

Maryland Register

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Volume 46 • Issue 16 • Pages 679—716

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 15, 2019, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of July 15, 2019.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith**, Secretary of State; **Gail S. Klakring**, Administrator; **Mary D. MacDonald**, Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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COMAR Online

The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.dsd.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title "Maryland Documents". This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. "Maryland Documents" also includes local publications.

Anyone wishing to receive "Maryland Documents" should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

CLOSING DATES and ISSUE DATES through JANUARY 2020

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2019			
August 16	July 29	August 5	August 7
August 30	August 12	August 19	August 21
September 13	August 26	August 30**	September 4
September 27	September 9	September 16	September 18
October 11	September 23	September 30	October 2
October 25	October 7	October 11**	October 16
November 8	October 21	October 28	October 30
November 22	November 4	November 8**	November 13
December 6	November 18	November 25	November 27
December 20	December 2	December 9	December 11
2020			
January 3	December 16	December 23	December 24**
January 17	December 30	January 6	January 8
January 31	January 13	January 17**	January 22

* Deadlines are for submissions to DSD for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; due date for documents exceeding 18 pages is 1 week before the date listed.

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE PAGE COUNT REFLECTS THIS FORMATTING.

** Note closing date changes.

*** Note issue date changes.

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

09.12.01.01D(2)(c)(iii)
 Title Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

01 EXECUTIVE DEPARTMENT

01.02.11.01—,10,,14,,16—,22 • 45:23 Md. R. 1073 (11-9-18)

03 COMPTROLLER OF THE TREASURY

03.03.05.04 • 45:18 Md. R. 835 (8-31-18)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.02.01.01—,07 • 46:1 Md. R. 16 (1-4-19) (ibr)

05.02.02.01—,12 • 46:1 Md. R. 16 (1-4-19)

05.02.03.01—,07 • 46:1 Md. R. 16 (1-4-19)

05.02.04.01—,18 • 46:1 Md. R. 16 (1-4-19) (ibr)

05.02.06.01,,02 • 46:1 Md. R. 16 (1-4-19)

05.02.07.01—,09 • 46:1 Md. R. 16 (1-4-19) (ibr)

05.13.01.01—,19 • 46:15 Md. R. 657 (7-19-19)

05.16.01.01—,08 • 46:1 Md. R. 16 (1-4-19)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.01.01 • 46:13 Md. R. 591 (6-21-19) (ibr)

08.02.01.16 • 46:15 Md. R. 662 (7-19-19)

08.02.04.01,,08,,12 • 46:16 Md. R. 690 (8-2-19)

08.02.04.02,,03,,06,,10,,11 • 46:13 Md. R. 592 (6-21-19)

08.02.04.14 • 46:16 Md. R. 694 (8-2-19)

08.02.05.02 • 46:13 Md. R. 594 (6-21-19)

08.02.05.08 • 46:16 Md. R. 694 (8-2-19)

08.02.15.04 • 46:12 Md. R. 549 (6-7-19)

08.02.17.01 • 46:13 Md. R. 595 (6-21-19)

08.02.25.06 • 46:16 Md. R. 695 (8-2-19)

08.02.25.08 • 46:13 Md. R. 594 (6-21-19)

08.03.02.02 • 46:15 Md. R. 663 (7-19-19)

08.03.03.01 • 46:13 Md. R. 596 (6-21-19)

08.07.07.02 • 46:13 Md. R. 597 (6-21-19) (ibr)

09 MARYLAND DEPARTMENT OF LABOR

09.03.06.02—,25 • 46:5 Md. R. 315 (3-1-19)

09.12.01.28 • 46:15 Md. R. 663 (7-19-19)

09.12.41.20—,24 • 46:15 Md. R. 664 (7-19-19)

09.10.01.90 • 46:14 Md. R. 624 (7-5-19)

09.34.01.11,,13 • 45:21 Md. R. 982 (10-12-18)

09.35.02.04—,06 • 46:13 Md. R. 598 (6-21-19)

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

10.01.04.03,,05,,06,,09,,10 • 46:16 Md. R. 695 (8-2-19)

Subtitle 09 (2nd volume)

10.09.02.07 • 46:14 Md. R. 625 (7-5-19) (ibr)

10.09.23.01-1,,02,,05 • 46:12 Md. R. 550 (6-7-19) (ibr)

10.09.49.02—,11 • 46:12 Md. R. 551 (6-7-19)

10.09.62.01 • 46:12 Md. R. 553 (6-7-19)

10.09.63.06 • 46:16 Md. R. 695 (8-2-19)

10.09.65.19 • 46:12 Md. R. 554 (6-7-19)

10.09.67.24 • 46:12 Md. R. 553 (6-7-19)

10.09.69.14 • 46:16 Md. R. 697 (8-2-19)

10.09.71.04 • 46:16 Md. R. 695 (8-2-19)

10.09.89.01—,03,,05,,09—,20 • 46:12 Md. R. 556 (6-7-19)

10.09.90.02,,03,,07,,09,,12,,13 • 46:12 Md. R. 556 (6-7-19)

10.09.92.07 • 46:16 Md. R. 698 (8-2-19)

10.09.95.05 • 46:13 Md. R. 599 (6-21-19)

Subtitles 10 — 22 (3rd Volume)

10.12.06.01—,10 • 46:2 Md. R. 62 (1-18-19)

10.15.03.02,,06,,09,,15,,25,,27,,40 • 46:12 Md. R. 559 (6-7-19)

10.15.07.01 • 46:12 Md. R. 561 (6-7-19) (ibr)

10.17.01.05,,06,,06-1,,07—,11,,55 • 46:2 Md. R. 64 (1-18-19)

Subtitles 23 — 36 (4th Volume)

- 10.27.01.01,.05,.10 • 46:14 Md. R. 626 (7-5-19)
- 10.32.01.02,.06 • 46:12 Md. R. 561 (6-7-19)
- 10.32.13.02 • 46:12 Md. R. 561 (6-7-19)

Subtitles 37—66 (5th Volume)

- 10.42.10.01—.06 • 46:13 Md. R. 600 (6-21-19)
- 10.42.10.04 • 46:14 Md. R. 633 (7-5-19) (err)
- 10.44.12.11,.21 • 46:16 Md. R. 699 (8-2-19)
- 10.47.08.01—.12 • 46:2 Md. R. 73 (1-18-19)
- 10.63.07.02,.03,.05,.06 • 46:2 Md. R. 78 (1-18-19)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 11—23 (MVA)

- 11.11.13.02,.04 • 46:15 Md. R. 664 (7-19-19)
- 11.13.10.02—.04,.08,.10,.18 • 46:15 Md. R. 664 (7-19-19)

**12 DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

- 12.04.01.01,.04 • 46:12 Md. R. 562 (6-7-19)
- 12.04.08.01—.05 • 45:25 Md. R. 1212 (12-7-18)

13A STATE BOARD OF EDUCATION

- 13A.01.06.01—.05 • 46:7 Md. R. 373 (3-29-19)
- 13A.04.05.01—.08 • 46:7 Md. R. 373 (3-29-19)
- 13A.04.12.02 • 46:13 Md. R. 601 (6-21-19)
- 13A.04.14.02 • 46:13 Md. R. 602 (6-21-19)
- 13A.05.04.02—.08 • 46:11 Md. R. 520 (5-24-19)
- 13A.06.05.01—.06 • 46:16 Md. R. 699 (8-2-19) (ibr)
- 13A.15.01.02 • 46:4 Md. R. 227 (2-15-19)
- 13A.15.02.01—.03,.07 and .08 • 46:4 Md. R. 227 (2-15-19)
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13B MARYLAND HIGHER EDUCATION COMMISSION

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- 13B.06.02.01 • 46:13 Md. R. 603 (6-21-19)
- 13B.08.11.01—.09 • 46:11 Md. R. 519 (5-24-19)
- 13B.08.17.04 • 46:15 Md. R. 666 (7-19-19)
- 13B.08.21.05,.08,.09,.12,.17 • 46:15 Md. R. 666 (7-19-19)

14 INDEPENDENT AGENCIES

- 14.09.04.03 • 46:12 Md. R. 566 (6-7-19)
- 14.35.18.01—.08 • 46:15 Md. R. 667 (7-19-19)
- 14.38.01.01—.07 • 46:11 Md. R. 520 (5-24-19)
- 46:12 Md. R. 568 (6-7-19) (err)

15 DEPARTMENT OF AGRICULTURE

- 15.01.15.02 • 46:9 Md. R. 460 (4-26-19)
- 15.05.01.17 • 46:16 Md. R. 701 (8-2-19)

22 STATE RETIREMENT AND PENSION SYSTEM

- 22.01.06.01—.06 • 46:16 Md. R. 702 (8-2-19)
- 22.01.10.01—.06 • 46:16 Md. R. 704 (8-2-19)
- 22.01.12.01—.03 • 46:16 Md. R. 704 (8-2-19)

26 DEPARTMENT OF THE ENVIRONMENT**Subtitles 08—12 (Part 2)**

- 26.08.01.01** • 46:3 Md. R. 155 (2-1-19)
26.08.04.01 • 46:3 Md. R. 155 (2-1-19) (ibr)

27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

- 27.01.01.01** • 46:14 Md. R. 627 (7-5-19)
27.01.02.06-1,,06-3 • 46:14 Md. R. 627 (7-5-19)
27.01.09.03,,04 • 46:14 Md. R. 627 (7-5-19)
27.01.10.01 • 46:14 Md. R. 627 (7-5-19)
27.02.01.01 • 46:14 Md. R. 627 (7-5-19)
27.02.05.04,,11,,12 • 46:14 Md. R. 627 (7-5-19)

29 DEPARTMENT OF STATE POLICE

- 29.03.03.01** • 46:11 Md. R. 521 (5-24-19)
29.06.01.02,,06—,10,,14 • 46:16 Md. R. 705 (8-2-19) (ibr)
29.06.05.03 • 46:16 Md. R. 708 (8-2-19)

31 MARYLAND INSURANCE ADMINISTRATION

- 31.02.01.06—,08** • 46:16 Md. R. 708 (8-2-19)
31.03.02.03 • 46:12 Md. R. 567 (6-7-19)
31.04.17.03 • 46:12 Md. R. 567 (6-7-19)
31.09.04.03 • 46:2 Md. R. 82 (1-18-19)
 46:13 Md. R. 604 (6-21-19)
31.10.06.02,,28,,30,,31 • 45:23 Md. R. 1119 (11-9-18)
31.15.12.03 • 46:2 Md. R. 84 (1-18-19)

33 STATE BOARD OF ELECTIONS

- 33.13.10.03** • 46:5 Md. R. 326 (3-1-19)
33.13.21.01—,04 • 46:5 Md. R. 326 (3-1-19)

35 DEPARTMENT OF VETERANS AFFAIRS

- 35.07.01.01—,04** • 46:2 Md. R. 88 (1-18-19)

36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

- 36.03.10.20,,26—,28,,38** • 46:16 Md. R. 709 (8-2-19)
36.04.01.12,,21,,31 • 46:16 Md. R. 709 (8-2-19)
36.05.03.02 • 46:16 Md. R. 709 (8-2-19)
36.08.02.01 • 46:16 Md. R. 709 (8-2-19)
36.09.01.06,,07,,09,,11,,13 • 46:16 Md. R. 709 (8-2-19)

The Attorney General

2019 ANNUAL MEETING OF THE PUBLIC INFORMATION ACT COMPLIANCE BOARD

The Public Information Act Compliance Board will hold its **Annual Meeting at 1 p.m. on August 19, 2019**, at 200 St. Paul Place, Baltimore, Maryland 21202. The public is invited to attend.

If you are interested in attending, please contact Ms. Janice Clark (at piaopengov@oag.state.md.us or 410-576-6560) **NO LATER THAN AUGUST 13** so that we may make the necessary arrangements. When you arrive, please check in at the guard desk in the building lobby.

If you are interested in receiving email notifications about future meetings of the PIACB, please contact Janice Clark at PIAOpengov@oag.state.md.us.

[19-16-13]

Open Meetings Compliance Board

NOTICE OF ANNUAL MEETING

The Open Meetings Compliance Board will hold its annual meeting at 11 a.m. on August 22, 2019, at the Offices of the Attorney General in Baltimore at 200 St. Paul Place, Baltimore Maryland. The public is invited to attend.

If you are interested in attending, please contact Janice Clark at OpenGov@oag.state.md.us or 410-576-7033 so that we may make the necessary arrangements. An agenda will be available when determined and will be posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/default.aspx#meetings>.

All future notices of the Open Meetings Compliance Board will be posted on the open meetings webpage of the Attorney General's website at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>.

[19-16-12]

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 18 BOARD OF CERTIFIED INTERIOR DESIGNERS

09.18.02 Code of Ethics

Authority: Business Occupations and Professions Article, §8-206(b),
Annotated Code of Maryland

Notice of Final Action

[19-089-F]

On July 16, 2019, the Board of Certified Interior Designers adopted at their regular meeting amendments to Regulation .07 under **COMAR 09.18.02 Code of Ethics**. This action, which was proposed for adoption in 46:11 Md. R. 518—519 (May 24, 2019), has been adopted as proposed.

Effective Date: August 12, 2019.

ROBYN DUBICK
Chair
State Board of Certified Interior Designers

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 32 BOARD OF PHYSICIANS

10.32.05 Telehealth

Authority: Health Occupations Article, §§1-903, 14-205, 14-301, and 14-601,
Annotated Code of Maryland

Notice of Final Action

[19-069-F]

On July 22, 2019, the Secretary of Health adopted the repeal of existing Regulations .01—.07 under **COMAR 10.32.05 Telemedicine** and adopted new Regulations .01—.07 under a new chapter, **COMAR 10.32.05 Telehealth**. This action, which was proposed for adoption in 46:8 Md. R. 406—408 (April 12, 2019), has been adopted as proposed.

Effective Date: August 12, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 62 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION

Notice of Final Action

[19-075-F]

On July 23, 2019, the Secretary of Health adopted:
The Secretary of Health proposes to:

- (1) Amendments to Regulation .01 under **COMAR 10.62.01 Definitions**;
- (2) Amendments to Regulation .04 under **COMAR 10.62.02 General Regulations**;
- (3) Amendments to Regulations .01—.03 under **COMAR 10.62.03 Certifying Providers**;
- (4) Amendments to Regulations .01 and .02 under **COMAR 10.62.05 Written Certifications**;
- (5) Amendments to Regulations .01, .05, and .07 under **COMAR 10.62.06 Patient and Caregiver Identification Cards**;
- (6) Amendments to Regulations .02, .03, and .06 under **COMAR 10.62.07 New Condition Approval Process**;
- (7) Amendments to Regulations .04, .06, and .08 under **COMAR 10.62.08 Medical Cannabis Grower License**;
- (8) Amendments to Regulation .03 under **COMAR 10.62.09 Medical Cannabis Grower Agent**;
- (9) Amendments to Regulations .05 and .07 under **COMAR 10.62.15 Medical Cannabis Grower Quality Control**;
- (10) New Regulation .06 under **COMAR 10.62.16 Independent Testing Laboratory Registration**;
- (11) Amendments to Regulation .02 under **COMAR 10.62.17 Complaints, Adverse Events, and Recall**;
- (12) Amendments to Regulations .01—.06 and new Regulations .07—.10 under **COMAR 10.62.18 Shipment of Products Between Licensees**;
- (13) Amendments to Regulations .03 and .05—.07 under **COMAR 10.62.19 Medical Cannabis Processor License**;
- (14) Amendments to Regulation .03 under **COMAR 10.62.20 Medical Cannabis Processor Agent**;
- (15) Amendments to Regulation .03 under **COMAR 10.62.22 Medical Cannabis Processor Operations**;
- (16) Amendments to Regulations .04 and .06 under **COMAR 10.62.23 Medical Cannabis Concentrates and Medical Cannabis-Infused Products**;
- (17) Amendments to Regulations .04 and .06—.08 under **COMAR 10.62.25 Medical Cannabis Dispensary License**;
- (18) Amendments to Regulation .03 under **COMAR 10.62.26 Registered Dispensary Agent**;
- (19) Amendments to Regulation .03 under **COMAR 10.62.28 Licensed Dispensary Operations**;
- (20) Amendments to Regulation .02 under **COMAR 10.62.29 Licensed Dispensary Packaging and Labeling for Distribution**;
- (21) Amendments to Regulations .03 and .04 under **COMAR 10.62.30 Dispensing Medical Cannabis**;
- (22) Amendments to Regulations .02 and .03 under **COMAR 10.62.32 Records**; and

(23) Amendments to Regulations **.01—.04** and new Regulations **.05—.07** under **COMAR 10.62.34 Discipline and Enforcement**.

This action, which was proposed for adoption in 46:9 Md. R. 450—459 (April 26, 2019), has been adopted as proposed.

Effective Date: August 12, 2019.

ROBERT R. NEALL
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 7-203, 7-205, 7-205.1, and 8-404, Annotated Code of Maryland

Notice of Final Action

[19-101-F]

On July 23, 2019, the Maryland State Board of Education adopted amendments to Regulation **.09** under **COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland**. This action, which was proposed for adoption in 46:12 Md. R. 563—564 (June 7, 2019), has been adopted as proposed.

Effective Date: August 12, 2019.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.04 Test Administration and Data-Reporting Policies and Procedures

Authority: Education Article, §§2-205 and 7-203, Annotated Code of Maryland

Notice of Final Action

[19-100-F]

On July 23, 2019, the Maryland State Board of Education adopted amendments to Regulations **.01**, **.03**, and **.04** under **COMAR 13A.03.04 Test Administration and Data-Reporting Policies and Procedures**. This action, which was proposed for adoption in 46:12 Md. R. 564—565 (June 7, 2019), has been adopted as proposed.

Effective Date: August 12, 2019.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 10 HOME INSTRUCTION

13A.10.01 General Regulations

Authority: Education Article, §§2-205 and 7-301, Annotated Code of Maryland

Notice of Final Action

[19-093-F]

On July 23, 2019, the Maryland State Board of Education adopted amendments to Regulations **.01** and **.05** under **COMAR 13A.10.01 General Regulations**. This action, which was proposed for adoption in 46:12 Md. R. 565 (June 7, 2019), has been adopted as proposed.

Effective Date: August 12, 2019.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215 and 4-1012, Annotated Code of Maryland

Notice of Proposed Action

[19-144-P]

The Secretary of Natural Resources proposes to amend Regulations .01, .08, and .12 under **COMAR 08.02.04 Oysters**.

Statement of Purpose

The purpose of this action is to clarify where certain gears may be used to harvest oysters. The action does not make changes to current practice, but makes changes to regulations pertaining to areas open for harvesting with patent tongs, dredge boats with and without yawl boats, and power dredge to ensure that current practices are in line with the regulation. The action also clarifies where exceptions apply.

Areas in COMAR 08.02.04.01 describe where patent tongs are prohibited and exceptions to those rules. Changes to this section clarify that the patent tong prohibition in specified counties pertains to tributaries of the Chesapeake Bay within those listed counties, not the mainstem of the Bay. The changes also move the prohibition in the Patuxent River to its intended place in the regulation whereby patent tongs are only allowed in the lower portion of the river as described. Current language in COMAR had the allowed/disallowed area in the Patuxent River reversed by mistake. This did not follow past or current practice or understanding. The changes add coordinates to Thomas and Saunders points so they are consistent with another section and makes slight changes to other coordinates that describe points that are already described by coordinates in other sections for consistency purposes. Lastly, the patent tong changes

remove a confusing and redundant reference to the former location of North Point on Poplar Island which no longer exists.

Areas in COMAR 08.02.04.08 describe where dredge boats are allowed to be used without auxiliary yawl boats. Changes to this section clarify that harvest by dredge boat is allowed in the mainstem of the Chesapeake Bay except areas prohibited in Natural Resources Article, §4-1012(a), Annotated Code of Maryland. Dredge boats have historically been allowed in the mainstem of the Chesapeake Bay, but due to legislative changes over the years the provision allowing this activity had been inadvertently removed. This change will also lessen confusion regarding whether dredge boats are allowed in certain tributaries in certain counties or the entire county. The changes clarify that Pocomoke Sound and portions of other tributaries are areas where dredge boat is prohibited. This matches the intention and is in line with current practice and understanding, but current regulatory text made it difficult to discern whether or not dredge boats were allowed in these areas. The changes clarify that a portion of Talbot County not in the mainstem of the Chesapeake Bay is an area where dredge boats are permitted, as intended and is current practice. Slight changes are being made to coordinates that describe points that are already described by coordinates in other sections for consistency and to avoid very slight unintended overlaps in gear areas. Lastly, the changes remove confusing and redundant reference to “the former dwelling of Thomas Tigner” and replace that language with coordinates.

Areas in COMAR 08.02.04.12 describe where power dredges may be used. The changes made in this regulation are slight changes to coordinates that describe points that are already described by coordinates in other sections for consistency and to avoid very slight unintended overlaps in gear areas. There are no meaningful changes to these areas.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Oyster Gear Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.01 Patent Tong Areas.

A. [Notwithstanding Natural Resources Article, §4-1011, Annotated Code of Maryland, and except as listed in §B of this regulation, a] A person may not use patent tongs to catch oysters in any of the waters listed in this section.

(1) *Tidal waters of the following counties, other than those waters included as part of the Chesapeake Bay, Tangier Sound, and Pocomoke Sound as defined by COMAR 08.02.01.06B:*

(a) Wicomico County[.];

[(2)] (b) Queen Anne’s County, *except as provided in §B(5) of this regulation*[.];

[(3)] (c) Talbot County[.];

[(4)] (d) Dorchester County[.]; and

[(5)] (e) Kent County, *except as provided in §§B(1)—(4) of this regulation.*

[(6)] (2) Patuxent River, *except as provided in §B(6) of this regulation.* [All of the waters of the Patuxent River enclosed by a line beginning at a point on the shore at Hog Point defined by Lat. 38°18.586’ N, Long. 76°23.993’ W; then running westerly along the shore to a point on the shore at Fishing Point defined by Lat. 38°18.285’ N, Long. 76°25.355’ W; then running 345° True to a point defined by Lat. 38°18.525’ N, Long. 76°25.434’ W; then running 251° True to a point defined by Lat. 38°18.271’ N, Long. 76°26.356’ W; then running 196° True to a point on the shore, defined by Lat. 38°17.503’ N, Long. 76°26.64’ W; then running northwesterly along the shore to a point defined by Lat. 38°22.412’ N, Long. 76°31.504’ W; then running 27° True to a point defined by Lat. 38°22.54’ N, Long. 76°31.42’ W; then running 307° True to a point defined by Lat. 38°22.612’ N, Long. 76°31.54’ W; then running 208° True to a point on the shore, defined by Lat. 38°22.491’ N, Long. 76°31.621’ W; then running northwesterly along the shore to a point on shore at Sotterly Wharf, defined by Lat. 38°22.728’ N, Long. 76°32.003’ W; then running 77° True to a point near St Leonard’s Creek Beacon, defined by Lat. 38°23.065’ N, Long. 76°30.177’ W; then running 77° True to a point on the shore, defined by Lat. 38°23.128’ N, Long. 76°29.826’ W; then running southeasterly along the shore to a point defined by Lat. 38°20.631’ N, Long. 76°28.241’ W; then running 282° True to a point defined by Lat. 38°20.638’ N, Long. 76°28.287’ W; then running 213° True to a point defined by Lat. 38°20.008’ N, Long. 76°28.815’ W; then running 132° True to a point on the shore, defined by Lat. 38°19.983’ N, Long. 76°28.78’ W; then running southeasterly along the shore to a point at the south entrance of Solomon’s Harbor, defined by Lat. 38°19.263’ N, Long. 76°27.103’ W; then running 7° True to a point at the north entrance of Solomon’s Harbor, defined by Lat. 38°19.37’ N, Long. 76°27.087’ W; then running easterly along the shore to Drum Point defined by Lat. 38°19.143’ N, Long. 76°25.266’ W; then running 119° True to the point of beginning.]

[(7)] (3) (text unchanged)

[(8)] (4) South River in Anne Arundel County [above] north and west of a straight line drawn between Thomas Point defined by Lat. 38°54.440’ N, Long. 76°27.610’ W and Saunders Point defined by Lat. 38°53.190’ N, Long. 76°29.440’ W.

[(9)] (5) Chesapeake Bay. All of the waters of the Chesapeake Bay enclosed by a line beginning at a point on the shore at Richland

Point defined by Lat. 38°14.846’ N, Long. [76°10.349’] 76°10.332’ W; then running [319°] 315° True to a point on the shore at the south end of Barren Island, defined by Lat. [38°19.467’] 38°19.460’ N, Long. [76°15.404’] 76°15.430’ W; then running [123°] 112° True to a point defined by Lat. 38°18.424’ N, Long. 76°13.400’ W; then running southeasterly along the shore to a point near the north end of the Narrows Ferry Bridge, defined by Lat. 38°17.917’ N, Long. 76°12.389’ W; then running 155° True to a point near the south end of the Narrows Ferry Bridge, defined by Lat. 38°17.676’ N, Long. 76°12.250’ W; then running southeasterly along the shore to the point of beginning.

B. Exceptions. [Notwithstanding Natural Resources Article, §4-1011, Annotated Code of Maryland, a] A person may catch oysters by patent tong in the areas listed in this section.

(1)—(4) (text unchanged)

(5) All of the waters of Eastern Bay south and west of a line beginning at a point defined by Lat. 38°49.904’ N, Long. 76°20.384’ W; then running 48° True to a point defined by Lat. 38°50.871’ N, Long. 76°19.031’ W; then running 115° True to a point defined by Lat. 38°50.746’ N, Long. 76°18.686’ W; then running 233° True to a point defined by Lat. 38°50.574’ N, Long. 76°18.978’ W; then running 201° True to a point defined by Lat. 38°48.693’ N, Long. 76°19.884’ W; then running 90° True to a point on shore, defined by Lat. 38°48.686’ N, Long. 76°18.54’ W; then running southerly along the shore to Lowes Point defined by Lat. 38°46.416’ N, Long. 76°20.02’ W; then running 323° True to a point defined by Lat. 38°47.861’ N, Long. 76°21.394’ W; then running 210° True to a point [near the former location of North Point] on Poplar Island defined by Lat. 38°46.553’ N, Long. 76°22.342’ W.

(6) *Patuxent River. All of the waters of the Patuxent River enclosed by a line beginning at a point on the shore at Hog Point defined by Lat. 38°18.586’ N, Long. 76°23.993’ W; then running westerly along the shore to a point on the shore at Fishing Point defined by Lat. 38°18.285’ N, Long. 76°25.355’ W; then running 345° True to a point defined by Lat. 38°18.525’ N, Long. 76°25.434’ W; then running 251° True to a point defined by Lat. 38°18.271’ N, Long. 76°26.356’ W; then running 196° True to a point on the shore, defined by Lat. 38°17.503’ N, Long. 76°26.640’ W; then running northwesterly along the shore to a point defined by Lat. 38°22.412’ N, Long. 76°31.504’ W; then running 27° True to a point defined by Lat. 38°22.540’ N, Long. 76°31.420’ W; then running 307° True to a point defined by Lat. 38°22.612’ N, Long. 76°31.540’ W; then running 208° True to a point on the shore, defined by Lat. 38°22.491’ N, Long. 76°31.621’ W; then running northwesterly along the shore to a point on shore at Sotterly Wharf, defined by Lat. 38°22.728’ N, Long. 76°32.003’ W; then running 77° True to a point near St Leonard’s Creek Beacon, defined by Lat. 38°23.065’ N, Long. 76°30.177’ W; then running 77° True to a point on the shore, defined by Lat. 38°23.128’ N, Long. 76°29.826’ W; then running southeasterly along the shore to a point defined by Lat. 38°20.631’ N, Long. 76°28.241’ W; then running 282° True to a point defined by Lat. 38°20.638’ N, Long. 76°28.287’ W; then running 213° True to a point defined by Lat. 38°20.008’ N, Long. 76°28.815’ W; then running 132° True to a point on the shore, defined by Lat. 38°19.983’ N, Long. 76°28.780’ W; then running southeasterly along the shore to a point at the south entrance of Solomon’s Harbor, defined by Lat. 38°19.263’ N, Long. 76°27.103’ W; then running 7° True to a point at the north entrance of Solomon’s Harbor, defined by Lat. 38°19.370’ N, Long. 76°27.087’ W; then running easterly along the shore to Drum Point defined by Lat. 38°19.143’ N, Long. 76°25.266’ W; then running 119° True to the point of beginning.*

.08 Dredge Boat Areas.

A. [Notwithstanding Natural Resources Article §4-1012(b), Annotated Code of Maryland,] *Except as listed in §B of this*

regulation a person may [not] catch oysters by a dredge boat, as defined in Natural Resources Article, §4-1001(g), Annotated Code of Maryland, [except] *only* in the following waters:

(1)—(2) (text unchanged)

(3) All of the waters of Dorchester and Talbot Counties enclosed by a line beginning at a point defined by Lat. 38°41.359' N, Long. 76°19.302' W; then running 107° True to a point at Benoni (Choptank River) Lighthouse, defined by Lat. 38°39.344' N, Long. 76°11.069' W; then running 123° True to a point at Chlora Point defined by Lat. 38°38.222' N, Long. 76°8.829' W; then running easterly along the shore to a point on the west side of La Trappe Creek, defined by Lat. 38°37.695' N, Long. 76°7.323' W; then running 106° True to a point on the east side of La Trappe Creek, defined by Lat. 38°37.62' N, Long. 76°6.997' W; then running southerly along the shore to a point at the south end of Howell Point defined by Lat. 38°36.675' N, Long. 76°6.646' W; then running [256°] 254° True to a point [on the shore at Horn Point] defined by Lat. [38°36.324'] 38°36.479' N, Long. [76°8.451'] 76°7.652' W; then running [66°] 308° True to a point defined by Lat. [38°36.507'] 38°36.557' N, Long. [76°7.92'] 76°7.780' W; then running 250° True to a point defined by Lat. 38° 36.507' N, Long. 76° 7.92' W; then running 320° True to a point defined by Lat. 38°36.534' N, Long. 76°7.949' W; then running 333° True to a point defined by Lat. 38°36.671' N, Long. 76°8.039' W; then running 349° True to a point defined by Lat. 38°36.846' N, Long. 76°8.08' W; then running 360° True to a point defined by Lat. 38°37.26' N, Long. 76°8.084' W; then running 356° True to a point defined by Lat. 38°37.496' N, Long. 76°8.108' W; then running 345° True to a point defined by Lat. 38°37.81' N, Long. 76°8.212' W; then running 308° True to a point defined by Lat. 38°37.866' N, Long. 76°8.302' W; then running 286° True to a point defined by Lat. 38°37.89' N, Long. 76°8.408' W; then running 272° True to a point defined by Lat. 38°37.898' N, Long. 76°8.684' W; then running 267° True to a point defined by Lat. 38°37.884' N, Long. 76°9.023' W; then running 283° True to a point defined by Lat. 38°37.933' N, Long. 76°9.296' W; then running 302° True to a point defined by Lat. 38°38.095' N, Long. 76°9.631' W; then running 314° True to a point defined by Lat. 38°38.536' N, Long. 76°10.221' W; then running 303° True to a point defined by Lat. 38°38.68' N, Long. 76°10.498' W; then running 288° True to a point defined by Lat. 38°38.789' N, Long. 76°10.919' W; then running 271° True to a point defined by Lat. 38°38.79' N, Long. 76°11.095' W; then running 240° True to a point defined by Lat. 38°38.732' N, Long. 76°11.226' W; then running 251° True to a point defined by Lat. 38°38.576' N, Long. 76°11.793' W; then running 264° True to a point defined by Lat. 38°38.518' N, Long. 76°12.494' W; then running 278° True to a point defined by Lat. 38°38.562' N, Long. 76°12.874' W; then running 292° True to a point defined by Lat. 38°38.664' N, Long. 76°13.197' W; then running 218° True to a point on the shore at Todds Point defined by Lat. 38°37.683' N, Long. 76°14.168' W; then running 267° True to a point on the shore at Cooks Point defined by Lat. 38°37.581' N, Long. 76°17.109' W; then running southerly along the shore to a point defined by Lat. 38°37.453' N, Long. 76°17.045' W; then running 120° True to a point on the shore, defined by Lat. 38°37.426' N, Long. 76°16.984' W; then running southerly and westerly along the shore of Trippe Bay and Brannock Bay to a point at Hills Point defined by Lat. 38°34.358' N, Long. 76°18.292' W; then running 206° True to a point on shore at the north end of James Island, defined by Lat. 38°31.387' N, Long. 76°20.14' W; then running 345° True to Sharps Island Lighthouse, defined by Lat. 38°38.345' N, Long. 76°22.541' W; then running 42° True to a point on shore at Blackwalnut Point defined by Lat. 38°40.239' N, Long. 76°20.373' W; then running northeasterly along the shore of Tilghman Island to a point defined by Lat. 38°41.366' N, Long. 76°19.333' W; then

running 107° True to the point of beginning, excluding the area defined as Cook Point Sanctuary in Regulation .15A of this chapter;

(4) All the waters of Somerset County[, except Pocomoke Sound, including the Wicomico, Manokin, and Big Annemessex rivers, which are defined as follows:

(a) Wicomico River: easterly of a straight line drawn from the former dwelling of Thomas Tigner near Hains Point to the most southwesterly point of Clay Island. Manokin River: landward or upstream of a straight line joining South Point on Little Deals Island to Hazard Point on the mainland; and

(b) Big Annemessex River: easterly of a straight line from Tenth Point to Porpoise Point; and for the purpose of this section, Tenth Point shall be considered to be the easterly point of the marsh at the entrance of Thru Creek shown on published Chart No. 7 of the Oyster Survey of 1906 to 1912, at a position of latitude 38 degrees, 2 minutes, 19.20 seconds and longitude 75 degrees 51 minutes 39.47 seconds; and Porpoise Point shall be considered to be the most westerly point of the marsh of Pat Island and that part of Tangier Sound, south of a line drawn in an easterly course from Terrapin Sands Point on the west side of Tangier Sound to the channel and then following the channel in a southerly direction to the Virginia Line; and] *except as provided in §§B(1)—(5) of this regulation.*

(5) Talbot County. [The] *All of the waters bayward of a line beginning at Kent Point, [and following the territorial county line in an easterly direction to where it intercepts the Queen Anne's County-Talbot County line; then following the county line northeasterly to the point where a straight line drawn from Long Point to the Wades Point bell buoy intersects the county line; from there in a southeasterly direction to the Wades Point bell buoy; and then direct to Wades Point bell buoy; and then direct to Wades Point; then following the shoreline to Lowes Point; and then direct towards the Bloody Point Lighthouse for a distance of 1.8 miles; and then direct to North Point on Poplar Island.] defined by Lat. 38°50.180' N, Long. 76°22.100' W; then running approximately 102° True to a point defined by Lat. 38°49.904' N, Long. 76°20.384' W; then running approximately 48° True to a point defined by Lat. 38°50.871' N, Long. 76°19.031' W; then running approximately 115° True to a point defined by Lat. 38°50.564' N, Long. 76°18.203' W; then running approximately 163° True to a point defined by Lat. 38°49.702' N, Long. 76°17.865' W; then running southwesterly along the shore to a point defined by Lat. 38°46.416' N, Long. 76°20.020' W; then running approximately 323° True to a point defined by Lat. 38°47.861' N, Long. 76°21.394' W; then running approximately 210° True to a point defined by Lat. 38°46.553' N, Long. 76°22.342' W.*

(6) Chesapeake Bay. *All of the waters of the Chesapeake Bay mainstem as defined by COMAR 08.02.01.06B(1), except as provided in §B(6) of this regulation.*

B. [Prohibition] *Exceptions.* A person may not [use a power] catch oysters by dredge boat in the areas listed in [§A of] this section.

(1) Pocomoke Sound, as defined by COMAR 08.02.01.06B(5).

(2) Wicomico River. *All of the waters of the Wicomico River easterly of a straight line drawn from a point defined by Lat. 38°10.767' N, Long. 75°57.004' W; then running 343° True to a point defined by Lat. 38°12.311' N, Long. 75°57.587' W.*

(3) Manokin River. *All of the waters of the Manokin River landward or upstream of a straight line beginning at a point on Little Deals Island, defined by Lat. 38°6.750' N, Long. 75°56.552' W; then running 126° True to Hazard Point on the mainland, defined by Lat. 38°4.571' N, Long. 75°52.694' W.*

(4) Big Annemessex River. *All of the waters of the Big Annemessex River easterly of a straight line beginning at a point defined by Lat. 38°2.303' N, Long. 75°51.610' W; then running 334° True to a point defined by Lat. 38°3.648' N, Long. 75°52.422' W.*

(5) *Tangier Sound*. All of the waters east of Smith Island south and west of a line drawn in an easterly course from Terrapin Sands Point on the west side of Tangier Sound, defined by Lat. 38°0.247' N, Long. 75°58.181' W; then running 94° True to the channel, to a point defined by Lat. 38° 0.008' N, Long. 75° 54.977' W; and then running 200° True following the channel in a southerly direction to a point defined by Lat. 37°57.845' N, Long. 75°55.770' W; then running 190° following the channel to the Virginia Line, to a point defined by Lat. 37°54.453' N, Long. 75°56.413' W.

(6) *Chesapeake Bay*. All areas described in Natural Resources Article, §4-1012(a), Annotated Code of Maryland.

.12 Power Dredging.

A. (text unchanged)

B. Power Dredge Zone.

(1) (text unchanged)

(2) Dorchester and Wicomico Counties.

(a) Dorchester County. All of the waters enclosed by a line beginning at a point defined by Lat. [38°3.666'] 38°3.667' N, Long. [76°5.635'] 76°5.636' W; then running 351° True to a point defined by Lat. 38°9.181' N, Long. 76°6.720' W; then running 261° True to a point defined by Lat. 38° 8.366' N, Long. 76° 13.580' W; then running 162° True to a point defined by Lat. 38° 4.586' N, Long. 76° 11.983' W; then running 162° True to a point defined by Lat. 38° 3.517' N, Long. 76° 11.532' W; then running 268° True to a point defined by Lat. 38° 3.498' N, Long. 76° 12.198' W; then running 9° True to a point defined by Lat. 38° 4.586' N, Long. 76° 11.983' W; then running 338° True to a point defined by Lat. 38°17.967' N, Long. 76°18.967' W; then running 351° True to a point defined by Lat. 38°23.183' N, Long. 76°19.967' W; then running 328° True to a point defined by Lat. 38°30.000' N, Long. 76°25.483' W; then running 353° True to a point defined by Lat. 38°30.032' N, Long. 76°25.488' W; then running 88° True to a point at or near the south end of James' Island, defined by Lat. 38°30.177' N, Long. 76°20.302' W; then running 167° True to a point at or near the entrance of Oyster Creek, defined by Lat. 38°29.215' N, Long. 76°20.022' W; then running southerly along the shore to a point at or near the north entrance of Punch Island Creek, defined by Lat. 38°25.355' N, Long. 76°17.257' W; then running 161° True to a point at or near the south entrance of Punch Island Creek, defined by Lat. 38°25.159' N, Long. 76°17.171' W; then running southerly along the shore to a point at or near the south end of Meekins Neck, defined by Lat. 38°22.039' N, Long. 76°15.771' W; then running 181° True to a point at or near the north end of North Barren Island, defined by Lat. 38°20.634' N, Long. 76°15.792' W; then running southerly along the shore True to a point at or near the south end of North Barren Island, defined by Lat. 38°20.014' N, Long. 76°15.643' W; then running 94° True to a point at or near the north end of South Barren Island, defined by Lat. 38°20.001' N, Long. 76°15.425' W; then running southerly along the shore to a point at or near the south end of South Barren Island, defined by Lat. 38°19.478' N, Long. 76°15.399' W; then running 124° True to a point defined by Lat. 38°18.425' N, Long. 76°13.394' W; then running southeasterly along the shore to a point at or near the north end of Narrows Ferry Bridge, defined by Lat. 38°17.917' N, Long. 76°12.389' W; then running 155° True to a point at or near the south end of Narrows Ferry Bridge, defined by Lat. 38°17.676' N, Long. 76°12.250' W; then running southerly along the shore to a point at or near the shore at Richland Point defined by Lat. [38°14.845'] 38°14.846' N, Long. [76°10.330'] 76°10.332' W; then running [132°] 121° True to a point at Cow Point defined by Lat. 38°14.553' N, Long. 76°9.922' W; then running 126° True to a point at or near Fishing Point defined by Lat. 38°14.065' N, Long. 76°9.065' W; then running easterly along the shore to a point at or near the easterly tip of Lower Hoopers Island, defined by Lat. 38° 14.674' N, Long. 76° 7.795' W; then running 117° True to a point,

defined by Lat. 38° 14.603' N, Long. 76° 7.618' W; then running 132° True to a point defined by Lat. 38°13.930' N, Long. 76°6.660' W; then running 150° True to a point defined by Lat. 38°13.203' N, Long. 76°6.122' W; then running 165° True to a point defined by Lat. 38°11.693' N, Long. 76°5.593' W; then running 121° True to a point defined by Lat. 38°11.601' N, Long. 76°5.397' W; then running 182° True to a point defined by Lat. 38°10.307' N, Long. 76°5.454' W; then running 181° True to a point defined by Lat. 38°9.652' N, Long. 76°5.462' W; then running 181° True to a point defined by Lat. 38°9.143' N, Long. 76°5.471' W; then running 177° True to a point at or near the shore at the north end of Holland Island, defined by Lat. 38°7.351' N, Long. 76°5.419' W; then running southerly along the shore to a point at or near the shore at the south end of Holland Island, defined by Lat. 38°6.903' N, Long. 76°5.409' W; then running 132° True to a point defined by Lat. 38°5.705' N, Long. 76°3.740' W; then running 201° True to a point defined by Lat. 38°3.690' N, Long. 76°4.708' W; then running 268° True to the point of beginning.

(b)—(c) (text unchanged)

(3) St. Mary's County and St. Mary's River.

(a) (text unchanged)

(b) St. Mary's River. All of the waters of the State that lie in Saint Mary's County, enclosed by a line beginning at a point Jurisdictional Marker PRM2A, defined by Lat. 38°6.360' N, Long. 76°25.301' W; then running 272° True to a point Jurisdictional Marker PRM2B, defined by Lat. 38°6.426' N, Long. 76°27.899' W; then running 272° True to a point on the shore at St. George's Island, defined by Lat. 38°6.427' N, Long. 76°27.937' W; then running northeasterly along the shore to a point at the northeast end of a jetty, defined by Lat. 38°6.637' N, Long. 76°27.750' W; then running 269° True to a point on the shore of St. George's Island, defined by Lat. 38°6.635' N, Long. 76°27.966' W; then running northwesterly along the shore to a point on the shore at Ball Point defined by Lat. 38°7.252' N, Long. 76°28.377' W; then running 30° True to a point on the shore at Cherryfield Point defined by Lat. 38°7.742' N, Long. 76°28.022' W; then running 111° True to a point at Natural Oyster Bar corner 27-16-2, defined by Lat. 38°7.685' N, Long. 76°27.832' W; then running 39° True to a point defined by Lat. 38°7.971' N, Long. 76°27.534' W; then running 353° True to a point at Natural Oyster Bar corner 27-16-4, defined by Lat. 38°8.371' N, Long. 76°27.594' W; then running [westerly along] 269° True to a point on the shore [to a point on the shore] at Edmund Point defined by Lat. 38°8.370' N, Long. 76°27.677' W; then running northwesterly along the shore to a point defined by Lat. 38°8.934' N, Long. 76°28.084' W; then running 335° True to Josh Point defined by Lat. 38°9.178' N, Long. 76°28.227' W; then running northeasterly along the shore to a point on the shore south of Pagan Point defined by Lat. 38°11.279' N, Long. 76°26.639' W; then running 89° True to a point on the shore at Church Point defined by Lat. 38°11.286' N, Long. 76°26.263' W; then running southerly along the shore to a point on the shore at Rosecroft Point defined by Lat. 38°9.582' N, Long. 76°26.256' W; then running 141° True to a point on the south side of Saint Inigoes Creek, defined by Lat. 38°9.312' N, Long. 76°25.981' W; then running southerly along the shore to a point on the shore at Kitts Point defined by Lat. 38°6.365' N, Long. 76°25.280' W; then running 252° True to the point of beginning.

(4)—(5) (text unchanged)

C.—E. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-2A-03, and 4-1009.1, Annotated Code of Maryland

Notice of Proposed Action
[19-145-P]

The Secretary of Natural Resources proposes to amend Regulation **.14** under **COMAR 08.02.04 Oysters**.

Statement of Purpose

The purpose of this action is to clarify that a person may not harvest oysters in a harvest reserve area when it is not open. There is not currently a statement in regulation that specifically says that a person cannot harvest in a harvest reserve area if it is not open. Harvest reserve areas are areas reserved on a rotational basis for restoration and restricted harvest and are managed by regulation and public notice. It is clear that when the harvest reserve areas were established in 2003 the intention was to keep the areas closed and prohibit harvest until the oysters were able to be harvested. Since the intention is for the areas to be closed, planted with oyster seed, and occasionally opened for harvest, this action specifically prohibits harvest in those areas unless they are specifically opened.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Oyster Harvest Reserve Area Regulations, Regulatory Staff, Maryland Department of Natural Resources, Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.14 Harvest Reserve Area — Management and Establishment.

A.—B. (text unchanged)

C. *An individual may not catch oysters from a harvest reserve area unless the area is opened by public notice in accordance with this regulation.*

[C.] D.—[D.] E. (text unchanged)

[E.] F. The Department's action under [§§C and D] §§D and E of this regulation is not effective until 48 hours after the notice is published in the publications listed in [§D(2)] §E(2) of this regulation.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §§4-215 and 4-736, Annotated Code of Maryland

Notice of Proposed Action
[19-152-P]

The Secretary of Natural Resources proposes to amend Regulation **.08** under **08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to remove the American Eel Harvest Permit.

Addendum V to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Eel was implemented January 1, 2019. Addendum V removes state-by-state quotas if the management trigger is met. Under Addendum V, management action will now be initiated if the coastwide cap is exceeded by 10 percent in 2 consecutive years. If the management trigger is exceeded, only those states accounting for more than 1 percent of the total yellow eel landings will be responsible for adjusting their measures.

Maryland has a relatively small number of harvesters and the top ten harvest approximately 90 percent of the landings. The industry has demonstrated their interest and ability to act as management partners. For these reasons and at the advice of the American Eel Workgroup, the Department no longer feels that a permit is necessary. The proposed action removes the American Eel Harvest Permit, all reporting requirements for the permit, and penalties related to the permit. The proposed action also clarifies that public notices will be posted on the Department's website. This action is supported by the industry and the Atlantic States Marine Fisheries Commission.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to American Eel Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.08 Eels.

A. Commercial.

(1)—(2) (text unchanged)

[(3) American Eel Harvest Permit.

(a) An individual who is authorized to commercially catch finfish or crabs shall:

(i) Obtain an American eel harvest permit prior to catching eels; and

(ii) Have the American eel harvest permit in possession while harvesting or transporting American eels.

(b) American eel harvest permits shall be issued to all licensees who have met all reporting requirements as required by Natural Resources Article, §4-206, Annotated Code of Maryland, and this regulation.

(c) An individual may be issued only one American eel harvest permit.

(d) American eel harvest permits may not be transferred.

(4) Reporting and Penalties.

(a) In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, an American eel harvest permittee shall report in the manner specified by the Department.

(b) In addition to any other penalty established in COMAR 08.02.13, failure to comply with this regulation may result in the suspension of the current permit or the denial of a subsequent permit.

(c) Prior to suspending a permit under this regulation or denying an application for a permit, the Department shall give the licensee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.]

B.—G. (text unchanged)

H. General.

(1) The Secretary may establish or modify catch limits, size limits, and seasons for American eel in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Eel, by issuing a public notice on the [Fisheries Service] *Department's* website.

(2) The public notice shall state its effective hour and date and shall be published on the [Fisheries Service] *Department's* website at least 48 hours in advance of the effective hour and date.

(3)—(4) (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §§4-221 and 4-701.2, Annotated Code of Maryland

Notice of Proposed Action

[19-151-P]

The Secretary of Natural Resources proposes to amend Regulation **.06** under **COMAR 08.02.25 Gear**.

Statement of Purpose

The purpose of this action is to update commercial finfish trotline regulations in response to legislation passed during the 2019 regular session.

In 2016, the General Assembly passed H.B. 63, which authorized the department to write clear rules for the use of finfish trotline gear that would allow commercial watermen to target invasive blue and flathead catfish while also addressing concerns about the gear possibly interacting with spawning striped bass. This bill added finfish trotlines to the list of commercial gears the Department may regulate. The bill included a sunset provision for 2019.

In 2019, the General Assembly passed S.B. 7. The bill makes permanent the ability for the department to regulate and allow the use of finfish trotlines in the Chesapeake Bay and its tidal tributaries. The proposed action adds the new statute to the licensing requirements for the permit and removes the June 2019 sunset from regulation to match the new statute. This is a housekeeping change that continues

current practice with finfish trotlines and ensures that licensees may continue to use the gear.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Finfish Trotline Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.06 Commercial — Finfish Trotlines.

A.—F. (text unchanged)

G. An individual shall be appropriately licensed to catch finfish under Natural Resources Article, §4-701 *or* 4-701.2, Annotated Code of Maryland, and permitted in accordance with this regulation in order to use a finfish trotline.

H. (text unchanged)

[I. The provisions of this regulation shall be effective through June 30, 2019.]

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

**Title 10
MARYLAND DEPARTMENT
OF HEALTH**

Notice of Proposed Action

[19-154-P]

The Secretary of Health proposes to amend:

(1) Regulations **.03**, **.05**, **.06**, **.09**, and **.10** under **COMAR 10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program;**

(2) Regulation **.06** under **COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment;** and

(3) Regulation **.04** under **COMAR 10.09.71 Maryland Medicaid Managed Care Program: MCO Dispute Resolution Procedures.**

Statement of Purpose

The purpose of this action is to clarify MCO responsibilities and procedures when a fair hearing concerns MCO services, in order to align with federal requirements. Additionally, this action corrects an error in the current language regarding a HealthChoice enrollee's disenrollment effective date.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

Subtitle 01 PROCEDURES

10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program

Authority: Health-General Article, §2-104, Annotated Code of Maryland

.03 Notification of Right to Request a Fair Hearing.

A. (text unchanged)

B. The notification specified in §A of this regulation shall:

(1) Be provided by the Program, *the MCO*, or the delegate agency when:

(a) (text unchanged)

(b) Any Program, *MCO*, or delegate agency action affects the individual's claim to Program benefits;

(c)—(d) (text unchanged)

(2) Include a statement of the action the Program, *MCO*, skilled nursing facility, or nursing facility intends to take;

(3)—(8) (text unchanged)

(9) Specify that the appellant or the appellant's authorized representative may generally examine the appellant's records upon reasonable notice to the Program, *MCO*, or delegate agency; and

(10) (text unchanged)

C. (text unchanged)

.05 Pre-Hearing Procedures.

A. (text unchanged)

B. The appellant and the Department *or MCO* may request the names of all witnesses that the other party intends to call at the fair hearing.

.06 Hearing Procedures.

A. The appellant, the Program, *the MCO*, and the delegate agency shall have the opportunity to:

(1)—(5) (text unchanged)

B. All parties that wish to call a witness at the hearing shall subpoena the witness in accordance with Office of Administrative Hearings procedures in COMAR 28.02.01.11. The appellant or authorized representative may subpoena any employees of the Department, *MCO*, or delegate agency whose action is being contested by the appellant or whose testimony may be relevant to the issues under consideration as determined by the administrative law judge.

C. Right to Review Record.

(1) If the Program, *MCO*, or delegate agency introduces as evidence documents from the case record, special investigation file, or other sources, the appellant shall have the opportunity to examine the:

(a)—(b) (text unchanged)

(2) Except as specified in Regulation .05A of this chapter, in addition to the rights specified in §C(1) of this regulation and for purposes of defining reasonable notice under Regulation .03B(9) of this chapter, the appellant or the appellant's authorized representative shall have the opportunity to examine the appellant's case record or investigation file upon reasonable notice to the Program, *the MCO*, or the delegate agency as specified in COMAR 07.01.02.04.

(3) (text unchanged)

D.—E. (text unchanged)

F. Appeal for an Individual Enrolled in an MCO.

(1) *The parties to the appeal for an individual enrolled in an MCO include the MCO, the enrollee, and the enrollee's representative or the personal representative of a deceased enrollee's estate.*

[1] (2) If the appeal concerns the medical necessity of a denied, reduced, suspended, or terminated benefit or service to an MCO enrollee, and if the fair hearing meets the Department-established criteria for an expedited hearing as provided in Regulation .04A(3)(b)(ii) of this chapter, the Office of Administrative Hearings shall:

(a) (text unchanged)

(b) Issue a follow-up written decision within 30 days of rendering the bench decision if the Office of Administrative Hearings, the appellant or [his] *the appellant's* authorized representative, and the [Program] *MCO* agree that a written decision is necessary.

[(2)] (3) All other appeals from MCO decisions shall be:

(a) (text unchanged)

(b) Otherwise governed by COMAR [10.09.72.05] 10.09.71.05.

.09 Confidentiality.

A.—B. (text unchanged)

C. The administrative law judge may exclude from the hearing individuals who have not given the Department *or MCO* advance notice of their intention to attend if the size of the hearing room is too small to accommodate them.

.10 Benefits During Appeals Process.

A. Benefits Pending Outcome of the Hearing.

(1)—(3) (text unchanged)

(4) *The MCO shall continue benefits pending the outcome of the State fair hearing as described in COMAR 10.09.71.05F.*

B. (text unchanged)

Subtitle 09 MEDICAL CARE PROGRAM

10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment

Authority: Health-General Article, §15-103(b)(3) and (23), Annotated Code of Maryland

.06 Disenrollment.

A.—D. (text unchanged)

E. Effective Date of Disenrollment.

(1) (text unchanged)

(2) An enrollee's disenrollment shall take effect:

(a) (text unchanged)

(b) From the first day of the month [the Department receives notice] *following the month* that the enrollee lost Medicaid eligibility;

(c)—(d) (text unchanged)

(3)—(6) (text unchanged)

F.—H. (text unchanged)

10.09.71 Maryland Medicaid Managed Care Program: MCO Dispute Resolution Procedures

Authority: Health-General Article, §15-103(b)(9)(i)(4), Annotated Code of Maryland

.04 MCO Actions and Decisions.

A. For certain services to enrollees that require preauthorization the following conditions apply:

- (1) (text unchanged)
- (2) For expedited authorization decisions, the MCO shall make a determination and provide notice no later than 72 hours after receipt of the request for service if the provider indicates or the MCO determines that the standard time frame stated in §A(1) of this regulation could jeopardize:

- (a)—(b) (text unchanged)
- (c) The enrollee’s ability to attain, maintain, or regain maximum function; [and]

(3) For all covered outpatient drug authorization decisions, the MCO shall provide notice by telephone or other telecommunication device within 24 hours of a preauthorization request in accordance with section 1927(d)(5)(A) of the Social Security Act[.];

(4) *Standard and expedited authorization decisions may be extended up to 14 calendar days, if the following conditions are met:*

- (a) *The enrollee or the provider requests an extension; or*
- (b) *The MCO justifies to the Department, upon request, a need for additional information and how the extension is in the enrollee’s interest; and*

(5) *If the MCO successfully justifies extending the standard service authorization decision time frame, the MCO shall:*

- (a) *Give the enrollee written notice of the reason for the decision to extend the time frame;*
- (b) *Inform the enrollee of the right to file a grievance if he or she disagrees with the extension decision; and*
- (c) *Issue and carry out the MCO’s determination as expeditiously as the enrollee’s health condition requires but not later than the date the extension expires.*

B.—C. (text unchanged)

D. Notices of a decision to deny [an] a *standard* authorization shall be provided to the enrollee and the requesting provider [within the following time frames:] *within 72 hours from the date of determination.*

[(1) For standard authorization decisions, within 72 hours from the date of the determination;

(2) For expedited authorization decisions, within 24 hours from the date of determination;

(3) Standard and expedited authorization decisions may be extended up to 14 calendar days, if the following conditions are met:

- (a) The enrollee or the provider requests an extension; or
- (b) The MCO justifies to the Department, upon request, a need for additional information and how the extension is in the enrollee’s interest;

(4) If the MCO successfully justifies extending the standard service authorization decision time frame, the MCO shall:

- (a) Give the enrollee written notice of the reason for the decision to extend the time frame;
- (b) Inform the enrollee of the right to file a grievance if he or she disagrees with the extension decision; and
- (c) Issue and carry out the MCO’s determination as expeditiously as the enrollee’s health condition requires but not later than the date the extension expires.]

E.—G. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management

Authority: Health-General Article, §§15-102.1(b)(1) and 15-103(b)(4)(i), Annotated Code of Maryland

Notice of Proposed Action

[19-155-P]

The Secretary of Health proposes to amend Regulation .14 under **COMAR 10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management.**

Statement of Purpose

The purpose of this action is to implement a 3 percent rate increase for Rare and Expensive Case Management (REM) services effective July 1, 2019, pursuant to the Fiscal Year 2020 Budget Bill.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Budget Bill (Fiscal Year 2020) includes a 3 percent rate increase for REM case management providers. The total impact for FY 2020 is \$276,094.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$276,094
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	
D. On regulated industries or trade groups:	(+)	\$276,094
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. This amount assumes:

(1) In FY 2020, expenditures for REM case management services will be subject to blended FMAP due to the different federal match rates for the general REM population (3,484 individuals, or 89 percent of total REM population), the MCHIP population (398 individuals, or 10 percent of total REM population), and ACA New Adult population (53 individuals, or 1 percent of total REM population).

(2) Expenditures for REM case management services furnished to the general REM population are subject to 50 percent federal match (\$122,225 federal funds, \$122,225 general funds);

(3) From July 1, 2019—September 30, 2019, expenditures for REM case management services furnished to the MCHP population are subject to 88 percent federal match. From September 30, 2019—June 30, 2020, expenditures for REM case management services furnished to the MCHP population are subject to 76.5 percent federal match. Therefore, FY 2020 expenditures for REM case management services furnished to MCHP population are subject to 79.4 percent blended federal match (\$22,166 federal funds, \$5,760 general funds);

(4) From July 1, 2019—December 30, 2019, expenditures for REM case management services furnished to the ACA New Adult population are subject to 93 percent federal match. From January 1, 2020, expenditures for REM case management services furnished to the ACA New Adult population are subject to 90 percent federal match. Therefore, FY 2020 expenditures for REM case management services furnished to the ACA New Adult population are subject to 91.5 percent federal match (\$3,403 federal funds, \$316 general funds);

(5) Due to the blended FMAP, the proposed action represents an expenditure increase of \$276,094 in FY 2020 (\$147,793 federal funds, \$128,301 general funds);

D. This amount assumes REM case management providers will reap a collective benefit of \$276,094 in increased reimbursement rates.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.14 Payment Procedures—Request for Payment.

A.—C. (text unchanged)

D. Effective [July 1, 2018] *July 1, 2019*, the Department shall pay [\$400.21] *\$412.22* for a case management assessment, as described in Regulation .05C of this chapter.

E. Effective [July 1, 2018] *July 1, 2019*, the Department shall make payments monthly for case management services at one of the rates specified below:

- (1) Level of Care 1: [\$295.51] *\$304.38*;
- (2) Level of Care 2: [\$176.13] *\$181.41*; or
- (3) Level of Care 3: [\$92.96] *\$95.75*.

F. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.92 Acute Hospitals

Authority: Health-General Article, §§2-104(b), 15-102.8, 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[19-142-P]

The Secretary of Health proposes to amend Regulation .07 under **COMAR 10.09.92 Acute Hospitals**.

Statement of Purpose

The purpose of this action is to amend hospital payment procedures set forth in the acute hospitals chapter to clarify that the Program will reimburse hospitals at the rate set for the Program by the Health Services Cost Review Commission (HSCRC).

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Based on CY 2018 data from HSCRC rate regulated hospitals, the estimated impact of reducing the rate paid for hospital charges from 94 percent of charges to 92.3 percent of charges and increasing hospital rates by 1.2 percent is an expenditure decrease of \$8,357,012 (60 percent federal funds, 40 percent general funds).

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)	\$8,357,012
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	
	Magnitude	
D. On regulated industries or trade groups:	(-)	\$8,357,012
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. (1) The HSCRC changed the payer differential for hospitals from 94 percent of charges in FY 2019 to 92.3 percent of charges in FY 2020. Simultaneously, the HSCRC increased hospital rates by 1.2 percent. Therefore, the net change in the differential is 0.5 percent. The combined impact is a change in the amount Medicaid pays for hospital charges from 94 percent to 93.5 percent.

(2) In CY 2018, the Department paid \$1,571,118,236 for acute inpatient and outpatient hospital services at 94 percent of charges.

(3) Based on CY 2018 data and the HSCRC action, the Department is projected to pay \$1,562,761,224.49 for acute inpatient and outpatient hospital services.

(4) The total magnitude reflects the difference between paid amounts at 94 percent of charges and projected paid amounts at 93.5 percent of charges for acute inpatient and outpatient hospital services, based on CY 2018 data.

(5) This amount is subject to a 60 percent federal match.

D. See A. above.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.07 Payment Procedures.

A. Reimbursement Principles for Acute Hospitals Located in Maryland.

(1) (text unchanged)

(2) [Acute] *Except for administrative days, acute hospitals [located in Maryland that participate in the Program,] shall [charge] be reimbursed at the [rates approved] rate set for the Program by the HSCRC [and be reimbursed 94 percent] pursuant to COMAR 10.37.10[, except for administrative days] or allowed under COMAR 10.37.03.*

(3)—(12) (text unchanged)

B.—D. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.12 Anesthesia and Sedation

Authority: Health Occupations Article, §4-205, Annotated Code of Maryland

Notice of Proposed Action

[19-153-P]

The Secretary of Health proposes to amend Regulations .11 and .21 under COMAR 10.44.12 **Anesthesia and Sedation**. This action was considered by the Board of Dental Examiners at a public meeting held on November 7, 2018, notice of which was given under the Notice of Public Meetings link on the Board’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require a dentist who applies for an anesthesia or sedation permit to have either a defibrillator or an automated external defibrillator in their dental office as part of their on-site permit inspection, regardless of whether the dentist treats adult patients only. Additionally, the proposed amendments require the examination of either a defibrillator or an automated external defibrillator as part of the on-site inspection of a dental office when a dentist wishes to renew a Class III anesthesia permit, regardless of whether the dentist treats adult patients only.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.11 Facility Evaluation Criteria.

A. Except as otherwise provided in this regulation, to qualify for a permit, the facility and the applicant shall pass an evaluation of facility equipment, medications, and clinical records to include at least the following:

(1)—(14) (text unchanged)

(15) Defibrillator or automated external defibrillator (AED) [for adult patients];

(16)—(17) (text unchanged)

B.—C. (text unchanged)

.21 Renewal of Class III Permits.

A.—F. (text unchanged)

G. In addition to the requirements of §D of this regulation, a dentist who wishes to renew a Class III permit shall pass a facility evaluation of facility equipment, medications, and clinical records to include at least the following:

(1)—(15) (text unchanged)

(16) Defibrillator [and] *or* automated external defibrillator (AED) [for adult patients];

(17)—(18) (text unchanged)

H.—K. (text unchanged)

ROBERT R. NEALL
Secretary of Health

**Title 13A
STATE BOARD OF
EDUCATION**

Subtitle 06 SUPPORTING PROGRAMS

13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials

Authority: Education Article, §§2-205, 7-910, and 8-408, Annotated Code of Maryland; 34 CFR §§300.210 and 300.172(e)(1)(i)

Notice of Proposed Action

[19-150-P-I]

The Maryland State Board of Education proposes to repeal existing Regulation .01 under COMAR 13A.06.05 **School Supplies and Equipment** and adopt new Regulations .01—.06 under a new

chapter, COMAR 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to repeal existing Regulation .01 under **COMAR 13A.06.05 School Supplies and Equipment** and adopt new Regulations .01—.06 under a new chapter, **COMAR 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials**, that was published in 46:7 Md. R. 375—376 (March 29, 2019).

This action was considered by the State Board of Education at its May 21, 2019, meeting.

Statement of Purpose

The purpose of this action is to address the transformation that has occurred over the last 10 years in teaching and learning that includes digital formats of textbooks, resources, and equipment.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

All school systems are required to develop policies and procedures for the purchase and acquisition of accessible textbooks and supplemental digital curricular resources.

Opportunity for Public Comment

Comments may be sent to Valerie Emrich, Director of Instructional Technology, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0382 (TTY 410-333-6442), or email to valerie.emrich@maryland.gov, or fax to None. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on September 24, 2019, at 9 am, at 200 West Baltimore Street, Baltimore, MD 21201.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (June 5, 2018) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 46:1 Md. R. 9 (January 4, 2019), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Purpose.

The purpose of this chapter is to direct school systems to develop policies and procedures for the purchase and acquisition of accessible textbooks and supplemental curricular resources, in print and digital formats, that support teaching and learning in and out of the classroom.

.02 Incorporation by Reference.

The Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (June 5, 2018) is incorporated by reference.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Accessible educational materials (AEM)” means print- and technology-based educational materials, including printed and electronic textbooks and related core materials that are designed or converted in a way that makes them usable across the widest range of individual variability regardless of format (print, digital, audio, video, etc.).

(2) “Accessible technology” means any device, hardware, software, or handheld equipment that provides access to activities for everyone, including those with disabilities, and is designed to provide all individuals the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services with equivalent ease of use.

(3) “Digital device” means an electronic device that uses discrete, numerable data and processes for all its operations.

(4) “Digital learning” means any instructional practice that uses technology to support the student and/or educator learning experience.

(5) “Digital learning resources” means digital materials and technologies that support teaching and learning.

(6) “eTextbook” or “e-book” means a book made available in a digital format for display on a digital device.

(7) “National Instructional Materials Access Center (NIMAC)” means a service that provides a national repository of source files for accessible media production of textbooks and related print core materials for use by eligible PreK—12 students.

(8) Open Educational Resources (OERs).

(a) “Open educational resources (OERs)” means free and openly licensed digital educational materials that can be used for teaching, learning, research, and other purposes and are used and modified based on open licensing.

(b) “Open educational resources (OERs)” includes full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(9) Public Agency.

(a) “Public agency” means an institution that provides educational services to students with disabilities from 3 to 21 years old and in accordance with the student’s IEP.

(b) “Public agency” includes the Maryland State Department of Education, local school systems, the SEED School, the Department of Health, the Department of Juvenile Services, the Maryland School for the Blind, the Maryland School for the Deaf, and the Maryland Department of Labor.

(10) “Textbook” means a book available in print or digital format or a compilation of digital instructional resources that support content standards and curriculum.

(11) “Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (June 5, 2018)” means a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally.

.04 Requirements.

A. Each local board of education shall prepare policies and procedures related to:

(1) The selection, acquisition, equitable distribution, and sustainability of available, quality-assured digital formats of textbooks (i.e., eTextbooks, e-books, or a compilation of OERs), digital devices, and digital learning resources for all students;

- (2) *The selection and availability of equitable Accessible Educational Materials (AEM) to meet the needs of all students; and*
- (3) *The privacy and acceptable use of digital devices and resources.*

B. Each local board of education shall notify all students' parents and guardians of these policies and procedures.

C. Each local board of education shall annually train special education directors, principals, and other purchase specialists on the policies and procedures for purchasing and using accessible teaching and learning materials to ensure enforcement of the policies and procedures.

.05 Accessibility of Print Materials.

A. When acquiring print materials, each local board of education and public agency may coordinate with the National Instructional Materials Access Center (NIMAC) when acquiring print or textbook-related supplemental resources for students who meet the NIMAC eligibility criteria.

B. Each local board of education and public agency shall provide equitable access to print instructional materials in a timely manner to students with disabilities who do not meet the NIMAC eligibility criteria.

C. If a local board of education or public agency chooses not to coordinate with the NIMAC, the local board of education or public agency shall provide an assurance to the Department that purchases meet standards set forth in 34 CFR §300.172.

.06 Accessibility of Digital Learning Resources.

Each local board of education and public agency shall comply with WCAG 2.1 Level AA (June 5, 2018) when purchasing or selecting digital learning resources to provide equitable learning opportunities for all students.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 05 PESTICIDE USE CONTROL

15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses

Authority: Agriculture Article, §§2-103, 5-104, 5-204, and 5-210.2, Annotated Code of Maryland

Notice of Proposed Action

[19-146-P]

The Maryland Department of Agriculture proposes to amend Regulation .17 under **COMAR 15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses.**

Statement of Purpose

The purpose of this action is to require licensees or permittees in the public health pest control category to provide a certain notice under certain circumstances to persons registered with the Department as pesticide sensitive individuals. This would include a pesticide application to control for mosquitoes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has minimal economic impact.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Licensees or permittees	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. Specifically, before the licensee or permittee makes a pesticide application to a property contiguous or adjacent to the property of the registered individual, the licensee or permittee shall notify this person: (a) by telephone the day before or the morning of a planned pesticide application; or (b) in person, or by written notice delivered to the residence of the registered individual before the pesticide application is made.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dennis Howard, Program Manager, Pesticide Regulations, Office of Pest Industries and Pest Management, 50 Harry S. Truman Parkway, Annapolis MD 21401, or call 410-841-5710, or email to Dennis.howard@maryland.gov, or fax to 410-841-2765. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.17 List of Pesticide Sensitive Individuals.

A. Operations.

(1) This regulation applies [only] to a licensee or permittee in the following pest control [Category III—ornamental or turf, as described in Regulation .08A(3) of this chapter.] categories:

(a) *Category (III) — ornamental or turf, as described in Regulation .08A(3) of this chapter; and*

(b) *Category (VIII) — public health, including the management of mosquitoes, as described in Regulation .08A(8) of this chapter.*

(2) *The notification requirements specified in this regulation do not apply to:*

(a) *The Maryland Department of Agriculture’s mosquito control program operated pursuant to Agriculture Article, Title 5, Subtitle 4, Annotated Code of Maryland; or*

(b) *A county in the State that provides mosquito control services, including, but not limited to, Baltimore County, Calvert County, Caroline County, and Wicomico County.*

[(2)] (3) The Department shall prepare[,] from information provided by an applicant for registration[,] a list of:

(a) — (b) (text unchanged)

[(3)] (4) The Department shall distribute:

(a) The list by February 15 of each year to licensees and permittees in the:

(i) [ornamental] *Ornamental* or turf pest control category;

and

(ii) *Public Health pest control category; and*

(b) (text unchanged)

B. — C. (text unchanged)

JULIANNE A. OBERG
Deputy Secretary of Agriculture

Title 22

STATE RETIREMENT AND PENSION SYSTEM

Subtitle 01 GENERAL REGULATIONS

22.01.06 Payment of [Allowance] Benefits

Authority: State Personnel and Pensions Article, §§21-110 and 21-501, Annotated Code of Maryland

Notice of Proposed Action

[19-138-P]

The Board of Trustees for the State Retirement and Pension System proposes to amend and recodify existing Regulations .01—.04 to be Regulations .02—.05 and adopt new Regulations .01 and .06 under COMAR 22.01.06 Payment of Benefits.

This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on June 18, 2019, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide clarity with regard to certain procedures addressing the payment of benefits from the State Retirement and Pension System. Amendments to the definitions under COMAR 22.01.06.01 define the participants to whom this regulation shall apply. Specifically, this regulation is designed to cover the payment of monthly retirement allowances, which to a very significant degree are processed as electronic fund transfers (direct deposits). The regulation is not designed to cover other types of payments (e.g., refund of member contributions, lump-sum death benefit payments, etc.) that are paid to individuals who are not receiving and are not eligible to receive a monthly retirement allowance.

COMAR 22.01.06.02, which pertains to electronic fund transfers, is being amended to address a recent audit finding related to multiple payees’ monthly retirement allowances being deposited into the same bank account.

Amendments to COMAR 22.01.06.05, which pertains to the suspension of payments, consist primarily of changing the regulation heading to reflect its application to lump-sum payments as well as monthly allowances, and include other minor edits for consistency and clarity. A new reason to suspend a benefit—the State Retirement Agency’s belief that it has received false information or fraudulent documentation—also is being added at §A(7). This new subsection is intended to minimize the number and extent of those instances when the Agency, based on false or fraudulent information, pays “a benefit that differs from the benefit the retiree or beneficiary is entitled to receive,” and then must pursue recovery under State Personnel and Pensions Article, §21-113, Annotated Code of Maryland.

COMAR 22.01.06.06 is added to address the State Retirement Agency’s longstanding practice of withholding payments for certain deductions from payees’ retirement allowances. It addresses the Agency’s concern with sharing sensitive information with third parties and requires that, upon the Agency’s request, third parties enter into a nondisclosure agreement with the Agency.

Additionally there are clarifying and nonsubstantive changes in COMAR 22.01.06.03 and .04.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Anne Gawthrop, Esq., Director of Legislative Affairs, State Retirement Agency, 120 East Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on September 17, 2019, at 9 a.m., at 120 East Baltimore Street, 16th Floor, Baltimore, Maryland 21202.

.01 Definitions.

A. *In this chapter, the following words have the meanings indicated.*

B. *Terms Defined.*

(1) *“Alternate payee” means a former spouse named in an eligible domestic relations order that the Retirement Agency has accepted for administration pursuant to a notice of administration issued in accordance with State Personnel and Pensions Article, §21-502, Annotated Code of Maryland, and COMAR 22.01.03.04.*

(2) *“Participant” has the meaning set forth in COMAR 22.01.01.01B.*

(3) *“Payee” means a participant or alternate payee.*

[.01].02 Electronic Fund Transfer.

A. Except as provided in Regulation [.03].04 of this chapter, the Retirement Agency shall pay [a participant’s] the allowance of a payee by electronic fund transfer to the institution designated by the [participant] payee as provided in this regulation.

B. [When a participant becomes eligible to receive a monthly allowance, the Retirement Agency shall provide a form to the participant that shall be the electronic fund transfer sign-up form. The participant] A *payee* shall *properly* complete the electronic fund transfer sign-up form *provided by the Retirement Agency* and file it with the Retirement Agency.

C. The Retirement Agency shall accept the electronic fund transfer sign-up form filed by a [participant] *payee* if:

- (1) The [participant properly completes the] form *has been properly completed in accordance with the form's instructions*; [and]
- (2) The institution named by the [participant] *payee* on the form participates in the [Automatic] *Automated Clearing House Network*[.];
- (3) *Not more than five payees share the same account number at the institution; and*
- (4) *The Retirement Agency deems the form acceptable.*

D. *The Executive Director, or the Executive Director's designee, may waive the requirement of §C(3) of this regulation upon written request by a payee and for good cause shown. Determination of a waiver request is not a contested case under State Government Article, §10-202, Annotated Code of Maryland, for which a hearing is required under COMAR 22.03.04.*

[D.] E. At any time while receiving an allowance, a [participant] *payee* may change the designated institution by properly completing a new electronic fund transfer sign-up form and submitting the form to the Retirement Agency.

[E.] F. The last electronic fund transfer sign-up form filed by a [participant] *payee* and accepted by the Retirement Agency shall control the electronic fund transfer of the [participant's] *payee's* monthly allowance.

[.02] .03 [Payment Procedure] Electronic Fund Transfer Procedures.

A. The Retirement Agency shall transmit a [participant's] *payee's* monthly allowance to the institution designated by the [participant] *payee* as set forth in Regulation [.01] .02 of this chapter.

B. The Retirement Agency shall give each [participant] *payee* who receives an allowance through electronic fund transfer an advice statement at least [one time] *once* per calendar year. The advice [slip] *statement* shall reflect the following:

- (1)—(3) (text unchanged)

[.03] .04 Payment of Allowance by Check.

A. A [participant] *payee* may request payment *of an allowance* by check instead of an electronic fund transfer [of the participant's monthly allowance].

B. The request shall be in writing to the Executive Director and describe the hardship created by the electronic fund transfer of the [participant's] *payee's* monthly allowance. The [participant shall] *payee* may submit documentation to support the hardship with the request to the Executive Director.

C. The Executive Director or the Executive Director's designee may grant the request on a temporary or indefinite basis and allow payment of the monthly allowance by check if the [participant] *payee*:

- (1) (text unchanged)
- (2) Maintains a bank account with a financial institution that is not a member of the [National] *Automated Clearing House Network*;
- (3) (text unchanged)
- (4) Is of an advanced age, has a disability, or both, affecting the [participant's] *payee's* ability to maintain or access a bank account, or both;
- (5)—(6) (text unchanged)
- (7) Demonstrates that circumstances exist that would create a hardship if the [participant] *payee* is required to receive an allowance by electronic funds transfer.

D. If the Executive Director or the Executive Director's designee grants the request for payment by check, the Retirement Agency may require the [participant] *payee* to periodically submit documentation demonstrating the continued necessity for payment by check. If the Executive Director or Executive Director's designee determines that [an] *a* hardship no longer exists, the Retirement Agency may [pay the participant's monthly allowance by] *require the payee to complete and submit an electronic fund transfer sign-up form*, in accordance with Regulation [.01 and .03E] .02 of this chapter.

E. If the Executive Director or the Executive Director's designee denies the request for payment by check, and the [participant] *payee* fails to complete the electronic fund transfer sign-up form, the Retirement Agency may suspend payment of the [participant's] *payee's* allowance in accordance with Regulation [.04] .05 of this chapter.

[.04] .05 Suspension of [Allowance] Payment.

A. The Retirement Agency may suspend [a participant's monthly allowance] *payment of a payee's benefit of any type* for reasons including, but not limited to, the following:

- (1) The [participant] *payee* fails to submit a properly completed electronic fund transfer sign-up form *required for a monthly allowance*;
- (2) The [participant] *payee* fails to provide a current mailing address;
- (3) The [participant] *payee* fails to return a properly completed verification form required to confirm receipt of *a* monthly allowance;
- (4) The Retirement Agency receives conflicting payment instructions [regarding the participant's allowance];
- (5) The Retirement Agency has reason to believe the [participant] *payee* is a "vulnerable adult" being subject to "exploitation", as those terms are defined by Family Law Article, §14-101, Annotated Code of Maryland; [or]
- (6) The Retirement Agency has reason to believe the [participant] *payee* is no longer living; *or*
- (7) *The Retirement Agency has reason to believe that it has received false or fraudulent information.*

B. The Retirement Agency shall notify the [participant] *payee* at the last address on file of a suspension of [retirement allowance] *payment* and provide instructions on actions required to resume payment. All properly due [monthly] benefits held in suspension are payable to the [participant] *payee* upon reinstatement of the benefits.

.06 Deductions from Allowance.

A. *A retiree may elect to have the Retirement Agency deduct from the retiree's allowance and pay for the retiree:*

- (1) *Dues for a retiree or employee organization that the Executive Director has approved to receive deductions;*
- (2) *To the extent approved by the Executive Director, payments to the State Employees' Credit Union of Maryland, Inc.;*
- (3) *To the extent approved by the Executive Director, all or part of a premium for:*
 - (a) *Insurance offered through an employee organization; or*
 - (b) *State-approved or locally approved insurance for retirees; or*
- (4) *If approved by the Executive Director, charitable contributions in connection with the Maryland Charity Campaign conducted by the Secretary of State.*

B. Information Sharing with Entities Receiving Deductions.

(1) *In connection with any deductions authorized under §A of this regulation, the Retirement Agency will exchange with an entity receiving deductions information, which in the Executive Director's sole discretion is reasonably necessary, in order to conduct and reconcile the deductions, including the retiree's name, the retiree's Social Security number or other identification number, and the deduction amounts.*

(2) *On request by the Retirement Agency, an entity that receives retiree deductions shall enter into a nondisclosure agreement in the format required by the Retirement Agency requiring the entity to maintain specified security procedures and practices with respect to the information it receives in connection with the deductions.*

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Subtitle 01 GENERAL REGULATIONS

22.01.10 Transfer of Membership to the Pension System

Authority: State Personnel and Pensions Article, §§21-110 and 21-212, Annotated Code of Maryland

Notice of Proposed Action

[19-137-P]

The Board of Trustees for the State Retirement and Pension System proposes to repeal in their entirety Regulations .01—.06 under **COMAR 22.01.10 Transfer of Membership to the Pension System**. This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on October 16, 2018, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to repeal obsolete regulations that address the procedures for a member to transfer membership from the Teachers' Retirement System or the Employees' Retirement System to the Teachers' Pension System or the Employees' Pension System. Before January 1, 2005, the law allowed a member of the Teachers' Retirement System or the Employees' Retirement System to transfer his or her membership to the Teachers' Pension System or the Employees' Pension System. This provision of the law was repealed during the 2004 Legislative Session of the General Assembly.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Anne Gawthrop, Esq., Director of Legislative Affairs, State Retirement Agency, 120 East Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public

meeting to be held on September 17, 2019, at 9 a.m., at 120 East Baltimore Street, 16th Floor, Baltimore, Maryland 21202.

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Subtitle 01 GENERAL REGULATIONS

22.01.12 Enrollment in the State System

Authority: State Personnel and Pensions Article, §21-110, Annotated Code of Maryland

Notice of Proposed Action

[19-140-P]

The Board of Trustees for the State Retirement and Pension System proposes to amend Regulations .01—.03 under **COMAR 22.01.12 Enrollment in the State System**. This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on June 18, 2019, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide for the proper enrollment process of an eligible employee in a State system. Specifically, these proposed regulations remove the requirement to submit a Designation of Beneficiary form, which no longer is an operational requirement to complete the enrollment procedure. The proposed regulations also add a requirement for submission of a job description to ensure proper enrollment in the Teachers' Retirement System, the Law Enforcement Officers' Pension System, the State Police Retirement System, or the Correctional Officers' Retirement System (for PGU employees only). Additionally, these proposed regulations also make technical, nonsubstantive changes to COMAR 22.01.12.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Anne Gawthrop, Esq., Director of Legislative Affairs, State Retirement Agency, 120 East Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on September 17, 2019, at 9 a.m., at 120 East Baltimore Street, 16th Floor, Baltimore, Maryland 21202.

.01 Enrollment Required.

A participating employer is required to enroll an employee who is a member of [the] a State [System] system as a condition of employment from the first day of employment.

.02 Enrollment Procedure.

Enrollment shall consist of the participating employer [sending] submitting the following completed forms to the Retirement Agency:

- A. (text unchanged)
- [B. A Designation of Beneficiary Form that is completed in accordance with COMAR 22.01.07.02A;]
- [C.] B. (text unchanged)
- [D.] C. [For an employee to be enrolled in the Teachers' Pension System, a] A copy of the employee's job description[.]:

- (1) For an employee who is to be enrolled:
 - (a) In the Teachers' Pension System;
 - (b) In the Teachers' Retirement System;
 - (c) In the Law Enforcement Officers' Pension System;
 - (d) In the State Police Retirement System; or
 - (e) If employed by a participating governmental unit, in the Correctional Officers' Retirement System; or
- (2) Upon request by the Retirement Agency.

.03 Imposition of Penalty Procedure.

Based on the enrollment records as of June 30 of each fiscal year, the Retirement Agency shall impose a penalty of \$100 per employee per year on a participating employer for any employee who:

- A. (text unchanged)
- B. Is a member of the State [System] system as a condition of employment; and
- C. (text unchanged)

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Title 29 DEPARTMENT OF STATE POLICE

Subtitle 06 FIRE PREVENTION COMMISSION

29.06.01 Fire Prevention Code

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

Notice of Proposed Action

[19-148-P-I]

The Secretary of State Police proposes to amend Regulations **.02, .06—, .10, and .14** under **COMAR 29.06.01 Fire Prevention Code**.

Statement of Purpose

The purpose of this action is to amend COMAR 29.06.01 by updating its incorporation by reference documents to the 2018 editions of the NFPA 1 Fire Code and the NFPA 101 Life Safety Code.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heidi Ritchie, Maryland Fire Prevention Commission, 18345 Colonel H.K. Douglas Drive, Suite 240, Hagerstown, MD 21740, or 1-877-890-0199, or email to msp.sfp@maryland.gov, or fax to 301-766-3889. Comments will be accepted through September 3, 2019. A public hearing has been scheduled for 9:30 a.m., August 15, 2019, at Laurel Municipal Building, 8103 Sandy Spring Road, Council Chambers, Laurel, MD 20707.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, NFPA 1 Fire Code 2018 and NFPA 101 Life Safety Code 2018 have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 46:1 Md. R. 9 (January 4, 2019), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Purpose.

- A. (text unchanged)
- B. This chapter incorporates by reference NFPA 1 Fire Code ([2015] 2018 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code ([2015] 2018 Edition), except as amended in Regulation .07 of this chapter. [Certain requirements of the International Building Code as incorporated by reference by the Maryland Building Performance Standards are also adopted by incorporation by reference in Regulations .06—.16 of this chapter and are considered minimum standards.]
- C. (text unchanged)

.06 Incorporation by Reference.

- A. (text unchanged)
- B. Documents Incorporated.
 - (1) NFPA 1 Fire Code ([2015] 2018 Edition).
 - (2) NFPA 101 Life Safety Code ([2015] 2018 Edition).
 - (3) International Building Code as incorporated by reference by the Maryland Building Performance Standards, which can be found under COMAR 05.02.01.02-1.]
- C. (text unchanged)

.07 National Fire Protection Association 101 Life Safety Code.

- The NFPA 101 Life Safety Code ([2015] 2018 Edition) is incorporated by reference, except for the following amendments:
 - A. Amend Section 2.2 to [add the referenced publication NFPA 1124 Code for the Manufacturer, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition] *delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2016 edition.*
 - B. Amend Section 2.4 to *delete the referenced publications NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2016 edition, and NFPA 5000 Building Construction and Safety Code, 2018 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ.*

[B.] C. Amend Subsection [3.3.62] 3.3.64 to add the following Paragraph: [3.3.62.3] 3.3.64.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.

[C.] D. Amend Paragraph [3.3.142.1] 3.3.148.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete “more than 3, but”.

[D.] E. Amend Paragraphs [3.3.190.4] 3.3.196.4 and 6.1.4.1 to delete “four or more”.

[E.] F. Amend Paragraphs [3.3.190.12] 3.3.196.12 and 6.1.9.1 to replace “four” with “six”.

[F.] G. (text unchanged)

H. Amend Paragraph 4.6.10.2 to replace “Where required by Chapters 11 through 43, construction” with “Construction”.

[G.] I.—[H.] J. (text unchanged)

K. Amend Subparagraph 6.1.8.1.1 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

[I.] L.—[P.] S. (text unchanged)

T. Amend Subsection 9.11.4 and Paragraph 9.14.1.1 to replace “Chapters 11 through 43” with “the AHJ and Chapters 11 through 43”.

[Q.] U.—[R.] V. (text unchanged)

W. Delete Subsection 11.12.2

X. Delete Paragraphs 12.2.1.2, 14.2.1.5, 16.2.1.1, 28.2.1.4, 30.2.1.3, 32.2.2.7, 36.2.1.6, 38.2.1.5, 40.2.1.3, 42.2.1.3, Subparagraphs 16.6.2.1.2, 32.3.2.1.3, and Subsection 26.2.4.

[S.] Y.—[T.] Z. (text unchanged)

AA. Amend Subparagraph 15.2.2.4 to add the following new item: (10) Two releasing operations shall be permitted for hardware on an existing door leaf provided that releasing does not require simultaneous operations and the locking device is of a type that is readily distinguishable as locked.

[U.] BB. Amend Subsections 16.1.1 and 17.1.1 to add the following Paragraphs: [16.1.1.9 and 17.1.1.9] 16.1.1.10 and 17.1.1.10 Day-care centers providing day care for school-age children before or after school hours in a building which is in use as a public or private school are not required to meet the provisions of this chapter, but shall meet the provisions for educational occupancies.

[V.] CC.—[Y.] FF. (text unchanged)

[Z.] GG. Amend [Paragraphs 16.6.2.1 and 17.6.2.1 and Subparagraphs 16.6.2.4.5 and 17.6.2.4.5] Subparagraph 16.6.2.1.1 and Paragraph 17.6.2.1 to add the following: Bulkhead doors may not serve as a primary means of escape.

HH. Amend Subparagraphs 16.6.2.4.5 and 17.6.2.4.5 to delete item (3).

[AA.] II.—[BB.] JJ. (text unchanged)

[CC.] KK. Amend Subparagraph [17.6.3.4.4] 17.6.3.4.5 to delete “existing” and replace “and battery” with “battery, and smoke alarm”.

[DD.] LL. (text unchanged)

[EE.] Amend Subparagraphs 22.4.5.1.4(1) and 23.4.5.1.4(1) to replace “2 minutes” with “30 seconds”.

FF. Amend Subparagraphs 22.4.5.1.4(2) and 23.4.5.1.4(2) to replace “2-minute” with “30-second”.]

[GG.] MM.—[QQ.] WW. (text unchanged)

.08 National Fire Protection Association 1 Fire Code.

The NFPA 1 Fire Code ([2015] 2018 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

[A. Amend Paragraph 1.7.12.2 to add the following sentence: The AHJ shall be authorized to require plans to bear the stamp of a registered design professional.]

[B.] A.—[G.] F. (text unchanged)

[H.] G. Delete Paragraphs 1.13.12.4 and [1.16.4.2] 1.16.4.3.

H. Amend Paragraphs 2.1.1.1 and 2.1.1.2 to replace “Compliance” with “Where permitted by the AHJ, compliance”.

I. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, [2015] 2018 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ. Delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, [2013] 2016 edition. [Add the referenced publication NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.]

[J. Amend Section 3.3 to add the following Subsection. 3.3.278 Fireworks. Any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration or detonation, and that meets the definition of Consumer Fireworks or Display Fireworks as set forth in NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition, and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland.]

[K.] J. (text unchanged)

K. Amend Subsection 3.3.130 and Paragraph 3.3.130.1 to add “and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland”.

L. Amend Paragraph [3.3.183.6] 3.3.192.6 to delete “more than 3 but”.

M. Amend Paragraphs [3.3.183.7] 3.3.192.7 and 6.1.4.1 to delete “four or more”.

N. Amend Paragraph [3.3.183.22] 3.3.192.25 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

O. Amend Paragraphs [3.3.183.25] 3.3.192.28 and 6.1.9.1 to replace “four” with “six”.

P.—Q. (text unchanged)

R. Amend Subparagraph 6.1.8.1.1 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

[R.] S. (text unchanged)

T. Amend Section 10.2 to delete Subsection 10.2.7 and Table 10.2.7.1.

[S.] U.—[T.] V. (text unchanged)

[U.] W. Amend Subsection 10.11.1 to add the following Subparagraph and Paragraph:

10.11.1.1.1 Subject to the approval of the AHJ, individual suites within structures and rear exterior entrances and/or access from service corridors shall be clearly identified.

[10.11.1.4] 10.11.1.9 Where required by the AHJ, symbols in compliance with NFPA 170 Standard for Fire Safety and Emergency Symbols shall be used.

[V.] X. Amend Paragraph 10.11.1.1 to replace “address numbers” with “premises identification” and Paragraphs 10.11.1.2 [and 10.11.1.3], 10.11.1.6, 10.11.1.7, and 10.11.1.8 to replace “Address numbers” with “Premises identification”.

Y. Amend Paragraph 10.11.1.4 to delete existing wording and replace with “Where required by the AHJ, the assignment of addresses to buildings shall be in accordance with an approved method.”

Z. Delete Paragraph 10.11.1.5.

[W.] AA. Amend Subsection 10.13.1 to add the following new Paragraph: 10.13.1.2 The AHJ shall be permitted to:

(1)—(3) (text unchanged)

[X.] BB.—[II.] MM. (text unchanged)

NN. Amend Section 13.1 to add the following Subsection: 13.1.14 Appearance of Equipment. The AHJ shall be permitted to prohibit any device that has the physical appearance of a life safety or fire protection function but does not perform that life safety or fire protection function.

OO. Amend Subsection 13.1.3 to replace “in Chapters 11 through 43” with “by the AHJ and Chapters 11 through 43”.

[JJ.] *PP.* (text unchanged)

[KK.] Amend Paragraph 13.3.2.1 to add the following Subparagraph: 13.3.2.1.1 All new buildings shall be equipped with an automatic sprinkler system or other automatic fire suppression system where required by Section 903 of the International Building Code as incorporated by reference by the Maryland Building Performance Standards.]

[LL.] *QQ.*—[SS.] *XX.* (text unchanged)

[TT.] Amend Paragraphs 18.1.3.1 and 18.1.3.2 to replace “fire department” with “AHJ”.]

[UU.] *YY.* (text unchanged)

ZZ. Delete Paragraph 18.2.3.4.

[VV.] *AAA.* (text unchanged)

[WW.] *BBB.* Amend Subparagraph 20.3.4.1.1 and 20.3.4.1.2 to delete “more than 3, but” and the “,” after “12”.

[XX.] *CCC.* (text unchanged)

[YY.] *DDD.* Amend Subsection [26.1.5] 26.1.6 to add the following Paragraphs:

[26.1.5.2] 26.1.6.2 When requested by the AHJ, a hazard assessment shall be conducted by a technically qualified person acceptable to the AHJ.

[26.1.5.3] 26.1.6.3 When requested by the AHJ, a list of hazardous materials used in each laboratory shall be provided. The list shall specify the chemical name, quantity and hazard class.

[26.1.5.4] 26.1.6.4 New laboratories or laboratories where the NFPA 45 laboratory hazard classification changes shall post an information placard near the main entrance to the laboratory. The placard shall state the building name or address, room number, NFPA 45 laboratory hazard classification, edition of NFPA 45, maximum allowable quantities of flammable liquids both inside a storage cabinet and open use, and maximum quantities of flammable gases permitted within the laboratory.

[ZZ.] Amend Chapter 26 to add the following Section and Subsection:

26.3 Construction

26.3.1 All laboratories, laboratory suites or laboratory units within the scope of NFPA 45, regardless of the laboratory hazard classification in NFPA 45, shall be separated by at least one-hour fire resistance rated construction from non-laboratory areas. If a higher fire resistance rating is required by Table 5.1.1 in NFPA 45 or the building code, the higher fire resistance rating shall be used. Rooms that are an incidental use to the lab shall be considered part of the laboratory for the purpose of this requirement and shall not require additional separation.

AAA. Amend Subparagraph 31.3.6.2.2 to add the following item:

BBB. Amend Subparagraph 31.3.6.3.1 to delete existing wording and replace with the following: Piles shall not exceed 18 feet in height, 50 feet in width, and 350 feet in length. Piles shall be subdivided by fire lanes having at least 30 feet of clear space at the base of piles.

CCC. Delete Subparagraph 31.3.6.3.2 and Sub-subparagraphs 31.3.6.3.2.1, 31.3.6.3.2.2, and 31.3.6.3.2.3.]

EEE. Delete Chapter 35 Animal Housing Facilities.

[DDD.] *FFF.*—[FFF.] *HHH.* (text unchanged)

III. Amend Subparagraph 50.7.2.3.4 to replace “an approved company” with “a gas fitter certified by the Maryland Department of Labor, Licensing, and Regulation” and add the following: The certification documentation shall consist of the following:

(1) *The name of the certified gas fitter;*

(2) *The license or certification number that demonstrates the gas fitter is approved to install, inspect, and maintain LP-gas systems;*

(3) *The corporate name of the mobile food service business;*

(4) *The identifying name on the side of the mobile food vehicle;*

(5) *The date of inspection;*

(6) *The vehicle tag number and VIN; and*

(7) *A signed statement by the certified gas fitter that reads: “The LP-Gas system has been inspected for compliance with the current edition of NFPA 58 and found to be in compliance with the provisions of the code. In addition, leak detection has been conducted on the LP-Gas system piping and the piping has been found to maintain integrity.”*

.09 Fireworks and Explosive Materials.

The NFPA 1 Fire Code ([2015] 2018 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

A.—B. (text unchanged)

[C.] Amend Section 65.2 to add the following subsection: 65.2.3 All storage of display fireworks shall comply with NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.]

[D.] C. (text unchanged)

[E.] *D.* Amend Section 65.5 to add the following [Subsections] *Subsection:*

[65.5.2 The manufacture, transportation, or storage of fireworks shall comply with NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.]

65.5.3 Sale or use of fireworks shall comply with the following:

(1)—(3) (text unchanged)

[F.] *E.*—[G.] *F.* (text unchanged)

[H.] Amend Section 74.1 reference to NFPA 400 to delete Subsection 11.1.3.]

.10 [Control of Air Overpressure and Ground Vibration for Blasting Operations.] *Blasting Operations General Requirements.*

[A.]—[C.] (proposed for repeal)

A. Notifications. Written notification by email or facsimile shall be provided to the Office of the State Fire Marshal Bomb Squad at least 24 hours prior to each blast. The name of company or contractor performing the blasting and the location, date, and approximate time shall be identified. The geographical coordinates (longitude and latitude) shall be provided.

B. Complaints. If requested by a property owner registering a complaint and considered necessary by the State Fire

Marshal, measurements on three consecutive blasts, using approved instrumentation, shall be made near to the structure in question.

C. Special Precautions. When blasting operations, other than those conducted at a fixed site such as a quarry, are to be conducted within 200 feet of a pipe line or high voltage transmission line, the contractor shall take additional precautionary measures and shall notify the owner of the line, or the owner’s agent, that blasting operations are intended.

D.—E. (text unchanged)

.14 Sale and Use of Heaters and Stoves.

A. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel-burning cooking or heating appliances using Class I flammable liquids as defined in NFPA 1 Fire Code ([2015] 2018 Edition) and NFPA 30 Flammable and Combustible Liquids Code ([2015] 2018 Edition), is prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendation of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

B. (text unchanged)

WILLIAM M. PALLOZZI
Secretary of State Police

**Subtitle 06 FIRE PREVENTION
COMMISSION**

**29.06.05 Fire Sprinkler Contractor Licensing
Regulations**

Authority: Public Safety Article, §§6-206 and 9-901—9-905, Annotated Code of Maryland

Notice of Proposed Action
[19-149-P]

The Secretary of State Police proposes to amend Regulation .03 under **COMAR 29.06.05 Fire Sprinkler Contractor Licensing Regulations**.

Statement of Purpose

The purpose of this action is to amend the definition of "designated qualified individual" pursuant to Public Safety Article, §§6-206 and 9-901—9-905, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heidi Ritchie, Maryland Fire Prevention Commission, 18345 Colonel H.K. Douglas Drive, Suite 240, Hagerstown, MD 21740, or 1-877-890-0199, or email to msp.sfpcc@maryland.gov, or fax to 301-766-3889. Comments will be accepted through September 3, 2019. A public hearing has been scheduled for 9:30 a.m., August 15, 2019, at Laurel Municipal Building, 8103 Sandy Spring Road, Council Chambers, Laurel, MD 20707.

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) "Designated qualified individual" means an owner or permanent and dedicated employee of a fire sprinkler contractor, who is responsible for overseeing work performed by other persons employed by the contractor, and who possesses the required NICET or equivalent qualification or professional engineer qualifications in accordance with the appropriate class of license as listed in this chapter.

(2)—(11) (text unchanged)

WILLIAM M. PALLOZZI
Secretary of State Police

**Title 31
MARYLAND INSURANCE
ADMINISTRATION**

**Subtitle 02 POWERS AND DUTIES —
HEARINGS**

31.02.01 Hearings

Authority: Insurance Article, §§2-109 and 2-205—2-215; State Government Article, §10-206; Annotated Code of Maryland

Notice of Proposed Action
[19-147-P]

The Insurance Commissioner proposes to amend Regulations .06 — .08 under **COMAR 31.02.01 Hearings**.

Statement of Purpose

The purpose of this action is to amend COMAR 31.02.01.06—.08 as follows:

(1) Under Regulation .06 clarify the expectations that the party requesting a subpoena for a hearing is responsible for the delivery. In addition, clarify that the service of subpoenas must comply with the Maryland Rules of Civil Procedure;

(2) Renumbering the items under Regulation .07D so that they are easier to read;

(3) Moving a sentence from Regulation .07D to become a new .07E for clarity;

(4) Removing the current .07E so that it is clear that the Maryland Rules of Civil Procedure can be used as a guide for resolving all hearing issues, not simply issues dealing with procedural matters;

(5) Adding a new title to Regulation .07F to clarify the information contained in this section. Renumbering Regulation .07F to add a (1) and (2) and moving the language currently contained in .07F down to the subparts;

(6) Adding a new Regulation .07H to clarify that the Maryland Rules of Civil Procedure may be used as a guide for resolving all issues regarding the conduct of the hearing;

(7) Adding language to Regulation .08C(2) to require the hearing officer to conduct the hearing in a manner necessary to ensure a fair resolution of issues. Changing the language in Regulation .08C(2)(a) and (b) to match the led in. Adding a subpart (c) to Regulation .08C(2) to require the hearing officer to rule on all procedural issues;

(8) Making stylistic changes to Regulation .08D(1) so that is consistent with the changes being made to Regulation .07E(2);

(9) Removing Regulation .08D(2) so that it is clear that the Maryland Rules of Civil Procedure can be used as a guide for resolving all hearing issues, not simply issues dealing with procedural matters; and

(10) Adding a new Regulation .08G to clarify that the Maryland Rules of Civil Procedure may be used as guide for resolving all hearing issues.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 Saint Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.06 Subpoenas.

A. — B. (text unchanged)

C. Service of Subpoenas.

(1) *The party requesting the subpoena shall be responsible for proper service of the subpoena.*

[(1)] (2) Except as provided in [§C(2)] §C(3) of this regulation, subpoenas shall be served by hand delivery by an individual 18 years old or older who is not a party to the proceeding[. For subpoenas requested 15 calendar days or fewer before the scheduled hearing, the requester shall provide service] *by delivering a copy to the person named or to an agent authorized by appointment or by law to receive service for the person named or as permitted by Rule 2-121(a)(3) of the Maryland Rules of Civil Procedure. Service of a subpoena upon a party represented by an attorney may be made by service upon the attorney under Rule 1-321(a) of the Maryland Rules of Civil Procedure.*

[(2)] (3) (text unchanged)

D. — F. (text unchanged)

.07 Conduct of Hearing — In General.

A. — C. (text unchanged)

D. The hearing officer shall conduct the hearing and may allow the case to proceed in a manner necessary to ensure the fair resolution of the issues including, but not limited to[, placing reasonable limitations on the number of witnesses a party may call and the exclusion of evidence which is repetitive, irrelevant, immaterial, or otherwise not probative. The Maryland Rules of Civil Procedure may be used as a guide for resolving procedural issues regarding the conduct of the hearing.]:

(1) *Placing reasonable limitations on the number of witnesses a party may call;*

(2) *Excluding evidence which is repetitive, irrelevant, immaterial, or otherwise not probative; and*

(3) *Ruling on all procedural matters, including motions, objections, and offers of proof.*

E. [The hearing officer shall rule on all procedural matters, including motions, objections, and offers of proof] *Formal rules of pleading or evidence need not be observed at a hearing under the provisions of this regulation.*

F. [The Commissioner may designate an attorney to represent the Administration. Once the hearing is closed by the hearing officer, the individual presenting the case on behalf of the Administration may not have a further role in the decision process of the Administration.] *Representation of the Administration.*

(1) *The Commissioner may designate an attorney to represent the Administration.*

(2) *Once the record is closed by the hearing officer, the attorney who represented the Administration may not have a further role in the decision process of the Administration.*

G. (text unchanged)

H. *The Maryland Rules of Civil Procedure may be used as a guide for resolving issues regarding the conduct of the hearing.*

.08 Conduct of Hearing — Proposed Examination Reports.

A. — B. (text unchanged)

C. Rights of Parties.

(1) (text unchanged)

(2) The hearing officer [may] *shall conduct the hearing and allow the case to proceed in a manner necessary to ensure the fair resolution of the issues including, but not limited to:*

(a) [Place] *Placing* reasonable limitations on the number of witnesses a party may call; [and]

(b) [Exclude] *Excluding* evidence that is repetitive, irrelevant, immaterial, or otherwise not probative[.]; *and*

(c) *Ruling on all procedural matters, including motions, objections, and offers of proof.*

D. [Rules of Pleading or evidence.

(1)] Formal rules of pleading or evidence need not be observed at a hearing under [this] *provisions of this regulation.*

[(2) The Maryland Rules of Civil Procedure may be used as a guide for resolving procedural issues regarding the conduct of the hearing.]

E. — F. (text unchanged)

G. *The Maryland Rules of Civil Procedure may be used as a guide for resolving issues regarding the conduct of the hearing.*

ALFRED W. REDMER, JR.
Insurance Commissioner

Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY

Notice of Proposed Action

[19-141-P]

The Maryland State Lottery and Gaming Control Agency proposes to amend:

(1) Regulations **.20, .26—, .28, and .38** under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;**

(2) Regulations **.12, .21, and .31** under **COMAR 36.04.01 Video Lottery Technical Standards;**

(3) Regulation **.02** under **COMAR 36.05.03 Table Games Procedures;**

(4) Regulation **.01** under **COMAR 36.08.02 Registration;** and

(5) Regulations **.06, .07, .09, .11, and .13** under **COMAR 36.09.01 Fantasy Competition.**

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on June 27, 2019, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Under COMAR 36.03.10.20, increase the personal check cashing limit to \$25,000;

(2) Under COMAR 36.03.10.26—,28, allow the facility operators to use an electronic credit system approved to process electronic counter check transactions, and to increase the check cashing limit to \$25,000;

(3) Under COMAR 36.03.10.38, allow facility operators to perform a jackpot or credit meter payout less than \$5,000 with only one employee;

(4) Under COMAR 36.04.01.12, clarify a single game event for an electronic table event;

(5) Under COMAR 36.04.01.21, change certain VLT security requirements to better reflect that a casino owns or leases its VLTs;

(6) Under COMAR 36.04.01.31, extend to 4 hours the time within which a facility operator must notify the Commission of remote access to a video lottery system;

(7) Under COMAR 36.05.03.02, provide alternative procedures for counting table inventory on table games not open for gaming during a gaming day;

(8) Under COMAR 36.08.02.01, change the Skills-Based Amusement Device registration from annual to every other year;

(9) Under COMAR 36.09.01.06, allow an individual to request exclusion directly from the fantasy competition operator through the fantasy competition operator’s website;

(10) Under COMAR 36.09.01.07, increase the limits on deposits to \$5,000 a month and exempt season-long fantasy competitions;

(11) Under COMAR 36.09.01.09, clarify what constitutes amateur sports;

(12) Under COMAR 36.09.01.11, further clarify how a fantasy competition operator shall hold player funds;

(13) Under COMAR 36.09.01.13, exempt a fantasy competition operator with annual revenues less than \$250,000 from having a financial audit performed, increase the number of days the fantasy competition operator has to submit the audit to the Commission, and increase the number of consecutive financial audits a certified public accountant may perform.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to James B. Butler, Managing Director, Organizational Compliance, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov, or fax to 410-230-8727. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

Subtitle 03 GAMING PROVISIONS

36.03.10 Video Lottery Facility Minimum Internal Control Standards

Authority: State Government Article, §§9-1A-04(d) and 9-1A-24(f), Annotated Code of Maryland

.20 Checks Accepted from a Player.

A.—E. (text unchanged)

F. A facility operator may not:

(1) (text unchanged)

(2) Except for a check issued under §§E and J of this regulation, accept from a player under this regulation a check or multiple checks which in the aggregate exceed [\$15,000] \$25,000 during a gaming day.

G.—J. (text unchanged)

.26 Counter Check Issuance at the Cashiers’ Cage.

A.—C. (text unchanged)

D. *Electronic Credit System.*

(1) *A facility operator may use an electronic credit system approved by the Commission to process electronic counter check transactions.*

(2) *The facility operator may access the player’s file in the electronic credit system using a portable device or other method approved by the Commission.*

(3) *The electronic credit system shall be capable of maintaining independently, or in conjunction with another computer system, as approved by the Commission:*

(a) *A digital photograph and signature of the player;*

(b) *Encrypted employee and player personal identification numbers;*

(c) *For each player account and transaction, the information required to be recorded by §C of this regulation;*

(d) *A record of each electronic transaction, printable in the check bank, which shall include at least:*

(i) *Date and time;*

(ii) *Transaction type;*

(iii) *Document number;*

(iv) *Location;*

(v) *Player name and account number; and*

(vi) *Amount;*

(e) *A record of each electronic transaction for which the player has successfully entered the player’s personal identification number and digital signature in the system;*

(f) *A record of voided transactions and the reason for the void; and*

(g) *Any other information the Commission requests.*

.27 Counter Check Issuance at a Video Lottery Terminal or Table Game.

A.—D. (text unchanged)

E. *Electronic Credit System.*

(1) *A facility operator may use an electronic credit system approved by the Commission to process electronic counter check transactions.*

(2) *The facility operator may access the player’s file in the electronic credit system using a portable device or other approved method.*

(3) *The electronic credit system shall be capable of maintaining independently, or in conjunction with another computer system, as approved by the Commission:*

(a) *A digital photograph and signature of the player;*

(b) *Encrypted employee and player personal identification numbers;*

(c) *For each player account and transaction, the information required to be recorded by §§C and D of this regulation;*

(d) *A record of each electronic transaction, printable in the check bank, which shall include at least:*

(i) *Date and time;*

(ii) *Transaction type;*

(iii) *Document number;*

(iv) *Location;*

(v) *Player name and account number; and*

(vi) *Amount;*

(e) *A record of each electronic transaction for which the player has successfully entered the player’s personal identification number and digital signature in the system;*

(f) *A record of voided transactions and the reason for the void; and*

(g) Any other information the Commission requests.

.28 Counter Check Substitution, Consolidation, and Redemption.

A.—B. (text unchanged)

C. If a personal check is accepted in an amount less than or equal to the amount of a counter check being partially or fully redeemed, the [\\$15,000] \$25,000 limitation on acceptance of personal checks in Regulation .20F(2) of this chapter does not apply.

D.—I. (text unchanged)

J. *Electronic Credit System.*

(1) A facility operator may use an electronic credit system approved by the Commission to process electronic counter check transactions.

(2) The facility operator may access the player's file in the electronic credit system using a portable device or other method approved by the Commission.

(3) The electronic credit system shall be capable of maintaining independently, or in conjunction with another computer system, as approved by the Commission:

(a) A digital photograph and signature of the player;

(b) Encrypted employee and player personal identification numbers;

(c) For each player account and transaction, the information required to be recorded by §§B and E of this regulation;

(d) A record of each electronic transaction, printable in the check bank, which shall include at least:

(i) Date and time;

(ii) Transaction type;

(iii) Document number;

(iv) Location;

(v) Player name and account number; and

(vi) Amount;

(e) A record of each electronic transaction for which the player has successfully entered the player's personal identification number and digital signature in the system;

(f) A record of voided transactions and the reason for the void; and

(g) Any other information the Commission requests.

.38 Jackpot Payout.

A.—F. (text unchanged)

G. A facility operator's internal controls shall include:

(1)—(2) (text unchanged)

(3) A provision that only the preparer is required to sign the jackpot or credit meter payout document if:

(a) A jackpot or credit meter payout is less than \$5,000;

(b) A facility operator's slot or casino management system can independently verify a jackpot or credit meter payout;

(c) The facility operator's slot or casino management system and the central monitor and control system are fully operational; and

(d) Overrides or adjustments are not required;

[(3)] (4) (text unchanged)

[(4)] (5) A provision that, if a jackpot or credit meter payout document generated under §G(1) of this regulation is requested by a gaming operations department supervisor or above, the verification required by [§G(3)] §G(4) of this regulation may be completed by a gaming operations department attendant, a gaming operations department supervisor or above, or a security department employee;

[(5)] (6) (text unchanged)

[(6)] (7) A provision that, if a jackpot or credit meter payout document required under §G(1) of this regulation is requested by a gaming operations department shift manager or higher level gaming

operations department employee, the verification required by [§G(5)] §G(6) of this regulation may be completed by a gaming operations department attendant, a gaming operations department supervisor or above, or a security department employee;

[(7)] (8) — [(13)] (14) (text unchanged)

[(14)] (15) Procedures utilized to issue a manual jackpot or credit meter payout document which:

(a)—(d) (text unchanged)

(e) Require the key to the cabinet in [§G(14)(d)] §G(15)(d) of this regulation to be:

(i)—(ii) (text unchanged)

Subtitle 04 VIDEO LOTTERY TERMINALS

36.04.01 Video Lottery Technical Standards

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

.12 Maximum Bet.

A.—B. (text unchanged)

C. For an electronic table game, each wager on a separate outcome is a single game event.

.21 Video Lottery Terminal Security.

A. If a manufacturer ships a video lottery terminal with software already installed, prior to transporting it the manufacturer shall seal the video lottery terminal with a prenumbered seal.

[A.] B. (text unchanged)

[B.] C. Access to the logic door securing the video lottery terminal's main processing unit shall be controlled by at least one lock:

(1) The key to which is:

(a) (text unchanged)

(b) Limited to access by [the Commission; and] a:

(i) Manufacturer; and

(ii) Facility operator; and

(2) Provided and installed by a [manufacturer in accordance with Commission directives] facility operator, except a facility operator may supply a manufacturer with a lock for installation during the manufacturing process.

[C.] D.—[E.] F. (text unchanged)

.31 Remote Access.

A.—B. (text unchanged)

C. A facility operator intending to authorize remote access to a video lottery system under this regulation shall include in its internal controls submitted for Commission approval under COMAR 36.03.10.05 a written system of access protocols which require:

(1)—(2) (text unchanged)

(3) The facility operator to provide the Commission with notice of access within [2] 4 hours after a person remotely accesses a system;

(4)—(6) (text unchanged)

D.—F. (text unchanged)

Subtitle 05 TABLE GAMES

36.05.03 Table Games Procedures

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

.02 Table Inventory.

A.—C. (text unchanged)

D. Notwithstanding the requirements in §C of this regulation, for table games that are not open for gaming activity during the gaming day, a facility operator may use this alternative procedure:

(1) A floorperson or above shall complete a Closed Table form for every table that was not open for gaming during the gaming day;

(2) The table inventory shall remain locked during completion of the Closed Table form;

(3) The Closed Table form shall contain:

(a) The date and identification of the shift ended;

(b) The game and table number;

(c) The date the table was last opened for gaming; and

(d) The signature and license number of the floorperson or above who completed the Closed Table form; and

(4) After completion of the procedure, the floorperson or above who completed the Closed Table form shall deposit the form into the drop box.

[D.] E.—[E.] F. (text unchanged)

Subtitle 08 SKILLS-BASED AMUSEMENT DEVICES

36.08.02 Registration

Authority: Criminal Law Article, §§12-301 and 12-301.1, Annotated Code of Maryland

.01 Registration.

A. The owner of a skills-based amusement device shall [annually] register with the Commission *every other year* if the device awards prizes other than the award of free play.

B.—E. (text unchanged)

Subtitle 09 ONLINE FANTASY COMPETITION

36.09.01 Fantasy Competition

Authority: State Government Article, §9-1D-01, Annotated Code of Maryland; Ch. 853, Acts of 2018

.06 Self Exclusion.

A. An individual may request exclusion from entering a fantasy competition by submitting to the fantasy competition operator a [:] *self-exclusion request using a self-exclusion tool provided by the operator on its website.*

[(1) Completed Commission-approved self-exclusion request; or

(2) Notarized self-exclusion request.]

B. If an individual requests exclusion, [a] *the* fantasy competition operator shall take reasonable measures to prevent that individual from entering a fantasy competition.

.07 Limits on Deposits.

A. *This regulation does not apply to season-long fantasy competitions.*

[A.] B. Except as provided in [§B] §C of this regulation, a fantasy competition player [is prohibited from depositing] *may not deposit more than [\$1,000] \$5,000 in a single calendar month with a fantasy competition operator [; and].*

[B.] C. Exception. A fantasy competition player may request a fantasy competition operator to temporarily or permanently increase a deposit limit above [\$1,000] \$5,000 per calendar month only if:

(1)—(3) (text unchanged)

.09 Prohibition on Fantasy Competitions Based on Amateur Sports.

A fantasy competition operator may not offer a fantasy competition [that includes:] *based on a sporting event featuring amateur athletes who are primarily under 18 years old.*

[A. Amateur sporting events;

B. College sporting events;

C. High school sporting events; or

D. Student sporting events.]

.11 Financial Account Protections.

A. A fantasy competition operator [that conducts competitions that require an entry fee shall create segregated accounts separating player funds from operational funds and maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof in an amount sufficient to pay all prizes offered to winning fantasy competition players.] *shall hold a fantasy competition player's funds:*

(1) In a segregated account that separates player funds from the operational funds of the operator; or

(2) In a special-purpose, segregated account that is maintained and controlled by a properly constituted corporate entity that:

(a) Is not the fantasy competition operator;

(b) Has a governing board that includes one or more corporate directors who are independent of the operator and of any corporation related to or controlled by the operator;

(c) Requires a unanimous vote of all corporate directors to file for bankruptcy;

(d) Has articles of incorporation that prohibit commingling of player funds with those of the operator, except as necessary to reconcile the accounts of players with sums owed to the operator by those players;

(e) Is restricted from incurring debt other than to players pursuant to the operator's rules governing the accounts of its players;

(f) Is restricted from taking on obligations of the operator other than obligations to its players pursuant to the operator's rules governing the accounts of its players; and

(g) Other than a special purpose corporate entity established by another operator that meets the requirements of this subtitle, may not dissolve, merge, or consolidate with another company while there are unsatisfied obligations to players.

B. (text unchanged)

.13 Financial Auditing.

A. A fantasy competition operator that conducts competitions that require an entry fee *and that generates gross annual revenues of \$250,000 or more* shall have a financial audit performed annually by a certified public accountant [that:].

B. *The certified public accounting firm that conducts the financial audit shall:*

(1) [Complies] Comply with generally accepted accounting principles; and

(2) [Is submitted to the Agency] Submit the financial audit report to the Commission within [90] 180 days of the operator's fiscal year end.

[B.] C. (text unchanged)

[C.] D. *Auditor Exception.*

(1) The same certified public accountant may not perform more than [two] three consecutive financial audits for a fantasy competition operator[.] unless:

(a) The operator requests and obtains preapproval of the Commission; and

(b) A different audit partner manages the audit after 3 years.

(2) If a different audit partner cannot be assigned, a fantasy competition operator shall advise the Agency prior to beginning of the audit.

E. If the Commission deems it necessary, the Commission may require a fantasy competition operator that is not otherwise required by §A of this regulation to have a financial audit performed by a certified public accountant.

GORDON MEDENICA
Director
Maryland State Lottery and Gaming Control Agency

Errata

COMAR 13A.05.05.02

At 46:15 Md. R. 655 (July 19, 2019), column 2, line 19 from the top:

For: On June 26, 2019, the Maryland State Board of Education adopted

Read: On June 26, 2019, the Maryland State Board of Education adopted the repeal of existing Regulation .02 and

[19-16-09]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 2, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD
Add'l. Info: Legislative Review, Revenue Estimates and the Review of Capital Programs
Contact: Chrastian Lund (410) 260-7920 [19-16-06]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 10, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Room #114—116, Annapolis, MD
Add'l. Info: Review of Tax-Supported Debt and the Size and Condition of Debt of Higher Education Institutions
Contact: Christian Lund (410) 260-7920 [19-16-07]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 16, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD
Add'l. Info: Recommendation of General Obligation Bond Authorizations
Contact: Christian Lund (410) 260-7920 [19-16-08]

FIRE PREVENTION COMMISSION

Subject: Public Meeting
Date and Time: August 15, 2019, 9:30 a.m.
Place: Laurel Municipal Bldg., 8103 Sandy Spring Rd., Council Chambers, Laurel, MD
Add'l. Info: Portions of the meeting may be held in closed session.
Contact: Heidi Ritchie (877) 890-0199 [19-16-05]

MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: August 19, 2019, 1 — 3 p.m.
Place: MDH, 201 W. Preston St., Conf. Rm. L3, Baltimore, MD
Contact: Kimberly Hiner (410) 767-2301 [19-16-04]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing
Date and Time: August 20, 2019, 9 a.m. — 12 p.m.
Place: Maryland Insurance Administration, 200 St. Paul Pl., 24th Fl., Hearing Rm., Baltimore, MD
Add'l. Info: The Maryland Insurance Administration will conduct a public hearing on specific rate increase requests being made by certain Long-Term Care Insurance carriers operating in Maryland. The hearing will focus on several rate increase requests before the Maryland Insurance Administration. In the individual long-term care market, these include requests from The Prudential Insurance Company of America and John Hancock Life Insurance Company. In the group long-term care market, these include requests from Unum Life Insurance Company of America. The purpose of the hearing is for insurance company officials to explain their reasons for the rate increases. Interested stakeholders will also have the opportunity to provide comments at the hearing. Prior to the hearing, copies of each company's actuarial memorandum will be posted to the Maryland Insurance Administration's website.

If you plan to attend, please RSVP to Nancy Muehlberger. If you will be dialing into the public hearing and wish to provide oral testimony, please RSVP to Nancy Muehlberger. Testimony will only be heard via the telephone to those who have RSVP'd in advance of the public hearing. Written comments and RSVPs should be sent to Nancy Muehlberger by

August 13, 2019, either by email to longtermcare.mia@maryland.gov or by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or by fax to 410-468-2038.

Any questions regarding this matter should be directed to Nancy Muehlberger, Actuarial Analyst, by August 13, 2019, by email to Nancy.Muehlberger@maryland.gov. For more information on the hearing please visit the following link:

<https://insurance.maryland.gov/Consumer/Pages/Long-Term-Care-Hearing-August-20-2019.aspx>

Contact: Adam Zimmerman (410) 468-2048

[19-16-11]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: August 22, 2019, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Kathy Lingo (410) 230-8790 [19-16-02]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meeting
Dates and Times: September 4, 2019, 8:30 a.m. — 5 p.m.
 July 24, 2019 8:30 a.m. — 5 p.m.
 Aug 7, 2019 8:30 a.m. — 5 p.m.
 Aug 21, 2019 8:30 a.m. — 5 p.m.
 Sep 4, 2019 8:30 a.m. — 5 p.m.
 Sep 18, 2019 8:30 a.m. — 5 p.m.
 Oct 2, 2019 8:30 a.m. — 5 p.m.
 Oct 16, 2019 8:30 a.m. — 5 p.m.
 Oct 30, 2019 8:30 a.m. — 5 p.m.
 Nov 13, 2019 8:30 a.m. — 5 p.m.
 Nov 27, 2019 8:30am — 5 p.m.
 Dec 4, 2019 8:30 a.m. — 5 p.m.
 Dec 18, 2019 8:30 a.m. — 5 p.m.
Place: Maryland Department of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240 [19-16-10]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: August 21, 2019, 9 a.m. — 1 p.m.

Place: MDE — 100 Washington Blvd., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Elaine Nolen (410) 537-4466

[19-16-01]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting

Date and Time: August 22, 2019, 9:30 — 11 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Amy S. Lackington (410) 864-5300

[19-16-03]

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- 08 Health Facilities Grants

### Part 2

- 09 Medical Care Programs

### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
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- 20 Kidney Disease Program
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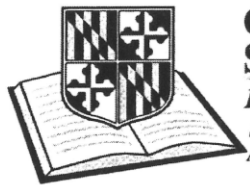
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