBSCRIBER MAY NOT RECEIVE CREDIT FOR VIRTUAL NET EXCESS GENERATION THAT EXCEEDS 200% OF THE SUBSCRIBER'S BASELINE ANNUAL USAGE.

(7) ANY UNSUBSCRIBED ENERGY GENERATED BY A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT IS NOT OWNED BY AN ELECTRIC COMPANY SHALL BE PURCHASED UNDER THE ELECTRIC COMPANY'S PROCESS FOR PURCHASING THE OUTPUT FROM QUALIFYING FACILITIES AT THE AMOUNT IT WOULD HAVE COST THE ELECTRIC COMPANY TO PROCURE THE ENERGY.

(8) AN ELECTRIC COMPANY SHALL USE ENERGY GENERATED FROM A COMMUNITY SOLAR ENERGY GENERATING SYSTEM TO OFFSET PURCHASES FROM WHOLESALE ELECTRICITY SUPPLIERS FOR STANDARD OFFER SERVICE.

(9) ALL COSTS ASSOCIATED WITH SMALL GENERATOR INTERCONNECTION STANDARDS UNDER COMAR 20.50.09 ARE THE RESPONSIBILITY OF THE SUBSCRIBER ORGANIZATION.

(10) A SUBSCRIBER ORGANIZATION MAY PETITION AN ELECTRIC COMPANY TO COORDINATE THE INTERCONNECTION AND COMMENCEMENT OF OPERATIONS OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM AFTER THE COMMISSION ADOPTS REGULATIONS REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.

(11) A SUBSCRIBER ORGANIZATION MAY CONTRACT WITH A THIRD PARTY FOR THE THIRD PARTY TO FINANCE, BUILD, OWN, OR OPERATE A COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(12) A MUNICIPAL UTILITY OR COOPERATIVE UTILITY MAY PARTICIPATE IN THE PILOT PROGRAM.

(13) EQUIPMENT FOR A COMMUNITY SOLAR ENERGY GENERATING SYSTEM MAY NOT BE BUILT ON CONTIGUOUS PARCELS OF LAND UNLESS THE EQUIPMENT IS INSTALLED ONLY ON BUILDING ROOFTOPS.

(14) THE PILOT PROGRAM SHALL:

(I) BEGIN ON THE EARLIER OF:

1. THE DATE OF SUBMISSION OF THE FIRST PETITION OF A SUBSCRIBER ORGANIZATION UNDER PARAGRAPH (10) OF THIS SUBSECTION AFTER THE COMMISSION ADOPTS THE REGULATIONS REQUIRED UNDER SUBSECTION (E) OF THIS SECTION; OR

2. 6 MONTHS AFTER THE COMMISSION ADOPTS THOSE REGULATIONS; AND

(II) END 3 YEARS AFTER THE BEGINNING DATE.

(15) THE COMMISSION SHALL LIMIT THE PILOT PROGRAM IN SUCH A WAY THAT THE COMMISSION MAY CONDUCT A MEANINGFUL STUDY OF THE PILOT PROGRAM AND ITS RESULTS, INCLUDING:

(I) THE APPROPRIATE NUMBER OF COMMUNITY SOLAR ENERGY GENERATING SYSTEMS TO BE INCLUDED IN THE PILOT PROGRAM;

(II) THE APPROPRIATE AMOUNT OF GENERATING CAPACITY OF THE COMMUNITY SOLAR ENERGY GENERATING SYSTEMS TO BE INCLUDED IN THE PILOT PROGRAM; AND

(III) A VARIETY OF APPROPRIATE GEOGRAPHICAL AREAS IN THE STATE FOR LOCATING COMMUNITY SOLAR ENERGY GENERATING SYSTEMS TO BE INCLUDED IN THE PILOT PROGRAM.

(E) ON OR BEFORE MAY 15, 2016, THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING REGULATIONS FOR:

(1) CONSUMER PROTECTION;

(2) A TARIFF STRUCTURE FOR AN ELECTRIC COMPANY TO PROVIDE A SUBSCRIBER WITH THE KILOWATT-HOURS OR VALUE OF THE SUBSCRIBER'S SUBSCRIPTION, AS THE COMMISSION DETERMINES;

(3) A CALCULATION FOR VIRTUAL NET ENERGY METERING AS THE COMMISSION DETERMINES;

(4) A PROTOCOL FOR ELECTRIC COMPANIES, ELECTRICITY SUPPLIERS, AND SUBSCRIBER ORGANIZATIONS TO COMMUNICATE THE INFORMATION NECESSARY TO CALCULATE AND PROVIDE THE MONTHLY ELECTRIC BILL CREDITS AND YEARLY NET EXCESS GENERATION PAYMENTS REQUIRED BY THIS SECTION; AND

(5) A PROTOCOL FOR A SUBSCRIBER ORGANIZATION TO COORDINATE WITH AN ELECTRIC COMPANY FOR THE INTERCONNECTION AND COMMENCEMENT OF OPERATIONS OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(F) (1) SUBJECT TO REGULATIONS OR ORDERS OF THE COMMISSION, A CONTRACT RELATING TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM OR SUBSCRIBER ORGANIZATION THAT IS ENTERED INTO DURING THE PILOT PROGRAM SHALL REMAIN IN EFFECT ACCORDING TO THE TERMS OF THE CONTRACT, INCLUDING AFTER THE TERMINATION OF THE PILOT PROGRAM.

**(2) AFTER TERMINATION OF THE PILOT PROGRAM, IN ACCORDANCE WITH THE OPERATIONAL AND BILLING REQUIREMENTS IN SUBSECTION (D) OF THIS SECTION:**

**(I) A SUBSCRIBER ORGANIZATION MAY CONTINUE THE OPERATION OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT BEGAN OPERATION DURING THE PILOT PROGRAM, INCLUDING THE CREATION AND TRADING OF SUBSCRIPTIONS; AND**

**(II) IN ACCORDANCE WITH THE TARIFFS ESTABLISHED UNDER SUBSECTION (E)(2) OF THIS SECTION, AN ELECTRIC COMPANY SHALL CONTINUE TO FACILITATE THE OPERATION OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT BEGAN OPERATION DURING THE PILOT PROGRAM.**

**(G) THE CUMULATIVE INSTALLED NAMEPLATE CAPACITY UNDER THE PILOT PROGRAM SHALL COUNT TOWARD THE OVERALL LIMITATION OF 1,500 MEGAWATTS FOR ALL NET METERING PROJECTS IN § 7-306(D) OF THIS SUBTITLE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

**(a) The Public Service Commission, in consultation with the Maryland Energy Administration, shall convene a stakeholder workgroup to study the value and costs of the pilot program established under § 7-306.1 of the Public Utilities Article, as enacted by Section 1 of this Act and make recommendations to the Commission on the advisability of establishing a permanent program.**

**(b) In conducting the study, the workgroup shall identify and examine:**

**(1) a framework for valuation of the costs and benefits related to community solar and virtual net energy metering;**

**(2) the costs and benefits of community solar energy generating systems to participating subscribers and to nonsubscriber ratepayers;**

**(3) an appropriate credit mechanism and operational structure that allows a community renewable solar energy generating system to minimize administrative costs to an electric company, electric supplier, or subscriber organization;**

**(4) the benefits to and the technical and cost impacts of community solar programs and virtual net energy metering on an electric company's distribution grid;**

**(5) issues, benefits, and concerns related to the participation of electric companies, including investor-owned utilities, in community solar programs and projects, including owners and operators of the projects;**

(6) whether and how community solar projects or virtual net energy metering have a substantially different technical impact on the distribution system than traditional net energy metering;

(7) identification of any impacts on the standard offer service procurement process;

(8) a review of community solar programs and cost-benefit studies in other states;

(9) whether and how community solar programs can help reduce the cost of compliance with the renewable energy portfolio standard;

(10) how community solar energy generating systems can impact locational marginal prices in Maryland;

(11) the impacts of the pilot program on energy costs, reliability, and equitable cost allocation for ratepayers;

(12) how community solar project developers can increase participation by low- and moderate-income retail electric customers in community solar projects;

(13) the progress of the community solar energy generating pilot program under § 7-306.1 of the Public Utilities Article, as enacted by Section 1 of this Act, in attracting low- and moderate-income retail electric customers;

(14) whether community solar energy generating systems are an overall net benefit in helping Maryland achieve its distributed generation and renewable goals;

(15) any other matters the workgroup considers relevant; and

(16) any additional factors the Public Service Commission considers appropriate.

(c) On or before July 1, 2019, the Public Service Commission shall report its findings and recommendations, based on the study conducted under this section, to the Senate Finance Committee and the House Economic Matters Committee in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service Commission shall notify the General Assembly and Department of Legislative Services when the pilot program begins in accordance with § 7-306.1(d)(14) of the Public Utilities Article, as enacted by this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 347**  
**(House Bill 1087)**

AN ACT concerning

**Electricity – Community Solar Energy Generating System Program**

FOR the purpose of establishing a pilot program on community solar energy generating systems under the authority of the Public Service Commission; providing for the structure and operation of the program, including the generation of electricity and allocation of costs to subscribers to a community solar energy generating system; ~~authorizing an electric company to submit a petition to own and operate a community solar energy generating system to the Commission; authorizing the Commission to approve a petition if the Commission makes a certain determination; requiring the Commission to approve or deny a petition within a certain period of time; specifying when an electric company may recover the costs associated with developing and owning a community solar energy generating system through base rates; requiring an electric company to sell certain services and attributes associated with the community solar energy generating system; requiring an electric company to use a certain method to refund or credit certain proceeds to ratepayers; requiring the Commission to determine an appropriate method for an electric company to distribute its proceeds to ratepayers;~~ providing for the beginning and termination of the pilot program; requiring the Commission to adopt certain regulations by a certain date; providing for the continuation of certain contracts under certain circumstances; providing for the inclusion of certain generation in a certain limitation; defining certain terms; stating certain findings of the General Assembly; requiring the Public Service Commission to study certain matters and report its findings to certain committees on or before a certain date; and generally relating to a program for community solar energy generating systems.

BY adding to

Article – Public Utilities

Section 7–306.1

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

**Article – Public Utilities**

**7–306.1.**



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

(2) “BASELINE ANNUAL USAGE” MEANS:

(I) A SUBSCRIBER’S ACCUMULATED ELECTRICITY USE IN KILOWATT-HOURS FOR THE 12 MONTHS BEFORE THE SUBSCRIBER’S MOST RECENT SUBSCRIPTION; OR

(II) FOR A SUBSCRIBER THAT DOES NOT HAVE A RECORD OF 12 MONTHS OF ELECTRICITY USE AT THE TIME OF THE SUBSCRIBER’S MOST RECENT SUBSCRIPTION, AN ESTIMATE OF THE SUBSCRIBER’S ACCUMULATED 12 MONTHS OF ELECTRICITY USE IN KILOWATT-HOURS, DETERMINED IN A MANNER THE COMMISSION APPROVES.

(3) “COMMUNITY SOLAR ENERGY GENERATING SYSTEM” MEANS A SOLAR ENERGY SYSTEM THAT:

(I) IS CONNECTED TO THE ELECTRIC DISTRIBUTION GRID SERVING THE STATE;

(II) IS LOCATED IN THE SAME ELECTRIC SERVICE TERRITORY AS ITS SUBSCRIBERS;

(III) IS ATTACHED TO THE ELECTRIC METER OF A SUBSCRIBER OR IS A SEPARATE FACILITY WITH ITS OWN ELECTRIC METER;

(IV) CREDITS ITS GENERATED ELECTRICITY, OR THE VALUE OF ITS GENERATED ELECTRICITY, TO THE BILLS OF THE SUBSCRIBERS TO THAT SYSTEM THROUGH VIRTUAL NET ENERGY METERING;

(V) HAS AT LEAST TWO SUBSCRIBERS;

(VI) DOES NOT HAVE SUBSCRIPTIONS LARGER THAN 200 ~~KILOWATT-HOURS~~ KILOWATTS CONSTITUTING MORE THAN 60% OF ITS SUBSCRIPTIONS;

(VII) HAS A GENERATING CAPACITY THAT DOES NOT EXCEED 2 MEGAWATTS AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE SYSTEM’S INVERTER; AND

(VIII) MAY BE OWNED BY ANY PERSON, ~~INCLUDING A SUBSCRIBER ORGANIZATION, AN ELECTRIC COMPANY, OR AN ELECTRICITY SUPPLIER.~~

(4) “PROGRAM” MEANS THE COMMUNITY SOLAR ENERGY GENERATING SYSTEMS PILOT PROGRAM.

(5) “SUBSCRIBER” MEANS A RETAIL CUSTOMER OF AN ELECTRIC COMPANY THAT:

(I) HOLDS A SUBSCRIPTION TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM; AND

(II) HAS IDENTIFIED ONE OR MORE INDIVIDUAL METERS OR ACCOUNTS TO WHICH THE SUBSCRIPTION SHALL BE ATTRIBUTED.

(6) “SUBSCRIBER ORGANIZATION” MEANS:

(I) A PERSON THAT OWNS OR OPERATES A COMMUNITY SOLAR ENERGY GENERATING SYSTEM; OR

(II) THE COLLECTIVE GROUP OF SUBSCRIBERS OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(7) “SUBSCRIPTION” MEANS THE PORTION OF THE ELECTRICITY GENERATED BY A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT IS CREDITED TO A SUBSCRIBER.

(8) “UNSUBSCRIBED ENERGY” MEANS ANY COMMUNITY SOLAR ENERGY GENERATING SYSTEM OUTPUT IN KILOWATT-HOURS THAT IS NOT ALLOCATED TO ANY SUBSCRIBER.

(9) “VIRTUAL NET ENERGY METERING” MEANS MEASUREMENT OF THE DIFFERENCE BETWEEN THE KILOWATT-HOURS OR VALUE OF ELECTRICITY THAT IS SUPPLIED BY AN ELECTRIC COMPANY AND THE KILOWATT-HOURS OR VALUE OF ELECTRICITY ATTRIBUTABLE TO A SUBSCRIPTION TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM AND FED BACK TO THE ELECTRIC GRID OVER THE SUBSCRIBER’S BILLING PERIOD, AS CALCULATED UNDER THE TARIFFS ESTABLISHED UNDER SUBSECTION (E)(2) OF THIS SECTION.

(B) THE GENERAL ASSEMBLY FINDS THAT:

(1) COMMUNITY SOLAR ENERGY GENERATING SYSTEMS:

(I) PROVIDE RESIDENTS AND BUSINESSES, INCLUDING THOSE THAT LEASE PROPERTY, INCREASED ACCESS TO LOCAL SOLAR ELECTRICITY WHILE ENCOURAGING PRIVATE INVESTMENT IN SOLAR RESOURCES;

~~(II) STIMULATE IN-STATE ECONOMIC GROWTH AND ENTREPRENEURIAL INNOVATION;~~

~~(III)~~ ENHANCE CONTINUED DIVERSIFICATION OF THE STATE'S ENERGY RESOURCE MIX TO ACHIEVE THE STATE'S RENEWABLE ENERGY PORTFOLIO STANDARD AND GREENHOUSE GAS EMISSIONS REDUCTION ACT GOALS; AND

~~(IV)~~ (III) PROVIDE ELECTRIC COMPANIES AND RATEPAYERS THE OPPORTUNITY TO REALIZE THE MANY BENEFITS ASSOCIATED WITH DISTRIBUTED ENERGY; AND

(2) IT IS IN THE PUBLIC INTEREST THAT THE STATE ENABLE THE DEVELOPMENT AND DEPLOYMENT OF ENERGY GENERATION FROM COMMUNITY SOLAR ENERGY GENERATING SYSTEMS IN ORDER TO:

(I) ALLOW RENTERS AND LOW-INCOME AND MODERATE-INCOME RETAIL ELECTRIC CUSTOMERS TO OWN AN INTEREST IN A COMMUNITY SOLAR ENERGY GENERATING SYSTEM;

(II) FACILITATE MARKET ENTRY FOR ALL POTENTIAL SUBSCRIBERS WHILE GIVING PRIORITY TO SUBSCRIBERS WHO ARE THE MOST SENSITIVE TO MARKET BARRIERS; AND

(III) ENCOURAGE DEVELOPERS TO PROMOTE PARTICIPATION BY RENTERS AND LOW-INCOME AND MODERATE-INCOME RETAIL ELECTRIC CUSTOMERS.

(C) A COMMUNITY SOLAR ENERGY GENERATING SYSTEM, INCLUDING A SUBSCRIBER OR SUBSCRIBER ORGANIZATION ASSOCIATED WITH THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM, IS NOT:

(1) AN ELECTRIC COMPANY;

(2) AN ELECTRICITY SUPPLIER; OR

(3) A GENERATING STATION.

(D) (1) (I) THE COMMISSION SHALL ESTABLISH A PILOT PROGRAM FOR A COMMUNITY SOLAR ENERGY GENERATING SYSTEM PROGRAM.

(II) THE STRUCTURE OF THE PROGRAM THE PILOT PROGRAM IS AS PROVIDED IN THIS SUBSECTION.

(2) ALL RATE CLASSES MAY PARTICIPATE IN ~~THE PROGRAM~~ THE PILOT PROGRAM.

(3) SUBSCRIBERS SERVED BY ELECTRIC STANDARD OFFER SERVICE AND ELECTRICITY SUPPLIERS MAY HOLD SUBSCRIPTIONS TO THE SAME COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(4) A SUBSCRIBER ORGANIZATION SHALL:

(I) DETERMINE HOW TO ALLOCATE SUBSCRIPTIONS TO SUBSCRIBERS; AND

(II) ~~CALCULATE THE NUMBER OF CREDITS THAT AN ELECTRIC COMPANY WILL PROVIDE TO A SUBSCRIBER FOR EACH BILLING CYCLE; AND~~

~~(III)~~ NOTIFY AN ELECTRIC COMPANY AND, IF APPLICABLE, A RELEVANT ELECTRICITY SUPPLIER ABOUT THE REGULATIONS THE COMMISSION ADOPTS UNDER SUBSECTION ~~(F)~~ (E) OF THIS SECTION.

(5) AN ELECTRIC COMPANY SHALL USE THE TARIFF STRUCTURE UNDER SUBSECTION ~~(F)(2)~~ (E)(2) OF THIS SECTION TO PROVIDE EACH SUBSCRIBER WITH THE CREDITS ~~CALCULATED BY A SUBSCRIBER ORGANIZATION.~~

(6) A SUBSCRIBER MAY NOT RECEIVE CREDIT FOR VIRTUAL NET EXCESS GENERATION THAT EXCEEDS ~~120%~~ 200% OF THE SUBSCRIBER'S BASELINE ANNUAL USAGE.

(7) ANY UNSUBSCRIBED ENERGY GENERATED BY A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT IS NOT OWNED BY AN ELECTRIC COMPANY SHALL BE PURCHASED UNDER THE ELECTRIC COMPANY'S PROCESS FOR PURCHASING THE OUTPUT FROM QUALIFYING FACILITIES AT THE AMOUNT IT WOULD HAVE COST THE ELECTRIC COMPANY TO PROCURE THE ENERGY.

(8) AN ELECTRIC COMPANY SHALL USE ENERGY GENERATED FROM A COMMUNITY SOLAR ENERGY GENERATING SYSTEM TO OFFSET PURCHASES FROM WHOLESALE ELECTRICITY SUPPLIERS FOR STANDARD OFFER SERVICE.

~~(8)~~ (9) ALL COSTS ASSOCIATED WITH SMALL GENERATOR INTERCONNECTION STANDARDS UNDER COMAR 20.50.09 ARE THE RESPONSIBILITY OF THE SUBSCRIBER ORGANIZATION.

~~(9)~~ (10) A SUBSCRIBER ORGANIZATION MAY PETITION AN ELECTRIC COMPANY TO COORDINATE THE INTERCONNECTION AND COMMENCEMENT OF OPERATIONS OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM AFTER THE

COMMISSION ADOPTS REGULATIONS REQUIRED UNDER SUBSECTION ~~(F)~~ (E) OF THIS SECTION.

~~(10)~~ (11) A SUBSCRIBER ORGANIZATION MAY CONTRACT WITH A THIRD PARTY FOR THE THIRD PARTY TO FINANCE, BUILD, OWN, OR OPERATE A COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

~~(11)~~ (12) A MUNICIPAL UTILITY OR COOPERATIVE UTILITY MAY PARTICIPATE IN ~~THE PROGRAM~~ THE PILOT PROGRAM.

~~(12)~~ (13) EQUIPMENT FOR A COMMUNITY SOLAR ENERGY GENERATING SYSTEM MAY NOT BE BUILT ON CONTIGUOUS PARCELS OF LAND UNLESS THE EQUIPMENT IS INSTALLED ONLY ON BUILDING ROOFTOPS.

~~(13)~~ (14) THE PILOT PROGRAM SHALL:

(I) BEGIN ON THE EARLIER OF:

1. THE DATE OF SUBMISSION OF THE FIRST PETITION OF A SUBSCRIBER ORGANIZATION UNDER ~~SUBSECTION (D)(9) OF THIS SECTION~~ PARAGRAPH (10) OF THIS SUBSECTION AFTER THE COMMISSION ADOPTS THE REGULATIONS REQUIRED UNDER SUBSECTION (E) OF THIS SECTION; OR

2. 6 MONTHS AFTER THE COMMISSION ADOPTS THOSE REGULATIONS; AND

(II) END 3 YEARS AFTER THE BEGINNING DATE.

(15) THE COMMISSION SHALL LIMIT THE PILOT PROGRAM IN SUCH A WAY THAT THE COMMISSION MAY CONDUCT A MEANINGFUL STUDY OF THE PILOT PROGRAM AND ITS RESULTS, INCLUDING:

(I) THE APPROPRIATE NUMBER OF COMMUNITY SOLAR ENERGY GENERATING SYSTEMS TO BE INCLUDED IN THE PILOT PROGRAM;

(II) THE APPROPRIATE AMOUNT OF GENERATING CAPACITY OF THE COMMUNITY SOLAR ENERGY GENERATING SYSTEMS TO BE INCLUDED IN THE PILOT PROGRAM; AND

(III) A VARIETY OF APPROPRIATE GEOGRAPHICAL AREAS IN THE STATE FOR LOCATING COMMUNITY SOLAR ENERGY GENERATING SYSTEMS TO BE INCLUDED IN THE PILOT PROGRAM.

~~(E) (1) (i) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN ELECTRIC COMPANY MAY SUBMIT A PETITION TO OWN AND OPERATE A COMMUNITY SOLAR ENERGY GENERATING SYSTEM TO THE COMMISSION.~~

~~(H) THE COMMISSION MAY APPROVE A PETITION SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE COMMISSION DETERMINES THAT THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM WILL:~~

~~1. RESULT IN JUST AND REASONABLE RATES WHEN INCLUDED IN THE ELECTRIC COMPANY'S BASE RATE; AND~~

~~2. PROVIDE BENEFITS TO RATEPAYERS THROUGH:~~

~~A. AVOIDED TRANSMISSION AND DISTRIBUTION LINE LOSSES;~~

~~B. TRANSMISSION AND DISTRIBUTION UPGRADE DEFERRALS;~~

~~C. AVOIDED INTERCONNECTION COSTS;~~

~~D. ANCILLARY SERVICES AND VOLT AMPERE REACTIVE (VAR) SUPPORT;~~

~~E. REDUCED LAND COSTS;~~

~~F. DEMAND CHARGE MANAGEMENT;~~

~~G. ELECTRIC SERVICE RELIABILITY; OR~~

~~H. ANY OTHER ADDITIONAL FACTORS THE COMMISSION CONSIDERS APPROPRIATE.~~

~~(H) THE COMMISSION SHALL APPROVE OR DENY A PETITION WITHIN 120 DAYS AFTER THE ELECTRIC COMPANY FILES THE PETITION.~~

~~(2) AN ELECTRIC COMPANY MAY RECOVER THROUGH BASE RATES THE COSTS ASSOCIATED WITH BUILDING AND MAINTAINING A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT IS ACTIVELY USED AND IN SERVICE.~~

~~(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN ELECTRIC COMPANY SHALL SELL:~~

~~(I) UNSUBSCRIBED ENERGY, CAPACITY, AND ANCILLARY SERVICES PRODUCED BY THE ELECTRIC COMPANY'S COMMUNITY SOLAR ENERGY GENERATING SYSTEM OWNED BY THE ELECTRIC COMPANY TO THE MARKETS OPERATED BY PJM INTERCONNECTION, LLC; AND~~

~~(II) ENVIRONMENTAL ATTRIBUTES ASSOCIATED WITH THE ELECTRICITY GENERATED BY THE ELECTRIC COMPANY'S COMMUNITY SOLAR ENERGY GENERATING SYSTEM TO ANY PERSON.~~

~~(4) (I) AN ELECTRIC COMPANY SHALL USE A METHOD DETERMINED BY THE COMMISSION TO REFUND OR CREDIT TO RATEPAYERS THE PROCEEDS FROM:~~

~~1. THE SALES REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND~~

~~2. THE SALE OF ANY SUBSCRIPTIONS TO THE ELECTRIC COMPANY'S COMMUNITY SOLAR ENERGY GENERATING SYSTEM.~~

~~(H) THE COMMISSION SHALL DETERMINE AN APPROPRIATE METHOD FOR AN ELECTRIC COMPANY TO DISTRIBUTE ITS PROCEEDS TO RATEPAYERS.~~

~~(F)~~ (E) ON OR BEFORE ~~JANUARY~~ APRIL 1, MAY 15, 2016, THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING REGULATIONS FOR:

(1) CONSUMER PROTECTION;

(2) A TARIFF STRUCTURE FOR AN ELECTRIC COMPANY TO PROVIDE A SUBSCRIBER WITH THE ~~CREDITS CALCULATED BY A SUBSCRIBER ORGANIZATION THAT IS CONSISTENT WITH THE TARIFF STRUCTURE USED FOR NET ENERGY METERING UNDER § 7-306 OF THIS SUBTITLE~~ KILOWATT-HOURS OR VALUE OF THE SUBSCRIBER'S SUBSCRIPTION, AS THE COMMISSION DETERMINES;

(3) A CALCULATION FOR VIRTUAL NET ENERGY METERING ~~THAT IS CONSISTENT WITH THE CALCULATION USED FOR NET ENERGY METERING UNDER § 7-306 OF THIS SUBTITLE~~ AS THE COMMISSION DETERMINES;

(4) A PROTOCOL FOR ELECTRIC COMPANIES, ELECTRICITY SUPPLIERS, AND SUBSCRIBER ORGANIZATIONS TO COMMUNICATE THE INFORMATION NECESSARY TO CALCULATE AND PROVIDE THE MONTHLY ELECTRIC BILL CREDITS AND YEARLY NET EXCESS GENERATION PAYMENTS REQUIRED BY THIS SECTION; AND

**(5) A PROTOCOL FOR A SUBSCRIBER ORGANIZATION TO COORDINATE WITH AN ELECTRIC COMPANY FOR THE INTERCONNECTION AND COMMENCEMENT OF OPERATIONS OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM.**

**(F) (1) SUBJECT TO REGULATIONS OR ORDERS OF THE COMMISSION, A CONTRACT RELATING TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM OR SUBSCRIBER ORGANIZATION THAT IS ENTERED INTO DURING THE PILOT PROGRAM SHALL REMAIN IN EFFECT ACCORDING TO THE TERMS OF THE CONTRACT, INCLUDING AFTER THE TERMINATION OF THE PILOT PROGRAM.**

**(2) AFTER TERMINATION OF THE PILOT PROGRAM, IN ACCORDANCE WITH THE OPERATIONAL AND BILLING REQUIREMENTS IN SUBSECTION (D) OF THIS SECTION:**

**(I) A SUBSCRIBER ORGANIZATION MAY CONTINUE THE OPERATION OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT BEGAN OPERATION DURING THE PILOT PROGRAM, INCLUDING THE CREATION AND TRADING OF SUBSCRIPTIONS; AND**

**(II) IN ACCORDANCE WITH THE TARIFFS ESTABLISHED UNDER SUBSECTION (E)(2) OF THIS SECTION, AN ELECTRIC COMPANY SHALL CONTINUE TO FACILITATE THE OPERATION OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT BEGAN OPERATION DURING THE PILOT PROGRAM.**

**(G) THE CUMULATIVE INSTALLED NAMEPLATE CAPACITY UNDER THE PILOT PROGRAM SHALL COUNT TOWARD THE OVERALL LIMITATION OF 1,500 MEGAWATTS FOR ALL NET METERING PROJECTS IN § 7-306(D) OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

**(a) The Public Service Commission, in consultation with the Maryland Energy Administration, shall convene a stakeholder workgroup to study the value and costs of the pilot program established under § 7-306.1 of the Public Utilities Article, as enacted by Section 1 of this Act and make recommendations to the Commission on the advisability of establishing a permanent program.**

**(b) In conducting the study, the workgroup shall identify and examine:**

**(1) a framework for valuation of the costs and benefits related to community solar and virtual net energy metering;**

**(2) the costs and benefits of community solar energy generating systems to participating subscribers and to nonsubscriber ratepayers;**



(3) an appropriate credit mechanism and operational structure that allows a community renewable solar energy generating system to minimize administrative costs to an electric company, electric supplier, or subscriber organization;

(4) the benefits to and the technical and cost impacts of community solar programs and virtual net energy metering on an electric company's distribution grid;

(5) issues, benefits, and concerns related to the participation of electric companies, including investor-owned utilities, in community solar programs and projects, including owners and operators of the projects;

(6) whether and how community solar projects or virtual net energy metering have a substantially different technical impact on the distribution system than traditional net energy metering;

(7) identification of any impacts on the standard offer service procurement process;

(8) a review of community solar programs and cost-benefit studies in other states;

(9) whether and how community solar programs can help reduce the cost of compliance with the renewable energy portfolio standard;

(10) how community solar energy generating systems can impact locational marginal prices in Maryland;

(11) the impacts of the pilot program on energy costs, reliability, and equitable cost allocation for ratepayers;

(12) how community solar project developers can increase participation by low- and moderate-income retail electric customers in community solar projects;

(13) the progress of the community solar energy generating pilot program under § 7-306.1 of the Public Utilities Article, as enacted by Section 1 of this Act, in attracting low- and moderate-income retail electric customers;

(14) whether community solar energy generating systems are an overall net benefit in helping Maryland achieve its distributed generation and renewable goals;

(15) any other matters the workgroup considers relevant; and

(16) any additional factors the Public Service Commission considers appropriate.

(c) On or before July 1, 2019, the Public Service Commission shall report its findings and recommendations, based on the study conducted under this section, to the

Senate Finance Committee and the House Economic Matters Committee in accordance with § 2–1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service Commission shall notify the General Assembly and Department of Legislative Services when the pilot program begins in accordance with ~~§ 7–306.1(f)~~ § 7–306.1(d)(14) of the Public Utilities Article, as enacted by this Act.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 348

(Senate Bill 415)

AN ACT concerning

**State Donor Registry – Information and Methods of Registration – Clerks of Circuit Courts, Registers of Wills, and Motor Vehicle Administration  
(Enhancing Organ Donation Rates Act)**

FOR the purpose of requiring the clerks of the circuit courts and registers of wills to ~~provide a method by which certain individuals can register with the State donor registry for a certain purpose; requiring, under certain circumstances, the clerks of the circuit courts and the registers of wills to transfer certain information received by the clerks of the circuit courts or registers of wills to the State donor registry; requiring the clerks of the circuit courts and registers of wills to notify certain individuals that a certain registration will remain effective until the individual makes a certain request~~ make available to the public information about registering with the State donor registry; requiring the Motor Vehicle Administration to provide a method by which an individual doing business with the Administration can register as a donor with the State donor registry for a certain purpose and select to have a donor designation on the individual's driver's license or identification card, rather than providing a method by which an applicant for a driver's license or identification card can designate that the applicant consents to a certain gift; making conforming changes; and generally relating to information about, and methods of registering with, the State donor registry.

BY adding to

Article – Courts and Judicial Proceedings

Section 2–214

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY adding to

Article – Estates and Trusts  
 Section 2–213  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,

Article – Estates and Trusts  
 Section 4–516  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation  
 Section 12–303  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 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

2–214.

~~(A) A CLERK OF A CIRCUIT COURT SHALL PROVIDE A METHOD BY WHICH AN INDIVIDUAL WHO APPLIES FOR A LICENSE UNDER § 2-402 OF THE FAMILY LAW ARTICLE CAN REGISTER WITH THE STATE DONOR REGISTRY ESTABLISHED UNDER § 4-516 OF THE ESTATES AND TRUSTS ARTICLE FOR THE PURPOSE OF MAKING A GIFT OF ALL BODY ORGANS OR PARTS FOR THE PURPOSES OF TRANSPLANTATION, THERAPY, OR MEDICAL RESEARCH AND EDUCATION.~~

~~(B) IF AN INDIVIDUAL SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY UNDER SUBSECTION (A) OF THIS SECTION, A CLERK OF A CIRCUIT COURT SHALL TRANSFER ALL APPLICABLE INFORMATION RECEIVED BY THE CLERK OF THE CIRCUIT COURT TO THE STATE DONOR REGISTRY.~~

~~(C) A CLERK OF A CIRCUIT COURT SHALL NOTIFY AN INDIVIDUAL WHO SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY THAT THE REGISTRATION WILL REMAIN EFFECTIVE UNTIL THE INDIVIDUAL REQUESTS THAT THE INDIVIDUAL BE REMOVED FROM THE STATE DONOR REGISTRY BY REQUESTING THE REMOVAL THROUGH A CLERK OF A CIRCUIT COURT, THE STATE DONOR REGISTRY, OR THE MOTOR VEHICLE ADMINISTRATION.~~

A CLERK OF A CIRCUIT COURT SHALL MAKE AVAILABLE TO THE PUBLIC INFORMATION ABOUT REGISTERING WITH THE STATE DONOR REGISTRY.

Article – Estates and Trusts

2-213.

~~(A) A REGISTER SHALL PROVIDE A METHOD BY WHICH AN INDIVIDUAL WHO IS DEPOSITING A WILL UNDER § 4-201 OF THIS ARTICLE OR DELIVERING A WILL UNDER § 4-202 OF THIS ARTICLE TO REGISTER WITH THE STATE DONOR REGISTRY ESTABLISHED UNDER § 4-516 OF THIS ARTICLE FOR THE PURPOSE OF MAKING A GIFT OF ALL BODY ORGANS OR PARTS FOR THE PURPOSES OF TRANSPLANTATION, THERAPY, OR MEDICAL RESEARCH AND EDUCATION.~~

~~(B) IF AN INDIVIDUAL SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY UNDER SUBSECTION (A) OF THIS SECTION, THE REGISTER SHALL TRANSFER ALL APPLICABLE INFORMATION RECEIVED BY THE REGISTER TO THE STATE DONOR REGISTRY.~~

~~(C) THE REGISTER SHALL NOTIFY AN INDIVIDUAL WHO SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY THAT THE REGISTRATION WILL REMAIN EFFECTIVE UNTIL THE INDIVIDUAL REQUESTS THAT THE INDIVIDUAL BE REMOVED FROM THE STATE DONOR REGISTRY BY REQUESTING THE REMOVAL THROUGH THE REGISTER, THE STATE DONOR REGISTRY, OR THE MOTOR VEHICLE ADMINISTRATION.~~

A REGISTER SHALL MAKE AVAILABLE TO THE PUBLIC INFORMATION ABOUT REGISTERING WITH THE STATE DONOR REGISTRY.

4-516.

(a) In this section, “qualified nonprofit entity” means a procurement organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or an entity exempt from taxation under § 501(c)(3) of the Internal Revenue Code that actively functions in a supporting relationship to one or more procurement organizations if the procurement organization or other entity has a board of directors whose members are experienced in:

- (1) Organ, tissue, and eye donation;
- (2) Working with donors and donor families; and
- (3) Educating the public about the importance of the process of organ, tissue, and eye donation.

(b) (1) The Secretary of Health and Mental Hygiene shall contract with a qualified nonprofit entity for the establishment, maintenance, and operation of a donor registry.

(2) The Secretary of Health and Mental Hygiene shall use funds from the Organ and Tissue Donation Awareness Fund established under Title 13, Subtitle 9 of the Health – General Article or any other funds as may be appropriate to compensate the nonprofit entity contracted with under paragraph (1) of this subsection for the reasonable cost of establishing, maintaining, and operating the donor registry, including the reasonable cost of public education programs to increase public awareness about the existence and purpose of the registry and organ, tissue, and eye donation.

(c) The Motor Vehicle Administration, ~~EACH REGISTER OF WILLS, AND EACH CLERK OF A CIRCUIT COURT~~ shall cooperate with the qualified nonprofit entity contracted with under subsection (b)(1) of this section for the purpose of transferring to the donor registry all relevant information regarding a donor's making, amending of, or revoking of an anatomical gift.

(d) A donor registry shall be accessible 24 hours a day and 7 days a week to allow:

(1) A donor to include on the donor registry a statement or symbol that the donor has made or amended an anatomical gift;

(2) A donor to revoke an anatomical gift; or

(3) A procurement organization to obtain relevant information on the donor registry to determine, at the death or imminent death of a donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(e) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at the death or imminent death of the donor or prospective donor, whether the donor or prospective donor has made or amended an anatomical gift.

(f) (1) This section does not prohibit a person from creating or maintaining a donor registry that is not established by or under contract with the State.

(2) A registry that is not established by or under contract with the State shall comply with subsections (d) and (e) of this section.

### Article – Transportation

(a) **(1)** The Administration shall provide for a method by which [an applicant for a driver's license or identification card] **AN INDIVIDUAL DOING BUSINESS WITH THE ADMINISTRATION** can [designate that the applicant consents to the]:

**(I) REGISTER AS A DONOR WITH THE STATE DONOR REGISTRY ESTABLISHED UNDER § 4-516 OF THE ESTATES AND TRUSTS ARTICLE FOR THE PURPOSE OF MAKING A gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education; AND**

**(II) SELECT TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD.**

**(2) THE ADMINISTRATION MAY NOT REQUIRE AN INDIVIDUAL WHO REGISTERS WITH THE STATE DONOR REGISTRY UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD.**

(b) If an [applicant] **INDIVIDUAL** selects **TO HAVE A DONOR** designation [as a donor] **ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD** under subsection [(a)] **(A)(1)** of this section, the Administration shall make a notation of this fact on [the] A driver's license or identification card issued to the [applicant] **INDIVIDUAL**.

(c) The Administration shall notify an [applicant] **INDIVIDUAL** who selects [designation] **TO REGISTER** as a donor that [the designation]:

(1) [Will] **THE REGISTRATION WILL** remain effective until the [applicant] **INDIVIDUAL** requests that the [designation] **INDIVIDUAL** be removed **FROM THE STATE DONOR REGISTRY**; and

(2) [May be removed by the applicant] **THE INDIVIDUAL MAY REQUEST TO BE REMOVED FROM THE STATE DONOR REGISTRY**:

(i) [By] **IF THE INDIVIDUAL SELECTED TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD, BY** requesting a replacement driver's license or identification card:

1. Through the Administration's Web site; or
2. In person at any full-service Administration office; [or]

**(II) BY REQUESTING TO BE REMOVED WHEN DOING BUSINESS WITH THE ADMINISTRATION; OR**

[(ii)] (iii) Through the State donor registry [established under § 4-516 of the Estates and Trusts Article].

(d) Unless AN INDIVIDUAL WHO SELECTED TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD IS removed FROM THE STATE DONOR REGISTRY as provided in subsection (c)(2) of this section, the Administration shall note [an applicant's] THE INDIVIDUAL'S DONOR designation [as a donor] on all subsequently issued drivers' licenses or identification cards.

(e) [The] A donor designation noted on [the] A driver's license or identification card:

(1) Is sufficient legal authority for the removal of a body organ or part on the death of the donor; and

(2) Notwithstanding any other provision of law, is valid and effective for all purposes under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity from civil or criminal liability set forth in § 4-514 of the Estates and Trusts Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 349

(Senate Bill 433)

AN ACT concerning

### Funeral Establishments and Crematories – Unclaimed Cremains of Veterans – Disposition

FOR the purpose of requiring licensed funeral establishments or holders of permits for the business of operating a crematory in the possession of unclaimed cremated human remains for a certain period of time to provide certain identifying information to ~~the Maryland Department of Veterans Affairs~~ or certain veterans service organizations for a certain determination; requiring ~~the Maryland Department of Veterans Affairs~~ or ~~certain~~ veterans service ~~organization~~ organizations to make a certain notification of certain information within a certain period of time; authorizing a licensed funeral establishment or permit holder to transfer certain cremains to ~~the Maryland Department of Veterans Affairs~~ or a veterans service organization for certain disposition under certain circumstances; establishing that a licensed funeral establishment, holder of a permit for a crematory, or certain veterans service

organization that acts in good faith when taking certain actions is not civilly liable; defining certain terms; and generally relating to the disposition of unclaimed cremains of veterans.

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 5–101(a), (e), (f), (g), (i), (k), and (n)

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Business Regulation

Section 5–803

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 5–642

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 7–101(a), (d), (e), (h), (i), (k), (l), and (p)

Annotated Code of Maryland

(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 7–406

Annotated Code of Maryland

(2014 Replacement Volume)

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

### **Article – Business Regulation**

5–101.

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

(e) “Cremation” means the process of reducing human remains to bone fragments through intense heat and evaporation, including any mechanical or thermal process.



(f) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation.

(g) “Director” means the Director of the Office of Cemetery Oversight.

(i) (1) “Engage in the operation of a crematory” means controlling or managing a crematory.

(2) “Engage in the operation of a crematory” does not include:

(i) the practice of funeral direction or the practice of mortuary science; or

(ii) 1. assistance in making decisions and filling out forms that are not directly related to cremation;

2. obtaining vital statistics, signatures, and other information necessary to complete a death certificate;

3. transportation of a body to the place of disposition; or

4. any other services regarding the disposition of a body that are not directly related to cremation.

(k) (1) “Human remains” means:

(i) the body of a deceased person; or

(ii) a part of a body or limb that has been removed from a living person.

(2) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(n) “Permit” means a permit issued by the Director to allow a partnership, limited liability company, or corporation to operate a business through which a registrant may:

(1) engage in the operation of a cemetery or crematory; or

(2) provide burial goods.

### **5-803.**

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

(2) “ELIGIBLE DEPENDENT” MEANS A VETERAN’S SPOUSE, A VETERAN’S UNMARRIED CHILD UNDER THE AGE OF 21 YEARS, OR A VETERAN’S UNMARRIED ADULT CHILD WHO BEFORE THE AGE OF 21 BECAME PERMANENTLY INCAPABLE OF SELF-SUPPORT BECAUSE OF PHYSICAL OR MENTAL DISABILITY.

(3) (I) “IDENTIFYING INFORMATION” MEANS DATA REQUIRED BY ~~THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS~~ A VETERANS SERVICE ORGANIZATION TO VERIFY THE ELIGIBILITY OF A VETERAN OR AN ELIGIBLE DEPENDENT FOR BURIAL IN A NATIONAL OR STATE VETERANS CEMETERY.

(II) “IDENTIFYING INFORMATION” INCLUDES NAME, SERVICE NUMBER, SOCIAL SECURITY NUMBER, DATE OF BIRTH, DATE OF DEATH, PLACE OF BIRTH, AND COPY OF THE DEATH CERTIFICATE.

(4) “VETERAN” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

(5) “VETERANS SERVICE ORGANIZATION” MEANS AN ASSOCIATION OR OTHER ENTITY ORGANIZED FOR THE BENEFIT OF VETERANS THAT HAS BEEN RECOGNIZED BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS OR CHARTERED BY CONGRESS AND ANY EMPLOYEE OR REPRESENTATIVE OF THE ASSOCIATION OR ENTITY.

(B) IF A LICENSED FUNERAL ESTABLISHMENT OR A CREMATORY IS IN POSSESSION OF CREMATED HUMAN REMAINS THAT HAVE BEEN UNCLAIMED FOR 90 DAYS OR MORE, THE LICENSED FUNERAL ESTABLISHMENT OR HOLDER OF THE PERMIT FOR THE BUSINESS OF OPERATING A CREMATORY SHALL PROVIDE IDENTIFYING INFORMATION OF THE UNCLAIMED CREMAINS TO ~~THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ A VETERANS SERVICE ORGANIZATION IN ORDER FOR THE ~~MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ VETERANS SERVICE ORGANIZATION TO DETERMINE IF THE UNCLAIMED CREMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT.

(C) WITHIN 45 DAYS AFTER RECEIPT OF THE INFORMATION REQUIRED BY SUBSECTION (B) OF THIS SECTION, THE ~~MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ VETERANS SERVICE ORGANIZATION SHALL NOTIFY THE LICENSED FUNERAL ESTABLISHMENT OR PERMIT HOLDER:

(1) WHETHER THE CREMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT; AND

(2) IF SO, WHETHER THE VETERAN OR ELIGIBLE DEPENDENT IS ELIGIBLE FOR BURIAL IN A VETERANS CEMETERY.

(D) IF THE UNCLAIMED CREMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT, THE LICENSED FUNERAL ESTABLISHMENT OR PERMIT HOLDER MAY TRANSFER THE CREMAINS TO ~~THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ A VETERANS SERVICE ORGANIZATION FOR THE PURPOSE OF DISPOSITION OF THE CREMAINS.

#### Article – Courts and Judicial Proceedings

##### 5-642.

(A) A LICENSED FUNERAL ESTABLISHMENT OR HOLDER OF A PERMIT TO ENGAGE IN THE BUSINESS OF A CREMATORY WHO ACTS IN GOOD FAITH IS NOT CIVILLY LIABLE FOR TRANSFERRING THE UNCLAIMED CREMATED REMAINS OF A VETERAN OR AN ELIGIBLE DEPENDENT OF A VETERAN TO ~~THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ A VETERANS SERVICE ORGANIZATION FOR PURPOSES OF DISPOSITION AS PROVIDED IN § 5-803 OF THE BUSINESS REGULATION ARTICLE AND § 7-406 OF THE HEALTH OCCUPATIONS ARTICLE.

(B) A VETERANS SERVICE ORGANIZATION THAT ACTS IN GOOD FAITH IS NOT CIVILLY LIABLE FOR RECEIVING THE UNCLAIMED CREMATED REMAINS OF A VETERAN OR AN ELIGIBLE DEPENDENT OF A VETERAN FOR PURPOSES OF DISPOSITION AS PROVIDED IN § 5-803 OF THE BUSINESS REGULATION ARTICLE AND § 7-406 OF THE HEALTH OCCUPATIONS ARTICLE.

#### Article – Health Occupations

##### 7-101.

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

(d) “Board” means the Maryland State Board of Morticians and Funeral Directors.

(e) (1) “Business of operating a crematory” means controlling or managing a crematory.

(2) “Business of operating a crematory” does not include:

(i) The practice of funeral direction or the practice of mortuary science; or

(ii) 1. Assistance in making decisions and filling out forms that are not directly related to cremation;

2. Obtaining vital statistics, signatures, and other information necessary to complete a death certificate;

3. Transportation of a body to the place of disposition; or

4. Any other services regarding the disposition of a body that are not directly related to cremation.

(h) “Cremation” means the process of reducing human remains to bone fragments through intense heat and evaporation, including any mechanical or thermal process.

(i) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation.

(k) “Funeral establishment” means any building, structure, or premises from which the business of practicing mortuary science is conducted.

(l) (1) “Human remains” means:

(i) The body of a deceased person; or

(ii) A part of a body or limb that has been removed from a living person.

(2) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(p) “Licensed funeral establishment” means, unless the context requires otherwise, a funeral establishment that is licensed by the Board.

7-406.

(A) A licensee shall maintain a complete file of a cremation that includes the signature of the next of kin, person identifying the body, or person responsible for disposition, time of death, and the date and time of cremation.

**(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “ELIGIBLE DEPENDENT” MEANS A VETERAN’S SPOUSE, A VETERAN’S UNMARRIED CHILD UNDER THE AGE OF 21 YEARS, OR A VETERAN’S UNMARRIED ADULT CHILD WHO BEFORE THE AGE OF 21 BECAME PERMANENTLY INCAPABLE OF SELF-SUPPORT BECAUSE OF PHYSICAL OR MENTAL DISABILITY.**

**(III) 1. “IDENTIFYING INFORMATION” MEANS DATA REQUIRED BY ~~THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS~~ A VETERANS**

**SERVICE ORGANIZATION TO VERIFY THE ELIGIBILITY OF A VETERAN OR AN ELIGIBLE DEPENDENT FOR BURIAL IN A NATIONAL OR STATE VETERANS CEMETERY.**

**2. "IDENTIFYING INFORMATION" INCLUDES NAME, SERVICE NUMBER, SOCIAL SECURITY NUMBER, DATE OF BIRTH, DATE OF DEATH, PLACE OF BIRTH, AND COPY OF THE DEATH CERTIFICATE.**

**(IV) "VETERAN" HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.**

**(V) "VETERANS SERVICE ORGANIZATION" MEANS AN ASSOCIATION OR OTHER ENTITY ORGANIZED FOR THE BENEFIT OF VETERANS THAT HAS BEEN RECOGNIZED BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS OR CHARTERED BY CONGRESS AND ANY EMPLOYEE OR REPRESENTATIVE OF THE ASSOCIATION OR ENTITY.**

**(2) IF A LICENSED FUNERAL ESTABLISHMENT OR A CREMATORY IS IN POSSESSION OF CREMATED HUMAN REMAINS THAT HAVE BEEN UNCLAIMED FOR 90 DAYS OR MORE, THE LICENSED FUNERAL ESTABLISHMENT OR HOLDER OF THE PERMIT FOR THE BUSINESS OF OPERATING A CREMATORY SHALL PROVIDE IDENTIFYING INFORMATION OF THE UNCLAIMED CREMAINS TO ~~THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ A VETERANS SERVICE ORGANIZATION IN ORDER FOR THE ~~MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ VETERANS SERVICE ORGANIZATION TO DETERMINE IF THE UNCLAIMED CREMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT.**

**(3) WITHIN 45 DAYS AFTER RECEIPT OF THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE ~~MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ VETERANS SERVICE ORGANIZATION SHALL NOTIFY THE LICENSED FUNERAL ESTABLISHMENT OR PERMIT HOLDER:**

**(I) WHETHER THE CREMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT; AND**

**(II) IF SO, WHETHER THE VETERAN OR ELIGIBLE DEPENDENT IS ELIGIBLE FOR BURIAL IN A VETERANS CEMETERY.**

**(4) IF THE UNCLAIMED CREMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT, THE LICENSED FUNERAL ESTABLISHMENT OR PERMIT HOLDER MAY TRANSFER THE CREMAINS TO ~~THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS OR~~ A VETERANS SERVICE ORGANIZATION FOR THE PURPOSE OF DISPOSITION OF THE CREMAINS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 350

### (Senate Bill 444)

AN ACT concerning

#### Public Records – Inspection

FOR the purpose of clarifying that an official custodian is required to make a certain designation and maintain a certain list concerning the availability of public records; repealing the prohibition against a certain applicant obtaining a copy of a judgment until a certain time; and generally relating to the inspection of public records.

BY repealing and reenacting, with amendments,  
Article – General Provisions  
Section 4–201 and 4–205  
Annotated Code of Maryland  
(2014 Volume)

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

#### Article – General Provisions

4–201.

(a) (1) Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time.

(2) Inspection or copying of a public record may be denied only to the extent provided under this title.

(b) To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this title, govern timely production and inspection of a public record.

(c) Each official custodian shall [consider whether to]:

(1) designate types of public records of the governmental unit that are to be made available to any applicant immediately on request; and

(2) maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.

4–205.

(a) (1) In this section, “metadata” means information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data is collected, created, accessed, or modified and how the data is formatted.

(2) “Metadata” does not include:

- (i) a spreadsheet formula;
- (ii) a database field;
- (iii) an externally or internally linked file; or
- (iv) a reference to an external file or a hyperlink.

(b) Except as otherwise provided in this section, if an applicant who is authorized to inspect a public record requests a copy, printout, or photograph of the public record, the custodian shall provide the applicant with:

(1) a copy, printout, or photograph of the public record; or

(2) if the custodian does not have facilities to reproduce the public record, access to the public record to make the copy, printout, or photograph.

(c) (1) Except as provided in paragraph (2) of this subsection, the custodian of a public record shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if:

(i) the public record is in a searchable and analyzable electronic format;

(ii) the applicant requests a copy of the public record in a searchable and analyzable electronic format; and

(iii) the custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose:

1. confidential or protected information for which the custodian is required to deny inspection in accordance with Subtitle 3, Parts I through III of this title; or

2. information for which a custodian has chosen to deny inspection in accordance with Subtitle 3, Part IV of this title.

(2) The State Department of Assessments and Taxation is not required to provide an applicant with a copy of the public record in a searchable and analyzable electronic format if the State Department of Assessments and Taxation has provided the public record to a contractor that will provide the applicant a copy of the public record in a searchable and analyzable electronic format for a reasonable cost.

(3) A custodian may remove metadata from an electronic document before providing the electronic document to an applicant by:

- (i) using a software program or function; or
- (ii) converting the electronic document into a different searchable and analyzable format.

(4) This subsection may not be construed to:

- (i) require the custodian to reconstruct a public record in an electronic format if the custodian no longer has the public record available in an electronic format;
- (ii) allow a custodian to make a public record available only in an electronic format;
- (iii) require a custodian to create, compile, or program a new public record; or
- (iv) require a custodian to release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained.

(5) If a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.

(d) (1) The copy, printout, or photograph shall be made:

- (i) while the public record is in the custody of the custodian; and
- (ii) whenever practicable, where the public record is kept.

(2) The official custodian may set a reasonable time schedule to make copies, printouts, or photographs.



- [(e) An applicant may not have a copy of a judgment until:
- (1) the time for appeal expires; or
  - (2) if an appeal is noted, the appeal is dismissed or adjudicated.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## **Chapter 351**

**(Senate Bill 456)**

AN ACT concerning

### **Criminal Law – Marijuana and Drug Paraphernalia – Medical Necessity**

FOR the purpose of requiring a court to dismiss a certain possession of marijuana charge if the court finds that the person used or possessed marijuana because of medical necessity; requiring a court to dismiss a certain possession of drug paraphernalia charge related to marijuana if the court finds that the person possessed the drug paraphernalia related to marijuana because of medical necessity; and generally relating to the use or possession of marijuana and drug paraphernalia.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 5–601 and 5–619  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

### **Article – Criminal Law**

5–601.

- (a) Except as otherwise provided in this title, a person may not:
- (1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

- (i) fraud, deceit, misrepresentation, or subterfuge;
- (ii) the counterfeiting or alteration of a prescription or a written order;
- (iii) the concealment of a material fact;
- (iv) the use of a false name or address;
- (v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or
- (vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(ii) 1. A first violation of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$100.

2. A second violation of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$250.

3. A third or subsequent violation of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

4. A. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under subparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subparagraph 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician–patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.

3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

A. is a resident of the State;

B. is at least 21 years old;

C. is an immediate family member, a spouse, or a domestic partner of the patient;

D. has not been convicted of a crime of violence as defined in § 14–101 of this article;

E. has not been convicted of a violation of a State or federal controlled dangerous substances law;

F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has been placed in the patient’s medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. “Debilitating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

A. cachexia or wasting syndrome;

- B. severe or chronic pain;
- C. severe nausea;
- D. seizures;
- E. severe and persistent muscle spasms; or
- F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, [on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding \$100] **THE COURT SHALL DISMISS THE CHARGE.**

(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution for the possession of marijuana under this section, it is an affirmative defense that the defendant possessed marijuana because the marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State’s Attorney of the defendant’s intention to assert the affirmative defense and provides the State’s Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place;  
or

B. in possession of more than 1 ounce of marijuana.

(d) The provisions of subsection (c)(2)(ii) of this section making the possession of marijuana a civil offense may not be construed to affect the laws relating to:

(1) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or

(2) seizure and forfeiture.

5-619.

(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:

(1) any statement by an owner or a person in control of the object concerning its use;

(2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;

(3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;

(4) a residue of a controlled dangerous substance on the object;

(5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(c) (1) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (2)(ii) of this subsection.

(4) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician–patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.

3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

- A. is a resident of the State;
- B. is at least 21 years old;
- C. is an immediate family member, a spouse, or a domestic partner of the patient;
- D. has not been convicted of a crime of violence as defined in § 14–101 of this article;
- E. has not been convicted of a violation of a State or federal controlled dangerous substances law;
- F. has not been convicted of a crime of moral turpitude;
- G. has been designated as caregiver by the patient in writing that has been placed in the patient’s medical record prior to arrest;
- H. is the only individual designated by the patient to serve as caregiver; and
- I. is not serving as caregiver for any other patient.

4. “Debilitating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

- A. cachexia or wasting syndrome;
- B. severe or chronic pain;
- C. severe nausea;
- D. seizures;
- E. severe and persistent muscle spasms; or
- F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, [on conviction of a violation of this subsection, the maximum penalty that the court may impose on the person is a fine not exceeding \$100] **THE COURT SHALL DISMISS THE CHARGE.**

(iii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, it is an affirmative defense that the defendant used or possessed drug paraphernalia related to marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution under this subsection involving drug paraphernalia related to marijuana, it is an affirmative defense that the defendant possessed drug paraphernalia related to marijuana because the drug paraphernalia related to marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State’s Attorney of the defendant’s intention to assert the affirmative defense and provides the State’s Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.

(d) (1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or



under circumstances where one reasonably should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding \$15,000 or both.

(e) (1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 352****(Senate Bill 466)**

AN ACT concerning

**Baltimore County – Education – Junior Reserve Officer Training Corps  
Instructors**

FOR the purpose of applying to Baltimore County a certain definition of “public school employee” that includes Junior Reserve Officer Training Corps (JROTC) instructors for the purpose of certain provisions of law related to organizations of certificated employees; and generally relating to representation for JROTC instructors in Baltimore County.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 6–401(e)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

6–401.

(e) (1) “Public school employee” means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6–408(c) of this subtitle.

(2) In Montgomery County, “public school employees” include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, “public school employee” includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, “public school employee” includes a social worker employed by a public school employer.

(5) In Prince George’s County, “public school employee” includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In **BALTIMORE COUNTY**, Calvert County, Charles County, and Garrett County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, “public school employee” includes:

(i) A registered nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 353

(Senate Bill 472)

AN ACT concerning

### Family Law – Grounds for Divorce – Mutual Consent

FOR the purpose of authorizing a court to decree an absolute divorce on the grounds of mutual consent ~~if the parties have executed a written settlement agreement that resolves certain contested issues between the parties; requiring the parties to jointly file a certain complaint and include a certain affidavit with the complaint in order to initiate proceedings for an absolute divorce on the grounds of mutual consent under certain circumstances; authorizing a court to merge or incorporate a certain settlement agreement into a certain divorce decree; authorizing a court to modify or enforce a certain settlement agreement consistent with certain provisions of law; and generally relating to the grounds for an absolute divorce.~~

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 7–103  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

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

**Article – Family Law**

7–103.

(a) The court may decree an absolute divorce on the following grounds:

(1) adultery;

(2) desertion, if:

(i) the desertion has continued for 12 months without interruption before the filing of the application for divorce;

(ii) the desertion is deliberate and final; and

(iii) there is no reasonable expectation of reconciliation;

(3) conviction of a felony or misdemeanor in any state or in any court of the United States if before the filing of the application for divorce the defendant has:

(i) been sentenced to serve at least 3 years or an indeterminate sentence in a penal institution; and

(ii) served 12 months of the sentence;

(4) 12–month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the application for divorce;

(5) insanity if:

(i) the insane spouse has been confined in a mental institution, hospital, or other similar institution for at least 3 years before the filing of the application for divorce;

(ii) the court determines from the testimony of at least 2 physicians who are competent in psychiatry that the insanity is incurable and there is no hope of recovery; and

(iii) 1 of the parties has been a resident of this State for at least 2 years before the filing of the application for divorce;

(6) cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; [or]

(7) excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; **OR**

(8) **MUTUAL CONSENT, IF:**

(I) THE PARTIES DO NOT HAVE ANY MINOR CHILDREN IN COMMON;

~~(II) THE PARTIES HAVE EXECUTED EXECUTE AND SUBMIT TO THE COURT A WRITTEN SETTLEMENT AGREEMENT SIGNED BY BOTH PARTIES THAT RESOLVES ALL CONTESTED ISSUES BETWEEN THE PARTIES, INCLUDING ISSUES RELATING TO:~~

~~(I) 1. ALIMONY; AND~~

~~(II) 2. THE DISTRIBUTION OF PROPERTY, INCLUDING THE RELIEF PROVIDED IN §§ 8-205 AND 8-208 OF THIS ARTICLE; AND~~

~~(III) 3. THE CARE, CUSTODY, ACCESS, AND SUPPORT OF MINOR OR DEPENDENT CHILDREN;~~

~~(IV) IF THE SETTLEMENT AGREEMENT PROVIDES FOR THE PAYMENT OF CHILD SUPPORT, THE PARTIES ATTACH TO THE SETTLEMENT AGREEMENT A COMPLETED CHILD SUPPORT GUIDELINES WORKSHEET;~~

(III) NEITHER PARTY FILES A PLEADING TO SET ASIDE THE SETTLEMENT AGREEMENT PRIOR TO THE DIVORCE HEARING REQUIRED UNDER THE MARYLAND RULES; AND

~~(IV) AFTER REVIEWING THE SETTLEMENT AGREEMENT, THE COURT IS SATISFIED THAT ANY TERMS OF THE AGREEMENT RELATING TO MINOR OR DEPENDENT CHILDREN ARE IN THE BEST INTERESTS OF THOSE CHILDREN.~~

(IV) BOTH PARTIES APPEAR BEFORE THE COURT AT THE ABSOLUTE DIVORCE HEARING.

(b) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through (7) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.

(c) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of 12-month separation.

(d) Condonation is not an absolute bar to a decree of an absolute divorce on the ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed.

(e) (1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection (a)(2) of this section, the party may obtain an absolute divorce on the ground of desertion when the desertion meets the requirements of subsection (a)(2) of this section.

~~(F) TO INITIATE PROCEEDINGS FOR AN ABSOLUTE DIVORCE ON THE GROUNDS OF MUTUAL CONSENT, THE PARTIES SHALL:~~

~~(1) JOINTLY FILE A COMPLAINT FOR ABSOLUTE DIVORCE; AND~~

~~(2) INCLUDE WITH THE COMPLAINT AN AFFIDAVIT, SIGNED BY BOTH PARTIES, EVIDENCING THAT THE PARTIES:~~

~~(I) CONSENT TO THE DIVORCE; AND~~

~~(II) HAVE EXECUTED A WRITTEN SETTLEMENT AGREEMENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (A)(8) OF THIS SECTION.~~

(F) IF A COURT DECREES AN ABSOLUTE DIVORCE ON THE GROUNDS OF MUTUAL CONSENT UNDER SUBSECTION (A)(8) OF THIS SECTION, THE COURT MAY:

(1) MERGE OR INCORPORATE THE SETTLEMENT AGREEMENT INTO THE DIVORCE DECREE; AND

(2) MODIFY OR ENFORCE THE SETTLEMENT AGREEMENT CONSISTENT WITH TITLE 8, SUBTITLE 1 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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Chapter 354

(Senate Bill 477)

AN ACT concerning

**Domestic Violence – Persons Eligible for Relief**

FOR the purpose of altering, for purposes of certain provisions of law relating to domestic violence, the definition of “person eligible for relief” to include an individual who has had a sexual relationship with a certain respondent *within a certain period of time before the filing of a certain petition; establishing a certain exception to a provision that authorizes the court to include in a final protective order a requirement that certain individuals participate in certain counseling or a domestic violence program;* and generally relating to domestic violence.

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 4–501(m) *and* 4–506(d)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

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

**Article – Family Law**

4–501.

(m) “Person eligible for relief” includes:

- (1) the current or former spouse of the respondent;
- (2) a cohabitant of the respondent;
- (3) a person related to the respondent by blood, marriage, or adoption;
- (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
- (5) a vulnerable adult; [or]
- (6) an individual who has a child in common with the respondent; OR

**(7) AN INDIVIDUAL WHO HAS HAD A ~~CONSENSUAL OR NONCONSENSUAL~~ SEXUAL RELATIONSHIP WITH THE RESPONDENT WITHIN 1 YEAR BEFORE THE FILING OF THE PETITION.**

4–506.

(d) The final protective order may include any or all of the following relief:

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the



employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) EXCEPT WHEN A PROTECTIVE ORDER IS ISSUED FOR A PERSON ELIGIBLE FOR RELIEF DESCRIBED IN § 4-501(M)(7) OF THIS SUBTITLE, direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;

(12) order the respondent to pay filing fees and costs of a proceeding under this subtitle; or

(13) award temporary possession of any pet of the person eligible for relief or the respondent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 355

(Senate Bill 490)

AN ACT concerning

### Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms

FOR the purpose of establishing the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms; providing for the purpose of the Program and requiring the Interagency Committee on Public School Construction to implement and administer the Program; specifying certain requirements for grants awarded under the Program; requiring the Interagency Committee to award certain grants to certain county boards of education under the Program; requiring the Interagency Committee to develop certain eligibility requirements and certain procedures and processes for grants awarded under the Program; requiring the Interagency Committee to adopt certain procedures; requiring the Governor, beginning in a certain fiscal year, to provide a certain amount of money in the State budget for the Program each fiscal year; specifying that funding provided under the Program is supplemental to public school construction funding from other sources; defining certain terms; and generally relating to the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

BY adding to

Article – Education  
Section 5–313  
Annotated Code of Maryland  
(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

**5–313.**

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

(2) “PROGRAM” MEANS THE CAPITAL GRANT PROGRAM FOR LOCAL SCHOOL SYSTEMS WITH SIGNIFICANT ENROLLMENT GROWTH OR RELOCATABLE CLASSROOMS.

(3) “SIGNIFICANT ENROLLMENT GROWTH” MEANS ~~STUDENT~~ FULL-TIME EQUIVALENT ENROLLMENT GROWTH IN A LOCAL SCHOOL SYSTEM THAT HAS EXCEEDED 150% OF THE STATEWIDE AVERAGE OVER THE PAST 5 YEARS.

(4) “SIGNIFICANT NUMBER OF RELOCATABLE CLASSROOMS” MEANS AN AVERAGE OF MORE THAN 300 RELOCATABLE CLASSROOMS IN A LOCAL SCHOOL SYSTEM OVER THE PAST 5 YEARS.

(B) (1) THERE IS A CAPITAL GRANT PROGRAM FOR LOCAL SCHOOL SYSTEMS WITH SIGNIFICANT ENROLLMENT GROWTH OR RELOCATABLE CLASSROOMS.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS FOR PUBLIC SCHOOL CONSTRUCTION IN LOCAL SCHOOL SYSTEMS THAT ARE EXPERIENCING SIGNIFICANT ENROLLMENT GROWTH OR A SIGNIFICANT NUMBER OF RELOCATABLE CLASSROOMS.

(C) (1) THE PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION IN ACCORDANCE WITH THIS SECTION.

(2) GRANTS AWARDED BY THE INTERAGENCY COMMITTEE UNDER THE PROGRAM:

~~(I) MAY NOT COVER MORE THAN 50% OF THE COSTS OF A PROJECT;~~

~~(H)~~ (I) SHALL BE MATCHED BY LOCAL FUNDS EQUAL TO THE REQUIRED LOCAL COST-SHARE ESTABLISHED IN ACCORDANCE WITH § 5-301(D)(3) OF THIS SUBTITLE; AND

~~(H)~~ (II) SHALL BE APPROVED BY THE BOARD OF PUBLIC WORKS.

(D) THE INTERAGENCY COMMITTEE SHALL:

(1) PROVIDE GRANTS FROM STATE FUNDS DEDICATED FOR THE PROGRAM TO COUNTY BOARDS FOR PUBLIC SCHOOL CONSTRUCTION IN LOCAL SCHOOL SYSTEMS THAT ARE EXPERIENCING SIGNIFICANT ENROLLMENT GROWTH OR A SIGNIFICANT NUMBER OF RELOCATABLE CLASSROOMS;

(2) DEVELOP A PROCEDURE FOR A COUNTY BOARD TO APPLY FOR A GRANT UNDER THE PROGRAM;

(3) DEVELOP ELIGIBILITY REQUIREMENTS FOR A COUNTY BOARD TO RECEIVE A GRANT UNDER THE PROGRAM, INCLUDING A REQUIREMENT FOR A COUNTY BOARD TO PROVIDE FUNDS TO MATCH A GRANT AWARD; AND

(4) DEVELOP A PROCESS TO ALLOCATE GRANT AWARDS UNDER THE PROGRAM THAT ALLOCATE FUNDS BASED ON EACH ELIGIBLE COUNTY BOARD'S PROPORTIONATE SHARE OF THE TOTAL FULL-TIME EQUIVALENT ENROLLMENT OF THE COUNTY BOARDS THAT ARE ELIGIBLE TO PARTICIPATE IN THE PROGRAM.

(E) BEGINNING IN FISCAL YEAR 2016 AND EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE ANNUAL AMOUNT OTHERWISE PROVIDED IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM, THE GOVERNOR SHALL PROVIDE AN ADDITIONAL \$20,000,000 ANNUALLY IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM THAT MAY BE USED ONLY TO AWARD GRANTS UNDER THE PROGRAM.

(F) THE STATE FUNDING PROVIDED UNDER THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR PUBLIC SCHOOL CONSTRUCTION PURPOSES TO A COUNTY BOARD FROM ANY OTHER SOURCE.

(G) THE INTERAGENCY COMMITTEE SHALL ADOPT PROCEDURES NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 356

(Senate Bill 516)

AN ACT concerning

### Public Health – Overdose Response Program

FOR the purpose of authorizing certain advanced practice nurses, in addition to certain nurse practitioners and pharmacists to conduct certain overdose prevention educational training programs; altering the circumstances under which certain employees or volunteers may conduct the training programs; authorizing certain advanced practice nurses, ~~in addition to certain nurse practitioners,~~ to prescribe and dispense naloxone to certain certificate holders; authorizing certain licensed physicians and advanced practice nurses to prescribe and dispense naloxone to certain certificate holders ~~directly or under~~ by issuing a certain standing order under certain circumstances; authorizing certain licensed health care providers to prescribe naloxone to certain patients under certain circumstances; providing for a certain exception to certain training requirements; authorizing a pharmacist to dispense naloxone in accordance with a certain therapy management contract; providing that certain individuals who administer naloxone or provide naloxone to certain certificate holders under certain circumstances may not be considered to be practicing certain health occupations; providing that an advanced practice nurse who prescribes or dispenses naloxone to a certificate holder in a certain manner may not be subject to certain disciplinary actions; providing immunity from liability for certain persons under certain circumstances; exempting certain persons who are authorized to dispense naloxone from certain prescription drug dispensing permit requirements; providing for the construction of this Act; defining certain terms; making clarifying and conforming changes; and generally relating to the Overdose Response Program.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3101, 13–3104, 13–3107, 13–3108, and 13–3109

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY adding to

Article – Health – General

Section 13–3110 and 13–3111

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

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

**Article – Health – General**

13–3101.

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

**(B) “ADVANCED PRACTICE NURSE” HAS THE MEANING STATED IN § 8–101 OF THE HEALTH OCCUPATIONS ARTICLE.**

**[(b)] (C) “Certificate” means a certificate issued by a private or public entity to administer naloxone.**

**(D) “LICENSED PHYSICIAN” HAS THE MEANING STATED IN § 14–101 OF THE HEALTH OCCUPATIONS ARTICLE.**

**(E) “PHARMACIST” HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.**

**[(c)] (F) “Private or public entity” means a health care provider, local health department, community–based organization, substance abuse treatment organization, or other person that addresses medical or social issues related to drug addiction.**

**[(d)] (G) “Program” means an Overdose Response Program.**

**(H) “STANDING ORDER” MEANS A WRITTEN INSTRUCTION FOR THE PRESCRIBING AND DISPENSING OF NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH § 13–3108 OF THIS SUBTITLE.**

13–3104.

(a) To qualify for a certificate, an individual shall meet the requirements of this section.

(b) The applicant shall be at least 18 years old.

(c) The applicant shall have, or reasonably expect to have, as a result of the individual’s occupation or volunteer, family, or social status, the ability to assist an individual who is experiencing an opioid overdose.

(d) (1) The applicant shall successfully complete an educational training program offered by a private or public entity authorized by the Department.

(2) An educational training program required under this subsection shall:

(i) Be conducted by:

1. A **LICENSED** physician [licensed to practice medicine under Title 14 of the Health Occupations Article];

2. [A nurse practitioner licensed to practice registered nursing under Title 8 of the Health Occupations Article and certified as a nurse practitioner by the State Board of Nursing] **AN ADVANCED PRACTICE NURSE; [or]**

**3. A PHARMACIST; OR**

[3.] **4.** An employee or a volunteer of a private or public entity [that maintains] **WHO IS SUPERVISED IN ACCORDANCE WITH** a written agreement [with] **BETWEEN THE PRIVATE OR PUBLIC ENTITY AND** a supervisory **LICENSED** physician, [or nurse practitioner] **ADVANCED PRACTICE NURSE, OR PHARMACIST** that includes:

A. Procedures for providing patient overdose information;

B. Information as to how the employee or volunteer providing the information will be trained; and

C. Standards for documenting the provision of patient overdose information to patients; and

(ii) Include training in:

1. The recognition of the symptoms of opioid overdose;

2. The proper administration of naloxone;

3. The importance of contacting emergency medical services;

4. The care of an individual after the administration of naloxone; and

5. Any other topics required by the Department.

13–3107.

An individual who is certified may:

(1) On presentment of a certificate, receive from any **LICENSED** physician [licensed to practice medicine in the State, or any nurse practitioner licensed to practice

nursing in the State,] OR ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY a prescription for naloxone and the necessary supplies for the administration of naloxone;

(2) Possess prescribed naloxone and the necessary supplies for the administration of naloxone; and

(3) In an emergency situation when medical services are not immediately available, administer naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid overdose.

13-3108.

(A) A LICENSED physician or [nurse practitioner] AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY may prescribe and dispense naloxone to a certificate holder.

~~(B) A LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE WHO SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE MAY PRESCRIBE AND DISPENSE NALOXONE TO A CERTIFICATE HOLDER DIRECTLY OR UNDER A STANDING ORDER.~~

(B) (1) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY MAY PRESCRIBE AND DISPENSE NALOXONE TO A CERTIFICATE HOLDER BY ISSUING A STANDING ORDER IF THE LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE:

(i) IS EMPLOYED BY THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT; OR

(ii) SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE.

(2) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY WHO ISSUES A STANDING ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY DELEGATE TO THE FOLLOWING PERSONS THE AUTHORITY FOR DISPENSING NALOXONE TO A CERTIFICATE HOLDER:

(i) A LICENSED REGISTERED NURSE WHO:

1. IS EMPLOYED BY A LOCAL HEALTH DEPARTMENT;

AND

**2. COMPLETES A TRAINING PROGRAM APPROVED BY THE DEPARTMENT; AND**

**(II) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY WHO IS AUTHORIZED TO CONDUCT AN EDUCATIONAL TRAINING PROGRAM IN ACCORDANCE WITH § 13-3104(D) OF THIS SUBTITLE.**

**(3) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING AUTHORITY ALSO MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER ISSUED BY A LICENSED PHYSICIAN.**

**(C) (1) ANY LICENSED HEALTH CARE PROVIDER WHO HAS PRESCRIBING AUTHORITY MAY PRESCRIBE NALOXONE TO A PATIENT WHO IS BELIEVED BY THE LICENSED HEALTH CARE PROVIDER TO BE AT RISK OF EXPERIENCING AN OPIOID OVERDOSE OR IN A POSITION TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID OVERDOSE.**

**(2) A PATIENT WHO RECEIVES A NALOXONE PRESCRIPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT SUBJECT TO THE TRAINING REQUIREMENTS UNDER § 13-3104(D) OF THIS SUBTITLE.**

**(D) A PHARMACIST MAY DISPENSE NALOXONE IN ACCORDANCE WITH A THERAPY MANAGEMENT CONTRACT UNDER TITLE 12, SUBTITLE 6A OF THE HEALTH OCCUPATIONS ARTICLE.**

13-3109.

**(a) (1) A certificate holder who, in accordance with this subtitle, is administering naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid overdose may not be considered to be practicing:**

**(I) [medicine] MEDICINE for the purposes of Title 14 of the Health Occupations Article; OR**

**(II) REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.**

**(2) AN EMPLOYEE OR VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY WHO, IN ACCORDANCE WITH THIS SUBTITLE, PROVIDES NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER MAY NOT BE CONSIDERED TO BE PRACTICING:**

**(I) MEDICINE FOR THE PURPOSES OF TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;**



**(II) REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; OR**

**(III) PHARMACY FOR THE PURPOSES OF TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE.**

(b) **(1)** A LICENSED physician who prescribes or dispenses naloxone to a certificate holder in a manner consistent with the protocol established by the authorized private or public entity may not be subject to any disciplinary action under Title 14 of the Health Occupations Article solely for the act of prescribing or dispensing naloxone to the certificate holder.

**(2) AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY WHO PRESCRIBES OR DISPENSES NALOXONE TO A CERTIFICATE HOLDER IN A MANNER CONSISTENT WITH THE PROTOCOL ESTABLISHED BY THE AUTHORIZED PRIVATE OR PUBLIC ENTITY MAY NOT BE SUBJECT TO ANY DISCIPLINARY ACTION UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE SOLELY FOR THE ACT OF PRESCRIBING OR DISPENSING NALOXONE TO THE CERTIFICATE HOLDER.**

**13-3110.**

**(A) AN INDIVIDUAL WHO ADMINISTERS NALOXONE TO AN INDIVIDUAL WHO IS OR IN GOOD FAITH IS BELIEVED TO BE EXPERIENCING AN OPIOID OVERDOSE SHALL HAVE IMMUNITY FROM LIABILITY UNDER §§ 5-603 AND 5-629 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.**

**(B) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY LICENSED PHYSICIAN ~~OR~~, ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY, OR PHARMACIST FOR ANY ACT OR OMISSION WHEN THE PHYSICIAN ~~OR~~, ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY, OR PHARMACIST IN GOOD FAITH PRESCRIBES OR DISPENSES NALOXONE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF NALOXONE TO A CERTIFICATE HOLDER OR PATIENT UNDER § 13-3108 OF THIS SUBTITLE.**

**(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY INDIVIDUAL TO:**

**(1) OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE; OR**

(2) ADMINISTER NALOXONE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED BY THE INDIVIDUAL TO BE EXPERIENCING AN OPIOID OVERDOSE.

**13-3111.**

**A PERSON WHO DISPENSES NALOXONE IN ACCORDANCE WITH THIS SUBTITLE IS EXEMPT FROM ANY LAWS THAT REQUIRE A PERSON TO MAINTAIN A PERMIT TO DISPENSE PRESCRIPTION DRUGS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 357**

**(Senate Bill 520)**

AN ACT concerning

**Criminal Law – Human Trafficking – Affirmative Defense**

FOR the purpose of providing that, in a prosecution for a certain charge relating to prostitution, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another ~~committed in violation of~~ *who was charged with violating* the human trafficking law; providing that a defendant intending on asserting a certain affirmative defense is required to provide the State's Attorney with a certain notice at least a certain time period prior to trial; and generally relating to human trafficking.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 11-306  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Law**

11-306.

(a) A person may not knowingly:

- (1) engage in prostitution or assignation by any means;
- (2) keep, set up, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignation;
- (3) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;
- (4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or
- (5) procure or solicit or offer to procure or solicit for prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

**(c) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT OF ANOTHER ~~COMMITTED IN VIOLATION OF~~ WHO WAS CHARGED WITH VIOLATING THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER § 11-303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW.**

**(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 358

(Senate Bill 542)

AN ACT concerning

**Maryland Cybersecurity Council – Establishment**

FOR the purpose of establishing the Maryland Cybersecurity Council; providing for the composition, chair, and staffing of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to work with certain entities to take certain actions related to cybersecurity; requiring the Council, beginning on a certain date and every certain number of years thereafter, to submit a report on its activities to the General Assembly; defining certain terms; requiring the Council to submit a report on its initial activities on or before a certain date; and generally relating to the Maryland Cybersecurity Council.

BY adding to

Article – State Government

Section 9–2901 to be under the new subtitle “Subtitle 29. Maryland Cybersecurity Council”

Annotated Code of Maryland  
(2014 Replacement Volume)

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

**Article – State Government**

**SUBTITLE 29. MARYLAND CYBERSECURITY COUNCIL.**

**9–2901.**

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

(2) “COUNCIL” MEANS THE MARYLAND CYBERSECURITY COUNCIL.

(3) “EXECUTIVE ORDER” MEANS EXECUTIVE ORDER 13636 OF THE PRESIDENT OF THE UNITED STATES.

(B) THERE IS A MARYLAND CYBERSECURITY COUNCIL.

(C) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL’S DESIGNEE;

(2) THE SECRETARY OF INFORMATION TECHNOLOGY, OR THE SECRETARY’S DESIGNEE;

(3) THE SECRETARY OF STATE POLICE, OR THE SECRETARY’S DESIGNEE;

**(4) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**

**(5) THE ADJUTANT GENERAL, OR THE ADJUTANT GENERAL'S DESIGNEE;**

**(6) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF HOMELAND SECURITY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

**(5) (7) THE DIRECTOR OF THE MARYLAND COORDINATION AND ANALYSIS CENTER, OR THE DIRECTOR'S DESIGNEE;**

**(5) (6) (8) THE EXECUTIVE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT AGENCY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

**(6) (7) (9) THE EXECUTIVE DIRECTOR OF THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

**(7) (8) (10) THE CHAIR OF THE TECH COUNCIL OF MARYLAND, OR THE CHAIR'S DESIGNEE;**

**(8) (9) (11) THE PRESIDENT OF THE FORT MEADE ALLIANCE, OR THE PRESIDENT'S DESIGNEE;**

**(10) (12) THE PRESIDENT OF THE ARMY ALLIANCE, OR THE PRESIDENT'S DESIGNEE; AND**

**(9) (11) (13) THE FOLLOWING MEMBERS APPOINTED BY THE ATTORNEY GENERAL:**

**(I) FIVE REPRESENTATIVES OF CYBERSECURITY COMPANIES LOCATED IN THE STATE, WITH AT LEAST THREE REPRESENTING CYBERSECURITY COMPANIES WITH 50 OR FEWER EMPLOYEES;**

**(II) FOUR REPRESENTATIVES FROM STATEWIDE OR REGIONAL BUSINESS ASSOCIATIONS;**

**(III) ~~SIX~~ UP TO TEN REPRESENTATIVES FROM INSTITUTIONS OF HIGHER EDUCATION LOCATED IN THE STATE;**

**(IV) ONE REPRESENTATIVE OF A CRIME VICTIMS ORGANIZATION;**

(V) FOUR REPRESENTATIVES FROM INDUSTRIES THAT MAY BE SUSCEPTIBLE TO ATTACKS ON CYBERSECURITY, INCLUDING AT LEAST ONE REPRESENTATIVE OF A BANK, WHETHER OR NOT STATE-CHARTERED, THAT HAS A BRANCH IN THE STATE; AND

(VI) TWO REPRESENTATIVES OF ORGANIZATIONS THAT HAVE EXPERTISE IN ELECTRONIC HEALTH CARE RECORDS; AND

(VII) ANY OTHER STAKEHOLDER THAT THE ATTORNEY GENERAL DETERMINES APPROPRIATE.

(D) THE PRESIDENT OF THE SENATE MAY APPOINT UP TO TWO MEMBERS OF THE SENATE TO SERVE ON THE COUNCIL.

(E) THE SPEAKER OF THE HOUSE OF DELEGATES MAY APPOINT UP TO TWO MEMBERS OF THE HOUSE TO SERVE ON COUNCIL.

(F) THE ATTORNEY GENERAL ALSO SHALL INVITE, AS APPROPRIATE, THE FOLLOWING REPRESENTATIVES OF FEDERAL AGENCIES TO SERVE ON THE COUNCIL:

(1) THE DIRECTOR OF THE NATIONAL SECURITY AGENCY, OR THE DIRECTOR'S DESIGNEE;

(2) THE SECRETARY OF HOMELAND SECURITY, OR THE SECRETARY'S DESIGNEE;

(3) THE DIRECTOR OF THE DEFENSE INFORMATION SYSTEMS AGENCY, OR THE DIRECTOR'S DESIGNEE; ~~AND~~

(4) THE DIRECTOR OF THE INTELLIGENCE ADVANCED RESEARCH PROJECTS ACTIVITY, OR THE DIRECTOR'S DESIGNEE; AND

(5) ANY OTHER FEDERAL AGENCY THAT THE ATTORNEY GENERAL DETERMINES APPROPRIATE.

(G) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE, SHALL CHAIR THE COUNCIL.

(H) THE UNIVERSITY OF MARYLAND, UNIVERSITY COLLEGE SHALL PROVIDE STAFF FOR THE COUNCIL.

(I) A MEMBER OF THE COUNCIL:

**(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT**

**(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

**(J) THE COUNCIL SHALL WORK WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND OTHER FEDERAL AGENCIES, PRIVATE SECTOR BUSINESSES, AND PRIVATE CYBERSECURITY EXPERTS TO:**

**(1) FOR CRITICAL INFRASTRUCTURE NOT COVERED BY FEDERAL LAW OR THE EXECUTIVE ORDER, REVIEW AND CONDUCT RISK ASSESSMENTS TO DETERMINE WHICH LOCAL INFRASTRUCTURE SECTORS ARE AT THE GREATEST RISK OF CYBER ATTACKS AND NEED THE MOST ENHANCED CYBERSECURITY MEASURES;**

**(2) USE FEDERAL GUIDANCE TO IDENTIFY CATEGORIES OF CRITICAL INFRASTRUCTURE AS CRITICAL CYBER INFRASTRUCTURE IF CYBER DAMAGE OR UNAUTHORIZED CYBER ACCESS TO THE INFRASTRUCTURE COULD REASONABLY RESULT IN CATASTROPHIC CONSEQUENCES, INCLUDING:**

**(I) INTERRUPTION IN THE PROVISION OF ENERGY, WATER, TRANSPORTATION, EMERGENCY SERVICES, FOOD, OR OTHER LIFE-SUSTAINING SERVICES SUFFICIENT TO CAUSE A MASS CASUALTY EVENT OR MASS EVACUATIONS;**

**(II) CATASTROPHIC ECONOMIC DAMAGE; OR**

**(III) SEVERE DEGRADATION OF STATE OR NATIONAL SECURITY;**

**(3) ASSIST INFRASTRUCTURE ENTITIES THAT ARE NOT COVERED BY THE EXECUTIVE ORDER IN COMPLYING WITH FEDERAL CYBERSECURITY GUIDANCE;**

**(4) ASSIST PRIVATE SECTOR CYBERSECURITY BUSINESSES IN ADOPTING, ADAPTING, AND IMPLEMENTING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK OF STANDARDS AND PRACTICES;**

**(5) EXAMINE INCONSISTENCIES BETWEEN STATE AND FEDERAL LAWS REGARDING CYBERSECURITY;**

**(6) RECOMMENDED A COMPREHENSIVE STATE STRATEGIC PLAN TO ENSURE A COORDINATED AND ADAPTABLE RESPONSE TO AND RECOVERY FROM CYBERSECURITY ATTACKS; AND**

(7) RECOMMEND ANY LEGISLATIVE CHANGES CONSIDERED NECESSARY BY THE COUNCIL TO ADDRESS CYBERSECURITY ISSUES.

(K) BEGINNING JULY 1, 2017, AND EVERY 2 YEARS THEREAFTER, THE COUNCIL SHALL SUBMIT A REPORT OF ITS ACTIVITIES TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2016, the Maryland Cybersecurity Council established under Section 1 of this Act shall submit a report of its initial activities to the General Assembly in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 359

(Senate Bill 546)

AN ACT concerning

### Civil Actions – Immunity From Liability – Emergency Medical Care for Drug Overdose

FOR the purpose of providing immunity from civil liability for a certain person administering *certain* medications or treatment in response to an apparent drug overdose if the person is ~~trained and certified~~ *licensed or certified as an emergency medical services provider by the State Emergency Medical Services Board and is authorized to administer the medications and treatment under certain protocols, or is certified to administer the medications and treatment* under certain protocols established by the Secretary of Health and Mental Hygiene *or the Maryland State Police Medical Director*; extending immunity under this Act to a corporation under certain circumstances; providing for the application of this Act; and generally relating to civil liability for acts or omissions in giving emergency medical care.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5-603  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 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**

5–603.

(a) A person described in subsection (b) of this section is not civilly liable for any act or omission in giving any assistance or medical care, if:

(1) The act or omission is not one of gross negligence;

(2) The assistance or medical care is provided without fee or other compensation; and

(3) The assistance or medical care is provided:

(i) At the scene of an emergency;

(ii) In transit to a medical facility; or

(iii) Through communications with personnel providing emergency assistance.

(b) Subsection (a) of this section applies to the following:

(1) An individual who is licensed by this State to provide medical care;

(2) A member of any State, county, municipal, or volunteer fire department, ambulance and rescue squad, or law enforcement agency, the National Ski Patrol System, or a corporate fire department responding to a call outside of its corporate premises, if the member:

(i) Has completed an American Red Cross course in advanced first aid and has a current card showing that status;

(ii) Has completed an equivalent of an American Red Cross course in advanced first aid, as determined by the Secretary of Health and Mental Hygiene; ~~or~~

(iii) Is certified or licensed by this State as an emergency medical services provider; OR

**(IV) IS ADMINISTERING MEDICATIONS OR TREATMENT APPROVED FOR USE IN RESPONSE TO AN APPARENT DRUG OVERDOSE AND THE MEMBER IS:**

1. LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER BY THE STATE EMERGENCY MEDICAL SERVICES BOARD AND AUTHORIZED TO ADMINISTER THE MEDICATIONS AND TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE STATE EMERGENCY MEDICAL SERVICES BOARD;

2. CERTIFIED TO ADMINISTER THE MEDICATIONS AND TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; OR

3. CERTIFIED TO ADMINISTER THE MEDICATIONS AND TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE MARYLAND STATE POLICE MEDICAL DIRECTOR;

~~(3) A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT AGENCY, OR A CORPORATE FIRE DEPARTMENT ADMINISTERING MEDICATIONS OR TREATMENT IN RESPONSE TO AN APPARENT DRUG OVERDOSE IF THE MEMBER IS TRAINED AND CERTIFIED UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE TO ADMINISTER MEDICATIONS AND TREATMENT APPROVED FOR USE IN RESPONSE TO A DRUG OVERDOSE;~~

~~(4)~~ A volunteer fire department or ambulance and rescue squad whose members have immunity; and

~~[(4)] (5)~~ A corporation when its fire department personnel are immune under paragraph (2) ~~OR PARAGRAPH (3)~~ of this subsection.

(c) An individual who is not covered otherwise by this section is not civilly liable for any act or omission in providing assistance or medical aid to a victim at the scene of an emergency, if:

(1) The assistance or aid is provided in a reasonably prudent manner;

(2) The assistance or aid is provided without fee or other compensation;  
and

(3) The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available to take responsibility.

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, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 360

### (House Bill 368)

AN ACT concerning

#### **Civil Actions – Immunity From Liability – Emergency Medical Care for Drug Overdose**

FOR the purpose of providing immunity from civil liability for a certain person administering certain medications or treatment in response to an apparent drug overdose if the person is ~~trained and certified~~ licensed or certified as an emergency medical services provider by the State Emergency Medical Services Board and is authorized to administer the medications and treatment under certain protocols, or is certified to administer the medications and treatment under certain protocols established by the Secretary of Health and Mental Hygiene or the Maryland State Police Medical Director; extending immunity under this Act to a corporation under certain circumstances; providing for the application of this Act; and generally relating to civil liability for acts or omissions in giving emergency medical care.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–603  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 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**

5–603.

(a) A person described in subsection (b) of this section is not civilly liable for any act or omission in giving any assistance or medical care, if:

(1) The act or omission is not one of gross negligence;

(2) The assistance or medical care is provided without fee or other compensation; and

(3) The assistance or medical care is provided:

- (i) At the scene of an emergency;
- (ii) In transit to a medical facility; or
- (iii) Through communications with personnel providing emergency

assistance.

(b) Subsection (a) of this section applies to the following:

(1) An individual who is licensed by this State to provide medical care;

(2) A member of any State, county, municipal, or volunteer fire department, ambulance and rescue squad, or law enforcement agency, the National Ski Patrol System, or a corporate fire department responding to a call outside of its corporate premises, if the member:

(i) Has completed an American Red Cross course in advanced first aid and has a current card showing that status;

(ii) Has completed an equivalent of an American Red Cross course in advanced first aid, as determined by the Secretary of Health and Mental Hygiene; ~~or~~

(iii) Is certified or licensed by this State as an emergency medical services provider; OR

**(IV) IS ADMINISTERING MEDICATIONS OR TREATMENT APPROVED FOR USE IN RESPONSE TO AN APPARENT DRUG OVERDOSE AND THE MEMBER IS:**

**1. LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER BY THE STATE EMERGENCY MEDICAL SERVICES BOARD AND AUTHORIZED TO ADMINISTER THE MEDICATIONS AND TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE STATE EMERGENCY MEDICAL SERVICES BOARD;**

**2. CERTIFIED TO ADMINISTER THE MEDICATIONS AND TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; OR**

**3. CERTIFIED TO ADMINISTER THE MEDICATIONS AND TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE MARYLAND STATE POLICE MEDICAL DIRECTOR;**

~~(3) A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT AGENCY, OR A CORPORATE FIRE DEPARTMENT ADMINISTERING MEDICATIONS OR TREATMENT IN RESPONSE TO AN APPARENT DRUG OVERDOSE, IF THE MEMBER IS TRAINED AND CERTIFIED UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE TO ADMINISTER MEDICATIONS AND TREATMENT APPROVED FOR USE IN RESPONSE TO A DRUG OVERDOSE;~~

~~(4)~~ A volunteer fire department or ambulance and rescue squad whose members have immunity; and

~~[(4)] (5)~~ A corporation when its fire department personnel are immune under paragraph (2) ~~OR PARAGRAPH (3)~~ of this subsection.

(c) An individual who is not covered otherwise by this section is not civilly liable for any act or omission in providing assistance or medical aid to a victim at the scene of an emergency, if:

(1) The assistance or aid is provided in a reasonably prudent manner;

(2) The assistance or aid is provided without fee or other compensation;

and

(3) The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available to take responsibility.

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, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 361

(Senate Bill 549)

AN ACT concerning

**Criminal Law – Identity Fraud – Name of the Individual**

FOR the purpose of repealing, for purposes of a certain provision of law prohibiting a person from knowingly, willfully, and with fraudulent intent, possessing, obtaining, or helping another to possess or obtain personal identifying information for certain purposes, a certain limitation that a certain benefit, credit, good, service, thing of value, health information, or health care be obtained or accessed in the name of an individual; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 8–301(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Law**

8–301.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care [in the name of the individual].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 362**

**(Senate Bill 554)**

AN ACT concerning

**Insurance – Reinsurers – Fees**

FOR the purpose of establishing a certain fee that must be paid to the Maryland Insurance Commissioner for filing the annual statement by an unauthorized insurer applying for approval to become a certified reinsurer; correcting a certain obsolete reference; repealing a certain erroneous reference to an accepted insurer; making a conforming change; and generally relating to fees payable by unauthorized insurers.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 2–112(a)(8)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article – Insurance**

2–112.

(a) Fees for the following certificates, licenses, permits, and services shall be collected in advance by the Commissioner, and shall be paid by the appropriate persons, including health maintenance organizations, to the Commissioner:

(8) fees for filing the annual statement by an unauthorized insurer [applying for approval to become an accepted insurer or] applying for approval to become an [accepted] ACCREDITED reinsurer, A CERTIFIED REINSURER, or A surplus lines carrier [or both].....\$1,000

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 363**

**(Senate Bill 556)**

AN ACT concerning

**Health Insurance – *Selection of State Benchmark Plan and Required Conformity With Federal Law***

FOR the purpose of providing that certain requirements of the federal Patient Protection and Affordable Care Act relating to prescription drug benefits apply to certain coverage offered in certain markets; repealing a certain provision of law providing for the applicability of a certain limitation on certain deductibles for certain health insurance coverage; altering certain provisions of law relating to the provision of benefits for the diagnosis and treatment of a mental illness, an emotional disorder, a drug abuse disorder, or an alcohol abuse disorder to conform to the requirements of the federal Mental Health Parity and Addiction Equity Act; applying the

provisions to health maintenance organizations and repealing certain duplicative provisions of law; ~~requiring certain insurers, nonprofit health service plans, and health maintenance organizations to have procedures in place for certain individuals to request an expedited review of a request for coverage of a nonformulary drug or device based on a certain exigent circumstance; requiring the insurers, nonprofit health service plans, and health maintenance organizations to notify certain individuals about the determination made about the request within a certain period of time and, under certain circumstances, to provide coverage of the nonformulary drug or device;~~ altering the definitions of “full-time employee” and “health benefit plan” for purposes of certain provisions of law governing the small group health insurance market; altering the circumstances under which certain health benefit plans are required to allow certain individuals to enroll for certain coverage; altering the circumstances under which a triggering event occurs for an employee or a dependent of an employee covered under a small group health benefit plan; altering the definition of “health benefit plan” and defining the term “grandfathered health plan coverage” for purposes of certain provisions of law governing the individual health insurance market; establishing the circumstances under which a carrier may make a certain uniform modification of coverage for a certain product offered by the carrier in the small group, individual, and large group health insurance markets; establishing the circumstances under which a certain plan that has been modified is considered to be the same plan; repealing certain provisions of law relating to the certification of creditable coverage and the determination and establishment of a period of creditable coverage; repealing a certain provision of law relating to rating certain policy forms; altering the beginning and ending dates of the annual open enrollment period in the individual health insurance market for certain years; establishing and altering certain effective dates of coverage for individuals who enroll in individual health benefit plans during certain open enrollment periods; ~~altering the length of the special open enrollment period that a carrier in the individual health insurance market must~~ requiring certain carriers to provide for each individual who experiences a triggering event and the circumstances under which a triggering event occurs certain special enrollment periods; providing that a carrier that offers certain student health plans in the individual health insurance market is not required to take certain actions relating to the plans; providing that a student health plan is not subject to the requirement of a certain risk pool; providing that a student administrative health fee is not considered a cost-sharing requirement with respect to certain services; altering the definition of “health benefit plan” for purposes of certain provisions of law governing the large group health insurance market; altering a certain exception to a requirement relating to the renewal of health benefit plans offered in the large group health insurance market; altering certain limitations on the cancellation or refusal to renew certain health benefit plans; altering the definitions of “full-time employee” and “health benefit plan” and defining the term “minimum essential coverage” for purposes of certain provisions of law governing the Maryland Health Benefit Exchange; altering the process for selection of the State benchmark plan used to establish certain essential health benefits; requiring the Maryland Insurance Commissioner, in consultation with the Exchange, and instead of the Maryland Health Care Reform Coordinating Council, to select the State benchmark plan; requiring the Commissioner to submit a



*report to certain legislative committees advising the committees of certain information; altering and repealing certain definitions; defining certain terms; making certain conforming changes; making this Act an emergency measure; and generally relating to health insurance and implementation of and required conformity with federal law.*

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15-137.1, 15-802, 15-831, 15-10A-01(b)(1), 15-1201(h) and (i), 15-1208.1(c), 15-1208.2, 15-1212, 15-1301, 15-1309, 15-1316, 15-1401, 15-1408, 15-1409, 27-210(h), ~~and 31-101(e-1) and (g)~~ 31-101(e-1), (g), and (z)(1), and 31-116(c) and (d)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing

Article – Insurance

Section 15-1310, 15-1311, 15-1312, 15-1403, 15-1404, ~~and~~ 15-1405, and 31-116(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Insurance

Section 15-1318 ~~and~~, 31-101(o-1) and (o-2), and 31-116(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

*BY repealing and reenacting, without amendments,*

*Article – Insurance*

*Section 31-116(a) and (b)*

*Annotated Code of Maryland*

*(2011 Replacement Volume and 2014 Supplement)*

BY repealing

Article – Health – General

Section 19-703.1

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

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

### Article – Insurance

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; [and]
- (20) guaranteed availability of coverage; AND

**(21) PRESCRIPTION DRUG BENEFIT REQUIREMENTS.**

(b) [The annual limitation on deductibles for the employer-sponsored plans provision of Title I, Subtitle D of the Affordable Care Act applies to health insurance coverage offered in the small group market, as 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.]

(c) [The provisions of [subsections (a) and (b)] SUBSECTION (A) of this section do not apply to coverage for excepted benefits, as defined in 45 C.F.R. § 146.145(c).]

[(d) (C) The Commissioner may enforce this section under any applicable provisions of this article.]

15-802.

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

(2) “Alcohol abuse” has the meaning stated in § 8-101 of the Health – General Article.

(3) “Drug abuse” has the meaning stated in § 8-101 of the Health – General Article.

(4) **“GRANDFATHERED HEALTH PLAN COVERAGE” HAS THE MEANING STATED IN 45 C.F.R. § 147.140.**

**[(4) (5) “Health benefit plan”:**

**(I) FOR A GROUP OR BLANKET PLAN, has the meaning stated in § 15-1401 of this title; AND**

**(II) FOR AN INDIVIDUAL PLAN, HAS THE MEANING STATED IN § 15-1301 OF THIS TITLE.**

**[(5) “Large employer” means an employer that has more than 50 employees and is not a small employer.]**

(6) “Managed care system” means a system of cost containment methods that a carrier uses to review and preauthorize a treatment plan developed by a health care provider for a covered individual in order to control utilization, quality, and claims.

(7) “Partial hospitalization” means the provision of medically directed intensive or intermediate short-term treatment:

- (i) to an insured, subscriber, or member;
- (ii) in a licensed or certified facility or program;
- (iii) for mental illness, emotional disorders, drug abuse, or alcohol abuse; and
- (iv) for a period of less than 24 hours but more than 4 hours in a day.

(8) “Small employer” [means an employer that:

(i) employed an average of at least two, but not more than 50 employees on business days during the preceding calendar year; and

(ii) employs at least two employees on the first day of the plan year] **HAS THE MEANING STATED IN § 31–101 OF THIS ARTICLE.**

(b) **[This] WITH THE EXCEPTION OF SMALL EMPLOYER GRANDFATHERED HEALTH PLAN COVERAGE, THIS** section applies to each [health insurance policy or contract] **INDIVIDUAL, GROUP, AND BLANKET HEALTH BENEFIT PLAN** that is delivered or issued for delivery in the State [to an employer or individual on a group or individual basis and that provides coverage on an expense-incurred basis] **BY AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION.**

(c) A [policy or contract] **HEALTH BENEFIT PLAN** subject to this section [may not discriminate against] **SHALL PROVIDE AT LEAST THE FOLLOWING BENEFITS FOR THE DIAGNOSIS AND TREATMENT OF** [an individual with] a mental illness, emotional disorder, drug abuse disorder, or alcohol abuse disorder [by failing to provide benefits for the diagnosis and treatment of these illnesses under the same terms and conditions that apply under the policy or contract for the diagnosis and treatment of physical illnesses.

(d) It is not discriminatory under subsection (c) of this section if at least the following benefits are provided]:

(1) [with respect to] inpatient benefits for services provided in a licensed or certified facility, including hospital inpatient benefits[, the total number of days for which benefits are payable and the terms and conditions that apply to those benefits are at least equal to those that apply to the benefits available under the policy or contract for physical illnesses];

(2) [except as provided in item (3) of this subsection and subject to subsection (g) of this section, with respect to benefits for partial hospitalization, at least 60 days of partial hospitalization are covered under the same terms and conditions that apply to the benefits available under the policy or contract for physical illnesses;

(3) for group contracts covering employees of one or more large employers, with respect to benefits for] partial hospitalization [for the treatment of mental illness, emotional disorders, drug abuse, and alcohol abuse, the greater of:

(i) the same benefits payable under the contract for partial hospitalization for physical illness; or

(ii) at least 60 days of partial hospitalization covered under the same terms and conditions that apply to outpatient treatment of physical illnesses] **BENEFITS**;

[(4) except as provided in item (5) of this subsection, with respect to outpatient coverage, other than for inpatient or partial hospitalization services, benefits for covered expenses arising from services, including psychological and neuropsychological testing for diagnostic purposes, provided to treat mental illnesses, emotional disorders, drug abuse, or alcohol abuse are at a rate that, after the applicable deductible, is not less than:

(i) 80% for the first five visits in a calendar year or benefit period of not more than 12 months;

(ii) 65% for the 6th through 30th visit in a calendar year or benefit period of not more than 12 months; and

(iii) 50% for the 31st visit and any subsequent visit in a calendar year or benefit period of not more than 12 months;] and

[(5) (3) [for group contracts covering employees of one or more large employers, benefits for covered] outpatient [expenses arising from services] **BENEFITS**, including all office visits and psychological and neuropsychological testing for diagnostic purposes[, provided to treat mental illnesses, emotional disorders, drug abuse, or alcohol abuse are covered under the same terms and conditions that apply to similar benefits available under the contract for physical illnesses].

[(e) (D) (1) The benefits under this section are required only for expenses arising from the treatment of mental illnesses, emotional disorders, drug abuse, or alcohol abuse if, in the professional judgment of health care providers:

(i) the mental illness, emotional disorder, drug abuse, or alcohol abuse is treatable; and

(ii) the treatment is medically necessary.

(2) The benefits required under this section:

(i) shall be provided as one set of benefits covering mental illnesses, emotional disorders, drug abuse, and alcohol abuse;

(ii) shall [have the same terms and conditions as the benefits for physical illnesses covered under the policy or contract subject to this section, except as specifically provided in this section] **COMPLY WITH 45 C.F.R. § 146.136 (A) THROUGH (D)**; [and]

(iii) subject to paragraph (3) of this subsection, may be delivered under a managed care system; **AND**

**(IV) FOR PARTIAL HOSPITALIZATION UNDER SUBSECTION (C)(2) OF THIS SECTION, MAY NOT BE LESS THAN 60 DAYS.**

(3) [For group contracts covering employees of one or more large employers, the] **THE** benefits required under this section may be delivered under a managed care system only if the benefits for physical illnesses covered under the [contract] **HEALTH BENEFIT PLAN** are delivered under a managed care system.

(4) [For group contracts covering employees of one or more large employers, the] **THE** processes, strategies, evidentiary standards, or other factors used to manage the benefits required under this section must be comparable as written and in operation to, and applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used to manage the benefits for physical illnesses covered under the [contract] **HEALTH BENEFIT PLAN**.

**[(5) Except for the coinsurance requirements under subsection (d)(4) of this section, a policy or contract subject to this section may not have:**

(i) separate lifetime maximums for physical illnesses and illnesses covered under this section;

(ii) separate deductibles and coinsurance amounts for physical illnesses and illnesses covered under this section; or

(iii) separate out-of-pocket limits in a benefit period of not more than 12 months for physical illnesses and illnesses covered under this section.

(6) (i) Subject to subparagraph (ii) of this paragraph, any copayments required under a policy or contract subject to this section for benefits for illnesses covered under this section shall be:

1. actuarially equivalent to any coinsurance requirements under this section; or

2. if there are no coinsurance requirements, not greater than any copayment required under the policy or contract for a benefit for a physical illness.

(ii) **(5)** An insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** may not charge a copayment **FOR METHADONE MAINTENANCE TREATMENT** that is greater than 50% of the daily cost for methadone maintenance treatment.

**[(f)** An office visit to a physician or other health care provider for medication management:

(1) may not be counted against the number of visits required to be covered as a part of the benefits required under subsection (d)(4) of this section; and

(2) shall be reimbursed under the same terms and conditions as an office visit for a physical illness covered under the policy or contract subject to this section.

**(g)** This section does not prohibit exceeding the minimum benefits required under subsection (d)(2) or (3) of this section for any partial hospitalization day that is medically necessary and would serve to prevent inpatient hospitalization.

**(h) (E)** An entity that issues or delivers a [policy or contract] **HEALTH BENEFIT PLAN** subject to this section shall provide on its Web site and annually in print to its insureds **OR MEMBERS**:

(1) notice about the benefits required under this section and[, if applicable to the policy or contract of the insured,] the federal Mental Health Parity and Addiction Equity Act; and

(2) notice that the insured **OR MEMBER** may contact the Administration for further information about the benefits.

**[(i) (F)** An entity that issues or delivers a [policy or contract] **HEALTH BENEFIT PLAN** subject to this section shall:

(1) post a release of information authorization form on its Web site; and

(2) provide a release of information authorization form by standard mail within 10 business days after a request for the form is received.

15-831.

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

(2) “Authorized prescriber” has the meaning stated in § 12-101 of the Health Occupations Article.

~~**(3) “EXIGENT CIRCUMSTANCE” MEANS A CIRCUMSTANCE IN WHICH:**~~

~~(I) A MEMBER IS SUFFERING FROM A HEALTH CONDITION THAT MAY SERIOUSLY JEOPARDIZE THE MEMBER'S LIFE, HEALTH, OR ABILITY TO REGAIN MAXIMUM FUNCTION; OR~~

~~(II) A MEMBER IS UNDERGOING A CURRENT COURSE OF TREATMENT USING A NONFORMULARY DRUG.~~

~~{(3)}~~ (4) “Formulary” means a list of prescription drugs or devices that are covered by an entity subject to this section.

~~{(4)}~~ (5) (i) “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.

(ii) “Member” includes a subscriber.

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs and devices under **INDIVIDUAL, GROUP, OR BLANKET** 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 **INDIVIDUAL OR GROUP** contracts that are issued or delivered in the State.

(2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy benefit manager is subject to the requirements of this section.

(3) This section does not apply to a managed care organization as defined in § 15–101 of the Health – General Article.

(c) Each entity subject to this section that limits its coverage of prescription drugs or devices to those in a formulary shall establish and implement a procedure by which a member may receive a prescription drug or device that is not in the entity’s formulary in accordance with this section.

(d) The procedure shall provide for coverage for a prescription drug or device that is not in the formulary if, in the judgment of the authorized prescriber:

(1) there is no equivalent prescription drug or device in the entity’s formulary; or

(2) an equivalent prescription drug or device in the entity’s formulary:



(i) has been ineffective in treating the disease or condition of the member; or

(ii) has caused or is likely to cause an adverse reaction or other harm to the member.

(e) A decision by an entity subject to this section not to provide access to or coverage of a prescription drug or device in accordance with this section constitutes an adverse decision as defined under Subtitle 10A of this title if the decision is based on a finding that the proposed drug or device is not medically necessary, appropriate, or efficient.

~~(F) AN ENTITY SUBJECT TO THIS SECTION SHALL:~~

~~(1) HAVE PROCEDURES IN PLACE FOR A MEMBER, THE MEMBER'S DESIGNEE, OR THE MEMBER'S AUTHORIZED PRESCRIBER TO REQUEST AN EXPEDITED REVIEW OF A REQUEST FOR COVERAGE OF A NONFORMULARY DRUG OR DEVICE BASED ON AN EXIGENT CIRCUMSTANCE; AND~~

~~(2) WITHIN 24 HOURS AFTER IT RECEIVES AN EXPEDITED REVIEW REQUEST BASED ON AN EXIGENT CIRCUMSTANCE, NOTIFY THE FOLLOWING OF THE ENTITY'S DETERMINATION ABOUT THE REQUEST:~~

~~(I) THE MEMBER OR THE MEMBER'S DESIGNEE; AND~~

~~(II) THE MEMBER'S AUTHORIZED PRESCRIBER.~~

~~(G) AN ENTITY SUBJECT TO THIS SECTION THAT GRANTS AN EXCEPTION BASED ON AN EXIGENT CIRCUMSTANCE SHALL PROVIDE COVERAGE OF THE NONFORMULARY DRUG OR DEVICE FOR THE DURATION OF THE EXIGENCY.~~

15-10A-01.

(b) (1) "Adverse decision" means:

(i) a utilization review determination by a private review agent, a carrier, or a health care provider acting on behalf of a carrier that:

1. a proposed or delivered health care service covered under the member's contract is or was not medically necessary, appropriate, or efficient; and

2. may result in noncoverage of the health care service; or

(ii) a denial by a carrier of a request by a member for an alternative standard or a waiver of a standard to satisfy the requirements of a [bona fide] wellness program under § 15-509 of this title.

15–1201.

(h) (1) “Full-time employee” means, WITH RESPECT TO A CALENDAR MONTH, an employee of a small employer who works, on average, at least 30 hours per week.

(2) ~~“FULL-TIME EMPLOYEE” DOES NOT INCLUDE A SEASONAL EMPLOYEE UNLESS THE EMPLOYEE WORKS FOR THE EMPLOYER ON MORE THAN 120 DAYS DURING THE TAXABLE YEAR AS DEFINED IN FEDERAL LAW.~~

(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) fixed indemnity insurance;]

[(iii)] **(II)** credit health insurance;

[(iv) Medicare supplement policies;

(v) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement policies;

(vi) long-term care insurance;]

- [(vii)] (III) disability income insurance;
- [(viii)] (IV) coverage issued as a supplement to liability insurance;
- [(ix)] (V) workers' compensation or similar insurance;
- [(x)] disease-specific insurance;
- (xi) (VI) automobile medical payment insurance[;
- (xii) dental insurance; or
- (xiii) vision 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.

15-1208.1.

(c) All small employer health benefit plans shall provide a special enrollment period during which the following individuals may be enrolled under the health benefit plan:

(1) an individual who becomes a dependent of the eligible employee through marriage, birth, adoption, placement for adoption, or placement for foster care;

(2) an eligible employee who acquires a new dependent through marriage, birth, adoption, placement for adoption, [or] placement for foster care, OR THROUGH A CHILD SUPPORT ORDER OR OTHER COURT ORDER; [and]

(3) the spouse of an eligible employee at the birth or adoption of a child, [or] placement of a child for foster care, OR THROUGH A CHILD SUPPORT ORDER OR OTHER COURT ORDER, provided the spouse is otherwise eligible for coverage; AND

(4) AT THE OPTION OF THE SHOP EXCHANGE, AN ENROLLEE WHO IS THE ELIGIBLE EMPLOYEE OR THE SPOUSE OF THE ELIGIBLE EMPLOYEE, IF:

(I) THE ENROLLEE LOSES A DEPENDENT OR IS NO LONGER CONSIDERED TO BE A DEPENDENT DUE TO DIVORCE OR LEGAL SEPARATION; OR

(II) THE EMPLOYEE OR THE EMPLOYEE'S DEPENDENT DIES.

15-1208.2.

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

(2) "Dependent" means an individual who is or who may become eligible for coverage under the terms of a health benefit plan because of a relationship with an eligible employee.

(3) "Qualifying coverage in an eligible employer-sponsored plan" has the meaning stated in 45 C.F.R. § 155.300.

(b) (1) A carrier shall establish a standardized annual open enrollment period of at least 30 days for each small employer.

(2) The annual open enrollment period shall occur before the end of the small employer's plan year.

(3) During the annual open enrollment period, each eligible employee of the small employer shall be permitted to:

(i) enroll in a health benefit plan offered by the small employer;

(ii) discontinue enrollment in a health benefit plan offered by the small employer; or

(iii) change enrollment from one health benefit plan offered by the small employer to a different health benefit plan offered by the small employer.

(c) A carrier shall provide an open enrollment period of at least 30 days for each employee who becomes an eligible employee outside the initial or annual open enrollment period.

(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;**

[(ii)] (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; 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;

[(iii)] an eligible employee or a dependent is enrolled in an employer-sponsored health benefit plan that is not qualifying coverage in an eligible employer-sponsored plan and is allowed to terminate existing coverage;

(iv)] (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; ~~for~~

~~(VI) DUE TO THE MISCONDUCT ON THE PART OF A NON-EXCHANGE ENTITY PROVIDING ENROLLMENT ASSISTANCE OR CONDUCTING ENROLLMENT ACTIVITIES, AN ELIGIBLE EMPLOYEE OR A DEPENDENT:~~

~~1. WAS NOT ENROLLED IN A QUALIFIED HEALTH PLAN;~~

~~2. WAS NOT ENROLLED IN THE QUALIFIED HEALTH PLAN SELECTED BY THE ELIGIBLE EMPLOYEE; OR~~

~~3. IS NOT RECEIVING ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT OR COST SHARING REDUCTIONS; OR~~

~~(v)] (VII) 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.

(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;

~~[(i)] (II)~~ failure to pay premiums on a timely basis, including COBRA premiums prior to expiration of COBRA coverage; or

~~[(ii)] (III)~~ a rescission authorized under 45 C.F.R. § 147.128.

~~[(6)]~~ If an eligible employee or a dependent meets the requirements for the triggering event described in paragraph (4)(iii) of this subsection, the open enrollment period shall:

(i) apply only to health benefit plans offered by the carrier in the SHOP Exchange; and

(ii) begin at least 60 days before the end of the eligible employee's or dependent's coverage under the employer-sponsored plan.]

**(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)(v)1] ~~(4)(VII)1~~ (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)(v)2] ~~(4)(VII)2~~ (4)(VI)2 of this subsection, the eligible employee 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)(iv)] ~~(4)(V)~~ of this subsection shall have 60 days from the triggering event to select a health benefit plan.

(e) If an individual enrolls for coverage during one of the open enrollment periods described in this section, coverage shall be effective in accordance with the requirements in 45 C.F.R. § 155.420.

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 ~~METAL TIER LEVEL, AS DESCRIBED IN § 1302(D) AND (E) OF THE AFFORDABLE CARE ACT~~**



**PARTICULAR COST-SHARING STRUCTURE, PROVIDER NETWORK, AND SERVICE AREA.**

**(3) (I) “PRODUCT” MEANS A DISCRETE PACKAGE OF HEALTH BENEFITS THAT A CARRIER OFFERS 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.**

**(B) CHANGES IN BENEFITS MADE IN ACCORDANCE WITH FEDERAL OR STATE REQUIREMENTS ARE NOT SUBJECT TO THE PLUS OR MINUS 2 PERCENTAGE POINTS REFERENCED IN SUBSECTION (A)(4)(II)5 OF THIS SECTION.**

**(C) THE COMBINATION OF ALL PLANS OFFERED WITH A PRODUCT CONSTITUTES THE TOTAL SERVICE AREA OF THE PRODUCT.**

**(D) (1) WITH RESPECT TO A PLAN THAT HAS BEEN MODIFIED AT THE TIME OF COVERAGE RENEWAL CONSISTENT WITH THIS SECTION, THE PLAN SHALL BE CONSIDERED TO BE THE SAME PLAN IF:**

**(I) 1. THE PLAN HAS THE SAME COST-SHARING STRUCTURE AS BEFORE THE MODIFICATION; OR**

**2. ANY VARIATION IN COST SHARING:**

**A. IS SOLELY RELATED TO CHANGES IN COST OR UTILIZATION OF MEDICAL CARE; OR**

**B. IS TO MAINTAIN THE SAME METAL LEVEL DESCRIBED IN § 1302(D) AND (E) OF THE AFFORDABLE CARE ACT;**

**(II) THE PLAN CONTINUES TO COVER A MAJORITY OF THE SAME SERVICE AREA; AND**

**(III) THE PLAN CONTINUES TO COVER A MAJORITY OF THE SAME PROVIDER NETWORK.**

**(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE PLAN SHALL BE CONSIDERED TO BE THE SAME PLAN TO THE EXTENT THAT THE MODIFICATIONS ARE:**

**(I) MADE UNIFORMLY AND SOLELY AS A RESULT OF A FEDERAL OR STATE REQUIREMENT;**

**(II) MADE WITHIN A REASONABLE TIME PERIOD AFTER THE IMPOSITION OR MODIFICATION OF THE FEDERAL OR STATE REQUIREMENT; AND**

**(III) DIRECTLY RELATED TO THE IMPOSITION OR MODIFICATION OF THE FEDERAL OR STATE REQUIREMENT.**

~~[(a)] ~~(D)~~ (E)~~ (1) Except as provided in subsections [(b), (c), and (d)] ~~(E), (F), AND (G)~~ **(F), (G), AND (H)** of this section, a carrier shall renew a health benefit plan at the option of the small employer.

(2) On renewal, a carrier may not exclude eligible employees or dependents from a health benefit plan.

(3) (i) A carrier shall mail a notice of renewal to the small employer at least ~~[45]~~ **60** days before the expiration of a health benefit plan.

(ii) The notice of renewal shall include the dates of the renewal period, the health benefit plan rates, and the terms of coverage under the health benefit plan.

(4) Policies or certificates for hospital or medical benefits issued through a professional employer organization, coemployer, or other organization under this subtitle may, with the consent of the carrier, have a common renewal date.

~~[(b)] ~~(E)~~ (F)~~ A carrier may cancel or refuse to renew a health benefit plan only:

- (1) for nonpayment of premiums;
- (2) for fraud or intentional misrepresentation of material fact by the small employer;
- (3) for noncompliance with a material plan provision relating to employer contributions or group participation rules;
- (4) when the carrier elects not to renew:
  - (i) all of its health benefit plans that are issued to small employers in the State; or
  - (ii) the particular [health benefit plan] **PRODUCT** for all small employers in the State; or
- (5) in the case of a health maintenance organization, where there is no longer any enrollee who lives, resides, or works in the health maintenance organization's approved service area, **PROVIDED NOTICE OF THE TERMINATION IS PROVIDED TO EACH SMALL EMPLOYER AND TO EACH EMPLOYEE COVERED UNDER THE HEALTH BENEFIT PLAN AT LEAST 90 CALENDAR DAYS BEFORE THE DATE COVERAGE WILL BE TERMINATED.**

~~[(c)] ~~(F)~~ (G)~~ When a carrier elects not to renew all health benefit plans in the State, the carrier:

(1) shall give notice of its decision to the affected small employers and the insurance regulatory authority of each state in which an eligible employee or dependent resides at least 180 days before the effective date of nonrenewal;

(2) shall give notice to the Commissioner at least 30 working days before giving the notice specified in item (1) of this subsection; and

(3) may not write new business for small employers in the State for a period of 5 years beginning on the date of notice to the Commissioner.

**[(d)] ~~(G)~~ (H)** When a carrier elects not to renew a particular **[health benefit plan] PRODUCT** for all small employers in the State, the carrier shall:

(1) provide notice of the nonrenewal at least 90 days before the date of the nonrenewal to:

(i) each affected:

1. small employer; and
2. enrolled employee; and

(ii) the Commissioner;

(2) offer to each affected small employer the option to purchase all other health benefit plans currently offered by the carrier in the small group market; and

(3) act uniformly without regard to the claims experience of any affected small employer, or any health status–related factor of any affected individual.

**[(e)] ~~(H)~~ (I)** Within 7 days after cancellation or nonrenewal of a health benefit plan, the carrier shall send to each enrolled employee written notice of its action.

**~~(H)~~ (J) A CARRIER MAY MAKE A UNIFORM MODIFICATION OF COVERAGE FOR A PRODUCT ONLY AT THE TIME OF RENEWAL OF THE HEALTH BENEFIT PLAN.**

15–1301.

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

(b) “Affiliation period” means a period of time beginning on the date of enrollment and not to exceed 2 months, or 3 months in the case of a late enrollee, during which a health maintenance organization does not collect premium, and coverage issued does not become effective.

(c) “Association” or “bona fide association” means an association that:

(1) has been actively in existence for at least 5 years;

(2) has been formed and maintained in good faith for purposes other than obtaining insurance and does not condition membership on the purchase of association-sponsored insurance;

(3) does not condition membership in the association on any health status-related factor relating to an individual, and states so clearly in all membership and application materials;

(4) makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to the members or individuals eligible for coverage and states so clearly in all membership and application materials;

(5) does not make health insurance coverage offered through the association available other than in connection with membership in the association, and states so clearly in all marketing and application materials; and

(6) provides and annually updates information necessary for the Commissioner to determine whether or not the association meets the definition of bona fide association before qualifying as an association under this subtitle.

(d) “Benefit year” means a calendar year in which a health benefit plan provides coverage for health benefits.

(e) “Carrier” means a person that is:

(1) an insurer that holds a certificate of authority in the State and provides health insurance in the State;

(2) a health maintenance organization that is licensed to operate in the State;

(3) a nonprofit health service plan that is licensed to operate in the State;  
or

(4) any other person or organization that provides health benefit plans subject to State insurance regulation.

(f) “Church plan” means a plan as defined under § 3(33) of the Employee Retirement Income Security Act of 1974.

[(g) (1) “Creditable coverage” means coverage of an individual under:

- (i) an employer sponsored plan;
- (ii) a health benefit plan;
- (iii) Part A or Part B of Title XVIII of the Social Security Act;
- (iv) Title XIX or Title XXI of the Social Security Act, other than coverage consisting solely of benefits under § 1928 of that Act;
- (v) Chapter 55 of Title 10 of the United States Code;
- (vi) a medical care program of the Indian Health Service or of a tribal organization;
- (vii) a State health benefits risk pool;
- (viii) a health plan offered under the Federal Employees Health Benefits Program (FEHBP), Title 5, Chapter 89 of the United States Code;
- (ix) a public health plan as defined by federal regulations authorized by the Public Health Service Act, § 2701(c)(1)(i), as amended by P.L. 104–191; or
- (x) a health benefit plan under § 5(e) of the Peace Corps Act, 22 U.S.C. 2504(e).

(2) A period of creditable coverage shall not be counted, with respect to enrollment of an individual under a health benefit plan or an employer sponsored plan, if, after such period and before the enrollment date, there was a 63–day period during all of which the individual was not covered under any creditable coverage.]

**[(h)] (G)** “Eligible individual” means an individual who applies for or is covered under an individual health benefit plan.

**[(i)] (H)** “Employer sponsored plan” means an employee welfare benefit plan that provides medical care to employees or their dependents, and is not subject to State regulation in accordance with the federal Employee Retirement Income Security Act of 1974.

**[(j)] (I)** “Enrollment date” means the date on which:

- (1) an individual enrolls in a health benefit plan; or
- (2) the first day of the waiting period before which the individual may enroll.

**[(k)] (J)** “Governmental plan” means a plan as defined in § 3(32) of the Employee Retirement Income Security Act of 1974 and any federal governmental plan.

**(K) “GRANDFATHERED HEALTH PLAN COVERAGE” HAS THE MEANING STATED IN 45 C.F.R. § 147.140.**

(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; **[and**

8. other similar insurance coverage, specified in federal regulations issued pursuant to P.L. 104–191, 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 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; [and

3. such other similar, limited benefits as are specified in federal regulations issued pursuant to P.L. 104-191;]

(iii) ~~the following benefits if offered as independent, noncoordinated benefits:~~

~~1.~~ coverage only for a specified disease or illness **IF OFFERED AS INDEPENDENT, NONCOORDINATED BENEFITS;** ~~and~~

~~2.~~ **(IV)** hospital indemnity or other fixed indemnity insurance **IF:**

**1. OFFERED AS INDEPENDENT, NONCOORDINATED BENEFITS;**

~~A.~~ **2. EXCEPT AS PROVIDED IN ITEM ~~D~~ 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;**

~~B.~~ **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;**

~~C.~~ **4. 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**

~~D.~~ **5. FOR HOSPITAL INDEMNITY OR OTHER FIXED INDEMNITY INSURANCE CONTRACTS ISSUED BEFORE JANUARY 1, 2015, THE**



~~INDIVIDUAL PROVIDES A WRITTEN ATTESTATION ON OR BEFORE OCTOBER 1, 2016, THAT THE INDIVIDUAL HAS OTHER HEALTH COVERAGE THAT IS MINIMUM ESSENTIAL COVERAGE, OR THAT THE INDIVIDUAL IS TREATED AS HAVING 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~~ **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

~~(iv)~~ **(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.

(m) "Health status-related factor" means a factor related to:

- (1) health status;
- (2) medical condition;
- (3) claims experience;

- (4) receipt of health care;
- (5) medical history;
- (6) genetic information;
- (7) evidence of insurability including conditions arising out of acts of domestic violence; or
- (8) disability.

[(n)] “High level policy form” means a policy or plan under which the actuarial value of the benefit under the coverage is:

- (1) at least 15% greater than the actuarial value of the low level policy form coverage offered by the carrier in this State; and
- (2) at least 100% but not greater than 120% of the weighted average.

[(o)] (N) “Individual Exchange” has the meaning stated in § 31–101 of this article.

[(p)] (O) (1) “Individual health benefit plan” means:

- (i) a health benefit plan other than a converted policy or a professional association plan for eligible individuals and their dependents; and
- (ii) a certificate issued to an eligible individual that evidences coverage under a policy or contract issued to a trust or association or other similar group of individuals, regardless of the situs of delivery of the policy or contract, if the eligible individual pays the premium and is not being covered under the policy or contract under either federal or State continuation of benefits provisions.

(2) “Individual health benefit plan” does not include short-term limited duration insurance.

[(q)] “Low level policy form” means a policy or plan under which the actuarial value of the benefit under the coverage is at least 85% but not greater than 100% of the weighted average.

[(r)] (P) “Minimum essential coverage” has the meaning stated in 45 C.F.R. § 155.20.

[(s)] (Q) “Preexisting condition” means a condition that was present before the date of enrollment for coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before that date.

[(t)] (R) “Qualified health plan” has the meaning stated in § 31–101 of this article.

[(u)] (S) “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.

[(v)] (1) “Weighted average” means the average actuarial value of the benefits provided by:

(i) all the health insurance coverages issued by the carrier in this State in the individual market during the previous calendar year, weighted by enrollment for the different coverages; or

(ii) all the health insurance coverages issued by all carriers in this State in the individual market, if the data are available, during the previous calendar year, weighted by enrollment for the different coverages.

(2) “Weighted average” does not include coverages issued under this subtitle.]

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 ~~METAL TIER LEVEL, AS DESCRIBED IN § 1302(D) AND (E) OF THE AFFORDABLE CARE ACT~~ PARTICULAR COST-SHARING STRUCTURE, PROVIDER NETWORK, AND SERVICE AREA.**

**(3) (I) “PRODUCT” MEANS A DISCRETE PACKAGE OF HEALTH BENEFITS THAT A CARRIER OFFERS 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.

(B) CHANGES IN BENEFITS MADE TO COMPLY WITH FEDERAL OR STATE REQUIREMENTS ARE NOT SUBJECT TO THE PLUS OR MINUS 2 PERCENTAGE POINTS REFERENCED IN SUBSECTION (A)(4)(II)5 OF THIS SECTION.

(C) THE COMBINATION OF ALL PLANS OFFERED WITH A PRODUCT CONSTITUTES THE TOTAL SERVICE AREA OF THE PRODUCT.

**(D) (1) WITH RESPECT TO A PLAN THAT HAS BEEN MODIFIED AT THE TIME OF COVERAGE RENEWAL CONSISTENT WITH THIS SECTION, THE PLAN SHALL BE CONSIDERED TO BE THE SAME PLAN IF:**

**(I) 1. THE PLAN HAS THE SAME COST-SHARING STRUCTURE AS BEFORE THE MODIFICATION; OR**

**2. ANY VARIATION IN COST SHARING:**

**A. IS SOLELY RELATED TO CHANGES IN COST OR UTILIZATION OF MEDICAL CARE; OR**

**B. IS TO MAINTAIN THE SAME METAL LEVEL DESCRIBED IN § 1302(D) AND (E) OF THE AFFORDABLE CARE ACT;**

**(II) THE PLAN CONTINUES TO COVER A MAJORITY OF THE SAME SERVICE AREA; AND**

**(III) THE PLAN CONTINUES TO COVER A MAJORITY OF THE SAME PROVIDER NETWORK.**

**(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE PLAN SHALL BE CONSIDERED TO BE THE SAME PLAN TO THE EXTENT THAT THE MODIFICATIONS ARE:**

**(I) MADE UNIFORMLY AND SOLELY AS A RESULT OF A FEDERAL OR STATE REQUIREMENT;**

**(II) MADE WITHIN A REASONABLE TIME PERIOD AFTER THE IMPOSITION OR MODIFICATION OF THE FEDERAL OR STATE REQUIREMENT; AND**

**(III) DIRECTLY RELATED TO THE IMPOSITION OR MODIFICATION OF THE FEDERAL OR STATE REQUIREMENT.**

[(a)] ~~(D)~~ **(E)** Except as provided in subsection [(b)] ~~(E)~~ **(F)** of this section, a carrier shall renew an individual health benefit plan at the option of the eligible individual.

[(b)] ~~(E)~~ **(F)** A carrier may not cancel or refuse to renew an individual health benefit plan except:

(1) for nonpayment of the required premiums;

(2) where the individual has performed an act or practice that constitutes fraud;

(3) where the individual has made an intentional misrepresentation of material fact under the terms of the coverage;

(4) where the carrier elects not to renew all of its individual health benefit plans in the State in accordance with this article;

(5) where the individual no longer resides, lives, or works in the service area, provided that:

**(I)** the coverage is terminated under this provision uniformly without regard to any health status–related factor of covered individuals; **AND**

**(II) NOTICE OF THE TERMINATION IS PROVIDED TO THE INDIVIDUAL AT LEAST 90 CALENDAR DAYS BEFORE THE DATE COVERAGE WILL BE TERMINATED;** or

(6) for individual health benefit plans that are not grandfathered health plans, as defined in 45 C.F.R. § 147.140, where a carrier discontinues offering a particular [type of health benefit plan coverage] **PRODUCT** in the individual market, if the carrier:

(i) at least 90 days before discontinuation of the [coverage] **PRODUCT**, provides notice of the discontinuation to each individual provided coverage [of this type] **UNDER THE PRODUCT**;

(ii) offers each individual provided coverage [of this type] **UNDER THE PRODUCT** the option to purchase any other individual health benefit plan coverage offered by the carrier for individuals in the State; and

(iii) acts uniformly without regard to any health status–related factor of enrolled individuals or individuals who may become eligible for the coverage.

~~(F)~~ **(G) A CARRIER MAY MAKE A UNIFORM MODIFICATION OF COVERAGE FOR A PRODUCT ONLY AT THE TIME OF RENEWAL OF THE HEALTH BENEFIT PLAN.**

~~(G)~~ **(H) A CARRIER SHALL PROVIDE NOTICE OF RENEWAL OR UNIFORM MODIFICATION OF COVERAGE FOR:**

**(1) GRANDFATHERED HEALTH PLAN COVERAGE, AT LEAST 60 DAYS BEFORE THE DATE THE COVERAGE WILL BE RENEWED; AND**

**(2) A HEALTH BENEFIT PLAN THAT IS NOT GRANDFATHERED HEALTH PLAN COVERAGE, BEFORE THE DATE OF THE FIRST DAY OF THE NEXT ANNUAL OPEN ENROLLMENT PERIOD, IN A FORM AND MANNER SPECIFIED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.**

[15–1310.

(a) A carrier shall provide written certification of creditable coverage.

(b) The certification of creditable coverage described in subsection (a) of this section shall be provided:

(1) automatically at the time an individual ceases to be covered under the health benefits plan or otherwise becomes covered under a COBRA continuation provision;

(2) in the case of an individual who becomes covered under a COBRA continuation provision, at the time the individual ceases to be covered under the provision; and

(3) on the request on behalf of an individual made not later than 24 months after the date of cessation of the coverage described in item (1) or (2) of this subsection, whichever is later.

(c) The certification may be provided at a time consistent with notices required under any applicable State or federal continuation provision.

(d) The certification shall contain:

(1) written certification of the period of creditable coverage of the individual under the health benefit plan, and the coverage, if applicable, under the applicable State or federal continuation provision; and

(2) the waiting period, if any, imposed with respect to the individual for any coverage under the health benefit plan.

(e) If a group health plan enrolls an individual for coverage under the plan and the individual provides a certification of coverage, then:

(1) upon request of the group health plan, the entity which issued the certification provided by the individual shall promptly disclose to the requesting group health plan, information regarding coverage of classes and categories of health benefits available under the entity's plan or policy; and

(2) the entity may charge the requesting plan for the reasonable cost of disclosing the information.]

[15–1311.

(a) In determining a period of creditable coverage, any period that an individual is in a waiting period for coverage under a group health benefit plan or an affiliation period may not be taken into account in determining any period of continuous creditable coverage.

(b) A carrier shall count a period of creditable coverage without regard to the specific benefits covered during the period.]

[15–1312.

A carrier that issued a high level or low level policy form prior to July 1, 2004, may not charge a rate to eligible individuals under the high level or low level policy form that is greater than 200% of the rate the carrier normally would charge for the same or similar policy forms to other individuals.]

15–1316.

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

(2) “Dependent” means an individual who is or who may become eligible for coverage under the terms of a health benefit plan because of a relationship with another individual.

(3) “Qualifying coverage in an eligible employer–sponsored plan” has the meaning stated in 45 C.F.R. § 155.300.

(b) (1) Beginning November 15, 2014, unless an alternative date is adopted by the federal Department of Health and Human Services, a carrier that sells health benefit plans to individuals in the State shall establish an annual open enrollment period.

(2) The annual open enrollment period for 2014 shall begin on November 15, 2014, and extend through January 15, 2015, unless alternative dates are adopted by the federal Department of Health and Human Services.

(3) The annual open enrollment period for years beginning on and after January 1, 2015, shall [begin on October 15 and extend through December 7 each year] **BE THE DATES ADOPTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

(4) During the annual open enrollment period, an individual shall be permitted to:

(i) enroll in a health benefit plan offered by the carrier;

(ii) discontinue enrollment in a health benefit plan offered by the carrier; or

(iii) change enrollment in a health benefit plan offered by the carrier to a different health benefit plan offered by the carrier.



(5) If an individual enrolls in a health benefit plan offered by the carrier during the annual open enrollment period for 2014, the effective date of coverage shall be:

(i) January 1, 2015, if the application is received by the carrier on or before December 15, 2014, unless an alternative date is adopted by the federal Department of Health and Human Services; [and]

(ii) February 1, 2015, if the application is received by the carrier from December 16, 2014, through January 15, 2015, unless an alternative date is adopted by the federal Department of Health and Human Services; AND

**(III) MARCH 1, 2015, IF THE APPLICATION IS RECEIVED BY THE CARRIER FROM JANUARY 16, 2015, THROUGH FEBRUARY 15, 2015, UNLESS AN ALTERNATIVE DATE IS ADOPTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

(6) If an individual enrolls in a health benefit plan offered by the carrier during the annual open enrollment period for years beginning on and after January 1, 2015, the effective date of coverage shall be [January 1 of the following calendar year] **THE DATE ADOPTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

(c) ~~(1) A carrier shall provide a special open enrollment period for each individual who experiences a triggering event.~~

~~(2) [The special open enrollment period shall be for at least 60 days, beginning on the date of the triggering event.] EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, AN INDIVIDUAL SHALL HAVE 60 DAYS FROM THE DATE OF A TRIGGERING EVENT TO APPLY FOR COVERAGE.~~

~~(3) FOR THE TRIGGERING EVENTS DESCRIBED IN PARAGRAPH (6)(I), (II), AND (III) OF THIS SUBSECTION, THE SPECIAL OPEN ENROLLMENT PERIOD SHALL BEGIN 60 DAYS BEFORE THE TRIGGERING EVENT AND END 60 DAYS AFTER THE TRIGGERING EVENT.~~

~~(4) FOR THE TRIGGERING EVENT DESCRIBED IN PARAGRAPH (6)(VII)2 OF THIS SUBSECTION, THE SPECIAL ENROLLMENT PERIOD SHALL BEGIN 60 DAYS BEFORE THE DATE OF LOSS OF ELIGIBILITY FOR QUALIFYING COVERAGE IN AN ELIGIBLE EMPLOYER SPONSORED PLAN AND END 60 DAYS AFTER THE DATE OF LOSS OF ELIGIBILITY FOR QUALIFYING COVERAGE IN AN ELIGIBLE EMPLOYER SPONSORED PLAN.~~

~~(3) (5) During the special open enrollment period, a carrier shall permit an individual who experiences a triggering event to enroll in or change from one health benefit plan offered by the carrier to another health benefit plan offered by the carrier.~~

~~[(4)] (6)~~ A triggering event occurs when:

~~(i)~~ subject to paragraph ~~[(5)] (7)~~ of this subsection, an individual or A dependent loses minimum essential coverage;

~~(ii) AN INDIVIDUAL OR A DEPENDENT LOSES PREGNANCY-RELATED COVERAGE DESCRIBED UNDER § 1902(A)(10)(A)(I)(IV) AND (A)(10)(A)(H)(IX) OF THE SOCIAL SECURITY ACT, WHICH IS CONSIDERED TO OCCUR ON THE LAST DAY THE INDIVIDUAL OR DEPENDENT WOULD HAVE PREGNANCY-RELATED COVERAGE;~~

~~(iii) AN INDIVIDUAL OR A DEPENDENT LOSES MEDICALLY NEEDED COVERAGE AS DESCRIBED UNDER § 1902(A)(10)(C) OF THE SOCIAL SECURITY ACT, WHICH IS CONSIDERED TO OCCUR ON THE LAST DAY THE INDIVIDUAL OR DEPENDENT WOULD HAVE MEDICALLY NEEDED COVERAGE;~~

~~[(ii)] (iv)~~ an individual gains a dependent or becomes a dependent through marriage, birth, adoption, placement for adoption, or placement in foster care;

~~[(iii)] (v)~~ an individual's or a dependent's enrollment or nonenrollment in a qualified health plan is, as evaluated and determined by the Individual Exchange:

~~1.~~ unintentional, inadvertent, or erroneous; and

~~2.~~ the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Individual Exchange or the U.S. Department of Health and Human Services or its instrumentalities;

~~[(iv)] (vi)~~ an individual or a dependent who is enrolled in a qualified health plan in the Individual Exchange adequately demonstrates to the Individual Exchange that the qualified health plan in which the individual or dependent is enrolled substantially violated a material provision of the qualified health plan's contract in relation to the individual or dependent;

~~[(v)] (vii)~~ 1. an individual or a dependent enrolled in the same health benefit plan is determined newly eligible or newly ineligible for advance payments of federal premium tax credits or has a change in eligibility for federal cost-sharing reductions; or

~~2.~~ an individual or a dependent who is enrolled in an eligible employer-sponsored plan is determined newly eligible for advance payments of federal premium tax credits based in part on a finding that the individual is ineligible for qualifying coverage in an eligible employer-sponsored plan in accordance with 26 C.F.R. § 1.36B-2(c)(3), including as a result of the employee's employer discontinuing or changing

~~available coverage within the next 60 days, provided that the individual is allowed to terminate existing coverage;~~

~~[(vi)] (VIII) an individual or a dependent gains access to a new health benefit plan as a result of a permanent move;~~

~~[(vii) the individual or dependent is enrolled in an employer-sponsored health benefit plan that is not qualifying coverage in an eligible employer-sponsored plan and is allowed to terminate existing coverage;~~

~~(viii)] (IX) for a health benefit plan offered through the Individual Exchange;~~

~~1. an individual who was not previously a citizen, national, or lawfully present individual becomes a citizen, national, or lawfully present individual; or~~

~~2. an individual or a dependent demonstrates to the Individual Exchange, in accordance with guidelines issued by the U.S. Department of Health and Human Services, that the individual or dependent meets other exceptional circumstances as the Individual Exchange may provide; or~~

~~[(ix)] (X) it has been determined by the Exchange that a qualified individual was not enrolled in a qualified health plan, was not enrolled in the qualified health plan selected by the individual, or is eligible for, but is not receiving, advance federal premium tax credits or cost-sharing reductions as a result of misconduct on the part of a non-Exchange entity providing enrollment assistance or conducting enrollment activities.~~

~~[(5)] (7) Loss of minimum essential coverage under paragraph [(4)(i)] (6)(I) of this subsection does not include VOLUNTARY TERMINATION OF COVERAGE OR OTHER loss of coverage due to:~~

~~(i) failure to pay premiums on a timely basis, including COBRA premiums prior to expiration of COBRA coverage; or~~

~~(ii) a rescission authorized under 45 C.F.R. § 147.128.~~

~~(8) VOLUNTARY TERMINATION OF COVERAGE REFERENCED IN PARAGRAPH (7) OF THIS SUBSECTION DOES NOT INCLUDE TERMINATION OF COVERAGE INCIDENTAL TO A VOLUNTARY TERMINATION OF EMPLOYMENT.~~

~~(9) THE TRIGGERING EVENT DESCRIBED IN PARAGRAPH (6)(II) OF THIS SUBSECTION IS PERMITTED ONLY ONCE PER YEAR PER INDIVIDUAL.~~

~~[(6)] (10)~~ If a triggering event described in paragraph ~~[(4)(iii)] (6)(v)~~ of this subsection occurs, the Individual Exchange may take action as may be necessary to correct or eliminate the effects of the error, misrepresentation, or inaction.

~~[(7)] (11)~~ If a triggering event described in paragraph ~~[(4)(v)2] (6)(VII)2~~ of this subsection occurs, a carrier shall permit an individual or a dependent who is enrolled in an employer-sponsored plan and who will lose eligibility for qualifying coverage in an eligible employer-sponsored plan within the next 60 days to access the special enrollment period prior to the end of the individual's existing coverage, although the individual is not eligible for advance payment of the federal premium tax credit until the end of the individual's coverage in an eligible employer-sponsored plan.

~~[(8)]~~ If an individual or a dependent meets the requirements for the triggering event described in paragraph (4)(vii) of this subsection, the special open enrollment period shall begin at least 60 days before the end of the individual's or dependent's coverage under the employer-sponsored plan.]

~~(d)~~ An individual who is an Indian, as defined in § 4 of the federal Indian Health Care Improvement Act, may enroll in a health benefit plan in the Individual Exchange or change from one health benefit plan in the Individual Exchange to another health benefit plan in the Individual Exchange one time per month.

~~(e)~~ (1) A carrier shall provide a limited open enrollment period for an individual who is enrolled in a noncalendar year individual health benefit plan to enroll in a health benefit plan issued by the carrier.

(2) The limited enrollment period required by paragraph (1) of this subsection shall:

(i) begin on the date that is at least 30 calendar days before the date the noncalendar year health benefit plan's policy year ends in 2014; and

(ii) last at least 60 days A CARRIER PARTICIPATING IN THE INDIVIDUAL EXCHANGE SHALL PROVIDE THE SPECIAL ENROLLMENT PERIODS SPECIFIED IN 45 C.F.R. § 155.420 FOR INDIVIDUALS WHO PURCHASE COVERAGE THROUGH THE INDIVIDUAL EXCHANGE.

(D) A CARRIER SHALL PROVIDE THE SPECIAL ENROLLMENT PERIODS SPECIFIED IN 45 C.F.R. § 147.104(B)(2) FOR INDIVIDUALS WHO PURCHASE COVERAGE OUTSIDE THE INDIVIDUAL EXCHANGE.

~~(f)~~ (E) If an individual enrolls for coverage during one of the open enrollment or special open enrollment periods described in this section, coverage shall be effective in accordance with the requirements in 45 C.F.R. § 155.420.

~~(g)~~ (F)(1) A health maintenance organization may:

(i) limit the individuals who may apply for coverage to those who live or reside in the health maintenance organization's service area; and

(ii) deny coverage to individuals if the health maintenance organization has demonstrated to the Commissioner that:

1. it will not have the capacity to deliver services adequately to any additional individuals because of its obligations to existing enrollees; and

2. it is applying the provisions of this paragraph uniformly to all individuals without regard to the claims experience of those individuals and their dependents or any health status-related factor relating to the individuals and their dependents.

(2) A health maintenance organization that denies coverage to an individual in accordance with paragraph (1) of this subsection may not offer coverage in the individual market within the service area to any individual for a period of 180 days after the date the coverage is denied.

(3) Paragraph (2) of this subsection does not:

(i) limit the health maintenance organization's ability to renew coverage already in force; or

(ii) relieve the health maintenance organization of the responsibility to renew coverage already in force.

~~(H)~~ **(G)** (1) A carrier may deny a health benefit plan to an individual if the carrier has demonstrated to the Commissioner that:

(i) it does not have the financial reserves necessary to offer additional coverage; and

(ii) it is applying the provisions of this paragraph uniformly to all individuals in the individual market in the State without regard to the claims experience of those individuals and their dependents or any health status-related factor relating to the individuals and their dependents.

(2) A carrier that denies a health benefit plan to an individual in the State under paragraph (1) of this subsection may not offer coverage in the individual market before the later of:

(i) the 181st day after the date the carrier denies coverage; and

(ii) the date the carrier demonstrates to the Commissioner that the carrier has sufficient financial reserves to underwrite additional coverage.

(3) Paragraph (2) of this subsection does not:

(i) limit the carrier's ability to renew coverage already in force; or

(ii) relieve the carrier of the responsibility to renew coverage already in force.

(4) Health benefit plans offered after the time period described in paragraph (2) of this subsection are subject to the requirements of this section.

**15-1318.**

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

**(2) "INSTITUTION OF HIGHER EDUCATION" HAS THE MEANING STATED IN THE FEDERAL HIGHER EDUCATION ACT OF 1965.**

**(3) "STUDENT ADMINISTRATIVE HEALTH FEE" MEANS A FEE CHARGED BY AN INSTITUTION OF HIGHER EDUCATION ON A PERIODIC BASIS TO STUDENTS OF THE INSTITUTION OF HIGHER EDUCATION TO OFFSET THE COST OF PROVIDING HEALTH CARE THROUGH HEALTH CLINICS REGARDLESS OF WHETHER THE STUDENTS UTILIZE THE HEALTH CLINICS OR ENROLL IN STUDENT HEALTH PLAN COVERAGE.**

**(4) "STUDENT HEALTH PLAN" MEANS AN INDIVIDUAL HEALTH BENEFIT PLAN THAT IS PROVIDED TO STUDENTS ENROLLED IN AN INSTITUTION OF HIGHER EDUCATION AND THEIR DEPENDENTS UNDER A WRITTEN AGREEMENT THAT:**

**(I) IS BETWEEN THE INSTITUTION OF HIGHER EDUCATION AND A CARRIER;**

**(II) DOES NOT MAKE COVERAGE UNDER THE HEALTH BENEFIT PLAN AVAILABLE OTHER THAN IN CONNECTION WITH ENROLLMENT AS A STUDENT OR AS A DEPENDENT OF A STUDENT IN THE INSTITUTION OF HIGHER EDUCATION; AND**

**(III) DOES NOT CONDITION ELIGIBILITY FOR THE HEALTH BENEFIT PLAN ON ANY HEALTH STATUS-RELATED FACTOR RELATING TO A STUDENT OR A DEPENDENT OF A STUDENT.**

**(B) A CARRIER THAT OFFERS STUDENT HEALTH PLANS IS NOT REQUIRED TO:**

- (1) ACCEPT INDIVIDUALS WHO ARE NOT:
  - (I) STUDENTS; OR
  - (II) DEPENDENTS OF STUDENTS COVERED UNDER THE STUDENT HEALTH PLAN;
- (2) ESTABLISH OPEN ENROLLMENT PERIODS;
- (3) ESTABLISH EFFECTIVE DATES THAT ARE BASED ON A CALENDAR YEAR;
- (4) OFFER HEALTH BENEFIT PLAN CONTRACTS THAT ARE ON A CALENDAR YEAR BASIS; OR
- (5) RENEW, OR CONTINUE IN FORCE, COVERAGE FOR INDIVIDUALS WHO ARE NO LONGER STUDENTS OR DEPENDENTS OF STUDENTS.

(C) A STUDENT HEALTH PLAN IS NOT SUBJECT TO THE REQUIREMENT OF A SINGLE RISK POOL UNDER § 1312(C) OF THE AFFORDABLE CARE ACT.

(D) A STUDENT ADMINISTRATIVE HEALTH FEE IS NOT CONSIDERED A COST-SHARING REQUIREMENT WITH RESPECT TO SPECIFIED RECOMMENDED PREVENTIVE SERVICES.

15-1401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) ["Affiliation period" means a period of time beginning on the date of enrollment and not to exceed 2 months, or 3 months in the case of a late enrollee, during which a health maintenance organization does not collect premium and coverage issued does not become effective.
- (c) "Association" or "bona fide association" means, with respect to health insurance coverage offered in this State, an association that:
  - (1) has been actively in existence for at least 5 years;
  - (2) has been formed and maintained in good faith for purposes other than obtaining insurance and does not condition membership on the purchase of association-sponsored insurance;

(3) does not condition membership in the association on any health status–related factor relating to an individual, and states so clearly in all membership and application materials;

(4) makes health insurance coverage offered through the association available to all members regardless of any health status–related factor relating to the members or individuals eligible for coverage through a member and states so clearly in all membership and application materials;

(5) does not make health insurance coverage offered through the association available other than in connection with membership in the association and states so clearly in all marketing and application materials; and

(6) provides and annually updates information necessary for the Commissioner to determine whether or not the association meets the definition of bona fide association before qualifying as an association under this subtitle.

**[(d)] (C)** “Carrier” means a person that is:

(1) an insurer that holds a certificate of authority in the State and provides health insurance in the State;

(2) a health maintenance organization that is licensed to operate in the State;

(3) a nonprofit health service plan that is licensed to operate in the State;  
or

(4) any other person or organization that provides health benefit plans subject to State insurance regulation.

**[(e)] (D)** “Church plan” means a plan as defined under § 3(33) of the Employee Retirement Income Security Act of 1974.

**[(f)] (1)** “Creditable coverage” means coverage of an individual under:

(i) an employer–sponsored plan;

(ii) a health benefit plan;

(iii) Part A or Part B of Title XVIII of the Social Security Act;

(iv) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under § 1928 of that Act;

(v) Chapter 55 of Title 10 of the United States Code;



(vi) a medical care program of the Indian Health Service or of a tribal organization;

(vii) a State health benefits risk pool;

(viii) a health plan offered under the Federal Employees Health Benefits Program (FEHBP), Title 5, Chapter 89 of the United States Code;

(ix) a public health plan as defined by federal regulations authorized by the Public Health Service Act, § 2701(c)(1)(i), as amended by P.L. 104–191; or

(x) a health benefit plan under § 5(e) of the Peace Corps Act, 22 U.S.C. 2504(e).

(2) A period of creditable coverage shall not be counted, with respect to enrollment of an individual under a group health plan, if, after such period and before the enrollment date, there was a 63–day period during all of which the individual was not covered under any creditable coverage.]

**[(g)] (E)** “Employer sponsored plan” means an employee welfare benefit plan that provides medical care to employees or their dependents, and is not subject to State regulation in accordance with the federal Employee Retirement Income Security Act of 1974.

**[(h)] (F)** “Enrollment date” means the date on which:

(1) an individual enrolls in a health benefit plan; or

(2) the first day of the waiting period before which the individual may enroll.

**[(i)] (G)** “Governmental plan” means a plan as defined in § 3(32) of the Employee Retirement Income Security Act of 1974 and any federal governmental plan.

**[(j)] (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.**

**[(k)] (I)** “Health status–related factor” means a factor related to:

(1) health status;

(2) medical condition;

(3) claims experience;

(4) receipt of health care;

(5) medical history;

(6) genetic information;

(7) evidence of insurability including conditions arising out of acts of domestic violence; or

(8) disability.

**[(l)] (J)** “Late enrollee” means a member, subscriber, or dependent who enrolls in a group health benefit plan other than during:

(1) the first period in which the individual is eligible to enroll under the plan; or

(2) a special enrollment period.

**[(m)] (K)** “Preexisting condition” means a condition that was present before the date of enrollment for coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before that date.

**[(n)] (L)** “Preexisting condition provision” means a provision in a health benefit plan that denies, excludes, or limits benefits for an enrollee for expenses or services related to a preexisting condition.

**[(o)] (M)** “Secretary” means the Secretary of the federal Department of Health and Human Services.

**[(p)] (N)** “Special enrollment period” means a period during which a group health plan shall permit certain individuals who are eligible for coverage, but not enrolled, to enroll for coverage under the terms of the group health benefit plan.

**[(q)] (O)** “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.

[15–1403.

(a) A carrier shall provide written certification of creditable coverage in connection with group health benefit plans, including those issued in accordance with Subtitle 12 of this title.

(b) The certification of creditable coverage described in subsection (a) of this section shall be provided:

(1) automatically at the time an individual ceases to be covered under the health benefits plan or otherwise becomes covered under a COBRA continuation provision;

(2) in the case of an individual who becomes covered under a COBRA continuation provision, at the time the individual ceases to be covered under the provision; and

(3) on the request on behalf of an individual made not later than 24 months after the date of cessation of the coverage described in item (1) or (2) of this subsection, whichever is later.

(c) The certification may be provided at a time consistent with notices required under any applicable State or federal continuation provision.

(d) The certification shall contain:

(1) written certification of the period of creditable coverage of the individual under the health benefit plan, and the coverage, if applicable, under the applicable State or federal continuation provision; and

(2) the waiting period, if any, imposed with respect to the individual for any coverage under the health benefit plan.

(e) If a group health plan enrolls an individual for coverage under the plan and the individual provides a certification of coverage, then:

(1) on request of the group health plan, the entity that issued the certification provided by the individual promptly shall disclose to the requesting group health plan, information regarding coverage of classes and categories of health benefits available under the entity's plan or policy; and

(2) the entity may charge the requesting plan for the reasonable cost of disclosing the information.]

[15-1404.

(a) In determining a period of creditable coverage, any period that an individual is in a waiting period for any coverage under a group health benefit plan or an affiliation period may not be taken into account in determining any period of continuous creditable coverage.

(b) Except as provided in subsection (c) of this section, a carrier shall count a period of creditable coverage without regard to the specific benefits covered during the period.

(c) (1) A carrier may elect to reduce the period of any preexisting condition provision based on coverage of benefits within any class or category of benefits specified by the Secretary by regulation.

(2) Any election made under this section shall be made on a uniform basis for all covered individuals.

(3) A carrier that makes an election under this section shall count a period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category.

(d) A carrier that makes an election under subsection (c) of this section shall:

(1) prominently state in any disclosure statements concerning the coverage, and to each employer at the time of the offer or sale of the coverage, that the carrier has made this election; and

(2) include in the statement a description of the effect of the election on the member or subscriber.]

[15–1405.

An individual shall establish the individual’s period of creditable coverage by presenting the certificate described in § 15–1403 of this subtitle.]

15–1408.

A carrier shall renew group health benefit plans at the option of the policyholder or plan sponsor, except in any of the following cases:

- (1) for nonpayment of the required premium;
- (2) where the policyholder or plan sponsor has performed an act or practice that constitutes fraud;
- (3) where the policyholder or plan sponsor has made an intentional misrepresentation of material fact under the terms of the coverage;
- (4) where the policyholder or plan sponsor has failed to comply with a material plan provision relating the employer contributions or group participation rules;
- (5) where the carrier elects not to renew all group health benefit plans in the State;
- (6) in the case of a health maintenance organization, where there is no longer any enrollee who lives, resides, or works in the health maintenance organization’s approved service area, **PROVIDED NOTICE OF THE NONRENEWAL IS PROVIDED TO EACH EMPLOYER AND TO EACH EMPLOYEE COVERED UNDER THE HEALTH BENEFIT PLAN AT LEAST 90 DAYS BEFORE THE DATE COVERAGE WILL BE TERMINATED;**
- (7) in the case of a carrier that offers coverage only through one or more bona fide associations, when the membership of an employer in the association ceases and nonrenewal under this item is applied uniformly without regard to any health status–related factor relating to any covered individual; or
- (8) the carrier makes an election under § 15–1409 of this subtitle.

15–1409.

**(A) IN THIS SECTION, “PRODUCT” MEANS A DISCRETE PACKAGE OF HEALTH BENEFITS THAT A CARRIER OFFERS USING A PARTICULAR PRODUCT NETWORK TYPE WITHIN A GEOGRAPHIC SERVICE AREA.**

[(a)] **(B)** A carrier that elects not to renew all of a particular [type of coverage or policy form] **PRODUCT** in the State shall:

(1) provide notice of the nonrenewal at least 90 days before the date of the nonrenewal to each affected:

- (i) policyholder;
- (ii) plan sponsor;
- (iii) participant; and
- (iv) beneficiary;

(2) offer to each affected plan sponsor the option to purchase any other health insurance coverage currently being offered by the carrier; and

(3) act uniformly without regard to the claims experience of any affected plan sponsor, or any health status–related factor of any affected individual.

[(b)] **(C)** A carrier may elect not to renew all group health benefit plans in the State.

[(c)] **(D)** When a carrier elects not to renew all group health benefit plans in the State, the carrier:

(1) shall give notice of its decision to the affected individuals at least 180 days before the effective date of nonrenewal;

(2) at least 30 working days before that notice, shall give notice to the Commissioner; and

(3) may not write new business for groups in the State for a 5–year period beginning on the date of notice to the Commissioner.

[(d)] **(E)** A health maintenance organization need not offer coverage to an individual who does not live, reside, or work within the health maintenance organization’s approved service areas.

**(F) A CARRIER MAY MAKE A UNIFORM MODIFICATION OF COVERAGE FOR A PRODUCT ONLY AT THE TIME OF RENEWAL OF A HEALTH BENEFIT PLAN.**

27–210.

(h) (1) In this subsection, [“bona fide wellness”] **“WELLNESS program”** [has the meaning stated in] **MEANS A PROGRAM THAT:**

**(I) MEETS THE REQUIREMENTS OF A PARTICIPATORY WELLNESS PROGRAM OR A HEALTH-CONTINGENT WELLNESS PROGRAM UNDER § 15-509 of this article; AND**

**(II) IS PROVIDED AS A BENEFIT OUTSIDE OF THE HEALTH INSURANCE OR HEALTH MAINTENANCE ORGANIZATION CONTRACT.**

(2) It is not discrimination or a rebate for a carrier to provide reasonable incentives to an individual who is an insured, a subscriber, or a member for participation in a [bona fide] wellness program offered by the carrier [in accordance with § 15-509 of this article].

(3) Any incentive offered for participation in a [bona fide] wellness program:

(i) shall be reasonably related to the [bona fide] wellness program; and

(ii) may not have a value that exceeds any limit established in regulations adopted by the Commissioner.

(4) The Commissioner shall adopt regulations to implement the provisions of this subsection.

31-101.

(e-1) **(1)** “Full-time employee” means an employee who works, on average, at least 30 hours per week.

**(2) “FULL-TIME EMPLOYEE” DOES NOT INCLUDE A SEASONAL EMPLOYEE UNLESS THE EMPLOYEE WORKS FOR THE EMPLOYER ON MORE THAN 120 DAYS DURING THE TAXABLE YEAR.**

(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; [or]

(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 5B 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;

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.”;

4. ~~FOR HOSPITAL INDEMNITY OR OTHER FIXED INDEMNITY INSURANCE CONTRACTS ISSUED BEFORE JANUARY 1, 2015, THE INDIVIDUAL PROVIDES A WRITTEN ATTESTATION ON OR BEFORE OCTOBER 1, 2016, THAT THE INDIVIDUAL HAS OTHER HEALTH COVERAGE THAT IS MINIMUM ESSENTIAL COVERAGE, OR THAT THE INDIVIDUAL IS TREATED AS HAVING 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~~ 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.**

**(O-1) “MINIMUM ESSENTIAL COVERAGE” HAS THE MEANING STATED IN 26 U.S.C. § 5000A.**

**(O-2) “PLAN YEAR” HAS THE MEANING STATED IN § 15-1201 OF THIS ARTICLE.**

**(z) (1) “Small employer” means an employer that, during the preceding calendar year, employed an average of not more than:**

**(i) 50 employees [if the preceding calendar year ended on or before] FOR PLAN YEARS THAT BEGIN BEFORE January 1, 2016; and**

**(ii) 100 employees [if the preceding calendar year ended after] FOR PLAN YEARS THAT BEGIN ON OR AFTER January 1, 2016, OR ANOTHER NUMBER OF EMPLOYEES OR DATE AS PROVIDED UNDER FEDERAL LAW.**

(a) The essential health benefits required under § 1302(a) of the Affordable Care Act:

(1) shall be the benefits in the State benchmark plan, selected in accordance with this section; and

(2) notwithstanding any other benefits mandated by State law, shall be the benefits required in:

(i) subject to subsection (f) of this section, all individual health benefit plans and health benefit plans offered to small employers, except for grandfathered health plans, as defined in the Affordable Care Act, offered outside the Exchange; and

(ii) subject to § 31-115(c) of this title, all qualified health plans offered in the Exchange.

(b) In selecting the State benchmark plan, the State seeks to:

(1) balance comprehensiveness of benefits with plan affordability to promote optimal access to care for all residents of the State;

(2) accommodate to the extent practicable the diverse health needs across the diverse populations within the State; and

(3) ensure the benefit of input from the stakeholders and the public.

(c) (1) The State benchmark plan, **FOR 2017 AND UNTIL THE SECRETARY REQUIRES THAT A NEW BENCHMARK PLAN BE SELECTED**, shall be selected by the [Maryland Health Care Reform Coordinating Council] **COMMISSIONER, IN CONSULTATION WITH THE EXCHANGE:**

(I) **BASED ON ENROLLMENT FOR THE FIRST QUARTER OF 2014, FROM THE LARGEST HEALTH PLAN BY ENROLLMENT IN ANY OF THE THREE LARGEST SMALL GROUP INSURANCE PRODUCTS BY ENROLLMENT IN THE STATE'S SMALL GROUP MARKET; AND**

(II) through an open, transparent, and inclusive process, **WHICH SHALL INCLUDE AT LEAST ONE PUBLIC HEARING AND AN OPPORTUNITY FOR PUBLIC COMMENT.**

(2) [Any action of the Council may be taken only by the affirmative vote of at least nine members of the Maryland Health Care Reform Coordinating Council.

(3) In selecting the State benchmark plan, the [Maryland Health Care Reform Coordinating Council] **COMMISSIONER, IN CONSULTATION WITH THE EXCHANGE**, may exclude, **CONSISTENT WITH APPLICABLE FEDERAL REGULATIONS:**

(i) a health care service, benefit, coverage, or reimbursement for covered health care services that is required under this article or the Health – General Article to be provided or offered in a health benefit plan that is issued or delivered in the State by a carrier; or

(ii) reimbursement required by statute, by a health benefit plan for a service when that service is performed by a health care provider who is licensed under the Health Occupations Article and whose scope of practice includes that service.

(d) In selecting the State benchmark plan, the [Maryland Health Care Reform Coordinating Council shall:

(1) obtain guidance necessary to:

(i) determine the 10 health benefit plans deemed eligible by the Secretary to be the State benchmark plan; and

(ii) conduct a comparative analysis of the benefits of each plan;

(2) solicit the input of stakeholders in the State, including members of the General Assembly and members of the public, by:

(i) appointing and consulting with an advisory group made up of a diverse and representative cross-section of stakeholders, including:

1. individuals with knowledge of and expertise in advocating for consumers representing lower income, racial, ethnic, or other minorities, individuals with chronic diseases and other disabilities, and vulnerable populations;

2. public health researchers and other academic experts with relevant knowledge and background, including knowledge and background relating to disparities and the health needs of diverse populations; and

3. carriers, health care providers, and other industry representatives with knowledge and expertise relevant to health plan benefits and design;

(ii) to the extent practicable, appointing individuals to the advisory group who reflect the gender, racial, ethnic, and geographic diversity of the State; and

(iii) establishing a mechanism for members of the General Assembly and members of the public to:

1. be kept informed by electronic mail; and

2. provide comment; and

**(3) COMMISSIONER, IN CONSULTATION WITH THE EXCHANGE, SHALL:**

**(1) select a plan that complies with all requirements of this title and the Affordable Care Act, the federal Mental Health Parity and Addiction Equity Act of 2008, and any other federal laws, regulations, policies, or guidance applicable to state benchmark plans and essential health benefits;**

**(2) FOR INDIVIDUAL HEALTH BENEFIT PLANS, REQUIRE THAT THE HEALTH BENEFIT PLANS INCLUDE ANY MANDATED BENEFITS THAT WERE REQUIRED IN INDIVIDUAL HEALTH BENEFIT PLANS BEFORE DECEMBER 31, 2011, IF THE BENEFITS ARE NOT INCLUDED IN THE SELECTED BENCHMARK PLAN; AND**

**(3) IF THE SELECTED STATE BENCHMARK PLAN DOES NOT COMPLY WITH ANY FEDERAL BENEFIT REQUIREMENT, SUPPLEMENT THE REQUIRED BENEFITS, TO THE EXTENT PERMITTED BY FEDERAL LAW, WITH BENEFITS SIMILAR TO THOSE CHOSEN BY THE MARYLAND HEALTH CARE REFORM COORDINATING COUNCIL IN 2012.**

**[(e) On or before September 30, 2012, the Maryland Health Care Reform Coordinating Council shall select the State benchmark plan for coverage beginning January 1, 2014.]**

**(E) WITHIN 10 DAYS AFTER SELECTING THE STATE BENCHMARK PLAN, THE COMMISSIONER SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ADVISING THE COMMITTEES OF THE COMMISSIONER'S SELECTION AND THE PROCESS USED IN MAKING THE SELECTION.**

**Article – Health – General**

[19–703.1.

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

(2) “Alcohol abuse” has the meaning stated in § 8–101 of this article.

(3) “Drug abuse” has the meaning stated in § 8–101 of this article.

(4) “Health benefit plan” has the meaning stated in § 15–1401 of the Insurance Article.

(5) “Large employer” means an employer that has more than 50 employees and is not a small employer.

(6) “Managed care system” means a method that a carrier uses to review and preauthorize a treatment plan that a health care practitioner develops for a covered person using a variety of cost containment methods to control utilization, quality, and claims.

(7) “Partial hospitalization” means the provision of medically directed intensive or intermediate short-term treatment for mental illness, emotional disorders, drug abuse or alcohol abuse for a period of less than 24 hours but more than 4 hours in a day for a member or subscriber in a licensed or certified facility or program.

(8) “Small employer” means an employer that:

(i) Employed an average of at least two, but not more than 50 employees on business days during the preceding calendar year; and

(ii) Employs at least two employees on the first day of the plan year.

(b) (1) Subject to the provisions of this section, each contract or certificate issued to a member or subscriber by a health maintenance organization that provides health benefits and services for diseases may not discriminate against any person with a mental illness, emotional disorder or a drug abuse or alcohol abuse disorder by failing to provide benefits for treatment and diagnosis of these illnesses under the same terms and conditions as provided for covered benefits offered under the contract or certificate for the treatment of physical illness.

(2) It shall not be considered to be discriminatory under paragraph (1) of this subsection if at least the following benefits are provided:

(i) With respect to inpatient benefits provided in a licensed or certified facility, which shall include hospital inpatient benefits, the total number of days for which benefits are payable shall be at least equal to the same terms and conditions that apply to the benefits available under the contract or certificate for physical illness;

(ii) Except as provided in item (iii) of this paragraph and subject to subsection (e) of this section, with respect to benefits for partial hospitalization, at least 60 days of partial hospitalization shall be covered under the same terms and conditions that apply to the benefit available under the contract or certificate for physical illness;

(iii) For group contracts covering employees of one or more large employers, with respect to benefits for partial hospitalization for the treatment of mental illness, emotional disorders, drug abuse, and alcohol abuse, the greater of:

1. The same benefits payable under the contract for partial hospitalization for physical illness; or

2. At least 60 days of partial hospitalization covered under the same terms and conditions that apply to outpatient treatment of physical illnesses;

(iv) Except as provided in item (v) of this paragraph, with respect to outpatient coverage, other than for inpatient or partial hospitalization services, benefits for covered expenses arising from services, including psychological and neuropsychological testing for diagnostic purposes, that are rendered to treat mental illness, emotional disorders, drug abuse, and alcohol abuse shall be at a rate that is, after the applicable deductible, not less than:

1. 80 percent for the first 5 visits in any calendar year or benefit period of not more than 12 months;
2. 65 percent for the 6th through 30th visit in any calendar year or benefit period of not more than 12 months; and
3. 50 percent for the 31st visit and any visit after the 31st visit in any calendar year or benefit period of not more than 12 months; and

(v) For group contracts covering employees of one or more large employers, benefits for covered outpatient expenses arising from services, including all office visits and psychological and neuropsychological testing for diagnostic purposes, that are rendered to treat mental illness, emotional disorders, drug abuse, and alcohol abuse shall be covered under the same terms and conditions that apply to similar benefits available under the contract for physical illness.

(c) (1) The benefits under this section shall be required only for expenses arising for treatment of mental illnesses, emotional disorders, drug abuse, and alcohol abuse that in the professional judgment of practitioners is medically necessary and treatable.

(2) The benefits required under this section shall be provided as one set of benefits covering mental illnesses, emotional disorders, drug abuse, and alcohol abuse.

(3) Subject to paragraph (4) of this subsection, the benefits required under this section may be delivered under a managed care system.

(4) For group contracts covering employees of one or more large employers, the benefits required under this section may be delivered under a managed care system only if the benefits for physical illnesses covered under the contract are delivered under a managed care system.

(5) For group contracts covering employees of one or more large employers, the processes, strategies, evidentiary standards, or other factors used to manage the benefits required under this section must be comparable as written and in operation to, and applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used to manage the benefits for physical illnesses covered under the contract.



(6) Except as specifically provided in this section, benefits for illnesses covered by this section and the benefits for physical illnesses covered under a contract or certificate shall have the same terms and conditions.

(7) Except for the coinsurance provisions in subsection (b)(2)(iv) of this section, a contract or certificate that is subject to this section may not have:

(i) Separate lifetime maximums for physical illnesses and illnesses covered under this section;

(ii) Separate deductibles and coinsurance amounts for physical illnesses and illnesses covered under this section; or

(iii) Separate out-of-pocket limits in a benefit period of not more than 12 months for physical illnesses and illnesses covered under this section.

(8) (i) Subject to subparagraph (ii) of this paragraph, any copayments required under a contract or certificate for benefits for illnesses covered under this section shall be:

1. Actuarially equivalent to any coinsurance requirements under this section; or

2. Where there are no coinsurance requirements, not greater than a copayment required for a benefit under the contract or a certificate for a physical illness.

(ii) A health maintenance organization may not charge a copayment that is greater than 50% of the daily cost for methadone maintenance treatment.

(d) An office visit to a physician or other health care provider for the purpose of medication management may not be counted against the number of visits required to be covered as a part of the benefits required under subsection (b)(2)(iv) of this section and shall be reimbursed under the same terms and conditions as an office visit for physical illnesses covered under the contract or certificate.

(e) Nothing in this section shall be construed to prohibit exceeding the minimum benefits required under subsection (b)(2)(ii) or (iii) of this section for any partial hospitalization day that is medically necessary and would serve to prevent inpatient hospitalization.

(f) A health maintenance organization shall provide on its Web site and annually in print to its members:

(1) Notice about the benefits required under this section and, if applicable to the contract of the member, the federal Mental Health Parity and Addiction Equity Act; and

(2) Notice that the member may contact the Maryland Insurance Administration for further information about the benefits.

(g) A health maintenance organization shall:

(1) Post a release of information authorization form on its Web site; and

(2) Provide a release of information authorization form by standard mail within 10 business days after a request for the form is received.]

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 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 12, 2015.**

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## Chapter 364

(Senate Bill 563)

AN ACT concerning

### **Developmental Disabilities Administration and Maryland Medical Assistance Program – Services – Military Families**

FOR the purpose of providing that certain dependents who are determined eligible to receive services from the Developmental Disabilities Administration shall retain eligibility for the services under certain circumstances; requiring the Administration to allow certain dependents to remain on a certain waiting list under certain circumstances; requiring the Administration to ~~resume~~ reinstate certain services for certain dependents under certain circumstances; providing that certain dependents who are determined eligible to receive certain services from the Maryland Medical Assistance Program shall retain eligibility for the services under certain circumstances; requiring the Department of Health and Mental Hygiene to allow certain dependents to remain on a certain waiting list under certain circumstances; requiring the Department to ~~resume~~ reinstate certain services for certain dependents under certain circumstances; defining a certain term; and generally relating to the eligibility for and receipt of Developmental Disabilities Administration and Maryland Medical Assistance Program services by dependents of military service members.

BY adding to

Article – Health – General  
Section 7–404.1 and 15–134.1  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

**Article – Health – General**

**7–404.1.**

(A) IN THIS SECTION, “LEGAL RESIDENT” MEANS AN INDIVIDUAL WHO MAINTAINS THE STATE AS THE INDIVIDUAL’S PRINCIPAL ESTABLISHMENT, HOME OF RECORD, OR PERMANENT HOME AND TO WHERE, WHENEVER ABSENT DUE TO MILITARY OBLIGATION, THE INDIVIDUAL INTENDS TO RETURN.

(B) A DEPENDENT OF A LEGAL RESIDENT OF THE STATE WHO IS DETERMINED ELIGIBLE TO RECEIVE SERVICES FROM THE ADMINISTRATION UNDER THIS TITLE SHALL RETAIN ELIGIBILITY FOR THE SERVICES:

(1) REGARDLESS OF WHETHER THE LEGAL RESIDENT LEAVES THE STATE DUE TO THE LEGAL RESIDENT’S MILITARY ASSIGNMENT OUTSIDE THE STATE; AND

(2) IF THE DEPENDENT IS OTHERWISE ELIGIBLE FOR THE SERVICES.

(C) IF A DEPENDENT OF A LEGAL RESIDENT IS ON A WAITING LIST FOR SERVICES TO BE PROVIDED UNDER THIS TITLE, THE ADMINISTRATION SHALL ALLOW THE DEPENDENT TO REMAIN ON THE WAITING LIST FOR SERVICES WHILE THE LEGAL RESIDENT IS OUTSIDE THE STATE DUE TO THE LEGAL RESIDENT’S MILITARY ASSIGNMENT OUTSIDE THE STATE.

(D) THE ADMINISTRATION SHALL ~~RESUME~~ REINSTATE SERVICES PROVIDED UNDER THIS TITLE TO A DEPENDENT OF A LEGAL RESIDENT WHO RESIDES WITH THE LEGAL RESIDENT WHILE THE LEGAL RESIDENT IS OUTSIDE THE STATE DUE TO THE LEGAL RESIDENT’S MILITARY ASSIGNMENT OUTSIDE THE STATE:

(1) ON THE RELOCATION OF THE DEPENDENT TO THE STATE; AND

(2) IF A REQUEST FOR SERVICES IS MADE.

**15–134.1.**

(A) IN THIS SECTION, “LEGAL RESIDENT” MEANS AN INDIVIDUAL WHO MAINTAINS THE STATE AS THE INDIVIDUAL’S PRINCIPAL ESTABLISHMENT, HOME OF RECORD, OR PERMANENT HOME AND TO WHERE, WHENEVER ABSENT DUE TO MILITARY OBLIGATION, THE INDIVIDUAL INTENDS TO RETURN.

(B) A DEPENDENT OF A LEGAL RESIDENT OF THE STATE WHO IS DETERMINED ELIGIBLE TO RECEIVE HOME- AND COMMUNITY-BASED WAIVER SERVICES OR OTHER WAIVER SERVICES FROM THE DEPARTMENT UNDER THIS TITLE SHALL RETAIN ELIGIBILITY FOR THE SERVICES:

(1) REGARDLESS OF WHETHER THE LEGAL RESIDENT LEAVES THE STATE DUE TO THE LEGAL RESIDENT’S MILITARY ASSIGNMENT OUTSIDE THE STATE; AND

(2) IF THE DEPENDENT IS OTHERWISE ELIGIBLE FOR THE SERVICES.

(C) IF A DEPENDENT OF A LEGAL RESIDENT IS ON A WAITING LIST FOR HOME- AND COMMUNITY-BASED WAIVER SERVICES OR OTHER WAIVER SERVICES TO BE PROVIDED UNDER THIS TITLE, THE DEPARTMENT SHALL ALLOW THE DEPENDENT TO REMAIN ON THE WAITING LIST FOR SERVICES WHILE THE LEGAL RESIDENT IS OUTSIDE THE STATE DUE TO THE LEGAL RESIDENT’S MILITARY ASSIGNMENT OUTSIDE THE STATE.

(D) THE DEPARTMENT SHALL ~~RESUME~~ REINSTATE SERVICES PROVIDED UNDER THIS TITLE TO A DEPENDENT WHO RESIDES WITH THE LEGAL RESIDENT WHILE THE LEGAL RESIDENT IS OUTSIDE THE STATE DUE TO THE LEGAL RESIDENT’S MILITARY ASSIGNMENT OUTSIDE THE STATE:

(1) ON THE RELOCATION OF THE DEPENDENT TO THE STATE; AND

(2) IF A REQUEST FOR SERVICES IS MADE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 365

(Senate Bill 564)

AN ACT concerning

**Prince George's County – Maryland–Washington Regional District – Fairness in Zoning**

FOR the purpose of ~~providing that, in Prince George's County, the planning board's authority is not exclusive and may be subject to review by the district council under certain circumstances; providing that the district council is not authorized to review certain matters beyond its jurisdiction as provided in a certain article; authorizing the district council in Prince George's County by local law to adopt and amend zoning law procedures for zoning decisions by the planning board and the district council; providing that within the regional district in Prince George's County, certain zoning powers granted to a planning commission or board of appeals under certain provisions shall be construed as vested exclusively in and may be exercised only by the district council;~~ requiring that, in Prince George's County, the zoning hearing examiner shall issue a certain decision not less than a certain time after the date of a certain hearing; altering the circumstances under which a certain person or entity aggrieved by a certain decision of the district council may request judicial review of any final decision of the district council; repealing the authority of a certain person to request judicial review of a decision of the county planning board of Prince George's County; providing that, in Prince George's County, a person may ~~file~~ make a request ~~for judicial review of a certain decision of a board of appeals to the circuit court~~ zoning hearing examiner or the planning board only under certain circumstances; providing that, in Prince George's County, when the district council is hearing a zoning matter that has been appealed from a zoning hearing examiner, the district council may remand the zoning matter back to the zoning hearing examiner only one time and is required to specify that the zoning hearing examiner take action within a certain time frame after the matter is remanded and relevant information is received from the applicant or the district council; and generally relating to zoning and planning powers in the Maryland–Washington Regional District in Prince George's County.

BY repealing and reenacting, with amendments,

Article – Land Use

Section ~~20–202, 22–104, 22–120, and 22–206, 22–407(a)(1), and 23–401~~

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

BY adding to

Article – Land Use

Section 25–212 and 25–213

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

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

**Article – Land Use**

~~20-202.~~

(a) (1) ~~(H) Subject to SUBPARAGRAPH (H) OF THIS PARAGRAPH AND paragraph (2) of this subsection, a county planning board:~~

~~[(i)] 1. is responsible for planning, subdivision, and zoning functions that are primarily local in scope; and~~

~~[(ii)] 2. shall exercise, within the county planning board's jurisdiction, the following powers:~~

~~[1.] A. planning;~~

~~[2.] B. zoning;~~

~~[3.] C. subdivision;~~

~~[4.] D. assignment of street names and house numbers;~~  
and

~~[5.] E. any related matter.~~

~~(H) 1. IN PRINCE GEORGE'S COUNTY:~~

~~A. THE AUTHORITY OF THE COUNTY PLANNING BOARD OVER ZONING AND SUBDIVISION MATTERS, BOTH LOCAL AND GENERAL, IS NOT EXCLUSIVE AND SHALL BE SUBJECT TO REVIEW BY THE DISTRICT COUNCIL; BUT~~

~~B. ANY REVIEW IS LIMITED TO THE MATTER THAT IS BROUGHT BEFORE THE DISTRICT COUNCIL.~~

~~2. NOTHING IN THIS SUBPARAGRAPH AUTHORIZES THE DISTRICT COUNCIL TO REVIEW MATTERS THAT ARE OTHERWISE BEYOND ITS JURISDICTION AS PROVIDED IN THIS ARTICLE.~~

~~(2) The functions under paragraph (1) of this subsection do not include the regional planning functions of the Commission relating to or affecting the regional district as a planning unit.~~

(b) (1) ~~A county planning board has exclusive jurisdiction over:~~

~~(i) local functions, including:~~

~~1. the administration of subdivision regulations;~~

~~2. the preparation and adoption of recommendations to the district council with respect to zoning map amendments; and~~

~~3. the assignment of street names and house numbers in the regional district; and~~

~~(ii) mandatory referrals made in accordance with Subtitle 3, Part I of this title by the county planning board's respective county government or any unit of the county government.~~

~~(2) The Montgomery County Planning Board has exclusive jurisdiction over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the County Board of Education, a municipal corporation or special taxing district, or a publicly owned or privately owned public utility.~~

~~(c) (1) Subject to paragraph (2) of this subsection, the Montgomery County Planning Board shall:~~

~~(i) review the annual capital budgets of the county and future capital budget projections; and~~

~~(ii) submit recommendations to the county council.~~

~~(2) The county government shall have sole responsibility for the preparation of the capital budgets and programs of public works.~~

~~(d) Each county planning board shall:~~

~~(1) meet from time to time with its respective county council; and~~

~~(2) perform surveys, studies, and other planning duties the county council assigns to the county planning board.~~

~~22-104.~~

~~(a) The Montgomery County district council or the Prince George's County district council, in accordance with the requirements of this division as to the portion of the regional district located in the respective county, may:~~

~~(1) by local law adopt and amend the text of the zoning law for that county; and~~

~~(2) by local law adopt and amend any map accompanying the text of the zoning law for that county.~~

~~(b) IN PRINCE GEORGE'S COUNTY, THE DISTRICT COUNCIL MAY BY LOCAL LAW ADOPT AND AMEND ZONING LAW PROCEDURES FOR ZONING DECISIONS BY THE PLANNING BOARD AND THE DISTRICT COUNCIL.~~

~~(c) The local law may regulate:~~

~~(1) (i) the location, height, bulk, and size of each building or other structure, and any unit in the building or structure;~~

~~(ii) building lines;~~

~~(iii) minimum frontage;~~

~~(iv) the depth and area of each lot; and~~

~~(v) the percentage of a lot that may be occupied;~~

~~(2) the size of lots, yards, courts, and other open spaces;~~

~~(3) the construction of temporary stands and structures;~~

~~(4) the density and distribution of population;~~

~~(5) the location and uses of buildings and structures and any units in those buildings and structures for:~~

~~(i) trade;~~

~~(ii) industry;~~

~~(iii) residential purposes;~~

~~(iv) recreation;~~

~~(v) agriculture;~~

~~(vi) public activities; and~~

~~(vii) other purposes; and~~

~~(6) the uses of land, including surface, subsurface, and air rights for the land, for building or for any of the purposes described in item (5) of this subsection.~~

~~[(c)] (D) The exercise of authority by a district council under this section is limited by §§ 17-402 and 25-211 of this article.~~



~~22-120.~~

~~(A) Within the regional district IN MONTGOMERY COUNTY, any power granted to a planning commission or board of appeals under Division I of this article shall be construed as vested exclusively in and may be exercised only by:~~

~~(1) the Commission; or~~

~~(2) the board of appeals created or authorized by this title.~~

~~(B) WITHIN THE REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, ANY ZONING POWER GRANTED TO A PLANNING COMMISSION OR BOARD OF APPEALS UNDER DIVISION I OF THIS ARTICLE SHALL BE CONSTRUED AS VESTED EXCLUSIVELY IN AND MAY BE EXERCISED ONLY BY THE DISTRICT COUNCIL.~~

22-206.

(a) A district council may amend its zoning laws, including any maps:

(1) in accordance with procedures established in its zoning laws; and

(2) after holding an advertised public hearing.

(b) The procedures and zoning laws may include:

(1) procedures limiting the times when amendments may be adopted;

(2) provisions for hearings and preliminary determinations by an examiner, a board, or any other unit;

(3) procedures for quorums, number of votes required to enact amendments, and variations or increases based on factors such as master plans, recommendations of the hearing examiner, county planning board, municipal corporation, governed special taxing district, or other body, and petitions of abutting property owners, and the evidentiary value that may be accorded to any of these factors; and

(4) procedures for hearings, notice, costs, fees, amendment of applications, recordings, reverter, lapse, and reconsideration de novo of undeveloped zoning amendments.

(c) (1) In Prince George's County, the district council may provide for notice of the public hearing on a proposed amendment to its zoning plan or zoning laws to be given to the owners of properties, as they appear on the assessment rolls of the county, adjoining, across the road from, on the same block as, or in the general vicinity of the property that is the subject of the proposed amendment.

(2) A zoning law adopted under this subsection may require notice to be given by mail or by posting the notice on or in the vicinity of the property involved in the proposed amendment or both.

(d) **IN PRINCE GEORGE’S COUNTY, THE ZONING HEARING EXAMINER SHALL ISSUE A DECISION ON A ZONING MATTER NOT MORE THAN 100 DAYS AFTER THE DATE OF THE LAST HEARING HELD BY THE HEARING EXAMINER.**

(E) In a year in which a district council is elected, the district council may not amend a zoning law from November 1 and until the newly elected district council has taken office.

22-407.

(a) (1) Judicial review of [a] ANY final decision of the district council, including an individual map amendment or a sectional map amendment, may be requested by ANY PERSON OR ENTITY THAT IS AGGRIEVED BY THE DECISION OF THE DISTRICT COUNCIL AND IS:

(i) [any] A municipal corporation, governed special taxing district, or person in the county;

(ii) [any] A civic or homeowners association representing property owners affected by the final decision; [or]

(iii) THE OWNER OF THE PROPERTY THAT IS THE SUBJECT OF THE DECISION; OR

(IV) [if aggrieved,] the applicant.

23-401.

(a) (1) Within 30 days after the county planning board takes final action on an application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action; ~~or~~

(ii) ~~a~~ IN MONTGOMERY COUNTY, A [person or] municipal corporation that appeared at the hearing in person, by attorney, or in writing; OR

(iii) IN PRINCE GEORGE’S COUNTY, A MUNICIPAL CORPORATION THAT APPEARED AT THE HEARING IN PERSON, BY ATTORNEY, OR IN WRITING.

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) (1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7-202(d).

(2) On receiving a copy of the petition, the county planning board shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the county planning board in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Court of Special Appeals.

(4) The review proceedings provided by this section are exclusive.

25-212.

~~NOTWITHSTANDING ANY OTHER LAW, IN~~ IN PRINCE GEORGE'S COUNTY, A PERSON MAY FILE MAKE A REQUEST FOR JUDICIAL REVIEW TO THE DISTRICT COUNCIL FOR THE REVIEW OF A DECISION OF A BOARD OF APPEALS TO THE CIRCUIT COURT THE ZONING HEARING EXAMINER OR THE PLANNING BOARD ONLY IF:

~~(1):~~

~~(1) THE PERSON IS A PARTY TO, OR DIRECTLY AFFECTED BY THE DECISION OF THE BOARD OF APPEALS;~~

~~(2) THE PERSON RESIDES WITHIN ONE MILE OF THE PROPERTY THAT IS THE SUBJECT OF THE DECISION; OR~~

~~(3) THE PERSON RESIDES IN THE MUNICIPAL CORPORATION WHERE THE PROPERTY THAT IS THE SUBJECT OF THE DECISION IS LOCATED THE PERSON IS AN AGGRIEVED PERSON THAT APPEARED AT THE HEARING BEFORE THE ZONING HEARING EXAMINER OR PLANNING BOARD IN PERSON, BY AN ATTORNEY, OR IN WRITING; AND~~

**(2) THE REVIEW IS EXPRESSLY AUTHORIZED UNDER THIS DIVISION.**

25-213.

IN PRINCE GEORGE'S COUNTY, WHEN THE DISTRICT COUNCIL IS HEARING A ZONING MATTER THAT HAS BEEN APPEALED FROM A DECISION OF A ZONING HEARING EXAMINER, THE DISTRICT COUNCIL:

(1) MAY REMAND THE ZONING MATTER BACK TO THE ZONING HEARING EXAMINER ONLY ONE TIME; AND

(2) SHALL SPECIFY THAT THE ZONING HEARING EXAMINER TAKE ACTION WITHIN ~~100~~ 30 DAYS AFTER THE MATTER IS REMANDED AND RELEVANT INFORMATION IS RECEIVED FROM THE APPLICANT OR THE DISTRICT COUNCIL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 366

(Senate Bill 567)

AN ACT concerning

### Department of Human Resources – State Child Welfare System – Report

FOR the purpose of requiring the Department of Human Resources, on or before a certain date each year, to report to the General Assembly certain information regarding children and foster youth in the State child welfare system; requiring the Department to maintain the confidentiality of certain information, ensure that no personally identifiable information is disclosed, and disaggregate certain information in a certain manner; requiring the Department to publish certain reports on the Department's Web site within a certain time; defining a certain term; and generally relating to children and foster youth in the State child welfare system.

BY repealing and reenacting, without amendments,

Article – Family Law  
Section 5–1301(a), (d), and (i)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY adding to  
Article – Family Law  
Section 5–1312  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 5–304(a)(4)  
Annotated Code of Maryland  
(2007 Volume and 2014 Supplement)

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

#### **Article – Family Law**

**5–1301.**

- (a) In this subtitle the following words have the meanings indicated.
- (d) “Child” means any individual under the age of 18 years.
- (i) “Out-of-home placement” means placement of a child into foster care, kinship care, group care, or residential treatment care.

**5–1312.**

**(A) IN THIS SECTION, “FOSTER YOUTH” HAS THE MEANING STATED IN § 5–304 OF THE HUMAN SERVICES ARTICLE.**

**(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION REGARDING CHILDREN AND FOSTER YOUTH IN THE STATE CHILD WELFARE SYSTEM:**

**(1) THE NUMBER OF CHILD ABUSE AND NEGLECT REPORTS, ALTERNATIVE RESPONSES, INVESTIGATIVE RESPONSES, AND FINDINGS FOR COMPLETED INVESTIGATIONS;**

(2) THE NUMBER OF CHILDREN AND FOSTER YOUTH RECEIVING IN-HOME SERVICES;

(3) THE NUMBER OF NEW OUT-OF-HOME PLACEMENTS BY PLACEMENT TYPE;

(4) THE NUMBER OF EXITS FROM THE CHILD WELFARE SYSTEM BY EXIT TYPE;

(5) THE NUMBER OF EXITS TO REUNIFICATION AND REENTRIES WITHIN 12 MONTHS AFTER EXIT;

(6) THE NUMBER OF EXITS TO REUNIFICATION AND REENTRIES WITHIN 24 MONTHS AFTER EXIT;

~~(6)~~ (7) THE STABILITY OF OUT-OF-HOME PLACEMENTS, INCLUDING THE NUMBER OF PLACEMENT CHANGES;

~~(7) HEALTH AND MENTAL HEALTH CARE, INCLUDING THE STABILITY OF HEALTH CARE PROVIDERS, MEDICATIONS, AND PSYCHIATRIC DIAGNOSES;~~

(8) THE STABILITY OF SCHOOL PLACEMENTS;

(9) THE NUMBER WHO GRADUATE FROM HIGH SCHOOL;

(10) THE NUMBER WHO QUALIFY FOR A MARYLAND HIGH SCHOOL DIPLOMA BY EXAMINATION; AND

(11) THE NUMBER WHO RECEIVE TUITION WAIVERS.

(C) IN REPORTING THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL:

(1) MAINTAIN THE CONFIDENTIALITY OF INFORMATION ON CHILDREN AND FOSTER YOUTH IN THE STATE CHILD WELFARE SYSTEM;

(2) ENSURE THAT NO PERSONALLY IDENTIFIABLE INFORMATION IS DISCLOSED; AND

(3) DISAGGREGATE THE INFORMATION BY COUNTY, AGE, GENDER, RACE, AND ETHNICITY.

**(D) THE DEPARTMENT SHALL PUBLISH EACH REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION ON THE DEPARTMENT'S WEB SITE WITHIN 30 DAYS OF SUBMISSION OF THE REPORT TO THE GENERAL ASSEMBLY.**

**Article – Human Services**

5–304.

(a) (4) “Foster youth” means an individual who:

(i) is an adult in out-of-home care under the responsibility of the State; or

(ii) is an adult under the age of 25 years; and

(iii) was in out-of-home care under the responsibility of the State on the individual's 18th birthday.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 367**

**(Senate Bill 573)**

AN ACT concerning

**Insurance – Standard Valuation Law and Reserve and Nonforfeiture Requirements**

FOR the purpose of establishing certain requirements relating to the reserves and opinions relating to the reserves for certain life insurance policies, accident and health insurance contracts, and deposit-type contracts issued by certain companies on or after the operative date of a certain valuation manual; clarifying the scope of certain provisions of law relating to the reserve requirements and opinions relating to the reserve requirements for certain policies, contracts, and benefit agreements required before the operative date of the valuation manual; requiring certain companies to submit annually a certain opinion relating to the reserves and related actuarial items held in support of certain policies and contracts; requiring the valuation manual to prescribe the contents of the opinion and certain other items; requiring certain companies to include with the opinion an additional opinion of a certain actuary, except under certain circumstances; requiring the obligations of a company under certain policies and contracts to include certain benefits and expenses;

requiring a certain actuary to consider certain investment earnings and other consideration in reviewing certain assets held by a certain company; requiring a certain memorandum to be prepared to support a certain opinion; authorizing the Maryland Insurance Commissioner to engage a certain actuary at the expense of a certain company under certain circumstances; establishing certain requirements for certain opinions; limiting the liability for damages of certain actuaries under certain circumstances; requiring the Commissioner to adopt regulations to establish disciplinary action against a certain company or certain actuary that violates certain provisions of this Act; repealing certain provisions of law authorizing the Commissioner to certify the amount of certain reserves; altering the circumstances under which the Commissioner may accept a certain valuation; requiring the Commissioner to annually value or cause to be valued the reserves of certain policies and contracts issued by a company on or after the operative date of the valuation manual; establishing the minimum standard for valuation of the policies and contracts; specifying the manner in which the operative date of the valuation manual is determined; providing for the effective date of changes to the valuation manual; requiring the valuation manual to specify certain minimum valuation standards, the format for certain reports, certain other requirements, and certain data and the form of the data that must be submitted under a certain provision of this Act; authorizing a company, under certain circumstances, to comply with a minimum standard of valuation prescribed by the Commissioner by regulation; authorizing the Commissioner to rely on a certain opinion under certain circumstances; authorizing the Commissioner to require a company to change any assumption or method used by the company under certain circumstances; requiring a company to adjust the company's reserves as required by the Commissioner; requiring a company, for policies and contracts specified in the valuation manual, to establish reserves using a certain principle-based valuation; establishing certain requirements for a company that uses a principle-based valuation; requiring a company to submit certain information as prescribed in the valuation manual; providing that certain information of a company is confidential and privileged, is not subject to the Maryland Public Information Act, and is not subject to subpoena or discovery or admission in evidence in a certain civil action, subject to certain exceptions; authorizing the Commissioner to share and use certain confidential information under certain circumstances and to enter into agreements governing the sharing and use of the information; authorizing the Commissioner to receive certain documents, materials, data, and other information; providing that a certain privilege or claim of confidentiality in confidential information is not waived as a result of a certain disclosure or sharing of the confidential information; authorizing the Commissioner to exempt a specific product form or product line of a certain company under certain circumstances; authorizing the Commissioner to exempt a domestic company from certain reserve requirements and certain information submission requirements under certain circumstances; requiring a domestic company that meets the requirements for exemption to compute reserves in accordance with certain requirements and file a certain statement with the Commissioner before a certain date each year; authorizing the Commissioner to reject the statement before a certain date and require the domestic company to comply with the valuation manual requirements; specifying the mortality tables that may be substituted for certain



other mortality tables to be used in determining the minimum nonforfeiture standard for certain policies issued on or after the operative date of the valuation manual; establishing the nonforfeiture interest rate for certain policies issued on or after the operative date of the valuation manual; altering the nonforfeiture interest rate for certain policies issued before the operative date of the valuation manual; providing for the resolution of any conflict between Maryland law and the valuation manual; making this Act subject to certain contingencies; requiring the Commissioner to give certain notice to the Department of Legislative Services; providing that this Act is null and void under certain circumstances; defining certain terms; making certain conforming and clarifying changes; and generally relating to the Maryland Standard Valuation Law and reserve and nonforfeiture requirements for insurance policies and contracts issued in the State.

BY renumbering

Article – Insurance

Section 5–301

to be Section 5–301.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 5–201, 5–303, 5–304(b)(3), (c), (f), and (g), 5–305(c), (d), and (f), 5–306(f)(7), and 16–309

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Insurance

Section 5–201.1, 5–301, and 5–313 through 5–317

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 5–301.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–301 of Article – Insurance of the Annotated Code of Maryland be renumbered to be Section(s) 5–301.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

## Article – Insurance

5–201.

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

**(2) “OPERATIVE DATE OF THE VALUATION MANUAL” HAS THE MEANING STATED IN § 5–201.1 OF THIS SUBTITLE.**

**[(2)] (3)** “Opinion” means an opinion issued by a qualified actuary and developed in accordance with the standards of practice of the Actuarial Standards Board.

**[(3)] (4)** “Qualified actuary” means a member in good standing of the American Academy of Actuaries who meets the qualification standards of the Academy for issuing an opinion required by this section.

**(B) THIS SECTION APPLIES TO RESERVE REQUIREMENTS AND OPINIONS RELATING TO RESERVE REQUIREMENTS FOR POLICIES, CONTRACTS, AND BENEFIT AGREEMENTS OF LIFE INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND FRATERNAL BENEFIT SOCIETIES REQUIRED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL.**

**[(b)] (C)** (1) In addition to the requirement of paragraph (2) of this subsection, the aggregate reserves for all policies, contracts, and benefit agreements of a life insurer may not be less than the aggregate reserves computed under Subtitle 3 of this title.

(2) (i) The aggregate reserves for all policies, contracts, and benefit agreements of a life insurer, nonprofit health service plan, or fraternal benefit society may not be less than the aggregate reserves that a qualified actuary determines to be necessary under subsection **[(d)] (E)** of this section.

(ii) By regulation, the Commissioner may provide for a transition period to establish any higher reserves required by this paragraph.

**[(c)] (D)** Each life insurer, nonprofit health service plan, and fraternal benefit society that does business in the State shall submit annually the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the life insurer’s policies, contracts, and benefit agreements are:

- (1) computed appropriately;
- (2) based on assumptions that satisfy contractual provisions;
- (3) consistent with prior reported amounts; and

- (4) in compliance with applicable laws of the State.

**[(d)] (E)** (1) Except as exempted by regulations adopted by the Commissioner, each life insurer, nonprofit health service plan, and fraternal benefit society shall include with the opinion required by subsection **[(c)] (D)** of this section an additional opinion of the same qualified actuary, stating whether the reserves and related actuarial items that are held in support of the policies, contracts, and benefit agreements by the life insurer, nonprofit health service plan, or fraternal benefit society are adequate to meet its obligations under its policies, contracts, and benefit agreements, in light of the assets held with respect to the reserves and related actuarial items.

(2) The obligations of a life insurer, nonprofit health service plan, or fraternal benefit society under its policies, contracts, and benefit agreements include benefits to be provided and associated expenses that may reasonably be expected.

(3) In reviewing the assets held by the life insurer, nonprofit health service plan, or fraternal benefit society with respect to the reserves and related actuarial items, the qualified actuary shall consider the expected investment earnings on the assets and other consideration that the life insurer, nonprofit health service plan, or fraternal benefit society expects to receive and retain under the policies, contracts, and benefit agreements.

**[(e)] (F)** (1) A memorandum acceptable to the Commissioner shall be prepared to support each opinion required under this section.

(2) The supporting memorandum shall be in the form and contain the information that is specified by regulation.

(3) The life insurer, nonprofit health service plan, or fraternal benefit society shall:

(i) keep the supporting memorandum in its home office; and

(ii) on request, submit a copy of the memorandum to the Commissioner.

(4) The Commissioner may engage a qualified actuary at the expense of the life insurer, nonprofit health service plan, or fraternal benefit society to review each opinion and prepare a supporting memorandum if:

(i) the life insurer, nonprofit health service plan, or fraternal benefit society fails to provide a supporting memorandum within the period specified by regulation; or

(ii) the Commissioner determines that the supporting memorandum that the life insurer, nonprofit health service plan, or fraternal benefit society provides fails to meet necessary standards or is unacceptable.

**[(f)] (G)** (1) Each opinion required by this section shall:

(i) be submitted with the annual statement required by this article and reflect the valuation of the reserve liabilities of the life insurer, nonprofit health service plan, or fraternal benefit society;

(ii) apply to all business in force, including individual and group health insurance plans; and

(iii) be based on standards adopted by the Actuarial Standards Board.

(2) The Commissioner may adopt regulations to establish additional requirements for an opinion.

(3) For a foreign insurer or alien insurer, the Commissioner may accept an opinion that the foreign insurer or alien insurer files with the insurance supervisory official of another state if the Commissioner determines that the opinion reasonably meets the requirements applicable to a life insurer, nonprofit health service plan, or fraternal benefit society domiciled in this State.

**[(g)] (H)** (1) Except as provided in subsection **[(h)] (I)** of this section, the Commissioner shall keep confidential and may not make public any memorandum or other material that the life insurer, nonprofit health service plan, or fraternal benefit society provides in connection with an opinion issued under this section.

(2) A memorandum or other material provided to the Commissioner is not subject to a subpoena except for defending in a suit that:

(i) seeks damages from any person; and

(ii) is based on an action required by this section.

**[(h)] (I)** (1) The Commissioner may release a memorandum or other material provided to the Commissioner:

(i) with the written consent of the life insurer, nonprofit health service plan, or fraternal benefit society that provides the memorandum or material; or

(ii) to the American Academy of Actuaries, if the Academy:

1. requests the memorandum or other material for professional disciplinary proceedings; and

2. sets forth procedures satisfactory to the Commissioner to preserve the confidentiality of the memorandum or other material.

(2) All parts of a memorandum or other material are no longer confidential if any part of the memorandum or material is:

(i) cited by the life insurer, nonprofit health service plan, or fraternal benefit society in its marketing;

(ii) cited before a governmental unit other than a State insurance department; or

(iii) released by the life insurer, nonprofit health service plan, or fraternal benefit society to the news media.

**[(i)] (J)** Except for fraud, willful misconduct, or gross negligence, a qualified actuary is not liable for damages to any person other than the life insurer, nonprofit health service plan, fraternal benefit society, or the Commissioner for any act, error, omission, decision, or conduct related to an opinion that the qualified actuary issues under this section.

**[(j)] (K)** The Commissioner shall adopt regulations to establish disciplinary action against a life insurer, nonprofit health service plan, fraternal benefit society, or qualified actuary that violates this section.

#### **5-201.1.**

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

**(2) “ACCIDENT AND HEALTH INSURANCE CONTRACT” MEANS A CONTRACT, AS SPECIFIED IN THE VALUATION MANUAL, THAT:**

**(I) INCORPORATES MORBIDITY RISK; AND**

**(II) PROVIDES PROTECTION AGAINST ECONOMIC LOSS RESULTING FROM ACCIDENT, SICKNESS, OR MEDICAL CONDITIONS.**

**(3) “APPOINTED ACTUARY” MEANS A QUALIFIED ACTUARY WHO IS APPOINTED IN ACCORDANCE WITH THE VALUATION MANUAL TO ISSUE AN OPINION REQUIRED BY THIS SECTION.**

**(4) “COMPANY” MEANS AN ENTITY THAT:**

**(I) 1. HAS WRITTEN, ISSUED, OR REINSURED LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN THE STATE; AND**

2. HAS AT LEAST ONE OF THE POLICIES OR CONTRACTS SPECIFIED IN ITEM 1 OF THIS ITEM IN FORCE OR ON CLAIM; OR

(II) 1. HAS WRITTEN, ISSUED, OR REINSURED LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN ANY STATE; AND

2. IS REQUIRED TO HOLD A CERTIFICATE OF AUTHORITY TO WRITE LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN THIS STATE.

(5) “DEPOSIT-TYPE CONTRACT” MEANS A CONTRACT, AS SPECIFIED IN THE VALUATION MANUAL, THAT DOES NOT INCORPORATE MORTALITY OR MORBIDITY RISKS.

(6) (I) “LIFE INSURANCE POLICY” MEANS A POLICY, AS SPECIFIED IN THE VALUATION MANUAL, THAT INCORPORATES MORTALITY RISK.

(II) “LIFE INSURANCE POLICY” INCLUDES:

1. AN ANNUITY CONTRACT; AND

2. A PURE ENDOWMENT CONTRACT.

(7) “OPERATIVE DATE OF THE VALUATION MANUAL” MEANS THE DATE DETERMINED IN ACCORDANCE WITH § 5-313 OF THIS TITLE.

(8) “QUALIFIED ACTUARY” MEANS AN INDIVIDUAL WHO:

(I) IS QUALIFIED TO SIGN THE APPLICABLE STATEMENT OF ACTUARIAL OPINION IN ACCORDANCE WITH THE AMERICAN ACADEMY OF ACTUARIES QUALIFICATION STANDARDS FOR ACTUARIES SIGNING SUCH STATEMENTS; AND

(II) MEETS THE REQUIREMENTS SPECIFIED IN THE VALUATION MANUAL.

(9) “VALUATION MANUAL” MEANS THE MANUAL OF VALUATION INSTRUCTIONS ADOPTED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS IN THE MANNER SPECIFIED IN § 5-313(B)(1) OF THIS TITLE.

(B) THIS SECTION APPLIES TO EACH COMPANY THAT, ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL:

(1) HAS OUTSTANDING LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN THE STATE; AND

(2) IS SUBJECT TO REGULATION BY THE COMMISSIONER.

(C) (1) A COMPANY SUBJECT TO THIS SECTION SHALL SUBMIT ANNUALLY THE OPINION OF AN APPOINTED ACTUARY AS TO WHETHER THE RESERVES AND RELATED ACTUARIAL ITEMS HELD IN SUPPORT OF THE COMPANY'S LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ARE:

(I) COMPUTED APPROPRIATELY;

(II) BASED ON ASSUMPTIONS THAT SATISFY CONTRACTUAL PROVISIONS;

(III) CONSISTENT WITH PRIOR REPORTED AMOUNTS; AND

(IV) IN COMPLIANCE WITH APPLICABLE LAWS OF THE STATE.

(2) THE VALUATION MANUAL SHALL PRESCRIBE THE CONTENTS OF THE OPINION AND ANY OTHER ITEMS CONSIDERED NECESSARY TO THE SCOPE OF THE OPINION.

(D) (1) EXCEPT AS EXEMPTED IN THE VALUATION MANUAL, A COMPANY SUBJECT TO THIS SECTION SHALL INCLUDE WITH THE OPINION REQUIRED BY SUBSECTION (C) OF THIS SECTION AN ADDITIONAL OPINION OF THE SAME APPOINTED ACTUARY, STATING WHETHER THE RESERVES AND RELATED ACTUARIAL ITEMS THAT ARE HELD IN SUPPORT OF THE COMPANY'S LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ARE ADEQUATE TO MEET THE COMPANY'S OBLIGATIONS UNDER THE LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS, IN LIGHT OF THE ASSETS HELD WITH RESPECT TO THE RESERVES AND RELATED ACTUARIAL ITEMS.

(2) THE OBLIGATIONS OF A COMPANY UNDER ITS LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS INCLUDE BENEFITS TO BE PROVIDED AND ASSOCIATED EXPENSES THAT MAY REASONABLY BE EXPECTED.

(3) IN REVIEWING THE ASSETS HELD BY A COMPANY WITH RESPECT TO THE RESERVES AND RELATED ACTUARIAL ITEMS, THE APPOINTED ACTUARY SHALL CONSIDER THE EXPECTED INVESTMENT EARNINGS ON THE ASSETS AND

**OTHER CONSIDERATION THAT THE COMPANY EXPECTS TO RECEIVE AND RETAIN UNDER THE COMPANY'S LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS.**

**(E) (1) A MEMORANDUM SHALL BE PREPARED TO SUPPORT EACH OPINION REQUIRED UNDER THIS SECTION.**

**(2) THE SUPPORTING MEMORANDUM SHALL BE:**

**(I) IN THE FORM AND CONTAIN THE INFORMATION THAT IS SPECIFIED IN THE VALUATION MANUAL; AND**

**(II) ACCEPTABLE TO THE COMMISSIONER.**

**(3) THE COMMISSIONER MAY ENGAGE A QUALIFIED ACTUARY AT THE EXPENSE OF A COMPANY SUBJECT TO THIS SECTION TO REVIEW EACH OPINION AND THE BASIS FOR THE OPINION AND PREPARE A SUPPORTING MEMORANDUM IF:**

**(I) THE COMPANY FAILS TO PROVIDE A SUPPORTING MEMORANDUM, AT THE REQUEST OF THE COMMISSIONER, WITHIN THE PERIOD SPECIFIED IN THE VALUATION MANUAL; OR**

**(II) THE COMMISSIONER DETERMINES THAT THE SUPPORTING MEMORANDUM THAT THE COMPANY PROVIDES FAILS TO MEET THE STANDARDS PRESCRIBED BY THE VALUATION MANUAL OR IS OTHERWISE UNACCEPTABLE TO THE COMMISSIONER.**

**(F) (1) EACH OPINION REQUIRED BY THIS SECTION SHALL:**

**(I) BE IN THE FORM AND CONTAIN THE INFORMATION THAT IS SPECIFIED IN THE VALUATION MANUAL;**

**(II) BE ACCEPTABLE TO THE COMMISSIONER;**

**(III) BE SUBMITTED WITH THE ANNUAL STATEMENT REQUIRED BY THIS ARTICLE;**

**(IV) REFLECT THE VALUATION OF THE RESERVE LIABILITIES OF A COMPANY SUBJECT TO THIS SECTION FOR EACH YEAR ENDING ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL;**

**(V) APPLY TO ALL LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS SUBJECT TO**



SUBSECTION (D) OF THIS SECTION AND ANY OTHER ACTUARIAL LIABILITIES AS MAY BE SPECIFIED IN THE VALUATION MANUAL; AND

(VI) BE BASED ON STANDARDS ADOPTED BY THE ACTUARIAL STANDARDS BOARD AND ANY ADDITIONAL STANDARDS AS MAY BE PRESCRIBED IN THE VALUATION MANUAL.

(2) FOR A FOREIGN COMPANY OR AN ALIEN COMPANY, THE COMMISSIONER MAY ACCEPT AN OPINION THAT THE FOREIGN OR ALIEN COMPANY FILES WITH THE INSURANCE SUPERVISORY OFFICIAL OF ANOTHER STATE IF THE COMMISSIONER DETERMINES THAT THE OPINION REASONABLY MEETS THE REQUIREMENTS APPLICABLE TO A COMPANY DOMICILED IN THIS STATE.

(G) EXCEPT FOR FRAUD OR WILLFUL MISCONDUCT, AN APPOINTED ACTUARY IS NOT LIABLE FOR DAMAGES TO ANY PERSON OTHER THAN THE COMPANY OR THE COMMISSIONER FOR ANY ACT, ERROR, OMISSION, DECISION, OR CONDUCT RELATED TO THE APPOINTED ACTUARY'S OPINION.

(H) THE COMMISSIONER SHALL ADOPT REGULATIONS TO ESTABLISH DISCIPLINARY ACTION AGAINST A COMPANY OR AN APPOINTED ACTUARY THAT VIOLATES THIS SECTION.

#### 5-301.

(A) IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ACCIDENT AND HEALTH INSURANCE CONTRACT" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(C) "APPOINTED ACTUARY" MEANS A QUALIFIED ACTUARY WHO IS APPOINTED IN ACCORDANCE WITH THE VALUATION MANUAL TO PREPARE AN OPINION REQUIRED BY § 5-201.1 OF THIS TITLE.

(D) "COMPANY" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(E) "DEPOSIT-TYPE CONTRACT" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(F) "LIFE INSURANCE POLICY" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(G) "NAIC" MEANS THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

(H) “OPERATIVE DATE OF THE VALUATION MANUAL” HAS THE MEANING STATED IN § 5–201.1(A) OF THIS TITLE.

(I) (1) “POLICYHOLDER BEHAVIOR” MEANS ANY ACTION A POLICYHOLDER, CONTRACT HOLDER, OR ANY OTHER PERSON WITH THE RIGHT TO ELECT OPTIONS, INCLUDING A CERTIFICATE HOLDER, MAY TAKE UNDER A LIFE INSURANCE POLICY, AN ACCIDENT AND HEALTH INSURANCE CONTRACT, OR A DEPOSIT–TYPE CONTRACT ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(2) “POLICYHOLDER BEHAVIOR” INCLUDES BEHAVIOR RELATING TO LAPSE, WITHDRAWAL, TRANSFER, DEPOSIT, PREMIUM PAYMENT, LOAN, ANNUITIZATION, ~~AND~~ OR BENEFIT ELECTIONS PRESCRIBED BY A LIFE INSURANCE POLICY, AN ACCIDENT AND HEALTH INSURANCE CONTRACT, OR A DEPOSIT–TYPE CONTRACT ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(3) “POLICYHOLDER BEHAVIOR” DOES NOT INCLUDE AN EVENT OF MORTALITY OR MORBIDITY THAT RESULTS IN BENEFITS PRESCRIBED IN THEIR ESSENTIAL ASPECTS BY THE TERMS OF A LIFE INSURANCE POLICY, AN ACCIDENT AND HEALTH INSURANCE CONTRACT, OR A DEPOSIT–TYPE CONTRACT ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(J) “PRINCIPLE–BASED VALUATION” MEANS A RESERVE VALUATION THAT:

(1) USES ONE OR MORE METHODS OR ONE OR MORE ASSUMPTIONS DETERMINED BY A COMPANY; AND

(2) MEETS THE REQUIREMENTS OF § 5–314 OF THIS SUBTITLE.

(K) “QUALIFIED ACTUARY” HAS THE MEANING STATED IN § 5–201.1(A) OF THIS TITLE.

(L) “TAIL RISK” MEANS A RISK THAT OCCURS WHEN:

(1) THE FREQUENCY OF LOW PROBABILITY EVENTS IS HIGHER THAN EXPECTED UNDER A NORMAL PROBABILITY DISTRIBUTION; OR

(2) EVENTS OF VERY SIGNIFICANT SIZE OR MAGNITUDE ARE OBSERVED.

(M) “VALUATION MANUAL” HAS THE MEANING STATED IN § 5–201.1(A) OF THIS TITLE.

5-301.1.

(a) (1) (i) Subject to subparagraph (ii) of this paragraph, the Commissioner annually shall value or cause to be valued the reserves for all outstanding life insurance policies, annuity contracts, and pure endowment contracts [of] **ISSUED BY** each life insurer doing business in the State **BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL**.

(ii) For an alien insurer, the valuation required by this [section] **SUBSECTION** shall be limited to the alien insurer's United States business.

[(2) The Commissioner may certify the amount of reserves valued under this section, specifying the mortality tables, rates of interest, and methods used to calculate the reserves.

(b) (2) To calculate reserves under this [section] **SUBSECTION**, the Commissioner may use group methods and approximate averages for fractions of a year or otherwise.

[(c) (3) For a foreign insurer or alien insurer, instead of the valuation of reserves required by [subsection (a) of this section] **PARAGRAPH (1) OF THIS SUBSECTION**, the Commissioner may accept a valuation made or caused to be made by the insurance supervisory official of another state or other jurisdiction if]:

(1) the valuation complies with the minimum standard under this subtitle[; and

(2) the insurance supervisory official of the other state or other jurisdiction accepts as sufficient and valid for all legal purposes the Commissioner's certificate of valuation if the Commissioner's certificate states that the valuation is made in a specified manner by which the aggregate reserves are at least as large as if they had been computed as prescribed by the law of that state or jurisdiction].

[(d) (4) Subject to the approval of the Commissioner, an insurer that has adopted a standard of valuation producing greater aggregate reserves than the aggregate reserves calculated under the minimum standard provided in this subtitle may adopt a lower standard of valuation if it is not lower than the minimum standard provided in this subtitle.

**(B) (1) THE COMMISSIONER ANNUALLY SHALL VALUE OR CAUSE TO BE VALUED THE RESERVES FOR ALL OUTSTANDING LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ISSUED BY A COMPANY ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.**

**(2) FOR A FOREIGN COMPANY OR AN ALIEN COMPANY, INSTEAD OF THE VALUATION OF RESERVES REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER MAY ACCEPT A VALUATION MADE OR CAUSED TO BE MADE BY THE INSURANCE SUPERVISORY OFFICIAL OF ANOTHER STATE IF THE VALUATION COMPLIES WITH THE MINIMUM STANDARD UNDER THIS SUBTITLE.**

5–303.

**(A) Except as otherwise provided in §§ 5–305 and 5–306 of this subtitle for group annuity contracts and pure endowment contracts issued before the operative date of the Maryland Standard Nonforfeiture Law for Life Insurance[.]:**

**(1) §§ 5–304 through 5–312 of this subtitle apply only to policies and contracts, AS APPROPRIATE, issued on or after that operative date AND BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; AND**

**(2) §§ 5–313 AND 5–314 OF THIS SUBTITLE DO NOT APPLY TO THE POLICIES AND CONTRACTS.**

**(B) SECTIONS 5–313 AND 5–314 OF THIS SUBTITLE APPLY TO ALL LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT–TYPE CONTRACTS ISSUED BY A COMPANY ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.**

5–304.

(b) For an ordinary policy of life insurance issued on the standard basis, excluding any disability and accidental death benefits in the policy, the applicable table for the minimum standard for the valuation of the policy is:

(3) if the policy was issued on or after the operative date of § 16–309 of this article:

(i) the Commissioners 1980 Standard Ordinary Mortality Table or, at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten–Year Select Mortality Factors; or

(ii) any ordinary mortality table, adopted after 1980 by [the National Association of Insurance Commissioners] NAIC and approved by a regulation of the Commissioner for use in determining the minimum standard of valuation for the policy.

(c) For an industrial life insurance policy issued on the standard basis, excluding any disability and accidental death benefits in the policy, the applicable table for the minimum standard for the valuation of the policy is:

(1) if the policy was issued before the operative date of § 16–308(d) of this article, the 1941 Standard Industrial Mortality Table; and

(2) if the policy was issued on or after the operative date of § 16–308(d) of this article:

(i) the Commissioners 1961 Standard Industrial Mortality Table; or

(ii) any industrial mortality table, adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the policy.

(f) (1) For total and permanent disability benefits in or supplementary to an ordinary policy or contract, the applicable table for the minimum standard for the valuation of the policy or contract is:

(i) if the policy or contract was issued on or before December 31, 1960, the Class (3) Disability Table (1926);

(ii) if the policy or contract was issued any time from January 1, 1961 to December 31, 1965, both inclusive:

1. the tables specified by item (i) of this paragraph; or

2. at the option of the insurer, the Class (3) Disability Table (1926); and

(iii) if the policy or contract was issued on or after January 1, 1966:

1. the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; or

2. any tables of disablement rates and termination rates adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the policy or contract.

(2) For active lives, the table used under this subsection shall be combined with a mortality table allowed for calculating the reserves for life insurance policies.

(g) (1) For accidental death benefits in or supplementary to a policy, the applicable table for the minimum standard for the valuation of the policy is:

(i) if the policy was issued on or before December 31, 1960, the Intercompany Double Indemnity Mortality Table;

(ii) if the policy was issued any time from January 1, 1961 to December 31, 1965, both inclusive:

1. a table specified by item (i) of this paragraph; or
2. at the option of the insurer, the Intercompany Double Indemnity Mortality Table; and

(iii) if the policy was issued on or after January 1, 1966:

1. the 1959 Accidental Death Benefits Table; or
2. an accidental death benefits table adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the policy.

(2) The table used under this subsection shall be combined with a mortality table allowed for calculating the reserves for life insurance policies.

5–305.

(c) For an individual single premium immediate annuity contract issued on or after July 1, 1980, the applicable table and interest rate for the minimum standard for the valuation of the contract are:

(1) (i) the 1971 Individual Annuity Mortality Table;

(ii) an individual annuity mortality table adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the contract; or

(iii) a modification of a table specified by subitem (i) or (ii) of this item approved by the Commissioner; and

(2) interest at 7.5% per year.

(d) For an individual annuity contract or pure endowment contract issued on or after July 1, 1980, other than a single premium immediate annuity contract, the applicable table and interest rate for the minimum standard for the valuation of the contract are:

(1) (i) the 1971 Individual Annuity Mortality Table;

(ii) an individual annuity mortality table adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the contract; or

(iii) a modification of a table specified in subitem (i) or (ii) of this item approved by the Commissioner; and

(2) interest at:

(i) 5.5% per year for a single premium deferred annuity contract or pure endowment contract; and

(ii) 4.5% per year for any other individual annuity contract or pure endowment contract.

(f) For an annuity or pure endowment purchased on or after July 1, 1980, under a group annuity contract or pure endowment contract, the applicable table and interest rate for the minimum standard for the valuation of the contract are:

(1) (i) the 1971 Group Annuity Mortality Table;

(ii) a group annuity mortality table adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the annuity or pure endowment; or

(iii) a modification of a table specified in subitem (i) or (ii) of this item approved by the Commissioner; and

(2) interest at 7.5% per year.

5-306.

(f) (7) If Moody's corporate bond yield average is no longer published by Moody's Investors Service, Inc. or if [the National Association of Insurance Commissioners] **NAIC** determines that Moody's corporate bond yield average is no longer appropriate to determine the reference interest rate, the Commissioner shall approve by regulation an alternative method adopted by [the National Association of Insurance Commissioners] **NAIC** to determine the reference interest rate.

5-313.

**(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OR (G) OF THIS SECTION, FOR LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND**

**DEPOSIT-TYPE CONTRACTS ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE STANDARD PRESCRIBED IN THE VALUATION MANUAL IS THE MINIMUM STANDARD OF VALUATION.**

**(B) THE OPERATIVE DATE OF THE VALUATION MANUAL IS JANUARY 1 OF THE FIRST CALENDAR YEAR FOLLOWING THE FIRST JULY 1 AS OF WHICH ALL OF THE FOLLOWING HAVE OCCURRED:**

**(1) THE VALUATION MANUAL HAS BEEN ADOPTED BY NAIC BY AN AFFIRMATIVE VOTE OF AT LEAST 42 MEMBERS OR 75% OF THE MEMBERS VOTING, WHICHEVER IS GREATER;**

**(2) THE STANDARD VALUATION LAW, AS AMENDED BY NAIC IN 2009, OR LEGISLATION INCLUDING SUBSTANTIALLY SIMILAR TERMS AND PROVISIONS, HAS BEEN ENACTED BY STATES REPRESENTING GREATER THAN 75% OF THE DIRECT PREMIUMS WRITTEN, AS REPORTED IN THE FOLLOWING ANNUAL STATEMENTS SUBMITTED FOR 2008:**

**(I) LIFE, ACCIDENT, AND HEALTH ANNUAL STATEMENTS;**

**(II) HEALTH ANNUAL STATEMENTS; OR**

**(III) FRATERNAL ANNUAL STATEMENTS; AND**

**(3) THE STANDARD VALUATION LAW, AS AMENDED BY NAIC IN 2009, OR LEGISLATION INCLUDING SUBSTANTIALLY SIMILAR TERMS AND PROVISIONS, HAS BEEN ENACTED BY AT LEAST 42 OF THE FOLLOWING 55 JURISDICTIONS:**

**(I) THE 50 STATES OF THE UNITED STATES;**

**(II) AMERICAN SAMOA;**

**(III) THE U.S. VIRGIN ISLANDS;**

**(IV) THE DISTRICT OF COLUMBIA;**

**(V) GUAM; AND**

**(VI) PUERTO RICO.**

**(C) UNLESS A CHANGE IN THE VALUATION MANUAL SPECIFIES A LATER EFFECTIVE DATE, CHANGES TO THE VALUATION MANUAL SHALL BE EFFECTIVE ON JANUARY 1 FOLLOWING THE DATE WHEN THE CHANGE TO THE VALUATION MANUAL HAS BEEN ADOPTED BY NAIC BY AN AFFIRMATIVE VOTE REPRESENTING:**



**(1) AT LEAST 75% OF THE MEMBERS OF NAIC VOTING, BUT NOT LESS THAN A MAJORITY OF THE TOTAL MEMBERSHIP; AND**

**(2) MEMBERS OF NAIC REPRESENTING JURISDICTIONS TOTALING GREATER THAN 75% OF THE DIRECT PREMIUMS WRITTEN, AS REPORTED IN THE FOLLOWING ANNUAL STATEMENTS MOST RECENTLY AVAILABLE BEFORE THE VOTE UNDER ITEM (1) OF THIS SUBSECTION:**

**(I) LIFE, ACCIDENT, AND HEALTH ANNUAL STATEMENTS;**

**(II) HEALTH ANNUAL STATEMENTS; OR**

**(III) FRATERNAL ANNUAL STATEMENTS.**

**(D) (1) THE VALUATION MANUAL SHALL SPECIFY THE FOLLOWING:**

**(I) THE MINIMUM VALUATION STANDARDS FOR EACH TYPE OF LIFE INSURANCE POLICY, ACCIDENT AND HEALTH INSURANCE CONTRACT, AND DEPOSIT-TYPE CONTRACT ISSUED BY A COMPANY ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL;**

**(II) THE POLICIES AND CONTRACTS OR TYPES OF POLICIES AND CONTRACTS THAT ARE SUBJECT TO THE REQUIREMENTS OF A PRINCIPLE-BASED VALUATION UNDER § 5-314 OF THIS SUBTITLE AND THE MINIMUM VALUATION STANDARDS CONSISTENT WITH THOSE REQUIREMENTS;**

**(III) FOR POLICIES AND CONTRACTS SUBJECT TO A PRINCIPLE-BASED VALUATION UNDER § 5-314 OF THIS SUBTITLE:**

**1. REQUIREMENTS FOR THE FORMAT OF REPORTS TO THE COMMISSIONER REQUIRED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE, INCLUDING THE INFORMATION NECESSARY TO DETERMINE IF THE PRINCIPLE-BASED VALUATION IS APPROPRIATE AND IN COMPLIANCE WITH THIS SUBTITLE;**

**2. REQUIRED ASSUMPTIONS FOR RISKS OVER WHICH A COMPANY DOES NOT HAVE SIGNIFICANT CONTROL OR INFLUENCE; AND**

**3. PROCEDURES FOR CORPORATE GOVERNANCE AND OVERSIGHT OF THE ACTUARIAL FUNCTION AND A PROCESS FOR APPROPRIATE WAIVER OR MODIFICATION OF THOSE PROCEDURES;**

(IV) ANY OTHER REQUIREMENTS, INCLUDING REQUIREMENTS RELATING TO RESERVE METHODS, MODELS FOR MEASURING RISK, GENERATION OF ECONOMIC SCENARIOS, ASSUMPTIONS, MARGINS, USE OF COMPANY EXPERIENCE, RISK MEASUREMENT, DISCLOSURE, CERTIFICATIONS, REPORTS, ACTUARIAL OPINIONS AND MEMORANDA, TRANSITION RULES, AND INTERNAL CONTROLS; AND

(V) THE DATA AND THE FORM OF THE DATA REQUIRED UNDER § 5-315 OF THIS SUBTITLE, THE PERSON TO WHOM THE DATA MUST BE SUBMITTED, AND ANY OTHER REQUIREMENTS CONSIDERED NECESSARY, INCLUDING REQUIREMENTS RELATING TO DATA ANALYSIS AND REPORTING OF ANALYSES.

(2) THE MINIMUM VALUATION STANDARDS REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE KNOWN AS:

(I) THE COMMISSIONERS RESERVE VALUATION METHOD FOR LIFE INSURANCE POLICIES, OTHER THAN ANNUITY CONTRACTS;

(II) THE COMMISSIONERS ANNUITY RESERVE VALUATION METHOD FOR ANNUITY CONTRACTS; AND

(III) MINIMUM RESERVES FOR ALL OTHER POLICIES OR CONTRACTS.

(3) FOR POLICIES AND CONTRACTS NOT SUBJECT TO A PRINCIPLE-BASED VALUATION UNDER § 5-314 OF THIS SUBTITLE, THE MINIMUM VALUATION STANDARD SHALL:

(I) BE CONSISTENT WITH THE MINIMUM STANDARD OF VALUATION BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; OR

(II) DEVELOP RESERVES THAT QUANTIFY THE BENEFITS AND GUARANTEES, AND THE FUNDING, ASSOCIATED WITH THE POLICIES AND CONTRACTS AND THEIR RISKS AT A LEVEL OF CONSERVATISM THAT REFLECTS CONDITIONS THAT INCLUDE UNFAVORABLE EVENTS THAT HAVE A REASONABLE PROBABILITY OF OCCURRING.

(E) IN THE ABSENCE OF A SPECIFIC VALUATION REQUIREMENT, OR IF A SPECIFIC VALUATION REQUIREMENT IN THE VALUATION MANUAL IS NOT, IN THE OPINION OF THE COMMISSIONER, IN COMPLIANCE WITH THIS SUBTITLE, A COMPANY, WITH RESPECT TO THE REQUIREMENT, SHALL COMPLY WITH THE MINIMUM VALUATION STANDARD PRESCRIBED BY THE COMMISSIONER BY REGULATION.

**(F) (1) THE COMMISSIONER MAY ENGAGE A QUALIFIED ACTUARY AT THE EXPENSE OF THE COMPANY TO:**

**(I) PERFORM AN ACTUARIAL EXAMINATION OF A COMPANY AND OPINE ON THE APPROPRIATENESS OF ANY RESERVE ASSUMPTION OR METHOD USED BY THE COMPANY; OR**

**(II) REVIEW AND OPINE ON A COMPANY'S COMPLIANCE WITH ANY REQUIREMENT UNDER THIS SUBTITLE.**

**(2) THE COMMISSIONER MAY RELY ON THE OPINION OF A QUALIFIED ACTUARY ISSUED WHILE THE QUALIFIED ACTUARY WAS EMPLOYED BY OR UNDER CONTRACT WITH THE INSURANCE SUPERVISORY OFFICIAL OF ANOTHER STATE.**

**(G) (1) THE COMMISSIONER MAY REQUIRE A COMPANY TO CHANGE ANY ASSUMPTION OR METHOD USED BY THE COMPANY IF, IN THE OPINION OF THE COMMISSIONER, THE CHANGE IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE VALUATION MANUAL OR THIS SUBTITLE.**

**(2) THE COMPANY SHALL ADJUST THE COMPANY'S RESERVES AS REQUIRED BY THE COMMISSIONER.**

**5-314.**

**(A) FOR POLICIES AND CONTRACTS SPECIFIED IN THE VALUATION MANUAL, A COMPANY SHALL ESTABLISH RESERVES USING A PRINCIPLE-BASED VALUATION THAT:**

**(1) QUANTIFIES THE BENEFITS AND GUARANTEES, AND THE FUNDING, ASSOCIATED WITH THE POLICIES OR CONTRACTS AND THEIR RISKS AT A LEVEL OF CONSERVATISM THAT REFLECTS CONDITIONS THAT INCLUDE UNFAVORABLE EVENTS THAT HAVE A REASONABLE PROBABILITY OF OCCURRING DURING THE LIFETIME OF THE POLICIES OR CONTRACTS;**

**(2) FOR POLICIES OR CONTRACTS WITH SIGNIFICANT TAIL RISK, REFLECTS CONDITIONS APPROPRIATELY ADVERSE TO QUANTIFY THE TAIL RISK;**

**(3) INCORPORATES ASSUMPTIONS, RISK ANALYSIS METHODS AND FINANCIAL MODELS, AND MANAGEMENT TECHNIQUES THAT ARE CONSISTENT WITH, BUT NOT NECESSARILY IDENTICAL TO, THOSE USED WITHIN THE COMPANY'S OVERALL RISK ASSESSMENT PROCESS, WHILE RECOGNIZING POTENTIAL DIFFERENCES IN FINANCIAL REPORTING STRUCTURES AND ANY PRESCRIBED ASSUMPTIONS OR METHODS;**

**(4) INCORPORATES ASSUMPTIONS THAT:**

**(I) ARE PRESCRIBED IN THE VALUATION MANUAL; OR**

**(II) IF NOT PRESCRIBED IN THE VALUATION MANUAL:**

**1. ARE ESTABLISHED USING THE COMPANY’S AVAILABLE EXPERIENCE, TO THE EXTENT IT IS RELEVANT AND STATISTICALLY CREDIBLE; OR**

**2. TO THE EXTENT THAT COMPANY DATA IS NOT AVAILABLE, RELEVANT, OR STATISTICALLY CREDIBLE, ARE ESTABLISHED USING OTHER RELEVANT, STATISTICALLY CREDIBLE EXPERIENCE; AND**

**(5) PROVIDES MARGINS FOR UNCERTAINTY, INCLUDING ADVERSE DEVIATION AND ESTIMATION ERROR, SUCH THAT THE GREATER THE UNCERTAINTY THE LARGER THE MARGIN AND RESULTING RESERVE.**

**(B) (1) A COMPANY THAT USES A PRINCIPLE–BASED VALUATION FOR ONE OR MORE POLICIES OR CONTRACTS SUBJECT TO THIS SECTION SHALL:**

**(I) ESTABLISH PROCEDURES FOR CORPORATE GOVERNANCE AND OVERSIGHT OF THE ACTUARIAL VALUATION FUNCTION CONSISTENT WITH THOSE DESCRIBED IN THE VALUATION MANUAL;**

**(II) PROVIDE TO THE COMMISSIONER AND THE BOARD OF DIRECTORS OF THE COMPANY AN ANNUAL CERTIFICATION OF THE EFFECTIVENESS OF THE COMPANY’S INTERNAL CONTROLS WITH RESPECT TO THE PRINCIPLE–BASED VALUATION; AND**

**(III) DEVELOP, AND FILE WITH THE COMMISSIONER ON REQUEST, A PRINCIPLE–BASED VALUATION REPORT THAT COMPLIES WITH STANDARDS PRESCRIBED IN THE VALUATION MANUAL.**

**(2) THE INTERNAL CONTROLS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE DESIGNED TO ENSURE THAT:**

**(I) ALL MATERIAL RISKS INHERENT IN THE LIABILITIES AND ASSOCIATED ASSETS SUBJECT TO THE PRINCIPLE–BASED VALUATION ARE INCLUDED IN THE PRINCIPLE–BASED VALUATION; AND**

**(II) PRINCIPLE–BASED VALUATIONS ARE MADE IN ACCORDANCE WITH THE VALUATION MANUAL.**

**(3) THE ANNUAL CERTIFICATION REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE BASED ON THE INTERNAL CONTROLS IN PLACE AS OF THE END OF THE PRECEDING CALENDAR YEAR.**

**(C) A PRINCIPLE-BASED VALUATION MAY INCLUDE A PRESCRIBED FORMULAIC RESERVE COMPONENT.**

**5-315.**

**A COMPANY SHALL SUBMIT THE MORTALITY DATA, MORBIDITY DATA, POLICYHOLDER BEHAVIOR, EXPENSE EXPERIENCE, AND OTHER DATA AS PRESCRIBED IN THE VALUATION MANUAL.**

**5-316.**

**(A) IN THIS SECTION, "CONFIDENTIAL INFORMATION" MEANS:**

**(1) A MEMORANDUM IN SUPPORT OF AN OPINION SUBMITTED UNDER § 5-201.1 OF THIS TITLE AND ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE MEMORANDUM;**

**(2) ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN THE COURSE OF AN EXAMINATION MADE UNDER § 5-313(F) OF THIS SUBTITLE;**

**(3) (I) ANY REPORTS, DOCUMENTS, MATERIALS, AND OTHER INFORMATION DEVELOPED BY A COMPANY IN SUPPORT OF, OR IN CONNECTION WITH, AN ANNUAL CERTIFICATION BY THE COMPANY UNDER § 5-314(B)(1)(II) OF THIS SUBTITLE EVALUATING THE EFFECTIVENESS OF THE COMPANY'S INTERNAL CONTROLS WITH RESPECT TO A PRINCIPLE-BASED VALUATION; AND**

**(II) ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE REPORTS, DOCUMENTS, MATERIALS, AND INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM;**

**(4) A PRINCIPLE-BASED VALUATION REPORT DEVELOPED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE AND ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING**

PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE PRINCIPLE-BASED VALUATION REPORT; AND

(5) (I) ANY DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION SUBMITTED TO THE COMMISSIONER OR ANY OTHER PERSON BY A COMPANY UNDER § 5-315 OF THIS SUBTITLE;

(II) ANY DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED OR PRODUCED IN CONNECTION WITH THE DOCUMENTS, MATERIALS, DATA, AND INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM THAT INCLUDE ANY POTENTIALLY COMPANY-IDENTIFYING OR PERSONALLY IDENTIFIABLE INFORMATION, THAT IS PROVIDED TO OR OBTAINED BY THE COMMISSIONER OR ANY OTHER PERSON; AND

(III) ANY DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION SPECIFIED IN ITEMS (I) AND (II) OF THIS ITEM.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A COMPANY'S CONFIDENTIAL INFORMATION:

(1) IS CONFIDENTIAL AND PRIVILEGED;

(2) IS NOT SUBJECT TO TITLE 4 OF THE GENERAL PROVISIONS ARTICLE; AND

(3) IS NOT SUBJECT TO SUBPOENA OR DISCOVERY OR ADMISSIBLE IN EVIDENCE IN ANY PRIVATE CIVIL ACTION.

(C) (1) THE COMMISSIONER, AND ANY PERSON WHO RECEIVES CONFIDENTIAL INFORMATION WHILE ACTING UNDER THE AUTHORITY OF THE COMMISSIONER, MAY NOT TESTIFY OR BE REQUIRED TO TESTIFY IN ANY PRIVATE CIVIL ACTION CONCERNING ANY CONFIDENTIAL INFORMATION.

(2) THE COMMISSIONER MAY USE CONFIDENTIAL INFORMATION OF A COMPANY IN ANY REGULATORY OR LEGAL ACTION BROUGHT AGAINST THE COMPANY AS A PART OF THE COMMISSIONER'S OFFICIAL DUTIES.

(D) IF AN EXAMINATION REPORT OR MATERIAL PREPARED IN CONNECTION WITH AN EXAMINATION MADE UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE IS NOT PRIVATE AND CONFIDENTIAL INFORMATION UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE, AN EXAMINATION REPORT OR OTHER MATERIAL PREPARED IN CONNECTION WITH AN EXAMINATION MADE UNDER § 5-313(F) OF THIS SUBTITLE IS NOT “CONFIDENTIAL INFORMATION” TO THE SAME EXTENT AS IF THE EXAMINATION REPORT OR OTHER MATERIAL HAD BEEN PREPARED UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO ASSIST IN THE PERFORMANCE OF THE COMMISSIONER’S DUTIES, THE COMMISSIONER MAY SHARE CONFIDENTIAL INFORMATION SPECIFIED IN:

(I) SUBSECTION (A)(1) THROUGH (5) OF THIS SECTION WITH:

1. ANY STATE, FEDERAL, OR INTERNATIONAL REGULATORY AGENCY AND THE EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS OF ANY STATE, FEDERAL, OR INTERNATIONAL REGULATORY AGENCY; AND

2. NAIC AND THE EMPLOYEES, AGENTS, CONSULTANTS, CONTRACTORS, AFFILIATES, AND SUBSIDIARIES OF NAIC; AND

(II) SUBSECTION (A)(1) AND (4) OF THIS SECTION WITH:

1. THE ACTUARIAL BOARD FOR COUNSELING AND DISCIPLINE ON A REQUEST FROM THE ACTUARIAL BOARD STATING THAT THE CONFIDENTIAL INFORMATION IS REQUIRED FOR THE PURPOSE OF PROFESSIONAL DISCIPLINARY PROCEEDINGS; AND

2. ANY STATE, FEDERAL, OR INTERNATIONAL LAW ENFORCEMENT OFFICIAL AND THE EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS OF ANY STATE, FEDERAL, OR INTERNATIONAL LAW ENFORCEMENT OFFICIAL.

(2) CONFIDENTIAL INFORMATION MAY BE SHARED BY THE COMMISSIONER UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE RECIPIENT OF THE CONFIDENTIAL INFORMATION AGREES, AND HAS THE LEGAL AUTHORITY TO AGREE, TO MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED STATUS OF ANY CONFIDENTIAL INFORMATION RECEIVED IN THE SAME MANNER AND TO THE SAME EXTENT AS REQUIRED FOR THE COMMISSIONER.

(F) (1) THE COMMISSIONER MAY RECEIVE DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION, INCLUDING OTHERWISE CONFIDENTIAL OR PRIVILEGED DOCUMENTS, MATERIALS, DATA, AND INFORMATION, FROM:

(I) NAIC AND THE EMPLOYEES, AGENTS, CONSULTANTS, CONTRACTORS, AFFILIATES, AND SUBSIDIARIES OF NAIC;

(II) ANY STATE, FEDERAL, OR INTERNATIONAL REGULATORY AGENCY OR LAW ENFORCEMENT OFFICIAL AND THE EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS OF THE REGULATORY AGENCY OR LAW ENFORCEMENT OFFICIAL; AND

(III) THE ACTUARIAL BOARD FOR COUNSELING AND DISCIPLINE.

(2) THE COMMISSIONER SHALL MAINTAIN AS CONFIDENTIAL AND PRIVILEGED ANY DOCUMENT, MATERIAL, DATA, OR OTHER INFORMATION RECEIVED WITH NOTICE OR THE UNDERSTANDING THAT IT IS CONFIDENTIAL OR PRIVILEGED UNDER THE LAWS OF THE JURISDICTION THAT IS THE SOURCE OF THE DOCUMENT, MATERIAL, DATA, OR OTHER INFORMATION.

(G) THE COMMISSIONER MAY ENTER INTO AGREEMENTS GOVERNING THE SHARING AND USE OF CONFIDENTIAL INFORMATION CONSISTENT WITH THIS SECTION.

(H) (1) ANY APPLICABLE PRIVILEGE OR CLAIM OF CONFIDENTIALITY IN CONFIDENTIAL INFORMATION IS NOT WAIVED AS A RESULT OF:

(I) THE DISCLOSURE OF THE CONFIDENTIAL INFORMATION TO THE COMMISSIONER UNDER THIS SECTION; OR

(II) THE SHARING OF THE CONFIDENTIAL INFORMATION AS AUTHORIZED UNDER SUBSECTION (E) OF THIS SECTION.

(2) A PRIVILEGE ESTABLISHED UNDER THE LAW OF ANOTHER STATE THAT IS SUBSTANTIALLY SIMILAR TO THE PRIVILEGE ESTABLISHED UNDER THIS SECTION SHALL BE AVAILABLE AND ENFORCED IN ANY PROCEEDING IN, AND IN ANY COURT OF, THE STATE.

(I) ANY CONFIDENTIAL INFORMATION SPECIFIED IN SUBSECTION (A)(1) AND (4) OF THIS SECTION:

(1) IS SUBJECT TO SUBPOENA FOR DEFENDING IN AN ACTION THAT:



(I) SEEKS DAMAGES FROM THE APPOINTED ACTUARY SUBMITTING THE RELATED MEMORANDUM IN SUPPORT OF AN OPINION SUBMITTED UNDER § 5-201.1 OF THIS TITLE OR A PRINCIPLE-BASED VALUATION REPORT DEVELOPED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE; AND

(II) IS BASED ON AN ACTION REQUIRED BY THIS SUBTITLE OR REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND

(2) MAY BE RELEASED BY THE COMMISSIONER WITH THE WRITTEN CONSENT OF THE COMPANY.

(J) ALL PARTS OF A MEMORANDUM IN SUPPORT OF AN OPINION SUBMITTED UNDER § 5-201.1 OF THIS TITLE OR A PRINCIPLE-BASED VALUATION REPORT DEVELOPED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE ARE NO LONGER CONFIDENTIAL INFORMATION IF ANY PART OF THE MEMORANDUM OR REPORT IS:

(1) CITED BY THE COMPANY IN ITS MARKETING;

(2) PUBLICLY VOLUNTEERED TO OR BEFORE A GOVERNMENTAL UNIT OTHER THAN A STATE INSURANCE DEPARTMENT; OR

(3) RELEASED BY THE COMPANY TO THE NEWS MEDIA.

5-317.

(A) THE COMMISSIONER MAY EXEMPT A SPECIFIC PRODUCT FORM OR PRODUCT LINE OF A DOMESTIC COMPANY THAT HOLDS A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER AND IS DOING BUSINESS ONLY IN THE STATE FROM THE REQUIREMENTS OF § 5-313 OF THIS SUBTITLE IF:

(1) THE COMMISSIONER HAS ISSUED AN EXEMPTION IN WRITING TO THE COMPANY;

(2) THE EXEMPTION HAS NOT BEEN REVOKED IN WRITING BY THE COMMISSIONER; AND

(3) THE COMPANY COMPUTES RESERVES:

(I) USING ASSUMPTIONS AND METHODS USED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; AND

(II) IN ACCORDANCE WITH ANY REQUIREMENTS ESTABLISHED BY THE COMMISSIONER BY REGULATION.

(B) (1) A COMPANY THAT IS GRANTED AN EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION IS SUBJECT TO § 5–201 OF THIS TITLE AND §§ 5–302 THROUGH 5–312 OF THIS SUBTITLE.

(2) WITH RESPECT TO A COMPANY THAT IS GRANTED AN EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION, ANY REFERENCE TO § 5–313 OF THIS SUBTITLE FOUND IN § 5–201.1 OF THIS TITLE AND §§ 5–302 THROUGH 5–312 OF THIS SUBTITLE IS NOT APPLICABLE.

(C) THE COMMISSIONER MAY EXEMPT A DOMESTIC COMPANY THAT HOLDS A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER AND IS DOING BUSINESS IN THE STATE FROM THE REQUIREMENTS OF §§ 5–314 AND 5–315 OF THIS SUBTITLE IF:

(1) THE DOMESTIC COMPANY HAS LESS THAN \$500,000,000 OF ORDINARY LIFE PREMIUMS AND, IF THE DOMESTIC COMPANY IS A MEMBER OF A GROUP OF LIFE INSURERS, THE GROUP HAS COMBINED ORDINARY LIFE PREMIUMS OF LESS THAN \$1,000,000,000;

(2) (I) THE DOMESTIC COMPANY REPORTED TOTAL ADJUSTED CAPITAL OF AT LEAST 450% OF THE AUTHORIZED CONTROL LEVEL RISK-BASED CAPITAL IN THE MOST RECENT RISK-BASED CAPITAL REPORT; AND

(II) THE APPOINTED ACTUARY HAS PROVIDED AN UNQUALIFIED OPINION ON THE RESERVES FOR THE PRIOR CALENDAR YEAR; AND

(3) ANY UNIVERSAL LIFE INSURANCE POLICIES WITH SECONDARY GUARANTEES ISSUED OR ASSUMED BY THE DOMESTIC COMPANY WITH AN ISSUE DATE ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL DO NOT EXCEED 5% OF THE TOTAL IN-FORCE RESERVES FOR THE DOMESTIC COMPANY.

(D) FOR PURPOSES OF SUBSECTION (C) OF THIS SECTION, ORDINARY LIFE PREMIUMS ARE MEASURED AS DIRECT PREMIUM PLUS REINSURANCE ASSUMED FROM AN UNAFFILIATED COMPANY, AS REPORTED IN THE ANNUAL STATEMENT FOR THE PRIOR CALENDAR YEAR.

(E) (1) A DOMESTIC COMPANY THAT MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION SHALL:

(I) COMPUTE RESERVES:

1. USING ASSUMPTIONS AND METHODS USED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; AND

**2. IN ACCORDANCE WITH ANY REQUIREMENTS ESTABLISHED BY THE COMMISSIONER IN REGULATION; AND**

**(II) FILE, BEFORE JULY 1 OF EACH YEAR, A STATEMENT WITH THE COMMISSIONER CERTIFYING THAT THE DOMESTIC COMPANY MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION FOR THE CURRENT CALENDAR YEAR BASED ON PREMIUMS AND OTHER VALUES FROM THE FINANCIAL STATEMENTS FOR THE PRIOR CALENDAR YEAR.**

**(2) BEFORE SEPTEMBER 1 OF EACH YEAR, THE COMMISSIONER MAY REJECT A STATEMENT FILED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION AND REQUIRE A DOMESTIC COMPANY TO COMPLY WITH THE VALUATION MANUAL REQUIREMENTS FOR LIFE INSURANCE RESERVES.**

16-309.

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

**(2) “OPERATIVE DATE OF THE VALUATION MANUAL” HAS THE MEANING STATED IN § 5-201.1(A) OF THIS ARTICLE.**

**(3) “VALUATION MANUAL” HAS THE MEANING STATED IN § 5-201.1(A) OF THIS ARTICLE.**

**[(a)] (B) This section applies to policies of life insurance issued:**

**(1) on or after January 1, 1989; or**

**(2) on or after an operative date that is before January 1, 1989, as specified by the insurer if the insurer filed with the Commissioner written notice of an election to comply with this section on a date before January 1, 1989.**

**[(b)] (C) (1) For purposes of this section, the date of issue of a policy is the date as of which the rated age of the insured is determined.**

**(2) Except as provided in subsection (g) of this section, and subject to paragraph (3) of this subsection, the adjusted premiums for a policy shall be calculated on an annual basis and shall be a uniform percentage of the premiums specified in the policy for each policy year so that the present value of the adjusted premiums shall equal the sum of:**

**(i) the present value of the future guaranteed benefits, calculated as of the date of issue, provided by the policy;**

(ii) 1% of either:

1. the amount of insurance if the insurance is a uniform amount; or
2. the average amount of insurance at the beginning of each of the first 10 policy years; and

(iii) subject to paragraphs (4) and (5) of this subsection, 125% of the nonforfeiture net level premium.

(3) In calculating adjusted premiums, any extra premium for impairments or special hazards or any uniform annual contract charge or policy fee specified in the policy in a statement of the method used to calculate cash surrender values and paid-up nonforfeiture benefits is excluded.

(4) The nonforfeiture net level premium shall equal the present value of the guaranteed benefits, calculated as of the date of issue, provided by the policy divided by the present value of an annuity of 1 per year, calculated as of the date of issue, payable on the date of issue of the policy and on each anniversary on which a premium is due.

(5) In applying the percentage specified in paragraph (2)(iii) of this subsection, a nonforfeiture net level premium may not be considered to exceed 4% of:

- (i) the amount of insurance if the insurance is a uniform amount; or
- (ii) the average amount of insurance at the beginning of each of the first 10 policy years.

**[(c)] (D)** (1) If a policy provides for unscheduled changes in benefits or premiums on a basis guaranteed by the policy or provides an option for changes in benefits or premiums, other than a change to a new policy, the adjusted premiums and present values initially shall be calculated on the assumption that future benefits and premiums will not change from those stipulated at the date of issue of the policy.

(2) When benefits or premiums are changed, the future adjusted premiums, nonforfeiture net level premiums, and present values shall be recalculated as of the date of the change in the policy in accordance with this section on the assumption that future benefits and premiums will not change from those stipulated by the policy immediately after the change.

**[(d)] (E)** (1) Except as provided in subsection **[(g)] (H)** of this section, the future adjusted premiums recalculated under subsection **[(c)(2)] (D)(2)** of this section shall be a uniform percentage of the future premiums specified in the policy for each policy year so that the present value of the future adjusted premiums, calculated as of the time of the change to the newly defined benefits or premiums, shall equal the remainder of:

(i) the sum of the present value of the future guaranteed benefits, calculated as of the time of the change to the newly defined benefits or premiums, provided by the policy and any additional expense allowance; less

(ii) any cash surrender value or the present value of any paid-up nonforfeiture benefit under the policy, calculated as of the time of the change to the newly defined benefits or premiums.

(2) In recalculating future adjusted premiums, any extra premium for impairments or special hazards or any uniform annual contract charge or policy fee specified in the policy in a statement of the method used to calculate cash surrender values and paid-up nonforfeiture benefits is excluded.

**[(e)] (F)** The additional expense allowance, calculated as of the time of the change to the newly defined benefits or premiums, is the sum of:

(1) 1% of the remainder, if positive, of:

(i) the average amount of insurance at the beginning of each of the first 10 policy years subsequent to the change; less

(ii) the average amount of insurance before the change at the beginning of each of the first 10 policy years subsequent to the most recent previous change or, if there has not been a previous change, subsequent to the date of issue of the policy; and

(2) 125% of the increase, if positive, in the nonforfeiture net level premium.

**[(f)] (G)** The recalculated nonforfeiture net level premium equals the quotient of:

(1) the sum of:

(i) the nonforfeiture net level premium applicable before the change multiplied by the present value of an annuity of 1 per year payable on each anniversary of the policy on or subsequent to the date of change on which a premium would have been due had the change not occurred; and

(ii) the present value of the increase in future guaranteed benefits provided by the policy; divided by

(2) the present value of an annuity of 1 per year payable on each anniversary of the policy on or after the date of change on which a premium is due.

**[(g)] (H)** (1) This subsection applies only to policies issued on a substandard basis that provide reduced graded amounts of insurance so that, in each policy year, the

policy has the same tabular mortality cost as an otherwise similar policy issued on a standard basis that provides higher uniform amounts of insurance.

(2) Notwithstanding any other provision of this section, the adjusted premiums and present values for a substandard policy subject to this subsection may be calculated as if the policy was issued to provide the higher uniform amounts of insurance on the standard basis.

**[(h)] (I)** (1) (i) For policies of ordinary life insurance, the adjusted premiums and present values referred to in this subtitle shall be calculated based on:

1. the Commissioners 1980 Standard Ordinary Mortality Table; or

2. at the election of the insurer for one or more specified life insurance plans, the Commissioners 1980 Standard Ordinary Mortality Table with 10-year select mortality factors.

(ii) For policies of industrial life insurance, the adjusted premiums and present values referred to in this subtitle shall be calculated based on the Commissioners 1961 Standard Industrial Mortality Table.

(2) Adjusted premiums and present values for policies issued in any calendar year shall be calculated based on an interest rate that does not exceed the nonforfeiture interest rate calculated under this section:

(i) for that calendar year; or

(ii) at the option of the insurer, for the immediately preceding calendar year.

**[(i)] (J)** (1) Any cash surrender value available under a paid-up nonforfeiture benefit, including any paid-up dividend additions, regardless of whether required under § 16-303 of this subtitle, shall be calculated based on the mortality table and interest rate used to determine the amount of the paid-up nonforfeiture benefit and any paid-up dividend additions.

(2) An insurer may not calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy based on an interest rate lower than the rate specified in the policy for calculating cash surrender values.

(3) In calculating the present value of any paid-up term insurance with any accompanying pure endowment offered as a nonforfeiture benefit, an insurer may not assume a mortality rate greater than the mortality rates shown in:

(i) for policies of ordinary life insurance, the Commissioners 1980 Extended Term Insurance Table; and

(ii) for policies of industrial life insurance, the Commissioners 1961 Industrial Extended Term Insurance Table.

(4) The calculation of adjusted premiums and present values for insurance issued on a substandard basis may be based on appropriate modifications of the tables required under this section.

(5) (I) [In] **FOR POLICIES ISSUED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL**, IN determining the minimum nonforfeiture standard, an insurer may substitute [an] **ANY COMMISSIONERS STANDARD** ordinary mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulation of the Commissioner for the Commissioners 1980 Standard Ordinary Mortality Table, with or without 10-year select mortality factors or for the Commissioners 1980 Extended Term Insurance Table.

(II) 1. **SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE VALUATION MANUAL SHALL PROVIDE THE COMMISSIONERS STANDARD MORTALITY TABLE FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD THAT MAY BE SUBSTITUTED FOR:**

A. **THE COMMISSIONERS 1980 STANDARD ORDINARY MORTALITY TABLE, WITH OR WITHOUT 10-YEAR SELECT MORTALITY FACTORS; OR**

B. **THE COMMISSIONERS 1980 EXTENDED TERM INSURANCE TABLE.**

2. **IF THE COMMISSIONER APPROVES BY REGULATION ANY COMMISSIONERS STANDARD ORDINARY MORTALITY TABLE ADOPTED BY THE NAIC FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE MINIMUM NONFORFEITURE STANDARD APPROVED BY THE COMMISSIONER SUPERSEDES THE MINIMUM NONFORFEITURE STANDARD PROVIDED BY THE VALUATION MANUAL.**

(6) (I) [In] **FOR POLICIES ISSUED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL**, IN determining the minimum nonforfeiture standard, an insurer may substitute [an] **ANY COMMISSIONERS STANDARD** industrial mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulation of the Commissioner for the Commissioners 1961 Standard Industrial Mortality Table or for the Commissioners 1961 Industrial Extended Term Insurance Table.

(II) 1. **SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE**

VALUATION MANUAL, THE VALUATION MANUAL SHALL PROVIDE THE COMMISSIONERS STANDARD MORTALITY TABLE FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD THAT MAY BE SUBSTITUTED FOR:

A. THE COMMISSIONERS 1961 STANDARD INDUSTRIAL MORTALITY TABLE; OR

B. THE COMMISSIONERS 1961 INDUSTRIAL EXTENDED TERM INSURANCE TABLE.

2. IF THE COMMISSIONER APPROVES BY REGULATION ANY COMMISSIONERS STANDARD INDUSTRIAL MORTALITY TABLE ADOPTED BY THE NAIC FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE MINIMUM NONFORFEITURE STANDARD APPROVED BY THE COMMISSIONER SUPERSEDES THE MINIMUM NONFORFEITURE STANDARD PROVIDED BY THE VALUATION MANUAL.

(j) (1) [The] FOR POLICIES ISSUED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL, THE nonforfeiture interest rate per year for a policy issued during a calendar year shall equal THE GREATER OF:

(I) 4%; OR

(II) 125% of the calendar year statutory valuation interest rate for the policy, in accordance with the standard valuation law, set forth in Title 5, Subtitle 3 of this article, rounded to the nearest 0.25%.

(2) FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE NONFORFEITURE INTEREST RATE PER YEAR FOR A POLICY ISSUED DURING A CALENDAR YEAR SHALL BE THE INTEREST RATE PROVIDED BY THE VALUATION MANUAL.

(k) Notwithstanding any other provision of this article, an insurer that refiles nonforfeiture values or refiles the method of calculating nonforfeiture values for a policy form that has been previously approved need not refile any other provision of the policy form if the refile only involves a change in the interest rate or mortality table used to calculate nonforfeiture values.

SECTION 3. AND BE IT FURTHER ENACTED, That, in the event of a conflict between Maryland law and the valuation manual, as defined in § 5-201.1(a) of the Insurance Article, as enacted by Section 2 of this Act, the conflict shall be resolved in favor of Maryland law.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That:



(a) This Act is contingent on:

(1) the adoption of the valuation manual, as defined in § 5–201.1(a) of the Insurance Article, as enacted by Section 2 of this Act, in accordance with § 5–313(b)(1) of the Insurance Article, as enacted by Section 2 of this Act; and

(2) the occurrence of the events described in § 5–313(b)(2) and (3) of the Insurance Article, as enacted by Section 2 of this Act.

(b) The Maryland Insurance Commissioner shall notify the Department of Legislative Services within 5 days after the contingencies under subsection (a) have been met.

(c) If notice of the satisfaction of the contingencies under subsection (a) of this section is not received by the Department on or before January 1, 2017, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 368

(Senate Bill 575)

AN ACT concerning

### **Health Occupations – Alcohol and Drug Counselors – Qualifications and Practice Limitations**

FOR the purpose of altering the qualifications individuals are required to meet to be licensed to practice clinical alcohol and drug counseling, to qualify to practice as a licensed graduate alcohol and drug counselor under supervision for a limited period of time, to qualify as a certified associate counselor–alcohol and drug, or to qualify as a certified supervised counselor–alcohol and drug; requiring a certified associate counselor–alcohol and drug to practice under the supervision of a Board–approved alcohol and drug supervisor who meets certain requirements; providing that a certified associate counselor–alcohol and drug may only provide counseling as an employee of a certain agency or facility and under the supervision of a certain supervisor; prohibiting a certified associate counselor–alcohol and drug from practicing independently; requiring a certified supervised counselor–alcohol and drug to practice under the supervision of a Board–approved alcohol and drug supervisor who meets certain requirements; providing that a certified supervised

counselor–alcohol and drug may only provide counseling as an employee of a certain agency or facility and under the supervision of a certain supervisor; prohibiting a certified supervised counselor–alcohol and drug from providing supervision or practicing independently; making conforming and clarifying changes; and generally relating to qualifications for and practice of alcohol and drug counselors.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 17–302, 17–309(a) and (c), 17–403, and 17–404

Annotated Code of Maryland

(2014 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 17–309(b)

Annotated Code of Maryland

(2014 Replacement Volume)

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

### **Article – Health Occupations**

17–302.

(a) To qualify for a license to practice clinical alcohol and drug counseling, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) (1) Except as provided in § 17–305 of this subtitle, the applicant shall **AT A MINIMUM:**

(i) Hold a master’s or doctoral degree in a health and human services counseling field from **[an] A REGIONALLY** accredited educational institution that is approved by the Board; or

(ii) **[Have] HOLD A MASTER’S DEGREE FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION AND HAVE** completed a program of studies judged by the Board to be substantially equivalent in subject matter **[and extent of training]** as required under this section.

(2) [(i) In the case of an applicant holding a doctoral degree, the applicant shall have completed a minimum of 90 graduate credit hours approved by the Board.

(ii) In the case of an applicant holding only a master's degree, the] **THE** applicant shall have completed a minimum of 60 [graduate] **SEMESTER** credit hours **OR 90 QUARTER CREDIT HOURS** approved by the Board.

(3) The applicant shall have completed a minimum of [26] ~~36~~ **39** **SEMESTER** credit hours **OR 60** **65** **QUARTER CREDIT HOURS** in alcohol and drug counselor training, including:

**(I) A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING:**

[(i)] 1. Medical aspects of chemical dependency;

[(ii)] 2. Group counseling;

[(iii)] 3. Individual counseling;

[(iv)] 4. Family counseling;

[(v)] 5. [Assessment and treatment planning] **ADDICTIONS TREATMENT DELIVERY;**

[(vi)] 6. Ethics [for alcohol and drug counselors] **THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES;**

[(vii)] 7. Human development;

[(viii)] 8. Abnormal psychology; [and]

**9. THEORIES OF COUNSELING;**

**10. TREATMENT OF CO-OCCURRING DISORDERS; AND**

[(ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics]

**11. TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND**

**(II) AN INTERNSHIP IN ALCOHOL AND DRUG COUNSELING THAT TOTALS 6 SEMESTER CREDIT HOURS OR 10 QUARTER CREDIT HOURS.**

(e) The applicant shall [have]:

**(1) HAVE** completed not less than [3] **2** years with a minimum of 2,000 hours of supervised experience in alcohol and drug counseling [approved by the Board, 2 years of], which shall have been completed after the award of the master's or doctoral degree [or its substantial equivalent]; **AND**

**(2) PROVIDE DOCUMENTATION AS REQUIRED BY THE BOARD EVIDENCING THE COMPLETION OF THE POSTGRADUATE EXPERIENCE REQUIRED UNDER ITEM (1) OF THIS SUBSECTION.**

(f) The applicant shall provide documentation to the Board evidencing the completion of 60 hours of graduate course work, completed at [an] **A REGIONALLY** accredited [college or university] **EDUCATIONAL INSTITUTION** approved by the Board that included training in:

- (1) Personality development;
- (2) Diagnosis and treatment of mental and emotional disorders;
- (3) Psychopathology; and
- (4) Psychotherapy [in alcohol and drug disorders].

[(g) The applicant shall provide documentation evidencing the completion of 2 years of postgraduate supervised clinical experience as required by the Board.]

[(h) **(G)** Except as otherwise provided in this title, the applicant shall pass [an]:

**(1) AN** examination approved by the Board; **AND**

**(2) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.**

17-309.

(a) The Board may adopt regulations to allow an individual to practice under **CLINICAL** supervision as a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, a licensed graduate professional counselor, or a licensed graduate professional art therapist.

(b) To qualify to practice as a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, a licensed graduate professional counselor, or a licensed graduate professional art therapist, an individual shall be:

- (1) Of good moral character; and
- (2) At least 18 years old.

(c) An individual may practice graduate alcohol and drug counseling under supervision for a limited period of time if the individual has:

(1) **[A] AT A MINIMUM, A master's or doctoral degree in a health and human services counseling field [that meets the educational requirements of § 17-302 of this subtitle] FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION; [and]**

**(2) A MINIMUM OF ~~48~~ 27 SEMESTER CREDIT HOURS OR ~~72~~ ~~18~~ 41 QUARTER CREDIT HOURS IN ALCOHOL AND DRUG COUNSELOR TRAINING, INCLUDING:**

**(I) A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING:**

1. **MEDICAL ASPECTS OF CHEMICAL DEPENDENCY;**
2. **ADDICTIONS TREATMENT DELIVERY;**
3. **ETHICS THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES;**
4. **ABNORMAL PSYCHOLOGY;**
5. **GROUP COUNSELING; AND**
6. **INDIVIDUAL COUNSELING; AND**

**(II) ANY THREE OF THE FOLLOWING 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSES TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION:**

1. **FAMILY COUNSELING;**
2. **THEORIES OF COUNSELING;**
3. **HUMAN DEVELOPMENT;**

4. **TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND**

5. **TREATMENT OF CO-OCCURRING DISORDERS; AND**

**[(2)] (3) Passed [the National Alcohol and Drug Counselor Examination]:**

**(I) A NATIONAL ALCOHOL AND DRUG COUNSELOR EXAMINATION approved by the Board; AND**

**(II) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.**

17-403.

(a) Except as provided in § 17-405 of this subtitle, to qualify as a certified associate counselor-alcohol and drug, an applicant shall:

**(1) BE OF GOOD MORAL CHARACTER;**

**(2) AT A MINIMUM:**

**(I) Hold a bachelor's degree from [an] A REGIONALLY accredited educational institution approved by the Board in a health and human services counseling field; or**

**(II) HOLD A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION AND have completed a program of studies judged by the Board to be substantially equivalent in subject matter [and extent of training to such a program of studies];**

**[(2)] (3) Have completed not less than [3 years,] 1 YEAR with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board[, 2 years of which shall have been completed after the award of the bachelor's degree]; AND**

**[(3)] (4) Have a minimum of [21] 33 SEMESTER credit hours OR 50 QUARTER CREDIT HOURS in alcohol and drug counselor training, including [instruction in]:**

**(I) A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING:**

[(i)] 1. Medical aspects of chemical dependency;

2. **ADDICTIONS TREATMENT DELIVERY;**

[(ii)] 3. Group counseling;

[(iii)] 4. Individual counseling;

[(iv)] Family counseling;

(v) Assessment and treatment planning;

(vi) 5. Ethics [for alcohol and drug counselors] **THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES; AND**

[(vii)] Human development;

(viii) 6. Abnormal psychology; and

**(II) ANY THREE OF THE FOLLOWING 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSES TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION:**

1. **FAMILY COUNSELING;**

2. **THEORIES OF COUNSELING;**

3. **HUMAN DEVELOPMENT;**

4. **TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND**

5. **TREATMENT OF CO-OCCURRING DISORDERS; AND**

**(III) AN INTERNSHIP IN ALCOHOL AND DRUG COUNSELING THAT TOTALS 6 SEMESTER CREDIT HOURS OR 10 QUARTER CREDIT HOURS.**

[(ix)] Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics; and

(4) (i) Practice alcohol and drug counseling under the supervision of a certified professional counselor-alcohol and drug or another health care provider approved by the Board; or

(ii) Provide alcohol and drug counseling as an employee of an agency or facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Title 8, Subtitle 4 of the Health – General Article.]

(b) Except as otherwise provided in this title, the applicant shall pass [an]:

(1) AN examination approved by the Board under this title; AND

(2) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.

(c) A CERTIFIED ASSOCIATE COUNSELOR–ALCOHOL AND DRUG SHALL PRACTICE ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD–APPROVED ALCOHOL AND DRUG SUPERVISOR WHO IS:

(1) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR;

(2) A CERTIFIED PROFESSIONAL COUNSELOR–ALCOHOL AND DRUG;

(3) A LICENSED CLINICAL PROFESSIONAL COUNSELOR;

(4) A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST;

(5) A LICENSED CLINICAL PROFESSIONAL ART THERAPIST; OR

(6) A HEALTH CARE PROVIDER LICENSED UNDER THIS ARTICLE WITH DOCUMENTED EXPERTISE IN ALCOHOL AND DRUG COUNSELING.

(d) A CERTIFIED ASSOCIATE COUNSELOR–ALCOHOL AND DRUG:

(1) MAY PROVIDE ONLY:

(i) ALCOHOL AND DRUG COUNSELING AS AN EMPLOYEE OF AN AGENCY OR A FACILITY THAT IS CERTIFIED OR LICENSED BY THE STATE;

(ii) ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD–APPROVED SUPERVISOR AS SPECIFIED IN SUBSECTION (c) OF THIS SECTION; AND

(iii) SUPERVISION WITH APPROVAL BY THE BOARD; AND

(2) MAY NOT PRACTICE INDEPENDENTLY.



(a) To qualify as a certified supervised counselor—alcohol and drug, an applicant shall:

(1) **BE OF GOOD MORAL CHARACTER;**

(2) **AT A MINIMUM:**

(I) Hold an associate's degree **FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION** in a health and human services counseling field; or

(II) **HOLD AN ASSOCIATE'S DEGREE FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION AND** have completed a program of studies judged by the Board to be substantially equivalent in subject matter [to such a program of studies]; **AND**

[(2) Have completed not less than 2 years, with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board, 1 year of which shall have been completed after the award of the associate's degree;]

(3) Have a minimum of [15] **24 SEMESTER** credit hours [in alcohol and drug counselor training.] **OR 37 QUARTER CREDIT HOURS** including [instruction in]:

(I) **A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING COURSES:**

[(i)] 1. Medical aspects of chemical dependency;

2. **ADDICTIONS TREATMENT DELIVERY; AND**

[(ii)] Group counseling;

[(iii)] Individual counseling;

[(iv)] Family counseling;

[(v)] Assessment and treatment planning;

[(vi)] 3. **Ethics [for alcohol and drug counselors] THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES;**

[(vii)] Human development;

[(viii)] Abnormal psychology; and]

**(II) ANY THREE OF THE FOLLOWING 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSES TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION:**

- 1. GROUP COUNSELING;**
- 2. INDIVIDUAL COUNSELING;**
- 3. FAMILY COUNSELING;**
- 4. THEORIES OF COUNSELING;**
- 5. HUMAN DEVELOPMENT;**
- 6. ABNORMAL PSYCHOLOGY;**
- 7. TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND**
- 8. TREATMENT OF CO-OCCURRING DISORDERS; AND**

**(III) AN INTERNSHIP IN ALCOHOL AND DRUG COUNSELING THAT TOTALS 6 SEMESTER CREDIT HOURS OR 10 QUARTER CREDIT HOURS.**

[(ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics; and

(4) Practice alcohol and drug counseling under the supervision of a certified professional counselor–alcohol and drug or another health care provider approved by the Board and provide alcohol and drug counseling as an employee of an agency or facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Title 8, Subtitle 4 of the Health – General Article.]

(b) Except as otherwise provided in this title, the applicant shall pass [an]:

- (1) AN examination approved by the Board under this title; AND**
- (2) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.**

**(C) A CERTIFIED SUPERVISED COUNSELOR–ALCOHOL AND DRUG SHALL PRACTICE ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD–APPROVED ALCOHOL AND DRUG SUPERVISOR WHO IS:**

**(1) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR;**

**(2) A CERTIFIED PROFESSIONAL COUNSELOR–ALCOHOL AND DRUG;**

**(3) A CERTIFIED ASSOCIATE COUNSELOR–ALCOHOL AND DRUG;**

**(4) A LICENSED CLINICAL PROFESSIONAL COUNSELOR;**

**(5) A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST;**

**(6) A LICENSED CLINICAL PROFESSIONAL ART THERAPIST; OR**

**(7) A HEALTH CARE PROVIDER LICENSED UNDER THIS ARTICLE WITH DOCUMENTED EXPERTISE IN ALCOHOL AND DRUG COUNSELING.**

**(D) A CERTIFIED SUPERVISED COUNSELOR–ALCOHOL AND DRUG:**

**(1) MAY PROVIDE ONLY:**

**(I) ALCOHOL AND DRUG COUNSELING AS AN EMPLOYEE OF AN AGENCY OR FACILITY THAT IS CERTIFIED OR LICENSED BY THE STATE; AND**

**(II) ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD–APPROVED SUPERVISOR AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION; AND**

**(2) MAY NOT:**

**(I) PROVIDE SUPERVISION; OR**

**(II) PRACTICE INDEPENDENTLY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 369**  
**(Senate Bill 583)**

AN ACT concerning

**DNA Evidence – Postconviction Review**

FOR the purpose of expanding the group of persons who may file a certain petition for postconviction DNA testing or a database or log search; clarifying what scientific identification evidence the State is required to preserve under certain circumstances; and generally relating to postconviction review of DNA evidence.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 8–201(b) and (j)(1)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 8–201(j)(2)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Procedure**

8–201.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a [violation of § 2–201, § 2–204, § 2–207, or §§ 3–303 through 3–306 of the] **CRIME OF VIOLENCE UNDER § 14–101 OF THE** Criminal Law Article may file a petition:

(1) for DNA testing of scientific identification evidence that the State possesses ~~as provided in subsection (j) of this section and~~ that is related to the judgment of conviction; or

(2) for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of physical evidence used for DNA testing.

(j) (1) The State shall preserve scientific identification evidence that:

(i) the State has reason to know contains DNA material; and

(ii) is secured in connection with [an offense described in subsection (b) of this section] A VIOLATION OF § 2-201, § 2-204, § 2-207, OR § 3-303 THROUGH § 3-306 OF THE CRIMINAL LAW ARTICLE.

(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for the time of the sentence, including any consecutive sentence imposed in connection with the offense.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

## Chapter 370

(Senate Bill 600)

AN ACT concerning

### Chesapeake Bay Trust and Chesapeake Conservation Corps – Funding

FOR the purpose of altering the amount of money the Chesapeake Bay Trust is required to receive each fiscal year from the Environmental Trust Fund for funding certain energy conservation projects through the Chesapeake Conservation Corps Program; requiring the Maryland Transportation Authority to report to the General Assembly, on or before a certain date, on the feasibility of establishing a certain donation program for the benefit of the Chesapeake Bay Trust; ~~authorizing the Authority, if a certain determination is made, to establish a certain donation program;~~ and generally relating to a certain study on the funding of the Chesapeake Bay Trust.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 3-302(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 3-302(d)(3)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

~~BY adding to~~

~~Article – Transportation~~

~~Section 4-312(d)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2014 Supplement)~~

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

### Article – Natural Resources

3–302.

(a) (1) There is an Environmental Trust Fund.

(2) For the purpose of this subtitle, there is established as an added cost of electricity distributed to retail electric customers within the State, an environmental surcharge per kilowatt hour of electric energy distributed in the State to be paid by any electric company as defined in § 1–101 of the Public Utilities Article. The Public Service Commission shall impose the surcharge per kilowatt hour of electric energy distributed to retail electric customers within the State and shall authorize the electric companies to add the full amount of the surcharge to retail electric customers' bills. To the extent that the surcharge is not collected from retail electric customers, the surcharge shall be deemed a cost of distribution and shall be allowed and computed as such, together with other allowable expenses, for rate-making purposes. Revenues from the surcharge shall be collected by the Comptroller and placed in the Fund.

(d) (3) The Chesapeake Bay Trust shall receive ~~[\$250,000]~~ ~~\$500,000~~ \$375,000 from the Fund each fiscal year for the purpose of funding energy conservation projects through the Chesapeake Conservation Corps Program, as provided under §§ 8–1913 through 8–1924 of this article.

### ~~Article – Transportation~~

~~4–312.~~

~~(D) (1) ON OR BEFORE OCTOBER 1, 2015, THE AUTHORITY, IN CONSULTATION WITH THE CHESAPEAKE BAY TRUST, SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FEASIBILITY OF ESTABLISHING A DONATION PROGRAM FOR THE BENEFIT OF THE CHESAPEAKE BAY TRUST TO WHICH E-ZPASS ACCOUNT HOLDERS MAY DONATE.~~

~~(2) IF THE AUTHORITY DETERMINES THAT THE DONATION PROGRAM IS FEASIBLE AND APPROPRIATE, THE AUTHORITY MAY ESTABLISH, BY REGULATION, A DONATION PROGRAM FOR THE BENEFIT OF THE CHESAPEAKE BAY TRUST TO WHICH E-ZPASS ACCOUNT HOLDERS MAY DONATE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the Maryland Transportation Authority, in consultation with the Chesapeake Bay Trust,

shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the feasibility of establishing a donation program for the benefit of the Chesapeake Bay Trust to which E-ZPass account holders may donate, including a plan for administering the donations collected by the Authority.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 371

### (Senate Bill 601)

AN ACT concerning

#### **African American Heritage Preservation Program – Reestablishment and Revisions**

FOR the purpose of reestablishing the African American Heritage Preservation Program in the Maryland Historical Trust; specifying the purpose of the Program; requiring the Trust to develop and administer the Program in partnership with the Commission on African American History and Culture; establishing the African American Heritage Preservation Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Trust 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; requiring the Governor to provide a certain annual appropriation to the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; authorizing, on or before a date determined annually by the Trust and the Commission and subject to the availability of certain money, certain persons to submit a grant application for an African American Heritage Grant; requiring that a grant application contain certain information; providing that a grant to certain persons requires a certain matching fund; prohibiting a grant to certain persons from exceeding a certain percentage of the total cost of the project for which the grant is awarded; requiring the Trust and the Commission to review grant applications, consider, except under certain circumstances, certain factors, and make certain recommendations to the Secretary of Planning; requiring the Trust and the Commission, in making certain recommendations, to consider certain criteria; authorizing the Secretary to reserve a certain percentage of money available in the Fund to award certain grants for certain projects; requiring that an application for an emergency grant include certain information; requiring the Secretary to take certain actions concerning grant applications and recommendations; providing that the Secretary may only award grants under the Program for certain projects; requiring the Trust and the Commission to report certain information to the

Governor and the General Assembly on or before a certain date each year; requiring, except under certain circumstances, the Trust to require a grantee to enter into a certain agreement; authorizing the Director of the Trust to waive a certain agreement or easement requirement under certain circumstances; requiring the Secretary, in consultation with the Commission, to adopt certain regulations to implement the Program; prohibiting a certain regulation from being adopted unless the regulation is approved by the Board of Public Works; requiring the Trust and the Commission, to the extent required by certain regulations, to submit certain grants to the Board of Public Works for approval; defining certain terms; and generally relating to the African American Heritage Preservation Program.

BY adding to

Article – State Finance and Procurement

Section 5A–331

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

#### Preamble

WHEREAS, The legislation establishing the African American Heritage Preservation Program, enacted during the 2010 Session of the General Assembly, provided for the termination of the Program on May 31, 2015; and

WHEREAS, During its 5 years of existence, the Program has been highly successful in funding, through grants, important capital projects that have preserved numerous buildings and other resources located throughout the State that are of historical and cultural importance to the African American experience in Maryland, and otherwise might not have been funded; and

WHEREAS, Grant funding through the Program has provided vital economic resources and employment to certain areas and communities of the State, many of which are particularly in need of capital investment; and

WHEREAS, It is in the best interest of the State to permanently establish the African American Heritage Preservation Program and a dedicated grant fund for the Program and to streamline the application and review process for the award of Program grants; now, therefore,

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

#### Article – State Finance and Procurement

#### 5A–331.

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



(2) "AAHP GRANT FUND" MEANS THE AFRICAN AMERICAN HERITAGE PRESERVATION GRANT FUND OF THE TRUST.

(3) "AFRICAN AMERICAN HERITAGE GRANT" MEANS A GRANT MADE UNDER THE PROGRAM.

(4) "AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT" MEANS A CAPITAL PROJECT THAT:

(I) PRESERVES BUILDINGS, COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE TO THE AFRICAN AMERICAN EXPERIENCE IN THE STATE; AND

(II) IS FOR:

1. THE ACQUISITION OF LAND OR BUILDINGS; OR
2. THE CONSTRUCTION OR IMPROVEMENT OF LAND OR BUILDINGS.

(5) "COMMISSION" MEANS THE COMMISSION ON AFRICAN AMERICAN HISTORY AND CULTURE.

(6) "CONSTRUCTION OR IMPROVEMENT" MEANS PLANNING, DESIGN, ENGINEERING, ALTERATION, CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, EXPANSION, EXTENSION, IMPROVEMENT, REPLACEMENT, REHABILITATION, RENOVATION, UPGRADING, REPAIR, OR CAPITAL EQUIPPING.

(7) "PROGRAM" MEANS THE AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM.

(8) "SECRETARY" MEANS THE SECRETARY OF PLANNING.

(B) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM IN THE TRUST.

(2) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY AND PRESERVE BUILDINGS, COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE TO THE AFRICAN AMERICAN EXPERIENCE IN THE STATE.

(3) THE TRUST SHALL DEVELOP AND ADMINISTER THE PROGRAM IN PARTNERSHIP WITH THE COMMISSION.

**(C) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION GRANT FUND IN THE TRUST.**

**(2) THE TRUST SHALL ADMINISTER THE AAHP GRANT FUND.**

**(3) THE AAHP GRANT FUND MAY BE USED ONLY FOR AFRICAN AMERICAN HERITAGE GRANTS.**

**(4) (I) THE AAHP GRANT FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THIS ARTICLE.**

**(II) THE STATE TREASURER SHALL HOLD THE AAHP GRANT FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE AAHP GRANT FUND.**

**(5) THE AAHP GRANT FUND CONSISTS OF:**

**(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE PROGRAM;**

**(II) INVESTMENT EARNINGS OF THE AAHP GRANT FUND;**

**(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE AAHP GRANT FUND; AND**

**(IV) MONEY RECEIVED FROM THE SALE OF STATE GENERAL OBLIGATION BONDS.**

**(6) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL OPERATING OR CAPITAL BUDGET AN APPROPRIATION OF \$1,000,000 TO THE AAHP GRANT FUND.**

**(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE AAHP GRANT FUND IN THE SAME MANNER AS OTHER STATE MONEY.**

**(II) ANY INVESTMENT EARNINGS OF THE AAHP GRANT FUND SHALL BE PAID INTO THE AAHP GRANT FUND.**

**(8) EXPENDITURES FROM THE AAHP GRANT FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

**(D) (1) ON OR BEFORE A DATE ESTABLISHED ANNUALLY BY THE TRUST AND THE COMMISSION AND SUBJECT TO AVAILABILITY OF MONEY IN THE AAHP GRANT FUND, AN INDIVIDUAL OR A BUSINESS ENTITY, NONPROFIT ORGANIZATION, OR POLITICAL SUBDIVISION MAY SUBMIT AN APPLICATION FOR AN AFRICAN AMERICAN HERITAGE GRANT TO THE TRUST.**

**(2) AN APPLICATION SHALL INCLUDE:**

**(I) A DESCRIPTION OF THE SCOPE AND PURPOSE OF THE PROJECT;**

**(II) A BUILDING PLAN THAT INCLUDES THE ESTIMATED TOTAL COST OF THE PROJECT; AND**

**(III) ANY OTHER INFORMATION REQUIRED BY THE TRUST AND THE COMMISSION.**

**(E) AN AFRICAN AMERICAN HERITAGE GRANT TO A BUSINESS ENTITY, AN INDIVIDUAL, OR A POLITICAL SUBDIVISION:**

**(1) IS SUBJECT TO A REQUIREMENT THAT THE PROSPECTIVE GRANTEE PROVIDE A MATCHING FUND FROM ANY COMBINATION OF FEDERAL, COUNTY, MUNICIPAL, OR PRIVATE SOURCES; AND**

**(2) MAY NOT EXCEED 50% OF THE TOTAL COST OF THE AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT FOR WHICH THE AFRICAN AMERICAN HERITAGE GRANT IS AWARDED.**

**(F) (1) THE TRUST AND THE COMMISSION SHALL:**

**(I) REVIEW ALL GRANT APPLICATIONS SUBMITTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;**

**(II) EXCEPT AS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION, CONSIDER A GRANT APPLICATION COMPETITIVELY AGAINST ALL OTHER GRANT APPLICATIONS SUBMITTED DURING THE SAME FISCAL YEAR; AND**

**(III) MAKE RECOMMENDATIONS REGARDING EACH APPLICATION TO THE SECRETARY FOR THE AWARD OF AFRICAN AMERICAN HERITAGE GRANTS.**

**(2) IN MAKING RECOMMENDATIONS UNDER THIS SUBSECTION, THE TRUST AND THE COMMISSION SHALL CONSIDER:**

- (I) THE PUBLIC NECESSITY AND URGENCY OF A PROJECT;
- (II) THE NEED FOR ADDITIONAL SOURCES OF FUNDING FOR A PROJECT;
- (III) THE ESTIMATED COST AND TIMELINESS OF EXECUTING A PROJECT;
- (IV) THE VIABILITY OF MATCHING FUNDS FOR A PROJECT;
- (V) GEOGRAPHIC DIVERSITY; AND
- (VI) ANY OTHER CRITERIA DETERMINED BY THE TRUST AND THE COMMISSION TO BE RELEVANT.

(G) (1) IN ANY FISCAL YEAR, THE SECRETARY MAY RESERVE UP TO 20% OF THE MONEY AVAILABLE IN THE AAHP GRANT FUND TO AWARD AFRICAN AMERICAN HERITAGE GRANTS TO ELIGIBLE EMERGENCY AFRICAN AMERICAN HERITAGE PRESERVATION PROJECTS NOT OTHERWISE APPLIED FOR IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(2) THE APPLICATION FOR AN EMERGENCY GRANT SHALL INCLUDE ANY INFORMATION REQUIRED BY THE TRUST.

(3) THE TRUST AND THE COMMISSION SHALL:

- (I) REVIEW ALL APPLICATIONS FOR EMERGENCY GRANTS; AND
- (II) FOR EACH APPLICATION FOR AN EMERGENCY GRANT, MAKE RECOMMENDATIONS TO THE SECRETARY ON WHETHER TO AWARD THE GRANT.

(H) (1) THE SECRETARY SHALL:

(I) REVIEW EACH GRANT APPLICATION SUBMITTED UNDER SUBSECTION (D) OR (G) OF THIS SECTION AND THE RECOMMENDATIONS OF THE TRUST AND THE COMMISSION;

(II) CONSIDER:

1. THE APPLICATIONS AND RECOMMENDATIONS UNDER THE CRITERIA SET FORTH IN SUBSECTION (F)(2) OF THIS SECTION; AND

**2. IF THE GRANT WAS SUBMITTED UNDER SUBSECTION (G) OF THIS SECTION, THE NATURE OF THE EMERGENCY; AND**

**(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAKE THE FINAL DECISION TO AWARD THE GRANT OR DENY THE APPLICATION.**

**(2) THE SECRETARY MAY ONLY AWARD A GRANT UNDER THE PROGRAM FOR AN AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT.**

**(I) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE TRUST AND THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE FINANCIAL STATUS AND THE ACTIVITIES OF THE PROGRAM AND THE AAHP GRANT FUND FOR THE PRIOR FISCAL YEAR.**

**(J) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE TRUST SHALL REQUIRE A GRANTEE AWARDED AN AFRICAN AMERICAN HERITAGE GRANT TO ENTER INTO AN AGREEMENT TO PRESERVE AND MAINTAIN THE PROPERTY FOR WHICH THE GRANT WAS AWARDED.**

**(2) IF THE PROPERTY IS HISTORIC REAL PROPERTY, THE AGREEMENT SHALL BE A RECORDABLE HISTORIC PRESERVATION EASEMENT.**

**(3) THE DIRECTOR MAY WAIVE THE AGREEMENT OR EASEMENT REQUIREMENT IF THE DIRECTOR DETERMINES THAT AN AGREEMENT OR EASEMENT IS IMPRACTICABLE, INFEASIBLE, OR NOT NECESSARY UNDER THE CIRCUMSTANCES.**

**(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.**

**(2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY THE BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED BY THE BOARD OF PUBLIC WORKS.**

**(L) TO THE EXTENT REQUIRED BY REGULATIONS ADOPTED UNDER SUBSECTION (K) OF THIS SECTION, THE TRUST AND THE COMMISSION SHALL SUBMIT TO THE BOARD OF PUBLIC WORKS FOR THE BOARD'S APPROVAL EACH AFRICAN AMERICAN HERITAGE GRANT THAT IS TO BE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 372

### (Senate Bill 606)

AN ACT concerning

#### Health Insurance – Abuse–Deterrent Opioid Analgesic Drug Products – Coverage

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide certain coverage for a certain minimum number of brand name abuse–deterrent opioid analgesic drug products and, if available, a certain minimum number of generic abuse–deterrent opioid analgesic drug products; ~~prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from imposing certain limits or cost sharing requirements on coverage for abuse–deterrent opioid analgesic drug products that are less favorable to an insured or an enrollee than the limits or cost sharing requirements that apply to coverage for any other opioid analgesic drug product;~~ prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from requiring an insured or an enrollee to first use a certain drug product before providing coverage for ~~an~~ a certain abuse–deterrent opioid analgesic drug product; ~~prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from increasing certain cost sharing requirements or other out-of-pocket expenses to achieve certain compliance;~~ authorizing the insurers, nonprofit health service plans, and health maintenance organizations to undertake utilization review for an abuse–deterrent opioid analgesic drug product under certain circumstances; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for abuse–deterrent opioid analgesic drug products.

BY adding to

Article – Insurance

Section 15–848

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, Prescription opioid analgesics are an important treatment option for individuals with severe pain, such as those who have experienced catastrophic or acute injuries, often allowing some to resume their daily activities; and

WHEREAS, Some individuals, however, have abused and misused opioid analgesics, creating urgent and growing public health concerns; and

WHEREAS, The U.S. Food and Drug Administration recognizes and considers the development of opioids that are formulated to deter abuse a high public health priority; and

WHEREAS, Maryland recognizes the need to eliminate barriers to abuse-deterrent formulations as an important step in reducing abuse of opiates while ensuring that these medicines remain available to those who need them for legitimate medical purposes; now, therefore,

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

#### **Article – Insurance**

**15–848.**

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

**(2) “ABUSE–DETERRENT OPIOID ANALGESIC DRUG PRODUCT” MEANS A BRAND NAME OR GENERIC OPIOID ANALGESIC DRUG PRODUCT APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION WITH ABUSE–DETERRENT LABELING THAT INDICATES THE DRUG PRODUCT IS EXPECTED TO RESULT IN A MEANINGFUL REDUCTION IN ABUSE.**

**(3) “OPIOID ANALGESIC DRUG PRODUCT” MEANS A DRUG PRODUCT THAT CONTAINS AN OPIOID AGONIST AND IS INDICATED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF PAIN, REGARDLESS OF WHETHER THE DRUG PRODUCT:**

**(I) IS IN IMMEDIATE RELEASE OR EXTENDED RELEASE FORM;**  
**OR**

**(II) CONTAINS OTHER DRUG SUBSTANCES.**

**(B) (1) THIS SECTION APPLIES TO:**

**(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR**

BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP 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) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR ~~ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS.~~

~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT:~~

~~(I) IMPOSE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS ON COVERAGE FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT THAT ARE LESS FAVORABLE TO AN INSURED OR AN ENROLLEE THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS THAT APPLY TO COVERAGE FOR ANY OTHER OPIOID ANALGESIC DRUG PRODUCT; OR:~~

(I) AT LEAST TWO BRAND NAME ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS, EACH CONTAINING DIFFERENT ANALGESIC INGREDIENTS, ON THE LOWEST COST TIER FOR BRAND NAME PRESCRIPTION DRUGS ON THE ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE; AND

(II) IF AVAILABLE, AT LEAST TWO GENERIC ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS, EACH CONTAINING DIFFERENT ANALGESIC INGREDIENTS, ON THE LOWEST COST TIER FOR GENERIC DRUGS ON THE ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE.

~~(H) (2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUIRE AN INSURED OR AN ENROLLEE TO FIRST USE AN OPIOID ANALGESIC DRUG PRODUCT WITHOUT ABUSE-DETERRENT LABELING BEFORE PROVIDING COVERAGE FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT COVERED ON THE ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE.~~

~~(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS OR OTHER OUT-OF-POCKET EXPENSES IMPOSED ON OPIOID ANALGESIC DRUG PRODUCTS TO ACHIEVE COMPLIANCE WITH THIS SECTION.~~



**(D) NOTWITHSTANDING SUBSECTION (C)(2) OF THIS SECTION, AN ENTITY SUBJECT TO THIS SECTION MAY UNDERTAKE UTILIZATION REVIEW, INCLUDING PREAUTHORIZATION, FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT COVERED BY THE ENTITY, IF THE SAME UTILIZATION REVIEW REQUIREMENTS ARE APPLIED TO NON-ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS COVERED BY THE ENTITY IN THE SAME FORMULARY TIER AS THE ABUSE-DETERRENT OPIOID ANALGESIC PRODUCT.**

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, 2015~~ January 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2015~~ January 1, 2016.

**Approved by the Governor, May 12, 2015.**

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## Chapter 373

(Senate Bill 622)

AN ACT concerning

### Education – English Language Learner Liaison Pilot Program

FOR the purpose of establishing the English Language Learner Liaison Pilot Program in the State Department of Education; requiring the Department to implement the Program in a certain local school system ~~systems~~ system in the State; specifying the purpose of the Program; requiring the Department to report annually to certain committees of the General Assembly; defining a certain term; providing for the termination of this Act; and generally relating to the English Language Learner Liaison Pilot Program.

BY adding to

Article – Education

Section 7-437

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

### Article – Education

7-437.

(A) IN THIS SECTION, “PROGRAM” MEANS THE ENGLISH LANGUAGE LEARNER LIAISON PILOT PROGRAM IN THE DEPARTMENT.

(B) THERE IS AN ENGLISH LANGUAGE LEARNER LIAISON PILOT PROGRAM IN THE DEPARTMENT.

(C) THE DEPARTMENT SHALL ESTABLISH THE PROGRAM IN ~~MONTGOMERY COUNTY AND~~ PRINCE GEORGE’S COUNTY.

(D) THE PURPOSE OF THE PROGRAM IS TO:

(1) COLLABORATE WITH THE APPROPRIATE EMPLOYEES OF A LOCAL SCHOOL SYSTEM TO ADDRESS THE SPECIFIC NEEDS OF ENGLISH LANGUAGE LEARNER STUDENTS AND THE FAMILIES OF THOSE STUDENTS;

(2) IDENTIFY STUDENTS WHO:

(I) ARE NOT ENGLISH PROFICIENT;

(II) HAVE BIRTH AND SCHOOL RECORDS FROM ANOTHER COUNTRY; AND

(III) HAVE A PRIMARY LANGUAGE OTHER THAN ENGLISH SPOKEN IN THE HOME OF THE STUDENT;

(3) COUNSEL, IN COLLABORATION WITH SCHOOL-BASED COUNSELORS, ENGLISH LANGUAGE LEARNER STUDENTS REGARDING ACADEMIC AND SOCIAL CONCERNS;

(4) MONITOR THE PROGRESS OF ENGLISH LANGUAGE LEARNER STUDENTS IN MASTERING AGE-APPROPRIATE SKILLS IN ENGLISH PROFICIENCY WITH THE GOAL OF PASSING GRADE LEVEL ENGLISH PROFICIENCY TESTS;

(5) PROVIDE EDUCATIONAL AND CULTURAL INFORMATION ON LANGUAGE ACQUISITION TO EMPLOYEES OF A LOCAL SYSTEM;

(6) CONDUCT WORKSHOPS AND IN-SERVICE TRAINING ON CROSS-CULTURAL COMMUNICATION AND OTHER MULTICULTURAL TOPICS FOR EMPLOYEES OF A LOCAL SYSTEM;

(7) COORDINATE WITH SCHOOL-BASED COUNSELORS TO PROVIDE CRISIS INTERVENTION TO INTERNATIONAL STUDENTS AND ENGLISH LANGUAGE LEARNER STUDENTS AND THE FAMILIES OF THOSE STUDENTS; AND

(8) PROVIDE INFORMATION AS APPROPRIATE TO ENGLISH LANGUAGE LEARNER STUDENTS AND THE FAMILIES OF THOSE STUDENTS ON COLLEGE AND CAREER READINESS, CAREER AND TECHNICAL TRAINING, AND CAREER PATH COUNSELING.

(E) THE DEPARTMENT SHALL REPORT ANNUALLY 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, ON THE EFFECTIVENESS OF THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 2 years and, at the end of June 30, 2017, 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 12, 2015.**

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## Chapter 374

(Senate Bill 651)

AN ACT concerning

**Criminal Procedure – Expungement – Conviction of a Crime That Is No Longer a Crime**

FOR the purpose of authorizing a person to file a certain petition for expungement if the person was convicted of a crime and the act on which the conviction was based is no longer a crime; and generally relating to expungement of criminal records.

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 10–105  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2014 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; [or]

(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.**

(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) 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.

(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 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, a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, a finding of not criminally responsible, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon, entry, finding of not criminally responsible, or conviction has been convicted of a crime other than a minor traffic violation; or

2. 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 this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 375**

**(Senate Bill 654)**

AN ACT concerning

**Criminal Procedure – Immunity – Alcohol– or Drug–Related Medical  
Emergencies**

FOR the purpose of establishing that the act of seeking assistance by a person who experiences a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution of the person; altering a certain provision providing certain immunity to a person who seeks, provides, or assists with the provision of certain medical assistance by providing the immunity from a criminal arrest, charge, or prosecution and providing immunity when a person is reasonably believed to be experiencing a medical emergency rather than when the person is experiencing a medical emergency; altering a certain provision providing certain immunity to a person who seeks certain medical assistance by providing immunity from a criminal arrest, charge, or prosecution and providing immunity when the person reasonably believes that the person is experiencing a medical emergency rather than when the person is experiencing a medical emergency; extending the applicability of certain immunity provisions to certain drug paraphernalia offenses and certain persons who receive certain medical assistance; prohibiting a person who seeks, provides, or assists with the provision of certain medical assistance from being sanctioned for a violation of a condition of pretrial release, probation, or parole under certain circumstances; ~~prohibiting a person who seeks, provides, or assists with the provision of certain medical assistance from being detained or prosecuted in connection with an outstanding warrant under certain circumstances~~; clarifying certain language; and generally relating to immunity and alcohol– or drug–related medical emergencies.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 1–210  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Procedure**

1–210.

(a) The act of seeking, providing, or assisting with the provision of medical assistance for another person who is experiencing a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution OF:

**(1) THE PERSON WHO EXPERIENCED THE MEDICAL EMERGENCY; OR**



**(2) ANY PERSON WHO SOUGHT, PROVIDED, OR ASSISTED IN THE PROVISION OF MEDICAL ASSISTANCE.**

(b) A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person **REASONABLY BELIEVED TO BE** experiencing a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601, 5–619, **5–620**, 10–114, 10–116, and 10–117 of the Criminal Law Article if the evidence for the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of the person’s seeking, providing, or assisting with the provision of medical assistance.

(c) A person who [experiences] **REASONABLY BELIEVES THAT THE PERSON IS EXPERIENCING** a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601, 5–619, **5–620**, 10–114, 10–116, and 10–117 of the Criminal Law Article if the evidence for the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of [another person’s] **THE PERSON** seeking **OR RECEIVING** medical assistance.

**(D) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION MAY NOT BE SANCTIONED FOR A VIOLATION OF A CONDITION OF PRETRIAL RELEASE, PROBATION, OR PAROLE IF THE EVIDENCE OF THE VIOLATION WAS OBTAINED SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.**

~~**(E) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION WITH AN OUTSTANDING WARRANT IF THE DETENTION OR PROSECUTION IS MADE POSSIBLE SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 376

(Senate Bill 666)

AN ACT concerning

**Recreational Fishing Licenses – Duration and Expiration Date**

FOR the purpose of altering the expiration date for and, under certain circumstances, the duration of certain recreational fishing licenses; requiring the Department of Natural Resources to ~~determine the duration of and effective dates~~ establish by regulation a term for a certain recreational fishing license; requiring the Department to proportionally prorate the annual license fees for certain recreational fishing licenses; repealing a certain obsolete provision of law; and generally relating to the expiration date for and duration of recreational fishing licenses.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 4–210.1(a), 4–216(a), 4–604(b), and 4–745(a)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4–210.1(e), 4–216(c), 4–604(h)(1), and 4–745(a)(3) and (d)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Natural Resources**

4–210.1.

(a) A person providing fishing guide services for compensation to a person fishing in nontidal freshwater or areas of tidal water designated in subsection (f) of this section for game and freshwater fish shall obtain a freshwater fishing guide license.

(e) [Beginning January 1, 2000 the] **THE** Department may issue a freshwater fishing guide license which shall be valid for [not more than 1 year and shall expire on December 31 of each year following the date of issuance] ~~A DURATION AND ON DATES AS DETERMINED~~ **TERM ESTABLISHED BY THE DEPARTMENT IN REGULATION.**

4–216.

(a) The Department shall establish a resident consolidated senior sport fishing license, to be issued to residents of Maryland beginning in the calendar year in which they attain the age of 65.

(c) A resident consolidated senior sport fishing license shall be valid for [not more than] 1 year [and shall expire on December 31] **FOLLOWING THE DATE OF ISSUANCE.**

4-604.

(b) Any person 16 years old or older shall secure an angler's license to fish in the nontidal waters of the State. An angler's license entitles the holder to fish in the nontidal waters of the State only during the open season.

(h) (1) Every angler's license shall [expire on December 31 of each] **BE VALID FOR 1** year following the date of issuance.

4-745.

(a) (1) Except as provided in subsections (c) and (d) of this section and § 4-217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or registration issued under subsection (d)(3) of this section and possessing evidence of the license or registration.

(3) [Every] **EXCEPT AS PROVIDED IN SUBSECTION (D)(1) OF THIS SECTION, EVERY** Chesapeake Bay and coastal sport fishing license and registration shall be valid for [not more than] 1 year [and shall expire on December 31] **FOLLOWING THE DATE OF ISSUANCE.**

(d) (1) The Department may provide by regulation for issuance of a special charter boat license that **SHALL BE EFFECTIVE FOR NOT MORE THAN 1 YEAR AND SHALL EXPIRE ON AUGUST 31 AND THAT** would be valid for all individuals on a charter boat operated by a licensed fishing guide in tidal waters of the State. The fee shall be:

(i) For 6 fishermen or less \$240.

(ii) For 7 or more fishermen \$290.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall proportionally prorate the annual license fee for any fishing license for which the duration of the license is shortened under this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 377****(Senate Bill 677)**

AN ACT concerning

**Education – Professional Development for Teachers and Providers of Early  
Childhood Education – Master Plan**

FOR the purpose of requiring the State Department of Education, in collaboration with the Maryland Higher Education Commission and certain representatives from certain institutions of higher education, to develop a certain master plan that focuses on certain issues relating to qualified providers of early childhood education services; providing for the contents of a certain master plan; requiring the Department and the Commission to make certain recommendations; requiring the Department and the Commission to submit a certain plan and certain recommendation on or before a certain date; providing for the termination of this Act; and generally relating to professional development in the early childhood education workforce.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) The State Department of Education, in collaboration with the Maryland Higher Education Commission and representatives from institutions of higher education in the State that offer early childhood education programs, shall develop a master plan to address the critical shortage of qualified professional teachers and child care providers in the early childhood education workforce.

(b) The master plan required under subsection (a) of this section shall focus on:

(1) Creating Early Childhood Education bachelor's degree programs at institutions of higher education in the State that focus on educating children both with and without disabilities from birth to age 8;

(2) Establishing a continuum of high-quality professional development options in early childhood education for current and prospective providers of early childhood education, including family child care providers, child care center-based providers, and Early Head Start and Head Start staff;

(3) Implementing a professional development system that utilizes a nationally recognized early childhood education certificate program that accepts prior learning experience; and

(4) Ensuring that regular, ongoing joint training of elementary school staff and early childhood education program staff who receive public prekindergarten funding is available.

(c) The Department and the Commission shall jointly make recommendations on methods of:

- (1) Attracting individuals to the field of early childhood education; and
- (2) Retaining current teachers and providers in the field of early childhood education.

(d) On or before December 31, 2015, the Department and the Commission shall jointly submit to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environment Affairs Committee and the House Committee on Ways and Means:

- (1) The master plan required under subsection (a) of this section; and
- (2) The recommendations required under subsection (c) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 1 year and, at the end of June 30, 2016, 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 12, 2015.**

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## Chapter 378

(Senate Bill 714)

AN ACT concerning

### **Maryland Electric Vehicle Infrastructure Council – Reporting and Sunset Extension**

FOR the purpose of altering the deadlines for the reporting requirements for the Maryland Electric Vehicle Infrastructure Council; extending the termination date for the Council; and generally relating to the Maryland Electric Vehicle Infrastructure Council.

BY repealing and reenacting, without amendments,  
Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters  
64 and 65 of the Acts of the General Assembly of 2013  
Section 1(b)

BY repealing and reenacting, with amendments,

Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013  
Section 1(h) and 2

BY repealing and reenacting, without amendments,  
Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013  
Section 1(b)

BY repealing and reenacting, with amendments,  
Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013  
Section 1(h) and 2

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

**Chapter 400 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013**

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(b) There is a Maryland Electric Vehicle Infrastructure Council.

(h) (1) On or before ~~December 1, 2013 and, December 1, 2014,~~ **DECEMBER 1, 2015, DECEMBER 1, 2016, DECEMBER 1, 2017, AND DECEMBER 1, 2018**, the Council shall submit interim reports of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

(2) On or before ~~June 30, 2015~~ **JUNE 30, 2020**, the Council shall submit a final report of its work and recommendations to the Governor and, subject to § 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, 2011. It shall remain effective for a period of ~~[4]~~ **9** years and, at the end of June 30, ~~[2015]~~ **2020**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Chapter 401 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013**

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(b) There is a Maryland Electric Vehicle Infrastructure Council.

(h) (1) On or before ~~December 1, 2013 and, December 1, 2014,~~ **DECEMBER 1, 2015, DECEMBER 1, 2016, DECEMBER 1, 2017, AND DECEMBER 1, 2018**, the Council shall submit interim reports of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

(2) On or before ~~June 30, 2015~~ **JUNE 30, 2020**, the Council shall submit a final report of its work and recommendations to the Governor and, subject to § 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, 2011. It shall remain effective for a period of ~~[4]~~ **9** years and, at the end of June 30, ~~[2015]~~ **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, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 379

(Senate Bill 736)

AN ACT concerning

### Public Safety – Handgun Identification Requirements – Repeal

FOR the purpose of repealing a provision of law requiring certain firearms manufacturers and dealers and the Department of State Police to take certain actions relating to identification of handguns; authorizing the Department of State Police to dispose of certain shell casings; declaring the intent of the General Assembly; and generally relating to handgun identification requirements.

BY repealing

Article – Public Safety

Section 5–131

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

### Article – Public Safety

[5–131.

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

(2) “Manufacturer” means a person who possesses a federal license to engage in the business of manufacturing firearms or ammunition for sale or distribution.

(3) “Projectile” means the part of handgun ammunition that is expelled through the barrel of the handgun by an explosion.

(4) “Shell casing” means the part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

(b) A manufacturer that ships or transports a handgun for sale, rental, or transfer in the State shall include in the box with the handgun in a separate, sealed container:

(1) a shell casing of a projectile discharged from the handgun; and

(2) additional information that the Secretary requires to identify the type of handgun and shell casing.

(c) (1) On receipt of a handgun from a manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer has complied with subsection (b) of this section.

(2) On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory.

(d) On receipt of a shell casing and information as required in subsection (b) of this section, the Department of State Police Crime Laboratory shall enter the information in each relevant database.]

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of State Police may properly and lawfully dispose of any shell casings that are being held in storage because they were received from a dealer under the provisions of § 5–131 of the Public Safety Article.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the positions within the Department of State Police that were associated with the duties under § 5–131 of the Public Safety Article not be eliminated as a result of the repeal of § 5–131 of the Public Safety Article in Section 1 of this Act.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**



## Chapter 380

### (Senate Bill 755)

AN ACT concerning

#### **Election Law – Campaign Finance – Central Committee Candidates**

FOR the purpose of providing that a certain provision of law relating to campaign finance entities does not apply to certain candidates for election to the central committee of a political party; requiring certain candidates for election to the central committee of a political party to keep a certain account book, preserve the account book for certain purposes and for a certain period of time, and file a certain affidavit with the certificate of candidacy; requiring a candidate for election to the central committee of a political party to pay a certain civil penalty under certain circumstances; specifying that a certain civil penalty is a civil offense; requiring certain individuals to issue a certain civil citation; requiring that the citation be served in a certain manner; requiring the District Court, on receipt of a certain citation, to schedule a certain trial and notify a certain candidate of certain information; requiring the District Court to conduct a certain trial in a certain manner ~~and remit certain fees to the State Board of Elections~~; providing that an adjudication of a certain violation is not a criminal conviction; providing that a certain candidate is liable for certain costs; authorizing the District Court, under certain circumstances, to dismiss a certain citation or enter a certain civil judgment; *requiring that certain civil penalties be distributed to the Fair Campaign Financing Fund*; and generally relating to campaign finance requirements related to candidates for election to the central committee of a political party.

BY repealing and reenacting, with amendments,  
 Article – Election Law  
 Section 13–202 and 13–221  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2014 Supplement)

BY adding to  
 Article – Election Law  
 Section 13–305.1 and 13–604.2  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2014 Supplement)

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

#### **Article – Election Law**

13–202.

**(A) THIS SECTION DOES NOT APPLY TO A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL PARTY IF THE CANDIDATE DURING AN ELECTION CYCLE DOES NOT:**

- (1) SPEND MORE THAN \$1,000 IN PERSONAL FUNDS; OR**
- (2) ACCEPT CONTRIBUTIONS.**

**[(a) (B)]** Unless otherwise expressly authorized by law, all campaign finance activity for an election under this article shall be conducted through a campaign finance entity.

**[(b) (C)]** An individual may not file a certificate of candidacy or a declaration of intent under § 5–703 or § 5–703.1 of this article until the individual establishes, or causes to be established, an authorized candidate campaign committee.

13–221.

(a) (1) The treasurer of a campaign finance entity shall keep a detailed and accurate account book of all assets received, expenditures made, and obligations incurred by or on behalf of the entity.

(2) Except as provided in § 13–240 of this subtitle, as to each asset received or expenditure made, the account book shall state:

- (i) its amount or value;
- (ii) the date of the receipt or expenditure;
- (iii) the name and address of the person from whom the asset was received or to whom the expenditure was made; and
- (iv) a description of the asset received or the purpose for which the expenditure was made.

(3) (i) To the extent practicable, the treasurer of a campaign finance entity shall record the occupation and employer of an individual who makes contributions to the campaign finance entity in a cumulative amount of \$500 or more during an election cycle.

(ii) The State Board shall:

1. promptly provide notice to the treasurer of a campaign finance entity if a contributor included on a campaign finance report submitted by the treasurer has made contributions to the campaign finance entity in a cumulative amount of \$500 or more during the election cycle; and

2. require a standard response that a treasurer shall include in the campaign finance report if a contributor does not supply the information required concerning the contributor's occupation and employer.

(4) Each expenditure made from a campaign account shall be supported by a receipt.

(b) The account books and related records of a campaign finance entity shall be preserved until the earlier of:

(1) 10 years after the creation of an account book entry or related record; or

(2) 2 years after the campaign finance entity files a final campaign finance report under Subtitle 3 of this title.

**(C) A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL PARTY WHO IS EXEMPT ~~FROM § 13-202~~ UNDER § 13-202(A) OF THIS SUBTITLE SHALL:**

**(1) KEEP A DETAILED AND ACCURATE ACCOUNT BOOK OF ALL EXPENDITURES MADE BY THE CANDIDATE; AND**

**(2) PRESERVE THE ACCOUNT BOOK REQUIRED UNDER ITEM (1) OF THIS SUBSECTION FOR AUDITING PURPOSES UNTIL 2 YEARS AFTER THE END OF THE ELECTION CYCLE.**

### **13-305.1.**

**A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL PARTY WHO IS EXEMPT ~~FROM~~ UNDER § 13-202(A) OF THIS TITLE SHALL FILE WITH THE CERTIFICATE OF CANDIDACY AN AFFIDAVIT STATING THAT THE CANDIDATE DURING THE ELECTION CYCLE WILL NOT:**

**(1) SPEND MORE THAN \$1,000 IN PERSONAL FUNDS; OR**

**(2) ACCEPT CONTRIBUTIONS.**

### **13-604.2.**

**(A) A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL PARTY SHALL PAY A CIVIL PENALTY OF \$1,000 IN ACCORDANCE WITH SUBSECTIONS (B) THROUGH (F) OF THIS SECTION IF THE CANDIDATE:**

(1) IS NOT EXEMPT FROM § 13-202 OF THIS TITLE AND FAILS TO CONDUCT CAMPAIGN FINANCE ACTIVITY THROUGH A CAMPAIGN FINANCE ENTITY; OR

(2) VIOLATES § 13-221(C) OR § 13-305.1 OF THIS TITLE.

(B) (1) IF THE STATE PROSECUTOR OR THE STATE'S ATTORNEY WITH JURISDICTION DETERMINES THAT A CANDIDATE IS REQUIRED TO PAY A CIVIL PENALTY UNDER SUBSECTION (A) OF THIS SECTION, THE STATE PROSECUTOR, THE STATE'S ATTORNEY, OR BOTH SHALL ISSUE TO THE CANDIDATE A CIVIL CITATION THAT CONTAINS:

(I) THE NAME AND ADDRESS OF THE CANDIDATE CITED;

(II) THE NATURE, TIME, AND PLACE OF THE VIOLATION;

(III) THE MANNER IN WHICH THE VIOLATION OCCURRED;

(IV) THE PENALTY FOR THE VIOLATION;

(V) THE MANNER AND TIME IN WHICH TO PAY THE PENALTY;

(VI) WHERE TO PAY THE PENALTY; AND

(VII) A STATEMENT THAT THE CANDIDATE RECEIVING THE CITATION HAS A RIGHT TO A TRIAL IN THE DISTRICT COURT.

(2) THE PROSECUTING AUTHORITY WHO ISSUES A CITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL FILE THE CITATION IN THE DISTRICT COURT.

(C) THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

(D) (1) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE CANDIDATE NAMED IN THE CITATION OF THE TRIAL DATE.

(2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER §§ 6-108, 6-109, AND 6-111 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.

(3) ~~THE DISTRICT COURT SHALL REMIT TO THE STATE BOARD ALL LATE FEES COLLECTED.~~

~~(4)~~ AN ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION:

(I) IS NOT A CRIMINAL CONVICTION; AND

(II) DOES NOT CARRY WITH IT ANY OF THE CIVIL DISABILITIES THAT ARISE FROM A CRIMINAL CONVICTION.

(E) A CANDIDATE WHO IS ADJUDICATED IN VIOLATION AS SET FORTH IN A CITATION ISSUED UNDER SUBSECTION (B) OF THIS SECTION IS LIABLE FOR THE COST OF THE DISTRICT COURT PROCEEDINGS.

(F) IF A CANDIDATE WHO HAS BEEN SERVED WITH A CITATION FAILS TO APPEAR FOR TRIAL, THE DISTRICT COURT, AT THE REQUEST OF THE PROSECUTOR, MAY DISMISS THE CITATION OR ENTER A CIVIL JUDGMENT AGAINST THE CANDIDATE:

(1) IN FAVOR OF THE STATE BOARD;

(2) IN ACCORDANCE WITH THE MARYLAND RULES; AND

(3) IN AN AMOUNT OF \$1,000 ~~AND ANY LATE FEES OWED TO THE STATE BOARD.~~

*(G) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.*

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 381

(Senate Bill 757)

AN ACT concerning

**Public Health – ~~Drug Overdose Prevention~~ Prescription Drug Monitoring Program – Required Disclosures**

FOR the purpose of ~~authorizing an advanced nurse practitioner, instead of a certain nurse practitioner, and a pharmacist to conduct certain overdose prevention educational training programs; altering the circumstances under which certain employees or volunteers may conduct the training programs; authorizing certain individuals to prescribe and dispense naloxone to certain certificate holders by issuing a certain standing order under certain circumstances; authorizing certain individuals to prescribe and dispense naloxone to certain individuals, under certain circumstances, even if the individuals have not completed a certain training program; providing that an advanced practice nurse who prescribes or dispenses naloxone to a certificate holder in a certain manner may not be subject to certain disciplinary action under certain circumstances; exempting certain persons who are authorized to dispense naloxone from certain prescription drug dispensing permit requirements; authorizing the Department of Health and Mental Hygiene, in consultation with certain health occupations boards, to adopt certain regulations; repealing certain provisions of law relating to the renewal period for registration with the Department to manufacture, distribute, or dispense controlled dangerous substances; requiring the Department to adopt regulations establishing the initial term and any renewal term for a registration; requiring the Prescription Drug Monitoring Program to disclose certain data to certain entities; defining certain terms; making conforming, clarifying, and stylistic changes; and generally relating to drug overdose prevention the Prescription Drug Monitoring Program.~~

~~BY repealing~~

~~Article – Criminal Law~~

~~Section 5-302~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2014 Supplement)~~

~~BY adding to~~

~~Article – Criminal Law~~

~~Section 5-302~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Health – General

Section ~~13-3101, 13-3104(d)(2), 13-3107(1), 13-3108, 13-3109, and 21-2A-06(b)~~

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

~~BY adding to~~

~~Article – Health – General~~

~~Section 13-3110; and 13-31A-01 through 13-31A-03 to be under the new subtitle  
“Subtitle 31A. Additional Third Party Naloxone Prescriptions in Overdose  
Response Prevention”~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2014 Supplement)~~

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

~~Article—Criminal Law~~

~~5-302.~~

~~(a) A registration expires on the date set by the Department unless it is renewed for an additional term as provided in this section.~~

~~(b) A registration may not be renewed for more than 2 years.]~~

~~5-302.~~

~~THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING THE INITIAL TERM AND ANY RENEWAL TERM FOR A REGISTRATION.~~

~~Article—Health—General~~

~~13-3101.~~

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

~~(B) “ADVANCED PRACTICE NURSE” HAS THE MEANING STATED IN § 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~[(b)] (C) “Certificate” means a certificate issued by a private or public entity to administer naloxone.~~

~~(D) “LICENSED PHYSICIAN” HAS THE MEANING STATED IN § 14-101 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~(E) “PHARMACIST” HAS THE MEANING STATED IN § 12-101 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~[(e)] (F) “Private or public entity” means a health care provider, local health department, community-based organization, substance [abuse] USE DISORDER treatment organization, or other person that addresses medical or social issues related to drug addiction.~~

~~[(d)] (G) “Program” means an Overdose Response Program.~~

~~(H) “STANDING ORDER” MEANS A WRITTEN INSTRUCTION FOR THE PRESCRIBING AND DISPENSING OF NALOXONE ISSUED TO A CERTIFICATE HOLDER IN ACCORDANCE WITH § 13-3108(B) OF THIS SUBTITLE.~~

~~13-3104.~~

~~(d) (2) An educational training program required under this subsection shall:~~

~~(i) Be conducted by:~~

~~1. A LICENSED physician [licensed to practice medicine under Title 14 of the Health Occupations Article];~~

~~2. [A] AN ADVANCED PRACTICE nurse [practitioner licensed to practice registered nursing under Title 8 of the Health Occupations Article and certified as a nurse practitioner by the State Board of Nursing; or];~~

~~3. A PHARMACIST; OR~~

~~[3.] 4. An employee or a volunteer of a private or public entity [that maintains] WHO IS SUPERVISED IN ACCORDANCE WITH a written agreement [with] BETWEEN THE PRIVATE OR PUBLIC ENTITY AND a supervisory LICENSED physician, [or] ADVANCED PRACTICE nurse [practitioner], OR PHARMACIST that includes:~~

~~A. Procedures for providing patient overdose information;~~

~~B. Information as to how the employee or volunteer providing the information will be trained; and~~

~~C. Standards for documenting the provision of patient overdose information to patients; and~~

~~(ii) Include training in:~~

~~1. The recognition of the symptoms of opioid overdose;~~

~~2. The proper administration of naloxone;~~

~~3. The importance of contacting emergency medical services;~~

~~4. The care of an individual after the administration of naloxone; and~~

~~5. Any other topics required by the Department.~~



~~13-3107.~~

~~An individual who is certified may:~~

~~(1) On presentation of a certificate, receive from any LICENSED physician [licensed to practice medicine in the State,] or [any] ADVANCED PRACTICE nurse [practitioner licensed to practice nursing in the State,] a prescription for naloxone and the necessary supplies for the administration of naloxone;~~

~~13-3108.~~

~~(A) A LICENSED physician or AN ADVANCED PRACTICE nurse [practitioner] may prescribe and dispense naloxone to a certificate holder.~~

~~(B) (1) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE MAY PRESCRIBE AND DISPENSE NALOXONE TO A CERTIFICATE HOLDER BY ISSUING A STANDING ORDER IF THE LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE:~~

~~(I) IS EMPLOYED BY THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT; OR~~

~~(II) SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE.~~

~~(2) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WHO ISSUES A STANDING ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY DELEGATE TO THE FOLLOWING PERSONS THE AUTHORITY FOR DISPENSING NALOXONE TO A CERTIFICATE HOLDER:~~

~~(I) A LICENSED REGISTERED NURSE WHO:~~

~~1. IS EMPLOYED BY A LOCAL HEALTH DEPARTMENT;~~

~~AND~~

~~2. COMPLETES A TRAINING PROGRAM APPROVED BY THE DEPARTMENT; AND~~

~~(II) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY WHO IS AUTHORIZED TO CONDUCT AN EDUCATIONAL TRAINING PROGRAM IN ACCORDANCE WITH § 13-3104(D) OF THIS SUBTITLE.~~

~~(3) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING AUTHORITY ALSO MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER ISSUED BY A LICENSED PHYSICIAN.~~

~~13-3100.~~

~~(a) (1) A certificate holder who, in accordance with this subtitle, is administering naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid overdose may not be considered to be practicing [medicine]:~~

~~(i) MEDICINE for the purposes of Title 14 of the Health Occupations Article; OR~~

~~(ii) ADVANCED PRACTICE NURSING FOR THE PURPOSES OF TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~(2) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY WHO, IN ACCORDANCE WITH THIS SUBTITLE, PROVIDES NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER ISSUED UNDER § 13-3108(B) OF THIS SUBTITLE MAY NOT BE CONSIDERED TO BE PRACTICING:~~

~~(i) MEDICINE FOR THE PURPOSES OF TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;~~

~~(ii) ADVANCED PRACTICE NURSING FOR THE PURPOSES OF TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; OR~~

~~(iii) PHARMACY FOR THE PURPOSES OF TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~(b) (1) A LICENSED physician who prescribes or dispenses naloxone to a certificate holder in a manner consistent with the protocol established by the authorized private or public entity may not be subject to any disciplinary action under Title 14 of the Health Occupations Article solely for the act of prescribing or dispensing naloxone to the certificate holder.~~

~~(2) AN ADVANCED PRACTICE NURSE WHO PRESCRIBES OR DISPENSES NALOXONE TO A CERTIFICATE HOLDER IN A MANNER CONSISTENT WITH THE PROTOCOL ESTABLISHED BY THE AUTHORIZED PRIVATE OR PUBLIC ENTITY MAY NOT BE SUBJECT TO ANY DISCIPLINARY ACTION UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE SOLELY FOR THE ACT OF PRESCRIBING OR DISPENSING NALOXONE TO THE CERTIFICATE HOLDER.~~

~~13-3110.~~

~~A PERSON WHO DISPENSES NALOXONE IN ACCORDANCE WITH THIS SUBTITLE IS EXEMPT FROM ANY LAWS THAT REQUIRE A PERSON TO MAINTAIN A PERMIT TO DISPENSE PRESCRIPTION DRUGS.~~

~~SUBTITLE 31A. ADDITIONAL THIRD PARTY NALOXONE PRESCRIPTIONS IN  
OVERDOSE RESPONSE PREVENTION.~~

~~13-31A-01.~~

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

~~(B) "ADVANCED PRACTICE NURSE" HAS THE MEANING STATED IN § 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~(C) "LICENSED PHYSICIAN" HAS THE MEANING STATED IN § 14-101 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~13-31A-02.~~

~~A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE MAY PRESCRIBE AND DISPENSE NALOXONE TO ANY INDIVIDUAL WHO THE LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE REASONABLY BELIEVES MAY BE IN A POSITION TO ASSIST ANOTHER INDIVIDUAL WHO IS EXPERIENCING AN OPIOID RELATED OVERDOSE, EVEN IF THE INDIVIDUAL HAS NOT COMPLETED AN EDUCATIONAL TRAINING PROGRAM UNDER § 13-3104(D) OF THIS TITLE.~~

~~13-31A-03.~~

~~THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF PHYSICIANS, THE STATE BOARD OF NURSING, AND THE STATE BOARD OF PHARMACY, MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.~~

Article – Health – General

21-2A-06.

(b) The Program shall disclose prescription monitoring data, in accordance with regulations adopted by the Secretary, to:

(1) A prescriber, or a licensed health care practitioner authorized by the prescriber, in connection with the medical care of a patient;

(2) A dispenser, or a licensed health care practitioner authorized by the dispenser, in connection with the dispensing of a monitored prescription drug;

(3) A federal law enforcement agency or a State or local law enforcement agency, on issuance of a subpoena, for the purpose of furthering an existing bona fide individual investigation;

**(4) THE STATE BOARD OF PHYSICIANS, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA VOTED ON BY A QUORUM OF A DISCIPLINARY PANEL, AS DEFINED IN § 14–101 OF THE HEALTH OCCUPATIONS ARTICLE, FOR THE PURPOSES OF FURTHERING AN EXISTING BONA FIDE INVESTIGATION OF AN INDIVIDUAL;**

**[(4)] (5)** A licensing entity **OTHER THAN THE STATE BOARD OF PHYSICIANS**, on issuance of an administrative subpoena voted on by a quorum of the board of the licensing entity, for the purposes of furthering an existing bona fide individual investigation;

**[(5)] (6)** A rehabilitation program under a health occupations board, on issuance of an administrative subpoena;

**[(6)] (7)** A patient with respect to prescription monitoring data about the patient;

**[(7)] (8)** Subject to subsection (h) of this section, the authorized administrator of another state's prescription drug monitoring program;

**[(8)] (9)** The following units of the Department, on approval of the Secretary, for the purpose of furthering an existing bona fide individual investigation:

- (i) The Office of the Chief Medical Examiner;
- (ii) The Maryland Medical Assistance Program;
- (iii) The Office of the Inspector General;
- (iv) The Office of Health Care Quality; and
- (v) The Division of Drug Control; **[or]**

**[(9)] (10)** The technical advisory committee established under § 21–2A–07 of this subtitle for the purposes set forth in subsections (c) and (d) of this section; **OR**

**(11) THE FOLLOWING ENTITIES, ON APPROVAL OF THE SECRETARY AND FOR THE PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL CASE REVIEW:**

**(I) THE STATE CHILD FATALITY REVIEW TEAM OR A LOCAL CHILD FATALITY REVIEW TEAM ESTABLISHED UNDER TITLE 5, SUBTITLE 7 OF THIS ARTICLE, ON REQUEST FROM THE CHAIR OF THE STATE OR LOCAL TEAM;**

(II) A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM ESTABLISHED UNDER § 5-902 OF THIS ARTICLE, ON REQUEST FROM THE CHAIR OF THE LOCAL TEAM;

(III) THE MATERNAL MORTALITY REVIEW PROGRAM ESTABLISHED UNDER § 13-1203 OF THIS ARTICLE, ON REQUEST FROM THE PROGRAM; AND

(IV) A MEDICAL REVIEW COMMITTEE DESCRIBED IN § 1-401(B)(3) OF THE HEALTH OCCUPATIONS ARTICLE, ON REQUEST FROM THE COMMITTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 382

(Senate Bill 761)

AN ACT concerning

### Disabled Individuals – ~~Task Force on the~~ Maryland ABLE Program – ~~Established~~

~~FOR the purpose of requiring the College Savings Plans of Maryland Board to establish the Maryland ABLE Program for certain purposes subject to certain provisions; requiring the Board to oversee the administration of the Maryland ABLE Program; altering the membership of the Board; requiring the Board to maintain the Maryland ABLE Program in compliance with certain standards; requiring the Board to adopt certain procedures; requiring the Board to issue certain statements to account holders at least once each year; authorizing the Board to issue certain requests for proposals; requiring the Board to consider proposals that meet certain criteria; authorizing the Board to require certain fees; establishing certain limitations and requirements for contributions to and administration of the Maryland ABLE Program; establishing participation and distribution requirements; providing that neither the faith and credit nor the taxing power of the State is pledged to the payment of debts, contracts, and obligations of the Maryland ABLE Program; providing that certain entities are not liable for certain losses; prohibiting certain money from being considered or commingled with certain money or deposited in the State Treasury; exempting certain entities and accounts from the Insurance Article; providing that the assets and the income of the Maryland ABLE Program are exempt from State and local taxation; prohibiting a person from seizing a certain benefit or~~

~~asset; requiring certain audits; altering a certain power of attorney form; allowing a subtraction modification under the State income tax for certain contributions to an account under the Maryland ABLE Program; allowing certain amounts disallowed under the subtraction modification as a result of a certain limitation to be carried over and subtracted for succeeding taxable years; requiring an addition modification for certain distributions made under certain accounts; making conforming changes; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to the College Savings Plans of Maryland and Maryland ABLE Program.~~

FOR the purpose of establishing a Task Force on the Maryland Achieving a Better Life Experience (ABLE) Program; 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 regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; stating the intent of the General Assembly to establish an ABLE Program; requiring the General Assembly to consider legislation proposed by the Task Force to establish an ABLE Program; defining a certain term; providing for the termination of this Act; and generally relating to the Task Force on the Maryland ABLE Program.

~~BY repealing and reenacting, with amendments,~~

~~Article — Education~~

~~Section 18-1901, 18-1902.1, 18-1904(b) and (c), 18-1905(d)(3), (e), and (f),  
18-19A-05, and 18-19B-05~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2014 Supplement)~~

~~BY adding to~~

~~Article — Education~~

~~Section 18-19C-01 through 18-19C-08 to be under the new subtitle “Subtitle 19C:  
Maryland ABLE Program”~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Estates and Trusts~~

~~Section 17-203~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — Tax — General~~

~~Section 10-205(a), 10-207(a), and 10-208(a)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2014 Supplement)~~

~~By adding to~~

~~Article — Tax — General~~

~~Section 10-205(l), 10-207(cc), and 10-208(v)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2014 Supplement)~~

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

~~**Article — Education**~~

~~18-1901.~~

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

~~(b) “Account holder” means an individual who:~~

~~(1) Makes or undertakes the obligation to make advance payments of qualified higher education expenses as provided under a prepaid contract; and~~

~~(2) Except as provided in § 18-1900(b) of this subtitle, is a resident of Maryland or of the District of Columbia at the time that the account holder enters into a prepaid contract.~~

~~(c) “Board” means the College Savings Plans of Maryland Board.~~

~~(d) “Broker-Dealer Plan” means the Maryland Broker-Dealer College Investment Plan established under Subtitle 19B of this title.~~

~~(e) “Current prepaid contract obligations” means the scheduled payments due for the next fiscal year under existing prepaid contracts.~~

~~(f) “Eligible institution of higher education” means an institution of higher education that:~~

~~(1) Offers an associate, bachelor, or graduate degree program; and~~

~~(2) Is eligible to participate in federal financial aid programs.~~

~~(g) “Market value of program assets” means the amount of cash and cash equivalents held by the Trust plus the fair market value of other assets of the Trust.~~

~~(h) **“MARYLAND ABLE PROGRAM” MEANS THE MARYLAND ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM ESTABLISHED UNDER SUBTITLE 19C OF THIS TITLE.**~~

~~(i) “Plan” means the Maryland College Investment Plan established under Subtitle 19A of this title.~~

~~[(i)](j) “Prepaid contract” means a contract between the Board and an account holder under the provisions of this subtitle for the advance payment of qualified higher education expenses by the account holder for a qualified beneficiary to attend an eligible institution of higher education, if the qualified beneficiary is admitted to the institution.~~

~~[(j)](k) “Program” means the College Savings Plans of Maryland.~~

~~[(k)](l) “Qualified beneficiary” means an individual who:~~

~~(1) Is eligible to apply advance payments of qualified higher education expenses to undergraduate or graduate qualified higher education expenses at an eligible institution of higher education under the provisions of this subtitle; and~~

~~(2) Except as provided in § 18-1909(b) of this subtitle, is a resident of the State or of the District of Columbia at the time that the account holder enters into a prepaid contract.~~

~~[(l)](m) “Qualified higher education expenses” has the meaning stated in § 529(e) of the Internal Revenue Code.~~

~~[(m)](n) “Qualified state tuition program” has the meaning stated in § 529 of the Internal Revenue Code.~~

~~[(n)](o) “Trust” means the Maryland Prepaid College Trust established under this subtitle.~~

~~[(o)](p) (1) “Tuition” means the actual tuition and mandatory fees assessed to all students by an eligible institution of higher education as a condition of enrollment at the institution.~~

~~(2) “Tuition” does not include any fee that is assessed by the institution for a particular course taken, year of enrollment, academic status, course of study, residency status, or any other distinguishing factor used by the institution to determine a specific fee.~~

~~18-1902.1.~~

~~(a) There is a Program entitled the College Savings Plans of Maryland.~~

~~(b) The purpose of the Program is to provide for the administration by the Board of the Maryland Prepaid College Trust, the Maryland College Investment Plan, [and] the Maryland Broker Dealer College Investment Plan, AND THE MARYLAND ABLE PROGRAM.~~



~~18-1004.~~

(b) ~~The Board shall administer:~~

(1) ~~The Maryland Prepaid College Trust established under this subtitle;~~

(2) ~~The Maryland College Investment Plan established under Subtitle 19A of this title; [and]~~

(3) ~~The Maryland Broker-Dealer College Investment Plan established under Subtitle 19B of this title; AND~~

~~(4) THE MARYLAND ABLE PROGRAM ESTABLISHED UNDER SUBTITLE 19C OF THIS TITLE.~~

(c) ~~The Board consists of the following [10] members:~~

(1) ~~The Secretary of the Maryland Higher Education Commission;~~

(2) ~~The State Superintendent of Schools;~~

(3) ~~The State Treasurer;~~

(4) ~~The State Comptroller;~~

(5) ~~The Chancellor of the University System of Maryland; [and]~~

~~(6) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;~~

~~(7) A REPRESENTATIVE FROM THE DEPARTMENT OF DISABILITIES;~~

~~(8) A MEMBER OF THE MARYLAND DEVELOPMENTAL DISABILITIES ADMINISTRATION; AND~~

~~[(6)] (9) [Five] NINE members of the public who shall be appointed by the Governor [and] AS FOLLOWS:~~

~~(I) FIVE MEMBERS WHO shall have significant experience in finance, accounting, investment management, or other areas that can be of assistance to the Board;~~

~~(II) A REPRESENTATIVE FROM AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY ADVOCACY ORGANIZATION;~~

~~(III) A REPRESENTATIVE OF A SERVICE PROVIDER FOR PEOPLE WITH DISABILITIES;~~

~~(IV) A PARENT OF A CHILD WITH A DISABILITY WHO HAS SIGNIFICANT EXPERIENCE WITH DISABILITY ISSUES; AND~~

~~(V) A PERSON WITH A DISABILITY WHO HAS SIGNIFICANT EXPERIENCE WITH DISABILITY ISSUES.~~

~~18-1905.~~

~~(d) (3) The Board may retain the services of consultants, administrators, and other personnel, as necessary, to administer the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM.~~

~~(e) The Board may adopt any regulations that the Board considers necessary to carry out the provisions of this subtitle or Subtitle 19A [or], Subtitle 19B, OR SUBTITLE 19C of this title.~~

~~(f) In addition, the Board may:~~

~~(1) Adopt an official seal;~~

~~(2) Sue and be sued;~~

~~(3) Execute contracts and other necessary instruments;~~

~~(4) Hold, buy, and sell instruments, obligations, securities, and other investments consistent with its comprehensive investment plan;~~

~~(5) Enter into agreements with eligible institutions of higher education and other public or private entities for the promotion, administration, or marketing of the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(6) Invest funds not required for immediate disbursement;~~

~~(7) Solicit and accept gifts, grants, loans, or other aid from any source or participate in any government program for purposes consistent with this subtitle and Subtitles 19A [and], 19B, AND 19C of this title;~~

~~(8) Subject to the review of the General Assembly, impose and collect reasonable administrative fees for any transactions under the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM or involving prepaid~~

~~contracts or transactions affecting the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(9) Procure insurance against any loss of assets of the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(10) Endorse insurance coverage written exclusively for the purpose of protecting:~~

~~(i) A prepaid contract under the Trust and the account holder and the qualified beneficiary of the contract; [or]~~

~~(ii) An investment account under the Plan, or the Broker-Dealer Plan, and the account holder and qualified designated beneficiary of the investment account; OR~~

~~(H) AN INVESTMENT ACCOUNT UNDER THE MARYLAND ABLE PROGRAM AND THE ACCOUNT HOLDER AND QUALIFIED DESIGNATED BENEFICIARY OF THE INVESTMENT ACCOUNT;~~

~~(11) Designate terms under which money may be withdrawn from the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(12) Establish additional procedural and substantive requirements for participation in and the administration or marketing of the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(13) Appear on the Board's own behalf before other boards, commissions, or other governmental agencies; and~~

~~(14) Take any other action that the Board considers appropriate to implement and administer the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM.~~

~~18-19A-05.~~

~~(a) (1) The debts, contracts, and obligations of the Plan are not the contracts, debts, or obligations of the State and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.~~

~~(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Plan or to make any appropriation for the payment of the debts and obligations of the Plan.~~

~~(b) Neither the State nor any eligible educational institution shall be liable for any losses or shortage of funds in the event that the account holder's investment account balance is insufficient to meet the tuition requirements of an institution attended by the qualified designated beneficiary.~~

~~(e) Moneys of the Plan may not be considered moneys of the State or deposited in the State Treasury.~~

~~(d) Moneys of the Plan may not be considered moneys of or commingled with the Maryland Prepaid College Trust.~~

~~(e) Moneys of the Plan may not be considered moneys of or commingled with the Maryland Broker-Dealer College Investment Plan.~~

~~**(F) MONEYS OF THE PLAN MAY NOT BE CONSIDERED MONEYS OF OR COMMINGLED WITH THE MARYLAND ABLE PROGRAM.**~~

~~18-19B-05.~~

~~(a) (1) The debts, contracts, and obligations of the Broker-Dealer Plan are not the contracts, debts, or obligations of the State, and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.~~

~~(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Broker-Dealer Plan or to make any appropriation for the payment of the debts and obligations of the Broker-Dealer Plan.~~

~~(b) Neither the State nor any eligible educational institution shall be liable for any losses or shortage of funds in the event that the account holder's investment account balance is insufficient to meet the tuition requirements of an institution attended by the qualified designated beneficiary.~~

~~(e) Moneys of the Broker-Dealer Plan may not be considered moneys of the State or deposited in the State Treasury.~~

~~(d) Moneys of the Broker-Dealer Plan may not be considered moneys of or commingled with the Maryland Prepaid College Trust.~~

~~(e) Moneys of the Broker-Dealer Plan may not be considered moneys of or commingled with the Maryland College Investment Plan.~~

~~**(F) MONEYS OF THE BROKER-DEALER PLAN MAY NOT BE CONSIDERED MONEYS OF OR COMMINGLED WITH THE MARYLAND ABLE PROGRAM.**~~

~~SUBTITLE 19C. MARYLAND ABLE PROGRAM.~~~~18-19C-01.~~

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

~~(B) "ABLE ACCOUNT" MEANS AN ACCOUNT DESCRIBED UNDER § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~(C) "BOARD" MEANS THE COLLEGE SAVINGS PLANS OF MARYLAND BOARD ESTABLISHED UNDER § 18-1904 OF THIS TITLE.~~

~~(D) "CONTRACTING STATE" MEANS A STATE DESCRIBED IN § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~(E) "DESIGNATED BENEFICIARY" MEANS AN INDIVIDUAL DESCRIBED IN § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~(F) "MARYLAND ABLE PROGRAM" HAS THE MEANING STATED IN § 529A(B) OF THE INTERNAL REVENUE CODE.~~

~~(G) "QUALIFIED DISABILITY EXPENSES" MEANS EXPENSES DESCRIBED IN § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~18-19C-02.~~

~~(A) THE BOARD SHALL ESTABLISH A MARYLAND ABLE PROGRAM THAT SHALL BE SUBJECT TO THE PROVISIONS OF § 529A OF THE INTERNAL REVENUE CODE.~~

~~(B) THE PURPOSE OF THE MARYLAND ABLE PROGRAM IS TO:~~

~~(1) ENCOURAGE AND ASSIST INDIVIDUALS AND FAMILIES IN SAVING PRIVATE FUNDS TO SUPPORT INDIVIDUALS WITH DISABILITIES TO MAINTAIN HEALTH, INDEPENDENCE, AND QUALITY OF LIFE; AND~~

~~(2) PROVIDE SECURE FUNDING FOR DISABILITY RELATED EXPENSES ON BEHALF OF DESIGNATED BENEFICIARIES WITH DISABILITIES THAT WILL SUPPLEMENT, NOT SUPPLANT, BENEFITS PROVIDED THROUGH PRIVATE INSURANCE, THE MEDICAID PROGRAM UNDER TITLE XIX OF THE SOCIAL SECURITY ACT, THE SUPPLEMENTAL SECURITY INCOME PROGRAM UNDER TITLE XVI OF THE SOCIAL SECURITY ACT, THE BENEFICIARY'S EMPLOYMENT, AND ANY OTHER SOURCE.~~

~~(C) (1) THE BOARD SHALL ADMINISTER, MANAGE, AND PROMOTE THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD SHALL ADMINISTER THE MARYLAND ABLE PROGRAM IN COMPLIANCE WITH INTERNAL REVENUE SERVICE STANDARDS FOR QUALIFIED ABLE PROGRAMS.~~

~~(D) (1) THE BOARD SHALL ADOPT PROCEDURES RELATING TO:~~

~~(I) ENROLLMENT FOR PARTICIPATION IN THE MARYLAND ABLE PROGRAM; AND~~

~~(II) START-UP COSTS INCURRED BY THE STATE FOR THE DEVELOPMENT OF THE MARYLAND ABLE PROGRAM WITH THESE COSTS TO BE REIMBURSED TO THE STATE BY THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD SHALL ADOPT ANY OTHER PROCEDURES THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.~~

~~(E) AT LEAST ANNUALLY, THE BOARD SHALL ISSUE TO EACH ABLE ACCOUNT HOLDER A STATEMENT THAT PROVIDES A SEPARATE ACCOUNTING FOR EACH DESIGNATED BENEFICIARY PROVIDING THE FOLLOWING INFORMATION WITH RESPECT TO EACH ACCOUNT:~~

~~(1) THE BEGINNING BALANCE;~~

~~(2) CONTRIBUTIONS TO THE ACCOUNT;~~

~~(3) DISTRIBUTIONS FROM THE ACCOUNT DURING THE PREVIOUS YEAR; AND~~

~~(4) ENDING INVESTMENT ACCOUNT VALUE.~~

~~18-19C-03.~~

~~(A) (1) THE BOARD MAY ISSUE REQUESTS FOR PROPOSALS TO EVALUATE AND DETERMINE THE MEANS FOR THE ADMINISTRATION, MANAGEMENT, PROMOTION, OR MARKETING OF THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD SHALL CONSIDER PROPOSALS THAT MEET THE FOLLOWING CRITERIA:~~

~~(I) ABILITY TO DEVELOP AND ADMINISTER AN INVESTMENT PROGRAM OF A NATURE SIMILAR TO THE OBJECTIVES OF THE MARYLAND ABLE PROGRAM;~~

~~(II) ABILITY TO ADMINISTER FINANCIAL PROGRAMS WITH INDIVIDUAL ACCOUNT RECORDS AND REPORTING; AND~~

~~(III) ABILITY TO MARKET THE MARYLAND ABLE PROGRAM TO MARYLAND RESIDENTS AND, AT THE BOARD'S DISCRETION, RESIDENTS OF A CONTRACTING STATE.~~

~~(B) (1) THE BOARD MAY REQUIRE AN INITIAL ENROLLMENT FEE TO BE USED FOR ADMINISTRATIVE COSTS OF THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD MAY REQUIRE ADDITIONAL FEES ASSOCIATED WITH THE EXPENSES OF THE MARYLAND ABLE PROGRAM.~~

~~(C) (1) THE MARYLAND ABLE PROGRAM IS SUBJECT TO THE PROVISIONS OF § 529A OF THE INTERNAL REVENUE CODE.~~

~~(2) THE MARYLAND ABLE PROGRAM SHALL INCLUDE PROVISIONS FOR AUTOMATIC CONTRIBUTIONS.~~

~~(3) ACCOUNTS ESTABLISHED UNDER THE MARYLAND ABLE PROGRAM MAY NOT COUNT TOWARDS LOCAL OR STATE MEANS TESTED PROGRAMS.~~

~~(D) (1) THE MARYLAND ABLE PROGRAM:~~

~~(I) MAY BE ESTABLISHED AS ONE OR MORE SEPARATE PLANS AS DETERMINED BY THE BOARD;~~

~~(II) SHALL BE ESTABLISHED IN THE FORM DETERMINED BY THE BOARD;~~

~~(III) SHALL BE MARKETED AND PROMOTED UNDER THE NAME OR NAMES DETERMINED BY THE BOARD; AND~~

~~(IV) MAY BE ESTABLISHED AS ONE OR MORE TRUSTS TO BE DECLARED BY THE BOARD.~~

~~(2) THE MARYLAND ABLE PROGRAM MAY BE DIVIDED INTO MULTIPLE INVESTMENT OPTIONS.~~

~~(A) A MARYLAND RESIDENT OR, AT THE DISCRETION OF THE BOARD, A RESIDENT OF A CONTRACTING STATE MAY PARTICIPATE IN AND BENEFIT FROM THE MARYLAND ABLE PROGRAM.~~

~~(B) DISTRIBUTIONS SHALL BE REQUESTED BY THE DESIGNATED BENEFICIARY SUBJECT TO THE PROVISIONS OF § 529A OF THE INTERNAL REVENUE CODE.~~

~~18-19C-05.~~

~~(A) (1) THE DEBTS, CONTRACTS, AND OBLIGATIONS OF THE MARYLAND ABLE PROGRAM ARE NOT THE CONTRACTS, DEBTS, OR OBLIGATIONS OF THE STATE, AND NEITHER THE FAITH AND CREDIT NOR TAXING POWER OF THE STATE IS PLEDGED DIRECTLY OR INDIRECTLY OR CONTINGENTLY, MORALLY OR OTHERWISE, TO THE PAYMENT OF THE DEBTS, CONTRACTS, AND OBLIGATIONS.~~

~~(2) THE BOARD MAY NOT DIRECTLY OR INDIRECTLY OR CONTINGENTLY OBLIGATE, MORALLY OR OTHERWISE, THE STATE TO LEVY OR PLEDGE ANY FORM OF TAXATION WHATSOEVER FOR THE DEBTS AND OBLIGATIONS OF THE MARYLAND ABLE PROGRAM OR TO MAKE ANY APPROPRIATION FOR THE PAYMENT OF THE DEBTS AND OBLIGATIONS OF THE MARYLAND ABLE PROGRAM.~~

~~(B) THE STATE MAY NOT BE LIABLE FOR ANY LOSSES OR SHORTAGE OF FUNDS IN THE EVENT THAT THE DESIGNATED BENEFICIARY'S INVESTMENT ACCOUNT BALANCE IS INSUFFICIENT TO MEET THE DESIGNATED BENEFICIARY'S QUALIFIED DISABILITY EXPENSES.~~

~~(C) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF THE STATE OR DEPOSITED IN THE STATE TREASURY.~~

~~(D) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF OR COMMINGLED WITH THE MARYLAND PREPAID COLLEGE TRUST.~~

~~(E) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF OR COMMINGLED WITH THE MARYLAND COLLEGE INVESTMENT PLAN.~~

~~(F) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF OR COMMINGLED WITH THE MARYLAND BROKER DEALER COLLEGE INVESTMENT PLAN.~~

~~18-19C-06.~~



~~(A) THE BOARD, THE MARYLAND ABLE PROGRAM, AND THE INVESTMENT ACCOUNTS ISSUED UNDER THIS SUBTITLE ARE NOT SUBJECT TO THE PROVISIONS OF THE INSURANCE ARTICLE.~~

~~(B) THE ASSETS AND INCOME OF THE MARYLAND ABLE PROGRAM ARE EXEMPT FROM STATE AND LOCAL TAXATION.~~

~~18-19C-07.~~

~~(A) IN THIS SECTION, "PERSON" DOES NOT INCLUDE THE STATE.~~

~~(B) A PERSON MAY NOT ATTACH, EXECUTE, GARNISH, OR OTHERWISE SEIZE ANY CURRENT OR FUTURE BENEFIT UNDER AN INVESTMENT ACCOUNT OR ANY ASSET OF THE MARYLAND ABLE PROGRAM.~~

~~18-19C-08.~~

~~(A) THE LEGISLATIVE AUDITOR SHALL AUDIT THE MARYLAND ABLE PROGRAM AS PROVIDED UNDER TITLE 2, SUBTITLE 12 OF THE STATE GOVERNMENT ARTICLE.~~

~~(B) THE BOARD SHALL OBTAIN AN ANNUAL AUDIT REPORT FROM A SERVICE PROVIDER WITHIN 6 MONTHS OF THE END OF THE REPORTING PERIOD OF THE SERVICE PROVIDER.~~

#### ~~Article Estates and Trusts~~

~~17-203.~~

~~"MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY~~

~~PLEASE READ CAREFULLY~~

~~This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). You need not give to your agent all the authorities listed below and may give the agent only those limited powers that you specifically indicate. This power of attorney gives your agent the right to make limited decisions for you. You should very carefully weigh your decision as to what powers you give your agent. Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.~~

~~If you choose to make a grant of limited authority, you should check the boxes that identify the specific authorization you choose to give your agent.~~

~~This power of attorney does not authorize the agent to make health care decisions for you.~~

~~You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent’s authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.~~

~~Your agent is not entitled to compensation unless you indicate otherwise in the special instructions of this power of attorney. If you indicate that your agent is to receive compensation, your agent is entitled to reasonable compensation or compensation as specified in the Special Instructions.~~

~~This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are required to act together unanimously unless you specify otherwise in the Special Instructions.~~

~~If your agent is unavailable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.~~

~~This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.~~

~~If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.~~

~~DESIGNATION OF AGENT~~

~~This section of the form provides for designation of one agent.~~

~~If you wish to name coagents, skip this section and use the next section (“Designation of Coagents”).~~

~~I, \_\_\_\_\_, name the following person  
(Name of Principal)  
as my agent:~~

~~Name of  
Agent:  
Agent’s  
Address:  
Agent’s Telephone  
Number:~~

~~DESIGNATION OF COAGENTS (OPTIONAL)~~

~~This section of the form provides for designation of two or more coagents. Coagents are required to act together unanimously unless you otherwise provide in this form.~~

~~I, \_\_\_\_\_,~~

~~(Name of Principal)~~

~~Name the following persons as coagents:~~

~~Name of Coagent: x~~

~~Coagent's Address: x~~

~~Coagent's Telephone Number: x~~

~~Name of Coagent: x~~

~~Coagent's Address: x~~

~~Coagent's Telephone Number: x~~

~~Special Instructions Regarding Coagents: x~~

~~x  
x  
x~~

~~DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)~~

~~If my agent is unable or unwilling to act for me, I name as my successor agent:~~

~~Name of Successor Agent: x~~

~~Successor Agent's  
Address: x~~

~~Successor Agent's Telephone Number: x~~

~~If my successor agent is unable or unwilling to act for me, I name as my second successor agent:~~

~~Name of Second Successor  
Agent: x~~

~~Second Successor Agent's  
Address: x~~

~~Second Successor Agent's Telephone Number: x~~

~~GRANT OF GENERAL AUTHORITY~~

~~I ("the principal") grant my agent and any successor agent, with respect to each subject that I choose below, the authority to do all acts that I could do to:~~

~~(1) Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and~~

~~conserve, invest, disburse, or use anything so received or obtained for the purposes intended;~~

~~(2) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;~~

~~(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating a schedule contemporaneously or at a later time listing some or all of the principal's property and attaching the schedule to this power of attorney;~~

~~(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;~~

~~(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;~~

~~(6) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other adviser;~~

~~(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;~~

~~(8) Communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;~~

~~(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and~~

~~(10) Do lawful acts with respect to the subject and all property related to the subject.~~

~~(INITIAL each authority in any subject you want to include in the agent's general authority. Cross through each authority in any subject that you want to exclude. If you wish to grant general authority over an entire subject, you may initial "All of the above" instead of initialing each authority.)~~

#### ~~SUBJECTS AND AUTHORITY~~

~~A. Real Property—With respect to this category, I authorize my agent to:~~

~~() Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property~~

~~(==>) Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, retain title for security, encumber, partition, consent to partitioning, subject to an easement or covenant, subdivide, apply for zoning or other governmental permits, plat or consent to platting, develop, grant an option concerning, lease, sublease, contribute to an entity in exchange for an interest in that entity, or otherwise grant or dispose of an interest in real property or a right incident to real property~~

~~(==>) Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage~~

~~(==>) Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted~~

~~(==>) Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:~~

~~(1) Insuring against liability or casualty or other loss;~~

~~(2) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;~~

~~(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and~~

~~(4) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property~~

~~(==>) Use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in or incident to which the principal has, or claims to have, an interest or right~~

~~(==>) Participate in a reorganization with respect to real property or an entity that owns an interest in or a right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:~~

~~(1) Selling or otherwise disposing of the stocks and bonds or other property;~~

~~(2) Exercising or selling an option, a right of conversion, or a similar right with respect to the stocks and bonds or other property; and~~

~~(3) Exercising voting rights in person or by proxy~~

~~( ) Change the form of title of an interest in or a right incident to real property~~

~~( ) Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest~~

~~( ) All of the above~~

~~B. Tangible Personal Property — With respect to this subject, I authorize my agent to:~~

~~( ) Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property~~

~~( ) Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, or otherwise dispose of tangible personal property or an interest in tangible personal property~~

~~( ) Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal~~

~~( ) Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property~~

~~( ) Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:~~

~~(1) Insuring against liability or casualty or other loss;~~

~~(2) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;~~

~~(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;~~

~~(4) Moving the property from place to place;~~

~~(5) Storing the property for hire or on a gratuitous bailment; and~~

~~(6) Using and making repairs, alterations, or improvements to the property~~

~~( ) Change the form of title of an interest in tangible personal property~~

~~( ) All of the above~~

~~C. Stocks and Bonds — With respect to this subject, I authorize my agent to:~~

~~( ) Buy, sell, and exchange stocks and bonds~~

~~( ) Establish, continue, modify, or terminate an account with respect to stocks and bonds~~

~~( ) Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal~~

~~( ) Receive certificates and other evidences of ownership with respect to stocks and bonds~~

~~( ) Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote~~

~~( ) All of the above~~

~~D. Commodities — With respect to this subject, I authorize my agent to:~~

~~( ) Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange~~

~~( ) Establish, continue, modify, and terminate option accounts~~

~~( ) All of the above~~

~~E. Banks and Other Financial Institutions — With respect to this subject, I authorize my agent to:~~

~~( ) Continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal~~

~~( ) Establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent~~

~~( ) Contract for services available from a financial institution, including renting a safe deposit box or space in a vault~~

~~( ) Deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal~~

~~(==> Withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution~~

~~(==> Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them~~

~~(==> Enter a safe deposit box or vault and withdraw or add to the contents~~

~~(==> Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal~~

~~(==> Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person on the principal and pay the draft when due~~

~~(==> Receive for the principal and act on a sight draft, warehouse receipt, other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument~~

~~(==> Apply for, receive, and use letters of credit, credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit~~

~~(==> Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution~~

~~(==> All of the above~~

F. ~~Operation of an Entity or a Business~~ — With respect to this subject, I authorize my agent to:

~~(==> Operate, buy, sell, enlarge, reduce, or terminate an ownership interest~~

~~(==> Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or an option that the principal has, may have, or claims to have~~

~~(==> Enforce the terms of an ownership agreement~~

~~(==> Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest~~



~~(==> Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or an option the principal has or claims to have as the holder of stocks and bonds~~

~~(==> Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds~~

~~(==> With respect to an entity or business owned solely by the principal:~~

~~(1) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of this power of attorney;~~

~~(2) Determine:~~

~~(i) The location of the operation of the entity or business;~~

~~(ii) The nature and extent of the business of the entity or business;~~

~~(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in the operation of the entity or business;~~

~~(iv) The amount and types of insurance carried by the entity or business; and~~

~~(v) The mode of engaging, compensating, and dealing with the employees and accountants, attorneys, or other advisors of the entity or business;~~

~~(3) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and~~

~~(4) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business~~

~~(==> Put additional capital into an entity or a business in which the principal has an interest~~

~~(==> Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business~~

~~(==> Sell or liquidate all or part of an entity or business~~

~~(==> Establish the value of an entity or a business under a buyout agreement to which the principal is a party~~

~~(==> Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments~~

~~(==> Pay, compromise, or contest taxes, assessments, fines, or penalties and perform other acts to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or a business, including attempts to recover, as permitted by law, money paid before or after the execution of this power of attorney~~

~~(==> All of the above~~

~~G. Insurance and Annuities — With respect to this subject, I authorize my agent to:~~

~~(==> Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract~~

~~(==> Procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment~~

~~(==> Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent~~

~~(==> Apply for and receive a loan secured by a contract of insurance or annuity~~

~~(==> Surrender and receive the cash surrender value on a contract of insurance or annuity~~

~~(==> Exercise an election~~

~~(==> Exercise investment powers available under a contract of insurance or annuity~~

~~(==> Change the manner of paying premiums on a contract of insurance or annuity~~

~~(==> Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section~~

~~( ) Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal~~

~~( ) Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity~~

~~( ) Select the form and timing of the payment of proceeds from a contract of insurance or annuity~~

~~( ) Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment~~

~~( ) All of the above~~

~~H. Estates, Trusts, and Other Beneficial Interests (including trusts, probate estates, guardianships, conservatorships, escrows, or custodianships or funds from which the principal is, may become, or claims to be entitled to a share or payment) — With respect to this subject, I authorize my agent to:~~

~~( ) Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund described above~~

~~( ) Demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of the fund described above, by litigation or otherwise~~

~~( ) Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal~~

~~( ) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal~~

~~( ) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary~~

~~( ) Conserve, invest, disburse, or use anything received for an authorized purpose~~

~~( ) Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor~~

~~( ) Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund described above~~

~~( ) All of the above~~

~~I. Claims and Litigation — With respect to this subject, I authorize my agent to:~~

~~( ) Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief~~

~~( ) Bring an action to determine adverse claims or intervene or otherwise participate in litigation~~

~~( ) Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree~~

~~( ) Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation~~

~~( ) Submit to alternative dispute resolution, settle, and propose or accept a compromise~~

~~( ) Waive the issuance and service of process on the principal, accept service of process, appear for the principal, designate persons on which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation~~

~~( ) Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value~~

~~( ) Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation~~

~~( ) Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation~~

~~(==> All of the above~~

~~J. Personal and Family Maintenance — With respect to this subject, I authorize my agent to:~~

~~(==> Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when this power of attorney is executed or later born:~~

~~(1) The principal's children;~~

~~(2) Other individuals legally entitled to be supported by the principal; and~~

~~(3) The individuals whom the principal has customarily supported or indicated the intent to support;~~

~~(==> Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party~~

~~(==> Provide living quarters for the individuals described above by:~~

~~(1) Purchase, lease, or other contract; or~~

~~(2) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals~~

~~(==> Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described above~~

~~(==> Pay expenses for necessary health care and custodial care on behalf of the individuals described above~~

~~(==> Act as the principal's personal representative in accordance with the Health Insurance Portability and Accountability Act, §§ 1171 through 1179 of the Social Security Act, 42 U.S.C. § 1320d, and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this State to consent to health care on behalf of the principal~~

~~(==> Continue provisions made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing the means of transportation, for the individuals described above~~

~~(==> Maintain credit and debit accounts for the convenience of the individuals described above and open new accounts~~

~~(==> Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations~~

~~(NOTE: Authority with respect to personal and family maintenance is neither dependent on, nor limited by, authority that an agent may or may not have with respect to gifts under this power of attorney.)~~

~~(==> All of the above~~

~~K. Benefits from Governmental Programs or Civil or Military Service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) — With respect to this subject, I authorize my agent to:~~

~~(==> Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in “J. Personal and Family Maintenance” above, and for shipment of the household effects of those individuals~~

~~(==> Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose~~

~~(==> Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal’s behalf, a benefit or program~~

~~(==> Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation~~

~~(==> Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation~~

~~(==> Receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received~~

~~(==> All of the above~~

~~L. Retirement Plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of~~

~~which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:~~

~~(1) An individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408;~~

~~(2) A Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A;~~

~~(3) A deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q);~~

~~(4) An annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b);~~

~~(5) A pension, profit sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a);~~

~~(6) A plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b);~~  
and

~~(7) A nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) — With respect to this subject, I authorize my agent to:~~

~~() Select the form and timing of payments under a retirement plan and withdraw benefits from a plan~~

~~() Make a rollover, including a direct trustee to trustee rollover, of benefits from one retirement plan to another~~

~~() Establish a retirement plan in the principal's name~~

~~() Make contributions to a retirement plan~~

~~() Exercise investment powers available under a retirement plan~~

~~() Borrow from, sell assets to, or purchase assets from a retirement plan~~

~~() All of the above~~

~~M. Taxes — With respect to this subject, I authorize my agent to:~~

~~() Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and~~

~~agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years~~

~~( ) Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority~~

~~( ) Exercise elections available to the principal under federal, state, local, or foreign tax law~~

~~( ) Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority~~

~~( ) All of the above~~

~~N. Gifts (including gifts to a trust, an account under the Uniform Transfers to Minors Act, [and] a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code Section 529, 26 U.S.C. § 529, AND AN INVESTMENT ACCOUNT AS DEFINED UNDER INTERNAL REVENUE CODE SECTION 529A, 26 U.S.C. § 529A) — With respect to this subject, I authorize my agent to:~~

~~( ) Make outright to, or for the benefit of, a person, a gift of part or all of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount for each donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), 26 U.S.C. § 2503(b), without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, in an amount for each donee not to exceed twice the annual federal gift tax exclusion limit~~

~~( ) Consent, pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, to the splitting of a gift made by the principal's spouse in an amount for each donee not to exceed the aggregate annual gift tax exclusions for both spouses~~

~~(NOTE: An agent may only make a gift of the principal's property as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:~~

~~(1) The value and nature of the principal's property;~~

~~(2) The principal's foreseeable obligations and need for maintenance;~~

~~(3) Minimization of taxes, including income, estate, inheritance, generation skipping transfer, and gift taxes;~~



- ~~(4) Eligibility for a benefit, a program, or assistance under a statute or regulation; and~~
- ~~(5) The principal's personal history of making or joining in making gifts.)~~
- ~~() All of the above~~

~~GRANT OF SPECIFIC AUTHORITY (OPTIONAL)~~

~~My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:~~

~~(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. In addition, granting your agent the authority to make gifts to, or to designate as the beneficiary of any retirement plan, the agent, the agent's spouse, or a dependent of the agent may constitute a taxable gift by you and may make the property subject to that authority taxable as part of the agent's estate. INITIAL ONLY the specific authority you WANT to give your agent.)~~

~~() Create an inter vivos trust, or amend, revoke, or terminate an existing inter vivos trust if the trust expressly authorizes that action by the agent~~

~~() Make a gift, subject to any special instructions in this power of attorney~~

~~() Create or change rights of survivorship~~

~~() Create or change a beneficiary designation, subject to any special instructions in this power of attorney; and, if I wish to authorize my agent to designate the agent, the agent's spouse, or a dependent of the agent as a beneficiary, I will explicitly state this authority within the special instructions of this power of attorney or in a separate power of attorney~~

~~() Authorize another person to exercise the authority granted under this power of attorney~~

~~() Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan~~

~~() Exercise fiduciary powers that the principal has authority to delegate~~

~~() Disclaim or refuse an interest in property, including a power of appointment~~

~~LIMITATION ON AGENT'S AUTHORITY~~

~~An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.~~

~~SPECIAL INSTRUCTIONS (OPTIONAL)~~

~~You may give special instructions on the following lines:~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

~~EFFECTIVE DATE~~

~~This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.~~

~~TERMINATION DATE (OPTIONAL)~~

~~This power of attorney shall terminate on \_\_\_\_\_, 20\_\_\_\_.~~  
~~(Use a specific calendar date)~~

~~NOMINATION OF GUARDIAN (OPTIONAL)~~

~~If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:~~

~~Name of Nominee for guardian of my property:~~

~~\*~~

~~Nominee's Address: x~~

~~Nominee's Telephone Number: x~~

~~Name of Nominee for guardian of my person:~~

~~\*~~

~~Nominee's Address: x~~

~~Nominee's Telephone Number: x~~

~~SIGNATURE AND ACKNOWLEDGMENT~~

~~\_\_\_\_\_~~  
~~Your Signature~~

~~\_\_\_\_\_~~  
~~Date~~

~~\*~~

~~Your Name Printed~~

~~Your Address~~

~~Your Telephone Number~~

~~STATE OF MARYLAND  
(COUNTY) OF~~

~~This document was acknowledged before me on  
; (Date)~~

~~by:  
(Name of Principal)~~

~~(Seal, if any)~~

~~Signature of Notary  
My commission expires:~~

**WITNESS ATTESTATION**

~~The foregoing power of attorney was, on the date written above, published and declared by  
(Name of Principal)~~

~~in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.~~

\_\_\_\_\_  
~~Witness #1 Signature~~

\_\_\_\_\_  
~~Witness #1 Name Printed~~

\_\_\_\_\_  
~~Witness #1 Address~~

\_\_\_\_\_  
~~Witness #1 Telephone Number~~

\_\_\_\_\_  
~~Witness #2 Signature~~

\_\_\_\_\_  
~~Witness #2 Name Printed~~

~~Witness #2 Address~~

~~Witness #2 Telephone Number~~

~~This document prepared by:~~

~~IMPORTANT INFORMATION FOR AGENT~~

~~Agent’s Duties~~

~~When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:~~

- ~~(1) Do what you know the principal reasonably expects you to do with the principal’s property or, if you do not know the principal’s expectations, act in the principal’s best interest;~~
- ~~(2) Act with care, competence, and diligence for the best interest of the principal;~~
- ~~(3) Do nothing beyond the authority granted in this power of attorney; and~~
- ~~(4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as “agent” in the following manner:~~

\_\_\_\_\_ by \_\_\_\_\_  
 (Principal’s Name) (Your Signature) as Agent

~~Unless the Special Instructions in this power of attorney state otherwise, you must also:~~

- ~~(1) Act loyally for the principal’s benefit;~~
- ~~(2) Avoid conflicts that would impair your ability to act in the principal’s best interest;~~
- ~~(3) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;~~
- ~~(4) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal’s expectations, to act in the principal’s best interest; and~~

~~(5) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.~~

#### ~~Termination of Agent's Authority~~

~~You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:~~

- ~~(1) Death of the principal;~~
- ~~(2) The principal's revocation of the power of attorney or your authority;~~
- ~~(3) The occurrence of a termination event stated in the power of attorney;~~
- ~~(4) The purpose of the power of attorney is fully accomplished; or~~

~~(5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.~~

#### ~~Liability of Agent~~

~~The meaning of the authority granted to you is defined in the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article. If you violate the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article, or act outside the authority granted, you may be liable for any damages caused by your violation.~~

~~If there is anything about this document or your duties that you do not understand, you should seek legal advice."~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

### ~~Article Tax General~~

~~10-205.~~

~~(a) In addition to the modification under § 10-204 of this subtitle, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.~~

~~(L) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(H) "ABLE ACCOUNT HOLDER" MEANS THE HOLDER OF AN ACCOUNT AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(III) “DESIGNATED BENEFICIARY” HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(IV) “QUALIFIED DISABILITY EXPENSES” HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(2) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF:~~

~~(I) ANY REFUND RECEIVED IN THE TAXABLE YEAR BY AN ABLE ACCOUNT HOLDER UNDER THE MARYLAND ABLE PROGRAM; OR~~

~~(II) ANY DISTRIBUTION RECEIVED IN THE TAXABLE YEAR BY AN ABLE ACCOUNT HOLDER IN ACCORDANCE WITH THE MARYLAND ABLE PROGRAM THAT IS NOT USED ON BEHALF OF THE DESIGNATED BENEFICIARY FOR QUALIFIED DISABILITY EXPENSES.~~

~~(3) THE AMOUNT OF THE ADDITION REQUIRED UNDER THIS SUBSECTION SHALL BE REDUCED BY ANY AMOUNT INCLUDED IN THE INDIVIDUAL’S FEDERAL ADJUSTED GROSS INCOME AS A RESULT OF THE REFUND OR DISTRIBUTION.~~

~~(4) THE CUMULATIVE AMOUNT OF THE ADDITION UNDER THIS SUBSECTION FOR THE TAXABLE YEAR AND ALL PRIOR TAXABLE YEARS MAY NOT EXCEED THE CUMULATIVE AMOUNT ALLOWED AS A SUBTRACTION UNDER § 10-208(V) OF THIS SUBTITLE FOR THE TAXABLE YEAR AND ALL PRIOR TAXABLE YEARS FOR CONTRIBUTIONS MADE BY AN ABLE ACCOUNT HOLDER TO AN INVESTMENT ACCOUNT UNDER WHICH THE DISTRIBUTION IS RECEIVED.~~

~~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.~~

~~(CC) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(II) “ABLE ACCOUNT HOLDER” MEANS THE HOLDER OF AN ACCOUNT DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(III) “DESIGNATED BENEFICIARY” MEANS A DESIGNATED BENEFICIARY AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(IV) "QUALIFIED DISABILITY EXPENSES" HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES ANY AMOUNT INCLUDED IN FEDERAL ADJUSTED GROSS INCOME AS A RESULT OF A DISTRIBUTION TO A DESIGNATED BENEFICIARY FROM AN INVESTMENT ACCOUNT UNDER THE MARYLAND ABLE PROGRAM.~~

~~(3) THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO:~~

~~(I) A REFUND UNDER THE MARYLAND ABLE PROGRAM; OR~~

~~(II) A DISTRIBUTION THAT IS NOT USED BY THE DESIGNATED BENEFICIARY FOR QUALIFIED DISABILITY EXPENSES.~~

~~10-208.~~

~~(a) In addition to the modification under § 10-207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.~~

~~(V) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(II) "ABLE ACCOUNT HOLDER" MEANS THE HOLDER OF AN ACCOUNT AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(III) "DESIGNATED BENEFICIARY" MEANS A DESIGNATED BENEFICIARY AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(IV) "QUALIFIED DISABILITY EXPENSES" HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(2) SUBJECT TO THE LIMITATION UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT CONTRIBUTED BY AN ABLE ACCOUNT HOLDER DURING THE TAXABLE YEAR TO AN ABLE ACCOUNT.~~

~~(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, FOR EACH DESIGNATED BENEFICIARY, THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT EXCEED \$2,500 FOR ANY TAXABLE YEAR PER QUALIFIED DESIGNATED BENEFICIARY.~~

~~(H) FOR PURPOSES OF THE LIMITATION UNDER THIS PARAGRAPH, EACH SPOUSE ON A JOINT RETURN SHALL BE TREATED SEPARATELY.~~

~~(4) SUBJECT TO THE \$2,500 ANNUAL LIMITATION FOR EACH DESIGNATED BENEFICIARY, THE AMOUNT DISALLOWED AS A SUBTRACTION UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR AS A RESULT OF THE LIMITATION UNDER PARAGRAPH (3) OF THIS SUBSECTION MAY BE CARRIED OVER UNTIL USED TO THE NEXT 10 SUCCEEDING TAXABLE YEARS AS A SUBTRACTION.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2014.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.~~

#### Preamble

WHEREAS, In December 2014, the United States Congress passed and the President signed into law the Achieving a Better Life Experience (ABLE) Act; and

WHEREAS, The ABLE Act amended the Internal Revenue Code by creating a tax exemption for savings accounts to assist individuals with disabilities and their families in building savings to pay for qualified disability expenses; and

WHEREAS, ABLE accounts are intended to supplement, not supplant, essential benefits provided through private insurance, Medicaid, Supplemental Security Income, employment earnings, and other sources of financial support; and

WHEREAS, ABLE accounts can help fund qualified expenses for individuals with disabilities, including medical and dental care, education, housing, transportation, obtaining and maintaining employment, assistive technology, and community-based services and supports; and

WHEREAS, The ABLE Act is designed to assist individuals with disabilities and their families to save private funds, through the creation of ABLE accounts, for the purpose of maintaining the health, independence, and quality of life of individuals with disabilities; and

WHEREAS, The ABLE Act provides the State the opportunity to establish and operate an ABLE savings program to benefit qualified Marylanders with disabilities; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:



(a) “Maryland ABLE Program” means a program in Maryland allowing disabled individuals or their families to establish savings accounts to pay qualified expenses for disabled individuals authorized under the federal Achieving a Better Life Experience (ABLE) Act.

(b) It is the intent of the General Assembly that the State establish a Maryland ABLE Program.

(c) If the Task Force established under Section 2 of this Act determines that legislation is needed to establish the Maryland ABLE Program, the General Assembly shall consider legislation that is introduced in response to the findings of the Task Force.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Maryland Achieving a Better Life Experience (ABLE) Program.

(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 State Treasurer, or the Treasurer’s designee;

(4) the Attorney General, or the Attorney General’s designee;

(5) the Secretary of Disabilities, or the Secretary’s designee;

(6) the Secretary of Health and Mental Hygiene, or the Secretary’s designee;

(7) the Executive Director of the College Savings Plans of Maryland Board, or the Executive Director’s designee; and

(8) the following six members, appointed by the Governor:

(i) two members who have significant experience in actuarial analysis, finance, accounting, investment management, or other areas that are relevant to the Task Force;

(ii) one member who is an individual with a disability;

(iii) one member who is a family member of an individual with a disability; and

(iv) two representatives of community-based organizations that support or advocate for individuals with disabilities.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Disabilities shall provide staff for the Task Force, with support from the Department of Legislative Services, in consultation with the College Savings Plans of Maryland, the Treasurer's Office, and the Comptroller's Office.

(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) develop a plan for implementing the Maryland ABLE program;

(2) study issues related to the Maryland ABLE program, including:

(i) what the structure of the program should be;

(ii) whether the program should be State-sponsored or privately-run; and

(iii) if State-sponsored, whether the program should be operated by the College Savings Plans of Maryland or another State agency;

(3) determine the staffing and funding needs of the program;

(4) identify potential sources of start-up funding prior to the program becoming self-supporting;

(5) determine the membership of the Board that will oversee the program, the duties of the Board, and the Board's governance structure;

(6) determine the State tax benefits or treatment of contributions to and withdrawals from ABLE accounts;

(7) hold public hearings for public input to inform the deliberations of the Task Force; and

(8) recommend legislation to be introduced in the 2016 Session of the General Assembly that implements the recommendations of the Task Force.

(g) On or before December 1, 2015, the Task Force shall report its findings, recommendations, and proposed legislation necessary to establish the ABLE Program 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 June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, 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 12, 2015.

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## Chapter 383

(Senate Bill 792)

AN ACT concerning

### Public Health – Nondiscrimination in Access to Anatomical Gifts and Organ Transplantation

FOR the purpose of prohibiting certain entities from taking certain actions regarding organ transplantation and anatomical gifts solely on the basis of an individual's disability; authorizing, under certain circumstances, certain entities to take an individual's disability into account when making certain recommendations or decisions; requiring, except under certain circumstances, certain entities to make certain modifications to policies, practices, and procedures to ~~make allow an individual with a disability access to certain services available to an individual with a disability;~~ make allow an individual with a disability access to certain services available to an individual with a disability; requiring, except under certain circumstances, certain entities to take certain steps to ensure that an individual with a disability is not denied certain services; authorizing, under certain circumstances, a certain individual to bring a certain action in a certain court for certain relief; requiring a circuit court in a certain action to schedule a hearing as soon as possible and apply certain standards in rendering a judgment; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from denying coverage for organ transplantations solely on the basis of an insured's or enrollee's disability; declaring the findings of the General Assembly; providing for the construction and application of this Act; defining certain terms; making this Act an emergency measure; and generally relating to nondiscrimination in access to anatomical gifts and organ transplantation.

BY adding to

Article – Health – General

Section 20–1601 through 20–1606 to be under the new subtitle “Subtitle 16. Nondiscrimination in Access to Anatomical Gifts and Organ Transplantation” Annotated Code of Maryland (2009 Replacement Volume and 2014 Supplement)

BY adding to

Article – Insurance

Section 27–915

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

**Article – Health – General**

**SUBTITLE 16. NONDISCRIMINATION IN ACCESS TO ANATOMICAL GIFTS AND ORGAN TRANSPLANTATION.**

**20–1601.**

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

(B) “ANATOMICAL GIFT” MEANS THE DONATION OF ALL OR PART OF A HUMAN BODY TO TAKE EFFECT AFTER THE DONOR’S DEATH FOR THE PURPOSE OF TRANSPLANTATION OR TRANSFUSION.

(C) “AUXILIARY AIDS AND SERVICES” INCLUDES:

(1) QUALIFIED INTERPRETERS OR OTHER EFFECTIVE METHODS OF MAKING AURALLY DELIVERED MATERIALS AVAILABLE TO INDIVIDUALS WITH HEARING IMPAIRMENTS;

(2) QUALIFIED READERS, TAPED TEXTS, TEXTS IN ACCESSIBLE ELECTRONIC FORMAT, OR OTHER EFFECTIVE METHODS OF MAKING VISUALLY DELIVERED MATERIALS AVAILABLE TO INDIVIDUALS WITH VISUAL IMPAIRMENTS;

(3) SUPPORTED DECISION–MAKING SERVICES, INCLUDING:

(I) THE USE OF A SUPPORT INDIVIDUAL TO ASSIST IN MAKING MEDICAL DECISIONS, COMMUNICATING INFORMATION TO THE INDIVIDUAL, OR ASCERTAINING AN INDIVIDUAL’S WISHES;

(II) THE PROVISION OF INFORMATION TO A PERSON DESIGNATED BY THE INDIVIDUAL CONSISTENT WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT AND OTHER APPLICABLE LAWS AND REGULATIONS GOVERNING THE DISCLOSURE OF HEALTH INFORMATION; AND

(III) IF AN INDIVIDUAL HAS A COURT-APPOINTED GUARDIAN OR OTHER INDIVIDUAL RESPONSIBLE FOR MAKING MEDICAL DECISIONS ON BEHALF OF THE INDIVIDUAL, ANY MEASURES USED TO ENSURE THAT THE ~~RESPONSIBLE~~ INDIVIDUAL IS INCLUDED IN DECISIONS INVOLVING THE INDIVIDUAL'S HEALTH CARE AND THAT MEDICAL DECISIONS ARE IN ACCORDANCE WITH THE INDIVIDUAL'S OWN EXPRESSED INTERESTS; AND

(4) ANY OTHER AID OR SERVICE THAT IS USED TO PROVIDE INFORMATION IN A FORMAT THAT IS EASILY UNDERSTANDABLE AND ACCESSIBLE TO INDIVIDUALS WITH COGNITIVE, NEUROLOGICAL, DEVELOPMENTAL, OR INTELLECTUAL DISABILITIES.

(D) "COVERED ENTITY" MEANS:

- (1) A LICENSED HEALTH CARE PROVIDER;
  - (2) A HEALTH CARE FACILITY AS DEFINED IN § 19-114 OF THIS ARTICLE;
  - (3) A LABORATORY;
  - (4) A STATE PSYCHIATRIC HOSPITAL;
  - (5) A STATE RESIDENTIAL CENTER AS DEFINED IN § 7-101 OF THIS ARTICLE;
  - (6) AN ALTERNATIVE LIVING UNIT AS DEFINED IN § 7-101 OF THIS ARTICLE;
  - (7) A GROUP HOME AS DEFINED IN § 7-101 OF THIS ARTICLE;
  - (8) AN INSTITUTIONAL MEDICAL UNIT IN A CORRECTIONAL FACILITY;
- OR
- (9) ~~A HEALTH INSURANCE CARRIER; OR~~
  - (10) ANY ENTITY RESPONSIBLE FOR ~~MATCHING AN ANATOMICAL GIFT DONOR WITH~~ POTENTIAL RECIPIENTS OF THE ANATOMICAL GIFT.

(E) “DISABILITY” HAS THE MEANING STATED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT.

(F) “ORGAN TRANSPLANT” MEANS THE TRANSPLANTATION OR TRANSFUSION OF A PART OF A HUMAN BODY INTO THE BODY OF ANOTHER INDIVIDUAL FOR THE PURPOSE OF TREATING OR CURING A MEDICAL CONDITION.

(G) “QUALIFIED INDIVIDUAL” MEANS AN INDIVIDUAL WHO:

(1) HAS A DISABILITY; AND

(2) MEETS THE ESSENTIAL ELIGIBILITY REQUIREMENTS FOR THE RECEIPT OF AN ANATOMICAL GIFT, WITH OR WITHOUT:

(I) THE SUPPORT NETWORKS AVAILABLE TO THE INDIVIDUAL;

(II) THE PROVISION OF AUXILIARY AIDS AND SERVICES; OR

(III) REASONABLE MODIFICATIONS TO THE POLICIES OR PRACTICES OF A COVERED ENTITY, INCLUDING MODIFICATIONS TO ALLOW:

1. COMMUNICATION WITH INDIVIDUALS RESPONSIBLE FOR SUPPORTING THE INDIVIDUAL WITH POSTSURGICAL AND POSTTRANSPLANTATION CARE, INCLUDING MEDICATION; AND

2. THE CONSIDERATION OF SUPPORT NETWORKS AVAILABLE TO THE INDIVIDUAL, INCLUDING FAMILY, FRIENDS, AND HOME- AND COMMUNITY-BASED SERVICES FUNDED THROUGH THE MARYLAND MEDICAL ASSISTANCE PROGRAM, MEDICARE, OR ANOTHER HEALTH PLAN IN WHICH THE INDIVIDUAL IS ENROLLED, OR ANY PROGRAM OR SOURCE OF FUNDING AVAILABLE TO THE INDIVIDUAL, IN DETERMINING WHETHER THE INDIVIDUAL IS ABLE TO COMPLY WITH POSTTRANSPLANTATION MEDICAL REQUIREMENTS.

20-1602.

THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE A COVERED ENTITY TO MAKE A REFERRAL OR RECOMMENDATION FOR OR PERFORM A MEDICALLY INAPPROPRIATE ORGAN TRANSPLANT.

20-1603.

THE GENERAL ASSEMBLY FINDS THAT:

(1) A MENTAL OR PHYSICAL DISABILITY DOES NOT DIMINISH AN INDIVIDUAL'S RIGHT TO HEALTH CARE;

(2) THE FEDERAL AMERICANS WITH DISABILITIES ACT PROHIBITS DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES, YET MANY INDIVIDUALS WITH DISABILITIES STILL EXPERIENCE DISCRIMINATION IN ACCESSING CRITICAL HEALTH CARE SERVICES;

(3) ~~INDIVIDUALS~~ INDIVIDUALS IN OTHER STATES NATIONWIDE, INDIVIDUALS WITH MENTAL AND PHYSICAL DISABILITIES HAVE HISTORICALLY BEEN DENIED LIFE-SAVING ORGAN TRANSPLANTS BASED ON ASSUMPTIONS THAT THEIR LIVES ARE LESS WORTHY, THAT THEY ARE INCAPABLE OF COMPLYING WITH POSTTRANSPLANTATION MEDICAL REQUIREMENTS, OR THAT THEY LACK ADEQUATE SUPPORT SYSTEMS TO ENSURE COMPLIANCE WITH POSTTRANSPLANTATION MEDICAL REQUIREMENTS;

(4) ALTHOUGH ORGAN TRANSPLANT CENTERS MUST CONSIDER MEDICAL AND PSYCHOSOCIAL CRITERIA WHEN DETERMINING IF A PATIENT IS SUITABLE TO RECEIVE AN ORGAN TRANSPLANT, TRANSPLANT CENTERS THAT PARTICIPATE IN MEDICARE, THE MARYLAND MEDICAL ASSISTANCE PROGRAM, AND OTHER FEDERALLY FUNDED PROGRAMS ARE REQUIRED TO USE PATIENT SELECTION CRITERIA THAT RESULT IN A FAIR AND NONDISCRIMINATORY DISTRIBUTION OF ORGANS; AND

(5) STATE RESIDENTS IN NEED OF ORGAN TRANSPLANTS ARE ENTITLED TO ASSURANCES THAT THEY WILL NOT ENCOUNTER DISCRIMINATION ON THE BASIS OF A DISABILITY.

20-1604.

THIS SUBTITLE APPLIES TO EACH PART OF THE ORGAN TRANSPLANT PROCESS.

20-1605.

(A) A COVERED ENTITY MAY NOT SOLELY ON THE BASIS OF AN INDIVIDUAL'S DISABILITY:

(1) CONSIDER A QUALIFIED INDIVIDUAL INELIGIBLE TO RECEIVE AN ANATOMICAL GIFT OR ORGAN TRANSPLANT;

(2) DENY MEDICAL AND OTHER SERVICES RELATED TO ORGAN TRANSPLANTATION, INCLUDING EVALUATION, SURGERY, COUNSELING, AND POSTTRANSPLANTATION TREATMENT AND SERVICES;

(3) REFUSE TO REFER THE INDIVIDUAL TO A TRANSPLANT CENTER OR A RELATED SPECIALIST FOR THE PURPOSE OF EVALUATION OR RECEIPT OF AN ORGAN TRANSPLANT;

(4) REFUSE TO PLACE A QUALIFIED INDIVIDUAL ON AN ORGAN TRANSPLANT WAITING LIST; OR

(5) PLACE A QUALIFIED INDIVIDUAL AT A LOWER-PRIORITY POSITION ON AN ORGAN TRANSPLANT WAITING LIST THAN THE POSITION AT WHICH THE QUALIFIED INDIVIDUAL WOULD HAVE BEEN PLACED IF NOT FOR THE DISABILITY; ~~OR~~

~~(6) DECLINE HEALTH INSURANCE COVERAGE FOR ANY PROCEDURE ASSOCIATED WITH THE RECEIPT OF AN ANATOMICAL GIFT, INCLUDING POSTTRANSPLANTATION CARE.~~

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED ENTITY MAY TAKE AN INDIVIDUAL'S DISABILITY INTO ACCOUNT WHEN MAKING TREATMENT OR COVERAGE RECOMMENDATIONS OR DECISIONS, SOLELY TO THE EXTENT THAT THE DISABILITY HAS BEEN FOUND BY A PHYSICIAN, FOLLOWING AN INDIVIDUALIZED EVALUATION OF THE INDIVIDUAL, TO BE MEDICALLY SIGNIFICANT TO THE PROVISION OF THE ANATOMICAL GIFT.

(2) IF AN INDIVIDUAL HAS THE NECESSARY SUPPORT SYSTEM TO ASSIST THE INDIVIDUAL IN COMPLYING WITH POSTTRANSPLANTATION MEDICAL REQUIREMENTS, A COVERED ENTITY MAY NOT CONSIDER THE INDIVIDUAL'S INABILITY TO INDEPENDENTLY COMPLY WITH THE POSTTRANSPLANTATION MEDICAL REQUIREMENTS TO BE MEDICALLY SIGNIFICANT FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.

(C) A COVERED ENTITY SHALL MAKE REASONABLE MODIFICATIONS IN POLICIES, PRACTICES, OR PROCEDURES, WHEN THE MODIFICATIONS ARE NECESSARY TO ~~MAKE~~ ALLOW AN INDIVIDUAL WITH A DISABILITY ACCESS TO SERVICES, INCLUDING TRANSPLANTATION-RELATED COUNSELING, INFORMATION, COVERAGE, OR TREATMENT, AVAILABLE TO AN INDIVIDUAL WITH A DISABILITY, UNLESS THE COVERED ENTITY CAN DEMONSTRATE THAT MAKING THE MODIFICATIONS WOULD FUNDAMENTALLY ~~WOULD~~ ALTER THE NATURE OF THE SERVICES.

(D) A COVERED ENTITY SHALL TAKE ~~ANY~~ SUCH STEPS AS MAY BE NECESSARY TO ENSURE THAT AN INDIVIDUAL WITH A DISABILITY IS NOT DENIED SERVICES, INCLUDING TRANSPLANTATION-RELATED COUNSELING, INFORMATION, COVERAGE, OR TREATMENT, DUE TO THE ABSENCE OF AUXILIARY AIDS AND



SERVICES, UNLESS THE COVERED ENTITY CAN DEMONSTRATE THAT TAKING THE STEPS WOULD FUNDAMENTALLY ~~WOULD~~ ALTER THE NATURE OF THE SERVICES BEING OFFERED OR WOULD RESULT IN AN UNDUE BURDEN.

20-1606.

(A) IF A COVERED ENTITY VIOLATES THIS SUBTITLE, THE AFFECTED INDIVIDUAL MAY BRING AN ACTION IN THE APPROPRIATE CIRCUIT COURT FOR INJUNCTIVE OR OTHER EQUITABLE RELIEF.

(B) IN AN ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION, THE CIRCUIT COURT SHALL:

(1) SCHEDULE A HEARING AS SOON AS POSSIBLE; AND

(2) APPLY THE SAME STANDARDS IN RENDERING A JUDGMENT IN THE ACTION AS WOULD BE APPLIED IN AN ACTION BROUGHT IN FEDERAL COURT UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT.

#### Article - Insurance

27-915.

(A) IN THIS SECTION, "ORGAN TRANSPLANTATION" MEANS THE TRANSPLANTATION OR TRANSFUSION OF A HUMAN BODY PART INTO THE BODY OF ANOTHER INDIVIDUAL FOR THE PURPOSE OF TREATING OR CURING A MEDICAL CONDITION.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR ORGAN TRANSPLANTATION 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 COVERAGE FOR ORGAN TRANSPLANTATION TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) AN ENTITY SUBJECT TO THIS SECTION MAY NOT DENY COVERAGE FOR AN ORGAN TRANSPLANTATION SOLELY ON THE BASIS OF AN INSURED'S OR ENROLLEE'S DISABILITY.

**(D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE AN ENTITY SUBJECT TO THIS SECTION TO PROVIDE COVERAGE FOR AN ORGAN TRANSPLANTATION THAT IS NOT MEDICALLY NECESSARY.**

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 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 12, 2015.**

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## **Chapter 384**

**(Senate Bill 796)**

AN ACT concerning

**Public Health – Maryland AIDS Drug Assistance Program – Expansion of Eligibility and Services – Pharmaceutical Rebate Coverage**

FOR the purpose of authorizing certain rebates received by the Department of Health and Mental Hygiene from the Maryland AIDS Drug Assistance Program to be used to provide certain services to eligible individuals as allowable under Part B of the federal Ryan White HIV/AIDS Program; and generally relating to the Maryland AIDS Drug Assistance Program.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 2–104(j)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

**Article – Health – General**

2–104.

(j) (1) Except as otherwise provided by law and paragraph (2) of this subsection, the Secretary shall pay all money collected by the Department under this article into the General Fund of this State.

(2) Any rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article, to be used only to fund [the]:

(I) **THE** Maryland AIDS Drug Assistance Program [and the] **(MADAP);**

(II) **THE** Maryland AIDS Drug Assistance Program Plus **(MADAP-Plus); AND**

(III) **ANY OTHER SERVICES TO ELIGIBLE INDIVIDUALS AS ALLOWABLE UNDER PART B OF THE FEDERAL RYAN WHITE HIV/AIDS PROGRAM.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## **Chapter 385**

**(Senate Bill 829)**

AN ACT concerning

### **Audiologists and Speech–Language Pathologists – Licensure Exemption – Clinical Training**

FOR the purpose of exempting certain individuals licensed to practice audiology or speech–language pathology in another state or a foreign country from a certain licensure requirement while individuals are providing a clinical demonstration or receiving clinical training at a training or an educational event in the State; and generally relating to a licensure exemption for audiologists and speech–language pathologists.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–301

Annotated Code of Maryland

(2014 Replacement Volume)

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

### **Article – Health Occupations**

2–301.

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice audiology, hearing aid dispensing, or speech–language pathology, or assist in the practice of speech–language pathology in this State.

(2) On or after October 1, 2007, an individual hired by a Maryland local public school system, State–approved nonpublic school for handicapped children, or chartered educational institution of the State to practice speech–language pathology or assist in the practice of speech–language pathology, shall be licensed by the Board.

(b) (1) This section does not apply:

(i) To an individual employed by any agency of the federal government performing the duties of that employment;

(ii) To an individual continuously employed to practice audiology since June 30, 1988 by a county public school system, a State approved nonpublic school for handicapped children, a chartered institution of the State, or the State Department of Education while performing the duties of that employment;

(iii) To an individual employed by a Maryland local public school system, State approved nonpublic school for handicapped children, or chartered educational institution of the State or the State Department of Education to practice speech–language pathology continuously since on or before September 30, 2007, while performing the duties of that employment;

(iv) To a student or trainee in audiology or speech–language pathology while pursuing a supervised course of study at an accredited university or college or a recognized training center while the student is obtaining clinical practicum hours; [or]

(v) To a volunteer while working in free speech and hearing screening programs; **OR**

**(VI) TO AN INDIVIDUAL LICENSED TO PRACTICE AUDIOLOGY OR SPEECH–LANGUAGE PATHOLOGY IN ANOTHER STATE OR A FOREIGN COUNTRY WHILE THE INDIVIDUAL:**

**1. PROVIDES A CLINICAL DEMONSTRATION AT A TRAINING OR AN EDUCATIONAL EVENT IN THE STATE; OR**

**2. RECEIVES CLINICAL TRAINING AT A TRAINING OR AN EDUCATIONAL EVENT IN THE STATE.**

(2) The Board may allow an audiologist, hearing aid dispenser, speech–language pathologist, or speech–language pathology assistant licensed in another state to practice audiology, hearing aid dispensing, or speech–language pathology, or assist in the practice of speech–language pathology in this State without a license if the audiologist, hearing aid dispenser, speech–language pathologist, or speech–language pathology assistant has a completed application for a license pending before the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 386

(Senate Bill 838)

AN ACT concerning

### St. Mary’s County – Animal Regulations

FOR the purpose of repealing provisions authorizing the County Commissioners of St. Mary’s County to pass rules, regulations, or resolutions relating to dog licenses, the prohibition of dogs running at large off the property of the owner, the seizure and disposal of dogs found running at large, and the confinement of female dogs in heat; repealing provisions authorizing the county commissioners to delegate, by written contract, the enforcement of certain rules, regulations, or resolutions; authorizing the county commissioners to enact a local law to provide a comprehensive system for the regulation, humane treatment, and keeping of domestic animals and wild animals kept in captivity; authorizing a certain local law to include a schedule of fines for designated violations; providing that a violation of a certain local law is a civil infraction; and generally relating to the regulation of certain animals in St. Mary’s County.

BY repealing and reenacting, with amendments,  
 Article – Local Government  
 Section 13–129  
 Annotated Code of Maryland  
 (2013 Volume and 2014 Supplement)

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

### Article – Local Government

13–129.

(a) (1) In St. Mary's County, on or before June 30 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of St. Mary's County.

(3) (i) The county commissioners shall appoint agents to collect dog and kennel license fees that are not paid by August 1 of each year.

(ii) A penalty of \$1.00 per license shall be assessed against dog owners whose dog or kennel license fees are not paid by August 1 each year.

(4) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section shall be the only licenses and fees required for owning or keeping a dog.

(5) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(6) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(7) A license expires on June 30 of the year after issuance.

(b) (1) In St. Mary's County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of St. Mary's County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word “kennel”.

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

[(c) (1) If reasonably applicable, this subsection applies to the regulation and control of:

(i) any domestic animal; and

(ii) a wild animal kept in captivity.

(2) The County Commissioners of St. Mary’s County may pass rules, regulations, or resolutions to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of dogs found running at large in the county.

(3) Before the county commissioners pass a rule, regulation, or resolution in accordance with this subsection, the proposed rule, regulation, or resolution shall be advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(4) The rules, regulations, or resolutions shall include standards and shall operate uniformly.

(5) Subject to paragraph (6) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules, regulations, or resolutions.

(6) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (5) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires at least 30 days' notice before cancellation, if the cancellation is without cause.

(7) (i) The county commissioners may establish penalties for a violation of a rule, regulation, or resolution passed under this subsection.

(ii) The penalty for each violation may not exceed imprisonment for 1 year or a fine of \$1,000 or both.]

**(C) (1) THE COUNTY COMMISSIONERS MAY ENACT A LOCAL LAW TO PROVIDE A COMPREHENSIVE SYSTEM FOR THE REGULATION, HUMANE TREATMENT, AND KEEPING OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY.**

**(2) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SUBSECTION MAY INCLUDE A SCHEDULE OF FINES FOR DESIGNATED VIOLATIONS.**

**(3) A VIOLATION OF A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SUBSECTION IS A CIVIL INFRACTION UNDER § 12-804 OF THIS ARTICLE.**

(d) (1) The County Commissioners of St. Mary's County may employ an animal control officer.

(2) The county shall determine the annual salary of the animal control officer employed under this section.

(3) An animal control officer employed under this section:

(i) has all the powers of a peace officer; and

(ii) shall seize and dispose of unlicensed dogs as prescribed by the county commissioners.



(e) (1) The County Commissioners of St. Mary's County may provide an animal shelter for the placement of dogs seized by animal control officers.

(2) The county commissioners may enter into agreements with adjacent counties to establish an animal shelter to serve the counties.

(3) The county commissioners may contract with an animal welfare society, a humane society, or any other qualified person to:

- (i) establish an animal shelter; or
- (ii) seize, dispose of, or euthanize stray, injured, or sick dogs.

(4) (i) The County Commissioners of St. Mary's County may pay any expenses arising from the operation of this subsection.

(ii) Notwithstanding § 13-105(d) of this subtitle, the county commissioners may use proceeds from dog license fees to:

- 1. establish an animal shelter; or
- 2. collect, dispose of, or euthanize stray, injured, or sick dogs.

[(f) (1) The County Commissioners of St. Mary's County, by rule, regulation, or resolution, may provide that an owner of a dog may not allow the dog, whether licensed or unlicensed, to run at large off the premises of the owner.

(2) A rule, regulation, or resolution passed under this subsection may allow the following dogs to run at large when accompanied by the owner or agent of the owner and when kept within sight or calling distance of the owner or agent:

- (i) dogs proved to be obedient, in accordance with rule, regulation, or resolution of the county;
- (ii) dogs being used or trained for hunting; and
- (iii) dogs accompanied by the owner on horseback.

(3) The county commissioners, by rule, regulation, or resolution, may provide for enforcement and investigation of reports of violations of a rule, regulation, or resolution passed under this subsection.

(4) An owner of a dog who fails to comply with a rule, regulation, or resolution passed under this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25 for each violation.

(g) (1) In St. Mary's County, the owner or custodian of a female dog that is in heat shall:

- (i) adequately and securely confine the dog;
- (ii) prevent the dog from contacting roaming dogs; and
- (iii) protect the dog from other dogs that are attracted to the premises.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$10 and not exceeding \$50.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 387

(Senate Bill 853)

AN ACT concerning

### **Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators**

FOR the purpose of establishing the Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators ~~as an independent unit of State government in the Department of Disabilities;~~ establishing the purpose of the ~~Center Alliance;~~ ~~providing for the location and staffing of the Center;~~ ~~requiring the Center to develop and update a certain plan to establish community inclusion training priorities and goals;~~ ~~specifying other functions and duties of the Center~~ establishing certain requirements for the Alliance; ~~establishing the Governing Board of the Center~~ a Steering Committee for the Alliance; ~~providing for the composition, chair, and staffing of the Governing Board~~ Steering Committee; ~~providing for the appointment and terms of certain members of the Governing Board~~ Steering Committee; ~~prohibiting a member of the Governing Board Steering Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses;~~ ~~providing for the duties of the Governing Board Steering Committee;~~ ~~providing for the funding of the Center Alliance;~~ ~~requiring the Governing Board to make a certain report to the Governor and the General Assembly on or before a certain date each year;~~ ~~defining certain terms;~~ and generally relating to the establishment of the Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators.

BY repealing and reenacting, without amendments,

Article – Health – General  
 Section ~~7-101(k)~~ 7-101(f) and (k)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, without amendments,  
 Article – Human Services  
 Section ~~7-202~~  
 Annotated Code of Maryland  
 (2007 Volume and 2014 Supplement)~~

BY adding to  
 Article – Human Services  
 Section 7-501 through ~~7-505~~ 7-504 to be under the new subtitle “Subtitle 5. Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators”  
 Annotated Code of Maryland  
 (2007 Volume and 2014 Supplement)

#### Preamble

WHEREAS, Over 90,000 Marylanders are individuals with intellectual and developmental disabilities, such as autism, cerebral palsy, and Down syndrome; and

WHEREAS, Individuals with intellectual and developmental disabilities, like all other Marylanders, have the right to full, meaningful, and equal participation in all aspects of community life; and

WHEREAS, Although individuals with intellectual and developmental disabilities may have cognitive challenges, these individuals, when supported and encouraged, are able to use their skills, capabilities, and experiences to make meaningful contributions to their families and communities; and

WHEREAS, The skills, capabilities, and experiences of individuals with intellectual and developmental disabilities are often unrecognized, underestimated, or misunderstood; and

WHEREAS, Many governmental and nongovernmental entities, including law enforcement officials and other first responders, receive limited training about interacting, supporting, and working with individuals with intellectual and developmental disabilities; and

WHEREAS, The lack of knowledge and understanding has a widespread and significant negative impact on the inclusion of individuals with intellectual and developmental disabilities in community life; and

WHEREAS, True inclusion of individuals with intellectual and developmental disabilities, so that the individuals feel welcomed and accepted in their communities, starts

with self-advocates having the central role in educating persons that interact with individuals with intellectual and developmental disabilities; and

WHEREAS, On January 12, 2013, Robert Ethan Saylor, a 26-year-old Marylander with an intellectual disability, died in a movie theater in his community in Frederick County; and

WHEREAS, The Governor subsequently created the Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities; and

WHEREAS, The December 2013 report of the Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities recommended the establishment of a new center to prepare, coordinate, and support self-advocates as active educators in training programs on community inclusion and effective communication with individuals with intellectual and developmental disabilities for persons in various sectors across the State, including education, transportation, and health care; now, therefore,

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

#### Article – Health – General

7–101.

(f) “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 manifested before the individual attains the age of 22;

(3) Is likely to continue indefinitely;

(4) Results in an inability to live independently without external support or continuing and regular assistance; and

(5) 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.

(k) “Intellectual disability” means a developmental disability that is evidenced by significantly subaverage intellectual functioning and impairment in the adaptive behavior of an individual.

#### Article – Human Services

~~7-202.~~

~~(a) An individual has a functional disability if the individual has a severe, chronic disability that:~~

~~(1) is attributable to a mental or physical impairment or a combination of mental and physical impairments, including a head injury;~~

~~(2) is likely to continue indefinitely;~~

~~(3) results in substantial functional limitations in at least three of the following areas of major life activity:~~

~~(i) self-care;~~

~~(ii) receptive and expressive language;~~

~~(iii) learning;~~

~~(iv) mobility;~~

~~(v) self-direction;~~

~~(vi) capacity for independent living; and~~

~~(vii) economic self-sufficiency; and~~

~~(4) reflects the individual's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services that are:~~

~~(i) lifelong or of extended duration; and~~

~~(ii) individually planned and coordinated.~~

~~(b) An individual has a developmental disability if the individual has a functional disability that is manifested before the individual attains the age of 22 years.~~

#### **SUBTITLE 5. ETHAN SAYLOR ~~CENTER~~ ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.**

**7-501.**

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

~~(B) “CENTER” MEANS THE ETHAN SAYLOR CENTER FOR SELF-ADVOCATES AS EDUCATORS.~~

(B) “ALLIANCE” MEANS THE ETHAN SAYLOR ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.

(C) “COMMUNITY INCLUSION” MEANS CIRCUMSTANCES IN WHICH INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES ARE WELCOMED, SUPPORTED, AND INCLUDED IN ALL ASPECTS OF SOCIETY.

(D) “DEVELOPMENTAL DISABILITY” HAS THE MEANING STATED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE.

~~(D) “GOVERNING BOARD” MEANS THE GOVERNING BOARD OF THE ETHAN SAYLOR CENTER FOR SELF-ADVOCATES AS EDUCATORS.~~

(E) “INTELLECTUAL DISABILITY” HAS THE MEANING STATED IN ~~§ 7-101(K)~~ 7-101 OF THE HEALTH – GENERAL ARTICLE.

(F) “STEERING COMMITTEE” MEANS THE STEERING COMMITTEE FOR THE ETHAN SAYLOR ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.

7-502.

(A) THERE IS AN ETHAN SAYLOR ~~CENTER~~ ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS IN THE DEPARTMENT.

~~(B) THE CENTER IS AN INDEPENDENT UNIT WITHIN STATE GOVERNMENT.~~

~~(C)~~ THE PURPOSE OF THE ~~CENTER~~ ALLIANCE IS TO ADVANCE THE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES BY PREPARING AND SUPPORTING SELF-ADVOCATES TO PLAY A CENTRAL ROLE IN EDUCATING PERSONS ABOUT APPROPRIATE AND EFFECTIVE INTERACTIONS WITH INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES.

~~(D) THE CENTER SHALL BE BASED AT A UNIVERSITY IN THE STATE AS DETERMINED BY THE GOVERNING BOARD.~~

~~(E) (1) THE HEAD OF THE CENTER SHALL BE AN EXECUTIVE DIRECTOR OR CO-DIRECTORS, AS DETERMINED AND APPOINTED BY THE GOVERNING BOARD.~~

~~(2) THE EXECUTIVE DIRECTOR OR AT LEAST ONE OF THE CO DIRECTORS SHALL BE AN INDIVIDUAL WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY.~~

~~(F) THE CENTER MAY EMPLOY THE ADDITIONAL STAFF NECESSARY TO CARRY OUT THE CENTER'S FUNCTIONS AS PROVIDED IN THE STATE BUDGET.~~

~~(C) (1) THE CENTER, IN CONSULTATION WITH THE GOVERNING BOARD AND STAKEHOLDERS, SHALL DEVELOP A 3 YEAR PLAN TO ESTABLISH COMMUNITY INCLUSION TRAINING PRIORITIES AND GOALS.~~

~~(2) THE INITIAL PLAN SHALL:~~

~~(I) BE BASED ON A COMPREHENSIVE NEEDS ASSESSMENT, INCLUDING AN ASSESSMENT OF EXISTING TRAINING RESOURCES AND A GAP ANALYSIS;~~

~~(II) CONTINUE AND EXPAND ON THE WORK OF THE COMMISSION FOR EFFECTIVE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES BY PRIORITIZING THE TRAINING NEEDS OF LAW ENFORCEMENT OFFICERS AND OTHER FIRST RESPONDERS; AND~~

~~(III) BE APPROVED BY THE GOVERNING BOARD.~~

~~(3) (I) THE CENTER ANNUALLY SHALL UPDATE THE 3 YEAR PLAN.~~

~~(II) THE UPDATED PLANS MAY FOCUS ON THE TRAINING NEEDS OF ADDITIONAL PUBLIC AND PRIVATE SECTORS SUCH AS COURTS, HEALTH CARE PROVIDERS, SCHOOLS, OR BUSINESSES.~~

~~(H) THE CENTER SHALL PERFORM THE FOLLOWING FUNCTIONS AND DUTIES TO ACHIEVE THE GOALS ESTABLISHED IN THE 3 YEAR PLAN:~~

~~(1) COLLABORATE WITH THE DEPARTMENT OF DISABILITIES, DISABILITY ORGANIZATIONS, COMMUNITY ORGANIZATIONS, SELF ADVOCATES, FAMILIES, AND OTHER STAKEHOLDERS TO IMPLEMENT A COMPREHENSIVE, COORDINATED APPROACH TO IDENTIFYING, PREPARING, AND SUPPORTING INDIVIDUALS TO BE SELF ADVOCATE EDUCATORS;~~

~~(2) IN PARTNERSHIP WITH STAKEHOLDERS:~~

~~(I) IDENTIFY BEST PRACTICES FOR TRAINING TO MEET THE PRIORITIES ESTABLISHED IN THE 3 YEAR PLAN;~~

~~(II) IF TRAINING RESOURCES TO ADDRESS THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN ALREADY EXIST, CONNECT PERSONS IN THE PRIORITY SECTORS WITH SELF-ADVOCATE EDUCATORS, OR ENTITIES THAT INCLUDE SELF-ADVOCATE EDUCATORS IN A CENTRAL ROLE, TO PROVIDE THE TRAINING;~~

~~(III) IF TRAINING RESOURCES TO ADDRESS THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN DO NOT EXIST:~~

~~1. DEVELOP TRAINING RESOURCES; OR~~

~~2. CONTRACT WITH A PERSON FOR THE DEVELOPMENT OF TRAINING RESOURCES;~~

~~(IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT COMMUNITY INCLUSION, INCLUDING IDENTIFYING OPPORTUNITIES FOR SELF-ADVOCATE EDUCATORS TO PARTICIPATE IN TRAINING PROGRAMS THROUGHOUT STATE GOVERNMENT; AND~~

~~(V) PROVIDE TRAINING WITH SELF-ADVOCATE EDUCATORS IN CENTRAL AND LEADING ROLES;~~

~~(3) IF A PERSON RECEIVING TRAINING DOES NOT PROVIDE NECESSARY SUPPORT SERVICES FOR SELF-ADVOCATE EDUCATORS, PROVIDE OR IDENTIFY SOURCES TO PROVIDE THE SUPPORT SERVICES, INCLUDING COMPENSATION FOR TRAINING ACTIVITIES, TRANSPORTATION, AND OTHER RELATED EXPENSES;~~

~~(4) ESTABLISH A CLEARINGHOUSE TO DISSEMINATE INFORMATION ON BEST PRACTICES, STRATEGIES, AND RESOURCES FOR:~~

~~(I) SELF-ADVOCATES AS EDUCATORS; AND~~

~~(II) THE COMMUNITY INCLUSION TRAINING PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN;~~

~~(5) INITIATE COLLABORATIONS AND FACILITATE COORDINATION AMONG APPROPRIATE GOVERNMENTAL UNITS AND OTHER PERSONS TO LEVERAGE EXISTING RESOURCES FOR TRAINING DELIVERY; AND~~

~~(6) FOSTER COORDINATION AMONG PERSONS THAT HAVE TRAINING NEEDS AND PERSONS THAT PROVIDE TRAINING TO MEET THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN.~~



**(C) THE ALLIANCE SHALL:****(1) BE GUIDED BY THE STEERING COMMITTEE;****(2) BUILD ON THE WORK OF THE COMMISSION FOR EFFECTIVE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES BY PRIORITIZING THE TRAINING NEEDS OF LAW ENFORCEMENT OFFICERS;****(3) CONNECT LAW ENFORCEMENT TRAINERS WITH:****(I) SELF-ADVOCATE EDUCATORS; OR****(II) ENTITIES THAT USE SELF-ADVOCATE EDUCATORS IN A CENTRAL ROLE WHEN PROVIDING TRAINING;****(4) IDENTIFY AND SUPPORT THE DEVELOPMENT OF SELF-ADVOCATE EDUCATORS;****(5) IDENTIFY RESOURCES NEEDED TO PREPARE AND SUPPORT SELF-ADVOCATE EDUCATORS; AND****(6) PROMOTE COLLABORATIVE EFFORTS THAT SUPPORT COMMUNITY INCLUSION.****7-503.****(A) ~~THERE IS A GOVERNING BOARD OF~~ STEERING COMMITTEE FOR THE CENTER ALLIANCE.****(B) ~~THE GOVERNING BOARD~~ STEERING COMMITTEE SHALL INCLUDE THE FOLLOWING MEMBERS:****(1) ~~THE SECRETARY OF DISABILITIES,~~ OR THE SECRETARY'S DESIGNEE;****(2) ~~THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;~~****(3) ~~THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE~~ THE SUPERINTENDENT OF THE STATE POLICE, OR THE SUPERINTENDENT'S DESIGNEE;**

~~(4)~~ (3) THE EXECUTIVE DIRECTOR OF THE POLICE AND CORRECTIONAL TRAINING COMMISSIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(5) THE EXECUTIVE DIRECTOR OF THE JUDICIAL TRAINING INSTITUTE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(6) THE PUBLIC DEFENDER OF MARYLAND OR THE PUBLIC DEFENDER'S DESIGNEE;~~

~~(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICE SYSTEMS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(8)~~ (4) THE DEPUTY SECRETARY FOR DEVELOPMENTAL DISABILITIES IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DEPUTY SECRETARY'S DESIGNEE; AND

(5) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE SECRETARY:

~~(9)~~ (I) A REPRESENTATIVE OF PEOPLE ON THE GO MARYLAND;

~~(10)~~ (II) A REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL;

~~(11)~~ (III) ~~A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION THAT SUPPORTS~~ TWO REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS THAT SUPPORT PEOPLE WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES; ~~AND~~

~~(12)~~ (IV) ~~SIX~~ FOUR MEMBERS OF THE PUBLIC WITH KNOWLEDGE OF INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES, INCLUDING AT LEAST TWO SELF-ADVOCATES AND A FAMILY MEMBER OF AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY OR DEVELOPMENTAL DISABILITY; ~~EACH APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;~~

(V) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION; AND

(VI) OTHER MEMBERS DEEMED NECESSARY TO CARRY OUT THE WORK OF THE STEERING COMMITTEE.

~~(C) THE GOVERNOR MAY APPOINT ADDITIONAL MEMBERS BASED ON THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN.~~

~~(D) THE GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.~~

~~(E)~~ (C) A MEMBER APPOINTED BY THE GOVERNOR SECRETARY:

(1) ~~SERVES AT THE PLEASURE OF THE GOVERNOR;~~

~~(2) SERVES FOR A TERM OF 3 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND~~

~~(3) (2) MAY BE REAPPOINTED BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.~~

~~(F) (1) UNTIL THE CENTER IS ESTABLISHED, THE DEPARTMENT OF DISABILITIES SHALL PROVIDE STAFF FOR THE GOVERNING BOARD.~~

~~(2) AFTER THE CENTER IS ESTABLISHED, THE CENTER SHALL PROVIDE STAFF FOR THE GOVERNING BOARD.~~

~~(G)~~ (D) A MEMBER OF THE GOVERNING BOARD STEERING COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE GOVERNING BOARD STEERING COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

~~(H)~~ (E) THE GOVERNING BOARD STEERING COMMITTEE SHALL:

~~(1) DEVELOP AN IMPLEMENTATION PLAN TO PHASE IN THE ESTABLISHMENT AND OPERATION OF THE CENTER;~~

~~(2) SELECT A UNIVERSITY TO OPERATE THE CENTER;~~

~~(I) THROUGH A COMPETITIVE PROCESS; AND~~

~~(H) GIVING CONSIDERATION TO THE EXPERIENCE, KNOWLEDGE, AND CAPACITY OF THE UNIVERSITY;~~

~~(3) PROVIDE GENERAL OVERSIGHT AND DIRECTION TO THE CENTER;~~

~~(4) APPROVE THE ANNUAL BUDGET FOR THE CENTER; AND~~

~~(5) MONITOR AND EVALUATE THE CENTER'S ACTIVITIES AND OUTCOMES.~~

(1) DEVELOP PARAMETERS FOR THE ALLIANCE, INCLUDING EXPECTED OUTCOMES FOR AND EVALUATION OF THE ALLIANCE;

(2) SELECT ENTITIES TO OPERATE THE ALLIANCE THROUGH A COMPETITIVE PROCESS;

(3) PROVIDE GENERAL OVERSIGHT OF THE ALLIANCE;

(4) APPROVE THE BUDGET FOR THE ALLIANCE;

(5) REVIEW THE ALLIANCE'S ACTIVITIES AND OUTCOMES; AND

(6) DEVELOP RECOMMENDATIONS FOR SUSTAINABILITY AND EXPANSION OF THE ALLIANCE, INCLUDING:

(I) COSTS OF SUSTAINING AND EXPANDING THE ALLIANCE;

(II) POTENTIAL SOURCES OF FUNDING FOR THE ALLIANCE; AND

(III) COMPENSATION AND SUPPORTS FOR SELF-ADVOCATE EDUCATORS.

7-504.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE OPERATION OF THE ~~CENTER~~ ALLIANCE SHALL BE SUPPORTED BY:

(1) APPROPRIATIONS PROVIDED IN THE ANNUAL STATE BUDGET;

(2) GRANTS OR OTHER ASSISTANCE FROM FEDERAL, STATE, OR LOCAL GOVERNMENT; AND

(3) ANY OTHER MONEY MADE AVAILABLE TO THE ~~CENTER~~ ALLIANCE FROM ANY PUBLIC OR PRIVATE SOURCE.

(B) ~~THE GOVERNING BOARD MAY NOT USE MORE THAN 10% OF THE CENTER'S FUNDING FOR INDIRECT COSTS~~ THE OPERATION OF THE ALLIANCE IS SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET.

~~7-505.~~

~~(A) THE GOVERNING BOARD SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 OF EACH YEAR.~~

~~(B) THE REPORT SHALL INCLUDE:~~

~~(1) A LIST OF THE MAJOR ACTIVITIES OF THE CENTER, INCLUDING THE TRAINING ACTIVITIES CARRIED OUT BY SELF-ADVOCATE EDUCATORS;~~

~~(2) A SUMMARY OF THE CENTER'S PROGRESS ON THE GOALS AND OBJECTIVES ESTABLISHED IN THE 3 YEAR PLAN, INCLUDING EVALUATION AND OUTCOME DATA;~~

~~(3) A SUMMARY OF BARRIERS ENCOUNTERED AND LESSONS LEARNED; AND~~

~~(4) AN UPDATE ON THE CURRENT STATUS AND EFFECTIVENESS OF THE CENTER.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 388

(House Bill 1161)

AN ACT concerning

### **Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators**

FOR the purpose of establishing the Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators ~~as an independent unit of State government in the Department of Disabilities;~~ establishing the purpose of the ~~Center Alliance;~~ ~~providing for the location and staffing of the Center;~~ ~~requiring the Center to develop and update a certain plan to establish community inclusion training priorities and goals;~~ ~~specifying other functions and duties of the Center~~ establishing certain requirements for the Alliance; ~~establishing the Governing Board of the Center~~ a Steering Committee for the Alliance; ~~providing for the composition, chair, and staffing of the Governing Board Steering Committee;~~ providing for the appointment and terms of certain members of the Governing Board Steering Committee; ~~prohibiting a member of the Governing Board Steering Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses;~~ providing for the duties of

~~the Governing Board Steering Committee; providing for the funding of the Center Alliance; requiring the Governing Board to make a certain report to the Governor and the General Assembly on or before a certain date each year; defining certain terms; and generally relating to the establishment of the Ethan Saylor Center Alliance for Self-Advocates as Educators.~~

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section ~~7-101(k)~~ 7-101(f) and (k)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 7-202  
Annotated Code of Maryland  
(2007 Volume and 2014 Supplement)~~

BY adding to  
Article – Human Services  
Section 7-501 through ~~7-505~~ 7-504 to be under the new subtitle “Subtitle 5. Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators”  
Annotated Code of Maryland  
(2007 Volume and 2014 Supplement)

#### Preamble

WHEREAS, Over 90,000 Marylanders are individuals with intellectual and developmental disabilities, such as autism, cerebral palsy, and Down syndrome; and

WHEREAS, Individuals with intellectual and developmental disabilities, like all other Marylanders, have the right to full, meaningful, and equal participation in all aspects of community life; and

WHEREAS, Although individuals with intellectual and developmental disabilities may have cognitive challenges, these individuals, when supported and encouraged, are able to use their skills, capabilities, and experiences to make meaningful contributions to their families and communities; and

WHEREAS, The skills, capabilities, and experiences of individuals with intellectual and developmental disabilities are often unrecognized, underestimated, or misunderstood; and

WHEREAS, Many governmental and nongovernmental entities, including law enforcement officials and other first responders, receive limited training about interacting, supporting, and working with individuals with intellectual and developmental disabilities; and

WHEREAS, The lack of knowledge and understanding has a widespread and significant negative impact on the inclusion of individuals with intellectual and developmental disabilities in community life; and

WHEREAS, True inclusion of individuals with intellectual and developmental disabilities, so that the individuals feel welcomed and accepted in their communities, starts with self-advocates having the central role in educating persons that interact with individuals with intellectual and developmental disabilities; and

WHEREAS, On January 12, 2013, Robert Ethan Saylor, a 26-year-old Marylander with an intellectual disability, died in a movie theater in his community in Frederick County; and

WHEREAS, The Governor subsequently created the Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities; and

WHEREAS, The December 2013 report of the Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities recommended the establishment of a new center to prepare, coordinate, and support self-advocates as active educators in training programs on community inclusion and effective communication with individuals with intellectual and developmental disabilities for persons in various sectors across the State, including education, transportation, and health care; now, therefore,

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

### Article – Health – General

7-101.

(f) “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 manifested before the individual attains the age of 22;

(3) Is likely to continue indefinitely;

(4) Results in an inability to live independently without external support or continuing and regular assistance; and

(5) 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.

(k) “Intellectual disability” means a developmental disability that is evidenced by significantly subaverage intellectual functioning and impairment in the adaptive behavior of an individual.

### Article – Human Services

~~7-202.~~

~~(a) An individual has a functional disability if the individual has a severe, chronic disability that:~~

~~(1) is attributable to a mental or physical impairment or a combination of mental and physical impairments, including a head injury;~~

~~(2) is likely to continue indefinitely;~~

~~(3) results in substantial functional limitations in at least three of the following areas of major life activity:~~

~~(i) self-care;~~

~~(ii) receptive and expressive language;~~

~~(iii) learning;~~

~~(iv) mobility;~~

~~(v) self-direction;~~

~~(vi) capacity for independent living; and~~

~~(vii) economic self-sufficiency; and~~

~~(4) reflects the individual’s need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services that are:~~

~~(i) lifelong or of extended duration; and~~

~~(ii) individually planned and coordinated.~~

~~(b) An individual has a developmental disability if the individual has a functional disability that is manifested before the individual attains the age of 22 years.~~

**SUBTITLE 5. ETHAN SAYLOR ~~CENTER~~ ALLIANCE FOR SELF-ADVOCATES AS  
EDUCATORS.**



## 7-501.

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

~~(B) "CENTER" MEANS THE ETHAN SAYLOR CENTER FOR SELF-ADVOCATES AS EDUCATORS.~~

(B) "ALLIANCE" MEANS THE ETHAN SAYLOR ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.

(C) "COMMUNITY INCLUSION" MEANS CIRCUMSTANCES IN WHICH INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES ARE WELCOMED, SUPPORTED, AND INCLUDED IN ALL ASPECTS OF SOCIETY.

(D) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN § 7-101 OF THE HEALTH - GENERAL ARTICLE.

~~(D) "GOVERNING BOARD" MEANS THE GOVERNING BOARD OF THE ETHAN SAYLOR CENTER FOR SELF-ADVOCATES AS EDUCATORS.~~

(E) "INTELLECTUAL DISABILITY" HAS THE MEANING STATED IN ~~§ 7-101(k)~~ 7-101 OF THE HEALTH - GENERAL ARTICLE.

(F) "STEERING COMMITTEE" MEANS THE STEERING COMMITTEE FOR THE ETHAN SAYLOR ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.

## 7-502.

(A) THERE IS AN ETHAN SAYLOR ~~CENTER~~ ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS IN THE DEPARTMENT.

~~(B) THE CENTER IS AN INDEPENDENT UNIT WITHIN STATE GOVERNMENT.~~

~~(C)~~ THE PURPOSE OF THE ~~CENTER~~ ALLIANCE IS TO ADVANCE THE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES BY PREPARING AND SUPPORTING SELF-ADVOCATES TO PLAY A CENTRAL ROLE IN EDUCATING PERSONS ABOUT APPROPRIATE AND EFFECTIVE INTERACTIONS WITH INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES.

~~(D) THE CENTER SHALL BE BASED AT A UNIVERSITY IN THE STATE AS DETERMINED BY THE GOVERNING BOARD.~~

~~(E) (1) THE HEAD OF THE CENTER SHALL BE AN EXECUTIVE DIRECTOR OR CO DIRECTORS, AS DETERMINED AND APPOINTED BY THE GOVERNING BOARD.~~

~~(2) THE EXECUTIVE DIRECTOR OR AT LEAST ONE OF THE CO DIRECTORS SHALL BE AN INDIVIDUAL WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY.~~

~~(F) THE CENTER MAY EMPLOY THE ADDITIONAL STAFF NECESSARY TO CARRY OUT THE CENTER'S FUNCTIONS AS PROVIDED IN THE STATE BUDGET.~~

~~(G) (1) THE CENTER, IN CONSULTATION WITH THE GOVERNING BOARD AND STAKEHOLDERS, SHALL DEVELOP A 3 YEAR PLAN TO ESTABLISH COMMUNITY INCLUSION TRAINING PRIORITIES AND GOALS.~~

~~(2) THE INITIAL PLAN SHALL:~~

~~(I) BE BASED ON A COMPREHENSIVE NEEDS ASSESSMENT, INCLUDING AN ASSESSMENT OF EXISTING TRAINING RESOURCES AND A GAP ANALYSIS;~~

~~(II) CONTINUE AND EXPAND ON THE WORK OF THE COMMISSION FOR EFFECTIVE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES BY PRIORITIZING THE TRAINING NEEDS OF LAW ENFORCEMENT OFFICERS AND OTHER FIRST RESPONDERS; AND~~

~~(III) BE APPROVED BY THE GOVERNING BOARD.~~

~~(3) (I) THE CENTER ANNUALLY SHALL UPDATE THE 3 YEAR PLAN.~~

~~(II) THE UPDATED PLANS MAY FOCUS ON THE TRAINING NEEDS OF ADDITIONAL PUBLIC AND PRIVATE SECTORS SUCH AS COURTS, HEALTH CARE PROVIDERS, SCHOOLS, OR BUSINESSES.~~

~~(H) THE CENTER SHALL PERFORM THE FOLLOWING FUNCTIONS AND DUTIES TO ACHIEVE THE GOALS ESTABLISHED IN THE 3 YEAR PLAN:~~

~~(1) COLLABORATE WITH THE DEPARTMENT OF DISABILITIES, DISABILITY ORGANIZATIONS, COMMUNITY ORGANIZATIONS, SELF ADVOCATES, FAMILIES, AND OTHER STAKEHOLDERS TO IMPLEMENT A COMPREHENSIVE, COORDINATED APPROACH TO IDENTIFYING, PREPARING, AND SUPPORTING INDIVIDUALS TO BE SELF ADVOCATE EDUCATORS;~~

~~(2) IN PARTNERSHIP WITH STAKEHOLDERS;~~

~~(I) IDENTIFY BEST PRACTICES FOR TRAINING TO MEET THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN;~~

~~(II) IF TRAINING RESOURCES TO ADDRESS THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN ALREADY EXIST, CONNECT PERSONS IN THE PRIORITY SECTORS WITH SELF-ADVOCATE EDUCATORS, OR ENTITIES THAT INCLUDE SELF-ADVOCATE EDUCATORS IN A CENTRAL ROLE, TO PROVIDE THE TRAINING;~~

~~(III) IF TRAINING RESOURCES TO ADDRESS THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN DO NOT EXIST:~~

~~1. DEVELOP TRAINING RESOURCES; OR~~

~~2. CONTRACT WITH A PERSON FOR THE DEVELOPMENT OF TRAINING RESOURCES;~~

~~(IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT COMMUNITY INCLUSION, INCLUDING IDENTIFYING OPPORTUNITIES FOR SELF-ADVOCATE EDUCATORS TO PARTICIPATE IN TRAINING PROGRAMS THROUGHOUT STATE GOVERNMENT; AND~~

~~(V) PROVIDE TRAINING WITH SELF-ADVOCATE EDUCATORS IN CENTRAL AND LEADING ROLES;~~

~~(3) IF A PERSON RECEIVING TRAINING DOES NOT PROVIDE NECESSARY SUPPORT SERVICES FOR SELF-ADVOCATE EDUCATORS, PROVIDE OR IDENTIFY SOURCES TO PROVIDE THE SUPPORT SERVICES, INCLUDING COMPENSATION FOR TRAINING ACTIVITIES, TRANSPORTATION, AND OTHER RELATED EXPENSES;~~

~~(4) ESTABLISH A CLEARINGHOUSE TO DISSEMINATE INFORMATION ON BEST PRACTICES, STRATEGIES, AND RESOURCES FOR:~~

~~(I) SELF-ADVOCATES AS EDUCATORS; AND~~

~~(II) THE COMMUNITY INCLUSION TRAINING PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN;~~

~~(5) INITIATE COLLABORATIONS AND FACILITATE COORDINATION AMONG APPROPRIATE GOVERNMENTAL UNITS AND OTHER PERSONS TO LEVERAGE EXISTING RESOURCES FOR TRAINING DELIVERY; AND~~

~~(6) FOSTER COORDINATION AMONG PERSONS THAT HAVE TRAINING NEEDS AND PERSONS THAT PROVIDE TRAINING TO MEET THE PRIORITIES ESTABLISHED IN THE 3 YEAR PLAN.~~

**(C) THE ALLIANCE SHALL:**

**(1) BE GUIDED BY THE STEERING COMMITTEE;**

**(2) BUILD ON THE WORK OF THE COMMISSION FOR EFFECTIVE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES BY PRIORITIZING THE TRAINING NEEDS OF LAW ENFORCEMENT OFFICERS;**

**(3) CONNECT LAW ENFORCEMENT TRAINERS WITH:**

**(I) SELF-ADVOCATE EDUCATORS; OR**

**(II) ENTITIES THAT USE SELF-ADVOCATE EDUCATORS IN A CENTRAL ROLE WHEN PROVIDING TRAINING;**

**(4) IDENTIFY AND SUPPORT THE DEVELOPMENT OF SELF-ADVOCATE EDUCATORS;**

**(5) IDENTIFY RESOURCES NEEDED TO PREPARE AND SUPPORT SELF-ADVOCATE EDUCATORS; AND**

**(6) PROMOTE COLLABORATIVE EFFORTS THAT SUPPORT COMMUNITY INCLUSION.**

**7-503.**

**(A) THERE IS A ~~GOVERNING BOARD OF~~ STEERING COMMITTEE FOR THE CENTER ALLIANCE.**

**(B) THE ~~GOVERNING BOARD~~ STEERING COMMITTEE SHALL INCLUDE THE FOLLOWING MEMBERS:**

**(1) THE SECRETARY ~~OF DISABILITIES~~, OR THE SECRETARY'S DESIGNEE;**

**(2) ~~THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;~~**

~~(3) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE~~ THE SUPERINTENDENT OF THE STATE POLICE, OR THE SUPERINTENDENT'S DESIGNEE;

~~(4)~~ (3) THE EXECUTIVE DIRECTOR OF THE POLICE AND CORRECTIONAL TRAINING COMMISSIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(5) THE EXECUTIVE DIRECTOR OF THE JUDICIAL TRAINING INSTITUTE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(6) THE PUBLIC DEFENDER OF MARYLAND OR THE PUBLIC DEFENDER'S DESIGNEE;~~

~~(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICE SYSTEMS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(8)~~ (4) THE DEPUTY SECRETARY FOR DEVELOPMENTAL DISABILITIES IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DEPUTY SECRETARY'S DESIGNEE; AND

(5) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE SECRETARY:

~~(9)~~ (I) A REPRESENTATIVE OF PEOPLE ON THE GO MARYLAND;

~~(10)~~ (II) A REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL;

~~(11) (III) A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION THAT SUPPORTS~~ TWO REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS THAT SUPPORT PEOPLE WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES; AND

~~(12)~~ (IV) ~~SIX~~ FOUR MEMBERS OF THE PUBLIC WITH KNOWLEDGE OF INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES, INCLUDING AT LEAST TWO SELF-ADVOCATES AND A FAMILY MEMBER OF AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY OR DEVELOPMENTAL DISABILITY, ~~EACH APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;~~

(V) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION; AND

(VI) OTHER MEMBERS DEEMED NECESSARY TO CARRY OUT THE WORK OF THE STEERING COMMITTEE.

~~(C) THE GOVERNOR MAY APPOINT ADDITIONAL MEMBERS BASED ON THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN.~~

~~(D) THE GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.~~

~~(E)~~ (C) A MEMBER APPOINTED BY THE GOVERNOR SECRETARY:

(1) ~~SERVES AT THE PLEASURE OF THE GOVERNOR;~~

~~(2)~~ (2) SERVES FOR A TERM OF 3 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND

~~(3)~~ (2) MAY BE REAPPOINTED ~~BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.~~

~~(F) (1) UNTIL THE CENTER IS ESTABLISHED, THE DEPARTMENT OF DISABILITIES SHALL PROVIDE STAFF FOR THE GOVERNING BOARD.~~

~~(2) AFTER THE CENTER IS ESTABLISHED, THE CENTER SHALL PROVIDE STAFF FOR THE GOVERNING BOARD.~~

~~(G)~~ (D) A MEMBER OF THE ~~GOVERNING BOARD~~ STEERING COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ~~GOVERNING BOARD~~ STEERING COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

~~(H)~~ (E) THE ~~GOVERNING BOARD~~ STEERING COMMITTEE SHALL:

~~(1) DEVELOP AN IMPLEMENTATION PLAN TO PHASE IN THE ESTABLISHMENT AND OPERATION OF THE CENTER;~~

~~(2) SELECT A UNIVERSITY TO OPERATE THE CENTER:~~

~~(I) THROUGH A COMPETITIVE PROCESS; AND~~

~~(H) GIVING CONSIDERATION TO THE EXPERIENCE, KNOWLEDGE, AND CAPACITY OF THE UNIVERSITY;~~

~~(3) PROVIDE GENERAL OVERSIGHT AND DIRECTION TO THE CENTER;~~

~~(4) APPROVE THE ANNUAL BUDGET FOR THE CENTER; AND~~

~~(5) MONITOR AND EVALUATE THE CENTER'S ACTIVITIES AND OUTCOMES.~~

(1) DEVELOP PARAMETERS FOR THE ALLIANCE, INCLUDING EXPECTED OUTCOMES FOR AND EVALUATION OF THE ALLIANCE;

(2) SELECT ENTITIES TO OPERATE THE ALLIANCE THROUGH A COMPETITIVE PROCESS;

(3) PROVIDE GENERAL OVERSIGHT OF THE ALLIANCE;

(4) APPROVE THE BUDGET FOR THE ALLIANCE;

(5) REVIEW THE ALLIANCE'S ACTIVITIES AND OUTCOMES; AND

(6) DEVELOP RECOMMENDATIONS FOR SUSTAINABILITY AND EXPANSION OF THE ALLIANCE, INCLUDING:

(I) COSTS OF SUSTAINING AND EXPANDING THE ALLIANCE;

(II) POTENTIAL SOURCES OF FUNDING FOR THE ALLIANCE; AND

(III) COMPENSATION AND SUPPORTS FOR SELF-ADVOCATE EDUCATORS.

7-504.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE OPERATION OF THE CENTER ALLIANCE SHALL BE SUPPORTED BY:

(1) APPROPRIATIONS PROVIDED IN THE ANNUAL STATE BUDGET;

(2) GRANTS OR OTHER ASSISTANCE FROM FEDERAL, STATE, OR LOCAL GOVERNMENT; AND

(3) ANY OTHER MONEY MADE AVAILABLE TO THE ~~CENTER~~ ALLIANCE FROM ANY PUBLIC OR PRIVATE SOURCE.

(B) ~~THE GOVERNING BOARD MAY NOT USE MORE THAN 10% OF THE CENTER'S FUNDING FOR INDIRECT COSTS~~ THE OPERATION OF THE ALLIANCE IS SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET.

~~7-505.~~

~~(A) THE GOVERNING BOARD SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 OF EACH YEAR.~~

~~(B) THE REPORT SHALL INCLUDE:~~

~~(1) A LIST OF THE MAJOR ACTIVITIES OF THE CENTER, INCLUDING THE TRAINING ACTIVITIES CARRIED OUT BY SELF-ADVOCATE EDUCATORS;~~

~~(2) A SUMMARY OF THE CENTER'S PROGRESS ON THE GOALS AND OBJECTIVES ESTABLISHED IN THE 3-YEAR PLAN, INCLUDING EVALUATION AND OUTCOME DATA;~~

~~(3) A SUMMARY OF BARRIERS ENCOUNTERED AND LESSONS LEARNED; AND~~

~~(4) AN UPDATE ON THE CURRENT STATUS AND EFFECTIVENESS OF THE CENTER.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 389

(Senate Bill 862)

AN ACT concerning

### Maryland Park Service – Operations Revenue – Mandated Appropriation

FOR the purpose of ratifying a certain provision of law that requires the Governor to include in the State budget an appropriation for the Maryland Park Service equal to a certain percentage of revenues attributable to Maryland Park Service operations; requiring the budgeting of certain appropriations to be done after certain administrative costs are allocated; stating the intent of the General Assembly; and generally relating to funding of the Maryland Park Service.

BY repealing and reenacting, ~~without~~ with amendments,  
Article – Natural Resources



Section 5–212(g)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Natural Resources**

5–212.

(g) (1) Subject to paragraph (3) 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 (2) 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 and 2013 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;

- and
- (ii) At least 80% of the REMAINING revenues, for fiscal year 2017;
  - (iii) 100% of the REMAINING revenues, for fiscal year 2018 and each fiscal year thereafter.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly in enacting this Act to ratify the amendments to § 5–212(g) of the Natural Resources Article, as enacted by Chapter 464 of the Acts of the General Assembly of 2014, *as amended by this Act*.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 390

### (Senate Bill 896)

AN ACT concerning

#### **Military Personnel and Veteran–Owned Small Business No–Interest Loan Program and Fund**

FOR the purpose of establishing the Military Personnel and Veteran–Owned Small Business No–Interest Loan Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary of Business and Economic Development to administer the Fund; requiring the Department of Business and Economic Development, in consultation with the Department of Veterans Affairs, in making loans, to give priority to certain businesses under certain circumstances; requiring the Department of Business and Economic Development, in consultation with the Department of Veterans Affairs, in making loans, to consider how to maximize the number of veterans, military reservists, and National Guard personnel who would benefit from loans made under the program; 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; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; defining a certain term; and generally relating to the Military Personnel and Veteran–Owned Small Business No–Interest Loan Program and Fund.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 5–1001, 5–1002, and 5–1006

Annotated Code of Maryland  
(2008 Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Economic Development  
Section ~~5–1002~~ 5–1003 through 5–1005  
Annotated Code of Maryland  
(2008 Volume and 2014 Supplement)

BY adding to  
Article – Economic Development  
Section 5–1006  
Annotated Code of Maryland  
(2008 Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(i)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)81. and 82.  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY adding to  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)83.  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

### **Article – Economic Development**

5–1001.

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

**(B) “FUND” MEANS THE MILITARY PERSONNEL AND VETERAN-OWNED SMALL BUSINESS NO-INTEREST LOAN FUND ESTABLISHED UNDER § 5–1006 OF THIS SUBTITLE.**

**[(b)] (C)** “Service–disabled veteran” means a veteran with a disability that is service–connected, as defined in 38 U.S.C. § 101(16).

**[(c)] (D)** (1) “Small business employer” means an employer who employed an average of 50 or fewer employees on business days during the calendar year preceding the determination of eligibility for a loan under this subtitle.

(2) For purposes of paragraph (1) of this subsection, 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 under this subtitle.

**[(d)] (E)** “Veteran–owned small business” means a small business that is at least 51% owned by a veteran as defined in 38 U.S.C. § 101(2).

5–1002.

**(A)** Subject to the availability of funds, the Department, in consultation with the Department of Veterans Affairs, shall establish a program to provide no–interest loans under this subtitle to:

- (1) small business employers of military reservists and National Guard personnel who are called to active duty;
- (2) businesses owned by military reservists and National Guard personnel who are called to active duty;
- (3) veteran–owned small businesses; and
- (4) businesses employing a service–disabled veteran.

**(B) IF THE AVAILABILITY OF FUNDS IS LIMITED, IN MAKING LOANS UNDER THIS SUBTITLE, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF VETERANS AFFAIRS, SHALL GIVE PRIORITY TO THE BUSINESSES DESCRIBED IN SUBSECTION (A)(2) AND (3) OF THIS SECTION.**

**(C) IN MAKING LOANS UNDER THIS SUBTITLE, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF VETERANS AFFAIRS, SHALL TAKE INTO CONSIDERATION HOW TO MAXIMIZE THE NUMBER OF VETERANS, MILITARY RESERVISTS, AND NATIONAL GUARD PERSONNEL WHO WOULD BENEFIT FROM LOANS MADE UNDER THIS SUBTITLE.**

5–1003.

Loans shall be made under this subtitle for the purposes of:

- (1) providing financial support to:

(i) a business owned by a military reservist or National Guard member who is called to active duty; or

(ii) a small business employer of a military reservist or National Guard member who is called to active duty;

(2) making the home, motor vehicle, or place of employment of a veteran accessible to individuals with disabilities, including purchasing equipment necessary to enable a business to employ a service-disabled veteran or to enable a service-disabled veteran to operate a business; and

(3) defraying other necessary expenses, as determined by the Department of Veterans Affairs, incurred by:

(i) a business employing a service-disabled veteran; or

(ii) a veteran-owned small business.

**5-1004.**

(a) A loan made under this subtitle for the purpose of providing financial support to a business owned by an individual who is called to active duty or to a small business employer of an individual who is called to active duty:

(1) may be made at any time from the individual's receipt of orders to report to 6 months after the end of the individual's active duty; and

(2) shall be subject to criteria for eligibility and priority established by the Department of Veterans Affairs, including the extent to which the individual who is called to active duty is an essential employee of the business.

(b) A loan made under this subtitle for the purpose of making accessible to individuals with disabilities the home, motor vehicle, or place of employment of a service-disabled veteran may be made at any time.

**5-1005.**

(a) The Department shall administer the loan program authorized under this subtitle.

(b) The Department of Veterans Affairs shall establish eligibility criteria for loans under this subtitle.

**5-1006.**

(A) THERE IS A MILITARY PERSONNEL AND VETERAN-OWNED SMALL BUSINESS NO-INTEREST LOAN FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE NO-INTEREST LOANS CONSISTENT WITH THIS SUBTITLE.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 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.

(3) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY THE STATE APPROPRIATES TO THE FUND;

(2) MONEY MADE AVAILABLE TO THE FUND THROUGH FEDERAL PROGRAMS OR PRIVATE CONTRIBUTIONS;

(3) REPAYMENTS FROM LOANS PROVIDED BY THE DEPARTMENT UNDER THIS SUBTITLE;

(4) PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL OF COLLATERAL RELATED TO LOANS PROVIDED BY THE DEPARTMENT UNDER THIS SUBTITLE; AND

(5) ANY OTHER MONEY MADE AVAILABLE TO THE FUND.

(F) THE DEPARTMENT MAY USE MONEY IN THE FUND TO PROVIDE LOANS TO ELIGIBLE APPLICANTS UNDER §§ 5-1002 THROUGH 5-1004 OF THIS SUBTITLE.

[5-1006.] 5-1007.

(a) The Department shall adopt regulations to carry out this subtitle.

(b) The Department of Veterans Affairs may adopt regulations concerning eligibility criteria for loans under this subtitle.

**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:

81. the Cybersecurity Investment Fund; [and]

82. the Northeastern Maryland Additive Manufacturing Innovation Authority Fund; AND

83. THE MILITARY PERSONNEL AND VETERAN-OWNED SMALL BUSINESS NO-INTEREST LOAN FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 391

(Senate Bill 921)

AN ACT concerning

### **Baltimore City – Alcoholic Beverages – Penalties for Sales to Underage Persons**

FOR the purpose of altering the maximum fine that the Baltimore City Board of License Commissioners may impose for a first offense of selling alcoholic beverages to a person under a certain age; and generally relating to penalties for sales of alcoholic beverages to persons under a certain age in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article 2B – Alcoholic Beverages  
 Section 12-108(a)(1)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 16–507(d)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article 2B – Alcoholic Beverages**

12–108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

16–507.

(d) (1) For any violation that is cause for suspension under the alcoholic beverage laws affecting Baltimore City, the Baltimore City Board of License Commissioners may:

**[(1)] (I) [For] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR a first offense, impose a fine of not more than \$500 or suspend the license or both; or**

**[(2)] (II) For any subsequent offense, impose a fine of not more than \$3,000 or suspend the license or both.**

**(2) FOR A FIRST OFFENSE OF SELLING ALCOHOLIC BEVERAGES TO A PERSON UNDER 21 YEARS OF AGE, THE BOARD MAY IMPOSE A FINE OF NOT MORE THAN \$1,000 OR SUSPEND THE LICENSE OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 392****(House Bill 868)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Penalties for Sales to Underage Persons**

FOR the purpose of altering the maximum fine that the Baltimore City Board of License Commissioners may impose for a first offense of selling alcoholic beverages to a person under a certain age; and generally relating to penalties for sales of alcoholic beverages to persons under a certain age in Baltimore City.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 12–108(a)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 16–507(d)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article 2B – Alcoholic Beverages**

12–108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

16–507.

(d) (1) For any violation that is cause for suspension under the alcoholic beverage laws affecting Baltimore City, the Baltimore City Board of License Commissioners may:

[(1)] (I) [For] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR a first offense, impose a fine of not more than \$500 or suspend the license or both; or

[(2)] (II) For any subsequent offense, impose a fine of not more than \$3,000 or suspend the license or both.

(2) FOR A FIRST OFFENSE OF SELLING ALCOHOLIC BEVERAGES TO A PERSON UNDER 21 YEARS OF AGE, THE BOARD MAY IMPOSE A FINE OF NOT MORE THAN \$1,000 OR SUSPEND THE LICENSE OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 393

### (House Bill 9)

AN ACT concerning

#### Maryland ~~Home Birth Safety~~ Licensure of Direct-Entry Midwives Act

FOR the purpose of establishing a licensing and regulatory system for the practice of direct-entry midwifery under the State Board of Nursing; establishing the Direct-Entry Midwifery Advisory Committee within the Board; providing for the composition, qualifications, chair, term, quorum, meeting requirements, compensation, reimbursement, and removal of members of the Committee; providing for the duties of the Committee; requiring the Committee, beginning on a certain date, to submit a certain annual report to the Board; including certain midwives under the jurisdiction of a certain rehabilitation committee; requiring the Board to give certain persons a hearing before taking certain actions; requiring certain midwives to notify certain ~~providers~~ health care practitioners of certain births, transfer certain records, make certain recommendations, develop certain plans for certain patients, obtain certain informed consent agreements that acknowledge certain items from certain patients, comply with certain data collection and reporting requirements, complete and submit certain birth certificates, make certain records and information available to certain individuals, and display a certain notice under certain circumstances; requiring certain midwives to consult with certain health care ~~providers~~ practitioners under certain circumstances, arrange for emergency transfer under certain circumstances, and refer and transfer care of certain patients under certain circumstances, and complete certain forms; authorizing certain licensed direct-entry midwives to continue certain care of certain patients in consultation

with certain health care practitioners; requiring the Committee to review and approve recommend approval to the Board of certain plans; requiring certain plans to be provided to certain hospitals; requiring the Board, in consultation with certain parties, to develop a certain form for use during certain transfers; prohibiting certain midwives from offering a certain service except under certain circumstances requiring the Board, in consultation with stakeholders, to develop a certain consent agreement; requiring, beginning on a certain date, a licensed direct-entry midwife to annually report certain information to the Committee in a certain form; requiring the Committee to maintain the confidentiality of certain reports; requiring the Board to send a certain notice to certain licensed direct-entry midwives under certain circumstances; prohibiting the Board from renewing the license of certain licensed direct-entry midwives, under certain circumstances, or taking other action against certain licensed direct-entry midwives for the failure to submit certain reports; specifying the qualifications for a license to practice direct-entry midwifery; specifying the procedure for applying for a license to practice direct-entry midwifery; requiring the Board to set certain fees for the issuance and renewal of certain licenses and services; requiring the Board to pay certain fees to the Comptroller of the State; requiring the fees to be used for a certain purpose; authorizing the Board to waive certain education and training requirements under certain circumstances; requiring the Board to issue certain licenses and to include a certain designation on each license; requiring the Board to consider certain factors on receipt of certain criminal history record information in making certain determinations; specifying the scope of a license issued under this Act; providing for the expiration and renewal of a license to practice direct-entry midwifery; requiring the Board to send to the licensee a certain renewal notice at a certain time and in a certain manner; requiring certain continuing education, peer review, and data submission as a condition of license renewal; requiring the Board to place certain licensees on inactive status and to reactivate and reinstate certain licenses under certain circumstances; prohibiting the Board from reinstating certain licenses under certain circumstances; requiring certain licensees to submit to additional criminal history records checks at specified intervals; prohibiting certain midwives from surrendering certain licenses except under certain circumstances; prohibiting certain licenses from lapsing by operation of law under certain circumstances; authorizing the Board to set certain conditions to accept the surrender of certain licenses; authorizing the Board to deny certain licenses, reprimand or place on probation certain licensees, or suspend or revoke certain licenses under certain circumstances, subject to certain hearing provisions; authorizing the Board to impose a certain penalty; prohibiting certain individuals from making certain representations or using certain abbreviations or designations unless authorized to practice direct-entry midwifery in the State; prohibiting certain licensees from advertising in a certain manner; providing for the scope of this Act; providing certain health care providers persons with certain immunity from civil liability under certain circumstances; providing certain penalties for the violation of certain provisions of this Act; providing a short title for certain provisions of this Act; subjecting certain provisions of this Act to the Maryland Program Evaluation Act and a certain full evaluation under certain circumstances; specifying the terms of the initial members of the Committee; requiring the Board, beginning on a certain date and every year thereafter, to submit a certain report to certain committees of

~~the General Assembly on or before a certain date regarding the practice of direct entry midwifery in the State; defining certain terms; altering a certain definition definitions; requiring the Committee, with the approval of the Board, to convene a certain workgroup to develop a certain form, a certain consent agreement, and a certain formulary; providing for the composition and duties of the workgroup; requiring the workgroup to report its findings and recommendations to the Board on or before a certain date; requiring the Department of Legislative Services, on or before a certain date, to compile and analyze certain data, report on the data to certain committees of the General Assembly, and provide the data to the Board; requiring the Board to adopt certain regulations on or before a certain date; providing for the termination of certain provisions of this Act under certain circumstances; and generally relating to the licensure and regulation of direct-entry midwives by the State Board of Nursing.~~

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19–301(f)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–208 and 8–317(a)

Annotated Code of Maryland

(2014 Replacement Volume)

BY adding to

Article – Health Occupations

~~Section 8–6C–01, 8–6C–02, 8–6C–02.1, 8–6C–02.2, and 8–6C–03~~ through 8–6C–26  
to be under the new subtitle “Subtitle 6C. Direct–Entry Midwives”; and  
8–701(e–1)

Annotated Code of Maryland

(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–405(b)(3)

Annotated Code of Maryland

(2014 Replacement Volume)

#### ~~Preamble~~

~~WHEREAS, A parent has the responsibility and right to give birth where and with whom the parent chooses; and~~

~~WHEREAS, For personal and economic reasons, some Maryland residents will choose to have home births; and~~

~~WHEREAS, Reproductive health care decisions are best made by individuals and via informed consent processes; and~~

~~WHEREAS, It is understood that childbirth is a culmination of pregnancy and is a natural process rather than an illness; and~~

~~WHEREAS, There is a public interest in preserving the rights of women to deliver children at home, to remove obstacles to safe out-of-hospital deliveries, and to assure quality health care during the birthing of a child at home; and~~

~~WHEREAS, The practice of midwifery has been a part of the culture and tradition of Maryland since the colonial days, and it is in the public interest to remove impediments to the practice of midwifery; and~~

~~WHEREAS, The services of a direct-entry midwife are a reasonable alternative for healthy pregnant women; now, therefore,~~

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

#### **Article – Health – General**

19–301.

(f) “Hospital” means an institution that:

- (1) Has a group of at least 5 physicians who are organized as a medical staff for the institution;
- (2) Maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for 2 or more unrelated individuals; and
- (3) Admits or retains the individuals for overnight care.

#### **Article – Health Occupations**

8–208.

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

(2) “Applicant” means an individual who has submitted an application to the Board to be licensed as a registered nurse, licensed practical nurse, [or] electrologist, **OR CERTIFIED LICENSED DIRECT-ENTRY MIDWIFE** or to be certified as a nursing assistant or medication technician in this State.

(3) “Program” means the rehabilitation program.

- (b) (1) There is a Rehabilitation Committee in the Board.
- (2) The Board may create 1 or more rehabilitation committees.
- (c) (1) The Committee shall consist of 6 members.
- (2) Of the 6 Committee members:
  - (i) 3 shall be licensed registered nurses, who have demonstrated expertise in the field of chemical dependency or psychiatric nursing;
  - (ii) 1 shall be a registered nurse, who has demonstrated expertise in the area of pain management;
  - (iii) 1 shall be a licensed practical nurse; and
  - (iv) 1 shall be a consumer member, who is knowledgeable in the field of chemical dependency.
- (d) (1) The Board shall determine the term of a member of the Committee.
- (2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (3) A Committee 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) The Board may remove a Committee member for incompetence or misconduct.
- (e) (1) The Committee shall elect a chairperson and a vice-chairperson.
- (2) The manner of election of officers shall be as the Committee determines.
- (f) A majority of the members then serving on the Committee Board is a quorum.
- (g) The Committee shall determine the times and places of its meetings.
- (h) Each member of the Committee is entitled to:
  - (1) Compensation in accordance with the State budget; and
  - (2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(i) The Board may employ a staff to carry out the activities of the Committee in accordance with the State budget.

(j) In addition to the powers set forth elsewhere in this subtitle, the Committee may:

(1) Evaluate those nurses, nursing assistants, medication technicians, electrologists, **LICENSED DIRECT-ENTRY MIDWIVES**, or applicants who request participation in the program according to the guidelines prescribed by the Board and consider the recommendations for admission into the program;

(2) Review and designate those treatment facilities and services to which nurses, nursing assistants, medication technicians, electrologists, **LICENSED DIRECT-ENTRY MIDWIVES**, or applicants in the program may be referred;

(3) Receive and review information concerning a nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant participating in the program;

(4) Consider in the case of each nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant participating in a program whether the nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant may with safety continue or resume the practice of nursing or delegated nursing functions [or], electrology, **OR LICENSED DIRECT-ENTRY MIDWIFERY**; and

(5) Have meetings as necessary to consider the requests of nurses, nursing assistants, medication technicians, electrologists, **LICENSED DIRECT-ENTRY MIDWIVES**, or applicants to participate in the program, and consider reports regarding nurses, nursing assistants, medication technicians, electrologists, **LICENSED DIRECT-ENTRY MIDWIVES**, or applicants participating in the program.

(k) In addition to the duties set forth elsewhere in this subtitle, the Committee shall:

(1) Prepare reports to be submitted to the Board; and

(2) Set forth in writing for each nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant participating in the program a rehabilitation program established for that nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant, including the requirements for supervision and surveillance.

(l) The Committee shall inform each nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant who requests participation in the program of:

(1) The procedures followed in the program;

(2) The rights and responsibilities of the nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant in the program; and

(3) The possible results of noncompliance with the program.

(m) (1) Each nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant who requests to participate in the program shall agree to cooperate with the individual rehabilitation program designed by the Committee.

(2) Any failure to comply with the provisions of a rehabilitation program may result in termination of the nurse's, nursing assistant's, medication technician's, electrologist's, **LICENSED DIRECT-ENTRY MIDWIFE'S**, or applicant's participation in the program.

(3) The Committee shall report the name and license number of a nurse [or], electrologist, **OR LICENSED DIRECT-ENTRY MIDWIFE**, the name and certificate number of a nursing assistant or medication technician, or the name of an applicant who is expelled from the program for failure to comply with the conditions of the program.

(4) (i) The program shall transfer to the Board all the records of any nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant expelled from the program.

(ii) The Board may initiate disciplinary action based on the failure of the nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant to comply with the conditions of the program in accordance with the provisions of §§ 8-316 and 8-317 [or], §§ 8-6B-18 and 8-6B-19, **OR 8-6C-20** of this title.

(n) After the Committee has determined that a nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant has been rehabilitated, the Committee shall purge and destroy all records concerning a nurse's, nursing assistant's, medication technician's, electrologist's, **LICENSED DIRECT-ENTRY MIDWIFE'S**, or applicant's participation in the program.

(o) All Board and Committee records of a proceeding concerning the rehabilitation of a nurse, nursing assistant, medication technician, electrologist, **LICENSED DIRECT-ENTRY MIDWIFE**, or applicant in the program are confidential and are not subject to discovery or subpoena in any civil or criminal action.



(p) The Board shall provide for the representation of any person making reports to the Committee or the Board under this section in any action for defamation directly resulting from reports or information given to the Committee or the Board regarding a nurse's, nursing assistant's, medication technician's, electrologist's, LICENSED DIRECT-ENTRY MIDWIFE'S, or applicant's participation in the program.

(q) Beginning July 1, 1990, and on a regular basis thereafter, the Board shall require reports from the Committee. The reports shall include:

(1) Information concerning the number of cases accepted, denied, or terminated with compliance or noncompliance; and

(2) A cost analysis of the program.

8-317.

(a) Except as otherwise provided in the Administrative Procedure Act and in subsection (g) of this section, before the Board takes any action under § 8-312 or § 8-316 of this subtitle or § 8-404 OR § 8-6C-20 of this title, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

#### **SUBTITLE 6C. LICENSED DIRECT-ENTRY MIDWIVES.**

8-6C-01.

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

(B) "ACME" MEANS THE ACCREDITATION COMMISSION FOR MIDWIFERY EDUCATION, OR A SUCCESSOR ORGANIZATION THAT IS AN ACCREDITING AGENCY FOR NURSE-MIDWIFERY AND DIRECT-ENTRY MIDWIFERY EDUCATION PROGRAMS AND IS APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

(C) "AIMM" MEANS THE ASSOCIATION OF INDEPENDENT MIDWIVES OF MARYLAND OR A SUCCESSOR ORGANIZATION THAT IS A PROFESSIONAL ORGANIZATION REPRESENTING INDEPENDENT MIDWIVES IN THE STATE.

(D) "BOARD" MEANS THE STATE BOARD OF NURSING.

~~(E) (1) "CERTIFIED DIRECT-ENTRY MIDWIFE" MEANS AN INDIVIDUAL WHO HAS BEEN GRANTED A LICENSE UNDER THIS SUBTITLE TO PRACTICE DIRECT-ENTRY MIDWIFERY.~~

~~(2) "CERTIFIED DIRECT-ENTRY MIDWIFE" DOES NOT INCLUDE A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE UNDER THIS TITLE.~~

~~(F)~~ (E) “COMMITTEE” MEANS THE DIRECT-ENTRY MIDWIFERY ADVISORY COMMITTEE ESTABLISHED UNDER ~~§ 8-6C-10~~ § 8-6C-11 OF THIS SUBTITLE.

~~(G)~~ (F) “HEALTH CARE PRACTITIONER” MEANS:

(1) AN INDIVIDUAL CERTIFIED AS A NURSE-MIDWIFE OR A NURSE PRACTITIONER UNDER THIS TITLE; OR

(2) A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE; ~~OR~~

~~(3) A PHYSICIAN ASSISTANT LICENSED UNDER TITLE 15 OF THIS ARTICLE.~~

~~(H)~~ (G) (1) “HEALTH CARE PROVIDER” MEANS A HEALTH CARE PRACTITIONER OR A HOSPITAL.

(2) “HEALTH CARE PROVIDER” INCLUDES AGENTS OR EMPLOYEES OF A HEALTH CARE PRACTITIONER OR A HOSPITAL.

~~(I)~~ (H) “HOSPITAL” HAS THE MEANING STATED IN § 19-301 OF THE HEALTH – GENERAL ARTICLE.

~~(J)~~ (I) “LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A LICENSE ISSUED BY THE BOARD TO PRACTICE DIRECT-ENTRY MIDWIFERY.

(J) (1) “LICENSED DIRECT-ENTRY MIDWIFE” MEANS AN INDIVIDUAL WHO HAS BEEN GRANTED A LICENSE UNDER THIS SUBTITLE TO PRACTICE DIRECT-ENTRY MIDWIFERY.

(2) “LICENSED DIRECT-ENTRY MIDWIFE” DOES NOT INCLUDE A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE UNDER THIS TITLE.

(K) “LOW-RISK PREGNANCY” MEANS A PREGNANCY, LABOR, AND DELIVERY AND POSTPARTUM, NEWBORN, AND ~~INTERCONCEPTUAL~~ INTERCONCEPTIONAL CARE THAT DOES NOT INCLUDE A CONDITION THAT REQUIRES A MANDATORY TRANSFER UNDER ~~REGULATIONS ADOPTED BY THE BOARD~~ UNDER § 8-6C-03.

~~(L) “MANA” MEANS THE MIDWIVES ALLIANCE OF NORTH AMERICA, OR A SUCCESSOR ORGANIZATION THAT IS A PROFESSIONAL MEMBERSHIP ORGANIZATION THAT PROMOTES EXCELLENCE IN MIDWIFERY PRACTICE.~~

~~(M)~~ ~~“MANA STATS” MEANS THE WEB-BASED PROSPECTIVE STATISTICS REPORTING SYSTEM HOUSED BY MANA, OR A SUCCESSOR NATIONAL, HIGH-QUALITY STATISTICS REPORTING SYSTEM SPECIFIED BY THE BOARD.~~

~~(N)~~ (L) “MEAC” MEANS THE MIDWIFERY EDUCATION AND ACCREDITATION COUNCIL, OR A SUCCESSOR ORGANIZATION THAT IS A NATIONAL ACCREDITATION AGENCY FOR MIDWIFERY EDUCATION APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

~~(O)~~ (M) “NARM” MEANS THE NORTH AMERICAN REGISTRY OF MIDWIVES, OR A SUCCESSOR ORGANIZATION THAT IS AN INTERNATIONAL CERTIFICATION AGENCY THAT ESTABLISHES AND ADMINISTERS CERTIFICATION FOR THE CERTIFIED PROFESSIONAL MIDWIFE CREDENTIAL.

~~(P)~~ (N) (1) “PATIENT” MEANS A WOMAN FOR WHOM A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE PERFORMS SERVICES.

(2) “PATIENT” INCLUDES A WOMAN’S NEWBORN FOR THE PURPOSE OF PERINATAL OR POSTPARTUM CARE.

~~(Q)~~ (O) “POSTPARTUM PERIOD” MEANS THE FIRST 6 WEEKS AFTER DELIVERY.

~~(R)~~ (P) (1) “PRACTICE DIRECT-ENTRY MIDWIFERY” MEANS:

(I) PROVIDING ~~PRIMARY~~ MATERNITY CARE THAT IS CONSISTENT WITH A MIDWIFE’S TRAINING, EDUCATION, AND EXPERIENCE ~~TO PATIENTS THROUGHOUT THE CHILDBEARING CYCLE;~~ AND

(II) IDENTIFYING AND REFERRING PATIENTS WHO REQUIRE MEDICAL CARE TO AN APPROPRIATE HEALTH CARE PROVIDER.

(2) “PRACTICE DIRECT-ENTRY MIDWIFERY” INCLUDES THE ACTIVITIES DESCRIBED IN § 8-6C-02 OF THIS SUBTITLE.

8-6C-02.

(A) THE PRACTICE OF DIRECT-ENTRY MIDWIFERY INCLUDES:

(1) PROVIDING THE NECESSARY SUPERVISION, CARE, AND ADVICE TO A PATIENT DURING A LOW-RISK PREGNANCY, LABOR, DELIVERY, AND POSTPARTUM PERIOD; AND

(2) NEWBORN CARE ~~DESCRIBED UNDER § 8-6C-06 OF~~ AUTHORIZED UNDER THIS SUBTITLE, THAT IS PROVIDED IN A MANNER THAT IS:

(I) CONSISTENT WITH NATIONAL DIRECT-ENTRY MIDWIFERY STANDARDS; AND

(II) BASED ON THE ACQUISITION OF CLINICAL SKILLS NECESSARY FOR THE CARE OF PREGNANT WOMEN AND NEWBORNS, INCLUDING ANTEPARTUM, INTRAPARTUM, AND POSTPARTUM CARE.

(B) THE PRACTICE OF DIRECT-ENTRY MIDWIFERY ALSO INCLUDES:

(1) OBTAINING INFORMED CONSENT TO PROVIDE SERVICES TO THE PATIENT;

(2) DISCUSSING:

(I) ANY GENERAL RISK FACTORS ASSOCIATED WITH THE SERVICES TO BE PROVIDED;

(II) ANY SPECIFIC RISK FACTORS PERTAINING TO THE HEALTH AND CIRCUMSTANCES OF THE INDIVIDUAL PATIENT;

(III) CONDITIONS THAT PRECLUDE CARE BY A LICENSED DIRECT-ENTRY MIDWIFE; AND

(IV) THE CONDITIONS UNDER WHICH CONSULTATION, TRANSFER OF CARE, OR TRANSPORT OF THE PATIENT MUST BE IMPLEMENTED;

~~(2)~~ (3) OBTAINING A HEALTH HISTORY OF THE PATIENT, ~~INCLUDING~~ AND PERFORMING A PHYSICAL EXAMINATION;

~~(3)~~ (4) DEVELOPING A WRITTEN PLAN OF CARE SPECIFIC TO THE PATIENT, TO ENSURE CONTINUITY OF CARE THROUGHOUT THE ANTEPARTUM, INTRAPARTUM, AND POSTPARTUM PERIODS, THAT INCLUDES:

(I) ~~ANY GENERAL RISK FACTORS ASSOCIATED WITH THE SERVICES TO BE PROVIDED;~~

~~(II)~~ ANY A PLAN FOR THE MANAGEMENT OF ANY SPECIFIC RISK FACTORS PERTAINING TO THE INDIVIDUAL HEALTH AND CIRCUMSTANCES OF THE INDIVIDUAL PATIENT; AND

~~(III) THE CONDITIONS UNDER WHICH CONSULTATION, TRANSFER OF CARE, OR TRANSPORT OF THE PATIENT MAY BE IMPLEMENTED; AND~~

~~(IV)~~ (II) A PLAN TO BE FOLLOWED IN THE EVENT OF AN EMERGENCY, INCLUDING A PLAN FOR TRANSPORTATION;

~~(4)~~ (5) EVALUATING THE RESULTS OF PATIENT CARE;

~~(5)~~ (6) CONSULTING AND COLLABORATING WITH A HEALTH CARE PRACTITIONER REGARDING THE CARE OF A PATIENT, AND REFERRING AND TRANSFERRING CARE TO, A HEALTH CARE PROVIDER, AS REQUIRED;

~~(6)~~ (7) REFERRAL OF ALL PATIENTS, ~~PRIOR TO~~ WITHIN 72 HOURS AFTER DELIVERY, TO A PEDIATRIC HEALTH CARE PROVIDER PRACTITIONER FOR CARE OF THE NEWBORN;

~~(7)~~ (8) ~~AS RECOMMENDED BY THE COMMITTEE AND~~ APPROVED BY THE BOARD:

(I) OBTAINING AND ADMINISTERING MEDICATIONS; AND

(II) OBTAINING AND USING EQUIPMENT AND DEVICES;

~~(8)~~ (9) OBTAINING APPROPRIATE SCREENING AND TESTING, INCLUDING LABORATORY TESTS, URINALYSIS, AND ULTRASOUND;

~~(9)~~ (10) PROVIDING PRENATAL CARE DURING THE ANTEPARTUM PERIOD, WITH CONSULTATION OR REFERRAL AS REQUIRED;

~~(10)~~ (11) PROVIDING CARE DURING THE INTRAPARTUM PERIOD, INCLUDING:

(I) MONITORING AND EVALUATING THE CONDITION OF THE PATIENT AND FETUS;

(II) AT THE ONSET OF ACTIVE LABOR NOTIFYING THE PEDIATRIC HEALTH CARE PRACTITIONER THAT DELIVERY IS IMMINENT;

~~(II)~~ (III) PERFORMING EMERGENCY PROCEDURES, INCLUDING:

1. ADMINISTERING APPROVED MEDICATIONS;

2. ADMINISTERING INTRAVENOUS FLUIDS FOR STABILIZATION;

3. PERFORMING AN EMERGENCY EPISIOTOMY; AND

4. PROVIDING CARE WHILE ON THE WAY TO A HOSPITAL UNDER CIRCUMSTANCES IN WHICH EMERGENCY MEDICAL SERVICES HAVE NOT BEEN ACTIVATED; AND

(IV) ACTIVATING EMERGENCY MEDICAL SERVICES FOR AN EMERGENCY; AND

~~(III)~~ (V) DELIVERING IN AN OUT-OF-HOSPITAL SETTING;

~~(11)~~ (12) PARTICIPATING IN PEER REVIEW AS REQUIRED UNDER § 8-6C-18(E)(1)(II) OF THIS SUBTITLE;

~~(12)~~ (13) PROVIDING CARE DURING THE POSTPARTUM PERIOD, INCLUDING:

~~(i) WITH THE ADMINISTRATION OF A LOCAL ANESTHETIC;~~

~~1. SUTURING OF FIRST AND SECOND DEGREE PERINEAL OR LABIAL LACERATIONS; AND~~

~~2. PERFORMING AN EPISIOTOMY; AND~~

(I) SUTURING OF FIRST AND SECOND DEGREE PERINEAL OR LABIAL LACERATIONS, OR SUTURING OF AN EPISIOTOMY WITH THE ADMINISTRATION OF A LOCAL ANESTHETIC; AND

(II) MAKING FURTHER CONTACT WITH THE PATIENT WITHIN 48 HOURS, WITHIN 2 WEEKS, AND AT 6 WEEKS AFTER THE DELIVERY TO ASSESS FOR HEMORRHAGE, PREECLAMPSIA, THROMBO-EMBOLISM, INFECTION, AND EMOTIONAL WELL-BEING;

~~(13)~~ (14) PROVIDING ROUTINE CARE FOR THE NEWBORN FOR UP TO 72 HOURS AFTER DELIVERY, EXCLUSIVE OF ADMINISTERING IMMUNIZATIONS, INCLUDING:

(I) IMMEDIATE CARE AT BIRTH, INCLUDING RESUSCITATING AS NEEDED, PERFORMING A NEWBORN EXAMINATION, AND ADMINISTERING INTRAMUSCULAR VITAMIN K AND EYE OINTMENT FOR PREVENTION OF OPHTHALMIA NEONATORUM; ~~AND~~

~~(H) 1. SUBJECT TO ITEM 2 OF THIS ITEM, PERFORMING CRITICAL CONGENITAL HEART DISEASE SCREENING, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD, ON A NEWBORN BETWEEN 24 HOURS AND 48 HOURS AFTER DELIVERY; OR~~

~~2. IF UNABLE TO PERFORM THE SCREENING UNDER ITEM 1 OF THIS ITEM, REFERRING THE NEWBORN TO A HEALTH CARE PROVIDER TO PERFORM THE SCREENING BETWEEN 24 HOURS AND 48 HOURS AFTER DELIVERY;~~

(II) ASSESSING NEWBORN FEEDING AND HYDRATION;

(III) PERFORMING METABOLIC SCREENING AND REPORTING ON THE SCREENING IN ACCORDANCE WITH THE REGULATIONS RELATED TO NEWBORN SCREENINGS THAT ARE ADOPTED BY THE DEPARTMENT;

(IV) PERFORMING CRITICAL CONGENITAL HEART DISEASE SCREENING AND REPORTING ON THE SCREENING IN ACCORDANCE WITH THE REGULATIONS RELATED TO NEWBORN SCREENINGS THAT ARE ADOPTED BY THE DEPARTMENT;

(V) IF UNABLE TO PERFORM THE SCREENING REQUIRED UNDER ITEM (III) OR (IV) OF THIS ITEM, REFERRING THE NEWBORN TO A PEDIATRIC HEALTH CARE PRACTITIONER TO PERFORM THE SCREENING WITHIN 24 TO 48 HOURS AFTER DELIVERY; AND

(VI) REFERRING THE INFANT TO AN AUDIOLOGIST FOR A HEARING SCREENING IN ACCORDANCE WITH THE REGULATIONS RELATED TO NEWBORN SCREENINGS THAT ARE ADOPTED BY THE DEPARTMENT;

~~(14)~~ (15) WITHIN 24 HOURS AFTER DELIVERY;

~~(I)~~ NOTIFYING, NOTIFYING A PEDIATRIC HEALTH CARE PROVIDER PRACTITIONER OF THE DELIVERY;

(16) WITHIN 72 HOURS AFTER DELIVERY:

~~(H) (I)~~ TRANSFERRING HEALTH RECORDS TO THE PEDIATRIC HEALTH CARE PROVIDER PRACTITIONER, INCLUDING DOCUMENTATION OF THE PERFORMANCE OF THE SCREENINGS REQUIRED UNDER ITEM (14)(III) AND (IV) OF THIS SUBSECTION; AND

~~(H) (II)~~ RECOMMENDING TO THE PATIENT THAT REFERRING THE NEWBORN BE SEEN BY TO A PEDIATRIC HEALTH CARE PROVIDER PRACTITIONER WITHIN 24 HOURS AFTER DELIVERY;

~~(15)~~ **(17) PROVIDING THE FOLLOWING CARE OF THE NEWBORN AFTER BEYOND THE FIRST 72 HOURS AFTER DELIVERY:**

(I) **WEIGHT CHECKS AND GENERAL OBSERVATION OF THE NEWBORN'S ACTIVITY, WITH ABNORMAL FINDINGS COMMUNICATED TO THE NEWBORN'S PEDIATRIC HEALTH CARE PROVIDER PRACTITIONER;**

(II) ~~REFERRAL FOR METABOLIC SCREENING, CRITICAL CONGENITAL HEART DISEASE SCREENING, AND HEARING SCREENING; AND ASSESSMENT OF NEWBORN FEEDING AND HYDRATION; AND~~

(III) **BREASTFEEDING SUPPORT AND COUNSELING; AND**

~~(16)~~ **(18) PROVIDING LIMITED SERVICES TO THE PATIENT AFTER THE POSTPARTUM PERIOD, INCLUDING:**

(I) **BREASTFEEDING SUPPORT AND COUNSELING; AND**

(II) **COUNSELING AND REFERRAL ~~AS NECESSARY~~ FOR ALL FAMILY PLANNING METHODS, ~~INCLUDING:~~**

~~1. STERILIZATION; AND~~

~~2. LONG-ACTING REVERSIBLE CONTRACEPTIVES.~~

(C) **THE PRACTICE OF DIRECT-ENTRY MIDWIFERY DOES NOT INCLUDE:**

(1) **PHARMACOLOGICAL INDUCTION OR AUGMENTATION OF LABOR OR ARTIFICIAL RUPTURE OF MEMBRANES PRIOR TO THE ONSET OF LABOR;**

(2) **SURGICAL DELIVERY OR ANY SURGERY EXCEPT AN EMERGENCY EPISIOTOMY;**

(3) **USE OF FORCEPS OR VACUUM EXTRACTOR;**

(4) **EXCEPT FOR THE ADMINISTRATION OF A LOCAL ANESTHETIC, ADMINISTRATION OF AN ANESTHETIC;**

(5) **ADMINISTRATION OF ANY KIND OF NARCOTIC ANALGESIC; OR**

(6) **ADMINISTRATION OF ANY PRESCRIPTION MEDICATION IN A MANNER THAT VIOLATES THIS SUBTITLE.**



A LICENSED DIRECT-ENTRY MIDWIFE MAY NOT ASSUME OR CONTINUE TO TAKE RESPONSIBILITY FOR A PATIENT'S PREGNANCY AND BIRTH CARE AND SHALL ARRANGE FOR THE ORDERLY TRANSFER OF CARE TO A HEALTH CARE PRACTITIONER FOR A PATIENT WHO IS ALREADY UNDER THE CARE OF THE LICENSED DIRECT-ENTRY MIDWIFE, IF A HISTORY OF ANY OF THE FOLLOWING DISORDERS OR SITUATIONS IS FOUND TO BE PRESENT AT THE INITIAL INTERVIEW OR IF ANY OF THE FOLLOWING DISORDERS OR SITUATIONS BECOME APPARENT THROUGH A PATIENT HISTORY, AN EXAMINATION, OR IN A LABORATORY REPORT AS PRENATAL CARE PROCEEDS:

- (1) DIABETES MELLITUS, INCLUDING UNCONTROLLED GESTATIONAL DIABETES;
- (2) HYPERTHYROIDISM TREATED WITH MEDICATION;
- (3) UNCONTROLLED HYPOTHYROIDISM;
- (4) EPILEPSY WITH SEIZURES OR ANTI-EPILEPTIC DRUG USE DURING THE PREVIOUS 12 MONTHS;
- (5) COAGULATION DISORDERS;
- (6) CHRONIC PULMONARY DISEASE;
- (7) HEART DISEASE IN WHICH THERE ARE ARRHYTHMIAS OR MURMURS EXCEPT WHEN, AFTER EVALUATION, IT IS THE OPINION OF A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE OR A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE OR A NURSE PRACTITIONER UNDER THIS TITLE THAT MIDWIFERY CARE MAY PROCEED;
- (8) HYPERTENSION, INCLUDING PREGNANCY-INDUCED HYPERTENSION (PIH);
- (9) RENAL DISEASE;
- (10) EXCEPT AS OTHERWISE PROVIDED IN § 8-6C-04(A)(11) OF THIS SUBTITLE, RH SENSITIZATION WITH POSITIVE ANTIBODY TITER;
- (11) PREVIOUS UTERINE SURGERY, INCLUDING A CESAREAN SECTION OR MYOMECTOMY;
- (12) INDICATIONS THAT THE FETUS HAS DIED IN UTERO;

- (13) PREMATURE LABOR (GESTATION LESS THAN 37 WEEKS);**
- (14) MULTIPLE GESTATION;**
- (15) NONCEPHALIC PRESENTATION AT OR AFTER 38 WEEKS;**
- (16) PLACENTA PREVIA OR ABRUPTION;**
- (17) PREECLAMPSIA;**
- (18) SEVERE ANEMIA, DEFINED AS HEMOGLOBIN LESS THAN 10 G/DL;**
- (19) UNCOMMON DISEASES AND DISORDERS, INCLUDING ADDISON’S DISEASE, CUSHING’S DISEASE, SYSTEMIC LUPUS ERYTHEMATOSUS, ANTIPHOSPHOLIPID SYNDROME, SCLERODERMA, RHEUMATOID ARTHRITIS, PERIARTERITIS NODOSA, MARFAN’S SYNDROME, AND OTHER SYSTEMIC AND RARE DISEASES AND DISORDERS;**
- (20) AIDS/HIV;**
- (21) HEPATITIS A THROUGH G AND NON-A THROUGH G;**
- (22) ACUTE TOXOPLASMOSIS INFECTION, IF THE PATIENT IS SYMPTOMATIC;**
- (23) ACUTE RUBELLA INFECTION DURING PREGNANCY;**
- (24) ACUTE CYTOMEGALOVIRUS INFECTION, IF THE PATIENT IS SYMPTOMATIC;**
- (25) ACUTE PARVOVIRUS INFECTION, IF THE PATIENT IS SYMPTOMATIC;**
- (26) ALCOHOL ABUSE, SUBSTANCE ABUSE, OR PRESCRIPTION ABUSE DURING PREGNANCY;**
- (27) CONTINUED DAILY TOBACCO USE INTO THE SECOND TRIMESTER;**
- (28) THROMBOSIS;**
- (29) INFLAMMATORY BOWEL DISEASE THAT IS NOT IN REMISSION;**
- (30) HERPES SIMPLEX VIRUS, PRIMARY GENITAL INFECTION DURING PREGNANCY, OR ACTIVE GENITAL LESIONS AT THE TIME OF DELIVERY;**

- (31) SIGNIFICANT FETAL CONGENITAL ANOMALY;
- (32) ECTOPIC PREGNANCY;
- (33) PREPREGNANCY BODY MASS INDEX (BMI) OF LESS THAN 18.5 OR 35 OR MORE; OR
- (34) POST TERM MATURITY (GESTATIONAL AGE 42 0/7 WEEKS AND BEYOND).

8-6C-04.

(A) A LICENSED DIRECT-ENTRY MIDWIFE SHALL CONSULT WITH A HEALTH CARE PRACTITIONER, AND DOCUMENT THE CONSULTATION, THE RECOMMENDATIONS OF THE CONSULTATION, AND THE DISCUSSION OF THE CONSULTATION WITH THE CLIENT, IF ANY OF THE FOLLOWING CONDITIONS ARE PRESENT DURING PRENATAL CARE:

- (1) SIGNIFICANT MENTAL DISEASE, INCLUDING DEPRESSION, BIPOLAR DISORDER, SCHIZOPHRENIA, AND OTHER CONDITIONS THAT IMPAIR THE ABILITY OF THE PATIENT TO PARTICIPATE EFFECTIVELY IN THE PATIENT'S CARE OR THAT REQUIRE THE USE OF PSYCHOTROPIC DRUGS TO CONTROL THE CONDITION;
- (2) SECOND OR THIRD TRIMESTER BLEEDING;
- (3) INTERMITTENT USE OF ALCOHOL INTO THE SECOND TRIMESTER;
- (4) ASTHMA;
- (5) DIET-CONTROLLED GESTATIONAL DIABETES;
- (6) HISTORY OF GENETIC PROBLEMS, INTRAUTERINE DEATH AFTER 20 WEEKS' GESTATION, OR STILLBIRTH;
- (7) ABNORMAL PAP SMEAR;
- (8) POSSIBLE ECTOPIC PREGNANCY;
- (9) TUBERCULOSIS;
- (10) CONTROLLED HYPOTHYROIDISM, BEING TREATED WITH THYROID REPLACEMENT AND EUTHYROID, AND WITH THYROID TEST NUMBERS IN THE NORMAL RANGE;

- (11) RH SENSITIZATION WITH POSITIVE ANTIBODY TITER;
- (12) BREECH PRESENTATION BETWEEN 35 AND 38 WEEKS;
- (13) TRANSVERSE LIE OR OTHER ABNORMAL PRESENTATION BETWEEN 35 AND 38 WEEKS;
- (14) PREMATURE RUPTURE OF MEMBRANES AT 37 WEEKS OR LESS;
- (15) SMALL FOR GESTATIONAL AGE OR LARGE FOR GESTATIONAL AGE FETUS;
- (16) POLYHYDRAMNIOS OR OLIGOHYDRAMNIOS;
- (17) PREVIOUS LEEP PROCEDURE OR CONE BIOPSY;
- (18) PREVIOUS OBSTETRICAL PROBLEMS, INCLUDING UTERINE ABNORMALITIES, PLACENTAL ABRUPTION, PLACENTA ACCRETA, OBSTETRIC HEMORRHAGE, INCOMPETENT CERVIX, OR PRETERM DELIVERY FOR ANY REASON;
- (19) POSTTERM MATURITY (41 0/7 TO 6/7 WEEKS GESTATIONAL AGE);
- (20) INFLAMMATORY BOWEL DISEASE, IN REMISSION; OR
- (21) HERPES SIMPLEX VIRUS, PRIMARY INFECTION OR ACTIVE INFECTION AT TIME OF DELIVERY.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A LICENSED DIRECT-ENTRY MIDWIFE SHALL ARRANGE IMMEDIATE EMERGENCY TRANSFER TO A HOSPITAL IF:

- (1) THE PATIENT REQUESTS TRANSFER; OR
- (2) THE PATIENT OR NEWBORN IS DETERMINED TO HAVE ANY OF THE FOLLOWING CONDITIONS DURING LABOR, DELIVERY, OR THE IMMEDIATE POSTPARTUM PERIOD:
  - (i) UNFORESEEN NONCEPHALIC PRESENTATION;
  - (ii) UNFORESEEN MULTIPLE GESTATION;
  - (iii) NONREASSURING FETAL HEART RATE OR PATTERN, INCLUDING TACHYCARDIA, BRADYCARDIA, SIGNIFICANT CHANGE IN BASELINE, AND PERSISTENT LATE OR SEVERE VARIABLE DECELERATIONS;

(IV) PROLAPSED CORD;

(V) UNRESOLVED MATERNAL HEMORRHAGE;

(VI) RETAINED PLACENTA;

(VII) SIGNS OF FETAL OR MATERNAL INFECTION;

(VIII) PATIENT WITH A THIRD OR FOURTH DEGREE LACERATION OR A LACERATION BEYOND THE LICENSED DIRECT-ENTRY MIDWIFE'S ABILITY TO REPAIR;

(IX) APGAR OF LESS THAN SEVEN AT 5 MINUTES;

(X) OBVIOUS CONGENITAL ANOMALIES;

(XI) NEED FOR CHEST COMPRESSIONS DURING NEONATAL RESUSCITATION;

(XII) NEWBORN WITH PERSISTENT CENTRAL CYANOSIS;

(XIII) NEWBORN WITH PERSISTENT GRUNTING AND RETRACTIONS;

(XIV) NEWBORN WITH ABNORMAL VITAL SIGNS;

(XV) GROSS OR THICK MECONIUM STAINING, WHEN DISCOVERED; OR

(XVI) NEWBORN WITH EXCESSIVE DEHYDRATION DUE TO INABILITY TO FEED.

(C) IF TRANSFER IS NOT POSSIBLE BECAUSE OF IMMINENT DELIVERY, THE LICENSED DIRECT-ENTRY MIDWIFE SHALL CONSULT WITH A HEALTH CARE PROVIDER FOR GUIDANCE ON FURTHER MANAGEMENT OF THE PATIENT AND TO DETERMINE WHEN TRANSFER MAY BE SAFELY ARRANGED, IF REQUIRED.

(D) (1) A LICENSED DIRECT-ENTRY MIDWIFE SHALL IMMEDIATELY TRANSFER THE CARE OF A PATIENT TO A HEALTH CARE PROVIDER FOR THE TREATMENT OF ANY SIGNIFICANT POSTPARTUM MORBIDITY, INCLUDING:

(I) UNCONTROLLED POSTPARTUM HEMORRHAGE;

(II) PREECLAMPSIA;

(III) THROMBO-EMBOLISM;

(IV) AN INFECTION; OR

(V) A POSTPARTUM MENTAL HEALTH DISORDER.

(2) A LICENSED DIRECT-ENTRY MIDWIFE WHO IS REQUIRED TO TRANSFER CARE OF A PATIENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CONTINUE OTHER ASPECTS OF POSTPARTUM CARE IN CONSULTATION WITH THE TREATING HEALTH CARE PRACTITIONER.

~~§ 6C-03.~~ § 6C-05.

AT THE TIME OF DELIVERY, A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL BE ASSISTED BY A SECOND INDIVIDUAL WHO:

(1) HAS COMPLETED THE AMERICAN ACADEMY OF PEDIATRICS/AMERICAN HEART ASSOCIATION NEONATAL RESUSCITATION PROGRAM (NRP) WITHIN THE PREVIOUS 2 YEARS; AND

(2) HAS THE SKILLS AND EQUIPMENT NECESSARY TO PERFORM A FULL RESUSCITATION OF THE NEWBORN IN ACCORDANCE WITH THE PRINCIPLES OF NRP.

~~§ 6C-04.~~ § 6C-06.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE DIRECT-ENTRY MIDWIFERY IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN INDIVIDUAL WHO ASSISTS AT A BIRTH IN AN EMERGENCY;

(2) AN INDIVIDUAL WHO IS LICENSED AS A HEALTH CARE PRACTITIONER ~~AND WHOSE SCOPE OF PRACTICE AUTHORIZES THE~~ ALLOWS THE INDIVIDUAL TO PRACTICE ~~OF~~ DIRECT-ENTRY MIDWIFERY; OR

(3) A STUDENT WHO IS PRACTICING DIRECT-ENTRY MIDWIFERY WHILE ENGAGED IN AN APPROVED CLINICAL MIDWIFE EDUCATIONAL EXPERIENCE UNDER THE SUPERVISION OF A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE.

~~§ 6C-05.~~ § 6C-07.

(A) IF A PATIENT CHOOSES TO GIVE BIRTH AT HOME IN A SITUATION PROHIBITED BY THIS SUBTITLE OR IN WHICH A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE RECOMMENDS TRANSFER, THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL:

(1) TRANSFER CARE OF THE PATIENT AND THE PATIENT'S FAMILY TO AN ALTERNATIVE A HEALTH CARE PROVIDER PRACTITIONER; AND

(2) COMPLETE THE STANDARD FORM DEVELOPED UNDER § 8-6C-08(E) OF THIS SUBTITLE AND SUBMIT THE COMPLETED FORM TO THE ACCEPTING HEALTH CARE PRACTITIONER; AND

~~(2)~~ (3) CEASE TO TAKE RESPONSIBILITY FOR THE PATIENT'S PREGNANCY CARE WITHIN 1 WEEK AFTER PROVIDING THE REFERRAL AFTER THE TRANSFER.

(B) IF BIRTH IS IMMINENT AND THE PATIENT REFUSES TO BE TRANSFERRED AFTER THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE DETERMINES THAT A TRANSFER IS NECESSARY, THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL ~~CALL~~:

(1) CALL 9-1-1 AND REMAIN WITH THE PATIENT UNTIL EMERGENCY SERVICES PERSONNEL ARRIVE; AND

(2) TRANSFER CARE AND GIVE A VERBAL REPORT OF THE CARE PROVIDED TO THE EMERGENCY MEDICAL SERVICES PROVIDERS.

~~§ 6C-06.~~ § 6C-08.

(A) A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL DEVELOP A GENERAL WRITTEN PLAN FOR THEIR PRACTICE FOR:

(1) EMERGENCY TRANSFER OF A PATIENT, NEWBORN, OR BOTH;

(2) TRANSPORT OF A NEWBORN TO A NEWBORN NURSERY OR NEONATAL INTENSIVE CARE NURSERY; AND

(3) TRANSPORT OF A PATIENT TO AN APPROPRIATE HOSPITAL WITH A LABOR AND DELIVERY UNIT.

(B) THE COMMITTEE SHALL REVIEW AND ~~APPROVE~~ RECOMMEND APPROVAL TO THE BOARD OF THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(C) THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO ANY HOSPITAL IDENTIFIED IN THE PLAN.

(D) (1) IN ADDITION TO THE GENERAL WRITTEN PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL PREPARE A PLAN THAT IS SPECIFIC TO EACH PATIENT AND SHARE THE PLAN WITH THE PATIENT.

(2) THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCLUDE PROCEDURES AND PROCESSES TO BE UNDERTAKEN IN THE EVENT OF AN EMERGENCY FOR THE MOTHER, THE NEWBORN, OR BOTH;

(II) IDENTIFY THE HOSPITAL CLOSEST TO THE ADDRESS OF THE PLANNED HOME BIRTH THAT HAS A LABOR AND DELIVERY UNIT;

(III) INCLUDE A CARE PLAN FOR THE NEWBORN; AND

(IV) IDENTIFY THE PEDIATRIC HEALTH CARE PRACTITIONER WHO WILL BE NOTIFIED AFTER DELIVERY IN ACCORDANCE WITH § 8-6C-02(B)(15) OF THIS SUBTITLE TO RECEIVE THE TRANSFER OF CARE OF THE NEWBORN.

(E) (1) THE BOARD, IN CONSULTATION WITH STAKEHOLDERS, SHALL DEVELOP A ~~SINGLE-UNIFORM~~ STANDARD FORM FOR USE IN ALL CASES IN WHICH A TRANSFER OCCURS DURING PRENATAL CARE, LABOR, OR POSTPARTUM.

(2) THE FORM SHALL INCLUDE THE MEDICAL INFORMATION NEEDED BY THE ~~HOSPITAL-BASED~~ HEALTH CARE PROVIDER PRACTITIONER RECEIVING THE PATIENT.

(F) (1) ~~UNLESS EMERGENCY SERVICES PERSONNEL IS BEING USED FOR THE TRANSPORT, AFTER~~ AFTER A DECISION TO TRANSPORT A PATIENT HAS BEEN MADE, THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL ~~CALL:~~

(I) CALL THE RECEIVING ~~HOSPITAL-BASED~~ HEALTH CARE PROVIDER AND INFORM;

(II) INFORM THE HEALTH CARE PROVIDER OF THE INCOMING PATIENT; AND

(III) ACCOMPANY THE PATIENT TO THE HOSPITAL.



(2) ON ARRIVAL AT THE HOSPITAL, THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL PROVIDE ~~TO~~:

(I) TO THE STAFF OF THE HOSPITAL:

~~(1)~~ 1. THE STANDARD FORM DEVELOPED UNDER SUBSECTION (E) OF THIS SECTION; AND

~~(2)~~ 2. THE COMPLETE MEDICAL RECORDS OF THE PATIENT;  
AND

(II) TO THE ACCEPTING HEALTH CARE TEAM, A VERBAL SUMMARY OF THE CARE PROVIDED TO THE PATIENT BY THE LICENSED DIRECT-ENTRY MIDWIFE.

~~§ 6C-07, § 6C-09.~~

(A) BEFORE INITIATING CARE, A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL OBTAIN A SIGNED COPY OF THE STANDARDIZED INFORMED CONSENT AGREEMENT DEVELOPED ~~BY THE COMMITTEE UNDER § 8-6C-11(A)(3) OF THIS SUBTITLE~~ IN ACCORDANCE WITH THIS SECTION.

(B) ~~AN ADDITIONAL~~ (1) THE BOARD, IN CONSULTATION WITH STAKEHOLDERS, SHALL DEVELOP AN INFORMED CONSENT AGREEMENT.

(2) THE AGREEMENT DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE ACKNOWLEDGMENT BY THE PATIENT OF RECEIPT, AT A MINIMUM, OF THE FOLLOWING:

~~(1)~~ (I) THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE'S TRAINING AND EXPERIENCE;

~~(2)~~ (II) INSTRUCTIONS FOR OBTAINING A COPY OF THE REGULATIONS ADOPTED BY THE BOARD UNDER THIS SUBTITLE;

~~(3)~~ (III) INSTRUCTIONS FOR OBTAINING A COPY OF THE NARM CERTIFICATION REQUIREMENTS;

~~(4)~~ (IV) INSTRUCTIONS FOR FILING A COMPLAINT WITH THE BOARD;

~~(5)~~ (V) NOTICE OF WHETHER THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE HAS PROFESSIONAL LIABILITY INSURANCE COVERAGE;

~~(6) (VI) A DESCRIPTION OF THE PROCEDURES, BENEFITS, AND RISKS OF HOME BIRTHS, INCLUDING THOSE CONDITIONS THAT MAY ARISE DURING DELIVERY; AND~~

~~(7) (VII) ANY OTHER INFORMATION THAT THE BOARD REQUIRES.~~

~~§ 6C-08.~~

~~A CERTIFIED DIRECT ENTRY MIDWIFE MAY NOT OFFER A TRIAL OF LABOR TO A PATIENT WHO HAS HAD A DELIVERY BY A CESAREAN SECTION, UNLESS:~~

~~(1) THE PATIENT HAD A LOW TRANSVERSE INCISION;~~

~~(2) AT THE ONSET OF LABOR, AT LEAST 18 MONTHS WILL HAVE ELAPSED SINCE THE CESAREAN SECTION;~~

~~(3) THE CERTIFIED DIRECT ENTRY MIDWIFE HAS RECOMMENDED THAT THE PATIENT CONSULT WITH A HEALTH CARE PRACTITIONER TO REVIEW THE PATIENT'S OPERATIVE REPORT AND DISCUSS THE PATIENT'S INDIVIDUAL LEVEL OF RISK; AND~~

~~(4) THE CERTIFIED DIRECT ENTRY MIDWIFE HAS OBTAINED WRITTEN INFORMED CONSENT, IN ADDITION TO THE DOCUMENTS REQUIRED UNDER § 8-6C-07 OF THIS SUBTITLE, THAT SPECIFIES THE RISKS OF A VAGINAL BIRTH AFTER CESAREAN SECTION WHEN PERFORMED IN AN OUT-OF-HOSPITAL SETTING.~~

~~§ 6C-09, § 6C-10.~~

~~(A) A CERTIFIED LICENSED DIRECT ENTRY MIDWIFE SHALL:~~

~~(1) SUBJECT TO THE CONSENT OF THE PATIENT, COLLECT DATA UNDER MANA STATS FOR EACH PATIENT WHO INITIATES CARE;~~

~~(2) SUBMIT A COPY OF INDIVIDUAL MANA STATS ANNUALLY TO THE COMMITTEE; AND~~

~~(3) NOTIFY THE COMMITTEE ANNUALLY OF THE NUMBER OF PATIENTS WHO DECLINE CONSENT TO PARTICIPATE IN THE MANA STATS DATA COLLECTION SYSTEM ON A FORM PRESCRIBED BY THE COMMITTEE.~~

(A) BEGINNING OCTOBER 1, 2016, AND ON EACH OCTOBER 1 THEREAFTER, A LICENSED DIRECT-ENTRY MIDWIFE SHALL REPORT TO THE COMMITTEE, IN A FORM SPECIFIED BY THE BOARD, THE FOLLOWING INFORMATION REGARDING CASES IN WHICH THE LICENSED DIRECT-ENTRY MIDWIFE ASSISTED DURING THE

PREVIOUS FISCAL YEAR WHEN THE INTENDED PLACE OF BIRTH AT THE ONSET OF CARE WAS AN OUT-OF-HOSPITAL SETTING:

(1) THE TOTAL NUMBER OF PATIENTS SERVED AS PRIMARY CAREGIVER AT THE ONSET OF CARE;

(2) THE NUMBER, BY COUNTY, OF LIVE BIRTHS ATTENDED AS PRIMARY CAREGIVER;

(3) THE NUMBER, BY COUNTY, OF CASES OF FETAL DEMISE, INFANT DEATHS, AND MATERNAL DEATHS ATTENDED AS PRIMARY CAREGIVER AT THE DISCOVERY OF THE DEMISE OR DEATH;

(4) THE NUMBER OF WOMEN WHOSE PRIMARY CARE WAS TRANSFERRED TO ANOTHER HEALTH CARE PRACTITIONER DURING THE ANTEPARTUM PERIOD AND THE REASON FOR TRANSFER;

(5) THE NUMBER, REASON FOR, AND OUTCOME OF EACH NONEMERGENCY HOSPITAL TRANSFER DURING THE INTRAPARTUM OR POSTPARTUM PERIOD;

(6) THE NUMBER, REASON FOR, AND OUTCOME OF EACH URGENT OR EMERGENCY TRANSPORT OF AN EXPECTANT MOTHER IN THE ANTEPARTUM PERIOD;

(7) THE NUMBER, REASON FOR, AND OUTCOME OF EACH URGENT OR EMERGENCY TRANSPORT OF AN INFANT OR MOTHER DURING THE INTRAPARTUM OR IMMEDIATE POSTPARTUM PERIOD;

(8) THE NUMBER OF PLANNED OUT-OF-HOSPITAL BIRTHS AT THE ONSET OF LABOR AND THE NUMBER OF BIRTHS COMPLETED IN AN OUT-OF-HOSPITAL SETTING;

(9) A BRIEF DESCRIPTION OF ANY COMPLICATIONS RESULTING IN THE MORBIDITY OR MORTALITY OF A MOTHER OR A NEONATE; AND

(10) ANY OTHER INFORMATION REQUIRED BY THE BOARD IN REGULATIONS.

(B) THE BOARD SHALL SEND A WRITTEN NOTICE OF NONCOMPLIANCE TO EACH LICENSEE WHO FAILS TO MEET THE REPORTING REQUIREMENTS UNDER SUBSECTION (A) THIS SECTION.

(C) A LICENSED DIRECT-ENTRY MIDWIFE WHO FAILS TO COMPLY WITH THE REPORTING REQUIREMENTS UNDER THIS SECTION SHALL BE PROHIBITED FROM

LICENSE RENEWAL UNTIL THE INFORMATION REQUIRED UNDER SUBSECTION (A) THIS SECTION IS REPORTED.

(D) THE COMMITTEE SHALL MAINTAIN THE CONFIDENTIALITY OF ANY REPORT SUBMITTED UNDER SUBSECTION (A) THIS SECTION.

~~(B)~~ (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CERTIFIED LICENSED DIRECT-ENTRY MIDWIFE SHALL BE SUBJECT TO THE SAME REPORTING REQUIREMENTS AS OTHER HEALTH CARE PROVIDERS PRACTITIONERS WHO PROVIDE CARE TO INDIVIDUALS IN ACCORDANCE WITH THIS TITLE.

(G) A LICENSED DIRECT-ENTRY MIDWIFE ATTENDING AN OUT-OF-HOSPITAL DELIVERY SHALL:

(1) FOR ANY LIVE BIRTH, COMPLETE AND SUBMIT A BIRTH CERTIFICATE IN ACCORDANCE WITH § 4-208 OF THE HEALTH – GENERAL ARTICLE; AND

(2) FOR ANY DEATH, MAKE ALL MEDICAL RECORDS AVAILABLE AND COMMUNICATE RELEVANT CIRCUMSTANCES OF THE DEATH TO THE INDIVIDUAL RESPONSIBLE FOR COMPLETING THE CERTIFICATE OF DEATH UNDER § 4-212 OR § 4-213 OF THE HEALTH – GENERAL ARTICLE.

~~§ 6C-10, 8-6C-11.~~

(A) THERE IS A DIRECT-ENTRY MIDWIFERY ADVISORY COMMITTEE WITHIN THE BOARD.

(B) (1) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED BY THE BOARD.

(2) OF THE SEVEN MEMBERS:

(I) SUBJECT TO PARAGRAPH ~~(4)~~ (3) OF THIS SUBSECTION AND SUBSECTION (D) OF THIS SECTION, THREE SHALL BE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIVES;

(II) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, TWO~~ TWO SHALL BE LICENSED NURSES CERTIFIED AS NURSE-MIDWIVES ~~WHO:~~

~~1. CURRENTLY PRACTICE IN AN OUT-OF-HOSPITAL SETTING, INCLUDING A FREESTANDING BIRTH CENTER OR HOME BIRTH PRACTICE; OR~~

~~2. HAVE A MINIMUM OF 2 YEARS OF CLINICAL EXPERIENCE IN AN OUT-OF-HOSPITAL SETTING, INCLUDING A FREESTANDING BIRTH CENTER OR HOME BIRTH PRACTICE;~~

(III) ONE SHALL BE A REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION; AND

(IV) ONE SHALL BE A CONSUMER MEMBER.

~~(3) IF A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE WHO MEETS THE REQUIREMENTS OF PARAGRAPH (2)(II) OF THIS SUBSECTION IS NOT AVAILABLE, THE BOARD MAY WAIVE THE REQUIREMENTS OF PARAGRAPH (2)(II) OF THIS SUBSECTION AND APPOINT ANY LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE TO THE COMMITTEE.~~

~~(4)~~ (3) (I) THE BOARD SHALL APPOINT THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE MEMBERS OF THE COMMITTEE FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE BOARD BY AIMM.

(II) THE BOARD MAY REQUEST AN ADDITIONAL LIST OF QUALIFIED INDIVIDUALS FROM AIMM IF THE INITIAL LIST IS DETERMINED TO BE INADEQUATE.

(C) EACH MEMBER OF THE COMMITTEE SHALL BE A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE STATE.

(D) ~~(1)~~ EACH ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE MEMBER OF THE COMMITTEE ~~APPOINTED ON OR BEFORE SEPTEMBER 30, 2021:~~

~~(I) SHALL HAVE HELD A CERTIFIED PROFESSIONAL MIDWIFE CREDENTIAL FROM NARM FOR AT LEAST 2 YEARS IMMEDIATELY BEFORE APPOINTMENT;~~

~~(H)~~ (1) SHALL MEET THE LICENSURE REQUIREMENTS OF THIS SUBTITLE; AND

~~(HH)~~ (2) MAY NOT BE A LICENSED NURSE WHO IS CERTIFIED AS A NURSE-MIDWIFE.

~~(2) EACH CERTIFIED LICENSED DIRECT-ENTRY MIDWIFE MEMBER OF THE COMMITTEE APPOINTED ON OR AFTER OCTOBER 1, 2021:~~

~~(I) SHALL HAVE BEEN CERTIFIED BY NARM FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT; AND~~

~~(H) MAY NOT BE A LICENSED NURSE WHO IS CERTIFIED AS A NURSE-MIDWIFE.~~

(E) THE CONSUMER MEMBER OF THE COMMITTEE:

(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

(2) MAY NOT BE OR EVER HAVE BEEN:

(I) A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE;

(II) A LICENSED NURSE CERTIFIED AS A MIDWIFE;

(III) A HEALTH CARE ~~PROVIDER~~ PRACTITIONER WHO IS DIRECTLY INVOLVED WITH PREGNANCY OR LABOR; OR

(IV) IN TRAINING TO BE A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE, A LICENSED NURSE CERTIFIED AS A MIDWIFE, OR A HEALTH CARE PRACTITIONER WHO IS DIRECTLY INVOLVED WITH PREGNANCY OR LABOR;

(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS:

(I) A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE, A LICENSED NURSE WHO IS CERTIFIED AS A NURSE-MIDWIFE, A HEALTH CARE PRACTITIONER WHO IS DIRECTLY INVOLVED WITH PREGNANCY OR LABOR; OR

(II) IN TRAINING TO BE A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE, A LICENSED NURSE WHO IS CERTIFIED AS A NURSE-MIDWIFE, OR A HEALTH CARE PRACTITIONER WHO IS DIRECTLY INVOLVED WITH PREGNANCY OR LABOR;

(4) MAY NOT:

(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF DIRECT-ENTRY MIDWIFERY;

(II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF DIRECT-ENTRY MIDWIFERY; OR

(III) HAVE, OR HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT, A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON WHO IS REGULATED BY THE BOARD.

(F) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS TO A 2-YEAR TERM.

(G) (1) THE TERM OF A MEMBER IS ~~2~~ 4 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2015.

(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 REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(6) TO THE EXTENT PRACTICABLE, THE BOARD SHALL FILL ANY VACANCY ON THE COMMITTEE WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

(H) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE COMMITTEE IS A QUORUM.

(I) IN ADDITION TO ANY OTHER MEETING REQUIREMENTS OF THIS TITLE, THE COMMITTEE SHALL MEET:

(1) AT THE REQUEST OF THE EXECUTIVE DIRECTOR OF THE BOARD;  
AND

(2) AS NECESSARY TO CONDUCT BOARD OR COMMITTEE BUSINESS.

(J) IN ACCORDANCE WITH THE STATE BUDGET, EACH MEMBER OF THE COMMITTEE IS ENTITLED TO:

(1) COMPENSATION, AT A RATE DETERMINED BY THE BOARD, FOR EACH DAY, OR PART OF A DAY, ON WHICH THE MEMBER IS ENGAGED IN THE DUTIES OF THE COMMITTEE; AND

(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS.

(K) (1) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

(2) THE BOARD MAY REMOVE A MEMBER WHO IS ABSENT FROM TWO SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.

~~§ 6C-11.~~ § 6C-12.

(A) ~~IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS SUBTITLE,~~  
~~THE~~ THE COMMITTEE SHALL:

(1) REVIEW APPLICATIONS FOR LICENSURE AS A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE AND MAKE RECOMMENDATIONS TO THE BOARD REGARDING APPLICANTS;

(2) MAINTAIN A LIST OF ALL ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIVES;

(3) ~~CREATE A STANDARDIZED INFORMED CONSENT DOCUMENT OUTLINING THE PROCEDURES, RISKS, AND BENEFITS OF OUT-OF-HOSPITAL BIRTH TO BE USED BY ALL CERTIFIED LICENSED DIRECT-ENTRY MIDWIVES;~~

(4) MAKE RECOMMENDATIONS TO THE BOARD REGARDING CONTINUING EDUCATION REQUIREMENTS FOR ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIVES;

(5) REVIEW ADVERTISING BY ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIVES AND BY INSTITUTIONS THAT OFFER A DIRECT-ENTRY MIDWIFE PROGRAM AND MAKE RECOMMENDATIONS TO THE BOARD, AS NECESSARY;

(6) ADVISE THE BOARD ON MATTERS RELATING TO THE PRACTICE OF DIRECT-ENTRY MIDWIFERY;

(7) COLLECT ~~MANA STATS ANNUAL SUMMARY~~ THE REPORTS FROM REQUIRED TO BE SUBMITTED BY EACH ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE UNDER § 8-6C-10(A) OF THIS SUBTITLE;

(8) MAKE RECOMMENDATIONS TO THE BOARD REGARDING REGULATIONS RELATING TO THE PRACTICE OF DIRECT-ENTRY MIDWIFERY THAT ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THE SUBTITLE, ~~INCLUDING REGULATIONS THAT:~~



~~(I) DEFINE SPECIFIC CONDITIONS REQUIRING TRANSFER OF CARE OR CONSULTATION, INCLUDING:~~

- ~~1. PREEXISTING CONDITIONS;~~
- ~~2. PREGNANCY COMPLICATIONS;~~
- ~~3. PREGNANCY-RELATED COMPLICATIONS;~~
- ~~4. COMPLICATIONS ARISING DURING LABOR, DELIVERY, OR THE IMMEDIATE POSTPARTUM PERIOD; AND~~
- ~~5. CONDITIONS ARISING DURING THE POSTPARTUM PERIOD;~~

~~(II) INCLUDE SPECIFIC CONDITIONS FOR WHICH THE CERTIFIED LICENSED DIRECT ENTRY MIDWIFE MAY NOT UNDERTAKE THE CARE OF A PATIENT, OR SHALL IMMEDIATELY REFER AND TRANSFER THE CARE OF THE PATIENT TO A HEALTH CARE PROVIDER, INCLUDING:~~

- ~~1. KNOWN NONCEPHALIC PRESENTATION AFTER 38 WEEKS; AND~~
- ~~2. KNOWN MULTIPLE GESTATION;~~

~~(III) INCLUDE SPECIFIC CONDITIONS FOR WHICH THE CERTIFIED LICENSED DIRECT ENTRY MIDWIFE SHALL:~~

- ~~1. CONSULT WITH A HEALTH CARE PROVIDER PRACTITIONER; AND~~
- ~~2. PROVIDE FOR DOCUMENTATION OF THE CONSULTATION AND COMMUNICATION OF THE CONSULTATION TO THE PATIENT; AND~~

~~(IV) 1. INCLUDE SPECIFIC CONDITIONS THAT MAY ARISE DURING LABOR OR THE POSTPARTUM PERIOD THAT REQUIRE IMMEDIATE TRANSFER OF THE PATIENT OR THE NEWBORN TO A HOSPITAL; OR~~

- ~~2. IF TRANSFER IS NOT POSSIBLE BECAUSE OF IMMINENT DELIVERY, INCLUDE A REQUIREMENT THAT THE CERTIFIED LICENSED DIRECT ENTRY MIDWIFE CONSULT WITH A HOSPITAL-BASED HEALTH CARE~~

~~PRACTITIONER FOR GUIDANCE ON FURTHER MANAGEMENT AND TO DETERMINE WHEN TRANSFER MAY BE SAFELY ARRANGED, IF REQUIRED;~~

(9) AT THE REQUEST OF THE BOARD, INVESTIGATE COMPLAINTS AGAINST ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIVES;

(10) KEEP A RECORD OF THE COMMITTEE'S PROCEEDINGS; AND

(11) ~~SUBMIT AN ANNUAL~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEGINNING NOVEMBER 1, 2016, AND ON EACH NOVEMBER 1 THEREAFTER, SUBMIT A REPORT TO THE BOARD, INCLUDING:

~~(I) THE NUMBER OF CERTIFIED DIRECT ENTRY MIDWIVES LICENSED IN THE STATE;~~

~~(II) THE TOTAL NUMBER OF PLANNED HOME BIRTHS IN THE STATE; AND~~

~~(III) THE NUMBER AND CIRCUMSTANCES OF ALL:~~

~~1. HEALTHY BIRTH OUTCOMES ATTENDED BY CERTIFIED DIRECT ENTRY MIDWIVES;~~

~~2. ADVERSE BIRTH OUTCOMES ATTENDED BY CERTIFIED DIRECT ENTRY MIDWIVES; AND~~

~~3. BIRTHS IN WHICH A TRANSFER OR TRANSPORT WAS MADE TO A HOSPITAL OR TO THE CARE OF ANOTHER HEALTH CARE PROVIDER.~~

(I) A SUMMARY OF THE INFORMATION INCLUDED IN REPORTS SUBMITTED TO THE COMMITTEE BY LICENSED DIRECT-ENTRY MIDWIVES UNDER § 8-6C-10(A) OF THIS SUBTITLE; AND

(II) ANY OTHER INFORMATION IDENTIFIED BY THE BOARD.

(B) THE COMMITTEE MAY NOT INCLUDE ANY PERSONALLY IDENTIFYING INFORMATION IN THE REPORT SUBMITTED TO THE BOARD UNDER SUBSECTION (A)(11) OF THIS SECTION.

(C) BEGINNING DECEMBER 1, 2016, AND ON EACH DECEMBER 1 THEREAFTER, THE BOARD SHALL SUBMIT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE:

(1) THE REPORT SUBMITTED TO THE BOARD UNDER SUBSECTION (A)(11) OF THIS SECTION;

(2) IN CONSULTATION WITH THE COMMITTEE, ANY RECOMMENDATIONS REGARDING THE CONTINUATION AND IMPROVEMENT OF THE LICENSURE OF LICENSED DIRECT-ENTRY MIDWIVES IN THE STATE; AND

(3) ANY RECOMMENDATIONS REGARDING EXPANDING THE SCOPE OF PRACTICE OF LICENSED DIRECT-ENTRY MIDWIVES; AND

(4) ANY RECOMMENDATIONS, INCLUDING RECOMMENDATIONS FOR LEGISLATION, REGARDING THE SCOPE OF PRACTICE OF LICENSED DIRECT-ENTRY MIDWIVES TO INCLUDE VAGINAL BIRTH AFTER CESAREAN.

~~§ 6C-12. § 6C-13.~~

(A) IN ADDITION TO THE EDUCATION AND TRAINING REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION, TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS TITLE;

(2) BE OF GOOD MORAL CHARACTER;

(3) BE A HIGH SCHOOL GRADUATE OR HAVE COMPLETED EQUIVALENT EDUCATION;

(4) BE AT LEAST 21 YEARS OLD;

(5) HOLD A CURRENT CARDIOPULMONARY RESUSCITATION (CPR) CERTIFICATION ISSUED BY THE AMERICAN RED CROSS OR THE AMERICAN HEART ASSOCIATION; AND

~~(6) HOLD A CURRENT NEONATAL RESUSCITATION (NRP) CERTIFICATION ISSUED BY THE AMERICAN ACADEMY OF PEDIATRICS~~ HAVE COMPLETED IN THE PAST 2 YEARS THE AMERICAN ACADEMY OF PEDIATRICS/AMERICAN HEART ASSOCIATION NEONATAL RESUSCITATION PROGRAM (NRP).

(B) AN APPLICANT:

(1) SHALL HOLD A CURRENT VALID CERTIFIED PROFESSIONAL MIDWIFE CREDENTIAL GRANTED BY NARM; AND

(2) (I) SHALL HAVE COMPLETED A MIDWIFERY EDUCATION PROGRAM THAT IS ACCREDITED BY MEAC OR ACME; OR

(II) IF THE APPLICANT WAS CERTIFIED BY NARM AS A CERTIFIED PROFESSIONAL MIDWIFE ON OR BEFORE JANUARY 15, 2017, THROUGH A NON-MEAC ACCREDITED PROGRAM, BUT OTHERWISE QUALIFIES FOR LICENSURE, SHALL PROVIDE:

1. VERIFICATION OF COMPLETION OF NARM-APPROVED CLINICAL REQUIREMENTS; AND

2. EVIDENCE OF COMPLETION, IN THE PAST ~~5~~ 2 YEARS, OF AN ADDITIONAL ~~40~~ 50 HOURS OF ~~ACCREDITED AND BOARD APPROVED~~ CONTINUING EDUCATION UNITS APPROVED BY THE BOARD AND ACCREDITED BY MEAC, THE AMERICAN COLLEGE OF NURSE MIDWIVES, OR THE ACCREDITING COUNCIL FOR CONTINUING MEDICAL EDUCATION, INCLUDING A MINIMUM OF 8 HOURS OF PHARMACOLOGY AND:

A. 14 HOURS OF OBSTETRIC EMERGENCY SKILLS TRAINING SUCH AS A BIRTH EMERGENCY SKILLS TRAINING (BEST) OR AN ADVANCED LIFE SAVING IN OBSTETRICS (ALSO) COURSE; AND

B. THE REMAINING 36 HOURS DIVIDED AMONG AND INCLUDING HOURS IN THE AREAS OF PHARMACOLOGY, LAB INTERPRETATION OF PREGNANCY, ANTEPARTUM COMPLICATIONS, INTRAPARTUM COMPLICATIONS, POSTPARTUM COMPLICATIONS, AND NEONATAL CARE.

~~8-6C-13.~~ 8-6C-14.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS TITLE;

(2) SUBMIT TO THE BOARD:

(I) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

(II) WRITTEN, VERIFIED EVIDENCE THAT THE REQUIREMENT OF ITEM (1) OF THIS SUBSECTION IS BEING MET; AND

(3) PAY TO THE BOARD A FEE SET BY THE BOARD.

~~§ 6C-14.~~ § 6C-15.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIVES.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE AND OTHER SERVICES PROVIDED TO ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIVES.

(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.

(C) THE FEES COLLECTED UNDER THIS SECTION SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY ~~THE PROVISIONS OF THIS SUBTITLE.~~

~~§ 6C-15.~~

~~(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY ISSUE A LICENSE BY ENDORSEMENT AND WAIVE THE EDUCATION AND TRAINING REQUIREMENTS UNDER § 8-6C-12 OF THIS SUBTITLE FOR AN INDIVIDUAL WHO IS LICENSED TO PRACTICE DIRECT-ENTRY MIDWIFERY IN ANOTHER STATE.~~

~~(B) THE BOARD MAY ISSUE A LICENSE BY ENDORSEMENT UNDER THIS SECTION ONLY IF THE APPLICANT:~~

~~(1) PAYS THE FEE REQUIRED BY THE BOARD; AND~~

~~(2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:~~

~~(i) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS SUBTITLE; AND~~

~~(ii) BECAME LICENSED IN THE OTHER STATE AFTER MEETING REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS SUBTITLE.~~

**8-6C-16.**

**(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO:**

- (1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND**
- (2) PAYS A FEE SET BY THE BOARD.**

**(B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES A DESIGNATION OF ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE.**

**(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, 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 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS NOT BEEN RECEIVED.**

**8-6C-17.**

**A LICENSE ISSUED UNDER THIS SUBTITLE AUTHORIZES THE LICENSEE TO PRACTICE DIRECT-ENTRY MIDWIFERY WHILE THE LICENSE IS ~~EFFECTIVE~~ ACTIVE.**

**8-6C-18.**

**(A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.**

**(B) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.**

**(C) (1) AT LEAST 3 MONTHS BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE A RENEWAL NOTICE BY:**

**(I) FIRST-CLASS MAIL TO THE LAST KNOWN MAILING ADDRESS OF THE LICENSEE; OR**

**(II) ELECTRONIC MEANS TO THE LAST KNOWN ELECTRONIC ADDRESS OF THE LICENSEE.**

**(2) A RENEWAL NOTICE SHALL STATE:**

**(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

**(II) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND**

**(III) THE AMOUNT OF THE RENEWAL FEE.**

**(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, 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 A RENEWAL FEE SET BY THE BOARD; AND**

**(3) 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 OR OTHER COMPETENCY REQUIREMENTS SET UNDER THIS SUBTITLE FOR LICENSE RENEWAL.**

**(E) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD FOR LICENSE RENEWAL, THE BOARD SHALL REQUIRE:**

**(1) 20 ACCREDITED AND BOARD-APPROVED CONTINUING EDUCATION UNITS TO BE COMPLETED EVERY 2 YEARS;**

(2) 4 HOURS OF PEER REVIEW IN ACCORDANCE WITH NARM STANDARDS FOR OFFICIAL PEER REVIEW TO BE COMPLETED EVERY 2 YEARS; AND

~~(3) SUBMISSION OF DATA ON EVERY PATIENT WHO CONSENTS TO PARTICIPATE IN MANA STATS ON ANY FORM PRESCRIBED BY MANA AND IN ACCORDANCE WITH THE POLICIES AND PROCEDURES OF MANA~~ THE ANNUAL REPORTS REQUIRED UNDER § 8-6C-10(A) OF THIS SUBTITLE.

(F) SUBJECT TO SUBSECTION (L) OF THIS SECTION, THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

~~(G) IF A LICENSEE FAILS TO PROVIDE SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS SET UNDER THIS SUBTITLE FOR LICENSE RENEWAL, OR COMPLIES WITH SUBSECTION (H) OF THIS SECTION, THE BOARD SHALL PLACE THE LICENSEE ON INACTIVE STATUS~~ THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF THE LICENSEE:

(1) FAILS TO PROVIDE SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL; OR

(2) FAILS TO SUBMIT THE ANNUAL REPORT REQUIRED UNDER § 8-6C-10(A) OF THIS SUBTITLE.

(H) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE BOARD:

(1) AN APPLICATION FOR INACTIVE STATUS ON THE FORM REQUIRED BY THE BOARD; AND

(2) THE INACTIVE STATUS FEE SET BY THE BOARD.

(I) THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL WHO IS ON INACTIVE STATUS IF THE INDIVIDUAL:

(1) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT AND DATA REPORTING REQUIREMENTS ESTABLISHED BY THE BOARD FOR THIS PURPOSE;

(2) PAYS TO THE BOARD A REACTIVATION FEE SET BY THE BOARD;  
AND

(3) IS OTHERWISE ENTITLED TO BE LICENSED.



**(J) THE BOARD, IN ACCORDANCE WITH ITS REGULATIONS, SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:**

- (1) IS OTHERWISE ENTITLED TO BE LICENSED;**
- (2) COMPLIES WITH ANY CONTINUING EDUCATION ~~REQUIREMENT~~ AND DATA REPORTING REQUIREMENTS ESTABLISHED BY THE BOARD FOR THIS PURPOSE;**
- (3) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD;**
- (4) FOR AN EXPIRED LICENSE OR LAPSED LICENSE THAT HAS BEEN EXPIRED OR LAPSED FOR MORE THAN 1 YEAR, COMPLETES A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS TITLE; AND**
- (5) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.**

**(K) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF A ~~CERTIFIED LICENSED~~ DIRECT-ENTRY MIDWIFE WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.**

**(2) THE INDIVIDUAL MAY BECOME LICENSED BY MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS SUBTITLE.**

**(L) (1) A LICENSEE SHALL SUBMIT TO AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK EVERY 12 YEARS.**

**(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW A LICENSE, 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 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS NOT BEEN RECEIVED.

8-6C-19.

(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF THE LICENSE:

(1) A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE MAY NOT SURRENDER A LICENSE; AND

(2) A LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

(B) THE BOARD MAY SET CONDITIONS ON AN AGREEMENT WITH THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE.

8-6C-20.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE, THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, 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 OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS DISCIPLINED BY A LICENSING, MILITARY, OR DISCIPLINARY AUTHORITY IN THE STATE OR IN ANY OTHER STATE OR COUNTRY OR IS CONVICTED OR DISCIPLINED BY A COURT IN THE STATE OR IN ANY OTHER STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

(4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY

APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;

**(5) WILLFULLY AND KNOWINGLY:**

**(I) FILES A FALSE REPORT OR RECORD OF AN INDIVIDUAL UNDER THE LICENSEE'S CARE;**

**(II) GIVES ANY FALSE OR MISLEADING INFORMATION ABOUT A MATERIAL MATTER IN AN EMPLOYMENT APPLICATION;**

**(III) FAILS TO FILE OR RECORD ANY HEALTH RECORD THAT IS REQUIRED BY LAW;**

**(IV) OBSTRUCTS THE FILING OR RECORDING OF ANY HEALTH RECORD AS REQUIRED BY LAW; OR**

**(V) INDUCES ANOTHER PERSON TO FAIL TO FILE OR RECORD ANY HEALTH RECORD AS REQUIRED BY LAW;**

**(6) KNOWINGLY DOES ANY ACT THAT HAS BEEN DETERMINED BY THE BOARD, IN ITS REGULATIONS, TO EXCEED THE SCOPE OF PRACTICE AUTHORIZED TO THE INDIVIDUAL UNDER THIS SUBTITLE;**

**(7) PROVIDES PROFESSIONAL SERVICES WHILE:**

**(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

**(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;**

**(8) DOES AN ACT THAT IS INCONSISTENT WITH GENERALLY ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF DIRECT-ENTRY MIDWIFERY;**

**(9) IS GROSSLY NEGLIGENT IN THE PRACTICE OF DIRECT-ENTRY MIDWIFERY;**

**(10) HAS VIOLATED ANY PROVISION OF THIS TITLE;**

**(11) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;**

(12) IS PHYSICALLY OR MENTALLY INCOMPETENT;

(13) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

(14) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

(15) IS IN INDEPENDENT PRACTICE AND FAILS TO DISPLAY THE NOTICE REQUIRED UNDER § 8-6C-23 OF THIS SUBTITLE;

(16) IS HABITUALLY INTOXICATED;

(17) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE;

(18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(19) IS EXPELLED FROM THE REHABILITATION PROGRAM ESTABLISHED PURSUANT TO § 8-208 OF THIS TITLE FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE PROGRAM;

~~(20) DELEGATES DIRECT ENTRY MIDWIFERY ACTS OR RESPONSIBILITIES TO AN INDIVIDUAL THAT THE APPLICANT OR LICENSEE KNOWS OR HAS REASON TO KNOW LACKS THE ABILITY, KNOWLEDGE, OR REQUIRED LICENSURE TO PERFORM;~~

~~(21) FAILS TO PROPERLY SUPERVISE INDIVIDUALS TO WHOM DIRECT ENTRY MIDWIFERY ACTS OR RESPONSIBILITIES HAVE BEEN DELEGATED;~~

~~(22)~~ (20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL CODE OF ETHICS;

~~(23)~~ (21) IS PROFESSIONALLY INCOMPETENT;

~~(24)~~ (22) PRACTICES DIRECT-ENTRY MIDWIFERY WITHOUT A LICENSE, BEFORE OBTAINING OR RENEWING A LICENSE, INCLUDING ANY PERIOD WHEN THE LICENSE HAS LAPSED;

~~(25)~~ (23) AFTER FAILING TO RENEW A LICENSE OR AFTER A LICENSE HAS LAPSED, COMMITS ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;

~~(26) PRACTICES DIRECT-ENTRY MIDWIFERY ON A NONRENEWED LICENSE FOR A PERIOD OF 16 MONTHS OR LONGER;~~

~~(27)~~ (24) VIOLATES REGULATIONS ADOPTED BY THE BOARD OR AN ORDER FROM THE BOARD;

~~(28)~~ (25) PERFORMS AN ACT THAT IS BEYOND THE LICENSEE'S KNOWLEDGE AND SKILLS;

~~(29)~~ (26) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS TITLE; ~~OR~~

~~(30)~~ (27) WHEN ACTING IN A SUPERVISORY POSITION, DIRECTS ANOTHER ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE TO PERFORM AN ACT THAT IS BEYOND THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE'S KNOWLEDGE AND SKILLS; OR

(28) FAILS TO FILE A REPORT REQUIRED UNDER THIS SUBTITLE.

(B) IF, AFTER A HEARING UNDER § 8-317 OF THIS TITLE, THE BOARD FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED BY THE BOARD SHALL RETURN THE LICENSE TO THE BOARD.

(2) IF A SUSPENDED OR REVOKED LICENSE HAS BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD A VERIFIED STATEMENT TO THAT EFFECT.

8-6C-21.

(A) UNLESS AUTHORIZED TO PRACTICE DIRECT-ENTRY MIDWIFERY, AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, DESCRIPTION OF SERVICE, METHOD, PROCEDURE, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE DIRECT-ENTRY MIDWIFERY IN THE STATE.

(B) A LICENSEE MAY NOT ADVERTISE IN A MANNER THAT IS UNREASONABLE, MISLEADING, OR FRAUDULENT.

(C) UNLESS AUTHORIZED TO PRACTICE DIRECT-ENTRY MIDWIFERY UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT USE THE ABBREVIATION “~~CDEM~~ LDEM” OR USE THE DESIGNATION “~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE”.

(D) UNLESS AUTHORIZED TO PRACTICE DIRECT-ENTRY MIDWIFERY UNDER THIS SUBTITLE OR CERTIFIED AS A NURSE MIDWIFE UNDER THIS TITLE, AN INDIVIDUAL MAY NOT USE THE DESIGNATION “MIDWIFE”.

#### 8-6C-22.

(A) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A HEALTH CARE PROVIDER OR EMERGENCY ROOM PERSONNEL WHO WORK AT A HOSPITAL, OR EMERGENCY MEDICAL ~~TECHNICIANS~~ SERVICES PROVIDERS OR AMBULANCE PERSONNEL, MAY NOT BE HELD CIVILLY LIABLE FOR AN ACTION ARISING SOLELY FROM AN INJURY RESULTING FROM AN ACT ~~OF~~ OR OMISSION OF A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE, EVEN IF THE PERSON HAS CONSULTED WITH THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE OR ACCEPTED A REFERRAL FROM THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE.

(B) A HEALTH CARE PRACTITIONER WHO CONSULTS WITH A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE OR RECEIVES NOTIFICATION OF A DELIVERY UNDER ~~§ 6-6C-02(B)(15)~~ § 8-6C-02(B)(15) OF THIS SUBTITLE OR THE TRANSFER OF RECORDS UNDER § 8-6C-02(B)(16) OF THIS SUBTITLE BUT WHO DOES NOT EXAMINE OR TREAT A PATIENT OF THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE MAY NOT BE DEEMED TO HAVE CREATED A PHYSICIAN-PATIENT RELATIONSHIP WITH THE PATIENT.

#### 8-6C-23.

IF A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE IS ENGAGED IN THE PRIVATE PRACTICE OF DIRECT-ENTRY MIDWIFERY IN THE STATE, THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE SHALL DISPLAY THE NOTICE DEVELOPED UNDER § 1-207 OF THIS ARTICLE CONSPICUOUSLY IN EACH OFFICE WHERE THE ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE IS ENGAGED IN PRACTICE.

#### 8-6C-24.

(A) THIS SECTION DOES NOT APPLY TO A VIOLATION OF § 8-6C-10(A) OF THIS SUBTITLE.

**(B) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

**8-6C-25.**

**THIS SUBTITLE MAY BE CITED AS THE ~~MARYLAND HOME BIRTH SAFETY ACT~~ MARYLAND LICENSURE OF DIRECT-ENTRY MIDWIVES ACT.**

**8-6C-26.**

**SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, AND SUBJECT TO THE TERMINATION OF THIS SUBTITLE UNDER § 8-802 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2023.**

**8-701.**

**(E-1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE UNLESS LICENSED BY THE BOARD TO PRACTICE AS A ~~CERTIFIED~~ LICENSED DIRECT-ENTRY MIDWIFE.**

### **Article – State Government**

**8-405.**

**(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to full evaluation, in the evaluation year specified, without the need for a preliminary evaluation:**

**(3) [(i) Nursing, State Board of (§ 8-201 of the Health Occupations Article: 2021)]; and] INCLUDING:**

**[(ii) (I) Electrology Practice Committee (§ 8-6B-05 of the Health Occupations Article: 2021); AND**

**(II) DIRECT-ENTRY MIDWIFERY ADVISORY COMMITTEE (§ 8-6C-10 OF THE HEALTH OCCUPATIONS ARTICLE: 2021);**

**~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~**

**~~Article – Health Occupations~~**

~~§ 6C-02.1.~~

~~(A) A CERTIFIED DIRECT ENTRY MIDWIFE SHALL CONSULT WITH A HEALTH CARE PRACTITIONER IF ANY OF THE FOLLOWING CONDITIONS PRESENT DURING PRENATAL CARE:~~

~~(1) SIGNIFICANT MENTAL DISEASE, INCLUDING DEPRESSION, BIPOLAR DISORDER, SCHIZOPHRENIA, AND OTHER CONDITIONS THAT IMPAIR THE ABILITY OF THE PATIENT TO PARTICIPATE EFFECTIVELY IN THE PATIENT'S CARE OR THAT REQUIRE THE USE OF PSYCHOTROPIC DRUGS TO CONTROL THE CONDITION;~~

~~(2) POSTMATURITY (GESTATIONAL AGE GREATER THAN 42 WEEKS);~~

~~(3) SECOND OR THIRD TRIMESTER BLEEDING;~~

~~(4) INTERMITTENT USE OF ALCOHOL INTO THE SECOND TRIMESTER;~~

~~(5) ASTHMA;~~

~~(6) DIET CONTROLLED GESTATIONAL DIABETES;~~

~~(7) HISTORY OF GENETIC PROBLEMS, INTRAUTERINE DEATH AFTER 20 WEEKS' GESTATION, OR STILLBIRTH;~~

~~(8) PREVIOUS UTERINE SURGERY, INCLUDING MYOMECTOMY, LEEP, OR CONE BIOPSY;~~

~~(9) ABNORMAL PAP SMEAR;~~

~~(10) PREVIOUS OBSTETRICAL PROBLEMS, INCLUDING UTERINE ABNORMALITIES, PLACENTAL ABRUPTION, SIGNIFICANT CONGENITAL ANOMALIES, PLACENTA ACCRETE, INCOMPETENT CERVIX, OR PRETERM DELIVERY FOR ANY REASON;~~

~~(11) POSSIBLE ECTOPIC PREGNANCY;~~

~~(12) IN REMISSION FROM INFLAMMATORY BOWEL DISEASE;~~

~~(13) TUBERCULOSIS;~~

~~(14) CONTROLLED HYPOTHYROIDISM, BEING TREATED WITH THYROID REPLACEMENT AND EUTHYROID, AND WITH THYROID TEST NUMBERS IN THE NORMAL RANGE;~~



~~(15) MORBID OBESITY (BODY MASS INDEX (BMI) GREATER THAN 34 AT INITIAL PREGNANCY VISIT);~~

~~(16) RH SENSITIZATION WITH POSITIVE ANTIBODY TITER;~~

~~(17) BREECH PRESENTATION BETWEEN 35 AND 38 WEEKS;~~

~~(18) TRANSVERSE LIE OR OTHER ABNORMAL PRESENTATION BETWEEN 35 AND 38 WEEKS; AND~~

~~(19) PREMATURE RUPTURE OF MEMBRANES AT 37 WEEKS OR LESS.~~

~~(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A CERTIFIED DIRECT ENTRY MIDWIFE SHALL ARRANGE IMMEDIATE EMERGENCY TRANSFER TO A HOSPITAL IF:~~

~~(1) THE PATIENT REQUESTS TRANSFER; OR~~

~~(2) THE PATIENT OR NEWBORN IS DETERMINED TO HAVE ANY OF THE FOLLOWING CONDITIONS DURING LABOR, DELIVERY, OR THE POSTPARTUM PERIOD:~~

~~(I) UNFORESEEN NONCEPHALIC PRESENTATION;~~

~~(II) UNFORESEEN MULTIPLE GESTATION;~~

~~(III) NONREASSURING FETAL HEART RATE OR PATTERN, INCLUDING TACHYCARDIA, BRADYCARDIA, SIGNIFICANT CHANGE IN BASELINE, AND PERSISTENT LATE OR SEVERE VARIABLE DECELERATIONS;~~

~~(IV) PROLAPSED CORD;~~

~~(V) UNRESOLVED MATERNAL HEMORRHAGE;~~

~~(VI) RETAINED PLACENTA;~~

~~(VII) SIGNS OF FETAL OR MATERNAL INFECTION;~~

~~(VIII) PATIENT WITH A THIRD OR FOURTH DEGREE LACERATION OR A LACERATION BEYOND THE CERTIFIED DIRECT ENTRY MIDWIFE'S ABILITY TO REPAIR;~~

~~(IX) APGAR OF LESS THAN SEVEN AT 10 MINUTES;~~

~~(X) SIGNIFICANT CONGENITAL ANOMALY;~~

~~(XI) NEED FOR CHEST COMPRESSIONS DURING NEONATAL RESUSCITATION;~~

~~(XII) NEWBORN WITH PERSISTENT CENTRAL CYANOSIS;~~

~~(XIII) NEWBORN WITH PERSISTENT GRUNTING AND RETRACTIONS;~~

~~(XIV) NEWBORN WITH ABNORMAL VITAL SIGNS WHO DOES NOT IMPROVE AFTER AT-HOME INTERVENTIONS ARE ADMINISTERED; OR~~

~~(XV) GROSS OR THICK MECONIUM STAINING, WHEN DISCOVERED.~~

~~(C) IF TRANSFER IS NOT POSSIBLE BECAUSE OF IMMINENT DELIVERY, THE CERTIFIED DIRECT ENTRY MIDWIFE SHALL CONSULT WITH A HOSPITAL-BASED HEALTH CARE PRACTITIONER FOR GUIDANCE ON FURTHER MANAGEMENT OF THE PATIENT AND TO DETERMINE WHEN TRANSFER MAY BE SAFELY ARRANGED, IF REQUIRED.~~

~~(D) ON OR BEFORE JUNE 1, 2016, THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

~~§ 6C-02.2.~~

~~(A) A CERTIFIED DIRECT ENTRY MIDWIFE MAY NOT UNDERTAKE THE CARE OF A PATIENT, OR SHALL IMMEDIATELY REFER AND TRANSFER THE CARE OF A PATIENT TO A HEALTH CARE PROVIDER, IF THE PATIENT IS DETERMINED TO HAVE ANY OF THE FOLLOWING CONDITIONS:~~

~~(1) DIABETES MELLITUS, INCLUDING UNCONTROLLED GESTATIONAL DIABETES;~~

~~(2) HYPERTHYROIDISM TREATED WITH MEDICATION;~~

~~(3) UNCONTROLLED HYPOTHYROIDISM;~~

~~(4) EPILEPSY WITH SEIZURES OR ANTI-EPILEPTIC DRUG USE DURING THE 12 MONTHS PRIOR TO THE ESTIMATED DATE OF DELIVERY;~~

~~(5) COAGULATION DISORDERS;~~

~~(6) CHRONIC PULMONARY DISEASE;~~

~~(7) HEART DISEASE IN WHICH THERE ARE ARRHYTHMIAS OR MURMURS EXCEPT WHEN, AFTER EVALUATION, IT IS THE OPINION OF A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE OR A LICENSED NURSE CERTIFIED AS A MIDWIFE OR A NURSE PRACTITIONER UNDER THIS TITLE THAT MIDWIFERY CARE MAY PROCEED;~~

~~(8) HYPERTENSION, INCLUDING PREGNANCY-INDUCED HYPERTENSION (PIH);~~

~~(9) RENAL DISEASE;~~

~~(10) EXCEPT AS OTHERWISE PROVIDED IN § 8-6C-02.1(A)(16), RH SENSITIZATION WITH POSITIVE ANTIBODY TITER;~~

~~(11) EXCEPT AS OTHERWISE PROVIDED IN § 8-6C-08, A PREVIOUS CESAREAN SECTION DELIVERY;~~

~~(12) INDICATIONS THAT THE FETUS HAS DIED IN UTERO;~~

~~(13) PREMATURE LABOR (GESTATION LESS THAN 37 WEEKS);~~

~~(14) MULTIPLE GESTATION;~~

~~(15) NONCEPHALIC PRESENTATION AT OR AFTER 38 WEEKS;~~

~~(16) PLACENTA PREVIA OR ABRUPTION;~~

~~(17) PREECLAMPSIA;~~

~~(18) SEVERE ANEMIA, DEFINED AS HEMOGLOBIN LESS THAN 10 G/DL;~~

~~(19) UNCOMMON DISEASES AND DISORDERS, INCLUDING ADDISON'S DISEASE, CUSHING'S DISEASE, SYSTEMIC LUPUS ERYTHEMATOSUS, ANTIPHOSPHOLIPID SYNDROME, SCLERODERMA, RHEUMATOID ARTHRITIS, PERIARTERITIS NODOSA, MARFAN'S SYNDROME, AND OTHER SYSTEMIC AND RARE DISEASES AND DISORDERS;~~

~~(20) AIDS/HIV;~~

~~(21) HEPATITIS A THROUGH C AND NON A THROUGH C;~~

~~(22) ACUTE TOXOPLASMOSIS INFECTION, IF THE PATIENT IS SYMPTOMATIC;~~

- ~~(23) RUBELLA INFECTION DURING PREGNANCY;~~
- ~~(24) ACUTE CYTOMEGALOVIRUS INFECTION, IF THE PATIENT IS SYMPTOMATIC;~~
- ~~(25) ALCOHOL ABUSE, SUBSTANCE ABUSE, OR PRESCRIPTION ABUSE DURING PREGNANCY;~~
- ~~(26) CONTINUED DAILY TOBACCO USE INTO THE SECOND TRIMESTER;~~
- ~~(27) THROMBOSIS;~~
- ~~(28) INFLAMMATORY BOWEL DISEASE THAT IS NOT IN REMISSION;~~
- ~~(29) HERPES SIMPLEX VIRUS, PRIMARY GENITAL INFECTION DURING PREGNANCY, OR ACTIVE GENITAL LESIONS AT THE TIME OF DELIVERY;~~
- ~~(30) SIGNIFICANT FETAL CONGENITAL ANOMALY; OR~~
- ~~(31) ECTOPIC PREGNANCY.~~
- ~~(B) ON OR BEFORE JUNE 1, 2016, THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That:

(a) The Direct-Entry Midwifery Advisory Committee established under Section 1 of this Act, with the approval of the State Board of Nursing, shall convene a workgroup to study the development of ~~a midwifery formulary~~:

(1) the standardized transfer form required to be developed under § 8-6C-08(e)(1) of the Health Occupations Article, as enacted by Section 1 of this Act;

(2) the standardized informed consent agreement required to be developed under § 8-6C-13(a)(3) of the Health Occupations Article, as enacted by Section 1 of this Act; and

(3) a midwifery formulary.

(b) The workgroup shall consist of stakeholders, including representatives of:

(1) the Association of Independent Midwives of Maryland;

(2) the Maryland Chapter of the American Congress of Obstetricians and Gynecologists;

(3) the Maryland affiliate of the American College of Nurse–Midwives;

(4) the Maryland Pharmacists Association; ~~and~~

~~(4)~~ (5) the Maryland Chapter of the American Academy of Pediatrics;  
and

~~(5)~~ (6) any other stakeholders the Committee considers necessary.

(c) The workgroup shall:

(1) review the transfer forms, informed consent forms, and midwifery formularies developed in other states;

(2) make recommendations regarding the ~~establishment of a midwifery formulary council; and~~ content and use of the standardized transfer form required to be developed under § 8–6C–08(e)(1) of the Health Occupations Article, as enacted by Section 1 of this Act;

(3) make recommendations regarding the content and use of the standardized informed consent agreement required to be developed under § 8–6C–13(a)(3) of the Health Occupations Article, as enacted by Section 1 of this Act; and

~~(3)~~ (4) make recommendations regarding the establishment of a midwifery formulary, including types of medications, equipment, and devices to be included on the formulary and explain the method by which the midwifery formulary council will decide ~~workgroup decided~~ which medications, equipment, and devices will be included in the formulary.

(d) On or before ~~June~~ January 1, 2016, the workgroup shall report its findings and recommendations, ~~in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee~~ to the State Board of Nursing.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2016, the Department of Legislative Services shall compile and analyze data on the outcomes of vaginal births after cesarean attended by licensed certified professional midwives in out-of-hospital settings from other states and by licensed midwives in out-of-hospital settings in other countries.

(b) The data compiled and analyzed under subsection (a) of this section shall include information, as available, on the incidence of uterine rupture, vaginal birth after cesarean success rates, transfer rates, and information on evidence of adverse outcomes.

(c) The Department shall:

~~(1) report, in accordance with § 2-1246 of the State Government Article, on the data compiled and analyzed under subsection (a) of this section to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee; and~~

~~(2) provide the data to the State Board of Nursing; and~~

~~(3) present the data to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.~~

SECTION 4. AND BE IT FURTHER ENACTED, That regulations necessary to carry out the provisions of ~~Sections~~ Section 1 ~~and 2~~ of this Act shall be adopted by the State Board of Nursing on or before ~~June~~ December 1, 2016.

~~SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2018, the State Board of Nursing, in consultation with the Direct-Entry Midwifery Advisory Committee and in accordance with § 2-1246 of the State Government Article, shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, for licensure years 2016, 2017, and 2018, regarding:~~

~~(1) the number of certified direct-entry midwives in the State;~~

~~(2) the number and circumstances of all:~~

~~(i) healthy birth outcomes attended by certified direct-entry midwives;~~

~~(ii) adverse birth outcomes attended by certified direct-entry midwives; and~~

~~(iii) births where a transfer or transport was made to a hospital or to the care of another health care provider; and~~

~~(3) recommendations for the continuation and improvement of the licensure of certified direct-entry midwives in the State.~~

SECTION ~~6.~~ 5. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Direct-Entry Midwifery Advisory Committee within the State Board of Nursing shall expire as follows:

(1) two members in 2016;

(2) three members in 2017; and

(3) two members in 2018.

SECTION ~~7~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. ~~Section 2 of this Act shall remain effective until the effective date of regulations adopted by the State Board of Nursing that include the provisions in Section 2 of this Act. On that date, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect. The State Board of Nursing shall notify the Department of Legislative Services within 5 days after the effective date of the regulations.~~

Approved by the Governor, May 12, 2015.

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## Chapter 394

### (House Bill 27)

AN ACT concerning

#### **Task Force on the Disposition of the Crownsville Hospital Center Property**

FOR the purpose of establishing the Task Force on the Disposition of the Crownsville Hospital Center Property; 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 regarding the sale, transfer, or other disposition of the Crownsville Hospital Center property; requiring the Task Force to report its findings and recommendations to the Governor, certain individuals, and the General Assembly on or before a certain date; ~~declaring the intent of the General Assembly~~; providing for the termination of this Act; and generally relating to the Task Force on the Disposition of the Crownsville Hospital Center Property.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) There is a Task Force on the Disposition of the Crownsville Hospital Center Property.

(b) The Task Force consists of the following members:

(1) ~~one member of the Senate of Maryland who represents the district in which the Crownsville Hospital Center is located, appointed by the President of the Senate;~~

~~(2)~~ two ~~two~~ three members of the House of Delegates who represent the district in which the Crownsville Hospital Center is located, appointed by the Speaker of the House;

~~(3)~~ (2) one member of the Legislative Black Caucus, appointed by the Chair of the Legislative Black Caucus;

~~(4)~~ (3) one member of the Anne Arundel County Council who represents the district in which the Crownsville Hospital Center is located, or a designee of the council member;

(4) the Secretary of Transportation, or the Secretary's designee;

~~(3)~~ (5) the Secretary of the Environment, or the Secretary's designee;

~~(4)~~ (6) the Secretary of General Services, or the Secretary's designee;

~~(5)~~ (7) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

~~(6)~~ (8) the Secretary of Planning, or the Secretary's designee;

~~(7)~~ (9) ~~two individuals~~ one individual with expertise in matters relevant to the disposition of property, appointed by the Governor; ~~and~~

~~(8)~~ (10) ~~six~~ three individuals appointed by the County Executive of Anne Arundel County, ~~one of whom shall be a representative of a community adjacent to the Crownsville Hospital Center property;~~

(11) one representative of the Anne Arundel County Branch of the NAACP, appointed by the Branch President;

(12) one representative of the Maryland Commission on African American History and Culture, appointed by the Chair of the Commission; and

~~(13) one representative of the Anne Arundel County Historical Society, appointed by the President of the Society.~~

(13) one representative of the Generals Highway Council of Civic Associations.

(c) 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.

(e) A member of the Task Force

~~(4)~~ 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 study and make recommendations on the sale, transfer, or other disposition of the Crownsville Hospital Center property.

(g) On or before January 1, 2016, the Task Force shall report its findings and recommendations to the Governor, the Secretary of General Services, the Secretary of Health and Mental Hygiene, the director of the Maryland State Clearinghouse for Intergovernmental Assistance, the County Executive of Anne Arundel County, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that until the Task Force on the Disposition of the Crownsville Hospital Center Property issues its report as required under Section 1 of this Act, the State agencies involved with the disposition of the Crownsville Hospital Center property refrain from taking any permanent action with regard to the disposition of the property.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, 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 12, 2015.**

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## Chapter 395

(House Bill 46)

AN ACT concerning

### **Joint Committee on Fair Practices and State Personnel Oversight – Revisions**

FOR the purpose of altering and clarifying the duties of the Joint Committee on Fair Practices and State Personnel Oversight; and generally relating to the Joint Committee on Fair Practices and State Personnel Oversight.

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 2-10A-08  
 Annotated Code of Maryland  
 (2014 Replacement Volume)

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

## Article – State Government

2–10A–08.

(a) There is a Joint Committee on Fair Practices and State Personnel Oversight.

(b) (1) The Joint Committee consists of eight members.

(2) Of the eight members:

(i) four shall be members of the Senate, appointed by the President of the Senate; and

(ii) four shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) The members of the Joint Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker jointly shall appoint a Senator and a Delegate to serve as cochairs.

(e) The Joint Committee shall have oversight over:

(1) employment policies and personnel systems in the Executive Branch of State government, including:

(i) the State Personnel Management System;

(ii) the Maryland Department of Transportation's Human Resources Management System; and

(iii) the personnel systems of State institutions of higher education;

**AND**

(2) matters in State government of equal employment opportunity policies and practices **FOR STATE EMPLOYEES**]; and

(3) procurement practices made under executive order].

(f) The purposes of the Joint Committee are to:

(1) review reports;

(2) evaluate the effectiveness of programs, policies, and practices; and

(3) identify areas of concern and, as appropriate, recommend corrective measures to the Governor and the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 396

### (House Bill 73)

AN ACT concerning

#### **Voters' Rights Protection Act of 2015**

FOR the purpose of authorizing the Attorney General to institute an action in a circuit court for injunctive relief to prohibit a person from engaging in or continuing to engage in certain violations of election ~~law~~, law, except in certain circumstances; authorizing the State Prosecutor to seek injunctive relief in certain circumstances in which the Attorney General is prohibited from seeking injunctive relief under this Act; providing that injunctive relief may be granted under this Act only to prevent certain violations of election law from affecting a pending election; requiring a showing of certain evidence before injunctive relief may be granted under this Act; requiring a circuit court to hear and determine an action filed under this Act as soon as practicable; providing that the grant of a remedy under this Act does not preclude any other remedy available under State or federal law; providing that a circuit court shall have jurisdiction over any proceeding instituted under this Act; requiring a circuit court to exercise its jurisdiction without regard to whether a person asserting a right under this Act has exhausted any other remedy available under law; providing that an appeal of a decision of the circuit court under this Act shall be taken directly to the Court of Appeals within a certain time period; requiring the Court of Appeals to give priority to hear and decide the appeal in a certain manner; and generally relating to election law violations related to voting.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 16–201

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Election Law

Section 16–1003

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, The Attorney General of the United States has the authority under 42 U.S.C. § 1971(c) to institute a proceeding for preventive relief to protect certain rights of voters that are secured by federal law; and

WHEREAS, The General Assembly determines that the Attorney General of Maryland should possess similar authority to protect the rights of voters in the State; now, therefore,

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

**Article – Election Law**

16–201.

(a) A person may not willfully and knowingly:

(1) (i) impersonate another person in order to vote or attempt to vote;  
or

(ii) vote or attempt to vote under a false name;

(2) vote more than once for a candidate for the same office or for the same ballot question;

(3) vote or attempt to vote more than once in the same election, or vote in more than one election district or precinct;

(4) vote in an election district or precinct without the legal authority to vote in that election district or precinct;

(5) influence or attempt to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

(6) influence or attempt to influence a voter's decision whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward; or

(7) engage in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.

(b) Except as provided in § 16–1002 of this title, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(c) A person who violates this section is subject to § 5–106(b) of the Courts Article.

**16–1003.**

**(A) (1) ~~SUBJECT TO SUBSECTION (B) OF THIS SECTION~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES TO PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION OR CONTINUING TO COMMIT A VIOLATION OF § 16–201 OF THIS TITLE.**

**(2) (I) THIS PARAGRAPH APPLIES IF THE ATTORNEY GENERAL IS A CANDIDATE IN A CONTEST ON THE BALLOT IN AN ELECTION.**

**(II) THE ATTORNEY GENERAL MAY NOT SEEK INJUNCTIVE RELIEF UNDER PARAGRAPH (1) OF THIS SUBSECTION IF A VIOLATION OF § 16–201 OF THIS TITLE IS COMMITTED BY:**

- 1. THE ATTORNEY GENERAL;**
- 2. A PERSON ACTING ON BEHALF OF THE ATTORNEY GENERAL;**
- 3. A CANDIDATE WHO IS OPPOSING THE ATTORNEY GENERAL IN A CONTEST ON THE BALLOT; OR**
- 4. A PERSON ACTING ON BEHALF OF A CANDIDATE WHO IS OPPOSING THE ATTORNEY GENERAL IN A CONTEST ON THE BALLOT.**

**(III) THE STATE PROSECUTOR MAY SEEK INJUNCTIVE RELIEF IN ACCORDANCE WITH THIS SECTION IN ANY CIRCUMSTANCE IN WHICH THE ATTORNEY GENERAL IS PROHIBITED FROM SEEKING INJUNCTIVE RELIEF UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

**(B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY:**

**(1) TO PREVENT A VIOLATION OF § 16–201 OF THIS TITLE FROM AFFECTING A PENDING ELECTION; AND**

**(2) BASED ON A SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT A VIOLATION OF § 16-201 OF THIS TITLE IS IMMINENT OR IS BEING COMMITTED.**

**(C) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE MATTER AS SOON AS PRACTICABLE AFTER FILING OF THE APPLICATION.**

**(D) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER THIS SECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A PERSON UNDER STATE OR FEDERAL LAW.**

**(E) THE CIRCUIT COURT SHALL:**

**(1) HAVE JURISDICTION OVER ANY PROCEEDING INSTITUTED IN ACCORDANCE WITH THIS SECTION; AND**

**(2) EXERCISE ITS JURISDICTION WITHOUT REGARD TO WHETHER A PERSON ASSERTING A RIGHT UNDER THIS SECTION HAS EXHAUSTED ANY ADMINISTRATIVE OR OTHER REMEDY AVAILABLE TO THAT PERSON UNDER LAW.**

**(F) (1) AN APPEAL OF A DECISION OF THE CIRCUIT COURT UNDER THIS SECTION SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS WITHIN 5 DAYS OF THE DATE OF THE DECISION.**

**(2) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 397**

**(House Bill 74)**

AN ACT concerning

**Walter Sondheim Jr. Public Service Internship Scholarship Program –  
Expansion of Scope**

FOR the purpose of altering the name of the Walter Sondheim Jr. Public Service Summer Internship Scholarship Program to be the Walter Sondheim Jr. Public Service Internship Scholarship Program; expanding the scope of the Program to include fall and spring public service internships; specifying the dates that scholarship awards must be made for spring, summer, and fall internships; defining a certain term; and generally relating to the Walter Sondheim Jr. Public Service Internship Scholarship Program.

BY repealing and reenacting, with amendments,

Article – Education

Section 18–1701, 18–1702, and 18–1704 to be under the amended subtitle  
“Subtitle 17. Walter Sondheim Jr. Public Service Internship Scholarship  
Program”

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

#### **Article – Education**

Subtitle 17. Walter Sondheim Jr. Public Service [Summer] Internship Scholarship  
Program.

18–1701.

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

(b) “Eligible student” means a junior, senior, or graduate student who attends an institution of higher education in the State.

(c) **“INTERNSHIP” MEANS A PAID OR AN UNPAID INTERNSHIP IN THE STATE WITH:**

**(1) AN ORGANIZATION, AN INSTITUTION, AN ASSOCIATION, A SOCIETY, OR A CORPORATION THAT:**

**(I) IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE OF 1986; AND**

**(II) AFFORDS THE STUDENT THE OPPORTUNITY TO PARTICIPATE IN AND SUPPORT MANAGEMENT FUNCTIONS, INCLUDING BOARD GOVERNANCE, EXECUTIVE LEADERSHIP, FINANCIAL MANAGEMENT, HUMAN RESOURCES, FUNDRAISING, OR FACILITIES MANAGEMENT; OR**

**(2) THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE.**

[(c)] (D) “Program” means the Walter Sondheim Jr. Public Service [Summer] Internship Scholarship Program.

[(d)] (E) “Shriver Center” means the Shriver Center located at the University of Maryland, Baltimore County.

[(e)] “Summer internship” means a paid or unpaid summer internship in the State with:

(1) An organization, institution, association, society, or corporation that:

(i) Is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986; and

(ii) Affords the student the opportunity to participate in and support management functions, including board governance, executive leadership, financial management, human resources, fundraising, or facilities management; or

(2) The State or any local government in the State.]

18–1702.

(a) There is a scholarship program known as the Walter Sondheim Jr. Public Service [Summer] Internship Scholarship Program in the State.

(b) The purpose of the Program is to assist college and graduate students to explore public service career opportunities through [summer] internships.

(c) The Shriver Center shall administer the Program.

(d) [On or before January 1 of each year, an] **AN** institution of higher education in the State may nominate eligible students to participate in the Program **ON OR BEFORE:**

**(1) JANUARY 1 OF EACH YEAR FOR SUMMER AND FALL INTERNSHIPS;**

**AND**

**(2) OCTOBER 1 OF EACH YEAR FOR SPRING INTERNSHIPS.**

(e) Priority for participation in the Program shall be given to an eligible student who:

(1) Is a resident of the State;

(2) Has demonstrated an interest in a career in public service; and



- (3) Assists in providing:
- (i) Legal services:
    1. To low-income residents in the State who cannot afford legal services; or
    2. In a public service position;
  - (ii) Social work services to low-income residents in the State;
  - (iii) Nursing services in nursing shortage areas in the State as defined in § 18-802 of this title; or
  - (iv) Other services in the public or nonprofit sectors in which there is a shortage of qualified practitioners to low-income or underserved residents or areas of the State.

(f) (1) Subject to paragraph [(3)] **(2)** of this subsection, [on or before May 1 of each year, the Shriver Center shall award scholarships to] **FOR** eligible students who have agreed to serve in a public service [summer] internship, **THE SHRIVER CENTER SHALL AWARD SCHOLARSHIPS ON OR BEFORE:**

- (I) JANUARY 15 OF EACH YEAR FOR SPRING INTERNSHIPS;**
- (II) MAY 1 OF EACH YEAR FOR SUMMER INTERNSHIPS; AND**
- (III) AUGUST 1 OF EACH YEAR FOR FALL INTERNSHIPS.**

[(2) The Shriver Center shall award no more than:

- (i) 75 scholarships for the summer of 2008; and
- (ii) 100 scholarships for the summer of 2009.

**(3)] (2)** Funds for the scholarships awarded under this subtitle shall be as provided in the State budget.

(g) Subject to the availability of funds, the scholarship award under the Program shall be \$3,000.

(h) The Shriver Center shall serve as a clearinghouse for public and nonprofit entities that wish to hire public service [summer] interns participating in the Program.

(a) Funds for the [Walter Sondheim Jr. Public Service Summer Internship Scholarship] Program may be provided on an annual basis in the State budget.

(b) The Governor may provide funding in the State budget to the Shriver Center to administer the Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 398

### (House Bill 84)

AN ACT concerning

#### **Annotated Code of Maryland – Captions and Catchlines – Interpretation**

FOR the purpose of clarifying that a caption or catchline accompanying a section or subsection of law is to be interpreted in a certain manner unless otherwise provided by law; and generally relating to the interpretation of captions and catchlines in the Annotated Code of Maryland.

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 1–208

Annotated Code of Maryland  
(2014 Volume)

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

#### **Article – General Provisions**

1–208.

[The] **UNLESS OTHERWISE PROVIDED BY LAW, THE** caption or catchline of a section or subsection that is printed in bold type, italics, or otherwise:

(1) is intended as a mere catchword to indicate the contents of the section or subsection; and

(2) (i) may not be considered as a title of the section or subsection; and

(ii) [except as otherwise provided,] may not be considered as a title if the section, subsection, caption, or catchline is amended or reenacted.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 399

### (House Bill 100)

AN ACT concerning

#### **Developmental Disabilities Administration – Medicaid Fair Hearings**

FOR the purpose of requiring the Department of Health and Mental Hygiene to provide notice and an opportunity for a Medicaid fair hearing to certain applicants and recipients of Developmental Disabilities Administration Medicaid waiver services; and generally relating to Developmental Disabilities Administration hearings.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 7–406  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2014 Supplement)

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

#### **Article – Health – General**

7–406.

(a) [If a recipient of Medicaid–waiver services is denied services to be provided in accordance with a plan of habilitation under § 7–1006 of this title, the] **THE** Secretary shall provide [the individual with] notice and an opportunity for a Medicaid fair hearing in accordance with Title 10, Subtitle 2 of the State Government Article and federal Medicaid law **TO:**

**(1) AN APPLICANT FOR ADMINISTRATION MEDICAID WAIVER SERVICES WHO IS DENIED ELIGIBILITY FOR THE SERVICES;**

(2) AN APPLICANT FOR ADMINISTRATION MEDICAID WAIVER SERVICES WHO CONTESTS THE PRIORITY CATEGORY ASSIGNED TO THE APPLICANT FOR THE SERVICES; AND

(3) A RECIPIENT OF ADMINISTRATION MEDICAID WAIVER SERVICES ~~WHOSE REQUEST FOR ADDITIONAL OR DIFFERENT ADMINISTRATION MEDICAID WAIVER:~~

(I) WHOSE CLAIM FOR ADMINISTRATION MEDICAID WAIVER SERVICES IS DENIED OR IS NOT ACTED ON WITH REASONABLE PROMPTNESS; OR

(II) WHO BELIEVES THE ADMINISTRATION HAS TAKEN AN ACTION ERRONEOUSLY.

(b) (1) [Subject to] **EXCEPT AS PROVIDED IN** subsection (a) of this section, an applicant for services or a recipient of services under this title may:

(i) Request an informal hearing before the Secretary's designee on any action or inaction of the Secretary made under this title; and

(ii) Request the Secretary to review the decision of the informal hearing.

(2) After the Secretary receives a request for a review, the Secretary shall conduct the review in accordance with Title 10, Subtitle 2 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 400

### (House Bill 109)

AN ACT concerning

#### Guardianship of the Person – Disabled Persons – Attorney's Fees

FOR the purpose of authorizing a court to order payment of certain attorney's fees ~~in a proceeding~~ incurred in bringing a petition for the appointment of a guardian of the person of a disabled person under certain circumstances; requiring the court to consider certain factors before ordering the payment; requiring the court to deny a certain petition for certain attorney's fees under certain circumstances; prohibiting

the court from awarding certain attorney's fees under certain circumstances; authorizing a court to require the deposit of a certain sum of money in the court registry or a certain attorney's escrow account under certain circumstances; prohibiting a court from requiring the deposit of a certain sum of money in the court registry or a certain attorney's escrow account under certain circumstances; making stylistic changes; and generally relating to attorney's fees and actions for guardianship of the person.

BY repealing and reenacting, with amendments,  
 Article – Estates and Trusts  
 Section 13–704 and 13–705(d)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2014 Supplement)

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

### Article – Estates and Trusts

13–704.

(A) The court may [superintend]:

(1) SUPERINTEND and direct the care of a disabled person[.];

(2) [appoint] APPOINT a guardian of the person[.]; and

(3) [pass] PASS orders and decrees respecting the person as seems proper, including an order:

~~(I) FOR PAYMENT OF NECESSARY AND REASONABLE ATTORNEY'S FEES INCURRED IN SUCCESSFULLY PETITIONING FOR THE APPOINTMENT OF A GUARDIAN OF THE PERSON OF A DISABLED PERSON; AND~~

~~(H) [directing] DIRECTING the disabled person to be sent to a hospital.~~

(B) Procedures in these cases shall be as prescribed by the Maryland Rules and in accordance with the provisions of this subtitle and Title 13.5 of this article.

(C) (1) ON THE FILING OF A PETITION FOR ATTORNEY'S FEES MADE IN REASONABLE DETAIL BY AN INTERESTED PERSON OR AN ATTORNEY EMPLOYED BY THE INTERESTED PERSON, THE COURT MAY ORDER REASONABLE AND NECESSARY ATTORNEY'S FEES INCURRED IN BRINGING A PETITION FOR APPOINTMENT OF A GUARDIAN OF THE PERSON OF A DISABLED PERSON TO BE PAID FROM THE ESTATE OF THE DISABLED PERSON.

**(2) BEFORE ORDERING THE PAYMENT OF ATTORNEY'S FEES UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL CONSIDER:**

**(I) THE FINANCIAL RESOURCES AND NEEDS OF THE DISABLED PERSON; AND**

**(II) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR THE FILING OF THE PETITION FOR GUARDIANSHIP.**

**(3) ON A FINDING BY THE COURT OF AN ABSENCE OF SUBSTANTIAL JUSTIFICATION FOR BRINGING THE PETITION FOR GUARDIANSHIP, THE COURT SHALL DENY A PETITION FOR ATTORNEY'S FEES FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(4) THE COURT MAY NOT AWARD ATTORNEY'S FEES UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE PETITION FOR GUARDIANSHIP IS BROUGHT BY:**

**(I) A GOVERNMENT AGENCY PAYING BENEFITS TO THE DISABLED PERSON;**

**(II) A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR**

**(III) AN AGENCY ELIGIBLE TO SERVE AS THE GUARDIAN OF THE DISABLED PERSON UNDER § 13-707 OF THIS SUBTITLE.**

13-705.

(d) (1) (I) Subject to paragraph (2) of this subsection, unless the alleged disabled person has counsel of [his] **THE PERSON'S** own choice, the court shall appoint an attorney to represent [him] **THE PERSON** in the proceeding **AND MAY REQUIRE THE DEPOSIT OF AN APPROPRIATE SUM INTO THE COURT REGISTRY OR THE APPOINTED ATTORNEY'S ESCROW ACCOUNT WITHIN ~~15~~ 30 DAYS AFTER THE ORDER OF APPOINTMENT HAS BEEN ENTERED,** SUBJECT TO FURTHER ORDER OF THE COURT.

(II) If the person is indigent, the State shall pay a reasonable attorney's fee.

**(III) THE COURT MAY NOT REQUIRE THE DEPOSIT OF AN APPROPRIATE SUM INTO THE COURT REGISTRY OR THE APPOINTED ATTORNEY'S ESCROW ACCOUNT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF PAYMENT FOR THE SERVICES OF THE COURT-APPOINTED ATTORNEY FOR THE ALLEGED DISABLED PERSON IS THE RESPONSIBILITY OF:**

- 1. A GOVERNMENT AGENCY PAYING BENEFITS TO THE DISABLED PERSON;**
- 2. A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR**
- 3. AN AGENCY ELIGIBLE TO SERVE AS THE GUARDIAN OF THE DISABLED PERSON UNDER § 13-707 OF THIS SUBTITLE.**

(2) In any action in which payment for the services of a court-appointed attorney for the alleged disabled person is the responsibility of the local department of social services, unless the court finds that it would not be in the best interests of the alleged disabled person, the court shall:

(i) Appoint an attorney who has contracted with the Department of Human Resources to provide those services, in accordance with the terms of the contract; and

(ii) In an action in which an attorney has previously been appointed, strike the appearance of the attorney previously appointed and appoint the attorney who is currently under contract with the Department of Human Resources, in accordance with the terms of the contract.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## **Chapter 401**

**(House Bill 110)**

AN ACT concerning

### **Creation of a State Debt – Qualified Zone Academy Bonds**

FOR the purpose of authorizing the creation of a State Debt in the amount of \$4,625,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees document the provision of a required matching fund; providing that, after a certain date, any bonds authorized under this Act shall be canceled and be of no further effect; providing that the

proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; and providing generally for the issuance and sale of bonds evidencing the loan.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Qualified Zone Academy Bonds Loan of 2015 in a total principal amount of \$4,625,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 54E of the Internal Revenue Code of the United States, as amended, authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article and §§ 54A and 54E of the Internal Revenue Code, as amended.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article. Notwithstanding §§ 8–123 and 8–124 of the State Finance and Procurement Article, the Board of Public Works may sell the bonds authorized herein at one or more private sales that best meet the terms and conditions of sale set by the Board. The bonds authorized under this Act shall be issued and sold no later than December 31, 2015.

(3) The cash proceeds from the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller, and held separately in a qualified zone academy bond account. The remaining proceeds from the sale of the bonds, including any interest earned from the investment of such proceeds, shall be expended, as determined and approved by the Board of Public Works, for the following public purposes: as grants to the Interagency Committee on School Construction and the Maryland State Department of Education (referred to hereafter in this Act as the “grantees”) for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 54E(d)(1) of the Internal Revenue Code, as amended, in accordance with the criteria established under the Aging Schools Program as follows:

(a) for competitively awarded grants by the Interagency Committee on School Construction to eligible school systems for qualified academies, including public charter schools; and

(b) for targeted grants awarded by the Maryland State Department of Education to eligible school systems for qualified academies, including public charter schools, under the Breakthrough Center Program.



(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest, if any, on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) (a) The grantees shall document the provision of a matching fund as provided in this paragraph.

(b) No part of the matching fund may be provided, either directly or indirectly, from funds of the State or any other governmental body, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund shall consist of private business contributions as required under § 54E(b) of the Internal Revenue Code, as amended, and may consist of funds or in kind contributions or funds other than funds of the State or any other governmental body. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final.

(c) The grantees shall present evidence to the satisfaction of the Board of Public Works of the provision and documentation of the matching fund, and the Board of Public Works shall authorize the sale of the bonds in proportion to the documented matching fund and shall authorize the disbursement of the proceeds for the purposes set forth in Section 1(3) above.

(6) After December 31, 2015, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be canceled and be of no further effect.

(7) The proceeds of the loan, including any interest earned on the investment of the proceeds, shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## **Chapter 402**

### **(House Bill 120)**

AN ACT concerning

**Criminal Procedure – Failure to Appear – Rescheduling**

FOR the purpose of authorizing a judge to set a bond in a certain case on issuing a bench warrant under a certain provision of law; requiring ~~the court~~ a judicial officer to ~~strike a certain bench warrant~~ mark a certain bench warrant satisfied and under certain circumstances; requiring the court to reschedule a certain hearing or trial if a certain person posts a bond under certain circumstances; and generally relating to issuance of a bench warrant for failure to appear at a criminal proceeding.

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 5–211  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Procedure**

5–211.

(a) If a person has been charged with a crime and admitted to bail or released on recognizance and the person forfeits the bail or recognizance and willfully fails to surrender, a bench warrant shall be issued for the person's arrest.

**(B) (1) ON ISSUING A BENCH WARRANT UNDER SUBSECTION (A) OF THIS SECTION, A JUDGE MAY ALSO SET A BOND IN THE CASE.**

**(2) IF A PERSON AGAINST WHOM A BENCH WARRANT HAS BEEN ISSUED POSTS A BOND THAT HAS BEEN SET BY A JUDGE UNDER PARAGRAPH (1) OF THIS SUBSECTION, ~~THE COURT A JUDICIAL OFFICER SHALL~~**

**(I) ~~STRIKE THE BENCH WARRANT~~ A JUDICIAL OFFICER SHALL MARK THE BENCH WARRANT SATISFIED; AND**

**(II) THE COURT SHALL RESCHEDULE THE HEARING OR TRIAL.**

**[(b)] (C)** A person who has been admitted to bail or released on recognizance in a criminal case in the State and who willfully fails to surrender within 30 days after the date of forfeiture is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both, if the bail or recognizance was given in connection with a charge of a felony or pending an appeal, certiorari, habeas corpus, or postconviction proceeding after conviction of any crime; or

(2) a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both, if the bail or recognizance was given in connection with a charge of a misdemeanor, or for appearance as a witness.

[(c)] (D) This section does not diminish the power of a court to punish for contempt.

[(d)] (E) A person who is prosecuted under subsection [(b)(1)] (C)(1) of this section is subject to § 5–106(b) of the Courts Article regarding the exemption from the statute of limitations for the institution of prosecution and the right of in banc review.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 403

### (House Bill 158)

AN ACT concerning

#### **State Personnel and Procurement – Service Contracts – Reporting and Audit Requirements**

FOR the purpose of ~~altering the definition of “service contract”, for purposes of provisions of law governing procurement contracts for certain services, to include services provided within a State-owned facility; requiring that certain units submit a certain demonstration to a certain exclusive representative under certain circumstances; requiring that certain units meet with a certain exclusive representative to discuss certain alternatives under certain circumstances; requiring that certain service contracts be subject to an a legislative audit to determine compliance with certain requirements; requiring that certain audits be completed before the expiration of an initial term of certain service contracts;~~ requiring that a certain audit finding be made available to the public; requiring a unit in the Executive Branch of State government that has an independent personnel system to adopt certain rules and regulations; and generally relating to service contracts, reporting requirements, and audits of service contracts.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 13–218.1(b)(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,  
Article – State Personnel and Pensions  
Section 13–401 ~~and 13–405~~  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 13–405  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 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**

13–218.1.

(b) (1) At least 60 days before the issuance of a solicitation for a service contract that is not exempt under § 13–403(c) or § 13–404(b) of the State Personnel and Pensions Article, the unit shall provide the exclusive representative of the employees who may be affected by the service contract with:

**(I)** written notice of:

**[(i)] 1.** work that is being proposed for contracting; and

**[(ii)] 2.** contracting procedures, requirements, timetables, and employee rights as provided in Title 13, Subtitle 4 of the State Personnel and Pensions Article; AND

**(II) A REASONABLE OPPORTUNITY TO MEET AND DISCUSS ALTERNATIVES TO THE PROPOSED SERVICE CONTRACT.**

**Article – State Personnel and Pensions**

13–401.

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

(b) “Service contract” means a procurement contract for services that:

(1) will be provided to a unit in the Executive Branch of State government;

(2) will be performed within a ~~STATE-OWNED OR~~ State-operated facility;  
and

(3) in the estimation of the procurement officer, will exceed an annual cost of \$100,000.

(c) "Services" has the meaning stated in § 11-101 of the State Finance and Procurement Article.

(d) "Unit" has the meaning stated in § 11-101 of the State Finance and Procurement Article.

13-405.

(a) A unit that seeks to enter into a service contract that is not exempt under § 13-403(c) or § 13-404(b) of this subtitle shall submit to the Department the information required by this section.

(b) ~~{The} AT LEAST 60 DAYS BEFORE MAKING THE SUBMISSION UNDER SUBSECTION (A) OF THIS SECTION, THE~~ unit shall:

~~(1) submit a demonstration TO THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES AFFECTED BY THE SERVICE CONTRACT that the unit has taken formal and positive steps to consider alternatives to the service contract, including reorganization, reevaluation of service, and reevaluation of performance; AND~~

~~(2) PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH A REASONABLE OPPORTUNITY TO MEET AND DISCUSS ALTERNATIVES TO THE PROPOSED SERVICE CONTRACT.~~

(c) (1) The unit shall submit calculations that:

(i) compare the cost of the service contract with the cost of using State employees; and

(ii) show savings to this State, over the duration of the service contract, of 20% of the contract or \$200,000, whichever is less.

(2) In calculating the cost comparison required by this subsection, a unit shall include:

(i) direct costs, including fringe benefits;

(ii) indirect overhead costs, including the proportional share of existing administrative salaries and benefits, rent, equipment costs, utilities, and

materials, but only to the extent that those costs are attributed solely to the service in question and would not exist if the service were not performed by State employees;

(iii) any continuing or transitional costs that would be directly associated with contracting for the services, including unemployment compensation and the cost of transitional services; and

(iv) additional costs of performance of the services by State employees, including salaries and benefits of additional staff and the cost of additional space, equipment, and materials needed to perform the services.

(d) (1) The unit shall submit a formal plan of assistance for all State employees who will be adversely affected by the service contract.

(2) The plan of assistance shall include:

(i) efforts to place affected employees in vacant positions in the unit or in another unit;

(ii) provisions in the service contract, if feasible, for the hiring by the contractor of displaced employees; and

(iii) prior notification to affected employees in accordance with § 13–218.1 of the State Finance and Procurement Article.

**(E) (1) ~~(H)~~ A SERVICE CONTRACT THAT IS NOT EXEMPT UNDER § 13–403(C) OR § 13–404(B) OF THIS SUBTITLE SHALL BE SUBJECT TO AN A LEGISLATIVE AUDIT OF BOOKS, ACCOUNTS, OR RECORDS TO DETERMINE COMPLIANCE WITH PROJECTED COST SAVINGS UNDER SUBSECTION (C) OF THIS SECTION.**

**~~(H) THE LEGISLATIVE AUDIT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE COMPLETED PRIOR TO THE EXPIRATION OF THE INITIAL TERM OF THE SERVICE CONTRACT.~~**

**(2) AUDIT FINDINGS FROM AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE TO THE PUBLIC.**

SECTION 2. AND BE IT FURTHER ENACTED, That any unit in the Executive Branch of State government with an independent personnel system shall adopt rules or regulations similar to the provisions of Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

## Chapter 404

### (House Bill 189)

AN ACT concerning

#### Public Safety – Handgun Permit Background Investigation – Armored Car Company Employees

FOR the purpose of authorizing the Secretary of State Police to accept certain background investigations from certain armored car companies ~~in place of a certain criminal history records check performed by the Department of Public Safety and Correctional Services for a certain purpose~~ in place of a certain criminal history records check performed by the Department of Public Safety and Correctional Services under certain circumstances; and generally relating to handgun permit background investigations.

BY repealing and reenacting, with amendments,  
 Article – Public Safety  
 Section 5–305  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2014 Supplement)

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

#### Article – Public Safety

5–305.

(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) **[The] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE** Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a permit.

(c) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(1) two complete sets of the applicant’s legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(d) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant’s criminal history record information.

(e) Information obtained from the Central Repository under this section:

(1) is confidential and may not be disseminated; and

(2) shall be used only for the licensing purpose authorized by this section.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

**(G) FOR AN EMPLOYEE OF AN ARMORED CAR COMPANY WHO IS AN APPLICANT FOR A PERMIT, THE SECRETARY MAY ACCEPT A CRIMINAL BACKGROUND INVESTIGATION PERFORMED ON BEHALF OF THE ARMORED CAR COMPANY ~~IN PLACE OF THE CRIMINAL HISTORY RECORDS CHECK REQUIRED BY THIS SECTION TO MEET THE REQUIREMENTS OF THIS SECTION IF~~ IN PLACE OF THE CRIMINAL HISTORY RECORDS CHECK REQUIRED BY THIS SECTION IF:**

**~~(1)~~ (1) THE CRIMINAL BACKGROUND INVESTIGATION MEETS THE MINIMUM REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OF STATE POLICE; AND**

**~~(2)~~ (2) THE SECRETARY PERFORMS A CURSORY CHECK TO VERIFY THE FACTS LISTED IN THE CRIMINAL BACKGROUND INVESTIGATION; ~~AND~~**

**~~(2)~~ ~~THE SECRETARY PERFORMS A CURSORY CHECK TO VERIFY THE FACTS LISTED IN THE CRIMINAL BACKGROUND INVESTIGATION.~~**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 405

### (House Bill 191)

AN ACT concerning

~~Washington County – Appointment of Superintendent of Schools – Exemption~~  
County Superintendents of Schools – Reappointment Exemption in Washington  
County and Recruitment Recommendations

FOR the purpose of exempting the Washington County Board of Education from certain requirements for the appointment and reappointment of a Washington County Superintendent of Schools; requiring the State Superintendent of Schools, on or before a certain date, to submit certain recommendations to the Governor and the General Assembly; and generally relating to ~~the Washington County Superintendent of Schools~~ county superintendents of schools.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 4–201  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2014 Supplement)

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

#### Article – Education

4–201.

(a) (1) This section does not apply to Baltimore City.

(2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince George's County.

**(3) SUBSECTIONS (B)(2) AND (3) OF THIS SECTION DO NOT APPLY IN WASHINGTON COUNTY.**

(b) (1) The term of a county superintendent is 4 years beginning on July 1. A county superintendent continues to serve until a successor is appointed and qualifies.

(2) By February 1 of the year in which a term ends, the county superintendent shall notify the county board whether the superintendent is a candidate for reappointment.

(3) In the year in which a term begins, the county board shall appoint a county superintendent between February 1 and June 30. However, if the county board

decides to reappoint the incumbent superintendent, the county board shall take final action at a public meeting no later than March 1 of that year.

(4) If a county board is unable to appoint a county superintendent by July 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

(c) (1) An individual may not be appointed as county superintendent unless he:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, he shall give his reasons for disapproval in writing to the county board.

(d) If a vacancy occurs in the office of county superintendent, the county board shall appoint an interim county superintendent who serves until July 1 after his appointment.

(e) (1) The State Superintendent may remove a county superintendent for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing a county superintendent, the State Superintendent shall send the county superintendent a copy of the charges against the county superintendent and give the county superintendent an opportunity within 10 days to request a hearing.

(3) If the county superintendent requests a hearing within the 10-day period:

(i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the county superintendent a notice of the hearing; and

(ii) The county superintendent shall have an opportunity to be heard publicly before the State Superintendent in the county superintendent's own defense, in person or by counsel.

(f) On notification of pending criminal charges against a county superintendent as provided under § 4–206 of this subtitle, the county board may suspend the county superintendent with pay until the final disposition of the criminal charges.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1, 2015, the State Superintendent of Schools shall submit recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on ways to improve the recruitment and retention of county superintendents of schools in the State.

~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 406

**(House Bill 197)**

AN ACT concerning

### **Prince George's County – Education – Youth Wellness Leadership Pilot Program**

FOR the purpose of establishing the Youth Wellness Leadership Pilot Program in ~~the State Department of Education~~ Prince George's County; requiring the ~~Department~~ Prince George's County Board of Education, after consultation with the Department of Health and Mental Hygiene, to implement the Program for a certain number of students in public high schools in Prince George's County; authorizing the ~~State Department of Education~~ Prince George's County Board of Education to collaborate with certain local community organizations; specifying the purpose of the Program; defining a certain term; requiring the ~~State Department of Education~~ Prince George's County Board of Education to report annually to certain committees of the General Assembly; authorizing the Prince George's County Board of Education to use certain funds to implement certain provisions of law; providing for the termination of this Act; and generally relating to the Youth Wellness Leadership Pilot Program in Prince George's County.

BY adding to

Article – Education

Section 7–415.1

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

**7–415.1.**

**(A) IN THIS SECTION, “PROGRAM” MEANS THE YOUTH WELLNESS LEADERSHIP PILOT PROGRAM IN ~~THE DEPARTMENT~~ PRINCE GEORGE’S COUNTY.**

**(B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

~~**(B) (C) THERE IS A YOUTH WELLNESS LEADERSHIP PILOT PROGRAM IN THE DEPARTMENT PRINCE GEORGE’S COUNTY.**~~

~~**(C) (D) THE ~~DEPARTMENT~~ PRINCE GEORGE’S COUNTY BOARD OF EDUCATION, AFTER CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ESTABLISH THE PROGRAM FOR 125 STUDENTS IN PUBLIC HIGH SCHOOLS IN PRINCE GEORGE’S COUNTY.**~~

~~**(D) (E) THE ~~DEPARTMENT~~ PRINCE GEORGE’S COUNTY BOARD OF EDUCATION MAY COLLABORATE WITH LOCAL COMMUNITY ORGANIZATIONS INVOLVED IN YOUTH–LED HEALTH AND WELLNESS ADVOCACY PROGRAMS.**~~

~~**(E) (F) THE PURPOSE OF THE PROGRAM IS TO:**~~

**(1) PROMOTE YOUTH–LED HEALTH AND WELLNESS ADVOCACY SKILLS; AND**

**(2) TEACH STUDENTS WHO PARTICIPATE IN THE PROGRAM SKILLS IN THE FOLLOWING AREAS:**

**(I) HEALTH AND WELLNESS;**

**(II) ACADEMIC PERFORMANCE;**

**(III) PEER EDUCATION;**

**(IV) LEADERSHIP;**

(V) CAREER DEVELOPMENT; AND

(VI) ECONOMIC WELL-BEING.

~~(F)~~ (G) THE ~~DEPARTMENT~~ PRINCE GEORGE'S COUNTY BOARD OF EDUCATION SHALL REPORT ANNUALLY 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, ON THE EFFECTIVENESS OF THE PROGRAM.

(H) TO IMPLEMENT THE PROVISIONS OF THIS SECTION, THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION MAY USE FUNDS DONATED FROM A LOCAL COMMUNITY ORGANIZATION SPECIFIED IN SUBSECTION (E) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period of 3 years and, at the end of September 30, 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 12, 2015.

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## Chapter 407

(House Bill 200)

AN ACT concerning

### State Correctional Facilities – Correctional Officers – Polygraph Examination

FOR the purpose of requiring the Secretary of Public Safety and Correctional Services to require an individual to pass a polygraph examination before being appointed to serve as a correctional officer in a correctional facility; requiring the Secretary to adopt regulations governing the administration of the polygraph examination required by this Act; and generally relating to correctional officers.

BY repealing and reenacting, with amendments,  
 Article – Correctional Services  
 Section 3-215(f)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2014 Supplement)

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

**Article – Correctional Services**

3–215.

(f) (1) The [Division may] **SECRETARY SHALL** require an individual to pass a polygraph examination before being appointed to serve as a correctional officer in a correctional facility.

(2) The [Commissioner] **SECRETARY** shall adopt regulations governing the administration of the polygraph examination [authorized] **REQUIRED** under paragraph (1) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 408**

**(House Bill 207)**

AN ACT concerning

**Chesapeake Bay Trust – Investment Options – Expansion**

FOR the purpose of authorizing the Chesapeake Bay Trust to invest any money of the Trust in marketable equity securities, marketable equity–related mutual funds, or debt–related mutual funds; making stylistic changes; and generally relating to the Chesapeake Bay Trust.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 8–1909  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Natural Resources**

8–1909.

(a) (1) All money received by the Trust shall be deposited, as directed by the Trust, in any State or national bank, or federally or State insured savings and loan associations located in the State having a total paid-in capital of at least \$1,000,000.

(2) The trust department of any State or national bank or savings and loan association may be designated as a depository to receive any securities acquired or owned by the Trust.

(3) The restriction with respect to paid-in capital may be waived for any qualifying bank or savings and loan association which agrees to pledge securities of the State or of the United States to protect the funds and securities of the Trust in amounts and under arrangements acceptable to the Trust.

(b) (1) Except as provided in paragraph (2) of this subsection, any money of the Trust, in its discretion and unless otherwise provided in any agreement or covenant between the Trust and the holders of any of its obligations limiting or restricting classes of investments, may be invested in [bonds] **THE FOLLOWING DEBT SECURITIES:**

(I) **BONDS** or other obligations of the United States, the State, the political subdivisions or units of the State, **OR** direct or indirect federal agencies[, corporate];

(II) **CORPORATE** bonds with a rating of BAA3/BBB[, or mortgage];

(III) **MORTGAGE** backed and asset backed securities with a rating of AAA;

(IV) **MARKETABLE EQUITY SECURITIES;**

(V) **MARKETABLE EQUITY-RELATED MUTUAL FUNDS; OR**

(VI) **DEBT-RELATED MUTUAL FUNDS.**

(2) The overall [investment] **DEBT SECURITY PORTION OF THE** portfolio of the Trust must have a rating of at least AA.

(c) The Trust shall make provision for a system of financial accounting, controls, audits, and reports.

(d) The books, records, and accounts of the Trust are subject to audit by the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

**Chapter 409****(House Bill 216)**

AN ACT concerning

**Environment – Personal Care Products Containing Synthetic Plastic  
Microbeads – Prohibition on Manufacturing or Sale**

FOR the purpose of prohibiting a person from manufacturing for sale or accepting for sale a personal care product or an over-the-counter drug that contains synthetic plastic microbeads on or after certain dates; requiring the Department of the Environment to adopt certain regulations; requiring the Department to periodically review certain guidelines to ensure that certain methods are being utilized to prevent the entrance of synthetic plastic microbeads into the natural aquatic environment of the State; defining certain terms; and generally relating to synthetic plastic microbeads.

BY adding to

Article – Environment

Section ~~9–2001 and 9–2002~~ through 9–2003 to be under the new subtitle “Subtitle 20. Personal Care Products”

Annotated Code of Maryland  
(2014 Replacement Volume)

Preamble

WHEREAS, Synthetic plastic microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal, and pumice, found in over 100 personal care products including facial cleansers, shampoos, and toothpastes, pose a serious threat to the State’s environment; and

WHEREAS, Although synthetic plastic microbeads are a safe and effective mild abrasive ingredient used for gently removing dead skin, there are concerns about the potential environmental impact of these materials; and

WHEREAS, Existing biodegradable plastics do not currently biodegrade in the cool temperatures of the marine environment; and

WHEREAS, Synthetic plastic microbeads have been documented to collect harmful pollutants already present in the environment and harm fish and other aquatic organisms that form the base of the aquatic food chain; and

WHEREAS, Innovation in biodegradable plastics and development of standards for biodegradable plastics are ongoing; and

WHEREAS, While more research is needed on the potential adverse consequences synthetic plastic microbeads may have on the environment, many cosmetic manufacturers



have already begun a voluntary process for identifying alternatives to synthetic plastic microbeads; and

WHEREAS, Without significant and costly improvements to the majority of the State's sewage treatment facilities, synthetic plastic microbeads will continue to pollute Maryland's waters; *and*

WHEREAS, It is the intent of the General Assembly to prevent the release of plastic microbeads into and persistence of plastic microbeads in the natural aquatic environment; now, therefore,

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

### Article – Environment

#### SUBTITLE 20. PERSONAL CARE PRODUCTS.

9–2001.

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

~~(B) “BIODEGRADABLE” MEANS CAPABLE OF DECOMPOSING IN ACCORDANCE WITH RELEVANT ESTABLISHED GUIDELINES OF ASTM INTERNATIONAL, ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, OR COMPARABLE ORGANIZATIONS OR AUTHORITIES RECOGNIZED BY THE DEPARTMENT:~~

~~(1) IN A MARINE ENVIRONMENT; AND~~

~~(2) IN WASTEWATER TREATMENT PLANT PROCESSES IN ACCORDANCE WITH RELEVANT ESTABLISHED GUIDELINES IDENTIFIED BY THE DEPARTMENT, SUCH AS:~~

~~(I) ASTM INTERNATIONAL;~~

~~(II) ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT;~~

~~(III) INTERNATIONAL ORGANIZATION FOR STANDARDIZATION;~~

OR

~~(IV) OTHER COMPARABLE ORGANIZATIONS OR AUTHORITIES.~~

~~(B)~~ (C) “OVER-THE-COUNTER DRUG” MEANS A DRUG THAT IS A PERSONAL CARE PRODUCT THAT CONTAINS A LABEL, DRUG FACT PANEL, OR LIST OF THE ACTIVE INGREDIENTS THAT IDENTIFIES THE PRODUCT AS A DRUG AS REQUIRED UNDER 21 C.F.R. SECTION 201.66 (FORMAT AND CONTENT REQUIREMENTS FOR OVER-THE-COUNTER (OTC) DRUG PRODUCT LABELING).

~~(C)~~ (D) (1) “PERSONAL CARE PRODUCT” MEANS A MANUFACTURED GOOD OR A COMPONENT OF A MANUFACTURED GOOD THAT IS INTENDED TO BE RUBBED, POURED, SPRINKLED, OR SPRAYED ON, INTRODUCED INTO, OR OTHERWISE APPLIED TO THE HUMAN BODY FOR PURPOSES OF CLEANSING, BEAUTIFYING, PROMOTING ATTRACTIVENESS, OR ALTERING APPEARANCE.

(2) “PERSONAL CARE PRODUCT” DOES NOT INCLUDE A PRESCRIPTION DRUG.

~~(D)~~ (E) “PLASTIC” MEANS A SYNTHETIC MATERIAL THAT IS MADE FROM LINKING MONOMERS THROUGH A CHEMICAL REACTION TO CREATE AN ORGANIC POLYMER CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO VARIOUS SOLID FORMS THAT RETAIN A DEFINED SHAPE DURING ~~THEIR LIFE CYCLE~~ USE BY A CONSUMER AND AFTER DISPOSAL.

~~(E)~~ (F) “SYNTHETIC PLASTIC MICROBEAD” MEANS ANY INTENTIONALLY ADDED ~~NONBIODEGRADABLE~~ SOLID PLASTIC PARTICLE THAT IS NOT BIODEGRADABLE THAT:

(1) MEASURES LESS THAN 5 MILLIMETERS IN SIZE; AND

(2) IS USED IN A RINSE-OFF PERSONAL CARE PRODUCT FOR EXFOLIATION OR CLEANSING PURPOSES.

9-2002.

(A) (1) THIS SUBSECTION DOES NOT APPLY TO OVER-THE-COUNTER DRUGS.

(2) ON OR AFTER DECEMBER 31, 2017, A PERSON MAY NOT MANUFACTURE FOR SALE A PERSONAL CARE PRODUCT THAT CONTAINS SYNTHETIC PLASTIC MICROBEADS.

(3) ON OR AFTER DECEMBER 31, 2018, A PERSON MAY NOT ACCEPT FOR SALE A PERSONAL CARE PRODUCT THAT CONTAINS SYNTHETIC PLASTIC MICROBEADS.

(B) (1) ON OR AFTER DECEMBER 31, 2018, A PERSON MAY NOT MANUFACTURE FOR SALE AN OVER-THE-COUNTER DRUG THAT CONTAINS SYNTHETIC PLASTIC MICROBEADS.

(2) ON OR AFTER DECEMBER 31, 2019, A PERSON MAY NOT ACCEPT FOR SALE AN OVER-THE-COUNTER DRUG THAT CONTAINS SYNTHETIC PLASTIC MICROBEADS.

9-2003.

(A) THE DEPARTMENT SHALL ADOPT REGULATIONS IDENTIFYING BIODEGRADABLE GUIDELINES THAT ARE ACCEPTABLE FOR USE BY A WASTEWATER TREATMENT PLANT.

(B) THE DEPARTMENT SHALL PERIODICALLY REVIEW THE BIODEGRADABLE GUIDELINES TO ENSURE THAT THE MOST SCIENTIFICALLY EFFECTIVE METHODS ARE BEING UTILIZED TO PREVENT, TO THE MAXIMUM EXTENT PRACTICABLE, THE ENTRANCE OF SYNTHETIC PLASTIC MICROBEADS IN THE NATURAL AQUATIC ENVIRONMENT OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 410**

**(House Bill 236)**

AN ACT concerning

**Criminal Law – Assault – First Responders**

FOR the purpose of prohibiting a person from intentionally causing physical injury to another if the person knows or has reason to know that the other is a firefighter, an emergency medical ~~technician services provider~~ technician, a rescue squad member, or any other first responder engaged in ~~fire fighting or~~ providing emergency medical care or rescue services; applying certain penalties; and generally relating to assaults on first responders.

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 3-203  
 Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Law**

3–203.

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) (1) In this subsection, “physical injury” means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:

(i) a law enforcement officer engaged in the performance of the officer’s official duties; [or]

(ii) a parole or probation agent engaged in the performance of the agent’s official duties; **OR**

**(III) A FIREFIGHTER, AN EMERGENCY MEDICAL ~~TECHNICIAN~~  
~~SERVICES PROVIDER, AS DEFINED IN § 13-516(A) OF THE EDUCATION ARTICLE~~  
~~TECHNICIAN~~, A RESCUE SQUAD MEMBER, OR ANY OTHER FIRST RESPONDER  
ENGAGED IN ~~FIRE-FIGHTING OR~~ PROVIDING EMERGENCY MEDICAL CARE OR RESCUE  
SERVICES.**

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 411

### (House Bill 278)

AN ACT concerning

#### **Task Force to Study the Implementation of a Dyslexia Education Program**

FOR the purpose of establishing the Task Force to Study the Implementation of a Dyslexia Education Program; 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 regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Implementation of a Dyslexia Education Program.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) There is a Task Force to Study the Implementation of a Dyslexia Education Program.

(b) The Task Force consists of the following ~~11~~ 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 Superintendent's designee;

(4) one representative of the Maryland Association of Boards of Education, appointed by the Executive Director of the Association;

(5) one representative of the Public School Superintendents Association of Maryland, appointed by the Executive Director of the Association; ~~and~~

(6) one representative of the Maryland State Education Association, appointed by the Executive Director of the Association;

(7) one representative of the Maryland School Psychologists' Association, appointed by the President of the Association; and

~~(6)~~ (8) the following ~~six~~ members, appointed by the Governor:

(i) one representative of an employee organization of public school teachers;

(ii) one representative of a local school system;

(iii) two representatives of the dyslexia education community;

(iv) one representative of an organization that certifies dyslexia identification methodologies; ~~and~~

(v) one consumer member who has experience with dyslexia identification, education, and treatment; *and*

*(vi) one representative of Decoding Dyslexia Maryland.*

(c) The Governor shall designate the chair of the Task Force.

(d) The State Department of Education 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) determine current practices for identifying and treating dyslexia in students in Maryland public schools;

(2) determine current practices for identifying and treating dyslexia in other states;

(3) determine the appropriate structure for establishing a dyslexia education program and make recommendations on:

(i) the feasibility of funding a dyslexia education program through the State Department of Education or alternative funding mechanisms and sources or both;

(ii) the methodologies that should be used to test students and identify dyslexia and pre-dyslexia tendencies in students;

(iii) the appropriate age to begin testing for dyslexia and pre-dyslexia tendencies; and

(iv) the best practices for treating and educating students identified as having dyslexia or pre-dyslexia tendencies; and

(4) develop a pilot program to initiate the implementation of the recommendations of the Task Force in an appropriately limited geographical area.

(g) On or before December 30, 2015, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, 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 12, 2015.**

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## Chapter 412

(House Bill 293)

AN ACT concerning

**Guardianship, of Disabled Persons and Revocation of Advance Directives, and  
~~Surrogates—Disabled Persons and Mental Health Services~~**

FOR the purpose of authorizing a court to appoint a guardian of the person of a disabled person for a limited period of time under certain circumstances; specifying that certain rights, duties, and powers that a court may order include the duty to file a certain report; ~~providing that a revocation of an advance directive for mental health services by a certain declarant is not effective until a certain period of time after the request for revocation is made by the declarant; repealing the prohibition against certain surrogate decision makers authorizing treatment for a mental disorder~~ authorizing a certain individual declarant to waive certain rights when making an advance directive; making conforming changes; and generally relating to guardianship, and advance directives, ~~and surrogate decision making.~~

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13-708(a) and (b)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section ~~5-604 and 5-605(d)~~  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

**Article – Estates and Trusts**

13-708.

(a) (1) The court may grant to a guardian of a person only those powers necessary to provide for the demonstrated need of the disabled person.

(2) **(I)** The court may appoint a guardian of the person of a disabled person for the limited purpose of making one or more decisions related to the health care of that person.

**(II) THE COURT MAY APPOINT A GUARDIAN OF THE PERSON OF A DISABLED PERSON FOR A LIMITED PERIOD OF TIME IF IT APPEARS PROBABLE THAT THE DISABILITY WILL CEASE WITHIN 1 YEAR OF THE APPOINTMENT OF THE GUARDIAN.**

(b) Subject to subsection (a) of this section, the rights, duties, and powers which the court may order include, but are not limited to:

(1) The same rights, powers, and duties that a parent has with respect to an unemancipated minor child, except that the guardian is not liable solely by reason of the guardianship to third persons for any act of the disabled person;

(2) The right to custody of the disabled person and to establish his place of abode within and without the State, provided there is court authorization for any change in the classification of abode, except that no one may be committed to a mental facility without an involuntary commitment proceeding as provided by law;

(3) The duty to provide for care, comfort, and maintenance, including social, recreational, and friendship requirements, and, if appropriate, for training and education of the disabled person;

(4) The duty to take reasonable care of the clothing, furniture, vehicles, and other personal effects of the disabled person, and, if other property requires protection, the power to commence protective proceedings;



(5) If a guardian of the estate of the disabled person has not been appointed, the right to commence proceedings to compel performance by any person of his duty to support the disabled person, and to apply the estate to the support, care, and education of the disabled person, except that the guardian of the person may not obtain funds from the estate for room and board that the guardian, his spouse, parent, or child provide without a court order approving the charge, and the duty to exercise care to conserve any excess estate for the needs of the disabled person;

(6) If a guardian of the estate has been appointed, the duty to control the custody and care of the disabled person, to receive reasonable sums for room and board provided to the disabled person, and to account to the guardian of the estate for funds expended, and the right to ask the guardian of the estate to expend the estate in payment of third persons for care and maintenance of the disabled person;

(7) The duty to file an annual **OR BIENNIAL** report with the court indicating the present place of residence and health status of the ward, the guardian's plan for preserving and maintaining the future well-being of the ward, and the need for continuance or cessation of the guardianship or for any alteration in the powers of the guardian. The court shall renew the appointment of the guardian if it is satisfied that the grounds for the original appointment stated in § 13-705(b) of this subtitle continue to exist. If the court believes such grounds may not exist, it shall hold a hearing, similar to that provided for in § 13-705 of this subtitle, at which the guardian shall be required to prove that such grounds exist. If the court does not make these findings, it shall order the discontinuance of the guardianship of the person. If the guardian declines to participate in the hearing, the court may appoint another guardian to replace him pursuant to the priorities in § 13-707(a) of this subtitle; and

(8) The power to give necessary consent or approval for:

(i) Medical or other professional care, counsel, treatment, or service, including admission to a hospital or nursing home or transfer from one medical facility to another;

(ii) Withholding medical or other professional care, counsel, treatment, or service; and

(iii) Withdrawing medical or other professional care, counsel, treatment, or service.

### Article – Health – General

5-604.

(a) (1) [An] ~~SUBJECT TO~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, AN advance directive may be revoked at any time by ~~a declarant~~ **THE INDIVIDUAL WHO MADE THE ADVANCE DIRECTIVE** *a declarant* by a signed and dated

written or electronic document, by physical cancellation or destruction, by an oral statement to a health care practitioner or by the execution of a subsequent directive.

~~(2) A REVOCATION OF AN ADVANCE DIRECTIVE FOR MENTAL HEALTH SERVICES BY A DECLARANT WHO HAS BEEN CERTIFIED INCAPABLE OF MAKING AN INFORMED DECISION UNDER § 5-602(E) OF THIS SUBTITLE IS NOT EFFECTIVE UNTIL 72 HOURS AFTER THE REQUEST FOR REVOCATION IS MADE BY THE DECLARANT.~~

(2) A ~~COMPETENT INDIVIDUAL~~ DECLARANT, KNOWINGLY AND VOLUNTARILY, MAY ELECT IN AN ADVANCE DIRECTIVE TO WAIVE THE RIGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION TO REVOKE ANY PART OR ALL OF THE ADVANCE DIRECTIVE, INCLUDING THE APPOINTMENT OF AN AGENT, DURING A PERIOD IN WHICH THE ~~INDIVIDUAL~~ DECLARANT HAS BEEN CERTIFIED INCAPABLE OF MAKING AN INFORMED DECISION UNDER § 5-602(E) OF THIS SUBTITLE.

(b) If ~~a declarant~~ ~~AN INDIVIDUAL~~ *a declarant* revokes an advance directive by an oral statement to a health care practitioner, the practitioner and a witness to the oral revocation shall document the substance of the oral revocation in the ~~declarant's~~ ~~INDIVIDUAL'S~~ *declarant's* medical record.

(c) It shall be the responsibility of the ~~declarant~~ ~~INDIVIDUAL~~ *declarant*, to the extent reasonably possible, to notify any person to whom the ~~declarant~~ ~~INDIVIDUAL~~ *declarant* has provided a copy of the directive.

~~5-605.~~

~~(d) A surrogate may not authorize:~~

~~(1) Sterilization; or~~

~~(2) Treatment for a mental disorder.] STERILIZATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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Chapter 413

(House Bill 298)

AN ACT concerning

**Education – Student Data Privacy Act of 2015**

FOR the purpose of requiring certain operators of certain Internet sites, services, and applications to protect certain student information from unauthorized access, to implement and maintain certain security procedures and practices, and to delete certain student information under certain circumstances; prohibiting certain operators from *knowingly* engaging in certain activities with respect to certain sites, services, and applications relating to targeted advertising, selling certain student information, and disclosing certain student information under certain circumstances; providing that certain operators may use certain de-identified or aggregated student information under certain circumstances; providing for the application of this Act; defining certain terms; and generally relating to student data privacy.

BY adding to

Article – Education

Section 4–131

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

**4–131.**

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

(2) (I) “COVERED INFORMATION” MEANS INFORMATION OR MATERIAL THAT:

1. PERSONALLY IDENTIFIES AN INDIVIDUAL STUDENT IN THIS STATE OR THAT IS LINKED TO INFORMATION OR MATERIAL THAT PERSONALLY IDENTIFIES AN INDIVIDUAL STUDENT IN THIS STATE; AND

2. IS GATHERED BY AN OPERATOR THROUGH THE OPERATION OF A SITE, A SERVICE, OR AN APPLICATION.

(II) “COVERED INFORMATION” INCLUDES A STUDENT’S:

1. EDUCATIONAL AND DISCIPLINARY RECORD;

2. FIRST AND LAST NAME;

3. HOME ADDRESS AND GEOLOCATION INFORMATION;
4. TELEPHONE NUMBER;
5. ELECTRONIC MAIL ADDRESS OR OTHER INFORMATION THAT ALLOWS PHYSICAL OR ONLINE CONTACT;
6. TEST RESULTS, GRADES, AND STUDENT EVALUATIONS;
7. SPECIAL EDUCATION DATA;
8. CRIMINAL RECORDS;
9. MEDICAL RECORDS AND HEALTH RECORDS;
10. SOCIAL SECURITY NUMBER;
11. BIOMETRIC INFORMATION;
12. SOCIOECONOMIC INFORMATION;
13. FOOD PURCHASES;
14. POLITICAL AND RELIGIOUS AFFILIATIONS;
15. TEXT MESSAGES;
16. STUDENT IDENTIFIERS;
17. SEARCH ACTIVITY;
18. PHOTOS; AND
19. VOICE RECORDINGS.

~~(3) “OPERATOR” MEANS A PERSON WHO IS IN CONTROL OF AN INTERNET WEB SITE, AN ONLINE SERVICE, AN ONLINE APPLICATION, OR A MOBILE APPLICATION THAT:~~

(3) “OPERATOR” MEANS A PERSON WHO IS OPERATING IN ACCORDANCE WITH A CONTRACT OR AN AGREEMENT WITH A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM IN THE STATE TO PROVIDE AN INTERNET WEB SITE, AN ONLINE SERVICE, AN ONLINE APPLICATION, OR A MOBILE APPLICATION THAT:

(I) IS USED PRIMARILY FOR A PREK–12 SCHOOL PURPOSE;

(II) IS ISSUED AT THE DIRECTION OF A PUBLIC SCHOOL, A TEACHER, OR ANY OTHER EMPLOYEE OF A PUBLIC SCHOOL, LOCAL SCHOOL SYSTEM, OR THE DEPARTMENT; AND

(III) WAS DESIGNED AND MARKETED PRIMARILY FOR A PREK–12 SCHOOL PURPOSE.

(4) “PERSISTENT UNIQUE IDENTIFIER” MEANS A UNIQUE REFERENCE NUMBER USED AS AN IDENTIFIER IN COMPUTER SOFTWARE THAT IS STORED ACROSS DIFFERENT USAGE SESSIONS.

(5) (I) “PREK–12 SCHOOL PURPOSE” MEANS AN ACTIVITY THAT ~~CUSTOMARILY~~:

1. TAKES PLACE AT THE DIRECTION OF A PUBLIC SCHOOL, A TEACHER, AN ADMINISTRATOR, OR A LOCAL SCHOOL SYSTEM; OR

2. AIDS IN THE ADMINISTRATION OF PUBLIC SCHOOL ACTIVITIES.

(II) “PREK–12 SCHOOL PURPOSE” INCLUDES:

1. INSTRUCTION IN THE CLASSROOM;

2. HOME INSTRUCTION;

3. ADMINISTRATIVE ACTIVITIES;

4. COLLABORATION AMONG STUDENTS, PUBLIC SCHOOL EMPLOYEES, AND PARENTS;

5. MAINTAINING, DEVELOPING, SUPPORTING, IMPROVING, OR DIAGNOSING THE OPERATOR’S SITE, SERVICE, OR APPLICATION; AND

6. AN ACTIVITY THAT IS FOR THE USE AND BENEFIT OF THE PUBLIC SCHOOL.

(6) (I) “TARGETED ADVERTISING” MEANS PRESENTING ADVERTISEMENTS TO AN INDIVIDUAL STUDENT THAT ARE SELECTED BASED ON INFORMATION OBTAINED OR INFERRED FROM THE STUDENT’S ONLINE BEHAVIOR, USAGE OF APPLICATIONS, OR COVERED INFORMATION.

**(II) “TARGETED ADVERTISING” DOES NOT INCLUDE ADVERTISEMENTS PRESENTED TO AN INDIVIDUAL STUDENT AT AN ONLINE LOCATION:**

**1. BASED ON THE STUDENT’S CURRENT VISIT TO THE ONLINE LOCATION WITHOUT COLLECTION OR RETENTION OF THE STUDENT’S ONLINE ACTIVITIES OVER TIME; OR**

**2. IN RESPONSE TO A SINGLE SEARCH QUERY WITHOUT COLLECTION OR RETENTION OF THE STUDENT’S ONLINE ACTIVITIES OVER TIME.**

(B) THIS SECTION DOES NOT APPLY TO A GENERAL AUDIENCE INTERNET WEB SITE, GENERAL AUDIENCE ONLINE SERVICE, GENERAL AUDIENCE ONLINE APPLICATION, OR GENERAL AUDIENCE MOBILE APPLICATION, EVEN IF LOG-IN CREDENTIALS CREATED FOR AN OPERATOR’S SITE, SERVICE, OR APPLICATION MAY BE USED TO ACCESS THE GENERAL AUDIENCE SITE, SERVICE, OR APPLICATION.

(C) AN OPERATOR SHALL:

(1) PROTECT COVERED INFORMATION FROM UNAUTHORIZED ACCESS, DESTRUCTION, USE, MODIFICATION, OR DISCLOSURE;

(2) IMPLEMENT AND MAINTAIN REASONABLE SECURITY PROCEDURES AND PRACTICES TO PROTECT COVERED INFORMATION; AND

(3) IF COVERED INFORMATION IS UNDER THE ~~CONTROL~~ AUTHORITY OF A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM IN ACCORDANCE WITH A CONTRACT OR AN AGREEMENT, DELETE WITHIN A REASONABLE TIME THE COVERED INFORMATION IF THE PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM REQUESTS DELETION OF THE COVERED INFORMATION.

(D) (1) AN OPERATOR MAY NOT KNOWINGLY ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES WITH RESPECT TO THE OPERATOR’S SITE, SERVICE, OR APPLICATION:

(I) ENGAGE IN TARGETED ADVERTISING IF THE ADVERTISING IS BASED ON INFORMATION, INCLUDING COVERED INFORMATION AND PERSISTENT UNIQUE IDENTIFIERS, THAT THE OPERATOR HAS ACQUIRED BECAUSE OF THE USE OF THE OPERATOR’S SITE, SERVICE, OR APPLICATION;

(II) ~~USE~~ EXCEPT IN FURTHERANCE OF A PREK-12 SCHOOL PURPOSE, USE INFORMATION, INCLUDING COVERED INFORMATION AND

PERSISTENT UNIQUE IDENTIFIERS, CREATED OR GATHERED BY THE OPERATOR'S SITE, SERVICE, OR APPLICATION, TO MAKE A PROFILE ABOUT A STUDENT;

(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, SELL A STUDENT'S INFORMATION; OR

(IV) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, DISCLOSE COVERED INFORMATION.

(2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROHIBIT THE OPERATOR'S USE OF INFORMATION FOR MAINTAINING, DEVELOPING, SUPPORTING, IMPROVING, OR DIAGNOSING THE OPERATOR'S SITE, SERVICE, OR APPLICATION.

(3) FOR PURPOSES OF PARAGRAPH (1)(II) OF THIS SUBSECTION, MAKING A PROFILE OF A STUDENT DOES NOT INCLUDE THE COLLECTION AND RETENTION OF ACCOUNT INFORMATION THAT REMAINS UNDER THE AUTHORITY OF A STUDENT, A STUDENT'S PARENT OR GUARDIAN, A PUBLIC SCHOOL, OR A LOCAL SCHOOL SYSTEM.

(E) NOTWITHSTANDING SUBSECTION (D)(1)(IV) OF THIS SECTION, AN OPERATOR MAY DISCLOSE A STUDENT'S COVERED INFORMATION:

(1) IF THE DISCLOSURE IS MADE ONLY IN FURTHERANCE OF THE PREK-12 SCHOOL PURPOSE OF THE SITE, SERVICE, OR APPLICATION AND THE RECIPIENT OF THE COVERED INFORMATION:

(I) DOES NOT FURTHER DISCLOSE THE INFORMATION; AND

(II) IS LEGALLY REQUIRED TO COMPLY WITH ~~SUBSECTION~~ SUBSECTIONS (C) AND (D)(1) OF THIS SECTION;

(2) TO ENSURE LEGAL ~~AND~~ OR REGULATORY COMPLIANCE;

(3) TO TAKE PRECAUTIONS AGAINST LIABILITY;

~~(3)~~ (4) TO RESPOND TO OR PARTICIPATE IN JUDICIAL PROCESS;

~~(4)~~ (5) TO PROTECT THE SAFETY OF USERS OR OTHERS OR THE SECURITY OR INTEGRITY OF THE SITE, SERVICE, OR APPLICATION;

~~(5)~~ (6) TO A SERVICE PROVIDER, PROVIDED THE OPERATOR CONTRACTUALLY:

(I) PROHIBITS THE SERVICE PROVIDER FROM USING ANY COVERED INFORMATION FOR ANY PURPOSE OTHER THAN PROVIDING THE CONTRACTED SERVICE TO, OR ON BEHALF OF, THE OPERATOR;

(II) ~~PROHIBITS~~ EXCEPT FOR A PURPOSE EXPRESSLY PERMITTED UNDER THIS SUBSECTION, PROHIBITS THE SERVICE PROVIDER FROM DISCLOSING COVERED INFORMATION PROVIDED BY THE OPERATOR WITH A THIRD PARTY; AND

(III) REQUIRES THE SERVICE PROVIDER TO COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (C) AND (D)(1)(I) THROUGH (III) OF THIS SECTION;

~~(6)~~ (7) IF SUBSECTION (D)(1)(I) THROUGH (III) OF THIS SECTION IS NOT VIOLATED;

~~(7)~~ (8) IF FEDERAL OR STATE LAW REQUIRES THE OPERATOR TO DISCLOSE THE INFORMATION, AND THE OPERATOR COMPLIES WITH THE REQUIREMENTS OF FEDERAL AND STATE LAW IN PROTECTING AND DISCLOSING THE INFORMATION;

~~(8)~~ (9) FOR A LEGITIMATE RESEARCH PURPOSE AS:

(I) REQUIRED BY FEDERAL OR STATE LAW; OR

(II) ALLOWED BY FEDERAL OR STATE LAW AND UNDER THE DIRECTION OF A PUBLIC SCHOOL, LOCAL SCHOOL SYSTEM, OR THE DEPARTMENT, IF A STUDENT'S COVERED INFORMATION IS NOT USED FOR ADVERTISING OR TO MAKE A PROFILE ON THE STUDENT FOR A PURPOSE OTHER THAN A PREK-12 SCHOOL PURPOSE; OR

~~(9)~~ (10) TO A STATE OR LOCAL EDUCATION AGENCY, INCLUDING PUBLIC SCHOOLS AND LOCAL SCHOOL SYSTEMS, FOR A PREK-12 SCHOOL PURPOSE, AS PERMITTED BY FEDERAL AND STATE LAW.

(F) IF AN OPERATOR OF A SITE, A SERVICE, OR AN APPLICATION USED FOR A PREK-12 SCHOOL PURPOSE IS MERGED WITH OR ACQUIRED BY ANOTHER ENTITY, THE SUCCESSOR ENTITY IS SUBJECT TO THIS SECTION FOR PREVIOUSLY COLLECTED COVERED INFORMATION.

(G) NOTHING IN THIS SECTION PROHIBITS AN OPERATOR FROM:



(1) USING AGGREGATED OR DE-IDENTIFIED COVERED INFORMATION:

(I) TO DEVELOP OR IMPROVE AN EDUCATIONAL PRODUCT OR SERVICE WITHIN ANY SITE, SERVICE, OR APPLICATION THE OPERATOR OWNS; OR

(II) TO DEMONSTRATE THE EFFECTIVENESS OF THE OPERATOR'S PRODUCTS OR SERVICES; OR

(2) SHARING AGGREGATED OR DE-IDENTIFIED COVERED INFORMATION FOR THE DEVELOPMENT ~~AND~~ OR IMPROVEMENT OF EDUCATIONAL SITES, SERVICES, OR APPLICATIONS.

~~(H) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A NONPROFIT WEB SITE, MOBILE APPLICATION, OR ONLINE SERVICE FROM USING OR DISCLOSING A STUDENT'S COVERED INFORMATION ONLY FOR THE PURPOSE OF CONDUCTING A COLLEGE OR CAREER READINESS ASSESSMENT IF THE NONPROFIT WEB SITE, MOBILE APPLICATION, OR ONLINE SERVICE:~~

~~(1) GAVE CLEAR AND CONSPICUOUS NOTICE OF THE USE OR DISCLOSURE OF THE STUDENT'S COVERED INFORMATION TO THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN; AND~~

~~(2) OBTAINED THE AFFIRMATIVE CONSENT OF THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN TO USE OR DISCLOSE THE STUDENT'S COVERED INFORMATION.~~

(1) EXCEPT FOR SUBSECTION (D)(1)(III) OF THIS SECTION AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NOTHING IN SUBSECTIONS (D) AND (E) OF THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE USE OR DISCLOSURE OF A STUDENT'S COVERED INFORMATION BY AN OPERATOR.

~~(2) THE USE OR DISCLOSURE OF A STUDENT'S COVERED INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE THE USE OR DISCLOSURE FOR THE PURPOSE OF:~~

~~(I) CONDUCTING A COLLEGE OR CAREER READINESS ASSESSMENT;~~

~~(II) LONGITUDINAL RESEARCH TO IMPROVE EDUCATIONAL PRACTICE OR POLICY; OR~~

~~(III) PROVIDING ACCESS TO POSTSECONDARY EDUCATION OR SCHOLARSHIPS.~~

~~(3)~~ (2) AN OPERATOR MAY USE OR DISCLOSE COVERED INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE OPERATOR:

(I) PROVIDED CLEAR AND CONSPICUOUS NOTICE OF THE USE OR DISCLOSURE OF THE STUDENT'S COVERED INFORMATION TO THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN; AND

(II) OBTAINED THE AFFIRMATIVE CONSENT OF THE STUDENT, IF THE STUDENT IS AT LEAST 18 YEARS OLD, OR THE STUDENT'S PARENT OR GUARDIAN TO USE OR DISCLOSE THE STUDENT'S COVERED INFORMATION.

~~(H)~~ (I) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF A LAW ENFORCEMENT AGENCY TO OBTAIN CONTENT OR INFORMATION FROM AN OPERATOR AS AUTHORIZED BY FEDERAL OR STATE LAW OR IN ACCORDANCE WITH AN ORDER OF A COURT OF COMPETENT JURISDICTION.

~~(F)~~ (J) THIS SECTION DOES NOT LIMIT THE ABILITY OF AN OPERATOR TO:

(1) ~~USE~~ USE A STUDENT'S COVERED INFORMATION FOR ADAPTIVE LEARNING OR CUSTOMIZED STUDENT LEARNING PURPOSES;

(2) USE RECOMMENDATION ENGINES TO RECOMMEND TO A STUDENT ADDITIONAL CONTENT OR SERVICES RELATING TO AN EDUCATIONAL, OTHER LEARNING, OR EMPLOYMENT OPPORTUNITY PURPOSE WITHIN AN OPERATOR'S SITE, SERVICE, OR APPLICATION IF THE RECOMMENDATION IS NOT DETERMINED IN WHOLE OR IN PART BY PAYMENT OR OTHER CONSIDERATION FROM A THIRD PARTY;

(3) RESPOND TO A STUDENT'S SEARCH QUERY, OTHER REQUEST FOR INFORMATION, OR REQUEST FOR FEEDBACK IF THE INFORMATION OR RESPONSE IS NOT DETERMINED IN WHOLE OR IN PART BY PAYMENT OR OTHER CONSIDERATION FROM A THIRD PARTY; OR

(4) USE OR RETAIN COVERED INFORMATION TO:

(I) ENSURE LEGAL OR REGULATORY COMPLIANCE; OR

(II) TAKE PRECAUTIONS AGAINST LIABILITY.

~~(J)~~ (K) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT AN OPERATOR OF AN INTERNET WEB SITE, AN ONLINE SERVICE, AN ONLINE APPLICATION, OR A MOBILE APPLICATION FROM MARKETING EDUCATIONAL PRODUCTS DIRECTLY TO PARENTS IF THE MARKETING WAS NOT A RESULT OF THE

USE OF COVERED INFORMATION OBTAINED BY THE OPERATOR THROUGH THE PROVISION OF SERVICES COVERED UNDER THIS SECTION.

~~(K)~~ (L) THIS SECTION ~~DOES NOT~~ MAY NOT BE CONSTRUED TO IMPOSE A DUTY ON A PROVIDER OF AN ELECTRONIC STORE, A GATEWAY, MARKETPLACE, OR ANY OTHER MEANS OF PURCHASING OR DOWNLOADING SOFTWARE OR APPLICATIONS TO REVIEW OR ENFORCE COMPLIANCE OF THIS SECTION.

~~(L)~~ (M) THIS SECTION ~~DOES NOT~~ MAY NOT BE CONSTRUED TO IMPOSE A DUTY ON A PROVIDER OF AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN CHAPTER 5, TITLE 47 OF THE UNITED STATES CODE, TO REVIEW OR ENFORCE COMPLIANCE WITH THIS SECTION BY THIRD-PARTY CONTENT PROVIDERS.

~~(M)~~ (N) THIS SECTION ~~DOES NOT~~ MAY NOT BE CONSTRUED TO IMPEDE THE ABILITY OF STUDENTS TO DOWNLOAD, EXPORT, TRANSFER, OR OTHERWISE SAVE OR MAINTAIN THEIR OWN ~~STUDENT CREATED~~ DATA OR DOCUMENTS.

(O) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT AN INTERNET SERVICE PROVIDER FROM PROVIDING INTERNET CONNECTIVITY TO PUBLIC SCHOOLS, STUDENTS, OR STUDENTS' FAMILIES.

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 414

(House Bill 346)

AN ACT concerning

### Court Personnel – Altering References From Master to Magistrate

FOR the purpose of altering references to the term “master” to “magistrate” in provisions of law prohibiting certain individuals from practicing law or preparing or helping to prepare certain documents while employed in a certain capacity, in provisions concerning the appointment and employment of circuit court personnel, in provisions

concerning the appointment, powers, and duties of juvenile court masters, in provisions concerning mediation of certain matters, in provisions requiring oral testimony in an action for alimony, annulment, or divorce, in provisions concerning judicial review of a certain zoning decision of a certain board of appeals or a zoning action of a certain legislative body, in provisions concerning the acknowledgment of certain instruments in the State, and in provisions relating to the Judges' Retirement System; and generally relating to circuit court and juvenile court masters.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 10–603(a)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–102(a), 2–501(a) and (e), 3–807, 3–8A–04, and 3–1802(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 1–203(c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Land Use  
Section 4–402(b)  
Annotated Code of Maryland  
(2012 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 19–102  
Annotated Code of Maryland  
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 21–307(b), 21–309(b), 23–201(a)(7), 27–201(a), 27–304(c), and 27–402(b)(1)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 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**

10–603.

(a) This section does not apply to:

(1) a lawyer while employed as a part–time **[master] MAGISTRATE** for juvenile cases; or

(2) an individual while:

(i) performing an affirmative duty required by law; or

(ii) engaging in an activity related to a case in which the individual is a party or has a property interest.

**Article – Courts and Judicial Proceedings**

2–102.

(a) If advisable in a specific proceeding, a court may appoint an auditor, surveyor, court reporter, assistant counsel for the State, counsel for a party if authorized by law or rule, accountant, **[master] MAGISTRATE**, examiner, or other officer, and may require his presence in court.

2–501.

(a) Except as provided for the Circuit Court for Baltimore City in Subtitle 5A of this title, the judges of the circuit court for a county may employ the court administrators, assignment commissioners, auditors, **[masters] MAGISTRATES**, examiners, court reporters, messengers, bailiffs, court criers, librarians, clerks, secretaries, stenographers, jury commissioners, law clerks, and other employees necessary to conduct the business of the court.

(e) (1) There shall be included in the State budget for the Judicial Branch an appropriation to the Administrative Office of the Courts in the amount necessary to pay salaries and benefits of standing circuit court **[masters] MAGISTRATES**.

(2) The Administrative Office of the Courts shall:

(i) Identify the standing circuit court **[masters] MAGISTRATES**; and

(ii) Develop a personnel management plan and funding plan to implement this subsection.

(3) A standing [master] **MAGISTRATE** of a circuit court or a judicial circuit shall report to and perform the duties and assignments determined by the judges of the respective circuit court or circuit, in accordance with the statewide policy on [masters] **MAGISTRATES**.

(4) The Court of Appeals may adopt rules concerning the [master] **MAGISTRATE** positions described in this subsection.

(5) (i) Except as otherwise provided in this paragraph, circuit court [masters] **MAGISTRATES** identified under paragraph (2) of this subsection shall remain county or Baltimore City employees and shall not be State employees.

(ii) A circuit court [master] **MAGISTRATE** identified under paragraph (2) of this subsection may elect to become a State employee between January 1, 2002, and March 31, 2002, both inclusive.

(iii) A circuit court [master] **MAGISTRATE** who elects under this subsection to become a State employee shall become a State employee on July 1, 2002.

(iv) A standing circuit court [master] **MAGISTRATE** hired on or after July 1, 2002, shall be a State employee.

3–807.

(a) (1) The judges of a circuit court may not appoint a [master] **MAGISTRATE** for juvenile causes arising under this subtitle and Subtitle 8A of this title unless the appointment and the appointee are approved by the Chief Judge of the Court of Appeals.

(2) The standards expressed in § 3–806(b) of this subtitle, with respect to the assignment of judges, are applicable to the appointment of [masters] **MAGISTRATES**.

(3) A [master] **MAGISTRATE**, at the time of appointment and at all times while serving as a [master] **MAGISTRATE**, shall be a member in good standing of the Maryland Bar.

(b) (1) A [master] **MAGISTRATE** appointed for juvenile causes may conduct hearings.

(2) Each proceeding shall be recorded, and the [master] **MAGISTRATE** shall make findings of fact, conclusions of law, and recommendations as to an appropriate order.

(3) The proposals and recommendations shall be in writing, and, within 10 days after the hearing, the original shall be filed with the court and a copy served on each party to the proceeding.

(c) (1) Any party, in accordance with the Maryland Rules, may file written exceptions to any or all of the [master's] **MAGISTRATE'S** findings, conclusions, and recommendations, but shall specify those items to which the party objects.

(2) The party who files exceptions may elect a hearing de novo or a hearing on the record before the court unless the party is the State in proceedings involving juvenile delinquency under Subtitle 8A of this title.

(3) If the State is the excepting party in proceedings involving juvenile delinquency, the hearing shall be on the record, supplemented by additional evidence as the judge considers relevant and to which the parties raise no objection.

(4) In either case, the hearing shall be limited to those matters to which exceptions have been taken.

(d) (1) The proposals and recommendations of a [master] **MAGISTRATE** for juvenile causes do not constitute orders or final action of the court.

(2) The proposals and recommendations shall be promptly reviewed by the court, and, in the absence of timely and proper exceptions, they may be adopted by the court and appropriate orders entered based on them.

(3) Detention, community detention, or shelter care may be ordered by a [master] **MAGISTRATE** pending court review of the [master's] **MAGISTRATE'S** findings, conclusions, and recommendations.

(e) If the court, on its own motion and in the absence of timely and proper exceptions, decides not to adopt the [master's] **MAGISTRATE'S** findings, conclusions, and recommendations, or any of them, the court shall conduct a de novo hearing, unless all parties and the court agree to a hearing on the record.

3-8A-04.

The provisions of §§ 3-806, 3-807, and 3-829 of this title govern judges, [masters] **MAGISTRATES**, and local juvenile court committees under this subtitle.

3-1802.

(b) This subtitle does not apply to a mediation:

(1) To which Title 17 of the Maryland Rules applies;

(2) Relating to the establishment, negotiation, administration, or termination of a collective bargaining relationship;

(3) Relating to a dispute that is pending under, or is part of the processes established by, a collective bargaining agreement unless the dispute has been filed with an administrative agency or court;

(4) Relating to an action to enforce an agreement to arbitrate under common law, the Federal Arbitration Act, the Maryland Uniform Arbitration Act under Subtitle 2 of this title, or the Maryland International Commercial Arbitration Act under Subtitle 2B of this title;

(5) Relating to an action to foreclose a lien against an owner-occupied residential property subject to foreclosure mediation conducted by the Office of Administrative Hearings under Maryland Rule 14-209.1;

(6) Arising from a referral of a matter to a [master] MAGISTRATE, examiner, auditor, or parenting coordinator under Maryland Rules 2-541, 2-542, 2-543, or 9-205.2; or

(7) Conducted by a judge who might make a ruling on a case based on the dispute.

#### **Article – Family Law**

1-203.

(c) In an action for alimony, annulment, or divorce, a final decree may not be entered except on oral testimony by the plaintiff in a hearing before an examiner or a [master] MAGISTRATE or in open court.

#### **Article – Land Use**

4-402.

(b) (1) If, after a hearing, the circuit court determines that testimony is needed for the proper disposition of the matter, the court may take evidence or appoint a special [master] MAGISTRATE to:

(i) take the required evidence; and

(ii) report the evidence to the court with the special [master's] MAGISTRATE'S findings of fact and conclusions of law.

(2) The special [master's] MAGISTRATE'S evidence, findings, and conclusions shall constitute a part of the proceedings on which the court shall make its determination.

#### **Article – State Government**



19-102.

The acknowledgment of any instrument may be made in the State before:

- (1) a judge of a court of record;
- (2) a clerk or deputy clerk of a court having a seal;
- (3) a notary public; or
- (4) a [master] MAGISTRATE in chancery.

### Article – State Personnel and Pensions

21-307.

(b) For the fiscal year beginning July 1, 2010, and each subsequent fiscal year, for a [master] MAGISTRATE in chancery or a [master] MAGISTRATE in juvenile causes who is eligible for benefits under the Judges' Retirement System, the county where the ~~master~~ MAGISTRATE serves shall pay to the Judges' Retirement System the employer contributions required to be paid on behalf of the [master] MAGISTRATE.

21-309.

(b) Each year, the Board of Trustees shall certify to the chief fiscal officer of each participating governmental unit:

(1) the normal contribution rates, accrued liability contribution rates, special accrued liability contribution rate, and withdrawal liability contribution rate for the participating governmental unit; and

(2) any amount payable by the participating governmental unit for a [master] MAGISTRATE under § 21-307(b)(2) of this subtitle.

23-201.

(a) Except as provided in subsection (b) of this section, §§ 23-203 through 23-205 of this subtitle apply only to:

(7) a full-time [master] MAGISTRATE in chancery or in juvenile causes who is appointed on or after July 1, 1989, in any county by the circuit court for that county;

27-201.

(a) The following individuals are members of the Judges' Retirement System:

(1) a judge of the Court of Appeals, Court of Special Appeals, circuit court of a county, or District Court of Maryland;

(2) a member of the State Workers' Compensation Commission; and

(3) a [master] MAGISTRATE in chancery or [master] MAGISTRATE in juvenile causes who:

(i) was appointed by the circuit court of a county on or before June 30, 1989; and

(ii) serves full time as a [master] MAGISTRATE.

27–304.

(c) A member may purchase service credit for prior service as:

(1) a full-time [master] MAGISTRATE in chancery or [master] MAGISTRATE in juvenile causes on or before June 30, 1975; or

(2) a member of the State Workers' Compensation Commission on or before June 30, 1977.

27–402.

(b) (1) This subsection applies only to a retiree who is a [master] MAGISTRATE in chancery or juvenile causes at the time of termination of service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 415

**(House Bill 349)**

AN ACT concerning

**Procurement Preferences – ~~Blind Industries and Services of Maryland~~  
~~Janitorial Products~~ Pricing and Selection Committees**

FOR the purpose of repealing 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~~; Pricing Committee for Blind Industries and Services of Maryland and merging the functions of the Committee with the Pricing and Selection Committee for the Employment Works Program; altering the membership and duties of a certain pricing and selection committee; requiring the Governor's Office of Minority Affairs and the Department of General Services to report to certain committees of the General Assembly on or before certain dates; providing for the termination of certain provisions of this Act; and generally relating to procurement preferences related to the Blind Industries and Services of Maryland preferences and pricing and selection committees.

BY repealing and reenacting, ~~with~~ without amendments,  
 Article – State Finance and Procurement  
 Section 14–103  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2014 Supplement)

BY repealing  
Article – State Finance and Procurement  
Section 14–104 and 14–105  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 14–106 and 14–107  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 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 State Use Industries 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;

(3) the Employment Works Program established under § 14–108 of this subtitle, if:

(i) a community service provider provides the supplies or services;

(ii) neither Maryland Correctional Enterprises nor Blind Industries and Services of Maryland provides the supplies or services; and

(iii) a State or State aided or controlled entity is not required by law to buy the supplies or services from any other unit of the State government; or

(4) individual with disability owned businesses if:

(i) an individual with disability owned business provides the supplies or services;

(ii) neither Maryland Correctional Enterprises, Blind Industries and Services of Maryland, nor a community service provider provides the supplies or services; and

(iii) a State or 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)~~ 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 the specified products are available.~~‡~~

[14–104.

(a) In this section, “Committee” means the Pricing Committee for Blind Industries and Services of Maryland.

(b) There is a Pricing Committee for Blind Industries and Services of Maryland.

(c) The Committee consists of the following 4 members or their respective designees:

(1) the Secretary of General Services;  
(2) the Secretary of Public Safety and Correctional Services;  
(3) the President of Blind Industries and Services of Maryland; and  
(4) a member of the Executive Board of the National Federation of the Blind of Maryland appointed by that Executive Board.

(d) A member of the Committee:

(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.

(e) The Committee shall receive assistance from the staff of Blind Industries and Services of Maryland.

(f) (1) The Committee shall set the prices of supplies and services that Blind Industries and Services of Maryland provides.

(2) The prices shall reflect the fair market prices for the supplies and services.]

[14-105.

Every 6 months, Blind Industries and Services of Maryland shall:

(1) revise the list of supplies and services that it provides; and  
(2) send the list to the Secretary of General Services and each person responsible for buying supplies or services for the State or a State aided or controlled entity.]

14-106.

(a) In this section, "Committee" means the Pricing and Selection Committee for **BLIND INDUSTRIES AND SERVICES OF MARYLAND AND** the Employment Works Program.

(b) There is a Pricing and Selection Committee for **BLIND INDUSTRIES AND SERVICES OF MARYLAND AND** the Employment Works Program.

(c) The Committee consists of the following ~~6~~ 5 members:

- (1) the Secretary of Transportation or a designee;
  - (2) the Secretary of General Services or a designee;
  - (3) the Secretary of Public Safety and Correctional Services or a designee;
  - ~~(4) the President of Blind Industries and Services of Maryland or a designee;~~ **A MEMBER OF THE EXECUTIVE BOARD OF THE NATIONAL FEDERATION OF THE BLIND OF MARYLAND APPOINTED BY THAT EXECUTIVE BOARD;**
  - ~~(5) (4)~~ the Assistant Secretary for Vocational Rehabilitation within the State Department of Education or a designee; and
  - ~~(6) (5)~~ the Secretary of Labor, Licensing, and Regulation or a designee.
- (d) A member of the Committee:
- (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.
- (e) The Committee shall:
- (1) ENSURE THAT SUPPLIES AND SERVICES PROVIDED BY BLIND INDUSTRIES AND SERVICES OF MARYLAND OR A COMMUNITY SERVICE PROVIDER CREATE WORK OPPORTUNITIES FOR INDIVIDUALS WHO HAVE A MENTAL OR PHYSICAL DISABILITY, INCLUDING BLINDNESS, FOR WHICH BLIND INDUSTRIES AND SERVICES OF MARYLAND OR THE COMMUNITY SERVICE PROVIDER WAS ESTABLISHED TO ASSIST;**
  - (2) SET THE PRICES OF SUPPLIES AND SERVICES THAT BLIND INDUSTRIES AND SERVICES OF MARYLAND PROVIDES TO REFLECT THE FAIR MARKET PRICES FOR THE SUPPLIES AND SERVICES;**
- ~~[(1)] (3)~~ establish procedures to govern procurement of supplies and services from community service providers and individual with disability owned businesses;
- ~~[(2)] (4)~~ from the State procurement list, choose appropriate supplies and services for community service providers and individual with disability owned businesses to offer for procurement;
- ~~[(3)] (5)~~ provide that the State procure those supplies and services from a community service provider or an individual with disability owned business;

[(4)] (6) if supplies or services are not available for procurement from a unit of the State government, determine whether supplies or services are available from a community service provider or an individual with disability owned business;

[(5)] (7) determine the fair market price of supplies and services that community service providers and individual with disability owned businesses provide;

[(6)] (8) in accordance with market conditions, adjust prices for the supplies and services that community service providers and individual with disability owned businesses provide; and

[(7)] (9) at the request of a community service provider or an individual with disability owned business, review and, if appropriate, change the price of a supply or service.

(f) In addition to the duties specified under subsection (e) of this section, the Committee shall:

(1) establish and periodically review eligibility policies or guidelines for participating community service providers and individual with disability owned businesses;

(2) maintain a current list of community service providers and individual with disability owned businesses;

(3) periodically review and revise its list of community service providers and individual with disability owned businesses; and

(4) send any revised list to the Secretary of General Services who shall make the list available to each person responsible for buying supplies or services for the State or a State aided or controlled entity.

14-107.

The Pricing and Selection Committee for **BLIND INDUSTRIES AND SERVICES OF MARYLAND AND** the Employment Works Program shall:

(1) (I) **MAINTAIN A CURRENT LIST OF SUPPLIES AND SERVICES THAT BLIND INDUSTRIES AND SERVICES OF MARYLAND PROVIDES; AND**

(II) maintain a current list of supplies and services that community service providers and individual with disability owned businesses provide;

(2) periodically review and revise [its list] THE LISTS of supplies and services [that community service providers and individual with disability owned businesses provide] MAINTAINED IN ACCORDANCE WITH ITEM (1) OF THIS SECTION; and

(3) send the [list] LISTS, and any revised [list] LISTS, to the Secretary of General Services who shall make the [list] LISTS available to each person responsible for buying supplies or services for the State or a State aided or controlled entity.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1 of each year, the Governor's Office of Minority Affairs and the Department of General Services shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the impact of § 14–103(c) of the State Finance and Procurement Article on the procurement by prime contractors of janitorial products from minority business enterprises.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 2015. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 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.

**Approved by the Governor, May 12, 2015.**

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## Chapter 416

(House Bill 367)

AN ACT concerning

### **Public Health – Maryland Behavioral Health Crisis Response System**

FOR the purpose of altering the name of the Maryland Mental Health Crisis Response System to be the Maryland Behavioral Health Crisis Response System; establishing the Crisis Response System in the Behavioral Health Administration; ~~requiring~~ authorizing certain services to be provided by the Crisis Response System; requiring the Crisis Response System to include an evaluation of outcomes of services through the annual collection of certain data; ~~requiring the Administration to maintain a certain bed registry;~~ requiring the Administration to implement the Crisis Response System in collaboration with the core service agency serving each jurisdiction; repealing a prohibition against the State spending more than a certain amount of State general funds in each fiscal year to implement the Crisis Response System; providing that community benefit includes certain support of the Crisis Response System; making certain conforming changes; defining a certain term; repealing a certain provision of law that makes the Crisis Response System contingent on the



receipt of certain funding; and generally relating to a behavioral health crisis response system.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–1401 through 10–1405 to be under the amended subtitle “Subtitle 14. Maryland Behavioral Health Crisis Response System”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

(As enacted by Chapter 371 of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–303(a)(3)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing

Chapter 371 of the Acts of the General Assembly of 2002

Section 2

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

**Article – Health – General**

Subtitle 14. Maryland [Mental] **BEHAVIORAL** Health Crisis Response System.

10–1401.

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

**(B) “ADMINISTRATION” MEANS THE BEHAVIORAL HEALTH ADMINISTRATION.**

**[(b)] (C)** “Core service agency” has the meaning stated in § 10–1201 of this title.

**[(c)] (D)** “Crisis Response System” means the Maryland [Mental] **BEHAVIORAL** Health Crisis Response System.

10–1402.

(a) There is a Maryland [Mental] **BEHAVIORAL** Health Crisis Response System in the Behavioral Health Administration.

(b) The Crisis Response System shall:

(1) Operate a statewide network utilizing existing resources and coordinating interjurisdictional services to develop efficient and effective crisis response systems to serve all individuals in the State, 24 hours a day and 7 days a week;

(2) Provide skilled clinical intervention to help prevent suicides, homicides, unnecessary hospitalizations, and arrests or detention, and to reduce dangerous or threatening situations involving individuals in need of [mental] **BEHAVIORAL** health services; and

(3) Respond quickly and effectively to community crisis situations.

(c) The Administration shall consult with consumers of [mental] **BEHAVIORAL** health services, family members, and [mental] **BEHAVIORAL** health advocates in the development of the Crisis Response System.

10-1403.

(a) The Crisis Response System shall include:

(1) A ~~WALK-IN~~ crisis communication center ~~THAT IS OPEN 24 HOURS A DAY AND 7 DAYS A WEEK~~ in each jurisdiction or region to provide:

(i) A single point of entry to the Crisis Response System;

(ii) Coordination with the local core service agency, police, emergency medical service personnel, and [mental] **BEHAVIORAL** health providers; ~~and~~

~~(iii) TRANSPORTATION COORDINATION TO ACCESS SERVICES, INCLUDING TRANSPORTATION TO URGENT APPOINTMENTS OR TO EMERGENCY PSYCHIATRIC FACILITIES; AND~~

~~(iii)~~ ~~(iv)~~ [Services] **PROGRAMS** that ~~may~~ ~~SHALL~~ include:

1. A [hotline] **CLINICAL CRISIS TELEPHONE LINE** for suicide prevention and crisis intervention;

2. A [telephone service] **HOTLINE** for [mental] **BEHAVIORAL** health information, referral, and assistance;

3. [Triage for initial assessment and referral];

4. Referral to treatment, family and peer support groups, and other services as needed;

5. Follow-up for up to 1 month] **CLINICAL CRISIS WALK-IN SERVICES, INCLUDING:**

- A. TRIAGE FOR INITIAL ASSESSMENT;**
- B. CRISIS STABILIZATION UNTIL ADDITIONAL SERVICES ARE AVAILABLE;**
- C. LINKAGE TO TREATMENT SERVICES AND FAMILY AND PEER SUPPORT GROUPS; AND**
- D. LINKAGE TO OTHER HEALTH AND HUMAN SERVICES PROGRAMS;**

[6.] 4. [Coordination of] **CRITICAL INCIDENT STRESS MANAGEMENT TEAMS, PROVIDING** disaster [mental] **BEHAVIORAL** health [teams] **SERVICES**, critical incident stress management, and [maintenance of] an on-call system for these services;

**5. CRISIS RESIDENTIAL BEDS TO SERVE AS AN ALTERNATIVE TO HOSPITALIZATION;**

~~7.~~ **6.** A community crisis bed and hospital bed registry, including a daily tally of empty beds;

~~8.~~ **7.** Transportation coordination, ensuring transportation of patients to urgent appointments or to emergency psychiatric facilities; ~~and~~

~~9.~~ ~~Linkage to 911 emergency systems and other telephone systems providing public or social services;~~

~~(2)~~ ~~Emergency services including:~~

~~(i)~~ ~~6.~~ **8.** Mobile crisis teams **OPERATING 24 HOURS A DAY AND 7 DAYS A WEEK** to provide assessments, crisis intervention, [treatment] **STABILIZATION**, follow-up, and referral to urgent care, and to arrange appointments for individuals to obtain [public mental] **BEHAVIORAL** health services;

[(ii) Urgent care; and

(iii) Emergency psychiatric services;

(3) Follow-up services including:

(i) Mobile treatment teams to provide outreach services on location;]

~~7. 9.~~ **23-HOUR HOLDING BEDS;**

~~8. 10.~~ **EMERGENCY PSYCHIATRIC SERVICES;**

~~9. 11.~~ **URGENT CARE CAPACITY;**

~~10. 12.~~ **EXPANDED CAPACITY FOR ASSERTIVE COMMUNITY TREATMENT;**

~~11. 13.~~ **CRISIS INTERVENTION TEAMS WITH CAPACITY TO RESPOND IN EACH JURISDICTION 24 HOURS A DAY AND 7 DAYS A WEEK; AND**

[(ii)] ~~12. 14.~~ Individualized family intervention teams; [and

(iii) Residential crisis services;]

[(4)] **(2)** Community awareness promotion and training programs; and

[(5)] **(3)** An evaluation of outcomes of services through:

**(I)** [an] **AN** annual survey by the Administration of consumers and family members who have received services from the Crisis Response System; **AND**

**(II) ANNUAL DATA COLLECTION ON THE NUMBER OF BEHAVIORAL HEALTH CALLS RECEIVED BY POLICE, ATTEMPTED AND COMPLETED SUICIDES, UNNECESSARY HOSPITALIZATIONS, HOSPITAL DIVERSIONS, ARRESTS AND DETENTIONS OF INDIVIDUALS WITH BEHAVIORAL HEALTH DIAGNOSES, AND DIVERSION OF ARRESTS AND DETENTIONS OF INDIVIDUALS WITH BEHAVIORAL HEALTH DIAGNOSES.**

~~**(B) THE ADMINISTRATION SHALL MAINTAIN A COMMUNITY CRISIS BED AND HOSPITAL BED REGISTRY, INCLUDING A DAILY TALLY OF EMPTY BEDS.**~~

~~[(b)]~~ **(C)** The Crisis Response System services shall be implemented as determined by **THE ADMINISTRATION IN COLLABORATION WITH** the core service agency serving each jurisdiction.

~~[(c)]~~ **(D)** An advance directive for mental health services under § 5-602.1 of this article shall apply to the delivery of services under this subtitle.

~~[(d)]~~ **(E)** This subtitle may not be construed to affect petitions for emergency evaluations under § 10-622 of this title.

10–1404.

[(a) The State may not expend more than \$250,000 in State general funds in each fiscal year to implement the Maryland Mental Health Crisis Response System.

(b)] The Administration shall implement the Crisis Response System, in collaboration with core service agencies, on a regional or jurisdictional basis as federal funding or funding from other sources becomes available.

10–1405.

The Crisis Response System providers shall contract with service providers who employ individuals who use or have used [mental] **BEHAVIORAL** health services.

19–303.

(a) (3) “Community benefit” means an activity that is intended to address community needs and priorities primarily through disease prevention and improvement of health status, including:

(i) Health services provided to vulnerable or underserved populations such as Medicaid, Medicare, or Maryland Children’s Health Program enrollees;

(ii) Financial or in-kind support of public health programs;

(iii) Donations of funds, property, or other resources that contribute to a community priority;

(iv) Health care cost containment activities; [and]

(v) Health education, screening, and prevention services; **AND**

**(VI) FINANCIAL OR IN-KIND SUPPORT OF THE MARYLAND BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.**

### **Chapter 371 of the Acts of 2002**

[SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act is contingent on the receipt of federal funding or funding from any other private or public source to implement the Maryland Mental Health Crisis Response System established under Section 1 of this Act. The Mental Hygiene Administration, within 15 days after the receipt of federal funding or other sources of funding for the Maryland Mental Health Crisis Response System, shall give written notice to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland, of the receipt of funding. Section 1 of this Act shall take effect 5 days after the date of the written notice from the Administration.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 417

### (House Bill 375)

AN ACT concerning

#### **Education – Maryland Council on Advancement of School–Based Health Centers**

FOR the purpose of repealing the Maryland School Board Health Center Policy Advising Committee and establishing the Maryland Council on Advancement of School–Based Health Centers; specifying the duties of the Council; providing for the composition, chair, and staffing of the Council; authorizing the State Department of Education to seek the assistance of certain organizations to provide certain staffing resources; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to study and make recommendations regarding certain matters; requiring the Council to report its findings and recommendations to certain State agencies and the General Assembly on or before a certain date each year; requiring the Council to include certain *information and* recommendations in a certain report that is due on a certain date; repealing obsolete provisions of law; specifying the terms of the initial members of the Council; requiring the Department to formalize certain duties in writing under certain circumstances; and generally relating to the Maryland Council on Advancement of School–Based Health Centers.

BY repealing

Article – Education

Section 7–4A–01 and 7–4A–05

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY adding to

Article – Education

Section 7–4A–01 and 7–4A–05

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 7–4A–02, 7–4A–03, and 7–4A–04

Annotated Code of Maryland  
(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

[7–4A–01.

In this subtitle, “Council” means the Maryland School–Based Health Center Policy Advisory Council.]

**7–4A–01.**

**IN THIS SUBTITLE, “COUNCIL” MEANS THE MARYLAND COUNCIL ON  
ADVANCEMENT OF SCHOOL–BASED HEALTH CENTERS.**

7–4A–02.

(a) There is a Maryland [School–Based Health Center Policy Advisory] Council  
**ON ADVANCEMENT OF SCHOOL–BASED HEALTH CENTERS** in the Department.

**(B) THE PURPOSE OF THE COUNCIL IS TO IMPROVE THE HEALTH AND  
EDUCATIONAL OUTCOMES OF STUDENTS WHO RECEIVE SERVICES FROM  
SCHOOL–BASED HEALTH CENTERS BY ADVANCING THE INTEGRATION OF  
SCHOOL–BASED HEALTH CENTERS INTO:**

**(1) THE HEALTH CARE SYSTEM AT THE STATE AND LOCAL LEVELS;  
AND**

**(2) THE EDUCATIONAL SYSTEM AT THE STATE AND LOCAL LEVELS.**

**[(b)] (C) (1)** Staff support for the Council shall be provided by the  
Department.

**(2) THE DEPARTMENT MAY SEEK THE ASSISTANCE OF  
ORGANIZATIONS WITH EXPERTISE IN SCHOOL–BASED HEALTH CARE OR OTHER  
MATTERS WITHIN THE DUTIES OF THE COUNCIL PROVIDED IN § 7–4A–05 OF THIS  
SUBTITLE TO PROVIDE ADDITIONAL STAFFING RESOURCES TO THE DEPARTMENT  
AND THE COUNCIL.**

7–4A–03.

[(a) The Council consists of the following 25 members:

- (1) The Special Secretary of the Office for Children, Youth, and Families or the Special Secretary's designee;
- (2) The State Superintendent of Schools or the State Superintendent's designee;
- (3) The Secretary of Health and Mental Hygiene or the Secretary's designee;
- (4) The Secretary of Juvenile Services or the Secretary's designee;
- (5) The Secretary of Human Resources or the Secretary's designee;
- (6) The Secretary of Budget and Management or the Secretary's designee;
- (7) One member of the Senate of Maryland appointed by the President of the Senate;
- (8) One member of the House of Delegates of Maryland appointed by the Speaker of the House;
- (9) The following members appointed by the Governor:
  - (i) One individual with experience or expertise with the Maryland Medical Assistance Program;
  - (ii) One local health officer;
  - (iii) One local superintendent of schools;
  - (iv) Three individuals from local jurisdictions, including at least one representative of a local management board;
  - (v) Three individuals who represent community leaders from organizations and faith communities that have experience or expertise with the services offered in school-based health centers;
  - (vi) Three consumers of school-based health care including students and their parents;
  - (vii) A pediatrician;
  - (viii) A nurse practitioner who serves children in a school-based health center;



- Centers;
- (ix) A member of the Maryland Assembly of School–Based Health Centers;
  - (x) A dental health professional; and
  - (xi) A representative of the Behavioral Health Administration or a core service agency.]

**(A) THE COUNCIL CONSISTS OF THE FOLLOWING ~~13~~ 14 15 VOTING MEMBERS AND ~~5~~ 6 EX OFFICIO MEMBERS:**

**(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE, AS AN EX OFFICIO MEMBER;**

**(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE, AS AN EX OFFICIO MEMBER;**

**(3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR A DESIGNEE OF THE SECRETARY, AS AN EX OFFICIO MEMBER;**

**(4) THE STATE SUPERINTENDENT OF SCHOOLS AS AN EX OFFICIO MEMBER;**

**(5) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH BENEFIT EXCHANGE AS AN EX OFFICIO MEMBER; ~~AND~~**

**(6) THE CHAIRMAN OF THE MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION, OR A DESIGNEE OF THE CHAIRMAN, AS AN EX OFFICIO MEMBER; AND**

**~~(6)~~ (7) THE FOLLOWING ~~13~~ 14 15 MEMBERS, APPOINTED BY THE GOVERNOR:**

**(I) THE PRESIDENT OF THE MARYLAND ASSEMBLY ON SCHOOL–BASED HEALTH CARE, OR A DESIGNEE OF THE PRESIDENT;**

**(II) THREE REPRESENTATIVES OF SCHOOL–BASED HEALTH CENTERS, NOMINATED BY THE MARYLAND ASSEMBLY ON SCHOOL–BASED HEALTH CARE:**

**1. FROM A DIVERSE ARRAY OF SPONSORING ORGANIZATIONS; AND**

**2. FOR AT LEAST ONE OF THE REPRESENTATIVES, FROM A NURSING BACKGROUND;**

(III) ONE REPRESENTATIVE OF THE PUBLIC SCHOOLS SUPERINTENDENTS ASSOCIATION OF MARYLAND;

(IV) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION;

~~(IV)~~ (V) ONE ELEMENTARY SCHOOL PRINCIPAL OF A SCHOOL THAT HAS A SCHOOL-BASED HEALTH CENTER;

~~(V)~~ (VI) ONE SECONDARY SCHOOL PRINCIPAL OF A SCHOOL THAT HAS A SCHOOL-BASED HEALTH CENTER;

~~(VI)~~ (VII) ONE REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION;

~~(VII)~~ (VIII) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS;

~~(VIII)~~ (IX) ONE REPRESENTATIVE OF A FEDERALLY QUALIFIED HEALTH CENTER, NOMINATED BY THE MID-ATLANTIC ASSOCIATION OF COMMUNITY HEALTH CENTERS;

~~(IX)~~ (X) ONE REPRESENTATIVE OF A MANAGED CARE ORGANIZATION;

~~(X)~~ (XI) ONE REPRESENTATIVE OF A COMMERCIAL HEALTH INSURANCE CARRIER; ~~AND~~

(XII) ONE PEDIATRICIAN, NOMINATED BY THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; AND

~~(XI)~~ (XIII) ONE PARENT OR GUARDIAN OF A STUDENT WHO UTILIZES SERVICES AT A SCHOOL-BASED HEALTH CENTER; ~~AND~~

~~(XII) ONE PEDIATRICIAN.~~

(b) In making the appointments required under this section, the Governor shall ensure that the Council is representative of:

- (1) The geographic regions of the State; and
- (2) Minority populations of the State.

(c) (1) The term of a member appointed under subsection (a) of this section is 3 years.

(2) The terms of **VOTING** members are staggered as required by the terms provided for members of the Council on October 1, [2002] **2015**.

(3) At the end of a term, a member shall continue to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun shall serve for the rest of the term or until a successor is appointed and qualifies.

(d) The Governor shall appoint a successor in the event of a vacancy on the Council.

(e) From among the members of the Council, the [Governor] **VOTING MEMBERS OF THE COUNCIL** shall [designate] **ELECT** a [chairman] **CHAIR** for a 2-year term.

(f) A member of the Council may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

7-4A-04.

(a) A majority of the members then serving on the Council is a quorum.

(b) The Council shall determine the times and places of its meetings and any other necessary operating procedures [which may include the establishment of subcommittees, consultant panels, or work groups utilizing the expertise of noncouncil and nonpanel members] **IN ACCORDANCE WITH THE OPEN MEETINGS ACT**.

**(C) (1) THE COUNCIL MAY ESTABLISH WORKGROUPS TO ADVISE THE COUNCIL ON SPECIFIC ISSUES, INCLUDING BEHAVIORAL HEALTH, ORAL HEALTH, AND PRIMARY CARE.**

**(2) (I) THE CHAIR OF THE COUNCIL SHALL APPOINT THE MEMBERS OF A WORKGROUP ESTABLISHED BY THE COUNCIL UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(II) THE CHAIR OF THE COUNCIL MAY APPOINT THE FOLLOWING INDIVIDUALS TO A WORKGROUP:**

**1. MEMBERS OF THE COUNCIL WITH EXPERTISE IN THE ISSUE TO BE STUDIED; AND**

**2. MEMBERS OF THE PUBLIC, INCLUDING CONSUMERS AND STAKEHOLDER GROUP REPRESENTATIVES, WITH EXPERTISE IN THE AREA TO BE STUDIED.**

[7-4A-05.

(a) The purpose of the Council is to coordinate the interagency effort to develop, sustain, and promote quality school-based health centers in Maryland.

(b) In consultation with appropriate State agencies and other interested organizations, including representatives from academic institutions, health care providers, and payors, the Council shall:

(1) Monitor the activities and range of services of the school-based health centers;

(2) Recommend legislative initiatives;

(3) Develop and update a compendium of technical assistance experts that will be used as a reference when local requests for assistance come to the State;

(4) Monitor the development of notifications of available funds;

(5) Participate in the review of grants to local jurisdictions for the development of school-based health care programs;

(6) Develop strategies for funding and reimbursement of care delivered in school-based health centers;

(7) Develop a consistent outcome measurement tool to be used by all school-based health centers in the State and assess the progress of all school-based health centers based on the information collected;

(8) Establish standards of practice within school-based health centers;

(9) Encourage the development of models of excellence in school-based health centers;

(10) Prepare an annual report to the State Department of Education and the Department of Health and Mental Hygiene; and

(11) Perform other activities identified that impact on the development, sustainability, or quality of school-based health care in Maryland.]

**7-4A-05.**

**(A) THE COUNCIL SHALL DEVELOP POLICY RECOMMENDATIONS TO IMPROVE THE HEALTH AND EDUCATIONAL OUTCOMES OF STUDENTS WHO RECEIVE SERVICES FROM SCHOOL-BASED HEALTH CENTERS BY:**

**(1) SUPPORTING LOCAL COMMUNITY EFFORTS TO ESTABLISH OR EXPAND SCHOOL-BASED HEALTH CENTER CAPACITY IN PRIMARY CARE, BEHAVIORAL HEALTH, AND ORAL HEALTH;**

**(2) INTEGRATING SCHOOL-BASED HEALTH CENTERS INTO EXISTING AND EMERGING PATIENT-CENTERED MODELS OF CARE;**

**(3) PROMOTING THE INCLUSION OF SCHOOL-BASED HEALTH CENTERS IN NETWORKS OF MANAGED CARE ORGANIZATIONS AND COMMERCIAL HEALTH INSURANCE CARRIERS;**

**(4) ADVANCING THE PUBLIC HEALTH GOALS OF STATE AND LOCAL HEALTH OFFICIALS;**

**(5) PROMOTING THE INCLUSION OF SCHOOL-BASED HEALTH CENTERS INTO NETWORKS OF SCHOOL HEALTH SERVICES AND COORDINATED STUDENT SERVICE MODELS FOR THE RANGE OF SERVICES OFFERED IN SCHOOL SETTINGS;**

**(6) SUPPORTING STATE AND LOCAL INITIATIVES TO PROMOTE STUDENT SUCCESS;**

**(7) REVIEWING AND REVISING BEST PRACTICE GUIDELINES; AND**

**(8) SUPPORTING THE LONG-TERM SUSTAINABILITY OF SCHOOL-BASED HEALTH CENTERS.**

**(B) THE COUNCIL SHALL REVIEW THE COLLECTION AND ANALYSIS OF SCHOOL-BASED HEALTH CENTER DATA COLLECTED BY THE DEPARTMENT TO:**

**(1) MAKE RECOMMENDATIONS ON BEST PRACTICES FOR THE COLLECTION AND ANALYSIS OF THE DATA; AND**

**(2) PROVIDE GUIDANCE ON THE DEVELOPMENT OF FINDINGS AND RECOMMENDATIONS BASED ON THE DATA.**

**(C) THE COUNCIL SHALL CONDUCT OTHER ACTIVITIES THE COUNCIL CONSIDERS APPROPRIATE TO MEET THE PURPOSE OF THE COUNCIL.**

(D) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COUNCIL SHALL REPORT THE FINDINGS AND RECOMMENDATIONS OF THE COUNCIL TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE STATE DEPARTMENT OF EDUCATION, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON IMPROVING THE HEALTH AND EDUCATIONAL OUTCOMES OF STUDENTS WHO RECEIVE SERVICES FROM SCHOOL-BASED HEALTH CENTERS.

SECTION 2. AND BE IT FURTHER ENACTED, That, the Maryland Council on Advancement of School-Based Health Centers shall include in its annual report that is due on or before December 31, 2016, as required under Section 1 of this Act, information on the number and location of school-based health centers that are colocated with behavioral health services and recommendations on:

(a) ~~The establishment of a~~ streamlining of the existing process for the review and approval of new school-based health centers, including the Maryland Medical Assistance Program enrollment process for school-based health centers, and the expansion of the scope of existing school-based health centers by the State Department of Education and the Department of Health and Mental Hygiene;

(b) The identification and elimination of barriers for managed care organizations to reimburse for services provided by school-based health centers by managed care organizations; and

(c) Health reform initiatives under the Maryland Medicare Waiver and patient-centered medical home initiatives.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial voting members of the Maryland Council on Advancement of School-Based Health Centers shall expire as follows:

- (1) ~~four~~ five members in 2016;
- (2) five members in 2017; and
- (3) ~~four~~ five members in 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That if the State Department of Education uses the staffing resources of other organizations under § 7-4A-02 of the Education Article, as enacted by Section 1 of this Act, the Department shall formalize the duties to be performed by the organization in writing.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

## Chapter 418

### (House Bill 390)

AN ACT concerning

#### Protective Order and Peace Order Petitions – Maryland Residents

FOR the purpose of authorizing the filing of a protective order petition if the abuse is alleged to have occurred in the State or if the person eligible for relief is a resident of the State; authorizing the filing of a peace order petition if a certain act is alleged to have occurred in the State or if the petitioner is a resident of the State; declaring that it is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state to the extent required by federal law; and generally relating to protective orders and peace orders.

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 4–504(a) *and* 4–508.1  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 3–1503(a)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2014 Supplement)

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

#### Article – Family Law

4–504.

(a) (1) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(2) A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:

(I) THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE;

OR

(II) THE PERSON ELIGIBLE FOR RELIEF IS A RESIDENT OF THE STATE, REGARDLESS OF WHETHER THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE.

4-508.1.

(a) (1) In this section, “order for protection” means a temporary or final order or injunction that:

(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.

(2) “Order for protection” does not include a support or child custody order.

(b) An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:

(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-505 of this subtitle; and

(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-506(d) of this subtitle.

(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

(d) A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.



**(E) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AN ORDER FOR PROTECTION ISSUED BY A COURT OF THIS STATE SHALL BE ACCORDED FULL FAITH AND CREDIT BY A COURT OF ANOTHER STATE TO THE EXTENT REQUIRED BY FEDERAL LAW.**

### Article – Courts and Judicial Proceedings

3–1503.

(a) **(1)** A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

**[(1)] (I)** An act that causes serious bodily harm;

**[(2)] (II)** An act that places the petitioner in fear of imminent serious bodily harm;

**[(3)] (III)** Assault in any degree;

**[(4)] (IV)** Rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

**[(5)] (V)** False imprisonment;

**[(6)] (VI)** Harassment under § 3–803 of the Criminal Law Article;

**[(7)] (VII)** Stalking under § 3–802 of the Criminal Law Article;

**[(8)] (VIII)** Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or

**[(9)] (IX)** Malicious destruction of property under § 6–301 of the Criminal Law Article.

**(2) A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:**

**(I) THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE; OR**

**(II) THE PETITIONER IS A RESIDENT OF THE STATE, REGARDLESS OF WHETHER THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 419

### (House Bill 431)

AN ACT concerning

#### Health – ~~Reporting of Death and~~ Burial or Disposal of Body – Requirements and Penalties

FOR the purpose of ~~requiring certain individuals who have personal knowledge of the death of another individual or who have personally discovered a body to provide certain notice of the death within a certain time period to a certain law enforcement officer;~~ prohibiting an individual from burying or disposing of a body except in a certain manner; establishing certain penalties; and generally relating to ~~reporting a death and~~ burying or disposing of a body.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 5–101  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY adding to  
Article – Health – General  
Section 5–514  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

#### Article – Health – General

5–101.

In this title, “body” means a dead human body.

5–514.

~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL WHO HAS PERSONAL KNOWLEDGE OF THE DEATH OF ANOTHER INDIVIDUAL OR WHO HAS PERSONALLY DISCOVERED A BODY SHALL PROVIDE, IN PERSON OR BY TELEPHONE, NOTICE OF THE DEATH WITHIN 4 HOURS AFTER ACQUIRING THE KNOWLEDGE OR MAKING THE DISCOVERY TO A LAW ENFORCEMENT OFFICER AS DEFINED IN § 3-101 OF THE PUBLIC SAFETY ARTICLE.~~

~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO HAS A REASONABLE BELIEF THAT NOTICE OF THE DEATH PREVIOUSLY HAS BEEN MADE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(B)~~ (A) AN INDIVIDUAL MAY NOT BURY OR DISPOSE OF A BODY EXCEPT:

- (1) IN A FAMILY BURIAL PLOT OR OTHER AREA ALLOWED BY A LOCAL ORDINANCE;
- (2) IN A CREMATORY;
- (3) IN A CEMETERY;
- (4) BY DONATING THE BODY TO MEDICAL SCIENCE; OR
- (5) BY REMOVING THE BODY TO ANOTHER STATE FOR FINAL DISPOSITION IN ACCORDANCE WITH THE LAWS OF THE OTHER STATE.

~~(C)~~ (B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 420

(House Bill 447)

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Election Days

FOR the purpose of adding the City of Annapolis to the list of subdivisions in which a holder of an alcoholic beverages license may exercise all of the privileges conferred by that license on the day of any election in that subdivision; and generally relating to alcoholic beverages in the City of Annapolis.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 11–401(b)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article 2B – Alcoholic Beverages**

11–401.

(b) In the enumerated subdivisions below the holder of any license issued under the provisions of this article is permitted to exercise all of the privileges conferred by that license on the day of any election in that subdivision:

(1) Allegany County, but an alcoholic beverage licensee whose premises are also used as a polling place may not exercise any privilege conferred by that license on the day of any election during those hours the polls are open;

**(2) THE CITY OF ANNAPOLIS;**

**[(2)] (3)** Anne Arundel County;

**[(3)] (4)** Baltimore City;

**[(4)] (5)** Baltimore County;

**[(5)] (6)** Calvert County;

**[(6)] (7)** Caroline County;

**[(7)] (8)** Carroll County;

**[(8)] (9)** Cecil County;

**[(9)] (10)** Charles County;

**[(10)] (11)** Dorchester County;

- [(11)] (12) Frederick County;
- [(12)] (13) Garrett County;
- [(13)] (14) Harford County;
- [(14)] (15) Howard County;
- [(15)] (16) Kent County;
- [(16)] (17) Montgomery County;
- [(17)] (18) Prince George's County;
- [(18)] (19) Queen Anne's County;
- [(19)] (20) St. Mary's County;
- [(20)] (21) Somerset County;
- [(21)] (22) Washington County;
- [(22)] (23) Wicomico County; and
- [(23)] (24) Worcester County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## **Chapter 421**

**(House Bill 452)**

AN ACT concerning

### **Commission to Review Maryland's Use of Assessments and Testing in Public Schools**

FOR the purpose of establishing the Commission to Review Maryland's Use of Assessments and Testing in Public Schools; 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 survey, assess, review, and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the State Board of Education ~~and~~, certain county boards of education, *and the General Assembly*, on or before a certain date; requiring the State Board and certain county boards to review and consider the Commission's findings and make certain comments or recommendations on or before a certain date; requiring the State Department of Education to survey, review, and assess certain data relating to local, State, and federally mandated assessments; requiring the Department to report certain findings and recommendations results to the State Board of Education, each county board of education, certain educational organizations, and certain legislative committees on or before a certain date; requiring each county board and certain educational institutions to review and consider certain findings and recommendations results and make certain comments on or before a certain date; requiring the State Board to review and consider certain findings and recommendations results, make certain comments, and submit a certain compilation; requiring certain county boards to make certain comments and recommendations available to the public on request; requiring the State Board to submit a certain compilation to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Commission to Review Maryland's Use of Assessments and Testing in Public Schools.

#### Preamble

WHEREAS, Maryland has been recognized nationally for its leadership in education; and

WHEREAS, It is of crucial importance to assess children so that local school systems and states can gain formative information on student achievement levels and how students compare to other students locally, statewide, and nationwide; and

WHEREAS, Because of Maryland's nationally recognized success in education, we can play an integral part in both the State's and the nation's efforts in developing greater efficiency and efficacy around administering local, State, and federally mandated assessments; and

WHEREAS, While assessing children is necessary to continue to make educational gains, there is a need to examine the interplay between and the possible duplication of local, State, and federally mandated assessments; and

WHEREAS, All assessments administered to children should have instructional value and a stated purpose; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) (1) In this section, “assessment” means a local, State, or federally mandated test that is intended to measure a student’s academic readiness, learning progress, and skill acquisition.

(2) “Assessment” does not include a teacher–developed quiz or test.

(b) There is a Commission to Review Maryland’s Use of Assessments and Testing in Public Schools.

(c) 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 State Superintendent of Schools, or the Superintendent’s designee;

(4) the Governor, or the Governor’s designee;

(5) one member of the State Board of Education, appointed by the President of the State Board; and

(6) the following members, appointed by the Governor:

(i) one representative of the Maryland State Education Association;

(ii) one representative of the Baltimore Teachers Union;

(iii) one representative of a local education association;

(iv) one county school board member;

(v) two county superintendents, at least one of whom is from a local school system with over 120,000 students;

(vi) one principal of a public school;

(vii) one National Board Certified teacher who teaches in the State;

(viii) two parents of children who attend a public school in the State who:

1. are active in the local school system; and

2. have a background in education policy; and

(ix) two nationally recognized education experts in the field of student assessment, at least one of whom specializes in duplicative testing.

(d) The Governor shall designate the chair of the Commission.

(e) The State Department of Education 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) survey and assess how much time is spent in each grade and in each local school system on administering local, State, and federally mandated assessments;

(2) review the purpose of all local, State, and federally mandated assessments administered by local school systems, whether summative or formative, and determine whether some assessments are duplicative or otherwise unnecessary;

(3) review and analyze the local school systems' and the Department's interests in requiring assessments and attempt to develop a statewide approach to administering assessments;

(4) determine whether the current local and State schedules for administering assessments allots enough time between administering a formative assessment and receiving the results of the formative assessment to meaningfully inform instruction;

(5) survey and assess if the testing windows implemented by the local school systems and the State have any negative ancillary effects on instruction, materials and equipment use, and school calendars;

(6) consider the implications for the State if changes were to be made to the Elementary and Secondary Education Act that would allow for more flexibility in administering assessments;

(7) make recommendations on:

(i) how local school systems and the State can improve the process in which local, State, and federally mandated assessments are administered and used to inform instruction;



(ii) if the Commission finds that the allotted time for administering assessments is resulting in reduced instruction time, the most efficient and effective methods to ensure that adequate time is allotted to both administering assessments and instruction; ~~and~~

(iii) which developmentally appropriate elements, if any, should be included in an assessment administered to kindergarten students; and

~~(iii)~~ (iv) any other relevant issue identified by the Commission; and

(8) ensure that any recommendation retains the ability to compare student achievement across local school systems, the State, and the nation.

(h) (1) On or before ~~April September~~ July 1, 2016, the Commission shall report its findings and recommendations to the State Board of Education ~~and~~, each county board of education, and the General Assembly in accordance with § 2-1246 of the State Government Article.

(2) On or before ~~June November~~ September 1, 2016, ~~the State Board and~~ each county board of education shall:

(i) review and consider the Commission's findings and recommendations; ~~and~~

(ii) make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations to the ~~General Assembly Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means~~ State Board; and

(iii) make the comments and recommendations available to the public on request.

(3) On or before October 1, 2016, the State Board shall:

(i) review and consider the Commission's findings and recommendations;

(ii) make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations; and

(iii) submit a compilation to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means of their comments and recommendations and the comments and recommendations of each county board of education under paragraph (2) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education shall:

(1) survey and assess how much time is spent in each grade and in each local school system on administering local, State, and federally mandated assessments; and

(2) compile the results of the survey referred to in item (1) of this subsection into documents that are consistent across local school systems and grade levels;

~~(3) review and analyze the local school systems' and the Department's interests in requiring assessments and attempt to develop a statewide approach to administering assessments; and~~

~~(4) determine whether the current local and State schedules for administering assessments allot enough time between administering a formative assessment and receiving the results of the formative assessment to meaningfully inform instruction.~~

(b) (1) The compilation referred to in subsection (a)(2) of this section shall include the following information for each assessment administered in a local school system, in matrix form:

- (i) the title of the assessment;
- (ii) the purpose of the assessment;
- (iii) if the assessment is a local, State, or federal assessment;
- (iv) the grade level to which the test is administered;
- (v) the subject area of the assessment;
- (vi) the testing window of the assessment;
- (vii) how long a student has to complete the assessment; and
- (viii) if the assessment requires a change in the school schedule.

(2) The compilation referred to in subsection (a)(2) of this section shall include the following information for each assessment administered in a local school system, in narrative form:

- (i) if the assessment requires any test preparation;

(ii) if the assessment must be taken by pencil and paper or by electronic device;

(iii) if the assessment must be taken by electronic device, the student to electronic device ratio;

(iv) if the assessment is a high-stakes assessment;

(v) the date the assessments are turned in to receive results;

(vi) the date the results of the assessment are or were released;

(vii) to whom the results of the assessment are or were released;

(viii) how much time passes between administration of the assessment and the receipt of the results of the assessment;

(ix) if the assessment requires proctors or other personnel to administer the assessment;

(x) if the assessment requires technological support to administer the assessment;

(xi) if the assessment allows for accommodations for students with disabilities; and

(xii) if the assessment is available in other languages for English language learners.

(c) (1) ~~(i)~~ On or before August 31, 2015, and October 15, 2015, the Department shall ~~report its findings and recommendations~~ submit the documents referred to in subsection (b)(1) and (2) of this section, respectively, to:

~~1.~~ (i) the State Board of Education;

~~2.~~ (ii) each county board of education;

~~3.~~ (iii) the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means; and

~~4.~~ (iv) the Maryland Association of Boards of Education, Maryland State Education Association, Maryland PTA, Public School Superintendents Association of Maryland, and any other education organization in the State that the Governor chooses.

~~(ii) The Department shall compile the information gathered from the survey referred to in subsection (b) of this section into a document that is consistent across local school systems and grade levels.~~

(2) (i) ~~On or before October 31, 2015~~ November 30, 2015, each county board of education and each organization listed in paragraph ~~(1)(i)4~~ (1)(iv) of this subsection shall:

1. ~~review and consider the Department's findings and recommendations~~ results of the Department's surveys;

2. ~~make comments and recommendations related to whether they accept or reject the Department's findings and recommendations~~ the results of the Department's surveys to the State Board; and

3. ~~make the comments and recommendations available to the public on request.~~

(ii) ~~The organizations listed in paragraph (1)(i)4~~ (1)(iv) of this subsection shall provide comments and recommendations that are one to three pages in length.

(3) ~~On or before December 31, 2015~~, the State Board shall:

(i) ~~review and consider the Department's findings and recommendations~~ surveys;

(ii) ~~make comments and recommendations related to whether they accept or reject the Department's findings and recommendations~~ the results of the Department's surveys; and

(iii) ~~submit a compilation 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, of the comments and recommendations of the State Board, each county board of education, and each organization listed in paragraph (1)(i)4~~ (1)(iv) of this subsection.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of ~~3~~ 2 years and, at the end of May 31, ~~2018~~ 2017, 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 12, 2015.

**Chapter 422****(House Bill 460)**

AN ACT concerning

**Couples Advancing Together Pilot Program – Eligibility and Extension**

FOR the purpose of altering the requirement relating to the number of counties in which the Secretary of Human Resources is required to establish the Couples Advancing Together Pilot Program; altering the provision of law relating to the number of couples to be assisted by the Program; repealing the requirement that an individual be an adult under a certain age to be eligible to participate in the Program; requiring a couple to be raising together a child under a certain age to be eligible to participate in the Program; altering the termination date of the Program; and generally relating to the Couples Advancing Together Pilot Program.

BY repealing and reenacting, without amendments,

Article – Human Services

Section 5–318.1(a)

Annotated Code of Maryland

(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 5–318.1(b) and (e)

Annotated Code of Maryland

(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Chapter 367 of the Acts of the General Assembly of 2013

Section 3

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

**Article – Human Services**

5–318.1.

(a) In this section, “Program” means the Couples Advancing Together Pilot Program in the Department.

(b) (1) In cooperation with the local directors and in consultation with the Commission on Responsible Fatherhood, the Secretary shall establish a Couples Advancing Together Pilot Program.

(2) The purpose of the Program is to assist [100] couples that qualify as a family eligible for the FIP to move toward stable relationships and family friendly employment, for one or both parents of a child who resides with the family, in order to improve their economic circumstances and provide support for lasting family units.

(3) (I) The Program shall be established ~~INITIALLY~~ in [at least three counties] **ONE COUNTY**.

(II) **ON OR AFTER JULY 1, ~~2017~~ 2015, THE PROGRAM SHALL BE ESTABLISHED IN TWO ADDITIONAL COUNTIES.**

~~(4) (I) BEFORE JULY 1, 2017, THE PROGRAM SHALL ASSIST 100 COUPLES.~~

~~(II) ON OR AFTER JULY 1, 2017, THE PROGRAM SHALL ASSIST 150 COUPLES~~ **ASSIST 50 COUPLES.**

(e) To be eligible to participate in the Program, [an individual must be an adult under the age of 36 years] **A COUPLE MUST BE RAISING TOGETHER A CHILD UNDER THE AGE OF 14 YEARS.**

### Chapter 367 of the Acts of 2013

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013. It shall remain effective for a period of [2] ~~7~~ **3** years and 1 month and, at the end of June 30, [2015] ~~2020~~ **2016**, 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, 2015.

Approved by the Governor, May 12, 2015.

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### Chapter 423

(House Bill 473)

AN ACT concerning

#### Tax Credits – Employment of Individuals With Disabilities

FOR the purpose of altering the amount of certain credits against the State income tax, insurance premium tax, financial institution franchise tax, and public service company franchise tax for certain wages paid and certain child care or transportation

expenses incurred by certain business entities with respect to certain employees with disabilities; repealing a certain obsolete provision of law; providing for the application of this Act; and generally relating to tax credits for wages paid and child care or transportation expenses incurred by a business entity with respect to the employment of individuals with disabilities.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 21–309  
Annotated Code of Maryland  
(2014 Replacement Volume and 2014 Supplement)

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

### **Article – Education**

21–309.

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

(2) “Business entity” means:

(i) A person conducting or operating a trade or business in Maryland; or

(ii) An organization operating in Maryland that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code.

(3) “Division” means the Division of Rehabilitation Services of the Maryland State Department of Education.

(4) “Qualified child care or transportation expenses” means:

(i) State regulated child care expenses that are incurred by a business entity to enable a qualified employee with a disability to be gainfully employed; or

(ii) Transportation expenses that are incurred by a business entity to enable a qualified employee with a disability to travel to and from work.

(5) (i) “Qualified employee with a disability” means an individual who:

1. Meets the definition of an individual with a disability as defined by the Americans with Disabilities Act;

2. Has a disability that presently constitutes an impediment to obtaining or maintaining employment or to transitioning from school to work;

3. Is ready for employment; and

4. Has been determined by the Division or the Department of Labor, Licensing, and Regulation, in consultation with the Division, as having met the criteria of a qualified employee with a disability established under this section.

(ii) “Qualified employee with a disability” includes:

1. An individual who has been determined by the Department of Labor, Licensing, and Regulation, in consultation with the United States Veterans Administration, as having been discharged or released from active duty in the armed forces of the United States for a service-connected disability; and

2. Any other individual meeting the definition of subparagraph (i) of this paragraph, whether or not the individual receives services from the Division.

(6) “Wages” means wages, within the meaning of § 51(c)(1), (2), and (3) of the Internal Revenue Code without regard to § 51(c)(4) of the Internal Revenue Code that are paid by a business entity to an employee for services performed in a trade or business of the employer.

(b) (1) Except as provided in subsection (e) of this section, a business entity may claim a tax credit in the amounts determined under subsections (c) and (d) of this section for the wages and qualified child care or transportation expenses with respect to a qualified employee with a disability that are paid in the taxable year for which the business entity claims the credit.

(2) The same tax credit cannot be applied more than once against different taxes by the same taxpayer.

(c) For each taxable year, for the wages paid to each qualified employee with a disability, a credit is allowed in an amount equal to[

(1)] 30% of up to the first [\$6,000] **\$9,000** of the wages paid to the qualified employee with a disability during **EACH OF** the [1st year] **FIRST 2 YEARS** of employment[; and

(2) 20% of up to the first \$6,000 of the wages paid to the qualified employee with a disability during the 2nd year of employment].

(d) For each taxable year, for child care provided or paid for by a business entity for the children of a qualified employee with a disability, or transportation expenses that



are incurred by a business entity to enable a qualified employee with a disability to travel to and from work, a credit is allowed in an amount equal to[:

(1) Up] UP to **[\$600] \$900** of the qualified child care or transportation expenses incurred for each qualified employee with a disability during **EACH OF** the first [year] **2 YEARS** of employment[; and

(2) Up to \$500 of the qualified child care or transportation expenses incurred for each qualified employee with a disability during the second year of employment].

(e) (1) A business entity may not claim the credit under this section for an employee:

(i) Who is hired to replace a laid-off employee or to replace an employee who is on strike; or

(ii) For whom the business entity simultaneously receives federal or State employment training benefits.

(2) A business entity may not claim the credit under this section until it has notified the Division that a qualified employee with a disability has been hired.

(3) A business entity may claim a credit in the amount provided in paragraph [(5)] **(4)** of this subsection for an employee whose employment lasts less than 1 year if the employee:

(i) Voluntarily terminates employment with the employer;

(ii) Is unable to continue employment due to a further disability or death; or

(iii) Is terminated for cause.

(4) [A business entity may not claim the credit under this section if the business entity is claiming a tax credit for the same employee under § 10-704.3 of the Tax – General Article.

**(5)** (i) If a business entity is entitled to a tax credit for an employee who is employed for less than 1 year because the employee voluntarily terminates employment with the employer to take another job, the business entity may claim a tax credit of 30% of up to the first **[\$6,000] \$9,000** of the wages paid to the employee during the course of employment.

(ii) If a business entity is entitled to a tax credit for an employee who is employed for less than 1 year for a reason other than that described in subparagraph (i)

of this paragraph, the amount of the credit shall be reduced by the proportion of a year that the employee did not work.

(f) If the credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the business entity for that taxable year, a business entity may apply the excess as a credit for succeeding taxable years until the earlier of:

(1) The full amount of the excess is used; or

(2) The expiration of the 5th taxable year after the taxable year in which the wages or qualified child care or transportation expenses for which the credit is claimed are paid.

(g) If a credit is claimed under this section, the claimant must make the addition required in § 10–205 or § 10–306 of the Tax – General Article.

(h) (1) Subject to the provisions of this subsection, the Department of Labor, Licensing, and Regulation and the State Department of Education shall jointly adopt regulations necessary to carry out the provisions of this section.

(2) The Comptroller shall adopt regulations to provide for the computation and carryover of the credit under § 10–704.7 of the Tax – General Article.

(3) The State Department of Assessments and Taxation shall adopt regulations to provide for the computation and carryover of the credit under §§ 8–216 and 8–413 of the Tax – General Article.

(4) The Maryland Insurance Commissioner shall adopt regulations to provide for the computation and carryover of the credit under § 6–115 of the Insurance Article.

(i) The Department of Labor, Licensing, and Regulation shall administer the tax credit and report to the Governor, and, subject to § 2–1246 of the State Government Article, to the General Assembly, before January 15 of each year on:

(1) Marketing activities for the credit under this section;

(2) The number of business entities who hired a qualified employee with a disability during the preceding year;

(3) The number of qualified employees with disabilities:

(i) Hired in each business sector for the preceding year; and

(ii) Hired during the preceding year and employed for less than 1 year;

(4) A summary of the average hourly wages paid to qualified employees with disabilities for the preceding year;

(5) The number and amount of credits claimed during the preceding year;  
and

(6) The number and amount of credits claimed for child care or transportation expenses, including a summary of the types of transportation expenses incurred by business entities.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015, and shall be applicable to all taxable years beginning after December 31, 2014.

**Approved by the Governor, May 12, 2015.**

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## Chapter 424

### (House Bill 479)

AN ACT concerning

#### Private Detective Agencies – License Terms

FOR the purpose of altering the term of a license to conduct business to provide private detective services; making a conforming change; and generally relating to private detective agencies.

BY repealing and reenacting, without amendments,  
Article – Business Occupations and Professions  
Section 13–101(a), (f), and (l) and 13–301  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 13–308  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 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

13–101.

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

(f) “License” means, unless the context requires otherwise, a license issued by the Secretary to conduct a business to provide private detective services.

(l) “Secretary” means the Secretary of State Police.

13–301.

(a) Except as otherwise provided in this title, a person shall be licensed by the Secretary as a private detective agency before the person may:

(1) conduct a business that provides private detective services in the State;  
and

(2) solicit to engage in a business that provides private detective services in the State.

(b) An individual or a firm may qualify for a license as a private detective agency.

13–308.

(a) By regulation, the Secretary shall stagger the terms of the licenses.

(b) Unless a license is renewed for a [2-year] **3-YEAR** term as provided in this section, the license expires on the day that the Secretary sets.

(c) At least 1 month before a license expires, the Secretary 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) that the Secretary must receive the renewal application and the statements required under § 13–309 of this subtitle, at least 15 days before the license expiration date, for the renewal to be issued and mailed before the license expires;

(iii) the amount of the renewal fee;

(iv) that, if the statements required under § 13–309 of this subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per day shall be charged against the licensee until the statements are received; and

(v) that the submission of a false statement in the renewal application or in the annual statements is cause for revocation of the license.

(d) A licensee periodically may renew the license for an additional [2-year] **3-YEAR** term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Secretary:

(i) a renewal fee of:

1. \$200, if the licensee is an individual; or
2. \$400, if the licensee is a firm; and

(ii) any late fee required under § 13-309 of this subtitle; and

(3) submits to the Secretary:

(i) a renewal application on the form that the Secretary provides;

and

(ii) the statements required under § 13-309 of this subtitle.

(e) The Secretary shall renew the license of each licensee who meets the requirements of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 425

(House Bill 489)

AN ACT concerning

### Electronic Cigarettes – Sale to Minors – Components, Supplies, and Enforcement

FOR the purpose of clarifying that the prohibition against selling, distributing, or offering for sale a certain electronic device to a minor that can be used to deliver nicotine includes any component for the device or product used to refill or resupply the device;

clarifying that the exception to the prohibition for devices approved by the United States Food and Drug Administration applies only to devices for sale as a certain tobacco cessation product; changing a violation of the prohibition from a misdemeanor to a civil infraction; establishing certain civil penalties; providing that a sworn law enforcement officer, county health officer, or a designee of a county health officer may issue a certain civil citation for a violation of this Act; providing requirements for processing a certain citation; providing for a certain election to stand trial; ~~authorizing a certain prosecution; authorizing the District Court to access certain costs;~~ requiring the District Court to remit certain collected penalties in a certain manner; clarifying that the adjudication of a violation of this Act is not a criminal conviction for any purpose; defining a certain term; and generally relating to electronic cigarettes.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 24–305  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

### Article – Health – General

24–305.

(a) This section does not apply to a tobacco product that is regulated under Title 16 of the Business Regulation Article.

(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.

(2) This subsection does not apply to 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 THIS PURPOSE.**

(c) A person that violates this section [is guilty of a misdemeanor and on conviction] is subject to a [fine not exceeding \$1,000 for each violation] **CIVIL PENALTY OF:**

(1) **EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, \$300;**  
**AND**

**(2) \$500 FOR ANY VIOLATION OCCURRING WITHIN 24 MONTHS AFTER A PREVIOUS VIOLATION.**

(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) 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 SWORN LAW ENFORCEMENT OFFICER, A COUNTY HEALTH OFFICER, OR A DESIGNEE OF A COUNTY HEALTH OFFICER MAY ISSUE A CIVIL CITATION FOR A VIOLATION OF THIS SECTION.**

~~(2)~~ **(3) A CITATION ISSUED UNDER THIS SECTION 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.**

~~(3)~~ **(4) THE SWORN LAW ENFORCEMENT OFFICER, COUNTY HEALTH OFFICER, OR DESIGNEE SHALL RETAIN A COPY OF THE CITATION ISSUED UNDER THIS SECTION.**

~~(4)~~ (5) (I) 1. A PERSON WHO RECEIVES A CITATION FROM A COUNTY HEALTH OFFICER OR DESIGNEE UNDER THIS SECTION 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.

2. AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COUNTY HEALTH OFFICER OR DESIGNEE SHALL FORWARD THE NOTICE AND A COPY OF THE CITATION TO THE DISTRICT COURT.

(II) A PERSON WHO RECEIVES A CITATION FROM A SWORN LAW ENFORCEMENT OFFICER UNDER THIS SECTION MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND TRIAL AND A COPY OF THE CITATION WITH THE DISTRICT COURT AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR PAYMENT OF THE CIVIL PENALTY.

~~(5)~~ (6) (I) AFTER RECEIVING A CITATION AND NOTICE UNDER THIS SECTION, 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 THIS SECTION SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS A MUNICIPAL INFRACTION UNDER §§ 6-108 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.

~~(III) THE GOVERNING BODY OF THE COUNTY IN WHICH THE VIOLATION OCCURRED MAY AUTHORIZE THE COUNTY ATTORNEY TO PROSECUTE A CIVIL INFRACTION UNDER THIS SECTION.~~

~~(6)~~ (7) (I) ~~IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CIVIL INFRACTION UNDER THIS SECTION, THE COURT MAY ASSESS THE COSTS OF THE PROCEEDINGS AGAINST THE PERSON.~~

~~(H)~~ THE DISTRICT COURT SHALL REMIT ANY PENALTIES COLLECTED FOR A VIOLATION OF THIS SECTION TO THE COUNTY IN WHICH THE VIOLATION OCCURRED.

~~(7)~~ (8) ADJUDICATION OF A VIOLATION OF THIS SECTION IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.



Approved by the Governor, May 12, 2015.

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**Chapter 426**

**(House Bill 501)**

AN ACT concerning

**Criminal Procedure – Victims of Crime – Notification Regarding DNA Profile**

FOR the purpose of requiring a certain law enforcement agency or unit, under certain circumstances, to give a certain victim or victim's representative timely notice as to certain matters relating to a certain DNA profile ~~of a certain alleged perpetrator or perpetrators~~; requiring the State Board of Victim Services to develop certain pamphlets to notify victims and victims' representatives of how to request information regarding an unsolved case; defining certain terms; and generally relating to victims of crime.

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 11–104 and 11–914  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Criminal Procedure  
 Section 11–1002(b)(8)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Procedure**

11–104.

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

(2) **“DNA” HAS THE MEANING STATED IN § 2–501 OF THE PUBLIC SAFETY ARTICLE.**

(3) **“STATEWIDE DNA DATABASE SYSTEM” HAS THE MEANING STATED IN § 2–501 OF THE PUBLIC SAFETY ARTICLE.**

**[(2)] (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.

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

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

(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.

(c) **UNLESS TO DO SO WOULD IMPEDE OR COMPROMISE AN ONGOING INVESTIGATION OR THE VICTIM’S REPRESENTATIVE IS A SUSPECT OR A PERSON OF INTEREST IN THE CRIMINAL INVESTIGATION OF THE CRIME INVOLVING THE VICTIM, ON WRITTEN REQUEST OF A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE OR THE VICTIM’S REPRESENTATIVE, A THE INVESTIGATING LAW ENFORCEMENT AGENCY OR UNIT WITH JURISDICTION OVER THE CRIME SHALL GIVE THE VICTIM OR THE VICTIM’S REPRESENTATIVE TIMELY NOTICE AS TO:**

**(1) WHETHER ~~A DNA PROFILE OF THE ALLEGED PERPETRATOR OR PERPETRATORS~~ AN EVIDENTIARY DNA PROFILE WAS OBTAINED FROM EVIDENCE IN THE CASE;**

**(2) WHEN ANY EVIDENTIARY DNA PROFILE ~~OF AN ALLEGED PERPETRATOR~~ DEVELOPED IN THE CASE WAS ENTERED INTO THE ~~STATEWIDE~~ DNA DATABASE SYSTEM; AND**

**(3) WHEN ANY CONFIRMED MATCH OF THE DNA PROFILE ~~OF AN ALLEGED PERPETRATOR~~, OFFICIAL DNA CASE REPORT, OR DNA HIT REPORT IS RECEIVED.**

**(D)** (1) Within 10 days after the filing or the unsealing of an indictment or information in circuit court, whichever is later, the prosecuting attorney shall:

(i) mail or deliver to the victim or victim’s representative the pamphlet described in § 11–914(9)(ii) of this title and the notification request form described in § 11–914(10) of this title; and

(ii) certify to the clerk of the court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.

(2) If the prosecuting attorney files a petition alleging that a child is delinquent for committing an act that could only be tried in the circuit court if committed by an adult, the prosecuting attorney shall:

(i) inform the victim or victim's representative of the right to request restitution under § 11-606 of this title;

(ii) mail or deliver to the victim or victim's representative the notification request form described in § 11-914(10) of this title; and

(iii) certify to the clerk of the juvenile court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.

(3) For cases described under this subsection, the prosecuting attorney may provide a State's witness in the case with the guidelines for victims, victims' representatives, and witnesses available under §§ 11-1001 through 11-1004 of this title.

**[(d)] (E)** (1) A victim or victim's representative may:

(i) file a completed notification request form with the prosecuting attorney; or

(ii) follow the MDEC system protocol to request notice.

(2) (i) If the jurisdiction has not implemented the MDEC system, the prosecuting attorney shall send a copy of the completed notification request form to the clerk of the circuit court or juvenile court.

(ii) If the jurisdiction has implemented the MDEC system and the victim or victim's representative has filed a completed notification request form, the prosecuting attorney shall electronically file the form with the clerk of the circuit court or juvenile court in the MDEC system.

(3) By filing a completed notification request form or completing the MDEC system protocol, a victim or victim's representative complies with Article 47 of the Maryland Declaration of Rights and each provision of the Code that requires a victim or victim's representative to request notice.

(4) To keep the address and electronic mail address of a victim or victim's representative confidential, the victim or victim's representative shall:

(i) designate in the notification request form a person who has agreed to receive notice for the victim or victim's representative; or

(ii) request as part of the MDEC system protocol, without filing a motion to seal, that the address and electronic mail address remain confidential and available, as necessary to only:

1. the court;
2. the prosecuting attorney;
3. the Department of Public Safety and Correctional Services;
4. the Department of Juvenile Services;
5. the attorney of the victim or victim's representative;
6. the State's Victim Information and Notification Everyday vendor; and
7. a commitment unit that a court orders to retain custody of an individual.

**[(e)] (F)** (1) Unless provided by the MDEC system, the prosecuting attorney shall send a victim or victim's representative prior notice of each court proceeding in the case, of the terms of any plea agreement, and of the right of the victim or victim's representative to submit a victim impact statement to the court under § 11–402 of this title if:

- (i) prior notice is practicable; and
- (ii) the victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection **[(d)](E)** of this section.

(2) (i) If the case is in a jurisdiction in which the office of the clerk of the circuit court or juvenile court has an automated filing system, the prosecuting attorney may ask the clerk to send the notice required by paragraph (1) of this subsection.

(ii) If the case is in a jurisdiction that has implemented the MDEC system, the victim may follow the MDEC system protocol to receive notice by electronic mail, to notify the prosecuting attorney, and to request additional notice available through the State's Victim Information and Notification Everyday vendor.

(3) As soon after a proceeding as practicable, the prosecuting attorney shall tell the victim or victim's representative of the terms of any plea agreement, judicial action, and proceeding that affects the interests of the victim or victim's representative, including

a bail hearing, change in the defendant's pretrial release order, dismissal, nolle prosequi, setting of charges, trial, disposition, and postsentencing court proceeding if:

(i) the victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection [(d)](E) of this section and prior notice to the victim or victim's representative is not practicable; or

(ii) the victim or victim's representative is not present at the proceeding.

(4) Whether or not the victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection [(d)](E) of this section, the prosecuting attorney may give the victim or victim's representative information about the status of the case if the victim or victim's representative asks for the information.

[(f)] (G) If a victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection [(d)](E) of this section, the clerk of the circuit court or juvenile court:

(1) shall include a copy of the form with any commitment order or probation order that is passed or electronically transmit the form or the registration information for the victim or the victim's representative through the MDEC system; and

(2) if an appeal is filed, shall send a copy of the form or electronically transmit the form or the registration information for the victim or the victim's representative through the MDEC system to the Attorney General and the court to which the case has been appealed.

[(g)] (H) This section does not prohibit a victim or victim's representative from filing a notification request form with a unit to which a defendant or child respondent has been committed.

[(h)] (I) (1) After filing a notification request form under subsection [(d)](E) of this section, a victim or victim's representative may discontinue further notices by filing a written request with:

(i) the prosecuting attorney, if the case is still in a circuit court or juvenile court; or

(ii) the unit to which the defendant or child respondent has been committed, if a commitment order has been issued in the case.

(2) After following the MDEC system protocol for electronic notices, a victim or victim's representative may discontinue further notices by following the MDEC system protocol to terminate notice.

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;

(4) recommend the appointment of the Victim Services Coordinator to the Executive Director;

(5) review and approve the Victim Services Coordinator's plans and annual reports, and the Victim Services Coordinator's implementation, operation, and revision of programs;

(6) approve or disapprove each grant application submitted by the Governor's Office of Crime Control and Prevention;

(7) advise the State's Attorneys' Coordination Council on the adoption of regulations governing the administration of the Victim and Witness Protection and Relocation Program established under § 11-902 of this subtitle;

(8) advise the State's Attorneys' Coordinator on the administration of the Victim and Witness Protection and Relocation Program;

(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**, 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

(10) develop a notification request form and an MDEC system protocol in consultation with the Administrative Office of the Courts, through which a victim or victim's representative may request to be notified under § 11-104 of this title.

11-1002.

(b) A victim of a crime, victim's representative, or witness:

(8) on written request, should be kept reasonably informed by the police or the State's Attorney of the arrest of a suspect and closing of the case, and should be told which office to contact for information about the case;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 427**

**(House Bill 510)**

AN ACT concerning

**Montgomery County – Education – School Bus – Doors That Lock**

**MC 27–15**

FOR the purpose of providing that, in Montgomery County, the Montgomery County Board of Education may utilize a school bus with doors that lock to transport students in the county under certain circumstances; and generally relating to school bus locks in Montgomery County.

BY adding to

Article – Education

Section 7–809

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

**7–809.**

**IN MONTGOMERY COUNTY, NOTWITHSTANDING ANY OTHER PROVISION OF LAW ~~TO THE CONTRARY~~, THE MONTGOMERY COUNTY BOARD OF EDUCATION MAY UTILIZE A SCHOOL BUS WITH DOORS THAT LOCK TO TRANSPORT STUDENTS IN THE COUNTY ~~SO LONG AS~~ IF THE SCHOOL BUS' LOCKING SYSTEM PREVENTS THE SCHOOL BUS FROM BEING OPERATED WHEN ANY BUS EXIT IS LOCKED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 428

### (House Bill 511)

AN ACT concerning

#### **Real Property – Residential Property – Ground Leases**

FOR the purpose of altering a certain definition for purposes of certain provisions of law prohibiting nonjudicial actions to take possession of property; repealing certain provisions of law providing that the establishment of a lien is the remedy for nonpayment of a ground rent on certain residential property; reorganizing and recodifying certain provisions of law relating to ground leases on certain residential property; authorizing a holder of a secured interest in certain property to apply to redeem a reversion under a ground lease under certain circumstances; altering the contents of a certain affidavit made by a certain ~~director~~ commissioner in the Baltimore City Department of Housing and Community Development concerning abandoned or distressed property under certain circumstances; specifying the date from which certain past due ground rent accrues for certain purposes; authorizing a ground lease holder to be reimbursed for certain late fees, interest, collection costs, and expenses in an action to recover past due ground rent under certain circumstances; authorizing a ground lease holder to bring an action to re-enter for possession for nonpayment of ground rent only under certain circumstances; authorizing a holder of a secured interest in certain property to cure a default for nonpayment of ground rent under certain circumstances; requiring a ground lease holder to send certain notices to a leasehold tenant in a certain manner no less than a certain number of days before filing an action ~~to re-enter for possession~~; authorizing a ground lease holder to be reimbursed for certain late fees, interest, ~~and collection costs~~ collection costs, and expenses in an action for possession for nonpayment of ground rent under certain circumstances; requiring a ground lease holder to send a copy of a certain notice to any holder of record of a secured interest in certain property under certain circumstances; requiring an action filed under certain provisions of this Act to be accompanied by certain documents; specifying the manner in which service of process must be made for an action filed under certain provisions of this Act; requiring a holder of record of a secured interest in certain property to be made a party to an action filed under certain provisions of this Act under certain circumstances; authorizing a leasehold tenant to cure a default and commence a proceeding to obtain relief from a ~~judgment for writ of possession~~ under certain circumstances; prohibiting a ground lease holder or a plaintiff from receiving a writ



of possession or reimbursement for certain costs or expenses unless certain notice requirements are met; ~~prohibiting~~ authorizing a ground lease holder ~~from receiving reimbursement for certain costs or expenses, if the ground lease holder receives and executes a writ of possession, and if authorized under the ground lease, to be reimbursed for certain late fees, interest, collection costs, and expenses~~ under certain circumstances; altering the contents of certain notices required to be included in certain ground rent bills and contracts for the sale of certain residential property subject to a ground lease; repealing certain provisions of law made obsolete by this Act; making stylistic and technical changes; defining certain terms; requiring the State Department of Assessments and Taxation to develop and post a certain notice on the Department's Web site; clarifying that certain prior provisions of law are repealed; and generally relating to ground leases on residential property.

BY repealing

Article – Real Property

Section ~~8-402.3~~ and 14-117(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section ~~7-113, 8-110, 8-110.1, 8-111.1, 8-111.2, 8-707, 14-116, 14-116.1, 14-116.2, 14-117(a),~~ and 14-129

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Real Property

Section ~~8-801, 8-802, and 8-807~~ to be under the new subtitle “Subtitle 8. Residential Ground Leases”

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 14-108.1

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY renumbering

Article – Real Property

Section 14-117(b) through (l), respectively  
to be Section 14-117(a) through (k), respectively

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–402.3 of Article – Real Property of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Real Property

7–113.

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

(2) “Party claiming the right to possession” means a person or successor to any person who:

(i) Does not have actual possession of a residential property; and

(ii) Has or claims to have a legal right to possession of the residential property:

1. By the terms of a contract or foreclosure sale;[or]

**2. UNDER A RESIDENTIAL LEASE OR SUBLEASE THAT HAS AN INITIAL TERM OF 99 YEARS RENEWABLE FOREVER AND THAT CREATES A LEASEHOLD ESTATE SUBJECT TO THE PAYMENT OF PERIODIC INSTALLMENTS OF AN ANNUAL LEASE AMOUNT; OR**

[2.] **3.** Under a court order, including a court order extinguishing a right of redemption.

(3) (i) “Protected resident” means an owner or former owner in actual possession of residential property.

(ii) “Protected resident” includes a grantee, tenant, subtenant, or other person in actual possession by, through, or under an owner or former owner of residential property.

(iii) “Protected resident” does not include a trespasser or squatter.

(4) “Residential property” means a building, structure, or portion of a building or structure that is designed principally and is intended for human habitation.

(5) “Threaten to take possession” means using words or actions intended to convince a reasonable person that a party claiming the right to possession intends to take imminent possession of residential property in violation of this section.

(6) “Willful diminution of services” means intentionally interrupting or causing the interruption of heat, running water, hot water, electricity, or gas by a party claiming the right to possession for the purpose of forcing a protected resident to abandon residential property.

(b) (1) Except as provided in paragraph (2) of this subsection, a party claiming the right to possession may not take possession or threaten to take possession of residential property from a protected resident by:

- (i) Locking the resident out of the residential property;
- (ii) Engaging in willful diminution of services to the protected resident; or
- (iii) Taking any other action that deprives the protected resident of actual possession.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a party claiming the right to possession may take possession of residential property from a protected resident only in accordance with a writ of possession issued by a court and executed by a sheriff or constable.

(ii) A party claiming the right to possession of residential property may use nonjudicial self-help to take possession of the property, if the party:

1. Reasonably believes the protected resident has abandoned or surrendered possession of the property based on a reasonable inquiry into the occupancy status of the property;

2. Provides notice as provided in subsection (c) of this section;  
and

3. Receives no responsive communication to that notice within 15 days after the later of posting or mailing the notice as required by subsection (c) of this section.

(c) (1) If a party claiming the right to possession of residential property reasonably believes, based on a reasonable inquiry into the occupancy status of the property, that all protected residents have abandoned or surrendered possession of the residential property, the party claiming the right to possession may post on the front door of the residential property and mail by first-class mail addressed to “all occupants” at the address of the residential property a written notice in substantially the following form:

“IMPORTANT NOTICE ABOUT EVICTION

A person who claims the right to possess this property believes that this property is abandoned. If you are currently residing in the property, you must immediately contact:

---

Name

---

Address

---

Telephone

---

Date of this notice

If you do not contact the person listed above within 15 days after the date of this notice, the person claiming possession may consider the property abandoned and seek to secure the property, including changing the locks without a court order.”.

(2) The written notice required by this subsection shall be:

- (i) A separate document; and
- (ii) Printed in at least 12 point type.

(3) The outside of the envelope containing the mailed written notice required by this subsection shall state, on the address side, in bold, capital letters in at least 12 point type, the following: “Important notice to all occupants: eviction information enclosed; open immediately.”.

(d) (1) If in any proceeding the court finds that a party claiming the right to possession violated subsection (b) of this section, the protected resident may recover:

(i) Possession of the property, if no other person then resides in the property;

(ii) Actual damages; and

(iii) Reasonable attorney’s fees and costs.

(2) The remedies set forth in this subsection are not exclusive.

(e) This section does not apply if the parties are governed by Title 8, Subtitle 2, or Title 8A of this article.

If a ground lease is not registered in accordance with this subtitle, the ground lease holder may not:

- (1) Collect any ground rent payments due under the ground lease;
- (2) Bring a civil action against the leasehold tenant to enforce any rights the ground lease holder may have under the ground lease; or
- (3) [Obtain a lien under § 8-402.3] **BRING AN ACTION AGAINST THE LEASEHOLD TENANT UNDER SUBTITLE 8** of this title.

#### **SUBTITLE 8. RESIDENTIAL GROUND LEASES.**

##### **8-801.**

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

**(B) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.**

**(C) (1) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.**

**(2) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.**

**(D) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.**

**(E) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.**

**(F) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.**

##### **8-802.**

**(A) THIS SUBTITLE APPLIES TO RESIDENTIAL PROPERTY THAT WAS OR IS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.**

**(B) THIS SUBTITLE DOES NOT APPLY TO PROPERTY:**

(1) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(2) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(3) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

**[8–111.2.] 8–803.**

(a) This section does not apply to property[:

(1) Leased for business, commercial, manufacturing, mercantile, or industrial purposes, or any other purpose that is not primarily residential;

(2) Improved or to be improved by any apartment, condominium, cooperative, or other building for multifamily use of greater than four dwelling units;

(3) Leased for dwellings or mobile homes that are erected or placed in a mobile home development or mobile home park; or

(4) Subject] **THAT IS SUBJECT** to an affordable housing land trust agreement executed under Title 14, Subtitle 5 of this article.

(b) On or after January 22, 2007, the owner of a fee simple or leasehold estate in residential property that is or was used, intended to be used, or authorized to be used for four or fewer dwelling units may not create a reversionary interest in the property under a ground lease or a ground sublease for a term of years renewable forever subject to the payment of a periodic ground rent.

**[8–110.] 8–804.**

(a) (1) [This section does not apply to leases of property leased for business, commercial, manufacturing, mercantile, or industrial purposes or any other purpose which is not primarily residential, where the term of the lease, including all renewals provided for, does not exceed 99 years. A lease of the entire property improved or to be improved by any apartment, condominium, cooperative, or other building for multiple–family use on the property constitutes a business and not a residential purpose. The term “multiple–family use” does not apply to any duplex or single–family structure converted to a multiple–dwelling unit.

(2) Except as provided in subsection (f) of this section, this section does not apply to irredeemable **GROUND** leases [executed before April 9, 1884] **PRESERVED UNDER § 8–805 OF THIS SUBTITLE.**

[(3) This section does not apply to leases of the ground or site upon which dwellings or mobile homes are erected or placed in a mobile home development or mobile home park.

(4) (2) This section does not apply to an affordable housing land trust agreement executed under Title 14, Subtitle 5 of this article.

(b) (1) Except for apartment and cooperative leases, any reversion reserved in a **GROUND** lease for longer than 15 years is redeemable at any time, at the option of the **LEASEHOLD** tenant, after 30 days' notice to the [landlord] **GROUND LEASE HOLDER.** Notice shall be given by certified mail, return receipt requested, and by first-class mail to the last known address of the [landlord] **GROUND LEASE HOLDER.**

(2) The reversion is redeemable:

(i) For a sum equal to the annual **GROUND** rent reserved multiplied by:

1. 25, which is capitalization at 4 percent, if the **GROUND** lease was executed from April 8, 1884 to April 5, 1888, both inclusive;

2. 8.33, which is capitalization at 12 percent, if the **GROUND** lease was or is created after July 1, 1982; or

3. 16.66, which is capitalization at 6 percent, if the **GROUND** lease was created at any other time;

(ii) For a lesser sum if specified in the **GROUND** lease; or

(iii) For a sum to which the parties may agree at the time of redemption.

**(3) (I) IF THE LEASEHOLD TENANT IS IN DEFAULT UNDER A SECURITY INSTRUMENT, THE HOLDER OF THE SECURED INTEREST IN THE PROPERTY THAT IS SUBJECT TO A GROUND LEASE, OR ANY PORTION OF A GROUND LEASE, THAT IS RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED MAY APPLY TO THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION TO REDEEM THE REVERSION AS PROVIDED UNDER THIS SECTION.**

**(II) IF A HOLDER OF A SECURED INTEREST APPLIES TO REDEEM A REVERSION AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**

**HOLDER ALSO SHALL PAY TO THE GROUND LEASE HOLDER THE OUTSTANDING AMOUNT DUE, INCLUDING, IF AUTHORIZED UNDER THE GROUND LEASE, REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AS PROVIDED UNDER § 8–807 OF THIS SUBTITLE.**

(c) If a **LEASEHOLD** tenant has power to redeem the reversion from a trustee or other person who does not have a power of sale, the reversion nevertheless may be redeemed in accordance with the procedures prescribed in the Maryland Rules.

(d) Notwithstanding subsection (b) of this section, any regulatory changes made by a federal agency, instrumentality, or subsidiary, including the Department of Housing and Urban Development, the Federal Housing Administration, the Government National Mortgage Association, the Federal National Mortgage Association, and the Veterans' Administration, shall be applicable to redemption of reversions of **GROUND** leases for longer than 15 years.

(e) (1) Before the entry of a judgment foreclosing [an owner's] **A LEASEHOLD TENANT'S** right of redemption, a reversion in a ground rent or **GROUND** lease for 99 years renewable forever held on abandoned property in Baltimore City, as defined in § 14–817 of the Tax – Property Article, may be donated to Baltimore City or, at the option of Baltimore City, to an entity designated by Baltimore City.

(2) Valuation of the donation of a reversionary interest [pursuant to] **UNDER** this subsection shall be in accordance with subsection (b) of this section.

(f) (1) (i) A **LEASEHOLD** tenant who has given the [landlord] **GROUND LEASE HOLDER** notice in accordance with subsection (b) of this section may apply to the State Department of Assessments and Taxation to redeem a ground rent as provided in this subsection.

(ii) When the Mayor and City Council of Baltimore City acquires property that is subject to an irredeemable ground rent, the City shall become the **LEASEHOLD** tenant of the ground rent and, after giving the [landlord] **GROUND LEASE HOLDER** notice in accordance with subsection (b) of this section, may apply to the State Department of Assessments and Taxation to extinguish the ground rent as provided in this subsection.

(iii) When the Mayor and City Council of Baltimore City acquires abandoned or distressed property that is subject to a redeemable ground rent, the City shall become the **LEASEHOLD** tenant of the ground rent and, after giving the [landlord] **GROUND LEASE HOLDER** notice in accordance with subsection (b) of this section, may apply to the State Department of Assessments and Taxation to redeem the ground rent as provided in this subsection.



(2) The **LEASEHOLD** tenant shall provide to the State Department of Assessments and Taxation:

(i) Documentation satisfactory to the Department of the **GROUND** lease and the notice given to the **[landlord] GROUND LEASE HOLDER**; and

(ii) Payment of a \$20 fee, and any expediting fee required under § 1–203 of the Corporations and Associations Article.

(3) (i) On receipt of the items stated in paragraph (2) of this subsection, the Department shall post notice on its website that application has been made to redeem or extinguish the ground rent.

(ii) The notice shall remain posted for at least 90 days.

(4) Except as provided in paragraph (5) of this subsection, no earlier than 90 days after the application has been posted as provided in paragraph (3) of this subsection, a **LEASEHOLD** tenant seeking to redeem a ground rent shall provide to the Department:

(i) Payment of the redemption amount and up to 3 years' **[back] PAST DUE GROUND** rent to the extent required under this section and **[§ 8–111.1] § 8–806** of this subtitle, in a form satisfactory to the Department; and

(ii) An affidavit made by the **LEASEHOLD** tenant, in the form adopted by the Department, certifying that:

1. The **LEASEHOLD** tenant has not received a bill for ground rent due or other communication from the **[landlord] GROUND LEASE HOLDER** regarding the ground rent during the 3 years immediately before the filing of the documentation required for the issuance of a redemption certificate under this subsection; or

2. The last payment for ground rent was made to the **[landlord] GROUND LEASE HOLDER** identified in the affidavit and sent to the same address where the notice required under subsection (b) of this section was sent.

(5) No earlier than 90 days after the application has been posted as provided in paragraph (3) of this subsection, a **LEASEHOLD** tenant seeking to extinguish an irredeemable ground rent or to redeem a redeemable ground rent on abandoned or distressed property that was acquired or is being acquired by the Mayor and City Council of Baltimore shall provide to the Department:

(i) Payment of up to 3 years' **[back] PAST DUE GROUND** rent to the extent required under this section and **[§ 8–111.1] § 8–806** of this subtitle, in a form satisfactory to the Department; and

(ii) An affidavit made by the ~~Director of the Office of Property Acquisition and Relocation in~~ **COMMISSIONER OF** the Baltimore City Department of Housing and Community Development **OR THE COMMISSIONER'S DESIGNEE** certifying that:

1. The property is abandoned property, as defined in § 21–17(a)(2) of the Public Local Laws of Baltimore City, or distressed property, as defined in § 21–17(a)(3) of the Public Local Laws of Baltimore City;

2. The property was acquired or is being acquired by the Mayor and City Council of Baltimore City; **AND**

3. [The landlord of the property has not registered the ground lease with the State Department of Assessments and Taxation under Subtitle 7 of this title; and

4.] The existence of the ground rent is an impediment to redevelopment of the site.

(6) At any time, the **LEASEHOLD** tenant may submit to the Department notice that the **LEASEHOLD** tenant is no longer seeking redemption or extinguishment under this subsection.

(7) Upon receipt of the documentation, fees, and, where applicable, the redemption amount and 3 years' [back] **PAST DUE GROUND** rent to the extent required under this section and [§ 8–111.1] **§ 8–806** of this subtitle, the Department shall issue to the **LEASEHOLD** tenant a ground rent redemption certificate or a ground rent extinguishment certificate, as appropriate.

(8) The redemption or extinguishment of the ground rent is effective to conclusively vest a fee simple title in the **LEASEHOLD** tenant, free and clear of any and all right, title, or interest of the [landlord] **GROUND LEASE HOLDER**, any lien of a creditor of the [landlord] **GROUND LEASE HOLDER**, and any person claiming by, through, or under the [landlord] **GROUND LEASE HOLDER** when the **LEASEHOLD** tenant records the certificate in the land records of the county in which the property is located.

(9) The [landlord] **GROUND LEASE HOLDER**, any creditor of the [landlord] **GROUND LEASE HOLDER**, or any other person claiming by, through, or under the [landlord] **GROUND LEASE HOLDER** may file a claim with the Department in order to collect all, or any portion of, where applicable, the redemption amount and 3 years' [back] **PAST DUE GROUND** rent to the extent required under this section and [§ 8–111.1] **§ 8–806** of this subtitle, without interest, by providing to the Department:

(i) Documentation satisfactory to the Department of the claimant's interest; and

(ii) Payment of a \$20 fee, and any expediting fee required under § 1–203 of the Corporations and Associations Article.

(10) (i) A [landlord] **GROUND LEASE HOLDER** whose ground rent has been extinguished may file a claim with the Baltimore City Director of Finance to collect an amount equal to the annual **GROUND** rent reserved multiplied by 16.66, which is capitalization at 6 percent, by providing to the Director:

1. Proof of payment to the [landlord] **GROUND LEASE HOLDER** by the Department of [back] **PAST DUE GROUND** rent under paragraph (9) of this subsection; and

2. Payment of a \$20 fee.

(ii) A [landlord] **GROUND LEASE HOLDER** of abandoned or distressed property acquired by the Mayor and City Council of Baltimore City whose ground rent has been redeemed may file a claim with the Baltimore City Director of Finance to collect the redemption amount, by providing to the Director:

1. Proof of payment to the [landlord] **GROUND LEASE HOLDER** by the Department of [back] **PAST DUE GROUND** rent under paragraph (9) of this subsection; and

2. Payment of a \$20 fee.

(11) (i) In the event of a dispute regarding the extinguishment amount as calculated under paragraph (10)(i) of this subsection, the [landlord] **GROUND LEASE HOLDER** may refuse payment from the Baltimore City Director of Finance and file an appeal regarding the valuation in the Circuit Court of Baltimore City.

(ii) In an appeal, the [landlord] **GROUND LEASE HOLDER** is entitled to receive the fair market value of the [landlord's] **GROUND LEASE HOLDER'S** interest in the property at the time of the extinguishment.

(12) In the event of a dispute regarding the payment by the Department to any person of all or any portion of the collected redemption amount and up to 3 years' [back] **PAST DUE GROUND** rent to the extent required by this section and [§ 8–111.1] **§ 8–806** of this subtitle, the Department may:

(i) File an interpleader action in the circuit court of the county where the property is located; or

(ii) Reimburse the [landlord] **GROUND LEASE HOLDER** from the fund established in § 1–203.3 of the Corporations and Associations Article.

(13) The Department is not liable for any sum received by the Department that exceeds the sum of:

(i) The redemption amount; and

(ii) Up to 3 years' [back] **PAST DUE GROUND** rent to the extent required by this section and [§ 8–111.1] **§ 8–806** of this subtitle.

(14) The Department shall credit all fees and funds collected under this subsection to the fund established under § 1–203.3 of the Corporations and Associations Article. Redemption and extinguishment amounts received shall be held in a ground rent redemption and ground rent extinguishment account in that fund.

(15) The Department shall maintain a list of properties for which ground rents have been redeemed or extinguished under this subsection.

(16) The Department shall adopt regulations to carry out the provisions of this subsection.

(17) Any redemption or extinguishment funds not collected by a [landlord] **GROUND LEASE HOLDER** under this subsection within 20 years after the date of the payment to the Department by the **LEASEHOLD** tenant shall escheat to the State. The Department shall annually transfer any funds that remain uncollected after 20 years to the State General Fund at the end of each fiscal year.

**[8–110.1.] 8–805.**

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

(2) [“Ground lease” means a residential lease or sublease for a term of years renewable forever subject to the payment of a periodic ground rent.

(3) (i) “Ground lease holder” means the holder of the reversionary interest under a ground lease.

(ii) “Ground lease holder” includes an agent of the ground lease holder.

(4) “Ground rent” means a rent issuing out of, or collectible in connection with, the reversionary interest under a ground lease.

(5) [“Irredeemable ground rent” means a ground rent created under a ground lease executed before April 9, 1884, that does not contain a provision allowing the leasehold tenant to redeem the ground rent.

[(6) “Leasehold interest” means the tenancy in real property created under a ground lease.

(7) “Leasehold tenant” means the holder of the leasehold interest under a ground lease.

(8) **(3)** “Redeemable ground rent” means a ground rent that may be redeemed in accordance with this section or redeemed or extinguished in accordance with **[§ 8–110(f)] § 8–804(F)** of this subtitle.

(b) [(1) This section applies to residential property that is or was used, intended to be used, or authorized to be used for four or fewer dwelling units.

(2) This section does not apply to property:

(i) Leased for business, commercial, manufacturing, mercantile, or industrial purposes, or any other purpose that is not primarily residential;

(ii) Improved or to be improved by any apartment, condominium, cooperative, or other building for multifamily use of greater than four dwelling units; or

(iii) Leased for dwellings or mobile homes that are erected or placed in a mobile home development or mobile home park.

(c) (1) An irredeemable ground rent shall be converted to, and become, a redeemable ground rent, unless within the time specified in subsection **[(f)](E)** of this section, a notice of intention to preserve irredeemability is recorded.

(2) The conversion of an irredeemable ground rent to a redeemable ground rent occurs on the day following the end of the period in which the notice may be recorded.

(3) A disability or lack of knowledge of any kind does not prevent the conversion of an irredeemable ground rent to a redeemable ground rent if no notice of intention to preserve irredeemability is filed within the time specified in subsection **[(f)](E)** of this section.

**[(d)] (C)** (1) Any ground lease holder of an irredeemable ground rent may record a notice of intention to preserve irredeemability among the land records of the county where the land is located.

(2) The notice may be recorded by:

(i) The person claiming to be the ground lease holder; or

(ii) If the ground lease holder is under a disability or otherwise unable to assert a claim on the ground lease holder's own behalf, any other person acting on the ground lease holder's behalf.

**[(e)] (D)** (1) To be effective and to be entitled to be recorded, the notice shall be executed by the ground lease holder, acknowledged before a notary public, and contain substantially the following information:

(i) An accurate description of the leasehold interest affected by the notice, including, if known, the property improvement address;

(ii) The name of every ground lease holder of an irredeemable ground rent;

(iii) The name of every leasehold tenant as of the time the notice is filed according to the land records or the records of the State Department of Assessments and Taxation;

(iv) The recording reference of the ground lease;

(v) The recording reference of every leasehold tenant's leasehold deed, as of the time the notice is filed, according to the land records or the records of the State Department of Assessments and Taxation;

(vi) The recording reference of every irredeemable ground rent ground lease holder's deed; and

(vii) The block number for the leasehold interest if the property is located in Baltimore City.

(2) (i) A notice that substantially meets the requirements of this section shall be accepted for recording among the land records on payment of the same fees as are charged for the recording of deeds.

(ii) The filing of a notice is exempt from the imposition of a State or local excise tax.

(3) The notice shall be indexed as "Notice of Intention to Preserve Irredeemability":

(i) In the grantee indices of deeds under the name of every ground lease holder of an irredeemable ground rent;

(ii) In the grantor indices of deeds under the name of every leasehold tenant as of the time the notice is filed according to the land records or the records of the State Department of Assessments and Taxation; and

(iii) In the block index in Baltimore City.

[(f)] (E) (1) To preserve the irredeemability of an irredeemable ground rent, a notice of intention to preserve shall be recorded on or before December 31, 2010.

(2) If a notice of intention to preserve is not recorded on or before December 31, 2010, the ground rent becomes a redeemable ground rent.

(3) If a notice is recorded on or before December 31, 2010, the ground rent shall remain irredeemable for a period of 10 years from January 1, 2011, to December 31, 2020, both inclusive.

(4) (i) The effectiveness of a filed notice to preserve irredeemability shall lapse on January 1, 2021, and the ground rent shall become a redeemable ground rent, unless a renewal notice containing substantially the same information as the notice of intention to preserve irredeemability is recorded within 6 months before the expiration of the 10-year period set forth in paragraph (3) of this subsection.

(ii) The effectiveness of any subsequently filed renewal notice shall lapse after the expiration of the applicable 10-year period and the ground rent shall become a redeemable ground rent, unless further renewal notices are recorded within 6 months before the expiration of the applicable 10-year period.

[(g)] (F) A ground rent made redeemable in accordance with this section:

(1) Is redeemable at any time following the date of conversion of the irredeemable ground rent to a redeemable ground rent; and

(2) Shall be redeemable for a sum equal to the annual rent reserved multiplied by 16.66, which is capitalization at 6 percent.

**[8-111.1.] 8-806.**

(a) [This section applies to all residential leases or subleases in effect on or after October 1, 1999, which have an initial term of 99 years and which create a leasehold estate, or subleasehold estate, subject to the payment of an annual ground rent.

(b) In any suit, action, or proceeding by a [landlord] **GROUND LEASE HOLDER**, or the transferee of the reversion in [leased] property **SUBJECT TO A GROUND LEASE**, to recover [back] **PAST DUE GROUND** rent, the [landlord] **GROUND LEASE HOLDER**, or the transferee of the reversion [in leased property] is entitled to demand or recover not more than 3 years [back] **PAST DUE GROUND** rent, **CALCULATED FROM THE DATE NOTICE WAS SENT UNDER § 8-807(C)(1) OF THIS SUBTITLE.**

**(B) IF AUTHORIZED UNDER THE GROUND LEASE, A GROUND LEASE HOLDER MAY NOT RECEIVE REIMBURSEMENT FOR ANY ADDITIONAL COSTS OR EXPENSES**

~~RELATED TO COLLECTION OF THE PAST DUE GROUND RENT, EXCEPT BE REIMBURSED FOR REASONABLE LATE FEES, INTEREST, COLLECTION COSTS, AND EXPENSES, SUBJECT TO THE SAME LIMITATIONS AS PROVIDED IN § 8-807 OF THIS SUBTITLE.~~

(c) (1) Notwithstanding any other provision of law, in any suit, action, or proceeding to recover [back] PAST DUE GROUND rent, a [landlord or] GROUND LEASE holder [of a ground rent] may only recover not more than 3 years [back] PAST DUE GROUND rent, CALCULATED FROM THE DATE NOTICE WAS SENT UNDER § 8-807(C)(1) OF THIS SUBTITLE, if the property is:

(i) Owned or acquired by any means by the Mayor and City Council of Baltimore; and

(ii) Abandoned property, as defined in § 21-17(a)(2) of the Public Local Laws of Baltimore City, or distressed property, as defined in § 21-17(a)(3) of the Public Local Laws of Baltimore City.

(2) With regard to property described under paragraph (1) of this subsection, a [landlord] GROUND LEASE HOLDER may request in writing that the Mayor and City Council of Baltimore acquire the reversionary interest under the ground [rent] LEASE for the market value established at the time of the acquisition by the Mayor and City Council of the leasehold interest under the ground [rent] LEASE.

### 8-807.

(A) FOR PROPERTY SUBJECT TO A GROUND LEASE IN EFFECT ON OR AFTER JULY 1, 2007, A GROUND LEASE HOLDER MAY BRING AN ACTION ~~TO REENTER~~ FOR POSSESSION FOR NONPAYMENT OF GROUND RENT ONLY:

(1) IF THE GROUND LEASE HOLDER HAS THE LAWFUL RIGHT TO ~~REENTER~~ CLAIM POSSESSION FOR NONPAYMENT OF GROUND RENT;

(2) IF THE GROUND LEASE IS REGISTERED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER SUBTITLE 7 OF THIS TITLE;

(3) IF THE PAYMENT OF GROUND RENT IS AT LEAST 6 MONTHS IN ARREARS; AND

(4) AS PROVIDED UNDER THIS SECTION.

(B) A HOLDER OF A SECURED INTEREST IN THE PROPERTY THAT IS SUBJECT TO THE GROUND LEASE, OR ANY PORTION OF THE GROUND LEASE, THAT IS RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED MAY CURE THE DEFAULT BY PAYING THE OUTSTANDING AMOUNT DUE,



**INCLUDING, IF AUTHORIZED UNDER THE GROUND LEASE, REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES** SUBJECT TO THE SAME PROVISIONS THAT ARE APPLICABLE TO A LEASEHOLD TENANT WHO CURES A DEFAULT AFTER RECEIVING NOTICE UNDER SUBSECTION **(C) OR (D)** OF THIS SECTION OR RECEIVING PERSONAL SERVICE OF PROCESS IN AN ACTION FILED UNDER SUBSECTION **(F)** OF THIS SECTION.

**(C) (1) NO LESS THAN 60 DAYS BEFORE FILING AN ACTION ~~TO REENTER FOR POSSESSION~~, THE GROUND LEASE HOLDER SHALL SEND A NOTICE, IN THE FORM REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, TO THE LEASEHOLD TENANT'S LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, OR OTHER PLACE OF BUSINESS OR RESIDENCE IF KNOWN, BY:**

- (I) FIRST-CLASS MAIL; AND**
- (II) CERTIFIED MAIL, RETURN RECEIPT REQUESTED.**

**(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN SUBSTANTIALLY THE SAME FORM AS THE NOTICE CONTAINED ON THE WEB SITE OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

**(3) IF AUTHORIZED UNDER THE GROUND LEASE, A GROUND LEASE HOLDER MAY BE REIMBURSED FOR REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES NOT EXCEEDING \$100, PROVIDED THE OUTSTANDING AMOUNT DUE IS PAID ~~IN RESPONSE TO~~ AFTER THE NOTICE SENT UNDER PARAGRAPH (1) OF THIS SUBSECTION AND BEFORE A NOTICE IS SENT UNDER SUBSECTION (D) OF THIS SECTION.**

**(D) (1) AFTER NOTICE HAS BEEN SENT UNDER SUBSECTION (C) OF THIS SECTION AND NO LESS THAN 30 DAYS BEFORE FILING AN ACTION ~~TO REENTER FOR POSSESSION~~, THE GROUND LEASE HOLDER SHALL SEND A NOTICE, IN THE FORM REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, TO THE LEASEHOLD TENANT'S LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, OR OTHER PLACE OF BUSINESS OR RESIDENCE IF KNOWN, BY:**

- (I) FIRST-CLASS MAIL; AND**
- (II) CERTIFIED MAIL, RETURN RECEIPT REQUESTED.**

**(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN 14 POINT BOLD FONT AND INCLUDE:**

(I) AN ITEMIZED BILL FOR THE PAYMENT DUE;

(II) THE AMOUNT NECESSARY TO CURE THE DEFAULT, INCLUDING LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AUTHORIZED UNDER PARAGRAPH (3) OF THIS SUBSECTION;

(III) THE NAME AND ADDRESS OF THE PERSON TO WHOM TO SEND THE PAYMENT DUE;

(IV) THE NAME AND CONTACT INFORMATION OF THE PERSON TO CONTACT FOR QUESTIONS ABOUT THE NOTICE; AND

(V) A STATEMENT THAT UNLESS THE DEFAULT IS CURED IN 30 DAYS:

1. THE GROUND LEASE HOLDER INTENDS TO FILE AN ACTION ~~TO REENTER~~ FOR POSSESSION; AND

2. THE LEASEHOLD TENANT MAY BE LIABLE FOR REIMBURSING THE GROUND LEASE HOLDER FOR EXPENSES AND COSTS INCURRED IN CONNECTION WITH THE COLLECTION OF PAST DUE GROUND RENT AND THE FILING OF THE ACTION ~~TO REENTER~~ FOR POSSESSION.

(3) IF AUTHORIZED UNDER THE GROUND LEASE, A GROUND LEASE HOLDER MAY BE REIMBURSED FOR REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES NOT EXCEEDING \$650, INCLUDING:

(I) TITLE ABSTRACT AND EXAMINATION FEES;

(II) JUDGMENT REPORT COSTS;

(III) PHOTOCOPYING AND POSTAGE FEES; AND

(IV) ATTORNEY'S FEES.

(E) (1) THE GROUND LEASE HOLDER SHALL SEND A COPY OF THE NOTICE REQUIRED UNDER SUBSECTION (D) OF THIS SECTION TO ANY HOLDER OF RECORD OF A SECURED INTEREST IN THE PROPERTY THAT IS SUBJECT TO THE GROUND LEASE, OR ANY PORTION OF THE GROUND LEASE, THAT IS RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED, TO THE ADDRESS SHOWN IN THE LAND RECORDS OR ANOTHER ADDRESS IF KNOWN, BY:

- (I) FIRST-CLASS MAIL; AND
- (II) CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A STATEMENT THAT THE HOLDER OF A SECURED INTEREST MAY:

(I) CURE THE DEFAULT BY PAYING THE OUTSTANDING AMOUNT DUE, INCLUDING REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AUTHORIZED UNDER SUBSECTION (D)(3) OF THIS SECTION; OR

(II) 1. REDEEM THE PROPERTY IN ACCORDANCE WITH § 8-804 OF THIS SUBTITLE; AND

2. CURE THE DEFAULT BY PAYING THE OUTSTANDING AMOUNT DUE, INCLUDING REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AUTHORIZED UNDER SUBSECTION (D)(3) OF THIS SECTION.

(3) IF NOTICE IS NOT SENT TO A HOLDER *OF RECORD* OF A SECURED INTEREST IN THE PROPERTY THAT IS SUBJECT TO THE GROUND LEASE, OR ANY PORTION OF THE GROUND LEASE, THAT IS RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED, A JUDGMENT IN FAVOR OF THE GROUND LEASE HOLDER DOES NOT IMPAIR THE RIGHT OF THE HOLDER OF THE SECURED INTEREST TO ENFORCE THE SECURED INTEREST AGAINST THE PROPERTY.

(F) (1) IF THE DEFAULT IS NOT CURED, THE GROUND LEASE HOLDER MAY FILE IN CIRCUIT COURT AN ACTION ~~TO REENTER~~ FOR POSSESSION NO LESS THAN 30 DAYS AFTER NOTICE IS SENT UNDER SUBSECTION (D) OF THIS SECTION.

(2) AN ACTION FILED UNDER THIS SUBSECTION SHALL BE ACCOMPANIED BY:

(I) AN ITEMIZED BILL FOR THE PAYMENT DUE;

(II) THE AMOUNT NECESSARY TO CURE THE DEFAULT, INCLUDING REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AUTHORIZED UNDER PARAGRAPH (3) OF THIS SUBSECTION;

(III) THE NAME AND ADDRESS OF THE PERSON TO WHOM TO SEND THE PAYMENT DUE;

(IV) AN AFFIDAVIT AFFIRMING COMPLIANCE WITH THE NOTICE REQUIREMENTS UNDER SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, INCLUDING COPIES OF THE PROOFS OF MAILING FROM THE UNITED STATES POSTAL SERVICE; AND

(V) A LIST OF EACH HOLDER OF RECORD OF A SECURED INTEREST IN THE PROPERTY THAT IS SUBJECT TO THE GROUND LEASE, OR ANY PORTION OF THE GROUND LEASE, THAT IS RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(3) IF AUTHORIZED UNDER THE GROUND LEASE, A GROUND LEASE HOLDER MAY BE REIMBURSED FOR REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES, INCLUDING:

(I) FILING FEES AND COURT COSTS;

(II) EXPENSES INCURRED IN THE SERVICE OF PROCESS OR OTHERWISE PROVIDING NOTICE;

(III) REASONABLE ATTORNEY'S FEES NOT EXCEEDING \$500; AND

(IV) TAXES, INCLUDING INTEREST AND PENALTIES, THAT HAVE BEEN PAID BY THE GROUND LEASE HOLDER OR PLAINTIFF.

(G) (1) PERSONAL SERVICE OF PROCESS IN AN ACTION FILED UNDER SUBSECTION (F) OF THIS SECTION SHALL BE MADE IN ACCORDANCE WITH THE MARYLAND RULES.

(2) THE INDIVIDUAL MAKING SERVICE OF PROCESS UNDER THIS SUBSECTION SHALL FILE PROOF OF SERVICE WITH THE COURT IN ACCORDANCE WITH THE MARYLAND RULES.

(H) (1) A HOLDER OF RECORD OF A SECURED INTEREST IN THE PROPERTY THAT IS SUBJECT TO THE GROUND LEASE, OR ANY PORTION OF THE GROUND LEASE, THAT IS RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED, SHALL BE MADE A PARTY, AS PROVIDED UNDER THE MARYLAND RULES, TO AN ACTION FILED UNDER SUBSECTION (F) OF THIS SECTION.

(2) THE GROUND LEASE HOLDER SHALL SEND TO EACH HOLDER OF RECORD OF A SECURED INTEREST THAT IS MADE A PARTY TO THE ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION A STATEMENT THAT THE HOLDER OF A SECURED INTEREST MAY:

(I) CURE THE DEFAULT BY PAYING THE OUTSTANDING AMOUNT DUE, INCLUDING REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AUTHORIZED UNDER SUBSECTION (F)(3) OF THIS SECTION; OR

(II) 1. REDEEM THE PROPERTY IN ACCORDANCE WITH § 8-804 OF THIS SUBTITLE; AND

2. CURE THE DEFAULT BY PAYING THE OUTSTANDING AMOUNT DUE, INCLUDING REASONABLE LATE FEES, INTEREST, ~~AND COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AUTHORIZED UNDER SUBSECTION (F)(3) OF THIS SECTION.

(3) IF A HOLDER OF RECORD OF A SECURED INTEREST IS NOT MADE A PARTY TO THE ACTION AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A JUDGMENT IN FAVOR OF THE GROUND LEASE HOLDER DOES NOT IMPAIR THE RIGHT OF THE HOLDER OF THE SECURED INTEREST TO ENFORCE THE SECURED INTEREST AGAINST THE PROPERTY.

(I) WITHIN 6 MONTHS AFTER EXECUTION OF A ~~JUDGMENT FOR WRIT OF POSSESSION~~ IN FAVOR OF THE GROUND LEASE HOLDER, THE LEASEHOLD TENANT OR ANY OTHER PERSON CLAIMING UNDER THE GROUND LEASE MAY:

(1) PAY THE PAST DUE GROUND RENT AND ANY LATE FEES, INTEREST, ~~OR COLLECTION COSTS~~ COLLECTION COSTS, AND EXPENSES AUTHORIZED UNDER THIS SECTION; AND

(2) COMMENCE A PROCEEDING TO OBTAIN RELIEF FROM THE ~~JUDGMENT WRIT~~.

(J) (1) EXCEPT AS PROVIDED IN THIS SECTION, A GROUND LEASE HOLDER OR PLAINTIFF IS NOT ENTITLED TO REIMBURSEMENT FOR ANY COSTS OR EXPENSES RELATED TO THE COLLECTION OF GROUND RENT.

(2) A GROUND LEASE HOLDER OR PLAINTIFF MAY NOT RECEIVE A WRIT OF POSSESSION OR REIMBURSEMENT FOR ANY COSTS OR EXPENSES RELATED TO THE COLLECTION OF GROUND RENT UNLESS ALL THE NOTICE REQUIREMENTS OF THIS SECTION ARE MET.

(K) IF A GROUND LEASE HOLDER RECEIVES AND EXECUTES A WRIT OF POSSESSION, AND IF AUTHORIZED UNDER THE GROUND LEASE, THE GROUND LEASE HOLDER MAY ~~NOT RECEIVE REIMBURSEMENT FOR ANY COSTS OR EXPENSES RELATED TO THE COLLECTION OF GROUND RENT, INCLUDING ANY LATE FEES,~~

~~INTEREST, OR~~ BE REIMBURSED FOR REASONABLE LATE FEES, INTEREST, COLLECTION COSTS, AND EXPENSES AS SPECIFIED IN SUBSECTION (C)(3), (D)(3), OR (F)(3) OF THIS SECTION.

(L) THIS SECTION DOES NOT PRECLUDE A GROUND LEASE HOLDER FROM USING OTHER LEGAL MEANS TO ENFORCE A GROUND LEASE.

[14–116.] 8–808.

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

(2) “Ground lease” means a residential lease or sublease for a term of years renewable forever subject to the payment of a periodic ground rent.

(3) (i) “Ground lease holder” means the holder of the reversionary interest under a ground lease.

(ii) “Ground lease holder” includes an agent of the ground lease holder.

(4) “Ground rent” means a rent issuing out of, or collectible in connection with, the reversionary interest under a ground lease.

(5) “Leasehold interest” means the tenancy in real property created under a ground lease.

(6) “Leasehold tenant” means the holder of the leasehold interest under a ground lease.

(b) (1) This section applies to residential property that was or is used, intended to be used, or authorized to be used for four or fewer dwelling units.

(2) This section does not apply to property:

(i) Leased for business, commercial, manufacturing, mercantile, or industrial purposes, or any other purpose that is not primarily residential;

(ii) Improved or to be improved by any apartment, condominium, cooperative, or other building for multifamily use of greater than four dwelling units; or

(iii) Leased for dwellings or mobile homes that are erected or placed in a mobile home development or mobile home park.

(c)] Within 30 days of any change of address of a leasehold tenant, the leasehold tenant shall notify the ground lease holder of the change, including the new address and the date of the change.

**[(d)] (B)** Within 30 days of any transfer of [improvements located] A **LEASEHOLD INTEREST** on property subject to a ground [rent] **LEASE**, the leasehold tenant shall notify the ground lease holder of the transfer. The notification shall include the name and address of the transferee, and date of transfer.

**[(e)] (C)** A leasehold tenant shall send notice under this section to the last known address of the ground lease holder.

**[14–116.1.] 8–809.**

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

(2) “Ground lease” means a residential lease or sublease for a term of years renewable forever subject to the payment of a periodic ground rent.

(3) (i) “Ground lease holder” means the holder of the reversionary interest under a ground lease.

(ii) “Ground lease holder” includes an agent of the ground lease holder.

(4) “Ground rent” means a rent issuing out of, or collectible in connection with, the reversionary interest under a ground lease.

(5) “Leasehold interest” means the tenancy in real property created under a ground lease.

(6) “Leasehold tenant” means the holder of the leasehold interest under a ground lease.

(b) (1) This section applies to residential property that was or is used, intended to be used, or authorized to be used for four or fewer dwelling units.

(2) This section does not apply to property:

(i) Leased for business, commercial, manufacturing, mercantile, or industrial purposes, or any other purpose that is not primarily residential;

(ii) Improved or to be improved by any apartment, condominium, cooperative, or other building for multifamily use of greater than four dwelling units; or

(iii) Leased for dwellings or mobile homes that are erected or placed in a mobile home development or mobile home park.

(c)] A ground lease holder may not collect a yearly or half-yearly installment payment of a ground rent due under the ground lease unless:

(1) The ground lease is registered with the State Department of Assessments and Taxation under Title 8, Subtitle 7 of this article; and

(2) At least 60 days before the payment is due, the ground lease holder mails a bill to the last known address of the leasehold tenant and to the address of the property subject to the ground lease.

[(d)] **(B)** The bill shall include a notice in boldface type, at least as large as 14 point, in substantially the following form:

“NOTICE REQUIRED BY MARYLAND LAW  
REGARDING YOUR GROUND RENT

This property (address) is subject to a ground lease. The annual payment on the ground lease (“ground rent”) is \$(dollar amount), payable in yearly or half-yearly installments on (date or dates).

The next ground rent payment is due (day, month, year) in the amount of \$(dollar amount).

The payment of the ground rent should be sent to:

(name of ground lease holder)

(address)

(phone number)

**NOTE REGARDING YOUR RIGHTS AND RESPONSIBILITIES UNDER MARYLAND LAW:**

The ground lease holder is required to register the ground lease with the State Department of Assessments and Taxation and is prohibited from collecting ground rent payments unless the ground lease is registered. If the ground lease is registered, as the owner of this property, you are obligated to pay the ground rent to the ground lease holder. To determine whether the ground lease is registered, you may check the Web site of the State Department of Assessments and Taxation. It is also your responsibility to notify the ground lease holder if you change your address or transfer ownership of the property.

If you fail to pay the ground rent on time, you are still responsible for paying the ground rent. In addition, **IF** the ground lease holder [may take action] **FILES AN ACTION IN COURT** to collect the past due ground rent, **YOU MAY BE REQUIRED TO PAY THE GROUND LEASE HOLDER FOR FEES AND COSTS ASSOCIATED WITH THE COLLECTION OF THE PAST DUE GROUND RENT. IN ADDITION, THE GROUND LEASE HOLDER MAY ALSO FILE AN ACTION IN COURT TO TAKE POSSESSION OF THE PROPERTY**, which may result **IN YOUR BEING RESPONSIBLE FOR ADDITIONAL FEES AND COSTS AND** ultimately in your loss of the property. Please note that under Maryland law, a ground lease holder may



demand not more than 3 years of past due ground rent, **AND THERE ARE LIMITS ON HOW MUCH A GROUND LEASE HOLDER MAY BE REIMBURSED FOR FEES AND COSTS.** If you fail to pay the ground rent on time, you should contact a lawyer for advice.

As the owner of this property, you are entitled to redeem, or purchase, the ground lease from the ground lease holder and obtain absolute ownership of the property. [The redemption amount is fixed by law but may also be negotiated with the ground lease holder for a different amount. For information on redeeming] **UNLESS YOU AND THE GROUND LEASE HOLDER AGREE TO A LESSER AMOUNT, THE AMOUNT TO REDEEM YOUR GROUND LEASE IS \_\_\_\_\_.** **IF YOU WISH TO REDEEM** the ground lease, contact the ground lease holder. If the identity of the ground lease holder is unknown, the State Department of Assessments and Taxation provides a process to redeem the ground lease that may result in your obtaining absolute ownership of the property. If you would like to obtain absolute ownership of this property, you should contact a lawyer for advice.”

**[14–116.2.] 8–810.**

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

(2) “Ground lease” means a residential lease or sublease for a term of years renewable forever subject to the payment of a periodic ground rent.

(3) (i) “Ground lease holder” means the holder of the reversionary interest under a ground lease.

(ii) “Ground lease holder” includes an agent of the ground lease holder.

(4) “Ground rent” means a rent issuing out of, or collectible in connection with, the reversionary interest under a ground lease.

(5) “Leasehold tenant” means the holder of the leasehold interest under a ground lease.

(6) “Redeemable ground rent” means a ground rent that may be redeemed in accordance with § 8–110 of this article.

(b) (1) This section applies to residential property that is or was used, intended to be used, or authorized to be used for four or fewer dwelling units.

(2) This section does not apply to property:

(i) Leased for business, commercial, manufacturing, mercantile, or industrial purposes, or any other purpose that is not primarily residential;

(ii) Improved or to be improved by any apartment, condominium, cooperative, or other building for multifamily use of greater than four dwelling units; or

(iii) Leased for dwellings or mobile homes that are erected or placed in a mobile home development or mobile home park.

**(c)** Within 30 days after any transfer of a ground lease, the transferee shall notify the leasehold tenant of the transfer.

**[(d)] (B)** (1) The notification shall include the name and address of the new ground lease holder and the date of the transfer.

(2) If the property is subject to a redeemable ground rent, the notification shall also include the following notice:

“As the owner of the property subject to this ground lease, you are entitled to redeem, or purchase, the ground lease from the ground lease holder and obtain absolute ownership of the property. The redemption amount is fixed by law but may also be negotiated with the ground lease holder for a different amount. For information on redeeming the ground lease, contact the ground lease holder.”

**[(e)] (C)** A ground lease holder shall send notice under this section to the last known address of the leasehold tenant.

14–117.

**[(a)] (1)** (i) In this subsection the following words have the meanings indicated.

(ii) “Ground lease” means a residential lease or sublease for a term of years renewable forever subject to the payment of a periodic ground rent.

(iii) 1. “Ground lease holder” means the holder of the reversionary interest under a ground lease.

2. “Ground lease holder” includes an agent of the ground lease holder.

(iv) “Ground rent” means a rent issuing out of, or collectible in connection with, the reversionary interest under a ground lease.

(v) “Leasehold interest” means the tenancy in real property created under a ground lease.

(vi) “Leasehold tenant” means the holder of the leasehold interest under a ground lease.

(2) (i) This subsection applies to residential property that was or is used, intended to be used, or authorized to be used for four or fewer dwelling units.

(ii) This subsection does not apply to property:

1. Leased for business, commercial, manufacturing, mercantile, or industrial purposes, or any other purpose that is not primarily residential;

2. Improved or to be improved by any apartment, condominium, cooperative, or other building for multifamily use of greater than four dwelling units; or

3. Leased for dwellings or mobile homes that are erected or placed in a mobile home development or mobile home park.]

### 8-811.

[(3)] A contract for the sale of real property subject to a ground rent shall contain the following notice in boldface type, at least as large as 14 point, in substantially the following form:

“NOTICE REQUIRED BY MARYLAND LAW  
REGARDING YOUR GROUND RENT

This property (address) is subject to a ground lease. The annual payment on the ground lease (“ground rent”) is \$(dollar amount), payable in yearly or half-yearly installments on (date or dates).

The next ground rent payment is due (day, month, year) in the amount of \$(dollar amount).

The payment of the ground rent should be sent to:

(name of ground lease holder)

(address)

(phone number)

**NOTE REGARDING YOUR RIGHTS AND RESPONSIBILITIES UNDER MARYLAND LAW:**

As the owner of this property, you are obligated to pay the ground rent to the ground lease holder. It is also your responsibility to notify the ground lease holder if you change your address or transfer ownership of the property.

If you fail to pay the ground rent on time, you are still responsible for paying the ground rent. In addition, **IF** the ground lease holder [may take action] **FILES AN ACTION IN COURT** to collect the past due ground rent, **YOU MAY BE REQUIRED TO PAY THE GROUND LEASE HOLDER FOR FEES AND COSTS ASSOCIATED WITH THE COLLECTION OF THE**

**PAST DUE GROUND RENT. IN ADDITION, THE GROUND LEASE HOLDER MAY ALSO FILE AN ACTION IN COURT TO TAKE POSSESSION OF THE PROPERTY,** which may result in your being responsible for additional fees and costs and ultimately in your loss of the property. Please note that under Maryland law, a ground lease holder may demand not more than 3 years of past due ground rent, **AND THERE ARE LIMITS ON HOW MUCH A GROUND LEASE HOLDER MAY BE REIMBURSED FOR FEES AND COSTS.** If you fail to pay the ground rent on time, you should contact a lawyer for advice.

As the owner of this property, you are entitled to redeem, or purchase, the ground lease from the ground lease holder and obtain absolute ownership of the property. The redemption amount is fixed by law [but may also be negotiated with the ground lease holder for a different amount. For information on redeeming] **AS FOLLOWS:**

**(1) FOR A SUM EQUAL TO THE ANNUAL RENT RESERVED MULTIPLIED BY:**

**(I) 25, WHICH IS CAPITALIZATION AT 4 PERCENT, IF THE LEASE WAS EXECUTED FROM APRIL 8, 1884, TO APRIL 5, 1888, BOTH INCLUSIVE;**

**(II) 8.33, WHICH IS CAPITALIZATION AT 12 PERCENT, IF THE LEASE WAS OR IS CREATED AFTER JULY 1, 1982; OR**

**(III) 16.66, WHICH IS CAPITALIZATION AT 6 PERCENT, IF THE LEASE WAS CREATED AT ANY OTHER TIME;**

**(2) FOR A LESSER SUM IF SPECIFIED IN THE LEASE; OR**

**(3) FOR A SUM TO WHICH THE PARTIES MAY AGREE AT THE TIME OF REDEMPTION.**

**THE AMOUNT TO REDEEM YOUR GROUND LEASE IS \_\_\_\_\_. IF YOU WISH TO REDEEM** the ground lease, contact the ground lease holder. If the identity of the ground lease holder is unknown, the State Department of Assessments and Taxation provides a process to redeem the ground lease that may result in your obtaining absolute ownership of the property. If you would like to obtain absolute ownership of this property, you should contact a lawyer for advice.”.

**[14–129.] 8–812.**

(a) This section does not apply to a:

(1) Home equity line of credit;

(2) Loan secured by an indemnity deed of trust; or

(3) Commercial loan.

(b) Before the settlement of a loan secured by a mortgage or deed of trust on residential real property improved by four or fewer single-family units that is subject to a redeemable ground rent, the settlement agent shall notify the borrower that:

(1) The borrower has the right to redeem the ground rent under [§ 8–110] § 8–804 of this [article] SUBTITLE;

(2) The redemption amount is fixed by law but may also be negotiated with the ground lease holder for a different amount;

(3) It may be possible to include the amount of the redemption in this loan;

(4) For information on redeeming the ground rent, the borrower should contact the ground lease holder; and

(5) For information on including the amount of the redemption in this loan, the borrower should contact the lender or credit grantor making this loan.

14–108.1.

(a) This section does not apply to:

(1) A grantee action under § 14–109 of this subtitle;

(2) A landlord-tenant action that is within the exclusive original jurisdiction of the District Court;

(3) An action for nonpayment of ground rent under a ground lease on residential property that is or was used, intended to be used, or authorized to be used for four or fewer dwelling units; or

(4) An action for wrongful detainer under § 14–132 of this [article] SUBTITLE.

(b) (1) A person who is not in possession of property and claims title and right to possession may bring an action for possession against the person in possession of the property.

(2) Encumbrance of property by a mortgage or deed of trust to secure a debt does not prevent an action under this section by the owner of the property.

(c) When personal jurisdiction is not obtained over the defendant, the plaintiff may obtain a default judgment under the Maryland Rules only on proof of title and right to possession. The judgment shall be in rem for possession of the property. Entry and

enforcement of the judgment does not bar further pursuit, in the same or another action, of the plaintiff's claim for mesne profits and damages.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 14–117(b) through (l), respectively, of Article – Real Property of the Annotated Code of Maryland be renumbered to be Section(s) 14–117(a) through (k), respectively.

SECTION 4. AND BE IT FURTHER ENACTED, That the State Department of Assessments and Taxation shall develop and post on the Department's Web site a sample notice for use in complying with the provisions of § 8–807(c) of the Real Property Article, as enacted by Section 2 of this Act, that is in at least 14 point, bold font, and provides for the inclusion of:

- (1) an itemized bill for the amount of payment due;
- (2) the amount necessary to cure the default, including late fees, interest, ~~and collection costs~~ collection costs, and expenses as authorized under § 8–807(c)(3) of the Real Property Article, as enacted by Section 2 of this Act;
- (3) the name and address of the person to whom to send the payment due;
- (4) the name and contact information of the person to contact for questions about the notice;
- (5) a statement that unless the default is cured in 60 days:
  - (i) the ground lease holder intends to file an action ~~to re-enter~~ for possession; and
  - (ii) the leasehold tenant may be liable for reimbursing the ground lease holder for reasonable late fees, interest, ~~and collection costs~~ collection costs, and expenses incurred in connection with the collection of past due ground rent and the filing of an action ~~to re-enter~~ for possession; and
- (6) information about the Ground Rent Redemption Loan Program in the Department of Housing and Community Development.

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 8–402.2(d) and 8–402.3 of Article – Real Property of the Annotated Code of Maryland (2003 Replacement Volume and 2006 Supplement) as in effect on June 30, 2007, be repealed.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 429

### (House Bill 514)

AN ACT concerning

### Maryland Commission on Climate Change

FOR the purpose of establishing the Commission on Climate Change in the Department of the Environment to advise the Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt to the consequences of climate change; establishing the membership of the Commission; ~~requiring certain members to serve as chair and vice chair of the Commission;~~ providing for the terms of ~~a~~ an appointed member of the Commission; authorizing the Governor to remove a member of the Commission under certain circumstances; prohibiting a member of the Commission from receiving certain compensation, but authorizing a member to be reimbursed for certain expenses; requiring the Commission to establish certain working groups; requiring the Chair of the Commission to appoint working group members who represent certain public and private interests; requiring the Commission to prioritize certain working group actions; requiring the Commission, on or before a certain date each year, to report to the Governor and General Assembly; requiring each State agency to complete a certain review in accordance with certain requirements; requiring each State agency to identify and recommend certain changes to certain programs under certain circumstances; requiring certain State agencies to report annually to the Governor and General Assembly on the status of certain programs; requiring the University of Maryland Center for Environmental Science to establish and update certain sea level rise projections; requiring the sea level rise projections to include certain maps and to be made publicly available on the Internet; providing for the construction of this Act; establishing the intent of the General Assembly; requiring the Commission members and working group members to be appointed and the Commission to be convened ~~and the working group members to be appointed~~ on or before a certain date; providing that nothing in this Act shall preclude the appointment of a certain member to the Commission; requiring each working group to meet and establish a work plan on or before a certain date; and generally relating to the Maryland Commission on Climate Change.

BY adding to

Article – Environment

Section 2–1301 through 2–1306 to be under the new subtitle “Subtitle 13. Maryland Commission on Climate Change”

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

#### Preamble

WHEREAS, As reported by the United Nations Intergovernmental Panel on Climate Change (IPCC) in March 2014, the effects of climate change are already occurring on all

continents and across the oceans, and numerous opportunities exist to respond to and mitigate associated risks; and

WHEREAS, Maryland has already experienced some effects of climate change, including sea level rise of more than 1 foot in the last century, increasing water temperatures in the Chesapeake Bay, more rain and flooding in the winter and spring, and less in the summer; and

WHEREAS, Maryland has demonstrated its strong commitment to addressing the drivers and consequences of climate change by passing several laws, including the Healthy Air Act, the Maryland Clean Cars Act of 2007, the Greenhouse Gas Emissions Reduction Act of 2009, the Maryland Offshore Wind Energy Act of 2013, and the Coast Smart Council; and

WHEREAS, Although the Maryland Commission on Climate Change was created by Executive Order 01.01.2007.07 in 2007, and then strengthened by Executive Order 01.01.2014.14 in 2014, there is not a statutory body in the State whose sole purpose is to address climate change impacts and make recommendations to the Governor and General Assembly; now, therefore,

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

### Article – Environment

#### SUBTITLE 13. MARYLAND COMMISSION ON CLIMATE CHANGE.

##### 2–1301.

(A) THERE IS A COMMISSION ON CLIMATE CHANGE IN THE DEPARTMENT TO ADVISE THE GOVERNOR AND GENERAL ASSEMBLY ON WAYS TO MITIGATE THE CAUSES OF, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE.

(B) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES SHALL JOINTLY STAFF THE COMMISSION.

##### 2–1302.

(A) THE COMMISSION'S MEMBERSHIP SHALL CONSIST OF THE FOLLOWING ~~25~~ MEMBERS:

(1) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;



- (2) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;
- (3) THE STATE TREASURER, OR THE STATE TREASURER'S DESIGNEE;
- (4) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;
- (5) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;
- (6) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;
- (7) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;
- (8) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;
- (9) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;
- (10) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;
- (11) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;
- (12) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, OR THE PRESIDENT'S DESIGNEE;
- (13) THE CHAIR OF THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, OR THE CHAIR'S DESIGNEE;
- (14) ONE MEMBER APPOINTED BY THE FARM BUREAU REPRESENTING THE AGRICULTURE COMMUNITY;
- ~~(13)~~ (15) ONE MEMBER APPOINTED BY THE ~~PRESIDENT OF THE SENATE~~ MARYLAND ASSOCIATION OF COUNTIES AND ONE MEMBER APPOINTED BY THE ~~SPEAKER OF THE HOUSE OF DELEGATES~~ MARYLAND MUNICIPAL LEAGUE TO REPRESENT LOCAL GOVERNMENTS;

~~(14)~~ (16) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES TO REPRESENT THE BUSINESS COMMUNITY;

~~(15)~~ (17) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES TO REPRESENT ENVIRONMENTAL NONPROFIT ORGANIZATIONS;

~~(16)~~ ~~THREE REPRESENTATIVES OF PRIVATE PHILANTHROPIC ORGANIZATIONS, ONE EACH APPOINTED BY THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF DELEGATES;~~

(18) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO REPRESENT ORGANIZED LABOR IN, ONE OF WHOM SHALL REPRESENT THE BUILDING OR CONSTRUCTION TRADES AND ONE OF WHOM SHALL REPRESENT THE MANUFACTURING INDUSTRY;

(19) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO REPRESENT PHILANTHROPIC ORGANIZATIONS;

~~(17)~~ (20) ONE CLIMATE CHANGE EXPERT APPOINTED BY THE GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND; AND

~~(18)~~ (21) ONE PUBLIC HEALTH EXPERT APPOINTED BY THE GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND; .

~~(19) ONE REPRESENTATIVE OF ORGANIZED LABOR APPOINTED BY THE GOVERNOR; AND~~

~~(20) ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY APPOINTED BY THE GOVERNOR.~~

(B) ~~(1)~~ (1) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S DESIGNEE SHALL CHAIR THE COMMISSION.

~~(2) THE GOVERNOR SHALL APPOINT ONE BUSINESS REPRESENTATIVE AND ONE NONPROFIT REPRESENTATIVE FROM AMONG THE COMMISSION MEMBERS TO SERVE AS VICE CHAIRS OF THE COMMISSION.~~

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE TERM OF A AN APPOINTED MEMBER ~~APPOINTED BY THE GOVERNOR, PRESIDENT OF THE SENATE, OR SPEAKER OF THE HOUSE OF DELEGATES~~ IS 2 YEARS.

(2) THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF DELEGATES SHALL STAGGER THE TERMS OF THE INITIAL APPOINTED 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 THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(D) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

2-1303.

(A) THE COMMISSION SHALL ESTABLISH:

(1) A SCIENTIFIC AND TECHNICAL WORKING GROUP;

(2) A GREENHOUSE GAS MITIGATION WORKING GROUP;

(3) AN ADAPTATION AND RESPONSE WORKING GROUP; AND

(4) AN EDUCATION, COMMUNICATION, AND OUTREACH WORKING GROUP.

(B) THE COMMISSION MAY ESTABLISH OTHER WORKING GROUPS AS NEEDED.

(C) THE CHAIR OF THE COMMISSION SHALL APPOINT WORKING GROUP MEMBERS WHO REPRESENT BOTH PUBLIC AND PRIVATE INTERESTS IN CLIMATE CHANGE, INCLUDING REPRESENTATIVES OF:

(1) ACADEMIC INSTITUTIONS;

(2) RENEWABLE AND TRADITIONAL ENERGY PROVIDERS;

(3) ENVIRONMENTAL ORGANIZATIONS;

(4) GOVERNMENT AGENCIES;

(5) LABOR ORGANIZATIONS; AND

(6) BUSINESS INTERESTS, INCLUDING THE INSURANCE ~~INDUSTRY~~  
AND REAL ESTATE INDUSTRIES.

(D) THE COMMISSION SHALL PRIORITIZE WORKING GROUP ACTIONS, INCLUDING:

(1) STRENGTHENING AND MAINTAINING EXISTING STATE CLIMATE ACTION PLANS;

(2) DEVELOPING BROAD PUBLIC AND PRIVATE PARTNERSHIPS WITH LOCAL, STATE, AND FEDERAL AGENCIES;

(3) COMMUNICATING WITH AND EDUCATING CITIZENS ABOUT THE URGENCY OF ACTING TO REDUCE THE IMPACTS OF CLIMATE CHANGE;

(4) MAINTAINING AN INVENTORY OF MARYLAND'S GREENHOUSE GAS EMISSIONS SOURCES AND CARBON SINKS;

(5) ADDRESSING ANY DISPROPORTIONATE IMPACTS OF CLIMATE CHANGE ON LOW-INCOME AND VULNERABLE COMMUNITIES;

(6) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY HAVE ON THE STATE'S ECONOMY, REVENUES, AND INVESTMENT DECISIONS;

(7) ASSESSING THE NEEDS FOR UTILITIES AND OTHER PUBLIC AND PRIVATE SERVICE PROVIDERS THROUGHOUT THE STATE TO ADJUST THEIR OPERATING PRACTICES AND INVESTMENT STRATEGIES TO MITIGATE THE IMPACTS OF CLIMATE CHANGE ON THEIR CUSTOMERS AND THE PUBLIC;

~~(7)~~ (8) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY HAVE ON AGRICULTURE IN THE STATE;

~~(8)~~ (9) RECOMMENDING SHORT- AND LONG-TERM STRATEGIES AND INITIATIVES TO BETTER MITIGATE, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE;

~~(9)~~ (10) ASSISTING LOCAL GOVERNMENTS IN SUPPORTING COMMUNITY-SCALE CLIMATE VULNERABILITY ASSESSMENTS AND THE

DEVELOPMENT AND INTEGRATION OF SPECIFIC STRATEGIES INTO LOCAL PLANS AND ORDINANCES;

~~(10)~~ (11) ESTABLISHING COMPREHENSIVE AND ACCOUNTABLE ANNUAL WORKING GROUP WORK PLANS THAT SET ANNUAL GOALS AND PERFORMANCE BENCHMARKS AND PRIORITIZE NEW AND EXISTING CLIMATE CHANGE MITIGATION AND PREPAREDNESS ACTIONS AND INITIATIVES;

~~(11)~~ (12) MAINTAINING A COMPREHENSIVE ACTION PLAN, WITH 5-YEAR BENCHMARKS, TO ACHIEVE SCIENCE-BASED REDUCTIONS IN MARYLAND'S GREENHOUSE GAS EMISSIONS ~~OF 80% OF 2006 LEVELS BY 2050~~;

~~(12)~~ (13) CONVENING REGULAR WORKING GROUP AND FULL COMMISSION MEETINGS TO ENSURE THAT SUFFICIENT PROGRESS IS BEING MADE ACROSS ALL SECTORS AND COMMUNITIES IN MARYLAND; AND

~~(13)~~ (14) CONSIDERING OTHER RELATED MATTERS AS THE COMMISSION DETERMINES TO BE NECESSARY.

2-1304.

ON OR BEFORE NOVEMBER 15 OF EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE STATE'S EFFORTS TO MITIGATE THE CAUSES OF, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE, INCLUDING FUTURE PLANS AND RECOMMENDATIONS FOR LEGISLATION, IF ANY, TO BE CONSIDERED BY THE GENERAL ASSEMBLY.

2-1305.

(A) (1) EACH STATE AGENCY SHALL REVIEW ITS PLANNING, REGULATORY, AND FISCAL PROGRAMS TO IDENTIFY AND RECOMMEND ACTIONS TO MORE FULLY INTEGRATE THE CONSIDERATION OF MARYLAND'S GREENHOUSE GAS REDUCTION GOAL AND THE IMPACTS OF CLIMATE CHANGE.

(2) THE REVIEW SHALL INCLUDE THE CONSIDERATION OF:

(I) SEA LEVEL RISE;

(II) STORM SURGES AND FLOODING;

(III) INCREASED PRECIPITATION AND TEMPERATURE; AND

(IV) EXTREME WEATHER EVENTS.

(B) EACH STATE AGENCY SHALL IDENTIFY AND RECOMMEND SPECIFIC POLICY, PLANNING, REGULATORY, AND FISCAL CHANGES TO EXISTING PROGRAMS THAT DO NOT CURRENTLY SUPPORT THE STATE'S GREENHOUSE GAS REDUCTION EFFORTS OR ADDRESS CLIMATE CHANGE.

(C) (1) THE FOLLOWING STATE AGENCIES SHALL REPORT ANNUALLY ON THE STATUS OF PROGRAMS THAT SUPPORT THE STATE'S GREENHOUSE GAS REDUCTION EFFORTS OR ADDRESS CLIMATE CHANGE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE COMMISSION AND THE GOVERNOR:

- (I) THE DEPARTMENT;
- (II) THE DEPARTMENT OF AGRICULTURE;
- (III) THE DEPARTMENT OF GENERAL SERVICES;
- (IV) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;
- (V) THE DEPARTMENT OF NATURAL RESOURCES;
- (VI) THE DEPARTMENT OF PLANNING;
- (VII) THE DEPARTMENT OF TRANSPORTATION;
- (VIII) THE MARYLAND ENERGY ADMINISTRATION;
- (IX) THE MARYLAND INSURANCE ADMINISTRATION;
- (X) THE PUBLIC SERVICE COMMISSION; AND
- (XI) THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE.

(2) THE REPORT REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

- (I) PROGRAM DESCRIPTIONS AND OBJECTIVES;
- (II) IMPLEMENTATION MILESTONES, WHETHER OR NOT THEY HAVE BEEN MET;

- (III) ENHANCEMENT OPPORTUNITIES;
- (IV) FUNDING;
- (V) CHALLENGES;
- (VI) ESTIMATED GREENHOUSE GAS EMISSIONS REDUCTIONS, BY PROGRAM, FOR THE PRIOR CALENDAR YEAR; AND
- (VII) ANY OTHER INFORMATION THAT THE AGENCY CONSIDERS RELEVANT.

2-1306.

(A) THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE SHALL ESTABLISH SCIENCE-BASED SEA LEVEL RISE PROJECTIONS FOR MARYLAND'S COASTAL AREAS AND UPDATE THEM AT LEAST EVERY 5 YEARS.

(B) THE SCIENCE-BASED SEA LEVEL RISE PROJECTIONS SHALL INCLUDE MAPS THAT INDICATE THE AREAS OF THE STATE THAT MAY BE MOST AFFECTED BY STORM SURGES, FLOODING, AND EXTREME WEATHER EVENTS.

(C) THE SCIENCE-BASED SEA LEVEL RISE PROJECTIONS REQUIRED UNDER THIS SECTION SHALL BE MADE PUBLICLY AVAILABLE ON THE INTERNET.

SECTION 2. AND BE IT FURTHER ENACTED, That, before June 1, 2016, nothing in this Act shall be construed to affect the current membership and duties of the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14. It is the intent of the General Assembly that the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14, shall continue to meet and complete its tasks for 1 year following the enactment of this Act and until members are appointed to the Maryland Commission on Climate Change, established by this Act, in accordance with Section 3 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2016, the members and working group members of the Maryland Commission on Climate Change, established in accordance with Section 1 of this Act, shall be appointed and a meeting shall be convened. Nothing in this Act shall preclude the appointment of a member to the Maryland Commission on Climate Change, established in accordance with this Act, who served as a member of the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016, each working group established by Section 1 of this Act shall meet and establish a work plan.

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 1, 2015, the Commission shall be convened and working group members shall be appointed. On or before October 1, 2015, each working group shall meet and establish a work plan.~~

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 430

### (House Bill 535)

AN ACT concerning

#### **Blind or Visually Impaired Children – Individualized Education Programs – Orientation and Mobility Instruction**

FOR the purpose of requiring certain individualized education programs for certain blind or visually impaired children to include certain orientation and mobility instruction under certain circumstances; establishing a certain process for a certain individualized education program team to make a certain determination as to whether certain orientation and mobility instruction is appropriate for a certain child and to include it in a certain child’s individualized education program; requiring certain orientation and mobility ~~evaluations~~ assessments to be ~~provided~~ conducted under certain circumstances; requiring a certain orientation and mobility ~~evaluation~~ assessment to contain, at a minimum, certain content; requiring certain local school systems to provide certain parents and guardians with a certain verbal and written notice at a certain time; requiring certain orientation and mobility instruction to be provided by a certain qualified individual; requiring the State Department of Education to adopt certain regulations and provide certain guidelines on or before certain dates; defining certain terms; making certain stylistic changes; and generally relating to orientation and mobility instruction in individualized education programs for blind or visually impaired children.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 8–408  
Annotated Code of Maryland  
(2014 Replacement Volume and 2014 Supplement)

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

#### **Article – Education**



8-408.

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

**(2) “ASSESSMENT” MEANS THE PROCESS OF COLLECTING DATA TO BE USED BY AN IEP TEAM TO DETERMINE A STUDENT’S NEED FOR SPECIAL EDUCATION AND RELATED SERVICES.**

**(3) “BRAILLE” MEANS THE SYSTEM OF READING AND WRITING THROUGH TOUCH COMMONLY KNOWN AS STANDARD ENGLISH CONTRACTED BRAILLE.**

~~(2)~~ **(4)** “Child who is blind or visually impaired” means a child who:

- (i) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees;
- (ii) Has a medically indicated expectation of visual deterioration; or
- (iii) Has a medically diagnosed limitation in visual functioning that restricts the child’s ability to read and write standard print at levels expected of other children of comparable ability and grade level.

~~(3)~~ ~~“Braille” means the system of reading and writing through touch commonly known as Standard English Contracted Braille.~~

~~(4)~~ **(5)** “Individualized education program” and “IEP team” have the same meaning as provided by the Individuals with Disabilities Education Act.

~~(5)~~ **(6)** “National Instructional Materials Access Center” means the center established under § 674(e) of the federal Individuals with Disabilities Education Improvement Act of 2004.

~~(6)~~ **(7)** “NIMAS” means the National Instructional Materials Accessibility Standard established by the federal Secretary for Education under 20 U.S.C. 1412 to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

~~(7)~~ **(8)** **“ORIENTATION AND MOBILITY” MEANS INSTRUCTION PROVIDED TO A CHILD WHO IS BLIND OR VISUALLY IMPAIRED TO ENABLE THE CHILD TO ATTAIN SYSTEMATIC ORIENTATION TO AND SAFE MOVEMENT WITHIN THE CHILD’S SCHOOL, HOME, AND COMMUNITY ENVIRONMENTS.**

~~[(7)]~~ ~~(8)~~ **(9)** “Print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by the Department or county board for use by students in the classroom.

~~[(8)]~~ ~~(9)~~ **(10)** “Specialized formats” means braille, large print, audio, or digital text that is used by blind or visually impaired individuals.

(b) (1) In developing the individualized education program for a child who is blind or visually impaired, provisions shall be made for instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the child’s reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child’s future needs for instruction in braille or the use of braille, that such instruction or use is not appropriate for the child.

**[(2)] (I)** A child may not be denied the opportunity for instruction in braille reading and writing solely because the child has some remaining vision.

**[(3)] (II)** This section does not require the exclusive use of braille if other reading and writing media are appropriate to the child’s educational needs. The use of other reading and writing media does not preclude the use of braille or the instruction of braille.

**[(c)] (2)** For the purpose of achieving successful implementation of this **[section]** **SUBSECTION**, the State Board and the Professional Standards and Teacher Education Board shall adopt certification standards for teachers of blind and visually impaired students.

**[(d) (1)] (3) (I)** The Department shall collaborate with and provide support to the Instructional Resources Center to develop procedures to coordinate the statewide availability of textbooks and supplementary instructional materials that may be accessed using specialized formats that use NIMAS.

**[(2) (i)] (II) 1.** The procedures developed under **[paragraph (1) of this subsection]** **SUBPARAGRAPH (I) OF THIS PARAGRAPH** shall require the Department and a county board to include, in any procurement contract or other document or agreement used to purchase print instructional materials from a publisher, a provision that requires the publisher to:

**[1.] A.** On or before the delivery of the print instructional materials, prepare and provide the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using NIMAS; or

**[2.] B.** Purchase instructional materials from that publisher that are produced in, or may be rendered in, specialized formats.

[(ii)] 2. A publisher may not be required to provide an electronic copy of any instructional material copyrighted before July 1, 2007.

[(3)] (III) The State Board shall coordinate with the National Instructional Materials Access Center to facilitate the timely transfer to the Instructional Resources Center of:

[(i)] 1. Electronic files or instructional materials sent by publishers for the Instructional Resources Center to convert the instructional materials into specialized formats; and

[(ii)] 2. Electronic files or instructional materials purchased from a publisher in a specialized format.

[(4)] (IV) Beginning on July 1, 2007, the Instructional Resources Center shall make reasonable efforts to provide the instructional materials in specialized formats to students who are blind or visually impaired for use on the first day of classes each year or in a timely manner.

[(e)] (4) Beginning in fiscal year 2008 and annually thereafter, the Governor shall include \$150,000 in the annual budget submission for the Instructional Resources Center established by the Department.

[(f)] The State Board shall adopt regulations consistent with § 7–910 of this article to implement the provisions of this section.]

[(g)] (5) On or before September 1, 2012, the State Board shall establish standards for the mastery of braille for use in English, language arts, and mathematics instruction of blind and visually impaired students in pre-kindergarten through grade 12.

(c) (1) (I) **ORIENTATION AND MOBILITY INSTRUCTION SHALL BE INCLUDED IN THE INDIVIDUALIZED EDUCATION PROGRAM OF A CHILD WHO IS BLIND OR VISUALLY IMPAIRED, UNLESS THE IEP TEAM DETERMINES, ~~AFTER AN EVALUATION~~ IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD.**

(II) **A CHILD MAY NOT BE DENIED ORIENTATION AND MOBILITY INSTRUCTION SOLELY BECAUSE THE CHILD HAS SOME REMAINING VISION.**

**(2) (I) 1. IF THE IEP TEAM OBJECTS TO THE INCLUSION OF ORIENTATION AND MOBILITY INSTRUCTION IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM BECAUSE THE IEP TEAM HAS DETERMINED THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD, THE IEP TEAM SHALL ORDER AN ORIENTATION AND MOBILITY ASSESSMENT TO BE CONDUCTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.**

**2. AN ORIENTATION AND MOBILITY ASSESSMENT SHALL BE CONDUCTED BY A QUALIFIED INDIVIDUAL IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

**(II) WITHIN 30 DAYS AFTER THE DATE OF RECEIPT OF AN ORIENTATION AND MOBILITY ASSESSMENT, THE IEP TEAM THAT ORDERED THE ASSESSMENT SHALL MEET TO CONSIDER THE RESULTS OF THE ASSESSMENT AND DETERMINE WHETHER ORIENTATION AND MOBILITY INSTRUCTION IS APPROPRIATE FOR THE CHILD.**

**(III) IF THE IEP TEAM DETERMINES THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD, THE IEP TEAM MAY NOT INCLUDE ORIENTATION AND MOBILITY INSTRUCTION IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.**

**(IV) THE DETERMINATION OF AN IEP TEAM REGARDING THE PROVISION OF ORIENTATION AND MOBILITY INSTRUCTION UNDER THIS PARAGRAPH SHALL BE BINDING FOR THE ENTIRE SCHOOL YEAR IN WHICH THE DETERMINATION IS MADE, UNLESS THERE ARE SIGNIFICANT CHANGES IN THE CIRCUMSTANCES OF THE CHILD.**

**~~(2)~~ (3) AN ~~INITIAL~~ ORIENTATION AND MOBILITY ~~EVALUATION~~ ASSESSMENT, AT A MINIMUM, SHALL:**

**~~(I) BE PROVIDED TO A CHILD WHO IS BLIND OR VISUALLY IMPAIRED IF A MEMBER OF THE CHILD'S IEP TEAM STATES THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD;~~**

**~~(II)~~ (I) CONTAIN INPUT FROM THE CHILD'S PARENT OR GUARDIAN;**

**~~(III)~~ (II) CONTAIN INPUT FROM THE CHILD'S CLASSROOM TEACHER; AND**

**~~(IV)~~ (III) CONSIDER, AT A MINIMUM, THE CHILD'S:**

**1. AGE;**

**2. CURRENT AND FUTURE NEEDS;**

**3. ABILITY TO FUNCTION IN FAMILIAR AND UNFAMILIAR AREAS; AND**

4. ABILITY TO FUNCTION UNDER VARIOUS LIGHTING CONDITIONS.

~~(3)~~ (4) EACH LOCAL SCHOOL SYSTEM SHALL PROVIDE VERBAL AND WRITTEN NOTICE TO THE PARENT OR GUARDIAN OF A CHILD WHO IS BLIND OR VISUALLY IMPAIRED OF THE AVAILABILITY OF ORIENTATION AND MOBILITY INSTRUCTION AT LEAST ONE TIME EACH YEAR.

~~(4)~~ (5) (I) ORIENTATION AND MOBILITY INSTRUCTION PROVIDED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE PROVIDED BY A QUALIFIED INDIVIDUAL.

(II) 1. ON OR BEFORE ~~AUGUST 1, 2016~~ JANUARY 1, 2017, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT DEFINE HOW AN INDIVIDUAL IS DEEMED QUALIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. THE DEPARTMENT MAY NOT ADOPT A REGULATION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH THAT HAS THE EFFECT OF PROHIBITING A BLIND OR VISUALLY IMPAIRED INDIVIDUAL FROM BEING QUALIFIED TO PROVIDE ORIENTATION AND MOBILITY INSTRUCTION OR CONDUCT AN ORIENTATION AND MOBILITY ASSESSMENT.

(D) ON OR BEFORE ~~SEPTEMBER 1, 2016~~ MARCH 1, 2017, THE DEPARTMENT SHALL PROVIDE GUIDELINES TO EACH LOCAL SCHOOL SYSTEM ON CONDUCTING ORIENTATION AND MOBILITY ~~EVALUATIONS~~ ASSESSMENTS IN ACCORDANCE WITH SUBSECTION ~~(C)(2)~~ (C)(3) OF THIS SECTION.

(E) THE STATE BOARD SHALL ADOPT REGULATIONS:

- (1) CONSISTENT WITH § 7-910 OF THIS ARTICLE; AND
- (2) TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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Chapter 431

(House Bill 541)

~~Utility Companies – Removal of Facility Equipment From Utility Poles~~ Public Service Commission – Attachments to Utility Poles – Study

FOR the purpose of requiring ~~certain electric companies and telephone companies to coordinate with certain entities the timing of the removal of certain facility equipment so that certain facility equipment and certain poles are removed within a certain period of time; authorizing the Public Service Commission to adopt certain regulations or issue certain orders; requiring the Commission to require certain electric companies and telephone companies to file certain information with the Commission; requiring the Commission to take certain corrective action after a certain consideration; authorizing the Commission to impose a certain civil penalty in addition to certain other penalties; requiring the Commission to determine the amount of any civil penalty after consideration of certain factors; requiring a certain civil penalty to be paid into the General Fund; prohibiting certain electric companies and telephone companies from recovering the cost of a certain civil penalty from ratepayers; defining certain terms; and generally relating to the removal of facility equipment from poles owned by utility companies~~ the Public Service Commission to convene a workgroup of interested persons to study attachments to utility poles in Maryland; requiring the workgroup to examine certain matters relating to pole attachments; requiring the Commission to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study by the Public Service Commission on attachments to utility poles in Maryland.

~~BY adding to~~

~~Article – Public Utilities~~

~~Section 7-215 and 8-109~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2014 Supplement)~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

~~That the Laws of Maryland read as follows:~~

~~Article – Public Utilities~~

~~7-215.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) “FACILITY EQUIPMENT” MEANS LINES, CABLES, STREET LIGHTS, SUPPORTS FOR TRAFFIC SIGNALS, SIGNAGE, OR ANY OTHER EQUIPMENT OR FIXTURE ATTACHED TO A POLE OWNED BY AN ELECTRIC COMPANY.~~

~~(3) “THIRD PARTY ATTACHING ENTITY” MEANS:~~

~~(I) A TELEPHONE COMPANY;~~

~~(II) A CABLE TELEVISION COMPANY;~~

~~(III) A TELECOMMUNICATIONS COMPANY;~~

~~(IV) A GOVERNMENTAL UNIT; OR~~

~~(V) ANY OTHER ENTITY THAT ATTACHES FACILITY EQUIPMENT TO A POLE OWNED BY AN ELECTRIC COMPANY.~~

~~(B) THIS SECTION APPLIES TO AN ELECTRIC COMPANY THAT PLANS TO REMOVE AN EXISTING POLE THAT:~~

~~(1) THE ELECTRIC COMPANY OWNS;~~

~~(2) THE ELECTRIC COMPANY PLANS TO REPLACE WITH A NEW POLE;~~

~~AND~~

~~(3) IS USED BY A THIRD PARTY ATTACHING ENTITY AUTHORIZED BY THE ELECTRIC COMPANY TO ATTACH FACILITY EQUIPMENT.~~

~~(C) (1) (I) ON OR AFTER OCTOBER 1, 2015, IF AN ELECTRIC COMPANY INSTALLS A POLE THAT REPLACES AN EXISTING POLE, THE ELECTRIC COMPANY SHALL COORDINATE WITH EACH THIRD PARTY ATTACHING ENTITY THE TIMING OF THE REMOVAL OF ALL FACILITY EQUIPMENT ATTACHED TO THE EXISTING POLE SO THAT EACH THIRD PARTY ATTACHING ENTITY REMOVES ITS FACILITY EQUIPMENT WITHIN 60 DAYS AFTER RECEIVING NOTIFICATION OF THE INSTALLATION OF THE REPLACEMENT POLE.~~

~~(II) THE ELECTRIC COMPANY SHALL REMOVE THE EXISTING POLE WITHIN 60 DAYS AFTER ALL FACILITY EQUIPMENT ATTACHED TO THE EXISTING POLE HAS BEEN REMOVED.~~

~~(2) IF AN ELECTRIC COMPANY INSTALLED A POLE BEFORE OCTOBER 1, 2015, TO REPLACE AN EXISTING POLE THAT HAS NOT BEEN REMOVED, THE ELECTRIC COMPANY SHALL COORDINATE WITH EACH THIRD PARTY ATTACHING ENTITY THE TIMING OF THE REMOVAL OF ALL FACILITY EQUIPMENT ATTACHED TO THE EXISTING POLE SO THAT, ON OR BEFORE DECEMBER 31, 2016:~~

~~(I) ALL FACILITY EQUIPMENT IS REMOVED FROM THE EXISTING POLE; AND~~

~~(H) THE EXISTING POLE IS REMOVED.~~

~~(D) (1) THE COMMISSION MAY ADOPT REGULATIONS OR ISSUE ORDERS TO ESTABLISH A PROCESS FOR THE COORDINATION BY THE ELECTRIC COMPANY OF THE REMOVAL OF FACILITY EQUIPMENT OF EACH THIRD PARTY ATTACHING ENTITY FROM AN EXISTING POLE THAT IS REPLACED AND THE REMOVAL OF THE EXISTING POLE.~~

~~(2) THE COMMISSION SHALL REQUIRE AN ELECTRIC COMPANY THAT IS SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION TO FILE WITH THE COMMISSION INFORMATION, AS THE COMMISSION DETERMINES, SPECIFYING A SCHEDULE AND PHASING FOR THE REMOVAL OF ALL FACILITY EQUIPMENT OF THIRD PARTY ATTACHING ENTITIES FROM ALL EXISTING POLES THAT ARE REPLACED AND THE REMOVAL OF THE EXISTING POLES.~~

~~(E) (1) AFTER CONSIDERATION OF ANY IMPEDIMENTS TO COMPLIANCE WITH THIS SECTION, THE COMMISSION SHALL TAKE APPROPRIATE CORRECTIVE ACTION AGAINST AN ELECTRIC COMPANY THAT FAILS TO COMPLY WITH THIS SECTION, INCLUDING THE IMPOSITION OF APPROPRIATE CIVIL PENALTIES FOR NONCOMPLIANCE UNDER THIS SUBSECTION.~~

~~(2) (I) THE COMMISSION MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$250 FOR EACH VIOLATION AGAINST AN ELECTRIC COMPANY THAT FAILS TO COMPLY WITH THIS SECTION.~~

~~(II) A CIVIL PENALTY MAY BE IMPOSED IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY THIS DIVISION.~~

~~(III) EACH VIOLATION IS A SEPARATE OFFENSE.~~

~~(IV) EACH DAY OR PART OF A DAY THE VIOLATION CONTINUES IS A SEPARATE VIOLATION.~~

~~(3) THE COMMISSION SHALL DETERMINE THE AMOUNT OF ANY CIVIL PENALTY AFTER CONSIDERING:~~

~~(I) THE NUMBER OF PREVIOUS VIOLATIONS OF THIS SECTION;~~

~~(II) THE GRAVITY OF THE CURRENT VIOLATION;~~

~~(III) THE GOOD FAITH EFFORTS OF THE ELECTRIC COMPANY IN ATTEMPTING TO ACHIEVE COMPLIANCE AFTER NOTIFICATION OF THE VIOLATION; AND~~



~~(IV) ANY OTHER MATTER THAT THE COMMISSION CONSIDERS APPROPRIATE AND RELEVANT.~~

~~(4) A CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.~~

~~(5) AN ELECTRIC COMPANY MAY NOT RECOVER THE COST OF ANY CIVIL PENALTY PAID UNDER THIS SECTION FROM RATEPAYERS.~~

~~§ 100.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "FACILITY EQUIPMENT" MEANS LINES, CABLES, STREET LIGHTS, SUPPORTS FOR TRAFFIC SIGNALS, SIGNAGE, OR ANY OTHER EQUIPMENT OR FIXTURE ATTACHED TO A POLE OWNED BY A TELEPHONE COMPANY.~~

~~(3) "THIRD PARTY ATTACHING ENTITY" MEANS:~~

~~(I) AN ELECTRIC COMPANY;~~

~~(II) A CABLE TELEVISION COMPANY;~~

~~(III) A TELECOMMUNICATIONS COMPANY;~~

~~(IV) A GOVERNMENTAL UNIT; OR~~

~~(V) ANY OTHER ENTITY THAT ATTACHES FACILITY EQUIPMENT TO A POLE OWNED BY A TELEPHONE COMPANY.~~

~~(B) THIS SECTION APPLIES TO A TELEPHONE COMPANY THAT PLANS TO REMOVE AN EXISTING POLE THAT:~~

~~(1) THE TELEPHONE COMPANY OWNS;~~

~~(2) THE TELEPHONE COMPANY PLANS TO REPLACE WITH A NEW POLE; AND~~

~~(3) IS USED BY A THIRD PARTY ATTACHING ENTITY AUTHORIZED BY THE TELEPHONE COMPANY TO ATTACH FACILITY EQUIPMENT.~~

~~(C) (1) (I) ON OR AFTER OCTOBER 1, 2015, IF A TELEPHONE COMPANY INSTALLS A POLE THAT REPLACES AN EXISTING POLE, THE TELEPHONE COMPANY~~

~~SHALL COORDINATE WITH EACH THIRD PARTY ATTACHING ENTITY THE TIMING OF THE REMOVAL OF ALL FACILITY EQUIPMENT ATTACHED TO THE EXISTING POLE SO THAT EACH THIRD PARTY ATTACHING ENTITY REMOVES ITS FACILITY EQUIPMENT WITHIN 60 DAYS AFTER RECEIVING NOTIFICATION OF THE INSTALLATION OF THE REPLACEMENT POLE.~~

~~(H) THE TELEPHONE COMPANY SHALL REMOVE THE EXISTING POLE WITHIN 60 DAYS AFTER ALL FACILITY EQUIPMENT ATTACHED TO THE EXISTING POLE HAS BEEN REMOVED.~~

~~(2) IF A TELEPHONE COMPANY INSTALLED A POLE BEFORE OCTOBER 1, 2015, TO REPLACE AN EXISTING POLE THAT HAS NOT BEEN REMOVED, THE TELEPHONE COMPANY SHALL COORDINATE WITH EACH THIRD PARTY ATTACHING ENTITY THE TIMING OF THE REMOVAL OF ALL FACILITY EQUIPMENT ATTACHED TO THE EXISTING POLE SO THAT, ON OR BEFORE DECEMBER 31, 2016:~~

~~(I) ALL FACILITY EQUIPMENT IS REMOVED FROM THE EXISTING POLE; AND~~

~~(II) THE EXISTING POLE IS REMOVED.~~

~~(D) (1) THE COMMISSION MAY ADOPT REGULATIONS OR ISSUE ORDERS TO ESTABLISH A PROCESS FOR THE COORDINATION BY THE TELEPHONE COMPANY OF THE REMOVAL OF FACILITY EQUIPMENT OF EACH THIRD PARTY ATTACHING ENTITY FROM AN EXISTING POLE THAT IS REPLACED AND THE REMOVAL OF THE EXISTING POLE.~~

~~(2) THE COMMISSION SHALL REQUIRE A TELEPHONE COMPANY THAT IS SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION TO FILE WITH THE COMMISSION INFORMATION, AS THE COMMISSION DETERMINES, SPECIFYING A SCHEDULE AND PHASING FOR THE REMOVAL OF ALL FACILITY EQUIPMENT OF THIRD PARTY ATTACHING ENTITIES FROM ALL EXISTING POLES THAT ARE REPLACED AND THE REMOVAL OF THE EXISTING POLES.~~

~~(E) (1) AFTER CONSIDERATION OF ANY IMPEDIMENTS TO COMPLIANCE WITH THIS SECTION, THE COMMISSION SHALL TAKE APPROPRIATE CORRECTIVE ACTION AGAINST A TELEPHONE COMPANY THAT FAILS TO COMPLY WITH THIS SECTION, INCLUDING THE IMPOSITION OF APPROPRIATE CIVIL PENALTIES FOR NONCOMPLIANCE UNDER THIS SUBSECTION.~~

~~(2) (I) THE COMMISSION MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$250 FOR EACH VIOLATION AGAINST A TELEPHONE COMPANY THAT FAILS TO COMPLY WITH THIS SECTION.~~

~~(II) A CIVIL PENALTY MAY BE IMPOSED IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY THIS DIVISION.~~

~~(III) EACH VIOLATION IS A SEPARATE OFFENSE.~~

~~(IV) EACH DAY OR PART OF A DAY THE VIOLATION CONTINUES IS A SEPARATE VIOLATION.~~

~~(3) THE COMMISSION SHALL DETERMINE THE AMOUNT OF ANY CIVIL PENALTY AFTER CONSIDERING:~~

~~(I) THE NUMBER OF PREVIOUS VIOLATIONS OF THIS SECTION;~~

~~(II) THE GRAVITY OF THE CURRENT VIOLATION;~~

~~(III) THE GOOD FAITH EFFORTS OF THE TELEPHONE COMPANY IN ATTEMPTING TO ACHIEVE COMPLIANCE AFTER NOTIFICATION OF THE VIOLATION; AND~~

~~(IV) ANY OTHER MATTER THAT THE COMMISSION CONSIDERS APPROPRIATE AND RELEVANT.~~

~~(4) A CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.~~

~~(5) A TELEPHONE COMPANY MAY NOT RECOVER THE COST OF ANY CIVIL PENALTY PAID UNDER THIS SECTION FROM RATEPAYERS.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The Public Service Commission shall convene a workgroup of interested persons to study attachments to utility poles in Maryland.

(b) In conducting the study the workgroup shall examine:

(1) whether regulation of pole attachment agreements at the State level is in the public interest;

(2) the rates currently charged by utilities for pole attachments;

(3) whether access to poles and other utility infrastructure by third parties is just and reasonable;

(4) the types of technology currently being attached to poles, and the positioning of the technology on the poles;

(5) the prevalence of double poles in the State;

(6) the quality and effectiveness of the notice between utilities and the utilities' pole attachment customers regarding removal or modifications of facilities, rates, and the termination of pole attachment agreements;

(7) the resources necessary to effectively regulate pole attachments in the State; and

(8) any additional issues related to pole attachments in the State.

(c) On or before December 31, 2015, the Public Service Commission shall report its findings and recommendations to the General Assembly, in accordance with § 2–1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2015.~~ June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, 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 12, 2015.**

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## Chapter 432

**(House Bill 555)**

AN ACT concerning

**Anne Arundel County – Semipermanent Food Service Facilities – Wastewater Disposal**

FOR the purpose of altering the scope of certain provisions of law that establish certain requirements for the disposal of wastewater by an operator of a semipermanent food service facility that operates in Anne Arundel County; and generally relating to semipermanent food service facilities operating in Anne Arundel County.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 21–301(a) and (j–2)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 21–312.2  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

**Article – Health – General**

21–301.

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

(j–2) (1) “Semipermanent food service facility” means a food service facility that:

(i) Is built at a location other than where it operates;

(ii) Is transported as a complete unit that does not require a building permit to install on the location at which it operates;

(iii) Has no indoor seating for patrons; and

(iv) When serving cooked food, serves only foods cooked for immediate service.

(2) “Semipermanent food service facility” does not include a food service facility that is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water that moves as part of its routine operation to:

(i) Change location for sales;

(ii) Obtain food and other supplies;

(iii) Fill potable water supply holding tanks;

(iv) Empty wastewater holding tanks; or

(v) Provide for the cleaning and sanitation of equipment and utensils.

21–312.2.

(a) This section applies to a semipermanent food service facility that:

(1) Operates in Anne Arundel County; **AND**

- (2) Was licensed under § 21–305 of this subtitle on or before December 1, 2010]; and
- (3) Was not sold or transferred to another operator after December 1, 2010].
- (b) An operator of a semipermanent food service facility shall:
- (1) Pump out the onboard wastewater holding tank as frequently as required by Anne Arundel County to avoid creating a public health nuisance;
- (2) Remove wastewater by:
- (i) Hiring a licensed liquid waste hauler to dispose of the wastewater; or
- (ii) Disposing of the wastewater at a wastewater disposal facility approved by Anne Arundel County;
- (3) Use a food grade hose and an adequate backflow prevention device to maintain a potable water supply; and
- (4) Demonstrate compliance with items (1) and (2) of this subsection by quarterly submitting a record of receipts to the issuer of the license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 433

### (House Bill 561)

AN ACT concerning

#### **State Board of Morticians and Funeral Directors – Notice of Member Vacancies**

FOR the purpose of ~~requiring the Governor to appoint each member of the Board of Morticians and Funeral Directors from a list of names submitted to the Governor by certain entities; requiring a certain list of names to the Governor;~~ requiring the Board to provide notice of a member vacancy to certain persons; requiring a certain notice to include certain information; ~~requiring the Board to develop guidelines for the solicitation of nominations and balloting process that to the extent practicable~~

~~will result in a certain Board composition reflecting certain diversity of the State;~~  
clarifying that the manner in which a health occupations board is required to give notice of a board vacancy is subject to a certain exception; and generally relating to the State Board of Morticians and Funeral Directors and member vacancies.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 1–215 and 7–202  
Annotated Code of Maryland  
(2014 Replacement Volume)

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

### Article – Health Occupations

1–215.

(a) Each health occupations board authorized to issue a license or certificate under this article shall notify all licensees or certificate holders of board vacancies.

(b) **[A] EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE,** A health occupations board may give notice of a board vacancy by electronic mail or a notice on the board's Web site.

7–202.

(a) (1) The Board consists of 11 members.

(2) Of the 11 Board members:

(i) 6 shall be licensed morticians or licensed funeral directors; and

(ii) 5 shall be consumer members.

(3) All Board members shall be residents of the State.

(4) ~~(H)~~ The Governor shall appoint each member with the advice of the Secretary, and with the advice and consent of the Senate, ~~FROM A LIST OF NAMES SUBMITTED TO THE GOVERNOR IN ACCORDANCE WITH SUBPARAGRAPH (H) OF THIS PARAGRAPH.~~

~~(H) FOR EACH VACANCY ON THE BOARD:~~

~~1. THE MARYLAND STATE FUNERAL DIRECTORS ASSOCIATION SHALL SUBMIT A LIST THAT CONTAINS AT LEAST TWO NAMES; AND~~

~~2. THE FUNERAL DIRECTORS AND MORTICIANS ASSOCIATION OF MARYLAND, INC. SHALL SUBMIT A LIST THAT CONTAINS AT LEAST TWO NAMES.~~

(5) The Board may not have more than one member who is employed by or affiliated with, directly or indirectly, the same corporation, professional association, or other entity, that owns, directly or through a subsidiary corporation, professional association, or other entity, one or more funeral homes.

(b) (1) Each mortician member shall:

(i) Be a licensed mortician whose license is in good standing with the Board; and

(ii) Have practiced mortuary science actively for at least 5 years immediately before appointment.

(2) In this subsection, “good standing” means that the Board has not reprimanded the licensee, suspended, or revoked the mortician’s license or placed the licensee on probation within 5 years’ time prior to or after confirmation to the Board.

(3) To qualify for appointment to the Board, the licensee must meet all other qualifications required for renewal of a mortician license under this title.

(c) (1) Each funeral director member shall:

(i) Be a licensed funeral director whose license is in good standing with the Board; and

(ii) Have practiced funeral direction actively for at least 5 years immediately before appointment.

(2) In this subsection, “good standing” means that the Board has not reprimanded the licensee, suspended, or revoked the funeral director’s license or placed the licensee on probation within 5 years’ time prior to or after confirmation to the Board.

(3) To qualify for appointment to the Board, the licensee must meet all other qualifications required for renewal of a funeral director license under this title.

**(D) (1) FOR EACH LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR VACANCY, THE BOARD SHALL SEND BY ELECTRONIC MAIL OR REGULAR MAIL A NOTICE OF THE VACANCY TO:**

~~(1)~~ **(1) EACH MORTICIAN AND FUNERAL DIRECTOR LICENSED BY THE BOARD; AND**



~~(2)~~ **(II) EACH PROFESSIONAL ASSOCIATION THAT REPRESENTS MORTICIANS AND FUNERAL DIRECTORS IN THE STATE AND REQUESTS THAT THE BOARD SEND IT SOLICITATIONS FOR NOMINATIONS TO FILL VACANCIES.**

**(2) A NOTICE SENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:**

**(I) THE TYPE OF MEMBER VACANCY;**

**(II) THE QUALIFICATIONS FOR THE MEMBER VACANCY; AND**

**(III) A DETAILED EXPLANATION OF THE PROCESS FOR APPLYING FOR THE MEMBER VACANCY.**

**[(d)] (E)** Each consumer member of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been a mortician, funeral director, or apprentice;

(3) May not have a household member who is a mortician, funeral director, or apprentice;

(4) May not participate or ever have participated in a commercial or professional field related to the practice of mortuary science;

(5) May not have a household member who participates in a commercial or professional field related to the practice of mortuary science; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

**[(e)] (F)** While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

**[(f)] (G)** Before taking office, each member of the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

**[(g)] (H)** (1) The term of an appointed member is 4 years, except that the initial term of 1 of the consumer members is 3 years.

(2) The terms of appointed members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, an appointed 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 rest of the term and until a successor is appointed and qualifies.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board occurring during the term of an appointed member within 60 days of the date of the vacancy.

(6) A member may not serve more than 2 consecutive full terms.

**[(h)] (I)** (1) The Governor may remove an appointed member:

(i) For incompetence or misconduct; or

(ii) Who, because of events that occur after the member's appointment or reappointment to the Board, causes the Board to be in violation of the prohibition set forth in subsection (a)(5) of this section.

(2) Upon the recommendation of the Secretary, the Governor may remove an appointed member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## **Chapter 434**

### **(House Bill 562)**

AN ACT concerning

#### **Health Insurance – Ambulance Service Providers – Direct Reimbursement – Repeal of Termination Date**

FOR the purpose of repealing the termination date of certain provisions of law relating to direct reimbursement by health insurers, nonprofit health service plans, and health maintenance organizations for transportation by ambulance; and generally relating to direct reimbursement of ambulance service providers under health insurance.

BY repealing and reenacting, without amendments,  
Article – Insurance

Section 15–138  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 425 of the Acts of the General Assembly of 2011  
Section 4

BY repealing and reenacting, with amendments,  
Chapter 426 of the Acts of the General Assembly of 2011  
Section 4

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

### Article – Insurance

15–138.

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

(2) “Ambulance” means any conveyance designed and constructed or modified and equipped to be used, maintained, or operated to transport individuals who are sick, injured, wounded, or otherwise incapacitated.

(3) “Ambulance service provider” means a provider of ambulance services that:

(i) is owned, operated, or under the jurisdiction of a political subdivision of the State or a volunteer fire company or volunteer rescue squad; or

(ii) has contracted to provide ambulance services for a political subdivision of the State.

(4) “Assignment of benefits” means the transfer by an insured, a subscriber, or an enrollee of health care coverage reimbursement benefits or other rights under a health insurance policy or contract.

(5) “Carrier” means:

(i) an insurer that provides benefits on an expense–incurred basis;

(ii) a nonprofit health service plan; or

(iii) a health maintenance organization.

(6) “Nonpreferred provider” has the meaning stated in § 14–201 of this article.

(7) “Preferred provider” has the meaning stated in § 14–201 of this article.

(8) “Preferred provider insurance policy” has the meaning stated in § 14–201 of this article.

(b) This section applies to individual or group policies or contracts issued or delivered in the State by a carrier.

(c) (1) Except for a health maintenance organization, a carrier shall reimburse directly an ambulance service provider that obtains an assignment of benefits from an insured, a subscriber, or an enrollee for covered services provided to the insured, subscriber, enrollee, or any other individual covered by a policy or contract issued by the carrier.

(2) A health maintenance organization shall reimburse an ambulance service provider directly for covered services provided to a subscriber, enrollee, or any other individual covered by a policy or contract issued by the health maintenance organization.

(d) (1) This subsection applies to an ambulance service provider that receives direct reimbursement under subsection (c) of this section.

(2) Except as provided in paragraph (4) of this subsection, an insured, a subscriber, or an enrollee may not be liable to an ambulance service provider for covered services.

(3) An ambulance service provider or a representative of the ambulance service provider may not:

(i) collect or attempt to collect from an insured, a subscriber, or an enrollee of a carrier any money owed to the ambulance service provider by the carrier for covered services rendered to the insured, subscriber, or enrollee by the ambulance service provider; or

(ii) maintain any action against an insured, a subscriber, or an enrollee of a carrier to collect or attempt to collect any money owed to the ambulance service provider by the carrier for covered services rendered to the insured, subscriber, or enrollee by the ambulance service provider.

(4) An ambulance service provider or a representative of the ambulance service provider may collect or attempt to collect from an insured, a subscriber, or an enrollee of a carrier:

(i) any copayment, deductible, or coinsurance amount owed by the insured, subscriber, or enrollee for covered services rendered to the insured, subscriber, or enrollee by the ambulance service provider;

(ii) if Medicare is the primary insurer and the carrier is the secondary insurer, any amount up to the Medicare–approved or limiting amount, as specified under the federal Social Security Act, that is not owed to the ambulance service provider by Medicare or the carrier after coordination of benefits has been completed, for Medicare covered services rendered to the insured, subscriber, or enrollee by the ambulance service provider; and

(iii) any payment or charge for services that are not covered services.

(e) (1) Notwithstanding § 19–710.1 of the Health – General Article, a health maintenance organization’s allowed amount for a covered health care service provided by an ambulance service provider that is not under written contract with the health maintenance organization may not be less than the allowed amount paid to an ambulance service provider that is under written contract with the health maintenance organization for the same covered service in the same geographic region, as defined by the Centers for Medicare and Medicaid Services.

(2) An insurer’s or nonprofit health service plan’s allowed amount for a health care service covered under a preferred provider insurance policy and provided by an ambulance service provider that is a nonpreferred provider may not be less than the allowed amount paid to an ambulance service provider who is a preferred provider for the same health care service in the same geographic region, as defined by the Centers for Medicare and Medicaid Services.

(f) The Commissioner may adopt regulations to implement this section.

#### **Chapter 425 of the Acts of 2011**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2012. [It shall remain effective for a period of 3 years and 6 months and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

#### **Chapter 426 of the Acts of 2011**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2012. [It shall remain effective for a period of 3 years and 6 months and, at the end of June 30, 2015, 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, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 435****(House Bill 564)**

AN ACT concerning

**State Personnel – Limits on Use of Leave for Birth, Adoption, Foster Placement,  
or Care of Child**

FOR the purpose of prohibiting certain units of State government from limiting, to less than a certain number of days the aggregate number of days of accrued sick leave that certain employees may use, without certification of illness or disability, for certain purposes; prohibiting certain units of State government from limiting, to a certain number of weeks, the aggregate number of weeks of family and medical leave that certain employees may use during a certain time period for a certain purpose; prohibiting regulations adopted by the Secretary of Budget and Management from limiting, to a certain number of weeks, the aggregate number of weeks of family and medical leave that two employees who are married to one another may use during a certain time period for certain purposes; making certain conforming changes; and generally relating to sick leave and family and medical leave for State employees.

BY adding to

Article – State Personnel and Pensions  
Section 2–309  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions  
Section 9–505 and 9–1001  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 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**

**2–309.**

**(A) THIS SECTION APPLIES TO ALL UNITS IN:**

**(1) THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING  
UNITS WITH INDEPENDENT PERSONNEL SYSTEMS;**

**(2) ~~THE JUDICIAL BRANCH OF STATE GOVERNMENT; AND~~**

~~(3) THE LEGISLATIVE BRANCH OF STATE GOVERNMENT.~~

(B) A UNIT SUBJECT TO THIS SECTION MAY NOT LIMIT, TO LESS THAN 60 DAYS, THE AGGREGATE NUMBER OF DAYS OF ACCRUED SICK LEAVE THAT TWO EMPLOYEES WHO ARE RESPONSIBLE FOR THE CARE AND NURTURING OF A CHILD MAY USE, WITHOUT CERTIFICATION OF ILLNESS OR DISABILITY, TO CARE FOR THE CHILD DURING THE PERIOD IMMEDIATELY FOLLOWING:

- (1) THE BIRTH OF THE EMPLOYEES' CHILD; OR
- (2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEES FOR ADOPTION.

(C) IN IMPLEMENTING THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993, A UNIT SUBJECT TO THIS SECTION MAY NOT LIMIT, TO LESS THAN 24 WEEKS, THE AGGREGATE NUMBER OF WEEKS OF FAMILY AND MEDICAL LEAVE THAT TWO EMPLOYEES WHO ARE MARRIED TO ONE ANOTHER MAY USE DURING A 12-MONTH PERIOD FOR:

- (1) THE BIRTH OF THE EMPLOYEES' CHILD;
- (2) THE PLACEMENT OF A CHILD WITH THE EMPLOYEES FOR ADOPTION OR FOSTER CARE;
- (3) THE SERIOUS HEALTH CONDITION OF THE EMPLOYEES' CHILD, IF THE CHILD IS A MINOR; OR
- (4) THE CARE OF THE EMPLOYEES' ADULT CHILD, IF THE ADULT CHILD IS INCAPABLE OF SELF-CARE.

9-505.

(a) An employee who is responsible for the care and nurturing of a child may use, without certification of illness or disability, up to 30 days of accrued sick leave to care for the child during the period immediately following:

- (1) the birth of the employee's child; or
- (2) the placement of the child with the employee for adoption.

(b) If two employees are responsible for the care and nurturing of a child, [both employees in aggregate may use, without certification of illness or disability, up to 40 days, not to exceed 30 days for one employee,] **EACH EMPLOYEE MAY USE, WITHOUT**

**CERTIFICATION OF ILLNESS OR DISABILITY, UP TO 30 DAYS** of accrued sick leave to care for the child during the period immediately following:

- (1) the birth of the employees' child; or
- (2) the placement of the child with the employees for adoption.

(c) (1) An employee who uses accrued sick leave following the birth of the employee's child may not receive payment under this subtitle unless the employee gives the employee's immediate supervisor information required by guidelines issued by the Secretary about the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

(2) An employee who uses accrued sick leave for adoption purposes may not receive payment under this subtitle unless the employee gives the employee's immediate supervisor the certificate required by guidelines issued by the Secretary about the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

9–1001.

(a) **[The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Secretary shall adopt regulations, guidelines, or policies implementing the federal Family and Medical Leave Act of 1993.

(b) The regulations adopted by the Secretary:

**(1)** may require an eligible employee to use other available accrued leave concurrently with family and medical leave; **AND**

**(2) MAY NOT LIMIT, TO LESS THAN 24 WEEKS, THE AGGREGATE NUMBER OF WEEKS OF FAMILY AND MEDICAL LEAVE THAT TWO EMPLOYEES WHO ARE MARRIED TO ONE ANOTHER MAY USE DURING A 12–MONTH PERIOD FOR:**

**(I) THE BIRTH OF THE EMPLOYEES' CHILD;**

**(II) THE PLACEMENT OF A CHILD WITH THE EMPLOYEES FOR ADOPTION OR FOSTER CARE;**

**(III) THE SERIOUS HEALTH CONDITION OF THE EMPLOYEES' CHILD, IF THE CHILD IS A MINOR; OR**

**(IV) THE CARE OF THE EMPLOYEES' ADULT CHILD, IF THE ADULT CHILD IS INCAPABLE OF SELF–CARE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**



## Chapter 436

### (House Bill 571)

AN ACT concerning

#### **Institutions of Higher Education – Sexual Assault – Policy and Survey**

FOR the purpose of requiring a certain sexual assault policy adopted by the governing ~~board~~ *body* of each institution of higher education to conform with the requirements of a certain federal law; requiring a certain sexual assault policy to include a prohibition ~~of~~ against the imposition of certain ~~sanctions~~ campus conduct actions, except for a certain type of mandatory intervention, for a certain violation of the institution of higher education's ~~student conduct policy~~ alcohol and drug use policies for certain students ~~except if a certain determination is made~~ under certain circumstances, a prohibition on retaliation by the institution of higher education against a student, and a provision regarding the entering pursuing of a memorandum of understanding certain formalized agreements with certain entities; requiring the Maryland Higher Education Commission, in consultation with ~~the Department of Health and Mental Hygiene and the Governor's Office of Crime Control and Prevention~~ institutions of higher education, to establish certain procedures for the administration of certain sexual assault campus climate surveys by certain institutions of higher education, on or before certain dates, beginning in a certain year; requiring certain institutions of higher education to ~~use a certain survey as a model or~~ develop a certain survey; ~~requiring certain institutions of higher education and to administer a certain sexual assault~~ the survey every year to certain students in accordance with certain procedures; requiring certain institutions of higher education, on or before a certain date every other year, to report school-specific results of a certain sexual assault survey submit to the Commission ~~a certain report that includes~~ certain reports that include certain information; requiring institutions of higher education to make certain efforts to protect student privacy in reporting certain data; requiring institutions of higher education to report certain data together with other reporting requirements under a certain federal law; ~~requiring certain institutions of higher education to include school-specific survey results in a certain annual security report;~~ requiring the Commission to report certain ~~sexual assault campus climate survey results~~ reports to the Governor and certain committees of the General Assembly on or before certain dates, beginning in a certain year; requiring the Commission to publish certain ~~sexual assault campus climate survey results~~ reports in a certain manner; and generally relating to a policy and survey relating to sexual assault and institutions of higher education.

BY repealing and reenacting, with amendments,

Article – Education

Section 11–601

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

11–601.

(a) (1) By August 1, 1993, the governing ~~board~~ **BODY** of each institution of higher education shall adopt and submit to the Commission a written policy on sexual assault.

(2) The policy adopted under paragraph (1) of this subsection shall apply to each student, faculty member, and employee of the institution and inform the students, faculty members, and employees of their rights and duties under the policy.

(b) (1) Each institution of higher education shall post at appropriate locations on each campus and distribute to its students, faculty members, and employees a copy of the policy adopted under subsection (a) of this section.

(2) Each institution of higher education shall implement the policy adopted under subsection (a) of this section.

(c) The sexual assault policy required under subsection (a) of this section shall conform with § 485(f) of the Higher Education Act of 1965 as amended [by § 486(c)(2) of the Higher Education Amendments of 1992] **AND TITLE IX OF THE EDUCATION AMENDMENTS OF 1972** and shall include procedures for reporting an incident of sexual assault and for taking disciplinary actions against a violator of the policy, including provisions for:

(1) Informing a victim of a sexual assault of the right to file criminal charges with the appropriate law enforcement official;

(2) The prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of an incident of sexual assault;

(3) Designation of the nearest hospitals equipped with the Department of State Police Sexual Assault Evidence Collection Kit;

(4) Full and prompt cooperation from campus personnel in obtaining appropriate medical attention, including transporting the victim to the nearest designated hospital;

(5) Offering counseling to a victim of sexual assault from mental health services provided by the institution, other victim service entities, or the nearest State designated rape crisis program; [and]

(6) After a campus sexual assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible;

**(7) PROHIBITING THE IMPOSITION OF ~~DISCIPLINARY SANCTIONS A CAMPUS CONDUCT ACTION, EXCEPT FOR A MANDATORY INTERVENTION FOR SUBSTANCE ABUSE, FOR A VIOLATION OF THE ~~STUDENT CONDUCT POLICY~~ ALCOHOL OR DRUG USE POLICIES OF THE INSTITUTION OF HIGHER EDUCATION FOR A STUDENT WHO ~~FILES A COMPLAINT FOR~~ REPORTS TO THE INSTITUTION OR A LAW ENFORCEMENT OFFICER AN INCIDENCE OF SEXUAL ASSAULT OR WHO PARTICIPATES IN AN INVESTIGATION OF A SEXUAL ASSAULT AS A WITNESS IF:~~**

**(I) ~~IF THE~~ THE INSTITUTION OF HIGHER EDUCATION DETERMINES THE VIOLATION OCCURRED ~~AT~~ DURING OR NEAR THE TIME OF THE ALLEGED SEXUAL ASSAULT; ~~UNLESS~~**

**(II) THE STUDENT IS DETERMINED TO HAVE MADE THE REPORT OF SEXUAL ASSAULT OR IS PARTICIPATING IN AN INVESTIGATION AS A WITNESS IN GOOD FAITH; AND**

**~~(H)~~ (III) THE INSTITUTION OF HIGHER EDUCATION DETERMINES THAT THE VIOLATION WAS NOT AN ACT THAT WAS REASONABLY LIKELY TO PLACE THE HEALTH OR SAFETY OF ANOTHER INDIVIDUAL AT RISK; ~~AND~~**

**(8) PROHIBITING THE INSTITUTION OF HIGHER EDUCATION FROM RETALIATING AGAINST A STUDENT WHO FILES A COMPLAINT FOR SEXUAL ASSAULT OR WHO PARTICIPATES AS A WITNESS IN AN INVESTIGATION OF A SEXUAL ASSAULT; AND**

**~~(8)~~ (9) ENTERING INTO PURSUING A MEMORANDUM OF UNDERSTANDING FORMALIZED AGREEMENTS WITH:**

**(I) THE LOCAL LAW ENFORCEMENT AGENCY THAT COMPLIES WITH THE RELEVANT PROVISIONS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND CLEARLY STATES WHEN A SCHOOL WILL REFER A MATTER TO LOCAL LAW ENFORCEMENT; AND**

**(II) A STATE DESIGNATED RAPE CRISIS PROGRAM, FEDERALLY RECOGNIZED SEXUAL ASSAULT COALITION, OR ~~BOTH ANY OTHER VICTIM SERVICES ORGANIZATION~~ BOTH THAT FORMALIZES A COMMITMENT TO PROVIDE**

TRAUMA-INFORMED SERVICES TO VICTIMS OF SEXUAL ASSAULT AND IMPROVE THE OVERALL RESPONSE TO SEXUAL ASSAULT BY THE INSTITUTION OF HIGHER EDUCATION.

(d) The Commission shall:

- (1) Coordinate the development of the sexual assault policies; and
- (2) Periodically review and make recommendations for changes in these policies.

(E) (1) ~~THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION~~ INSTITUTIONS OF HIGHER EDUCATION, SHALL ESTABLISH PROCEDURES FOR THE ADMINISTRATION OF A SEXUAL ASSAULT CAMPUS CLIMATE SURVEY ~~EVERY YEAR~~ BY EACH INSTITUTION OF HIGHER EDUCATION.

(2) THE PROCEDURES SHALL REQUIRE EACH INSTITUTION OF HIGHER EDUCATION TO PROVIDE FOR THE COMPLETION OF THE SURVEY BY VARIOUS METHODS, INCLUDING ONLINE.

(F) ~~EACH ON OR BEFORE OCTOBER~~ MARCH 1, 2016, AND AT LEAST EVERY 2 YEARS THEREAFTER, EACH INSTITUTION OF HIGHER EDUCATION SHALL:

(1) ~~USE THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY DEVELOPED BY THE NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION AS A MODEL SURVEY; OR~~

~~(2)~~ DEVELOP AN APPROPRIATE SEXUAL ASSAULT CAMPUS CLIMATE SURVEY; USING NATIONALLY RECOGNIZED BEST PRACTICES FOR RESEARCH AND CLIMATE SURVEYS; AND

~~(G) ON OR BEFORE JUNE 1, 2016, AND EACH YEAR THEREAFTER, EACH INSTITUTION OF HIGHER EDUCATION SHALL:~~

~~(1)~~ (2) ADMINISTER THE SEXUAL ASSAULT CAMPUS CLIMATE SURVEY TO STUDENTS IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION;

~~(2) REPORT SCHOOL-SPECIFIC RESULTS OF THE SEXUAL ASSAULT SURVEY TO THE COMMISSION; AND~~

~~(3) INCLUDE SCHOOL SPECIFIC RESULTS OF THE SEXUAL ASSAULT SURVEY IN ITS ANNUAL SECURITY REPORT PUBLISHED IN ACCORDANCE WITH THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICE AND CAMPUS CRIME STATISTICS ACT.~~

(G) (1) ON OR BEFORE JUNE 1, 2016, AND EVERY 2 YEARS THEREAFTER, EACH INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE COMMISSION:

(I) A REPORT ON SCHOOL SPECIFIC RESULTS OF THE SEXUAL ASSAULT SURVEY; AND

(II) A REPORT SUMMARIZING AGGREGATING THE DATA COLLECTED BY THE INSTITUTION REGARDING SEXUAL ASSAULT COMPLAINTS MADE TO THE INSTITUTION, INCLUDING THE:

~~(I)~~ 1. TYPES OF MISCONDUCT;

~~(II)~~ 2. OUTCOME OF EACH COMPLAINT;

~~(III)~~ 3. DISCIPLINARY ACTIONS TAKEN BY THE INSTITUTION;

~~(IV)~~ 4. ACCOMMODATIONS MADE TO STUDENTS IN ACCORDANCE WITH THE SEXUAL ASSAULT POLICY ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION; AND

~~(V)~~ 5. NUMBER OF REPORTS INVOLVING ALLEGED NONSTUDENT PERPETRATORS.

(2) IN REPORTING THE DATA UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INSTITUTION OF HIGHER EDUCATION SHALL MAKE REASONABLE EFFORTS TO PROTECT STUDENT PRIVACY.

(3) AN INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT THE DATA REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TOGETHER WITH THE REPORTING REQUIREMENTS OF THE FEDERAL JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013.

(H) ON OR BEFORE ~~SEPTEMBER~~ OCTOBER 1, 2016, AND ~~EACH YEAR~~ EVERY 2 YEARS THEREAFTER, THE COMMISSION SHALL:

(1) REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION

**COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE ~~RESULTS OF THE SEXUAL ASSAULT CAMPUS CLIMATE SURVEYS ADMINISTERED BY EACH INSTITUTION OF HIGHER EDUCATION~~ REPORTS REQUIRED UNDER SUBSECTION (G) OF THIS SECTION;**  
AND

**(2) PUBLISH THE ~~RESULTS OF THE SURVEY~~ REPORTS REQUIRED UNDER SUBSECTION (G) OF THIS SECTION ON THE COMMISSION'S WEB SITE AND IN ANY OTHER LOCATION OR VENUE THE COMMISSION DETERMINES IS NECESSARY OR APPROPRIATE.**

**[(e)] (I)** Nothing in this subtitle shall be construed to confer a private cause of action upon any person to enforce the provisions of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 437

(House Bill 580)

AN ACT concerning

### Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy – ~~Continuing Education~~ Recommended Courses

FOR the purpose of ~~requiring certain applicants and health care professionals to provide to certain boards evidence of completion of certain continuing education requirements; requiring certain boards, in consultation with the Office of Minority Health and Health Disparities and State experts, to adopt certain regulations; stating the intent of the General Assembly that the regulations require a certain percentage of the total required continuing education credits be in health care disparities, cultural and linguistic competency, and health literacy; requiring certain boards, on or before a certain date, to approve certain continuing education courses; requiring courses approved by a board to include certain instruction; authorizing a board to approve certain courses;~~ requiring the Office of Minority Health and Health Disparities to provide to certain health occupations boards a list of certain recommended courses; requiring each board to post a certain list in a certain manner on the board's Web site, provide information about the courses to certain health care professionals at a certain time, and advertise the availability of certain courses in certain newsletters and media; defining certain terms; and generally relating to continuing education

recommended courses in health care disparities, cultural and linguistic competency, and health literacy for health care ~~providers~~ professionals.

BY adding to

Article – Health Occupations

Section 1-801 ~~through 1-804~~ and 1-802 to be under the new subtitle “Subtitle 8. Continuing Education in Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy”

Annotated Code of Maryland  
(2014 Replacement Volume)

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

### Article – Health Occupations

#### SUBTITLE 8. CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.

##### 1-801.

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

(B) “APPLICANT” MEANS AN INDIVIDUAL WHO APPLIES FOR LICENSURE TO PRACTICE AS A HEALTH CARE PROFESSIONAL.

(C) “BOARD” MEANS:

- (1) THE STATE BOARD OF DENTAL EXAMINERS;
- (2) THE STATE BOARD OF NURSING;
- (3) THE STATE BOARD OF EXAMINERS IN OPTOMETRY;
- (4) THE STATE BOARD OF PHARMACY;
- (5) THE STATE BOARD OF PHYSICIANS;
- (6) THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS;
- (7) THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS;
- (8) THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS; AND

**(9) THE STATE BOARD OF SOCIAL WORK EXAMINERS.**

**(D) “HEALTH CARE PROFESSIONAL” MEANS:**

**(1) A DENTIST LICENSED BY THE STATE BOARD OF DENTAL EXAMINERS;**

**(2) A REGISTERED NURSE OR LICENSED PRACTICAL NURSE LICENSED BY THE STATE BOARD OF NURSING;**

**(3) AN OPTOMETRIST LICENSED BY THE STATE BOARD OF EXAMINERS IN OPTOMETRY;**

**(4) A PHARMACIST LICENSED BY THE STATE BOARD OF PHARMACY;**

**(5) A PHYSICIAN LICENSED BY THE STATE BOARD OF PHYSICIANS;**

**(6) A PODIATRIST LICENSED BY THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS;**

**(7) AN INDIVIDUAL LICENSED BY THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS;**

**(8) A PSYCHOLOGIST LICENSED BY THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS; AND**

**(9) AN ASSOCIATE SOCIAL WORKER, A GRADUATE SOCIAL WORKER, A CERTIFIED SOCIAL WORKER, OR A CERTIFIED SOCIAL WORKER–CLINICAL LICENSED BY THE STATE BOARD OF SOCIAL WORK EXAMINERS.**

**1-802.**

**(A) THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES SHALL PROVIDE TO EACH BOARD A LIST OF RECOMMENDED COURSES IN CULTURAL AND LINGUISTIC COMPETENCY, HEALTH DISPARITIES, AND HEALTH LITERACY.**

**(B) EACH BOARD SHALL:**

**(1) POST THE LIST OF RECOMMENDED COURSES PROVIDED TO THE BOARD UNDER SUBSECTION (A) OF THIS SECTION PROMINENTLY ON THE BOARD’S WEB SITE;**



(2) PROVIDE INFORMATION ABOUT THE RECOMMENDED COURSES TO HEALTH CARE PROFESSIONALS AT THE TIME OF RENEWAL OF LICENSURE; AND

(3) ADVERTISE THE AVAILABILITY OF THE RECOMMENDED COURSES IN NEWSLETTERS AND ANY OTHER MEDIA PUBLISHED BY THE BOARD.

~~AN APPLICANT OR A HEALTH CARE PROFESSIONAL, AS A CONDITION OF INITIAL LICENSURE OR RENEWAL OF LICENSURE, SHALL PROVIDE TO THE APPROPRIATE BOARD EVIDENCE THAT THE APPLICANT OR HEALTH CARE PROFESSIONAL HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE BOARD FOR CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~1-803.~~

~~(A) EACH BOARD, IN CONSULTATION WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES AND OTHER STATE EXPERTS, SHALL ADOPT REGULATIONS REQUIRING AN APPLICANT OR A HEALTH CARE PROFESSIONAL, AS A CONDITION OF LICENSURE OR RENEWAL OF LICENSURE, TO DOCUMENT PARTICIPATION IN CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:~~

~~(1) THE NUMBER OF HOURS OF CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY TO BE REQUIRED AS A CONDITION OF LICENSURE OR RENEWAL OF LICENSURE; AND~~

~~(2) THE CRITERIA TO BE USED BY A BOARD IN DETERMINING WHETHER TO GRANT AN APPLICANT OR A HEALTH CARE PROFESSIONAL A WAIVER FROM THE CONTINUING EDUCATION REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING DEMONSTRATION TO THE SATISFACTION OF THE BOARD THAT THE APPLICANT OR HEALTH CARE PROFESSIONAL HAS ATTAINED EXPERIENCE THAT IS SUBSTANTIALLY EQUIVALENT TO THE REQUIRED NUMBER OF HOURS OF CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION REQUIRE THAT 5% TO 10% OF THE TOTAL REQUIRED CONTINUING EDUCATION CREDITS BE IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~1-804.~~

~~(A) ON OR BEFORE JANUARY 1, 2016, EACH BOARD, IN CONSULTATION WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES, SHALL APPROVE ONE OR MORE CONTINUING EDUCATION COURSES ADDRESSING HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~(B) A COURSE APPROVED BY A BOARD UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE INSTRUCTION IN ADDRESSING RACIAL, ETHNIC, AND GENDER-BASED DISPARITIES IN HEALTH CARE TREATMENT DECISIONS.~~

~~(C) A BOARD MAY APPROVE A COURSE THAT IS INCLUDED IN A CONTINUING EDUCATION PROGRAM CERTIFIED BY A PROFESSIONAL ASSOCIATION OR SIMILAR ENTITY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 438

(House Bill 585)

AN ACT concerning

### Maryland–National Capital Park and Planning Commission – Regulations to Prohibit Smoking

MC/PG 109–15

FOR the purpose of requiring the Maryland–National Capital Park and Planning Commission to adopt regulations, on or before a certain date, to prohibit on property under its jurisdiction the smoking of certain tobacco products; providing for a certain exemption and exclusion ~~exemptions and exclusions~~ exclusion; requiring that the regulations provide that certain penalties be imposed for certain infractions; and generally relating to regulations by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 17–207

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

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

**Article – Land Use**

17–207.

(a) The Commission may adopt regulations for the use of any property under its jurisdiction.

**(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JUNE 30, 2016, THE COMMISSION SHALL ADOPT REGULATIONS TO PROHIBIT ~~THE SMOKING OF A CIGARETTE, A CIGAR, OR ANY OTHER TOBACCO PRODUCT~~ ON PROPERTY UNDER ITS JURISDICTION THE SMOKING OF:**

**(I) A CIGARETTE;**

**(II) A CIGAR; OR**

**(III) ANY OTHER TOBACCO PRODUCT.**

**(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBSECTION:**

**(I) MAY:**

**~~(I) EXEMPT ANY COMMISSION EMPLOYEE WHO IS ENTITLED TO SMOKE UNDER THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT OR OTHER WORKPLACE RULE OF GENERAL APPLICABILITY; AND~~**

**~~(II) EXCLUDE FROM THE PROHIBITION ANY DESIGNATED VENUE OR FACILITY REASONABLY DETERMINED BY THE COMMISSION TO BE APPROPRIATE FOR THE PURPOSE OF GENERATING ADMISSION FEES, RENTAL FEES, OR SIMILAR CHARGES FOR USE OF COMMISSION PROPERTY; AND~~**

**(II) SHALL PROVIDE THAT THE FOLLOWING PENALTIES BE IMPOSED:**

**1. FOR A FIRST INFRACTION, A WARNING; AND**

**2. FOR A SECOND OR SUBSEQUENT INFRACTION, A \$25 FINE.**

**[(b)] (C) (1) The Commission shall:**

(i) post the regulations outside each park headquarters building, community center, recreation center, or similar building in a developed park area; and

(ii) after posting the regulations, publish them at least three times within 60 days in one or more newspapers of general circulation published in the metropolitan district.

(2) The posting and publication of the regulations shall be sufficient notice to all persons.

(3) The sworn certificate of a commissioner as to the posting and publication of the regulations is prima facie evidence of posting and publication.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 439

### (House Bill 599)

AN ACT concerning

#### **St. Mary's County – Violations of Ordinances, Rules, and Regulations – Penalties**

FOR the purpose of repealing certain provisions relating to the civil and criminal penalties for violations of certain ordinances, rules, and regulations adopted by St. Mary's County; authorizing the County Commissioners of St. Mary's County to provide that a violation of certain ordinances is punishable as a misdemeanor and enforced in a certain manner and to a certain extent and is a civil infraction and shall be prosecuted in a certain manner and to a certain extent; providing that every day that a violation of certain ordinances continues is a separate civil infraction; authorizing St. Mary's County to bring an action for an injunction against a person who violates an ordinance, rule, or regulation to require the correction or elimination of the violation; and generally relating to penalties for violations of ordinances, rules, and regulations adopted by St. Mary's County.

BY repealing

Article – Land Use

Section 9–1607 and 9–1608

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government  
Section 12–538, 12–618, 12–804, and 13–703  
Annotated Code of Maryland  
(2013 Volume and 2014 Supplement)

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

### **Article – Land Use**

[9–1607.

(a) Notwithstanding § 5–301(a) of this article, the county commissioners may provide a civil penalty for a subdivision violation.

(b) In a proceeding before the District Court, a subdivision violation shall be enforced in the same manner and to the same extent as a municipal infraction under §§ 6–102 through 6–115 of the Local Government Article.]

[9–1608.

(a) Notwithstanding Title 11, Subtitle 2 of this article, the county commissioners may provide a civil penalty for a zoning violation.

(b) In a proceeding before the District Court, a zoning violation shall be enforced in the same manner and to the same extent as a municipal infraction under §§ 6–102 through 6–115 of the Local Government Article.]

### **Article – Local Government**

12–538.

(a) The County Commissioners of St. Mary’s County may regulate for any public road, sidewalk, curb, gutter, or storm drainage facility in the county that is not in a municipality and that has not been designated or maintained as a part of the State or federal highway system relating to:

- (1) vehicle weight;
- (2) vehicle parking;
- (3) vehicle abandonment;

(4) building or maintenance by a private or public utility necessary for the performance of the utility’s purpose;

(5) building or maintenance of driveway connections where connections are provided; and

(6) vehicle speed.

(b) (1) This subsection applies to roads proposed for subdivisions, including sidewalks, curbs and gutters, driveway entrances, and storm drainage facilities and appurtenances to be located in the subdivision.

(2) The County Commissioners of St. Mary's County shall enact, by ordinance, rules and regulations that govern the grading, building, improving, maintaining, and repairing of roads, used or intended for use by the public.

(c) If required by an ordinance enacted under subsection (a) of this section, the County Commissioners of St. Mary's County shall provide appropriate traffic control devices.

(d) For a new road, sidewalk, curb, gutter, or storm drainage facility, the County Commissioners of St. Mary's County may regulate relating to:

(1) engineering;

(2) construction; and

(3) acceptance of the road, sidewalk, curb, gutter, or storm drainage facility into the county roads system.

[(e) (1) Except as provided in subsection (f) of this section, a person who violates an ordinance, a rule, or a regulation enacted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(2) Every day that a violation continues is a separate offense.

(f) (1) The County Commissioners of St. Mary's County may impose a civil penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

(2) Enforcement of an ordinance, a rule, or a regulation enacted under this section shall be in the same manner and to the same extent as provided for municipal infractions under Title 6 of this article.

(3) In addition to other remedies provided by law, the county may bring an action for an injunction against a person who violates an ordinance, a rule, or a regulation enacted under this section to require correction or elimination of a violation.]

(a) The County Commissioners of St. Mary's County may regulate bridges in the county that are not in a municipality and that have not been designated or maintained as a part of the State or federal highway system relating to:

- (1) vehicle weight;
- (2) vehicle parking;
- (3) vehicle abandonment;
- (4) building or maintenance by a private or public utility relating to the performance of the utility's purpose;
- (5) the building or maintenance of driveway connections where connections are provided; and
- (6) vehicle speed.

(b) If required by an ordinance enacted under subsection (a) of this section, the County Commissioners of St. Mary's County shall provide appropriate traffic control devices.

(c) For a new bridge, the County Commissioners of St. Mary's County may regulate relating to:

- (1) engineering;
- (2) construction; and
- (3) acceptance of the bridge into the county road system.

[(d) (1) Except as provided in subsection (e) of this section, a person who violates an ordinance, a rule, or a regulation enacted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

- (2) Each day that a violation continues is a separate offense.

(e) (1) The County Commissioners of St. Mary's County may impose a civil penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

(2) Enforcement of an ordinance, a rule, or a regulation enacted under this section shall be in the same manner and to the same extent as provided for municipal infractions under Title 6 of this article.

(3) In addition to other remedies provided by law, the county may bring an action for an injunction against a person who violates an ordinance, a rule, or a regulation adopted under this section to require correction or elimination of a violation.]

12–804.

**(A)** [Except as provided in §§ 12–538(f), 12–618(d), and 13–703(c) of this article and] **NOTWITHSTANDING** Title 11, Subtitle 2 [and § 9–1607] of the Land Use Article[, and notwithstanding] **AND** any other provision of law [to the contrary], the County Commissioners of St. Mary’s County may provide that:

(1) a violation of an ordinance [or resolution] is punishable as a misdemeanor and enforced in the same manner and to the same extent as a violation under § 6–101 of this article; and

(2) a violation of an ordinance **IS A CIVIL INFRACTION AND** shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of this article.

**(B) EVERY DAY THAT A VIOLATION CONTINUES IS A SEPARATE CIVIL INFRACTION.**

**(C) IN ADDITION TO OTHER REMEDIES PROVIDED BY THIS SECTION, THE COUNTY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON WHO VIOLATES AN ORDINANCE, A RULE, OR A REGULATION TO REQUIRE THE CORRECTION OR ELIMINATION OF A VIOLATION.**

13–703.

(a) The County Commissioners of St. Mary’s County may:

(1) adopt an ordinance, a rule, or a regulation for erosion and siltation control requirements to facilitate sedimentation control in the county; and

(2) provide for the enforcement of any ordinance, rule, or regulation adopted under this section.

(b) (1) A violation of an ordinance, a rule, or a regulation adopted under this section is a misdemeanor.

(2) The County Commissioners of St. Mary’s County may establish a criminal penalty of a fine, imprisonment, or both for a violation of an ordinance, a rule, or a regulation adopted under this section.

[(c) (1) The County Commissioners of St. Mary’s County may provide for a civil penalty for a violation of an ordinance, a rule, or a regulation adopted under this section.



(2) In a proceeding before the District Court, a violation shall be enforced in the same manner and to the same extent as established for municipal infractions under Title 6 of this article.

(3) In addition to all other remedies provided by this section, the county may bring an action for an injunction against a person who violates an ordinance, a rule, or a regulation adopted under this section to require the correction or elimination of a violation.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 440

### (House Bill 600)

AN ACT concerning

#### **St. Mary's County – Property Maintenance – Voluntary Agreements**

FOR the purpose of authorizing an ordinance enacted by St. Mary's County regarding property maintenance to provide for a voluntary agreement between the county and an owner of real property for remediation by the county of certain conditions constituting a certain nuisance, including demolition of certain improvements; authorizing a certain voluntary agreement to provide for repayment by the property owner to the county of the costs of certain remediation or demolition in a certain manner; providing that certain unpaid costs may be enforced by the filing of a lien against the property until repaid; requiring St. Mary's County to record notice of the lien in the land records of the county; providing that the lien has a certain priority and may be collected in the same manner as county real property taxes; and generally relating to voluntary agreements ~~entered~~ for property maintenance in St. Mary's County.

BY adding to

The Public Local Laws of St. Mary's County  
Section 93-5  
Article 19 – Public Local Laws of Maryland  
(2007 Edition and March 2014 Supplement, as amended)

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

## Article 19 – St. Mary’s County

93–5.

**A. AN ORDINANCE ENACTED UNDER THIS CHAPTER MAY PROVIDE FOR A VOLUNTARY AGREEMENT BETWEEN ST. MARY’S COUNTY AND AN OWNER OF REAL PROPERTY FOR REMEDIATION BY THE COUNTY OF THE CONDITIONS CONSTITUTING THE NUISANCE, INCLUDING DEMOLITION OF EXISTING IMPROVEMENTS TO THE PROPERTY.**

**B. (1) A VOLUNTARY AGREEMENT MAY PROVIDE FOR REPAYMENT BY THE PROPERTY OWNER TO ST. MARY’S COUNTY OF THE REMEDIATION OR DEMOLITION COSTS.**

**(2) (A) ANY UNPAID COSTS UNDER A VOLUNTARY AGREEMENT MAY BE ENFORCED BY THE FILING OF A LIEN AGAINST THE PROPERTY UNTIL PAID.**

**(B) ST. MARY’S COUNTY SHALL RECORD NOTICE OF A LIEN FILED UNDER THIS CHAPTER IN THE LAND RECORDS OF THE COUNTY.**

**(C) A LIEN FILED UNDER THIS CHAPTER HAS THE SAME PRIORITY AND MAY BE COLLECTED IN THE SAME MANNER AS COUNTY REAL PROPERTY TAXES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 441****(House Bill 614)**

AN ACT concerning

**Department of State Police – Handgun Roster Board – Definition of Handgun**

FOR the purpose of altering the definition of handgun for purposes of provisions relating to the Handgun Roster Board to exclude certain firearms from the definition; and generally relating to the Handgun Roster Board.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 5–401

Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article – Public Safety**

5–401.

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

(b) “Board” means the Handgun Roster Board.

(c) **(1) “Handgun” [has the meaning stated in § 4–201 of the Criminal Law Article] MEANS A PISTOL, A REVOLVER, OR ANY OTHER FIREARM CAPABLE OF BEING CONCEALED ON THE PERSON.**

**(2) “HANDGUN” DOES NOT INCLUDE A SHOTGUN, A RIFLE, A SHORT–BARRELED RIFLE, A SHORT–BARRELED SHOTGUN, OR AN ANTIQUE FIREARM.**

(d) “Handgun roster” means the roster of authorized handguns compiled by the Board under § 5–405 of this subtitle.

(e) “Secretary” means the Secretary of State Police or the Secretary’s designee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 442**

**(House Bill 618)**

AN ACT concerning

**Juveniles – Transfer Determinations – Confinement in Juvenile Facilities**

FOR the purpose of requiring a court exercising criminal jurisdiction in a case involving a child, or the District Court at a bail review or preliminary hearing involving a child, to order a certain child to be held in a secure juvenile facility pending a certain transfer determination except under certain circumstances; requiring the District

Court to state the reasons for a certain finding on the record under certain circumstances; and generally relating to the confinement of juveniles.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 4–202  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

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

### **Article – Criminal Procedure**

4–202.

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

(2) “Victim” has the meaning stated in § 11–104 of this article.

(3) “Victim’s representative” has the meaning stated in § 11–104 of this article.

(b) Except as provided in subsection (c) of this section, a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule 4–242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1), (4), or (5) of the Courts Article; and

(3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

(c) The court may not transfer a case to the juvenile court under subsection (b) of this section if:

(1) the child was convicted in an unrelated case excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1) or (4) of the Courts Article; or

(2) the alleged crime is murder in the first degree and the accused child was 16 or 17 years of age when the alleged crime was committed.

(d) In determining whether to transfer jurisdiction under subsection (b) of this section, the court shall consider:

- (1) the age of the child;
- (2) the mental and physical condition of the child;
- (3) the amenability of the child to treatment in an institution, facility, or program available to delinquent children;
- (4) the nature of the alleged crime; and
- (5) the public safety.

(e) In making a determination under this section, the court may order that a study be made concerning the child, the family of the child, the environment of the child, and other matters concerning the disposition of the case.

(f) The court shall make a transfer determination within 10 days after the date of a transfer hearing.

(g) If the court transfers its jurisdiction under this section, the court may order the child held for an adjudicatory hearing under the regular procedure of the juvenile court.

(h) ~~[(1)]~~ Pending a determination under this section to transfer its jurisdiction, the court [may] **SHALL** order [a] **THE** child to be held in a secure juvenile facility[.

(2) A hearing on a motion requesting that a child be held in a juvenile facility pending a transfer determination shall be held not later than the next court day, unless extended by the court for good cause shown] **UNLESS:**

~~(1)~~ **(I) THE CHILD IS RELEASED ON BAIL, RECOGNIZANCE, OR OTHER CONDITIONS OF PRETRIAL RELEASE;**

~~(2)~~ **(II) THERE IS NOT AVAILABLE CAPACITY IN A SECURE JUVENILE FACILITY, AS DETERMINED BY THE DEPARTMENT OF JUVENILE SERVICES; OR**

~~(3)~~ **(III) THE CHILD WAS CHARGED WITH AN OFFENSE EXCLUDED FROM THE JURISDICTION OF THE JUVENILE COURT WHILE CONFINED IN A SECURE JUVENILE FACILITY. THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A SUBSTANTIAL RISK OF HARM TO THE CHILD OR OTHERS.**

**(2) IF THE COURT MAKES A FINDING UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A SUBSTANTIAL RISK OF HARM TO THE CHILD OR OTHERS, THE COURT SHALL STATE THE REASONS FOR THE FINDING ON THE RECORD.**

(i) (1) A victim or victim's representative shall be given notice of the transfer hearing as provided under § 11–104 of this article.

(2) (i) A victim or a victim's representative may submit a victim impact statement to the court as provided in § 11–402 of this article.

(ii) This paragraph does not preclude a victim or victim's representative who has not filed a notification request form under § 11–104 of this article from submitting a victim impact statement to the court.

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

(j) **(1) [At] REGARDLESS OF WHETHER THE DISTRICT COURT HAS JURISDICTION OVER THE CASE, AT** a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under subsection (b) of this section, the District Court:

~~(1)~~ **(1)** may order that a study be made under the provisions of subsection (e) of this section[, or]; **AND**

~~(2)~~ **(II) SHALL ORDER** that the child be held in a secure juvenile facility [under the provisions of subsection (h) of this section, regardless of whether the District Court has criminal jurisdiction over the case] **PENDING A TRANSFER DETERMINATION UNDER THIS SECTION UNLESS:**

~~(I)~~ **1. THE CHILD IS RELEASED ON BAIL, RECOGNIZANCE, OR OTHER CONDITIONS OF PRETRIAL RELEASE;**

~~(II)~~ **2. THERE IS NOT AVAILABLE CAPACITY AT A SECURE JUVENILE FACILITY AS DETERMINED BY THE DEPARTMENT OF JUVENILE SERVICES; OR**

~~(III)~~ **3. THE CHILD WAS CHARGED WITH AN OFFENSE EXCLUDED FROM THE JURISDICTION OF THE JUVENILE COURT WHILE CONFINED IN A SECURE JUVENILE FACILITY THE DISTRICT COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A SUBSTANTIAL RISK OF HARM TO THE CHILD OR OTHERS.**

**(2) IF THE DISTRICT COURT MAKES A FINDING UNDER PARAGRAPH (1)(II)3 OF THIS SUBSECTION THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A SUBSTANTIAL RISK OF HARM TO THE CHILD OR OTHERS, THE DISTRICT COURT SHALL STATE THE REASONS FOR THE FINDING ON THE RECORD.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 443

### (House Bill 624)

AN ACT concerning

#### **Estates and Trusts – Funeral Expenses Allowance – Modified Administration**

FOR the purpose of increasing the maximum amount that a court may allow for certain funeral expenses; establishing that, if an estate is solvent, a personal representative is not required to obtain an allowance by the court for funeral expenses if the estate is under modified administration and the funeral expenses are included on a certain report; providing for the application of this Act; and generally relating to an allowance for funeral expenses.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 8–106

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

#### **Article – Estates and Trusts**

8–106.

(a) In this section, “funeral expenses” includes the costs of a funeral, a burial, a cremation, a disposition of the decedent’s remains, a memorial, a memorial service, food and beverages related to bringing together the decedent’s family and friends for a wake or prefuneral or postfuneral gathering or meal, and any other reasonable expenses authorized by the decedent’s will.

(b) Subject to the priorities contained in § 8–105 of this subtitle, the personal representative shall pay the funeral expenses of the decedent within six months of the first appointment of a personal representative.

(c) (1) Funeral expenses shall be allowed in the discretion of the court according to the condition and circumstances of the decedent.

(2) In no event may the allowance exceed ~~\$10,000~~ **\$15,000** unless the estate of the decedent is solvent and a special order of court has been obtained.

(3) **[If] AN ALLOWANCE BY THE COURT IS NOT REQUIRED IF** the estate is solvent and:

**(I)** the will expressly empowers the personal representative to pay the expenses without an order of court~~], an allowance by the court is not required];~~ **OR**

**(II) THE ESTATE IS UNDER MODIFIED ADMINISTRATION AND THE PERSONAL REPRESENTATIVE INCLUDES THE EXPENSES ON THE FINAL REPORT REQUIRED UNDER § 5-707 OF THIS ARTICLE.**

(d) (1) If the funeral expenses are not paid within six months, the creditor may petition the court to require the personal representative to show cause why he should not be compelled to make the payment.

(2) If the court finds that the claim is valid, it shall fix the amount due and shall order the personal representative to make payment within ten days after the order is served upon the personal representative.

(3) If the personal representative does not have sufficient funds, the claimant may at a later date resubmit the personal representative's petition when the personal representative has sufficient funds.

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 estate opened before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 444

**(House Bill 630)**

AN ACT concerning

~~Transportation~~ **Mechanical Repair Contracts – Requirements**



FOR the purpose of altering the definition of “service contract” to include a certain mechanical repair contract; altering the definition of “mechanical repair contract” and defining “obligor” for purposes of certain provisions of law establishing requirements for mechanical repair contracts and persons who sell or offer them; establishing that an agreement or contract sold by ~~the person obligated under the agreement or contract~~ a certain obligor may be a mechanical repair contract under certain circumstances; specifying services that may be offered under a mechanical repair contract; establishing that certain warranties under a certain federal law ~~and~~ agreements for regular maintenance, and agreements between certain motor clubs and their members or subscribers are not mechanical repair contracts; ~~establishing~~ requiring that a mechanical repair contract ~~is not required to~~ be filed for approval with the Insurance Commissioner; ~~broadening the application of a certain provision of law to establish that certain consumer protection laws apply to any mechanical repair contract sold in the State, not just those sold by a licensed vehicle dealer~~; establishing that a certain obligor has the same obligation as a seller under a certain provision of law; requiring a certain obligor to file a certain mechanical repair contract with the Commissioner and to provide certain evidence with the filing; establishing that a certain filing is not subject to approval or review by the Commissioner except under certain circumstances; ~~providing for a certain cease and desist order~~ providing for a certain filing fee; authorizing the Commissioner to investigate and determine if a mechanical repair contract is in compliance with certain provisions of law; providing for a certain hearing; requiring that certain persons that sell mechanical repair contracts register with the Commissioner and provide certain information as part of the registration; requiring the Commissioner to register an obligor under certain circumstances; authorizing the Commissioner to deny, refuse to renew, suspend, or revoke a registration of an obligor under certain circumstances; requiring an obligor to provide a certain notice under certain circumstances; establishing a certain annual registration fee; prohibiting a person who is not a registered obligor under this Act from offering, selling, or negotiating a mechanical repair contract; authorizing the Commissioner to pursue a certain action; establishing that a mechanical repair contract may not provide certain indemnification under certain circumstances; establishing that certain persons that comply with this Act and certain provisions of law are not required to comply with certain provisions of law relating to insurance; establishing certain requirements relating to registering with the Commissioner; establishing certain required disclosures; establishing certain penalties; prohibiting certain persons who that sell mechanical repair contracts from making certain false, deceptive, or misleading statements; making stylistic and conforming changes; and generally relating to mechanical repair contracts.

BY repealing and reenacting, with amendments,  
Article – Commercial Law  
Section 14-401(k) and 14-409(a) and (b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 2-112(a)(9)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Insurance

Section 2-112(a)(11)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 15-311.2

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY adding to

Article – Transportation

Section 27-101(ff)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

**Article – Commercial Law**

14-401.

(k) (1) “Service contract” means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of a product, or to indemnify for the repair, replacement, or maintenance, because of an operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for incidental payment of indemnity under limited circumstances.

(2) “Service contract” includes [a]:

(I) A contract or agreement for repair, replacement, or maintenance of a product for damage resulting from power surges and accidental damage from handling;  
AND

(II) A MECHANICAL REPAIR CONTRACT UNDER § 15-311.2 OF THE TRANSPORTATION ARTICLE.

(3) “Service contract” does not include:

(i) A guaranty;

(ii) A maintenance agreement that does not include a provision for the repair, replacement, or maintenance of a product because of an operational or structural failure due to a defect in materials, workmanship, or normal wear and tear;

(iii) A warranty, service contract, or maintenance agreement offered by a public utility on its transmission devices to the extent it is regulated by the Public Service Commission; OR

(iv) [A mechanical repair contract under § 15-311.2 of the Transportation Article; or

(v)] Mechanical breakdown insurance.

14-409.

(a) Except for Title 13 of this article AND § 15-311.2 OF THE TRANSPORTATION ARTICLE WITH RESPECT TO MECHANICAL REPAIR CONTRACTS, this subtitle provides the exclusive remedy by which a person guaranteed may recover damages for a breach of a service contract or may enforce a service contract.

(b) (1) Providers, administrators, and other persons marketing, selling, or offering to enter into service contracts that comply with the terms of this subtitle need not comply with any provision of the Insurance Article, EXCEPT WITH RESPECT TO MECHANICAL REPAIR CONTRACTS AS EXPRESSLY PROVIDED IN § 15-311.2 OF THE TRANSPORTATION ARTICLE.

(2) Guarantors, administrators, and other persons marketing, selling, or offering to issue guarantees that comply with the terms of this subtitle need not comply with any provision of the Insurance Article.

Article – Insurance

2-112.

(a) Fees for the following certificates, licenses, permits, and services shall be collected in advance by the Commissioner, and shall be paid by the appropriate persons, including health maintenance organizations, to the Commissioner:

(9) fees for required filings, including form and rate filings, under Title 11, Subtitles 2 through 4, Title 26, [and] §§ 12-203, 13-110, 14-126, and 27-613 of this article, AND § 15-311.2 OF THE TRANSPORTATION ARTICLE .....\$125

(11) ANNUAL FEE FOR REGISTRATION OF AN OBLIGOR UNDER § 15-311.2 OF THE TRANSPORTATION ARTICLE.....\$25

Article – Transportation

15-311.2.

(a) (1) [For the purposes of] IN this section, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) [the term] ~~“mechanical~~ “MECHANICAL repair contract” means any agreement or contract sold by a licensed vehicle dealer ~~OR THE AN PERSON OBLIGATED UNDER THE AGREEMENT OR CONTRACT~~ OBLIGOR under which ~~a [specified] provider~~ THE OBLIGOR agrees to perform over a fixed period of time, for a specific duration, and for a specific identifiable price, [services relating to the maintenance or repair of a motor vehicle,] provided that the purchase of the contract is optional to the purchaser~~],~~ ANY OF THE FOLLOWING SERVICES:

~~(I)~~ 1. THE REPAIR, REPLACEMENT, OR MAINTENANCE OF A MOTOR VEHICLE, OR THE INDEMNIFICATION FOR THE REPAIR, REPLACEMENT, OR MAINTENANCE OF A MOTOR VEHICLE, FOR THE OPERATIONAL OR STRUCTURAL FAILURE OF THE MOTOR VEHICLE DUE TO A DEFECT IN MATERIALS, WORKMANSHIP, OR NORMAL WEAR AND TEAR, WITH OR WITHOUT ADDITIONAL PROVISIONS FOR INCIDENTAL PAYMENT OF INDEMNITY FOR SERVICES INCLUDING TOWING, RENTAL AND EMERGENCY ROAD SERVICE, AND ROAD HAZARD PROTECTION;

~~(II)~~ 2. THE REPAIR, REPLACEMENT, OR MAINTENANCE OF A MOTOR VEHICLE FOR THE OPERATIONAL OR STRUCTURAL FAILURE OF ONE OR MORE PARTS OR SYSTEMS OF THE MOTOR VEHICLE BROUGHT ABOUT BY THE FAILURE OF AN ADDITIVE PRODUCT TO PERFORM AS REPRESENTED;

~~(III)~~ 3. THE REPAIR OR REPLACEMENT OF TIRES OR WHEELS ON A MOTOR VEHICLE DAMAGED AS A RESULT OF COMING INTO CONTACT WITH ROAD HAZARDS, INCLUDING POTHoles, ROCKS, WOOD DEBRIS, METAL PARTS, GLASS, PLASTIC, CURBS, OR COMPOSITE SCRAPS;

~~(IV)~~ 4. THE REMOVAL AND REPAIR OF DENTS, DINGS, OR CREASES ON A MOTOR VEHICLE USING THE PROCESS OF PAINLESS DENT REMOVAL;

~~(V)~~ 5. THE REPAIR OF CHIPS OR CRACKS IN, OR THE REPLACEMENT OF, MOTOR VEHICLE WINDSHIELDS AS A RESULT OF DAMAGE CAUSED BY ROAD HAZARDS;

~~(VI)~~ **6. THE REPLACEMENT OF A MOTOR VEHICLE KEY OR KEY FOB IF THE KEY OR KEY FOB BECOMES INOPERABLE OR IS LOST OR STOLEN; OR**

~~(VII)~~ **7. OTHER SERVICES OR PRODUCTS THAT MAY BE APPROVED BY THE INSURANCE COMMISSIONER IF CONSISTENT WITH THE PROVISIONS OF THIS SECTION.**

~~(2)~~ **(II) [The term “mechanical] “MECHANICAL repair contract” includes[, but is not limited to,] extended warranties and extended service contracts.**

~~(3)~~ **(III) “MECHANICAL REPAIR CONTRACT” DOES NOT INCLUDE WARRANTIES:**

~~(I)~~ **1. WARRANTIES UNDER THE MAGNUSON–MOSS WARRANTY ACT, 15 U.S.C. § 2301, ET SEQ., OR CONTRACTS;**

~~(II)~~ **2. CONTRACTS OR AGREEMENTS FOR REGULAR MAINTENANCE ONLY; OR**

~~(III)~~ **3. AN AGREEMENT BETWEEN A MOTOR CLUB, AS DEFINED IN § 26–101 OF THE INSURANCE ARTICLE, AND A MEMBER OR SUBSCRIBER OF THE MOTOR CLUB.**

**(3) (I) “OBLIGOR” MEANS THE PERSON SPECIFIED IN A MECHANICAL REPAIR CONTRACT THAT IS CONTRACTUALLY OBLIGATED TO PERFORM THE SERVICES SET FORTH IN THE MECHANICAL REPAIR CONTRACT.**

**(II) “OBLIGOR” DOES NOT INCLUDE AN INSURER THAT PROVIDES INSURANCE COVERAGE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

(b) (1) ~~(I) A provider of services~~ **AN OBLIGOR** under a mechanical repair contract shall maintain adequate insurance reserves, as defined by the Insurance Commissioner, for each such contract for the protection of the purchasing consumer.

**(II)** A policy of insurance providing coverage for all obligations and liabilities incurred by ~~a provider~~ **AN OBLIGOR** under the terms of a mechanical repair contract shall constitute adequate insurance reserves.

(2) The reserves shall be maintained with an insurer authorized to do business in Maryland on an admitted or surplus lines basis.

(3) A purchaser of a mechanical repair contract shall be entitled to make a direct claim against the insurer issuing a policy of insurance under this subsection upon

failure of the ~~specified provider~~ OBLIGOR to pay any claim or make any refund or consideration due within 60 days after the proof is filed with the ~~provider~~ OBLIGOR.

~~(4) A MECHANICAL REPAIR CONTRACT IS NOT REQUIRED TO BE FILED FOR APPROVAL WITH THE INSURANCE COMMISSIONER.~~

(4) (I) BEFORE AT LEAST 45 DAYS BEFORE SELLING A MECHANICAL REPAIR CONTRACT, THE OBLIGOR SHALL FILE THE CONTRACT WITH THE INSURANCE COMMISSIONER ALONG WITH EVIDENCE THAT THE OBLIGOR MAINTAINS ADEQUATE INSURANCE RESERVES AS REQUIRED UNDER THIS SECTION.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (IV) THROUGH (VII) OF THIS PARAGRAPH, A FILING REQUIRED UNDER THIS SUBSECTION IS NOT SUBJECT TO THE APPROVAL OF THE INSURANCE COMMISSIONER.

~~(III) THE COMMISSIONER MAY ORDER AN OBLIGOR TO CEASE AND DESIST FROM ALL SALES OF:~~

~~1. MECHANICAL REPAIR CONTRACTS IF THE OBLIGOR FAILS TO DEMONSTRATE THAT THE OBLIGOR MAINTAINS ADEQUATE INSURANCE RESERVES;~~

~~2. A SPECIFIED MECHANICAL REPAIR CONTRACT IF THAT CONTRACT FAILS TO DISCLOSE THE RIGHT OF THE PURCHASER TO MAKE A DIRECT CLAIM AGAINST THE INSURER AS REQUIRED UNDER THIS SUBSECTION; AND~~

~~3. A SPECIFIED MECHANICAL REPAIR CONTRACT IF THAT CONTRACT OTHERWISE VIOLATES THIS SECTION.~~

~~(IV) A CEASE AND DESIST ORDER ISSUED UNDER THIS SECTION SHALL MEET THE PROCEDURAL REQUIREMENTS FOR THE ISSUANCE OF A CEASE AND DESIST ORDER UNDER § 27-103 OF THE INSURANCE ARTICLE.~~

(III) AN OBLIGOR THAT IS REQUIRED TO FILE A MECHANICAL REPAIR CONTRACT UNDER THIS SUBSECTION SHALL PAY A FILING FEE AS PROVIDED IN § 2-112(A)(9) OF THE INSURANCE ARTICLE.

(IV) THE COMMISSIONER MAY INVESTIGATE AND DETERMINE WHETHER A MECHANICAL REPAIR CONTRACT FILED UNDER THIS PARAGRAPH IS IN COMPLIANCE WITH THIS SECTION.

(V) IF, AFTER A HEARING, THE COMMISSIONER FINDS THAT A MECHANICAL REPAIR CONTRACT IS NOT IN COMPLIANCE WITH THIS SECTION, THE COMMISSIONER SHALL ISSUE AN ORDER THAT REQUIRES THAT USE OF THE

MECHANICAL REPAIR CONTRACT BE DISCONTINUED AFTER A DATE SPECIFIED IN THE ORDER.

(VI) PENDING A HEARING, THE COMMISSIONER MAY ISSUE AN ORDER THAT SUSPENDS USE OF A MECHANICAL REPAIR CONTRACT FILED BY AN OBLIGOR IF THE COMMISSIONER HAS REASONABLE CAUSE TO BELIEVE THAT:

1. THE MECHANICAL REPAIR CONTRACT IS IN VIOLATION OF THIS SECTION;

2. UNLESS THE ORDER OF SUSPENSION IS ISSUED, PURCHASERS OF THE MECHANICAL REPAIR CONTRACT WILL SUFFER IRREPARABLE HARM;

3. THE HARM THAT PURCHASERS OF THE MECHANICAL REPAIR CONTRACT WILL SUFFER IN THE ABSENCE OF THE ORDER OF SUSPENSION OUTWEIGHS THE HARM THAT THE OBLIGOR WOULD SUFFER IF THE ORDER OF SUSPENSION WERE ISSUED; AND

4. THE ORDER OF SUSPENSION WILL NOT CAUSE SUBSTANTIAL HARM TO THE PUBLIC.

(VII) UNLESS THE OBLIGOR WAIVES A HEARING, THE COMMISSIONER:

1. SHALL HOLD A HEARING WITHIN 15 BUSINESS DAYS AFTER ISSUING THE ORDER OF SUSPENSION; AND

2. WITHIN 15 BUSINESS DAYS AFTER THE CONCLUSION OF THE HEARING, SHALL MAKE A DETERMINATION AND ISSUE AN ORDER AS TO WHETHER THE MECHANICAL REPAIR CONTRACT SHOULD BE DISAPPROVED.

(C) (1) AN OBLIGOR SHALL REGISTER WITH THE INSURANCE COMMISSIONER EACH YEAR.

(2) AS PART OF REGISTRATION, AN OBLIGOR SHALL PROVIDE THE FOLLOWING INFORMATION FOR REGISTRATION WITH THE COMMISSIONER:

(I) THE NAME, CORPORATE ADDRESS, AND TELEPHONE NUMBER OF THE OBLIGOR;

(II) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF AN INDIVIDUAL DESIGNATED TO RECEIVE CORRESPONDENCE ON BEHALF OF THE OBLIGOR; AND

(III) THE NAME AND ADDRESS OF A DESIGNATED AGENT AUTHORIZED TO ACCEPT SERVICE ON BEHALF OF THE OBLIGOR IN THE STATE.

(3) AN OBLIGOR SHALL NOTIFY THE COMMISSIONER WITHIN 30 DAYS OF ANY CHANGE TO THE REGISTRATION INFORMATION REQUIRED UNDER THIS SUBSECTION.

(4) AN OBLIGOR THAT IS REQUIRED TO REGISTER UNDER THIS SECTION SHALL PAY AN ANNUAL REGISTRATION FEE ~~OF \$25~~ AS PROVIDED IN § 2-112(A)(11) OF THE INSURANCE ARTICLE.

(5) (I) OTHER THAN A LICENSED VEHICLE DEALER, A PERSON THAT IS NOT A REGISTERED OBLIGOR UNDER THIS SUBTITLE MAY NOT OFFER, SELL, OR NEGOTIATE A MECHANICAL REPAIR CONTRACT.

(II) THE COMMISSIONER MAY PURSUE AN ACTION AGAINST A PERSON THAT VIOLATES THIS PARAGRAPH.

(6) SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, THE COMMISSIONER SHALL REGISTER EACH OBLIGOR THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(7) THE COMMISSIONER MAY DENY A REGISTRATION TO AN APPLICANT OR REFUSE TO RENEW, SUSPEND, OR REVOKE THE REGISTRATION OF A REGISTRANT, AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING UNDER §§ 2-210 THROUGH 2-214 OF THE INSURANCE ARTICLE, IF THE APPLICANT OR REGISTRANT, OR AN OFFICER, DIRECTOR, OR EMPLOYEE OF THE APPLICANT OR REGISTRANT:

(I) MAKES A MATERIAL MISSTATEMENT OR MISREPRESENTATION IN AN APPLICATION FOR REGISTRATION;

(II) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A REGISTRATION FOR THE APPLICANT, THE REGISTRANT, OR ANOTHER PERSON;

(III) HAS BEEN CONVICTED OF A FELONY OR OF A MISDEMEANOR INVOLVING MORAL TURPITUDE IN CONNECTION WITH THE SALE, SOLICITATION, NEGOTIATION, OR ADMINISTRATION OF A MECHANICAL REPAIR CONTRACT;

(IV) COMMITS FRAUD OR ENGAGES IN ILLEGAL OR DISHONEST ACTIVITIES IN CONNECTION WITH THE ADMINISTRATION OF A MECHANICAL REPAIR CONTRACT; OR



(V) HAS VIOLATED ANY PROVISION OF THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION.

(8) INSTEAD OF, OR IN ADDITION TO, SUSPENDING OR REVOKING A REGISTRATION, THE COMMISSIONER MAY IMPOSE ON THE REGISTRANT A CIVIL PENALTY OF NOT LESS THAN \$100 BUT NOT EXCEEDING \$1,000 FOR EACH VIOLATION OF THIS SECTION.

~~(D)~~ (D) A mechanical repair contract shall be offered in addition to any express warranty originally included as part of the contract for sale of a new motor vehicle.

~~(E)~~ (E) A mechanical repair contract shall clearly and conspicuously set forth the date when the warranty begins.

~~(F)~~ (F) A mechanical repair contract shall clearly and conspicuously set forth the date or the odometer reading at which the warranty expires and the name and address of the insurer issuing the policy of insurance as described in subsection (b) of this section.

~~(G)~~ (G) The repair of a malfunction or defect covered under a mechanical repair contract shall include the cost of the teardown and diagnosing the malfunction or defect.

~~(H)~~ (H) The provisions of the Maryland Consumer Products Guaranty Act, Title 14, Subtitle 4 of the Commercial Law Article, apply to a mechanical repair contract sold ~~by a licensed vehicle dealer~~ IN THE STATE.

~~(I)~~ (I) The provisions of this section do not apply to mechanical repair contracts issued by the motor vehicle manufacturer or the distributor or a wholly owned subsidiary of the manufacturer or the distributor as defined in § 15–201 of this title.

~~(J)~~ (J) Notwithstanding subsection ~~(I)~~ (I) of this section, licensed vehicle dealers AND OBLIGORS who sell mechanical repair contracts shall have the same obligations as a seller under § 2–314 of the Commercial Law Article.

~~(K)~~ (K) A PERSON ~~WHO THAT IS NOT A MANUFACTURER, MANUFACTURER'S SUBSIDIARY, DISTRIBUTOR, FACTORY BRANCH, OR DEALER AND WHO~~ SELLS A MECHANICAL REPAIR CONTRACT MAY NOT, DIRECTLY OR INDIRECTLY, MAKE A FALSE, DECEPTIVE, OR MISLEADING STATEMENT WITH RESPECT TO:

(1) THE PERSON'S AFFILIATION WITH A MOTOR VEHICLE MANUFACTURER, MANUFACTURER'S SUBSIDIARY, DISTRIBUTOR, FACTORY BRANCH, OR DEALER;

(2) THE PERSON'S POSSESSION OF INFORMATION REGARDING THE MANUFACTURER'S ORIGINAL EQUIPMENT WARRANTY FOR A MOTOR VEHICLE;

(3) **THE EXPIRATION OF A MANUFACTURER’S ORIGINAL EQUIPMENT WARRANTY FOR A MOTOR VEHICLE; OR**

(4) **A REQUIREMENT THAT A MOTOR VEHICLE OWNER REGISTER FOR A NEW MECHANICAL REPAIR CONTRACT WITH THE PERSON IN ORDER TO MAINTAIN COVERAGE UNDER THE OWNER’S CURRENT MECHANICAL REPAIR CONTRACT OR THE MANUFACTURER’S ORIGINAL EQUIPMENT WARRANTY.**

**(L) EXCEPT AS EXPRESSLY PROVIDED UNDER THIS SECTION, AN OBLIGOR THAT COMPLIES WITH THIS SECTION IS NOT REQUIRED TO COMPLY WITH ANY OTHER PROVISIONS OF THE INSURANCE ARTICLE.**

**(M) UNLESS SPECIFICALLY DESCRIBED IN SUBSECTION ~~(A)(1)~~ (A)(2) OF THIS SECTION, A MECHANICAL REPAIR CONTRACT MAY NOT PROVIDE INDEMNIFICATION FOR A LOSS CAUSED BY COLLISION OR BY PERILS THAT ARE COMMONLY COVERED BY COMPREHENSIVE OR COLLISION PROVISIONS OF A MOTOR VEHICLE INSURANCE POLICY.**

**(N) IN ADDITION TO ANY APPLICABLE DISCLOSURES REQUIRED BY THE MARYLAND CONSUMER PRODUCTS GUARANTY ACT, (TITLE 14, SUBTITLE 4 OF THE COMMERCIAL LAW ARTICLE), A MECHANICAL REPAIR CONTRACT SHALL INCLUDE THE FOLLOWING DISCLOSURES:**

**(1) THE NAME, CORPORATE ADDRESS, AND TELEPHONE NUMBER OF THE OBLIGOR AND THE MECHANICAL REPAIR CONTRACT SELLER; AND**

**(2) THE RIGHT OF THE PURCHASER OF THE MECHANICAL REPAIR CONTRACT TO MAKE A DIRECT CLAIM AGAINST THE INSURER ISSUING A POLICY OF INSURANCE AS PROVIDED IN SUBSECTION (B)(3) OF THIS SECTION.**

27-101.

**(FF) A PERSON THAT IS CONVICTED OF A VIOLATION OF § 15-311.2(C)(5) OF THIS ARTICLE:**

**(1) IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH; AND**

**(2) MAY BE REQUIRED TO PAY RESTITUTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

**(a) An obligor engaging in mechanical repair contract transactions on or before the effective date of this Act must register with the Insurance Commissioner within 90 days after the registration application is made available.**

(b) A person not engaging in mechanical repair contract transactions on the effective date of this Act must register with the Insurance Commissioner under this Act before offering a mechanical repair contract for sale.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 445

(House Bill 634)

AN ACT concerning

### **Prince George's County Board of Education – Authority to Establish a Certified County-Based Business Participation Program**

PG 408-15

FOR the purpose of ~~requiring~~ authorizing the ~~Chief Executive Officer of the Prince George's County public school system and the~~ Prince George's County Board of Education, after consultation with the Chief Executive Officer, to establish and implement a Certified County-Based Business Participation Program to be used in county board procurement; requiring, if the county board exercises certain authority, the Chief Executive Officer of the Prince George's County public school system and the county board to establish certain goals and requirements for the Program and to consult with the Prince George's County Council in the establishment and implementation of the Program; authorizing the Chief Executive Officer and the county board to use certain incentives and bonuses to achieve certain Program goals and requirements; requiring the county board and the county council to enter into a certain memorandum of understanding under certain circumstances; requiring the ~~Chief Executive Officer and the~~ county board, after consultation with the Chief Executive Officer, to submit a report on the Program to certain delegations of the General Assembly and certain county officials on or before a certain date each year; ~~requiring the Chief Executive Officer and the county board to submit a certain preliminary report to certain delegations of the General Assembly and certain county officials on or before a certain date;~~ defining certain terms; and generally relating to the authority to establish a Certified County-Based Business Participation Program in Prince George's County.

BY adding to

Article – Education  
Section 4-125.1

Annotated Code of Maryland  
(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

**4–125.1.**

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

(2) “CERTIFIED COUNTY–BASED BUSINESS PARTICIPATION” HAS THE MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE’S COUNTY.

(3) “CERTIFIED COUNTY–BASED MINORITY BUSINESS PARTICIPATION” HAS THE MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE’S COUNTY.

~~(3)~~ (4) “CHIEF EXECUTIVE OFFICER” MEANS THE SUPERINTENDENT OF THE PRINCE GEORGE’S COUNTY PUBLIC SCHOOL SYSTEM AS DEFINED IN § 4–102(A)(3) OF THIS SUBTITLE.

~~(4)~~ (5) “COUNTY–BASED BUSINESS” HAS THE MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE’S COUNTY.

(6) “COUNTY–BASED MINORITY BUSINESS ENTERPRISE” HAS THE MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE’S COUNTY.

~~(5)~~ (7) “COUNTY–BASED SMALL BUSINESS” HAS THE MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE’S COUNTY.

~~(6)~~ (8) “COUNTY BOARD” MEANS THE PRINCE GEORGE’S COUNTY BOARD OF EDUCATION.

~~(7)~~ (9) (I) “PROCUREMENT” MEANS THE PROCESS OF BUYING, LEASING, LEASE–PURCHASING, OR OTHERWISE OBTAINING SUPPLIES, SERVICES, OR CONSTRUCTION.

(II) “PROCUREMENT” INCLUDES ALL FUNCTIONS THAT RELATE TO THE PROCESS OF OBTAINING SUPPLIES, SERVICES, OR CONSTRUCTION, INCLUDING:

1. DESCRIPTION OF REQUIREMENTS;
2. SELECTION AND SOLICITATION OF SOURCES; AND
3. PREPARATION, AWARD, AND EXECUTION OF A CONTRACT.

~~(8)~~ (10) “PROGRAM” MEANS THE CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION PROGRAM THAT MAY BE ESTABLISHED UNDER THIS SECTION.

(B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

(C) ~~THE CHIEF EXECUTIVE OFFICER~~ COUNTY BOARD, AFTER CONSULTATION WITH THE ~~COUNTY BOARD, SHALL~~ CHIEF EXECUTIVE OFFICER, MAY ESTABLISH AND IMPLEMENT A CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION PROGRAM TO BE USED IN COUNTY BOARD PROCUREMENT.

(D) ~~THE CHIEF EXECUTIVE OFFICER AND~~ IF THE COUNTY BOARD EXERCISES THE AUTHORITY GRANTED IN SUBSECTION (C) OF THIS SECTION, THE COUNTY BOARD AND THE CHIEF EXECUTIVE OFFICER SHALL:

(1) CONSULT WITH THE PRINCE GEORGE’S COUNTY COUNCIL, OR ITS AGENCIES OR AGENTS, ON THE ESTABLISHMENT AND IMPLEMENTATION OF THE PROGRAM; AND

(2) ESTABLISH GOALS AND REQUIREMENTS FOR THE PROGRAM, ~~INCLUDING~~ THAT MAY INCLUDE:

(I) MINIMUM PERCENTAGES FOR CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION;

(II) UTILIZATION OF COUNTY-BASED SMALL BUSINESSES; ~~AND~~

(III) MINIMUM GOALS AND INCENTIVES FOR MAXIMIZING CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION; AND

~~(III)~~ (IV) THE GOALS ESTABLISHED UNDER § 4-125(D) OF THIS SUBTITLE.

**(E) TO ACHIEVE THE DESIGNATED GOALS OF THE PROGRAM, THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY BOARD AND THE ~~COUNTY BOARD~~ CHIEF EXECUTIVE OFFICER MAY USE INCENTIVES AND BONUSES, INCLUDING:**

- (1) MANDATORY SET-ASIDE PROCEDURES;**
- (2) MANDATORY SUBCONTRACTING PROCEDURES WITH REASONABLE WAIVER PROVISIONS;**
- (3) THE APPLICATION OF BONUS POINTS;**
- (4) THE APPLICATION OF PERCENTAGE POINTS;**
- (5) RESTRICTIVE BIDDING;**
- (6) RESTRICTIVE PRICE QUOTATIONS;**
- (7) THE REDUCTION OR WAIVER OF BONDING REQUIREMENTS; AND**
- (8) INCENTIVES TO ENCOURAGE MAXIMUM PARTICIPATION BY:
  - (I) CERTIFIED COUNTY-BASED SMALL BUSINESSES; AND**
  - (II) A VARIETY OF DIFFERENT CERTIFIED COUNTY-BASED BUSINESSES.****

**(F) IF THE COUNTY BOARD EXERCISES THE AUTHORITY GRANTED IN SUBSECTION (C) OF THIS SECTION, THE COUNTY BOARD AND THE COUNTY COUNCIL SHALL ENTER INTO A BINDING MEMORANDUM OF UNDERSTANDING OUTLINING THE COUNTY BOARD'S GOALS AND COMMITMENT TO IMPLEMENTING THE PROGRAM.**

**~~(F)~~ (G) ON OR BEFORE DECEMBER 1, ~~2016~~ 2015, AND EACH YEAR THEREAFTER, THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY BOARD, AFTER CONSULTATION WITH THE ~~COUNTY BOARD~~ CHIEF EXECUTIVE OFFICER, SHALL SUBMIT A REPORT TO THE PRINCE GEORGE'S COUNTY DELEGATIONS TO THE HOUSE OF DELEGATES AND SENATE OF MARYLAND, THE PRINCE GEORGE'S COUNTY COUNCIL, AND THE PRINCE GEORGE'S COUNTY EXECUTIVE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT SPECIFIES:**

- (1) ~~EVALUATES THE RESULTS OF THE PROGRAM~~ THE RESPECTIVE PERCENTAGES AND DOLLAR AMOUNTS OF CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION, CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION,**

AND CERTIFIED COUNTY-BASED SMALL BUSINESS PARTICIPATION IN COUNTY BOARD PROCUREMENT FOR THE PREVIOUS FISCAL YEAR; AND

~~(2) MAKES APPROPRIATE RECOMMENDATIONS THE EFFORTS BY THE COUNTY BOARD AND THE CHIEF EXECUTIVE OFFICER IN THE PREVIOUS FISCAL YEAR TO ENCOURAGE GREATER CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION, CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION, AND CERTIFIED COUNTY-BASED SMALL BUSINESS PARTICIPATION IN COUNTY BOARD PROCUREMENT.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2015, the Chief Executive Officer, after consultation with the Prince George's County Board of Education, shall issue a preliminary report to the Prince George's County delegations to the House of Delegates and Senate of Maryland, the Prince George's County Council, and the Prince George's County Executive, in accordance with § 2-1246 of the State Government Article, on:~~

~~(1) the status of the establishment and implementation of the Certified County Based Business Participation Program; and~~

~~(2) any consultations, agreements, or memoranda of understanding with a unit of local government in Prince George's County on implementation of the Certified County Based Business Participation Program.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.~~

Approved by the Governor, May 12, 2015.

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**Chapter 446**

**(House Bill 652)**

AN ACT concerning

**Maryland-National Capital Park and Planning Commission – Montgomery County – Commissioner Terms**

**MC/PG 105-15**

FOR the purpose of authorizing a commissioner appointed from Montgomery County ~~who is designated as chair or vice chair of the Commission to be reappointed for two additional consecutive full terms as long as that commissioner continues to serve as chair or vice chair of the Commission; making a stylistic change~~ to be appointed for

a certain number of full terms as a member of the Maryland–National Capital Park and Planning Commission if the commissioner is designated as chair of the Montgomery County Planning Board during a certain term in office; providing for the application of this Act; and generally relating to the terms of the commissioners of the Maryland–National Capital Park and Planning Commission appointed from Montgomery County.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 15–102

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

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

#### Article – Land Use

15–102.

- (a) (1) The Commission consists of 10 members.
- (2) Of the 10 members of the Commission:
- (i) five shall be residents and registered voters of Montgomery County; and
- (ii) five shall be residents and registered voters of Prince George’s County.
- (3) (i) Subject to the approval of the County Executive, the County Council shall appoint each commissioner from Montgomery County.
- (ii) Subject to the approval of the County Council, the County Executive shall appoint each commissioner from Prince George’s County.
- (b) Each commissioner shall be an individual of ability, experience, and integrity.
- (c) (1) Of the commissioners from each county, not more than three shall be members of the same political party.
- (2) A commissioner may not be selected as representing or supporting any special interest.
- (d) (1) The term of a commissioner is 4 years and begins on June 15.



(2) The terms of commissioners are staggered as required by the terms provided for commissioners on October 1, 2012.

(3) At the end of a term, a commissioner continues to serve until a successor is appointed and qualifies.

(4) A commissioner who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A commissioner who is appointed to fill a vacancy for an unexpired term shall be a member of the same political party as the commissioner who vacated the office.

(6) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A commissioner appointed from Montgomery County may not be appointed for ~~three~~ MORE THAN TWO consecutive full terms.

(II) A COMMISSIONER APPOINTED FROM MONTGOMERY COUNTY WHO IS DESIGNATED TO THE POSITION OF CHAIR OR VICE CHAIR OF THE COMMISSION UNDER § 15-106 OF THIS SUBTITLE MAY BE REAPPOINTED FOR TWO ADDITIONAL CONSECUTIVE FULL TERMS AS LONG AS THAT COMMISSIONER CONTINUES TO SERVE AS CHAIR OR VICE CHAIR OF THE COMMISSION MAY BE APPOINTED FOR A MAXIMUM OF THREE CONSECUTIVE FULL TERMS AS A MEMBER OF THE COMMISSION IF THE COMMISSIONER IS DESIGNATED AS CHAIR OF THE MONTGOMERY COUNTY PLANNING BOARD DURING THE COMMISSIONER'S SECOND TERM IN OFFICE.

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 commissioner appointed to the Maryland–National Capital Park and Planning Commission from Montgomery County on or after June 15, 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 447

(House Bill 657)

AN ACT concerning

**Pharmacists – Scope of Practice – ~~Revisions~~ Administration of Drugs**

FOR the purpose of authorizing certain pharmacists to administer ~~drugs or biological products~~ a self-administered drug to a patient under certain circumstances in accordance with certain regulations; ~~authorizing certain pharmacists to prescribe certain medications under certain circumstances in accordance with certain protocols and certain regulations;~~ defining ~~certain terms~~ a certain term; altering certain definitions; and generally relating to the authority of pharmacists to administer ~~and prescribe medication~~ drugs.

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 12–101(b) and (t)  
Annotated Code of Maryland  
(2014 Replacement Volume)

BY adding to

Article – Health Occupations  
Section ~~12–509 and 12–510~~ 12–101(v–1) and 12–509  
Annotated Code of Maryland  
(2014 Replacement Volume)

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

### Article – Health Occupations

12–101.

(b) ~~(1)~~ “Authorized prescriber” means any licensed dentist, licensed physician, licensed podiatrist, licensed veterinarian, ~~certified nurse midwife to the extent permitted in § 8–601 of this article, certified nurse practitioner to the extent permitted in § 8–508 of~~ **ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY UNDER § 8–508 OF** this article, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

~~(2) “AUTHORIZED PRESCRIBER” INCLUDES A LICENSED PHARMACIST IN ACCORDANCE WITH § 12–510 OF THIS TITLE.~~

(t) (1) “Practice pharmacy” means to engage in any of the following activities:

- (i) Providing pharmaceutical care;
- (ii) Compounding, dispensing, or distributing prescription drugs or devices;
- (iii) Compounding or dispensing nonprescription drugs or devices;

(iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;

(v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;

(vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;

(vii) Acting within the parameters of a therapy management contract, as provided under Subtitle 6A of this title;

(viii) Administering vaccinations in accordance with § 12-508 of this title ~~OR OTHER DRUGS AND BIOLOGICAL PRODUCTS~~ SELF-ADMINISTERED DRUGS IN ACCORDANCE WITH § 12-509 OF THIS TITLE;

(ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;

(x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program; ~~for~~

(xi) Providing drug therapy management in accordance with § 19-713.6 of the Health – General Article; ~~OR~~

~~(XII) PRESCRIBING DRUGS IN ACCORDANCE WITH § 12-510 OF THIS TITLE.~~

(2) “Practice pharmacy” does not include the operations of a person who holds a permit issued under § 12-6C-03 of this title.

**(V-1) (1) “SELF-ADMINISTERED DRUG” MEANS A DRUG THAT IS REGULARLY ADMINISTERED BY THE PATIENT FOR WHOM THE DRUG IS PRESCRIBED OR BY AN INDIVIDUAL WHO IS NOT OTHERWISE AUTHORIZED TO ADMINISTER DRUGS UNDER THIS ARTICLE.**

**(2) “SELF-ADMINISTERED DRUG” INCLUDES:**

**(I) EYEDROPS; AND**

**(II) A DRUG THAT IS ADMINISTERED BY AN INTRAMUSCULAR INJECTION OR A SUBCUTANEOUS INJECTION.**

12-509.

IN ADDITION TO THE AUTHORITY GRANTED TO A PHARMACIST UNDER § 12-508 OF THIS SUBTITLE, A PHARMACIST, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD, MAY ADMINISTER A ~~DRUG OR BIOLOGICAL PRODUCT SELF-ADMINISTERED DRUG TO A PATIENT THAT IS PRESCRIBED BY AN AUTHORIZED PRESCRIBER IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.~~

~~12-510.~~

~~(A) PURSUANT TO STANDARD PROTOCOLS ADOPTED BY THE BOARD, A LICENSED PHARMACIST MAY PRESCRIBE SELF-ADMINISTERED MEDICATIONS THAT:~~

~~(1) DO NOT REQUIRE A DIAGNOSIS; OR~~

~~(2) TREAT URGENT OR EMERGENT CONDITIONS.~~

~~(B) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 448

(House Bill 675)

AN ACT concerning

~~Maryland National Capital Park and Planning Commission Reform Act of 2015~~  
Prince George's County – Maryland National Capital Park and Planning  
Commission – Performance Audit

MC/PG 104-15

FOR the purpose of ~~establishing that the Maryland Youth Camp Act and the regulations issued under the Act apply to programs and activities directed or operated by the Maryland National Capital Park and Planning Commission in Prince George's County; altering a certain defined term to repeal the authority of the Commission to receive funds and determine an annual program in Prince George's County under Program Open Space; prohibiting the Commission from purchasing certain interests or rights in real property in Prince George's County for the preservation of open space~~

~~without the prior approval of the Prince George's County Council acting in a certain capacity; repealing the delegation to the Commission of the authority granted to Prince George's County relating to the Patuxent River Watershed plan; requiring the Clerk of the Circuit Court for Prince George's County to charge the Commission a certain recordation fee; repealing an exemption from State requirements for public improvements for Commission projects in Prince George's County; requiring the Office of Legislative Audits in the Department of Legislative Services to conduct a certain performance audit of the Commission on request of a certain person; requiring the Department, on or before a certain date, to conduct a comprehensive evaluation of the Commission's operations and activities relating to Prince George's County and to submit a certain report to the General Assembly; requiring the Department to conduct a certain subsequent evaluation on request of a certain person; requiring the Commission during a certain evaluation to promptly provide certain information and cooperate with the Department to carry out certain requirements; authorizing the Commission to provide certain information in a format that protects the confidentiality of individuals; requiring the Department to follow procedures to maintain the confidentiality of certain information, documents, or proceedings; defining a certain term; and generally relating to the powers of the Maryland National Capital Park and Planning Commission requiring the Office of Legislative Audits to conduct a performance audit evaluating certain Maryland National Capital Park and Planning Commission project management practices in Prince George's County; requiring the Office of Legislative Audits, before initiating the audit, to coordinate with the Commission to develop the scope of the audit and submit the scope of the audit to the Joint Audit Committee for approval; specifying the scope of the audit; requiring that the Office of Legislative Audits have access to and be allowed to inspect certain records for the purpose of performing the audit; and generally relating to a performance audit of the Commission's project management practices in Prince George's County.~~

~~BY repealing and reenacting, with amendments,  
Article — Health — General  
Section 14 — 402(a)(2)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article — Health — General  
Section 14 — 411  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article — Natural Resources  
Section 5 — 901(a) and 5 — 903(b)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 5-901(g), 5-1202(a), 8-1301, and 8-1304  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 3-603  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 4-402(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article – State Government  
Section 2-1201(a) and (b)  
Annotated Code of Maryland  
(2014 Replacement Volume)~~

~~BY adding to  
Article – State Government  
Section 2-1220(g) and 2-1250  
Annotated Code of Maryland  
(2014 Replacement Volume)~~

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

(a) The Office of Legislative Audits shall conduct a performance audit evaluating the Maryland–National Capital Park and Planning Commission’s project management practices relating to its capital program in Prince George’s County.

(b) (1) Before initiating the audit, the Office of Legislative Audits shall:

(i) coordinate with the Maryland–National Capital Park and Planning Commission to develop the scope of the audit; and

(ii) submit the scope of the audit to the Joint Audit Committee for approval.

(2) The scope of the audit may include planning, executing, and monitoring of individual capital projects.

(c) Consistent with the audit procedures under § 2-1223 of the State Government Article, when performing the audit, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect all relevant records of the Commission and its contractors, including records that are confidential by law.

### ~~Article — Health — General~~

~~14-402.~~

~~(a) This subtitle and the regulations issued under this subtitle do not apply to:~~

~~(2) Subject to subsection (b) of this section, programs or activities directed or operated by a board of recreation, recreation department, or similar public unit of a county, a municipality, as defined by § 1-101 of the Local Government Article, or the Maryland National Capital Park and Planning Commission **IN MONTGOMERY COUNTY**, that involve use of neighborhood facilities, including:~~

- ~~(i) Schools;~~
- ~~(ii) Playgrounds;~~
- ~~(iii) Parks; or~~
- ~~(iv) Recreation centers;~~

~~14-411.~~

~~This subtitle may be cited as the “Maryland Youth Camp Act”.~~

### ~~Article — Natural Resources~~

~~5-901.~~

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

~~(g) “Local governing body” means [the Maryland National Capital Park and Planning Commission and] the governing body of any county or Baltimore City **AND, IN MONTGOMERY COUNTY ONLY, THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**~~

~~5-903.~~

~~(b) (1) The General Assembly shall appropriate the remaining funds not appropriated under subsection (a) of this section to assist local governing bodies in~~

~~acquisition and development of land for recreation and open space purposes, including the provision of public access to the land.~~

~~5-1202.~~

~~(a) (1) Acquisition of interests or rights in real property for preservation of open spaces and areas constitutes a public purpose for which public funds may be expended or advanced. [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY county, city, the Maryland National Capital Park and Planning Commission, and the Department may acquire, by purchase, any inter vivos or testamentary gift, or lease, the fee or any lesser interest, or development right, necessary to achieve this end. [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY county, city, the Maryland National Capital Park and Planning Commission, and the Department also may purchase or acquire by contract or gift the fee to any property for the purpose of conveying or leasing the property back to its original owner or other person under covenants or other contractual arrangements which limit future use of the property in accordance with the purposes of this section. The county or city may not acquire any fee or any lesser interest in real property for these purposes by purchase or contract requiring a monetary consideration exceeding \$500, unless the governing body of the county or city after a public hearing adopts a resolution or formal order declaring the public purpose or use. However, no owner whose property is being used for farming is subject to any condemnation or other land acquisition proceeding for the purposes of this section, by the county, city, Maryland National Capital Park and Planning Commission, or the Department, if the owner has granted a scenic easement to the Department, Commission, or political subdivision.~~

~~(2) THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION MAY NOT PURCHASE PROPERTY IN PRINCE GEORGE'S COUNTY UNDER THIS SECTION UNLESS THE PURCHASE IS APPROVED BY THE COUNTY COUNCIL ACTING AS THE DISTRICT COUNCIL UNDER DIVISION II OF THE LAND USE ARTICLE.~~

~~8-1301.~~

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

~~(b) (1) "Duly designated agency" means any public body corporate, whether exercising local or regional authority, in any of the counties listed in § 8-1303 of this subtitle, which shall be officially designated by either or any of the counties which executes the programs and purposes of this subtitle within any of the counties.~~

~~(2) However, in Montgomery [and Prince George's counties] COUNTY, the Maryland National Capital Park and Planning Commission is the duly designated agency of [these counties] THE COUNTY to carry out the provisions of this subtitle.~~

~~(c) "Watershed" means the Patuxent River Watershed.~~



~~§ 1304.~~

(a) ~~The Maryland National Capital Park and Planning Commission shall have and exercise the authority granted by the provisions of this subtitle to the [appropriate county] governing body OF MONTGOMERY COUNTY or its duly designated agency to the extent it pertains to:~~

~~(1) Adopting the Watershed plan;~~

~~(2) Acquisition, improvement, maintenance and operation of lands and other property for the purposes stated in this subtitle; and~~

~~(3) Adopting regulations affecting the lands and property and leasing, contracting, and permit authority granted under this subtitle.~~

(b) ~~This power and authority is in addition to that which is stated in Division II of the Land Use Article.~~

#### ~~Article Real Property~~

~~§ 603.~~

~~(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE clerk may not charge any county, any municipality, the Maryland National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission any fee provided by this subtitle unless the county, municipality, or respective commission first gives its consent. No charge may be made against the Comptroller for any service performed in connection with the recording and indexing of property liens arising under the Maryland income tax or the Maryland sales and use tax laws.~~

~~(B) THE CLERK SHALL CHARGE THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION ANY FEE PROVIDED BY THIS SUBTITLE FOR THE RECORDATION OF AN INSTRUMENT IN PRINCE GEORGE'S COUNTY.~~

#### ~~Article State Finance and Procurement~~

~~§ 402.~~

(a) ~~Except as provided in § 4 409 of this subtitle, this subtitle does not apply to any public improvement made by:~~

~~(1) the Department of Transportation or a unit in that Department;~~

~~(2) any housing authority created under Division II of the Housing and Community Development Article;~~

~~(3) the Maryland National Capital Park and Planning Commission IN MONTGOMERY COUNTY;~~

~~(4) the Washington Suburban Sanitary Commission;~~

~~(5) the Baltimore County Metropolitan District;~~

~~(6) a county, municipal corporation, or unit of a county or municipal corporation;~~

~~(7) the University System of Maryland;~~

~~(8) Morgan State University; or~~

~~(9) St. Mary's College of Maryland.~~

### ~~Article State Government~~

~~§ 1201.~~

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

~~(b) "Department" means the Department of Legislative Services.~~

~~§ 1220.~~

~~(c) (1) THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT A PERFORMANCE AUDIT OF THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE MANAGEMENT PRACTICES OF THE COMMISSION RELATING TO PRINCE GEORGE'S COUNTY ON REQUEST OF:~~

~~(i) THE JOINT AUDIT COMMITTEE;~~

~~(ii) THE PRINCE GEORGE'S COUNTY DELEGATION TO THE GENERAL ASSEMBLY;~~

~~(iii) THE PRINCE GEORGE'S COUNTY EXECUTIVE; OR~~

~~(iv) THE PRINCE GEORGE'S COUNTY COUNCIL.~~

~~(2) FOR EACH PROJECT PROPOSED IN PRINCE GEORGE'S COUNTY, AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A REVIEW OF THE PERIOD OF TIME FROM PROJECT PROPOSAL TO COMPLETION AND ANY COST OVERRUNS.~~

~~2-1250.~~

~~(A) IN THIS SECTION, "COMMISSION" MEANS THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION.~~

~~(B) ON OR BEFORE DECEMBER 1, 2016, THE DEPARTMENT SHALL:~~

~~(1) CONDUCT A COMPREHENSIVE EVALUATION OF THE COMMISSION'S OPERATIONS AND ACTIVITIES RELATING TO PRINCE GEORGE'S COUNTY; AND~~

~~(2) SUBJECT TO § 2-1246 OF THIS SUBTITLE, SUBMIT TO THE GENERAL ASSEMBLY A REPORT REGARDING THE COMMISSION'S OPERATIONS AND ACTIVITIES RELATING TO PRINCE GEORGE'S COUNTY THAT ADDRESSES:~~

~~(I) THE PURPOSE FOR WHICH THE COMMISSION WAS ESTABLISHED;~~

~~(II) WHETHER THE COMMISSION OPERATES EFFICIENTLY AND EFFECTIVELY TO CARRY OUT ITS PURPOSE;~~

~~(III) WHETHER ANY CONDITIONS HAVE CHANGED SINCE THE COMMISSION WAS ESTABLISHED THAT SUGGEST A NEED TO ALTER THE COMMISSION'S OPERATIONS OR ACTIVITIES;~~

~~(IV) WHETHER THE PUBLIC HEALTH, SAFETY, OR WELFARE WOULD BE AFFECTED SIGNIFICANTLY IF THE COMMISSION DID NOT EXIST;~~

~~(V) THE SOURCES OF THE COMMISSION'S FUNDS;~~

~~(VI) WHETHER THE BUDGET AND STAFF RESOURCES OF THE COMMISSION MEET OR EXCEED THE RESOURCES NECESSARY TO CARRY OUT THE COMMISSION'S LEGISLATIVE OBJECTIVES;~~

~~(VII) WHETHER THE COMMISSION OPERATES IN AN OPEN AND ACCOUNTABLE MANNER THAT INCLUDES PUBLIC ACCESS TO RECORDS AND MEETINGS, SAFEGUARDS AGAINST CONFLICTS OF INTEREST, AND ENCOURAGES PUBLIC PARTICIPATION;~~

~~(VIII) ANY PROBLEMS THE DEPARTMENT IDENTIFIES REGARDING IMPLEMENTATION OF THE COMMISSION'S MANDATE OR STATUTORY REQUIREMENTS;~~

~~(IX) ANY RECOMMENDATIONS FOR STATUTORY OR NONSTATUTORY CHANGES TO IMPROVE THE OPERATIONS OR ACTIVITIES OF THE COMMISSION; AND~~

~~(X) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS APPROPRIATE.~~

~~(C) AFTER THE EVALUATION AND REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A PARTIAL OR COMPREHENSIVE EVALUATION OF THE COMMISSION'S OPERATIONS AND ACTIVITIES RELATING TO PRINCE GEORGE'S COUNTY ON REQUEST OF:~~

~~(1) THE PRINCE GEORGE'S COUNTY DELEGATION TO THE GENERAL ASSEMBLY;~~

~~(2) THE PRINCE GEORGE'S COUNTY EXECUTIVE; OR~~

~~(3) THE PRINCE GEORGE'S COUNTY COUNCIL.~~

~~(D) (1) DURING AN EVALUATION REQUIRED UNDER THIS SECTION, THE COMMISSION SHALL:~~

~~(I) PROMPTLY PROVIDE ANY INFORMATION THE DEPARTMENT REQUESTS; AND~~

~~(H) OTHERWISE COOPERATE WITH THE DEPARTMENT TO CARRY OUT THIS SECTION.~~

~~(2) THE COMMISSION MAY PROVIDE INFORMATION REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FORMAT THAT PROTECTS THE CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.~~

~~(3) THE DEPARTMENT SHALL FOLLOW PROCEDURES TO MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION, DOCUMENTS, OR PROCEEDINGS OBTAINED OR OBSERVED IN THE COURSE OF CARRYING OUT THE REQUIREMENTS OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 449**  
**(House Bill 689)**

AN ACT concerning

**Worcester County – Alcoholic Beverages – ~~Craft~~ Limited Distillery License**

FOR the purpose of establishing a Class 9 ~~craft~~ limited distillery license in Worcester County; setting a license fee; providing that the State Comptroller issue the Class 9 license only to a holder of a Class D beer, wine and liquor license in the county for use on the premises for which the Class D license was issued; authorizing a holder of a Class 9 license to establish and operate a plant for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits under certain circumstances; authorizing a holder of Class 9 license to acquire bulk alcoholic beverages, to store, sell, and deliver product, to conduct guided tours, and to serve a certain number of samples to certain persons; prohibiting a holder of a Class 9 license from taking certain actions; requiring a holder of a Class 9 license to abide by all trade practice restrictions applicable to distilleries; requiring a holder of a Class 9 license to take certain actions to distill more than a certain amount of gallonage; and generally relating to Class 9 distillery licenses in Worcester County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2–201(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

BY adding to  
Article 2B – Alcoholic Beverages  
Section 2–202.1  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article 2B – Alcoholic Beverages**

2–201.

(a) The annual fees for manufacturer’s licenses are as follows:

Class 1	Distillery.....	\$ 2,000
Class 2	Rectifying .....	600
Class 3	Winery .....	750
Class 4	Limited Winery .....	200

Class 5	Brewery .....	1,500
Class 6	Pub–Brewery.....	500
Class 7	Micro–Brewery.....	500
Class 8	Farm Brewery .....	200
<b>CLASS 9</b>	<del>CRAFT</del> <u>CRAFT LIMITED DISTILLERY</u> .....	<b>500</b>

**2-202.1.**

(A) **THERE IS A CLASS 9 ~~CRAFT~~ CRAFT LIMITED DISTILLERY LICENSE.**

(B) **THE LICENSE SHALL BE ISSUED:**

(1) **BY THE STATE COMPTROLLER; AND**

(2) **ONLY TO A HOLDER OF A CLASS D BEER, WINE AND LIQUOR LICENSE IN WORCESTER COUNTY FOR USE ON THE PREMISES FOR WHICH THE CLASS D LICENSE WAS ISSUED.**

(C) (1) **A HOLDER OF A CLASS 9 ~~CRAFT~~ CRAFT LIMITED DISTILLERY LICENSE:**

(i) **MAY ESTABLISH AND OPERATE A PLANT IN THIS STATE FOR DISTILLING, RECTIFYING, AND BOTTLING BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS IF THE HOLDER:**

1. **MAINTAINS ONLY ONE BRAND AT ANY ONE TIME FOR EACH PRODUCT OF BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS THAT IS DISTILLED, RECTIFIED, AND SOLD; AND**

2. **DOES NOT MANUFACTURE OR RECTIFY PRODUCT OF ANY OTHER BRAND FOR ANOTHER ENTITY;**

(ii) **MAY ACQUIRE BULK ALCOHOLIC BEVERAGES FROM THE HOLDER OF A DISTILLERY OR RECTIFYING LICENSE IN THIS STATE OR FROM THE HOLDER OF A NONRESIDENT DEALER’S PERMIT;**

(iii) **AFTER ACQUIRING AN INDIVIDUAL STORAGE PERMIT, MAY STORE ON THE LICENSED PREMISES THOSE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ CRAFT LIMITED DISTILLERY LICENSE;**

(iv) **MAY SELL AND DELIVER THOSE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ CRAFT LIMITED DISTILLERY LICENSE ONLY TO A LICENSED WHOLESALER IN THIS STATE OR PERSON AUTHORIZED TO ACQUIRE DISTILLED SPIRITS IN ANOTHER STATE AND NOT TO A COUNTY DISPENSARY;**

(V) MAY SELL THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE AT RETAIL IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS D LICENSE;

(VI) MAY CONDUCT GUIDED TOURS OF THAT PORTION OF THE LICENSED PREMISES USED FOR THE ~~CRAFT~~ LIMITED DISTILLERY OPERATION; AND

(VII) MAY SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO PERSONS WHO:

1. HAVE ATTAINED THE LEGAL DRINKING AGE;
2. PARTICIPATED IN A GUIDED TOUR; AND
3. ARE PRESENT ON THAT PORTION OF THE PREMISES USED FOR THE ~~CRAFT~~ LIMITED DISTILLERY OPERATION.

(2) A HOLDER OF A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE MAY NOT:

(I) APPLY FOR OR POSSESS A MARYLAND WHOLESALER'S LICENSE;

(II) SELL BOTTLES OF THE PRODUCTS MANUFACTURED AT THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY ON THAT PART OF THE PREMISES USED FOR THE DISTILLERY OPERATION;

(III) DISTILL, RECTIFY, BOTTLE, OR SELL MORE THAN 100,000 GALLONS OF BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS EACH CALENDAR YEAR;

(IV) SELL AT RETAIL ON THE PREMISES OF THE CLASS D LICENSE, FOR ON- OR OFF-SALE CONSUMPTION, MORE THAN 15,500 GALLONS OF THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE EACH CALENDAR YEAR; AND

(V) OWN, OPERATE, OR BE AFFILIATED IN ANY MANNER WITH ANOTHER MANUFACTURER.

(3) A HOLDER OF A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE SHALL ABIDE BY ALL TRADE PRACTICE RESTRICTIONS APPLICABLE TO DISTILLERIES.

(D) TO DISTILL MORE THAN THE GALLONAGE SPECIFIED IN SUBSECTION (C)(2)(III) OF THIS SECTION, A HOLDER OF A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE SHALL DIVEST ITSELF OF ANY CLASS D RETAIL LICENSE AND OBTAIN A CLASS 1 MANUFACTURER'S LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 450

### (House Bill 703)

AN ACT concerning

#### **Estates and Trusts – Maryland Trust Act – Incapacity**

FOR the purpose of defining certain terms for purposes of the Maryland Trust Act; clarifying that a revocable trust does not become irrevocable if the settlor loses the capacity to create a will; and generally relating to the Maryland Trust Act.

BY renumbering

Article – Estates and Trusts  
Section 14.5–103(k) through (z), respectively  
to be Section 14.5–103(m) through (bb), respectively  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Estates and Trusts  
Section 14.5–103(k) and (l)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts  
Section 14.5–601  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 14.5–103(k) through (z), respectively, of Article – Estates and Trusts of the



Annotated Code of Maryland be renumbered to be Section(s) 14.5–103(m) through (bb), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Estates and Trusts**

14.5–103.

**(K) “INCAPACITATED” MEANS THE STATE OF HAVING AN INCAPACITY.**

**(L) “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) DISAPPEARANCE.**

14.5–601.

(a) The capacity required to create, amend, revoke, or add property to a revocable trust, or to direct the actions of the trustee of a revocable trust, is the same as that required to make a will.

(b) Nothing in this section shall be construed to prohibit the creation of a revocable trust if that creation is otherwise authorized under State law.

(c) The fact that the settlor becomes incapacitated **OR LOSES THE CAPACITY REQUIRED TO CREATE A WILL** does not convert a revocable trust into an irrevocable trust.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 451**

**(House Bill 707)**

AN ACT concerning

**Prince George's County – Board of Education – Issuance of Credit Cards –  
Prohibition**

**PG 411–15**

FOR the purpose of prohibiting the Prince George's County Board of Education from issuing a credit card to a member of the county board; providing for a delayed effective date; and generally relating to the members of the Prince George's County Board of Education.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 3–1003  
Annotated Code of Maryland  
(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

3–1003.

(a) (1) From and after December 4, 2006, at the beginning of each member's full term, the chair of the county board is entitled to receive \$19,000 annually as compensation and the other elected and appointed members are each entitled to receive \$18,000 annually as compensation.

(2) Each elected and appointed member of the county board may be provided health insurance and other fringe benefits regularly provided to employees of the Board of Education under the same terms and conditions extended to other employees of the Board of Education.

(b) (1) After submitting vouchers under the rules and regulations adopted by the county board, the chair and the other members, including the student member, are entitled to the allowances for travel and other expenses provided in the Prince George's County budget.

(2) A member of the county board may not be reimbursed more than \$7,000 in travel and other expenses incurred in a single fiscal year.

**(C) THE COUNTY BOARD MAY NOT ISSUE A CREDIT CARD TO A MEMBER OF THE COUNTY BOARD.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 12, 2015.

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## Chapter 452

(House Bill 729)

AN ACT concerning

### State Board of Morticians and Funeral Directors – Cease and Desist Orders and Injunctive Relief – Authority

FOR the purpose of authorizing the State Board of Morticians and Funeral Directors to issue a public cease and desist order or obtain injunctive relief impose a civil fine of no more than a certain amount for certain violations of certain provisions of law under certain circumstances; making a technical correction providing that each violation of certain provisions of law is a separate offense under certain circumstances; and generally relating to the State Board of Morticians and Funeral Directors.

~~BY repealing and reenacting, with amendments,~~

~~Article – Health Occupations~~

~~Section 7-316.1~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume)~~

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 7-501 and 7-502

Annotated Code of Maryland

(2014 Replacement Volume)

BY adding to

Article – Health Occupations  
Section 7–509  
Annotated Code of Maryland  
(2014 Replacement Volume)

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

### Article – Health Occupations

~~7–316.1.~~

~~(a) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF:~~

~~(1) § 5–513 OF THE HEALTH GENERAL ARTICLE; OR~~

~~(2) THIS TITLE.~~

~~(B) An action may be maintained in the name of the State or the Board to enjoin:~~

~~(1) The unauthorized practice of mortuary science; or~~

~~(2) Conduct that constitutes a ground for disciplinary action under [§ 7–315] § 7–316 of this subtitle.~~

~~[(b)] (C) An action under this section may be brought by:~~

~~(1) The Board;~~

~~(2) The Attorney General; or~~

~~(3) A State’s Attorney.~~

~~[(c)] (D) An action under this section shall be brought in the county where the defendant:~~

~~(1) Resides; or~~

~~(2) Engages in the practice of mortuary science.~~

~~[(d)] (E) Proof of actual damage or proof that a person will sustain damage if an injunction is not granted is not required for an action under this section.~~

~~[(c)] (F) Criminal prosecution for the unauthorized practice of mortuary science under § 7-501 of this title or disciplinary action under § 7-316 of this subtitle does not prohibit an action to enjoin under this section.~~

7-501.

Except as otherwise provided in this title, a person may not practice, attempt to practice, offer to practice, or assist in the practice of mortuary science in this State unless licensed by the Board.

7-502.

Unless authorized to practice mortuary science under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice mortuary science in this State.

7-509.

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND THE HEARING PROVISIONS OF § 7-319 OF THIS TITLE, AND IN ADDITION TO ANY OTHER SANCTION AUTHORIZED FOR A VIOLATION OF § 7-501 OR § 7-502 OF THIS SUBTITLE, THE BOARD MAY ISSUE A PUBLIC CEASE AND DESIST ORDER, IMPOSE A CIVIL FINE OF NOT MORE THAN \$5,000 PER OFFENSE, OR BOTH.

(B) FOR THE PURPOSES OF THIS SECTION, EACH VIOLATION IS A SEPARATE OFFENSE IF THE VIOLATION OCCURS:

(1) AT A DIFFERENT TIME, DATE, OR LOCATION; OR

(2) ON THE SAME DATE AND LOCATION AT A DIFFERENT TIME.

(C) THE BOARD MAY NOT ISSUE A PUBLIC CEASE AND DESIST ORDER TO A FUNERAL ESTABLISHMENT THAT WAS PREVIOUSLY LICENSED BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 453****(House Bill 744)**

AN ACT concerning

**Commercial Law – Consumer Protection – “Mug Shot” Web Sites**

FOR the purpose of authorizing an individual to request an operator of a Web site to remove the individual’s photograph or digital image from the operator’s Web site under certain circumstances; requiring an individual to make a certain request for removal of a photograph or digital image in a certain manner; requiring an operator of a Web site to remove the photograph or digital image of an individual within a certain period of time and to send a certain written confirmation to the individual within a certain period of time, under certain circumstances; prohibiting an operator of a Web site from charging an individual for the removal of the individual’s photograph or digital image under this Act; making a violation of this Act an unfair or deceptive trade practice under the Maryland Consumer Protection Act and subject to certain enforcement and penalty provisions; providing for the application of this Act; and generally relating to the removal of photographs and digital images from Web sites.

BY adding to

Article – Commercial Law

Section 14–1324

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

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

**Article – Commercial Law**

**14–1324.**

**(A) THIS SECTION APPLIES TO THE OPERATOR OF A WEB SITE THAT CHARGES A FEE TO REMOVE AN ARREST OR DETENTION PHOTOGRAPH OR DIGITAL IMAGE.**

**(B) AN INDIVIDUAL MAY REQUEST AN OPERATOR OF A WEB SITE TO REMOVE THE INDIVIDUAL’S PHOTOGRAPH OR DIGITAL IMAGE FROM THE OPERATOR’S WEB SITE IF:**

**(1) THE PHOTOGRAPH OR DIGITAL IMAGE WAS TAKEN DURING THE ARREST OR DETENTION OF THE INDIVIDUAL FOR A CRIMINAL OR TRAFFIC CHARGE OR SUSPECTED VIOLATION OF A CRIMINAL OR TRAFFIC LAW; AND**

(2) ~~(I)~~ ~~THE INDIVIDUAL IS ENTITLED TO EXPUNGEMENT OF THE COURT RECORD OR POLICE RECORD THAT CONTAINED THE PHOTOGRAPH OR DIGITAL IMAGE WAS EXPUNGED UNDER TITLE 10, SUBTITLE 1 OF THE CRIMINAL PROCEDURE ARTICLE;~~

(II) THE INDIVIDUAL HAS SUCCESSFULLY PETITIONED A COURT TO HAVE THE COURT RECORD OR POLICE RECORD THAT CONTAINED THE PHOTOGRAPH OR DIGITAL IMAGE SHIELDED OR OTHERWISE REMOVED FROM PUBLIC INSPECTION; OR

(III) THE INDIVIDUAL HAS SUCCESSFULLY PETITIONED A COURT TO VACATE THE JUDGMENT THAT RESULTED FROM THE ARREST OR DETENTION.

~~(B)~~ (C) AN INDIVIDUAL SHALL MAKE A REQUEST FOR REMOVAL OF A PHOTOGRAPH OR DIGITAL IMAGE UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION BY:

(1) WRITTEN REQUEST SENT BY CERTIFIED MAIL; OR

(2) ELECTRONIC MAIL USING AN ELECTRONIC POSTMARK IF THE OPERATOR MAKES AVAILABLE A SECURE ELECTRONIC MAIL CONNECTION ON THE OPERATOR'S WEB SITE.

~~(C)~~ (D) AN OPERATOR OF A WEB SITE SHALL REMOVE THE PHOTOGRAPH OR DIGITAL IMAGE OF AN INDIVIDUAL WITHIN 30 DAYS AFTER RECEIVING A REQUEST UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION.

~~(D)~~ (E) WITHIN 5 BUSINESS DAYS AFTER REMOVING A PHOTOGRAPH OR DIGITAL IMAGE OF AN INDIVIDUAL, THE OPERATOR OF A WEB SITE SHALL SEND A WRITTEN CONFIRMATION OF THE REMOVAL TO THE INDIVIDUAL.

~~(E)~~ (F) AN OPERATOR OF A WEB SITE MAY NOT CHARGE AN INDIVIDUAL FOR THE REMOVAL OF THE INDIVIDUAL'S PHOTOGRAPH OR DIGITAL IMAGE UNDER THIS SECTION.

~~(F)~~ (G) A VIOLATION OF THIS SECTION IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 454

### (House Bill 769)

AN ACT concerning

#### **Election Law – Persons Doing Public Business – Statements of Contributions**

FOR the purpose of clarifying that a person who was doing public business on a certain date is required to file a certain statement of campaign contributions with the State Board of Elections on or before certain dates if performance remains uncompleted on the contract that caused the person to be doing public business; clarifying that a person is doing public business if the person has a contract with a governmental entity involving cumulative consideration of at least a certain amount; requiring a person doing public business to disclose a contribution *or donation* for the benefit of a candidate for an office of a governmental entity with which the person is doing public business; altering the reporting periods and due dates for a statement filed by a person doing public business; specifying requirements for the filing and contents of statements by a person doing public business who has obtained a certain approval from the State Board; authorizing a person doing public business who did not make contributions in excess of a certain amount during a reporting period to file a statement that contains only certain information; making a technical correction; and generally relating to disclosure of campaign contributions by persons doing public business.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 14–101 ~~and 14–104~~, 14–104, and 14–107(e)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Election Law  
Section 14–107(d)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

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

#### **Article – Election Law**



14–101.

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

(b) “Applicable contribution” means a contribution ***OR DONATION*** by a person or attributed to a person to **OR FOR THE BENEFIT OF** a candidate for an office of a governmental entity with which the person is doing public business.

(c) “Business entity” includes a firm, corporation, trust, unincorporated association, or other organization, whether or not conducted for profit.

(d) “Candidate” includes an incumbent office holder.

(e) (1) “Contract” means an agreement in any form entered into by a governmental entity for a procurement as defined in § 11–101(m)(1) of the State Finance and Procurement Article.

(2) “Contract” does not include:

(i) a collective bargaining agreement with an employee organization;

(ii) an agreement with a contractual employee, as defined in § 1–101(d) of the State Personnel and Pensions Article;

(iii) a Medicaid, Judicare, or similar reimbursement contract for which law sets:

1. user or recipient eligibility; and

2. price payable by the State; or

(iv) a Medicaid contract with a managed care organization, as defined in § 15–101(e) of the Health – General Article as to which regulations adopted by the Department establish:

1. recipient eligibility;

2. minimum qualifications for managed care organizations;

and

3. criteria for enrolling recipients in managed care

organizations.

(f) (1) Subject to paragraph (2) of this subsection, “contribution” has the meaning stated in § 1–101 of this article.

(2) “Contribution” does not include:

(i) a bona fide gift by a spouse or relative within the third degree of consanguinity; or

(ii) an honorary membership in a social, service, or fraternal organization presented as a courtesy by the organization.

(g) “Director” means a member of the board of directors of a business entity.

(h) (1) “Doing public business” means making **OR HAVING** a single contract with a single governmental entity involving cumulative consideration of at least \$200,000.

(2) “Doing public business” does not include receiving a salary from a governmental entity.

(i) “Governmental entity” means:

(1) the State, a county, a municipal corporation, or other political subdivision of the State; and

(2) a unit of the State, a county, a municipal corporation, or other political subdivision of the State.

(j) “Make a contribution” includes to cause a contribution to be made.

(k) “Officer” means an individual who serves as a business entity’s chief executive officer, president, vice president, secretary, treasurer, chief financial officer, managing partner, managing member, or principal, or in any other formal or informal role in which the individual exercises substantial independent responsibility for managing the affairs of a business entity.

14–104.

(a) A person doing public business shall file a statement with the State Board as provided in this section.

(b) (1) When a contract is awarded that causes a person to be doing public business, an initial statement shall be filed at that time, covering the preceding 24 months.

(2) (i) A person who files an initial statement under paragraph (1) of this subsection ~~or~~, **A PERSON WHO WAS DOING PUBLIC BUSINESS ON DECEMBER 31, 2014, OR A PERSON WHO HAS OBTAINED APPROVAL FROM THE STATE BOARD UNDER SUBSECTION (C)(2) OF THIS SECTION,** shall file a semi-annual statement in accordance with this paragraph for each reporting period specified in subparagraph (ii) of this paragraph if performance remains uncompleted on the contract that caused the person to be doing public business.

(ii) 1. The statements required by subparagraph (i) of this paragraph shall cover 6-month reporting periods ending on ~~January 31 and July 31~~ APRIL 30 OR OCTOBER 31.

2. A statement required by subparagraph (i) of this paragraph shall be filed ~~within 5 days after the end of the applicable reporting period~~ ON OR BEFORE THE LAST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE DAY ON WHICH THE REPORTING PERIOD ENDS.

(c) (1) The statement required by this section shall be made under oath and, EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS SUBSECTION, shall contain:

(i) the name of each candidate, if any, to whom one or more applicable contributions in a cumulative amount of \$500 or more were made during the reporting period;

(ii) the office sought by each candidate named in item (i) of this paragraph;

(iii) the amount of aggregate contributions made to each candidate named in item (i) of this paragraph;

(iv) the name of each unit of a governmental entity with which the person did public business during the reporting period;

(v) the nature and amount of public business done with each unit of a governmental entity; and

(vi) if the public business was done or the contribution was made by another person but is attributed to the person filing the statement, the name of the person who did the public business or made the contribution and the relationship of that person to the person filing the statement.

(2) **(I)** The information required by paragraph (1)(iv) and (v) of this subsection may be omitted on the written approval of the State Board if the State Board finds that:

~~(i)~~ **1.** requiring the information would be unduly burdensome;

~~(ii)~~ **2.** the public interest would not be impaired substantially by the omission of this information; and

~~(iii)~~ **3.** the person filing the statement stipulates that the person has done public business during the reporting period.

**(II) A PERSON WHO HAS OBTAINED APPROVAL FROM THE STATE BOARD UNDER THIS PARAGRAPH:**

**1. IS NOT REQUIRED TO FILE AN INITIAL STATEMENT UNDER SUBSECTION (B)(1) OF THIS SECTION;**

**2. SHALL FILE THE STATEMENTS REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION IF PERFORMANCE REMAINS UNCOMPLETED ON ANY CONTRACT THAT CAUSES THE PERSON TO BE DOING PUBLIC BUSINESS; AND**

**3. SHALL INCLUDE IN EACH STATEMENT THE INFORMATION REQUIRED UNDER PARAGRAPH (1)(I), (II), (III), AND (VI) OF THIS SUBSECTION FOR ALL CONTRIBUTIONS BY THE PERSON OR ATTRIBUTED TO THE PERSON IN A CUMULATIVE AMOUNT OF \$500 OR MORE TO OR FOR THE BENEFIT OF A CANDIDATE FOR AN OFFICE OF ANY GOVERNMENTAL ENTITY.**

**(3) IF A PERSON DOING PUBLIC BUSINESS DID NOT MAKE APPLICABLE CONTRIBUTIONS IN A CUMULATIVE AMOUNT OF \$500 OR MORE TO A CANDIDATE DURING THE REPORTING PERIOD, THE STATEMENT FILED BY THE PERSON UNDER THIS SECTION IS REQUIRED TO CONTAIN ONLY THE FOLLOWING:**

**(I) THE NAME OF EACH UNIT OF A GOVERNMENTAL ENTITY WITH WHICH THE PERSON DID PUBLIC BUSINESS DURING THE REPORTING PERIOD, UNLESS THE PERSON HAS OBTAINED APPROVAL FROM THE STATE BOARD UNDER PARAGRAPH (2) OF THIS SUBSECTION TO OMIT THIS INFORMATION; AND**

**(II) A STIPULATION THAT THE PERSON DID NOT MAKE APPLICABLE CONTRIBUTIONS IN A CUMULATIVE AMOUNT OF \$500 OR MORE TO A CANDIDATE DURING THE REPORTING PERIOD.**

(d) The State Board shall retain each statement filed under this title as a public record for at least 2 years after its receipt and shall make the statement publicly available on the Internet.

(e) A person shall file a statement required under this section in an electronic format required by the State Board.

14-107.

**(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 [(a)](D) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 14-104(b)(2)(ii) of the Election Law Article as enacted by this Act, a person subject to Title 14 of the Election Law Article shall file a statement:

(1) on or before August 31, 2015, to cover a 6-month reporting period beginning on February 1, 2015, and ending on July 31, 2015; and

(2) on or before November 30, 2015, to cover a 3-month reporting period beginning on August 1, 2015, and ending on October 31, 2015.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 455

### (House Bill 782)

AN ACT concerning

#### **Real Property – Residential Leases – Interest on Security Deposits**

FOR the purpose of altering the calculation of the interest rate paid on a security deposit under a residential lease at the end of a tenancy; altering the calculation of the interest rate paid on a security deposit under a residential lease when an evicted or ejected tenant makes a timely written demand for return of the security deposit; altering the calculation of the interest rate paid by a mobile home park owner on a security deposit at the end of a tenancy; altering the requirements for a certain calculator that the Department of Housing and Community Development is required to maintain on its Web site; providing for the application of this Act; and generally relating to the interest paid on security deposits under residential leases and mobile home park rental agreements.

BY repealing and reenacting, with amendments,  
 Article – Real Property  
 Section 8–203(e), (h), and (k) and 8A–1001(f)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property  
Section 8–203(l) and 8A–1001(h)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

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

**Article – Real Property**

8–203.

(e) (1) [(i)] Within 45 days after the end of the tenancy, the landlord shall return the security deposit to the tenant together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% **A YEAR**, whichever is greater, less any damages rightfully withheld.

[(ii)] For any year in which the landlord has held the security deposit for less than the full year, the landlord shall pay an amount of interest calculated by:

1. Multiplying the amount of the deposit by the daily U.S. Treasury yield curve rate for 1 year that was in effect as of the first business day of that calendar year, or 1.5%, whichever is greater; and

2. Multiplying the result obtained under item 1 of this subparagraph by a fraction, the numerator of which is the number of months that the deposit was held that year and the denominator of which is 12.]

(2) (I) [Interest] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, INTEREST** shall accrue at [six–month] **MONTHLY** intervals from the day the tenant gives the landlord the security deposit. Interest is not compounded.

**(II) NO INTEREST IS DUE OR PAYABLE:**

1. **UNLESS THE LANDLORD HAS HELD THE SECURITY DEPOSIT FOR AT LEAST 6 MONTHS; OR**

2. **FOR ANY PERIOD LESS THAN A FULL MONTH.**

(3) Interest shall be payable only on security deposits of \$50 or more.

(4) If the landlord, without a reasonable basis, fails to return any part of the security deposit, plus accrued interest, within 45 days after the termination of the tenancy, the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(h) (1) The provisions of subsections (e)(1) and (4) and (g)(1) and (2) of this section are inapplicable to a tenant who has been evicted or ejected for breach of a condition or covenant of a lease prior to the termination of the tenancy or who has abandoned the premises prior to the termination of the tenancy.

(2) (i) A tenant specified in paragraph (1) of this subsection may demand return of the security deposit by giving written notice by first-class mail to the landlord within 45 days of being evicted or ejected or of abandoning the premises.

(ii) The notice shall specify the tenant's new address.

(iii) [1.] The landlord, within 45 days of receipt of such notice, shall present, by first-class mail to the tenant, a written list of the damages claimed under subsection (f)(1) of this section together with a statement of the costs actually incurred and shall return to the tenant the security deposit together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% **A YEAR**, whichever is greater, less any damages rightfully withheld.

[2. For any year in which the landlord has held the security deposit for less than the full year, the landlord shall pay an amount of interest calculated by:

A. Multiplying the amount of the deposit by the daily U.S. Treasury yield curve rate for 1 year that was in effect as of the first business day of that calendar year, or 1.5%, whichever is greater; and

B. Multiplying the result obtained under item A of this subparagraph by a fraction, the numerator of which is the number of months that the deposit was held that year and the denominator of which is 12.]

(3) (i) If a landlord fails to send the list of damages required by paragraph (2) of this subsection, the right to withhold any part of the security deposit for damages is forfeited.

(ii) If a landlord fails to return the security deposit as required by paragraph (2) of this subsection, the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(4) Except to the extent specified, this subsection may not be interpreted to alter the landlord's duties under subsections (e) and (g) of this section.

(k) The Department of Housing and Community Development shall maintain on its Web site:

(1) A list of daily U.S. Treasury yield curve rates for 1 year, as of the first business day of each year, to be used in calculating the interest on a security deposit; or

(2) A customized calculator that calculates the interest due on a security deposit by allowing a user to enter [a tenancy start date] **THE DATE THAT THE SECURITY DEPOSIT WAS GIVEN TO THE LANDLORD**, a tenancy end date, and the amount of the security deposit.

(l) A landlord is entitled to rely on the list of yield curve rates or the customized calculator maintained by the Department of Housing and Community Development under subsection (k) of this section when calculating the interest on a security deposit.

8A-1001.

(f) (1) [(i)] Within 45 days after the end of the tenancy, the park owner shall return the security deposit to the resident together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% **A YEAR**, whichever is greater, less any damages rightfully withheld.

[(ii)] For any year in which the park owner has held the security deposit for less than the full year, the landlord shall pay an amount of interest calculated by:

1. Multiplying the amount of the deposit by the daily U.S. Treasury yield curve rate for 1 year that was in effect as of the first business day of that calendar year, or 1.5%, whichever is greater; and

2. Multiplying the result obtained under item 1 of this subparagraph by a fraction, the numerator of which is the number of months that the deposit was held that year and the denominator of which is 12.]

(2) (I) [Interest] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, INTEREST** shall accrue at [6-month] **MONTHLY** intervals from the day the resident gives the park owner the security deposit. Interest is not compounded.

**(II) NO INTEREST IS DUE OR PAYABLE:**

1. **UNLESS THE PARK OWNER HAS HELD THE SECURITY DEPOSIT FOR AT LEAST 6 MONTHS; OR**

2. **FOR ANY PERIOD LESS THAN A FULL MONTH.**

(3) Interest shall be payable only on security deposits of \$50 or more.

(4) If the park owner, without a reasonable basis, fails to return any part of the security deposit, plus accrued interest, within 45 days after the termination of the tenancy, the resident has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.



(h) A park owner is entitled to rely on the list of yield curve rates or the customized calculator maintained by the Department of Housing and Community Development under § 8–203(k) of this article when calculating the interest on a security deposit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any interest accruing on a security deposit under a residential lease or mobile home park rental agreement on or after January 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 456

### (House Bill 803)

AN ACT concerning

#### **Agriculture – Industrial Hemp – Legalization**

FOR the purpose of authorizing a person to plant, grow, harvest, possess, process, sell, or buy industrial hemp in the State; requiring a person to register with the Department of Agriculture before planting or growing industrial hemp; altering the definition of “marijuana” for purposes of certain provisions of law relating to controlled dangerous substances to exclude industrial hemp; making this Act subject to a certain contingency; providing for the termination of a certain provision of this Act; defining a certain term; and generally relating to the legalization of industrial hemp in the State.

BY adding to

Article – Agriculture

Section 14–101 to be under the new title “Title 14. Industrial Hemp”

Annotated Code of Maryland

(2007 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–101(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–101(r)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Agriculture**

**TITLE 14. INDUSTRIAL HEMP.**

**14–101.**

**(A) IN THIS SECTION, “INDUSTRIAL HEMP” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 0.3% ON A DRY WEIGHT BASIS.**

**(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON MAY PLANT, GROW, HARVEST, POSSESS, PROCESS, SELL, OR BUY INDUSTRIAL HEMP IN THE STATE.**

**(C) BEFORE PLANTING OR GROWING INDUSTRIAL HEMP, A PERSON SHALL REGISTER WITH THE DEPARTMENT.**

**Article – Criminal Law**

**5–101.**

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

(r) (1) “Marijuana” means:

(i) all parts of any plant of the genus *Cannabis*, whether or not the plant is growing;

(ii) the seeds of the plant;

(iii) the resin extracted from the plant; and

(iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(2) “Marijuana” does not include:

(i) the mature stalks of the plant;

- (ii) fiber produced from the mature stalks;
  - (iii) oil or cake made from the seeds of the plant;
  - (iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; [or]
  - (v) the sterilized seed of the plant that is incapable of germination;
- OR

**(VI) THE PLANT CANNABIS SATIVA L. AND ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 0.3% ON A DRY WEIGHT BASIS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the taking effect of the federal Industrial Hemp Farming Act of 2015 or another federal law that delegates authority over industrial hemp to the states or authorizes a person to plant, grow, harvest, possess, process, sell, and buy industrial hemp. The Maryland Department of Agriculture shall notify the Department of Legislative Services within 5 days after the effective date of a federal law delegating authority to the states or authorizing the farming, possession, processing, and sale of industrial hemp. If a federal law does not take effect on or before October 1, 2030, this Act shall be null and void without the necessity of further action by the General Assembly.

~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That § 14-101(c) of the Agriculture Article, as enacted by this Act, shall remain effective for a period of 7 years and, at the end of September 30, 2022, October 1, 2030, with no further action required by the General Assembly, § 14-101(c) of the Agriculture Article, as enacted by this Act, shall be abrogated and of no further force and effect.~~

~~SECTION 2. 4. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect October 1, 2015.~~

**Approved by the Governor, May 12, 2015.**

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## Chapter 457

**(House Bill 805)**

AN ACT concerning

**State Board of Professional Counselors and Therapists – Examination of Applicants, Licensees, Certificate Holders, and Trainees**

FOR the purpose of requiring the State Board of Professional Counselors and Therapists to require certain applicants, licensees, certificate holders, and trainees to submit to a mental health or physical examination under certain circumstances; providing that certain applicants, licensees, certificate holders, or trainees are deemed to have consented to submit to an examination and to have waived a certain claim of privilege under certain circumstances; providing that a certain report or testimony of a certain health care practitioner is confidential, except under certain circumstances; providing that the failure or refusal of a certain applicant, licensee, certificate holder, or trainee to submit to a certain examination is prima facie evidence of the inability to practice competently, unless the Board makes a certain finding; requiring the Board to pay the reasonable cost of certain examinations for certain licensees, certificate holders, or trainees; requiring certain applicants to pay the reasonable cost of a certain examination; and generally relating to the State Board of Professional Counselors and Therapists and examinations of applicants, licensees, certificate holders, and trainees.

BY adding to

Article – Health Occupations

Section 17–513.1

Annotated Code of Maryland

(2014 Replacement Volume)

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

### **Article – Health Occupations**

#### **17–513.1.**

**(A) IF, WHILE REVIEWING AN APPLICATION FOR LICENSURE, CERTIFICATION, OR TRAINEE STATUS, OR INVESTIGATING AN ALLEGATION AGAINST A LICENSEE, CERTIFICATE HOLDER, OR TRAINEE UNDER THIS TITLE, THE BOARD FINDS REASONABLE EVIDENCE INDICATING THAT THE APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR TRAINEE MAY CAUSE HARM TO A PERSON, THE BOARD SHALL REQUIRE THE APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR TRAINEE TO SUBMIT TO A MENTAL HEALTH OR PHYSICAL EXAMINATION BY A HEALTH CARE PRACTITIONER, AS DEFINED IN § 1–301 OF THIS ARTICLE, DESIGNATED BY THE BOARD.**

**(B) (1) IN RETURN FOR THE PRIVILEGE TO PRACTICE COUNSELING AND THERAPY IN THE STATE, AN APPLICANT, A LICENSEE, OR A CERTIFICATE HOLDER IS DEEMED TO HAVE:**

**(I) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND**

(II) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR REPORT OF A HEALTH CARE PRACTITIONER WHO EXAMINES THE APPLICANT, LICENSEE, OR CERTIFICATE HOLDER.

(2) IN RETURN FOR THE PRIVILEGE TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING IN THE STATE WITHOUT A LICENSE OR CERTIFICATION IN ACCORDANCE WITH § 17-406 OF THIS TITLE, A TRAINEE IS DEEMED TO HAVE:

(I) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND

(II) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR REPORT OF A HEALTH CARE PRACTITIONER WHO EXAMINES THE TRAINEE.

(C) A REPORT OR TESTIMONY REGARDING A REPORT OF A HEALTH CARE PRACTITIONER DESIGNATED BY THE BOARD IS CONFIDENTIAL EXCEPT AS TO CONTESTED CASE PROCEEDINGS AS DEFINED BY THE ADMINISTRATIVE PROCEDURE ACT.

(D) THE FAILURE OR REFUSAL OF AN APPLICANT, A LICENSEE, A CERTIFICATE HOLDER, OR A TRAINEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER THIS SECTION IS PRIMA FACIE EVIDENCE OF THE APPLICANT'S, LICENSEE'S, CERTIFICATE HOLDER'S, OR TRAINEE'S INABILITY TO PRACTICE COMPETENTLY, UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE CONTROL OF THE APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR TRAINEE.

(E) THE BOARD SHALL PAY THE REASONABLE COST OF ANY EXAMINATION REQUIRED OF A LICENSEE, CERTIFICATE HOLDER, OR TRAINEE UNDER THIS SECTION.

(F) AN APPLICANT SHALL PAY THE REASONABLE COST OF ANY EXAMINATION REQUIRED OF THE APPLICANT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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**Chapter 458****(House Bill 821)**

AN ACT concerning

**Environment – Cox Creek Citizens Oversight Committee – Composition –  
Second Duties**

FOR the purpose of altering the composition of the Cox Creek Citizens Oversight Committee; altering the duties of the Oversight Committee; and generally relating to the Cox Creek Citizens Oversight Committee.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 5–1101(a)(5)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 5–1102.1  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 Supplement)

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

**Article – Environment**

5–1101.

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

(5) “Dredged material” means earth, sand, silt, sediment, shell, rock, soil, waste matter, or other material excavated or dredged from the Chesapeake Bay and its tributary waters.

5–1102.1.

(a) (1) The Governor shall appoint a Cox Creek Citizens Oversight Committee.

(2) The terms of the members of the Oversight Committee shall be determined by the Governor.

(b) The Oversight Committee shall be composed of the following members:

- (1) 2 members of the North County Land Trust;
- (2) 1 delegate to the Greater Pasadena Council who represents a waterfront community;
- (3) 1 member of the Pasadena Sport Fishermen's Group;
- (4) 1 member of the Anne Arundel County Watermen's Association;
- (5) 1 member of the Maryland Saltwater Sport Fishermen's Association;
- (6) 1 individual who represents the pleasure boating industry in Anne Arundel County;
- (7) 1 member of the Pasadena Business Association;
- (8) 1 MEMBER OF THE RESTORE ROCK CREEK ORGANIZATION;**
- (9) 1 MEMBER OF THE SOUTH BALTIMORE BUSINESS ALLIANCE;**
- [(8)] (10) 1 resident of legislative district 31; and**
- [(9)] (11) 1 resident of legislative district 46.**

(c) The Oversight Committee shall:

- (1) Monitor the redeposit of Anne Arundel County [tributary spoil] **DREDGED MATERIAL** and other [spoil] **DREDGED MATERIAL** in the Cox Creek area;
- (2) Hear and dispose of complaints lodged by individuals affected by the redeposit of Anne Arundel County [tributary spoil] **DREDGED MATERIAL** and other [spoil] **DREDGED MATERIAL** in the Cox Creek area; and
- (3) Appoint a member from the Committee to serve as a liaison to the Innovative Use Advisory Council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**

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**Chapter 459****(House Bill 848)**

AN ACT concerning

**Anne Arundel County Public Schools Funding Accountability and  
Transparency Act**

FOR the purpose of requiring the Anne Arundel County Board of Education to develop and operate a certain Web site that includes certain information about certain payments; specifying certain parameters of the Web site; requiring the Board to post certain information in a timely manner; defining certain terms; and generally relating to the development and operation of a searchable Web site by the Anne Arundel County Board of Education.

BY adding to

Article – Education

Section 5–119

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

**Article – Education**

**5–119.**

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

**(2) (i) “PAYEE” MEANS ANY PARTY WHO RECEIVES FROM THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION AN AGGREGATE PAYMENT OF \$25,000 IN A FISCAL YEAR.**

**(ii) “PAYEE” DOES NOT INCLUDE:**

**1. AN ANNE ARUNDEL COUNTY PUBLIC SCHOOL EMPLOYEE WITH RESPECT TO THE EMPLOYEE’S COMPENSATION; OR**

**2. AN ANNE ARUNDEL COUNTY PUBLIC SCHOOL RETIREE WITH RESPECT TO THE RETIREE’S RETIREMENT ALLOWANCE.**



(3) "SEARCHABLE WEB SITE" MEANS A WEB SITE CREATED IN ACCORDANCE WITH THIS SECTION THAT DISPLAYS AND SEARCHES PAYMENT DATA OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION.

(B) ON OR BEFORE JANUARY 1, 2017, THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION SHALL DEVELOP AND OPERATE A SINGLE SEARCHABLE WEB SITE ACCESSIBLE TO THE PUBLIC AT NO COST THROUGH THE INTERNET.

(C) THE SEARCHABLE WEB SITE SHALL CONTAIN ANNE ARUNDEL COUNTY BOARD OF EDUCATION PAYMENT DATA INCLUDING:

- (1) THE NAME OF A PAYEE RECEIVING A PAYMENT;
- (2) THE LOCATION OF A PAYEE BY ZIP CODE; AND
- (3) THE AMOUNT OF ~~EACH PAYMENT MADE IN A FISCAL YEAR~~ A PAYMENT.

(D) THE SEARCHABLE WEB SITE SHALL ALLOW THE USER TO:

- (1) SEARCH DATA FOR FISCAL YEAR 2016 AND EACH YEAR THEREAFTER; AND
- (2) SEARCH BY THE FOLLOWING DATA FIELDS:
  - (I) A PAYEE RECEIVING A PAYMENT; AND
  - (II) THE ZIP CODE OF A PAYEE RECEIVING A PAYMENT.

(E) THE BOARD SHALL POST IN A TIMELY MANNER ON THE SEARCHABLE WEB SITE THE PAYMENT DATE REQUIRED UNDER THIS SECTION.

(F) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL UNDER FEDERAL, STATE, OR LOCAL LAW.

(G) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "ANNE ARUNDEL COUNTY PUBLIC SCHOOLS FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 460

### (House Bill 852)

AN ACT concerning

#### **Human Resources – Homeless Shelters – ~~Safety and Security Measures~~ Best Practices and Models**

FOR the purpose of requiring the Interagency Council on Homelessness to ~~study issues relating to the safety and security of individuals who stay in certain shelters for homeless individuals and make certain recommendations on measures to be adopted by certain shelters; requiring the Department of Human Resources to include in certain regulations certain measures to be adopted by certain shelters for homeless individuals~~ determine certain best practices and models for providing emergency shelter and shelter diversion; and generally relating to safety and security measures to be adopted by shelters for homeless individuals a determination by the Interagency Council on Homelessness of best practices and models for providing emergency shelter and shelter diversion.

BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 6–423 ~~and 6–424~~  
 Annotated Code of Maryland  
 (2007 Volume and 2014 Supplement)

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

#### **Article – Human Services**

6–423.

The Council shall:

- (1) coordinate State policy and working relationships among State, local, and nonprofit agencies concerning efforts to remedy and prevent homelessness;
- (2) coordinate data sharing between local Continuums of Care;
- (3) coordinate outreach to each Continuum of Care to develop joint strategies that impact State and federal funding efforts to remedy and prevent homelessness;
- (4) determine comprehensive and effective collaborative strategies and best practices for remediation and prevention of homelessness in the State, in particular addressing the differing needs of the State’s geographic areas;

(5) review and analyze the need for and availability of affordable and accessible housing resources to address the needs of homeless individuals throughout the State;

(6) recommend changes necessary to alleviate or prevent homelessness, including making recommendations annually to the General Assembly, in accordance with § 2-1246 of the State Government Article, and appropriate State agencies and organizations regarding effective policies, effective distribution of resources, and access to available services and programs;

(7) identify supportive services for special populations, including veterans, youth, families, and individuals with behavioral health problems;

(8) disseminate information and educate the public about the prevalence and causes of and responses to homelessness; [and]

(9) solicit input from the advocacy community, the business community, the faith community, and consumers regarding policy and program development; AND

~~(10) STUDY ISSUES RELATING TO THE SAFETY AND SECURITY OF INDIVIDUALS WHO STAY IN SHELTERS FOR HOMELESS INDIVIDUALS AND RECOMMEND TO THE DEPARTMENT SAFETY AND SECURITY MEASURES THAT SHOULD BE ADOPTED BY PROVIDERS OF SHELTERS FOR HOMELESS INDIVIDUALS DETERMINE BEST PRACTICES AND MODELS FOR PROVIDING EMERGENCY SHELTER AND SHELTER DIVERSION, INCLUDING ENSURING THE HEALTH, SAFETY, AND SECURITY OF SHELTER RESIDENTS, PROVIDING CLIENT-CENTERED AND TRAUMA-INFORMED SUPPORT SERVICES, AND ENSURING EQUAL ACCESS TO PROTECTED CLASSES UNDER APPLICABLE FEDERAL, STATE, AND LOCAL CIVIL RIGHTS LAWS.~~

~~6-424.~~

~~(A) The Department shall adopt regulations to govern the development, implementation, and evaluation of policies and programs to make homelessness rare and, if it occurs, of brief duration.~~

~~(B) THE REGULATIONS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE MEASURES TO BE ADOPTED BY SHELTERS FOR HOMELESS INDIVIDUALS TO PROVIDE THOSE INDIVIDUALS WITH SAFETY AND SECURITY WHILE STAYING IN A SHELTER, INCLUDING ANY RECOMMENDATIONS BY THE COUNCIL UNDER § 6-423(10) OF THIS SUBTITLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

**Chapter 461**  
**(House Bill 860)**

AN ACT concerning

**Aquatic Invasive Species – ~~Inspection and~~ Decontamination of Vessels**  
**(State Lakes Invasive Species Act of 2015)**

FOR the purpose of ~~authorizing the Department of Natural Resources to take certain actions for the inspection and decontamination of vessels; requiring the Department to adopt certain regulations; prohibiting a person~~ *an owner of a vessel* from placing ~~a vessel or having a~~ *the vessel or having the* vessel placed in a lake *at a public launch ramp or public dock after a certain date* unless the ~~person~~ *owner* has taken certain actions; making ~~a person~~ *an owner* who violates this Act ~~guilty of a misdemeanor~~ *and* subject to certain penalties; requiring the Department of Natural Resources to convene a certain workgroup to evaluate actions that reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State; requiring the workgroup to make certain recommendations and to submit a certain report to certain committees of the General Assembly on or before a certain date; providing for the application of this Act; and generally relating to the inspection and decontamination of vessels.

BY adding to

Article – Natural Resources  
Section 8-703.3  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

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

**Article – Natural Resources**

**8-703.3.**

**(A) THIS SECTION APPLIES TO A VESSEL THAT IS OPERATED IN A LAKE THAT IS OWNED OR MANAGED BY THE STATE.**

**~~(B) (1) THE DEPARTMENT MAY:~~**

**~~(i) STOP, DETAIN, OR INSPECT A VESSEL FOR THE PRESENCE OF AN AQUATIC INVASIVE SPECIES;~~**

**~~(ii) DECONTAMINATE, OR ORDER THE DECONTAMINATION OF, A VESSEL THAT IS CONTAMINATED WITH AN AQUATIC INVASIVE SPECIES;~~**

~~(III) ESTABLISH AN AQUATIC INVASIVE SPECIES STATION; AND~~

~~(IV) ESTABLISH AN INSPECTION AND DECONTAMINATION CERTIFICATION PROGRAM TO CERTIFY THAT A VESSEL HAS PASSED INSPECTION.~~

~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE PROPER MANNER FOR DRYING A VESSEL AS REQUIRED UNDER SUBSECTION (C)(3) OF THIS SECTION, INCLUDING THE AMOUNT OF TIME NECESSARY FOR A VESSEL TO DRY.~~

~~(C) (B) A PERSON AFTER APRIL 1, 2017, AN OWNER OF A VESSEL MAY NOT PLACE A THE VESSEL OR HAVE A THE VESSEL PLACED IN A LAKE AT A PUBLIC LAUNCH RAMP OR PUBLIC DOCK UNLESS THE PERSON OWNER HAS:~~

~~(1) CLEANED CLEANED THE VESSEL AND REMOVED ALL VISIBLE ORGANIC MATERIAL, INCLUDING PLANTS, ANIMALS, AND MUD;~~

~~(2) DRAINED THE VESSEL OF ALL WATER, INCLUDING:~~

~~(i) REMOVING A PLUG OR OTHER BARRIER THAT PREVENTS WATER DRAINAGE; AND~~

~~(ii) IF THE VESSEL IS EQUIPPED WITH A PUMP, RUNNING THE PUMP TO REMOVE WATER; AND~~

~~(3) DRIED ALL COMPARTMENTS, SPACES, AND ASSOCIATED EQUIPMENT THAT HOLD OR MAY HOLD WATER, INCLUDING COMPLYING WITH GUIDELINES FOR DRYING AND DRYING TIMES AS ESTABLISHED BY THE DEPARTMENT BY REGULATION.~~

~~(D) (C) (1) (i) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 3 MONTHS OR BOTH.~~

~~(ii) A PERSON FOUND GUILTY OF A SECOND OR SUBSEQUENT VIOLATION OF ANY PROVISION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

~~(2) IN ADDITION TO A PENALTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$500 FOR EACH VIOLATION AN OWNER OF A VESSEL WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:~~

- (1) \$100 FOR A FIRST VIOLATION;**
- (2) \$250 FOR A SECOND VIOLATION; AND**
- (3) \$500 FOR A THIRD OR SUBSEQUENT VIOLATION.**

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

**(a) The Department of Natural Resources shall convene a workgroup consisting of the Department, at least one expert in boat cleaning and decontamination programs, and other stakeholders representative of interested parties to evaluate actions that reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State.**

**(b) The workgroup shall:**

**(1) make recommendations on the most appropriate actions to reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State, including:**

- (i) recommended budget items;**
- (ii) recommended funding sources; and**
- (iii) prioritized activities and resources; and**

**(2) include a plan in the report required under subsection (c) of this section to implement the recommendations of the workgroup by July 1, 2016.**

**(c) On or before December 31, 2015, the workgroup shall report its recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the State Government Article.**

**SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.**

**Approved by the Governor, May 12, 2015.**

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**Chapter 462**

**(House Bill 871)**

AN ACT concerning

**State Board of Individual Tax Preparers – Expiration and Surrender of Registrations and Civil and Criminal Penalties**

FOR the purpose of providing that the registration issued to an individual tax preparer remains in effect and does not expire by operation of law under certain circumstances; providing that an extension of a certain registration term under certain circumstances is effective only for a certain purpose; prohibiting an individual tax preparer from surrendering a registration under certain circumstances; establishing certain criminal penalties for violations of certain provisions of law; authorizing the State Board of Individual Tax Preparers to impose a certain civil penalty for violations of certain provisions of law; requiring the Board to consider certain factors in setting the amount of a civil penalty; requiring the Board to pay certain penalties into the General Fund of the State; and generally relating to the registration of individual tax preparers and the State Board of Individual Tax Preparers.

BY repealing and reenacting, without amendments,  
Article – Business Occupations and Professions  
Section 21–101(a), (b), (e), (f), and (g)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY adding to  
Article – Business Occupations and Professions  
Section 21–314 and 21–405  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 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**

21–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Individual Tax Preparers.
- (e) “Individual tax preparer” means an individual who is registered by the Board to provide individual tax preparation services.
- (f) “Provide individual tax preparation services” means to prepare, advise or assist in the preparation of, or assume final responsibility for another person’s preparation of a federal or State income tax return of another for valuable consideration.

(g) “Registration” means, unless the context requires otherwise, an authorization issued by the Board to provide individual tax preparation services.

**21-314.**

(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION, THE REGISTRATION ISSUED TO AN INDIVIDUAL TAX PREPARER SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE BY OPERATION OF LAW WHILE THE INDIVIDUAL TAX PREPARER IS UNDER INVESTIGATION BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES RELATED TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

(2) AN EXTENSION OF A REGISTRATION TERM UNDER THIS SUBSECTION IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF THE BOARD OVER THE INDIVIDUAL TAX PREPARER DURING THE COURSE OF DISCIPLINARY PROCEEDINGS AND DOES NOT PREVENT THE REGISTRATION FROM EXPIRING FOR ANY OTHER PURPOSE.

(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, AN INDIVIDUAL TAX PREPARER MAY NOT SURRENDER A REGISTRATION WHILE THE INDIVIDUAL TAX PREPARER IS UNDER INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES RELATED TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

**21-405.**

~~(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.~~

~~(B)~~ (A) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION;

(III) THE GOOD FAITH OF THE VIOLATOR;

(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

AND



(V) ANY OTHER RELEVANT FACTORS.

(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

**(B) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE AND WHO HAS PREVIOUSLY BEEN ASSESSED A PENALTY UNDER SUBSECTION (A) OF THIS SECTION FOR ANOTHER VIOLATION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

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## Chapter 463

(House Bill 884)

AN ACT concerning

### Election Law – Counting of Properly Cast Ballots

FOR the purpose of requiring a ballot properly cast by a voter who dies before the ballot is canvassed to be counted in full unless a law or regulation requires that it be fully or partially rejected for a reason unrelated to the death of the voter; making a conforming change; and generally relating to the counting of a ballot properly cast by a voter who dies before the canvass.

BY repealing and reenacting, without amendments,  
 Article – Election Law  
 Section 11–302(a)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Election Law  
 Section 11–302(d)(3)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Election Law  
Section 11–303.1  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

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

**Article – Election Law**

11–302.

(a) Following an election, each local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(d) (3) The local board shall reject an absentee ballot if:

(i) [before the ballot is canvassed, the local board determines that the voter died before election day;

(ii)] the voter failed to sign the oath on the ballot envelope;

[(iii)] (II) the local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

[(iv)] (III) the local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

**11–303.1.**

**A BALLOT PROPERLY CAST BY A VOTER WHO DIES BEFORE THE BALLOT IS CANVASSED SHALL BE COUNTED IN FULL UNLESS A LAW OR REGULATION REQUIRES THAT THE BALLOT BE FULLY OR PARTIALLY REJECTED FOR A REASON UNRELATED TO THE DEATH OF THE VOTER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, May 12, 2015.**

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## Chapter 464

(House Bill 896)

AN ACT concerning

### ~~Maryland Opioid Use Disorder Consortium~~ Joint Committee on Behavioral Health and Opioid Use Disorders

FOR the purpose of establishing the ~~Maryland Opioid Use Disorder Consortium~~ Joint Committee on Behavioral Health and Opioid Use Disorders; providing for the ~~composition, cochairs, and staffing of the Consortium~~ membership and cochairs of the Committee; ~~prohibiting a member of the Consortium from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Consortium to develop, monitor implementation of, and revise a certain plan through a certain process; requiring the Consortium to convene a certain Policy Academy to identify certain focus areas and draft certain recommendations; requiring the Consortium to hold certain roundtables; requiring the Consortium to convene a final Policy Academy for a certain purpose; requiring the Consortium to submit certain reports to the Governor and the General Assembly on or before certain dates~~ specifying the duties and purposes of the Committee; providing for the termination of this Act; and generally relating to the ~~Maryland Opioid Use Disorder Consortium~~ Joint Committee on Behavioral Health and Opioid Use Disorders.

~~BY adding to~~

~~Article – Health – General~~

~~Section 24-1701 to be under the new subtitle “Subtitle 17. Maryland Opioid Use Disorder Consortium”~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2014 Supplement)~~

BY adding to

Article – State Government

Section 2-10A-02

Annotated Code of Maryland

(2014 Replacement Volume)

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

~~Article – Health – General~~

~~SUBTITLE 17. MARYLAND OPIOID USE DISORDER CONSORTIUM.~~

~~24-1701.~~

~~(A) THERE IS A MARYLAND OPIOID USE DISORDER CONSORTIUM.~~

~~(B) THE CONSORTIUM 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 HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;~~

~~(4) THE CHIEF OF STAFF FROM THE OFFICE OF THE GOVERNOR, OR THE CHIEF OF STAFF'S DESIGNEE;~~

~~(5) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(6) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;~~

~~(8) THE SUPERINTENDENT OF STATE POLICE, OR THE SUPERINTENDENT'S DESIGNEE;~~

~~(9) THE DEAN OF THE UNIVERSITY OF MARYLAND, BALTIMORE, SCHOOL OF MEDICINE, OR THE DEAN'S DESIGNEE;~~

~~(10) THE DEAN OF THE UNIVERSITY OF MARYLAND, BALTIMORE, SCHOOL OF NURSING, OR THE DEAN'S DESIGNEE;~~

~~(11) THE DEAN OF THE UNIVERSITY OF MARYLAND, BALTIMORE, SCHOOL OF PHARMACY, OR THE DEAN'S DESIGNEE;~~

~~(12) THE DEAN OF THE UNIVERSITY OF MARYLAND, COLLEGE PARK, SCHOOL OF PUBLIC HEALTH, OR THE DEAN'S DESIGNEE;~~

~~(13) THE DEAN OF THE JOHNS HOPKINS UNIVERSITY SCHOOL OF PUBLIC HEALTH, OR THE DEAN'S DESIGNEE;~~

~~(14) ONE PHYSICIAN, APPOINTED BY THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;~~

~~(15) TWO SUBSTANCE USE DISORDER DIRECT CARE PROVIDERS, APPOINTED BY THE GOVERNOR BASED ON RECOMMENDATIONS OF ORGANIZATIONS OR ASSOCIATIONS REPRESENTING DIRECT CARE PROVIDERS; AND~~

~~(16) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:~~

~~(I) TWO REPRESENTATIVES OF LOCAL GOVERNMENT;~~

~~(II) ONE REPRESENTATIVE OF LOCAL LAW ENFORCEMENT;~~

~~(III) TWO REPRESENTATIVES OF SUBSTANCE USE DISORDER TREATMENT PROGRAMS, ONE EACH FROM AN INPATIENT SETTING AND AN OUTPATIENT SETTING;~~

~~(IV) TWO REPRESENTATIVES WITH EXPERIENCE AS FAMILY MEMBERS OF INDIVIDUALS WITH OPIOID USE DISORDERS; AND~~

~~(V) ONE REPRESENTATIVE WHO IS AN INDIVIDUAL IN RECOVERY FROM AN OPIOID USE DISORDER WHO HAS EXPERIENCE WITH MEDICATION ASSISTED TREATMENT.~~

~~(C) (1) THE PRESIDENT OF THE SENATE SHALL DESIGNATE ONE OF THE MEMBERS APPOINTED FROM THE SENATE AS COCHAIR OF THE CONSORTIUM.~~

~~(2) THE SPEAKER OF THE HOUSE SHALL DESIGNATE ONE OF THE MEMBERS APPOINTED FROM THE HOUSE AS COCHAIR OF THE CONSORTIUM.~~

~~(D) THE DEPARTMENT OF LEGISLATIVE SERVICES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE CONSORTIUM.~~

~~(E) A MEMBER OF THE CONSORTIUM:~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE CONSORTIUM; BUT~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(F) (1) THE CONSORTIUM SHALL DEVELOP A STRATEGIC STATEWIDE PLAN TO TREAT AND REDUCE OPIOID USE DISORDERS IN THE STATE.~~

~~(2) THE STRATEGIC STATEWIDE PLAN SHALL INCLUDE A TIMELINE FOR FUTURE ACTIONS TO TREAT AND REDUCE OPIOID USE DISORDERS IN THE STATE.~~

~~(G) THE CONSORTIUM SHALL:~~

~~(1) USE A STRATEGIC STATEWIDE PLAN DEVELOPMENT PROCESS SIMILAR TO THE PROCESS USED IN COLORADO IN 2013 TO DEVELOP THE “COLORADO PLAN TO REDUCE PRESCRIPTION DRUG ABUSE”; AND~~

~~(2) SEEK TECHNICAL ASSISTANCE FROM THE NATIONAL GOVERNOR’S ASSOCIATION AND OTHER APPROPRIATE ENTITIES TO DEVELOP THE STRATEGIC STATEWIDE PLAN.~~

~~(H) (1) THE CONSORTIUM SHALL CONVENE AN INITIAL POLICY ACADEMY TO IDENTIFY FOCUS AREAS AND DRAFT INITIAL RECOMMENDATIONS FOR THE STRATEGIC STATEWIDE PLAN.~~

~~(2) THE INITIAL POLICY ACADEMY SHALL CONSIST OF WORKGROUPS, INCLUDING:~~

~~(I) THE PRESCRIPTION DRUG MONITORING PROGRAM WORKGROUP;~~

~~(II) THE PRESCRIBER AND PROVIDER EDUCATION WORKGROUP;~~

~~(III) THE TREATMENT WORKGROUP;~~

~~(IV) THE PUBLIC EDUCATION AND AWARENESS WORKGROUP;~~  
AND

~~(V) THE DATA ANALYSIS WORKGROUP.~~

~~(3) THE MEMBERSHIP OF THE INITIAL POLICY ACADEMY WORKGROUPS:~~

~~(I) SHALL INCLUDE MEMBERS OF THE CONSORTIUM; AND~~

~~(II) MAY INCLUDE EXPERTS WHO ARE NOT MEMBERS OF THE CONSORTIUM, APPOINTED BY THE COCHAIRS OF THE CONSORTIUM.~~

~~(I) THE CONSORTIUM SHALL HOLD ROUNDTABLES ACROSS THE STATE TO RECEIVE INPUT FROM LOCAL OFFICIALS AND EXPERTS TO REFINE, EXPAND, OR~~

~~MODIFY THE INITIAL RECOMMENDATIONS FOR THE STRATEGIC STATEWIDE PLAN DRAFTED UNDER SUBSECTION (H) OF THIS SECTION.~~

~~(J) (1) THE CONSORTIUM SHALL CONVENE A FINAL POLICY ACADEMY TO REVISE ITS RECOMMENDATIONS, FINALIZE THE STRATEGIC STATEWIDE PLAN, AND ESTABLISH A TIMELINE FOR IMPLEMENTATION OF THE STRATEGIC STATEWIDE PLAN.~~

~~(2) AFTER SUBMISSION OF THE STRATEGIC STATEWIDE PLAN FINALIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CONSORTIUM SHALL MEET, AS NECESSARY, TO MONITOR THE IMPLEMENTATION OF THE STRATEGIC STATEWIDE PLAN AND REVISE THE PLAN AS NEEDED.~~

~~(3) THE CONSORTIUM SHALL CONVENE THE WORKGROUPS ESTABLISHED UNDER SUBSECTION (H) OF THIS SECTION, AS NECESSARY, TO:~~

~~(I) COMPLETE THE WORK OF THE FINAL POLICY ACADEMY UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND~~

~~(H) MONITOR IMPLEMENTATION OF AND MAKE REVISIONS TO THE STRATEGIC STATEWIDE PLAN SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(K) IN DEVELOPING, MONITORING THE IMPLEMENTATION OF, AND REVISING THE STRATEGIC STATEWIDE PLAN, THE CONSORTIUM SHALL COORDINATE WITH ORGANIZATIONS OR WORK TO MAXIMIZE THE IMPACT OF ORGANIZATIONS, INITIATIVES, AND TOOLS ALREADY IN PLACE IN THE STATE TO TREAT OR REDUCE OPIOID USE DISORDERS, INCLUDING:~~

~~(1) THE CONTROLLED DANGEROUS SUBSTANCES UNIT IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

~~(2) THE RAPID RESPONSE TEAM AT THE UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY;~~

~~(3) THE STATE OVERDOSE PREVENTION PLAN DEVELOPED IN 2013 AND UPDATED IN 2014, WHICH INCLUDES PRESCRIBER EDUCATION AND DATA ANALYSIS AND THE USE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE VIRTUAL DATA UNIT;~~

~~(4) LOCAL OVERDOSE PREVENTION PLANS;~~

~~(5) THE OVERDOSE PREVENTION MEDIA CAMPAIGN WITHIN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE BEHAVIORAL HEALTH ADMINISTRATION;~~

~~(6) EFFORTS TO ENHANCE OVERDOSE RESPONSE LAWS, REGULATIONS, AND TRAINING;~~

~~(7) LAWS ESTABLISHING LOCAL OVERDOSE FATALITY REVIEW TEAMS;~~

~~(8) PRESCRIBER EDUCATION TRAINING APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, INCLUDING TRAINING HELD STATEWIDE BY THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND AND THE MARYLAND SOCIETY FOR ADDICTION MEDICINE; AND~~

~~(9) THE PRESCRIPTION DRUG MONITORING PROGRAM AND EFFORTS TO EXPAND ITS USE BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS A PUBLIC HEALTH TOOL FOR MONITORING AND RESPONDING TO PRESCRIBING PATTERNS ACROSS THE STATE.~~

~~(L) THE CONSORTIUM SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:~~

~~(1) ON OR BEFORE JANUARY 1, 2016, A REPORT THAT INCLUDES ANY INITIAL RECOMMENDATIONS OF THE CONSORTIUM FOR THE STRATEGIC STATEWIDE PLAN;~~

~~(2) ON OR BEFORE JANUARY 1, 2017, A REPORT THAT INCLUDES THE FINALIZED STRATEGIC STATEWIDE PLAN AND ANY RECOMMENDATIONS FOR LEGISLATIVE ACTION TO IMPLEMENT THE PLAN; AND~~

~~(3) ON OR BEFORE JANUARY 1, 2018, AND ON JANUARY 1 OF EACH YEAR THEREAFTER, A REPORT THAT INCLUDES AN UPDATE ON IMPLEMENTATION OF THE STRATEGIC STATEWIDE PLAN AND ANY REVISIONS THAT HAVE BEEN MADE TO THE STRATEGIC STATEWIDE PLAN BY THE CONSORTIUM.~~

### Article – State Government

#### 2-10A-02.

(A) THERE IS A JOINT COMMITTEE ON BEHAVIORAL HEALTH AND OPIOID USE DISORDERS.



**(B) (1) THE COMMITTEE CONSISTS OF 10 MEMBERS.**

**(2) OF THE 10 MEMBERS:**

**(I) 5 SHALL BE MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE; AND**

**(II) 5 SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.**

**(C) THE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.**

**(D) THE PRESIDENT AND THE SPEAKER JOINTLY SHALL APPOINT A SENATOR AND A DELEGATE TO SERVE AS COCHAIRS.**

**(E) THE COMMITTEE SHALL HAVE OVERSIGHT OVER:**

**(1) THE PRESCRIPTION DRUG MONITORING PROGRAM;**

**(2) STATE AND LOCAL PROGRAMS TO TREAT AND REDUCE BEHAVIORAL HEALTH DISORDERS; AND**

**(3) STATE AND LOCAL PROGRAMS TO TREAT AND REDUCE OPIOID USE DISORDERS.**

**(F) THE PURPOSES OF THE COMMITTEE ARE TO:**

**(1) REVIEW THE FINAL REPORT OF THE GOVERNOR'S HEROIN AND OPIOID EMERGENCY TASK FORCE;**

**(2) REVIEW AND MONITOR THE ACTIVITIES OF THE GOVERNOR'S INTER-AGENCY HEROIN AND OPIOID COORDINATING COUNCIL;**

**(3) ~~EVALUATE~~ MONITOR THE EFFECTIVENESS OF PROGRAMS, POLICIES, AND PRACTICES, INCLUDING:**

**(I) THE STATE'S BEHAVIORAL HEALTH SYSTEM;**

**(II) ~~THE CONTROLLED DANGEROUS SUBSTANCES UNIT IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~**

**(III) ~~THE RAPID RESPONSE TEAM AT THE UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY;~~**

~~(IV) THE STATE OVERDOSE PREVENTION PLAN DEVELOPED IN 2013 AND UPDATED IN 2014, WHICH INCLUDES PRESCRIBER EDUCATION AND DATA ANALYSIS AND THE USE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE VIRTUAL DATA UNIT;~~

~~(V) (III) LOCAL OVERDOSE PREVENTION PLANS;~~

~~(VI) (IV) STRATEGIC PLANNING PRACTICES TO REDUCE PRESCRIPTION DRUG ABUSE IN THE STATE;~~

~~(VII) THE OVERDOSE PREVENTION MEDIA CAMPAIGN IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE BEHAVIORAL HEALTH ADMINISTRATION;~~

~~(VIII) (V) EFFORTS TO ENHANCE OVERDOSE RESPONSE STATUTORY LAWS, REGULATIONS, AND TRAINING;~~

~~(IX) (VI) LAWS ESTABLISHING LOCAL OVERDOSE FATALITY REVIEW TEAMS; AND~~

~~(X) PRESCRIBER EDUCATION TRAINING APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, INCLUDING TRAINING HELD STATEWIDE BY MEDCIII, THE MARYLAND STATE MEDICAL SOCIETY, AND THE MARYLAND SOCIETY FOR ADDICTION MEDICINE; AND~~

~~(XI) (VII) EFFORTS TO EXPAND USE OF THE PRESCRIPTION DRUG MONITORING PROGRAM BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS A PUBLIC HEALTH TOOL FOR MONITORING AND RESPONDING TO PRESCRIBING PATTERNS ACROSS THE STATE;~~

(4) REVIEW THE EXTENT TO WHICH HEALTH INSURANCE CARRIERS IN THE STATE ARE COMPLYING WITH FEDERAL AND STATE MENTAL HEALTH AND ADDICTION PARITY LAWS; AND

(5) IDENTIFY AREAS OF CONCERN AND, AS APPROPRIATE, RECOMMEND CORRECTIVE MEASURES TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 6 years and, at the end of May 31, 2021, 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 12, 2015.

**Chapter 465****(House Bill 934)**

AN ACT concerning

**~~Educational~~ Institutions *of Postsecondary Education* – Personal Electronic Account – Privacy Protection**

FOR the purpose of prohibiting an ~~educational institution~~ *institution of postsecondary education* from requiring, requesting, suggesting, or causing a student, an applicant, or a prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the individual's personal electronic account; prohibiting an ~~educational institution~~ *institution of postsecondary education* from compelling a student, an applicant, or a prospective student, as a condition of acceptance or participation in curricular or extracurricular activities, to add certain individuals to a certain list of contacts or to change certain privacy settings; prohibiting an ~~educational institution~~ *institution of postsecondary education* from taking or threatening to take certain actions against a student, or failing or refusing to admit an applicant, as a result of the student's or applicant's refusal to grant access to, allow observation of, or disclose certain information relating to a personal electronic account, add certain individuals to a certain list of contacts, or change certain privacy settings; providing that this Act may not be construed to prohibit an ~~educational institution~~ *institution of postsecondary education* from requesting or requiring a student to disclose access information to certain electronic accounts, to prohibit or restrict an ~~educational institution~~ *institution of postsecondary education* from viewing, accessing, or utilizing certain information that is ~~available in the public domain~~ publicly accessible or available to an ~~educational institution~~ *institution of postsecondary education* as the result of certain actions of the student, to create a duty to search or monitor the activity of a personal electronic account, to make an ~~educational institution~~ *institution of postsecondary education* liable for failing to request or require a student, an applicant, or a prospective student to grant access to, allow observation of, or disclose certain information relating to a personal electronic account, to prohibit a student, an applicant, or a prospective student from allowing a certain individual to view certain communications, or to apply to a certain investigation conducted by a certain department of or in accordance with a certain policy or protocol of an institution of postsecondary education; authorizing the governing board of an institution of higher education to adopt a policy authorizing an employee to request a student to create a certain personal electronic account for a certain purpose ~~or to request to observe certain information to fulfill a certain obligation or conduct a certain investigation or assessment~~; authorizing an individual who is the subject of a violation of this Act to take certain legal action; establishing that an ~~educational institution's~~ *institution of postsecondary education's* action in compliance with federal or State law is an affirmative defense to a claim under this Act; defining certain terms; and generally relating to the personal electronic accounts of students, applicants, and prospective students of ~~educational~~ *institutions of postsecondary education*.

BY adding to

Article – Education

Section 26–401 to be under the new subtitle “Subtitle 4. Personal Electronic Account Privacy Protection”

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

### Article – Education

#### SUBTITLE 4. PERSONAL ELECTRONIC ACCOUNT PRIVACY PROTECTION.

##### 26–401.

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

(2) “ACCESS INFORMATION” MEANS A USER NAME, A PASSWORD, LOG-IN INFORMATION, AN ACCOUNT NAME, OR ANY OTHER SECURITY INFORMATION THAT PROTECTS ACCESS TO A PERSONAL ELECTRONIC ACCOUNT.

(3) ~~“EDUCATIONAL INSTITUTION” MEANS A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION THAT OFFERS STUDENTS AN ORGANIZED COURSE OF STUDY OR TRAINING THAT IS ACADEMIC, TECHNICAL, TRADE ORIENTED, OR PREPARATORY FOR GAINFUL EMPLOYMENT IN A RECOGNIZED OCCUPATION~~ INSTITUTION OF POSTSECONDARY EDUCATION” HAS THE MEANING STATED IN § 10–101(I) OF THIS ARTICLE.

(4) (I) “PERSONAL ELECTRONIC ACCOUNT” MEANS AN ACCOUNT CREATED VIA AN ELECTRONIC MEDIUM OR A SERVICE THAT ALLOWS USERS TO CREATE, SHARE, OR VIEW USER-GENERATED CONTENT, INCLUDING UPLOADING OR DOWNLOADING VIDEOS OR STILL PHOTOGRAPHS, BLOGS, VIDEO BLOGS, PODCASTS, MESSAGES, ELECTRONIC MAIL, INTERNET WEB SITE PROFILES OR LOCATIONS, OR ANY OTHER ELECTRONIC INFORMATION.

(II) “PERSONAL ELECTRONIC ACCOUNT” DOES NOT INCLUDE AN ACCOUNT THAT IS OPENED ON BEHALF OF, OR OWNED OR PROVIDED BY, AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION.

(5) “STUDENT” INCLUDES AN INDIVIDUAL WHO IS A PARTICIPANT, TRAINEE, OR STUDENT IN AN ORGANIZED COURSE OF STUDY OR TRAINING OFFERED BY AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION.

**(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION MAY NOT:**

**(1) REQUIRE, REQUEST, SUGGEST, OR CAUSE A STUDENT, AN APPLICANT, OR A PROSPECTIVE STUDENT TO GRANT ACCESS TO, ALLOW OBSERVATION OF, OR DISCLOSE INFORMATION THAT ALLOWS ACCESS TO OR OBSERVATION OF THE INDIVIDUAL'S PERSONAL ELECTRONIC ACCOUNT;**

**(2) COMPEL A STUDENT, AN APPLICANT, OR A PROSPECTIVE STUDENT, AS A CONDITION OF ACCEPTANCE OR PARTICIPATION IN CURRICULAR OR EXTRACURRICULAR ACTIVITIES, TO:**

**(I) ADD TO THE LIST OF CONTACTS ASSOCIATED WITH A PERSONAL ELECTRONIC ACCOUNT ANY INDIVIDUAL, INCLUDING A COACH, A TEACHER, AN ADMINISTRATOR, ANOTHER EMPLOYEE OF THE ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION, OR A VOLUNTEER; OR**

**(II) CHANGE THE PRIVACY SETTINGS ASSOCIATED WITH A PERSONAL ELECTRONIC ACCOUNT;**

**(3) TAKE ANY ACTION OR THREATEN TO TAKE ANY ACTION TO DISCHARGE, DISCIPLINE, PROHIBIT FROM PARTICIPATING IN CURRICULAR OR EXTRACURRICULAR ACTIVITIES, OR OTHERWISE PENALIZE A STUDENT AS A RESULT OF THE STUDENT'S REFUSAL TO:**

**(I) GRANT ACCESS TO, ALLOW OBSERVATION OF, OR DISCLOSE ANY INFORMATION THAT ALLOWS ACCESS TO OR OBSERVATION OF A PERSONAL ELECTRONIC ACCOUNT;**

**(II) ADD ANY INDIVIDUAL TO THE LIST OF CONTACTS ASSOCIATED WITH A PERSONAL ELECTRONIC ACCOUNT; OR**

**(III) CHANGE THE PRIVACY SETTINGS ASSOCIATED WITH A PERSONAL ELECTRONIC ACCOUNT; OR**

**(4) FAIL OR REFUSE TO ADMIT AN APPLICANT AS A RESULT OF THE APPLICANT'S REFUSAL TO:**

**(I) GRANT ACCESS TO, ALLOW OBSERVATION OF, OR DISCLOSE ANY INFORMATION THAT ALLOWS ACCESS TO OR OBSERVATION OF A PERSONAL ELECTRONIC ACCOUNT;**

(II) ADD ANY INDIVIDUAL TO THE LIST OF CONTACTS ASSOCIATED WITH A PERSONAL ELECTRONIC ACCOUNT; OR

(III) CHANGE THE PRIVACY SETTINGS ASSOCIATED WITH A PERSONAL ELECTRONIC ACCOUNT.

(C) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) PROHIBIT AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION FROM REQUESTING OR REQUIRING A STUDENT TO DISCLOSE ACCESS INFORMATION TO ALLOW THE ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION TO GAIN ACCESS TO AN ELECTRONIC ACCOUNT:

(I) OPENED AT THE ~~EDUCATIONAL INSTITUTION'S~~ INSTITUTION OF POSTSECONDARY EDUCATION'S BEHEST; OR

(II) PROVIDED BY THE ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION;

(2) PROHIBIT OR RESTRICT AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION FROM VIEWING, ACCESSING, OR UTILIZING INFORMATION ABOUT A STUDENT, AN APPLICANT, OR A PROSPECTIVE STUDENT THAT:

(I) CAN BE OBTAINED WITHOUT ACCESS INFORMATION;

(II) IS ~~AVAILABLE IN THE PUBLIC DOMAIN~~ PUBLICLY ACCESSIBLE; OR

(III) IS AVAILABLE TO THE ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION AS THE RESULT OF ACTIONS UNDERTAKEN INDEPENDENTLY BY THE STUDENT;

(3) CREATE A DUTY REQUIRING AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION TO SEARCH OR MONITOR THE ACTIVITY OF A PERSONAL ELECTRONIC ACCOUNT;

(4) MAKE AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION LIABLE FOR FAILING TO REQUEST OR REQUIRE A STUDENT, AN APPLICANT, OR A PROSPECTIVE STUDENT TO GRANT ACCESS TO, ALLOW OBSERVATION OF, OR DISCLOSE INFORMATION THAT ALLOWS ACCESS TO OR OBSERVATION OF THE INDIVIDUAL'S PERSONAL ELECTRONIC ACCOUNT;

(5) PROHIBIT A STUDENT, AN APPLICANT, OR A PROSPECTIVE STUDENT FROM ALLOWING AN ATHLETIC COACH OR ADMINISTRATOR TO VIEW THE STUDENT'S, APPLICANT'S, OR PROSPECTIVE STUDENT'S PUBLICLY ACCESSIBLE COMMUNICATIONS; OR

(6) APPLY TO:

(I) A SUSPECTED CRIMINAL ACTIVITY INVESTIGATION INTO THE PUBLICLY ACCESSIBLE COMMUNICATIONS OF A STUDENT, AN APPLICANT, OR A PROSPECTIVE STUDENT THAT IS PERFORMED BY A PUBLIC SAFETY DEPARTMENT OR POLICE AGENCY OF AN INSTITUTION OF POSTSECONDARY EDUCATION; OR

(II) AN INVESTIGATION, AN INQUIRY, OR A DETERMINATION RELATING TO THE PUBLICLY ACCESSIBLE COMMUNICATIONS OF A STUDENT, AN APPLICANT, OR A PROSPECTIVE STUDENT THAT IS CONDUCTED IN ACCORDANCE WITH THE HEALTH OR PUBLIC SAFETY ADMINISTRATION ASSESSMENT POLICY OR PROTOCOL OF AN INSTITUTION OF POSTSECONDARY EDUCATION.

~~(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION MAY ADOPT A POLICY AUTHORIZING AN EMPLOYEE OF THE INSTITUTION OF HIGHER EDUCATION TO:~~

~~(1) REQUEST A STUDENT, IN ORDER TO COMPLETE AN ACADEMIC OR CAREER-BASED ACTIVITY, TO CREATE A GENERIC PERSONAL ELECTRONIC ACCOUNT; OR~~

~~(2) REQUEST TO OBSERVE INFORMATION ON A STUDENT'S PERSONAL ELECTRONIC ACCOUNT TO:~~

~~(I) FULFILL AN OBLIGATION OF THE EMPLOYEE OR THE INSTITUTION UNDER FEDERAL OR STATE LAW; OR~~

~~(II) CONDUCT A HEALTH AND SAFETY INVESTIGATION OR ASSESSMENT.~~

*(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE GOVERNING BOARD OF AN INSTITUTION OF POSTSECONDARY EDUCATION MAY ADOPT A POLICY AUTHORIZING AN EMPLOYEE OF THE INSTITUTION OF POSTSECONDARY EDUCATION TO REQUEST A STUDENT, IN ORDER TO COMPLETE AN ACADEMIC OR CAREER-BASED ACTIVITY, TO CREATE A GENERIC PERSONAL ELECTRONIC ACCOUNT.*

~~(D)~~ (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL WHO IS THE SUBJECT OF A VIOLATION OF ANY PROVISION OF THIS SECTION MAY:

(I) BRING A CIVIL ACTION TO ENJOIN THE VIOLATION OR FOR DAMAGES;

(II) ADD A CLAIM FOR DAMAGES TO AN ACTION SEEKING INJUNCTIVE RELIEF; AND

(III) RECOVER NOT MORE THAN \$1,000 IN DAMAGES PLUS REASONABLE ATTORNEY'S FEES AND COURT COSTS.

(2) AN INDIVIDUAL MAY NOT BRING AN ACTION FOR DAMAGES OR ADD A CLAIM FOR DAMAGES TO AN ACTION SEEKING INJUNCTIVE RELIEF UNDER THIS SECTION UNTIL AT LEAST 60 DAYS AFTER MAKING A WRITTEN DEMAND OF THE ALLEGED VIOLATOR FOR NOT MORE THAN \$1,000 THAT:

(I) INCLUDES REASONABLE DOCUMENTATION OF THE VIOLATION; AND

(II) IS SERVED IN THE MANNER PROVIDED FOR SERVICE OF PROCESS IN A CIVIL ACTION UNDER THE MARYLAND RULES OR BY CERTIFIED MAIL TO THE RESIDENCE OR PRINCIPAL OFFICE OR PLACE OF BUSINESS OF THE ALLEGED VIOLATOR.

(3) AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT IN THE DISTRICT COURT FOR THE COUNTY IN WHICH:

(I) THE ALLEGED VIOLATION OCCURRED; OR

(II) THE ALLEGED VIOLATOR RESIDES OR HAS A PRINCIPAL OFFICE OR PLACE OF BUSINESS.

~~(E)~~ (F) IT IS AN AFFIRMATIVE DEFENSE TO ANY CLAIM UNDER THIS SECTION THAT THE ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF POSTSECONDARY EDUCATION ACTED TO COMPLY WITH THE REQUIREMENTS OF A FEDERAL OR STATE LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

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