

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before June 15, 2020, 5 p.m.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 June 15, 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.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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The Governor

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND NUMBER 20-06-19-01—Amending and Restating the Order of March 12, 2020, Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements	669
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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			
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

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.

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

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

** Note closing date changes.

*** Note issue date changes.

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR).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

Table of Pending Proposals

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

03 COMPTROLLER OF THE TREASURY

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

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)

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

08 DEPARTMENT OF NATURAL RESOURCES

08.03.01.01 • 47:12 Md. R. 599 (6-5-20)

08.03.03.03—05,.07,.08 • 47:12 Md. R. 600 (6-5-20)

08.03.04.05 • 47:12 Md. R. 608 (6-5-20)

08.03.05.03 • 47:13 Md. R. 645 (6-19-20)

08.03.05.05 • 47:13 Md. R. 645 (6-19-20)

08.03.07.10 • 47:13 Md. R. 646 (6-19-20)

08.03.13.04,.05 • 47:13 Md. R. 647 (6-19-20)

09 MARYLAND DEPARTMENT OF LABOR

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

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

09.12.21.02 • 47:12 Md. R. 609 (6-5-20)

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

09.23.06.15 • 47:10 Md. R. 527 (5-8-20)

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

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

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)

Subtitles 10 — 22 (3rd Volume)

10.12.06.01—10 • 47:1 Md. R. 24 (1-3-20)

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)

10.22.17.06—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)

10.29.03.01—08 • 46:22 Md. R. 999 (10-25-19)

Subtitles 37—68 (5th Volume)

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)

10.54.03.03,.04,.06—16,.18 • 47:4 Md. R. 268 (2-14-20)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

11.07.07.02,.06,.09 • 47:11 Md. R. 562 (5-22-20)

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.03.02.02,.03,.06—10,.12 • 46:24 Md. R. 1108 (11-22-19)

13A.04.08.01 • 47:11 Md. R. 563 (5-22-20)

13A.07.14.01—06 • 47:14 Md. R. 678 (7-6-20)

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13A.08.01.01 • 47:14 Md. R. 681 (7-6-20)
13A.08.02.01 • 47:14 Md. R. 681 (7-6-20) (ibr)
13A.12.01.14 • 47:13 Md. R. 647 (6-19-20)

34 DEPARTMENT OF PLANNING

34.04.07.02,,03,,05,,06 • 47:14 Md. R. 691 (7-6-20)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.08.10.02 • 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)
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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

15.01.17.01—,19 • 47:14 Md. R. 681 (7-6-20)
15.20.04.13,,14 • 47:3 Md. R. 224 (1-31-20)
15.20.05.01—,16 • 47:13 Md. R. 648 (6-19-20)
15.20.07.03,,06—,08 • 47:3 Md. R. 225 (1-31-20)

21 STATE PROCUREMENT REGULATIONS

21.10.05.05,,06 • 47:13 Md. R. 654 (6-19-20)
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21.11.13.01—,11 • 47:14 Md. R. 689 (7-6-20)
21.11.14.01—,10 • 47:14 Md. R. 689 (7-6-20)
21.11.15.01—,03 • 47:14 Md. R. 689 (7-6-20)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

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

28 OFFICE OF ADMINISTRATIVE HEARINGS

28.03.01.06 • 47:13 Md. R. 656 (6-19-20)

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)

30.02.02.13 • 47:13 Md. R. 656 (6-19-20)
47:14 Md. R. 694 (7-6-20) (err)

31 MARYLAND INSURANCE ADMINISTRATION

31.09.02.11 • 47:8 Md. R. 447 (4-10-20)

32 MARYLAND DEPARTMENT OF AGING

32.03.03.01—,03,,05,,07,,08 • 47:10 Md. R. 527 (5-8-20)
32.03.05.01—,07 • 47:2 Md. R. 138 (1-17-20)

The Governor

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-06-19-01

Amending and Restating the Order of March 12, 2020, Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, May 6, 2020, and June 3, 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 U.S. Centers for Disease Control and Prevention (“CDC”) has advised employers, such as the State of Maryland, to prepare for increased employee absence and alternative working arrangements (such as teleworking) in response to an outbreak of COVID-19;

WHEREAS, Increased employee absence and alternative working arrangements within the State of Maryland’s workforce may impact the State’s ability to timely process renewals of expiring permits, licenses, registrations, and other governmental authorizations;

WHEREAS, The CDC and the Maryland Department of Health (“MDH”) recommend social distancing to reduce the spread of COVID-19;

WHEREAS, Renewal of expiring permits, licenses, registrations, and other governmental authorizations often requires the public to enter public buildings and interact with State employees and other persons, which may be contrary to prudent social distancing; and

WHEREAS, To reduce the threat to human health caused by transmission of COVID-19 in Maryland, and to protect and save lives, it is necessary and reasonable that permits, licenses, registrations, and other governmental authorizations be extended until after the state of emergency and catastrophic health emergency has ended;

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. Amendment and Restatement. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements”, is amended and restated in its entirety as set forth herein.

II. Extension of Certain Licenses, Permits, Registrations and Authorizations.

a. This Order applies to all licenses, permits, registrations, and other authorizations issued by the State of Maryland, any agency of

the State of Maryland, or any political subdivision of the State of Maryland, including, without limitation, driver’s licenses, vehicle registrations, and professional licenses (collectively, the “Covered Authorizations”), that would otherwise:

i. expire during the state of emergency and catastrophic health emergency; and

ii. be renewable during the state of emergency and catastrophic health emergency under applicable laws and regulations.

b. The expiration date of each Covered Authorization (other than Covered Authorizations excluded pursuant to paragraph II.c below) is hereby extended to the 30th day after the date by which the state of emergency is terminated and the catastrophic health emergency is rescinded.

c. The head of each unit of State or local government may opt to exclude a Covered Authorization from paragraph II.b above upon a finding that:

i. excluding the Covered Authorization from paragraph II.b is necessary to:

1. protect public health, welfare, or safety; or

2. comply with (a) any federal legal requirement; or (b) any agreement, contract, compact, decree, or order to which the unit is a party or otherwise bound; and

ii. renewal of any Covered Authorization can be accomplished in accordance with applicable guidance published by the CDC and MDH.

d. The unit head shall provide reasonable public notice of each exclusion pursuant to paragraph II.c above.

III. Suspension of Legal Time Requirements.

a. The head of each unit of State or local government may, upon a finding that the suspension will not endanger the public health, welfare, or safety, and after notification to the Governor, suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any State or local statute, rule, or regulation that it administers. The unit head shall provide reasonable public notice of any such suspension.

b. Such suspension may, at the discretion of the unit head and to the extent that it will not endanger public health, welfare, or safety, continue until no later than the 30th day after the date by which the state of emergency is terminated and the catastrophic health emergency is rescinded.

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

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

VI. 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 19th day of June, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-14-16]

Open Meetings Compliance Board

SUMMARY OF OPINIONS ISSUED FROM OCTOBER 1 — DECEMBER 31, 2019*

13 Official Opinions of the Compliance Board 54 (2019)

Handgun Permit Review Board
October 9, 2019

Topics Discussed: Agenda requirement—content, Closing Statement, Minutes—Compliance Checklist, and Summary of Closed Session.

Opinion: The OMCB found that the Review Board did not violate the agenda requirement because it did not expect to close the meeting. Alternatively, the Review Board’s closing statement and closed session summary were both insufficient.

Violations: §§3-213(d)(3), 3-305(d)(2), and 3-306(c)(2)

13 Official Opinions of the Compliance Board 58 (2019)

Calvert County Board of Commissioners
October 9, 2019

Topics Discussed: Meeting Access, and Compliance Board—Limitations of Authority.

Opinion: The Board found no violation by the County Board of Commissioners regarding the public’s access to the meeting that the County Board held on July 23, 2019 to receive public input on a new comprehensive plan for land use in the county.

Violations: none

13 Official Opinions of the Compliance Board 61 (2019)

Baltimore City Public School Board Community Panel
October 11, 2019

Topics Discussed: Meeting Agenda, Meeting Minutes, and Compliance Board Guidance.

Opinion: The Board found no violation by the Baltimore City Public School Board Community Panel regarding the availability of its meeting agenda. No conclusion was reached as to the timeliness of the production of the meeting minutes, and the Panel was advised that the public body itself is responsible for complying with the Act. The complainant was also advised that hypothetical allegations would not be addressed.

Violations: none

13 Official Opinions of the Compliance Board 65 (2019)

Howard County Board of Appeals
October 11, 2019

Topics Discussed: Meeting Minutes, and Compliance Board—Limitations of Authority.

Opinion: The OMCB found no violations by the Howard County Board of Appeals and noted that a public body is not required to audio-record meetings. The Board also provided guidance as to required elements of meeting minutes and its authority to solely address Open Meeting Act issues.

Violations: none

13 Official Opinions of the Compliance Board 67 (2019)

Frederick County Sheriff
October 21, 2019

Topics Discussed: Compliance Board Guidance.

Opinion: This complaint was dismissed by the Board following its withdrawal by the complainant. The Board also issued guidance regarding the factors considered when a complaint is withdrawn.

Violations: None. Complaint dismissed.

13 Official Opinions of the Compliance Board 68 (2019)

City of Rockville Planning Commission
November 14, 2019

Topics Discussed: Closed Session—Legal Advice, Minutes, and Closed Session Vote.

Opinion: The Board found multiple violations pertaining to the Commission’s closed meetings held on November 5, 2018 and August 7, 2019. The Commission held closed-session discussions that were outside of the ‘Legal Advice’ exception it cited for both meetings. The Commission was also found to have violated the timeliness requirements for producing meeting minutes as soon as practicable. Additionally, the Board offered guidance for notice requirements of open meetings whose sole purpose is a vote to close.

Violations: §§3-301, 3-305, 3-305(d), 3-306

13 Official Opinions of the Compliance Board 71 (2019)

Charles County Board of Education
December 4, 2019

Topics Discussed: Meeting Definition, Administrative Function Exclusion, and Quasi-Legislative Function Definition

Opinion: The OMCB found that the school board discussion on June 13, 2019 did not fall within the scope of the Act and thus did not violate the Act. The OMCB also offered guidance on the administrative function, and quasi -legislative Function exclusions to the Act.

Violations: none

13 Official Opinions of the Compliance Board 73 (2019)

Baltimore County School Board Nominating Commission
December 12, 2019

Topics Discussed: Meeting Definition.

Opinion: The OMCB found no violations of the act by the Baltimore County School Board Nominating Commission. Email communications from public body’s chair to members, without any interaction or discussion of public business, were determined not to be a meeting.

Violations: none

* The Compliance Board’s opinions are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>. Statutory references are to the General Provisions Article of the Maryland Annotated Code.

[20-14-07]

SUMMARY OF OPINIONS ISSUED FROM JANUARY 1 — MARCH 31, 2020*

14 Official Opinions of the Compliance Board 01 (2020)

Talbot County Department of Roads; Economic Development and Tourism; and Parks and Recreation
January 8, 2020

Topics Discussed: Public Body Definition, Compliance Board—Limitations of Authority

Opinion: The Board determined that meetings hosted by county departments and held between county employees and consultants were not meetings of a public body. The Board also provided guidance as to its authority to solely address Open Meetings Act issues.

Violations: None. Complaint Dismissed.

14 Official Opinions of the Compliance Board 03 (2020)

Howard County Board of Appeals
January 8, 2020

Topics Discussed: Meeting Minutes

Opinion: The OMCB found violations pertaining to the Board of Appeals' failure to review and approve minutes as soon as practicable and its failure to produce minutes upon request. The OMCB advised that draft minutes are not "minutes" until adopted and are to be posted online as soon as practicable.

Violations: §3-306

14 Official Opinions of the Compliance Board 06 (2020)

The Blueprint for Maryland's Future Funding Formula Workgroup
February 3, 2020

Topics Discussed: Public Body Definition

Opinion: The Board determined that the Blueprint for Maryland's Future Funding Formula Workgroup, which was appointed jointly by the Maryland Senate President and the Maryland House of Delegates Speaker, was not a public body.

Violations: none

14 Official Opinions of the Compliance Board 08 (2020)

Baltimore County Board of Education
February 3, 2020

Topics Discussed: Administrative Function Exclusion, Meeting Notice, Meeting Minutes, and Compliance Board-Limitations of Authority

Opinion: The OMCB found that the election of its own officers by the School Board is within the Administrative Function Exclusion. Under the circumstances, it found no violation in the delay in the starting time of the and no violation of the Act's minutes requirement in the School Board's process that summarized, during its next open meeting, the "live stream" and archive video of meeting. The Board also provided guidance as to its authority to solely address Open Meetings Act issues.

Violations: none

14 Official Opinions of the Compliance Board 12 (2020)

Easton Town Council
February 3, 2020

Topics Discussed: Method of Meeting Notice, Agenda Requirement

Opinion: The Board found no violation of the Act in the Town Council's standing notice on its website for a regularly scheduled meeting, and no violation in publishing the meeting agenda one day in advance of a properly-noticed meeting.

Violations: none

14 Official Opinions of the Compliance Board 14 (2020)

Deep Creek Watershed Administrative Council
February 3, 2020

Topics Discussed: Public Body Definition

Opinion: The Board determined that the Administrative Council established by MOU between Maryland agencies and a Maryland county was not a public body.

Violations: none

14 Official Opinions of the Compliance Board 16 (2020)

Howard County Board of Education
February 14, 2020

Topics Discussed: Open Meeting Guidance, Meeting Minutes

Opinion: The OMCB provided guidance on steps to avoid violations during recesses, noting that, contrary to *Robert's Rules of Order*, recesses are not to be used as an "aid to the crystallization of

opinion." The OMCB found violations of the Act by the School Board for conducting a discussion on a pending matter during an announced recess, in the presence of a quorum. Additionally, the OMCB offered guidance that meeting minutes are to be prepared and adopted "as soon as practicable."

Violations: §§3-301 and 3-305

14 Official Opinions of the Compliance Board 19 (2020)

Queen Anne's County Housing Authority
February 18, 2020

Topics Discussed: Meeting Notice, Closing Statement, Meeting Minutes, Closed Session Summary, and Complaint Guidance

Opinion: The Board found that the Housing Authority violated the Act by not posting notice for an open meeting whose sole purpose was a vote to close. The Authority also violated the Act by not including its reason for closing in the closing statement; and failing to identify attendees or provide other required information of a meeting closed to conduct an administrative function. The Board found no violation in the preparation of meeting minutes in time for the public body's next regularly scheduled meeting and posting of minutes online "as soon as practicable." The Board also offered guidance, noting that the complaint procedure is most effective when invoked for actual interference with the right to observe the conduct of public business.

Violations: §§3-104, 3-305, 3-306

14 Official Opinions of the Compliance Board 25 (2020)

Howard County Board of Education
March 24, 2020

Topics Discussed: Meeting Access, Closed Session-Legal Advice, Closed Session-Pending or Potential Litigation, Compliance Board Practice and Limitations of Authority.

Opinion: The OMCB found no violations in the School Board's closed session decision to add to the agenda of its next open meeting an item that had arisen in a properly closed session. The OMCB also found that the closed session to receive advice on compliance with open government laws was within the "Pending or Potential Litigation" exception, and discussion with counsel about response to Open Meetings Act matter was within the "Legal Advice" exception. The OMCB also noted that it would treat sealed minutes of closed sessions as confidential and that it had no authority to address a School Board member's disclosure of information about the closed session.

Violations: None

14 Official Opinions of the Compliance Board 29 (2020)

Howard County Board of Education
March 26, 2020

Topics Discussed: Accessibility of Open Meetings

Opinion: The OMCB issued guidance about the public's right to observe and have access to public meetings with respect to text messages. It noted that an open meeting must be conducted in a manner that does not exclude public. The OMCB found that the School Board violated the Act when some of its members engaged in an undisclosed exchange of electronic messages during an open meeting on the public business it was discussing, regardless of whether it was among a quorum. It found no violation pertaining to School board member's passive receipt of unsolicited text message from non-members of the Board but cautioned against the appearance given by that conduct.

Violations: §3-301

OPEN MEETINGS COMPLIANCE BOARD

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14 Official Opinions of the Compliance Board 33 (2020)

Howard County Board of Education

March 27, 2020

Topics Discussed: Meeting Definition, Agenda Requirement, Closed Session Summary, Compliance Board-Opinions.

Opinion: The OMCB issued guidance regarding the “meeting” definition in terms of electronic communications. It determined that the School Board’s consideration of public business, via a continuous exchange of electronic communications, over a discrete time period, violated the Act. The OMCB also found that the failure of the School Board to include any summary of its closed session in the next open meeting was a violation. The OMCB found no violation regarding the contents of the School Board’s meeting agenda and found that it had insufficient information regarding another email exchange to reach a determination.

Violations: §§3-301 and 3-306(c)

* The Compliance Board’s opinions are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>. Statutory references are to the General Provisions Article of the Maryland Annotated Code.

[20-14-09]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated April 2, 2020, **JASON EVAN SKLAR** (CPF # 9206170276), 12604 Belmont Ridge Road, Reisterstown, Maryland 21136, has been disbarred by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated May 8, 2020, **CHARLES ALEX MURPHY** (CPF # 7201010139), 25820 Creek Bend Drive, Bonita Springs, Florida 34135, has been suspended, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated May 15, 2020, **DALE EDWARD ROWLAND** (CPF # 9212170099), P.O. Box 1110, College Park, Maryland 20741, has been disbarred by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated May 22, 2020, **NANCY THERESA LORD** (CPF # 9012190075), 3129 Georgia St., NE, Albuquerque, New Mexico 87110, has been temporarily suspended, effective immediately, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated May 22, 2020, **JAMES ALOYSIUS POWERS** (CPF # 9306230272), 6205 E. Halbert Road, Bethesda, Maryland 20817, has been disbarred by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated May 22, 2020, **CRAIG HARRISON LANGRALL** (CPF # 0806170146), P.O. Box 16, Tracy's Landing, Maryland 20779, has been disbarred by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 8, 2020, **ROBERT GEORGE LIPMAN** (CPF # 1212120184), 3414 Guilford Terrace, Baltimore, Maryland 21218, has been replaced upon the register of attorneys in the Court of Appeals by an Order of the Court on June 8, 2020, effective June 8, 2020. Notice of this action is certified in accordance with Maryland Rule 19-761.

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 10, 2020, **DAVID PATRICK KARDIAN** (CPF # 1312180069), 9 Old Station Road, Severna Park, Maryland 21146, has been disbarred by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated March 20, 2020, **JOSEPH C. CAPRISTO** (CPF # 8912180094), 23093 Three Notch Road, California, Maryland 20619, has been indefinitely suspended by consent, effective June 19, 2020, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[20-14-13]

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 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 Final Action

[20-087-F]

On June 11, 2020, the Secretary of Housing and Community Development adopted new Regulations **.01—****.13** under a new chapter, **COMAR 05.13.07 Business Lending Program**. This action, which was proposed for adoption in 47:9 Md. R. 477—481 (April 24, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

KENNETH C. HOLT
Secretary of Housing and Community Development

Title 07 DEPARTMENT OF HUMAN SERVICES

Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

07.03.17 Food Supplement Program

Authority: Human Services Article, §5-501, Annotated Code of Maryland

Notice of Final Action

[20-070-F]

On June 24, 2020, the Department of Human Services adopted new Regulation **.61** under **COMAR 07.03.17 Food Supplement Program**. This action, which was proposed for adoption in 47:7 Md. R. 386—387 (March 27, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

LAUREN C. GRAZIANO
Director of Government Affairs

Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

07.03.25 Critical Medical Needs Program

Authority: Human Services Article, §§5-5A-07, 5-5A-08, and 5-608, Annotated Code of Maryland
(Agency Note: Federal Regulatory Reference—45 CFR 96, Subpart H)

Notice of Final Action

[20-069-F]

On June 12, 2020, the Department of Human Services adopted new Regulations **.01—****.11** under a new chapter, **COMAR 07.03.25 Critical Medical Needs Program**. This action, which was proposed for adoption in 47:7 Md. R. 387—390 (March 27, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

LAUREN C. GRAZIANO
Director of Government Affairs

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

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

Notice of Final Action

[20-092-F]

On June 23, 2020, the Secretary of Natural Resources adopted amendments to Regulation **.20** under **COMAR 08.02.05 Fish**. This action, which was proposed for adoption in 47:10 Md. R. 522—523 (May 8, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE**08.02.05 Fish**

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

Notice of Final Action

[20-091-F]

On June 23, 2020, the Secretary of Natural Resources adopted amendments to Regulation .22 under **COMAR 08.02.05 Fish**. This action, which was proposed for adoption in 47:10 Md. R. 523—524 (May 8, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE**08.02.15 Striped Bass**

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

Notice of Final Action

[20-090-F]

On June 23, 2020, the Secretary of Natural Resources adopted amendments to Regulations .09, .10, and .12 under **COMAR 08.02.15 Striped Bass**. This action, which was proposed for adoption in 47:10 Md. R. 524—527 (May 8, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09**MARYLAND DEPARTMENT
OF LABOR****Subtitle 03 COMMISSIONER OF
FINANCIAL REGULATION****09.03.10 Credit and Other Regulation**

Authority: Business Regulation Article, §2-105; Financial Institutions Article, §§2-105.1 and 11-203; Annotated Code of Maryland

Notice of Final Action

[20-012-F]

On June 10, 2020, the Commissioner of Financial Regulation adopted new Regulation .04 under **COMAR 09.03.10 Credit and Other Regulation**. This action, which was proposed for adoption in 47:1 Md. R. 21—22 (January 3, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

ANTONIO P. SALAZAR
Commissioner of Financial Regulation

**Subtitle 12 DIVISION OF LABOR AND
INDUSTRY****09.12.01 Board of Boiler Rules**

Authority: Public Safety Article, §12-905, Annotated Code of Maryland

Notice of Final Action

[19-129]

On October 18, 2019, the Commissioner of Labor and Industry adopted amendments to Regulation .28 under **COMAR 09.12.01 Board of Boiler Rules**. This action, which was proposed for adoption in 46:15 Md. R. 663—664 (July 19, 2019), has been adopted as proposed.

Effective Date: July 16, 2020.

MATTHEW S. HELMINIAK
Commissioner Labor and Industry

**Subtitle 12 DIVISION OF LABOR AND
INDUSTRY****Notice of Final Action**

[19-254-F-I]

On June 5, 2020, the Commissioner of Labor and Industry adopted amendments to:

- (1) Regulations .01 and .02 under **COMAR 09.12.81 Elevator, Escalator, and Chairlift Safety**; and
- (2) Regulation .01 under **COMAR 09.12.83 Safety Requirements for Personnel Hoists**.

This action, which was proposed for adoption in 46:25 Md. R. 1135 (December 6, 2019), has been adopted as proposed.

Effective Date: July 16, 2020.

MATTHEW S. HELMINIAK
Commissioner Labor and Industry

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 Final Action

[20-086-F]

On June 11, 2020, the Workers' Compensation Commission adopted new Regulations .01—.03 under a new chapter, **COMAR 14.09.17 Emergency Powers of Chairman of the Commission**. This action, which was proposed for adoption in 47:9 Md. R. 482—483 (April 24, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

R. KARL AUMANN
Chairman
Workers' Compensation Commission

Title 34
DEPARTMENT OF
PLANNING

Subtitle 05 CENSUS AND
REDISTRICTING

34.05.01 Redistricting Prison Populations

Authority: *Local Government Article, §1-1307*; State Finance and Procurement Article, §§5-203, 5-301, and 5-306; *State Government Article, §2-2A-01*; Annotated Code of Maryland

Notice of Final Action

[20-094-F]

On June 23, 2020, the Secretary of Planning adopted amendments to Regulations **.01**, **.03**, and **.04** under **COMAR 34.05.01 Redistricting Prison Populations**. This action, which was proposed for adoption in 47:10 Md. R. 530—531 (May 8, 2020), has been adopted as proposed.

Effective Date: July 16, 2020.

ROBERT McCORD
Secretary of Planning

Withdrawal of Regulations

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 27 BOARD OF NURSING

10.27.01 Examination and Licensure

Authority: Health Occupations Article, §§8-205(a)(1), (2), (5), and (6), 8-701, and 8-7A-01 Article III, 6(b)(2), Annotated Code of Maryland; Chs. 281 and 282, Acts of 2013

Notice of Withdrawal

[19-127-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to amend Regulations **.01**, **.05**, and **.10** under **COMAR 10.27.01 Examination and Licensure** which was published in 46:14 Md. R. 626—627 (July 5, 2019), has been withdrawn by operation of law.

GAIL S. KLAKRING
Administrator
Division of State Documents

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 13A STATE BOARD OF EDUCATION

Subtitle 07 SCHOOL PERSONNEL

13A.07.14 *Child Sexual Abuse and Sexual Misconduct History*

Authority: Education Article, §§2-205(c) and 6-113.2, Annotated Code of Maryland

Notice of Proposed Action

[20-118-P]

The Maryland State Board of Education proposes to adopt new Regulations .01—.06 under a new chapter, **COMAR 13A.07.14 Child Sexual Abuse and Sexual Misconduct History**. This action was considered by the State Board of Education at their December 3, 2019, meeting.

Statement of Purpose

The purpose of this action is to implement Education Article, §6-113.2, Annotated Code of Maryland, and establish a process, including requirements for obtaining specific documentation, regarding whether an individual has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct,” for the hiring of public school and nonpublic school employees who have direct contact with minors. The regulation establishes a process for reporting violations and penalties, including imposing fines, and for an appeals process. This law applies to local boards of education, nonpublic schools, and contracting agencies that contract with a county board of education or nonpublic school to provide a service to a school or the students of a school.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This regulation, which is a direct response from Education Article, §6-113.2, Annotated Code of Maryland, will have a fiscal and operational impact on the Maryland State Department of Education (MSDE), local school systems, nonpublic schools, and contracting agencies that do business with Maryland schools. Due to the requirements of the statute, the MSDE will need to hire additional staff to conduct audits of local school systems, nonpublic schools, and contracting agencies hiring practices to ensure compliance with the background and reference checks of employees, as well as hire staff to manage the fines imposed on those employers who are noncompliant. Given that the regulation implements fines for those employers who do not comply, it will have a negative fiscal impact for those employers and a positive impact on the State.

Education Article, §6-113.2, Annotated Code of Maryland, requires local school systems, nonpublic schools, and/or contracting agencies to conduct a more rigorous vetting process prior to hiring individuals with direct contact with students. In addition, the law requires the MSDE to assure compliance with the requirements of H.B. 486 of 2019 for each local school system (24), each nonpublic school (1,000), and each contracting agency. The law also requires the MSDE to initiate disciplinary action against an employee, any applicant, any contracting agency, or any school administrator who does not meet the reference and background check requirements of individuals with access to students. As such, the general and fiscal impact on the MSDE will be significant. During the 2019 legislative session, the MSDE submitted a detailed fiscal analysis requesting funds to establish a new office to manage and monitor the requirements of Education Article, §6-113.2, Annotated Code of Maryland. This analysis determined that a total of 9 staff would be required to ensure fidelity (one education program supervisor, five education specialists, and three support staff).

Additionally, the law has had an impact on local school systems, nonpublic schools, and contracting agencies. While these three entities have established hiring practices which include background and reference checks, the law requires these entities to now collect specific information on all applicants that have direct access to students. In addition, the law mandates timelines for the collection and review of the required documents. As such, local school systems, nonpublic schools, and contracting agencies may need to hire additional staff if they do not have dedicated human resources staff and/or systemwide databases to meet the additional requirements.

Given the fine incorporated into the regulation, there is an anticipated increase in revenue.

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

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

A(1). Education Article 6-113.2 requires local school systems, nonpublic schools, and/or contracting agencies to conduct a more rigorous vetting process prior to hiring individuals with direct contact with students. In addition, the law requires the Maryland State Department of Education to assure compliance with the requirements of H.B. 486 of 2019 for each local school system (24), each nonpublic school (1,000) and each contracting agency. The law also requires the MSDE to initiate disciplinary action against an employee, any applicant, any contracting agency, or any school administrator who does not meet the reference and background check requirements of individuals with access to students. As such, the general and fiscal impact on the MSDE will be significant. During the 2019 legislative session, the MSDE submitted a detailed fiscal analysis requesting funds to establish a new office to manage and monitor the requirements of Education Article, §6-113.2, Annotated Code of Maryland. This analysis determined that a total of nine staff would be required to ensure fidelity (one education program supervisor, five education specialists, and three support staff).

A(2). Given that the regulations implement fines for those employers who do not comply, it will have a positive impact on the State.

C. Statute and regulations have an impact on local school systems, nonpublic schools, and contracting agencies. While these three entities have established hiring practices which include background and reference checks, the law requires these entities to now collect specific information on all applicants that have direct access to

students. In addition, the law mandates timelines for the collection and review of the required documents. As such, local school systems, nonpublic schools, and contracting agencies may need to hire additional staff if they do not have dedicated human resources staff and/or systemwide databases to meet the additional requirements. Given that the regulations implement fines, this may also contribute to the increase in expenditures for these entities.

D. Statute and regulations have an impact on local school systems, nonpublic schools, and contracting agencies. While these three entities have established hiring practices which include background and reference checks, the law requires these entities to now collect specific information on all applicants that have direct access to students. In addition, the law mandates timelines for the collection and review of the required documents. As such, local school systems, nonpublic schools, and contracting agencies may need to hire additional staff if they do not have dedicated human resources staff and/or systemwide databases to meet the additional requirements. Given that the regulations implement fines, this may also contribute to the increase in expenditures for these entities.

Economic Impact on Small Businesses

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

It is unknown how many nonpublic schools and contracting agencies are considered small businesses. As this regulation will affect all schools and contracting agencies that do business with schools, any small businesses impacted will be required to undergo the employee history review, which will take a significantly longer period of time than the running only a background check. Additionally, if a contracting agency is not able to receive the results of the history in a short enough time to provide a contractual employee, they will lose that potential business. Subsequently, it is anticipated that small schools will not be able to fill substitute and high need area positions that are often filled temporarily with contractual employees. Finally, it is anticipated that smaller businesses will be at risk of incurring fines as they may not have the human capital to respond to the employee history requests in the time frame required by the law.

Impact on Individuals with Disabilities

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

Given the extensive nature of the required employee history review process, it takes significantly longer to fill positions that have direct contact with children. Given the nature of special education, many students with disabilities require the services of paraprofessionals or specialists such as a speech pathologist or occupational therapist. Those students with services on an Individualized Education Program (IEP) may have a delay in services due to not being able to staff the required positions in a timely manner.

Opportunity for Public Comment

Comments may be sent to Sarah Spross, M.Ed., Assistant State Superintendent, Division of Educator Certification and Program Approval, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385 (TTY 410-333-6442), or email to sarah.spross@maryland.gov, or fax to 410-333-8963. Comments will be accepted through August 5, 2020. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on August 25, 2020, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.01 Scope.

This chapter establishes the general provisions to comply with the child sexual abuse and sexual misconduct background history review established by Education Article, §6-113.2, Annotated Code of Maryland. Included in the chapter are definitions, reporting violations of the general provisions, penalties for entities that fail to comply with the provisions, and the establishment of an appeals process.

.02 Definitions.

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

B. Terms Defined.

(1) "Child sexual abuse" means an act by an adult involving a minor or a student that constitutes a sexual offense under the laws of the State, or any sexual contact between an adult and a minor.

(2) "Current or former employer" means a county board, nonpublic school, or any other entity through which an individual had direct contact with minors.

(3) "Department" means the Maryland State Department of Education.

(4) "Direct contact with minors" means the possibility of care, supervision, guidance, or control of a minor or routine interaction with a minor.

(5) "Prospective employer" means a county board, nonpublic school, or contracting agency that is considering hiring an applicant for a position involving direct contact with minors.

(6) "Sexual misconduct" means an act by an adult, including an oral, nonverbal, written, or electronic communication, or a physical activity directed toward or with a minor that is designed to promote a romantic or sexual relationship with the minor, including:

- (a) Sexual or romantic invitation;
- (b) Dating or soliciting dates;
- (c) Engaging in sexualized or romantic dialogue;
- (d) Making sexually suggestive comments;
- (e) Grooming behaviors;
- (f) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature; and
- (g) A sexual, indecent, romantic, or erotic contact with the minor.

.03 General Provisions.

A. A county board, nonpublic school, or contracting agency shall follow the requirements of Education Article, §6-113.2, Annotated Code of Maryland, to obtain information on an applicant's child sexual abuse and sexual misconduct history from current and former employers prior to hiring that individual for a position involving direct contact with minors.

B. Current and former employers shall complete and return the employment history review form to a prospective employer within 20 days of receiving the employment history review form.

C. Employers shall provide the information required by Education Article, §6-113.2, Annotated Code of Maryland, unless an exception provided for in the law does not require disclosure of the information.

.04 Reporting Violations.

A. Except as provided in §D, a prospective employer shall report to the Department if a current or former employer does not complete and return the employment history review form within 20 days of its receipt.

B. The prospective employer shall make the report immediately to the Department using a form specified by the Department.

C. The report shall include:

(1) The name, address, phone number, fax number, and email address for the current or former employer;

(2) A detailed list of all attempts made by the prospective employer to contact the current or former employer, including method of contact, date of attempted contact, and any response;

(3) Any supporting documentation or other information relevant to the report; and

(4) The name of the individual making the report, along with the individual's title, employer, address, phone number, and email address.

D. The prospective employer may not make a report to the Department if:

(1) The current or former employer has no record of employing the applicant, no longer retains records for the applicant, or otherwise has no records available about the applicant;

(2) The current or former employer is no longer in business and no other entity has records for the closed business;

(3) The current or former employer did not complete the form because:

(a) The laws of the state in which the current or former employer is located prohibit the release of the information or records requested; or

(b) The disclosure of the information and records requested is restricted by the terms of a contract entered into on or before June 30, 2019; or

(4) The prospective employer did not make three attempts to obtain the form.

E. A current or former employer shall report to the Department if it learns that a certificated employee has knowingly provided false information in connection with an employment history review form or deliberately withheld information concerning past incidents of child sexual abuse or sexual misconduct.

.05 Penalties.

A. Subject to §§B—D of this regulation, the Department may impose a fine against any current or former employer that does not provide the information required by the employment history review form within 20 days of its receipt.

B. Prior to imposing a fine, the Department shall send a warning letter to the current or former employer that explains:

- (1) The requirements of the law; and
- (2) How the current or former employer failed to comply with the law.

C. The Department shall provide the current or former employer with 10 additional days in which to complete the employment history review form or explain why it is exempt from the reporting requirements.

D. If, after the 10 additional days have passed, the current or former employer has not returned a completed employment history review form or provided a legal exemption from the reporting requirements, the Department may impose a fine.

E. Fine Schedule. The fine imposed under §D of this regulation shall be:

- (1) \$1,000 for a first offense;
- (2) \$2,500 for a second offense; and
- (3) \$5,000 for a third or subsequent offense.

F. Penalties Against Applicants or Employees.

(1) An applicant or employee who provides false information to or deliberately withholds information regarding current or past employment from an employer as part of the child sexual abuse and sexual misconduct background history review may be denied employment or terminated from employment, if consistent with the employer's policies.

(2) For professionally certificated personnel, the Department may take action to deny, suspend, or revoke an educator's certificate based on providing false information or deliberately withholding information, in addition to any discipline imposed by an employer.

.06 Appeal.

A. A current or former employer may appeal a fine in writing to the State Superintendent of Schools within 15 days of the Department imposing the fine.

B. The appeal shall include the reasons for taking the appeal, along with any supporting documentation.

C. The State Superintendent of Schools shall forward the appeal to the Office of Administrative Hearings for a proposed decision, including findings of fact and conclusions of law.

D. An employer or the Department may file exceptions to the Administrative Law Judge’s proposed decision within 15 days of the decision being issued.

E. The State Superintendent of Schools may affirm, reverse, or modify the Administrative Law Judge’s proposed decision.

F. The decision of the State Superintendent of Schools is the final decision of the agency.

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

Subtitle 08 STUDENTS

Notice of Proposed Action

[20-119-P-I]

The Maryland State Board of Education proposes to amend:

(1) Regulation .01 under **COMAR 13A.08.01 General Regulations**; and

(2) Regulation .01 under **COMAR 13A.08.02 Student Records**.

This action was considered by the State Board of Education at their April 28, 2020, meeting.

Statement of Purpose

The purpose of this action is to update the Incorporation by Reference document Maryland Student Records System Manual.

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 Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0472 (TTY 410-333-6442), or email to mary.gable@maryland.gov, or fax to 410-333-8148. Comments will be accepted through August 5, 2020. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on August 25, 2020, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

Editor’s Note on Incorporation by Reference

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

13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-303—7-305, 7-305.1, 7-307, 7-308, and 8-404, Annotated Code of Maryland; Ch. 273, Acts of 2016; Federal Statutory Reference: 20 U.S.C. §§1232g and 7912

.01 Attendance.

A.—D. (text unchanged)

E. Daily Attendance Record. A record of the daily attendance of each student shall be kept in accordance with regulations of the State Board of Education and the Maryland Student Records System Manual [2016] 2020, which is incorporated by reference in COMAR 13A.08.02.01.

13A.08.02 Student Records

Authority: Education Article, §2-205(c), Annotated Code of Maryland

.01 Incorporation by Reference.

A system of information on enrollment, attendance, and promotion of students shall be maintained in accordance with the regulations of the State Board of Education and the Maryland Student Records System Manual [2016] 2020, which is incorporated by reference.

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

Title 15

MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

15.01.17 Hemp Farming Program

Authority: Agriculture Article, §14-307, Annotated Code of Maryland

Notice of Proposed Action

[20-117-P]

The Maryland Department of Agriculture proposes to adopt new Regulations .01—.19 under a new chapter, **COMAR 15.01.17 Hemp Farming Program**.

Statement of Purpose

The purpose of this action is to create a regulatory framework, consistent with the Agriculture Improvement Act of 2018 (the “2018 Farm Bill”), that will govern the Hemp Farming Program. This is a new statutory program that will be administered by Maryland Department of Agriculture. The purpose of the Program, which establishes hemp as an agricultural product in Maryland, is twofold,

that being: (1) Promotional—promoting the production of hemp in the State and the commercial sale of hemp products in and outside the State; and (2) Regulatory—Monitoring and regulating the production of hemp in the State. Under the 2018 Farm Bill, to have primary regulatory authority over the production of hemp in the State, the Department is required to submit, for USDA’s approval, a plan addressing the monitoring and regulation of hemp production in the State. To begin this process, the Department recently submitted the proposed action to USDA for review. After completing its initial review, USDA noted that the proposed action is consistent with the 2018 Farm Bill, meeting the requirements of this law. As required under the 2018 Farm Bill, the proposed action includes provisions for maintaining information on the land where hemp is produced, testing the levels of delta-9 tetrahydrocannabinol, disposing of plants not meeting necessary requirements, and licensing requirements.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action, which greatly expands the existing Industrial Hemp Pilot Program, establishes rules necessary for governing the Hemp Farming Program, a new program authorized under the 2018 Farm Bill. As allowed under State law, the proposed action sets reasonable fees to defray the Department’s costs of administering and enforcing the Program. These fees are paid into the Hemp Farming Fund, a special nonlapsing fund; and are necessary for the Department—not USDA—to have primary regulatory authority over the production of hemp in Maryland. The proposed action will provide small businesses a meaningful opportunity to produce hemp in the State. Under the Program, hemp can be grown in Maryland and legally shipped in interstate commerce, which significantly expands potential business opportunities.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Charged fees	(R+)	Indeterminable
(2) Salaries, one-time purchase of equipment	(E+)	\$324,398
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Ability to produce and sell hemp	(+)	Indeterminable
(2) Fees to operate the Program	(-)	Minimal
E. On other industries or trade groups:	(+)	Indeterminable
F. Direct and indirect effects on public:	(+)	Unquantifiable

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

A(1). By statute, MDA, is authorized to set reasonable fees to defray the costs of administering and enforcing the Program. Pursuant to this authority, MDA proposes to establish the following fees that are to be paid into the Hemp Farming Fund, a special nonlapsing fund: (a) An annual application fee — \$50; (b) An annual license fee — \$500; (c) A fee for each additional location owned or controlled by a grower with a different mailing address — \$500; (d) A fee each time that the Department samples and tests for THC — \$250; and (e) A site modification fee if the GPS coordinates listed in the application are changed — \$250.

The revenue from these fees is indeterminable since it depends on certain unknown variables such as the level of interest in the Program and the number of samples that are tested on an annual basis. However, for illustrative purposes only, if 100—150 persons apply for licensure and are, in fact, issued a license, special fund revenues would total \$55,000—\$80,000; and if 500 samples are tested for THC, special fund revenues would increase an additional \$125,000.

A(2). This estimate reflects the cost of hiring personnel necessary for monitoring and regulating the production of hemp under the Program—that being, two full-time, permanent staff (one chemist supervisor and one chemist). This estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The estimate also includes a one-time cost to purchase a dedicated high-performance liquid chromatography (HPLC) machine to analyze hemp samples.

D(1). The proposed action will provide a meaningful opportunity for small businesses to get involved in the production of hemp. Under the Program, hemp can be grown in Maryland and legally shipped in interstate commerce, which significantly expands potential business opportunities. The benefit is indeterminable because it is dependent on certain unknown variables including the level of interest in the Program, the amount of hemp produced, and the demand for hemp products, such as CBD oil.

D(2). The proposed action sets reasonable fees on those producers who choose to participate in Maryland’s Hemp Farming Program. They include a \$50 application fee, a \$500 licensing fee, and a \$250 testing fee (this latter fee is comparable with fees imposed by private laboratories for such work). These fees will be used to defray the Department’s costs of administering and enforcing the Program; and will be paid into the Hemp Farming Fund, a special nonlapsing fund. These fees are necessary for the Department to administer the Program. Without the revenue they provide, the Department cannot sufficiently monitor and regulate the production of hemp in the State that is called-for under the 2018 Farm Bill. Given the anticipated value of hemp, these fees should have only a minimal impact on the licensed grower’s profit margin.

Under the 2018 Farm Bill, in order for Maryland to have primary regulatory authority over the production of hemp in the State, its Program must be approved by USDA. USDA recently completed its initial review of the Department’s proposed action, finding that the requirements imposed on producers therein are consistent with standards set forth in the 2018 Farm Bill. For example, as required under the 2018 Farm Bill, the proposed action includes provisions for maintaining information on the land where hemp is produced, inspecting licensed premises, taking official samples, testing the levels of delta-9 tetrahydrocannabinol, providing certain reports, disposing of plants not meeting necessary requirements, and other licensing requirements. The requirements set forth in the proposed action are not more stringent than those imposed under the 2018 Farm Bill. Rather, they are necessary to secure USDA approval of the State Program.

E. It will benefit those persons interested in having a local source of hemp for processing hemp products such as CBD oil. The benefit is indeterminable because it is dependent on the level of interest in the Program.

F. The proposed action benefits the public, providing a local source of hemp for the production of hemp products such as CBD oil.

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 Jim Drews, Program Manager, Turf and Seed Section, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call (410) 841-5962, or email to jim.drews@maryland.gov. Comments will be accepted through August 5, 2020. A public hearing has not been scheduled.

.01 Purpose.

This chapter explains the Maryland Department of Agriculture’s Hemp Farming Program, which licenses and regulates the production of hemp in the State. This chapter does not apply to an institution of higher education or a person who produces hemp under the Hemp Research Pilot Program. As required by State law, the Program has been approved by the United States Department of Agriculture.

.02 Definitions.

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

B. Terms Defined.

(1) “Acceptable hemp THC level” means the application of the measurement uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis producing a distribution or range that includes 0.3 percent or less.

(2) “Applicant” means a person, or for a business entity, a person authorized to act on behalf of the business entity, who applies to the Department to become a licensed hemp grower in the State.

(3) “Authorized agent” means a USDA-approved sampling agent approved by the Department to sample hemp under the Program.

(4) “Authorized laboratory” means a laboratory that is:

(a) DEA registered; or

(b) Accredited to ISO17025:2017.

(5) Cannabis.

(a) “Cannabis” means a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof.

(b) “Cannabis” includes any form of the plant in which the delta-9-tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

(6) “CBD” means cannabidiol.

(7) “Conviction” means any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged.

(8) “Culpable mental state greater than negligence” means to act intentionally, knowingly, willfully, or recklessly.

(9) “Cultivate” means to plant, water, grow, or harvest a plant or crop.

(10) “DEA” means the United States Drug Enforcement Administration.

(11) “Decarboxylated” means the completion of the chemical reaction that converts THC-A into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value may also be calculated using a conversion formula that sums delta-9-THC and THC-A.

(12) “Decarboxylation” means the removal or elimination of a carboxyl group from a molecule or organic compound.

(13) “Delta-9-THC” or “THC” means delta-9-tetrahydrocannabinol concentration, the primary intoxicating component of cannabis.

(14) “Department” means the Maryland Department of Agriculture.

(15) “Disposal” or “destruction” means the procedure to render a plant or a product derived from such plant unusable by burning, incorporating with other materials, or other methods approved by the Department consistent with USDA guidelines.

(16) “Dry weight basis” means the ratio of the amount of dry solid in a sample after drying to the total mass of the sample before drying, including the moisture in a sample.

(17) “GPS” means Global Positioning System.

(18) “Growing area” means either an outdoor or an enclosed indoor area where hemp is cultivated.

(19) “Hemp” means the plant Cannabis sativa L. and any part of that plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.

(20) Key Participant.

(a) “Key participant” means a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation, such as a chief executive officer or chief operating officer.

(b) “Key participant” does not include a nonexecutive manager, such as a farm, field, or shift manager.

(21) “Law enforcement agency” means the Maryland State Police, DEA, or other federal, state, or local law enforcement agency or drug suppression unit.

(22) “License” means written authorization by the Department permitting a person to cultivate, store, handle, or market hemp in the State.

(23) Licensed Area.

(a) “Licensed area” means the land area shown in an approved licensing application, or, subsequently, in an approved site modification plan, on which a hemp grower plans to cultivate, store, or handle hemp.

(b) “Licensed area” includes growing areas, storage facilities, and other areas that are to be used in the grower’s hemp operation.

(24) “Licensed grower” means a person possessing a license issued by the Department under the authority of this chapter to cultivate, store, handle, or market hemp.

(25) “Lot” means a contiguous area in a field, greenhouse, or indoor facility growing the same variety or strain of hemp that was planted at the same time throughout this area.

(26) “Map” means a diagram depicting all borders of the hemp operation, including the nearest roads to aid in orientation, the cardinal direction north, and the boundaries of the legally described parcel on which the hemp operation is located.

(27) “Measurement uncertainty” or “MU” means the parameter associated with the result of a measurement that characterizes the dispersion of the values that could be reasonably attributed to the measurement.

(28) *Negligent Violation.*

(a) *“Negligent violation” means a failure to exercise the level of care that a reasonably prudent person would exercise in complying with the requirements of this chapter.*

(b) *“Negligent violation” does not include intentional misconduct.*

(29) *“Nonmarketable hemp” means hemp that exceeds the acceptable hemp THC level.*

(30) *“Official sample” means the pre-harvest hemp sample collected by the Department, in accordance with Department policy, which is used to assess the THC concentration of a single lot of hemp.*

(31) *“Person” means an individual, partnership, corporation, limited liability company, association, or any business entity by whatever name designated and whether or not incorporated unless the context clearly indicates otherwise.*

(32) *“Program” means the Hemp Farming Program established under this chapter.*

(33) *“Propagule” means a plant or plant part that can be utilized to grow a new plant.*

(34) *“THC-A” means tetrahydrocannabinolic acid, a precursor to THC.*

(35) *“USDA” means the U.S. Department of Agriculture.*

(36) *“Variety” means a group of plants or an individual plant that exhibits a distinctive observable physical characteristic or has a distinct genetic composition.*

(37) *“Volunteer plant” means a hemp plant that was not intentionally planted by the person licensed to grow hemp, but results from a previous crop, growing on its own accord from seeds or roots in the years following an intentionally planted hemp crop.*

.03 Prohibition Against Growing or Producing Hemp Without a License.

A person may not cultivate or produce hemp under the Program unless the person is licensed by the Department in accordance with this chapter.

.04 Contents of Application and Licensing Terms.

A. Contents. To obtain a license to cultivate or produce hemp under the Program, a person shall annually submit a signed, complete, accurate, and legible Departmental application that provides:

(1) *The applicant’s full name, business or residential address, telephone number, and email address (if the applicant is a business entity, the full name of the business, the address of the principal business location, the full name and title of key participants, the email address of that business, and EIN number of the business);*

(2) *The legal description of the land on which the hemp operation is proposed;*

(3) *The GPS coordinates for the land on which the hemp operation is proposed;*

(4) *A map of the land owned or controlled by the person to be licensed, showing the location, boundaries, and dimensions (in acres or square feet) of:*

(a) *If hemp is grown indoors, the green house or indoor facility used to grow hemp;*

(b) *If hemp is grown outdoors, each field (by field number) where hemp will be grown (clearly indicating the names or lot numbers of all lots and planning locations) and the entrance to each field;*

(c) *The facility used to store hemp post-harvest; and*

(d) *Others fields or facilities to be used in the hemp operation;*

(5) *The portion or portions of the hemp plant or flower that the applicant intends to market, that is, seed, grain, fiber, hurd, or CBD;*

(6) *A certification that the applicant is at least 18 years of age;*

(7) *A criminal background report of the applicant and other key participants, prepared by the Federal Bureau of Investigation, dated no more than 60 days before the date of the applicant’s application; and*

(8) *Documentation showing that the applicant has the legal right to cultivate hemp on the land (the proposed licensed area) and the legal authority to grant the Department access for inspection and sampling, including deeds, leasing agreements, written agreements by a landowner, or other appropriate documentation.*

B. The Department shall provide the applicant a reasonable opportunity to amend an application that is insufficient or to resolve any minor violations of this chapter.

C. Site Modification. A licensed grower may apply to the Department to alter the approved licensed area. To accomplish this, the licensed grower shall pay the site modification fee and submit a signed, complete, accurate, and legible Departmental application at least 15 days before the proposed modification that includes:

(1) *An updated legal description of the land that will comprise the hemp operation;*

(2) *Updated GPS coordinates that will comprise the hemp operation; and*

(3) *An updated map providing the information required under §A(4) of this regulation.*

D. Licensing Terms. By signing and submitting the application, the applicant agrees to abide by the following licensing terms:

(1) *The licensed grower shall fully cooperate and assist the Department with all aspects of the administration and enforcement of the Program, including, but not limited to, the application, license, reporting, inspection, and sampling processes;*

(2) *The licensed grower shall permit the Department or any other law enforcement agency to enter the property for the purpose of collecting, sampling, or inspecting hemp plants in the licensed area, whether in the field or in storage, during the licensing period or in the immediate 30-day time period after the license has expired or is suspended or surrendered;*

(3) *If hemp plants test greater than 0.3 percent THC or otherwise do not comply with this chapter, the licensed grower shall inspect the property post-harvest and, for the following growing season, pre-harvest, and destroy, as directed by the Department, any volunteer plants;*

(4) *The licensed grower shall maintain all records pertaining to hemp production for a minimum period of 3 years, including, but not limited to, the following records:*

(a) *Planting records;*

(b) *Harvesting records;*

(c) *Sampling and testing records; and*

(d) *Records pertaining to the disposal of noncompliant hemp;*

(5) *The licensed grower shall keep the records required under §D(4) of this regulation in the State and make them available during normal business hours for copying and inspection by the Department or other law enforcement agencies;*

(6) *The licensed grower shall submit all required reports by the applicable due dates specified by the Department;*

(7) *The licensed grower shall name an in-State agent for the receipt of notices in enforcement actions for records and other matters;*

(8) *The licensed grower shall notify the Department within 15 days of any changes to the hemp grower’s operation, including planting, harvesting, testing, or sampling, or any changes to the license holder’s address or other contact information; and*

(9) *The licensed grower shall pay any fees as required by this chapter.*

E. Required Certification. The applicant shall certify that the contents of the application are true and correct and that, when

licensed, the grower will comply with all of the Department's reporting requirements and those of USDA and all other regulatory and statutory requirements for producing hemp under the Program.

F. *Grounds for Denying Licensure.* The Department may not issue a license to a person to grow hemp under the Program if the person:

- (1) Has a felony conviction under state or federal law related to a controlled substance during the 10-year period preceding the date of application;
- (2) Provides materially false or misleading information in the application; or
- (3) Has not met the requirements of this chapter.

.05 Licensing Period.

A person may apply to become a licensed grower at any time during a calendar year. Unless suspended or revoked, a license to grow hemp under the Program is valid from the date it was issued through December 31 of the same year. To ensure continuity of the license, a licensed grower shall submit to the Department an application to renew the person's license no later than December 1 of the year that the license is due to expire. A license issued under this chapter may not be assigned or transferred to another person under any circumstances.

.06 Fees.

The following nonrefundable fees apply to hemp growers:

- A. An annual application fee — \$50;
- B. An annual license fee — \$500;
- C. A fee for each additional location owned or controlled by a grower with a different mailing address — \$500;
- D. A fee each time that the Department samples and tests official samples for THC — \$250; and
- E. A site modification fee if the GPS coordinates listed in the application are changed — \$250.

.07 Prohibited Acts.

A. A licensed grower may not:

- (1) Grow or store hemp in a structure that is used for residential purposes;
- (2) Plant, grow, or store hemp on any site that is not located within the licensed area;
- (3) Display or exhibit live hemp plants, viable seeds, or floral materials at trade shows, county fairs, or educational or other similar events without written permission from the organizer of the event;
- (4) Allow unsupervised public access to hemp plots or plantings;
- (5) Sell, transfer, or permit the sale or transfer of living hemp plants or viable hemp seeds to any person in the State who does not hold a license issued by the Department;
- (6) Sell, transfer, or permit the sale or transfer of living plants, viable seeds, leaf material, or floral material to any person in another state who is not authorized by the laws of that state to own or otherwise possess such products;
- (7) Comingle hemp plant material from one lot with hemp plant material from other lots unless the lots have been tested and deemed compliant with this chapter;
- (8) Place in the stream of commerce any hemp grown in a lot that has a noncompliant THC level;
- (9) Provide false or misleading information in any report, record, or other document required under this chapter or during the course of an inspection conducted under this chapter;
- (10) Hinder or obstruct an authorized agent of the Department or any other law enforcement officer from entering the licensed area for the purpose of collecting, sampling, or inspecting hemp;

(11) Violate any of the provisions of this chapter, including, but not limited to, the licensing terms set forth in Regulation .04 of this chapter; or

(12) Violate any applicable laws and regulations relating to the use and development of the land for hemp production.

B. There is no distance requirement, limitation, or buffer zone between licensed growers and between licensed growers and medical cannabis growers licensed under Health-General Article, §13-3306, Annotated Code of Maryland. No rule may establish such a distance requirement, limitation, or buffer zone without the Department's evaluation, in consultation with the Natalie M. LaPrade Medical Cannabis Commission, of sufficient scientific data showing impacts to either crop as a result of cross-pollination.

.08 Grower Reporting Requirements.

A. *Field Planting Report.*

(1) Within 10 days after planting, a licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Field Planting Report that includes:

- (a) The licensed grower's full name and contact information;
- (b) The license number;
- (c) The planting date and anticipated harvest date;
- (d) The hemp's variety name;
- (e) The field location ID listed in the application;
- (f) An updated detailed map depicting any changes; and
- (g) The primary intended use of the harvested hemp for each planting.

(2) A licensed grower who does not plant hemp in an approved outdoor growing area listed in the application shall submit a Field Planting Report on or before July 31, stating that hemp has not and will not be planted at that site.

(3) If a replanting of seeds or propagules occurs, the licensed grower shall complete and submit to the Department a new Field Planting Report within 10 days after the planting, providing the information required under this section.

B. *Indoor Planting Report.*

(1) Within 10 days after establishing plants at an indoor location, a licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Greenhouse/Indoor Planting Report that includes:

- (a) The licensed grower's full name and contact information;
- (b) The license number;
- (c) The planting date and anticipated harvest date;
- (d) The hemp's variety name; and
- (e) The primary intended use of the harvested hemp of each planting.

(2) The licensed grower shall submit this report each time hemp is planted in, moved within, or moved into a licensed area, except for replanting into a larger container within the same indoor location.

(3) In addition to completing the initial Greenhouse/Indoor Planting Report, the licensed grower shall submit to the Department quarterly reports for each location ID to the Department no later than March 31, June 30, September 30, and December 31.

C. *Pre-Harvest Report.*

(1) At least 5 days before the expected harvest date of a hemp crop, a licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Pre-Harvest Report that includes:

- (a) The licensed grower's full name and contact information;
- (b) The license number; and

(c) *The anticipated date range for initiating and completing harvest, shown by lot, and, if the crop is being grown outdoors, a map designating the location of the lot or lots being harvested.*

(2) *If more than one harvest date is being reported for lots within a growing area, the map shall designate the locations of the lots, and the intended harvest dates that are to be harvested under the Pre-Harvest Report.*

(3) *If a licensed grower fails to submit a Pre-Harvest Report and proceeds to harvest a crop before a sample is collected by the Department, the Department may suspend or revoke the person's license.*

D. *Postharvest Report. Within 15 days after a harvest of a lot is complete, the licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Postharvest Report that includes:*

- (1) *The licensed grower's full name and contact information;*
- (2) *The license number; and*
- (3) *The independent harvest date of each lot.*

E. *Destruction Report. Within 48 hours after crop destruction or as ordered by the Department, the licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Destruction Report that includes:*

- (1) *The licensed grower's full name and contact information;*
- (2) *The license number;*
- (3) *The disposal date of each lot destroyed; and*
- (4) *The method of destruction.*

F. *Annual Production Report. A licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Annual Production Report by December 1 of each year that provides the following information:*

- (1) *The licensed grower's full name and contact information;*
- (2) *The license number;*
- (3) *The acreage or amount of greenhouse space planted, the planting date, the harvest date, and the varieties grown; and*
- (4) *The weight and type of plant material harvested and the plant material being stored and the location of its storage as of the date of the report.*

G. *Hemp Crop Acreage Report to Farm Service Agency. A licensed grower shall report information pertaining to the grower's hemp operation with USDA, Farm Service Agency, as required under federal law. This information may include:*

- (1) *The license number that the Department issued to the licensed grower;*
- (2) *The street address where licensed grower is producing hemp;*
- (3) *The geospatial location of each lot or greenhouse where hemp will be produced;*
- (4) *If hemp is grown outdoors, the hemp crop acreage, including the total acreage planted and harvested, and, if any portion of the crop is disposed of, the amount; and*
- (5) *If hemp is grown indoors, the indoor square footage or acreage dedicated to the production of hemp.*

H. *Drug Felony Conviction Report.*

(1) *Within 15 days of conviction of a disqualifying felony offense, a licensed grower shall inform any co-licensees and submit to the Department a signed, complete, accurate, and legible Departmental Drug Felony Conviction Report that includes:*

- (a) *The license number;*
 - (b) *The date of conviction; and*
 - (c) *An acknowledgement that all co-licensees have been informed of the disqualifying offense, if applicable, and the co-licensees have assumed full responsibility for the hemp crop.*
- (2) *Failure to report the disqualifying offense may result in an order of destruction.*

I. *Record-Keeping Requirements. A licensed grower shall keep and maintain for at least 3 years all information that supports, verifies, or documents all reports required under this regulation.*

.09 Regulatory Inspections of Hemp Operations.

A. *Annual Inspections. The Department shall conduct annual inspections of, at a minimum, a random sample of licensed growers and collect regulatory samples of hemp to verify that hemp is not being produced in violation of this chapter. The Department shall conduct these inspections during normal business hours. The Department may conduct these inspections without notice.*

B. *Additional Inspections. If the Department has reason to believe that a violation of the Program is occurring, it may conduct such additional regulatory inspections of a licensed grower's operation and sampling of hemp it deems appropriate. The Department shall conduct these inspections during normal business hours. It may conduct these operations without notice.*

C. *Sampling and Testing Regulatory Samples. When conducting regulatory sampling and testing of hemp under §§A and B of this regulation, the Department shall follow the official sampling methodology and testing requirements set forth in Regulation .10 of this chapter.*

.10 Sampling and Testing for THC.

A. *A licensed grower may request the Department or an authorized agent to collect official samples of hemp for testing under §D of this regulation.*

B. *Official Sampling Methodology. To ensure a confidence level of 95 percent that no more than 1 percent of the plants in a lot exceeds the acceptable hemp THC level, official samples collected by the Department or an authorized agent shall be done in accordance with the Department's sampling methodology, which requires that:*

- (1) *Samples shall be collected by the Department or an authorized agent;*
- (2) *Samples selected shall be solely determined by the Department or authorized agent;*
- (3) *Samples shall be from the flower material of the hemp plant;*
- (4) *Samples shall represent a homogeneous composition of the lot being collected, and a minimum of two samples from each lot shall be collected (the number of plants selected for sampling will be dependent on the size of the growing area);*
- (5) *Samples of hemp plant material from one lot may not be commingled with hemp plant material from other lots;*
- (6) *Samples shall be collected during the growing season and before harvest;*
- (7) *When a scheduled sampling occurs, the grower or an authorized grower representative shall be present at the growing site;*
- (8) *The grower shall provide the Department or an authorized agent complete and unrestricted access to all hemp plants and all locations listed in the application;*
- (9) *The grower or authorized agent shall take any other action that the Department deems necessary to ensure that the stated confidence level is met;*
- (10) *If the licensed grower fails to complete the harvest within 15 days, a new sample of the lot shall be collected for testing purposes following the procedures set forth in this regulation;*
- (11) *The Department or authorized agent shall place the composite representative sample in a properly labeled paper bag, seal the bag, and place the following information on the bag or otherwise include it with the sample:*
 - (a) *License number;*
 - (b) *Name and contact information of the sampling agent;*
 - (c) *Name and contact information of the licensee;*
 - (d) *Date sample was taken;*

- (e) Sample identification number for the lot;
- (f) Field identification number listed in the application; and
- (g) Any other information that may be required by the

Department; and

(12) The sample and sampling report shall be hand-delivered or placed in a box, sealed with security tape, and shipped overnight to the Department or authorized laboratory.

C. All hemp samples collected become the property of the Department without cost to it and are nonrefundable.

D. Testing Requirements. The Department or an authorized laboratory shall test hemp for prohibited THC levels by performing a quantitative laboratory determination of the delta-9 THC concentration on a dry weight basis. In conducting this work, the following standards shall be met:

(1) Laboratory quality assurance shall ensure the quality and validity of the test results and that the testing method used is appropriate;

(2) An appropriate chain of custody shall be maintained at all times;

(3) The official samples shall be dried, the stem and seed shall be separated from floral material and discarded, and the floral material shall be ground;

(4) The ground floral material shall be tested for THC content;

(5) The THC testing procedure shall include a valid testing methodology that uses post-decarboxylation or other similarly reliable methods, including, but not limited to, gas chromatography with flame ionization detection, or liquid chromatography with ultraviolet detection (The testing methodology shall consider the potential conversion of THCA in hemp into THC and the test result shall measure total available THC derived from the sum of the THC and THC-A content. The total THC concentration level shall be determined and reported on a dry weight basis. MU shall be used in determining the range of the result found.); and

(6) A sample test result with a delta-9 THC concentration on a dry weight basis greater than the acceptable hemp THC level is conclusive evidence that the lot represented by the sample contains a delta-9 THC concentration on a dry weight basis of more than 0.3 percent and that the hemp is therefore not in compliance with this chapter.

E. Test Results Report. If an authorized laboratory conducts the testing, the hemp grower shall ensure that the laboratory reports the test results for all samples tested to the Department. The test results report shall contain the information below for each sample tested:

- (1) Hemp grower's license or authorization identifier;
- (2) Name of hemp grower;
- (3) Business address of hemp grower;
- (4) Lot identification number for the sample;
- (5) Name and address of laboratory;
- (6) Date of test and report;
- (7) Identification of a retest; and
- (8) Test result.

.11 Prerequisites for Placing Hemp in Commerce.

A. A licensed grower may not co-mingle, transport, transfer, sell, market, process, or otherwise dispose of hemp pending a THC analysis by the Department or an authorized laboratory.

B. To place hemp in the stream of commerce, test results shall confirm that the final product batch contains no more than 0.3 percent delta-9 THC on a dry weight basis using the method's determined measurement uncertainty; and all such testing results shall be retained by the grower and made available to the Department upon demand for a minimum of 3 years.

C. Hemp samples with a post-decarboxylated THC level equal to or below 0.3 percent THC requires no further action by the Department. The area or harvested plant material from which the

sample was obtained that was harvested within 15 days of the date of sampling may be marketed or further processed.

.12 Nonmarketable Hemp.

A. Upon receipt of a failing test result, a licensed grower may request resampling and retesting of the varieties in question. If no retest is requested, or the retested sample is greater than 0.3 percent THC, the area represented by the sample, or any harvested hemp from the area represented by the sample shall be disposed of as provided in Regulation .13 of this chapter. The grower shall retain all such testing results and make them available to the Department upon demand for a minimum of 3 years.

B. Hemp plants from lots determined to be nonmarketable (that is, the plants exceed the acceptable hemp THC level) and products derived from such plants may not be further handled, processed, or enter the stream of commerce.

C. If a grower comingles hemp from a lot with hemp from another lot before the test results from any of the comingled lots are made known, the grower shall dispose of all of the hemp if the test results from just one of these lots is subsequently found to be nonmarketable.

.13 Grower's Duty to Dispose of Nonmarketable Hemp.

A. The costs of disposal of nonmarketable hemp plants and products derived from such plants are the responsibility of the grower.

B. The grower shall notify the Department immediately upon receipt of a test report determining that any portion of the crop tests positive for a prohibited amount of THC.

C. If hemp is deemed nonmarketable (that is, the plants exceed the acceptable hemp THC level), the Department shall:

- (1) Notify the grower to stop the harvest and shipment of any plants or plant material harvested from the tested area;
- (2) Send a representative from the Department to conduct an inventory of the harvested and unharvested plants from the area that was tested;
- (3) Offer options for retesting; and
- (4) Offer options for disposal.

D. The disposal of hemp deemed noncompliant with this chapter shall render a plant or a product derived from such plant unusable by burning, incorporating with other materials, or other methods approved by the Department consistent with USDA guidelines.

E. The grower shall notify the Department and USDA of the grower's intent to dispose of nonconforming plants.

F. A representative from the Department or a law enforcement official shall supervise the disposal of any noncompliant hemp plants or plant materials.

G. The grower shall verify disposal by submitting required documentation to the Department and USDA and retain a copy of the disposal record for 3 years.

.14 Sanctions for Violating the Department's Hemp Farming Program.

A. Except as provided in §B of this regulation, the Department, upon notice and an opportunity to be heard, may deny a license application or suspend or revoke a license to produce hemp under the Program, if the person:

- (1) Fails to comply with the Department's plan for monitoring and regulating the production of hemp;
- (2) Misrepresents the legal description of land on which hemp is produced;
- (3) Produces hemp without a valid license;
- (4) Produces plants, or any part of a plant, that exceeds a delta-9-tetrahydrocannabinol concentration of 0.3 percent on a dry weight basis;
- (5) Violates the licensing terms set forth in Regulation .04D of this chapter;

(6) Provides false or misleading information in the application for a licensee to grow hemp as provided in this chapter;

(7) Provides false or misleading information in any report, record, or other document required under this chapter or during the course of an inspection conducted under this chapter;

(8) Hinders or obstructs an authorized agent of the Department or any other law enforcement officer from entering the licensed area for the purpose of collecting, sampling, or inspecting hemp;

(9) Fails to maintain all records pertaining to hemp production required by this chapter and to make these records available during normal business hours for copying and inspection by the Department or other law enforcement agency;

(10) Fails to submit complete, signed, and accurate reports required under Regulation .08 of this chapter;

(11) Fails to dispose of hemp as directed by the Department;

(12) Is found to be growing or in possession of hemp not in compliance with these regulations;

(13) Is convicted of a felony related to a controlled substance under state or federal law;

(14) Cultivates or stores hemp on any site not listed in the application;

(15) Represents hemp seeds which are indistinguishable by the plant's characteristics to be of a recognized variety, without having adequate information for such variety representation; or

(16) Violates any provision of this chapter.

B. Negligent Violations.

(1) If it determines that a violation is a negligent violation, the Department, in lieu of sanctioning the person as provided in §A of this regulation, may issue a corrective action plan, affording the person an opportunity to correct that violation and come into compliance.

(2) The corrective action plan issued by the Department shall include the following:

(a) A date by which the person shall correct the violation;

(b) The action that the person shall take to come into compliance;

(c) To ensure compliance, a requirement that the person shall report to the Department at a frequency determined by the Department for a period of not less than 2 calendar years from the date of the violation the compliance measures it is taking; and

(d) Inspection requirements as determined by the Department.

(3) If the person fails to implement or comply with the corrective action plan, the Department may proceed to suspend or revoke the grower's license to produce hemp as provided in §A of this regulation.

(4) If the Department determines that a person has violated this chapter three times in a 4-year period, that person is banned from producing hemp for a period of 5 years beginning on the date of the third violation.

C. Violations Exceeding Negligence—Immediate Suspension.

(1) If the Department determines that a person has violated the Program with a culpable mental state greater than negligence, the Department shall:

(a) Send a Notice of Suspension to the person, ordering the person to suspend all hemp operations immediately; and

(b) Refer the matter to the United States Attorney General, the Maryland Attorney General, or State's Attorney, as appropriate, to enforce the requirements of this chapter.

(2) If the Department issues a Notice of Suspension, the grower may not harvest or remove cannabis from the premises where hemp or other cannabis was located at the time the Department issued this notice.

(3) As soon as possible after the Notification of the Suspension, the Department shall inspect the grower's premises and perform an

inventory of all hemp and hemp products that are in the grower's possession.

(4) The Department shall schedule a license revocation hearing for a date as soon as practicable after the Notification of Suspension, but in any event not later than 60 days following the notification of suspension.

.15 Notice, Hearings, and Appeals.

A. Notice. If it determines that sanctions are warranted against a person under Regulation .14 of this chapter, the Department shall provide the person written Notice of the Violation via regular mail, certified mail, or personal service that includes:

(1) The facts that are asserted pertaining to the violation;

(2) The pertinent statutory and regulatory sections under which the Department is taking its action;

(3) The Department's determination whether the person's conduct constitutes a negligent violation or a violation with a culpable mental state greater than negligence;

(4) A statement explaining whether the Department has informed law enforcement of the violation;

(5) The sanction proposed, if any, as a result of the Department's action; and

(6) Unless a hearing is automatically scheduled, notice that the person may request a hearing within 20 days from receiving the Notice of the Violation; what, if anything, the person shall do to receive a hearing; and the direct consequences, including sanctions, if any, of the person's failure to exercise in a timely manner the opportunity for a hearing or to appear for a scheduled hearing.

B. To receive a hearing on the matter set forth in the Notice of Violation, the person shall submit a written request for a hearing to the Maryland Department of Agriculture, Hemp Farming Program, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401. If the person fails to submit a written request in a timely manner, the Notice of Violation shall become final and the Department may impose the proposed sanction stated in the notice.

C. Hearings. Hearings under this regulation shall be in accordance with the Maryland Administrative Procedure Act and COMAR 15.01.01.

D. Appeals. A person aggrieved by a decision of the Department under this chapter, including a decision to deny an application for a license, or to suspend or revoke a license, may appeal the decision to the circuit court pursuant to the Maryland Rules of Civil Procedure.

.16 Department Reports to USDA.

A. By the first of each month, the Department shall file with USDA a report on each licensed grower with the following information:

(1) For each new licensee that is an individual, the report shall include:

(a) The full name of the individual;

(b) The license number and status;

(c) The business address;

(d) Telephone number and email address (if applicable);

and

(e) A legal description and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored.

(2) For each new licensee that is a business entity, the report shall include:

(a) The full name of the business entity;

(b) The license number and status;

(c) The principal business location address;

(d) The full name, title, and email address (if applicable) of each person for whom the entity is required to submit a criminal background check; and

(e) A legal description and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled or stored.

(3) For each licensee that was included in a previous report and whose reported information has changed, the report shall include the previously reported information and the new information, including the following:

- (a) The status of each grower and seed producer’s license;
- (b) The period covered by the report; and
- (c) Indication whether there were changes during the current reporting cycle if applicable.

B. By the first of each month, the Department shall file with USDA a report of any occurrence among licensed hemp growers where hemp plants or plant parts have exceeded the acceptable THC levels as provided in this chapter with the following information:

- (1) The name and address of the licensee;
- (2) Producer license number;
- (3) Location information, such as a lot number, location type, and GPS coordinates or other location descriptor for the production area subject to hemp disposal;
- (4) Information on the agent handling the disposal; and
- (5) Documentation or traceability from seed acquisition to harvest or crop termination.

C. In addition to the hemp disposal report described in §B of this regulation, the Department shall promptly notify USDA’s Agricultural Marketing Service of any occurrence of hemp plants that do not meet the definition of hemp as provided in this chapter or products derived from such plants. Records shall be attached to the report demonstrating that the proper disposal methods were followed.

D. By December 15 of each year, the Department shall submit an annual report to USDA that provides the following information under the Program:

- (1) Total planted acreage;
- (2) Total harvested acreage; and
- (3) Total acreage disposed.

E. Any report filed by the Department with USDA shall be submitted using a digital form compatible with USDA’s sharing systems, whenever possible.

.17 Public Records.

A. Any public record held by the Department is subject to inspection and release only as provided by the Maryland Public Information Act.

B. The Department shall release to USDA record information about each hemp grower in a timely manner, as required by the United States Secretary of Agriculture.

.18 Criminal Penalties.

In addition to any other penalty provided by law, a person who violates this chapter may be subject to criminal penalties under Agriculture Article, §12-101 et seq., Annotated Code of Maryland.

.19 Enforcement.

The Department shall report a person to the United States Attorney General and the Maryland Attorney General who knowingly:

- A. Fails to comply with the Department’s plan for monitoring and regulating the production of hemp;
- B. Misrepresents the legal description of land on which hemp is produced;
- C. Produces hemp without a valid license;

D. Produces plants, or any part of a plant, that exceeds a delta-9-tetrahydrocannabinol concentration of 0.3 percent on a dry weight basis; or

E. Knowingly violates any provisions of Agriculture Article, Title 14, Subtitle 3, Annotated Code of Maryland.

JULIANNE A. OBERG
Deputy Secretary of Agriculture

Title 21 STATE PROCUREMENT REGULATIONS

Subtitle 11 SOCIOECONOMIC POLICIES

Notice of Proposed Action

[20-116-P]

The Division of Workforce Development and Adult Learning proposes to:

- (1) Adopt new Regulations .01—.11 under **COMAR 21.11.13 State Apprenticeship Training Fund—Capital Construction Projects**;
- (2) Recodify existing Regulations .01—.10 under **COMAR 21.11.13 Veteran-Owned Small Business Enterprises** to be Regulations .01—.10 under **COMAR 21.11.14 Veteran-Owned Small Business Enterprises**; and
- (3) Recodify existing Regulations .01—.03 under **COMAR 21.11.14 American-Manufactured Goods and Services — Preference** to be Regulations .01—.03 under **COMAR 21.11.15 American-Manufactured Goods and Services — Preference**.

Statement of Purpose

The purpose of this action is to implement the provisions of State Finance and Procurement Article, §§17-6A-01—17-6A-06, Annotated Code of Maryland. The statute requires contractors and some subcontractors on certain capital construction projects to employ apprentices from a registered apprenticeship program or to make contributions to a registered apprenticeship program or the State Apprenticeship Training Fund.

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 Natalie Clements, Policy Analyst, Maryland Department of Labor, 1100 North Eutaw Street, Baltimore, MD 21201, or call 410-767-2019, or email to natalie.clements@maryland.gov, or fax to 410-333-5355. Comments will be accepted through August 5, 2020. A public hearing has not been scheduled.

**21.11.13 State Apprenticeship Training Fund—
Capital Construction Projects**

Authority: State Finance and Procurement Article, §§17-6A-01—17-6A-06,
Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

(1) “Covered contract” has the meaning stated in State Finance and Procurement Article, §17-6A-01(c), Annotated Code of Maryland.

(2) “Department” means the Maryland Department of Labor.

(3) “Fund” has the meaning set forth in State Finance and Procurement Article, §17-6A-01(e), Annotated Code of Maryland.

(4) “Registered apprenticeship program” means an apprenticeship program which has been registered with, and approved by, the Maryland Apprenticeship and Training Council or the United States Department of Labor and is operating within the State of Maryland.

(5) “Secretary” means the Secretary of the Maryland Department of Labor.

.02 Applicability.

A. Each contractor or subcontractor awarded a covered contract defined in Regulation .01 of this chapter shall:

(1) Both:

(a) Be affiliated with a registered apprenticeship program; and

(b) Use apprentices from registered apprenticeship programs for each craft or trade in which the contractor or subcontractor employs individuals to complete the contract; or

(2) Either:

(a) Make payments to the Fund; or

(b) Make payments to a registered apprenticeship program.

B. This title is not applicable to a contractor or subcontractor if there are no registered apprenticeship programs for the craft or trade in which the contractor or subcontractor employs one or more individuals to complete the covered contract.

.03 Hourly Contribution Rate.

A. Contractors and subcontractors that elect to make payments as described in Regulation .02 of this chapter shall pay 25 cents per individual per hour, for each employee who is employed to complete the contract, to:

(1) A registered apprenticeship program; or

(2) The Fund.

B. Payments described in §A of this regulation shall be made on a monthly basis.

.04 Registration.

A. Contractors performing work on a covered contract shall complete the registration process at the Department’s website.

B. Prior to the commencement of work, a registered contractor shall log onto Department’s website and complete the required project log information, including, but not limited to, the following:

(1) Identification of the capital project or grant;

(2) Contract value;

(3) Identification of subcontractors with contracts valued at \$500,000 or more to perform work on the project and subcontract value amount;

(4) Identification of the affiliated registered apprenticeship program;

(5) Certification that the contractor is employing registered apprentices from the registered apprenticeship program to complete the contract; and

(6) Any other information that the Secretary requires.

C. In the event the contractor is not affiliated with a registered apprenticeship program and is not able to comply with the certification requirement set forth in §B(5) of this regulation, the contractor shall designate the entity, either a registered apprenticeship program or the Fund, to which the contractor will make contributions, estimate the number of employees per craft and trade for which there is a registered apprenticeship program, and estimate the number of hours they will be employed to complete the contract.

D. Subcontractors shall comply with the same registration requirements as set forth in this regulation.

.05 Notification.

A. Contractors who hire subcontractors performing work valued at \$500,000 or more on a covered contract, shall provide the subcontractors with written notice of the following requirements:

(1) Subcontractors performing work valued at \$500,000 or more on a covered contract shall complete the registration process on the Department’s website; and

(2) Prior to the commencement of work, a subcontractor shall log onto the Department’s website and complete the required project log information including:

(a) Identification of the capital project or grant;

(b) Contract value;

(c) Identification of subcontractors with contracts valued at \$500,000 or more to perform work on the project and subcontract value amount;

(d) Identification of the affiliated registered apprenticeship program;

(e) Certification that the subcontractor is employing registered apprentices from that program to complete the contract;

(f) If electing to make payments under Regulation .02A(2) of this chapter, designation of the entity, either a registered apprenticeship program or the Fund, to which the subcontractor will make contributions; and

(g) Any other information that the Secretary requires.

B. Contractors shall retain a copy of the written notice required in §A of this regulation that was provided to covered subcontractors for inspection and review by the Secretary for 3 years after the completion of their work on a covered contract.

C. In the event the contractor or subcontractor is not affiliated with a registered apprenticeship program and is not able to comply with the certification requirement set forth in §A(2) of this regulation, the contractor or subcontractor shall estimate the number of employees per craft and trade for which there is a registered apprenticeship program and the number of hours they will be employed to complete the contract.

D. Subcontractors shall comply with the same notice requirements as set forth in this regulation.

.06 Contractor’s and Subcontractor’s Obligations Related to Contributions.

Contractors and subcontractors who elect to make contributions to a registered apprenticeship program or the Fund are required to comply with the following requirements:

A. Indicate on their capital construction payroll records their contributions under State Finance and Procurement Article, §17-6A-03 or §17-6A-04, Annotated Code of Maryland; and

B. Certify to the Secretary, or the Secretary’s designee, on a quarterly basis, that the contributions were sent to a registered apprenticeship program or to the Fund.

.07 Registered Apprenticeship Program’s Obligations Related to Contributions.

Upon request from contractors or subcontractors, registered apprenticeship programs shall provide written documentation to the contractors or subcontractors verifying their affiliation with the applicable program.

.08 Notification of Intended Changes to Designated Registered Apprenticeship Programs or the Fund.

A. Thirty days prior to making a change in the designation of applicable apprenticeship or contribution to the Fund, a contractor or subcontractor shall log onto the Department’s website to indicate the intended change.

B. A contractor or subcontractor making payments to the Fund may make a written request to the Secretary that the contributions be directed to a specific pre-apprenticeship or workforce development program.

.09 Registered Apprenticeship Program’s Obligations.

A. Upon notice from the Department’s Division of Workforce Development and Adult Learning that the registered apprenticeship program has been designated for contributions by a contractor or subcontractor, a registered apprenticeship program shall register on the Department’s website.

B. A registered apprenticeship program shall comply with the following requirements:

(1) Complete the requested information on contributions received from contractors and subcontractors for each contract at the Department’s website on or before the last day of the month immediately following each calendar quarter; and

(2) Certify that all funds received are used solely for the purpose of improving or expanding apprenticeship training in the State.

.10 Audit of a Registered Apprenticeship Program.

The Secretary, or the Secretary’s designee, may require an independent audit by a certified public accountant of a registered apprenticeship program to verify that contributions received from contractors and subcontractors are used consistently with requirements set forth in State Finance and Procurement Article, §§17-6A-01—17-6A-06, Annotated Code of Maryland and this chapter.

.11 Enforcement Procedures.

A. The Secretary, or the Secretary’s designee, may investigate whether State Finance and Procurement Article, Title 17, Subtitle 6A, Annotated Code of Maryland, has been violated:

(1) On the Secretary’s, or the Secretary’s designee, own initiative;

(2) On receipt of a written complaint; or

(3) On referral from another State agency.

B. The Secretary, or the Secretary’s designee, may require a contractor, subcontractor, or registered apprenticeship program to produce records as part of its investigation.

C. The Secretary, or the Secretary’s designee, may enter a place of business to:

(1) Interview individuals; or

(2) Review and copy records.

D. If after an investigation the Secretary, or the Secretary’s designee, determines that there is a violation of State Finance and Procurement Article, Title 17, Subtitle 6A, Annotated Code of Maryland, or a regulation adopted to carry out the title, the Secretary shall issue an administrative charge that shall:

(1) Describe in detail the nature of the alleged violation;

(2) Cite the provision of law or regulation that is alleged to have been violated; and

(3) State the penalty to be assessed, if any.

E. Within a reasonable amount of time after the issuance of the administrative charge, the Secretary shall send a copy of the administrative charge to the alleged violator by regular mail with notice of the opportunity to request a hearing.

F. Within 30 days of the postmark of the administrative charge sent to the alleged violator, the alleged violator may submit a written request for a hearing on the administrative charge and proposed penalty.

G. If a hearing is not requested within 30 days of the postmark of the administrative charge sent to the alleged violator, the administrative charge, including any penalties, shall become a final order of the Secretary.

H. If there is a request for a hearing, the Secretary may delegate the hearing to the Office of Administrative Hearings in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

I. A proposed decision of an administrative law judge shall become a final order of the Secretary unless, within 15 days of the issuance of the proposed decision:

(1) The Secretary orders review of the proposed decision; or

(2) The alleged violator submits to the Secretary a written request for review of the proposed decision.

J. After review of the proposed decision under §I of this regulation, with or without a hearing on the record, the Secretary shall issue an order that affirms, modifies, or vacates the proposed decision.

TIFFANY P. ROBINSON
Secretary

**Title 34
DEPARTMENT OF
PLANNING
Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS**

34.04.07 Historic Revitalization Tax Credit Certifications

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

Notice of Proposed Action
[20-120-P]

The Secretary of Planning proposes to amend Regulations .02, .03, .05, and .06 under COMAR 34.04.07 Historic Revitalization Tax Credit Certifications.

Statement of Purpose

The purpose of this action is to amend the regulations that govern Historic Revitalization Tax Credit Certifications to comport with applicable statutory changes made during the 2020 Session of the General Assembly under Chs. 314 and 633, Acts of 2020, effective July 1, 2020.

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 Collin Ingraham, Chief, Office of Preservation Services, Maryland Historical Trust, 100 Community Place, 3rd Fl., Crownsville, MD 21032-2023, or call 410-697-9558, or email to collin.ingraham@maryland.gov, or fax to 410-697-9616. Comments will be accepted through August 5, 2020. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) “Business entity” [means]:

(a) [A] *Means* a person, as defined in State Finance and Procurement Article, §1-101(d), Annotated Code of Maryland, who conducts or operates a trade or business in the State that is:

(i) (text unchanged)

(ii) Subject to State income tax as defined in Tax-General Article, §10-101(n), Annotated Code of Maryland; [or]

(b) [An] *Means* an organization conducting or operating a business in the State that is:

(i) (text unchanged)

(ii) Exempt from taxation under §501(c)(3) of the federal Internal Revenue Code[.]; and

(c) *Includes the governing body of a condominium or cooperative housing corporation.*

(5)—(6) (text unchanged)

(7) “Common elements” means:

(a) *All of a condominium except for the condominium units within the condominium; or*

(b) *All of a cooperative project except for the portions of the cooperative project that are leased, or are made available for lease, for exclusive occupancy by a stockholder or member of the cooperative housing corporation under a proprietary lease.*

(8) “Condominium” means property subject to the condominium regime established under Real Property Article, Title 11, Annotated Code of Maryland.

(9) *Condominium Unit.*

(a) “Condominium unit” means a three-dimensional space identified as a unit in a declaration and on a condominium plat recorded in accordance with Real Property Article, Title 11, Annotated Code of Maryland, and includes all improvements contained within the space.

(b) Unless otherwise specified in the declaration or plat for the condominium, for a condominium created after July 1, 1981, “condominium unit” includes:

(i) *If walls, floors, or ceiling are designated as boundaries for the unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces of the unit;*

(ii) *If any chute, flue, duct, wire, conduit, or any other fixture lies partially within and partially outside the designated boundaries of the unit, any portion thereof serving only the unit; and*

(iii) *All spaces, interior partitions, and other fixtures and improvements within the boundaries of the unit.*

(10) “Cooperative housing corporation” means a domestic or foreign corporation qualified in the State, either stock or nonstock, having only one class of stock or membership, in which each stockholder or member, by virtue of such ownership or membership, has an interest in a cooperative housing corporation, which interest is coupled with a possessory interest in real or personal property or both and evidenced by a membership certificate.

(11) “Cooperative project” means all real and personal property in the State owned or leased by a cooperative housing corporation for the primary purpose of residential use.

[(7)] (12) (text unchanged)

(13) “Governing body” means:

(a) *With respect to a condominium, the council of unit owners, board of directors, or any committee of the council of unit owners or board of directors of the condominium; or*

(b) *With respect to a cooperative housing corporation, the board of directors or other entity established to govern the cooperative housing corporation.*

[(8)] (14)—[(27)] (33) (text unchanged)

.03 The Historic Revitalization Tax Credit Program.

A.—C. (text unchanged)

D. The Small Commercial Tax Credit.

(1) A rehabilitation will qualify as a certified rehabilitation eligible for the Small Commercial Tax Credit if:

(a)—(c) (text unchanged)

(d) The structure:

(i) (text unchanged)

(ii) *After completion of the rehabilitation, is a residential unit located within a consecutive series of similar residential units that are arranged side by side in a row and has been sold by a developer who undertook the rehabilitation to an individual or individuals for residential use; [or]*

(iii) *Is either an agricultural structure or a post-World War II structure; [and] or*

(iv) *Is a condominium or cooperative project and the rehabilitation impacts only common elements of the condominium or cooperative project; and*

(e) (text unchanged)

(2)—(3) (text unchanged)

E. (text unchanged)

.05 Procedures for Application for and Review of Certifications of Eligibility of Certified Historic Structure Rehabilitations (Part 2).

A.—B. (text unchanged)

C. Small Commercial Tax Credit.

(1) *For the rehabilitation of a condominium or cooperative housing project, a Part 2 application for the Small Commercial Tax Credit shall be submitted by the governing body of the condominium or cooperative housing project.*

[(1)] (2)— [(2)] (3) (text unchanged)

[(3)] (4) If the Director determines that the criteria set forth in [§C(2)(a) and (b)] §C(3)(a) and (b) of this regulation are satisfied, the Director shall:

(a)—(e) (text unchanged)

[(4)] (5) If the Director determines that any of the criteria set forth in [§C(2)(a) and (b)] §C(3)(a) and (b) of this regulation is not satisfied, the Director shall deny the Part 2 application or amendment and promptly send written notice of the denial to the applicant.

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

D. (text unchanged)

**.06 Procedures for Certification of Completed Rehabilitation
(Part 3).**

A.—F. (text unchanged)

G. *Allocation and Transfer of Tax Credit.*

(1) *The tax credit amount determined under §E of this regulation by the Director upon review of a Part 3 application:*

(a) *That is filed by a business entity, may be allocated among the partners, members, or shareholders of the entity as may be agreed to by the partners, members, or shareholders; or*

(b) *For a Competitive Commercial Tax Credit, may be transferred in whole or part by the Part 3 applicant to any one or more individuals or business entities as may be agreed to by the applicant and the individual or business entity.*

(2) *The tax credit amount allocated or transferred under this section to an individual or business entity may be applied against the total tax otherwise payable by the individual or business entity for the taxable year during which the certified rehabilitation was completed.*

(3) *If the tax credit amount allocated or transferred under this section to an individual or business entity exceeds the total tax payable by the individual or business entity:*

(a) *The individual or business entity may claim a refund in the amount of the excess; or*

(b) *As to the transferee of all or a portion of the Competitive Commercial Tax Credit, the transferee may transfer any amount not claimed as a refund to any other individual or business entity.*

(4) *Any agreement concerning the allocation or transfer of a tax credit amount under this section shall be in writing and executed by all parties to the agreement.*

ROBERT McCORD
Secretary of Planning

Errata

COMAR 30.02.02.13

At 47:13 Md. R. 657 (June 19, 2020), column 1, lines 17 and 18 from the bottom:

For: *certification as a student shall complete the requirements of COMAR 30.02.03.03D within 180 days of the expiration or rescission of the*

Read: *certification as a student shall complete the requirements of Regulation .03D of this chapter within 180 days of the expiration or rescission of the*

[20-14-15]

Special Documents

DEPARTMENT OF THE ENVIRONMENT LAND AND MATERIALS ADMINISTRATION

Notice of Final Determination — General Discharge Permit for Animal Feeding Operations — State Discharge Permit No. 19AF; NPDES Permit No. MDG01

The Maryland Department of the Environment (MDE or the Department) is reissuing with revisions the General Discharge Permit (GD Permit) for Animal Feeding Operations (AFOs), Maryland Permit No. 19AF, NPDES Permit No. MDG01. This General Discharge Permit will replace Maryland Permit No. 14AFA, NPDES Permit No. MDG01A that was effective August 1, 2016 and expired November 30, 2019.

The General Discharge Permit is necessary to protect water quality and to comply with federal requirements under 40 Code of Federal Regulations (CFR) Parts 122, 123, 124, 125, and 412, as well as state requirements under Code of Maryland Regulations (“COMAR”) 26.08.04.09N. All large and medium AFOs that discharge or propose to discharge to waters of the state must be covered under the General Discharge Permit. Other AFOs may be required to be covered under the General Discharge Permit at the discretion of MDE or the United States Environmental Protection Agency (“EPA”).

On September 4, 2019, MDE published a Notice of Tentative Determination to reissue with revisions the AFO General Discharge Permit. MDE conducted public hearings on October 15, 2019 at the Thurmont Regional Library, 76 East Moser Road, Thurmont, Maryland 21788 and on October 21, 2019 at the Wicomico Civic Center, 500 Glen Avenue, Salisbury, Maryland 21804. The public comment period was extended by 60 days and written public comments were received by MDE through December 27, 2019. In addition to the General Discharge Permit revisions proposed in the Tentative Determination, MDE has made the following additional revisions, in addition to renumbering, spacing, and other non-substantive changes, to the draft General Discharge Permit in response to comments received as part of the public participation process:

General: The usage of the terms “surface water” and “waters of the state” was clarified throughout the General Discharge Permit.

Part II:

(a) The definition of “organic poultry” has been moved from Part IV.D.3(a) and added as Part II.V. “Organic poultry” means a poultry CAFO or Maryland Animal Feeding Operation (MAFO) that complies with the organic standards established by the United States Department of Agriculture (USDA) National Organics Program at 7 CFR 205;

(b) The definition of “poultry litter manure” or “litter” has been clarified to include the phrase “that has come in contact with poultry” at Part II.Y. “Poultry litter manure” or “litter” means the fecal and urinary excretion of poultry, including poultry litter and materials used as bedding that has come in contact with poultry;

(c) The definition of “poultry pasture” has been moved from Part IV.D.3(b) and added as Part II.Z. “Poultry pasture” means an area of an organic poultry feeding operation where chickens are allowed access to areas outside a poultry house. The poultry pasture allows

for raising poultry on pasture in addition to indoor confinement. The poultry pasture is not considered part of the production area as long as the area maintains vegetation during the normal vegetative growing season; and

(d) The term “vegetative” has been added prior to “growing season” in Part II.BB.

Part III.B.5: MDE will develop a form on which a Comprehensive Nutrient Management Plan (CNMP) writer must identify the resources evaluated and identify all specific resource concerns at an AFO. This form must be provided to MDE by the CNMP writer or an AFO owner or operator along with the AFO’s CNMP.

Part III.B.5: When submitting a Notice of Intent (NOI) for coverage under the General Discharge Permit for a proposed, renewed, or modified AFO, the Required Plan must identify the distance to and the name of the nearest waterbody(s), the 12-digit watershed name and number, the water quality status of the watershed(s) by identifying if there are any Total Maximum Daily Load (TMDL) impairments for nitrogen, phosphorus, bacteria or sediment and if the facility is located in a Tier 2 watershed(s).

Part V.B.1.1: MDE’s Annual Implementation Report (AIR) form will be revised to include a question regarding the status of resource concerns on an AFO’s Implementation Schedule.

As provided by § 1-601(c) of the Environment Article, a Final Determination by the Department on the issuance, denial, renewal, or revision of the General Discharge Permit is subject to judicial review at the request of any person that: (1) Meets the threshold standing requirements under federal law; and (2) (i) Is the applicant; or (ii) Participated in the public participation process through the submission of written or oral comments, unless an opportunity for public participation was not provided. Judicial review is based on the administrative record before the Department and limited to objections raised during the public comment period unless the petitioner demonstrates that: (i) The objections were not reasonably ascertainable during the comment period; or (ii) Grounds for the objections arose after the comment period. Md. Code Ann., Envir. § 1-601(d). A person petitioning for judicial review shall file the petition in accordance with Title 1, Subtitle 6 of the Environment Article and the Maryland Rules. Md. Code Ann., Envir. § 1-605(a), (c). A party submitting a petition for judicial review shall file the petition within thirty (30) calendar days after publication of a notice of Final Determination. Md. Code Ann., Envir. § 1-605(b).

The General Discharge Permit and MDE’s “Response to Public Comments Regarding General Discharge Permit for Animal Feeding Operations, Maryland Permit # 19AF; NPDES Permit # MDG01” may be viewed on the Animal Feeding Operations Program Webpage:

<https://mde.maryland.gov/programs/LAND/RecyclingandOperationsprogram/Pages/AFOInfo.aspx>

Copies of these documents may be obtained from MDE at a cost of \$0.36 per page. For further information regarding this notice, please contact C. John Sullivan III, Manager, Resource Management Program at (410) 537-3314 or John.Sullivan1@maryland.gov.

[20-14-14]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 19-WQC-0025

*Prince George's County Dept of the Environment
1801 McCormick Dr, Ste 500
Largo, Maryland 20774*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 19-WQC-0025.

Location: 17708 Magruders Ferry Rd, Prince George's County, Brandywine, MD 20613, in the Patuxent River.

The purpose of the project is to provide shoreline erosion control for the County's Total Maximum Daily Load program. To construct a 19-foot wide by 1350-foot long low-profile stone, vented sand containment structure extending a maximum of 49 feet channelward of the mean high water line; and fill and grade with 1029 cubic yards

of sand along 1217 feet of eroding shoreline and plant approximately 40,625 square feet with marsh vegetation.

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Melissa McCanna at Melissa.McCanna@maryland.gov or 410-537-4053.

[20-14-11]

DEPARTMENT OF STATE POLICE HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **July 6, 2020**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Rachel Rosenberg, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Baltimore, Maryland 21208 (Phone: 410-653-4247).

Make	Model	Model No.	Caliber	Additional Comments
Browning	1911-22	051876490 (BLACK LABEL SUPPRESSOR READY WITH MUZZLE BRAKE)	22 LR	Model number addition
Springfield Armory/Inc.	SAINT VICTOR	STV975556B	5.56 NATO, 223 REM	Model and caliber addition
Smith & Wesson	M&P 380 SHIELD EZ	13282 (MANUAL THUMB SAFETY)	380 ACP	Model number addition
Taurus	SPECTRUM	1-007039-206	380 ACP	Model number addition
Smith & Wesson	M&P 9-SHIELD M2.0	13308 (SKU#) RANGE KIT	9 mm	Model number addition
Sig Sauer/Sigarms Inc.	P229	P229R Legacy	40 S&W, 357 Sig	Model number addition
CZ USA	CZ P-10 C	05130	9 mm	Model number addition
Springfield Armory/Inc.	SAINT EDGE	STE955556B	5.56 NATO, 223 REM	Model and caliber addition
Sig Sauer/Sigarms Inc.	P226	MK-25	9 mm	Model number addition
Sturm Ruger	LCP	3755	380 ACP	Model number addition
Smith & Wesson	M&P 380 SHIELD EZ	13283, 13290, 13291	380 ACP	Model number addition
Smith & Wesson	M&P 9 Shield M2.0 EZ	13314, 13315	9 mm	Model number addition
Smith & Wesson	Performance Center M&P 9 Shield M2.0 EZ	13223, 13224, 13225, 13226, 13227, 13228	9 mm	Model addition
Cosaint Arms	COS11	NMN	9 mm, 45 ACP	

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Make	Model	Model No.	Caliber	Additional Comments
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II UL Viper	10616SA	9 mm	
Emperor Arms (Sarac Distributors, LLC)	DUKE	DUKE, DUKE110, DUKE111	12 Gauge, 20 Gauge, 410 Gauge	
TAURUS S.A. FORJAS (TAURUS INTERNATIONAL INC.)	942	2-942029, 2-942021	22 LR	
PALMETTO STATE ARMORY	AK-P	5165490429	7.62x39 mm	
Emperor Arms (Sarac Distributors, LLC)	MOGUL	12, 12W, MAX, MAXS, XL	12 Gauge, 20 Gauge, 410 Gauge	
Sturm Ruger	PC Charger	29100	9 mm	
Fusion Firearms, Inc.	BANTAM "TRUMP 2020"	1911FSB145	45 ACP	
Civil Defense Armory	RA-51	NMN	5.56 NATO, 223 REM	
FM Products	FMP-9	FMPGFM59CP, FMPGAMCHARFM59CP	9 mm	
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Trophy	40108GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Government Black	40101GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Government Stainless Steel	40102GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Commander Black	40103GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Commander Stainless Steel	40104GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Ultra Black	40105GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Ultra Aluminum Silver	40106GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Ultra-light	40107GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 TAC Government	40112GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 TAC Commander	40113GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 TAC Commander SC	40114GC	9 mm, 9X21 mm, 45 ACP, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Trophy SAW	40109GC	9 mm, 9X21 mm, 40 S&W	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	1911 Trophy Cesar	40110GC	9 mm, 9X21 mm, 40 S&W	Model addition
Bul Transmark, Ltd.	1911 Target 6"	40111GC	9 mm, 9X21	Model addition

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Make	Model	Model No.	Caliber	Additional Comments
(Bul Armory USA, LLC)			mm, 45 ACP, 40 S&W	
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II Bullesteros	10101SA	9 mm, 9X21 mm, 38 Super	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II UR	10202SA	9 mm, 9X21 mm, 38 Super	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II UR Shorty	10203SA	9 mm, 9X21 mm, 38 Super	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II UR-F	10204SA	9 mm, 9X21 mm, 38 Super	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II Radical 5.7"	10306SA	9 mm, 40 S&W, 9X21 mm	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II Radical 5.4"	10307SA	9 mm, 40 S&W, 9X21 mm	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II SL-AIR	10408SA	9 mm, 40 S&W, 9X21 mm	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II SL-SAW	10409SA	9 mm, 40 S&W, 9X21 mm	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II SL	10410SA	9 mm, 40 S&W, 9X21 mm	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II TAC Government	10511SA	9 mm, 9X21 mm, 45 ACP	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II TAC Commander	10512SA	9 mm, 9X21 mm, 45 ACP	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II TAC Commander SC	10513SA	9 mm, 9X21 mm, 45 ACP	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II Ultra FS	10613SA	9 mm, 45 ACP	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II UL	10614SA	9 mm, 45 ACP	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II UL SC	10615SA	9 mm, 45 ACP	Model addition
Bul Transmark, Ltd. (Bul Armory USA, LLC)	SAS II UL Viper	10616SA	45 ACP	Caliber addition
Smith & Wesson	M&P 9 Shield M2.0 EZ	13317, 13318, 13329, 13330	9 mm	Model number addition
Smith & Wesson	M&P 380 SHIELD EZ	13327, 13328, 13338	380 ACP	Model number addition
Smith & Wesson	60-15	178013	357 Mag, 38 Spl+P	Model addition
SHADOW SYSTEMS CORP	MR920	SS-1029 (COMBAT), SS-1030 (COMBAT), SS-1031 (COMBAT), SS-1032 (COMBAT), SS-1033 (COMBAT), SS-1034 (COMBAT), SS-1035 (ELITE), SS-1036 (ELITE), SS-1037 (ELITE), SS-1038 (ELITE), SS-	9 mm	Model number addition

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Make	Model	Model No.	Caliber	Additional Comments
		1039 (ELITE), SS-1040 (ELITE), SS-1041 (COMBAT), SS-1042 (COMBAT), SS-1043 (COMBAT), SS-1044 (COMBAT), SS-1045 (COMBAT), SS-1046 (COMBAT), SS-1047 (ELITE), SS-1048 (ELITE), SS-1049 (ELITE), SS-1050 (ELITE), SS-1051 (ELITE), SS-1052 (ELITE), SS-1053 (ELITE), SS-1054 (ELITE), SS-1055 (ELITE), SS-1056 (ELITE)		
Wilson Combat/Sig Sauer	WCP320	SIG-WCP320F-9B, SIG-WCP320F-9T	9 mm	Model addition
BERETTA USA	92X FR Centurion	J92QR920	9 mm	Model addition
Sig Sauer/Sigarms Inc.	MPX	WPMPX-4B-9, WPMPX-8B-9	9 mm	Model number addition
Sturm Ruger	SR1911	06776	45 ACP	Model number addition
TAURUS S.A. FORJAS (TAURUS INTERNATIONAL INC.)	692 Tracker	2-692029, 2-692021	357 Mag, 38 Spl, 9 mm	Model number addition
Smith & Wesson	360 Airweight	360J	357 Mag, 38 Spl+P	Model and caliber addition
Smith & Wesson	M&P 9 M2.0	13113 (SKU#) Spec Series Pistol Kit	9 mm	Model number addition
Smith & Wesson	Performance Center Ported M&P 9 Shield M2.0	12471 (SKU#) Every Day Carry Kit	9 mm	Model addition
Sig Sauer/Sigarms Inc.	P320 XFull	320XF-9-BXR3-R2-10, 320XF-9-BXR3-R2-10-1M, 320XF-9-BXR3-R2	9 mm	Model addition
Springfield Armory/Inc.	SAINT VICTOR	STV975556B-SBA3, STV975556F, STV975556G, STV975556Y	5.56 NATO, 223 REM	Model number addition
Springfield Armory/Inc. (HS Produkt)	Hellcat	HC9319BO, HC9319BFSP, HC9319BFO, HC9319BFOOSP	9 mm	Model number addition
Kimber	Custom LW	3700596	9 mm	Model and caliber addition
Sig Sauer/Sigarms Inc.	P365	365-9-BXR3-TACPAC	9 mm	Model number addition
Springfield Armory/Inc.	1911 RONIN OPERATOR	PX9119L (9 mm), PX9120L (45 ACP)	9 mm, 45 ACP	Model addition
Springfield Armory/Inc.	1911 MC OPERATOR	PX9105ML18	45 ACP	Model number addition
BERETTA USA	92X GR FULL SIZE	J92FR921G	9 mm	Model number addition
CMMG, INC.	MK4	94A179C (300 SERIES)	9 mm	Model and caliber addition
TAURUS S.A. FORJAS (TAURUS INTERNATIONAL INC.)	G3	1-G3949, 1-G3949-10	9 mm	Model number addition
Tippmann Arms	M4-22 Micro Elite Pistol	A101042	22 LR	Model addition
Kimber	Stainless LW	3700641	9 mm	Model addition
DANIEL DEFENSE, INC.	DDM4 V7 P	02-128-00166 (300 BLK), 02-128-16550 (5.56 NATO / 223 Rem), 02-128-08252 (300 BLK), 02-128-19050 (5.56 NATO / 223 Rem), 02-128-09263-067 (300 BLK), 02-128-19050-067 (5.56 NATO / 223 Rem)	223 Rem, 300 BLK, 5.56 NATO	Model number addition

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Sig Sauer/Sigarms Inc.	P320 XFull RXP	320XF-9-BXR3-RXP-10-1M, 320XF-9-BXR3-RXP, 320XF-9- BXR3-RXP-10	9 mm	Model addition
FN AMERICA LLC	509	509 Compact MRD	9 mm	Model number addition
AREX	REX ZERO 1-S	REXZERO1S-06	9 mm	Model number addition
Sturm Ruger	LCP II	13708	380 ACP	Model number addition
Sturm Ruger	SECURITY 9	3828	9 mm	Model number addition
DIAMONDBACK FIREARMS	DB10	DB10P13BGB	308 Win	Model number addition
ALDO UBERTI & CO.	1860 Army Conversion	341365	45 LC	Model addition

[20-14-08]

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.

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: July 14, 2020, 9 — 11 a.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month. Part of the meeting may include a closed session.
Contact: E. Fremont Magee (410) 706-8531

[20-14-03]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: July 16, 2020, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570

[20-14-01]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting
Date and Time: July 17, 2020, 9 a.m. — 12 p.m.
Place: Via teleconference—see details below
Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.

The meeting may take place by teleconference. Please call the office to confirm.

Contact: Lauren Murray (410) 402-8556

[20-14-06]

MARYLAND PRESCRIPTION DRUG MONITORING PROGRAM TECHNICAL ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: July 27, 2020, 3 — 4:30 p.m.
Place: Virtual Meeting:
<https://attendee.gototraining.com/r/7950230334474004225>, +1 (510) 365-3231, Access Code: 585-117-557

Add'l. Info: Maryland's Prescription Drug Monitoring Program (PDMP) Technical Advisory Committee supports the PDMP's quantitative data analysis and provides clinical expertise. The TAC meets generally on a quarterly basis. Part of the TAC meeting in which identifiable PDMP data will be disclosed will be conducted in a closed session and will not be open to the public. As soon as available, an agenda for the meeting will be posted on the PDMP website at:

<https://bha.health.maryland.gov/pdmp/Pages/PDMP-Advisory-Board.aspx>.

Future public meetings dates, times, and locations will be posted on the MarylandPDMP.org website.

Contact: Sara Roberson (410) 402-8426

[20-14-12]

RACING COMMISSION

Subject: Public Meeting
Date and Time: July 23, 2020, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682

[20-14-10]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: July 16, 2020, 10 a.m. — 2 p.m.
Place: Baltimore City Maintenance Facility, Hillen Rd., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Dee Settar (410) 537-4162

[20-14-05]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: July 22, 2020, 9 a.m. — 1 p.m.
Place: Maryland Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Dee Settar (410) 537-4162

[20-14-04]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: July 23, 2020, 9:30 — 11:30 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300

[20-14-02]

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- 08 Health Facilities Grants

### Part 2

- 09 Medical Care Programs

### Part 3

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- 11 Maternal and Child Health
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- 17 Swimming Pools and Spas
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### Part 5

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- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
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- 09 Vacant
- 10 Vacant

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- 17 MVA – Driver Licensing and Identification Documents
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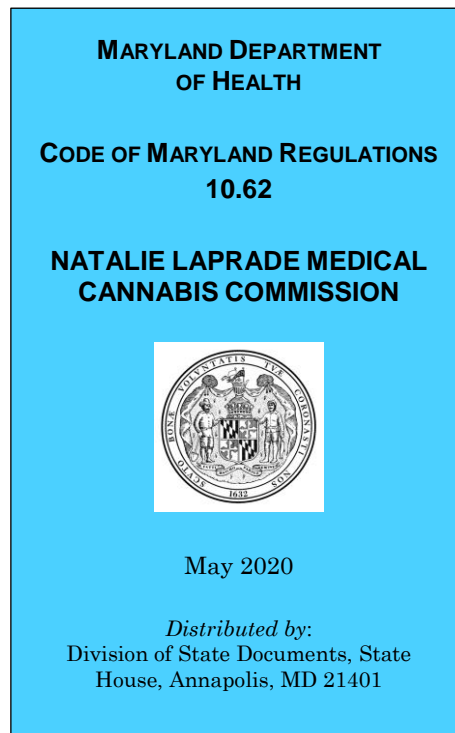
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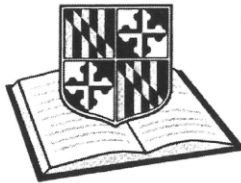
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