

Maryland Register

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Volume 47 • Issue 9 • Pages 459—498

IN THIS ISSUE

Governor
General Assembly
Regulations
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 6, 2020, 5 p.m.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 April 6, 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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Contents

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register 462

COMAR Research Aids

Table of Pending Proposals 463

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
02 Office of the Attorney General	476
05 Department of Housing and Community Development	477
11 Department of Transportation	481
14 Independent Agencies	475, 482
15 Maryland Department of Agriculture	475
26 Department of the Environment	476, 484
29 Department of State Police	494

PERSONS WITH DISABILITIES

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.

The Governor

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-03-01 — Amending and Restating the Order Dated March 16, 2020 Temporarily Prohibiting Evictions of Tenants Suffering Substantial Loss of Income Due to COVID-19, and Additionally Prohibiting Certain Repossessions, Stopping Initiation of Residential Mortgage Foreclosures, Prohibiting Commercial Evictions, and Allowing Suspension of Certain Lending Limits 466

NUMBER 20-04-05-01 — Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities 467

NUMBER 20-04-05-02 — Delegating Authority to Local Health Officials to Control and Close Unsafe Facilities 468

NUMBER 20-04-10-01 — Authorizing Remote Witnessing and Electronic Signing of Certain Documents 469

NUMBER 20-04-14-01 — Preserving the Supply of Necessary Drugs 470

NUMBER 20-04-14-02 — Facilitating Meetings of Stockholders of Maryland Corporations and Meetings of Shareholders of Maryland Real Estate Investment Trusts by Remote Communication 471

PROCLAMATION

Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID-19 472

General Assembly

SYNOPSIS NO. 7 474

Emergency Action on Regulations

14 INDEPENDENT AGENCIES

WORKERS' COMPENSATION COMMISSION

Emergency Powers of Chairman of the Commission 475

15 MARYLAND DEPARTMENT OF AGRICULTURE

PESTICIDE USE CONTROL

Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses 475

Final Action on Regulations

02 OFFICE OF THE ATTORNEY GENERAL

SEXUAL ASSAULT EVIDENCE KITS

Sexual Assault Victims' Rights — Disposal of Rape Kit Evidence and Notification 476

Sexual Assault Evidence Collection Kits — Analysis 476

Review of Law Enforcement Decisions Not to Test a Kit Reporting 476

26 DEPARTMENT OF THE ENVIRONMENT

AIR QUALITY

Control of Incinerators 476

Proposed Action on Regulations

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NEIGHBORHOOD BUSINESS DEVELOPMENT

Business Lending Program 477

11 DEPARTMENT OF TRANSPORTATION

MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

Motor Vehicle Fees 481

MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION

Temporary In-Transit Registration 481

14 INDEPENDENT AGENCIES

WORKERS' COMPENSATION COMMISSION

Emergency Powers of Chairman of the Commission 482

26 DEPARTMENT OF THE ENVIRONMENT

OCCUPATIONAL, INDUSTRIAL, AND RESIDENTIAL HAZARDS

Blood Lead Reporting 484

Procedures for Abating Lead Containing Substances from Buildings 484

LEAD

Accreditation and Training for Lead Paint Abatement Services 484

Reduction of Lead Risk in Housing 484

Procedures for Performing Lead Paint Abatement Services 484

Environmental Investigations 484

29 DEPARTMENT OF STATE POLICE

FIRE PREVENTION COMMISSION

Fire Prevention Code 494

Special Documents

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

NOTICE 495

OFFICE OF THE SECRETARY OF STATE

IN-PERSON NOTARIZATION REQUIREMENT WAIVER GUIDANCE — UPDATED APRIL 10, 2020 495

Contents

General Notices

CHESAPEAKE BAY TRUST
 Public Meeting 497

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS
 Public Meeting 497

STATE COLLECTION AGENCY LICENSING BOARD
 Public Meeting 497

BOARD OF DIETETIC PRACTICE
 Public Meeting 497

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL
 Public Meeting 497

MARYLAND DEPARTMENT OF HEALTH
 Public Hearing 497

MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE
 Public Meeting 497

MARYLAND INSURANCE ADMINISTRATION
 Public Hearing 497
 Public Meeting 498

MARYLAND HEALTH CARE COMMISSION
 Public Meeting 498

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS
 Public Meeting 498

WORKERS' COMPENSATION COMMISSION
 Public Meeting 498

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			
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.

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.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

01 EXECUTIVE DEPARTMENT

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

03 COMPTROLLER OF THE TREASURY

03.11.01.01—,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)
05.13.07.01—,13 • 47:9 Md. R. 477 (4-24-20)
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)
10.29.17.04 • 46:22 Md. R. 997 (10-25-19)
10.29.18.02 • 46:22 Md. R. 997 (10-25-19)

Subtitles 37—68 (5th Volume)

10.38.12.03 • 47:4 Md. R. 266 (2-14-20)
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)
10.52.02.01 • 47:4 Md. R. 267 (2-14-20)
10.52.06.02—12 • 47:4 Md. R. 267 (2-14-20)
10.54.01.02,.04—20,.22 • 47:3 Md. R. 210 (1-31-20)
10.54.02.02,.04—08,.10,.11,.14,.17 • 47:3 Md. R. 210 (1-31-20)
10.54.03.03,.04,.06—16,.18 • 47:4 Md. R. 268 (2-14-20)
10.62.01.01 • 47:2 Md. R. 107 (1-17-20)
10.62.03.01,.03 • 47:2 Md. R. 107 (1-17-20)
10.62.06.01 • 47:2 Md. R. 107 (1-17-20)
10.62.08.02,.08,.12,.13 • 47:2 Md. R. 107 (1-17-20)
10.62.10.07,.08 • 47:2 Md. R. 107 (1-17-20)
10.62.12.02,.09 • 47:2 Md. R. 107 (1-17-20)
10.62.15.05 • 47:2 Md. R. 107 (1-17-20)
10.62.18.05 • 47:2 Md. R. 107 (1-17-20)
10.62.19.02,.07,.10,.11 • 47:2 Md. R. 107 (1-17-20)
10.62.21.06,.07 • 47:2 Md. R. 107 (1-17-20)
10.62.22.02,.03,.07 • 47:2 Md. R. 107 (1-17-20)
10.62.25.02,.08,.11,.12 • 47:2 Md. R. 107 (1-17-20)
10.62.27.07,.09 • 47:2 Md. R. 107 (1-17-20)
10.62.28.02,.03,.05,.06 • 47:2 Md. R. 107 (1-17-20)
10.62.30.03,.04,.06,.10 • 47:2 Md. R. 107 (1-17-20)
10.62.31.01 • 47:2 Md. R. 107 (1-17-20)
10.62.33.04,.06,.08 • 47:2 Md. R. 107 (1-17-20)
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)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 11—23 (MVA)

11.11.05.04 • 47:9 Md. R. 481 (4-24-20)
11.15.37.01—04 • 47:9 Md. R. 481 (4-24-20)

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)

14 INDEPENDENT AGENCIES

14.09.01.01,.02,.04,.09 • 47:8 Md. R. 438 (4-10-20)
14.09.02.02 • 47:8 Md. R. 438 (4-10-20)
14.09.04.01 • 47:8 Md. R. 438 (4-10-20)
14.09.17.01—03 • 47:9 Md. R. 482 (4-24-20)
14.22.01.02,.08,.10 • 47:7 Md. R. 392 (3-27-20)
14.22.02.01,.02 • 47:7 Md. R. 392 (3-27-20)
14.35.02.04 • 46:22 Md. R. 1019 (10-25-19)
14.35.03.02—04 • 46:22 Md. R. 1019 (10-25-19)
14.35.04.04 • 46:22 Md. R. 1019 (10-25-19)
14.35.05.02 • 46:22 Md. R. 1019 (10-25-19)
14.35.08.06 • 46:22 Md. R. 1019 (10-25-19)
14.35.09.06 • 46:22 Md. R. 1019 (10-25-19)
14.35.12.02,.04,.05,.07,.08 • 46:22 Md. R. 1019 (10-25-19)
14.35.13.02—05,.09,.10 • 46:22 Md. R. 1019 (10-25-19)
14.39.02.05,.06 • 47:2 Md. R. 125 (1-17-20)
14.39.07.02 • 47:2 Md. R. 125 (1-17-20)
14.40.04.01—03 • 46:25 Md. R. 1144 (12-6-19)

15 MARYLAND DEPARTMENT OF AGRICULTURE

15.05.01.02 • 47:8 Md. R. 441 (4-10-20)
15.06.05.01—05 • 47:3 Md. R. 222 (1-31-20)
15.20.04.13,.14 • 47:3 Md. R. 224 (1-31-20)
15.20.07.03,.06—08 • 47:3 Md. R. 225 (1-31-20)

18 DEPARTMENT OF ASSESSMENTS AND TAXATION

18.05.01.01,.02,.04—06 • 47:8 Md. R. 443 (4-10-20)

19A STATE ETHICS COMMISSION

19A.07.01.01,.04,.06—12,.14,.16 • 47:4 Md. R. 274 (2-14-20)

20 PUBLIC SERVICE COMMISSION

20.62.02.01—04 • 47:7 Md. R. 396 (3-27-20)
20.62.03.04,.08 • 47:7 Md. R. 396 (3-27-20)

21 STATE PROCUREMENT REGULATIONS

- 21.01.02.01 • 47:6 Md. R. 345 (3-13-20)
- 21.01.03.01 • 47:6 Md. R. 345 (3-13-20)
- 21.02.01.03—.05 • 47:6 Md. R. 345 (3-13-20)
- 21.02.03.01—.05 • 47:6 Md. R. 345 (3-13-20)
- 21.02.05.01—.04,.06—.09 • 47:6 Md. R. 345 (3-13-20)
- 21.02.08.01—.04 • 47:6 Md. R. 345 (3-13-20)
- 21.05.01.01,.07 • 47:6 Md. R. 345 (3-13-20)
- 21.05.02.06,.11,.17 • 47:6 Md. R. 345 (3-13-20)
- 21.05.03.02 • 47:6 Md. R. 345 (3-13-20)
- 21.05.09.01,.07 • 47:6 Md. R. 345 (3-13-20)
- 21.05.12.07 • 47:6 Md. R. 345 (3-13-20)
- 21.07.01.11,.29,.30 • 47:6 Md. R. 345 (3-13-20)
- 21.07.02.07 • 47:6 Md. R. 345 (3-13-20)
- 21.07.03.01 • 47:6 Md. R. 345 (3-13-20)
- 21.10.02.02,.04 • 47:6 Md. R. 345 (3-13-20)
- 21.11.01.02,.04,.05 • 47:6 Md. R. 345 (3-13-20)
- 21.11.03.04,.09,.15 • 47:6 Md. R. 345 (3-13-20)
- 21.11.05.07 • 47:6 Md. R. 345 (3-13-20)
- 21.11.13.01 • 47:6 Md. R. 345 (3-13-20)
- 21.13.01.01,.03,.07,.09 • 47:6 Md. R. 345 (3-13-20)

27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

- 27.01.01.01 • 47:8 Md. R. 444 (4-10-20)
- 27.01.02.05 • 47:8 Md. R. 444 (4-10-20)
- 27.01.07.01—.03 • 47:8 Md. R. 444 (4-10-20)
- 27.02.01.01 • 47:8 Md. R. 444 (4-10-20)
- 27.02.05.08—.08-3 • 47:8 Md. R. 444 (4-10-20)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

- 26.02.01.01—.05 • 47:9 Md. R. 484 (4-24-20)
- 26.02.07.02,.12 • 47:9 Md. R. 484 (4-24-20)

Subtitles 08—12 (Part 2)

- 26.08.04.09,.09-1 • 46:20 Md. R. 860 (9-27-19)

Subtitles 13 — 18 (Part 3)

- 26.16.01.02 • 47:9 Md. R. 484 (4-24-20)
- 26.16.02.02,.02-1,.05 • 47:9 Md. R. 484 (4-24-20)
- 26.16.05.01—.03,.10,.12 • 47:9 Md. R. 484 (4-24-20)
- 26.16.08.01—.08 • 47:9 Md. R. 484 (4-24-20)

29 DEPARTMENT OF STATE POLICE

- 29.06.01.09 • 47:9 Md. R. 494 (4-24-20)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

- 30.09.07.02 • 47:1 Md. R. 29 (1-3-20)

31 MARYLAND INSURANCE ADMINISTRATION

- 31.03.06.10 • 47:2 Md. R. 134 (1-17-20)
- 31.09.02.11 • 47:8 Md. R. 447 (4-10-20)
- 31.10.06.02,.28,.30,.31 • 45:23 Md. R. 1119 (11-9-18)

32 MARYLAND DEPARTMENT OF AGING

- 32.03.05.01—.07 • 47:2 Md. R. 138 (1-17-20)

33 STATE BOARD OF ELECTIONS

- 33.13.21.01—.04 • 46:5 Md. R. 326 (3-1-19)
- 33.16.03.01 • 47:8 Md. R. 448 (4-10-20)
- 33.17.01.02 • 47:8 Md. R. 448 (4-10-20)
- 33.19.01.01 • 47:8 Md. R. 448 (4-10-20)

34 DEPARTMENT OF PLANNING

- 34.03.03.01—.12 • 47:5 Md. R. 317 (2-28-20)

The Governor

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-03-01

Amending and Restating the Order Dated March 16, 2020 Temporarily Prohibiting Evictions of Tenants Suffering Substantial Loss of Income Due to COVID-19, and Additionally Prohibiting Certain Repossessions, Stopping Initiation of Residential Mortgage Foreclosures, Prohibiting Commercial Evictions, and Allowing Suspension of Certain Lending Limits

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, The spread of COVID-19 is likely to result in loss of work and loss of income for some residents of Maryland, which may impact their ability to pay for rental housing or repay mortgages, potentially resulting in loss of housing due to eviction or foreclosure;

WHEREAS, The spread of COVID-19 is likely to result in loss of business and income for some businesses in Maryland, which may impact their ability to pay for rental real estate, potentially resulting in eviction;

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, To protect the public health, welfare, and safety, it is necessary to suspend the effect of certain states, rules, or regulations of agencies of the State or political subdivisions relating to real property and breach of leases;

WHEREAS, To protect life and property, and control the public health catastrophe in Maryland, it is necessary to control the occupancy and use of buildings; and

WHEREAS, To avoid the serious health, welfare, and safety consequences that may result if Marylanders lose their housing as a result of COVID-19, it is necessary and reasonable to impose a moratorium on certain evictions and prevent the initiation of residential foreclosures;

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 PROTECT THE PUBLIC HEALTH, WELFARE, AND SAFETY, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland, dated March 16, 2020, entitled "Temporarily Prohibiting Evictions of Tenants Suffering Substantial Loss of Income Due to COVID-19" is amended and restated in its entirety as set forth herein.

II. Definitions. As used herein, the following terms have the following meaning:

a. "Chattel Home" means personal property used as a person's residence, including without limitation, mobile homes, trailers, and live-aboard boats.

b. "CL" means the Commercial Law Article of the Maryland Code.

c. "Commissioner" means the Commissioner of Financial Regulation of the State of Maryland.

d. "Creditor" means a lender, credit grantor, lessor, or secured party.

e. "RP" means the Real Property Article of the Maryland Code.

f. "Substantial Loss of Income" means (i) with respect to an individual, a substantial loss of income resulting from COVID-19 or the related proclamation of a state of emergency and catastrophic health emergency, including, without limitation, due to job loss, reduction in compensated hours of work, closure of place of employment, or the need to miss work to care for a home-bound school-age child; and (ii) with respect to an entity, a substantial loss of income resulting from COVID-19 or the related proclamation of a state of emergency and catastrophic health emergency, including, without limitation, due to lost or reduced business, required closure, or temporary or permanent loss of employees.

III. Prohibition on Certain Repossessions. To the extent any statute, rule or regulation of the State of Maryland or any political subdivision would permit a Creditor to repossess any automobile, truck, or Chattel Home by self-help (including, without limitation, CL §§ 9-609, 12-115, 12-624, 12-1021, or 14-2008), such statute, rule, or regulation is hereby suspended until the state of emergency is terminated and the catastrophic health emergency is rescinded.

VI. No Initiation of Residential Foreclosures. The Commissioner is hereby ordered to suspend the operation of the Commissioner's Notice of Intent to Foreclose Electronic System, and to discontinue acceptance of Notices of Intent to Foreclose until the state of emergency is terminated and the catastrophic health emergency is rescinded.

V. Prohibition on Residential and Commercial Evictions.

a. Until the state of emergency is terminated and the catastrophic health emergency is rescinded, the effect of RP § 8-401 is hereby suspended as follows:

i. No court shall give any judgment for possession or repossession, or warrant for restitution of possession or repossession of residential, commercial, or industrial real property, if the tenant can demonstrate to the court, through documentation or other objectively verifiable means, that the tenant suffered a Substantial Loss of Income.

b. Until the state of emergency is terminated and the catastrophic health emergency is rescinded, the effect of RP § 8-402.1 is hereby suspended as follows:

i. No court shall give any judgment for possession or repossession, or warrant for restitution of possession or repossession of residential, commercial, or industrial real property, if the tenant can demonstrate to the court, through documentation or other objectively verifiable means, that the tenant suffered a Substantial Loss of Income.

ii. The fact that the tenant, or any person permissibly cohabiting with the tenant in accordance with the terms of the lease, has a confirmed diagnosis of COVID-19 or is under investigation for COVID-19, shall not constitute a "clear and imminent danger" for purposes of RP § 8-402.1(a)(1)(i)2.A.

c. Except as specifically suspended in paragraph V.a above, RP § 8-401 remains in effect in accordance with its terms. Except as

specifically suspended in paragraph V.b above, RP § 8-402.1 remains in effect in accordance with its terms.

VI. Authority to Suspend Certain Lending Limits.

a. Upon the request of a State-chartered commercial bank, the Commissioner is hereby authorized to suspend any provision of Section 3-601 of the Financial Institutions Article of the Maryland Code to allow such State-chartered bank to engage in a transaction or series of transactions exceeding the limits in that Section, if the Commissioner finds that doing so would not reasonably be expected to impair the safety or soundness of the State-chartered commercial bank.

b. Upon the request of a credit union, the Commissioner is hereby authorized to suspend Section 6-604 of the Financial Institutions Article of the Maryland Code to allow such credit union to engage in a transaction or series of transactions exceeding the limit in that Section, if the Commissioner finds that doing so would not reasonably be expected to impair the safety or soundness of the credit union.

VII. General Provisions.

a. No provision of this Order shall be construed as relieving any person or entity of any obligation to make payments or to comply with any other obligation that such person or entity may have pursuant to a note, loan agreement, or lease.

b. This Order remains effective until the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded, or until rescinded, superseded, amended, or revised by any subsequent order(s).

c. 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.

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

e. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 3rd day of April, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-09-17]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-05-01

Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities

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, Cases of COVID-19 have been detected in residents and/or staff at more than 60 nursing homes in Maryland;

WHEREAS, Many Marylanders residing in nursing homes are part of vulnerable populations that may be particularly susceptible to complications and adverse outcomes associated with COVID-19;

WHEREAS, To reduce the spread of COVID-19 in nursing homes and other similar facilities, and 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 authorize actions to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in nursing homes and other similar facilities; and

WHEREAS, Such actions may include, among other things, prohibiting individuals from congregating, controlling and directing the movement of individuals, controlling and directing the occupancy and use of buildings;

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. As used herein:

a. "Health Care Provider" has the meaning provided in Section 14-3A-01 of the Public Safety Article of the Maryland Code.

b. "Nursing Homes" means the following Health Care Providers: facilities licensed under Title 19, subtitles 3 and 14 of the Health-General Article of the Maryland Code and COMAR 10.07.02.

c. "Other Facilities" means any Health Care Provider other than a Nursing Home, including without limitation, assisted living facilities, hospice facilities, residential treatment facilities, home health agencies, and any related institution.

d. "Secretary" means the Secretary of Health of the State of Maryland.

II. Authority of Secretary to Issue Directives.

a. The Secretary is hereby ordered to issue directives under this Order, as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in and around Nursing Homes.

b. The Secretary is hereby authorized to issue directives under this Order, as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in and around Other Facilities.

III. Compliance is Mandatory. All Nursing Homes and Other Facilities are hereby ordered to comply in good faith with all applicable directives of the Secretary issued under this Order, including without limitation, participation in all disease surveillance, treatment, and suppression efforts required by those directives.

IV. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order, and any directive issued by the Secretary pursuant to paragraph II above.

b. A person who knowingly and willfully violates this Order, or any directive issued by the Secretary pursuant to paragraph II above, 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 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.

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.

f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 5th day of April, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-09-18]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-05-02

Delegating Authority to Local Health Officials to Control and Close Unsafe Facilities

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, based on currently known and available scientific evidence and best practices, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend avoiding large gatherings and practicing social distancing in smaller gatherings;

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; and

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;

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. As used herein:

a. “Authorized Health Official” means (i) with respect to a county in Maryland, the health officer for that county; and (ii) with

respect to Baltimore City, the Commissioner of Health for Baltimore City.

b. “Social Distancing Guidance” means all applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention or the Maryland Department of Health.

II. Delegation of Authority to County Health Officers. If an Authorized Health Official determines that a business, organization, establishment, facility, or construction site in his/her political subdivision (an “Unsafe Facility”) is unable or unwilling to operate in a manner that does not pose an unreasonable risk of exacerbating the spread of COVID-19 (including, without limitation, as a result of non-compliance with Social Distancing Guidance), the Authorized Health Official is hereby authorized and directed to issue such orders as may be necessary to:

a. require the Unsafe Facility to modify its operations to comply with Social Distancing Guidance; or

b. designate all or part of the Unsafe Facility as a zone in which the occupancy and use of buildings may be controlled, and prohibit or limit the movement of individuals and/or vehicles into, in, or from the Unsafe Facility, including without limitation, by closing the Unsafe Facility.

III. Effect on Stay-at-Home Order. Orders issued by an Authorized Health Official pursuant to paragraph II above shall be binding upon and enforceable against the Unsafe Facility, even if the Unsafe Facility would otherwise be permitted to remain open (to any degree) under the Order of the Governor of the State of Maryland Number 20-03-30-01, dated March 30, 2020, entitled “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 Home”, as it may be amended or restated from time to time.

IV. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order, and any order issued by a county health officer pursuant to paragraph II above.

b. A person who knowingly and willfully violates this Order, or any order issued by a county health officer pursuant to paragraph II above, 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 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.

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.

f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 5th day of April, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-09-19]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-10-01

Authorizing Remote Witnessing and Electronic Signing of Certain Documents

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 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 execute certain documents; and

WHEREAS, To reduce the threat to human health caused by COVID-19 in Maryland, protect the health and safety of Maryland residents and save lives, it is necessary and reasonable to allow persons to use technology to remotely witness the execution of certain documents, instead of being physically present;

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. As used herein:

a. "Electronic Presence" means the relationship of two or more individuals in different physical locations who can observe one another and communicate to the same extent as if the individuals were physically present in the same location.

b. "Electronic Signature" means a visible electronic mark attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

c. "ET" means the Estates & Trusts article of the Maryland Code.

d. "HG" means the Health-General article of the Maryland Code.

e. "Remote Witnessing" (and words of similar import) means to witness the execution of a document by a person who is in the Electronic Presence, but not the physical presence of the witness.

f. "Supervising Attorney" means an individual who has been admitted to practice law before the courts of this State and is in good standing.

II. Suspension of Certain In-Person Witnessing Requirements.

a. To the extent any part of ET § 4-102 requires a will to be attested and signed by witnesses in the physical presence of the

testator or another person signing for the testator at the testator's express direction (the "Testator"), such part of ET § 4-102 is hereby suspended to the extent necessary to allow Remote Witnessing of wills in accordance with the conditions set forth in paragraph III below.

b. To the extent any part of ET § 17-110 requires a power of attorney to be attested and signed by witnesses in the physical presence of the principal or another person signing for the principal at the principal's express direction (the "Principal"), such part of ET § 17-110 is hereby suspended to the extent necessary to allow Remote Witnessing of powers of attorney in accordance with the conditions set forth in paragraph III below.

c. To the extent any part of HG § 5-602 requires a written advance directive to be subscribed by witnesses in the physical presence of the declarant or another person signing at the express direction of the declarant (the "Declarant"), such part of HG § 5-602 is hereby suspended to the extent necessary to allow Remote Witnessing of written advance directives in accordance with the conditions set forth in paragraph III below.

III. Conditions. The execution of a will, a power of attorney, or written advance directive (a "Document") by, respectively, a Testator, Principal, or Declarant (the "Signer") may be Remotely Witnessed, provided that the following conditions are satisfied:

a. The witness shall be in the Electronic Presence of the Signer;

b. The witness shall be a resident of the State of Maryland and be physically located in the United States at the time the execution of the Document is witnessed;

c. The Signer and all witnesses shall be in the physical presence or Electronic Presence of one another and a Supervising Attorney, who shall not be one of the witnesses;

d. The Signer and witnesses physically shall sign one or more counterparts of the same Document, or affix their Electronic Signatures to it; and

e. The Supervising Attorney shall create a certified copy of the Document, which shall be deemed to be the original of the Document, and shall contain all pages of the Document, the original signatures or Electronic Signatures of the Signer and all witnesses, and a certification of the Supervising Attorney stating that:

i. The Supervising Attorney took reasonable steps to verify:

1. That the copy of the Document is a true, complete, and accurate copy of the Document signed by the Signer;

2. That the signatures contained in the copy are either the original signatures or Electronic Signatures of the Signer and each of the witnesses;

3. The identity of the Signer, and that the Signer was a resident or domiciliary of, or was physically located in, this State at the time the Signer signed the document; and

4. The identify of each witness, and that the witness was a resident of this State at the time the witness signed the Document; and

ii. The Document was remotely witnessed in reliance on the Order of the Governor of the State of Maryland Number 20-04-10-01, dated April 10, 2020, Authorizing Remote Witnessing and Electronic Signing of Certain Documents.

IV. Certain Requirements Unaffected. For avoidance of doubt, this Order does not:

a. Preclude the execution of Documents from being witnessed in-person, or alter any legal requirements applicable when a Document is witnessed in-person; or

b. Alter any legal requirements as to the number or qualification of witnesses required for the execution of any Document.

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

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

d. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 10th day of April, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-09-20]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-14-01 Preserving the Supply of Necessary Drugs

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency continues to exist;

WHEREAS, Interest has increased in possibly preventing or treating COVID-19 with drugs commonly prescribed to treat malaria, lupus, rheumatoid arthritis, HIV, bacterial infections, and other medical conditions;

WHEREAS, The surge in demand for these drugs in Maryland has led to the increased prescribing and dispensing of them;

WHEREAS, Increased prescribing and dispensing of these drugs has resulted in an inadequate supply for their intended use as potentially life-sustaining treatment for chronic and acute conditions, as well as for hospitalized patients with COVID-19 within facility-specific protocols while research studies are ongoing;

WHEREAS, In response to the medical consequences of the catastrophic health emergency, supplies of certain drugs and medications may be procured, seized, or otherwise taken for emergency use;

WHEREAS, Assuring an adequate supply of these drugs requires current control, restriction, and regulation of their use, sale, and dispensing, including through rationing, quotas, and stockpiles;

WHEREAS, Health care providers have a duty pursuant to federal and State law to prescribe and dispense medications solely for a legitimate medical purpose and consistent with the evidence for its use; and

WHEREAS, It is necessary during the state of emergency and catastrophic health emergency that the supply of these drugs is maintained;

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 PROTECT THE PUBLIC HEALTH, WELFARE, AND SAFETY, DO HEREBY ORDER:

1. Definitions.

a. "COVID-19" means an infection of the virus known as SARS-CoV-2 or the 2019 novel coronavirus.

b. "Dispenser" means a pharmacy, pharmacist, or other person authorized by law to dispense a prescription drug in Maryland.

c. "Restricted Drug" means a medication, including chloroquine, hydroxychloroquine, and azithromycin, that:

i. is approved for medical use in treatment of certain immunological, inflammatory, or infectious diseases; and

ii. the Secretary of Health has determined:

1. is being prescribed to treat the symptoms of or as a prophylaxis for COVID-19; and

2. for which preservation is necessary to ensure an adequate supply for approved medical uses.

2. A dispenser shall fill or refill a prescription for a Restricted Drug only if:

a. the prescription:

i. is not intended for a patient as:

1. treatment for the symptoms of undiagnosed COVID-19; or

2. as a prophylaxis for undiagnosed COVID-19;

ii. includes written documentation of a diagnosis that the dispenser determines, based on generally accepted professional standards, and after consultation with the health care practitioner if necessary:

1. indicates a legitimate medical purpose for the prescription; and

2. is consistent with the evidence for the Restricted Drug's use; and

iii. is issued by a health care practitioner:

1. authorized to prescribe in Maryland; and

2. has a bona fide practitioner-patient relationship with the patient; or

b. the Restricted Drug had been dispensed to the patient on or before March 5, 2020, for an approved medical use in ongoing treatment or care.

3. For a patient that has been diagnosed with COVID-19, any prescription of a Restricted Drug for treatment of COVID-19:

a. shall include written documentation that the patient has been diagnosed with COVID-19; and

b. shall not:

i. exceed a 14-day supply; or

ii. whether authorized or unauthorized, be refilled without a new prescription order issued in conformance with this Order.

4. An oral prescription for a Restricted Drug must provide the dispenser with all information required by this Order.

5. This Order does not prevent Restricted Drugs from being:

a. administered to patients in accordance with the protocols of a health care facility as defined in § 19-114(d) of the Health-General Article of the Maryland Code ("HG"); or

b. used pursuant to the protocol of a clinical trial approved by an institutional review board as defined by HG § 13-2001.

6. This Order remains effective until the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded, or until rescinded, superseded, amended, or revised by any subsequent orders.

7. 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 14th day of APRIL, 2020, and effectively immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-09-21]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-14-02

Facilitating Meetings of Stockholders of Maryland Corporations and Meetings of Shareholders of Maryland Real Estate Investment Trusts by Remote Communication

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 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 and in many other places around the world;

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, Maryland corporations and/or Maryland real estate investment trusts may have provided notice of annual or special meetings of stockholders or shareholders to be held at a physical location prior to the time when the public health threat of COVID-19 became fully apparent; and

WHEREAS, To avoid having individuals congregating at meetings of stockholders of Maryland corporations and shareholders of Maryland real estate investment trusts, it is necessary and reasonable to allow such meetings to occur using remote communications;

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. As used herein:

a. "Publicly-traded Maryland company" means a corporation incorporated under the Maryland General Corporation Law or a real

estate investment trust formed under Title 8 of the Corporations and Associations Article of the Maryland Code, in each case that is subject to the reporting requirements of Section 13(a) or Section 15(d) of the federal Securities Exchange Act of 1934, as amended.

b. "Shareholders" means the stockholders or shareholders of a publicly-traded Maryland company.

c. "Shareholders' meeting" means an annual or special meeting of shareholders of a publicly-traded Maryland company.

II. Remote Meetings.

a. Notwithstanding any provision of its charter, declaration of trust, or bylaws, a publicly-traded Maryland company may do the following, subject to the conditions in paragraph II.b below:

i. change a shareholders' meeting currently noticed for a physical location to be a meeting conducted solely or in part by remote communication; and/or

ii. postpone or adjourn a shareholders' meeting currently noticed for a physical location to another date or time, whether to be held in person or solely or in part by remote communication,

b. A publicly-traded Maryland company may change, postpone, or adjourn a shareholders' meeting pursuant to paragraph II.a above if:

i. the board of directors or trustees of the publicly-traded Maryland company determines that, as a result of the public health threat caused by COVID-19 in the United States, it is reasonable, prudent and advisable to do so; and

ii. the publicly-traded Maryland company notifies its shareholders of the change, postponement, or adjournment by (a) publicly filing a document with the U.S. Securities and Exchange Commission; and (b) a press release, which shall be promptly posted on the publicly-traded Maryland company's website after release.

III. Suspension of Certain Statutes. Without limiting the generality of paragraph IV.b below, Sections 2-502.1, 2-503, 2-504 and 2-511 of the Maryland General Corporation Law and Section 8-202(b)(1)(iv) of Title 8 of the Corporations and Associations Article of the Maryland Code are suspended, to the extent necessary to give full effect to paragraph II above.

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

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

d. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 14th day of April, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-09-22]

PROCLAMATION

Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID-19

WHEREAS, on March 5, 2020, a state of emergency and catastrophic health emergency was, pursuant to the Maryland 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, proclaimed within the entire State of Maryland;

WHEREAS, the proclamation declaring the emergencies was renewed on March 17, 2020;

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, the emergency conditions, state of emergency, and catastrophic health emergency continue to exist;

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, 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, the State's elections would ordinarily be conducted mainly 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 elections mainly at polling locations during the state of emergency and catastrophic health emergency would potentially expose government buildings, voters, and governmental officers, employees, and volunteers to the novel coronavirus;

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

WHEREAS, COVID-19, the state of emergency and the catastrophic health emergency, and the State's emergency actions in response have impaired the ability of governmental officials, employees, and volunteers to conduct their elections in accordance with the existing statutory and legal voting systems and procedures; and

WHEREAS, the state of emergency and catastrophic health emergency continues to interfere with the electoral process;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE MARYLAND CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE AND TITLE 8 OF THE ELECTION LAW ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, HEREBY

DECLARE THAT A STATE OF EMERGENCY AND CATASTROPHIC HEALTH EMERGENCY CONTINUES TO EXIST WITHIN THE ENTIRE STATE OF MARYLAND, RENEW THE MARCH 5, 2020 PROCLAMATION, AND FURTHER PROVIDE AND ORDER, EFFECTIVE IMMEDIATELY:

I. Definitions.

A. "County" means a county of the State or Baltimore City.

B. "COVID-19 Guidance" means the applicable COVID-19 guidance published by the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health.

C. "Special General Election" means the special general election to fill the vacancy in the office of the Representative of Congress for the Seventh Congressional District of Maryland of April 28, 2020.

D. "Primary Election" means the primary election of April 28, 2020, postponed to June 2, 2020, in all of the State.

E. "Elections" refers to both the Special General Election and Primary Election.

F. "Return Location" means a location where a vote-by-mail ballot may be returned for the Elections.

G. "State Board" means the State Board of Elections.

H. "Stay at Home Order" means the Order of the Governor of the State of Maryland No. 20-03-30-01, dated March 30, 2020, entitled "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 Home," as it may be amended or restated from time to time.

I. "Homes" has the meaning defined in the Stay at Home Order.

II. The Primary Election of April 28, 2020, remains postponed to June 2, 2020, in all of the State.

III. Subject to paragraph IV, for the Elections, the State Board shall, as further specified and provided in this Order, utilize as alternate voting systems:

A. voting by mail; and

B. at least one voting center in each county to enable any voter who is unable to vote by mail to, in person:

i. cast a ballot; or

ii. return a vote-by-mail ballot.

IV. For the Special General Election, the State Board may solely utilize, as an alternate voting system, voting by mail, after issuing and transmitting to the Governor a written determination:

A. substantiating the findings that it is not possible to utilize voting centers in a manner that mitigates and reduces a substantial threat to public safety or health posed by COVID-19; and

B. that conducting the Special General Election without voting centers will comply with the constitutions of Maryland and the United States, and any other federal law.

V. In preparation for the Elections, the COVID-19 Guidance shall be complied with to the maximum extent practicable for all aspects of the Elections, including without limitation:

A. instruction and training programs for election judges on the voting system;

B. the delivery of necessary supplies, records, and equipment; and

C. the canvassing of ballots and observation of each part of the canvass.

VI. Without limiting the generality of paragraph V above, utilization of voting centers or other locations for return of vote-by-mail ballots shall:

A. maximize voter accessibility to the extent consistent with public health and safety to protect voters from COVID-19; and

B. minimize direct contact between voters, election officials and judges, government employees, volunteers, and other participants

in the electoral process, including but not limited to as addressed in the COVID-19 Guidance.

VII. Electioneering.

A. At each Return Location, signs containing the words “No Electioneering Beyond This Point” shall be posted delineating a line located as near as practicable to 100 feet from the location, as established after consideration of the effect of placement on public safety.

B. No person shall:

- i. canvass, electioneer, or post any campaign material in any Return Location or beyond the line described in paragraph VII.A; or
- ii. interfere or attempt to interfere with a voter while the voter is returning a vote-by-mail ballot at a Return Location.

VIII. As to challengers and watchers at voting centers, the State Board may:

A. limit the number of challengers and watchers allowed in a polling place at any one time; or

B. enable them to, without physically entering the polling place or voting room, or nearing the election judges, by remote electronic means or otherwise:

i. be present in the polling place:

- 1. within one-half hour before the polls open;
- 2. at any time when the polls are open; and
- 3. until the completion of all tasks associated with the close of the polls and the election judges leave the polling place;
- ii. see and hear each person as the person offers to vote; and
- iii. challenge the right to vote of any individual.

IX. The canvass of vote-by-mail ballots for the Elections may commence at 9 a.m. on the 12th day before the Elections.

X. Secrecy of the results for the Elections need only be maintained until 8 p.m. on the day of the Elections.

XI. The Elections shall minimize injury and damage from the COVID-19 public health catastrophe, and save lives, while, to the fullest extent possible given the interference in the electoral process from the state of emergency and catastrophic health emergency, inspire public confidence and trust in the conduct of the Primary Election by reasonably assuring under the circumstances that:

A. all persons served by the election system are treated fairly and equitably;

B. all qualified persons may register to vote and that those who are not qualified do not vote;

C. those who administer elections are well-trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;

D. full information on elections is provided to the public, including disclosure of campaign receipts and expenditures;

E. citizen convenience is emphasized as is feasible and does not endanger the public health, welfare, or safety;

F. security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results;

G. the prevention of fraud and corruption is diligently pursued; and

H. any offenses that occur are prosecuted.

XII. The State Board shall provide maximum notice as possible to voters about how to participate in the Elections, as well as other appropriate education regarding voting procedures.

XIII. All other statutory and regulatory dates and time periods relating to the Elections may be additionally postponed in the discretion of the State Board to conform to this Order.

XIV. The State Board shall have the authority to designate any of its employees or the State employees of any local board of elections as “emergency” and “essential” State employees or personnel for the purpose of performing duties necessary to conduct the Elections.

XV. Notwithstanding the Stay at Home Order, all persons living in the State of Maryland may travel between their Homes and Return Locations and polling places in connection with the Elections and for the following purposes:

A. Voting in person;

B. Returning vote-by-mail ballots;

C. Participating the election as an administrator, official, employee, worker, volunteer, judge, challenger, or watcher; or

D. Canvassing, electioneering, or posting campaign material in compliance with the COVID-19 Guidance.

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

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 10th day of April, 2020.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[20-09-23]

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. 7

Chapters

CH0015 HB0448 (Enrolled) Del Rosenberg, et al. Health Care Practitioners – Telehealth and Shortage.

CH0016 SB0402 (Enrolled) Sens Kagan and Lam. Health Care Practitioners – Telehealth and Shortage.

CH0017 HB1208 (Amended) Del Shetty, et al. Telehealth – Mental Health and Chronic Condition Management Services – Coverage and Pilot Program.

CH0018 SB0502 (Amended) Sens Hershey and Ferguson. Telehealth – Mental Health and Chronic Condition Management Services – Coverage and Pilot Program.

[20-09-14]

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 14

INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.17 Emergency Powers of Chairman of the Commission

Authority: Labor and Employment Article, §§9-105(f), 9-206(d), 9-302(f)(7), 9-309(a), 9-311(c), 9-314(b), 9-316(g)(2), 9-402.1(j), 9-404(a), 9-663(a)(1) and (2), 9-6A-04, 9-6A-07, 9-6A-11, 9-6A-16, 9-701, 9-720(a), and 9-721(a), Annotated Code of Maryland

Notice of Emergency Action

[20-086-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations **.01—.03** under a new chapter, **COMAR 14.09.17 Emergency Powers of Chairman of the Commission**.

Emergency status began: March 13, 2020.

Emergency status expires: September 8, 2020.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 482 — 483 of this issue, referenced as [20-086-P].

R. KARL AUMANN
Chairman

Workers' Compensation Commission

Title 15

MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 05 PESTICIDE USE CONTROL

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

Authority: Agriculture Article, §§2-103, 5-104, 5-105, 5-106, 5-204, 5-207, and 5-210.2, Annotated Code of Maryland; Ch. 598, §11, Acts of 2018

Notice of Emergency Action

[20-080-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to 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**.

Emergency status began: March 27, 2020.

Emergency status expires: August 1, 2020.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 48:8 Md. R. 441—442 (April 10, 2020), referenced as [20-080-P].

JULIANNE A. OBERG
Deputy Secretary

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 02 OFFICE OF THE ATTORNEY GENERAL

Subtitle 08 SEXUAL ASSAULT EVIDENCE KITS

Notice of Final Action

[20-066-F]

On April 14, 2020, the Office of the Attorney General adopted:

(1) Amendments to Regulations .03 and .04 and the repeal of Regulation .05 under **COMAR 02.08.01 Sexual Assault Victims' Rights — Disposal of Rape Kit Evidence and Notification**;

(2) New Regulations .01 — .05 under a new chapter, **COMAR 02.08.02 Sexual Assault Evidence Collection Kits — Analysis**;

(3) New Regulations .01—.05 under a new chapter, **COMAR 02.08.03 Review of Law Enforcement Decisions Not to Test a Kit**; and

(4) New Regulations .01 and .02 under a new chapter, **COMAR 02.08.04 Reporting**.

This action, which was proposed for adoption in 47:5 Md. R. 314—316 (February 28, 2020), has been adopted as proposed.

Effective Date: May 4, 2020.

BRIAN E. FROSH
Attorney General

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

Notice of Final Action

[19-190-F]

On April 10, 2020, the Secretary of the Environment adopted amendments to Regulations .01 and .10 under **COMAR 26.11.08 Control of Incinerators**. This action, which was proposed for adoption in 46:20 Md. R. 862—865 (September 27, 2019), has been adopted as proposed.

Effective Date: May 4, 2020.

BENJAMIN H. GRUMBLES
Secretary of the Environment

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 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 13 NEIGHBORHOOD BUSINESS DEVELOPMENT

05.13.07 Business Lending Program

Authority: Housing and Community Development Article, §§2-111 and 3-206 and Title 4, Subtitle 2, Annotated Code of Maryland

Notice of Proposed Action

[20-087-P]

The Secretary of Housing and Community Development proposes to adopt new Regulations .01—.13 under COMAR 05.13.07 Business Lending Program.

Statement of Purpose

The purpose of this action is to implement statutory changes adopted by the General Assembly during the 2016 session to enhance the State's financing programs to support small businesses.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulations will make it possible for the Maryland Department of Housing and Community Development (DHCD) to offer more types of loans and financial assistance than are currently permitted under the existing regulations. Recent statutory changes under Ch. 482, Acts of 2016, and Ch. 211, Acts of 2019, expanded DHCD's ability to provide business project loans in priority funding areas. New products may include loans for business owners who lack resources or are otherwise not able to obtain a competitive interest rate when starting

or expanding a business. These additional products will allow new and existing businesses new opportunities by providing access to competitive loans that they might not be able to obtain from the existing private market or the U.S. Small Business Administration.

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

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

A. DHCD will receive revenue from the origination fees and loan repayments associated with expanded lending under the program. The number of and amounts of the loans that will be originated are indeterminable. DHCD will incur some minor administrative costs, but these costs will be less than the revenue generated. No additional costs would be incurred administratively because of these regulations.

C. Local governments will benefit through increased property values and more job creation, as businesses seek funding for property renovations and business expansion within their city and county

limits.

D. Private lenders may benefit by the proposed regulations because additional businesses may be eligible for loans originated by DHCD thus creating more partnership opportunities between the public and private financing sector.

E. Other industries such as construction, retailers, manufacturers, etc., may benefit as these industries may expand due to the increased availability of funding.

F. The proposed regulations are expected to result in additional types of loans for business projects that are not currently being served. The proposed regulations allowing for expansion into priority funding areas are expected to result in an increase in business projects and growth by expanding the availability of loans.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Small businesses will benefit from the regulatory changes since the underlying program, Neighborhood Business Development Program (NBW), provides flexible financing for small businesses that is not otherwise available from the conventional financing sector. For over 20 years, NBW has provided meaningful and impactful support to small businesses across the State of Maryland. With these regulatory changes, NBW’s ability to support small businesses will expand.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Matthew Heckles, Director of the Division of Development Finance and the Community Development Administration, Department of Housing and Community Development, 7800 Harkins Road, Lanham, MD 20706, or call 301-429-7796, or email to matthew.heckles@maryland.gov. Comments will be accepted through May 26, 2020. A public hearing has not been scheduled.

.01 General.

This chapter prescribes the policies, procedures, and authorizations for providing financial assistance to eligible business projects from the Community Development Administration, an agency in the Division of Development Finance of the Department of Housing and Community Development.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated and as defined in the Act.

B. Terms Defined.

(1) “Act” means Housing and Community Development Article, Title 4, Subtitle 2, Annotated Code of Maryland.

(2) “Administration” means the Community Development Administration, an agency in the Division of Development Finance of the Department of Housing and Community Development.

(3) “Borrower” means a recipient of any type of financial assistance from the Administration under this chapter.

(4) “Business project” means a project that is located in a priority funding area or an eligible opportunity zone and:

(a) Is acquired, owned, developed, constructed, reconstructed, rehabilitated, or improved by a person or an entity for the purposes of carrying on a business, whether or not for profit; or

(b) Is eligible for funding from the Neighborhood Business Development Fund under Housing and Community Development Article, §6-310, Annotated Code of Maryland.

(5) “Department” means the Department of Housing and Community Development, a principal department of the State.

(6) Development Costs.

(a) “Development costs” means the costs incurred in acquiring, developing, operating, and expanding a business that the Department considers reasonable and necessary for the project.

(b) “Development costs” includes the costs for:

(i) Acquisition of land, equipment, and machinery;

(ii) Operating costs;

(iii) Necessary studies, surveys, plans, and specifications;

(iv) Architectural, engineering, or special services;

(v) Site preparation and development;

(vi) Labor and materials for construction;

(vii) Fees and closing costs incurred in connection with financing the project;

(viii) Indemnity and surety bonds;

(ix) Premiums on insurance; and

(x) Other costs the Administration deems reasonable and necessary.

(7) “Eligible opportunity zone” means an area designated as a qualified opportunity zone under §1400 Z-1 of the Internal Revenue Code that is located in Allegany County, Garrett County, Somerset County, or Wicomico County.

(8) Financial Assistance.

(a) “Financial assistance” means any form of assurance, guarantee, grant, payment, loan, loan participation, loan insurance, credit enhancement, or other assistance.

(b) “Financial assistance” includes a reduction in the principal obligation of, or in the rate of interest payable on, a loan or portion of a loan.

(9) “Nonprofit organization” means a corporation, foundation, or other entity that specifies in its charter or bylaws that no part of the net earnings may inure to the benefit of any private shareholder or individual holding any interest in the entity.

(10) “Priority funding area” means an area designated as a priority funding area under State Finance and Procurement Article, §5-7B-02, Annotated Code of Maryland.

(11) “Program” means the business lending program within the Administration.

(12) “Project” means a business project.

(13) “Secretary” means the Secretary of Housing and Community Development of Maryland.

.03 Eligible Applicants.

To qualify as an eligible recipient of financial assistance, an applicant shall:

A. If a nonprofit organization, corporation, or partnership, be in good standing and qualified to do business in Maryland;

B. Have the legal capacity and all necessary authorization to incur the obligations of the financial assistance;

C. Own the project or have a valid contract to purchase or lease the project;

D. Demonstrate credit worthiness and repayment ability acceptable to the Department; and

E. Demonstrate the ability to complete and operate the project.

.04 Eligible Projects.

To be eligible for financial assistance, business projects shall be:

A. Properly zoned for the proposed use;

B. If involving construction or renovation, rehabilitated, constructed, and operated in accordance with the applicable federal, State, and local building, zoning, environmental, health, and safety standards; and

C. Licensed and registered as applicable.

.05 General Requirements.

A. Financial assistance may be used for the development costs of a business project.

B. The Administration shall establish interest rates and fees for the financial assistance based on the underwriting of each project.

C. Terms for repayment of principal and interest shall be established based on the underwriting for each project.

D. A loan shall be evidenced by a promissory note and secured by deed of trust or other security agreement in the form acceptable to the Administration.

E. Financial assistance shall be disbursed in accordance with a draw schedule approved by the Administration, which may include releasing funds upon successful inspections.

F. Borrowers shall pay any servicing fees, loan insurance premiums, bond insurance premiums, late charges, or other fees that the Administration or the loan insurer may require and that are permitted by State law.

G. Escrow Accounts. The Administration may require the borrower to make monthly deposits with the Administration for real estate taxes, insurance, mortgage insurance premiums, a reserve for replacements, and other expenses of the project.

H. Appraisal. Borrowers may be required to provide or pay for an appraisal performed by an appraiser acceptable to the Administration which shows the current value of the property and the expected value of the property after completion of the improvements.

I. The Administration may require certified financial statements for all partners, corporate borrowers, or any other individuals or entities having an interest in the project, in a form acceptable to the Administration.

J. The recipient of financial assistance shall agree not to sell, cease to own, assign, transfer, or dispose of all or any part of the business project or their interest in it, without the prior written consent of the Administration.

K. Taxes and assessments against the property which are due and payable shall be paid at or before closing.

.06 Liability and Other Insurance.

A. The borrower shall maintain property, fire, and extended coverage insurance on the real and personal property comprising a project both during and after construction.

B. If the project is located on real property in the 100-year flood plain, as designated by the United States Administration of Housing and Urban Development, the project shall be covered by a flood plain insurance policy.

C. For all secured loans, the borrower shall provide a standard American Land Title Association (ALTA) Loan policy or other form of title policy approved by the Administration.

D. The Administration may require the borrower to obtain any of the following types of insurance, depending on the size of the project and risks to the Administration:

- (1) Owner's liability;
- (2) Owner's property or hazard or contractor's builder's risk;
- (3) Contractor's liability;
- (4) Architect's errors and omissions; and
- (5) Engineer's errors and omissions.

E. All insurance required under this regulation shall meet the following requirements:

- (1) Be written by a company registered with the Maryland Insurance Administration;
- (2) Name the Administration as an additional insured;
- (3) Be in force at the time of closing;
- (4) Not be terminable without prior notification to the Administration;
- (5) Be in force for the duration of the financial assistance; and
- (6) Contain such other terms and coverage satisfactory to the Administration.

.07 Additional Requirements.

A. In addition to a promissory note and security agreement, the Administration may require the borrower to execute or provide additional loan documents, which may include any of the following:

- (1) A loan agreement;
- (2) An agreement and declaration of covenants and restrictions;
- (3) A disbursement agreement;
- (4) A guaranty of completion or loan payments;
- (5) A completion assurance agreement;
- (6) An assignment of the construction contract;
- (7) An opinion of borrower's counsel;
- (8) An opinion of contractor's counsel;
- (9) A contractor's letter and certification;
- (10) An assurance of compliance with civil rights requirements;
- (11) A fair practices certification; and
- (12) Such other documents as the Administration may find it desirable or necessary to require.

B. The Administration, at its sole discretion, may require additional security or collateral from the borrower to assure completion of the construction of the project or repayment of the loan.

C. The collateral may be in the form of one or more of the following:

- (1) A cash escrow;
- (2) A letter of credit in an amount and form and from a financial institution acceptable to the Administration;
- (3) Depository accounts pledged to the Administration;
- (4) Performance and payment bonds from a surety acceptable to the Administration;
- (5) A completion assurance agreement executed by the borrower and backed by some form of monetary collateral;
- (6) A guaranty of completion or loan payments, or both, executed by a third party who is financially able and willing to back the guarantee by some collateral acceptable to the Administration;
- (7) A pledge of the developer's fee; or
- (8) Other collateral acceptable to the Administration.

D. Credit Enhancement.

(1) After consideration of underwriting and the requirements of any bond issuance, the Administration shall determine and notify the borrower whether the borrower will be required to insure or guarantee the proposed loan, or otherwise insure or enhance the bonds financing the loan.

(2) If required by the Administration, the borrower shall engage a credit enhancer and secure a commitment to insure or guarantee the proposed loan, or otherwise insure or enhance any bonds financing the loan.

(3) The borrower shall comply with any conditions of the insurance or guarantee commitment so that the insurance or guarantee will be in effect from the time of loan closing, with respect to loan insurance, or from the time of the issuance of the bonds, with respect to bond insurance.

E. Disclosure.

(1) All directors, officers, principals, members, general partners, and limited partners of the borrower shall be identified, and the proportionate share of each in the proposed project so indicated in the application.

(2) Subsequent changes in either a general partner, a limited partner having more than a 25 percent interest in the borrower, a managing member, or member owning more than a 20 percent interest in the borrower shall be subject to the written approval of the Administration.

(3) *The borrower is responsible for providing any disclosure required by the Administration or any credit enhancer relating to the project, the borrower, the syndication, and the construction team.*

.08 Applications and Processing.

A. *An application for financial assistance shall be submitted to the Department and shall be made upon standard forms prescribed by the Department.*

B. *Each application shall:*

(1) *Be submitted by an eligible applicant as described in Regulation .03 of this chapter;*

(2) *Contain the applicant's organizational documents, including, as applicable, its articles of incorporation, bylaws, articles of organization, operating agreement, certificate of partnership, partnership agreement, or joint venture agreement;*

(3) *Contain a description of the project;*

(4) *Contain a description of all sources of funding the applicant has obtained for the project;*

(5) *Contain sufficient information to determine that the:*

(a) *Project is located in a priority funding area;*

(b) *Project is eligible in accordance with Regulation .04 of this chapter; and*

(c) *Terms and requirements of financial assistance as set forth in Regulation .05 of this chapter can be met; and*

(6) *Contain the following additional information:*

(a) *The estimated number and types of jobs to be created or retained by the project;*

(b) *The amount, size, and types of space to be created or retained;*

(c) *The cost of the project;*

(d) *A project budget identifying all sources and uses of funds;*

(e) *A pro forma showing anticipated project revenue, expenses, and debt service and other indebtedness of the project;*

(f) *Identification of the revenues which can be used to repay the financial assistance provided by the Administration; and*

(g) *Other information as the Administration may request.*

C. *Application Evaluation.*

(1) *Each application submitted shall be reviewed by the Administration to determine whether all of the information required is contained in the application.*

(2) *Upon submission of all required information, the Administration shall undertake an analysis of each application and make a recommendation to the Secretary as to whether, in accordance with this section, a project is eligible for financial assistance, the amount of financial assistance, and any special terms and conditions for a project.*

(3) *The Administration may take the information set forth in an application and the following factors into consideration in recommending an award of financial assistance:*

(a) *The ratio of Program and other State funds to both private and other non-State public funds;*

(b) *The relationship of a project to area revitalization plans, efforts, and strategies;*

(c) *The capability of an applicant to administer a project;*

(d) *The potential of the business to serve the needs of the priority funding area in which it is situated; and*

(e) *Other factors which the Administration determines are desirable in fostering commercial and economic revitalization within a local jurisdiction.*

D. *Approval of Applications.*

(1) *The Administration shall evaluate each application for financial assistance. If the Administration recommends approval of a project for financial assistance, the Administration shall present the project to the Secretary. The Secretary shall approve, disapprove, or*

approve with modifications all financial assistance to be provided under the Program.

(2) *The Secretary, in the sole discretion of the Secretary, may delegate to an authorized officer of the Department and Administration the authority to recommend approval, approve, disapprove, or approve with modifications financial assistance provided under the Program.*

E. *Rejection of Applications. If the Administration does not recommend approval of a project for financial assistance, the Administration shall issue a written notice of rejection with an evaluation and explanation for rejection.*

F. *Reconsideration.*

(1) *An applicant may request reconsideration of a rejection by submitting a written request, to the Secretary, which is received within 30 days following the date of the rejection notice. The request for reconsideration shall address each reason for the rejection and provide documentation supporting reasons for reconsideration of the issues. The Secretary shall respond in writing to the applicant's request for reconsideration within 30 days of receipt by the Secretary of the request for reconsideration.*

(2) *An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.02.*

(3) *The Secretary, in the sole discretion of the Secretary, may delegate to an authorized officer of the Department the authority to approve, disapprove, or approve with modifications a request for reconsideration of a rejection under the Program.*

G. *Closing. The closing of an award of financial assistance shall be scheduled at a time acceptable to the Department and the Office of the Attorney General.*

H. *Disbursement of Financial Assistance. Financial assistance may be disbursed in accordance with the terms and conditions set forth in the financial assistance documents.*

.09 Books and Accounts.

A. *Applicants, contractors, and subcontractors shall maintain such books, accounts, and records and shall file with the Department such financial and other reports as the Department may from time to time require.*

B. *All of the books, accounts, and records under §A of this regulation shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.*

C. *Books, accounts, and records of contractors and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between the contractor and the applicant.*

.10 Program Administration.

A. *The Administration may establish from time to time detailed Program guidelines containing underwriting standards, processing requirements, and other requirements or matters relating to providing financial assistance.*

B. *The Department may charge and collect from an applicant or recipient of financial assistance under this title:*

(1) *Origination, application, and processing fees; and*

(2) *Any other charges, fees, or reimbursements incidental to a project application or providing financial assistance.*

C. *The Department shall ensure that Program guidelines, fee information, and application forms are publically available on its website and at its offices.*

D. *The Administration may:*

(1) *Sell, assign, or otherwise dispose of all or a portion of any Program loan or revenue from a loan on terms and conditions acceptable to the Administration; and*

Title 11 DEPARTMENT OF TRANSPORTATION

Notice of Proposed Action [20-088-P]

The Administrator of the Motor Vehicle Administration proposes to:

- (1) Amend Regulation **.04** under **COMAR 11.11.05 Motor Vehicle Fees**; and
- (2) Adopt New Regulations **.01— .04** under **COMAR 11.15.37 Temporary In-transit Registration**.

Statement of Purpose

The purpose of this action is to set the fee charged for a temporary in-transit registration and to establish the criteria necessary for a nonresident of the State to apply for, and receive, a temporary in-transit registration, for purposes of transporting a vehicle purchased in Maryland to the nonresident purchaser's state of residence for titling and registration to conform to Ch. 287 (S.B. 707), Acts of 2019.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Administration and a licensed title service agent may issue, upon application and payment of a required fee, a temporary in-transit registration to allow a nonresident owner of a vehicle to operate the vehicle on a highway in the State only for purposes of transporting the vehicle to a jurisdiction outside the State in which the vehicle is to be titled and registered.

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

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

A. Transportation Trust Fund revenues may increase minimally, depending on the number of temporary in-transit registrations processed and the fee charged by MDOT MVA.

D. Licensed title service agents may see a small increase in revenue depending on the number of temporary in-transit registrations processed.

(2) Pledge a program loan as security for any:

(a) Business project loan, bond, or security that is issued, made, or purchased by Administration under Housing and Community Development Article, Title 4, Subtitle 2, Annotated Code of Maryland; or

(b) Insurance, guaranty, or credit enhancement on a program loan or bond issued to fund a program loan.

.11 Nondiscrimination and Drug-Free and Alcohol-Free Workplace.

A. An applicant or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the Program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the Program.

B. An applicant or contractor shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination, equal opportunity in employment, housing, and credit practices, and drug-free and alcohol-free workplaces, including:

- (1) Title VI and VII of the Civil Rights Act of 1964, as amended;
- (2) Title VIII of the Civil Rights Act of 1968, as amended;
- (3) The Fair Housing Amendments Act of 1988, as amended;
- (4) The Department's Minority Business Enterprise Program, as amended;
- (5) Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order;
- (6) State Government Article, Title 20, Annotated Code of Maryland, as amended; and
- (7) The Americans with Disabilities Act of 1990, as amended.

C. Covenants implementing the requirements of this regulation, including affirmative action measures, shall be included in appropriate agreements between the Administration and other parties.

.12 Waiver.

The Secretary may waive or vary provisions of these regulations to the extent that the waiver or variance is consistent with the Act and if, in the written determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

.13 False Statements.

An applicant or recipient of financial assistance who knowingly makes or causes to be made a false statement or report, whether in the nature of an understatement or overstatement of financial condition or any other fact material to the Department's action, shall be subject to immediate acceleration of the loan, in addition to the criminal penalties authorized by the Act.

KENNETH C. HOLT
Secretary of Housing and Community Development

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 C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through May 26, 2020. A public hearing has not been scheduled.

**Subtitle 11 MOTOR VEHICLE
ADMINISTRATION —
ADMINISTRATIVE PROCEDURES**

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter

.04 Vehicle Registration Fees.

Service	Section	Fee
A.—J. (text unchanged)		
K. Temporary In-Transit Registration.	13-405.1	20

**Subtitle 15 MOTOR VEHICLE
ADMINISTRATION — VEHICLE
REGISTRATION**

11.15.37 Temporary In-Transit Registration

Authority: Transportation Article, §§12-104(b) and 13-405.1, Annotated Code of Maryland

.01 Purpose.

This chapter establishes the criteria necessary for a nonresident of the State to apply for, and receive, a temporary in-transit registration for purposes of transporting a vehicle purchased in Maryland to the nonresident purchaser's state of residence for titling and registration.

.02 Application for Temporary In-Transit Registration.

A. A nonresident of the State who purchases a vehicle in the State and who wishes to transport the purchased vehicle to a jurisdiction outside the State for titling and registration shall apply for a temporary in-transit registration in a format prescribed by the Administration.

B. An applicant for a temporary in-transit registration shall provide the Administration with a completed application, the required fee as set forth in COMAR 11.11.05, and proof of the following, as described in Regulation .04 of this chapter:

- (1) Identity;
- (2) Residency;
- (3) Vehicle ownership; and
- (4) Insurance.

C. Application for a temporary in-transit registration may be submitted through:

- (1) The Administration; or
- (2) A licensed title service agent.

.03 Period of Validity.

A. A temporary in-transit registration shall:

- (1) Be valid for a period of 14 days; and
- (2) Indicate the expiration date.

B. The Administration or a licensed title service agent may not issue more than one temporary in-transit registration for each vehicle sales transaction.

.04 Required Proofs.

A. As proof of identity, an applicant for a temporary in-transit registration shall furnish a valid driver's license.

B. As proof of residency, an applicant for a temporary in-transit registration shall complete a Verification of Residency form furnished by the Administration. The address reflected on the Verification of Residency form shall match the address reflected on the applicant's driver's license.

C. As proof of vehicle ownership, an applicant for a temporary in-transit registration shall provide a properly assigned certificate of title or other ownership documentation acceptable to the Administration, as well as a bill of sale. If the vehicle is less than 7 years old, the bill of sale shall be notarized.

D. As proof of insurance, an applicant for a temporary in-transit registration shall provide proof that the vehicle for which the temporary in-transit registration is to be issued is covered by the minimum amount of vehicle liability insurance required by Transportation Article, §17-103, Annotated Code of Maryland.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

**Title 14
INDEPENDENT AGENCIES**

**Subtitle 09 WORKERS'
COMPENSATION COMMISSION**

**14.09.17 Emergency Powers of Chairman of the
Commission**

Authority: Labor and Employment Article, §§9-105(f), 9-206(d), 9-302(f)(7), 9-309(a), 9-311(c), 9-314(b), 9-316(g)(2), 9-402.1(j), 9-404(a), 9-663(a)(1) and (2), 9-6A-04, 9-6A-07, 9-6A-11, 9-6A-16, 9-701, 9-720(a), and 9-721(a), Annotated Code of Maryland

Notice of Proposed Action

[20-086-P]

The Workers' Compensation Commission proposes to adopt new Regulations .01—.03 under a new chapter, **COMAR 14.09.17 Emergency Powers of Chairman of the Commission**. This action was considered at a public meeting held on March 12, 2020, notice of which was given by publication in 47:5 Md. R. 326 (February 28, 2020), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to grant authority to the Chairman of the Workers' Compensation Commission to direct and coordinate the Commission's response in the event of a natural or other event, for which either the Governor has declared a Statewide emergency pursuant to Public Safety Article, Title 14, Annotated Code of Maryland, or a local state of emergency exists that significantly disrupts access to or the operations of one or more Commission

hearing locations or other Commission facilities or the ability of the Commission to operate effectively.

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 East 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 26, 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 June 11, 2020, at 10 East Baltimore Street, Baltimore, MD 21202.

.01 Scope.

A. *Generally.* This chapter applies to situations in which the Governor has declared an emergency pursuant to Public Safety Article, Title 14, Annotated Code of Maryland, and the emergency or directives issued by the Governor pursuant to the emergency significantly affect access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively.

B. *Other Events Affecting the Commission.* The authority granted specifically by this chapter generally also may be exercised, to the extent necessary, by the Chairman of the Commission in the event of a natural or other event that significantly disrupts access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively, but for which the Governor has not declared an emergency pursuant to Public Safety Article, Title 14, Annotated Code of Maryland.

C. *Supplemental; Conflict.* The provisions of this chapter are in addition to and supplemental to the authority of the Commission granted elsewhere in this subtitle, but, to the extent of any conflict with other provisions of this subtitle, any authority provided in this chapter shall prevail.

.02 Coordination with Governor and Chief Judge of the Court of Appeals.

Upon the declaration of any emergency by the Governor pursuant to Public Safety Article, Title 14, Annotated Code of Maryland, the Chairman of the Commission, directly or through designees, shall, to the extent practicable, consult with the Governor, the Governor's designees, the Maryland Emergency Management Agency, other Executive Branch officials, and, as appropriate, the Chief Judge of the Court of Appeals, in order to coordinate Executive and Judicial Branch responses to the emergency as they relate to operations of the Commission.

.03 Authority of Chairman.

A. *Generally.* Upon a determination by the Chairman of the Commission that an emergency or other event within the scope of Regulation .01 of this chapter significantly affects access to or the

operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively, the Chairman, by Administrative Order, may, to the extent necessary:

(1) Amend and superintend existing Continuity of Operations (COOP) plans;

(2) Suspend the operation of rules or regulations that cannot be implemented as intended because of the emergency;

(3) Identify and direct the use of alternative locations to conduct Commission business if existing facilities become inaccessible or unusable;

(4) Transfer cases pending in one hearing location that becomes inaccessible or unusable to any other hearing location;

(5) Permit claims or documents to be filed in alternate locations or by alternative means if the normal location, that is, Baltimore City, is not reasonably accessible or usable;

(6) Suspend, toll, or grant relief from time deadlines or filing requirements that otherwise would expire when there is no practical ability of a party to comply with the deadline or seek other relief;

(7) Triage claims or issues and categories of claims or issues with respect to expedited treatment;

(8) Suspend any Commission business not deemed essential;

(9) Designate other Commissioners or recall Commissioners or Commission officials to implement directives entered by the Chairman or the Governor; and

(10) Take any other appropriate action necessary to assure that essential Commission business is effectively handled by the Commission.

B. *Duration; Compatibility with Governor's Directives.* The authority granted in §A of this regulation may be implemented only as necessary during the emergency or its immediate aftermath and, if exercised following an emergency declared by the Governor, shall be compatible with directives and orders issued by the Governor. Promptly upon termination of the emergency, the Chairman shall review all directives issued pursuant to §A of this regulation and determine a reasonable schedule for the rescission of those directives.

C. *Chairman Unavailable.* During any period in which the Chairman is unavailable to exercise the authority granted in §A of this regulation, that authority may be exercised by the Commissioner on the Commission most senior in length of service on the Commission, unless the Chairman has designated another Commissioner on the Commission to exercise that authority or the Governor has designated another Commissioner on the Commission to serve as Acting Chairman during that period.

D. *Notice and Posting of Directives.* To the extent practicable, a copy of all directives and orders issued under §A of this regulation following a declaration of emergency by the Governor shall be sent to the Governor, the Director of the Maryland Emergency Management Agency, and, in a catastrophic health emergency, the Secretary of Health, and shall be posted on the Commission website. Notices may be sent electronically and may be posted through Commission social media accounts as appropriate.

R. KARL AUMANN
Chairman
Workers' Compensation Commission

Title 26

DEPARTMENT OF THE ENVIRONMENT

Notice of Proposed Action

[20-085-P-I]

The Secretary of the Environment proposes to:

- (1) Repeal existing Regulations .01—.05 and adopt new Regulations .01—.05 under **COMAR 26.02.01 Blood Lead Reporting**;
- (2) Amend Regulations .02 and .12 under **COMAR 26.02.07 Procedures for Abating Lead Containing Substances from Buildings**;
- (3) Amend Regulation .02 under **COMAR 26.16.01 Accreditation and Training for Lead Paint Abatement Services**;
- (4) Amend Regulations .02, .02-1, and .05 under **COMAR 26.16.02 Reduction of Lead Risk in Housing**;
- (5) Amend Regulations .01—.03, .10, and .12 under **COMAR 26.16.05 Procedures for Performing Lead Paint Abatement Services**; and
- (6) Adopt new Regulations .01—.08 under a new chapter, **COMAR 26.16.08 Environmental Investigations**.

Statement of Purpose

The purpose of this action is to:

- (1) Establish procedures for conducting an environmental investigation when a child under the age of 6 or a pregnant woman is diagnosed with elevated blood lead (EBL);
- (2) Update the Maryland Department of the Environment's (MDE) regulations governing blood lead reporting by laboratories and health care providers; and
- (3) Establish more stringent standards for lead content in dust for the purpose of post-abatement clearance testing and satisfying the risk reduction and modified risk reduction standards.

The proposed regulations governing environmental investigations are required for MDE to comply with Chapter 341, Acts of 2019. The law lowered the level that constitutes EBL in the State to the U.S. Centers for Disease Control and Prevention (CDC) blood lead reference level of 5 micrograms per deciliter (reference level). Chapter 341 further required MDE on or before July 1, 2020, to adopt regulations for conducting an environmental investigation when a child under age 6 or a pregnant woman is diagnosed with EBL. The regulations must be consistent with or more stringent than the U.S. Department of Housing and Urban Development's (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD Guidelines).

The proposed changes to the blood lead reporting regulations would add information to be reported by laboratories to MDE with blood lead level test results. The proposal also makes various stylistic changes and updates the blood lead levels specified in the reporting regulations to be consistent with the new, lower EBL level.

Additionally, the proposed action is needed to make the dust-lead levels used in the State's post-abatement clearance standards and risk reduction standards consistent with the federal dust-lead hazard standards (DLHS) in 40 CFR Part 745. The federal DLHS is used during a risk assessment to identify the presence of dust-lead hazards in a residential property where a child under the age of 6 resides or a child-occupied facility. Effective January 6, 2020, the new federal DLHS for floors and interior window sills are 10 and 100 micrograms per square foot, respectively. The proposed action would lower the State dust-lead level standards for post abatement clearance and risk reduction standards to 10 and 100 micrograms per square

foot for floors and window sills, respectively, and would establish a standard of 100 micrograms per square foot for window wells. The proposal also defines the term "quantitation limit" as it relates to the measurement of lead, and requires a State-accredited lead paint inspector to submit certain environmental samples collected during a lead inspection to a laboratory recognized under the U.S. Environmental Protection Agency's (EPA) National Lead Laboratory Accreditation Program (NLLAP) as capable of performing sampling and lead testing.

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:

COMAR Codification: COMAR 26.02.07.12K, COMAR 26.16.02.02(B)(6), and COMAR 26.16.05.10A.

Corresponding Federal Standard: 40 CFR §745.227(e)(8)(viii)

The proposed dust-lead level standards for clearance of abatement projects are more restrictive than the applicable federal standards in 40 CFR §745.227(e)(8)(viii). Upon the completion of a lead abatement project performed in accordance with MDE's abatement regulations in COMAR 26.02.07, a State-accredited lead paint inspector is required to perform a clearance inspection for lead-contaminated dust to determine if dust-lead levels are less than the dust-lead level values in COMAR 26.02.07.12K or COMAR 26.16.02.02B(6). COMAR 26.02.07.12 regulates clearance inspections performed by an MDE-employed State-accredited lead paint inspector, and COMAR 26.16.05.10, which cross-references the dust-lead level standards under COMAR 26.16.02.02B(6), regulates clearance inspections performed by a private State-accredited lead paint inspector.

The proposed dust-lead level standards for abatement would require that a residential property or group daycare center have cleaned surfaces with dust-lead levels less than 10, 100, or 100 micrograms per square foot for floors, window sills, or window wells, respectively, to comply with MDE's abatement regulations. Although the dust-lead levels for floors and window sills in the federal DLHS used for risk assessments are identical to those in the State dust-lead level standards for abatement proposed in this action, EPA has not revised the federal clearance levels for abatement. Currently, the federal clearance levels for abatement are less than 40, 250, or 400 micrograms per square foot for floors, window sills, or window wells, respectively. EPA has initiated a separate rulemaking to lower the federal clearance levels in 40 CFR §745.227(e)(8)(viii) to be consistent with the federal DLHS, with plans to finalize the rule in July 2021.

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

In preparing to lower the federal DLHS, EPA's evaluation of the health outcomes in young children found that health risks decrease with decreasing dust-lead levels, with incremental decreases to blood lead levels and adverse health effects seen at all points below the former DLHS of 40 and 250 micrograms per square foot for floors and window sills, respectively. 84 Fed. Reg. 32632–32648 (2019). Adverse human health effects linked to lead exposure in children include decreased cognitive performance, increased behavioral problems, and increased diagnoses of attention-related behavioral problems.

The proposed action would require lower dust-lead levels following an abatement project, further reducing the risk of lead exposure to Maryland children and the accompanying adverse human health effects.

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

While developing its 2019 rulemaking that lowered the federal DLHS, EPA considered a 2015 EPA and HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) survey of HUD Lead Hazard Control (LHC) grantees. 84 Fed. Reg. 32639 (2019). The survey revealed that a reduction in the federal dust-lead level standards for hazard determination and clearance to the same levels proposed in this action would be technically feasible using current cleaning methods. For example, the survey included test results for 7,211 floor clearance samples and found an estimated 85 percent of final floor clearance results were equal to or less than 10 micrograms per square foot, the standard being proposed in this action, even though the grantees were attempting only to meet a standard of 40 micrograms per square foot. The survey also found that only cleaning of floors was conducted in 75 percent of the units in the survey, and only cleaning and/or sealing of floors was done in 90 percent of units, leading to a conclusion that the standard of 10 micrograms per square foot for floors is “generally technically feasible using only cleaning and/or sealing of floors” as opposed to more costly and less common methods (see HUD OLHCHH Lead Hazard Control Clearance Survey, October 2015). Therefore, MDE expects that the majority of properties that undergo abatement clearance testing will pass the test and can do so without the need to implement additional, more costly methods. In 2017, subsequent to the 2015 EPA and HUD study, HUD issued policy guidance stating that all LHC and Lead Hazard Reduction (LHR) grantees must begin using lower dust-lead action levels and clearance levels that are consistent with the levels proposed in this action. For LHC and LHR grantees, the dust-lead levels proposed here for post-abatement clearance are already required under HUD policy guidance for clearance.

Based on the above, MDE has determined that the burden of the proposed lower dust-lead level standards on property owners that hire State-accredited lead paint abatement service providers to conduct abatement and post-abatement clearance testing would be minimal. The majority of properties could be cleared with little or no additional work and testing.

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

The proposed dust-lead level standards for post-abatement clearance are more protective of the public health, safety, and welfare of Maryland’s young children. Despite EPA’s decision not to lower the clearance levels for abatement in its 2019 rulemaking, the scientific bases relied upon by EPA to lower the DLHS for risk assessments also support more stringent clearance levels for abatement. Specifically, research shows a relationship between lead loadings in dust, blood lead levels, and adverse health outcomes. The proposed more restrictive dust-lead level standards for abatement would reduce the likelihood a dust-lead hazard remains in an abated property because the State and federal dust-lead level standards for abatement are less stringent than the federal DLHS used to identify dust-lead hazards in which exposure could result in adverse health effects. The proposal may also reduce confusion among accredited lead paint inspectors and property owners by eliminating the situation where there are two different dust-lead level standards depending on whether the dust testing is done for the purpose of a risk assessment or post-abatement clearance.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has three major components: (1) procedures for environmental investigations; (2) updates to the blood lead test reporting requirements; and (3) more stringent standards for dust-lead levels for the purpose of post-abatement clearance testing and meeting the risk reduction and modified risk reduction standards.

The proposed action would benefit the families of Maryland that have young children. Under the proposed action, the earlier State and

local government intervention in cases of EBL in a child or pregnant woman, codified environmental investigation procedures based on the HUD Guidelines, and lower dust-lead level standards will ultimately reduce lead exposure among children and pregnant women in Maryland. These benefits may translate into economic benefits in the form of reduced healthcare and other costs associated with the adverse health effects of lead poisoning. Other public and private stakeholders impacted by the proposed action would not experience an economic impact as a result of the proposed action, as described below.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Property owners	NONE	
(2) Lead paint abatement service providers	NONE	
(3) Blood lead testing labs and health care providers	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Meaningful

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

A. The proposed procedures for conducting environmental investigations would not have an economic impact on MDE beyond the impact created by Chapter 341, Acts of 2019. Under that law, MDE was required to adopt regulations providing for an environmental investigation for a child under the age of 6 or pregnant woman diagnosed with an EBL level greater than or equal to the CDC reference level. The law also required MDE to assist local governments with case management of children with EBL levels greater than or equal to the reference level. Chapter 341 required MDE’s procedures for environmental investigations to be consistent with or more stringent than the HUD Guidelines. By lowering the blood lead level that is considered EBL and requiring an environmental investigation to be conducted for every child under the age of 6 or pregnant woman diagnosed with EBL, Chapter 341 increased the number of environmental investigations that must be conducted by MDE or a local health department by an estimated 900 cases per year. The fiscal impact to MDE from these additional environmental investigations was estimated by the Department of Legislative Services prior to the passage of the law. The proposed action carries out in regulations the requirements of Chapter 341 and would not result in any additional economic impact on MDE beyond the impact already resulting from Chapter 341. For environmental investigations currently conducted for cases of EBL levels of greater than or equal to 10 micrograms per deciliter, MDE already follows internal operating procedures that are generally based on the HUD Guidelines; therefore, the proposed action would not result in an

economic impact for conducting these environmental investigations.

The proposed changes to the blood lead reporting regulations and the dust-lead level standards would have no economic impact on MDE. The proposal would require additional information to be reported to MDE with blood lead level test results and would require test results to be submitted to MDE within a shorter period of time for blood lead levels greater than or equal to the reference level. These changes would not affect MDE's costs to administer the Childhood Lead Registry database.

The reduction in the dust-lead level standards for post-abatement clearance testing would not increase MDE's inspection and dust sampling costs to perform clearance inspections at residential properties and group daycare centers under COMAR 26.02.07.12. The laboratory that MDE currently uses to analyze dust samples already has the capability of measuring dust-lead levels to the proposed lower dust-lead level standards.

C. The environmental investigation regulations proposed in this action would not have an economic impact on a local government beyond the impact under Chapter 341, Acts of 2019. Under Environment Article, §6-304, Annotated Code of Maryland, MDE is required to assist local health departments in case management of children with EBL levels greater than or equal to the reference level. As a result of Chapter 341, MDE must adopt regulations providing for an environmental investigation for a child under the age of 6 or pregnant woman diagnosed with an EBL level of greater than or equal to the reference level. As described in the Department of Legislative Services' fiscal and policy note for Chapter 341, "[b]ecause this analysis assumes that MDE assists [local health departments] as necessary, the bill is not anticipated to have a significant impact on [local health departments] in terms of case management. MDE is required by statute to assist local governments with environmental investigations, so there is no material impact related to environmental investigations." Under the proposed action, a local health department will still be able to determine how much case management it can effectively provide and request that MDE supplement and assist with any case management activities it cannot perform. Currently MDE conducts environmental investigations for cases of EBL levels greater than or equal to 10 micrograms per deciliter in all jurisdictions except two (Baltimore City and Prince George's County), where the local health departments conduct the investigations. The proposed action is not expected to materially affect costs for these two jurisdictions to continue conducting these environmental investigations. At this time, MDE anticipates conducting environmental investigations for cases of EBL levels between 5 and 9 micrograms per deciliter in all jurisdictions except Baltimore City, where the Baltimore City Health Department intends to provide the environmental investigations.

Analysis of the impact of the changes to the dust-lead level standards on local governments that own residential properties would be the same as described under D(1) below.

D(1). Owners of residential properties, both owner-occupied and rental, and other properties frequented by young children may be affected under the proposed action, but will not experience increased expenditures to comply with the proposed action. The proposed environmental investigation procedures would be carried out by MDE or a local health department and would not have an economic impact on a property owner. The proposed changes to the blood lead reporting regulations would not impact a property owner.

Under existing requirements, an owner of a residential property or group daycare center that has lead abatement done to the property must hire an accredited lead paint inspector to determine that the property has met the dust-lead level standards for post-abatement clearance. The proposed action would lower the dust-lead level standards that must be met during this clearance inspection. The

property owner's costs for employing a lead paint abatement contractor or lead paint inspector (to conduct the clearance test) are not expected to increase as a result of the lower dust-lead level standards. Additionally, an owner of a pre-1978 residential rental property is currently required to hire an accredited lead paint inspector to determine that the property meets the dust-lead level standards for the purposes of satisfying the risk reduction or modified risk reduction standards under §§6-815 and 6-819 of the Environment Article. The property owner's costs for satisfying the risk reduction or modified risk reduction standards are not expected to increase as a result of the lower dust-lead level standards.

It is anticipated that in most cases where dust testing is necessary for post-abatement clearance or meeting a risk reduction standard, the property will meet the lower dust-lead level standards without the need for additional work or retesting that would result in extra costs to the property owner. While developing its 2019 rulemaking that lowered the federal DLHS, EPA considered a 2015 EPA and HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) survey of HUD Lead Hazard Control (LHC) grantees. 84 Fed. Reg. 32639 (2019). The study revealed that a reduction in the federal dust-lead level standards for hazard determination and clearance to the same levels proposed in this action would be technically feasible using current cleaning methods.

For example, the survey included test results for 7,211 floor clearance samples and found an estimated 85 percent of final floor clearance results were equal to or less than 10 micrograms per square foot, the standard being proposed in this proposed action, even though the grantees were attempting only to meet a standard of 40 micrograms per square foot. The survey also found that only cleaning of floors was conducted in 75 percent of the units in the survey, and only cleaning and/or sealing of floors was done in 90 percent of units, leading to a conclusion that the standard of 10 micrograms per square foot for floors is "generally technically feasible using only cleaning and/or sealing of floors" as opposed to more costly and less common methods (see HUD OLHCHH Lead Hazard Control Clearance Survey, October 2015). Therefore, MDE expects that the majority of properties that undergo dust testing for post-abatement clearance or to satisfy a risk reduction standard will pass the test under the proposed standards and can do so without needing to implement additional, more costly methods. In 2017, subsequent to the 2015 EPA and HUD study, HUD issued policy guidance stating that all LHC and Lead Hazard Reduction (LHR) grantees must begin using lower dust-lead action levels and clearance levels that are consistent with the levels proposed in this action. For LHC and LHR grantees, the dust-lead levels proposed here for post-abatement clearance are already required under HUD policy guidance for clearance. Based on the above, MDE has determined that the economic impact of the proposed lower dust-lead level standards on property owners that hire State-accredited lead paint abatement service providers to conduct abatement and post-abatement clearance testing would be minimal. The majority of properties could be cleared with little or no additional work and testing.

D(2). Businesses providing lead paint abatement services may be affected under the proposed action, but their finances will not be materially impacted. An abatement contractor may need to re-clean a property and a lead paint inspector may need to re-inspect a property if a client's property fails a dust test under the proposed dust-lead level standards for post-abatement clearance testing or satisfying the risk reduction standards. However, MDE expects that in most cases a property will not need to be re-cleaned or re-inspected (see D(1) above).

D(3). Under the proposed action, health care providers and medical laboratories, including clinics performing point of care blood lead testing, may need to adjust their operations to collect the

additional test information and to report the increased number of EBL level test results between 5 and 19 micrograms per deciliter within 24 hours of a final test result. However, MDE does not expect this adjustment to result in increased expenditures for these facilities. Many health care providers already collect as part of a patient's records the additional information requested in this proposed action. Although the existing blood lead reporting regulations require blood lead level test results of greater than or equal to 20 micrograms per deciliter to be reported to MDE within 24 hours after the final test result, under a mutual agreement with MDE the majority of medical laboratories already report blood lead level test results of greater than or equal to 10 micrograms per deciliter within 24 hours. Also, since the CDC has used the blood lead reference level of 5 micrograms per deciliter since 2012, some medical laboratories report blood lead level test results of greater than or equal to 5 micrograms per deciliter to MDE within 24 hours.

F. The proposed action will result in a benefit to Maryland families with young children. The proposed blood lead reporting requirements will shorten the period between a child's diagnosis of EBL and MDE being notified of the test result. This shortened notification period will allow MDE and local health departments to commence case management for a lead-poisoned child under the age of 6 more quickly, potentially reducing the child's continued exposure to lead. The proposed action will also benefit Maryland families with young children by codifying environmental investigation procedures, used by MDE or a local health department, that are consistent with the HUD Guidelines and contain inspection and sampling procedures for identifying the lead exposure risks in a child's or pregnant woman's environment. The proposed action's lowered dust-lead level standards, earlier State and local government intervention in cases due to shortened EBL level test result reporting time frames, and the environmental investigation procedures will ultimately reduce exposure to lead, particularly among young children. These benefits may translate into economic benefits in the form of reduced health care costs and other costs (e.g., lost future wages) associated with the adverse health effects of lead poisoning.

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 Erica Chapman, Administrator II, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230, or call 410-537-3304, or email to erica.chapman@maryland.gov, or fax to 410-537-3002. Comments will be accepted through May 26, 2020. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the documents listed below have been declared documents generally available to the public and appropriate for incorporation by reference: For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 47:1 Md. R. 9 (January 3, 2020), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

- (1) The U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Second Edition, July, 2012), Chapter 7: Lead-Based Paint Inspection;
- (2) Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for Subsequent Lead Determination (ASTM Standard E1728/E1728M-20, 2020 Edition);
- (3) Standard Specification for Wipe Sampling Materials for Lead in Surface Dust (ASTM Standard E1792-03, Reapproved 2016);
- (4) General requirements for the competence of testing and calibration laboratories (ISO/IEC 17025:2017(E));
- (5) The U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Second Edition, July, 2012), Chapter 16: Investigation and Treatment of Dwellings that House Children with Elevated Blood Lead Levels;
- (6) Standard Practice for Field Collection of Dried Paint Samples for Subsequent Lead Determination (ASTM Standard: E1729-16, 2016 Edition); and
- (7) Standard Practice for Field Collection of Soil Samples for Subsequent Lead Determination (ASTM Standard: E1727-16, 2016 Edition).

**Subtitle 02 OCCUPATIONAL,
INDUSTRIAL, AND RESIDENTIAL
HAZARDS**

26.02.01 Blood Lead Reporting

Authority: Environment Article, §6-303, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

- (1) "Blood lead analysis" has the meaning stated in COMAR 10.11.04.02B.
- (2) "Blood lead level test" means to:
 - (a) Draw a blood specimen, by either venous or capillary methodology, and:
 - (i) Send the blood specimen to a medical laboratory for blood lead analysis; or
 - (ii) Conduct a blood lead analysis at a health care provider's office subject to licensing, certification, and approval by the Laboratories Administration of the Maryland Department of Health; or
 - (b) Order a blood specimen to be drawn by a third-party health care provider, by either venous or capillary methodology, and send it to a medical laboratory for blood lead analysis.
- (3) "Department" means the Maryland Department of the Environment.
- (4) "Health care provider" has the meaning stated in COMAR 10.11.04.02B.
- (5) "Laboratory" means a medical laboratory as defined in COMAR 10.10.01.03B.
- (6) "Local health department" means the health department of the Maryland subdivision where the patient resides.
- (7) "Parent or guardian" means an individual acting in a primary custodial capacity.
- (8) "Reference level" means:
 - (a) 5 micrograms per deciliter; or
 - (b) Beginning 1 year after the date that the Centers for Disease Control and Prevention revises the blood lead reference level until 1 year after a subsequent revision, the revised blood lead

reference level as determined by the Centers for Disease Control and Prevention.

.02 Information to be Reported.

A. *Who Shall Report.* The laboratory, health care provider's office, or other facility that draws a blood specimen from a child 18 years old or younger for a blood lead level test shall obtain the information required by §D(1)—(5) and (8) of this regulation at the time of drawing the blood specimen.

B. *Time and Method for Reporting by a Facility that Initially Draws a Blood Specimen.*

(1) A laboratory that performs blood lead analysis shall provide a referral form of paper or electronic requisition that specifies the required information for use by a laboratory, a health care provider's office, or another facility that draws a blood specimen.

(2) The facility that draws a blood specimen shall:

(a) Record the information required under §D(1)—(5) and (8) of this regulation on the laboratory's referral form or similar form; and

(b) Forward the required information concurrently with the blood specimen to the laboratory that performs blood lead analysis.

C. *Time and Method for Reporting by a Laboratory.* A laboratory required to report a blood lead level test under this regulation shall report the blood lead level test in the format approved by the Department and include all of the information required under §D of this regulation.

D. *The blood lead level test to be reported shall include the following information:*

(1) *The child's demographic information, including:*

- (a) First name, last name, and middle initial;
- (b) Date of birth, country of birth, sex, race, and ethnicity;
- (c) Medical assistance number if the child is enrolled in Medicaid or the Maryland Children's Health Program;
- (d) Complete home address at the time the blood specimen was drawn, including house or apartment number, street, city or town, county or Baltimore City, zip code, and state;
- (e) Telephone number; and
- (f) Parent or guardian's name;

(2) *If the child being tested is female, whether the child was pregnant at the time of the blood lead level test;*

(3) *Type of blood specimen, venous or capillary, and the blood draw date;*

(4) *The health care provider's office name, address, telephone number, and national provider identifier (NPI);*

(5) *If the draw site is different from the health care provider's office, the laboratory's or other facility's name, address, telephone number, and NPI;*

(6) *All of the following information about the laboratory performing the blood lead analysis:*

- (a) Laboratory name, address, telephone number, and clinical laboratory improvement amendment number (CLIA);
- (b) Laboratory method used to analyze the blood specimen;
- (c) The limit of detection for the method used to analyze the blood specimen; and
- (d) If reporting a "no result" test result, the limit of detection for the laboratory;

(7) *Blood lead level in micrograms per deciliter expressed with a numeric results comparator of:*

(a) Equal, if the blood lead level is an exact measurement;

or

(b) Less than or greater than, if a blood lead level reading is below or above a certain level that a device used to analyze a blood specimen can accurately record; and

(8) Additional information as may be required by the Department.

.03 Missing Information.

A. A laboratory that receives a blood specimen from a laboratory, a health care provider's office, or another facility without all of the required information listed in Regulation .02D(1)—(5) and (8) of this chapter included on the referral form required under Regulation .02B of this chapter shall:

(1) Within 3 business days of receipt of the blood specimen, send to the facility that provided the blood specimen a written or electronic message citing the regulations and requirements of this chapter, requesting that all the required missing information be forwarded to the laboratory; and

(2) Upon receipt of the required information, collate and transmit the information to the Department within the time frames set forth in Regulation .04C of this chapter.

B. *When the laboratory reports a blood lead level test result to the Department with one or more of the requirements listed in Regulation .02D(1)—(5) and (8) of this chapter omitted, the laboratory shall concurrently provide the name and address of the facility that:*

(1) Drew the blood specimen; and

(2) Failed upon request to forward the required information to the laboratory.

C. *The facility that drew the blood specimen shall respond to a written or electronic message from a laboratory that did not receive all of the required information listed in Regulation .02D(1)—(5) and (8) of this chapter by providing the information to the laboratory within:*

(1) 1 business day of receiving the message regarding a blood lead level test result of greater than or equal to the reference level; and

(2) 5 business days of receiving the message for a blood lead level test result of less than the reference level.

D. *A laboratory not permitted in accordance with COMAR Title 10 to perform a blood lead analysis that accepts a blood specimen from a health care provider for referral to another laboratory for blood lead analysis shall ensure that:*

(1) *The requisition record includes all of the information that is required under Regulation .02D(1)—(5) and (8) of this chapter; and*

(2) *The required information is transmitted to the laboratory performing the blood lead analysis along with the blood specimen.*

E. *Reporting a Blood Lead Level Test Result with Missing Information.*

(1) A laboratory shall collate information required under Regulation .02D of this chapter that is collected to complete a previously incomplete requisition record for a blood lead level test before submitting the information to the Department in accordance with §A of this regulation.

(2) A laboratory shall report to the Department the missing information collated pursuant to §E(1) of this regulation:

(a) Concurrently with the blood lead level test result, if the reporting time frame for a blood lead level test result established in Regulation .04C of this chapter has not concluded; or

(b) In a manner indicating that there has been a change in the blood lead level test record, if reporting the missing information after the initial blood lead level test result was reported to the Department.

.04 A Laboratory that Performs the Tests.

A. *Reporting to the Department.* The director of a laboratory shall report to the Department the result of a blood lead level test performed on a child 18 years old or younger, who resides in Maryland.

B. Additional Reporting Requirements.

(1) In addition to the requirements of §A of this regulation, the director of a laboratory shall report to the Commissioner of the Baltimore City Health Department the result of a blood lead level test performed on a child 18 years old or younger, who resides in Baltimore City.

(2) In addition to the requirements under §§A and B(1) of this regulation, a laboratory shall report the result of a blood lead level test to:

(a) The health care provider that ordered the blood lead level test; and

(b) Another entity as required by State, federal, or local statutes or regulations, or in accordance with accepted standards of practice.

C. A laboratory shall report the result of a blood lead level test to the Department by facsimile or other manner required by the Department within the following time frames:

(1) By the close of business of the next business day following a final blood lead level test result of greater than or equal to the reference level; and

(2) Within 2 weeks of a final blood lead level test result of less than the reference level.

D. A laboratory that uses an electronic system for tracking blood lead level test results shall report a result to the Department electronically in a manner consistent with the technical specifications established by the Department.

.05 Reporting by the Department.

A. Upon receipt of a blood lead level test result, the Department shall report the information required under Regulation .02D of this chapter and the result of a blood lead level test indicating a blood lead level greater than or equal to the reference level to the:

(1) Local health department in the jurisdiction in which the child resides; and

(2) Maryland Department of Health.

B. Time and Manner of Reporting by the Department.

(1) The Department shall report a blood lead level test result of:

(a) Greater than or equal to 10 micrograms per deciliter by the close of business of the next business day following the receipt of the final test result; and

(b) 5 micrograms per deciliter through 9 micrograms per deciliter within 2 weeks of the receipt of the final test result.

(2) The Department may report the information required under Regulation .02D of this chapter and the result of a blood lead level test indicating a blood lead level of less than 5 micrograms per deciliter to the local health department or the Maryland Department of Health, or both.

26.02.07 Procedures for Abating Lead Containing Substances from Buildings

Authority: Environment Article, §§1-404 and 7-206—7-208, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(11) (text unchanged)

(12) “Quantitation limit” means the minimum quantity or level of lead that can reliably be measured or quantified to a specified degree of accuracy and precision.

[(12)] (13)—[(13)] (14) (text unchanged)

.12 Procedures for Determining Compliance.

A.—H. (text unchanged)

[I. All dust samples collected under §H shall be analyzed for extractable lead by:

(1) The Maryland Department of Health, State Laboratories Administration; or

(2) A laboratory approved by the Maryland Department of the Environment to perform the analysis.]

I. The Department shall submit a dust sample collected under §H of this regulation for extractable lead analysis to a laboratory:

(1) Recognized by the U.S. Environmental Protection Agency under 15 U.S.C. §2685(b) as accredited under the National Lead Laboratory Accreditation Program; and

(2) That demonstrates it can achieve a quantitation limit equal to or less than 50 percent of the lowest lead dust level specified in §K(1) of this regulation.

J. (text unchanged)

K. [A lead abatement project shall be deemed to be in compliance with these regulations if] The Department shall consider a lead abatement project to be in compliance with this chapter if:

(1) Floor lead dust levels are [below 40] less than 10 micrograms per square foot;

(2) [Windowsill] Window sill lead dust levels are [below 250] less than 100 micrograms per square foot;

(3) Window well lead dust levels are [below 400] less than 100 micrograms per square foot; and

(4) (text unchanged)

L. (text unchanged)

Subtitle 16 LEAD

26.16.01 Accreditation and Training for Lead Paint Abatement Services

Authority: Environment Article, §§1-404, 6-818, 6-851, 6-852, 6-1001—6-1005, and 7-206—7-208, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Child care center” [means a child care center as defined under COMAR 07.04.02] has the meaning stated in COMAR 13A.16.01.02B.

(4)—(27) (text unchanged)

26.16.02 Reduction of Lead Risk in Housing

Authority: Environment Article, §§1-404, 6-801—6-852, and 6-1001—6-1005, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) “Lead-contaminated dust” means dust with a lead content equal to or greater than:

(a) [40] 10 micrograms per square foot in dust collected from a floor;

(b) [250] 100 micrograms per square foot in dust collected from a window sill; or

(c) [400] 100 micrograms per square foot in dust collected from a window well.

(7)—(14) (text unchanged)

.02-1 Incorporation by Reference.

[The U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint

Hazards in Housing (June 1995 edition), Chapter 7: Lead-Based Paint Inspection (1997 Revision) is incorporated by reference.] *The U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Second Edition, July, 2012), Chapter 7: Lead-Based Paint Inspection is incorporated by reference.*

.05 Certification of Housing as Lead-Free.

A.—C. (text unchanged)

D. An affected property that is a multiunit building or multibuilding complex having ten or more dwelling units may be certified to be lead-free based on testing of less than all dwelling units, common areas, and exterior surfaces if:

(1)—(2) (text unchanged)

(3) The determination of the minimum number of dwelling units, common areas, and exterior surfaces to be tested is in accordance with [Table 7.3: Number of Units to be Tested in Multifamily Developments, found in the U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 7; Lead-Based Paint Inspection (1997 Revision)] *Table 7.3: Number of Units to be Tested in Multi-family Building or Developments, found in the U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Second Edition, July, 2012), Chapter 7: Lead-Based Paint Inspection;*

(4)—(5) (text unchanged)

E.—M. (text unchanged)

26.16.05 Procedures for Performing Lead Paint Abatement Services

Authority: Environment Article, §§1-404, 6-801—6-852, 6-1001—6-1005, and 7-206—7-208, Annotated Code of Maryland

.01 Scope and Applicability.

A. This chapter governs the performance of lead paint abatement services in Maryland.

B. A person performing [any] a lead inspection, lead risk assessment, or clearance inspection shall:

(1) [be] *Be* accredited by the Department; and

(2) [shall comply] *Comply* with the applicable procedures in this chapter.

C. [Inspections performed as part of a poisoned-child investigation shall be performed according to protocols approved by the Department before the performance of the inspection] *A lead paint risk assessor shall perform an inspection for a poisoned-child investigation in accordance with the environmental investigation protocols specified in COMAR 26.16.08.*

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *“Quantitation limit” has the meaning stated in COMAR 26.02.07.02B.*

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

.03 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference:

A. 40 CFR §745.227, as amended; [and]

B. [Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for Subsequent Lead Determination (ASTM Standard E1728, 2016 Edition).] *Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for*

Subsequent Lead Determination (ASTM Standard E1728/E1728M-20, 2020 Edition); and

C. Standard Specification for Wipe Sampling Materials for Lead in Surface Dust (ASTM Standard E1792-03, Reapproved 2016).

.10 Clearance Inspections for Abatement Projects.

A. Following a lead abatement project, performed in accordance with COMAR 26.02.07, a [clearance inspection for lead-contaminated dust shall be performed by a] *lead paint* visual inspector, inspector technician, or risk assessor accredited by the Department *shall perform a clearance inspection for lead-contaminated dust to determine if the lead content in dust is less than the levels stated in COMAR 26.16.02.02B.*

B. [Dust samples shall be collected] *A Department-accredited lead paint visual inspector, inspector technician, or risk assessor shall collect dust samples* from each interior room where lead abatement was performed, using all *of the* dust sample collection procedures specified in Regulation [.08B] .09 of this chapter.

C.—D. (text unchanged)

.12 Collection and Laboratory Analysis of Samples.

A. (text unchanged)

B. [Any paint chip, dust, or soil samples collected under the procedures contained in this chapter shall be collected by persons accredited by the Department as an inspector technician, visual inspector, or risk assessor employed by a State-accredited contractor] *A person that collects a paint chip, dust, or soil sample in accordance with the procedures contained in this chapter shall be accredited by the Department as a lead paint inspector technician, visual inspector, or risk assessor and employed by a Department-accredited contractor.*

C. [All samples collected shall be analyzed by a laboratory recognized by EPA under §405 (B) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, or soil samples] *A lead paint inspector technician, visual inspector, or risk assessor shall submit a collected sample for analysis to a laboratory:*

(1) *Recognized by the U.S. Environmental Protection Agency under 15 U.S.C. §2685(b) as accredited under the National Lead Laboratory Accreditation Program; and*

(2) *That demonstrates it can achieve a quantitation limit equal to or less than:*

(a) *20 percent of the lowest level of lead content in paint that constitutes a lead-containing substance, as stated in COMAR 26.16.01.02B;*

(b) *20 percent of the lowest action level or regulatory limit for lead content in soil established under 40 CFR §745.65(c) or a more stringent standard published by the Department; or*

(c) *50 percent of the lowest level of lead content in dust that constitutes lead-contaminated dust, as stated in COMAR 26.16.02.02B.*

26.16.08 Environmental Investigations

Authority: Environment Article, §§6-304, 6-305, 6-801, 6-819, 6-846, and 6-1001—6-1005, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to establish the:

A. *Procedures and technical standards for conducting an environmental investigation; and*

B. *Job performance standards for a Department-accredited lead paint risk assessor conducting an environmental investigation.*

.02 Scope.

A. *This chapter applies to an environmental investigation performed pursuant to Environment Article, §6-305, Annotated Code of Maryland.*

B. This chapter does not apply to the performance of a lead paint abatement service other than an environmental investigation required under Environment Article, §6-305, Annotated Code of Maryland.

.03 Definitions.

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

B. Terms Defined.

(1) "Accredited" has the meaning stated in COMAR 26.16.02.02B.

(2) "Affected property" has the meaning stated in Environment Article, §6-801(b), Annotated Code of Maryland.

(3) "ASTM" means the American Society for Testing and Materials.

(4) "Blood lead level (BLL)" means a measurement of the amount of lead in blood, usually measured in micrograms per deciliter.

(5) "Caregiver" means a parent, a guardian, or another person that is legally responsible for the wellbeing of a pregnant woman younger than 18 years old or a child.

(6) "Child" means an individual younger than 6 years old.

(7) "Child care center" has the meaning stated in COMAR 13A.16.01.02B.

(8) "Defect" means the presence of:

(a) Chipping, peeling, or flaking paint on an interior or exterior surface of an affected property; or

(b) A structural defect causing chipping, peeling, or flaking paint in an affected property.

(9) "Deteriorated paint" means chipping, peeling, or flaking paint on:

(a) A painted interior or exterior surface of a property; or

(b) Any other accessible painted surface.

(10) "Drip line" means the area of land directly beneath the edge of a roof.

(11) "Elevated blood lead (EBL)" has the meaning stated in Environment Article, §6-801(f), Annotated Code of Maryland.

(12) Environmental Investigation.

(a) "Environmental investigation" means an investigation performed by a Department-accredited lead paint risk assessor to identify one or more lead hazards for a child or pregnant woman diagnosed with EBL.

(b) "Environmental investigation" includes the:

(i) Administration of an environmental questionnaire, a visual inspection, and the collection of environmental samples during an on-site assessment of a property;

(ii) Analysis of the results from an on-site assessment and environmental sampling; and

(iii) Performance of case management by the Department or a local health department pursuant to Environment Article, §6-304, Annotated Code of Maryland.

(13) "Environmental questionnaire" means a questionnaire administered by a Department-accredited lead paint risk assessor during an environmental investigation to identify one or more lead exposure risk factors that may have contributed to a child's or pregnant woman's EBL.

(14) "Environmental sampling" means the collection and analysis of paint chip, dust, or soil samples, or samples from other media as appropriate, to identify the presence of a lead hazard, performed in accordance with the applicable sampling requirements and technical standards described under Regulations .06 and .07 of this chapter.

(15) Friction Surface.

(a) "Friction surface" means an interior or exterior surface subject to abrasion or friction.

(b) "Friction surface" may include, but is not limited to, a window sash, a stair tread, or another surface subject to abrasion or friction.

(16) "HUD Guidelines" means the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition, July, 2012.

(17) Impact Surface.

(a) "Impact surface" means an interior or exterior surface subject to damage by repeated impact or contact.

(b) "Impact surface" may include, but is not limited to, a door frame, a surface that makes contact with a knob or handle, or another surface subject to damage by repeated impact or contact.

(18) "International Organization for Standardization/International Electrotechnical Commission (ISO/IEC)" means a technical standard governed by both the ISO and IEC.

(19) Lead Hazard.

(a) "Lead hazard" means a source of lead on an accessible surface or media in which exposure of a child or pregnant woman to the source would result in adverse human health effects.

(b) "Lead hazard" includes, but is not limited to:

(i) Lead-based paint as defined under COMAR 26.16.02.02B, if the lead-based paint is present on, or within a layer of, a surface with deteriorated paint or a defect, an impact or friction surface, or a chewable surface with evidence of teeth marks;

(ii) A lead-containing substance as defined under COMAR 26.16.01.02B, if the lead-containing substance is present on an impact or friction surface, or chewable surface with evidence of teeth marks;

(iii) Lead-contaminated dust as defined under COMAR 26.16.02.02B; or

(iv) Other sources of lead as identified in the HUD Guidelines, Chapter 16: Investigation and Treatment of Dwellings that House Children with Elevated Blood Lead Levels, or by the Department.

(20) "Notice of Defect" means a written notice provided by a tenant, or another source, to the owner of an affected property notifying the owner of a defect in the affected property, as authorized under Environment Article, §6-819, Annotated Code of Maryland.

(21) "Primary residence" means a residential property where a child or pregnant woman with EBL resides.

(22) "Quantitation limit" has the meaning stated in COMAR 26.02.07.02B.

(23) "Reference level" means:

(a) 5 micrograms per deciliter; or

(b) Beginning 1 year after the date that the Centers for Disease Control and Prevention revises the blood lead reference level until 1 year after a subsequent revision, the revised blood lead reference level as determined by the Centers for Disease Control and Prevention.

(24) Secondary Property.

(a) "Secondary property" means a property, other than a child's or pregnant woman's primary residence, where the child or pregnant woman with EBL spends at least 24 hours per week.

(b) "Secondary property" includes a child care center or a family member's residence.

(25) "Secondary source" means a lead exposure risk that is not derived from a painted surface or structural component of a property, including, but not limited to:

(a) Tap water;

(b) A toy, jewelry, or ceramic foodware;

(c) An imported cosmetic, such as, but not limited to, a product identified in Table 16.4 of the HUD Guidelines, Chapter 16: Investigation and Treatment of Dwellings that House Children with Elevated Blood Lead Levels;

- (d) A traditional medicine or remedy; or
- (e) A food item.
- (26) "XRF" has the meaning stated in COMAR 26.16.01.02B.

.04 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference:

- (1) General requirements for the competence of testing and calibration laboratories (ISO/IEC 17025:2017(E));
- (2) The U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Second Edition, July, 2012), Chapter 16: Investigation and Treatment of Dwellings that House Children with Elevated Blood Lead Levels;
- (3) Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for Subsequent Lead Determination (ASTM Standard E1728/E1728M-20, 2020 Edition);
- (4) Standard Practice for Field Collection of Dried Paint Samples for Subsequent Lead Determination (ASTM E1729-16, 2016 Edition); and
- (5) Standard Practice for Field Collection of Soil Samples for Subsequent Lead Determination (ASTM E1727-16, 2016 Edition).

B. The document incorporated by reference in §A(2) of this regulation will be referred to in this chapter as HUD Guidelines, Chapter 16.

.05 Scheduling an Environmental Investigation.

A. Pursuant to Environment Article, §6-304, Annotated Code of Maryland, after the receipt by the Department of a blood lead level test result that diagnoses a child or pregnant woman with EBL, the Department or local health department shall:

- (1) Not more than 10 business days after the receipt of the blood lead level test result, provide notification of the EBL level to:
 - (a) The caregiver of the child or the pregnant woman; and
 - (b) If the child or pregnant woman resides at a property not owned by the caregiver or pregnant woman, the owner of the property where the child or pregnant woman resides; and
- (2) Except as otherwise provided in §D of this regulation, contact the caregiver or pregnant woman to schedule the on-site assessment portion of the environmental investigation.

B. The lead paint risk assessor or local health department representative:

- (1) Shall schedule an on-site assessment for the primary residence of the child or pregnant woman diagnosed with EBL in accordance with the procedures under §C of this regulation; and
- (2) If determined necessary by the lead paint risk assessor while conducting the environmental investigation, may schedule an on-site assessment for a secondary property through coordination with the caregiver or pregnant woman.

C. Procedures for Scheduling an On-Site Assessment.

- (1) The on-site assessment of a primary residence may be scheduled by the lead paint risk assessor or local health department representative in coordination with a local health department representative's home visit.
- (2) The lead paint risk assessor or local health department representative shall make at least two attempts to contact the caregiver or pregnant woman by telephone to schedule an on-site assessment.
- (3) If the lead paint risk assessor or local health department representative is unable to establish contact with the caregiver or pregnant woman in accordance with §C(2) of this regulation, the lead paint risk assessor or local health department representative shall mail a letter through first-class mail to the caregiver or pregnant woman.

(4) The lead paint risk assessor or local health department representative shall include, at a minimum, all of the following information in the letter required under §C(3) of this regulation:

- (a) The lead paint risk assessor's or local health department representative's intention to schedule an on-site assessment of the primary residence of the child or pregnant woman with EBL;
- (b) Notice that the letter constitutes the final attempt by the lead paint risk assessor or local health department representative to schedule the on-site assessment of the primary residence;
- (c) The latest calendar date that the caregiver or pregnant woman may contact the lead paint risk assessor or local health department representative to schedule an on-site assessment of the primary residence;
- (d) Notice that failure to contact the lead paint risk assessor or local health department representative to schedule an on-site assessment of the primary residence may result in the child's or pregnant woman's case being closed by the Department or local health department without an environmental investigation; and
- (e) If the child or pregnant woman is known or believed by the Department or local health department to reside at an affected property, information regarding the tenant's rights under Environment Article, §§6-815 and 6-819, Annotated Code of Maryland.

D. Failure to Schedule an On-Site Assessment.

- (1) If the caregiver or pregnant woman does not respond to the attempts to schedule the on-site assessment of a primary residence made in accordance with §C of this regulation, the Department or local health department may:
 - (a) Attempt to make contact with the caregiver or pregnant woman by coordinating with the medical provider or through other means; or
 - (b) At its discretion, close the case without conducting an environmental investigation.
- (2) If a case is closed by the Department or local health department pursuant to §D(1) of this regulation, the Department or local health department:
 - (a) If the primary residence is not owned by the caregiver or pregnant woman, shall mail a letter through first-class mail to the property owner advising that the:
 - (i) Lead paint risk assessor or local health department representative was unable to contact the caregiver or pregnant woman to schedule an on-site assessment of the property; and
 - (ii) Case has been closed by the Department or local health department without conducting an environmental investigation; and
 - (b) May reopen the case and conduct an environmental investigation upon request of the caregiver or pregnant woman.
- (3) If the lead paint risk assessor or local health department representative, in accordance with §B(2) of this regulation, is unable to schedule an on-site assessment for a secondary property, the lead paint risk assessor shall:
 - (a) Complete the environmental investigation including only the primary residence; and
 - (b) Note in the environmental investigation report that the secondary property was not assessed.

.06 Environmental Investigation Protocol.

A. Except as otherwise provided in Regulation .05D of this chapter, a lead paint risk assessor shall perform an environmental investigation in response to a child's or pregnant woman's diagnosis of EBL, as required under Environment Article, §6-305, Annotated Code of Maryland.

B. The lead paint risk assessor shall determine the year of construction for the property being investigated, which may be

accomplished by viewing the property tax records available through the State Department of Assessment and Taxation.

C. Environmental Questionnaire.

(1) The lead paint risk assessor shall complete an environmental questionnaire with the caregiver or pregnant woman during an on-site assessment of a primary residence.

(2) The lead paint risk assessor shall complete the environmental questionnaire on a form provided by the Department that is consistent with or more detailed than Form 16.1 of the HUD Guidelines, Chapter 16.

(3) The lead paint risk assessor shall use the environmental questionnaire to:

(a) Identify a potential lead hazard for a child or pregnant woman, including:

(i) Behavioral, cultural, hobby, housing, or occupational lead exposure risk factors; and

(ii) Less common sources of lead exposure as identified in Table 16.4 of the HUD Guidelines, Chapter 16;

(b) Determine the type of environmental sampling to be conducted during the on-site assessment; and

(c) Identify whether there is a secondary property that requires an on-site assessment.

D. A lead paint risk assessor shall perform a visual inspection to identify the potential presence of a lead hazard.

E. Paint Survey Analysis.

(1) A lead paint risk assessor shall perform a paint survey analysis to determine if the lead content on a painted surface meets the definition of lead-based paint under COMAR 26.16.02.02B through paint chip or XRF sampling in accordance with the requirements under Regulation .07D or E of this chapter.

(2) A lead paint risk assessor shall perform a paint survey analysis:

(a) On a painted chewable surface or suspected lead-containing substance with evidence of teeth marks;

(b) At a property constructed before 1978 if an interior or exterior painted surface has:

(i) A defect or deteriorated paint;

(ii) Intact paint and the surface is subject to friction or impact; or

(iii) Been disturbed during a recent renovation or in preparation to be repainted; or

(c) At a property constructed after 1977 on an interior or exterior painted surface that has:

(i) Deteriorated paint;

(ii) Intact paint and the surface is subject to friction or impact; or

(iii) Been identified as a potential lead hazard through the environmental questionnaire, painting history of the property, or by the lead paint risk assessor.

F. A lead paint risk assessor shall perform dust wipe sampling:

(1) To determine if the lead content in dust on a floor, window sill, or window well meets the definition of lead-contaminated dust in COMAR 26.16.02.02B;

(2) Pursuant to the protocol in the HUD Guidelines, Chapter 16;

(3) Based on information obtained by the lead paint risk assessor while conducting the environmental questionnaire and visual inspection; and

(4) In accordance with the requirements under Regulation .07C of this chapter.

G. A lead paint risk assessor shall perform composite soil sampling:

(1) On an area of bare soil at a primary residence or secondary property where a child or pregnant woman frequents, including a drip line, a play area, or another area at a property;

(2) To identify if the bare soil present at a primary residence or secondary property meets the definition of a soil-lead hazard, as defined under 40 CFR §745.65(c) or a more stringent standard published by the Department; and

(3) In accordance with the requirements under Regulation .07F of this chapter.

H. Tap Water Sampling.

(1) Tap water sampling may be performed:

(a) By a lead paint risk assessor collecting a tap water sample or through coordination with a local health department;

(b) If tap water is identified as being commonly used as drinking water or in the preparation of infant formula or food; and

(c) To determine if the lead content in tap water exceeds the action level described on page 16-14 in the HUD Guidelines, Chapter 16.

(2) If a tap water sample is collected by a lead paint risk assessor pursuant to §H(1) of this regulation, the lead paint risk assessor shall perform the tap water sampling in accordance with the requirements under Regulation .07G of this chapter.

I. A lead paint risk assessor may perform additional environmental sampling of a secondary source:

(1) With the permission of the caregiver or pregnant woman;

(2) If identified as a potential source of lead exposure by the lead paint risk assessor;

(3) To determine if the lead content in the secondary source meets the definition of a lead hazard under Regulation .02B of this chapter; and

(4) In accordance with the requirements under Regulation .07H of this chapter.

J. A lead paint risk assessor shall interpret the results of environmental sampling performed during an environmental investigation.

.07 Technical Standards for Environmental Sampling.

A. A lead paint risk assessor shall perform environmental sampling in accordance with the technical standards and environmental sampling requirements set forth in this regulation.

B. A lead paint risk assessor shall submit a paint chip, soil, or dust wipe sample for analysis to a laboratory:

(1) Recognized by the U.S. Environmental Protection Agency under 15 U.S.C. §2685(b) as accredited under the National Laboratory Accreditation Program; and

(2) That demonstrates it can achieve a quantitation limit equal to or less than:

(a) 20 percent of the lowest level of lead content in paint that constitutes a lead-containing substance, as stated in COMAR 26.16.01.02B;

(b) 20 percent of the lowest action level or regulatory limit for lead content in soil established under 40 CFR §745.65(c) or a more stringent standard published by the Department; or

(c) 50 percent of the lowest level of lead content in dust that constitutes lead-contaminated dust, as stated in COMAR 26.16.02.02B.

C. A lead paint risk assessor shall perform dust wipe sampling in accordance with the ASTM E1728/E1728M-20 standard.

D. A lead paint risk assessor shall perform XRF sampling on a painted surface using a calibrated instrument in accordance with COMAR 26.16.05.06B and the ISO/IEC 17025:2017(E) standard.

E. A lead paint risk assessor shall perform paint chip sampling:

(1) Only on a surface with deteriorated paint or a defect, or other painted surface as determined necessary by the lead paint risk assessor;

(2) After a dust wipe sample is collected to prevent cross-contamination of dust present on a surface near the area where the paint chip was sampled; and

(3) In accordance with the ASTM E1729-16 standard and COMAR 26.16.05.06C.

F. A lead paint risk assessor shall perform composite soil sampling in accordance with the ASTM E1727-16 standard.

G. If a tap water sample is collected by a lead paint risk assessor, the lead paint risk assessor shall submit the tap water sample to a laboratory certified by the Department to analyze drinking water samples for lead.

H. A lead paint risk assessor shall perform the sampling of a secondary source using:

(1) An environmental sampling method appropriate to detect lead content in the secondary source; or

(2) XRF sampling, using a calibrated instrument in accordance with COMAR 26.16.05.06B and the ISO/IEC 17025:2017(E) standard.

.08 Environmental Investigation Report.

A. Pursuant to the provisions of Environment Article, §6-819, Annotated Code of Maryland, if the property being investigated is an affected property with a defect observed during an on-site assessment:

(1) The lead paint risk assessor shall issue a Notice of Defect to the owner of the affected property; and

(2) The property owner shall satisfy the modified risk reduction standard within 30 days of receiving the Notice of Defect from the lead paint risk assessor.

B. A lead paint risk assessor shall prepare an environmental investigation report that includes the following information:

(1) Identification of lead hazards in the property subject to the environmental investigation;

(2) Recommendations of immediate actions the caregiver, pregnant woman, or property owner can take to reduce the child's or pregnant woman's further exposure to lead; and

(3) Recommendations designed to eliminate a child's or pregnant woman's exposure to lead through:

(a) One or more lead hazard reduction treatments or an abatement performed by a lead paint abatement services provider accredited by the Department under COMAR 26.16.01, and in accordance with the abatement of lead-containing substances protocols under COMAR 26.02.07; or

(b) Discontinued use of a secondary source that poses a lead hazard to the child or pregnant woman.

C. The lead paint risk assessor shall provide a copy of the environmental investigation report to:

(1) The caregiver or pregnant woman;

(2) If different than the caregiver or pregnant woman, the owner of the property subject to the environmental investigation; and

(3) At the discretion of the Department or local health department, the health officer in the county where the environmental investigation was performed.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 29
DEPARTMENT OF STATE
POLICE
Subtitle 06 FIRE PREVENTION
COMMISSION

29.06.01 Fire Prevention Code

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

Notice of Proposed Action

[20-084-P]

The Secretary of State Police proposes to amend Regulation .09 under **COMAR 29.06.01 Fire Prevention Code**.

Statement of Purpose

The purpose of this action is to correct an oversight in the Fire Prevention Code to allow the enforcement of Sections 11.2 and 11.3 of NFPA 495 Explosive Materials Code (2013 edition), a national standard adopted by reference under the Fire Prevention Code. These sections deal with ground vibration and air overpressure requirements related to blasting operations. Similar requirements were previously enforced under COMAR 29.06.01.10A and 29.06.01.10B which were deleted from the Fire Prevention Code effective October 7, 2019, in an effort to conform to nationally recognized industry standards.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heidi Ritchie, Secretary, Fire Prevention Commission, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740, or call 877-890-0199, or email to msp.sfpc@maryland.gov, or fax to 301-766-3889. Comments will be accepted through May 26, 2020. A public hearing will be held on a date yet to be determined.

.09 Fireworks and Explosive Materials.

A.—D. (text unchanged)

E. Amend Subsection 65.9.1 reference to NFPA 495 as follows:

[(1) Delete Sections 11.2 and 11.3.]

[(2)] (1)—[(3)] (2) (text unchanged)

F. (text unchanged)

WILLIAM M. PALLOZZI
Secretary of State Police

Special Documents

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

NOTICE

Maryland State Lottery and Gaming Control Agency hereby modifies the amount of time within which a holder of a winning lottery ticket can claim a prize. Present statutes and regulations require a holder of a winning ticket to claim their prize within 182 days after the date of the drawing, the date of sale of a Fast Play game ticket, or the announced end of an instant ticket. State Government Article § 9-122(f)(1), Annotated Code of Md.; Code of Maryland Regulations (“COMAR”) 36.02.03.06F, 36.02.04.02C, and 36.02.07.01.

This notice is given by Gordon Medenica, Director of the Maryland Lottery and Gaming Control Agency, acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020, proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 12, 2020, entitled “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements,” as it may be amended from time to time, after a finding by the Director that the actions described herein will not endanger the public health, welfare, or safety, and notification to the Governor.

The holder of any winning ticket whose claiming period will expire during the state of emergency has until 30 days after the state of emergency has been terminated and rescinded to claim their winning prize. The effect of any statute, rule, or regulation inconsistent with the foregoing is hereby suspended during this time period. If the 30th day after the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded fall on a day when State offices are closed, such as a weekend or holiday, the holder must submit their claim NO LATER THAN THE DAY BEFORE THE DAY WHEN STATE OFFICES ARE CLOSED.

This Notice is effective immediately and shall remain in effect until 30 days after the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.

GORDON MEDENICA
Director
Maryland Lottery and Gaming

[20-09-13]

OFFICE OF THE SECRETARY OF STATE

IN-PERSON NOTARIZATION REQUIREMENT WAIVER GUIDANCE UPDATED APRIL 10, 2020

Effective March 30th, Governor Hogan ordered the in-person requirement for notarizing documents in Maryland is **temporarily waived for the duration of the COVID-19 emergency**, subject to guidance provided by Secretary of State John C. Wobensmith.

The Governor’s Emergency Order No. 20-03-30-04 authorizes remote notarizations and the Secretary of State’s temporary guidance issued March 30, 2020 and as amended April 10, 2020. The contents of this document are **temporary guidelines that apply during the emergency waiver of the in-person requirement**. All other requirements for performing notarial acts are in full force and effect.

YOU MUST DO THESE THINGS TO PERFORM A REMOTE NOTARIZATION:

- **You must be a current notary in good standing.**
- **You must notify the Office of the Secretary of State of your intent to use remote notarizations**
- **You must identify the communications technology vendor you will use and confirm that the vendor allows you to, in real time, (1) view the remotely located individual and (2) compare for consistency the information and photos presented as identification credentials.**
- **For each notarial act conducted remotely, you must create and retain an audio-visual recording of the performance of the notarial act.**
- **For each notarial act conducted remotely, you must note on the notarial certification and in your notary log or journal that the notarial act was performed for a remotely located individual using communications technology.**
- **You may NOT charge more than \$4 for each remote online notarial act using communication technology, which is the same fee that may be charged when performing an in person notarial act. The \$4 fee is the maximum fee that the Secretary of State may allow for an original notarial act as set forth in Section 18-112, State Government Article, Annotated Code of Maryland.**

PLEASE NOTE THE FOLLOWING BEFORE YOU BEGIN TO PERFORM REMOTE NOTARIZATIONS:

1. The Governor’s Order is a temporary waiver of the in-person requirement, which is a significant change to notarization practice in Maryland.
2. The Secretary of State recommends you use a communications technology vendor designed for the purpose of facilitating remote notarizations, and some are listed further down in this guidance. For additional guidance on this purpose-designed technology, you may wish to review the information made available by the National Notary Association <https://www.nationalnotary.org/> or other professional membership associations.
3. The Secretary of State recommends that if you do select a communications technology vendor that is primarily designed for video-conferencing, it is your responsibility to make sure that all of the communications features are secured. Currently, Zoom cannot be used because of

security concerns. If a notary uses a communication technology platform primarily designed for video-conferencing, the vendor must be a United States company that has been lawfully operating in the United States for at least three years. The platform must permit the notary to meet all of the requirements in the Governor's Order, including but not limited to the following:

- a. The notary must ensure the audio-visual communication used to witness the signing of the document is recorded and retained;
 - b. After signing the document, the signer must immediately transmit the signed document to the notary;
 - c. Upon receiving the document, the notary must immediately complete the notarization, indicating on the 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; and
 - d. Upon completing the notarization, the notary must immediately transmit the notarized document back to the signer.
4. The Governor's Order requires advance notification to be provided to the Secretary of State <https://sos.state.md.us/Pages/default.aspx> before performing any remote notarial acts, and you must identify the vendor. The notification form can be found at: <https://sos.maryland.gov/Notary/Pages/default.aspx>. You must submit the form, and a copy of your current notary commission, via email to: remotenotary.sos@maryland.gov.
5. Remember that you are the professional, and it is your legal responsibility to perform notarizations correctly under the law, so be certain you have read and understand all of the legal requirements under both the existing notary statute found and the provisions added by the emergency order issued by the Governor. The existing notary statute and regulations can be found in the [Maryland Notary Handbook](#) and the Governor's Order can be found [here](#).
6. Questions may be emailed to the Secretary of State at: remotenotary.sos@maryland.gov.

Remote Notary FAQs:

Is a notary still allowed to perform in-person notarizations?

Yes, notaries public can still perform notarial acts in person during the state of emergency but should use their best judgement on whether the notarial act is considered essential and abide by social distancing, CDC and MDH guidance in the conduct of any essential notarial services. Additional guidance for performing in person notarization amid this current public health crisis can be found here: <https://www.nationalnotary.org/notary-bulletin/blog/2020/03/notaries-precautions-coronavirus>.

Does the Office of the Secretary of State have a list of communication technology vendors?

The Secretary of State recommends you contact your local professional associations for information regarding communication technology vendors, such as the

National Notary Association <https://www.nationalnotary.org/>
 Maryland Bankers Association: <https://www.mdbankers.com/>
 Maryland Realtors Association: <https://www.mdrealtor.org/>
 Maryland Land Title Association: <https://www.mdlda.org/>

The list of vendors found below provide communication technology specifically designed to perform remote notarizations. The list is not intended to be an all-inclusive or comprehensive list, nor is it an endorsement of any vendor, nor is it any particular order.

- [DocVerify](#)
- [LenderClose](#)
- [Notarize](#)
- [NotaryCam](#)
- [Pavaso](#)
- [Safedocs](#)
- [SIGNiX](#)
- [World Wide Notary](#)

Other platforms that are not specifically designed for remote notarizations that notaries may choose to consider include:

- [Go To Meeting](#)
- [Microsoft Team](#)
- [Google Meet](#)
- [Skype](#)

Does the Secretary of State endorse a specific commercial brand of communication technology?

No, the Secretary of State does not endorse a specific commercial brand of communication technology platform. We mention brands as a potential that meets the criteria under these emergency conditions. The specific brand and platform you choose must of course adhere to the provided guidelines. As a Notary Public you must make sure that the platform you recommend to the SOS for your use meets or exceeds the guidelines. This is for your protection and the protection of our citizens.

Why can't I use Zoom?

The Maryland Department of Information Technology and Federal authorities informed the Office of the Secretary of State that they have determined that Zoom is not secure at this time and therefore, **Zoom is not an allowable platform at this time.**

Can I charge more than a \$4 notary fee to cover my communication technology vendor costs?

No, \$4 is the fee that may be charged under Maryland law. The \$4 fee is the maximum fee that the Secretary of State may allow for an original notarial act as set forth in Section 18-112, State Government Article, Maryland Annotated Code.

[20-09-15]

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.

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: May 20, 2020, 3 — 6 p.m.
Place: 108 Severn Ave., Annapolis, MD
Contact: Sarah Higgins (410) 974-2941
 [20-09-02]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: May 8, 2020, 10 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The public is welcome to attend the General Session meetings. The meetings are held the second Friday of each month on the first floor of the Metro Executive Building.
 There are no meetings in August and November.
Contact: Gwendolyn Joyner (410) 764-5996
 [20-09-16]

STATE COLLECTION AGENCY LICENSING BOARD

Subject: Public Meeting
Date and Time: May 11, 2020, 2 — 3 p.m.
Place: Via videoconference, see details 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/col_lagboard.shtml, prior to the meeting.
Contact: Devki Dave (410) 230-6019
 [20-09-24]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: May 21, 2020, 10 a.m. — 12 p.m.
Place: 4201 Patterson Ave., Rm. 106, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
 [20-09-09]

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: May 7, 2020, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly the 1st Thursday of each month.
Contact: E. Fremont Magee (410) 706-8531
 [20-09-07]

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 and 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.marylandpdquestions@maryland.gov
Contact: Shawn Singh (410) 767-6896
 [20-09-06]

MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: May 18, 2020, 1 — 3 p.m.
Place: MDH, 201 West Preston St., Conf. Rm. L3, Baltimore, MD
Contact: Kimberly Hiner (410) 767-2301
 [20-09-04]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing
Date and Time: May 13, 2020, 9 a.m. — 12 p.m.
Place: Via teleconference, see details below
Add'l. Info: The Maryland Insurance Administration will conduct a public hearing on specific rate increase requests being made by certain Long-Term Care Insurance carriers operating in Maryland. The hearing will focus on several rate increase requests before the Maryland Insurance Administration. In the individual long-term care market, these include requests from Berkshire Life Insurance Company of America, Brighthouse Life Insurance Company, Continental Casualty Company, MedAmerica Insurance Company and Bankers Life and Casualty Company. The purpose of the hearing is for insurance company officials to explain their reasons for the rate increases. Interested stakeholders will also have the opportunity to provide comments at the hearing. Prior to the hearing, copies of each company's actuarial memorandum will be posted to the Maryland Insurance Administration's website.

Pursuant to Executive Order of the Governor of the State of Maryland on Prohibiting Large Gatherings and Events, issued March 5, 2020, to protect the public health, safety, and welfare, the hearing will be held via conference call.

Conference Call Line: Number: 650-781-1476; Code: 684075374#

Information about the Maryland Relay Service can be found at doit.maryland.gov/mdrelay.

If you will be dialing into the public hearing, and wish to provide oral testimony, please RSVP to Nancy Muehlberger. Testimony will only be heard via the telephone to those who have RSVP'd in advance of the public hearing. Written comments and RSVPs should be sent to Nancy Muehlberger by May 6, 2020, either by email to longtermcare.mia@maryland.gov or by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or by fax to 410-468-2038.

Any questions regarding this matter should be directed to Nancy Muehlberger, Actuarial Analyst, by May 6, 2020, by email

GENERAL NOTICES

498

to Nancy.Muehlberger@maryland.gov. For more information on the hearing please see the following link:

<https://insurance.maryland.gov/Consumer/Pages/Long-Term-Care-Hearing-May-13-2020.aspx>

Contact: Adam Zimmerman (410) 468-2048

[20-09-12]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting

Date and Time: May 14, 2020, 10 a.m.

Place: Via teleconference, see details below

Add'l. Info: To Property and Casualty Insurance Companies and All Interested Parties:

In preparation for the 2020 hurricane season, Maryland Insurance Commissioner Al Redmer, Jr. will hold a WebEx Event on Thursday, May 14, 2020, at 10 a.m.

Event address for attendees:
<https://marylandinsurance.webex.com/marylandinsurance/onstage/g.php?MTID=ec3fc a942fdd40bdd89a9d5bc111b035f>

Event number: 479 575 473

Event password: W69VjUevM4M

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

Phone number: 1-415-655-0001

Access code: 479 575 473

If you have any questions, you may contact Joy Hatchette at joy.hatchette@maryland.gov or at 410-468-2029.

Contact: Joy Hatchette (410) 468-2029

[20-09-05]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: May 21, 2020, 1 p.m.

Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3570

[20-09-01]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting

Date and Time: May 21, 2020, 10 a.m. — 2 p.m.

Place: Wye Island NRMA — Main Cabin, 632 Wye Island Rd., Queenstown, MD

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

Contact: Dee Settar (410) 537-4162

[20-09-10]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: May 14, 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

[20-09-03]

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| Forest Conservation Law (2019)                                     | \$15        | \$5   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997 | \$20        | \$8   | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (green cover)        | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012) (including binder)          | \$48        | \$12  | _____    | _____ |
| Child Care Regulations (13A.15 – 13A.18) opt. binder addl. \$15    | \$34        | incl. | _____    | _____ |
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| After September 30 <sup>th</sup> |                                 |
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| <b>Title 04</b>                            | Department of General Services                                   | \$16               | \$10                      |               |       |
| <b>Title 05</b>                            | Department of Housing and Community Development                  | \$78               | \$50                      |               |       |
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| <b>Title 08</b>                            | Department of Natural Resources                                  | \$78               | \$51                      |               |       |
| <b>Title 09</b>                            | Maryland Department of Labor                                     | \$89               | \$60                      |               |       |
| <b>Title 10</b>                            | Maryland Department of Health (All parts) **                     | \$272              | \$180                     |               |       |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      |               |       |
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| <b>Title 13B</b>                           | Maryland Higher Education Commission                             | \$25               | \$15                      |               |       |
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| <b>Title 15</b>                            | Maryland Department of Agriculture                               | \$48               | \$30                      |               |       |
| <b>Title 16</b>                            | Department of Juvenile Services                                  | \$23               | \$15                      |               |       |
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| <b>Title 18</b>                            | Department of Assessments and Taxation                           | \$20               | \$12                      |               |       |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      |               |       |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      |               |       |
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| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      |               |       |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      |               |       |
| <b>Title 24</b>                            | Department of Commerce                                           | \$34               | \$20                      |               |       |
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| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18               | \$10                      |               |       |
| <b>Title 28</b>                            | Office of Administrative Hearings                                | \$16               | \$9                       |               |       |
| <b>Title 29</b>                            | Maryland State Police                                            | \$30               | \$18                      |               |       |
| <b>Title 30</b>                            | MD Institute for Emergency Medical Services Systems (MIEMSS)     | \$25               | \$17                      |               |       |
| <b>Title 31</b>                            | Maryland Insurance Administration                                | \$68               | \$45                      |               |       |
| <b>Title 32</b>                            | Department of Aging                                              | \$25               | \$15                      |               |       |
| <b>Title 33</b>                            | State Board of Elections                                         | \$42               | \$25                      |               |       |
| <b>Title 34</b>                            | Department of Planning                                           | \$31               | \$18                      |               |       |
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## Title 10 Maryland Department of Health

### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

### Part 2

- 09 Medical Care Programs

### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program Profess.
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services
- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners
- 66 Office of the Inspector General
- 67 Maryland HealthChoice Program
- 68 Community Health Workers

## Title 11 Department of Transportation

### Part 1

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Maryland Transit Administration
- 07 Maryland Transportation Authority
- 08 State Rail Safety Oversight
- 09 Vacant
- 10 Vacant

### Part 2

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
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- 22 MVA – Preventive Maintenance Program
- 23 MVA – Drivers' Schools, Instructors & Driver Education Program

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### Part 1

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- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

### Part 2

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
- 21 Mining
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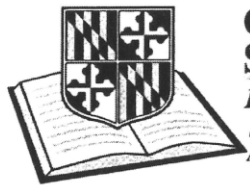
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