

Maryland Register

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Volume 47 • Issue 8 • Pages 409—458

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before March 23, 2020, 5 p.m.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 March 23, 2020.

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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Illustrations by Carolyn Anderson, Dept. of General Services

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Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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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 2021

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2020			
April 24	April 6	April 13	April 15
May 8	April 20	April 27	April 29
May 22	May 4	May 11	May 13
June 5	May 18	May 22**	May 27
June 19	June 1	June 8	June 10
July 6***	June 15	June 22	June 24
July 17	June 29	July 6	July 8
July 31	July 13	July 20	July 22
August 14	July 27	August 3	August 5
August 28	August 10	August 17	August 19
September 11	August 24	August 31	September 2
September 25	September 4**	September 14	September 16
October 9	September 21	September 28	September 30
October 23	October 5	October 9**	October 14
November 6	October 19	October 26	October 28
November 20	November 2	November 9	November 10**
December 4	November 16	November 23	November 25
December 18	November 30	December 7	December 9
2021			
January 4***	December 14	December 21	December 23
January 15	December 28	January 4	January 6
January 29	January 11	January 15**	January 20

* 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)

02 OFFICE OF THE ATTORNEY GENERAL (No changes effective since January 2019)

02.08.01.03—,05 • 47:5 Md. R. 314 (2-28-20)

02.08.02.01—,05 • 47:5 Md. R. 314 (2-28-20)

02.08.03.01—,05 • 47:5 Md. R. 314 (2-28-20)

02.08.04.01,,02 • 47:5 Md. R. 314 (2-28-20)

03 COMPTROLLER OF THE TREASURY

03.11.01.01—,14 • 46:22 Md. R. 981 (10-25-19)

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)

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

07 DEPARTMENT OF HUMAN RESOURCES

07.02.07.02,,06,,08—,14,,17,,21,,23 • 47:3 Md. R. 174 (1-31-20)

07.02.11.12 • 47:3 Md. R. 178 (1-31-20)

07.03.17.61 • 47:7 Md. R. 386 (3-27-20)

07.03.25.01—,11 • 47:7 Md. R. 387 (3-27-20)

07.07.13.01—,04 • 46:26 Md. R. 1170 (12-20-19)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.01.12 • 47:3 Md. R. 179 (1-31-20)

09 MARYLAND DEPARTMENT OF LABOR

09.03.07.02—,08 • 47:2 Md. R. 77 (1-17-20)

09.03.10.04 • 47:1 Md. R. 21 (1-3-20)

09.10.01.17 • 47:3 Md. R. 197 (1-31-20)

09.10.03.01,,01-1 • 47:3 Md. R. 197 (1-31-20)

47:5 Md. R. 322 (2-28-20) (err)

09.11.07.01 • 46:26 Md. R. 1176 (12-20-19)

09.12 • 46:26 Md. R. 1192 (12-20-19) (err)

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

09.12.58.03 • 47:3 Md. R. 198 (1-31-20) (ibr)

09.12.81.01,,02 • 46:25 Md. R. 1135 (12-6-19)

09.12.81.01-1,,04-1,,07,,08 • 47:2 Md. R. 80 (1-17-20)

09.12.83.01 • 46:25 Md. R. 1135 (12-6-19)

09.24.05.04 • 47:1 Md. R. 23 (1-3-20)

09.26.02.06 • 46:21. R. 898 (10-11-19)

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

10.01.04.01 • 47:2 Md. R. 81 (1-17-20)

10.06.01.02—,08-3,,09—11-1,,12—,12-2,

.14—,25 • 47:2 Md. R. 82 (1-17-20)

10.07.01.06 • 46:26 Md. R. 1178 (12-20-19)

10.07.02.01—,03,,33,,40 • 47:2 Md. R. 91 (1-17-20) (ibr)

Subtitle 09 (2nd volume)

10.09.07.03,,05,,08 • 47:2 Md. R. 92 (1-17-20)

10.09.46.01,,03—,05,,07—,09-1,,10—,12 • 47:2 Md. R. 93 (1-17-20)

10.09.56.01—,03,,11,,21 • 47:3 Md. R. 199 (1-31-20)

10.09.59.04 • 46:26 Md. R. 1179 (12-20-19)

10.09.78.01—,11 • 47:2 Md. R. 81 (1-17-20)

10.09.89.09—,12 • 47:1 Md. R. 23 (1-3-20)

Subtitles 10 — 22 (3rd Volume)

- 10.10.11.03,.04,.07,.09—14,.21,.22 • 47:2 Md. R. 96 (1-17-20)
- 10.12.06.01—10 • 47:1 Md. R. 24 (1-3-20)
- 10.14.02.01—04,.04-1,.04-2,.05—07,.09,.10,
.12—22 • 46:22 Md. R. 992 (10-25-19)
- 10.14.08.01—08 • 47:3 Md. R. 200 (1-31-20)
- 10.15.03.02,.06,.09,.11,.15,.24—28,.30,
.40 • 47:3 Md. R. 203 (1-31-20)
- 10.15.06.02,.03,.16 • 46:26 Md. R. 1180 (12-20-19) (ibr)
- 10.15.08.03 • 46:26 Md. R. 1180 (12-20-19) (ibr)
- 10.17.01.05—06-1,.07—11,.25,.28,.43,
.55 • 47:2 Md. R. 99 (1-17-20)
- 10.18.02.01—03,.06—09 • 47:3 Md. R. 208 (1-31-20)
- 10.18.03.01—05 • 47:3 Md. R. 210 (1-31-20)
- 10.22.17.06—08 • 46:20 Md. R. 850 (9-27-19)
- 10.22.18.04 • 46:20 Md. R. 850 (9-27-19)

Subtitles 23 — 36 (4th Volume)

- 10.27.01.01,.05,.10 • 46:14 Md. R. 626 (7-5-19)
- 10.29.02.04 • 46:22 Md. R. 997 (10-25-19)
- 10.29.03.01—08 • 46:22 Md. R. 999 (10-25-19)
- 10.29.05.05 • 46:22 Md. R. 997 (10-25-19)
- 10.29.09.03,.04 • 46:22 Md. R. 997 (10-25-19)
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- 10.40.02.07 • 47:4 Md. R. 266 (2-14-20)
- 10.43.16.01—05 • 46:26 Md. R. 1181 (12-20-19)
- 10.47.07.02,.04,.05 • 47:2 Md. R. 104 (1-17-20)
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- 10.62.34.04,.06 • 47:2 Md. R. 107 (1-17-20)
- 10.62.35.01 • 47:2 Md. R. 107 (1-17-20)
- 10.67.04.15,.25,.27 • 47:2 Md. R. 81 (1-17-20)
- 10.67.08.03 • 47:2 Md. R. 81 (1-17-20)
- 10.67.09.03 • 47:2 Md. R. 81 (1-17-20)

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

- 12.04.08.01—07 • 46:26 Md. R. 1183 (12-20-19)

13A STATE BOARD OF EDUCATION

- 13A.02.02.03,.04 • 47:8 Md. R. 437 (4-10-20) (ibr)
- 13A.03.02.02,.03,.06—10,.12 • 46:24 Md. R. 1108 (11-22-19)
- 13A.04.17.01,.02 • 47:7 Md. R. 390 (3-27-20)
- 13A.05.13.01—06 • 46:26 Md. R. 1185 (12-20-19)
- 13A.08.01.03 • 47:7 Md. R. 392 (3-27-20)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.02.03.24 • 47:8 Md. R. 438 (4-10-20)
- 13B.08.03.03 • 47:3 Md. R. 220 (1-31-20)
- 13B.08.07.01—08 • 47:3 Md. R. 220 (1-31-20)
- 13B.08.10.02 • 47:3 Md. R. 222 (1-31-20)
- 13B.08.11.02 • 47:3 Md. R. 222 (1-31-20)

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The Governor

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

Waiving Regulations Adopted for Motor Carrier Transportation

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, The President of the United States has declared a national emergency due to the COVID-19 pandemic;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, The delivery of supplies and equipment is vital to the preservation of life;

WHEREAS, Waiver of all or part of the Federal Motor Carrier Safety Regulations will facilitate emergency relief efforts; and

WHEREAS, The facilitated movement of these supplies and equipment is in the best interest of the citizens of Maryland;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. There is a transportation emergency throughout the state.

II. Motor vehicles transporting equipment or supplies directly related to the COVID-19 state of emergency and catastrophic health emergency and needed to protect the public health, welfare, or safety are allowed a 15% tolerance above any weight limit imposed by statute. Said tolerance shall be the only tolerance applicable to the vehicle and includes gross weight and axle weight. Vehicles exceeding this tolerance and carrying a non-divisible load shall obtain an emergency hauling permit as required and operate under the terms and conditions of that permit. No vehicle shall exceed any tire manufacturer's maximum load capacity rating.

III. To facilitate the delivery of equipment and supplies related to the COVID-19 state of emergency and catastrophic health emergency, and as deemed safe and appropriate, the State Highway Administrator, or the State Highway Administrator's designee, may temporarily waive or modify hauling permit restrictions and conditions deemed safe and appropriate.

IV. Motor carriers and drivers operating with increased weight tolerances or waived or modified hauling permit restrictions must adhere to all State Highway Administration, Maryland Transportation Authority, and local jurisdiction restrictions regarding size and weight on roadways and bridges.

V. Pursuant to § 390.23 of Title 49 of the Code of Federal Regulations ("CFR") and § 25-111 of the Transportation Article of the Maryland Code, motor carriers and drivers operating commercial motor vehicles to transport cargo relating to the COVID-19 state of

emergency and catastrophic health emergency (such as medicine, medical equipment, food supplies including feed for livestock, water, and materials for construction of temporary housing), and provided relief by Federal Motor Carrier Safety Administration Emergency Declaration No. 2020-002, are extended identical relief while in intrastate operation on state and local roadways. Motor carriers and drivers must adhere to the requirements of 49 CFR § 392.3 relating to ill or fatigued operators.

VI. Any additional relief provided by Federal Motor Carrier Safety Administration Emergency Declaration No. 2020-002 and applicable to Maryland is further incorporated into this Order.

VII. Nothing in this declaration relieves the motor carrier or driver of the responsibility for safe operation of the vehicle.

VIII. The provisions of this Order are applicable to the Interstate Highway System provided there is compliance with all required approvals from the appropriate federal agencies.

IX. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

ISSUED under my hand this 18th day of March, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-32]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-19-01

Amending and Restating the Order of March 16, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and Additionally Closing Various Other Establishments

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings;

WHEREAS, The currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to control and direct the movement of individuals in Maryland, including those on the public streets;

WHEREAS, It is further necessary to control and direct in Maryland the occupancy and use of buildings and premises, as well as places of amusement and assembly; and

WHEREAS, the Coronavirus Response Team will continue to advise on related public health and emergency management decisions;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled “Prohibiting Large Gatherings and Events and Closing Senior Centers,” as amended on March 16, 2020, and entitled “Amending and Restating the Order of March 12, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and Additionally Closing Bars, Restaurants, Fitness Centers, and Theaters,” is further amended and restated in its entirety as set forth herein.

II. Social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events (“large gatherings and events”) of more than 10 people are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers.

III. Planned large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

IV. All senior citizen activities centers (as defined in Section 10-501(i) of the Human Services Article of the Maryland Code) shall remain closed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

V. Restaurants and Bars.

a. This Order controls the occupancy and use of restaurants, bars, and other similar establishments that sell food or beverages for consumption on-premises in Maryland (“Restaurants and Bars”). This Order does not apply to food or beverage services in health care facilities, which are expressly excluded from the definition of “Restaurants and Bars.”

b. All Restaurants and Bars shall remain closed to the general public, except that, to the extent permitted by applicable law, and in accordance with any social-distancing recommendations of the Maryland Department of Health, food and beverages may be:

- i. sold if such food or beverages are promptly taken from the premises, i.e., on a carry-out or drive-through basis; or
- ii. delivered to customers off the premises.

VI. Fitness Centers.

a. This Order controls the occupancy and use of fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland (“Fitness Centers”).

b. All Fitness Centers shall remain closed to the general public, except that the portion of any Fitness Center that is licensed or otherwise permitted by applicable law, regulation, or order to provide child care services may remain open to the general public for the purpose of continuing to provide such child care services.

VII. Theaters.

a. This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown (“Theaters”).

b. All Theaters shall remain closed to the general public.

VIII. Malls.

a. This Order controls the occupancy and use of shopping centers in Maryland that have one or more enclosed pedestrian concourses (“Enclosed Malls”).

b. The following portions of Enclosed Malls are hereby closed to the general public, effective as of 5:00 p.m. on March 19, 2020:

- i. pedestrian concourses and other interior common areas open to the general public, including without limitation, food courts; and
- ii. retail establishments only accessible to the general public from enclosed pedestrian concourses or other interior areas.

c. This paragraph VIII does not require closure of retail establishments attached to Enclosed Malls that are directly accessible from the outside.

IX. Other Recreational Establishments.

a. This Order controls the occupancy and use of the following establishments in Maryland (“Recreational Establishments”):

- i. bingo halls;
- ii. bowling alleys;
- iii. pool halls;
- iv. amusement parks;
- v. roller and ice skating rinks; and
- vi. any other establishment not listed above that is subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

b. All Recreational Establishments are hereby closed to the general public, effective as of 5:00 p.m. on March 19, 2020 (or shall remain closed, if closed by a prior Order).

X. Government Buildings and Facilities with Large Occupancy or Attendance.

a. State and local government buildings and facilities with an expected occupancy or attendance of more than 10 people shall:

- i. Promptly and conspicuously post in the building or facility a copy of the Maryland Department of Health recommendations for social distancing; and
- ii. Provide all occupants and attendees with the capability to wash their hands.

b. A copy of this Order shall be made available to all occupants or attendees at any State or local government building and facility with an expected occupancy or attendance of more than 10 people.

XI. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order.

XII. A person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

XIII. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

XIV. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

XV. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

ISSUED under my hand this 19th day of March, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-33]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-19-02

Expanding Alcohol Beverage Delivery and Carryout Services

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 16, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, An emergency order was issued on March 16, 2020, prohibiting large gatherings and events and closing bars and restaurants in order to promote social distancing and reduce the threat to human health caused by the transmission of the novel coronavirus in Maryland, and to protect and save lives;

WHEREAS, To treat, prevent, or reduce the spread of COVID-19 caused by the transmission of the novel coronavirus, it may become medically necessary and reasonable to require individuals to remain in isolation or quarantine at their homes or to remain indoors;

WHEREAS, The sale of food or beverages for on-premises consumption is now generally prohibited in Maryland;

WHEREAS, Licenses held by alcohol manufacturing businesses may limit or not permit them to sell and deliver their products directly to consumers for off-premises consumption;

WHEREAS, Alcohol consumption is often a component of social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events;

WHEREAS, Delivering alcohol to customers' homes, and requiring alcohol to be taken from the premises where sold, encourages consumption in individuals' homes or in other small, less public settings, furthering the goal of social distancing and promoting compliance with isolation or quarantine protocols; and

WHEREAS, To protect the public health, welfare, and safety, it is necessary to suspend the effect of certain statutes, rules, or regulations of agencies of the State or political subdivisions relating to alcohol delivery and sales;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Restaurants, bars, breweries, wineries, distilleries, and other entities holding a State or local license to manufacture or sell alcoholic beverages ("Alcoholic Beverage Retailers") may deliver off-premises, or sell if promptly taken from the premises before consumption, alcoholic beverages in sealed containers to purchasers, subject to:

a. any social-distancing recommendations of the Maryland Department of Health;

b. all other applicable legal requirements, including in regards to sales limitations, recordkeeping, and verification of the age of recipients;

c. with respect to Alcoholic Beverage Retailers holding a State license, any conditions imposed on such activities by the Comptroller of Maryland; and

d. with respect to Alcoholic Beverage Retailers holding a local license, any conditions imposed on such activities by the local licensing board (as defined in Section 1-101 of the Alcoholic Beverages Article of the Maryland Code).

II. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

III. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order is hereby suspended.

ISSUED under my hand this 19th day of March, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-34]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-19-03

Augmenting the Emergency Medical Services Workforce

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 16, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, Emergency medical services providers are needed to respond to the state of emergency and catastrophic health emergency;

WHEREAS, To respond to the catastrophic health emergency, licensing, certification, and credentialing of emergency medical services providers must be modified to expand the practice capabilities, permissions, and authorizations of those who already hold a Maryland license and those who are licensed or certified in other states;

WHEREAS, To expand such practice capabilities, permissions, and authorizations, and protect the public health, welfare, and safety, it is necessary to suspend certain State and local statutes, rules, and regulations regarding licensing, certification, and credentialing of emergency medical services providers;

WHEREAS, It is necessary that emergency medical services providers that hold licenses, certifications, or other permits issued by other states and that demonstrate the meeting of qualifications for professional, mechanical, or other skills be deemed licensed, certified, or permitted in Maryland to render aid during the state of emergency and catastrophic health emergency; and

WHEREAS, It is necessary that emergency medical services providers be authorized to perform acts, tasks, or functions while supervised by health care practitioners licensed in Maryland during the state of emergency and catastrophic health emergency;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. After providing notice to the Governor, and subject to Sec. II of this Order, the Executive Director of the Maryland Institute for Emergency Medical Services Systems (the "Executive Director") and chairperson of the State Emergency Medical Services Board (the "Chairperson") may suspend the effect of any provision of §§ 13-515, 13-516, or 13-517 of the Education Article of the Maryland Code ("ED"), or of Title 30 of the Code of Maryland Regulations, upon a finding that such suspension will:

- a. Not endanger the public health, welfare, or safety;
- b. Augment the emergency medical services workforce; and
- c. Improve the response to the state of emergency and catastrophic health emergency.

II. The suspension of a provision of ED § 13-516 shall be:

- a. Clinically appropriate; and
- b. Necessary to provide services relating to:
 - i. The dispensing or administration of medications, immunizations, intravenous solutions, or drugs; or
 - ii. The evaluation, screening, and treatment of patients.

III. The Executive Director and Chairperson may issue additional, revised, or supplemental procedures or protocols concerning licensure, certification, or scope of practice as necessary to appropriately respond to the state of emergency and catastrophic health emergency.

IV. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

V. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

ISSUED under my hand this 19th day of March, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-35]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-20-01

Authorizing Reimbursement of Audio-Only Health Care Services

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, Health care providers are needed to respond to the state of emergency and catastrophic health emergency;

WHEREAS, To respond to the state of emergency and catastrophic health emergency, health care providers must be permitted to deliver health care services at sites other than the sites at which patients are located;

WHEREAS, It is necessary that health care providers licensed, certified, or otherwise authorized by law to provide health care services be permitted in Maryland to provide those services through audio-only calls or conversations, but that such providers are held to the same standards of practice that are applicable to in-person health care settings;

WHEREAS, To enable the use of interactive audio telecommunications or electronic technology to deliver health care services, and protect the public health, welfare, and safety, it is necessary to suspend certain State and local statutes, rules, and regulations regarding reimbursement for health care services delivered through audio-only calls or conversations;

WHEREAS, To expand the use of telemedicine to deliver health care services, and protect the public health, welfare, and safety, it is necessary to suspend certain State and local statutes, rules, and regulations regarding confidentiality during use of various video and telecommunications applications and products; and

WHEREAS, It is necessary during the state of emergency and catastrophic health emergency that health care providers be authorized to, through audio-only calls or conversations, perform clinical evaluations, refer patients to health care services, provide treatment, and issue prescriptions;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The Secretary of Health may authorize a health care provider enrolled in the Maryland Medical Assistance Program or in a program of the Behavioral Health Administration to use audio-only calls or conversations with medical assistance or behavioral health service recipients ("recipients") to deliver health care services at a site other than the site at which the recipient is located, provided that:

- a. The health care services delivered are clinically appropriate and within the scope of practice of the health care provider;
- b. The health care provider:
 - i. Is licensed, certified, or otherwise authorized by law to provide health care services to recipients in the State;

- ii. Verifies the identity of the recipient receiving health care services;
- iii. Discloses to the recipient the health care provider’s name and contact information, and the type of health occupation license held by the health care provider;
- iv. Obtains oral or written consent from the recipient or from the recipient’s parent or guardian if such consent is legally required;
- v. Documents in a recipient’s medical record the health care services provided by audio-only call or conversation, according to the same standards used for in-patient health care services; and
- vi. Abides by all laws regarding a patient’s right to the patient’s health information;
- c. The exchange of information between a recipient and health care provider occurs in real time; and
- d. The recipient can interact with the health care provider at the time the health care service is provided to the recipient.

II. The Maryland Medical Assistance Program shall not reimburse, in accordance with the requirements of Title 15, Subtitle 1 of the Health-General Article of the Maryland Code (“HG”), health care providers for audio-only calls or conversations to deliver health care services if the health care provider has violated this Order.

III. The Behavioral Health Administration shall not reimburse, in accordance with the requirements of HG Title 7.5, Subtitle 2, health care providers for audio-only calls or conversations to deliver health care services if the health care provider has violated this Order.

IV. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

V. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order, including HG § 15-105.2, is hereby suspended.

VI. The effect of HG §§ 4-301 to 4-309 is hereby suspended in connection with the provision of health care services through audio-only calls or conversations, or telemedicine as defined in HG § 15-105.2.

ISSUED under my hand this 20th day of March, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-36]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-23-01

Amending and Restating the Order of March 19, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and Additionally Closing All Non-Essential Businesses and Other Establishments

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings;

WHEREAS, The currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to control and direct the movement of individuals in Maryland, including those on the public streets;

WHEREAS, It is further necessary to control and direct in Maryland the occupancy and use of buildings and premises, as well as places of amusement and assembly; and

WHEREAS, the Coronavirus Response Team will continue to advise on related public health and emergency management decisions;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled “Prohibiting Large Gatherings and Events and Closing Senior Centers,” as amended and restated on March 16, 2020, and further amended and restated on March 19, 2020 by Order Number 20-03-19-01, is further amended and restated in its entirety as set forth herein.

II. Gatherings Large Than 10 Persons Prohibited.

a. Social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events (“large gatherings and events”) of more than 10 people are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers.

b. Planned large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

III. Closure of Non-Essential Businesses, Generally.

a. This Order controls the occupancy and use of all businesses, organizations, establishments, and facilities that are not part of the critical infrastructure sectors identified by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (currently described at <https://www.cisa.gov/v/identifying-critical-infrastructure-during-covid-19>) (collectively, “Non-Essential Businesses”).

b. All Non-Essential Businesses are hereby closed to the general public, effective as of 5:00 p.m. on March 23, 2020 (or shall remain closed, if closed by a prior Order).

c. All businesses, organizations, establishments, and facilities that are required to close pursuant to paragraph IV, pursuant to any other Order of the Governor of the State of Maryland or any other Order of a political subdivision, shall be and remain closed in accordance with paragraph IV or such other Order, as the case may be.

IV. Closure of Certain Specific Businesses, Organizations, and Facilities.

a. Senior Centers. All senior citizen activities centers (as defined in Section 10-501(i) of the Human Services Article of the Maryland Code) shall remain closed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

b. Restaurants and Bars.
 i. This Order controls the occupancy and use of restaurants, bars, and other similar establishments that sell food or beverages for consumption on-premises in Maryland (“Restaurants and Bars”). This Order does not apply to food or beverage services in health care facilities, which are expressly excluded from the definition of “Restaurants and Bars.”
 ii. All Restaurants and Bars shall remain closed to the general public, except that, to the extent permitted by applicable law, and in accordance with any social-distancing recommendations of the Maryland Department of Health, food and beverages may be:

1. sold if such food or beverages are promptly taken from the premises, i.e., on a carry-out or drive-through basis; or
2. delivered to customers off the premises.

c. Fitness Centers.
 i. This Order controls the occupancy and use of fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland (“Fitness Centers”).
 ii. All Fitness Centers shall remain closed to the general public, except that the portion of any Fitness Center that is licensed or otherwise permitted by applicable law, regulation, or order to provide child care services may remain open to the general public for the purpose of continuing to provide such child care services.

d. Theaters.
 i. This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown (“Theaters”).
 ii. All Theaters shall remain closed to the general public.

e. Malls.
 i. This Order controls the occupancy and use of shopping centers in Maryland that have one or more enclosed pedestrian concourses (“Enclosed Malls”).
 ii. The following portions of Enclosed Malls shall remain closed to the general public:

1. pedestrian concourses and other interior common areas open to the general public, including without limitation, food courts; and
2. retail establishments only accessible to the general public from enclosed pedestrian concourses or other interior areas.

iii. This paragraph IV.e does not require closure of retail establishments attached to Enclosed Malls that are directly accessible from the outside.

iv. Notwithstanding paragraph IV.e.ii, local governments may approve access by the general public to the following parts of Enclosed Malls:

1. retail establishments (a) that primarily sell groceries or pharmacy products, or (b) at which licensed professionals provide health care services; and
2. pedestrian concourses and other interior common areas, but solely to the extent necessary for the general public to access the retail establishments described in paragraph IV.e.iv.1.

f. Other Recreational Establishments.

i. This Order controls the occupancy and use of the following establishments in Maryland (“Recreational Establishments”):

1. bingo halls;
2. bowling alleys;
3. pool halls;
4. amusement parks;
5. roller and ice skating rinks;
6. all golf courses (public and private), miniature golf establishments, and driving ranges;
7. social and fraternal clubs, including without limitation, American Legion posts, VFW posts, and Elks Clubs; and
8. any other establishment not listed above that is subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

ii. All Recreational Establishments are hereby closed to the general public, effective as of 5:00 p.m. on March 23, 2020 (or shall remain closed, if closed by a prior Order).

g. Other Miscellaneous Establishments.

i. This Order controls the occupancy and use of the following establishments in Maryland:

1. tattoo parlors;
2. tanning salons;
3. barber shops; and
4. beauty salons and all other establishments that provide esthetic services, provide hair services, or provide nail services (as described in Title 5, Subtitle 2 of the Business Occupations Article of the Maryland Code).

ii. The establishments listed in paragraph IV.g.i above are hereby closed to the general public, effective as of 5:00 p.m. on March 23, 2020.

V. Specific Exclusions. For avoidance of doubt, this Order does not require the closure of:

- a. Any federal, State, or local government unit, building, or facility;
- b. Any newspaper, television, radio, or other media service; or
- c. Any non-profit organization or facility providing essential services to low-income persons, including, without limitation, homeless shelters, food banks, and soup kitchens.

VI. Government Buildings and Facilities with Large Occupancy or Attendance.

a. State and local government buildings and facilities with an expected occupancy or attendance of more than 10 people shall:

- i. Promptly and conspicuously post in the building or facility a copy of the Maryland Department of Health recommendations for social distancing; and
- ii. Provide all occupants and attendees with the capability to wash their hands.

b. A copy of this Order shall be made available to all occupants or attendees at any State or local government building and facility with an expected occupancy or attendance of more than 10 people.

VII. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order.

b. A person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

c. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

ISSUED under my hand this 23rd day of March, 2020,
and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-37]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-23-02

Initiating a Process for Authorization of Laboratories in Maryland to Develop and Perform Covid-19 Testing

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, Laboratories in Maryland have a critical role in disease surveillance, treatment, and suppression efforts;

WHEREAS, It is necessary to control, regulate, use, and/or ration, and/or take other appropriate actions with respect to, laboratories in Maryland to respond to the catastrophic health emergency;

WHEREAS, To respond to the catastrophic health emergency, it is necessary to designate and/or gain access to laboratories in Maryland, working collaboratively, to the extent feasible, with health care providers; and

WHEREAS, The Food and Drug Administration of the U.S. Department of Health and Human Services has provided regulatory flexibility allowing states to authorize certain laboratories to develop and perform tests for COVID-19, to facilitate rapid detection of cases and contacts, appropriate clinical management and infection control, and implementation of community mitigation efforts;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Laboratory Authorization Process. The Secretary of Health of the State of Maryland (the "Secretary") is hereby ordered to implement a process to authorize laboratories in Maryland to develop and perform testing for COVID-19, consistent with the Food and Drug Administration's "Policy for Diagnostic Tests for Coronavirus Disease-2019 during the Public Health Emergency", issued on March 16, 2020, as it may be amended, revised, or supplemented from time to time (the "Lab Authorization Process").

II. Secretary's Directives. In addition to the Lab Authorization Process, the Secretary is authorized to issue such directives as may be necessary to control and regulate the development and performance of COVID-19 testing by laboratories in Maryland.

III. Suspension of Statutes, Rules, Regulations. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended, including, without limitation, any statute, rule or regulation that would prevent laboratories in Maryland from developing and performing testing for COVID-19 in accordance with any directives issued by the Secretary pursuant to paragraph II above and the Lab Authorization Process.

IV. General Provisions.

a. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

b. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

ISSUED under my hand this 23rd day of March, 2020,
and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-38]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-23-03

Prohibiting Excess Profits on Certain Goods and Services

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, Chapter 14 of the Laws of Maryland 2020, approved by the Governor on March 19, 2020, authorizes the Governor to prohibit retailers from increasing prices to receive excess profits; and

WHEREAS, Such prohibitions are necessary for the immediate preservation of public health and safety;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE AND CHAPTER 14 OF THE LAWS OF MARYLAND 2020, DO HEREBY ORDER:

I. Except to the extent preempted by applicable federal law, a retailer is prohibited from increasing the sale or rental price of the following goods or services to a price that increases the retailer's value of profit by more than 10%:

- a. Food;
- b. Beverages;
- c. Fuel;
- d. Water;
- e. Ice;
- f. Medicine;
- g. Hygiene and personal care products;
- h. Medical supplies or equipment;
- i. Cleaning products;
- j. Pet food;
- k. Veterinary care;

- l. Motor vehicle parts and repairs;
- m. Building supplies and equipment;
- n. Home improvement and maintenance;
- o. Storage space;
- p. Delivery, including shipping and handling;
- Computers, related electronic devices, or software programs;
- r. Energy sources;
- s. Batteries;
- t. Internet, telephone, or telecommunications;
- u. Video streaming;
- v. Website hosting; and
- w. Child care.

II. This Order remains effective, except as may be rescinded, superseded, amended, or revised by additional orders, until the termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, but in all events no later than the end of April 30, 2021.

ISSUED under my hand this 23rd day of March, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-39]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-25-01

Amending and Restating the Order of March 13, 2020, Controlling Child Care Access

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, The State ensures safe conditions and proper protection of children in child care centers, and helps prevent the spread of disease;

WHEREAS, Providers of health care, emergency medical services, law enforcement, and other essential services may be in need of child care services for their school-age children when schools are closed;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that children and child care providers in the state refrain from congregating, except in limited circumstances to provide child care to persons supporting health care, emergency medical, law enforcement, and other essential services;

WHEREAS, It is necessary to protect the public health, welfare, or safety to suspend the effect of statutes, rules, or regulations regarding child care;

WHEREAS, It is further necessary to control the occupancy and use of buildings and premises, and authorize the use of private property, to generally prevent children and child care providers from

congregating, but also establish limited child care and other temporary accommodations for children of persons supporting essential services; and

WHEREAS, The Coronavirus Response Team will continue to advise on related public health and emergency management decisions;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland, dated March 13, 2020, entitled “Expanding Child Care Access,” is amended and restated in its entirety as set forth herein.

II. Definitions.

a. “Child care center,” “family child care home,” and “large family child care home” have the meanings stated in § 9.5-101 of the Education Article of the Maryland Code.

b. “Essential persons” means:

- i. Providers of health, long-term, or acute inpatient care, emergency medical, or pharmacy services;
- ii. Public health employees;
- iii. Law enforcement personnel;
- iv. Correctional services employees;
- v. Firefighters and other first responders;
- vi. Government employees required to work during the state of emergency or catastrophic health emergency;
- vii. Employees and representatives of insurance carriers, and those authorized by the Maryland Insurance Agency to engage in the business of insurance;
- viii. National Guard personnel called to active duty;
- ix. Staff and providers of child care or education services, including custodial staff and food service providers;
- x. Food distributors and suppliers, including food and supply services or distribution personnel;
- xi. Transportation and delivery services personnel;
- xii. Gasoline service station operators and automobile repair mechanics;
- xiii. Critical infrastructure employees, including emergency support personnel for gas and electric utility operations, public works, water treatment, and waste management;
- xiv. Personnel of other institutions ordered to remain open during the declared state of emergency and catastrophic health emergency; and
- xv. Such other persons as the State Superintendent of Schools (the “State Superintendent”) may designate in one or more orders as Essential Persons.

III. Except as provided herein, and as deemed necessary to protect the health, welfare, or safety of children and child care providers, the State Superintendent, in consultation with the Secretary of Health and the Director of the Maryland Emergency Management Agency (“MEMA”), may require child care centers, family child care homes, and large family child care homes, in any location or venue, to be closed.

IV. Child Care for Essential Persons.

a. To the extent necessary to make sufficient child care available to essential persons, the State Superintendent, in consultation with the Secretary of Health and Director for MEMA, may, upon a finding that it will not endanger the public health, welfare, or safety:

- i. Establish locations where child care may be provided;

ii. Suspend the effect of any or all of the provisions within the following regulation subtitles:

1. COMAR 13A.15 (Family Child Care);
2. COMAR 13A.16 (Child Care Centers);
3. COMAR 13A.17 (Letters of Compliance); and
4. COMAR 13A.18 (Large Family Child Care); and

iii. Issue guidelines permitting family and friend child care providers to provide care to up to five unrelated children in the provider's home.

b. To the extent necessary to allow for child care approved by the State Superintendent, and upon a finding by the unit that the suspension will not endanger the public health, welfare, or safety, any unit of State or local government may, in consultation with the State Superintendent, suspend the effect of a statute, rule, or regulation that it administers or enforces relating to the following:

i. Zoning, so as to waive any required permits for the use of land;

ii. Building, use, and occupancy permitting, so as to remove limits on the use of a building based on a child's age;

iii. Fire inspection; and

iv. Testing of water, sewers and sewage, drainage, sanitation, refuse disposal, or pollution on private property.

V. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

VI. The State Superintendent may, in consultation with the Secretary of Health and the Director of MEMA, suspend the effect of any other statute, rule, or regulation of an agency of the State or a political subdivision relating to child care in the state or that is otherwise inconsistent with this Order.

VII. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

ISSUED under my hand this 25th day of March, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-40]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-30-01

Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, and Additionally Requiring All Persons to Stay at Home

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings;

WHEREAS, The currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to control and direct the movement of individuals in Maryland, including those on the public streets;

WHEREAS, It is further necessary to control and direct in Maryland the occupancy and use of buildings and premises, as well as places of amusement and assembly; and

WHEREAS, the Coronavirus Response Team will continue to advise on related public health and emergency management decisions;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled "Prohibiting Large Gatherings and Events and Closing Senior Centers," as amended and restated on March 16, 2020, and further amended and restated on March 19, 2020 by Order Number 20-03-19-01, and further amended and restated on March 23, 2020 by Order Number 20-03-29-01, is further amended and restated in its entirety as set forth herein.

II. Stay-at-Home Order.

a. All persons living in the State of Maryland are hereby ordered, effective as of 8:00 p.m. on March 30, 2020, to stay in their homes or places of residences ("Homes") except:

i. to conduct or participate in Essential Activities (defined below);

ii. staff and owners of businesses and organizations that are not required to close pursuant to paragraph IV or paragraph V below may travel:

1. between their Homes and those businesses and organizations; and

2. to and from customers for the purpose of delivering goods or performing services; and

iii. staff and owners of Non-Essential Businesses (defined below) may travel:

1. between their Homes and those Non-Essential Businesses for the purpose of engaging in Minimal Operations; and

2. to and from customers for the purpose of delivering goods.

b. As used herein, “Essential Activities” means:

- i. Obtaining necessary supplies or services for one’s self, family, household members, pets, or livestock, including, without limitation: groceries, supplies for household consumption or use, supplies and equipment needed to work from home, laundry, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence;
- ii. Engaging in activities essential for the health and safety of one’s self, family, household members, pets, or livestock, including such things as seeking medical or behavior health or emergency services, and obtaining medication or medical supplies;
- iii. Caring for a family member, friend, pet, or livestock in another household or location, including, without limitation, transporting a family member, friend, pet, or livestock animal for essential health and safety activities, and to obtain necessary supplies and services;
- iv. Traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning;
- v. Engaging in outdoor exercise activities, such as walking, hiking, running, or biking, but only in compliance with paragraph III below and applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention (“CDC”) and the Maryland Department of Health (“MDH”);
- vi. Travel required by a law enforcement officer or court order; or
- vii. Traveling to and from a federal, State, or local government building for a necessary purpose.

III. Gatherings Larger Than 10 Persons Prohibited.

- a. Social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events (“large gatherings and events”) of more than 10 people are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers.
- b. Planned large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

IV. Closure of Non-Essential Businesses, Generally.

- a. This Order controls the occupancy and use of all businesses, organizations, establishments, and facilities that are not part of the critical infrastructure sectors identified by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (currently described at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>) (collectively, “Non-Essential Businesses”).
- b. Subject to paragraph IV.c, all Non-Essential Businesses shall remain closed to the general public.
- c. Staff and owners may continue to be on-site at Non-Essential Businesses for only the following purposes (“Minimal Operations”):
 - i. Facilitating remote working (a/k/a/ telework) by other staff;
 - ii. Maintaining essential property;
 - iii. Preventing loss of, or damage to property, including without limitation, preventing spoilage of perishable inventory;
 - iv. Performing essential administrative functions, including without limitation, picking up mail and processing payroll;
 - v. Caring for live animals; and
 - vi. In the case of Non-Essential Businesses that are retail establishments, continuing to sell retail products on a delivery basis.
- d. All businesses, organizations, establishments, and facilities that are required to close pursuant to paragraph V, pursuant to any other Order of the Governor of the State of Maryland or any other Order of a political subdivision, shall be and remain closed in accordance with paragraph V or such other Order, as the case may be.

V. Closure of Certain Specific Businesses, Organizations, and Facilities.

- a. Senior Centers. All senior citizen activities centers (as defined in Section 10-501(i) of the Human Services Article of the Maryland Code) shall remain closed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.
- b. Restaurants and Bars.
 - i. This Order controls the occupancy and use of restaurants, bars, and other similar establishments that sell food or beverages for consumption on-premises in Maryland (“Restaurants and Bars”). This Order does not apply to food or beverage services in health care facilities, which are expressly excluded from the definition of “Restaurants and Bars.”
 - ii. All Restaurants and Bars shall remain closed to the general public, except that, to the extent permitted by applicable law, and in accordance with any social-distancing recommendations of MDH, food and beverages may be:
 1. sold if such food or beverages are promptly taken from the premises, i.e., on a carry-out or drive-through basis; or
 2. delivered to customers off the premises.
- c. Fitness Centers.
 - i. This Order controls the occupancy and use of fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland (“Fitness Centers”).
 - ii. All Fitness Centers shall remain closed to the general public, except that the portion of any Fitness Center that is licensed or otherwise permitted by applicable law, regulation, or order to provide child care services may remain open to the general public for the purpose of continuing to provide such child care services.
- d. Theaters.
 - i. This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown (“Theaters”).
 - ii. All Theaters shall remain closed to the general public.
- e. Malls.
 - i. This Order controls the occupancy and use of shopping centers in Maryland that have one or more enclosed pedestrian concourses (“Enclosed Malls”).
 - ii. The following portions of Enclosed Malls shall remain closed to the general public:
 1. pedestrian concourses and other interior common areas open to the general public, including without limitation, food courts; and
 2. retail establishments only accessible to the general public from enclosed pedestrian concourses or other interior areas.
 - iii. This paragraph V.e does not require closure of retail establishments attached to Enclosed Malls that are directly accessible from the outside.
 - iv. Notwithstanding paragraph V.e.ii, local governments may approve access by the general public to the following parts of Enclosed Malls:
 1. retail establishments (a) that primarily sell groceries or pharmacy products, or (b) at which licensed professionals provide health care services; and
 2. pedestrian concourses and other interior common areas, but solely to the extent necessary for the general public to access the retail establishments described in paragraph V.e.iv.1.
- f. Other Recreational Establishments.
 - i. This Order controls the occupancy and use of the following establishments in Maryland (“Recreational Establishments”):
 1. bingo halls;
 2. bowling alleys;
 3. pool halls;

4. amusement parks;
5. roller and ice skating rinks;
6. all golf courses (public and private), miniature golf establishments, and driving ranges;
7. social and fraternal clubs, including without limitation, American Legion posts, VFW posts, and Elks Clubs;
8. campgrounds; and
9. any other establishment not listed above that is subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

ii. All Recreational Establishments are hereby closed to the general public (including members, in the case of private clubs), effective as of 5:00 p.m. on March 30, 2020 (or shall remain closed, if closed by a prior Order).

g. Other Miscellaneous Establishments.

i. This Order controls the occupancy and use of the following establishments in Maryland:

1. tattoo parlors;
2. tanning salons;
3. barber shops; and
4. beauty salons and all other establishments that provide esthetic services, provide hair services, or provide nail services (as described in Title 5, Subtitle 2 of the Business Occupations Article of the Maryland Code).

ii. The establishments listed in paragraph V.g.i above shall remain closed to the general public.

VI. Specific Exclusions. For avoidance of doubt:

a. This Order does not require the closure of, or prohibit the movement of any staff or volunteer traveling to, from, or in connection with their duties at any:

- i. Any federal, State, or local government unit, building, or facility;
 - ii. Any newspaper, television, radio, or other media service;
- or

iii. Any non-profit organization or facility providing essential services to low-income persons, including, without limitation, homeless shelters, food banks, and soup kitchens.

b. Paragraph II of this Order does not apply to:

- i. Persons whose homes or residences have become unsafe, such as victims of domestic violence; and
- ii. Persons who are experiencing homelessness, but governmental and other entities are strongly encouraged to make shelter available for such persons to the maximum extent practicable, in a manner consistent with the social distancing guidelines of the CDC and MDH.

VII. Government Buildings and Facilities with Large Occupancy or Attendance.

a. State and local government buildings and facilities with an expected occupancy or attendance of more than 10 people shall:

- i. Promptly and conspicuously post in the building or facility a copy of the MDH recommendations for social distancing; and
- ii. Provide all occupants and attendees with the capability to wash their hands.

b. A copy of this Order shall be made available to all occupants or attendees at any State or local government building and facility with an expected occupancy or attendance of more than 10 people.

VIII. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order.

b. A person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

c. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

ISSUED under my hand this 30th day of March, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-41]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-30-02

Waiving Family Contributions for the Maryland Children's Health Program

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the State, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, The spread of COVID-19 within the state may cause the parents or guardians of individuals enrolled in the Maryland Children's Health Program ("MCHP") significant financial hardship;

WHEREAS, The MCHP is needed to respond to the medical consequences of the catastrophic health emergency, requiring control of the price of enrollment;

WHEREAS, The health, safety, and welfare of MCHP participants, as well as of other Maryland residents generally, would be endangered if MCHP participants were unenrolled because of an inability to pay a family contribution;

WHEREAS, It is necessary in order to protect the public health, wealth, and safety to suspend the effect of State statutes requiring parents or guardians of MCHP eligible individuals to agree to pay a family contribution premium to enroll and participate in the MCHP;

WHEREAS, On March 18, 2020, the President of the United States signed into law the Families First Coronavirus Response Act, which, to provide additional resources necessitated by the national public health emergency, makes federal funds available to states for medical assistance programs provided they not terminate enrollment for failure to pay required premiums; and

WHEREAS, Such federal funds are needed to support the health care of medical assistance recipients during the state of emergency;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED

TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The Secretary of Health may suspend the effect of § 15-301.1 of the Health-General Article of the Maryland Code (“HG”) to waive the requirement that a parent or guardian of an eligible individual agree to, during a month in which the public health emergency declared by the U.S. Secretary of Health and Human Services remains in effect, pay a family contribution to enroll and participate in a Maryland Children’s Health Program premium plan.

II. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

III. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision, including HG § 15-301.1, that is inconsistent with this Order is hereby suspended.

ISSUED under my hand this 30th day of March, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-42]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-30-03

Enabling Municipalities to Postpone Elections

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in nearly all Maryland counties;

WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend social distancing and avoiding gatherings;

WHEREAS, The currently known and available scientific evidence and best practices support limitations on gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, Many municipal governments in the state have also declared states of emergency, imposed social-distancing measures, and taken other actions to reduce the spread of COVID-19;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, Many municipal elections would ordinarily be conducted at polling locations that, during the state of emergency and catastrophic health emergency, hinder social distancing, enable the transmission of the novel coronavirus, and pose risks to public health, welfare, and safety;

WHEREAS, Holding municipal elections at polling locations during the state of emergency and catastrophic health emergency would potentially expose government buildings, voters, and municipal officers, employees, and volunteers to the novel coronavirus;

WHEREAS, Municipal elections must be accessible, secure, and safe; and

WHEREAS, COVID-19, the state of emergency and the catastrophic health emergency, and the State’s emergency actions in response may impair the ability of municipal officials, employees, and volunteers to hold elections on the dates required by their charters or ordinances;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. A municipality may suspend the effect of a provision of Title 4, Subtitle 3, of the Local Government Article of the Maryland Code if:

- A. The municipality:
 - i. provides notice to the Governor; and
 - ii. finds that such suspension:
 - 1. will not endanger the public health, welfare, or safety;

and

- 2. is necessary to amend:
 - a. the date on which a municipal election will be held;

or

b. the method, conduct, or voting system of an election in a manner that ensures an accurate vote count and certification of the election results; and

- B. The provision regards:
 - i. Public hearings to be held on proposed amendments to the municipal charter; or
 - ii. The date the amendments shall take effect as part of the municipal charter after the resolutions are adopted.

II. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

III. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

ISSUED under my hand this 30th day of March, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-43]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

**NUMBER 20-03-30-04
Authorizing Remote Notarizations**

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, To reduce the spread of and exposures to COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health, consistent with the currently known and available scientific evidence and best practices, recommend social distancing;

WHEREAS, It is necessary and reasonable to prevent the transmission of the novel coronavirus in the state, and save lives, for individuals to refrain from congregating;

WHEREAS, It is necessary to protect the public health, welfare, or safety to suspend the effect of statutes, rules, or regulations that require personal interactions to complete original notarial acts; and

WHEREAS, To reduce the threat to human health caused by COVID-19 in Maryland, protect the health and safety of Maryland residents requiring essential notarial services, and save lives, it is necessary and reasonable for the Secretary of State to issue guidance to notaries public on the use of communications technologies that permit the notary to see and hear the person signing a document in real time;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

- I. A “communication technology” is an electronic device or process that enables the notary public visually to:
 - a. in real time, view the individual; and
 - b. compare for consistency the information and photos on identification credentials.
- II. An individual need not be in the physical presence of a notary public who performs a notarial act if:
 - a. they communicate with each other simultaneously by sight and sound through a communication technology; and
 - b. the notary public:
 - i. is appointed and commissioned to perform a notarial act;
 - ii. has notified the Secretary of State of the intention to perform notarial acts facilitated by communication technologies, and identifies the communication technologies the notary public intends to use;
 - iii. either:
 - 1. personally knows the individual; or

- 2. has satisfactory evidence of the identity of the individual by:
 - a) means of a government identification credential, which may be remotely presented, that is issued to the individual and contains the signature and photograph of the individual; or
 - b) verification on oath or verification by a credible witness who personally appears before the notarial officer and:
 - i. is known to the notarial officer; or
 - ii. whom the notarial officer can identify on the basis of a passport, driver’s license, consular identification, or government-issued identification card, which may be remotely presented;
 - iv. confirms that the individual made a statement or executed a signature on the same record before the notary public;
 - v. creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act; and
 - vi. indicates on a certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and the notarial act was performed using a communication technology.
- III. This Order remains effective until the termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, except as may be rescinded, superseded, amended, or revised by additional orders.
- IV. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

ISSUED under my hand this 30th day of March, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-44]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

**NUMBER 20-03-31-01
Adjusting the Timing of Certain Tax Deadlines and Oaths of Office**

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, The U.S. Centers for Disease Control and Prevention has advised employers, such as the State of Maryland, to prepare for increased employee absence and alternative working arrangements (such as teleworking) in response to an outbreak of COVID-19;

WHEREAS, Increased employee absence and alternative working arrangements within the State of Maryland’s workforce may impact the State’s ability to administer oaths of office required by Article 1, § 9 of the Maryland Constitution or by other State or local law;

WHEREAS, The U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend social distancing to reduce the spread of COVID-19;

WHEREAS, Taking and subscribing an oath of office, often requires the public to enter public buildings and interact with State employees and other persons, which may be contrary to prudent social distancing;

WHEREAS, Additional time is needed for State agencies to enable additional online and electronic filing and submission processes, and develop new online services, that minimize public interactions; and

WHEREAS, The federal Internal Revenue Service has permitted an additional 90 days for income tax returns to be filed, and income tax or estimated income tax to be paid without incurring interest and penalties;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The effect of the following statutes shall be suspended:

a. § 11-101 of the Tax—Property Article of the Maryland Code such that the required report shall be submitted to the State Department of Assessments and Taxation on or before July 15, 2020; and

b. Subject to any additional requirements imposed by the Comptroller of the State:

i. § 10-901 of the Tax—General Article of the Maryland Code (“TG”) as regards the timing of payments of income tax; and

ii. TG § 10-902, such that the estimated income tax shall be paid on or before July 15, 2020.

II. The effect of § 2-301 of the General Provisions Article of the Maryland Code is hereby suspended, such that no individual elected or appointed to an office shall be deemed to have neglected to take and subscribe the oath required by Article 1, § 9 of the Maryland Constitution or by other State or local law if:

a. The clerk of a circuit court is unable to administer the oath; or

b. The individual is unable to take or subscribe the oath for any reason resulting from the spread of COVID-19, the state of emergency, or the catastrophic health emergency.

III. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

ISSUED under my hand this 31st day of March, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-45]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-31-02

Determining that Disability Services Personnel Are Health Care Providers Necessary for Maryland’s Response to COVID-19

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, On March 30, 2020, in an effort to control and prevent the spread of COVID-19 with Maryland, emergency Order No. 20-03-30-01 was issued and closed all nonessential businesses in Maryland;

WHEREAS, People with disabilities require critical services during the state of emergency and catastrophic health emergency;

WHEREAS, The provision of such disability services is essential business, and workers must be permitted to travel to provide them;

WHEREAS, Maryland faces a critical staffing shortage of workers providing such services to people with disabilities during the state of emergency and catastrophic health emergency;

WHEREAS, Such workers are health care providers who must be temporarily exempted from certain leave benefits to ensure they are available to protect the health of Maryland citizens with disabilities; and

WHEREAS, Such workers are commended for their sacrifice and commitment to serving and protecting the health of people with disabilities during this state of emergency and catastrophic health emergency;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Definitions.

a. “People with disabilities” mean people:

i. who are blind, deaf, deafblind, or hard of hearing;

ii. with disabilities that are physical, developmental, or intellectual;

iii. with substance use disorders; or

iv. with mental illness.

b. “Disability services” mean the provision to people with disabilities of:

i. Food, shelter, and other necessities of life;

ii. Interpreting services;

iii. Social services; or

iv. Care, support, or other services essential to maintaining people with disabilities in their homes, residences, and communities.

II. Employees and volunteers of companies, businesses, organizations, governments, or nonprofits performing disability services are health care providers who:

a. Are necessary for the State’s response to COVID-19;

b. Perform essential business that does not require closure pursuant to Order No. 20-03-30-01; and

c. May travel:

i. Between their homes and such businesses and organizations; and

ii. For the purposes of performing disability services, to and from a person’s home or residential facility or shelter.

ISSUED under my hand this 31st day of March, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-46]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-01-01

Amending and Restating Order No. 20-03-20-01 to Further Authorize Additional Telehealth Services

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, The currently known and available scientific evidence and best practices support social distancing to prevent exposures to and transmissions of COVID-19, and to reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, Health care practitioners are needed to respond to the state of emergency and catastrophic health emergency;

WHEREAS, To respond to the state of emergency and catastrophic health emergency, health care practitioners must be permitted to deliver health care services at sites other than the sites at which patients are located;

WHEREAS, Marylanders require access to health care services during the catastrophic health emergency, but compliance with social distancing guidelines may make it difficult for Marylanders to safely obtain those health care services in-person;

WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to minimize the movement of individuals in Maryland, including those seeking health care services;

WHEREAS, It is necessary that health care practitioners licensed, certified, or otherwise authorized by law to provide health care services be permitted in Maryland to provide those services through the use of telecommunications technologies (“telehealth”), including audio-only calls or conversations, while complying with the same standards of practice that are applicable to in-person health care settings;

WHEREAS, To expand the use of telehealth and the delivery of health care services through audio-only calls and conversations, and protect the public health, welfare, and safety, it is necessary to suspend certain State and local statutes, rules, and regulations regarding confidentiality during use of various video and telecommunications applications and products;

WHEREAS, It is necessary during the state of emergency and catastrophic health emergency that health care practitioners be authorized to, through telehealth and audio-only calls or conversations, perform clinical evaluations, refer patients to health care services, provide treatment, and issue prescriptions; and

WHEREAS, Authorizing health care practitioners to use telehealth and audio-only calls or conversations under appropriate circumstances will help Marylanders continue to receive needed health care services during the catastrophic health emergency;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Order No. 20-03-20-01 of the Governor of the State of Maryland is further amended and restated in its entirety as set forth herein.

II. Subject to paragraphs III, IV, and V of this Order, the Secretary of Health may, through directives, rules, or guidelines, authorize a health care practitioner to deliver health care services through the use of telecommunications technologies (“telehealth”), as well as audio-only calls or conversations, to a patient at a different physical location than the health care practitioner, provided that:

a. The health care services delivered are:

i. Clinically appropriate; and

ii. Within the scope of practice of the health care practitioner; and

b. The health care practitioner:

i. Is licensed, certified, or otherwise authorized by law to provide health care services in the state;

ii. Complies with the same standards of practice that are applicable to the provision of health care services in in-person health care settings;

iii. Documents in a patient’s medical record the health care services provided through telehealth or audio-only calls or conversations, according to the same documentation standards used for in-patient health care services; and

iv. If using audio-only calls or conversations, can interact with the patient at the time the health care service is provided.

III. A health care practitioner authorized to use telehealth or audio-only calls or conversations may establish a practitioner–patient relationship through an exchange of information between a patient and a health care practitioner, if:

a. The health care practitioner:

i. Verifies the identity of the patient receiving health care services through telehealth or audio-only calls or conversations;

ii. Discloses to the patient the health care practitioner’s name, contact information, and the type of health occupation license held by the health care practitioner;

iii. Obtains oral or written consent from the patient or from the patient’s parent or guardian if state law requires the consent of a parent or guardian; and

b. Any audio-only calls or conversation occur in real time.

IV. Before providing treatment or issuing a prescription through telehealth or audio-only calls or conversations, the health care practitioner shall perform a clinical evaluation that is appropriate for the patient and the condition with which the patient presents.

V. A health care practitioner who through telehealth or audio-only calls or conversations prescribes a controlled dangerous substance, as defined in § 5–101 of the Criminal Law article of the Maryland Code, is subject to any applicable regulation, limitation, and prohibition in federal and state law relating to the prescription of controlled dangerous substances.

VI. The Maryland Medical Assistance Program shall not reimburse, in accordance with the requirements of Title 15, Subtitle 1 of the Health-General Article of the Maryland Code (“HG”), health care practitioners for health care services provided through telehealth or audio-only calls or conversations if the health care practitioner has violated this Order.

VII. The Behavioral Health Administration shall not reimburse, in accordance with the requirements of HG Title 7.5, Subtitle 2, health care practitioners for health care services provided through telehealth or audio-only calls or conversations if the health care practitioner has violated this Order.

VIII. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order, including HG § 15-105.2, is hereby suspended.

IX. The effect of HG §§ 4-301 to 4-309 is hereby suspended in connection with the provision of health care services through telehealth, audio-only calls or conversations, or telemedicine as defined in HG § 15-105.2.

X. Subject to paragraphs VIII and IX of this Order, all other laws and regulations regarding the confidentiality of health information and a patient's right to the patient's health information apply to telehealth interactions or audio-only calls or conversations in the same manner as the laws apply to in-person health care interactions.

XI. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

ISSUED under my hand this 1st day of April, 2020,
and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-08-47]

The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> and click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

SYNOPSIS NO. 6

Chapters

CH0014 HB1663 (Enrolled) The Spkr. State Government – State of Emergency and Catastrophic Health Emergency – Authority of Governor and Unemployment Insurance Benefits (COVID–19 Public Health Emergency Protection Act of 2020).

CH0013 SB1080 (Enrolled) The Pres and Sen Lam. State Government – State of Emergency and Catastrophic Health Emergency – Authority of Governor and Unemployment Insurance Benefits (COVID–19 Public Health Emergency Protection Act of 2020).

[20-08-25]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion and Order of the Court of Appeals dated March 3, 2020, **GREGORY J. MILTON** (CPF # 0612130130), 9701 Apollo Drive, Suite 100, Largo, Maryland 20774, has been indefinitely suspended, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated March 9, 2020, **MALCOLM BRUCE KANE** (CPF # 6210010051), 8509 Timber Pine Court, Ellicott City, Maryland 21043, has been disbarred by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated February 28, 2020, **MIGUEL ALAN HULL** (CPF # 6210010051), 23620 Ridge Road, Germantown, Maryland 20876, has been indefinitely suspended by consent, effective March 13, 2020, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated March 18, 2020, **JONATHAN CHRISTIAN DAILEY** (CPF # 9512120188), 12400 Park Potomac Avenue, Suite 511, Potomac, Maryland 20854, has been disbarred, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated February 28, 2020, **CHARLES DARROW YATES** (CPF # 8912190341), 5207 Tacker Lane, Westminster, Maryland 21158, has been suspended for sixty (60) days, effective March 30, 2020, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[20-08-30]

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 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

08.03.15 Wildlife Damage Control Permits

Authority: Natural Resources Article, §10-205, Annotated Code of Maryland

Notice of Final Action

[20-038-F]

On March 31, 2020, the Secretary of Natural Resources adopted amendments to Regulation **.03** under **COMAR 08.03.15 Wildlife Damage Control Permits**. This action, which was proposed for adoption in 47:3 Md. R. 196—197 (January 31, 2020), has been adopted as proposed.

Effective Date: April 20, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.41 Wage and Hour Law

Authority: Labor and Employment Article, §§2-106(c), 3-410, and 3-419, Annotated Code of Maryland

Notice of Final Action

[19-255-F]

On February 12, 2020, the Commissioner of Labor and Industry adopted amendments to Regulation **.19**, new Regulation **.20**, and the recodification of existing Regulations **.20—23** to be Regulations **.21—24** under **COMAR 09.12.41 Wage and Hour Law**. This action, which was proposed for adoption in 46:25 Md. R. 1134—1135 (December 6, 2019), has been adopted as proposed.

Effective Date: October 1, 2020.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 04 STATE HIGHWAY ADMINISTRATION

Notice of Final Action

[19-226-F]

On February 4, 2020, the Acting Administrator of the State Highway Administration adopted:

(1) Amendments to Regulation **.02** and new Regulation **.13** under **COMAR 11.04.01 Permits for Oversize and Overweight Vehicles**; and

(2) New Regulations **.01—12** under **COMAR 11.04.17 Heavy Weight Port Corridor Permit**.

This action, which was proposed for adoption in 46:26 Md. R. 1182—1183 (December 20, 2019), has been adopted as proposed.

Effective Date: April 20, 2020.

TIMOTHY E. SMITH
Acting Administrator
State Highway Administration

Subtitle 15 MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION

11.15.22 Apportioned Registration of Fleet Vehicles

Authority: Transportation Article, §12-406, Annotated Code of Maryland

Notice of Final Action

[20-052-F]

On March 17, 2020, the Administrator of the Motor Vehicle Administration adopted the repeal of Regulation **.03** and amendments to Regulations **.05**, **.12**, and **.14** under **COMAR 11.15.22 Apportioned Registration of Fleet Vehicles**. This action, which was proposed for adoption in 47:3 Md. R. 219 (January 31, 2020), has been adopted as proposed.

Effective Date: May 26, 2020.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 20
PUBLIC SERVICE
COMMISSION

Subtitle 50 SERVICE SUPPLIED BY
ELECTRIC COMPANIES

20.50.09 Small Generator Facility
Interconnection Standards

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 5-303, and 7-306,
Annotated Code of Maryland

Notice of Final Action

[20-004-F]

On March 31, 2020, the Maryland Public Service Commission adopted amendments to Regulations **.01**, **.02**, **.04—12**, and **.14** under **COMAR 20.50.09 Small Generator Facility Interconnection Standards**. This action, which was proposed for adoption in 47:2 Md. R. 126—134 (January 17, 2020), has been adopted as proposed.

Effective Date: April 20, 2020.

ANDREW S. JOHNSTON
Executive Secretary

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 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.02 Emergency Plans

Authority: Education Article, §§2-205, 7-435, 7-1510, and 8-702, Annotated Code of Maryland; Federal Statutory Reference: 20 U.S.C. 7114 and 20 U.S.C. 7118

Notice of Proposed Action

[20-081-P-I]

The Maryland State Board of Education proposes to amend Regulations .03 and .04 under **COMAR 13A.02.02 Emergency Plans**. This action was considered by the State Board of Education at their meeting held on January 28, 2020.

Statement of Purpose

The purpose of this action is to update the Emergency Planning Guidelines for Local School Systems and Schools.

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 an impact on individuals with disabilities as follows:

The Emergency Planning Guidelines for Local School Systems and Schools (December 2019) includes guidelines for the evacuation

of some students or adults who may have disabilities. The Guidelines create measures to ensure the safety of all in the event of an emergency.

Opportunity for Public Comment

Comments may be sent to Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0472 (TTY 410-333-6442), or email to mary.gable@maryland.gov, or fax to 410-333-8148. Comments will be accepted through May 11, 2020. 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 May 27, 2020, at 9 a.m., 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 Emergency Planning Guidelines for Local School Systems and Schools (December 2019) 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 47:1 Md. R. 9 (January 3, 2020), 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.

.03 Incorporation by Reference.

The Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (December 2019) is incorporated by reference.

.04 Emergency Plan.

A. In consultation with other health and safety officials in the local community, each local school system and the SEED School shall develop an emergency plan for all public school grounds to include

maintenance, transportation, and central administration office under its jurisdiction that:

(1)—(2) (text unchanged)

(3) Aligns with the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (*December 2019*).

B. Each local school system and the SEED School shall ensure that:

(1) Each school facility under its jurisdiction has a school emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (*December 2019*) and that a copy of each school emergency plan is on file at the central administration office.

(2) A central administration emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (*December 2019*) is on file in each school grounds under its jurisdiction.

C. (text unchanged)

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

Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION
Subtitle 02 ACADEMIC
REGULATIONS

13B.02.03 Academic Programs — Degree-Granting Institutions

Authority: Education Article, Titles 11 and 16, Annotated Code of Maryland

Notice of Proposed Action

[20-077-P]

The Maryland Higher Education Commission proposes to amend Regulation .24 under **COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions**. This action was considered at an open meeting of the Commission held on January 22, 2020.

Statement of Purpose

The purpose of this action is to align requirements for awarding the Associate of Arts in Teaching degree to a Maryland State Department of Education policy change to Maryland Educator Certificate requirements.

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 Emily A. A. Dow, Ph.D., Assistant Secretary of Academic Affairs, Maryland Higher Education

Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3041, or email to emily.dow@maryland.gov. Comments will be accepted through May 11, 2020. A public hearing has not been scheduled.

.24 Degree Programs.

A.—C. (text unchanged)

D. An institution may award an Associate of Art in Teaching (A.A.T.) degree that:

(1) (text unchanged)

[(2) Requires evidence of qualifying scores as established by the State Superintendent of Schools on the teacher certification tests approved by the State Board of Education;

(3) Requires a cumulative grade point average of at least 2.75 on a 4.00 scale; and]

(2) *Requires either:*

(a) *A 3.0 cumulative grade point average on a 4.0 scale; or*

(b) *A 2.75—2.99 cumulative grade point average on a 4.0 scale and qualifying scores on the basic skills assessment for teacher licensure as established by the State Superintendent of Schools and as approved by the State Board of Education; and*

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

E.—K. (text unchanged)

DR. JAMES D. FIELDER
Secretary of Higher Education

Title 14
INDEPENDENT AGENCIES
Subtitle 09 WORKERS'
COMPENSATION COMMISSION

Notice of Proposed Action

[20-076-P]

The Workers' Compensation Commission proposes to amend:

(1) Regulations **.01**, **.02**, **.04**, and **.09** under **COMAR 14.09.01 General Administrative**;

(2) Regulation **.02** under **COMAR 14.09.02 Requirements for Filing and Amending Claims**; and

(3) Regulation **.01** under **COMAR 14.09.04 Legal Representation and Fees**.

This action was considered at a public meeting held on February 13, 2020, notice of which was given by publication in 47:3 Md. R. 234 (January 31, 2020), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to facilitate migration from legacy system WFMS to CompHub by updating WFMS references to CompHub; to simplify the regulation regarding roles for subscribers to CompHub to require that subscribers adhere to the terms of service assigned to their designated roles; to clarify that "papers" filed electronically need not be on physical paper, and to use the term "paper" as that term is used in the Maryland Rules; to permit filing by power of attorney in CompHub and to ensure that the power of attorney form meets minimum statutory requirements; and to bring the regulation concerning terminating the appearance of an attorney into alignment with the practice in civil matters before the District Court of Maryland (see Md. Rule 3-132), while recognizing that claims under the Maryland Workers' Compensation Law never "close" unless they are settled and there is no possibility of future medical benefits.

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 Amy S. Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through May 11, 2020. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on May 14, 2020, at 9:30 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.01 General Administrative

Authority: Health-General Article, §4-303; Labor and Employment Article, §§9-307, 9-309, 9-310.2, 9-314, 9-404, 9-405, 9-410, 9-602, 9-603, 9-610.1, 9-625, 9-635, 9-689, 9-701, 9-709, 9-710, 9-711, 9-721, 9-731, 9-736, 9-739, and 9-6A-07; Insurance Article, §§19-405 and 19-406; State Government Article, §10-1103; Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) *"CompHub" means the Commission's online system designed to facilitate the filing and adjudication of workers' compensation claims, and to provide other services related to workers' compensation benefits.*

[(5)] (6)—[(12)] (13) (text unchanged)

(14) *"Paper" means a document filed with the Commission, whether in physical paper form or electronic form or format.*

[(13)] (15)—[(14)] (16) (text unchanged)

[(15)] (17) *"Role" means the functionality and type of account for which a user is authorized in [the WFMS system] CompHub and includes [attorney, attorney proxy, employer, insurer, healthcare provider, insurer delegate and healthcare provider delegate.] the following and their delegates and proxies:*

(a) *Attorney;*

(b) *Claimant;*

(c) *Employer;*

(d) *Insurer;*

(e) *Healthcare provider or practitioner; and*

(f) *Vocational rehabilitation provider or practitioner.*

[(16)] (18)—[(18)] (20) (text unchanged)

(21) *"Subscriber" means an authorized user in CompHub having the access applicable to the role for which the user is authorized.*

[(19)] (22)—[(21)] (24) (text unchanged)

[(22)] (25) *"Web-Enabled File Management System" or "WFMS" means the Commission's legacy subscriber-based web-enabled electronic file management system designed to facilitate the filing and adjudication of workers' compensation claims. Until the*

transition from WFMS to CompHub is complete, references to CompHub include WFMS.

.02 [Commission] Forms and Documents.

A. Forms prepared by the Commission, and made available on the Commission's website or through [WFMS] *CompHub*, are mandatory and shall be used for filing claims, notices, requests, motions, and other papers as required by law, or by these regulations.

B. (text unchanged)

C. *Power of Attorney.*

(1) *If a party files a form or document under power of attorney, the party shall:*

(a) *Use a statutory form power of attorney in accordance with Estates and Trusts Article, §§17-101—17-204, Annotated Code of Maryland; and*

(b) *File electronically a copy of the power of attorney with the Commission.*

(2) *Only one copy of the power of attorney need be filed with the Commission.*

.04 Filing Forms and Documents with the Commission.

Forms and documents may be filed with the Commission by one of the following methods:

A. Electronically through [the WFMS] *CompHub*;

B.—C. (text unchanged)

.09 [Web-Enabled File Management System] CompHub Conditions of Use.

[A. The WFMS is a subscriber-based web-enabled electronic file management system designed to facilitate the filing and adjudication of workers' compensation claims.

B. An attorney, employer, insurer, or healthcare provider may register for a no-cost subscription to the WFMS by:

(1) Completing an online application available at the Commission's website; and

(2) Satisfying the requirements applicable to the type of account (role).

C. After filing the online application, an attorney seeking to register for a subscription shall appear before a Commission official to validate his or her identify by:

(1) Scheduling an appointment with a court reporter at a remote hearing site; or

(2) Appearing before the public service unit at the Commission's principal office.

D. An attorney shall present a valid government-issued photo identification to validate his or her identity.

E. Each attorney seeking to use the WFMS shall register for and maintain his or her own individual subscription.

F. No law firm subscriptions are permitted.

G. Conditions of use.]

[(1)] A. A subscriber shall:

[(a)] (1) (text unchanged)

[(b)] (2) *Abide by the terms of the service agreement available on CompHub, applicable to the role for which the user is authorized in CompHub.*

[(2)] B. A [WFMS] *subscriber's CompHub* subscription may be suspended or terminated if the subscriber:

[(a)] (1)—[(d)] (4) (text unchanged)

[(e)] (5) *Violates the terms of the service agreement available on CompHub, applicable to the role for which the user is authorized in CompHub.*

[H. Proxies.

(1) An attorney subscriber may authorize administrative or support staff to function as the attorney's proxy.

(2) The proxy shall complete an online proxy application.

(3) The attorney subscriber may validate the proxy's registration electronically by selecting and acknowledging the proxy.

(4) An attorney may not designate another attorney as a proxy.

(5) Once validated, the proxy may have access to all claim documents in all claims in which the attorney has entered the attorney's appearance.

(6) The attorney subscriber is responsible for all actions and conduct of the attorney's designated proxies.

(7) The attorney proxy shall abide by the terms and conditions of the subscription.

(8) An attorney proxy may not use any other subscriber's account to access the WFMS system.

I. Insurer Delegates.

(1) An insurer subscriber may authorize administrative or support staff to function as the insurer's delegate.

(2) The insurer delegate shall complete the online insurer delegate application.

(3) The insurer subscriber may validate the insurer delegate's registration electronically by selecting and acknowledging the delegate.

(4) Once validated, the insurer delegate may have access to all claim documents, excluding protected and confidential documents, in all claims in which the insurer is a party.

(5) The insurer subscriber is responsible for all actions and conduct of its delegates.

(6) If an insurer subscriber's access is terminated, the access afforded to its delegates will also be terminated.

(7) An insurer delegate shall use his or her individual subscription to access the WFMS system.

(8) An insurer delegate may not use any other subscriber's account to access the WFMS system.

(9) An insurer delegate shall abide by the terms and conditions of the subscription.

(10) An insurer subscriber may not designate another subscriber as the insurer's delegate.

J. Healthcare Provider Delegates.

(1) A healthcare provider subscriber may authorize administrative or support staff as the healthcare provider's delegate

(2) The healthcare provider delegate shall complete the online healthcare provider delegate application.

(3) The healthcare provider subscriber may validate the healthcare provider delegate's registration electronically by selecting and acknowledging the delegate.

(4) Once validated, the healthcare provider delegate may have access to claim documents, excluding protected and confidential documents, for the purpose of obtaining settlement, claim and hearing status information.

(5) The healthcare provider subscriber is responsible for all actions and conduct of its delegates.

(6) If a healthcare provider subscriber's access is terminated, the access afforded to its delegates will also be terminated.

(7) A healthcare provider delegate shall use his or her individual subscription to access the WFMS system.

(8) A healthcare provider delegate may not use any other subscriber's account to access the WFMS system.

(9) A healthcare provider delegate shall abide by the terms and conditions of the subscription.

(10) An healthcare provider subscriber may not designate another subscriber as the healthcare provider delegate.]

14.09.02 Requirements for Filing and Amending Claims

Authority: Labor and Employment Article, §§9-309, 9-314, 9-402, 9-404, 9-602, 9-701, 9-709—9-711, and 9-736; State Government Article, §10-1103; Annotated Code of Maryland

.02 Requirements for Filing and Amending Claims.

A. Claim for Benefits.

(1) To initiate a claim for benefits, an employee shall file a claim form with the Commission as follows:

(a) If represented by counsel, counsel shall file the claim on behalf of the employee electronically through [the WFMS] *CompHub*; or

(b) If unrepresented by counsel, the employee may file the claim:

(i) Electronically through [the public portal] *CompHub*;

or

(ii) (text unchanged)

(2)—(4) (text unchanged)

(5) When completing the claim form, the claimant shall sign an authorization for disclosure of health information [directing the claimant's health care providers to disclose] *for the release* to the claimant's attorney, the claimant's employer, the employer's insurer, *the Subsequent Injury Fund, the Uninsured Employers' Fund*, or any agent thereof, the claimant's medical [records] *information that [are] is relevant to:*

(a)—(b) (text unchanged)

(6)—(9) (text unchanged)

B. (text unchanged)

C. Amendment of Claim to Add or Remove a Body Part.

(1)—(3) (text unchanged)

(4) When completing the claim amendment form, the claimant shall sign an authorization for disclosure of health information authorizing the claimant's health care providers to disclose to the claimant's attorney, the claimant's employer, the employer's insurer, *the Subsequent Injury Fund, the Uninsured Employers' Fund*, or any agent thereof, the claimant's medical [records] *information that [are] is relevant to the member of the body identified by the claim amendment form.*

(5) (text unchanged)

14.09.04 Legal Representation and Fees

Authority: Labor and Employment Article, §§9-309, 9-721, and 9-731, Annotated Code of Maryland

.01 Legal Representation.

A. (text unchanged)

B. Attorney Registration with Commission.

(1) An attorney wishing to practice before the Commission shall[:

(a) Register] *register* for [the WFMS] *CompHub* [in accordance with COMAR 14.09.01.09;

(b) Complete and file an Attorney Registration form; and

(c) Submit the attorney registration fee].

(2) (text unchanged)

C.—D. (text unchanged)

E. Termination of Representation. [An attorney whose appearance has been entered on behalf of a party to a claim remains the attorney of record for the party to that claim until the attorney files a Notice to Withdraw Appearance form accompanied by:

(1) The client's written consent to the withdrawal; or

(2) Certification that, at least 15 days prior to the filing of the Notice, a copy of the following was mailed to the client and that the client had consented or had not responded:

- (a) Notice to Withdraw Appearance; and
- (b) Notice advising the client:
 - (i) To have another attorney enter an appearance; or
 - (ii) To notify the Commission in writing of the client’s intention to proceed in proper person.

F. The attorney filing the Notice to Withdraw Appearance shall also certify that:

- (1) Copies of the Notice to Withdraw Appearance form with the attachment required by this regulation were served on all parties; and
- (2) Notice of any pending hearing was mailed to the attorney’s client.]

(1) *By Notice. An attorney may withdraw an appearance by filing a notice of withdrawal if:*

- (a) *The client has another attorney of record; or*
- (b) *The claim has been settled and there is no possibility of any future medical benefits.*

(2) *By Motion. If an attorney is not permitted to withdraw an appearance by notice under §E(1) of this regulation, the attorney wishing to withdraw an appearance shall file a motion to withdraw. Except if the motion is made in an open hearing with the client present, the motion shall be accompanied by the client’s written consent to the withdrawal or the moving attorney’s certificate that notice has been mailed to the client at least 5 days prior to the filing of the motion, informing the client of the attorney’s intention to move for withdrawal and advising the client to have another attorney enter an appearance or to notify the Commission in writing or through CompHub of the client’s intention to proceed in proper person. The Commission may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice.*

(3) *An attorney whose appearance has been entered on behalf of a party to a claim remains the attorney of record for the party to that claim unless the appearance was terminated under §E(1) or (2) of this regulation.*

R. KARL AUMANN
Chairman

Title 15
MARYLAND DEPARTMENT
OF AGRICULTURE
Subtitle 01 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, 5-105, 5-106, 5-204, 5-207, and 5-210.2, Annotated Code of Maryland; Ch. 598, §11, Acts of 2018

Notice of Proposed Action
[20-080-P]

The Maryland Department of Agriculture proposes to amend Regulation .02 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 place certain restrictions on the use of insecticides containing Chlorpyrifos and seeds that have been treated with Chlorpyrifos in the State. This includes prohibiting the aerial application of such insecticides on the effective date of this action and prohibiting other applications of such insecticides and treated seeds after certain other dates.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

This action places certain restrictions on the use of insecticides containing Chlorpyrifos and seeds that have been treated with Chlorpyrifos in the State which are otherwise allowed under the product label. This includes the phase-out of these products within a certain period of time.

(2) Benefit to the public health, safety or welfare, or the environment:

Restricting the use of insecticides containing Chlorpyrifos will have public health benefits.

(3) Analysis of additional burden or cost on the regulated person:

The proposed action will have both a positive and negative effect on persons who have registered and/or are selling or distributing insecticides containing Chlorpyrifos in Maryland. Such persons may see a loss of revenue from their inability to continue selling insecticides containing Chlorpyrifos in Maryland. However, such persons, if they have alternative products, may see an increase in revenue from the sale of alternative products. Finally, the inability to use insecticides containing Chlorpyrifos may affect a certain segment of agricultural businesses in the State, such as nurseries, orchards, and Christmas tree farms. The impact can include yield or quality losses due to the lack of adequate alternatives. It can also increase costs. This is because such alternatives, if less effective, may have to be used more often to control these pests. Other agricultural businesses, however, will be minimally impacted. This is because the use of insecticides containing Chlorpyrifos in these businesses have significantly declined (e.g., the use of this insecticide to control for corn root worm has declined with the advent of Bt traited corn which is naturally resistant to corn root worm).

(4) Justification for the need for more restrictive standards:

Several agribusiness associations in the State recommend promulgating regulations to phase out the use of these products within a certain period of time—such as the phase-out provisions in the proposed action. In addition, Corteva Agriscience, a principal manufacturer of Chlorpyrifos and one of the registrants in Maryland, recently announced its strategic decision to exit the manufacture and sales business of Chlorpyrifos products.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will have a minimal economic impact on the Maryland Department of Agriculture. It will have both a positive and negative effect on persons who have registered and/or are selling or distributing insecticides containing Chlorpyrifos in Maryland. Such persons may see a loss of revenue from their inability to continue selling insecticides containing Chlorpyrifos in Maryland. However, such persons, if they have alternative products, may see an increase in revenue from the sale of alternative products. Finally, the inability to use insecticides containing Chlorpyrifos may affect a certain segment of agricultural businesses in the State such nurseries, orchards, and Christmas tree farms. The impact can include yield or quality losses due to the lack of adequate alternatives. It can also increase costs.

This is because such alternatives, if less effective, may have to be used more often to control these pests. Other agricultural businesses, however, will be minimally impacted. This is because the use of insecticides containing Chlorpyrifos in these businesses have significantly declined (e.g., the use of this insecticide to control for corn root worm has declined with the advent of Bt traited corn which is naturally resistant to corn root worm).

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1)	(E+)	Minimal
(2)	(R-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1)	(+)	Minimal
(2)	(-)	Minimal
E. On other industries or trade groups:		
(1) Nurseries, orchards, and Christmas tree farms	(-)	Indeterminable
(2) Other agricultural businesses	(-)	Minimal
F. Direct and indirect effects on public:	(+)	Indeterminable

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

A(1). MDA anticipates certain minimal additional expenditures—specifically, minimal costs for providing additional education/assistance to farmers, certified crop advisors, and pesticide applicators related to integrated pest management, including information on safer alternatives to Chlorpyrifos.

A(2). As use of products containing Chlorpyrifos are phased out, the Maryland Department of Agriculture (MDA) will see a loss of revenue—specifically, a minimal loss in fees it might ordinarily collect from the registration of these products in Maryland.

D(1). Persons with registered alternative products to those containing Chlorpyrifos should see an increase in revenue from the sale of alternative products.

D(2). Persons who have registered and/or are selling or distributing insecticides containing Chlorpyrifos in Maryland will see a loss of revenue from their inability to continue selling insecticides containing Chlorpyrifos in Maryland. This includes product registrants and persons who hold a dealer’s permit.

E(1). The primary use of insecticides containing Chlorpyrifos in Maryland is agriculturally related; and, in particular, for nurseries, orchards, and Christmas tree farms to control foliage and soil-borne insect pests. The inability to use insecticides containing Chlorpyrifos

may affect such persons negatively. This can include yield or quality losses due to the lack of adequate alternatives. It can also include increased costs because such alternatives, if less effective, may have to be used more often to control these pests. This impact is indeterminable.

E(2). Other agricultural businesses may be minimally impacted. This is because the use of insecticides containing Chlorpyrifos in these businesses has significantly declined (e.g., the use of this insecticide to control for corn root worm has declined with the advent of Bt traited corn which is naturally resistant to corn root worm).

F. It is anticipated that the proposed action will have a positive public health benefit.

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 Robert Hofstetter, Program Manager, Pesticides, 50 Harry S. Truman Parkway, Annapolis, MD 21403, or call (410) 841-5710, or email to Robert.Hofstetter@maryland.gov. Comments will be accepted through May 11, 2020. A public hearing has not been scheduled.

.02 General Requirements for Applying or Recommending Pesticides.

A.—D. (text unchanged)

E. Restrictions on Use of Insecticides that Contain Chlorpyrifos.

(1) *Aerial Applications Prohibited.* A person may not conduct an aerial application of any insecticide containing Chlorpyrifos in the State.

(2) *Other Applications Generally Prohibited After December 31, 2020.*

(a) *Except as provided in §E(2)(b) and (c) of this regulation, after December 31, 2020, a person may not apply an insecticide containing Chlorpyrifos or seeds that have been treated with Chlorpyrifos in the State for any use.*

(b) *Fruit Trees and Snap Bean Seeds.* Until June 30, 2021, a person may use an insecticide containing Chlorpyrifos or seeds that have been treated with Chlorpyrifos in the State to treat snap bean seeds and the trunks and lower limbs of fruit trees. After June 30, 2021, such applications are prohibited unless authorized by the Secretary under §E(2)(c) of this regulation.

(c) *Limited Particular Use Authorization.* After December 31, 2020, a person may file a written application with the Department requesting authorization to use an insecticide that contains Chlorpyrifos or seeds that have been treated with Chlorpyrifos for a particular use. If the Secretary has determined that there are no effective alternatives for the particular use noted in the application, the Secretary may authorize such use for a specified period of time, which may not extend beyond December 31, 2021.

(3) *Establishment of Committee.* The Secretary shall establish a committee, with members appointed by the Secretary, to determine alternatives to using Chlorpyrifos or seeds that have been treated with Chlorpyrifos, which shall dissolve on December 31, 2021.

JULIANNE A. OBERG
Deputy Secretary

Title 18 DEPARTMENT OF ASSESSMENTS AND TAXATION

Subtitle 05 AGRICULTURAL LAND TRANSFER TAX

18.05.01 Administration

Authority: Tax-Property Article, §§2-201, 2-202, and 13-307, Annotated Code of Maryland

Notice of Proposed Action

[20-082-P]

The Director of Assessments and Taxation proposes to amend Regulations .01, .02, and .04—.06 under COMAR 18.05.01 Administration.

Statement of Purpose

The purpose of this action is to bring the Department’s regulations in line with statutory revisions effective July 1, 2019, that changed the percentages by which agricultural land transfer tax is reduced.

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 Charlotte Rogers, State Supervisor of Assessments, SDAT, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-1197, or email to charlotte.rogers@maryland.gov. Comments will be accepted through May 11, 2020. A public hearing has not been scheduled.

.01 Rates of Tax.

A. (text unchanged)

B. Reduction in Tax. [Except as provided in Tax-Property Article, §13-305(c) and (d), Annotated Code of Maryland, the tax is reduced by 25 percent for each consecutive full taxable year before a transfer in which property tax on the agricultural land was paid on the basis of any assessment other than the agricultural use assessment under Tax-Property Article, §8-209, Annotated Code of Maryland.] *Except as provided in Tax-Property Article, §13–305(b)(2) or (c)(4), Annotated Code of Maryland, the agricultural land transfer tax is reduced by:*

(1) 25 percent if property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment for 1 full taxable year before a transfer;

(2) 50 percent if property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment for 2 full consecutive taxable years before a transfer; and

(3) 65 percent if property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment for 3 or more full consecutive taxable years before a transfer.

C. [Montgomery County imposes a county agricultural land transfer tax (county tax) with a maximum rate of 6 percent. Pursuant to Tax-Property Article, §13-407, Annotated Code of Maryland, if there is a transfer of land subject to the tax and the county tax, the supervisor shall impose the full rate of tax and that rate of county tax that results in a combined rate not exceeding 6 percent. For example: A 15-acre unimproved parcel of land transfers. The tax rate is 4 percent and the county tax rate is 2 percent, resulting in a 6 percent combined rate.] *In addition to the agricultural land transfer tax imposed under this subtitle, certain counties may impose county agricultural land transfer tax.*

D. *In addition to the agricultural land transfer tax, a surcharge in an amount equal to 25 percent of the tax is imposed on an instrument of writing that transfers title to agricultural land, except for an instrument of writing that transfers property of 2 acres or less to be improved to a child or grandchild of the owner.*

.02 Calculation of Tax and Surcharge — Value Deductions.

A. Under Tax-Property Article, §13-304, Annotated Code of Maryland, the supervisor is required to deduct from the consideration payable for the instrument of writing the “total value”, as defined in Tax-Property Article, §13-301(d), Annotated Code of Maryland, of any improvement on the property before applying the applicable tax rate and surcharge. For this purpose, the supervisor shall deduct only the total value of any structure or other item that is separately assessed on the property’s assessment worksheet. For example, a 5-acre parcel transfers for a consideration of \$250,000. It is improved with [a dwelling] an outbuilding that has a separately itemized value of \$175,000 on the property’s assessment worksheet. The parcel is also improved with certain site improvements — a driveway, a well, a septic system, and sidewalks — which are all included in the \$50,000 land value portion on the assessment worksheet, but are not set out on the worksheet with a separate value for each item. The tax [is] and surcharge are calculated as follows:

\$250,000 Consideration
less \$175,000 Total Improvement Value
<hr/>
\$75,000 Net Consideration
\$75,000 X 0.03 = \$2,250 Tax
\$2,250 X 0.25 = \$562.50 Surcharge
\$2,812.50 = Total Tax and Surcharge Due

B. Under Tax-Property Article, §13-304, Annotated Code of Maryland, the supervisor is required to deduct from the consideration payable for the instrument of writing the “total value”, as defined in Tax-Property Article, §13-301(d), Annotated Code of Maryland, of any land not subject to the tax and surcharge before applying the applicable tax rate and surcharge. For example, a 10-acre parcel transfers for a consideration of \$500,000. One acre of that parcel is a homesite assessed at \$100,000 that is not subject to the tax and surcharge. The tax [is] and surcharge are calculated as follows:

\$500,000 Consideration
less \$100,000 Nonagricultural Land
<hr/>
\$400,000 Net Consideration
\$400,000 X 0.04 [Tax Rate] = \$16,000 Tax
\$16,000 X 0.25 = \$4,000 Surcharge
\$20,000 = Total Tax and Surcharge Due

C. Both §§A and B of this regulation may apply in the same transaction. For example, a 10-acre parcel transfers for a consideration of \$500,000. It is improved with a dwelling that has a separately itemized value of \$175,000 on the property’s assessment worksheet. The parcel is also improved with certain site improvements — a driveway, a well, a septic system, and sidewalks — which are all included in the land value portion on the assessment worksheet, but are not set out on the worksheet with a separate value

for each item. It also includes a 1-acre homesite assessed at \$100,000 that is not subject to the tax *and surcharge*. The tax [is] *and surcharge* are calculated as follows:

\$500,000 Consideration
less \$175,000 Improvement Value
less \$100,000 Nonagricultural Land
<hr/>
\$225,000 Net Consideration
\$225,000 X 0.03 = \$6,750 Tax
\$6750 X 0.25 = \$1,687.50 Surcharge
\$8,437.50 = Total Tax and Surcharge Due

.04 Transfer Procedure.

A. The supervisor shall calculate the tax *and surcharge*, and the body of the written instrument conveying title shall be stamped with *the local tax collecting authority's verification* of the amount of tax and [penalty] *surcharge*, if any, due. The local tax collecting authority shall collect the tax *and surcharge* before the supervisor processes the instrument.

B. *The agricultural land transfer tax and surcharge do not apply to an instrument of writing that transfers title to agricultural land that was previously transferred by an instrument of writing that was subject to the agricultural land transfer tax.*

.05 Violations of Declaration of Intent.

The following are nonexclusive examples of violations of a declaration of intent where the tax, *surcharge*, and penalty [is] *are* imposed on that portion of the land subject to the violation:

A.—E. (text unchanged)

F. Rezoning the land under Tax-Property Article, [§8-209(h)(1)(ii)] §8-209(h), Annotated Code of Maryland.

.06 Appeal Procedures.

A. (text unchanged)

B. Declaration of Intent Violation.

(1) When the tax, *surcharge*, and penalty are imposed because there is a violation of a declaration of intent under Tax-Property Article, [§13-305(c)(2) or (d)(4)] §13-305, Annotated Code of Maryland, the supervisor determines the value of the land and imposes the tax, *surcharge*, and penalty on that value. This value is determined as of the most recent July 1, based on the condition and characteristics of the land as of the date of violation. The supervisor notifies the person in writing of the value and the amount of tax, *surcharge*, and penalty due.

(2) The tax, *surcharge*, and penalty are due on the earlier of the next date on which property tax is due on the land or the date of the next transfer of any part of the land.

(3) If the tax, *surcharge*, and penalty are not yet due under §B(2) of this regulation, the person may appeal the imposition of the tax, *surcharge*, and penalty to the supervisor under Tax-Property Article, §14-506, Annotated Code of Maryland, without paying the tax, *surcharge*, and penalty. After affording the person an opportunity to be heard, the supervisor shall notify the person of the supervisor's determination regarding the appeal, which may be appealed to the Tax Court under Tax-Property Article, §14-512(b), Annotated Code of Maryland. A final order of the Tax Court may be appealed to the circuit court under Tax-General Article, §13-532, Annotated Code of Maryland. An appeal under this subsection does not postpone the due date of the tax, *surcharge*, and penalty.

(4) If the person pays the tax, *surcharge*, and penalty, his appeal rights with regard to the tax, *surcharge* and penalty are as set forth in §A of this regulation.

(5) Whether or not the person pays the tax, *surcharge*, and penalty, the person may appeal the value used to determine the amount of tax, *surcharge*, and penalty to the supervisor. Further appeal of the value is to the local property tax assessment appeal

board for the county where the land is situated, the Tax Court, and then the circuit court, under Tax-Property Article, §§14-509(a) and 14-512(f)(2), and Tax-General Article, §13-532, Annotated Code of Maryland.

MICHAEL L. HIGGS, JR.
Director of Assessments and Taxation

Title 27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

Notice of Proposed Action

[20-083-P]

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays proposes to:

(1) Amend Regulation .01 under **COMAR 27.01.01 General Provisions;**

(2) Amend Regulation .05 under **COMAR 27.01.02 Development in the Critical Area;**

(3) Repeal existing Regulations .01 and .03, adopt new Regulations .01, .01-1, and .03, and amend Regulation .02 under **COMAR 27.01.07 Surface Mining in the Critical Area;**

(4) Amend Regulation .01 under **COMAR 27.02.01 General Provisions;** and

(5) Repeal existing Regulation .08 and adopt new Regulations .08—.08-3 under **COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Land.**

This action was considered by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays at an open meeting held on March 4, 2020, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to modernize the drafting style of, otherwise update, and, where necessary, delete certain outdated provisions. The proposal does not include any additional regulatory requirements of the affected regulated community. The amendment to COMAR 27.01.02.05 is to clarify existing requirements.

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 Hoerger, Regulations Coordinator, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, 1804 West Street, Suite 100, Annapolis, MD 21401, or call 410-260-3460, or email to lisa.hoerger@maryland.gov, or fax to 410-974-5338. Comments will be accepted through May 11, 2020. A public hearing has not been scheduled.

**Subtitle 01 CRITERIA FOR LOCAL
CRITICAL AREA PROGRAM
DEVELOPMENT**

27.01.01 General Provisions

Authority: Natural Resources Article, §§8-1806, 8-1808(c), and 8-1811, Annotated Code of Maryland

.01 Definitions.

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

(1)—(44) (text unchanged)

[(45)“Nonrenewable resources” means resources that are not naturally regenerated or renewed.]

(46)—(48) (text unchanged)

[(49)“Overburden” means the strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit, or in between mineral deposits.]

(50)—(55) (text unchanged)

[(56)“Reclamation” means the reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.]

(56-1)—(58) (text unchanged)

[(59)“Renewable resource” means a resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.]

(60)—(65) (text unchanged)

[(66)“Spoil pile” means the overburden and reject materials as piled or deposited during surface mining.]

(67)—(73-1) (text unchanged)

[(74)“Wash plant” means a facility where sand and gravel is washed during processing.]

(75)—(79) (text unchanged)

27.01.02 Development in the Critical Area

Authority: Natural Resources Article, §§8-1806, 8-1808(c), and 8-1811, Annotated Code of Maryland

.05 Resource Conservation Areas.

A.—B. (text unchanged)

C. In developing their Critical Area programs, local jurisdictions shall use all of the following criteria for resource conservation areas:

(1)—(3) (text unchanged)

(4) Land within the resource conservation area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. *A local jurisdiction may not authorize a variance to the maximum density of one dwelling unit per 20 acres.* Within this limit of overall density, minimum lot sizes may be determined by the local jurisdiction. Local jurisdictions are encouraged to consider such mechanisms as cluster development, transfer of development rights, maximum lot size provisions, and/or additional means to maintain the land area necessary to support the protective uses.

(5)—(10) (text unchanged)

D. (text unchanged)

27.01.07 Surface Mining in the Critical Area

Authority: Natural Resources Article, §8-1808(d), Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

(1) *“Affected land” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.*

(2) *“Borrow pit” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.*

(3) *“Mineral” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.*

(4) *“Overburden” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.*

(5) *“Reclamation” means:*

(a) *The protection of a natural resource that is located in an area adjacent to a surface mining activity, including a forest, wildlife habitat, waterbody, and wetland; and*

(b) *The reasonable rehabilitation of affected land for a useful purpose.*

(6) *“Spoil pile” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.*

(7) *Surface Mining.*

(a) *“Surface mining” means:*

(i) *The breaking of surface soil located in the Critical Area in order to extract or remove a mineral;*

(ii) *An activity or process that is part of the method of extraction or removal of a mineral from its original location in the Critical Area; and*

(iii) *The extraction or removal of sand, gravel, rock, stone, earth, or fill from a borrow pit for the purpose of constructing a road or another public facility.*

(b) *“Surface mining” includes:*

(i) *An activity related to the processing of a mineral at the site of extraction or removal;*

(ii) *Extraction or removal of overburden and mining of a limited amount of a mineral when done for the purpose of prospecting, to the extent necessary, for the purpose of determining the location, quantity, or quality of a natural deposit; and*

(iii) *A mining activity.*

(c) *“Surface mining” does not include an activity or process that is excluded under the provisions of Environment Article, §15-807, Annotated Code of Maryland, or COMAR 26.21.01.08.*

(8) *Wash Plant.*

(a) *“Wash plant” means a facility where sand or gravel is washed during processing.*

(b) *“Wash plant” includes a stockpile, a wash pond, and related washing equipment.*

.01-1 Applicability and Construction.

A. *The provisions of this chapter are applicable:*

(1) *In accordance with Land Use Article, §3-102, Annotated Code of Maryland, to each local jurisdiction in the Critical Area that is required to include a mineral resources element in its comprehensive plan;*

(2) *To each surface mining activity for which a license, permit, or other approval was issued on or after the date of local program approval; and*

(3) *To any other statutory or regulatory requirement applicable under federal or State law.*

B. *Notwithstanding any other provision of law, the provisions of this chapter may not be construed to prohibit the location or use of a water-dependent facility, in accordance with COMAR 27.01.03, for the transport of a surface mining product or by-product.*

.02 Policies.

In developing [their] *and updating its* Critical Area [programs, local jurisdictions] *program, a local jurisdiction* shall [use the following policies when addressing surface mining] *ensure that due consideration is accorded to:*

A. *When locating a surface mining activity, avoidance or, in the alternative, minimization of:*

- (1) *The substantial loss of renewable resource land; and*
- (2) *The degradation of water quality; and*

B. [Assure that] *When conducting a surface mining activity:*

(1) *Utilization of all available measures [be taken] to protect the Critical Area from all sources of pollution resulting from that [surface mining operations including, but not limited to,] activity, including sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of [wastes, dusts, and spoils] waste, dust, or spoil; and*

[B.] (2) [Assure that mining be conducted in a way to permit the] *Facilitation of site reclamation [of the site], including renewable resource land, as soon as possible and to the maximum extent possible.*

.03 Criteria.

In developing and updating its Critical Area program, a local jurisdiction shall:

A. *In conjunction with, as applicable, the Departments of Agriculture, Environment, and Natural Resources, and any other appropriate federal or State agency, develop a mineral resources plan and management program that is included in its comprehensive plan and consists of:*

(1) *In accordance with Land Use Article, §§1-411 and 3-107, Annotated Code of Maryland, the identification and mapping of the undeveloped land in the Critical Area that is best kept in its undeveloped state until the land can be used to provide or assist in providing a continuous supply of minerals;*

(2) *Each surface mining area that includes a habitat protection area under COMAR 27.01.09; and*

(3) *In accordance with COMAR 27.01.02, at each location where surface mining is, or has been, conducted, the identification of:*

(a) *Post-reclamation land uses that, where applicable, prioritize the establishment or re-establishment of renewable resource products, such as agriculture and forestry, and other land uses that benefit water quality and habitat, such as wetlands, habitat restoration, and open space; and*

(b) *Any other appropriate post-reclamation land use, such as recreation and development;*

B. *Designate each portion of the Critical Area that is unsuitable for surface mining and prohibit surface mining in those locations, including:*

(1) *In accordance with the provisions of COMAR 27.01.09, a habitat protection area;*

(2) *An area where highly erodible soil exists; and*

(3) *An area that is within 100 feet immediately landward from mean high water of tidal waters or from the edge of a bank of a tributary stream, unless:*

(a) *A license, permit, or other approval to conduct a specific aspect of surface mining was issued before the date of local program approval; and*

(b) *If expansion of the scope or size of the surface mining activity has occurred since the date of local program approval, the expansion complies with State law and local program requirements;*

C. *Require the reclamation of a wash pond in accordance with State law and local program requirements; and*

D. Prohibit the location of a wash plant within the buffer in accordance with COMAR 27.01.09.

Subtitle 02 DEVELOPMENT IN THE CRITICAL AREA RESULTING FROM STATE AND LOCAL AGENCY PROGRAMS

27.02.01 General Provisions

Authority: Natural Resources Article, §§8-1806 and 8-1814, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(37) (text unchanged)

[(38)] “Overburden” means the strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit, or in between mineral deposits.]

(39)—(42) (text unchanged)

[(43)] “Reclamation” means the reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.]

(44)—(51) (text unchanged)

[(52)] “Spoil pile” means the overburden and reject materials as piled or deposited during surface mining.]

(53)—(60) (text unchanged)

[(61)] “Wash plant” means a facility where sand and gravel is washed during processing.]

(62)—(65) (text unchanged)

27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

Authority: Natural Resources Article, §§8-1806 and 8-1814, Annotated Code of Maryland

.08 Surface Mining — Definitions.

A. *In Regulations .08-1 — .08-3 of this chapter, the following terms have the meanings indicated.*

B. Terms Defined.

(1) “Affected land” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.

(2) “Borrow pit” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.

(3) “Mineral” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.

(4) “Overburden” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.

(5) “Reclamation” has the meaning stated in COMAR 27.01.07.01.

(6) “Spoil pile” has the meaning stated in Environment Article, §15-801, Annotated Code of Maryland.

(7) “Surface mining” has the meaning stated in COMAR 27.01.07.01.

(8) “Wash plant” has the meaning stated in COMAR 27.01.07.01.

.08-1 Surface Mining — Applicability and Construction.

A. *The provisions of Regulations .08 — .08-3 of this chapter are applicable in addition to any other statutory or regulatory requirement applicable under federal or State law.*

B. Notwithstanding any other provision of law, the provisions of Regulations .08 — .08-3 of this chapter may not be construed to prohibit the location or use of a water-dependent facility, in accordance with Regulation .04 of this chapter, for the transport of a surface mining product or by-product.

.08-2 Surface Mining — Policies.

When surface mining occurs on State-owned land, the agency administering the land shall ensure that due consideration is accorded to:

A. When locating a surface mining activity, avoidance or, in the alternative, minimization of:

- (1) The substantial loss of renewable resource land; and*
- (2) The degradation of water quality; and*

B. When conducting a surface mining activity:

- (1) Utilization of all available measures to protect the Critical Area from all sources of pollution resulting from that activity, including sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of waste, dust, or spoil; and*
- (2) Facilitation of site reclamation, including renewable resource land, as soon as possible and to the maximum extent possible.*

.08-3 Surface Mining — Criteria.

When surface mining occurs on State-owned land, the agency administering the land shall:

A. Designate each portion of the Critical Area that is unsuitable for surface mining and prohibit surface mining in those locations, including:

- (1) In accordance with the provisions of COMAR 27.01.09, a habitat protection area;*
- (2) An area where highly erodible soil exists; and*
- (3) An area that is within 100 feet immediately landward from mean high water of tidal waters or from the edge of a bank of a tributary stream, unless:*

(a) A license, permit, or other approval to conduct a specific aspect of surface mining was issued before June 11, 1988; and

(b) If expansion of the scope or size of the surface mining activity has occurred since June 11, 1988, the expansion complies with State law and local program requirements;

B. Require the reclamation of a wash pond in accordance with State law and local program requirements;

C. Prohibit the location of a wash plant within the buffer in accordance with COMAR 27.01.09; and

D. If applicable, ensure that a lessee of the affected land obtains all licenses, permits, and other approvals in accordance with State law and local program requirements.

CHARLES C. DEEGAN
Chairman

Critical Area Commission for the Chesapeake
and Atlantic Coastal Bays

**Title 31
MARYLAND INSURANCE
ADMINISTRATION**

**Subtitle 09 LIFE INSURANCE AND
ANNUITIES**

31.09.02 Variable Life Insurance

Authority: Insurance Article, §§2-109 and 16-601—16-603, Annotated Code of Maryland

Notice of Proposed Action
[20-078-P]

The Insurance Commissioner proposes to amend Regulation .11 under COMAR 31.09.02 Variable Life Insurance.

Statement of Purpose

The purpose of this action is to amend Regulation .11 under COMAR 31.09.02 Variable Life Insurance. The proposal of this change is to clarify that an insurance producer must be licensed by the Insurance Commissioner and have life and variable lines of authority in order to sell variable life insurance products.

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 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through May 11, 2020. A public hearing has not been scheduled.

.11 Qualification of Producers for the Sale of Variable Life Insurance.

A. Qualification to Sell Variable Life Insurance.

(1) (text unchanged)

(2) A person may not solicit, sell, or act or aid in any manner in the negotiation of a variable life insurance policy unless such person has been so qualified in accordance with the provisions of Insurance Article, §§10-105 and 10-109, Annotated Code of Maryland, and is licensed by the Commissioner to act as a producer [of life insurance policies] *with life and variable lines of authority.*

B.—C. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

Title 33 STATE BOARD OF ELECTIONS

Notice of Proposed Action [20-079-P]

The State Board of Elections proposes to amend:

- (1) Regulation .01 under **COMAR 33.16.03 Issuance of Provisional Ballot;**
- (2) Regulation .02 under **COMAR 33.17.01 Definitions; General Provisions;** and
- (3) Regulation .01 under **COMAR 33.19.01 Definitions; General Provisions.**

This action was considered by the State Board of Elections at its January 16, 2020 meeting, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend regulations to clarify 1) when a provisional ballot shall be issued for an individual who registers to vote during early voting using the same day registration process; 2) for which elections early voting is applicable; and 3) for which elections the same day registration process is applicable.

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 Tracey Hartman, Director of Special Projects, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401, or call 410-269-2931, or email to traceye.hartman@maryland.gov, or fax to 410-974-2019. Comments will be accepted through May 11, 2020. A public hearing has not been scheduled.

Subtitle 16 PROVISIONAL VOTING

33.16.03 Issuance of Provisional Ballot

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

.01 In General.

A. A voter shall be issued a provisional ballot packet if:

- (1)—(3) (text unchanged)
- (4) The voter is not eligible to vote a regular ballot because:
 - (a)—(c) (text unchanged)
 - (d) During early voting, [the] *an individual using the same*

day registration process:

- (i)—(ii) (text unchanged)
- (5)—(6) (text unchanged)

B.—D. (text unchanged)

Subtitle 17 EARLY VOTING

33.17.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(i), 9-503, 10-301.1, and 12-106(a), Annotated Code of Maryland

.02 Applicability to Elections.

A. Early voting is applicable for the following regularly scheduled elections:

- (1) Presidential primary and general elections; *and*
- (2) Gubernatorial primary and general elections[; and
- (3) Baltimore City primary and general elections].

B. (text unchanged)

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

33.19.01 Definitions; General Provisions

Authority: Election Law Article, §§1-101(v), 2-102(b)(4), 2-202(b), 3-305(e), and 3-306(a), (d), and (e), Annotated Code of Maryland

.01 Applicability to Elections.

A.—B. (text unchanged)

C. [Same] *For special primary and general elections, same day registration [and address changes are not] is available on [for special primary and general elections] election day.*

LINDA H. LAMONE
State Administrator of Elections

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: December 1-31, 2019

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (f)(13) and 18 CFR §806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

Repsol Oil & Gas USA, LLC; Pad ID: Wilcox #1; ABR-20090803.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 0.9999 mgd; Approval Date: December 9, 2019.

Repsol Oil & Gas USA, LLC; Pad ID: KLEIN (01 014) R; ABR-20090810.R2; Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: December 9, 2019.

Seneca Resources Company, LLC; Pad ID: B09-I; ABR-201912001; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 10, 2019.

Chief Oil & Gas, LLC; Pad ID: Polovitch Unit #1H; ABR-20090826.R2; Nicholson Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 20, 2019.

Range Resources – Appalachia, LLC; Pad ID: Roup 1H – 2H; ABR-201407018.R1; Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: December 20, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Doss; ABR-20091109.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 23, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: CSI; ABR-20091112.R2; Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 23, 2019.

Chief Oil & Gas, LLC; Pad ID: Kuziak B Drilling Pad; ABR-201409004.R1; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: December 23, 2019.

Cabot Oil & Gas Corporation; Pad ID: WeissM P1; ABR-201407003.R1; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 31, 2019.

SWN Production Company, LLC; Pad ID: Greenzweig (GU C Pad); ABR-201407004.R1; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 31, 2019.

SWN Production Company, LLC; Pad ID: NR-20-COLWELL-PAD; ABR-201407010.R1; Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 31, 2019.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 16, 2020.

JASON E. OYLER

General Counsel and Secretary to the Commission

[20-08-22]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: January 1-31, 2020

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (f)(13) and 18 CFR §806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

Cabot Oil & Gas Corporation; Pad ID: BrooksW P1; ABR-20090701.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.

- Cabot Oil & Gas Corporation; Pad ID: HullR P1; ABR-20090702.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.
- Cabot Oil & Gas Corporation; Pad ID: Heitsman P1A; ABR-20090703.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.
- Cabot Oil & Gas Corporation; Pad ID: Gesford P2; ABR-20090705.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.
- SWN Production Company, LLC; Pad ID: Carrar Pad Site; ABR-20090725.R2; Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.
- Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 002); ABR-20090811.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.
- Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 004); ABR-20090812.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.
- Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 017); ABR-20090932.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.
- Chief Oil & Gas, LLC; Pad ID: Teel Unit #1H; ABR-20091115.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.
- Range Resources - Appalachia, LLC; Pad ID: Cornwall 6H-8H; ABR-201407017.R1; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 14, 2020.
- Chief Oil & Gas, LLC; Pad ID: S. A. Wilson Drilling Pad; ABR-201411001.R1; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 14, 2020.
- Cabot Oil & Gas Corporation; Pad ID: Teel P7; ABR-20090704.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 15, 2020.
- Cabot Oil & Gas Corporation; Pad ID: LaRueC P1; ABR-20090706.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 15, 2020.
- Cabot Oil & Gas Corporation; Pad ID: SmithR P2; ABR-20090707.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 15, 2020.
- SWEPI LP; Pad ID: 212 1H; ABR-20090727.R2; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 16, 2020.
- SWEPI LP; Pad ID: 235A 1H; ABR-20090728.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 16, 2020.
- SWEPI LP; Pad ID: Courtney 129 1H-2H; ABR-20090729.R2; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 17, 2020.
- SWEPI LP; Pad ID: Courtney H 255-1H; ABR-20090730.R2; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 17, 2020.
- Rockdale Marcellus, LLC; Pad ID: Palmer 112; ABR-20091006.R2; Canton Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 17, 2020.
- SWEPI LP; Pad ID: Neal 134D; ABR-20090731.R2; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 20, 2020.
- SWEPI LP; Pad ID: Kipferl 261-1H; ABR-20090732.R2; Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 20, 2020.
- Cabot Oil & Gas Corporation; Pad ID: GrimsleyJ P1; ABR-20090805.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 20, 2020.
- Rockdale Marcellus, LLC; Pad ID: Fitch 115-1H; ABR-20091005.R2; Union Township, Tioga County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 20, 2020.
- Repsol Oil & Gas USA, LLC; Pad ID: KOHLER (02 191); ABR-202001001; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 20, 2020.
- Rockdale Marcellus, LLC; Pad ID: Bear Claw; ABR-202001002; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 20, 2020.
- EXCO Resources (PA), LLC; Pad ID: Bower Unit #1H Drilling Pad; ABR-20090815.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2020.
- BKV Operating, LLC; Pad ID: Procter & Gamble Mehoopany Plant 2 1H; ABR-20091104.R2; Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2020.
- BKV Operating, LLC; Pad ID: Procter and Gamble Mehoopany Plant 1V; ABR-20091014.R2; Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2020.
- Cabot Oil & Gas Corporation; Pad ID: ColwellA P1; ABR-201408004.R1; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: January 22, 2020.
- EXCO Resources (PA), LLC; Pad ID: Warburton Unit #1H Drilling Pad; ABR-20090816.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.
- ARD Operating, LLC; Pad ID: COP Tr 678 #1000H; ABR-20090820.R2; Noyes Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.
- ARD Operating, LLC; Pad ID: COP Tr 678 #1001H & #1002H; ABR-20090821.R2; Noyes Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.
- ARD Operating, LLC; Pad ID: Tx Gulf B #1H; ABR-20090822.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.
- SWN Production Company, LLC; Pad ID: NR-23-FOUR BUCKS-PAD; ABR-201408005.R1; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 28, 2020.
- Seneca Resources Company, LLC; Pad ID: D09-M; ABR-202001003; Jones Township, Elk County; and Sergeant Township, McKean County; Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 28, 2020.
- SWEPI LP; Pad ID: Smith 253 1H; ABR-20090825.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2020.
- Cabot Oil & Gas Corporation; Pad ID: FontanaC P1; ABR-201408009.R1; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: January 29, 2020.
- Cabot Oil & Gas Corporation; Pad ID: DysonW P1; ABR-201408010.R1; Springville Township, Susquehanna County, Pa.;

Consumptive Use of Up to 4.2500 mgd; Approval Date: January 29, 2020.
Cabot Oil & Gas Corporation; Pad ID: LernerG P1; ABR-201408011.R1; Ararat Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: January 29, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 16, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-08-19]

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Parts 806—Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Final Rule.

SUMMARY: This document contains rules that amend the regulations of the Susquehanna River Basin Commission (Commission) dealing with the mitigation of consumptive uses.

DATES: This rule is effective on April 1, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel and Secretary, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information, including the comment response document, visit the Commission's website at <http://www.srbc.net>.

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the *Federal Register* on September 13, 2019; *New York Register* on October 2, 2019; *Pennsylvania Bulletin* on September 21, 2019; and *Maryland Register* on October 11, 2019. The Commission convened a public hearing on October 31, 2019 in Harrisburg, Pennsylvania. A written comment period was held open through November 12, 2019. Concurrent with the proposed rule, the Commission also released a draft Consumptive Use Mitigation Policy for public review and comment.

The Commission received four comments on the proposed rule and policy. Two of the comments were fully supportive of the rule and policy and offered no suggested changes. The additional two comments were supportive but offered a few suggestions for revisions to the rule and/or the policy.

One commenter sought clarification of the term “present” low flow conditions in § 806.22(b)(1)(i) and offered alternative phrasing. The Commission believes the phrasing of the rule is not ambiguous and provided clarification in the comment response document. Two commenters asked for the Commission to further amend § 806.22(b)(1)(iii) related to discontinuance. One commenter wanted discontinuance to be limited to a 45 day period. This would be a new requirement and a change to the current practice that requires discontinuance to endure for the entire Commission declared low

flow period, and the Commission declines to make this change. Another commenter suggested that 20,000 gallon per day threshold for discontinuance be on an average 30 day basis instead of a peak day basis established in the rulemaking. The Commission was purposeful in the discontinuance revision to be based on a peak day rate. The use of a 30-day average rate would be inappropriate given it would allow an exceedance of the Commission's regulatory threshold that could introduce impacts during Commission-designated low flow periods, which do not have a set minimum or maximum duration.

Accordingly, after thorough review and analysis of the comments, the Commission has not made any changes to the rulemaking as proposed. To the degree the comments seek clarification of the rules or explanation how they will be implemented, the Commission believes that can be addressed through explanation or clarifications in fact sheets, application instructions and other implementation documents. A more detailed comment response document has been prepared and is available upon request and also at the Commission's website listed above.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

The authority citation for part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

Amend § 806.22 by revising paragraphs (b)(1) and (e)(1) to read as follows:

§ 806.22 Standards for consumptive use of water.

(b) * * *

During low flow periods as may be designated by the Commission for consumptive use mitigation.

(i) Reduce withdrawal from the approved source(s), in an amount equal to the project's consumptive use, and withdraw water from alternative surface water storage or aquifers or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(ii) Release water for flow augmentation, in an amount equal to the project's consumptive use, from surface water storage or aquifers, or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(iii) Discontinue the project's consumptive use, which may include reduction of the project sponsor's consumptive use to less than 20,000 gpd during periods of low flow. In any case of failure to provide the specified discontinuance, such project shall provide mitigation in accordance with paragraph (b)(3) of this section, for the calendar year in which such failure occurs, after which the Commission will reevaluate the continued acceptability of the discontinuance.

(e) * * *

General rule. Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section, any project that is solely supplied water for consumptive use by public

water supply, stormwater, wastewater, or other reused or recycled water, or any combination thereof, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule.

Dated: March 16, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-08-16]

**SUSQUEHANNA RIVER BASIN
COMMISSION**

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: February 1-29, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

- Grandfathering Registration Under 18 CFR part 806, Subpart E:
Elmhurst Country Club, GF Certificate No. GF-202002083, Roaring Brook Township, Lackawanna County, Pa.; Wells 1 and 2; Issue Date: February 3, 2020.
- Weaverland Valley Authority – Terre Hill Water System, GF Certificate No. GF-202002084, Terre Hill Borough and East Earl Township, Lancaster County, Pa.; Wells 1 and 3; Issue Date: February 3, 2020.
- Williamsport Country Club Inc. – Williamsport Country Club, GF Certificate No. GF-202002085, Loyalsock Township, Lycoming County, Pa.; Wells 1 and 2, and consumptive use; Issue Date: February 18, 2020.
- Town of Kirkwood – Public Water Supply System, GF Certificate No. GF-202002086, Town of Kirkwood, Broome County, N.Y.; Well 1; Issue Date: February 24, 2020.
- Pennsylvania Fish & Boat Commission – Bellefonte State Fish Hatchery, GF Certificate No. GF-202002087, Benner Township, Centre County, Pa.; the Spring, and Wells 1 and 2; Issue Date: February 24, 2020.
- Pennsylvania Fish & Boat Commission – Benner Spring State Fish Hatchery, GF Certificate No. GF-202002088, Benner Township, Centre County, Pa.; Benner Spring and Spring Creek; Issue Date: February 24, 2020.

Tunkhannock Borough Municipal Authority – Public Water Supply System, GF Certificate No. GF-202002089, Tunkhannock Borough, Wyoming County, Pa.; Well 1 (Hill Well 1) and Well 4 (Ravine); Issue Date: February 24, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: March 16, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-08-20]

**SUSQUEHANNA RIVER BASIN
COMMISSION**

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in “DATES.”

DATES: February 1-29, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR § 806.18 for the time period specified above:

- Minor Modifications Issued Under 18 CFR §806.18
New York State Canal Corporation, Docket No. 20191210, Towns of DeRuyter and Cazenovia, Madison County, and Town of Fabius, Onondaga County, N.Y.; approval to extend docket conditions (Special Conditions 14 and 15) in regard to the submittal of a comprehensive metering and monitoring plan and a final intake design; Approval Date: February 3, 2020.
- Lancaster County Solid Waste Management Authority, Docket No. 20180908, Conoy Township, Lancaster County, Pa.; approval to correct a typographical error in Section 3 referencing the related special condition number; Approval

Date: February 19, 2020.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 16, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-08-18]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March 13, 2020, Meeting

AGENCY: Susquehanna River Basin Commission

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on March 13, 2020, in Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: March 16, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Resolution 2020-01 adopting the Commission's Fiscal Year 2021 Budget Reconciliation; (2) ratification/ approval of contracts/grants; (3) Resolution 2020-02 adopting Final Rulemaking regarding consumptive use mitigation and adopting *Consumptive Use Mitigation Policy*; (4) Resolution 2020-03 adopting *Guidance For The Preparation Of A Metering Plan & A Groundwater Elevation Monitoring Plan For Withdrawals, Consumptive Uses And Diversions ("Metering Plan Guidance")*; and (5) Regulatory Program projects.

Project Applications Approved:

Project Sponsor and Facility: ARD Operating, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.340 mgd (peak day) (Docket No. 20160301).

Project Sponsor and Facility: EQT Production Company (Wilson Creek), Duncan Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20160305).

Project Sponsor and Facility: New Holland Borough Authority, New Holland Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.860 mgd (30-day average) from Well 5.

Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Oakland Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20160310).

Project Sponsor and Facility: SWN Production Company, LLC (Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.218 mgd (peak day) (Docket No. 20160311).

Project Sponsor and Facility: Towanda Municipal Authority, Albany Township, Bradford County, Pa. Application for groundwater withdrawal of up to 0.551 mgd (30-day average) from the Eilenberger Spring.

Project Sponsor: York Haven Power Company, LLC. Project Facility: York Haven Hydroelectric Project, Londonderry

Township, Dauphin County; Conoy Township, Lancaster County; and York Haven Borough and Newberry Township, York County, Pa. Application for approval of an existing hydroelectric facility.

Project Approved Involving a Diversion

Project Sponsor: Gas Field Specialists, Inc. Project Facility: Wayne Gravel Products Quarry, Ceres Township, McKean County, Pa. Application for renewal of an into-basin diversion from the Ohio River Basin of up to 1.170 mgd (peak day) (Docket No. 20160312).

Commission Initiated Project Approval Modifications

Project Sponsor and Facility: Susquehanna Valley Country Club, Monroe Township, Snyder County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.162 mgd (30-day average) from the Front Nine Well (Docket No. 20020814).

Project Sponsor and Facility: New Morgan Borough Utilities Authority, New Morgan Borough, Berks County, Pa. Modification to remove expired Well PW-3 and to recognize the interconnection with Caernarvon Township Authority. Well PW-3 automatically expired consistent with Condition 25 of the approval due to lack of commencement of withdrawal (Docket No. 20141207).

In addition, as a part of Resolution 2020-02, which was adopted, the Executive Director has the authority necessary to carry out the implementation of the final rulemaking and policy, including where necessary approving any Commission-initiated modifications to consumptive use approvals to modify the mitigation requirements for evaporative losses from ponds and other on-site structures that meet the mitigation standard in Policy No. 2020-01. As such, notice is hereby given that the Executive Director is initiating such modifications. A list of modifications under review by Commission staff and date for public comment on those modifications can be found at the Commission's website at www.srbc.net, <https://www.srbc.net/about/meetings-events/meeting-comment/default.aspx?type=9&cat=29>.

AUTHORITY: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 16, 2020

JASON E. OYLER

General Counsel and Secretary to the Commission

[20-08-17]

SUSQUEHANNA RIVER BASIN COMMISSION

Revocation of Approvals

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: December 1-31, 2019

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, that have been revoked for the time period specified above:

Revocation of Approvals by Rule – Issued Under 18 CFR 806.22(f):
 XPR Resources, LLC; Pad ID: Resource Recovery Well #1; ABR-201010059.R1; Snow Shoe Township, Centre County, Pa.; Revocation of Approval Date: December 24, 2019.
 Seneca Resources Company, LLC; Pad ID: Gamble Pad G; ABR-201906005; Gamble Township, Lycoming County, Pa.; Revocation of Approval Date: December 26, 2019.
 Seneca Resources Company, LLC; Pad ID: C09-E; ABR-201512009; Shippen Township, Cameron County, Pa.; Revocation of Approval Date: December 26, 2019.
 Chief Oil & Gas, LLC; Pad ID: Andrus Drilling Pad #1; ABR-201101023.R1; Franklin and Granville Townships, Bradford County, Pa.; Revocation of Approval Date: December 30, 2019.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 16, 2020

JASON E. OYLER
 General Counsel and Secretary to the Commission
 [20-08-21]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0005

*Delmarva Power and Light Company
 c/o Grant Parker
 PO Box 1739
 Salisbury, MD 21801*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0005.

Location: appx 7900 Crisfield Hwy, Crisfield, MD 21871; Big Annessex River in Somerset County

The purpose of the project is to improve electrical service.

- Temporarily place matting within 100,155 square feet of wetlands;
- Perform maintenance on seven utility poles;
- Replace one timber utility pole; and
- Cut the existing pole below the marsh surface and remove the pole.

The WQC and its attachments may be viewed at the following link:
<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Mary Phipps-Dickerson at Mary.Phipps-Dickerson@maryland.gov or (410) 901-4033.

[20-08-28]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0010

*Wicomico County Recreation and Parks
 500 Glen Avenue, Salisbury
 Maryland 21804*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0010.

Location: End of Cove Road, Bivlave in Wicomico County, Maryland 21814

The purpose of the project is to protect an eroding shoreline and contribute to improvements in water quality.

Construct two 106-foot long breakwaters extending a maximum of 71 feet channelward of the mean high water line; fill and grade 200 cubic yards of sand fill, and plant 4,685 square feet of *Spartina patens* along 260 feet of eroding shoreline

The WQC and its attachments may be viewed at the following link:
<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Mary Phipps-Dickerson at Mary.Phipps-Dickerson@maryland.gov or (410) 901-4033.

[20-08-27]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0011

*Wicomico County Recreation and Parks
500 Glen Avenue
Salisbury, Maryland 21804*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0011.

Location: Roaring Point County Park, off Red Hill Lane, Nanticoke, Md. 21840

The purpose of the project is to protect an eroding shoreline and contribute to improvements in water quality.

Construct two 88-foot long spur breakwaters and an 119-foot long headland breakwater all extending a maximum of 80 feet channelward of the mean high water line; fill and grade 687 cubic yards of sand fill, and plant 7,150 square feet of *Spartina patens* and 625 square feet of *Spartina alterniflora* along 345 feet of eroding shoreline.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Mary Phipps-Dickerson at Mary.Phipps-Dickerson@maryland.gov or (410) 901-4033.

[20-08-26]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0020

*City of Crisfield
c/o Dean Bozman
PO Box 270
Crisfield, MD 21817*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0020.

Location: Brick Kiln Road, Crisfield, MD 21817, Little Annemessex River in Somerset County

The purpose of the project is to protect an eroding shoreline and contribute to improvements in water quality.

Maintenance dredge by mechanical method an approximately 6385 linear foot by 3.5-foot wide residential tidal ditch and remove

approximately 1 foot of organic matter and deposit 591 cubic yards of organic material no thicker than 3 inches adjacent to the tidal ditch.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Mary Phipps-Dickerson at Mary.Phipps-Dickerson@maryland.gov or (410) 901-4033.

[20-08-50]

DEPARTMENT OF NATURAL RESOURCES

FISHING AND BOATING SERVICES— PUBLIC NOTICE

2020 Recreational Cobia Fishery — Effective 4/1/2020

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces the season, catch limit, and minimum size for the recreational cobia fishery for 2020. This notice supersedes all notices effective prior to April 1, 2020 affecting the recreational cobia fishery.

Effective 12:01 a.m. April 1, 2020:

1. The season is open June 1 through September 30, 2020. It is closed all other dates.
2. Recreational anglers may keep:
 - a. 1 cobia per person per day; or
 - b. Up to 3 cobia per vessel per day if there are 3 or more individuals on the vessel.
3. The recreational minimum size for cobia is 40 inches total length.

WHY THIS IS NECESSARY

This action is necessary to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Cobia.

WHOM THIS NOTICE AFFECTS

This applies to all individuals who catch cobia recreationally.

AUTHORITY

Code of Maryland Regulations (COMAR) 08.02.05.17

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

[20-08-12]

FISHING AND BOATING SERVICES— PUBLIC NOTICE

2020 Female Blue Crab Importation Dates

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources, in consultation with blue crab advisory groups, announces that female crabs from which the egg pouch or bunion has been removed, or egg-bearing female crabs known as sponge crabs, may be imported into Maryland from another state by a dealer or crab processing plant only during the period May 11, 2020 through July 20, 2020. Dealers and crab processing plants must have a bill of sale or lading from the jurisdiction of origin and may not import the crabs at any other time of the year.

WHY THIS IS NECESSARY

This action is necessary to implement the Chesapeake Bay Blue Crab Management Plan. The time period specified ensures minimal disruptions to the crab processing plant industry.

WHOM THIS NOTICE AFFECTS

This applies to seafood dealers and processors who purchase and import egg-bearing female blue crabs in the state of Maryland.

AUTHORITY

Code of Maryland Regulations (COMAR) 08.02.03.08C.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

[20-08-13]

WHOM THIS NOTICE AFFECTS

This applies to all individuals who catch striped bass recreationally.

AUTHORITY

Code of Maryland Regulations (COMAR) 08.02.15.12

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

[20-08-14]

FISHING AND BOATING SERVICES— PUBLIC NOTICE

Changes for the Atlantic Coast Recreational and Charter Boat Striped Bass Fishery — Effective 4/1/2020

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces changes to the recreational striped bass size and catch limits for the Atlantic Ocean, its coastal bays and their tributaries. This notice supersedes all notices effective prior to April 1, 2020 affecting the Atlantic coast recreational and charter boat striped bass fishery.

Effective 12:01 a.m. April 1, 2020:

- Anglers may keep one striped bass per person per day from the Atlantic Ocean, its coastal bays, and their tributaries.
- The striped bass must be at least 28 inches and less than 35 inches in length.

WHY THIS IS NECESSARY

This action is necessary to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Striped Bass.

http://asmfc.org/uploads/file/5dc071b0pr35AtlStripedBassAddVI_Apapproval.pdf

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.

STATE COLLECTION AGENCY LICENSING BOARD

Subject: Revised Notice of Public Meeting
Date and Time: April 13, 2020, 2—3 p.m.
Place: Via Videoconference—see Add'l. Info below.

Add'l. Info: In response to Governor Hogan's Executive Order number 20-03-30-01 (Stay-at-Home Order) and other applicable emergency orders, this meeting will be held via videoconference. Directions for access will be provided on the State Collection Agency Licensing Board website, <http://www.labor.maryland.gov/finance/collboard.shtml>, prior to the meeting.

Contact: Devki Dave (410) 230-6019
[20-08-49]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: May 12, 2020, 9 a.m. — 11 p.m.

Place: 653 W. Pratt St., Ste. 212, Baltimore, MD

Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month. Part of the meeting may include a closed session.

Contact: E. Fremont Magee (410) 706-8531

[20-08-09]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing

Date and Time: May 7, 2020, 9 a.m. — 1 p.m.

Place: Best Western Plus Hotel and Conference Center, 5625 O'Donnell St., Baltimore, MD

Add'l. Info: Meeting of the Office of Pharmacy Service's Medicaid Pharmacy & Therapeutics Committee (Preferred Drug List). As soon as available, classes of drugs to be reviewed, speaker registration guidelines and driving directions to meeting location will be posted on the Maryland Pharmacy Program website at: <https://mmcp.health.maryland.gov/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>.

Submit questions to:
mdh.marylandpdlquestions@maryland.gov
Contact: Shawn Singh (410) 767-6896
[20-08-05]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting
Date and Time: May 28, 2020, 3 — 5 p.m.
Place: Maryland Department of Health, Baltimore, MD
Add'l. Info: PUBLIC NOTICE — 2020 HEALTHCHOICE POST-AWARD FORUM

Effective January 1, 2017, the Centers for Medicare and Medicaid Services (CMS) approved and renewed Maryland's §1115 demonstration waiver, known as HealthChoice, for a five-year period.

Per the terms of the §1115 HealthChoice demonstration renewal as required by 42 CFR 431.420(c), the Maryland Department of Health (MDH) must conduct a post-award forum within six (6) months of implementing the demonstration and annually thereafter. The forum is intended to provide the public with the opportunity to offer meaningful comment on the progress of the demonstration.

The 2020 post-award forum will be held via webinar on Thursday, May 28, 2020, at 3 p.m. The meeting materials and webinar registration information will be posted at the website listed below as the meeting date approaches. In the meantime, please direct any questions to mdh.healthchoicerenewal@maryland.gov.

For more information on the post-award forum, please go to <https://mmcp.health.maryland.gov/healthchoice/Pages/HealthChoice-Post-Award-Forum.aspx>

Contact: Alyssa Brown (410) 767-9795
[20-08-29]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting
Date and Time: May 14, 2020, 10 a.m.
Place: 200 St. Paul Pl., Francis Scott Key Room, 22nd Fl., Baltimore, MD
Add'l. Info: In preparation for the 2020 hurricane season, Maryland Insurance Commissioner Al Redmer, Jr. will hold a

meeting on Thursday, May 14, 2020, at 10 a.m. at Maryland Insurance Administration headquarters at 200 St. Paul Pl. in downtown Baltimore.

The meeting will review what the Maryland Insurance Administration has done and will continue to do in preparation for the upcoming hurricane season. Commissioner Redmer also will discuss how property and casualty insurers can help the Maryland Insurance Administration promptly and efficiently assist Maryland consumers.

You can also call-in to the meeting by dialing 1-415-655-000. The access code is 737 491 483.

If you plan to attend this meeting, please RSVP to joy.hatchette@maryland.gov. If you have any questions, you may also contact Joy Hatchette at the same email address or at 410-468-2029.

Contact: Joy Hatchette (410) 468-2029
[20-08-04]

DIVISION OF LABOR AND INDUSTRY/BOARD OF BOILER RULES

Subject: Public Hearing
Date and Time: April 23, 2020, 1 — 3 p.m.

Place: Maryland Dept. of Transportation — Hanover, 7201 Corporate Center Dr., Hanover, MD

Contact: Tiffany R. Jones (410) 767-2182
[20-08-06]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: April 23, 2020, 10 a.m. — 12 p.m.

Place: Montgomery Business Park, 1800 Washington Blvd., Ste. 330, Baltimore, MD

Contact: Kathy Lingo (410) 230-8790
[20-08-08]

GENERAL NOTICES

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: April 16, 2020, 1 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570 [20-08-01]

MARYLAND PRESCRIPTION DRUG AFFORDABILITY BOARD

Subject: Public Meeting — CANCELED
Add'l. Info: The public meeting originally scheduled for April 20, 2020, 1:30 — 3:30 p.m., has been canceled.
Contact: Dee Stephens (410) 764-3460 [20-08-48]

RACING COMMISSION

Subject: Public Meeting
Date and Time: April 23, 2020, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682 [20-08-03]

RICA-ROCKVILLE CITIZENS' ADVISORY BOARD MEETINGS

Subject: Public Meeting
Date and Time: April 16, 2020, 6:15 p.m.
Place: The Regional Institute for Children and Adolescents (JLG-RICA), 15000 Brochart Rd., Rockville, MD
Add'l. Info: Please refer to our website at health.maryland.gov/jlgrica/Pages/home.aspx for the meeting agenda for the Citizens' Advisory Board Meetings.
Contact: Kenneth Basler (301) 251-6924 [20-08-07]

COMMISSION ON STATE DEBT

Subject: Public Meeting
Date and Time: April 16, 2020, 1 p.m.
Place: Louis L. Goldstein Treasury Bldg., Assembly Rm. #114 — #116, 80 Calvert St., Annapolis, MD
Add'l. Info: Annual meeting to recommend a State tax rate on real and personal property.
Contact: Christian Lund (410) 260-7920 [20-08-10]

MARYLAND DEPARTMENT OF TRANSPORTATION/MARYLAND BOARD OF AIRPORT ZONING APPEALS

Subject: Public Hearing—REVISED
Date and Time: April 20, 2020, 10 a.m.
Place: Via Teleconference — The public call-in number is +1 443 409 5228; Conference ID: 603 267 601., MD
Add'l. Info: The Maryland Board of Airport Zoning Appeals (BAZA) will hold a hearing via Teleconference on Monday, April 20, 2020. The hearing will begin at 10 a.m. The public Call-In Number is +1 443 409 5228; Conference ID: 603 267 601. The Board will hear the following case(s):

Docket Number 420

BAZA #420 (Temporary Crane Operation at 7323 Aviation Blvd. Baltimore, MD 21240)

The Northrop Grumman Corporation is requesting to erect two cranes to construct a galvanized steel platform (used to transport equipment and materials across the roof) on top of an existing building located at 7323 Aviation Boulevard within proximity to Baltimore/Washington Thurgood Marshall International Airport (BWI Marshall). At the Northrop Grumman crane Site 1, the maximum Code of Federal Regulation (FAR) Part 77 height allowance is 89' AGL/192' MSL. The proposed crane will be 100' AGL/203' MSL resulting in an 11-foot penetration to FAR Part 77. At the Northrop Grumman crane Site 2, the maximum Code of Federal Regulation (FAR) Part 77 height allowance is 77' AGL/180' MSL. The proposed crane will be 197' AGL/300' MSL resulting in a 120-foot penetration to FAR Part 77. The location of the temporary crane in question is approximately 1,050 feet west of Runway 15R. The Appellant has received two "Determinations of No Hazard to Air Navigation for Temporary Structure" (ASN# 2020-AEA-1898-OE & ASN# 2020-AEA-2894-OE) from the Federal Aviation Administration. Code of Maryland Regulations (COMAR) 11.03.06.03 and 11.03.06.04 - Height Limits in Airport Districts, enables the proponent to seek a variance from the Board of Airport Zoning Appeals (BAZA) for any proposed penetration of FAR Part 77. Therefore, the MAA requests to present Case #420 to BAZA via Teleconference Monday, April 20, 2020 at 10:00 a.m.

Hearing Postponement

Please be advised Case 418 and 419, originally scheduled for this same day and time, have been postponed for a date yet to be determined.

For additional information, please contact Deborah Mahoney-Fowler 410-865-1233.

Appropriate auxiliary aids and services for qualified individuals with disabilities will be provided upon request. Please call 410-865-1233 (voice) or MD Relay (TTY Users).

Contact: Deborah Mahoney-Fowler (410) 865-1233

[20-08-31]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: April 16, 2020, 10 a.m. — 2 p.m.

Place: Maryland Environmental Service, 259 Najoles Rd., Millersville, MD

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

Contact: Dee Settar (410) 537-4162

[20-08-24]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: April 22, 2020, 9 a.m. — 1 p.m.

Place: Maryland Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD

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

Contact: Dee Settar (410) 537-4162

[20-08-23]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: April 23, 2020, 9:30 — 11:30 a.m.

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

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

Contact: Amy Lackington (410) 864-5300

[20-08-02]

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| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      |               |       |
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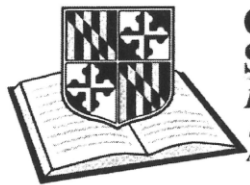
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