

---

By: **Chairman, Health and Government Operations Committee (By  
Request - Departmental - Secretary of State)**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Code of Maryland Regulations, Maryland Register, and Contract Weekly -**  
3 **Incorporation by Reference of Laws and Documents**

4 FOR the purpose of clarifying the process of incorporating by reference certain other  
5 laws or documents into the Code of Maryland Regulations, the Maryland  
6 Register, and the Contract Weekly; providing for the effective date of certain  
7 provisions of this Act; providing for the termination of certain provisions of this  
8 Act; and generally relating to the Code of Maryland Regulations, Maryland  
9 Register, and Contract Weekly.

10 BY repealing and reenacting, with amendments,

11 Article - State Government  
12 Section 7-207  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article - State Government  
17 Section 7-207  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume)  
20 (As enacted by Chapter 515 of the Acts of the General Assembly of 2004)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - State Government**

24 7-207.

25 (a) (1) Unless the Committee provides otherwise, the Code of Maryland  
26 Regulations, the Register, and the Contract Weekly may not reprint any text from:

- 1 (i) the Annotated Code of Maryland;
- 2 (ii) the Session Laws;
- 3 (iii) the United States Code;
- 4 (iv) the United States Statutes at Large;
- 5 (v) the Code of Federal Regulations;
- 6 (vi) the Federal Register; or
- 7 (vii) any other generally available publication that the  
8 Administrator specifies.

9 (2) [These publications may be incorporated by reference] STATE  
10 STATUTES AS DESCRIBED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION  
11 NEED NOT BE INCORPORATED BY REFERENCE.

12 (3) (I) FEDERAL LAWS AS DESCRIBED UNDER PARAGRAPH (1)(III), (IV),  
13 (V), AND (VI) OF THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE.

14 (II) FEDERAL LAW INCORPORATED BY REFERENCE AFTER  
15 OCTOBER 1, 2005, SHALL BE IDENTIFIED BY USING THE PHRASE "INCORPORATED BY  
16 REFERENCE".

17 (III) THE UNIT INCORPORATING FEDERAL LAW MAY:

18 1. INCORPORATE ONLY A SPECIFIED VERSION OF THAT LAW  
19 BY SPECIFYING A DATE; OR

20 2. INCORPORATE FUTURE VERSIONS OF THAT LAW BY  
21 USING THE PHRASE "AS AMENDED".

22 (4) (I) OTHER PUBLICATIONS AS DESCRIBED IN PARAGRAPH (1)(VII) OF  
23 THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE BY:

24 1. SATISFYING THE REQUIREMENTS OF § 23-303 OF THE  
25 EDUCATION ARTICLE, EXCEPT AS DETERMINED BY THE ADMINISTRATOR; AND

26 2. COMPLYING WITH TITLE 10, SUBTITLE 1 OF THIS ARTICLE  
27 AND WITH OTHER REQUIREMENTS SPECIFIED BY THE ADMINISTRATOR.

28 (II) INCORPORATED DOCUMENTS SHALL BE IDENTIFIED BY USING  
29 THE PHRASE "INCORPORATED BY REFERENCE".

30 (III) THE INCORPORATION SHALL SPECIFY AN EDITION NUMBER,  
31 YEAR, OR OTHER SPECIFIC INDICATION OF THE VERSION BEING ADOPTED.

32 (IV) PROSPECTIVE INCORPORATION IS NOT PERMITTED FOR THIS  
33 CATEGORY OF DOCUMENT.

1 (V) AGENCY GENERATED DOCUMENTS HAVE THE ADDITIONAL  
2 REQUIREMENT OF PROVIDING THE DIVISION WITH AN ELECTRONIC VERSION READY  
3 FOR PUBLICATION ON THE DIVISION WEBSITE AS REQUIRED BY § 7-206.2 OF THIS  
4 SUBTITLE.

5 (b) (1) If the Administrator determines that publication would be in the  
6 public interest, nothing in this section prohibits the Administrator from publishing  
7 factual information concerning:

8 (i) documents published or to be published in the Code of Maryland  
9 Regulations, the Register, or the Contract Weekly; or

10 (ii) the Code of Maryland Regulations, the Register, or the Contract  
11 Weekly.

12 (2) Notwithstanding any other provision of this subtitle or Title 10,  
13 Subtitle 1 of this article, the Code of Maryland Regulations, the Register, and the  
14 Contract Weekly may not include news material or a press release, speech, or other  
15 comment.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
17 read as follows:

18 **Article - State Government**

19 7-207.

20 (a) (1) Unless the Committee provides otherwise, the Code of Maryland  
21 Regulations and the Register may not reprint any text from:

22 (i) the Annotated Code of Maryland;

23 (ii) the Session Laws;

24 (iii) the United States Code;

25 (iv) the United States Statutes at Large;

26 (v) the Code of Federal Regulations;

27 (vi) the Federal Register; or

28 (vii) any other generally available publication that the  
29 Administrator specifies.

30 (2) [These publications may be incorporated by reference] STATE  
31 STATUTES AS DESCRIBED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION  
32 NEED NOT BE INCORPORATED BY REFERENCE.

33 (3) (I) FEDERAL LAWS AS DESCRIBED UNDER PARAGRAPH (1)(III), (IV),  
34 (V), AND (VI) OF THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE.

1 (II) FEDERAL LAW INCORPORATED BY REFERENCE AFTER  
2 OCTOBER 1, 2005, SHALL BE IDENTIFIED BY USING THE PHRASE "INCORPORATED BY  
3 REFERENCE".

4 (III) THE UNIT INCORPORATING FEDERAL LAW MAY:

5 1. INCORPORATE ONLY A SPECIFIED VERSION OF THAT LAW  
6 BY SPECIFYING A DATE; OR

7 2. INCORPORATE FUTURE VERSIONS OF THAT LAW BY  
8 USING THE PHRASE "AS AMENDED".

9 (4) (I) OTHER PUBLICATIONS AS DESCRIBED IN PARAGRAPH (1)(VII) OF  
10 THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE BY:

11 1. SATISFYING THE REQUIREMENTS OF § 23-303 OF THE  
12 EDUCATION ARTICLE, EXCEPT AS DETERMINED BY THE ADMINISTRATOR; AND

13 2. COMPLYING WITH TITLE 10, SUBTITLE 1 OF THIS ARTICLE  
14 AND WITH OTHER REQUIREMENTS SPECIFIED BY THE ADMINISTRATOR.

15 (II) INCORPORATED DOCUMENTS SHALL BE IDENTIFIED BY USING  
16 THE PHRASE "INCORPORATED BY REFERENCE".

17 (III) THE INCORPORATION SHALL SPECIFY AN EDITION NUMBER,  
18 YEAR, OR OTHER SPECIFIC INDICATION OF THE VERSION BEING ADOPTED.

19 (IV) PROSPECTIVE INCORPORATION IS NOT PERMITTED FOR THIS  
20 CATEGORY OF DOCUMENT.

21 (V) AGENCY GENERATED DOCUMENTS HAVE THE ADDITIONAL  
22 REQUIREMENT OF PROVIDING THE DIVISION WITH AN ELECTRONIC VERSION READY  
23 FOR PUBLICATION ON THE DIVISION WEBSITE AS REQUIRED BY § 7-206.2 OF THIS  
24 SUBTITLE.

25 (b) (1) If the Administrator determines that publication would be in the  
26 public interest, nothing in this section prohibits the Administrator from publishing  
27 factual information concerning:

28 (i) documents published or to be published in the Code of Maryland  
29 Regulations and the Register; or

30 (ii) the Code of Maryland Regulations and the Register.

31 (2) Notwithstanding any other provision of this subtitle or Title 10,  
32 Subtitle 1 of this article, the Code of Maryland Regulations and the Register may not  
33 include news material or a press release, speech, or other comment.

34 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
35 take effect October 1, 2005. It shall remain effective until the taking effect of Section

1 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be  
2 abrogated and of no further force and effect.

3 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
4 take effect July 1, 2006, the effective date of Section 2 of Chapter 515 of the Acts of the  
5 General Assembly of 2004. If the effective date of Section 2 of Chapter 515 is  
6 amended, Section 2 of this Act shall take effect on the taking effect of Section 2 of  
7 Chapter 515.

8 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the  
9 provisions of Sections 3 and 4 of this Act, this Act shall take effect October 1, 2005.