

Maryland Register

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IN THIS ISSUE

Governor
Regulations
Errata
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 8, 2024, 5 p.m.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 November 8, 2024.

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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Wes Moore, Governor; **Susan C. Lee**, Secretary of State; **Gail S. Klakring**, Administrator; **Tracey A. Johnstone**, Editor, Maryland Register; **Tarshia N. Neal**, Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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Illustrations by Carolyn Anderson, Dept. of General Services

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Contents

	1075
Closing Dates for the Maryland Register	
Schedule of Closing Dates and Issue Dates for the Maryland Register	1076
COMAR Research Aids	
Table of Pending Proposals	1077
Index of COMAR Titles Affected in This Issue	
<u>COMAR Title Number and Name</u>	<u>Page</u>
07 Department of Human Services	1081
08 Department of Natural Resources	1083
09 Maryland Department of Labor	1084
10 Maryland Department of Health	1086, 1088
11 Department of Transportation	1081, 1093, 1094
13A State Board of Education	1096
15 Maryland Department of Agriculture	1096, 1097, 1098
20 Public Service Commission	1082
21 State Procurement Regulations	1082
29 Department of State Police	1082
36 Maryland State Lottery and Gaming Control Agency	1099
PERSONS WITH DISABILITIES	
Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.	
The Governor	
EXECUTIVE ORDER 01.01.2024.36	
Renewal of Executive Order 01.01.2024.09	1080
Final Action on Regulations	
07 DEPARTMENT OF HUMAN SERVICES	
SOCIAL SERVICES ADMINISTRATION	
Kinship Care Program	1081
LDSS Resource Home Requirements	1081
11 DEPARTMENT OF TRANSPORTATION	
MARYLAND AVIATION ADMINISTRATION	
MOTOR VEHICLE ADMINISTRATION—ADMINISTRATIVE PROCEDURES	
Ignition Interlock Program	1081
20 PUBLIC SERVICE COMMISSION	
CYBERSECURITY	1082
Subtitle 50 SERVICE SUPPLIED BY ELECTRIC COMPANIES	1082
21 STATE PROCUREMENT REGULATIONS	
ADMINISTRATIVE AND CIVIL REMEDIES	1082
29 MARYLAND STATE POLICE	
WEAPONS REGULATIONS	
Regulated Firearms	1082
Regulated Firearms	1082
Withdrawal of Regulations	
08 DEPARTMENT OF NATURAL RESOURCES	
FISHERIES SERVICE	1083
LOTTERY PROVISIONS	
General	1079
Retailer Licensing	1079
Retailer Requirements	1079
Common Provisions for All Lottery Games	1079
Specific Game Provisions	1079
Unclaimed Lottery Prizes	1079
Proposed Action on Regulations	
09 MARYLAND DEPARTMENT OF LABOR	
HOUSEHOLD GOODS MOVERS	
General Regulations	1084
10 MARYLAND DEPARTMENT OF HEALTH	
MARYLAND HEALTH CARE COMMISSION	
Certification of Electronic Health Networks and Medical Care	
Electronic Claims Clearinghouses	1086
Health Information Exchanges: Privacy and Security of Protected Health Information	1088
11 DEPARTMENT OF TRANSPORTATION	
MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION	
Issuance, Renewal, Display, and Expiration of Registrations	1093
MOTOR VEHICLE ADMINISTRATION—FINANCIAL RESPONSIBILITY REQUIREMENTS	
Reporting Requirements for Lapse or Termination of Required Security	1094
13A STATE BOARD OF EDUCATION	
SUPPORTING PROGRAMS	
Purple Star Schools Program	1095
STUDENTS	
General Regulations	1096
15 MARYLAND DEPARTMENT OF AGRICULTURE	
WEIGHTS AND MEASURES	
Approval and Type Evaluation Requirements	1096
Fees Charged to Test Standards and Other Equipment Used by Technicians	1097
Qualifications for Registration of a Service Technician and Service Agency	1098
36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY	
GENERAL PROVISIONS	
General	1099
Voluntary Exclusion and Responsible Gaming	1099
LOTTERY PROVISIONS	
General	1099
Retailer Licensing	1099
Retailer Requirements	1099
Common Provisions for All Lottery Games	1099
Specific Game Provisions	1099
Unclaimed Lottery Prizes	1099
[Special Operation Licenses for] Instant Ticket Lottery Machines	1099
GAMING PROVISIONS	
Video Lottery Facility Minimum Internal Control Standards	1118
TABLE GAMES	
Table Games Procedures	1118
SPORTS WAGERING PROVISIONS	
Sports Wagering Licensee Minimum Internal Control Standards	1118
Errata	
15.20.13.21	1121
Special Documents	
MARYLAND HEALTH CARE COMMISSION	1123

Average Annual Occupancy Rates By Jurisdiction and Facility Special Chronic Hospital Beds 1123
 Use of Special Chronic Hospital Beds MD FY 2024..... 1124
 SUSQUEHANNA RIVER BASIN COMMISSION 1125
 Projects Approved for Consumptive Uses of Water 1125
 SUSQUEHANNA RIVER BASIN COMMISSION 1126
 Grandfathering Registration Notice 1126
 SUSQUEHANNA RIVER BASIN COMMISSION 1127
 Minor Modification Notice 1127
 SUSQUEHANNA RIVER BASIN COMMISSION 1127
 Commission Meeting 1127
 WATER AND SCIENCE ADMINISTRATION 1128
 Water Quality Certification 24-WQC-0019 1128
 WATER AND SCIENCE ADMINISTRATION 1128
 Water Quality Certification 24-WQC-0039 1128
 DEPARTMENT OF TRANSPORTATION 1129
 Pre-solicitation Report 1129

General Notices

DEPARTMENT OF THE ENVIRONMENT
 Public Meeting 1130
 FIRE PREVENTION COMMISSION
 Public Meeting 1130
 MARYLAND DEPARTMENT OF HEALTH/
 WORKGROUP ON ISSUANCE OF ALCOHOLIC
 BEVERAGES LICENSES TO TOBACCONISTS
 Public Meeting 1130
 MARYLAND STATE LOTTERY AND GAMING CONTROL
 COMMISSION
 Public Meeting 1130
 BOARD OF WATERWORKS AND WASTE SYSTEMS
 OPERATORS
 Public Meeting 1130

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.maryland.gov, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES THROUGH December 2025[†]

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2024			
December 13	November 25	December 2	December 4
December 27	December 9	December 16	December 18
2025			
January 10	December 23	December 30	December 31**
January 24	January 6	January 13	January 15
February 7	January 17**	January 27	January 29
February 21	February 3	February 10	February 12
March 7	February 14**	February 24	February 26
March 21	March 3	March 10	March 12
April 4	March 17	March 24	March 26
April 18	March 31	April 7	April 9
May 2	April 14	April 21	April 23
May 16	April 28	May 5	May 7
May 30	May 12	May 19	May 21
June 13	May 23**	June 2	June 4
June 27	June 9	June 16	June 18
July 11	June 23	June 30	July 2
July 25	July 7	July 14	July 16
August 8	July 21	July 28	July 30
August 22	August 4	August 11	August 13
September 5	August 18	August 25	August 27
September 19	August 29**	September 8	September 10
October 3	September 15	September 22	September 24
October 17	September 29	October 6	October 8
October 31	October 10**	October 20	October 22
November 14	October 27	November 3	November 5
December 1***	November 10	November 17	November 19
December 12	November 24	December 1	December 3
December 26	December 8	December 15	December 17

[†] Please note that this table is provided for planning purposes and that the Division of State Documents (DSD) cannot guarantee submissions will be published in an agency’s desired issue. Although DSD strives to publish according to the schedule above, there may be times when workload pressures prevent adherence to it.

* Also note that proposal deadlines are for submissions to DSD for publication in the Maryland Register and do not take into account the 15-day AELR review period. The due date for documents containing 8 to 18 pages is 48 hours before the date listed; the 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 due to holidays.

*** Note issue date changes due to holidays.

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)

09	12	01	01	D	(2)	(c)	000	
Title	Chapter	Section	Paragraph	Regulation	Subsection	Subparagraph		
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 and corrections pertaining to proposed regulations are listed, followed by “(err)” or “(corr),” respectively. 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.

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01 EXECUTIVE DEPARTMENT

01.02.11.03,,11 • 51:21 Md. R. 928 (10-18-24)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.23.01.01—,04 • 51:22 Md. R. 966 (11-1-24)

07 DEPARTMENT OF HUMAN SERVICES

07.02.25.01—,24 • 51:19 Md. R. 861 (9-20-24)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.01.12 • 51:22 Md. R. 968 (11-1-24)

08.02.11.01 • 51:23 Md. R. 1039 (11-15-24)

08.02.22.02 • 51:10 Md. R. 534 (5-17-24)

09 MARYLAND DEPARTMENT OF LABOR

09.03.02.01,,04,,09—,13 • 51:14 Md. R. 685 (7-12-24)

09.03.06.02,,04,,06,,16 • 51:14 Md. R. 685 (7-12-24)

09.03.09.02,,07 • 51:14 Md. R. 685 (7-12-24)

09.11.09.02 • 51:15 Md. R. 713 (7-26-24)

09.13.07.02,,04 • 51:19 Md. R. 870 (9-20-24)

09.19.08.02 • 51:19 Md. R. 871 (9-20-24)

09.30.01.01—,10 • 51:24 Md. R. 1084 (12-2-24)

09.33.02.01—,09 • 50:25 Md. R. 1100 (12-15-23)

09.36.06.01 51:19 871 (9-20-24)

09.36.08.02 51:19 Md. R. 871 (9-20-24)

09.36.08.02 • 50:25 Md. R. 1101 (12-15-23)

09.42.01.01—,03 • Md. R. 929 (10-18-24)

09.42.02.01—,10 • Md. R. 932 (10-18-24)

09.42.03.01—,10 • Md. R. 933 (10-18-24)

09.42.04.01—,12 • Md. R. 937 (10-18-24)

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

10.07.14.01—,65 • 51:6 Md. R. 272 (3-22-24)

Subtitle 09 (2nd volume)

10.09.11.11 • 51:2 Md. R. 79 (1-26-24)

10.09.21.02—,06 • 51:2 Md. R. 82 (1-26-24)

10.09.24.02,,07,,12 • 51:2 Md. R. 79 (1-26-24)

10.09.39.02,.06 • 50:24 Md. R. 1049 (12-1-23)
10.09.43.10,.13 • 51:2 Md. R. 79 (1-26-24)
10.09.46.12 • 51:4 Md. R. 204 (2-23-24)
10.09.53.04,.05 • 51:4 Md. R. 206 (2-23-24)
10.09.92.04,.05 • 51:1 Md. R. 38 (1-12-24)
10.24.01.01,.03,.12,.21—.23 • 51:23 Md. R. 1042 (11-15-24)
10.24.20.01 • 51:23 Md. R. 1044 (11-15-24)
10.25.07.02,.09—.12 • 51:24 Md. R. 1086 (12-2-24)
10.25.10.01—.17,.19 • Md. R. 969 (11-1-24)
10.25.18.01—.04,.08,.10,.13,.14 • 51:24 Md. R. 1088 (12-2-24)

Subtitles 37—52 (5th volume)

10.37.01.03 • 51:17 Md. R. 779 (8-23-24)
10.44.20.02 • 50:20 Md. R. 918 (10-6-23)

Subtitles 53—68 (6th volume)

10.63.07.02,.03,.05,.11 • 51:3 Md. R. 173 (2-9-24)
10.67.04.20 • 50:24 Md. R. 1049 (12-1-23)
10.67.06.28 • 50:24 Md. R. 1049 (12-1-23)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

11.13.13.01—.03 • 51:23 Md. R. 1045 (11-15-24)
11.15.16.05 • 51:24 Md. R. 1093 (12-2-24)
11.17.14.06 • 51:23 Md. R. 1046 (11-15-24)
11.18.04.01—.03,.04 • 51:24 Md. R. 1094 (12-2-24)

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

12.04.09.02 • 51:13 Md. R. 650 (6-28-24)

13A STATE BOARD OF EDUCATION

13A.06.10.02 • 51:24 Md. R. 1095 (12-2-24)
13A.07.06.02,.08 • 51:20 Md. R. 902 (10-4-24)
13A.07.08.01—.06, 07,08 • 51:20 Md. R. 903 (10-4-24)
13A.08.01.17 • 51:24 Md. R. 1096 (12-2-24)
13A.12.01.05—.07 • 51:21 Md. R. 942 (10-18-24)
13A.12.02.06,.07 • 51:21 Md. R. 942 (10-18-24)
13A.12.02.03 • 51:21 Md. R. 942 (10-18-24)
13A.12.04.02,.06,.07,.13,.15 • 51:21 Md. R. 942 (10-18-24)
13A.12.05.06,.08,.10,.15 • 51:21 Md. R. 942 (10-18-24)

13A.14.15.01—.09 • 51:22 Md. R. 973 (11-1-24)
13A.16.08.03 • 51:2 Md. R. 95 (1-26-24)
13A.16.10.02 • 51:2 Md. R. 95 (1-26-24)
13A.17.10.02 • 51:2 Md. R. 95 (1-26-24)

**13B MARYLAND HIGHER EDUCATION
COMMISSION**

13B.02.03.02,.03,.06,.20 • 51:20 Md. R. 905 (10-4-24)

14 INDEPENDENT AGENCIES

14.01.04.05 • 51:22 Md. R. 978 (11-1-24)
14.04.02.04 • 51:22 Md. R. 979 (11-1-24)
14.04.05.05 • 51:22 Md. R. 979 (11-1-24)
14.04.10.01—.06 • 51:22 Md. R. 979 (11-1-24)
14.04.11.01—.05 • 51:22 Md. R. 979 (11-1-24)
14.35.07.08,.11,.13,.18,.19 • 51:22 Md. R. 983 (11-1-24)
14.35.07.12 • 51:20 Md. R. 906 (10-4-24)
14.35.14.04 • 51:22 Md. R. 983 (11-1-24)
14.35.18.03,.04 • 51:17 Md. R. 789 (8-23-24)
14.39.02.05 • 51:20 Md. R. 907 (10-4-24)
14.39.02.12 • 51:23 Md. R. 1046 (11-15-24)

15 MARYLAND DEPARTMENT OF AGRICULTURE

15.03.09.05 • 51:24 Md. R. 1096 (12-2-24)
15.03.11.02—.05,.08—.12,.15 • 51:24 Md. R. 1097 (12-2-24)
15.03.11.04—.07 • 51:24 Md. R. 1098 (12-2-24)
15.20.07.02 • 51:22 Md. R. 984 (11-1-24) (ibr)
15.20.13.01—.28 • 51:22 Md. R. 985 (11-1-24)

21 STATE PROCUREMENT REGULATIONS

21.01.02.01 • 51:23 Md. R. 1046 (11-15-24)
21.02.01.04,.05 • 51:23 Md. R. 1046 (11-15-24)
21.03.05,.02 • 51:23 Md. R. 1046 (11-15-24)
21.05.03.01 • 51:23 Md. R. 1046 (11-15-24)
21.05.07.06 • 51:23 Md. R. 1046 (11-15-24)
21.05.08.07 • 51:23 Md. R. 1046 (11-15-24)
21.05.12.02 • 51:23 Md. R. 1046 (11-15-24)
21.05.16.01—.05 • 51:23 Md. R. 1046 (11-15-24)
21.07.01.08,.26,.31 • 51:23 Md. R. 1046 (11-15-24)
21.07.02.05-2,.10 • 51:23 Md. R. 1046 (11-15-24)
21.07.03.06,.26,.27 • 51:23 Md. R. 1046 (11-15-24)
21.07.04.01,.02 • 51:23 Md. R. 1046 (11-15-24)
21.10.02.02 • 51:23 Md. R. 1046 (11-15-24)

21.10.08.01—.08 • 51:23 Md. R. 1047 (11-15-24)
21.11.01.01,.02,.05,.06 • 51:23 Md. R. 1047 (11-15-24)
21.11.03.03,.17 • 51:23 Md. R. 1047 (11-15-24)
21.11.05.04,.06 • 51:23 Md. R. 1047 (11-15-24)
21.13.01.03 • 51:23 Md. R. 1046 (11-15-24)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.04.01.01,.01-1,.20,.31 • 51:6 Md. R. 309 (3-22-24) (ibr)

Subtitles 08—12 (Part 2)

26.11.43.04 51:19 Md. R. 872 (9-20-24)
Subtitles 19—30 (Part 4)

26.28.01.01—.03 • 51:18 Md. R. 830 (9-6-24) (ibr)
26.28.02.01—.05 • 51:18 Md. R. 830 (9-6-24)
26.28.03.01,.02 • 51:18 Md. R. 830 (9-6-24)
26.28.04.01—.03 • 51:18 Md. R. 830 (9-6-24)

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

27.01.01.01 • 51:22 Md. R. 996 (11-1-24)
 27.01.02.01,.01-1,.02, 02-1, .02-2, .03—.06,.06-1,.06-2,.06-3,.07,.08 • 51:22 Md. R. 996 (11-1-24)
 27.01.03.02—.04 • 51:22 Md. R. 996 (11-1-24)
 27.01.05.01,.02 • 51:22 Md. R. 996 (11-1-24)
 27.01.06.02,.03 • 51:22 Md. R. 996 (11-1-24)
 27.01.07.02,.03 • 51:22 Md. R. 996 (11-1-24)
 27.01.08.03 • 51:22 Md. R. 996 (11-1-24)
 27.01.09.01—.01-3,.01-6,.01-7,.02—.05 • 51:22 Md. R. 996 (11-1-24)
 27.01.10.01,.02 • 51:22 Md. R. 996 (11-1-24)
 27.01.11.04—.06 • 51:22 Md. R. 996 (11-1-24)
 27.01.12.06,.07 • 51:22 Md. R. 996 (11-1-24)
 27.01.14.03.05,.06 • 51:22 Md. R. 996 (11-1-24)
 27.02.01,.01 • 51:22 Md. R. 996 (11-1-24)
 27.02.02.01,.02 • 51:22 Md. R. 996 (11-1-24)
 27.02.03,.01,.02 • 51:22 Md. R. 996 (11-1-24)
 27.02.04,.01,.02 • 51:22 Md. R. 996 (11-1-24)
 27.02.05.01,,.03—.03-2,.04-1,.04-2,.06,.07,.08-2,.08-3,.09—.13,.15—.15-3 • 51:22 Md. R. 996 (11-1-24)
 27.02.06.01 • 51:22 Md. R. 996 (1161-24)
 27.02.07.01—.04 • 51:22 Md. R. 996 (11-1-24)
 27.02.08,.01,.02 • 51:22 Md. R. 996 (11-1-24)
 27.03.01,.01—.04,.05 • 51:22 Md. R. 996 (11-1-24)

**30 MARYLAND INSTITUTE FOR EMERGENCY
MEDICAL SERVICES SYSTEMS (MIEMSS)**

30.02.02.04,.06—.09 • 50:24 Md. R. 1061 (12-1-23)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.18.02,.17 • 51:21 Md. R. 946 (10-18-24)
 31.04.18.02,.15 • 51:21 Md. R. 946 (10-18-24)
 31.08.03.04,.05,.07,.08 • 51:22 Md. R. 1022 (11-1-24)

33 STATE BOARD OF ELECTIONS

33.03.02.01,.03,.05 • 51:16 Md. R. 762 (8-9-24)
 33.04.01.02,.07 • 51:8 Md. R. 375 (4-19-24)
 33.04.02.01—.03 • 51:8 Md. R. 375 (4-19-24)

33.05.02.02 • 51:16 Md. R. 762 (8-9-24)
 33.17.06.05 • 51:16 Md. R. 762 (8-9-24)

34 DEPARTMENT OF PLANNING

34.04.04.04 • 51:22 Md. R. 1025 (11-1-24)

**36 MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY**

36.01.01.01—.06 • 51:24 Md. R. 1099 (12-2-24)
 36.01.03.01—.06,.08 • 51:24 Md. R. 1099 (12-2-24)
 36.02.01.02 • 51:24 Md. R. 1099 (12-2-24)
 36.02.02.01—.10 • 51:24 Md. R. 1099 (12-2-24)
 36.02.03.01,.02—.05, .06—.15 • 51:24 Md. R. 1099 (12-2-24)
 36.02.04.01—.07,.08 • 51:24 Md. R. 1099 (12-2-24)
 36.02.05.01—.04 • 51:24 Md. R. 1099 (12-2-24)
 36.02.07, .01,.02 • 51:24 Md. R. 1099 (12-2-24)
 36.02.09, .01—.05 • 51:24 Md. R. 1099 (12-2-24)
 36.03.10,.07,.12,.14,.20,.28,.38 • 51:23 Md. R. 1059 (11-15-24)
 36.03.10.36 • 51:24 Md. R. 1118 (12-2-24)
 36.04.02.02 • 51:23 Md. R. 1059 (11-15-24)
 36.05.03.15 • 51:24 Md. R. 1118 (12-2-24)
 36.08.01.02 • 51:23 Md. R. 1059 (11-15-24)
 36.08.02.01 • 51:23 Md. R. 1059 (11-15-24)
 36.08.03.01—.04,.06 • 51:23 Md. R. 1059 (11-15-24)
 36.08.04.01,.03 • 51:23 Md. R. 1059 (11-15-24)
 36.09.01.02 • 51:23 Md. R. 1059 (11-15-24)
 36.09.02.01,.01—.06 • 51:23 Md. R. 1059 (11-15-24)
 36.09.03.01—.07 • 51:23 Md. R. 1059 (11-15-24)
 36.09.04.01—.07 • 51:23 Md. R. 1059 (11-15-24)
 36.09.05.01—.03 • 51:23 Md. R. 1059 (11-15-24)
 36.10.12.03 • 51:23 Md. R. 1059 (11-15-24)
 36.10.13.06,.37,.40,.45 • 51:23 Md. R. 1059 (11-15-24)
 36.10.13.39 • 51:24 Md. R. 1118 (12-2-24)
 36.10.14.06 • 51:23 Md. R. 1059 (11-15-24)
 36.10.18.04,.05 • 51:23 Md. R. 1059 (11-15-24)

The Governor

EXECUTIVE ORDER

01.01.2024.36

**Renewal of Executive Order 01.01.2024.09
(Declaration of a State of Emergency)**

GIVEN Under My Hand and the Great Seal of the State of Maryland, in Annapolis, this 8th Day of November, 2024.

WES MOORE
Governor

WHEREAS, I, Wes Moore, Governor of the State of Maryland, issued Executive Order 01.01.2024.09 declaring a State of Emergency due to the significant infrastructure damage to the Francis Scott Key Bridge in Baltimore on March 26, 2024;

ATTEST:

The declaration of the State of Emergency was renewed on October 11, 2024, by Executive Order 01.01.2024.35;

SUSAN C. LEE
Secretary of State

Because of the on-going impact of this incident, emergency conditions continue to exist Statewide;

I, WES MOORE, 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 OF THE MARYLAND CODE, HEREBY DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST IN THE STATE OF MARYLAND, THAT THE MARCH 26, 2024 DECLARATION IS RENEWED, AND FURTHER PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The Maryland Department of Emergency Management is hereby directed to continue to coordinate the State preparedness and response to impacts of this incident.

B. All other appropriate State authorities are hereby authorized to activate their emergency preparedness plans and engage, deploy, use, and coordinate available resources in furtherance of those plans.

C. The Maryland National Guard remains on regular duty.

[24-24-15]

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 07

DEPARTMENT OF HUMAN SERVICES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.09 Kinship Care Program

Authority: Family Law Article, §§5-501 et seq. and 5-534 Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference — 42 U.S.C. §§671, 672, and 674; 45 CFR §§1355.20, 1355.38, 1356.21(m), and 1356.30)

Notice of Final Action

[24-116-F]

On November 19, 2024, the Department of Human Services adopted new Regulation **.01—.13** under a new chapter, **COMAR 07.02.09 Kinship Care Program**. This action, which was proposed for adoption in 51:19 Md. R. 855—869 (September 20, 2024), has been adopted as proposed.

Effective Date: December 12, 2024.

RAFAEL LOPEZ
Secretary

07.02.25 LDSS Resource Home Requirements

Authority: Human Services Article, §2-209, Annotated Code of Maryland

Notice of Final Action

[24-115-F]

On November 19, 2024, the Department of Human Services adopted the repeal of existing Regulations **.01—.24** and new Regulations **.01—.20** under **COMAR 07.02.25 LDSS Resource Home Requirements**. This action, which was proposed for adoption in 51:19 Md. R. 855—869 (September 20, 2024), has been adopted as proposed.

Effective Date: December 12, 2024.

RAFAEL LOPEZ
Secretary

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 03 MARYLAND AVIATION ADMINISTRATION

Notice of Final Action

[24-046-F]

On November 14, 2024, the Executive Director of the Maryland Aviation Administration adopted amendments to Regulation **.09** under **COMAR 11.03.01 Baltimore/Washington International Thurgood Marshall Airport**. This action, which was proposed for adoption in 51:11 Md. R. 585 (May 31, 2024) and repropoed in 51:18 Md. R. 813 (September 6, 2024), has been adopted as repropoed.

Effective Date: December 12, 2024.

RICKY SMITH
Executive Director/CEO

Subtitle 11 MOTOR VEHICLE ADMINISTRATION—

ADMINISTRATIVE PROCEDURES

11.11.13 Ignition Interlock Program

Authority: Transportation Article, §§12-104(b), 16-205.1, 16-404.1, and 21-902.2, Annotated Code of Maryland

Notice of Final Action

[24-113-F]

On November 19, 2024, the Motor Vehicle Administration adopted amendments to Regulation **.03** under **COMAR 11.11.13 Ignition Interlock Program**. This action, which was proposed for adoption in 51:20 Md. R. 901 (October 4, 2024), has been adopted as proposed.

Effective Date: December 12, 2024.

CHRISTINE NIZER
Administrator

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 06 CYBERSECURITY

Annotated Code of Maryland

Notice of Final Action

[24-093-F]

On November 6, 2024, the Public Service Commission:

(1) Adopted amendments to Regulations **.01—.05** and new Regulations **.06—.09** under **COMAR 20.06.01 General**; and

(2) Adopted new Regulations **.01—.06** under a new chapter, **COMAR 20.06.02 Compliance**.

This action, which was proposed for adoption in 51:18 Md. R. 822—827 (September 6, 2024), has been adopted as proposed.
Effective Date: December 12, 2024.

ANDREW S. JOHNSTON
 Executive Secretary

Subtitle 50 SERVICE SUPPLIED BY ELECTRIC COMPANIES

20.50.09 Small Generator Facility Interconnection Standards

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

Notice of Final Action

[24-084-F]

On November 6, 2024, the Public Service Commission adopted amendments to Regulations **.02, .06, .09, .10, and .12—14** and the repeal of existing Regulation **.07** under **COMAR 20.50.09 Small Generator Facility Interconnection Standards**. This action, which was proposed for adoption in 51:17 Md. R. 789—795 (August 23, 2024), has been adopted with the nonsubstantive changes shown below.

Effective Date: December 12, 2024.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation **.10A(9)**: Corrections to this proposed regulation reflect nonsubstantive typographical corrections and it does not require republication.

.10 Level 2 Review.

A. The utility shall evaluate a Level 2 small generator facility for the potential for adverse system impacts *using net system capacity, pursuant to Regulation .06A and B of this chapter, unless nameplate capacity is specifically required* using the following:

(1)—(8) (proposed text unchanged)

(9) As an alternative *non-mandatory* method to evaluate the adverse system impacts of a proposed Level 2 small generator facility on the distribution system, as described in §A(1)—(8) of this regulation, *or as a mandatory next step prior to rejecting an interconnection request, pursuant to [[§E of this regulation,]] §F of this regulation, for [[Level 1]] Level 2 Review Failure*, a utility may use a power-flow based analysis system [if the utility has submitted:] *with modeling of IEEE 1547-2018 inverter capabilities as follows, if its use may change the analysis result as determined by the utility:*

(a)—(b) (proposed text unchanged)

ANDREW S. JOHNSTON
 Executive Secretary

Title 21 STATE PROCUREMENT REGULATIONS

Subtitle 10 ADMINISTRATIVE AND CIVIL REMEDIES

Authority: Proposed COMAR Changes Authority: State Finance and
 Procurement Article, §§12-101 and 15-201—15-223

Notice of Final Action

[24-120-F]

On November 20, 2024, the Maryland State Board of Contract Appeals adopted amendments to:

- (1) Regulations **.02** and **.06** under **COMAR 21.10.05 General**; and
- (2) Regulation **.12** under **COMAR 21.10.06 Procedures For Appealing Contract Disputes**.

This action, which was proposed for adoption in 51:20 Md. R. 907—909 (October 4, 2024), has been adopted as proposed.

Effective Date: December 12, 2024.

MICHAEL DOSCH
 Deputy Clerk

Title 29 MARYLAND STATE POLICE

Subtitle 03 WEAPONS REGULATIONS

29.03.01 Regulated Firearms

Authority: Criminal Law Article, Title 4, Subtitle 3; Public Safety Article, §5-105; Annotated Code of Maryland

Notice of Final Action

[24-049-F]

On November 7, 2024, the Secretary of State Police adopted amendments to Regulation **.45** under **COMAR 29.03.01 Regulated Firearms**. This action, which was proposed for adoption in 51:10 Md. R. 542 (May 17, 2024), has been adopted as proposed.

Effective Date: December 12, 2024.

ROLAND L. BUTLER JR.
 Secretary of State Police

29.03.01 Regulated Firearms

Authority: Criminal Law Article, Title 4, Subtitle 3; Public Safety Article, §§5-105 and 5-145.1; Annotated Code of Maryland

Notice of Final Action

[24-050-F]

On November 7, 2024, the Secretary of State Police adopted new Regulation **.58** under **COMAR 29.03.01 Dealer Security Requirements** under **COMAR 29.03.01 Regulated Firearms**. This action, which was proposed for adoption in 51:15 Md. R. 718—719 (July 26, 2024), has been adopted as proposed.

Effective Date: December 12, 2024.

ROLAND L. BUTLER JR.
 Secretary of State Police

Withdrawal of Regulations

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Withdrawal

[24-051-W]

The Secretary of Natural Resources withdraws the proposal to amend Regulations .23, .26, and .27 under **COMAR 08.02.05 Fish** and Regulation .02 under **COMAR 08.02.22 Sharks**, as published in 51:10 Md. R. 534—535 (May 17, 2024).

JOSH KURTZ
Secretary of Natural Resources

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, 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 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 30 HOUSEHOLD GOODS MOVERS

09.30.01 General Regulations

Authority: Business Regulation Article, §§8.5-103, 8.5-104, 8.5-106, and 8.5-107 Annotated Code of Maryland

Notice of Proposed Action

[24-176-P]

The Maryland Department of Labor proposes to adopt new Regulations **.01—10** under a new chapter, **COMAR 09.30.01 General Regulations** under a new subtitle, *Subtitle 30 Household Goods Movers*.

Statement of Purpose

The purpose of this action is to establish by regulation application requirements for a Household Goods Mover registration, the fee therefore, and generally relating to the administration of a Household Goods Mover Registration program.

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 Todd Blackistone, Executive Director, Maryland Department of Labor. As of approximately 11/4/2024: Maryland Department of Labor 100 South Charles Street, Baltimore,

MD 21201. Prior to approximately 11/10/2024: 1100 N. Eutaw Street, 5th Floor, Baltimore, MD 21201, or call 410-230-6165, or email to todd.blackistone@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

.01 Purpose.

This chapter sets out the requirements and procedures for the registration of household goods movers.

.02 Definitions.

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

B. Terms Defined.

(1) “Consumer” means the person who entered into a written contract with a household goods mover for loading, packing, moving, transporting, or storing household goods.

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

(3) “Household Goods” means personal property of the consumer used for personal, family, or household purposes.

(4) “Household goods movers” means a person who provides household goods moving services.

(5) Household goods moving services.

(a) “Household goods moving services” means the loading, packing, moving, transporting, storing while in transit, unloading, or otherwise taking possession or control from a consumer of household goods for the purpose of moving them to another location at the direction of the consumer for a fee;

(b) “Household goods moving services” does not include moving household goods for disposal or destruction.

(6) “Registration fee” means the annual fee paid by an applicant or registrant, as applicable, in connection with the issuance or renewal of a registration.

(7) “Secretary” means the Secretary of the Department, or the Secretary’s designee.

(8) “State” means the State of Maryland.

.03 Application.

A. A person who intends to provide household goods moving services shall submit an application for registration on the form approved by the Department.

B. The form shall include the following information:

(1) The applicant's name and all trade names under which the applicant intends to provide household goods moving services in the State;

(2) The applicant's physical address, telephone number, and e-mail address;

(3) The names of:

(a) All persons with at least 25 percent ownership in the applicant's business; and

(b) All identified under §B(3)(a) of this regulation who have previously applied for registration for another entity, identification of that person and the disposition of the application for the other entity;

(4) The applicant's Federal Employee Identification Number;

(5) The name of the applicant's resident agent in the State, if any;

(6) The applicant's U.S. Department of Transportation or State Department of Transportation number, as applicable;

(7) Insurance carrier and policy number showing liability and cargo coverage with the minimum standards in 49 C.F.R. Part 387.303;

(8) Proof of workers' compensation coverage for all covered employees;

(9) A certificate of status, issued by the Maryland Department of Assessment and Taxation, or its equivalent, indicating the business is in good standing and dated not earlier than 30 days before the date of the application; and

(10) Any other information that may be required by the Department.

C. An application for registration shall be accompanied by an application fee in the amount provided in Regulation .06 of this Chapter.

.04 Registration.

A. The Department shall issue to each qualified applicant who submits a completed application form and the required fee the following:

(1) A unique registration number; and

(2) A registration certificate valid for 1 year.

B. A registrant is required to keep a copy of the registration in each of the trucks owned by the registrant when the vehicle is used to perform household goods moving services.

C. In the event a registrant changes the registrant's name or address, a registrant shall notify the Department in writing within 30 business days after the change has occurred.

.05 Renewal of Registration.

A. Unless a registration is renewed for a 1- year term as provided in this regulation, the registration expires on the expiration date.

B. Renewal notice

(1) At least 1 month before a registration, the Department shall mail or electronically transmit to the registrant the following:

(a) A renewal application form; and

(b) A notice that states:

(i) The date on which the current registration expires; and

(ii) The amount of the renewal fee.

(2) If an electronic transmission under §B(1) of this regulation is returned to the Department as undeliverable, the Department shall mail to the registrant, at the last known address of the registrant, the materials required under §B(1) of this regulation within 10 business days of the date the Department received the notice that the electronic transmission was undeliverable.

C. Before a registration expires, the registrant periodically may renew it for an additional 1-year term, if the registrant:

(1) Submits to the Department a renewal application on the form that the Department provides, signed by the applicant under oath;

(2) Updates the information submitted in the original application and states that the information is current;

(3) Complies with each requirement applicable to the original application; and

(4) Pays the renewal fee.

D. Failure of the Department to timely notify a registrant of registration renewal does not affect a registrant's obligation to file a renewal application prior to the expiration of the registration and payment of a renewal fee.

.06 Reinstatement.

A. If a registrant fails to renew a license for any reason, no household goods mover services may be offered or provided until the registration is reinstated.

B. A request for reinstatement shall:

(1) Be in writing;

(2) On the form required by the Department; and

(3) Include payment of the reinstatement fee.

.07 Fees.

The following non-refundable fees shall be charged by the Department:

A. Original registration application review: \$250;

B. Original registration— \$325;

C. Registration renewal— \$325; and

D. Late Renewal—\$75, in addition to the fee set forth in §C of this regulation.

.08 Violations.

A person or registrant who violates any of the following provisions regarding the household goods movers registration requirements may be subject to a civil penalty of up to \$5,000:

A. Failure to register as a mover of household goods;

B. Providing false information on the registration application;

C. Providing false information as to the number of vehicles used for household moving services;

D. Failure to comply with requirements set forth in Title 8.5 of the Business Regulation Article, Annotated Code of Maryland; and

E. Failure to comply with requirements set forth in these regulations.

.09 Failure to Respond.

A. If an applicant or registrant receives from the Department a written communication requesting a response, the applicant or registrant shall respond in writing within 30 days of the date of such communication.

B. The Department shall send a written communication by first class mail or email to the last address or email address furnished to the Department by an applicant or registrant.

C. It is the responsibility of an applicant or registrant to notify the Department in writing if there has been a change in the applicant's or registrant's address.

D. Failure to respond as required by this regulation may be considered by the Secretary or the Secretary's designee to be a violation of Business Regulation Article, §8.5-106, Annotated Code of Maryland.

.10 Notice of Change of Licensing Information.

In addition to the requirements of Business Regulation Article, Title 8.5, Annotated Code of Maryland, an applicant or registrant shall notify the Secretary or the Secretary's designee, in writing, within 15 days of any change of the:

- A. Business name the applicant or registrant;
- B. Business address of the applicant or registrant; and
- C. Address of the business through which an applicant or registrant will provide or provides licensee household goods mover services.

PORTIA WU
Secretary, Maryland Department of Labor

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 25 MARYLAND HEALTH CARE COMMISSION

10.25.07 Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses

Authority: Health-General Article, §§4-302.1, 4-302, 4-302.2—3, 4-302.5, 19-103(c)(2), (9) and (10), 19-109(a)(1) and (8), 19-133(d), 19-134, and 19-135(a) and (b), Annotated Code of Maryland

Notice of Proposed Action

[24-165-P]

The Maryland Health Care Commission proposes to amend Regulation .02, adopt new Regulation .09, amend and recodify existing Regulations .09 and .10 to be Regulations .10 and .11, and recodify existing Regulation .11 to be Regulation .12 under **COMAR 10.25.07 Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses**. This action was considered by the Commission at an open meeting held on October 17, 2024, a notice of which was given through publication in the Maryland Register, in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

Legislation passed by the Maryland General Assembly (Chapter 790/House Bill 1022 and Chapter 791/Senate Bill 748, Public Health – State Designated Exchange – Clinical Information, 2021) requires the Maryland Health Care Commission (MHCC) to adopt regulations to support a State health improvement program, mitigate a public health emergency, and improve patient safety by requiring MHCC-certified electronic health networks (EHNs) to provide electronic health care transactions to the State-designated Health Information Exchange (HIE) for clinical and public health purposes.

The proposed amendments:

- (1) Add definitions for improvement of patient safety, mitigation of a public health emergency, State-designated HIE, and state health improvement program;
- (2) Add a regulation requiring MHCC-certified EHNs to submit certain electronic health care transactions to the State-designated HIE for public health and clinical purposes;
- (3) Require the State-designated HIE to develop electronic health care transactions technical submission guidance (technical guidance);
- (4) Prohibit the State-designated HIE from charging fees;
- (5) Allow EHNs to request a one-year exemption from certain reporting requirements; and
- (6) Require the State-designated HIE to publish the technical guidance within six months of regulations effective date.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has an indeterminable economic impact on electronic health networks (EHNs). Some costs may be incurred to implement and maintain technology to report certain electronic health care transactions to the State-designated health information exchange. This cost is currently unknown though anticipated to be minimal given existing EHN infrastructure and policies that can be leveraged to implement the proposed regulatory requirements. EHNs will be able to request a one-year exemption from certain reporting requirements.

II. Types of Economic Impact.

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

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

D. There is an indeterminable fiscal impact on the regulated industry. The industry is still determining what modifications to their systems will be needed to comply with the new requirements. The regulations allow for a phased approach to implementing the requirements.

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 Nikki Majewski, Chair, Health Information Technology, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3839, or email to mhccregs.comment@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on February 20, 2025 at 1:00 pm, at 4160 Patterson Avenue, Baltimore, MD 21215.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(8) “Health information” means any information, whether oral or recorded in any form or medium, including electronic health information, that:

(a) Is created or received by a health care provider, health plan, public health authority, [employee,] *employer*, life insurer, or health care clearinghouse; and

(b) (text unchanged)

(9) “Improvement of patient safety” means actions, strategies, or protocols to prevent health care errors, enhance the quality of care, and ensure a safe health care environment.

[(9)] (10)—[(12)] (13) (text unchanged)

(14) “Mitigation of a public health emergency” means taking actions to lessen the impact of a public health emergency and reduce harm, including implementing preventive measures, managing resources, and coordinating responses to limit disease spread, minimize health risks, and support affected communities effectively.

[(13)] (15) (text unchanged)

(16) “State-designated health information exchange” or “State-designated HIE” means a health information exchange designated by the Maryland Health Care Commission and the Health Services Cost Review Commission pursuant to the statutory authority set forth under Health-General Article, §19-143, Annotated Code of Maryland.

(17) “State health improvement program” means a State initiative designed to enhance public health through strategic planning, targeted interventions, and collaboration with stakeholders and the federal government, including State efforts in support of the Total Cost of Care model and successor models agreed to by the federal government and the State.

[(14)] (18) (text unchanged)

.09 Electronic Health Network Transaction Submission.

A. An MHCC-certified EHN shall submit electronic health care transactions information in accordance with this regulation to the State-designated HIE for public health and clinical purposes to facilitate:

- (1) A State health improvement program;
- (2) Mitigation of a public health emergency; or
- (3) Improvement of patient safety.

B. An MHCC-certified EHN shall submit electronic health care transactions information for services delivered in Maryland to the State-designated HIE that consist of the following transactions:

- (1) Health care claim or equivalent encounter information (837P and 837I);
- (2) Health plan eligibility inquiry and response (270); or
- (3) Benefit enrollment and maintenance (834).

C. The Commission may request the submission of other electronic administrative transactions adopted by the Department of Health and Human Services.

D. An MHCC-certified EHN may include transactions related to pharmaceuticals covered by medical benefits with its submission under §B of this regulation if excluding that data would be burdensome.

E. Electronic Health Care Transactions Technical Submission Guidance.

(1) The State-designated HIE shall develop an Electronic Health Care Transactions Technical Submission Guidance in consultation with stakeholders that details the technical requirements for submitting electronic health care transactions information to the State-designated HIE in accordance with this regulation.

(2) The State-designated HIE shall update the Electronic Health Care Transactions Technical Submission Guidance on an annual basis.

(3) An MHCC-certified EHN shall submit electronic health care transactions information to the State-designated HIE in a manner detailed in the most recent version of the Electronic Health Care Transactions Technical Submission Guidance.

F. Submission Schedule.

(1) No later than the last business day of each month, an MHCC-certified EHN shall submit electronic health care transactions information from the preceding month to the State-designated HIE.

(2) An MHCC-certified EHN shall submit electronic health transaction information at least once per month, but may submit data more often.

G. An EHN may not charge a fee to a health care provider, health care payor, or the State-designated HIE for providing the information required under this regulation.

H. Exemptions.

(1) An MHCC-certified EHN may request a 1-year exemption from certain reporting requirements in this regulation.

(2) An exemption request shall:

- (a) Be in writing;
- (b) Identify each specific requirement of this regulation from which the EHN is requesting an exemption;
- (c) Identify the time period of the exemption, if any;
- (d) State the reason for each exemption request; and
- (e) Include information that justifies the exemption request.

(3) Within 45 days after receipt of complete information from an EHN requesting an exemption, the Commission shall take one of the following actions:

- (a) Grant the exemption by providing written notification; or
- (b) Deny the exemption request by providing written notification that enumerates the reasons for the denial to the EHN.

(4) The Commission may not exempt an MHCC-certified EHN from any requirement within this regulation that is otherwise required by federal or other State law.

(5) The Commission may grant an exemption on the following grounds:

- (a) The absence of functionality in the infrastructure of the EHN that prevents the EHN from complying with the requirement;
- (b) The requirement would hinder the ability of the EHN to comply with other requirements of this chapter or federal or other State laws; or
- (c) The requirement would cause an undue burden or hardship on the EHN, such that the EHN would no longer be able to provide EHN services in the State.

(6) For good cause shown, the Commission may renew a 1-year exemption for an additional 1-year period.

I. Effective Date.

(1) The State-designated HIE shall publish the Electronic Health Care Transactions Technical Submission Guidance within six months of the final effective date of this regulation.

(2) An MHCC-certified EHN shall begin submitting electronic health care transactions information based on the most recent version of the Electronic Health Care Transactions Technical Submission Guidance within 12 months following the initial publication of the Electronic Health Care Transactions Technical Submission Guidance.

[.09] .10 Withdrawal of Certification and Other Penalties.

A. The Commission may withdraw certification from an MHCC-certified EHN if the Commission finds that:

(1)—(4) (text unchanged)

(5) The MHCC-certified EHN [violated a provision of COMAR 10.25.18.] fails to submit electronic health care transactions

PROPOSED ACTION ON REGULATIONS

1088

information to the State-designated HIE in accordance with Regulation .09 of this chapter.

B.—C. (text unchanged)

D. A MHCC-certified EHN that fails to submit electronic health transactions information to the State-designated HIE in accordance with Regulation .09 of this chapter may be subject to a financial penalty not to exceed \$10,000 per day based on:

(1) The extent of actual or potential public harm caused by the violation;

(2) The cost of investigating the violation; and

(3) Whether the MHCC-certified EHN committed previous violations.

[.10] .11 Notice Prior to Withdrawal.

A. Before withdrawal of certification on one of the bases provided in Regulation [.09] .10 of this chapter, the Executive Director shall inform the MHCC-certified EHN, setting forth in writing the reasons for withdrawal.

B. The notice of withdrawal shall set forth the right of the MHCC-certified EHN to an evidentiary hearing, conducted in accordance with Regulation [.11] .12 of this chapter, to show cause why the certification should not be withdrawn.

C. (text unchanged)

RANDOLPH S. SERGENT, ESQ.
Chair

10.25.18 Health Information Exchanges: Privacy and Security of Protected Health Information

Authority: Health-General Article, §§4-301, 4-302.2, 4-302.3, 4-302.5, 4-304, [19-101] 19-103, 19-109(a)(1) and (8), 19-133, [and] 19-143, and 19-145, Annotated Code of Maryland

Notice of Proposed Action

[24-164-P]

The Maryland Health Care Commission proposes to amend Regulations .01—, .04, .08, and .10 and adopt new Regulations .13 and .14 under **COMAR 10.25.18 Health Information Exchanges: Privacy and Security of Protected Health Information**. This action was considered by the Commission at an open meeting held on October 17, 2024, a notice of which was given through publication in the Maryland Register, in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

Legislation passed by the Maryland General Assembly (Chapter 798/House Bill 1375, Health Information Exchanges - Electronic Health Information - Sharing and Disclosure, 2021; Chapter 790/House Bill 1022 and Chapter 791/Senate Bill 748, Public Health – State Designated Exchange – Clinical Information, 2021; Chapter 296/House Bill 1127, Public Health – State Designated Exchange – Health Data Utility, 2022) requires the Maryland Health Care Commission (MHCC) to adopt regulations to support the implementation of a consent management application and health data utility by the State-designated Health Information Exchange (HIE). The legislation requires dispensers to submit information on non-controlled prescription drug dispenses to the State-designated HIE to be made available to providers involved in the treatment and care coordination of patients and health officials to support public health interventions and promote health equity.

The proposed amendments:

(1) Add definitions for consent management application, health data utility, dispenser, noncontrolled prescription drugs, improvement of patient safety, and state health improvement program, and clarifies the

meaning of “opt out” to be inclusive a consumer requests via the consent management application;

(2) Include dispensers as part of the scope of this Chapter;

(3) Specify the required consent management application components that the State-designated HIE must develop and the implementation timeline;

(4) Require HIEs to connect to the consent management application and describes how connectivity must be established and maintained;

(5) Add a requirement for HIEs to link to the State-designated HIE’s website with information on using the consent management application to opt out and back into data sharing and to continue managing local opt outs;

(6) Require the State-designated HIE to notify MHCC if the consent management application is not operational and when services resume;

(7) Add exceptions to complying with §D(3) and clarifies that requirements are in addition to restrictions of certain information;

(8) Add new regulations requiring the State-designated HIE to operate as a health data utility and implement the consent management application, and requires dispensers to report each noncontrolled prescription drugs dispenses to the State-designated HIE;

(9) Explain protocols for disclosures of clinical information or electronic health care transactions by the State-designated HIE;

(10) Require collaboration between the State-designated HIE and certain State agencies on data uses pertaining to a State health improvement program, mitigation of a public health emergency, improvement of patient safety; and any other public health priorities identified by the Secretary;

(11) Require the State-designated HIE to establish a Consumer Advisory Council that includes certain representation and adheres to the Maryland Open Meetings Act;

(12) Require MHCC to develop a Noncontrolled Prescription Drugs Dispenser Data Submission Manual annually;

(13) Describe specific information to be included in the manual, timing and frequency of reporting noncontrolled prescription drug dispenses, certain technical specifications, processes for requesting public comments on the manual and Commission approval, and processes for making the manual available to the public and notice of any updates; and

(14) Include procedures for the State-designated HIE to accept and disclose noncontrolled prescription drug dispenses information and dispensers to request a waiver from noncontrolled prescription drug reporting.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has an indeterminable economic impact on health information exchange (HIE) entities and dispensers of noncontrolled prescription drugs. Some costs may be incurred to implement and maintain technology for the consent management application and health data utility. This cost is currently unknown though anticipated to be minimal given existing HIE infrastructure and policies that can be leveraged to implement the proposed regulatory requirements. Reporting of noncontrolled prescription drug dispense information to the State-designated HIE will leverage existing technology used to report controlled dangerous substance dispense information to the Prescription Drug Monitoring Program. Dispensers will have the option to request for a waiver from the reporting requirements for noncontrolled prescription drug dispense information.

II. Types of Economic Impact.

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

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

D. There is an indeterminable fiscal impact on the regulated industry. The industry is still determining what modifications to their systems will be needed to comply with the new requirements. The regulations allow for a phased approach to implementing the requirements.

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 Nikki Majewski, Chief, Health Information Technology, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3839, or email to mhccregs.comment@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on February 20, 2025 at 1:00 pm, at 4160 Patterson Avenue, Baltimore, MD 21215.

.01 Scope and Purpose.

A. (text unchanged)

B. This chapter applies to:

(1) An HIE, as defined in Regulation .[02B(32)].02B(38) of this chapter, including:

(a) (text unchanged)

(b) A health information technology developer of certified health information technology as that term is defined in Regulation .[02B(33)].02B(39) of this chapter;

(2) A person who accesses, uses, or discloses protected health information through an HIE; [and]

(3) Electronic health information stored in, or maintained by, an HIE[.]; and

(4) A dispenser authorized by law to dispense noncontrolled prescription drugs to a patient or the patient’s agent in the State.

C.—D. (text unchanged)

E. The requirements in this chapter are in addition to those set forth below:

(1)—(7) (text unchanged)

(8) Titles IV and XI of the 21st Century Cures Act and the pertinent regulations, 45 CFR Part 171, and as defined at Regulation .[02B(71)].02B(78) of this chapter; and

(9) (text unchanged)

F. Nothing in this chapter shall prohibit:

(1) The Maryland Department of Health, the Commission, or the Health Services Cost Review Commission from using electronic health information, subject to federal and State law, for health regulatory and public health functions;

(2) The sharing or disclosing of information that is required to be exchanged under Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland; or

(3) The sharing or disclosing of information that is required to be exchanged under federal law, including for the purposes of payment, as defined in 45 CFR § 164.501.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Application Programming Interface” or “API” has the same meaning as ‘Certified API Technology’ as stated at 45 CFR § 170.404.

[(3)] (4)—[(9)] (10) (text unchanged)

[(10)] “Core elements of the Master Patient Index (MPI)” are the minimum elements that are:

(a) Required for an HIE to identify a particular patient across separate clinical, financial, and administrative systems; and

(b) Needed to exchange health information electronically.]

(11) “Business day” means any day except Saturday, Sunday, or a holiday on which State offices are closed.

[(11)] (12) “Care management organization”, in the context of secondary use, means any entity that:

(a) (text unchanged)

(b) Has the legal or regulatory authority to exercise the responsibilities stated in [§B(10)(a)] §B(12)(a) of this regulation; or

(c)—(d) (text unchanged)

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

(14) “Consent management application” means a software tool or platform designed to request, receive, store, and manage a person in interest’s consent preferences regarding the sharing of the patient’s electronic health information through an HIE.

[(13)] (15) (text unchanged)

(16) “Core elements of the Master Patient Index (MPI)” are the minimum elements that are required for an HIE to identify a particular patient across separate clinical, financial, and administrative systems, as needed for exchanging health information electronically.

[(14)] (17)—[(19)] (22) (text unchanged)

(23) “Dispense” has the meaning stated in Health Occupations Article, §12–101, Annotated Code of Maryland, but does not include giving a patient prescription drug samples in accordance with Health Occupations Article, §12–102(d), Annotated Code of Maryland.

(24) Dispenser.

PROPOSED ACTION ON REGULATIONS

1090

(a) "Dispenser" means a person authorized by law to dispense a noncontrolled prescription drug to a patient or a patient's agent in the State, including a nonresident pharmacy so authorized.

(b) "Dispenser" does not include:

(i) A licensed hospital pharmacy that only dispenses a monitored prescription drug for direct administration to an inpatient of the hospital;

(ii) An opioid treatment services program, as defined by COMAR 10.47.07.02;

(iii) A veterinarian licensed under Agriculture Article, Title 2, Subtitle 3, Annotated Code of Maryland;

(iv) A pharmacy issued a waiver permit under COMAR 10.34.17.03 that provides pharmaceutical specialty services exclusively to persons living in assisted living facilities, comprehensive care facilities, and developmental disabilities facilities; or

(v) A pharmacy issued a waiver by the Department under COMAR 10.47.07.03G from reporting dispensing to hospice patients.

[(20)] (25) (text unchanged)

(26) "Electronic health care transactions" means transactions, as defined by 45 CFR § 160.103, that meet the specifications of 45 CFR § 162.920.

[(21)] (27)—[(29)] (35) (text unchanged)

[(30)] (36) "Health care provider" [means:

(a) A person who is licensed, certified, or otherwise authorized under Health Occupations Article, Annotated Code of Maryland, or Education Article, §13516, Annotated Code of Maryland, to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program; or

(b) A facility where health care is provided to patients or recipients, including:

(i) A facility as defined in Health-General Article, §10101(e), Annotated Code of Maryland;

(ii) A hospital as defined in Health-General Article, §19-301(f), Annotated Code of Maryland;

(iii) A related institution as defined in Health-General Article, §19-301(o), Annotated Code of Maryland;

(iv) A State-certified substance use disorder program, as defined in Health-General Article, §8-403, Annotated Code of Maryland;

(v) A health maintenance organization as defined in Health-General Article, §19701(g), Annotated Code of Maryland;

(vi) An outpatient clinic; or

(vii) A medical laboratory;

(c) An agent, employee, officer, or director of a health care facility, or an agent or employee of a health care provider.] has the meaning provided in Health-General Article, §4-301(h), Annotated Code of Maryland.

(37) "Health Data Utility" means an HIE that operates for the following purposes:

(a) The collection, aggregation, and analysis of clinical information, public health data, and electronic administrative health care transactions;

(b) The communication of data between public health officials and health care providers to advance disease control and health equity; and

(c) The enhancement and acceleration of interoperability of health information.

[(31)] (38)—[(38)] (45) (text unchanged)

(46) "Improvement of patient safety" means actions, strategies, or protocols to prevent health care errors, enhance the quality of care, and ensure a safe health care environment.

[(39)] (47)—[(45)] (53) (text unchanged)

(54) "Noncontrolled Prescription Drugs" means a prescription drug, as defined in the Health Occupations Article § 21 201, that is not a controlled dangerous substance designated under Criminal Law Article, Title 5, Subtitle 4, Annotated Code of Maryland.

[(46)] (55) (text unchanged)

[(47)] (56) "Notice" (or "notify" or "notification") means an action that is required to be taken in writing or by written request under this chapter by a person, including an HIE, a health care consumer, a participating organization, or the [MHCC] Commission, in order to provide information to another that:

(a)—(d) (text unchanged)

[(48)] (57) ["Opt-out"] "Opt out" means the explicit written notice by a health care consumer to an HIE or through the consent management application that the patient has elected not to participate in the HIE, so that the HIE shall not disclose such patient's protected health information, or data derived from such patient's health information, except as consistent with this chapter.

[(49)] (58)—[(65)] (74) (text unchanged)

(75) "Secretary" means the Secretary of Health.

[(66)] (76)—[(67)] (77) (text unchanged)

(78) "State health improvement program" means a State initiative designed to enhance public health through strategic planning, targeted interventions, and collaboration with stakeholders and the federal government, including State efforts in support of the Total Cost of Care model and successor models agreed to by the federal government and the State.

[(68)] (79)—[(74)] (85) (text unchanged)

.03 Rights of a Health Care Consumer Concerning Information Accessed, Used, or Disclosed Through an HIE.

A. A health care consumer has the following rights in accordance with the requirements specified in this section:

(1) (text unchanged)

(2) The right to opt out of an HIE.

(a) A health care consumer has the right to opt out of an HIE at any time and refuse access to the patient's PHI through an HIE, except when a disclosure is limited to:

(i)—(ii) (text unchanged)

(iii) Results of a diagnostic procedure sent to the health care provider who ordered the procedure or another provider as designated by the ordering provider as part of the care delivery of a patient;

(iv)—(vi) (text unchanged)

(b) (text unchanged)

(c) A health care consumer shall be advised in writing by the HIE receiving the [opt out] opt-out notice or request that opting out does not preclude any participating organization that has received or accessed PHI via the HIE prior to such [opt out] opt-out, and incorporated such PHI into its records, from retaining such information in its records.

(3)—(4) (text unchanged)

B.—C. (text unchanged)

D. Consent Management Application.

(1) The State-designated HIE shall implement a consent management application that:

(a) Allows a person in interest to opt out of or opt in to having a patient's electronic health information shared or disclosed by an HIE;

(b) Allows a person in interest to view the interested patient's opt-out status.

(c) Informs the person in interest of the types of electronic health information that may be shared or disclosed in accordance with §A(2)(a) of this regulation notwithstanding the choice to opt out;

(d) Enables HIEs to readily identify information as to whether a person in interest has opted out of sharing the patient's electronic health information; and

(e) At least includes:

(i) Personal identifiers consisting of the full name, date of birth, mailing address, telephone number, medical record number, and other unique identifiers of the patient and person in interest, if not the patient;

(ii) The person in interest's communication contact preferences;

(iii) The relationship of the person in interest to the patient; and

(iv) The date the patient's consent preferences were last updated.

(2) Within 6 months of the effective date of this regulation, the State-designated HIE shall make the consent management application it develops available to registered HIEs.

(3) The State-designated HIE shall implement the consent management application with a secure electronic interface that supports standardized interoperability between various recipient HIE systems.

(4) HIE Connection to the Consent Management Application.

(a) Exception. Section D(4)(b) of this regulation does not apply to an HIE that solely exchanges electronic health information with other HIEs and does not have any health care providers as a participating organization.

(b) An HIE shall:

(i) Establish bi-directional connectivity with the consent management application within 18 months of receiving notification from the State-designated HIE that the application is operational;

(ii) Update the HIE's system with the most recent version of the consent management application data at least every 5 business days;

(iii) Update the consent management application with any opt-out or opt-in requests it has received from an HIE or directly from a person in interest within 5 business days;

(iv) Withhold sharing or disclosure of the electronic health information of a patient to the extent the consent management application indicates that the patient has opted out of having electronic health information shared or disclosed by an HIE, except to the extent permitted by §A(2) of this regulation; and

(v) Electronically notify authorized users when a patient has restricted data sharing.

(5) An HIE shall implement the consent management application in a manner that is consistent with this chapter, its existing policies and procedures regarding use and disclosure of PHI and other personal identifiable information, and its technological capabilities.

(6) An HIE shall place a link on its website directing a person in interest to the State-designated HIE's website to globally opt out or opt in to having a patient's electronic health information shared or disclosed by an HIE.

(7) An HIE shall continue to manage local opt-outs locally.

(8) The State-designated HIE shall promptly notify the Commission and all HIEs any time the consumer management application is not operational and when services are resumed.

(9) An HIE is not required to comply with §D(4)(b) of this regulation when:

(a) An emergency exists and all requirements under Regulation .11 of this chapter have been met; or

(b) The consent management application is not operational.

(10) Section D of this regulation shall be in addition to any restrictions on the disclosure of sensitive health information, consistent with Regulation .04 of this chapter.

[D.] E. An HIE shall:

(1) (text unchanged)

(2) Implement and maintain compliance with the provisions detailed in Regulation .12A(1)(7), B(1)(2), and C(4)(b)(d) of this chapter in implementing [§D(1)] §E(1) of this regulation.

[E.] F. (text unchanged)

[F.] G. An HIE shall implement a process to allow a health care consumer to make an educated decision regarding the patient's participation in an HIE, opting out from such participation, or opting to resume participation in the HIE system, in accordance with this regulation.

(1) (text unchanged)

(2) An HIE [shall] may not disclose a patient's PHI if the health care consumer has submitted a written notice or request to [opt-out] opt out of the HIE in accordance with §(A)(2) of this regulation except as otherwise permitted under applicable law and in accordance with this chapter.

(3) An HIE [shall] may not disclose information derived from a patient's PHI, including for secondary use, if the health care consumer has submitted a written notice or request to [opt-out] opt out of the HIE, except as otherwise permitted under applicable law.

(4) An HIE may not unreasonably deny a health care consumer's expressed preferences.

[G.] H. The following requirements shall apply to all communications between an HIE and a health care consumer:

(1) (text unchanged)

(2) A health care consumer's communication opting out or opting in to an HIE shall be made:

(a)—(b) (text unchanged)

(c) By telephone, if the HIE confirms the action with a written communication to the health care consumer in accordance with [§G(5)(a)] §H(5)(a) and (b) of this regulation.

(3) (text unchanged)

(4) An HIE shall implement the health care consumer's requested action within 5 business days of receipt of the health care consumer's written or online request concerning:

(a) [Opting-out] Opting out of the HIE; and

(b) Resuming participation in the HIE after previously [opting-out.] opting out.

(5)—(6) (text unchanged)

[H.] I. (text unchanged)

.04 Access, Use, or Disclosure of Sensitive Health Information.

A. Consistency with Disclosure Requirements Under Federal and State Law.

(1)—(3) (text unchanged)

(4) An HIE shall use only point-to-point transmission to allow access, use, or disclosure of the sensitive health information through an HIE, unless the HIE implements:

(a)—(b) (text unchanged)

(c) Health care consumer educational content:

(i) That is developed and established in coordination with [MHCC] the Commission and stakeholders;

(ii)—(iii) (text unchanged)

(5) (text unchanged)

B. Procedure for Disclosing or Re-disclosing of Part 2 Health Information.

(1) An HIE shall be in compliance with Part 2.

(2) A [health care provider] participating organization that is a Part 2 program, as that term is defined by Part 2, shall identify itself as such and clearly indicate [on] with all of its patient records [that such records may only be disclosed by point-to-point transmission through an HIE, if appropriate patient consent or authorization has been obtained, or as otherwise permitted by these regulations.] any limits on use or disclosure required by Part 2.

PROPOSED ACTION ON REGULATIONS

1092

[(2)] (3) [A] An HIE or participating organization that receives Part 2 information may not re-disclose such information without appropriate patient consent or authorization[,] except as permitted by applicable federal and State laws and regulations.

[(3) A participating organization must maintain Part 2 records in accordance with applicable law.]

C. (text unchanged)

.08 Notice of Breach and non-HIPAA Violation.

A.—B. (text unchanged)

C. Notification to a Health Care Consumer.

(1) (text unchanged)

(a) (text unchanged)

(b) As specified as a preference by the health care consumer under Regulation [.03F(1)] .03H of this chapter.

(3)—(6) (text unchanged)

D. (text unchanged)

.10 Requirements for Accessing, Using, or Disclosing of Data Through an HIE for Secondary Use.

A. (text unchanged)

B. Population Health Management.

(1) (text unchanged)

(2) An HIE may disclose individually identifiable health information to a care management organization for purposes related to population health management, if:

(a) (text unchanged)

(b) Appropriate notice has been provided to health care consumers whose information is being requested, and either:

(i) (text unchanged)

(ii) An external and independent review committee has waived the need for the requesting entity to obtain authorization from those health care consumers who were provided appropriate notice, in accordance with Regulation [.02B(3)] .02B(4) of this chapter; and

(c) (text unchanged)

(3)—(4) (text unchanged)

C.—D. (text unchanged)

.13 Noncontrolled Prescription Drugs Dispenser Reporting.

A. For each noncontrolled prescription drug dispensed, the dispenser shall report drug information to the State-designated HIE in accordance with this regulation.

B. MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual.

(1) The Commission shall develop a MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual.

(2) The Commission shall approve a MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual by June 1 of each year to be used for reporting by the last business day of September of the same calendar year.

(3) The MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual shall minimally:

(a) Specify the data and prescription drug information that must be submitted by dispensers to the State-designated HIE in accordance with this regulation, including specifying the American Society for Automation in Pharmacy (ASAP) standard;

(b) Specify the timeframe and frequency of data submissions to the State-designated HIE;

(c) Require a dispenser to report data elements consistent with the ASAP standard identified in MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual;

(d) Include electronic reporting specifications, encryption algorithms, file layout, and the process for dispensers who are unable to submit data due to mechanical, electrical, or other technical failure; and

(e) Align, to the extent possible, with the Maryland Prescription Drug Monitoring Program Data Submitter User Guide.

(4) The Commission shall publish a draft Noncontrolled Prescription Drugs Dispenser Data Submission Manual on the Commission's website and in the Maryland Register at least 30 days before the public meeting at which the Commission shall consider the manual for final approval and provide at least 20 days for the submission of public comment.

(5) The Commission shall consider all comments received before final approval of the Noncontrolled Prescription Drugs Dispenser Data Submission Manual.

(6) The Commission shall publish the final MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual on its website within 5 days of its approval.

(7) The State-designated HIE shall post a link to MHCC's Noncontrolled Prescription Drugs Dispenser Data Submission Manual prominently on its website.

(8) The Commission may correct incomplete or erroneous information in the MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual as necessary and shall provide notice of each correction:

(a) On its website; and

(b) By email to the designated dispenser contact person.

C. Means of Data Submission and Data Format. A dispenser shall transmit noncontrolled prescription drug information to the State-designated HIE:

(1) Consistent with the requirements detailed in the most recent version of the MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual;

(2) By use of an encrypted electronic transmission method or a secure electronic reporting form; and

(3) In a format or utilizing data standards approved by the Commission.

D. Reporting Deadline.

(1) Unless granted a waiver under §F of this regulation, a dispenser shall report to the State-designated HIE:

(a) The noncontrolled prescription drug information required by the MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual no later than the end of the next day of operation after the prescription is dispensed; or

(b) A zero report no later than the end of the next day of operation after a day without dispenses of noncontrolled prescription drugs.

(2) A dispenser that suffers a mechanical, electrical, or other technical failure that, as a direct consequence, precludes the dispenser's ability to report non-controlled prescription data electronically shall:

(a) Notify the State-designated HIE by a communication method approved by the State-designated HIE within 24 hours of discovery of the technical failure; and

(b) Submit a report for each noncontrolled prescription drug dispensed during the period of technical failure as soon as possible, but no later than 24 hours following reestablishment of the means of electronic reporting.

E. Acceptance and Disclosure of Noncontrolled Prescription Drug Information by the State-designated HIE.

(1) The State-designated HIE shall:

(a) Electronically collect noncontrolled prescription drug information from dispensers;

(b) Not impose any fees or other assessments on dispensers to support its operation;

(c) Make information technology available for dispensers to report noncontrolled prescription drug information to the State-designated HIE; and

(d) Retain noncontrolled prescription drug information collected pursuant to this section for at least 5 years from the date of receipt.

(2) The State-designated HIE may reject data submitted by dispensers that does not comply with the requirements of the MHCC Noncontrolled Prescription Drugs Dispenser Data Submission Manual.

(3) If the State-designated HIE rejects the data submitted by a dispenser, the dispenser shall correct and resubmit the data no later than 7 business days after receiving notification from the State-designated HIE of receipt of incomplete or inaccurate data.

(4) The State-designated HIE shall make patient-specific prescription information submitted by dispensers under this section available for purposes allowed under applicable law.

(5) Upon written request for public health purposes, the State-designated HIE shall provide data collected under this regulation within 5 days to the Maryland Department of Health, local health departments, the Commission, or the Health Services Cost Review Commission.

F. Dispenser waiver request process.

(1) Prior to September 1, 2025, dispensers of noncontrolled prescription drug information are exempt from reporting dispensed information to the State-designated HIE.

(2) A dispenser that dispenses noncontrolled prescription drugs may seek a waiver from the Commission of the requirements in this regulation based on:

(a) Economic hardship;

(b) Technology limitations that are not reasonably within the dispenser's control;

(c) Dispensing less than 100 noncontrolled prescription drugs annually; or

(d) Other circumstances determined by the Commission to be extenuating.

(3) A request for a waiver shall be in writing and shall include:

(a) A detailed explanation of the need for the waiver;

(b) An attestation as to the accuracy of the information in the waiver request; and

(c) An attestation that the dispenser shall immediately inform the Commission if the circumstances necessitating a waiver no longer exist.

(4) Within 45 days after receipt of complete information from a dispenser requesting a waiver, the Commission shall:

(a) Grant a time-limited waiver request; or

(b) Deny the waiver request, with an explanation that enumerates the reasons for the denial.

(5) A dispenser shall inform the Commission and immediately begin reporting in compliance with this regulation if the dispenser no longer meets the conditions of a waiver request.

.14 Operation of the State-designated HIE as a Health Data Utility.

A. The State-designated HIE shall operate as a health data utility for the State.

B. The State-designated HIE shall implement a consent management application in accordance with Regulation .03D of this chapter.

C. Disclosures by the State-designated HIE.

(1) Except as otherwise prohibited under this chapter or State or federal law, the State-designated HIE shall transmit clinical information or electronic health care transactions to the Maryland Department of Health, the Commission, or the Health Services Cost Review Commission for public health purposes upon written request.

(2) The State-designated HIE may not redisclose financial information in electronic health care transactions it receives in

accordance with COMAR 10.25.07.09 to any person other than the Commission.

(3) Maryland Medical Care Data Base.

(a) The State-designated HIE shall be designated as a reporting entity to the Maryland Medical Care Data Base.

(b) The State-designated HIE shall report the electronic health care transactions information it receives pursuant to COMAR 10.25.07.09 to the Medicare Care Data Base in accordance with the reporting requirements found in COMAR 10.25.06.

(4) The State-designated HIE shall:

(a) Develop a process in which requests for data are submitted and data are shared, and post this information on its website; and

(b) Provide a written explanation for a denial of a request which shall include an appeal process.

D. The State-designated HIE shall consult with the Maryland Department of Health, the Commission, and Health Services Cost Review Commission before identifying any specific purposes, type of data exchanged, and rules for interaction between users and the State-designated HIE pertaining to:

(1) A State health improvement program;

(2) Mitigation of a public health emergency;

(3) Improvement of patient safety; and

(4) Any other public health priorities identified by the Secretary.

E. Consumer Advisory Council.

(1) The State-designated HIE shall establish a Consumer Advisory Council in accordance with Health-General Article, §19-145, Annotated Code of Maryland.

(2) The State-designated HIE shall:

(a) Appoint two consumer representatives identified by the Commission who have significant experience in public health and patient privacy as council members;

(b) Post advance notice of council meetings on its website, including an expected agenda; and

(c) Require the Consumer Advisory Council to comply with the requirements of the Maryland Open Meetings Act as if it were a public body.

RANDOLPH S. SERGENT, Esq.
Chair

**Title 11
DEPARTMENT OF
TRANSPORTATION**

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

**11.15.16 Issuance, Renewal, Display, and
Expiration of Registrations**

Authority: Transportation Article, §§12-104(b), 13-410, 13-412, and 13-413, Annotated Code of Maryland

Notice of Proposed Action

[24-121-P]

The Motor Vehicle Administration proposes to amend Regulation .05 under **COMAR 11.15.16 Issuance, Renewal, Display, and Expiration of Registrations.**

PROPOSED ACTION ON REGULATIONS

1094

Statement of Purpose

The purpose of this action is to allow the option of a 3-year vehicle registration.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E. Room 200 Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

.05 Multi-Year Registrations — Staggered Classes.

A. [Two-Year Registration.] Each new vehicle registration plate issued in conjunction with the titling of a vehicle or a registration renewal, except for the vehicle classes specified in §B of this regulation, shall be for a [2-year] period [of up to] not to exceed 3 years, unless otherwise approved by the Administration.

[B. 1-Year Registration. Each new vehicle registration plate issued in conjunction with the titling of a vehicle or a registration renewal shall be issued for a 1-year period for the following classes of vehicles:

- (1) Class E, trucks 10,000 pounds or over in gross vehicle weight;
(2) Class F, tractors;
(3) Class J, van pool;
(4) Class P, passenger buses;
(5) Class T, tow trucks;
(6) Class M, bus; and
(7) Other vehicle classes as approved by the Administration.]

[C.] B. (text unchanged)

[D.] C. Refund of Registration Fees.

(1) If a registration issued under this regulation is cancelled before the beginning of [the second full year] the start of a new registration year, the Administration shall refund the fees paid for [the second registration year] any unused registration year.

[(2) Requests for refunds shall be submitted in writing after the cancellation of the registration and before the first day of the second registration year.]

[(3)] (2) [If a request for a refund is submitted for a registration that is flagged, suspended, or flagged and suspended where a fee is required prior to release of the flag, suspension, or both, the] The Administration may not process [the request] a refund if the registration is flagged or suspended until the flag is released and or the suspension is withdrawn.

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

CHRISTINE NIZER
Administrator

Subtitle 18 MOTOR VEHICLE
ADMINISTRATION—FINANCIAL
RESPONSIBILITY REQUIREMENTS

11.18.04 Reporting Requirements for Lapse or
Termination of Required Security

Authority: Transportation Article, §§12-104(b), 17-101, 17-103, 17-104, and
17-106; Insurance Article, §27-611; Annotated Code of Maryland

Notice of Proposed Action

[24-152-P]

The Administrator of the Motor Vehicle Administration proposes
to amend Regulations .01—.03 and adopt new Regulation .04 under
COMAR 11.18.04 Reporting Requirements for Lapse or
Termination of Required Security.

Statement of Purpose

The purpose of this action is to:

- (1) Update reporting requirements for lapse or termination of
required security and to alter the penalty for failing to maintain
required security requirements pursuant to Ch. 857 (H.B. 1482),
Acts of 2024; and
(2) Establish guidelines for the mandatory electronic Online
Insurance Verification (OLV) program ran by the Administration
for the purpose of verifying insurance policies in real time pursuant
to Ch. 73 and Ch. 74 (H.B. 299 and S.B. 254), Acts of 2024.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations
Coordinator, MVA, 6601 Ritchie Highway NE, Room 102
Glen Burnie, MD 21062, or call 410-768-7545, or email to
tsheffield@mdot.maryland.gov. Comments will be accepted through
January 2, 2025. A public hearing has not been scheduled.

.01 Scope.

These regulations apply to mandatory electronic reporting of
[lapses, terminations, reinstatements, and new] policies of security and
the mandatory electronic Online Insurance Verification (OLV)
program operated by the Administration for the purpose of verifying
insurance policies in real time [required by Transportation Article,
§§17-104(c) and 17-106, Annotated Code of Maryland].

.02 Definitions.

A. (texted unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) [“Immediately” means by the close of business on the next
business day.

(4) “Lapse or termination” means interruption of continuous
coverage caused by the failure of an insurer to renew the security
required by Transportation Article, §17-103(b), Annotated Code of
Maryland.] “Insurance companies” or “insurer” means licensed
Maryland providers of required security as defined in Transportation
Article, §17-101, Annotated Code of Maryland.

(4) “Online Insurance Verification (OLV)” means a program
operated by the Administration for the purpose of verifying insurance
policies in real time.

(5) “Policy” or “Policies” means a vehicle policy or binder for
required security as defined by Transportation Article, §17-101(d),
Annotated Code of Maryland, issued by an insurer or other provider of
required security.

.03 Reporting Guidelines.

A. Required Reporting.

[1] Except as provided in §A(2) of this regulation, insurance companies shall immediately report, in an electronic format determined by the Administration:

- (a) New policies;
- (b) Lapses;
- (c) Terminations;
- (d) Reinstatements, and
- (e) Policy changes as specified under §B of this regulation.

(2) Insurance companies shall report, in an electronic format determined by the Administration, fleet policy coverage changes every 30 days, to include:

- (a) Company additions or deletions; and
- (b) Policy number changes.

(3) If an insurance company does not have any new policies, lapses, terminations, reinstatements, or policy changes as specified under §B of this regulation, the insurance company shall submit a report of no business by the close of business on the last business day of the month.]

Insurance companies shall report on at least a weekly basis and according to the timeline determined by the Administration, all active policies in an electronic format determined by the Administration.

B. Except for fleet policies as provided in [§A(2)] §C of this regulation, notifications of all [new] policies, [lapses, terminations, and reinstatements by an insurer] shall include:

- (1) (text unchanged)
- (2) The Maryland driver's license number [or date of birth of the insured] of the insured or FEIN if the insured is a business;
- (3)—(5) (text unchanged)
- (6) The current policy number; and
- (7) The effective date of the policy.[and
- (8) If applicable:
 - (a) (text unchanged)
 - (b) A type code, in a format required by the Administration, explaining the reason for the termination or lapse of coverage.]

C. For fleet policies, reporting shall include:

- (1) *Company additions and deletions; and*
- (2) *Policy number changes.*

[C.] **D. Rejected Notifications.**

(1) The Administration shall reject notifications of all active [new] policies[, lapses, terminations, and reinstatements] which do not include all of the items specified in §B of this regulation.

(2) The insurer shall resubmit notifications rejected under the provisions of [§C(1)] §D(1) of this regulation to the Administration [as soon as practicable] by the date of the next regular file submission.

[D.] **E.** The insurer shall provide, at each occurrence when the required security will terminate or be canceled, timely notification to the insured of the penalties that may be imposed by the Administration in accordance with Transportation Article, §17-106, Annotated Code of Maryland, for their failure to return evidence of registration when the required security has ended and is not replaced. The notice shall include the following statements:

- (1) (text unchanged)
- (2) "Failure to return the registration plates may result in an uninsured motorist penalty fine which is assessed at a rate of [\$150] \$200 for the first 30 days and is increased by \$7 each day thereafter until the insurance is replaced or the registration plates are returned. The uninsured motorist penalty fine is assessed per vehicle."

[E.] **F.** (texted unchanged)

.04 Online Insurance Verification Participation and Program Requirements.

A. Required Participation. All insurance companies shall:
 (1) Participate in the Administration's OLV program; and
 (2) Support a program where the Administration can electronically access the book of business of insured vehicles at any time.

B. Program Requirements. The OLV Program will consist of the following:

(1) The Administration will electronically send an inquiry to an insurance company in real time which will include information required by the Administration.

(2) Insurance companies shall use the data provided by the Administration to determine the policy status on the verification date and return an electronic response, automatically, in real time to the Administration in an electronic format determined by the Administration.

(3) The response from the insurance company shall be used to validate or remove the existing policy in the records of the Administration.

(4) The Administration will determine the status of a reported insurance policy at intervals determined by the Administration.

CHRISTINE NIZER
 Administrator

**Title 13A
 STATE BOARD OF
 EDUCATION**

Subtitle 06 SUPPORTING PROGRAMS

13A.06.10 Purple Star Schools Program

Authority: Education Article, §§2-205 and 7-129, Annotated Code of Maryland

Notice of Proposed Action

[24-171-P]

The State Board of Education proposes to amend Regulation .02 under **13A.06.10 Purple Star Schools Program**. This action was considered by the State Board of Education at their September 24, 2024 meeting.

Statement of Purpose

The purpose of this action is to add dependents of members of the National Guard of any other state to the definition of military-connected student to align with the same amendment to Education Article §7-129, Annotated Code of Maryland.

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, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0472, or email to doss.msde@maryland.gov. Comments will be accepted through January 2, 2025. 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 January 28, 2025 at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.06.10 Purple Star Schools Program

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Military-connected student” means a student who is a dependent of:

(a) A current member of:

(i)—(iii) (text unchanged)

(iv) The Maryland National Guard; [or]

(v) *The National Guard of any other State; or*

[(v)] (vi) (text unchanged)

(b) (text unchanged)

CAREY M. WRIGHT, ED.D.
State Superintendent of Schools

Subtitle 08 STUDENTS

13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101.1, 7-101.1, 7-301, 7-301.1, 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

Notice of Proposed Action

[24-175-P]

The State Board of Education proposes to amend Regulation .17 under **COMAR 13A.08.01 General Regulations**. This action was considered by the State Board of Education at their October 22, 2024 meeting.

Statement of Purpose

The purpose of this action is to ensure that reportable offense information is shared with another LEA or non-public school in the event that a student with a reportable offense transfers from the LEA that was informed of the student’s reportable offense.

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, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0472, or email to doss.msde@maryland.gov. Comments will be accepted through January 2, 2025. 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 January 28, 2025 at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.17 School Use of Reportable Offenses.

A.—E. (text unchanged)

F. Confidentiality of Information and Retention of Documents.

(1) (text unchanged)

(2) If the disposition of the reportable offense was a conviction or an adjudication of delinquency, or the criminal charge or delinquency petition is still pending, a local superintendent or school principal [may] *shall* transmit the information obtained under this regulation as a confidential file to the local superintendent of another local school system or to another nonpublic school in the state in which the student has enrolled or has transferred, to carry out the purposes of this regulation.

(3)—(5) (text unchanged)

G.—J. (text unchanged)

CAREY M. WRIGHT, ED.D.
State Superintendent of Schools

Title 15

MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 03 WEIGHTS AND MEASURES

15.03.09 Approval and Type Evaluation Requirements

Authority: Agriculture Article, §§11-204.1 and 11-207.1, Annotated Code of Maryland.

Notice of Proposed Action

[24-109-P]

The Maryland Department of Agriculture proposes to amend Regulation .05 under **COMAR 15.03.09 Approval and Type Evaluation Requirements**.

Statement of Purpose

The purpose of this action is to amend the current fee structure for services provided to manufacturers during the approval and type evaluation process. The fee increase will ensure the Maryland NTEP lab stays competitive with other state.

Estimate of Economic Impact

I. Summary of Economic Impact.

The economic impact on manufacturing industry will be minimal. The fee increase will keep Maryland’s NTEP lab fee structure the comparative to competing labs enabling manufactures to choose a lab within the same locality of the operations or based off expertise versus fees.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)		Magnitude
	Expenditure (E+/E-)		
A. On issuing agency:			
Maryland Department of Agriculture	of (R+)		Minimal
B. On other State agencies:		NONE	
C. On local governments:		NONE	
		Benefit (+)	Magnitude

	<u>Cost (-)</u>
D. On regulated industries or trade groups:	NONE
E. On other industries or trade groups:	NONE
F. Direct and indirect effects on public:	NONE

15.03.11 Fees Charged to Test Standards and Other Equipment Used by Technicians

Authority: Agriculture Article, §§11-204.1 and 11-207.1, Annotated Code of Maryland

Notice of Proposed Action [24-110-P]

The Maryland Department of Agriculture proposes to amend Regulations .02—.05, .08—.12, and .15 under **COMAR 15.03.11 Fees Charged to Test Standards and Other Equipment Used by Technicians**.

Statement of Purpose

The purpose of this action is to amend the metrology lab fee structure for services offered to certify industry standards in existing regulation. The fee increase will benefit the special funded metrology program and will continue to enable regulated industry an in-state lab to have standards certified as required in regulation. The fee structure is similar to that of surrounding state labs that offer metrology services.

Estimate of Economic Impact

I. Summary of Economic Impact. The economic impact on the regulated industry is expected to be minimal and is expected to be comparable to surrounding states.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Maryland Department of Agriculture	(R+)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	

Impacted Entity	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Registered Service Agency	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. The proposed action will increase revenue for the special funds of the Maryland Department of Agriculture, and will be used to fund lab operations which is underfunded and provides a necessary service to industry. The fee increases would allow the lab to charge for services rendered that are comparable to other NTEP labs throughout the country.

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 Alison L Wilkinson, Chief of Weights and Measures, Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-2706, or email to alison.wilkinson@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

.05 Fees.

A.—B. (text unchanged.)

C. For performing type evaluation under either the State or National Program, the Secretary shall charge the following fees:

- (1) Technical services and evaluations — [\$100] \$150 per hour;
- (2) Environmental chamber services — [\$350] \$450 per device;
- [(3) Endurance testing — \$125 per device;]
- [(4)] (3) (text unchanged)
- [(5) Vapor or flow meter standards — \$50 per device;]
- [(6)] (4) Trailer-mounted provers, 200 gallon capacity — [\$50] \$75 per day plus [35] 45 cents per mile;
- [(7)] (5) Trailer-mounted provers, [1480] 1000-gallon capacity — [\$125] \$200 per day plus [45] 65 cents per mile;
- [(8)] (6) Large scale test unit — [\$300] \$400 per day plus [\$2] \$3 per mile;
- [(9)] (7) Van or sedan — [65] 67 cents per mile;
- [(10)] (8) 1-ton truck — [75 cents] \$1 per mile; and
- [(11)] (9) Travel costs — [Full] \$100 per hour full reimbursement from Annapolis, Maryland[,], and daily Maryland per diem for meals.

STEVEN A. CONNELLY
Deputy Secretary

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

A(1). The bill will increase revenue for the special funds of the Maryland Department of Agriculture, metrology lab operations that provides a necessary service to industry. The fee increases would allow the lab to charge for services rendered that are comparable to other state metrology labs.

D(1). Regulated Industries. This amendment would increase the metrology lab fees to certify standards used by regulated industry. The fee increase is minimal and is expected to be a benefit as the metrology lab can continue to provide these services to regulated industry within the State of Maryland.

Economic Impact on Small Businesses

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

PROPOSED ACTION ON REGULATIONS

1098

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Alison L Wilkinson, Chief of Weights and Measures, Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, Maryland 21401, or call 410-841-2706 , or email to alison.wilkinson@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

.02 Cast Iron and Steel Weights — [Class F Tolerances] NIST Class F/ASTM Class 5,6,7.

The Department shall charge the following fees to test cast iron and steel weights ([Class F tolerances]NIST Class F/ASTM Class 5,6,7):

A. If the weight is less than or equal to [30 kilograms (66 pounds)] 50 pounds or 20 kilograms, the fee is [\$9] \$12 a unit;

B. If the weight is greater than [30 kilograms (66 pounds)] 50 pounds but less than or equal [to 600 kilograms (1,300 pounds)] 1,000 pounds, the fee is \$28 a unit; and

C. If [the] a weight [is greater than 600 kilograms (1,300 pounds) but less than or equal to 1,100 kilograms (2,500 pounds), the fee is \$50 a unit;] requires adjustment, the adjustment fee is \$9 a unit.

[D. If the weight is greater than 1,100 kilograms (2,500 pounds) but less than or equal to 2,200 kilograms (5,000 pounds), the fee is \$69 a unit;

E. If the weight is greater than 2,200 kilograms (5,000 pounds), but less than or equal to 4,500 kilograms (10,000 pounds), the fee is \$115 a unit; and

F. If data is included with the certificate of conformance, the fee is \$2 a unit.]

.03 [Class F Tolerances —] Test Weight Sets— NIST Class F/ASTM Class 5,6,7.

The Department shall charge the following fees to test a Class F tolerances test weight set provided, however, that the set does not have a total capacity that is greater than [35 kilograms (77 pounds)] 50 pounds or 20 kilograms:

A. If the number of weights in the set is less than or equal to 18, the fee is [\$57] \$80 a set;

B. If the number of weights in the set is greater than 18 but less than or equal to 36, the fee is [\$80] \$120 a set;

C. If the number of weights in the set is greater than 36 the fee is [\$3] \$5 a unit; and

D. [If data is included with the certificate of conformance, the fee is \$2 a unit] If a weight requires adjustment, the adjustment fee is \$9 a unit.

.04 Other Weighing Services — NIST Class F/ASTM Class 5,6,7

The Department may provide other weighing services not otherwise noted in this chapter at a rate of [\$50] \$75 an hour.

.05 Equipment Refurbishing.

If equipment needs refurbishing before it can be tested and if the Department agrees to refurbish the equipment, the Department shall do this work at the rate of [\$52] \$60 an hour[plus an additional \$10 for shop materials].

.08 Other Services Related to Laboratory Standards of Mass.

The Department shall provide other services related to laboratory standards of mass at a rate of [\$75] \$100 an hour.

.09 Volumetric Field Standards—Volume Transfer.

The Department shall charge the following fees to test volumetric field standards:

A. If the standard is less than or equal to 5 gallons [(20 liters)], the fee is [\$30] \$45 a unit;

B. If the standard is greater than 5 gallons [(20 liters)] but less than or equal to [26] 20 gallons [(100 liters)], the fee is [\$50] \$70 a unit;

C. If the standard is greater than [26] 20 gallons [(100 liters)] but less than or equal to [264] 200 gallons [(1,000 liters)], the fee is [\$110] \$180 a unit; and

[D. If the standard is greater than 264 gallons (1,000 liters) but less than or equal to 1,321 gallons (5,000 liters), the fee is \$200 a unit;

E. If the standard is greater than 1,321 gallons (5,000 liters), the fee is \$250 a unit; and]

[F] D. If the standard is for measuring liquefied petroleum gas between 20 gallons and 125 gallons, the fee is [\$250] \$350.

.10 Other Volumetric Calibrations—Volume Transfer.

The Department shall perform other volumetric calibrations not otherwise noted in this chapter at a rate of [\$50] \$75 an hour.

.11 Volumetric Laboratory Standards—Gravimetric.

The Department shall charge the following fees to test volumetric laboratory standards:

A. If the standard is less than or equal to [4 liters (1 gallon)], 1 gallon the fee is \$38 each;

B. If the standard is greater than [4 liters (1 gallon)] 1 gallon but less than or equal to [40 liters (11 gallons)] 5 gallons, the fee is [\$112] \$120 each.; and

C. If the standard is greater than 40 liters (11 gallons) but less than or equal to 400 liters (110 gallons), the fee is \$250.]

.12 Other Volumetric Calibrations—Gravimetric.

The Department shall perform other volumetric calibrations not otherwise noted in this chapter at a rate of [\$45] \$100 an hour.

.15 Linear Measures [and Surveyor Tapes] Testing.

The Department shall test linear measures at the following rates:

A. The fees for testing shall be \$15 [a unit (each interval)] each test point; and

[B. The fee for testing tapes shall be \$15 a unit (each interval); and C] B. (text unchanged)

STEVEN A. CONNELLY
Deputy Secretary

15.03.11 Qualifications for Registration of a Service Technician and Service Agency

Authority: Agriculture Article, §11-203(a)(3), Annotated Code of Maryland

Notice of Proposed Action

[24-111-P]

The Maryland Department of Agriculture proposes to amend Regulations .04—.07 under COMAR 15.03.11 Qualifications for Registration of a Service Technician and Service Agency.

Statement of Purpose

The purpose of this action is to amend the current fee structure for the registration of regulated service agencies, their technicians, and set appropriate fees to administer the mandatory class and testing. Increasing fees will enable materials to be printed and distributed such as test and training materials, printing and mailing of certificates, and technician cards.

Estimate of Economic Impact

I. Summary of Economic Impact. The economic impact on the regulated industry is expected to be minimal and is expected to be comparable to surrounding states.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:			
Maryland Department of Agriculture	(R+)		Minimal
B. On other State agencies:			
	NONE		
C. On local governments:			
	NONE		
D. On regulated industries or trade groups:			
Registered Service Agency	(+)		Minimal
E. On other industries or trade groups:			
	NONE		
F. Direct and indirect effects on public:			
	NONE		

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

The bill will increase revenue for the special funds of the Maryland Department of Agriculture, assisting the Registered Service Agency Program for mandatory training, testing, and issuing of certificates and cards to regulated industry. This will benefit the industry as training and subject materials are provided.

This proposed action would increase the fees charged to register agencies, their technicians, and administer the mandatory class and test. The overall impact is expected to be minimal and similar to other states fee structures.

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 Alison L Wilkinson, Chief of Weights and Measures, Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, Maryland 21401, or call 410-841-2706, or email to alison.wilkinson@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

.04 Qualifications for Registration.

A. Registered Service Technician. An applicant seeking to become a certified service technician shall:

(1) Except as provided in §B of this regulation, pass a written examination for each type of weighing and measuring device the applicant intends to install, service, [or] repair[;], or pass and provide certification of National Council on Weights and Measures Registered Service Agency Exams.

(2)—(4) (text unchanged)

B.—C. (text unchanged)

.05 Notice of Pass or Fail.

A. The Department shall notify the applicant of the examination results for each type of weighing and measuring device for which the applicant tested.

B. An applicant who fails and wants to retake an examination shall pay a [\$10] \$25 reexamination fee.

.06 Additional Examinations following Certification.

A service technician possessing a current certificate of registration from the Department may take additional examinations for other types of weighing and measuring devices. The certified service technician shall submit to the Department, before the testing date, a [\$10] \$25 examination fee in the form of a check or money order.

.07 Certificate of Registration Fee.

A. (Text unchanged).

B. A qualified person seeking a certificate of registration shall pay to the Department one of the following fees for the appropriate type of registration for which certification is sought:

(1) [\$50] \$75 for a service technician certificate; or

(2) [\$200] \$250 for a service agency certificate.

C.—D. (text unchanged)

STEVEN A. CONNELLY
Deputy Secretary

Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY

Notice of Proposed Action

[24-156-P]

The Maryland State Lottery and Gaming Control Agency proposes to:

(1) Amend Regulations **.01— .06** under **COMAR 36.01.01 General**;

(2) Amend Regulations **.01— .06**, and **.08** under **COMAR 36.01.03 Voluntary Exclusion and Responsible Gaming**;

(3) Amend Regulation **.01** and adopt new Regulation **.02** under **COMAR 36.02.01 General**;

(4) Amend Regulations **.01— .10** under **COMAR 36.02.02 Retailer Licensing**;

(5) Amend Regulation **.01**, adopt new Regulations **.02 — .05**, amend and recodify existing Regulations **.02— .11** to be Regulations **.06 — .15**, and repeal existing Regulation **.12** under **COMAR 36.02.03 Retailer Requirements**;

(6) Amend Regulations **.01— .07** and repeal existing Regulation **.08** under **COMAR 36.02.04 Common Provisions for All Lottery Games**;

(7) Amend Regulations **.01— .04** under **COMAR 36.02.05 Specific Game Provisions**;

(8) Amend Regulations **.01** and **.02** under **COMAR 36.02.07 Unclaimed Lottery Prizes**; and

(9) Amend Regulations **.01— .05** under **COMAR 36.02.09 Special Operation Licenses for Instant Ticket Lottery Machines**.

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on September 26, 2024, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

PROPOSED ACTION ON REGULATIONS

1100

Under COMAR 36.01.01 General Provisions:

- (1) Add a number of definitions used elsewhere in the Agency's regulations for consistency, and simplify other regulations
- (2) Update and simplify the rules of construction for regulations by cross-referencing to existing law;
- (3) Align these regulations with current terminology and industry practice; and
- (4) Update and clarify ethical issues that will be included in the revised Code of Conduct for Commissioners and Staff;

Under COMAR 36.01.03 Voluntary Exclusion and Responsible Gaming:

- (1) Simplify some cumbersome language regarding self-exclusion from multiple types of gaming activities and add a definition;
- (2) Clarify the expanded gaming activities offered in Maryland and how to self-exclude from each;
- (3) Remove extraneous language and make regulations consistent with the Style Manual for Maryland Regulations;
- (4) Ensure regulations are consistent with the Style Manual and address a statutory change requiring disclosure of certain anonymized information to the Maryland Department of Health; and
- (5) Make the language in the regulation consistent with revised definitions

Under COMAR 36.02.01 General:

- (1) Bring lottery terminology in line with current systems and industry practices; and
- (2) Describe how organizations may submit a request for the Agency to sponsor an event

Under COMAR 36.02.02 Retailer Licensing:

- (1) Update definitions consistent with the Style Manual and for accuracy;
- (2) Remove a superfluous word for consistency with the definitions;
- (3) Update the list of prohibited acts by a licensed retailer consistent with statute
- (4) Specify that applications are submitted electronically and update the criteria the Agency considers when deciding whether to issue a license;
- (5) Provide further information on bonds that may be required before or after licensing as required by statute;
- (6) Ensure regulations are written for style, clarity, and consistency;
- (7) Clarify the procedures and requirements of a corrective action plan, including what is within the discretion of the Agency to permit; and
- (8) Expand and update the list of impermissible acts by a retailer, identify sanctions the Agency may impose, and identify a retailers' rights after sanctions have been imposed.

Under COMAR 36.02.03 Retailer Requirements:

- (1) Ensure formatting changes are aligned with the Style Manual;
- (2) Clarify and identify obligations of a lottery retailer;
- (3) Reorganize retailer prohibitions that were located elsewhere in the regulations;
- (4) Reorganize permissible sales of lottery tickets that were located elsewhere in the regulations;
- (5) Renumber an existing regulation because of the reorganization of content in the newly created Regulations, and update terminology;

(6) Describe the Agency's use of tools to assist with identifying unusual claims;

(7) Renumber an existing regulation, update terminology and clarify that the Director has discretion in considering whether a retailer may participate in the Expanded Cashing Authority Program;

(8) Clarify the process for retailer compliance with The Americans with Disabilities Act (ADA);

(9) Renumber existing regulations, update terminology, and describe what constitutes a change in ownership of a lottery retailer's business; and

(10) Repeal regulation as it is reorganized into new Regulations.

Under COMAR 36.02.04 Common Provisions for All Lottery Games:

(1) Add changes to clarify and update language consistent with the Style Manual;

(2) Clarify and update liability limits for draw games; and

(3) Repeal a regulation as it is no longer applicable.

Under COMAR 36.02.05 Specific Game Provisions, clarify and update terminology to align with current industry practices and technology.

Under COMAR 36.02.07 Unclaimed Lottery Prizes, clarify and update terminology.

Under COMAR 36.02.09 Instant Ticket Lottery Machines:

(1) Identify the applicable statutory provision; and

(2) Clarify and update terminology and cross-references.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to: James B. Butler, Assistant Deputy Director, Chief of Staff, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

Subtitle 01 GENERAL PROVISIONS

36.01.01 General

Authority: State Government Article, §§9-101—9-111, 9-116, 9-123, 9-1A-01, 9-1A-02, 9-1A-04, 9-1A-24, 9-1D-01, 9-1E-01, 9-1E-04, [and] 10-205, and 10-219, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) Cash.

(a) "Cash" means coins, U.S. currency, money orders, debit cards, [and] checks, *gaming chips*, *gaming tickets*, *vouchers*, or *prepaid cards issued or approved by the Agency*.

(b) (text unchanged)

(3)—(4) (text unchanged)

(5) *Direct Exclusion.*

(a) “Direct exclusion” means the process by which a fantasy competition operator, mobile sports wagering licensee, or online sports wagering operator licensee allows an individual to self-exclude from a gaming platform.

(b) “Direct exclusion” does not include:

(i) Voluntary exclusion under COMAR 36.01.03; or

(ii) Mandatory exclusion under COMAR 36.03.07 or COMAR 36.10.10.

[(5)] (6) “Director” means the Director of the Agency and includes the Director’s [designees] *designee*.

(7) “Fantasy competition” has the meaning stated in State Government Article, § 9-1D-01, Annotated Code of Maryland.

(8) “Fantasy competition operator” has the meaning stated in State Government Article, § 9-1D-01, Annotated Code of Maryland.

(9) “Fantasy competition platform” has the meaning stated in COMAR 36.09.01.02

[(6)] (10) (text unchanged)

[(7)] (11) “Final action on a sanction” means:

(a) [If after the Director sends a deficiency notice] *The Commission adopts the Director’s deficiency notice* under COMAR 36.02.02, 36.03.04, 36.06.05, 36.07.02, 36.03.03 or 36.10.08, and a licensee fails to submit a timely, acceptable corrective action plan[, and the Commission adopts as final the Director’s deficiency notice];

(b) [If the Commission holds] *The date of the Commission’s written decision after a hearing on the Director’s recommendation to impose a sanction[, the date of the Commission’s written decision];* or

(c) If a licensee seeks judicial review of the Commission’s sanction, the most recent date of:

(i) [The] A decision of the Office of Administrative Hearings;

(ii) A final [judgement] *judgment* under Maryland Rule 2-601; or

(iii) (text unchanged)

[(8)] (12) Gaming Activity.

(a) “Gaming activity” means play of a game, device, or machine that is regulated by the Agency[.

(b) “Gaming activity” includes activities described in COMAR 36.06 — COMAR 36.10.] *which is:*

(i) *Lottery, under COMAR 36.02;*

(ii) *Video lottery terminals, under COMAR 36.03;*

(iii) *Table games, under COMAR 36.05;*

(iv) *Electronic gaming devices, under COMAR 36.06;*

(v) *Instant bingo machines in Anne Arundel or Calvert Counties, under COMAR 36.07;*

(vi) *Fantasy competitions, under COMAR 36.09; and*

(vii) *Sports wagering, under COMAR 36.10.*

[(9)] (13) “Gaming law” means State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

(14) *Gaming Platform.*

(a) “Gaming platform” means hardware and software used for a website, application, or other platform which is accessible via the internet or mobile, wireless, or similar communications technology that allows players to participate in a gaming activity.

(b) “Gaming platform” includes a sports wagering platform and a fantasy competition platform.

(15) “Gaming ticket” has the meaning stated in COMAR 36.03.10.02.

[(10)] (16) (text unchanged)

(17) *Lottery Game.*

(a) “Lottery game” means a game, activity, or other activity that is approved or offered by the Agency for consideration to win a prize by chance in which the:

(i) Only direct or personal participation by a player is the player’s purchase or receipt of a ticket;

(ii) Chance to win is determined at random; and

(iii) Proceeds benefit the State.

(b) “Lottery game” does not include [Unless]unless otherwise specified by the Director, a promotion.

[(11)] (18) (text unchanged)

(19) “Online platform” means an interface using the internet that provides an individual the opportunity to engage in an authorized gaming activity, promotion, or loyalty rewards program.

[(12)] (20) “Player” means a person who participates in [lottery or] gaming activity.

[(13)] Person.

(a) (21) (text unchanged)

[(b) “Person” within COMAR 36.02, may include a group of two or more individuals that are playing or claiming together.]

(22) *Prize.*

[(14)] (a) “Prize” means:

[(a)] (i) (text unchanged);

[(b)] (ii) Merchandise; [or]

(iii) A ticket; or

[(c)] (iv) [An experiential award, such as:] A experience that is a trip;

[(i) A trip; or]

[(ii)] (v) (text unchanged)

[(ii)] (vi) A designated activity involving personal participation.

(b) “Prize” may include a combination of § B(22)(a)—(d) of this regulation.

[(15)] (23) “Retailer” or “Lottery retailer” means a [business or] person who has been licensed by the Agency to sell [lottery] tickets.

(24) “Share” or “lottery share” means a ticket in which one or more individuals have an ownership interest.

[(16)] (25) (text unchanged)

[(17)] (26) (text unchanged)

[(18) “Submit” means to deliver a document:

(a) In a manner that ensures its receipt by the party to whom it is addressed; and

(b) Which is considered complete only upon actual receipt by that party.]

(27) “Sports wagering platform” has the meaning stated in COMAR 36.10.01.02.

[(19)] (28) “State obligation” means [moneys] money owed [pursuant to] under:

(a) (text unchanged)

(b) Family Law Article, §10-113.1(a), Annotated Code of Maryland; [or]

(c) State Finance and Procurement Article, §3-307, Annotated Code of Maryland[.]; or

(d) Any other State law.

(29) “Submit” means to deliver a document:

(a) In a manner that ensures its receipt by the party to whom it is addressed; and

(b) Which is considered complete only upon actual receipt by that party.

[(20)] (30) “Table games” means:

(a) [Roulette, baccarat, blackjack, craps, big six wheel, poker, pai gow, and sic bo shakers, pai gow tiles, any variation and composites of such games, and other games] A game or composite of a game that the Commission has approved for play in a video lottery facility; and

(b) [Gaming tournaments] A gaming tournament in which players compete against one another in [one or more of the games authorized under §B(147(a) of this regulation] a table game event.

PROPOSED ACTION ON REGULATIONS

1102

[(21)] (31) "Ticket" [or "lottery ticket"] means a ticket authorized by the Agency that a lottery retailer or the Agency makes available for sale.

[(22)] (32) "Video lottery" [means gaming or betting conducted using a video lottery terminal] has the meaning stated in State Government Article, § 9-1A-01, Annotated Code of Maryland.

[(23)] (33) "Video lottery facility" [means a facility at which players play video lottery terminals and table games] has the meaning stated in State Government Article, § 9-1A-01, Annotated Code of Maryland.

[(24)] (34) Video Lottery Terminal.

(a)—(b) (text unchanged)

(c) "Video [Lottery] lottery terminal" means each single position or seat available for use by a player;

(d) (text unchanged)

[(25)] (35) "Voluntary exclusion program" means the Commission's Voluntary Exclusion Program established under COMAR 36.01.03.

[(26)] (36) "Winnings" means the amount won from a [sports] wager or play that is not reduced by a loss.

[(27)] (37) "Work day" means a day when [Maryland] State government offices are open for business.

.02 Rules of Construction.

A. Gender and Number. In interpreting and applying this title, the following rules of construction shall apply:

(1) Words denoting one gender pronoun include and apply to [the other gender as well] any other pronoun; and

(2) (text unchanged)

B. [Time Computations] Computation of Time.

[(1) Computation of time after an act, event, or default applies the following rules:

(a) In computing any period of time prescribed by this title, the day of the act, event, or default after which the designated period of time begins to run is not included;

(b) If the period of time allowed is more than 7 days, intermediate Saturdays, Sundays, and legal holidays are counted;

(c) If the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and legal holidays are not counted; and

(d) The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is a work day.

(2) Computation of time before a day, act, or event applies the following rules:

(a) In determining the latest day for performing an act that is required by this title to be performed a prescribed number of days before a certain day, act, or event, all days preceding that day, including intervening Saturdays, Sundays, and legal holidays, are counted in the number of days so prescribed; and

(b) The latest day is included in the determination unless it is a Saturday, Sunday, or legal holiday, in which event the latest day is the first preceding day that is a work day.] Time is computed as provided in General Provisions Article § 1-302, Annotated Code of Maryland.

.03 [Lottery and Gaming Control] Commission.

A. Overview of Commission.

(1)—(2) (text unchanged)

(3) [With the assistance of the Agency, the Commission shall regulate the operation of video lottery terminals and table games in accordance with the gaming law] The Agency shall assist the Commission to carry out its statutory and regulatory obligations.

B. Operational Procedures.

(1) Meetings.

(a) The Commission shall:

(i) (text unchanged)

(ii) Set its procedures for frequency, notice, and conduct of meetings; [and]

(iii) Annually elect a chair from among its members[.]; and

(iv) Act only if at least four members concur.

(b) (text unchanged)

(c) [The Commission may not act unless at least four members concur.]

(2) (text unchanged)

C. Powers of Commission. The Commission may:

(1) Issue subpoenas to compel attendance of witnesses at any place within the State in the course of any investigation or hearing conducted under the gaming law and sports wagering law;

(2) Administer oaths and require testimony under oath before the Commission in the course of any investigation or hearing conducted under the gaming law [and], lottery law, and sports wagering law;

(3)—(4) (text unchanged)

.04 [Lottery and Gaming Control] Agency Director.

A. (text unchanged)

B. Powers of Director.

(1) (text unchanged)

(2) The Director may:

(a) (text unchanged)

(b) Determine that a [game] ticket is void and if the [game] ticket shall be paid; and

(c) Establish and announce special purchase options which reduce the purchase price of a lottery game for a specified period.

(3) The Director may [determine,] establish and change:

(a)—(b) (text unchanged)

(c) The price of lottery games;

(d) The probability or odds of winning a lottery game; [and]

(e) The amount of winnings a player may accumulate from a subscription as provided in COMAR 36.02.06.12.D; and

[(e)] (f) Any other aspect of lottery game play, payment, and implementation.

(4) The Director may:

(a) (text unchanged)

(b) Approve a winner's request to receive a cash equivalent value or other substitute prize for a merchandise or [experiential prize] experience.

[(5) The Director may determine that a type of ticket shall be cancelled, including an instant ticket, a multi-jurisdictional ticket, and a draw game ticket.]

(c) Determine that a ticket shall be canceled;

[(6) The Director may disqualify a game ticket if a player violates an Agency law or regulation.]

(d) If a player violates a lottery law or regulation, invalidate a ticket, delay a prize award, or issue a refund; or

[(7) The Director may delegate] (e) Delegate to another individual the performance of any activity, function, or service in connection with the operation of the Lottery.

.05 Limitations on Gaming Activity.

Gaming activity may not be engaged in by, and a prize, jackpot, or winnings may not be paid to:

A.—C. (text unchanged)

[D. A person whose name appears on a Voluntary Exclusion Program list under COMAR 36.01.03.]

[E.] D. The Agency [shall] may conduct periodic reviews [to ensure compliance with this Regulation] of prizes paid in excess of \$600 by reviewing data available to the Agency.

.06 Code of Conduct.

A. Definitions.

- (1) (text unchanged)
- (2) Terms Defined.

(a) “Agency employee” means an employee of the Agency [who is designated as a public official under State Government Article, §15-103, Annotated Code of Maryland].

(b) “Code of conduct” means the document that identifies activities prohibited for employees of the Agency and Commission members.

[(b)] (c) “Complaint” means the submission of a communication to the Agency or the Commission alleging a violation of a law, regulation, or the code of conduct [established by the Director].

[(c)] (d) “Conflict of interest” means a situation in which a personal interest of a Commission member or an Agency employee [may be contrary to the public interest in an anticipated Commission action or decision] *may compromise the individual’s judgment, decisions or actions.*

[(d)] (e) “Ex parte communication” means a [direct or indirect communication between a Commission member or Agency employee and another person regarding an issue in a matter that is pending before the Commission, if the communication is made outside the presence of an opposing person] *written or oral communication that happens without the knowledge, consent, or presence of all parties involved involving a matter that is pending before the Commission.*

[(e)] (f) “Recusal” means [nonparticipation of] *that a Commission member or an Agency employee does not participate in a specific matter [before the Commission].*

B. Establishment and Compliance.

(1) The Director shall establish a code of conduct [for members of the Commission and Agency employees].

(2) [Members of the Commission] *Commission members* and Agency employees shall comply with the code of conduct.

(3) *A violation of the code of conduct constitutes a violation of this regulation.*

(4) *The Agency or Commission may report a violation to the State Ethics Commission.*

(5) *An Agency employee who violates the code of conduct may be subject to disciplinary action.*

C. Recusal of a Commission [Members] Member.

(1) A Commission member may not participate in a Commission [proceeding in matters] *matter* in which the member:

(a) (text unchanged)

(b) [Cannot] *For any reason, is unable to participate fairly and impartially.*

(2) (text unchanged)

(3) A Commission member who is recused from a matter before the Commission may not:

(a) (text unchanged)

(b) Discuss the matter or the Commission's review of the matter with [members of the Commission or another person] *a Commission member or any other person.*

(4) A Commission member who is recused *from a hearing, discussion, or voting on a matter* [shall physically leave the room during hearings, discussion, or voting on the matter to ensure nonparticipation.] *shall:*

(a) *If in person, physically leave the meeting; or*

(b) *If remote, disconnect from the virtual meeting.*

(5) (text unchanged)

D. [Complaints] *Allegation of a Violation of the Code of Conduct.*

(1) A Commission member against whom a complaint is [filed] *made* shall follow §C(3) and (4) of this regulation [for Commission discussion and voting related to the complaint].

(2)—(4) (text unchanged)

E. Confidentiality.

(1) A Commission member or Agency employee may not discuss [confidential matters] *a confidential matter* with a person other than:

(a)—(e) (text unchanged)

(2) (text unchanged)

36.01.03 Voluntary Exclusion and Responsible Gaming

Authority: Criminal Law Article, §§12-301.1 and 12-308; State Government Article, §§9-110, 9-1A-24(e), 9-1D-05, 9-1E-04, and 9-1E-11[;], Annotated Code of Maryland

.01 General.

A. Scope. This chapter establishes a mechanism by which an individual may request to be placed on the Commission's Voluntary Exclusion List of individuals with gambling problems who have requested to self-exclude themselves from[:] *a gaming activity or a combination of multiple gaming activities.*

[(1)] Video lottery facilities in the State;

(2) Lottery play in the State;

(3) Instant bingo facilities under COMAR 36.07 with more than 10 instant bingo machines;

(4) Participating in fantasy competitions offered by fantasy competition operators registered under COMAR 36.09;

(5) Participating in sports wagering offered by a sports wagering licensee; or

(6) Any combination of the five.]

B. Definitions.

(1) Unless context or [the individual] regulation dictates otherwise, in this chapter the following terms have the meanings indicated.

(2) Terms Defined.

(a) “Affiliated entity” means an entity sharing ownership or management with a licensee of a gaming activity.

[(a)] (b) “Commission's Voluntary Exclusion List” means the list established by the Commission [as a measure to reduce or mitigate the effects of problem gambling that allows individuals with gambling problems] *that allows an individual* to request to be excluded from participating in certain [lottery and gambling] *gaming* activities for a specified period of time.

[(b)] “Direct exclusion” means the ability of a person to make a request directly to a fantasy sports competition operator or a sports wagering licensee for exclusion from their online services.]

(c) (text unchanged)

C. The Commission shall:

(1) Maintain the Commission's Voluntary Exclusion List for individuals who have requested to be excluded from *a gaming activity; and* [:

(a) Video lottery facilities;

(b) Lottery play in the State;

(c) Instant bingo facilities with more than 10 instant bingo machines;

(d) Fantasy competitions offered by registered fantasy competition operators; or

(e) Participating in sports wagering offered by sports wagering licensees; and]

(2) (text unchanged)

.02 Application for Placement on the Commission's Voluntary Exclusion List.

A. An individual may obtain an application for placement on the Commission's Voluntary Exclusion List [shall be available through] by:

- (1) [Each] *Contacting a licensed video lottery facility [upon request to] and requesting an application from Commission staff;*
- (2) [Each] *Contacting a licensed instant bingo facility with more than 10 instant bingo machines and requesting an application that is solely for exclusion from a licensed instant bingo facility; [and]*
- (3) [The] *Contacting the Agency[.]; or*
- (4) *Obtaining an application online.*

B. Information about [applications] an application for placement on the Commission's Voluntary Exclusion List shall be available [through] at:

- (1)—(5) (text unchanged)

C. An individual may request to be excluded from:

(1) [The places and activities described in Regulation .01 of this chapter] A gaming activity by submitting a completed application for placement on the Commission's Voluntary Exclusion List to [Commission] Agency staff; and

(2) An instant bingo facility with more than 10 instant bingo machines by submitting a completed application [form] to instant bingo facility staff.

D. [An] A completed application for placement on the Commission's Voluntary Exclusion List shall include:

(1) Sufficient information and documentation to identify [and exclude the individual, including the individual's:] , exclude, and contact the individual;

(2) A signature of the individual, which may include the use of a Commission-approved secure electronic means; and

(3) Any other information about the individual that the Commission requires.

E. Information on a completed application may include the individual's:

[(a)] (1)—[(d)] (4) (text unchanged)

[(e)] (5) Social Security number or other government-issued identification number[, if applicable];

[(f)] (6) Gender identity;

[(g)] (7) (text unchanged)

[(h)] (8) Race or ethnic origin; and

(9) A photograph of the individual.

[(i)] Signature, which may include the use of a Commission-approved secure electronic means; and

(j) Signature; and

(k) Any other information about the individual that the Commission requires;]

[(2)] F. [The] A completed application shall identify the length of time requested for placement on the Commission's Voluntary Exclusion List, which shall be for:

[(a)] (1)—[(b)] (2) (text unchanged)

[(3)] Information pertaining to problem gambling programs;

(4) Acknowledgment that certain problem gambling programs may contact the applicant;

(5) A signed statement by which the individual declares that the individual:]

G. In the completed application, an applicant shall acknowledge:

(1) With the applicant's written consent, certain problem gambling programs may contact the applicant;

(2) The applicant is knowingly and voluntarily applying for inclusion on the Commission's Voluntary Exclusion List;

[(a)] Has a gambling problem and is unable to gamble responsibly;

[(b)] (3) (text unchanged);

[(c)] (4) [Releases] That the applicant releases and holds harmless the State of Maryland, the Commission, the Agency, and their members, employees, and agents from any liability that may arise from the application or the individual's placement on the Commission's Voluntary Exclusion List;

[(d)] (5) [Acknowledges that] That the Commission is collecting information from the individual that the:

[(i)] (a)—[(iii)] (c) (text unchanged)

[(e)] (6) [Authorizes] That the release of information to the persons specified in Regulation .07 of this chapter is permitted;

[(f)] (7) [Acknowledges that the individual will be, for] For the entire term of the requested period of exclusion the individual will be prohibited from participating in each gaming activity selected; [:

(i) Prohibited from entering a video lottery facility and playing table games or a video lottery terminal;

(ii) Prohibited from playing a lottery game;

(iii) Prohibited from playing an instant bingo machine at an instant bingo facility with more than 10 instant bingo machines;

(iv) Prohibited from participating in a fantasy competition offered by a fantasy competition operator registered under COMAR 36.09;

(v) Prohibited from participating in sports wagering offered by a sports wagering licensee under COMAR 36.10; or

(vi) Any combination of the five;

(g) Acknowledges that if the requested period of placement on the Commission's Voluntary Exclusion List was 2 years, the individual will not be removed from the Commission's Voluntary Exclusion List unless the Commission grants the individual's request for removal under Regulation .06 of this chapter;]

(8) That there is no automatic removal from the Commission's Voluntary Exclusion List;

[(h)] (9) [Acknowledges that] That the individual may be subject to criminal charges if, during the period of exclusion, the individual enters a video lottery facility in the State;

[(i)] (10) [Acknowledges that the individual may be, for the entire term of the requested period of exclusion:] That the individual may be excluded from participating in the gaming activity of an affiliated entity;

(i) Banned by a video lottery facility from any of its affiliated facilities in Maryland or other jurisdictions;

(ii) Removed or precluded from utilizing a video lottery facility's associated sports wagering platform;

(iii) Banned from video lottery facilities that offer sports wagering;

(iv) Even if accessed from a different state, removed or precluded from joining or participating in a fantasy competition operator's online platform;

(v) Banned by a sports wagering facility from any of its affiliated facilities in Maryland or other jurisdictions; or

(vi) Even if accessed from a different state, removed or precluded from joining or participating in a mobile sports wagering licensee's online platform;]

(11) That the individual is responsible for knowing from which properties and gaming platforms the individual is excluded;

[(j)] (12) [Otherwise acknowledges that] That the individual understands the individual's responsibilities and possible [consequences] outcomes associated with being placed on the Commission's Voluntary Exclusion List; and

[(k)] (13) [Is] That the individual is voluntarily applying.

[E.] H. Upon receipt of a completed application for placement on the Commission's Voluntary Exclusion List, assigned [Commission] Agency staff may:

(1) Interview the individual in order to [ascertain that the individual] confirm that the individual:

(a)—(b) (text unchanged)

(c) Confirms the information provided in the application is accurate and complete; and

(d) Is fully informed of the [consequences of] *outcomes associated with* being placed on the Commission’s Voluntary Exclusion List; and

(2) Decide whether to [accept the request] *grant or deny the individual’s application* for placement on the Commission’s Voluntary Exclusion List.

I. After determining whether to grant or deny an application, Agency staff shall either:

(1) [and place] Place the individual on the Commission’s Voluntary Exclusion List; [and] or

(2) Not place the individual on the Commission’s Voluntary Exclusion List.

[(3) Deliver to the individual by regular U.S. mail a written notice of:]

J. Agency staff shall notify the individual:

[(a)] (1) [Placement] For placement on the Commission’s Voluntary Exclusion List[; or], by U.S. Mail; or

(2) For denial of an application, by U.S. mail or other agreed upon written communication.

[(b) Denial of the application requesting placement on the Commission’s Voluntary Exclusion List.]

[F.] K. Notice to Individual Placed on the Commission’s Voluntary Exclusion List.

[(1)] The Agency’s notice to an individual of placement on the Commission’s Voluntary Exclusion List for video lottery facilities, shall include:

[(a)] (1)—[(b)] (2) (text unchanged)

[(c)] (3) Notice that the individual may be [banned by a video lottery facility from any of its affiliated facilities in Maryland or other jurisdictions; and] *excluded from gaming activity offered by an affiliated entity in Maryland or another jurisdiction.*

[(d) Notice that the individual may be unable to participate in sports wagering offered by a sports wagering facility operator or online sports wagering operator affiliated with a video lottery facility.

(2) The Agency’s notice of an individual’s placement on the Commission’s Voluntary Exclusion List for exclusion from participating in fantasy competitions in the State shall include notice that the individual may be excluded from participating in fantasy competitions offered by fantasy competition operators in another jurisdiction;

(3) The Agency’s notice of an individual’s placement on the Commission’s Voluntary Exclusion List for exclusion from sports wagering in the State shall include:

(a) Notice that the individual is not permitted in the sports wagering-related areas of a sports wagering facility;

(b) Notice that the individual may be excluded from participating in sports wagering offered by a sports wagering licensee in any of its affiliated facilities or platforms in other jurisdictions; and]

[(c)] (4) (text unchanged)

.03 Direct Exclusion by Operator.

A. Registered Fantasy Competition Operator.

(1) A registered fantasy competition operator may, on request of an individual, directly exclude the individual from participating in [fantasy competitions] *a fantasy competition* through its platform.

(2) (text unchanged)

B. Mobile Sports Wagering Licensee.

(1) [A mobile sports wagering licensee through its sports wagering platform or its online sports wagering operator’s platform may, on request of an individual, directly exclude the individual from

participating in sports wagering on its platform] *An individual may request direct exclusion from a mobile sports wagering platform.*

(2) A request for direct exclusion from a mobile sports wagering [licensee’s platform operated by its online sports wagering operator] *platform:*

(a)—(c) (text unchanged)

(d) Does not prevent the [person] *individual* from using another mobile *sports wagering* platform in Maryland.

.04 Voluntary Surrender.

A. (text unchanged)

B. Term Defined. “Unredeemed item”:

(1) Means a token, voucher, check, ticket, chip, coupon, *points*, or similar item that has monetary value, and that a player has [:

(a) Won by playing a video lottery terminal or table game;

(b) Inserted into a video lottery terminal;

(c) Played at a table game;

(d) Received by converting cash, check or wire transfer at a video lottery facility;

(e) Won by participating in a fantasy competition offered by a fantasy competition operator registered under COMAR 36.09;

(f) Received by converting cash, check, wire transfer, points, tickets, coupons, or similar item or monetary equivalent through a registered fantasy competition operator’s system;

(g) Won by participating in sports wagering;

(h) Inserted into sports wagering equipment;

(i) Received by converting cash, check, wire transfer, or points through sports wagers placed with a sports wagering licensee;

(j) Obtained while playing a lottery game in the State; or

(k) Won by playing an instant bingo machine at an instant bingo facility with more than 10 instant bingo machines] *won, obtained, or otherwise received by playing or participating in a gaming activity.*

(2) (text unchanged).

C. An individual who applies to be placed on the Commission’s Voluntary Exclusion List contractually agrees to:

(1) (text unchanged)

(2) Designate that the proceeds of the item be redeemed and [contributed] *distributed* to the Problem Gambling Fund established under State Government Article, §9-1A-33(b), Annotated Code of Maryland.

.05 The Commission’s Voluntary Exclusion List.

The Commission shall:

A. (text unchanged)

B. Provide the Commission’s Voluntary Exclusion List for video lottery facilities to [a video lottery facility, with periodic updates, to assist the video lottery facility in identifying excluded individuals] *all video lottery facilities with periodic updates;*

C. Enter the Commission’s Voluntary Exclusion List for lottery play into the [Agency’s control system] *Lottery Central System* to ensure that an excluded individual’s prizes over \$600 on a ticket will be surrendered under Regulation .04 of this chapter;

D. Provide the Commission’s Voluntary Exclusion List for individuals who have self-excluded from instant bingo to an instant bingo facility with more than 10 instant bingo machines, with periodic updates[, to assist the facility in identifying excluded individuals];

E. Provide the Commission’s Voluntary Exclusion List for individuals who have self-excluded from participating in fantasy competitions [in the State to a] *to all* registered fantasy competition [operator] *operators*, with periodic updates, [to assist the fantasy competition operator in identifying excluded individuals]; and

F. Provide the Commission’s Voluntary Exclusion List for individuals who have self-excluded from participating in sports wagering [in the State] to sports wagering facility licensees and mobile

PROPOSED ACTION ON REGULATIONS

1106

sports wagering licensees, with periodic updates, to assist them in identifying excluded individuals.

G. Provide anonymized information from the Commission's Voluntary Exclusion List to the Department of Health in accordance with Health General Article, §§5-1001—5-1009, Annotated Code of Maryland.

.06 Removal from the Commission's Voluntary Exclusion List.

A. (text unchanged)

B. An individual shall submit their request under §A of this regulation in writing to the Commission accompanied by documentation that the individual has:

(1) (text unchanged)

(2) Executed an authorization and release to be removed from the [voluntary exclusion list] *Commission's Voluntary Exclusion List*; and

(3) (text unchanged)

C. (text unchanged).

D. If the Commission:

(1) Grants the request, it shall:

(a) (text unchanged)

(b) Notify the State's video lottery facilities, instant bingo facilities with more than 10 instant bingo machines, registered fantasy competition operators, sports wagering facility licensees, and mobile sports wagering licensees, or update the [Agency's central system] *Lottery Central System* with the individual's removal from the Commission's Voluntary Exclusion List; or

(2) (text unchanged)

.08 Responsible Gaming Program.

A. (text unchanged)

B. A responsible gaming program established by the Commission under §A of this regulation shall be designed to:

(1) (text unchanged)

(2) Maximize the access of [individuals who have a gambling problem to] problem gambling resources *by an individual who has a gambling problem*.

Subtitle 02 LOTTERY PROVISIONS

36.02.01 General

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, and 9-122, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Activate" means:

(a) [to] *To make a book of instant tickets ready for sale in the Lottery Central System[.] ; or*

(b) *To make a ticket ready for sale.*

(2) "Announced end of game" means the date [determined and announced] *set* by the Agency after which retailers may not activate instant [ticket game books] *tickets for that game*.

(3) ["Bonus drawing"] *Bonus Drawing*.

(a) *"Bonus drawing" means a game the Agency designates as a bonus drawing that may have a claiming period other than 182 days after the drawing in which the prize is won.*

(b) *"Bonus drawing" does not include a daily or weekly lottery drawing.*

(4) ["Bonus game"] *Bonus Game*.

(a) *"Bonus game" means a game the Agency designates as a bonus game [or bonus drawing] that may have a claiming period other than 182 days after the drawing in which the prize is won.*

(b) *"Bonus game" does not include a:*

(i) *Daily or weekly lottery game; or*

(ii) *Specific play features on a ticket.*

[(5)] *Cash.*

(a) "Cash" means coins, U.S. currency, money orders, debit cards, and checks.

(b) "Cash" does not include credit.]

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

[(7)] (6) "Coupon" means [an instrument that a player may use to obtain a lottery ticket at reduced or no cost] *a paper or computer-generated code that a player may apply to purchase a ticket.*

[(8)] (7) "Daily game" means a draw game for which the Agency offers a drawing *at least once* every day.

[(9)] (8) (text unchanged)

[(10)] (9) *Draw Game*.

(a) "Draw game" means a lottery game *for which a winning result is determined by a drawing for which a ticket:*

(i) [Sold] *Is sold* and redeemed through a subscription or [a computer network] *through a terminal* at retailer locations; and

(ii) [For which tickets are] *May be* generated by a terminal and [are] *is* a record of a transaction for a draw game.

(b) "Draw game" includes:

(i) A jackpot game *including a multi-jurisdictional jackpot game;*

(ii) A nonjackpot game *including a multi-jurisdictional jackpot game;*

(iii) A monitor game; *and*

[(iv)] A multi-jurisdictional game played with draw game tickets; and]

[(v)] (iv) Any other [Agency-issued game played as described in this section] *Agency-authorized lottery game designated as a draw game.*

[(11)] (10) "Draw ticket" [or "Draw game ticket"] means a ticket purchased from a terminal or through a subscription *for a draw game.*

[(12)] (11) "Drawing" means a random selection event used for determining winning numbers *game data* of certain lottery games.

[(13)] (12) "Drawing date" means the day, days of the week, or times of day on which the winning [numbers] *game data* [for the lottery games] *a lottery game* are selected.

(13) "Entry" means *a qualifying purchase or action by which a player may participate in a promotion or special activity.*

(14) "ePlayslip" means an [electronically-generated game play selection process using an official web or mobile application issued by the Agency that is used by a player to select the purchaser's playable numbers.] *on-screen display or two-dimensional code, that:*

(a) *Contains player-selected or randomly generated game data; and*

(b) *Is electronically generated by a website or mobile application authorized by the Agency.*

(15) *Fast Play Game*.

(a) "Fast Play game" means a game [produced] *issued* by [a lottery terminal] *the Lottery Central System* where predetermined game results are obtained from a finite pool of randomly generated results for that [specific game and are printed on a ticket] *game and are available through the terminal.*

(b) "Fast Play game" does not include [games where players select their numbers or symbols and there is a drawing to determine a winning number or symbol].

(16) "Game data" means *any item or symbol used to identify:*

(a) *A winner of a lottery game, including:*

(i) *Numerals;*

(ii) *Letters;*

(iii) *Symbols, and*

(iv) *Icons including branded logos;*

(b) *The cost of a ticket; and*

(c) Number of draws and which draws on a ticket.

(17) "In-lane ticket" means a ticket that:

(a) Is purchased by a player;

(b) May only be purchased at a retailer that is a commercial establishment; and

(c) Is activated for play or produced when it is processed through a third-party point of sale terminal or cash register.

[(16)] (18) Instant Game.

(a) "Instant game" [or "instant ticket game"] means a lottery game [where tickets have an] for which a ticket has a covered area that the player exposes in accordance with the game instructions, and includes:

[(a)] (i) (text unchanged)

[(b)] (ii) Tickets using other methods of revealing a hidden area with pre-determined results.

(b) "Instant game" does not include an in-lane ticket for a draw game.

[(17)] (19) "Instant ticket" [or "instant game ticket" means an authorized lottery game] means a ticket issued in an instant game.

[(18)] (20) "Instant ticket pack" or "instant ticket book" means [a group of sequential instant tickets that are in an individual bundle] group of tickets in sequential order bundled together.

[(19)] (21) "Jackpot game" means a lottery game [where] for which the top prize amount varies [depending on amounts wagered and on whether]:

(a) Based on sales; and

(b) If the top prize was won in the preceding drawing.

(22) "Lottery Central System" means an integrated computer service and equipment that the Agency authorizes and procures for the purposes of:

(a) Producing lottery tickets at retailer locations;

(b) Facilitating lottery ticket transactions;

(c) Providing tools and the means by which retailers:

(i) Determine sales;

(ii) Cash tickets;

(iii) Confirm receipt and activate an instant ticket book;

(iv) Display of animations of winning numbers;

(v) Process a ticket, ePlayslip, or playslip;

(vi) Print special reports and tickets;

(vii) Order instant tickets;

(viii) Order supplies; and

(ix) Coordinate the distribution of tickets;

(d) Providing random number generating equipment to conduct and offer monitor games, Cash Pop and Fast Play games;

(e) Communicating with lottery retailers; and

(f) Performing any other function, the Agency identifies as necessary to the operation of the State lottery and accounting for its proceeds.

(23) "Lottery Central System contractor" means the person under contract with the Agency to provide all the goods and services required under the contract for the Lottery Central System.

[(20)] "Lottery game" means a game, activity, or other enterprise offered by the Agency for consideration to win a prize by random chance and, unless specified by the Director, does not include a promotional game.]

[(21)] (24) "Monitor" means a television screen or similar type of screen used to display [draw] monitor game results and other Agency communications.

[(22)] (25) "Monitor game" means a draw game [where] for which:

(a) Tickets are generated by [an Agency vendor's computer] a terminal;

(b) [An Agency vendor's computer generates results of the draw game] The Lottery Central System generates the winning result; and

(c) (text unchanged)

[(23)] (26) "Multi-jurisdictional game" means a lottery game offered by the Agency and:

(a)—(b) (text unchanged)

(c) Both §B26(a) and (b) of this regulation.

[(24)] (27) "Nonjackpot game" means a lottery game where the top prize remains [constant] static.

[(25)] "Number" means any item or symbol used to play to win a lottery game, including:

(a) Numerals;

(b) Letters; and

(c) Icons.]

[(26)] "Odds" means the [long run ratio of the number of times a win does not occur to the number of times a win does occur] likelihood of an outcome to occur or not occur.

[(27)] (29) "Pari-mutuel" means[:

(a) The total number of winning matches per prize level, divided equally into the dollar value of the prize pool for the specific prize level; or

(b) The total number of winning matches in the designated prize levels, divided equally into the dollar value of the prize pool for the designated prize levels] dividing the prize money available for winners of a certain prize level in a lottery game equally among all plays winning the prize in a particular drawing.

[(28)] (30) Player-Activated Terminal or PAT.

(a) "Player-activated terminal" or "PAT" means a machine through which a player may purchase [Agency tickets] a ticket or claim a prize [without action by a licensed retailer] under an applicable tax reporting or taxable prize threshold without intervention by a retailer.

(b) (text unchanged)

[(29)] (31) "Playslip" means a [card] document issued by the Agency and used by a player to select the [purchaser's playable numbers] player's game data.

[(30)] (32) "Probability" means the long-run ratio of the number of [times a win occurs to the number of times that game's drawings are held] winning outcomes to the number of all outcomes.

[(31)] (33) "Progressive jackpot" means a jackpot offered [by] in a lottery game that may increase [uniformly] in value based on sales of that game.

[(32)] (34) Promotion.

(a) "Promotion" [or "promotional game"] means:

(i) [an] An activity or game offered by the Agency to [advertise] increase awareness of the Agency and its products and services[.];

(ii) A contest that uses a second-chance drawing to determine a winner; or

(iii) A cooperative marketing project under State Finance and Procurement Article, § 11-203, Annotated Code of Maryland.

(b) "Promotion" may include a lottery game if additional consideration is required for a player to participate.

[(33)] (35) (text unchanged)

(36) Special Bonus.

(a) "Special bonus" means an extra payment to a retailer or its employees that the Agency authorizes;

(b) "Special bonus" may not exceed one-half of 1% of the gross receipts from ticket sales for the year for which the bonuses are awarded;

(c) "Special bonus" does not include:

(i) A bonus drawing; or

(ii) Game play features on a ticket.

(37) “Special license” means a retailer license issued by the Director for a conditional or limited purpose as determined by the Director.

[(34)] (38) “Subscription” means a method of playing a lottery game by which [provides the ability to] a player completes an application to play a specific number of lottery games using the same [numbers] game data for a period of consecutive drawings [as specified on the subscription membership card].

[(35)] (39) Terminal.

(a) “Terminal” means a computerized unit or software program that operates through the Lottery Central System and is specifically designed for [issuing and processing tickets and for printing special reports.] :

- (i) Issuing, processing or printing a ticket;
- (ii) Processing an ePlayslip;
- (iii) Processing a playslip.
- (iv) Printing a report;
- (v) Confirming and activating a retailer’s receipt of an instant ticket book;
- (vi) Accepting payment for a ticket;
- (vii) Processing the validation and redemption of a ticket;
- (viii) Carrying out functions available to the retailer; and
- (ix) Any other process the Agency identifies as necessary for the State lottery and

within the scope of the Lottery Central System contract.

(b) “Terminal” includes:

- (i) A player-activated terminal or PAT; and
- (ii) A retailer-activated terminal; and
- (iii) Associated lottery equipment.

(40) Unusual claim.

(a)—(b) (text unchanged)

[(36)] (41) “Validate” or “validation” means the process of [determining that a ticket is the rightful winner so that the claimant may be paid the prize] verifying through the Lottery Central System, whether a ticket is a valid winning ticket.

[(37)] “Vendor” or “Agency vendor” means a person under contract to the Agency to provide services that support lottery games.]

(42) “Valid winning ticket” means a lottery ticket that has been validated.

(43) Winner.

- (a) “Winner” means a person that holds a winning ticket.
- (b) “Winner” includes the claimant of a prize.

.02 Sponsorship Request.

A. Scope. This regulation sets out procedures under which a person may submit a sponsorship request to the Agency pursuant to State Government Article, § 9-111(d)(1), Annotated Code of Maryland to promote the Maryland State Lottery.

B. A person holding an event in Maryland may submit a request to the Agency to sponsor the event.

C. Form and Content of Request.

(1) A requestor for Agency sponsorship shall submit a request in writing to the Assistant Director of Communications.

(2) The sponsorship request shall describe the event and include:

- (a) The date, time, and location;
- (b) A description;
- (c) The expected number of people in attendance;
- (d) The number of years it has taken place in Maryland;
- (e) The types of sponsorship opportunities that are available;
- (f) The cost associated with each type of sponsorship opportunity; and
- (g) An explanation with examples as to why the event may be a good fit for the Agency.

D. The decision to sponsor an event is within the sole discretion of the Agency and is not subject to review.

36.02.02 Retailer Licensing

Authority: State Government Article, §§9-101, 9-111—9-116, [and] 9-119, and 9-125, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Applicant” means a person applying for a [lottery] retailer license and includes the individual completing the application.

(2) “Probationary license” means a retailer license issued by the Director to a new retailer that is valid for a 12-month period, beginning with the first week of sales.

(3) “Regular license” means a retailer license issued by the Director to a retailer who has satisfactorily completed the requirements of a probationary license.

(4) “Special license” means a [lottery] license issued [by the Director] within the Director’s authority for special purposes [as determined by the Director].

(5) “Terminate” or “revoke” [mean] means, with regard to [any Lottery] a retailer license or special license, or removal of the right to sell [Lottery] lottery tickets.

(6) “Total sales” means the [amount of the sale of all lottery products] value of lottery products sold or settled lottery by a retailer, [minus] less the value of [all cancelled] canceled or returned lottery tickets.

.02 License Required.

A. A person who sells a [lottery] ticket shall be licensed by the Agency as a retailer.

B. A person [to be] licensed as a retailer shall be issued a probationary license before being eligible to receive a regular license.

C. No individual younger than 21 years old may be licensed as a [lottery] retailer.

D. A governmental entity that seeks a license as a [lottery] retailer shall demonstrate to the satisfaction of the Director the permission of any other person, board, commission, agent, or instrumentality of the State or its subdivisions that may have controlling authority over the applicant.

.03 License Restrictions.

A. A retailer license is specific to an individual and may not be transferred or sold [to another person without the approval of the Director].

B. A retailer license may not be issued to [any] a person to engage in business primarily as a lottery retailer.

C. A retailer license does not permit a retailer to:

- (1) Have a system or program that allows a person to purchase a ticket through a device that connects to the Internet;
- (2) Sell a ticket over the phone or other manner of electronic communication;
- (3) Sell a ticket over the Internet; or
- (4) Sell a ticket at a price higher than the price established by the Director; or
- (5) Sell a ticket at a location other than the location identified in the license.

.04 Application Process.

A. To obtain a retailer license, a person shall electronically submit to the Agency:

- (1) A completed application on [the forms] a form required by the [Agency] Director; and
- (2) Any other information and documentation [requested] required by the Director.

B. The Director shall consider:

- (1) (text unchanged)

- (2) *The ownership interests of the applicant;*
- [(2)] (3) *The honesty and integrity of the applicant;*
- [(3)] (4) *The accessibility of the applicant's place of business or activity to the public;*
- [(4)] (6)—[(7)] (9) (text unchanged)
- (8) *The accuracy of the information supplied in the application for a lottery retailer's license; [and]*
- (10) *The status or enforcement actions taken on any licenses related to the applicant's business; and*
- [(9)] (11) *Any other [information deemed relevant by the Director] relevant information.*

.05 Security.

[At the discretion of the Director and in the amount determined by the Director, an applicant or a retailer may be required to post:]

- A. *The Director may require an applicant or retailer to obtain security of at least \$5,000.*
- B. *The security may be:*
 - [A.] (1)—[D.] (4) (text unchanged)
 - [E.] (5) *Any other form of security [deemed acceptable to] approved by the Director.*
- C. *The Agency may require security:*
 - (1) *To protect the financial contributions to the State;*
 - (2) *If a retailer fails to make a payment to the Agency or has insufficient funds for a lottery transfer;*
 - (3) *To ensure the integrity of an applicant or the owner of an applicant and is based on a financial evaluation; and*
 - (4) *To pay for damage, loss or misuse of supplies, equipment, or tickets.*
- D. *The Agency may use the security:*
 - (1) *To offset amounts due from the retailer for the proceeds from the sale of tickets; or*
 - (2) *To pay for the cost of damaged, stolen, lost or misused supplies, equipment, or tickets.*
- E. *The security shall remain in place until such time that the Director determines it may be removed.*

.06 Probationary License.

- A. *New Retailer.*
 - (1) [All licenses] *A license issued by the Director to a new [retailers are probationary licenses] retailer shall be a probationary license.*
 - (2) *The Director may terminate a probationary license without a hearing upon [determination by] the determination of the Director that the retailer has violated [any] a provision in this subtitle.*
- B. *Termination.*
 - (1)—(2) (text unchanged)
 - (3) *A written request to appear before the Director or the Director's designee shall be submitted within 10 days of the date of the notice of termination.*
 - (4) *Failure to timely submit a written request to appear before the Director or the Director's designee shall result in termination of the probationary license.*
 - (5) (text unchanged)

.07 Special License.

- A. *The Director may issue a special license, subject to [such] those conditions or limitations as the Director [deems] considers appropriate.*
- B. *The [limitations or] conditions or limitations for the special [lottery retailers] license may include:*
 - (1) *The type of lottery operation;*
 - [(1)] (2) (text unchanged)
 - [(2)] (3) *The hours or days [of sale] when tickets may be sold;*
 - [(3)] (4) *The location [of sale] where tickets may be sold;*

[(4)] (5) [The specific] *Those persons who are allowed to sell [lottery tickets; and] tickets;*

[(5)] (6) [The specific] *Those sporting, charitable, social, or other special events where [lottery] tickets may be sold[.]; or*

(7) *Any other condition or limitation the Director considers appropriate.*

C. *The Director may deny or terminate a special license for any reason.*

D. *The decision of the Director to deny or terminate a special license is final and not appealable.*

.08 Denial of a License.

A. *If the Director [denies] recommends the denial of a license, the Director shall promptly provide the applicant with written notice of the:*

- (1) *Basis for the recommended denial; and*
- (2) (text unchanged)
- B. (text unchanged)
- C. *If an applicant fails to timely submit a written request for a reconsideration meeting, the Commission may adopt as final the recommendation of the Director [or the Director's designee].*
- D. (text unchanged)
- E. *If after the reconsideration meeting the applicant is dissatisfied with the [decision] recommendation of the Director or the Director's designee, the applicant may submit to the Commission, in writing:*

(1) *A request for a hearing before the Commission to appeal [the decision of the Director or the Director's designee to deny] the recommended denial of the license; and*

(2) *The applicant's legal and factual basis for disagreeing with the [denial decision] recommended denial of the license.*

F. *An applicant must submit a hearing request to the Commission within 15 days of the date of the [decision] recommendation of the Director or the Director's designee after the reconsideration meeting.*

G. *If an applicant fails to submit a hearing request that complies with §§E and F of this regulation, the Commission may adopt as final the [decision] recommendation of the Director or the Director's designee to deny the [application] license.*

H.—I. (text unchanged)

J. *Limitation on Reapplication. An applicant may not submit an application or be included in the application of another person for 1 year after the later of:*

- (1) *The final action on [a license denial denying the applicant's application] the denial of a license; or*
- (2) (text unchanged)

.09 Corrective Action.

A. *Deficiency. If the Director determines that a retailer no longer meets a license requirement of this chapter, or that there is cause for imposing sanctions under Regulation .10 of this chapter, the Director shall:*

- (1) (text unchanged)
- [(2)] *Require the retailer to develop a corrective action plan;*
- [(3)] (2) *Determine whether it is necessary [during the pendency of the corrective action process] to emergently suspend the retailer's license;*
- (3) *Determine whether to allow a retailer to submit a corrective action plan.*

B. *If the Agency permits a retailer to submit a corrective action plan:*

- [(4)] (1) *Evaluate the corrective action plan;*
- (2) *[and, if] If acceptable to the Agency, approve the corrective action plan;*
- [(5)] (3) (text unchanged)

PROPOSED ACTION ON REGULATIONS

1110

[(6)] (4) Conduct periodic monitoring of a retailer [for which the Agency required a corrective action plan] to assess the retailer’s progress toward remedying the deficiencies; and

[(7)] (5) Recommend that the Commission impose a sanction under Regulation .10 of this chapter if a deficiency is not remedied [through implementation of corrective action].

C. The Agency may determine whether to permit a retailer to submit a corrective action plan.

[B. Deficiency Notice. Upon determining that corrective action is required to remedy a deficiency, the Director shall give written notice to a retailer that includes:

- (1) A description of the violation;
(2) A description of the possible sanctions; and
(3) The requirement for the retailer to submit a corrective action plan to the Director within a time frame established by the Director.]

[C.] D. Corrective Action Plan.

(1) Within 10 days of receipt of a deficiency notice under [§B] §F of this regulation, the retailer shall submit a corrective action plan to the Director for the Director’s approval.

- (2) (text unchanged)
(3) If the retailer fails to submit an acceptable corrective action plan within the time described under [§C(1)] §D(1) of this regulation, the Director may:

(a)—(b) (text unchanged)

(4) If the Director provided a retailer notice under [§B(3)] §F of this regulation and received no timely written response, the Commission may adopt as final the Director’s decision to impose a sanction under Regulation .10 of this chapter.

[D.] E. Corrective Action Outcomes.

(1)—(2) (text unchanged)

F. Deficiency Notice. Upon determining that corrective action is required to remedy a deficiency, the Director shall give written notice to a retailer that includes:

- (1) A description of the violation;
(2) A description of the possible sanctions; and
(3) The requirement for the retailer to submit a corrective action plan to the Director within a time frame established by the Director.

.10 Sanctions and Agency Actions on a License.

A. The Director may impose sanctions on a retailer or take action on a license for:

- (1) (text unchanged)
(2) Violating:
(a) A provision of the lottery law or other applicable law;
(b)—(c) (text unchanged)
(3)—(8) (text unchanged)
(9) Taking tickets, vouchers, or coupons intended for players;
(10) Failing to provide a player their voucher, coupon, cash or other item of value;
(11) Discounting lottery prizes;
(12) Selling lottery tickets by phone or other electronic means;
(13) Selling lottery tickets over the Internet;
(14) Selling lottery tickets at a price higher than the price established by the Director;
(15) Extending credit for the purchase of lottery tickets;
(16) Facilitating a person other than the owner of the lottery ticket under COMAR 36.02.06.02 to claim a prize;
(17) Conducting or permitting any illegal activity on the premises;
(18) Allowing an individual who is not a retailer employee to operate lottery equipment;
(19) Improperly managing customer data;

[(9)] (20) Damaging or altering, or allowing another person to damage or alter, materials or equipment provided to the retailer by the Agency or a [vendor] contractor of the Agency;

[(10)] (21) Interfering with[, or influencing the outcome of,] a lottery game;

[(11)] (22) Failing to prepare, submit, or implement an adequate corrective plan under Regulation [.09C] .09 of this chapter;

[(12)] (23) Changing ownership of the retailer’s [operations] business without prior notice to the Agency;

[(13)] (24) Closing the retailer’s operations without prior notice to [and authorization by] the Agency;

[(14)] (25) Engaging in conduct, or permitting an employee to engage in conduct, that impairs the reputation of the lottery [program], or would otherwise bring the State into disrepute;

[(15)] (26) [Incurring criminal charges] Being the subject of administrative or judicial charges related to the conduct of:

- (a) [illegal] Illegal gaming;
(b) Failing to pay taxes;
(c) Defrauding the government, a government program, or government services; or
(d) Any other fraudulent activity;

(27) Possessing an illegal gaming device;

[(16)] (28) Possessing materials or equipment indicating involvement by the retailer or the retailer’s employees in the conduct of illegal gaming; [or]

(29) Having a history of thefts or other forms of losses of Lottery tickets or revenue; or

[(17)] (30) (text unchanged)

B. Types of Sanctions and Agency Actions.

(1) Sanctions or Agency actions may include:

- (a) The Agency temporarily disabling a retailer’s terminal;
(b) The Agency disabling specific game sales on a retailer’s terminal;

(c) [the emergency suspension,] Emergency suspension of a retailer’s license[,];

- (d) Suspension of a retailer’s license;
(e) Termination of a retailer’s probationary or special license;

- (f) [revocation,] Revocation of a retailer’s license; or
(g) [and] Placing a limitation of the license of a retailer.

(2) Limitations on a license may include:

(a) Ineligibility for or removal from the [Expanding] Expanded Cashing Authority Program under [COMAR 36.02.03.06] COMAR 36.02.03.08; and

(b) (text unchanged)

C. Disabling a Retailer’s Terminal.

(1) If a retailer fails to timely remit funds or if the required funds are not available for withdrawal, the Agency shall disable the retailer’s terminal.

(2) If the retailer pays the Agency for any outstanding amount owed, including bank charges, the Agency may re-enable the retailer’s terminal.

[C.] D. Suspension, Revocation, and Limitation.

(1) Except as set forth in [§D] §E of this regulation, the Director shall give the retailer notice of the intended suspension or revocation at least 15 days before the imposition of the intended sanction.

(2)—(3) (text unchanged)

[D.] E. Emergency Suspension.

(1)—(2) (text unchanged)

(3) A hearing on an emergency suspension of a retailer license shall be conducted in accordance with the hearing requirements in COMAR 36.01.02.06.

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

[E.] F. Agency Action. After the Director terminates a probationary or special license or imposes an emergency suspension or sanction on a retailer with a regular license, the Agency may:

- (1) Disable the retailer’s [lottery] terminal;

(2) Require the retailer to surrender, or direct [an Agency vendor] the Lottery Central System contractor to remove, any materials or equipment that were provided to the retailer by the Agency or [a vendor of the Agency equipment] *the Lottery Central System contractor*;

- (3) Direct the retailer to immediately:
 - (a)—(b) (text unchanged)
 - (c) Pay all funds owed the Agency; [and]
 - (d) *Return all unsold lottery tickets*;
 - (e) *Remove or cover any signage advertising lottery products or services*; and

- (4) (text unchanged)
- [F.] G. (text unchanged)

36.02.03 Retailer Requirements

Authority: Criminal Law Article, §12-301.1; State Government Article, §§9-103, 9-104, 9-109—9-113, 9-115, 9-117, 9-118, 9-119, 9-122, [and] 9-124, and 9-125, Annotated Code of Maryland; Ch. 603, §6, Acts of 2012

.01 General Responsibilities.

[A.] Lottery Laws and Regulations. A retailer shall:

- [(1)] A.—[(3)] C. (text unchanged)
- B.—F. (proposed for repeal)

.02 Retailer Obligations.

A. *Services.* A retailer shall:

- (1) *Provide specified services for the Agency, including the sale, cashing, and issuance of lottery tickets and coupons or vouchers, as directed by the Agency*;
- (2) *Sell a ticket for cash only*;
- (3) *Sell a ticket only at the location specified on the retailer’s license.*
- (4) *Sell a ticket only during the hours listed in the application, or as modified after notifying the Commission, unless otherwise approved in advance by the Agency*;
- (5) *Exercise courteous and fair treatment to lottery players*;
- (6) *Sell all lottery games as directed by the Agency*;
- (7) *Except for those requiring submission of a claim form to the Agency, pay every winning ticket upon validation under COMAR 36.02.06*;
- (8) *Report to the Agency, as required by the Internal Revenue Service or the Agency, income tax information relating to a holder of a winning ticket*;
- (9) *Charge no fee for the issuance or cashing of checks for lottery winnings*;
- (10) *Display the retailer’s license in a prominent location*;
- (11) *Keep playslips in stock and available to players*;
- (12) *Not sell any ticket or lottery-style ticket other than those made available for sale by the Agency*;
- (13) *Except for advertising already located on the retailer’s premises, obtain prior Agency approval for permanent or semi-permanent lottery advertising such as signs and billboards*;
- (14) *Prominently post point-of-sale and other promotional or player-related materials supplied by the Agency*;
- (15) *Free of charge, provide the latest winning game data*;
- (16) *Properly manage customer data*; and
- (17) *Except as permitted in Regulation .12 of this chapter, not have on its premises an illegal gaming device or a slot machine as defined in Criminal Law Article, §12-301, Annotated Code of Maryland.*

B. *Care of Terminals.* A retailer shall:

- (1) *Place terminals within the retailer’s premises only on a site approved by the Agency*;

(2) *Provide sufficient space for the proper operation of the terminal*;

(3) *Before installation of the terminal, provide electrical requirements as prescribed in the Lottery Central System contractor pre-site form*;

- (4) *Participate in training approved by the Agency*;
- (5) *Replace ticket stock when necessary*;
- (6) *Provide reasonable care and security for ticket stock, tickets, and supplies*;
- (7) *As specified in the operating manual and help screens for the terminal and lottery equipment, exercise due diligence in the operation, security, and care of the terminal and lottery equipment*;
- (8) *Except as directed by the Agency or the Lottery Central System operator, not perform mechanical or electrical maintenance on the terminal or lottery equipment*;

(9) *As directed by the Agency, immediately notify the Lottery Central System contractor’s technical support operations center in the event of a terminal malfunction*;

(10) *As directed by the Agency, make the terminal available for the sale and cashing of tickets*;

(11) *Except for materials that are provided by the Agency and are specifically authorized to be placed on a terminal, keep the surfaces of the terminal free and clear*;

(12) *Pay the electrical utility charges in connection with the operation of the terminal*; and

(13) *Assume the cost of the repairs to the terminal, other lottery equipment, or the retailer’s property related to:*

- (a) *Unauthorized attempts to modify or repair the terminal or other lottery equipment*;
- (b) *Unauthorized attempts to move the terminal or other lottery equipment*; and
- (c) *Other damage to the terminal, lottery equipment or the retailer’s property including:*
 - (i) *Intentional damage*;
 - (ii) *Defacement of the property*; and
 - (iii) *Negligence resulting in damage to the property.*

C. *Hold Harmless.* A retailer shall hold the Agency and the State of Maryland and their officials and employees, harmless from any liability arising in connection with operating and conducting ticket sales.

.03 Prohibited Acts.

A. A retailer may not:

- (1) *Sell a ticket at any price higher than that established by the Director*;
- (2) *Sell to or cash a ticket for an individual younger than 18 years old*;
- (3) *Allow an employee younger than 18 years old to sell or cash a ticket or operate lottery equipment*;
- (4) *Extend credit in any manner for the sale of a ticket*;
- (5) *Offer customers alcoholic beverages or cannabis to induce them to purchase or redeem a ticket*;
- (6) *Charge a player a fee for any lottery related service or convenience*;
- (7) *Sell an instant ticket prior to activation*;
- (8) *Fail to secure ticket stock, tickets, or lottery equipment*;
- (9) *Resell a ticket*;
- (10) *Exchange terminal game ticket stock with another retailer*;
- (11) *Misuse terminal game ticket stock*;
- (12) *Sell any ticket or lottery-style ticket other than those made available for sale by the Agency*; or
- (13) *Offer a game of chance on the retailer’s premises, unless the retailer is:*
 - (a) *A video lottery facility*;

PROPOSED ACTION ON REGULATIONS

1112

(b) A special licensee for instant ticket lottery machines;

(c) A legal operator of an electronic gaming device that is licensed as an amusement game in Baltimore City or Baltimore County under Criminal Law Article, §12-301.1, Annotated Code of Maryland;

(d) An operator of a device that is subject to regulation by the Comptroller under Criminal Law Article, §12-304, Annotated Code of Maryland;

(e) A legal operator of instant bingo under Criminal Law Article, §12-308, Annotated Code of Maryland; or

(f) Authorized to offer paper tip jar gaming under Criminal Law Article, Title 13, Annotated Code of Maryland.

B. Canceled Ticket. Except as otherwise provided in these regulations or with the approval of the Director, a retailer may not cancel or accept a ticket return for a draw game.

C. Void Ticket.

(1) A ticket may not be sold for a drawing after that drawing has occurred.

(2) A ticket sold for a drawing after that drawing has occurred is void.

.04 Lottery Sale—General.

A. Nothing prevents a person from giving a ticket as a gift.

B. Only a licensed retailer or the retailer's employee may sell a ticket.

C. The Agency may sell a ticket or a lottery subscription.

D. A retailer shall require that a person pay for a ticket at the time of purchase.

.05 Cessation of Operations.

A. A retailer shall notify the Agency at least 10 work days before the retailer temporarily or permanently ceases the operation of the retailer's business.

B. If a person ceases to be a retailer, the person shall:

(1) Surrender, or allow the Lottery Central System contractor to remove, materials, supplies, unsold tickets, and equipment that were provided by the Agency or the Lottery Central System contractor;

(2) Be financially liable for the repair or replacement of Agency equipment lost or damaged; and

(3) Assume the cost of repairs to the retailer's location arising from the removal of the equipment in §B(1) of this regulation.

[.02] .06 Sale of [Lottery] Tickets — Instant Ticket Procedure.

A.—B. (text unchanged)

[.03] .07 Sale of Lottery Tickets — Draw Game Ticket Procedure.

A. Playslip or ePlayslip Purchase Procedure. If a player wishes to purchase a ticket using a playslip or an ePlayslip:

(1) (text unchanged)

(2) The retailer shall:

(a) Process the playslip or ePlayslip [through] using the [ticket] terminal; and

(b) (text unchanged)

B. Vocalized Purchase Procedure.

(1) Randomly Selected [Numbers] Game Data.

(a) If a player wishes to have playable [numbers] game data randomly generated for a draw game ticket, a retailer shall enter the game type and the dollar amount the player wants to [wager] play.

(b) The retailer shall deliver to the player the ticket issued by the terminal with the randomly generated [numbers] game data for the game printed on the ticket.

(2) Player Selected [Numbers] Game Data.

(a) If the player wishes to provide playable [numbers] game data, a retailer may allow a player to vocalize the [numbers] game data.

(b) The retailer shall enter the information provided by the player, including:

(i) (text unchanged)

(ii) The dollar amount the player wants to [wager] play;

(iii) The [numbers] game data the player selects;

(iv)—(v) (text unchanged)

C. (text unchanged)

[.04] .08 Sale of [Lottery] Tickets — Fast Play Game Ticket Procedure.

A. Retailer Assisted Purchase Procedure.

(1) If a player [wishes] wants to purchase a Fast Play game ticket, the player shall indicate to the retailer the name of the Fast Play game [desired] the player wants.

(2) The retailer shall make the selection [and issue] of the ticket through the terminal and [deliver] after the player pays for the ticket, give it to the player.

B. Player-Activated Terminal.

(1) If a player [wishes] wants to purchase a ticket using a PAT, the player may purchase the ticket by selecting the icon for the desired Fast Play game on the terminal screen.

(2) (text unchanged)

[.05] .09 Lost, Stolen, or Missing Tickets.

A. If a ticket is lost, stolen, or missing from a retailer, the Director may [reimburse] offset an amount due from the retailer for the ticket.

B.—F. (text unchanged)

[.06] .10 Posting of Winning [Numbers] Game Data.

A. As soon as practical after each drawing, a retailer [shall] may:

(1) Post in a prominent and conspicuous location within the retailer's business location the winning [number] game data; and

(2) Keep the winning [number] game data posted until the next drawing.

B. A retailer shall display active winning [numbers] game data as requested by the [Director] Agency.

C. The Agency is not responsible for a retailer's failure to post or properly post current official winning [numbers] game data.

[.07] .11 Payment of Prizes.

A. A retailer shall pay the holder of a valid winning lottery ticket up to \$600 [upon submission and validation of the ticket].

B. (text unchanged)

C. Unless the retailer is a participant in the Expanded Cashing Authority Program under Regulation [.06] .08 of this chapter, if the valid winning ticket entitles the holder to a prize that is more than \$600, the retailer shall instruct the ticket holder to seek payment from the Agency or a retailer participating in the Expanded Cashing Authority Program.

[D.] Multiple Claims. A retailer shall:

(1) Except in those cases of multiple claims totaling over \$600 by the same person, pay all claims in cash; and

(2) For multiple claims totaling over \$600, pay a minimum of \$500 in cash toward the claims, and issue checks or money orders for the balance.]

[E.] D. (text unchanged)

[F.] E. Cashing Period. A retailer or Agency claim center may not cash or otherwise process a winning ticket more than 182 days after the:

(1) [Draw] Drawing date;

(2) (text unchanged)

(3) Announced end of [the] game for an instant game.

F. Unusual Claims.

(1) The Agency shall use an analytics tool to identify an unusual claim.

(2) If the Agency identifies an unusual claim, the Agency may:

(a) Require the claimant to claim a prize at the Agency's headquarters;

- (b) Delay payment of the prize;
- (c) Investigate the circumstances surrounding the purchase of the ticket and claiming of the ticket including:
 - (i) Interviewing the claimant; and
 - (ii) Interviewing the retailer that sold the ticket; and
- (d) Require future claims made by the same claimant to be reviewed as an unusual claim.

[.08] .12 Expanded Cashing Authority Program.

- A. (text unchanged)
- B. Participation. Before authorizing a retailer to participate in the Expanded Cashing Authority Program, the Director [shall] may consider:
 - (1)—(7) (text unchanged)
- C. Retailer Requirements. A retailer in the Expanded Cashing Authority Program shall:
 - (1)—(2) (text unchanged)
 - (3) [Report] Collect income tax information relating to [holders of winning lottery tickets] a holder of a winning ticket to the Agency as required by the Internal Revenue Service or the Agency;
 - (4) For prizes over \$600, utilize the [lottery] terminal to determine, whether a holder of a winning [lottery] ticket:
 - (a) (text unchanged)
 - (b) Is on the Commission’s Voluntary Exclusion [list] List described in COMAR 36.01.03; and
 - (5) [Deny] If the Agency has notified the retailer that the holder may not be paid, the retailer shall deny payment of a prize to the holder of a winning lottery ticket if the Agency has notified the retailer that the holder may not be paid.
 - D.—E. (text unchanged)

[.09] .13 Payments to Agency.

- A. A retailer shall:
 - (1) Be financially responsible to the Agency for all:
 - (a) Revenues derived from the sale of [lottery] tickets based on the ticket price established by the Director;
 - (b) [Lottery tickets] Tickets in the possession of the retailer; and
 - (c) Except for tickets cashed through a PAT, tickets that the retailer cashed or [cancelled] canceled which are later submitted to the Agency for payment;
 - (2) Make regular weekly settlement and payment [remittance] in the manner, in the place, and on the day of the week specified by the Agency;
 - (3)—(6) (text unchanged)
- B.—D. (text unchanged)

[.10] .14 Americans with Disabilities Act.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) “ADA retailer compliance form” means a form prepared by the Agency and used to inspect a retailer’s location in connection with this regulation to ensure player accessibility to a retailer.
 - (3) “Applicant” means a person that applies for a new retailer license or a change of ownership of a retailer.
 - (4) “Corrective Action Plan” means a plan that an applicant is required to submit to the Agency describing how the applicant will modify its premises to comply with applicable State and federal law regarding accessible business establishments.
 - [(3)] (5) “Disability” [means the term as defined] has the meaning stated in the ADA.
- C. Compliance.
 - (1) A retailer shall, at its expense:

- (a) Comply with federal, State, and local laws prohibiting discrimination against individuals with disabilities.
- (b) Maintain a business location that is accessible to individuals with disabilities; and
- (c) Make available at the retailer’s location all lottery-related goods, services, facilities, privileges, advantages, and accommodations to any individual with a disability.]

[(2)] (1) The Agency shall:

- (a) Inspect the site of [a new retailer] an applicant for compliance with [this regulation] the ADA for player accessibility;
- [(b)] Inspect the site of a change of ownership retailer for compliance with this regulation; and]
- [(c)] (b) If necessary, [provide the retailer with a corrective action plan on the ADA retailer compliance form] require an applicant whose business establishment is not accessible to submit a proposed Corrective Action Plan before the Director issues a retailer license; and

(c) Require a new retailer or change of ownership to certify in the retailer application that their business establishment at issue in the application is accessible to individuals with disabilities who use wheelchairs.

(2) The Agency may impose a sanction or take an action on a license for failing to comply with this regulation.

D. Waivers.

- (1) A retailer that is unable to comply with §C of this regulation, shall obtain an official waiver from the State to maintain a non-accessible business establishment; or
- (2) If the State no longer provides official waivers under §D(1) of this regulation, a retailer may obtain an official waiver from its local jurisdiction.

[.11] .15 Changes in Ownership.

A. General.

- (1) A retailer license may not be transferred.
- [(1)] (2) A change in ownership of a retailer’s business:
 - (a)—(b) (text unchanged)
 - (3) A change of ownership includes:
 - (a) A transfer of ownership of the retailer’s business;
 - (b) The addition of an owner that was not on the original license application; or
 - (c) Except as provided in §A(4) of this regulation, a change to the retailer’s business organization structure.
 - (4) A change of ownership does not include a voluntary or involuntary transfer of an interest in the retailer’s business to a person identified as an owner on the license.

[(2)] If a retailer is a corporation, partnership, or LLC, a transfer of ownership includes a:

- (a) Merger;
- (b) Consolidation;
- (c) Share exchange of a majority of stock;
- (d) Transfer of a majority of assets or transfer of stock of the majority shareholder; and
- (e) Transfer of a majority partner’s interest, or transfer of member’s or principal’s interest.

(3) A transfer of interest to a spouse currently identified as an owner on the retailer’s license by gift or through operation of law is not a transfer of ownership.]

B. Retailer Responsibilities.

[(4)] (1) A retailer [who] that transfers ownership:

- (a) Is [remains] responsible for all tickets [and], lottery equipment, and receipts from lottery sales [up to the date of final accounting.]; and

PROPOSED ACTION ON REGULATIONS

1114

(b) Remains responsible for fulfilling all obligations to the Agency until the change of ownership is approved and the Agency issues a new license.

[(5) A retailer shall pay all outstanding funds due to the Agency upon change of ownership.

(6) The purchaser of a business where a lottery terminal is installed shall apply for continuation of the existing license at least 30 days before the transfer of ownership.]

(2) A new owner of the business may apply for a license under COMAR 36.02.02 or relinquish lottery equipment remaining on the premises.

[B. Approval Process for Change of Ownership.

(1) The Director shall:

(a) Require that a new application for a lottery retailer license be completed when a retailer notifies the Agency of a change in ownership; and

(b) Review the existing location and the applications on file for that trading area.

(2) If the application of the proposed new owner meets all lottery requirements to become a licensed retailer, preference will be given to retaining the license at the existing location.

(3) The Director may reasonably determine that circumstances and conditions exist that do not warrant the approval of a license at that location.

(4) The Director's decision to approve or deny the application of the proposed new owner at the existing location shall be in writing and state the reasons for the decision.

(5) The decision to deny the application of the proposed new owner shall:

(a) Be treated in the same manner as a denial of an application for a retailer license; and

(b) Create the same rights of review and appeal as the denial of an application for a retailer license.]

[.12 Prohibited Acts.]

[A. This regulation does not:

(1) Prevent a person from giving a lottery ticket to another as a gift; or

(2) Prohibit the purchase of a ticket for the purpose of making a gift to a person younger than 18 years old.

B. No person other than a licensed lottery retailer or the retailer's employee or the Agency may sell a lottery ticket or a lottery subscription.

C. A retailer shall require all lottery tickets to be paid for by the purchaser at the time of purchase.

D. A retailer may not:

(1) Sell a ticket at any price other than that established by the Director;

(2) Sell to or cash a lottery ticket for a person younger than 18 years old;

(3) Allow an employee younger than 18 years old to sell or cash a lottery ticket or operate lottery equipment;

(4) Extend credit in any manner for the sale of lottery tickets;

(5) Offer customers alcoholic beverages to induce them to purchase or redeem a lottery ticket; or

(6) Except as provided in Criminal Law Article, §§12-301.1, 12-304, and 12-308, Annotated Code of Maryland, have on its premises an illegal gaming device or a slot machine as defined in Criminal Law Article, §12-301, Annotated Code of Maryland.

E. Games of Chance.

(1) This section does not apply to a game of chance offered legally by a retailer that is:

(a) A video lottery facility;

(b) A legal operator of an electronic gaming device that is licensed as an amusement game in Baltimore City or Baltimore County under Criminal Law Article, §12-301.1, Annotated Code of Maryland;

(c) Subject to regulation by the Comptroller under Criminal Law Article, §12-304, Annotated Code of Maryland;

(d) A legal operator of instant bingo under Criminal Law Article, §12-308, Annotated Code of Maryland; or

(e) Authorized to offer paper tip jar gaming under Criminal Law Article, Title 13, Annotated Code of Maryland.

(2) Except for a lottery game or promotion, a retailer may not offer a game of chance on the retailer's premises.

F. Except as otherwise provided in these regulations or with the approval of the Director, a retailer may not cancel or accept ticket returns for draw games.

G. All instant ticket and Fast Play game ticket sales are final and may not be cancelled once sold.

H. Void Ticket.

(1) A ticket may not be sold for a drawing after that drawing has occurred; and

(2) A ticket sold for a drawing after that drawing has occurred is void.]

36.02.04 Common Provisions for All Lottery Games

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, 9-122, and 9-124, Annotated Code of Maryland

.01 Governing Law and Rules.

A. By purchasing a [game] ticket, a player agrees to comply with and abide by all:

(1) Applicable laws and regulations;

(2) Procedures implemented by the Director for conducting a lottery game;

(3) Rules for that lottery game; and

(4) Decisions of the Director.

B. A multi-jurisdictional game shall be governed by:

(1) Applicable law and regulations;

(2) The rules, procedures, and other documents concerning that game as agreed to by the jurisdictions offering that game; and

(3) Agency provisions regarding the purchase and claiming of a ticket.

C. All decisions made by the Director shall be final and binding on [all] players and on [all] persons making claims [with respect to them].

.02 Ticket Purchaser Responsibilities.

A. At the time of purchase and if applicable, the purchaser of a [lottery] ticket is responsible for verifying that the information printed on the ticket accurately reflects:

(1) The [numbers, or other symbols by which winning is determined], game data that the purchaser wants to play if the purchaser [is permitted to select] selects their own [numbers] game data [and has chosen to do so]; and

(2) The drawing date and time, if applicable; and

(3) That the correct ticket was purchased].

B. (text unchanged)

C. To receive a prize, a person holding a winning ticket shall submit to an authorized claiming location the ticket and all necessary documentation for claiming within 182 days after the [date of the] drawing date, the date of sale of a Fast Play game ticket, or the announced end of [an instant ticket] game.

.03 Methods of Purchase.

A. This regulation does not apply to instant ticket lottery machines under COMAR 36.02.09.

[A.] B. Playslips and ePlayslips.

(1) [The following] *Playslips and ePlayslips* are not valid as a receipt to claim a prize or proof of purchase of a ticket[:

- (a) A playslip; or
- (b) An ePlayslip].

(2) If a playslip or an ePlayslip may be used to play a draw game, the playslip or ePlayslip shall be available at no cost to the purchaser and may be used by the purchaser for selection of [numbers] *game data*.

(3) (text unchanged)

(4) [Except for monitor games, if] *If* game play by playslip or ePlayslip is authorized and a playslip or an ePlayslip is unavailable, the retailer [shall] *may* manually enter into the [ticket] terminal the [numbers] *game data* selected by the player.

[(5) For monitor games, a retailer may require players to use a playslip or an ePlayslip.]

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

[B.] C. Purchase by Playslip Through Retailer.

(1) If [a game may be played using a playslip and] the player chooses to play by playslip, the [purchaser] *player* shall present a completed playslip to the retailer.

(2)—(3) (text unchanged)

(4) If a player does not mark all necessary areas, the retailer shall return the playslip to the player or the terminal may select [numbers] *game data* necessary to complete the playslip.

(5)—(7) (text unchanged)

[C.] D. Purchase by ePlayslip Through Retailer.

(1) If [a game may be played using an ePlayslip and] the player chooses to play by ePlayslip, the [purchaser] *player* shall present a completed ePlayslip to the retailer.

(2)—(3) (text unchanged)

[(4) If a player does not select all necessary areas, the retailer shall return the ePlayslip to the player.

(5) A ticket produced by an invalid ePlayslip is invalid.]

[D.] E. Purchase Using a Player-activated Terminal. If a game may be played using a player-activated terminal, the player shall:

(1) Enter selections from the choices provided [by the device] *on the player-activated terminal screen; or*

(2) (text unchanged)

[E.] F. Purchase by Subscription.

(1) Subscription Plans.

(a)—(b) (text unchanged)

(c) The Director may reduce the price of a subscription plan for a specified [period under a special purchase option] *number of drawings*.

(d) *The Director may cancel a subscription and issue a refund for the subscription based on:*

(i) *Game changes; or*

(ii) *Ineligibility of a purchaser.*

(2) *Application for a Subscription [Applications].*

(a) A [purchaser of] *player that wants to purchase* a Lottery subscription shall be a resident of Maryland or [use] *have* a Maryland address [for the] subscription [application].

(b) If a game may be purchased by subscription, a subscription application [form] shall:

(i)—(ii) (text unchanged)

[(d)] (c) A subscription application [form] shall allow the purchaser to designate:

(i) (text unchanged)

(ii) If a game allows a player to select [numbers] *game data*, the player's decision to supply particular [numbers] *game data* or to allow the [Agency vendor's computer] *system* to select random [numbers] *game data*.

[(e)] (d) (text unchanged)

(3) Group Subscription Applications.

(a)—(c) (text unchanged)

(d) The application for a group will only be [completed] *accepted* if the application [form] is fully completed and all [requested] *required* information is provided about each group member.

(4) *Confirmation of Subscription [Email].*

[(a)] The Agency shall provide a subscription purchaser or, if a group purchaser, the group's representative, a subscription confirmation email.

[(b)] A subscription confirmation email shall include information identifying the subscription, as determined by the Agency.]

(5) Subscription Play and Winning.

(a) (text unchanged)

[(b)] The Agency shall monitor each subscription.]

[(c)] Payment of] (b) *The Agency shall pay* subscription prizes [shall be made] as provided for in COMAR 36.02.06.

(6) [A subscription may be renewed as allowed by the Agency] *The Agency may allow a subscription to be renewed.*

.04 Cancellation of Tickets.

A. Draw Games.

(1) [Unless cancellation is authorized by this regulation or the rules governing that ticket, a sale of a draw game ticket is final] *Except as provided in §A(2) of this regulation, a draw game ticket may be canceled.*

(2) *A draw game ticket may not be canceled in:*

[(2)] (a) A multi-jurisdictional game [played with a draw game ticket may be cancelled only if authorized by the rules governing that game.] ;

(b) *Cash Pop; and*

(c) *Multi-Match.*

(3) A ticket purchased at a player-activated terminal may not be [cancelled] *canceled* at the PAT, but an eligible ticket may be canceled at a non-PAT terminal at the retailer where the ticket was purchased.

(4) The Director may determine during certain promotions that tickets may not be [cancelled] *canceled*.

(5) A draw game ticket may be cancelled only:

(a)—(c) (text unchanged)

(d) If allowed by the game *rules*.

(6) Canceling a draw game ticket:

(a) (text unchanged)

(b) Removes the ticket from the pool of tickets eligible for the drawing; [and]

(c) *Renders the ticket ineligible for entry into a loyalty platform or program; and*

[(c)] (d) (text unchanged)

(7) (text unchanged)

(8) When a retailer cancels a draw game ticket in accordance with this regulation, the retailer shall:

(a) (text unchanged)

(b) Keep the refund slip; [and]

(c) *Keep the ticket; and*

[(c)] (d) (text unchanged)

(9) The Agency is not obligated to pay a prize to the holder of a [cancelled] *canceled* ticket, even if the ticket was [cancelled] *canceled* in error.

B. Instant Ticket Games. Unless the Director determines otherwise, an instant game ticket may not be [cancelled] *canceled*.

C. Fast Play Games. A Fast Play game ticket may not be [cancelled] *canceled*.

.05 [Game] Liability [Limit] Limits.

A. Scope.

(1) *This regulation applies to a lottery game.*

(2) *This regulation does not apply to:*

PROPOSED ACTION ON REGULATIONS

1116

- (a) An instant ticket lottery machine game; or
- (b) A promotion.

[A.] B. [Definition.] Definitions.

(1) In this regulation, the following [term has the meaning] terms have the meanings indicated.

(2) Term Defined. [“Game liability limit” means the dollar amount at which winning tickets, if paid, would exceed the amount the Director deems to be in the Agency’s best interests.]

- (a) “Pick Game” means a Pick 3, Pick 4, and Pick 5 game.
- (b) “Prize cap” means an upper limit of prize liability beyond which fixed prizes are recalculated on a pari-mutuel basis.
- (c) “Promotional prize limit” means the maximum payout for a single play during a sales promotion
- (d) “Sales limit” means the dollar amount established by the Director at which winning tickets, if paid, would not be in the Agency’s best interests.

C. Pick Games.

- (1) There is a liability limit for a Pick Game.
- (2) When the liability limit is reached for a number combination in a drawing, sales on the number combination are no longer permitted.

D. Draw Games Other Than a Pick Game.

- (1) If the fixed prize amount multiplied by the number of winners exceeds the prize cap, prizes shall be calculated on a pari-mutuel basis.
- (2) A jackpot prize is determined on a pari-mutuel basis.

[B.] E. [The Director may establish a game liability limit for each drawing of a game and for each game.] Except for a multi-jurisdictional game, the Director may establish or modify for each drawing of a game a:

- (1) Promotional prize limit;
- (2) Prize cap; or
- (3) Sales limit.

[C. A lottery ticket may not be issued if the ticket, if won, would exceed the game liability limit established by the Director for that drawing or game.]

.06 Agency Not Liable.

The Agency is not responsible or liable for:

- A.—D. (text unchanged)
- E. A claim, liability, injury, or property loss of any kind arising out of a player’s, winner’s, guest’s, traveler’s, or any other person’s participation in:

- (1) A lottery game [of any kind];
- (2)—(4) (text unchanged)

F.—G. (text unchanged)

.07 No Endorsement.

By providing a prize or [any] a portion of a prize from a company or other person, the Agency has not endorsed the company or other person.

36.02.05 Specific Game Provisions

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, 9-122, and 9-124, Annotated Code of Maryland

.01 Draw Games.

A. Drawings.

(1) Except for [multi-jurisdictional games, monitor games, and raffles, draw game drawings shall be open to the public and] a raffle, drawings shall occur at least once a week.

[(2) The Agency may use members of the general public as witnesses at a draw game drawing.]

[(3)] (2) Winning [numbers for a draw game] game data may be drawn by:

(a)—(c) (text unchanged)

[(4)] (3) The [numbers drawn for a game] game data selected during a drawing shall be the winning [numbers] game data for that drawing [of that game].

B. Draw Game Tickets.

- (1) (text unchanged)
- (2) The draw game ticket shall include the:
 - (a) [Numbers] Game data played;
 - (b) Amount [wagered] played;
 - (c) (text unchanged)
 - (d) Additional ticket security codes;
 - [(d)] (e) (text unchanged)
 - [(e)] (f) Drawing date or, if the ticket is for multiple drawings, the range of drawing dates or [draws] numerical designation for a drawing.

C. Monitor Games.

- (1) (text unchanged)
- (2) A retailer may require use of a playslip or an ePlayslip for purchasing a monitor [games] game ticket.

D. Consumer Game Information.

- (1) The Agency shall provide information about its games[:].
 - (a) Draw games; and
 - (b) Multi-jurisdictional games with draw game tickets.]
- (2) As determined by the Agency, consumer game information shall explain the:
 - (a) Game;
 - (b) Game play; and
 - (c) [Play of] Game’s optional features.

(3) The Agency may provide consumer game information on its website, mobile app, or in any other location, as determined by the Agency.

E. To determine if a draw game ticket is a winning ticket, a player may present the ticket to a retailer, a PAT, [or] the Agency, or an application or platform provided by the Agency.

.02 Fast Play Games.

A. Fast Play Game Tickets.

- (1) (text unchanged)
- (2) The Fast Play game ticket shall include the:
 - (a) Graphic rendering of [symbols or numbers that allow] game data that allows for visual inspection to determine if the ticket is [entitled to a prize] a winning ticket;
 - (b)—(c) (text unchanged)
 - (d) Additional ticket security codes;
 - [(d)] (e)—[(e)] (f) (text unchanged)

B. Consumer Game Information.

- (1) (text unchanged)
- (2) As determined by the Agency, consumer game information shall explain the:
 - (a)—(b) (text unchanged)
 - (c) [Play of any] Game’s optional features.

(3) The Agency may provide consumer game information on its website, mobile app, or in any other location.

C. To determine if a Fast Play game ticket is a winning ticket, a player may present the ticket to a retailer, a PAT, [or] the Agency, or an application or platform provided by the Agency.

.03 Instant Ticket Games.

A. (text unchanged)

B. To determine if an instant ticket is a winning ticket, a player may:

- (1) (text unchanged)
- (2) Present the ticket to a retailer, PAT, [or] the Agency, or an application or platform provided by the Agency.

.04 Bonus and Promotional Games.

A.—C. (text unchanged)

[D. For claiming period purposes, instant ticket games are designated as bonus games or drawings.]

36.02.07 Unclaimed Lottery Prizes

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, and 9-122, Annotated Code of Maryland

.01 Prize Claiming Period.

A. Unclaimed Monetary Award.

(1) The Director shall retain an unclaimed monetary award for 182 days after [the date of the]:

- (a) [Drawing in which the prize was won] *The drawing*;
- (b) [Date] *The date* the Fast Play game ticket was sold; or
- (c) [Announced] The announced end of game *date* for an instant ticket.

(2) If no claim for a monetary award is made within 182 days, the Director shall transfer the monetary award to [an unclaimed prize fund] *the Unclaimed Prize Fund*.

B. (text unchanged)

C. Unclaimed Prizes Held Other Than 182 Days. The Director may hold a prize in a game or drawing for a period of time other than 182 days if:

- (1) The game is not a weekly [or], daily, *or multi jurisdictional* lottery drawing;
- (2)—(3) (text unchanged)

.02 Unclaimed Prize Fund.

A. Prize money [on winning tickets that have] *from a winning ticket that has* not been claimed within the claiming period for that game shall accrue to the [unclaimed prize fund] *Unclaimed Prize Fund*.

B. The Director may institute bonus prizes using funds from the [unclaimed prize fund] *Unclaimed Prize Fund*.

C. *Bonus Prizes*.

[C.] (1)—[E.] (3) (text unchanged)

36.02.09 [Special Operation Licenses for] Instant Ticket Lottery Machines

Authority: State Government Article, §9-112, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to a retailer that is a veterans’ services organization and applies for and sells tickets [under a special operation license for] *from* instant ticket lottery machines.

B. In addition to the requirements of this chapter, *and State Government Article § 9-112, Annotated Code of Maryland*, a veterans’ services organization licensed to sell tickets from an instant ticket lottery machine shall meet the requirements of this subtitle for a retailer licensed by the Agency.

.02 Definitions.

A. (text unchanged).

B. Terms Defined.

(1) “Cashout voucher” means a printed slip of paper with a code indicating the amount of money payable to the individual who presents the ticket to an [operation] *ITLM* licensee.

(2) (text unchanged)

[(3) “Facility” means the building where an operation licensee places instant ticket lottery machines.

(4) “Instant ticket” means a preprinted ticket purchased from an instant ticket lottery machine.]

[[5]] (3) “Instant ticket lottery machine” *or “ITLM”* means a machine or other device provided to a retailer through the Agency’s

contractor as required under State Government Article § 9-112, Annotated Code of Maryland.

[[6]] (4) [“Operation licensee”] *“ITLM Licensee”* means the holder of a special [operation] license *to operate instant ticket lottery machines*.

(5) *“ITLM ticket”* means a preprinted ticket purchased from an instant ticket lottery machine.

[(7) “Special operation license” or “operation license” means permission granted by the Agency under this chapter to sell instant tickets.]

(6) *“Veterans’ facility”* means the building where an *ITLM licensee* places instant ticket lottery machines.

[(8)] (7) (text unchanged)

.03 [Operation] ITLM Licensee Requirements.

A. A veterans’ services organization may not operate instant ticket lottery machines without a special [operation] license.

B. A veterans’ services organization may apply for a special [operation] license to operate up to 5 instant ticket lottery machines.

[C. An operation licensee may be required by the Agency to qualify for and become authorized to operate under the Expanded Cashing Authority Program as set forth in COMAR 36.02.03.06.]

[D.] C. An [operation] *ITLM* licensee shall locate the [licensed] instant ticket lottery machines in *the veterans’ facility* within its [primary] *principal* meeting hall *in the county in which the veterans’ organization is located*.

E. The Agency may restrict the permissible location within a *veterans’ facility* [of instant ticket lottery machines].

F. An [operation] *ITLM* licensee shall enter into an agreement with the Agency [regarding the instant ticket lottery machine program] that provides for the:

(1) [Payment of rent] *Reimbursement of rental or lease fees* for the instant ticket lottery machines;

(2) Power, utility, security, and HVAC needs of the instant ticket lottery machines; and

(3) Operation, maintenance, *ITLM* ticket retention, record keeping, and reporting requirements of the instant ticket lottery machines.

.04 [Sales of Instant Tickets] Instant Ticket Lottery Machine Play.

A. An [operation] *ITLM* licensee may [sell an instant ticket only to] *allow* an individual who is 18 years old or older *to play an instant ticket lottery machine*.

B. An [operation] *ITLM* licensee shall be:

(1)—(2) (text unchanged)

[C. The purchase of an instant ticket may not be cancelled.]

.05 Payment of Prizes.

A. A cashout voucher may be presented for payment only to:

(1) The [operation] *ITLM* licensee where the voucher was printed; or

(2) (text unchanged)

B. (text unchanged)

C. The provisions of COMAR 36.02.06.15 [and], COMAR 36.02.06.16, *and* COMAR 36.02.06.17 do not apply to claims for payment of a prize from an instant ticket lottery machine.

D. Except as provided in §§A—C of this regulation, an [operation] *ITLM* licensee shall pay the individual holder of a cashout voucher in accordance with the claims procedures described in COMAR 36.02.06.

JOHN A. MARTIN
Director

Notice of Proposed Action

[24-169-P]

PROPOSED ACTION ON REGULATIONS

1118

The Maryland State Lottery and Gaming Control Agency proposes to:

- (1) Amend Regulation .36 under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards**;
- (2) Amend Regulation .15 under **COMAR 36.05.03 Table Games Procedures**; and
- (3) Amend Regulation .39 under **COMAR 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards**.

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on September 26, 2024, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to eliminate, under COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards, the ability of a video lottery facility to deduct promotional play redeemed by players from its video lottery terminals taxable revenues and update the language concerning annual reporting of amounts of promotional play provided to players. To eliminate, under COMAR 36.05.03 Table Game Procedures, the ability of a video lottery facility to deduct promotional play redeemed by players from its table games taxable revenues. To eliminate, under COMAR 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards, the ability of a sports wagering licensee to deduct promotional play redeemed by players from its sports wagering taxable revenues and update the language concerning annual reporting of amounts of promotional play provided to players.

Estimate of Economic Impact

I. Summary of Economic Impact. Eliminating these promotional play deductions is expected to increase the gaming taxes paid to the state. The Maryland Lottery and Gaming Control Commission and Agency believe that if Video Lottery Facility Licensees and Sports Wagering Licensees are no longer allowed to deduct promotional play from their gross gaming revenues, the State will see additional revenue in future years, all of which is contingent on the Licensees continuing to offer non-tax-deductible promotional play to players.

The increase in the amount of gaming tax paid to the state is difficult to predict because there are many variables. Each operator makes its own business decision about how much it will spend on marketing to players, so it is impossible for the Commission or Agency to know what the numbers will be. The Commission and Agency believe the most likely scenario is that the Licensees (operators) will reduce promotional play spending without eliminating it entirely, which should boost gaming taxes. If Licensees maintain their current levels of promotional play spending even though they can no longer deduct it, gaming taxes would increase substantially. The opposite could happen if the Licensees were to completely stop awarding promotional play to players, which would adversely impact their handle, and in turn, reduce their gaming revenues and gaming taxes they pay to the State.

The Casino Gaming Law, §9-1A-01(u)(3) (i), states that “Subject to subparagraph (ii) of this paragraph, “proceeds” does not include money given away by a video lottery operation licensee as free promotional play and used by players to bet in a video lottery terminal or at a table game. (ii) After the first fiscal year of operations, the exclusion specified in subparagraph (i) of this paragraph may not exceed a percentage established by the Commission by regulation of the proceeds received from video lottery terminals and table games in the prior fiscal year by the video lottery operation licensee under §9-1A-27(a)(2), (c)(1)(ii), and (d)(1) of this subtitle.

Current regulation COMAR 36.03.10.36.F. states that each facility operator may exclude from taxable proceeds an amount that equates to 20% of total video lottery terminal and table game proceeds the facility

generated in the prior full fiscal year. According to statute, the Commission establishes the tax-deductible amount of free play by regulation. The 20% figure has been in place since the start of the casino program and is annually reviewed by Agency staff and the Commission, and has not ever been changed. The first Video Lottery Facility licensee (Hollywood Casino Perryville) became operational in 2010, and the last casino (MGM Casino National Harbor) became operational in December 2016.

Under the Sports Wagering Law, the Commission and Agency may regulate sport wagering licensees to same extent it regulates casinos, to include promotional play. Current regulation COMAR 36.10.13.39.F states that through the first full fiscal year of a sports wagering licensee’s operations, a licensee’s proceeds exclude money given away by the licensee as free promotional play and used by bettors to make a sports wager. After the first full fiscal year of a sports wagering licensee’s operations, the amount of money given away as free promotional play in a fiscal year may not exceed a percentage of the licensee’s proceeds received in the prior fiscal year that equates to 20% of total sports wagering proceeds that the sports wagering licensee generated in the prior fiscal year. This same 20% amount was established in regulation at the beginning of the sports wagering program.

In December 2021, Maryland retail sportsbooks launched. In November 2022, Maryland’s first 7 mobile sportsbooks launched operations. Under the current regulatory framework, there are 8 sportsbooks operating that have no cap on promotional play in 2024 and 3 that would have none in 2025. The statewide sports wagering promotional play spending total for FY2024 was \$167.3 million, virtually all of which was on mobile platforms, very little was done at retail sportsbooks.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Education Trust Fund	(R+)	Indeterminable
(2) Blueprint for Maryland’s Future Fund	(R+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Video Lottery Facility Licensees	(-)	Indeterminable
(2) Sports Wagering Licensees	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:		
Customers (Players)	(+)	Indeterminable

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

A(1). If Video Lottery Facility Licensees maintain their current levels of promotional play spending, there should be a significant increase in gaming taxes paid to the Education Trust Fund (ETF). If Video Lottery Facility Licensees reduce promotional play spending without eliminating it entirely, there should be a moderate increase in gaming taxes paid to the ETF.

A(2). If Sports Wagering Licensees maintain their current levels of promotional play spending, there should be a significant increase in gaming taxes paid to the Blueprint for Maryland’s Future Fund (BMFF). If Sports Wagering Licensees reduce promotional play spending without eliminating it entirely, there should be a moderate increase in gaming taxes paid to the BMFF.

D(1). If Video Lottery Facility Licensees maintain their current levels of promotional play even though they can no longer deduct it, gaming taxes paid to Education Trust Fund (ETF) should increase. If Video Lottery Facility Licensees reduce promotional play spending without eliminating it entirely, gaming taxes paid to ETF should still increase.

D(2). If Sports Wagering Licensees maintain their current levels of promotional play even though they can no longer deduct it, gaming taxes paid to the Blueprint for Maryland’s Future Fund (BMFF) should increase. If Sports Wagering Licensees reduce promotional play spending without eliminating it entirely, gaming taxes paid to BMFF should still increase.

F. The Commission and Agency believe that the Video Lottery Facility Licensees and Sports Wagering Licensees will continue to offer non-tax-deductible promotional play to players, as a marketing and customer acquisition tool to attract and retain customers. If Video Lottery Facility Licensees and Sports Wagering Licensees maintain their current levels of promotional play or even reduce their promotional play spending without eliminating it entirely even though

they can no longer deduct it, players will still be able to enjoy promotional play offerings by the licensees.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to James B. Butler, Assistant Deputy Director, Chief of Staff, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

Subtitle 03 GAMING PROVISIONS

36.03.10 Video Lottery Facility Minimum Internal Control Standards

Authority: Family Law Article, §10-113.1; State Government Article, §§9-1A-01(u), 9-1A-02, 9-1A-04, and 9-1A-24; Annotated Code of Maryland

.36 Promotional Play.

A.—E. (text unchanged)

F. [Limitation on Free] *No Deduction From Proceeds for Promotional Play.*

(1) Through the first full fiscal year of a facility’s operations, the proceeds of a facility excludes money given away by a licensee as free promotional play and used by players to bet in a video lottery terminal or at a table game.

(2) After the first full fiscal year of a facility’s operations, the amount of money given away as free promotional play in a fiscal year may not exceed a percentage of the facility’s proceeds received in the prior fiscal year under State Government Article, §9-1A-27(a)(2), (c)(1)(ii), and (d)(1), Annotated Code of Maryland, that equates to 20 percent of total video lottery terminal and table game proceeds the facility generated in the prior fiscal year.

(3) An amount of money given away as free promotional play in a fiscal year exceeding the percentage defined in §F(2) of this regulation of the facility’s proceeds of the prior fiscal year shall be allocated as] *No percentage of promotion play may be deducted from proceeds under State Government Article, §9-1A-27, Annotated Code of Maryland.*

G. *Reporting.* No later than 90 days after the end of the fiscal year, a facility operator shall submit to the Commission a written[:

(1) Report] *report* of its use of free promotional play during the prior fiscal year[; and

(2) Recommendation for any adjustment to the limitation on free promotional play established under §F(2) of this regulation].

H. For purposes of [§§F and G] §G of this regulation, “fiscal year” means the fiscal year of the facility operator.

Subtitle 05 TABLE GAMES

36.05.03 Table Games Procedures

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

.15 Table Game Taxes and Gross Table Game Revenue.

A.—C. (text unchanged)

D. The net revenue for an individual banking table game must be equal to the total of §D(1)—(3) of this regulation, minus the total of §D(4) — (6) of this regulation:

(1) — (5) (text unchanged)

(6) The sum of all promotional instruments [that are allowed to be] *may not be* excluded from taxable proceeds under COMAR 36.03.10.36.

E.—J. (text unchanged)

Subtitle 10 SPORTS WAGERING PROVISIONS

36.10.13 Sports Wagering Licensee Minimum Internal Control Standards

Authority: Education Article §§10-101 and 26-801; State Government Article, §§9-1A-02, 9-1A04, 9-1A-33, 9-1E-01—9-1E-15; Annotated Code of Maryland

.39 Promotional Play.

A.—E. (text unchanged)

F. [Limitation on Free] *No Deduction From Proceeds for Promotional Play.*

[(1) Through the first full fiscal year of a sports wagering licensee’s operations, a licensee’s proceeds exclude money given away by the licensee as free promotional play and used by bettors to make a sports wager.

(2) After the first full fiscal year of a sports wagering licensee’s operations, the amount of money given away as free promotional play in a fiscal year may not exceed a percentage of the licensee’s proceeds received in the prior fiscal year that equates to 20 percent of total sports wagering proceeds that the sports wagering licensee generated in the prior fiscal year.

(3) After the first fiscal year of sports wagering activity, the 20 percent cap specified under §F(2) of his regulation includes all revenues generated by casino sports wagering and gaming activities.

(4) An amount of money given away as free promotional play in a fiscal year exceeding the percentage defined in §F(2) of this regulation of the sports wagering licensee’s proceeds of the prior fiscal year shall be allocated as proceeds.] *No percentage of promotion play may be deducted from proceeds.*

G. No later than 90 days after the end of the fiscal year, a sports wagering licensee shall submit to the Commission a written[:

(1) Report] *Report* of its use of free promotional play during the prior fiscal year[; and

(2) Recommendation for any adjustment to the limitation on free promotional play established under §F(2) of this regulation.]

H. For purposes of [§§F and G] §F of this regulation, “fiscal year” means the fiscal year of the sports wagering licensee.

JOHN MARTIN
Director

Errata

COMAR 15.20.13.21

At 51:22 Md. R. 993 (November 1, 2024), beginning at column 1, line 16 from the top:

For:

D. The Food Processing Residuals Utilization Permit Application to apply food processing residuals on agricultural land shall include two completed copies of the following information:

(1) The sources and types of food processing residuals to be applied, including any treatment the food processing residuals has received, such as anaerobic digestion, aerobic digestion, dissolved air flotation, composting, or dewatering;

(3) A current site plan that includes:

(a) The location of property boundary lines and field boundaries;

(b) The exact acreage where food processing residual is to be applied;

(c) The location of all buffer distances;

(d) The location of any residences or buildings on site or within 1/2 mile of the site;

(e) An inventory of any domestic, commercial, or municipal wells on site and within 1/2 mile of the property boundary lines, including water level for the wells if available;

(f) The location of any on-site stream, spring, seep, pond, drainage ditch or other body of water;

(g) The location of any on-site area with a slope of 15 percent or greater;

(h) The location of any on-site bedrock outcropping;

(i) The location of any on-site depression area;

(j) The surrounding land uses;

(k) Other features as determined by the Department; and

(l) A legend identifying the key features on the site plan;

(4) If required by the Department, the results of a laboratory analysis of a representative soil sample, which was obtained from each field not more than 6 months before the receipt of the Food Processing Residuals Utilization Permit Application by the Department subject to the following:

(a) All soil samples shall be collected from within the field that would receive food processing residuals in accordance with the requirements in COMAR 15.20.08;

(b) Soil samples may not be collected from buffer distances, restricted areas, or other areas that are not subject to the land application of food processing residuals;

(c) The analysis of the sample was performed by an independent laboratory or other laboratory acceptable to the Department, using standards, procedures, and methods that are acceptable to the Department;

(d) If requested by the Department, the results shall be accompanied by a description of the method or methods of analysis; and

(e) The analytical results include, at a minimum:

(i) pH, cation exchange capacity, and soil texture;

(ii) If metal analysis has not been previously performed on the field, total cadmium, total copper, total lead, total nickel, total zinc, and total phosphorus; and

(iii) Any other constituents in the soil that the Department determines necessary to adequately assess the potential impact of the project on public health, safety, and the environment;

(5) A tax map showing the property line, owner, acreage, and liber and folio numbers;

(6) A detailed operation plan that includes, when applicable:

(a) Procedures for sampling, record keeping, and reporting of the food processing residuals to be utilized;

(b) Identification of equipment to be used for land-application of food processing residuals;

(c) Methods and procedures to prevent or control odors and other potential nuisance conditions at the site; and

(d) Contingency or emergency plans to manage equipment breakdown, spills, and other emergency events; and

(7) A list of type of crops or cover species to be grown, which indicate the crop yields as specified in the nutrient management plan;

(8) A nutrient management plan that:

(a) Has been prepared by a certified and licensed nutrient management consultant in accordance with the requirements of COMAR 15.20.04; and

(b) Is in compliance with COMAR 15.20.07 and 15.20.08; and

(9) Other information that may be requested by the Department.

Read:

D. The Food Processing Residuals Utilization Permit Application to apply food processing residuals on agricultural land shall include two completed copies of the following information:

(1) The sources and types of food processing residuals to be applied, including any treatment the food processing residuals has received, such as anaerobic digestion, aerobic digestion, dissolved air flotation, composting, or dewatering;

(2) A current site plan that includes:

(a) The location of property boundary lines and field boundaries;

(b) The exact acreage where food processing residual is to be applied;

(c) The location of all buffer distances;

(d) The location of any residences or buildings on site or within 1/2 mile of the site;

(e) An inventory of any domestic, commercial, or municipal wells on site and within 1/2 mile of the property boundary lines, including water level for the wells if available;

(f) The location of any on-site stream, spring, seep, pond, drainage ditch or other body of water;

(g) The location of any on-site area with a slope of 15 percent or greater;

(h) The location of any on-site bedrock outcropping;

(i) The location of any on-site depression area;

(j) The surrounding land uses;

(k) Other features as determined by the Department; and

(l) A legend identifying the key features on the site plan;

(3) If required by the Department, the results of a laboratory analysis of a representative soil sample, which was obtained from each field not more than 6 months before the receipt of the Food Processing Residuals Utilization Permit Application by the Department subject to the following:

PROPOSED ACTION ON REGULATIONS

1122

(a) All soil samples shall be collected from within the field that would receive food processing residuals in accordance with the requirements in COMAR 15.20.08;

(b) Soil samples may not be collected from buffer distances, restricted areas, or other areas that are not subject to the land application of food processing residuals;

(c) The analysis of the sample was performed by an independent laboratory or other laboratory acceptable to the Department, using standards, procedures, and methods that are acceptable to the Department;

(d) If requested by the Department, the results shall be accompanied by a description of the method or methods of analysis; and

(e) The analytical results include, at a minimum:

(i) pH, cation exchange capacity, and soil texture;

(ii) If metal analysis has not been previously performed on the field, total cadmium, total copper, total lead, total nickel, total zinc, and total phosphorus; and

(iii) Any other constituents in the soil that the Department determines necessary to adequately assess the potential impact of the project on public health, safety, and the environment;

(4) A tax map showing the property line, owner, acreage, and liber and folio numbers;

(5) A detailed operation plan that includes, when applicable:

(a) Procedures for sampling, record keeping, and reporting of the food processing residuals to be utilized;

(b) Identification of equipment to be used for land-application of food processing residuals;

(c) Methods and procedures to prevent or control odors and other potential nuisance conditions at the site; and

(d) Contingency or emergency plans to manage equipment breakdown, spills, and other emergency events; and

(6) A list of type of crops or cover species to be grown, which indicate the crop yields as specified in the nutrient management plan;

(7) A nutrient management plan that:

(a) Has been prepared by a certified and licensed nutrient management consultant in accordance with the requirements of COMAR 15.20.04; and

(b) Is in compliance with COMAR 15.20.07 and 15.20.08; and

(8) Other information that may be requested by the Department.

[24-24-16]

Special Documents

MARYLAND HEALTH CARE COMMISSION

AVERAGE ANNUAL OCCUPANCY RATES BY JURISDICTION AND FACILITY SPECIAL CHRONIC HOSPITAL BEDS MARYLAND, FISCAL YEARS 2022 — 2024

Jurisdiction/Facility	Average Annual Occupancy Rate (%)		
	FY 2022	FY 2023	FY 2024
Baltimore City			
Johns Hopkins Bayview Medical Center	20.9	5.9	10.6
Levindale Hebrew Geriatric Center and Hospital	67.2	71.2	68.7
University of Maryland Medical Center Midtown Campus	89.4	96.0	74.2
University of Maryland Rehabilitation & Orthopaedic Institute	36.4	39.9	30.2
Prince George's County			
University of Maryland Prince George's Hospital Center	0	0	0
SUBTOTAL: Private Chronic Hospitals	50.5	49.6	49.1
Washington County			
Western Maryland Hospital Center	8.8	7.0	9.1
Wicomico County			
Deer's Head Hospital Center	4.7	1.1	4.8
SUBTOTAL: State-Operated Chronic Hospitals	6.7	3.9	6.9
MARYLAND TOTAL	35.2	33.8	33.5

Sources: Maryland Health Care Commission and Maryland Department of Health (bed inventory); Health Services Cost Review Commission's Inpatient Confidential Files (private chronic hospital patient days); and Maryland Department of Health's Hospital Management Information System (state-operated chronic hospital patient days).

Notes: The average annual chronic hospital bed occupancy rates are calculated based on the number of patient days divided by the number of licensed bed days available during the fiscal year period, ending June 30th. Fiscal Year 2024 was a Leap Year (366 days).

In fiscal year 2022, University of Maryland Prince George's Hospital Center's 12 chronic hospital beds ceased to operate. This hospital was replaced by the University of Maryland Capital Region Medical Center in June 2021. This replacement hospital does not provide special chronic hospital services.

In fiscal year 2024, Johns Hopkins Bayview Medical Center temporarily delicensed its 60 chronic hospital beds, effective February 16, 2024. The calculated average annual occupancy rate reflects 230 days available in FY 2024 (July 1, 2023, through February 15, 2024).

[24-24-05]

USE OF SPECIAL CHRONIC HOSPITAL BEDS: MARYLAND, FY 2024

Jurisdiction/Facility	Licensed Beds	Patient Days	Discharges	Average Length of Stay (Days)	Average Annual Occupancy Rate
PRIVATE HOSPITALS					
Baltimore City					
Johns Hopkins Bayview Medical Center ¹	60	1,456	26	56	10.6%
Levindale Hebrew Geriatric Center and Hospital	100	25,142	716	35	68.7%
University of Maryland Medical Center Midtown Campus	22	5,978	92	65	74.2%
University of Maryland Rehabilitation & Orthopaedic Institute ²	56	6,190	220	28	30.2%
SUBTOTAL: Private Chronic Hospitals	238	38,766	1,054	37	49.1%
STATE-OPERATED HOSPITALS					
Washington County					
Western Maryland Hospital Center ³	60	2,005	14	143	9.1%
Wicomico County					
Deer's Head Hospital Center ⁴	66	1,168	15	78	4.8%
SUBTOTAL: State-Operated Chronic Hospitals⁵	126	3,173	29	109	6.9%
MARYLAND TOTAL⁶	364	41,939	1,083	39	33.5%

Sources: Bed Inventory: Maryland Health Care Commission and the Maryland Department of Health.

Utilization: Health Services Cost Review Commission's Inpatient Confidential Files (private chronic hospitals); and Maryland Department of Health's Hospital Management Information System (state-operated chronic hospitals).

¹ Johns Hopkins Bayview Medical Center temporarily delicensed its 60 chronic hospital beds, effective February 16, 2024. Calculation of its average annual occupancy rate reflects 230 days available in FY 2024 (July 1, 2023, through February 15, 2024).

² University of Maryland Rehabilitation and Orthopaedic Institute's 56 chronic hospital beds include 16 dually licensed chronic/ rehabilitation beds.

³ Western Maryland Hospital Center's occupancy rate, based on its reported 16 *budgeted* chronic hospital beds, would be 34.2 percent.

⁴ Deer's Head Hospital Center's occupancy rate, based on its 11 *budgeted* chronic hospital beds, would be 29 percent.

⁵ The occupancy rate for the two State-operated chronic hospitals, based on the total 27 *budgeted* chronic hospital beds, would be 32.1 percent.

⁶ The statewide chronic hospital bed occupancy rate, based on the 238 *licensed* beds at the four *private* facilities and the 27 *budgeted* beds at the two *state-operated* facilities would be 47.2 percent.

[24-24-04]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: October 1 - 31, 2024.

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

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

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

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

1. Range Resources - Appalachia, LLC; Pad ID: Laurel Hill 17-22; ABR-202410001; Jackson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 8, 2024.

2. RENEWAL - EQT ARO LLC; Pad ID: Bonnel Run H&F Pad D; ABR-201404003.R2; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 8, 2024.

3. RENEWAL - EQT ARO LLC; Pad ID: COP 252 Pad B; ABR-20090445.R3; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 8, 2024.

4. RENEWAL - Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 596 Pad A; ABR-201909004.R1; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9000 mgd; Approval Date: October 8, 2024.

5. RENEWAL - Range Resources - Appalachia, LLC; Pad ID: Cornwall B Unit 1H - 4H; ABR-201405003.R2; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 8, 2024.

6. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: HARRIS (01 012) A; ABR-20090523.R3; Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 8, 2024.

7. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: OLD MINE ROAD (02 188); ABR-201909003.R1; Hamilton Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 8, 2024.

8. RENEWAL - Blackhill Energy LLC; Pad ID: Houseknecht 2H; ABR-20090419.R3; Springfield Township, Bradford County, Pa.;

Consumptive Use of Up to 1.5000 mgd; Approval Date: October 23, 2024.

9. RENEWAL - Blackhill Energy LLC; Pad ID: Housknecht 1H; ABR-20090423.R3; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.5000 mgd; Approval Date: October 23, 2024.

10. RENEWAL - Blackhill Energy LLC; Pad ID: Housknecht 3H; ABR-20090422.R3; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 23, 2024.

11. RENEWAL - Blackhill Energy LLC; Pad ID: Ward M 1H; ABR-20090421.R3; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.5000 mgd; Approval Date: October 23, 2024.

12. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Phelps B Drilling Pad; ABR-201409001.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 23, 2024.

13. RENEWAL - Coterra Energy Inc.; Pad ID: Friedland Farms P1; ABR-201405009.R2; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2024.

14. RENEWAL - Coterra Energy Inc.; Pad ID: Gesford P1; ABR-20090547.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2024.

15. RENEWAL - Coterra Energy Inc.; Pad ID: Gesford P4; ABR-20090550.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2024.

16. RENEWAL - Coterra Energy Inc.; Pad ID: Greenwood P1; ABR-20090548.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2024.

17. RENEWAL - Coterra Energy Inc.; Pad ID: PijanowskiJ P1; ABR-201404002.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2024.

18. RENEWAL - Coterra Energy Inc.; Pad ID: SlocumS P1; ABR-201403015.R2; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2024.

19. RENEWAL - EQT ARO LLC; Pad ID: COP 259 Pad A; ABR-20090513.R3; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2024.

20. RENEWAL - EQT ARO LLC; Pad ID: COP 259 Pad B; ABR-20090440.R3; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2024.

21. RENEWAL - EQT ARO LLC; Pad ID: COP Tr 551 A; ABR-201404008.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2024.

1126

22. RENEWAL - EQT ARO LLC; Pad ID: Marilyn Ely Pad A; ABR-201404009.R2; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2024.

23. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: Harer 713; ABR-201206004.R2; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 23, 2024.

24. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: SHERMAN (03 144) M; ABR-201910001.R1; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 23, 2024.

25. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: WARNER (05 121) W; ABR-201906001.R1; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 23, 2024.

26. RENEWAL - Seneca Resources Company, LLC; Pad ID: D.M. Pino Pad H; ABR-20090933.R3; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2024.

27. RENEWAL - Seneca Resources Company, LLC; Pad ID: PHC 23H/24H; ABR-20090917.R3; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2024.

28. RENEWAL - Seneca Resources Company, LLC; Pad ID: PHC 28H/29H; ABR-20090918.R3; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2024.

29. RENEWAL - SWN Production Company, LLC; Pad ID: Ivey Pad Site; ABR-20090608.R3; Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 23, 2024.

30. RENEWAL - SWN Production Company, LLC; Pad ID: NR-03-COLWELL WEST-PAD; ABR-201406002.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9999 mgd; Approval Date: October 23, 2024.

31. RENEWAL - SWN Production Company, LLC; Pad ID: NR-17-COLEMAN-PAD; ABR-201406003.R2; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 23, 2024.

32. RENEWAL - Coterra Energy Inc.; Pad ID: Heitsman P1; ABR-20090537.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 27, 2024.

33. RENEWAL - Coterra Energy Inc.; Pad ID: HeitsmanA P2; ABR-20090552.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 27, 2024.

34. RENEWAL - Coterra Energy Inc.; Pad ID: Hubbard P1; ABR-20090545.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 27, 2024.

35. RENEWAL - Coterra Energy Inc.; Pad ID: Plonski P1; ABR-201405008.R2; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 27, 2024.

36. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Trowbridge; ABR-201909001.R1; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 29, 2024.

37. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Welles 2; ABR-20090940.R3; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 29, 2024.

38. RENEWAL - Coterra Energy Inc.; Pad ID: Lathrop P1; ABR-20090538.R3; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 29, 2024.

39. RENEWAL - Coterra Energy Inc.; Pad ID: Ratzel P1; ABR-20090539.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 29, 2024.

40. RENEWAL - Coterra Energy Inc.; Pad ID: Rozanski P1; ABR-20090553.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 29, 2024.

41. RENEWAL - Coterra Energy Inc.; Pad ID: SevercoolB P1; ABR-20090536.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 29, 2024.

42. RENEWAL - Coterra Energy Inc.; Pad ID: Smith P1; ABR-20090540.R3; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 29, 2024.

Authority: Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Jason E. Oyler,
General Counsel and Secretary to the Commission.

Dated: November 7, 2024.

[24-24-09]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: October 1-31, 2024.

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

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

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

1. Heidelberg Materials Northeast LLC – Montoursville Sand & Gravel, GF Certificate No. GF-202410280, Fairfield Township, Lycoming County, Pa.; Canal and consumptive use; Issue Date: October 11, 2024.
2. Energy Center Harrisburg LLC, GF Certificate No. GF-202410281, City of Harrisburg, Dauphin County, Pa.; consumptive use; Issue Date: October 11, 2024.

Authority: Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: November 7, 2024.

Jason E. Oyler,
General Counsel and Secretary to the Commission.
[24-24-10]

SUSQUEHANNA RIVER BASIN COMMISSION

Minor Modification Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: October 1-31, 2024

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

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

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modification, described below, pursuant to 18 CFR § 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06, for the time period specified above.

1. Blackhill Energy LLC – Susquehanna River, Docket No. 20240923, Ulster Township, Bradford County, Pa.; modification approval to change the intake design; Approval Date: October 8, 2024.

2. Hazleton Area Water Company, Inc. – Tomhicken Mountain Springs (Wells 9 and 10), Docket No. 20240924, Black Creek and Sugarloaf Townships, Luzern County, Pa.; modification approval to add Wells 9 and 10 as sources of consumptive use; Approval Date: October 16, 2024.

Authority: Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: November 7, 2024.

Jason E. Oyler,
General Counsel and Secretary to the Commission.
[24-24-11]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on December 12, 2024 in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the *Federal Register* on September 30, 2024 concerning its public hearing on October 30, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Thursday, December 12, 2024, at 9:00 a.m.

ADDRESSES: This public meeting will be conducted in person and digitally from the Susquehanna River Basin Commission at 4423 North Front Street, Harrisburg, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717-238-0423; fax: 717-238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Regulatory Program Fee Schedule (Resolution 2024-09); (2) approval of contracts and grants; (3) Release Proposed GP-04 Into-Basin Diversion of Water for Public Comment; and (4) Actions on 16 regulatory program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the *Federal Register* after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

The meeting will be conducted both in person and digitally at the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania. The public is invited to attend the Commission’s business meeting. The public may access the Business Meeting remotely via Zoom :

1128

<https://us02web.zoom.us/j/89292000071?pwd=S1E2Qi9QNHUyTkjhY3ZoRUJJeXpqUT09> Meeting ID 892 9200 0071; Passcode: SRBC4423! or via telephone: 305-224-1968 or 309-205-3325; Meeting ID 892 9200 0071.

A public hearing and written comment period was provided for the Regulatory Fee Schedule and actions on the 16 projects and the comment period on those proposed actions is closed. Written comments pertaining to all other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically at the link Business Meeting Comments. Comments are due to the Commission for all items on the business meeting agenda on or before December 9, 2024. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 801, 806, and 808.

Dated: November 7, 2024.

Jason E. Oyler,
General Counsel and Secretary to the Commission
[24-24-08]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 24-WQC-0019

Jeremy Duffie
c/o Chris McCabe
PO Box 66
Fruitland, MD 21826

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 24-WQC-0019

Location: 13038 North Shore Rd
West Ocean City, MD 21842

The purpose of the project is to improve navigable access and control shoreline erosion.

Description of Authorized Work:

1. Mechanically dredge a 10,749 square foot area to a maximum depth of 8.0 feet at mean low water extending a maximum of 75 feet channelward of the mean high water line;
2. Transport approximately 739 cubic yards of dredge material to an approved upland disposal site at 6220 Disharoon Road, Snow Hill, Maryland 21863;
3. Install 144 linear feet of stone toe protection along an existing bulkhead within a maximum of 10 feet channelward of the mean high water line.

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: Miles Simmons at robertm.simmons@maryland.gov or at 410-901-4044.

[24-24-12]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 24-WQC-0039

Maryland Dept of Natural Resources
580 Taylor Ave, D-3
Annapolis, MD 21401
c/o Benjamin Degenhard

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 24-WQC-0039.

Location: 6904 Hallowing Ln. Prince Frederick, MD 20678

The purpose of the project is to improve navigable access and enhance an existing beach,

- 1) To mechanically or hydraulically maintenance dredge an irregular shaped area measuring approximately 9,9000 square feet to maximum depth of -4.0 feet mean low water (MLW).
- 2) To mechanically or hydraulically dredge an irregular shaped area measuring approximately 9,360 square feet to maximum depth of -4.0 feet mean low water (MLW).
- 3) The resulting 1,065 cubic yards of dredged material will be deposited a maximum of 94.7 feet channelward of the mean high water line associated with nourishment of an existing beach; and 4) to provide for periodic maintenance dredging for six years.

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: Kathryn Burcham at kathryn.burcham@maryland.gov or 410-707-5254.

[24-24-13]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary Pre-solicitation Report

PUBLIC NOTICE

In accordance with Section 10A-201 of the State Finance and Procurement Article of the Maryland Annotated Code, on October 9, 2024, the Maryland Department of Transportation submitted a Pre-Solicitation Report to the Maryland General Assembly, the Comptroller, and the Treasurer regarding its intent to seek approval by the Board of Public Works to approve the designation of a public-private partnership for an upcoming solicitation for the operation, maintenance, and rehabilitation of several short-line railroads on the Eastern Shore. Additional information about the solicitation including the reasons for utilizing a public-private partnership delivery method, is available in the Pre-Solicitation Report, available at <https://mdot.maryland.gov/freightrailP3>.

PAUL J. WIEDEFELD
Secretary, Department of Transportation

[24-24-14]

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.

DEPARTMENT OF THE ENVIRONMENT

Subject: Public Meeting
Date and Time: December 18, 2024, 9 a.m.
Place: Video Conference via Google Hangouts Meet and In-Person at 1800 Washington Boulevard, Baltimore MD 21230, Baltimore, MD
Add'l. Info: A portion of this meeting will be held in closed session.
Contact: Amanda Redmiles 410-537-4466
 [24-24-01]

FIRE PREVENTION COMMISSION

Subject: Public Meeting
Date and Time: December 19, 2024, 10 a.m.
Place: Pikesville Volunteer Fire Department 40 E. Sudbrook Lane, Pikesville, MD
Add'l. Info: Portions of the meeting may be held in closed session. If public schools in Baltimore County are CLOSED due to inclement weather, the meeting and any appeal hearings will be rescheduled
Contact: Heidi Ritchie 877-890-0199
 [24-24-07]

MARYLAND DEPARTMENT OF HEALTH/ WORKGROUP ON ISSUANCE OF ALCOHOLIC BEVERAGES LICENSES TO TOBACCONISTS

Subject: Public Meeting
Date and Time: December 12, 2024, 1 p.m. — 2:30 p.m.
Place: Video call link:
<https://meet.google.com/pfg-nwra-dbk>
 Or dial: (US) +1 401-646-0432 PIN: 250 118 114#
Contact: Victoria Marte-Tiburcio 410-699-2223
 [24-24-02]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing
Date and Time: Wednesday December 18, 2024, 1—4 p.m.
Place: The hearing will be held via Zoom. The Zoom dial-in information is below:
 Zoom Gov link: <https://maryland-insurance.zoomgov.com/j/1615144230>
 Dial-in: (646) 828-7666 US (New York)
 Webinar ID: 161 514 4230
 Information about the Maryland Relay Service can be found at doit.maryland.gov/mdrelay

If you wish to provide oral testimony, please RSVP to Nancy Muehlberger. Testimony will only be heard from those who have RSVP'd in advance of the public hearing. Written comments and RSVPs should be sent to Nancy Muehlberger by December 13, 2024, either by email to longtermcare.mia@maryland.gov or by mail to 200 St. Paul Place, Suite 2700, Baltimore, Md. 21202 or by fax to 410-468-2038.

Add'l. Info: The Maryland Insurance Administration will conduct a public hearing on specific rate increase requests being made by certain Long-Term Care Insurance carriers operating in Maryland. The hearing will focus on rate increase requests before the Maryland Insurance Administration. In the individual long-term care market, this includes a request from The State Life Insurance Company. In the group long-term care market, this includes a request from Genworth Life Insurance Company. The purpose of the hearing is for insurance company officials to explain the reasons for the rate increases and for the MIA to consider whether the proposed rate increase complies with Maryland's laws and regulations relating to long-term care insurance. Interested stakeholders will also have the opportunity to provide comments at the hearing. Prior to the hearing, copies of each company's actuarial memorandum will be posted to the Maryland Insurance Administration's website. Any questions regarding this matter should be directed to Nancy Muehlberger, Actuarial Analyst, by December 13, 2024, by email to Nancy.Muehlberger@maryland.gov.

For more information on the hearing, please see the following link:

<https://insurance.maryland.gov/Consumer/Pages/Long-Term-Care-Hearing-December-18-2024.aspx>

Contact: Nancy Muehlberger, 410-468-2050
 [24-24-16]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: December 19, 2024, 10 a.m. — 12 p.m.
Place: Montgomery Business Park, 1800 Washington Blvd, Ste. 330, Baltimore, MD
Add'l. Info: This is a public meeting that is in person and via livestream. The link for the livestream is available the day of the meeting - <https://www.mdgaming.com/commission-meeting-12-19-2024/>

Contact: Kathy Lingo 410-230-8790
 [24-24-06]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: December 19, 2024, 10 a.m. — 12 p.m.
Place: Virtually, via Google Meet
Add'l. Info: Meeting Agenda and Link may be found at:
https://mde.maryland.gov/programs/permits/EnvironmentalBoards/Pages/BWW_Meeting.aspx
Contact: J. Martin Fuhr 443-908-0441
 [24-24-03]

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**Part 2**

- 09 Medical Care Programs

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- 10 Laboratories
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- 23 Advance Directive Registry
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- 30 Maryland Commission on Kidney Disease
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**Part 5**

- 37 Health Services Cost Review Commission
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- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine

**Part 6**

- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
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- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners

- 66 Office of the Inspector General
- 67 Maryland HealthChoice Program
- 68 Community Health Workers

**Title 11 Department of Transportation**

**Part 1**

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

**Part 2**

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

**Title 26 Department of the Environment**

**Part 1**

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

**Part 2**

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

**Part 3**

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

**Part 4**

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
- 21 Mining
- 22 Coastal Facilities Review
- 23 Nontidal Wetlands
- 24 Tidal Wetlands
- 25 Ballast Water Management
- 26 Community Right-to-Know Fund
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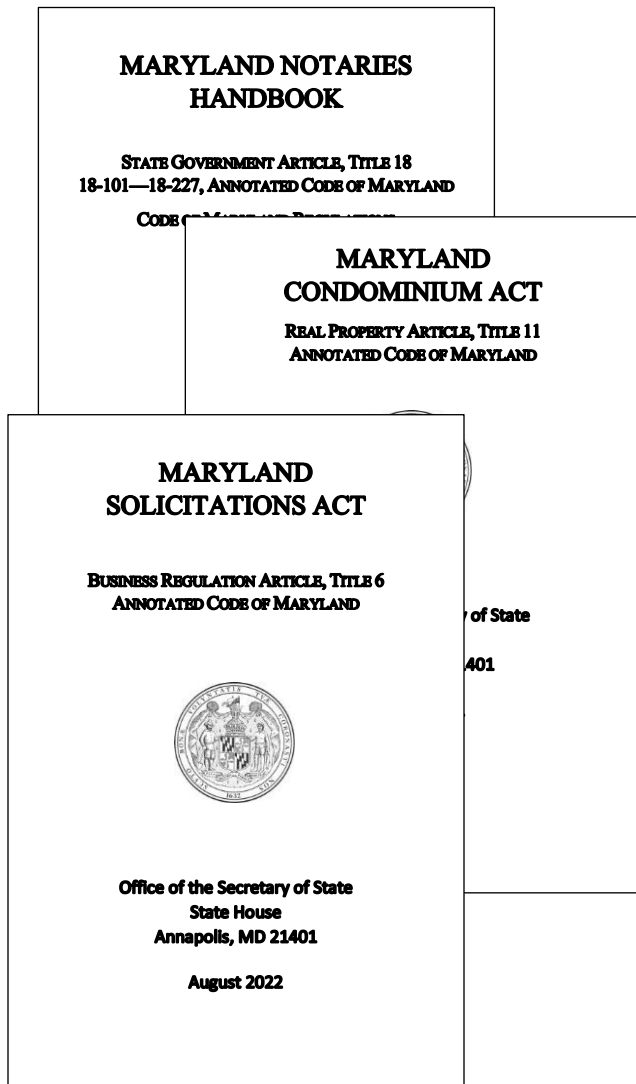
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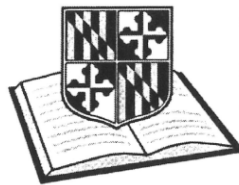
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