

SENATE BILL 748

P5

EMERGENCY BILL

0lr0480

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: February 3, 2020

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 17, 2020

CHAPTER _____

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with possible
4 title defects; requiring a court to set a certain hearing under certain circumstances
5 as the court considers appropriate; repealing certain provisions of law authorizing
6 an affirmative defense for examining employer and school identifications; increasing
7 the limit on the number of new P-TECH Planning Grants that may be awarded
8 beginning in a certain fiscal year to establish a new P-TECH school until a certain
9 condition is met; altering the requirements, including the time period of active
10 clinical experience, that a supervising dentist is required to meet before a dental
11 hygienist is authorized to practice dental hygiene under the general supervision of
12 the licensed dentist in certain facilities; prohibiting the Governor from reducing an
13 appropriation for a certain fund notwithstanding certain provisions of law; providing
14 that certain performance evaluations may include certain actions; making this Act
15 an emergency measure; and generally repealing and reenacting without
16 amendments certain Acts of the General Assembly that may be subject to possible
17 title defects in order to validate those Acts.

18 BY repealing and reenacting, without amendments,
19 Article – Commercial Law
20 Section 24–303(c)(3)
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Correctional Services
2 Section 9–601(j)(2)(xi)
3 Annotated Code of Maryland
4 (2017 Replacement Volume and 2019 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Criminal Law
7 Section 10–107(d) and 10–110(a)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2019 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Procedure
12 Section 11–928
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 5–101(f)(1) and 7–1803(d)
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Health Occupations
22 Section 4–308(m)(4)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2019 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Housing and Community Development
27 Section 4–2503(b)(3)(iii)
28 Annotated Code of Maryland
29 (2019 Replacement Volume and 2019 Supplement)

30 BY repealing and reenacting, without amendments,
31 Article – State Government
32 Section 2–1235(b)
33 Annotated Code of Maryland
34 (2014 Replacement Volume and 2019 Supplement)

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

37 **Article – Commercial Law**

38 24–303.

1 (c) (3) The court shall set a hearing for any timely filed objections as the court
2 considers appropriate.

3 DRAFTER'S NOTE:

4 Error: Purpose paragraph of bill being cured failed to accurately describe the changes
5 made by the bill.

6 Occurred: Chapter 284 (House Bill 1065) of the Acts of 2019.

7 **Article – Correctional Services**

8 9–601.

9 (j) (2) Each correctional facility shall have a written policy in place regarding
10 the medical care of pregnant inmates that addresses:

11 (xi) use of involuntary medical isolation or restrictive housing for
12 administrative, protective, or disciplinary purposes during pregnancy and 8 weeks during
13 the postpartum or post–pregnancy recovery period.

14 DRAFTER'S NOTE:

15 Error: Function paragraph of bill being cured incorrectly indicated that §
16 9–602(j)(2)(xi), rather than § 9–601(j)(2)(xi), of the Correctional Services Article was being
17 added.

18 Occurred: Chapter 324 (Senate Bill 809) of the Acts of 2019.

19 **Article – Criminal Law**

20 10–107.

21 (d) In a prosecution for a violation of this section, it is a defense that the defendant
22 examined the purchaser's or recipient's driver's license or other valid identification issued
23 by a government unit that positively identified the purchaser or recipient as at least 21
24 years of age or as at least 18 years of age and an active duty member of the military.

25 DRAFTER'S NOTE:

26 Error: Purpose paragraph of bill being cured failed to accurately describe the changes
27 made by the bill.

28 Occurred: Chapter 396 (House Bill 1169) of the Acts of 2019.

29 10–110.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Bi-county unit” means:

3 (i) the Maryland–National Capital Park and Planning Commission;

4 or

5 (ii) the Washington Suburban Sanitary Commission.

6 (3) (i) “Bulky item” means any discarded furniture, home or industrial
7 appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal
8 purposes under the laws of Prince George’s County.

9 (ii) “Bulky item” does not include discarding, dropping, or scattering
10 of small quantities of waste matter ordinarily carried on or about the person, including:

11 1. beverage containers and closures;

12 2. packaging;

13 3. wrappers;

14 4. wastepaper;

15 5. newspapers;

16 6. magazines; and

17 7. waste matter that escapes or is allowed to escape from a
18 container, receptacle, or package.

19 (4) “Litter” means all rubbish, waste matter, refuse, garbage, trash, debris,
20 dead animals, or other discarded materials of every kind and description.

21 (5) “Public or private property” means:

22 (i) the right-of-way of a road or highway;

23 (ii) a body of water or watercourse or the shores or beaches of a body
24 of water or watercourse;

25 (iii) a park;

26 (iv) a parking facility;

27 (v) a playground;

- 1 (vi) public service company property or transmission line
2 right-of-way;
- 3 (vii) a building;
- 4 (viii) a refuge or conservation or recreation area;
- 5 (ix) residential or farm property; or
- 6 (x) timberlands or a forest.

7 DRAFTER'S NOTE:

8 Error: Function paragraph of bill being cured failed to indicate that § 10-110(a) of
9 the Criminal Law Article was being amended.

10 Occurred: Chapter 160 (House Bill 1155) of the Acts of 2019.

11 **Article – Criminal Procedure**

12 11-928.

13 (a) The Governor's Office of Crime Control and Prevention shall establish and
14 sustain child advocacy centers in the State and ensure that every child in the State has
15 access to a child advocacy center.

16 (b) The child advocacy centers:

17 (1) may be based in private nonprofit organizations, local departments of
18 social services, local law enforcement agencies, or a partnership among any of these
19 entities;

20 (2) shall be developed and located to facilitate their use by alleged victims
21 residing in the surrounding areas;

22 (3) shall assist in the response to or investigation of allegations of sexual
23 crimes against children under Title 3, Subtitle 3 of the Criminal Law Article and sexual
24 abuse of minors under Title 3, Subtitle 6 of the Criminal Law Article and Title 5, Subtitle
25 7 of the Family Law Article;

26 (4) may assist in the response to or investigation of allegations of child
27 abuse and neglect under Title 3, Subtitle 6 of the Criminal Law Article and Title 5, Subtitle
28 7 of the Family Law Article and allegations of a crime of violence in the presence of a minor
29 under § 3-601.1 of the Criminal Law Article;

30 (5) shall provide a level of care that meets or exceeds the national

1 accreditation standards for child advocacy centers established by the Maryland Statewide
2 Organization for Child Advocacy Centers under subsection (d) of this section; and

3 (6) shall be included in all joint investigation procedures developed in
4 accordance with § 5–706 of the Family Law Article.

5 (c) The Governor’s Office of Crime Control and Prevention may contract with
6 public or private nonprofit organizations to operate child advocacy centers.

7 (d) (1) The Governor’s Office of Crime Control and Prevention shall contract
8 with a nonprofit organization that is qualified under § 501(c)(3) of the Internal Revenue
9 Code and represents urban, rural, and suburban child advocacy centers in the State to
10 establish a Maryland Statewide Organization for Child Advocacy Centers.

11 (2) The purpose of the Maryland Statewide Organization for Child
12 Advocacy Centers is to provide training, technical assistance, data collection, and capacity
13 building to meet local, State, and national requirements for child advocacy centers.

14 (3) The Maryland Statewide Organization for Child Advocacy Centers
15 shall establish standards for child advocacy centers in the State that meet national
16 accreditation standards for child advocacy centers and shall include:

17 (i) multidisciplinary teams that include representation from law
18 enforcement, prosecutors, child protective services, the medical and mental health fields,
19 and victim advocacy;

20 (ii) cultural competency and diversity;

21 (iii) forensic interviews that are neutral, fact–finding, and avoid
22 duplicative interviewing;

23 (iv) victim support and advocacy for children and caregivers,
24 including appropriate counseling, legal, and medical services or referrals;

25 (v) medical evaluations;

26 (vi) mental health services;

27 (vii) a formal case review process;

28 (viii) a case tracking, monitoring, and outcomes process;

29 (ix) organizational capacity;

30 (x) creating a child–focused setting that is comfortable, safe, and
31 private; and

1 (xi) any additional necessary standards.

2 (e) Money for child advocacy centers:

3 (1) shall be distributed to child advocacy centers in accordance with a
4 formula agreed on by the Maryland Statewide Organization for Child Advocacy Centers
5 and the Governor's Office of Crime Control and Prevention;

6 (2) shall be used to supplement, not supplant, money that the program
7 receives from other sources; and

8 (3) may be used to assist child advocacy centers in meeting the standards
9 under subsection (d) of this section.

10 (f) On or before June 1 each year, the Governor's Office of Crime Control and
11 Prevention shall submit an annual report, in accordance with § 2-1257 of the State
12 Government Article, on child advocacy centers to the General Assembly.

13 DRAFTER'S NOTE:

14 Error: Function paragraph of bill being cured failed to indicate that § 11-928 of the
15 Criminal Procedure Article was being added.

16 Occurred: Chapters 50 and 51 (House Bill 1007/Senate Bill 739) of the Acts of 2019.

17 **Article – Education**

18 5-101.

19 (f) (1) In addition to all other information required by this section, the Prince
20 George's County Board of Education shall provide to the County Executive and County
21 Council with the annual budget, information relating to each of the following categories:

22 (i) Instructional supplies and materials;

23 (ii) Additional equipment;

24 (iii) Replacement equipment; and

25 (iv) Availability payments related to any public-private partnership
26 agreement entered into under §§ 4-126 and 4-126.1 of this article.

27 DRAFTER'S NOTE:

28 Error: Function paragraph of bill being cured incorrectly indicated that § 5-101(f)(1)
29 of the Education Article was being added.

1 Occurred: Chapter 387 (Senate Bill 1011) of the Acts of 2019.
2 7–1803.

3 (d) Beginning in fiscal year 2020, no more than three new P–TECH Planning
4 Grants may be awarded to establish a new P–TECH school until the 2016–2017 cohort of
5 P–TECH students completes the 6–year pathway sequence.

6 DRAFTER’S NOTE:

7 Error: Purpose paragraph of bill being cured failed to accurately describe the changes
8 made by the bill.

9 Occurred: Chapter 384 (House Bill 440) of the Acts of 2019.

10 Article – Health Occupations

11 4–308.

12 (m) (4) Before a dental hygienist is authorized to practice dental hygiene under
13 general supervision in a facility in accordance with this subsection, the supervising dentist
14 shall:

15 (i) Hold an active general license to practice dentistry in the State;

16 (ii) Hold a current certificate evidencing health provider level C
17 proficiency, or its equivalent, in cardiopulmonary resuscitation;

18 (iii) Have at least 3,000 hours of active clinical practice in direct
19 patient care; and

20 (iv) Have a written agreement between the supervising dentist and
21 the dental hygienist that:

22 1. Clearly sets forth the terms and conditions under which
23 the dental hygienist may practice, including a statement that the dental hygienist may
24 provide dental hygiene services without the supervising dentist on the premises unless this
25 title requires that a licensed dentist be on the premises in order for the service to be
26 performed by the dental hygienist;

27 2. Indicates the population to be served;

28 3. States the method by which the services are to be provided
29 and the procedures to be used by the supervising dentist to oversee and direct the dental
30 hygienist; and

31 4. States the names and license numbers of the dentist and

1 dental hygienist performing services under the written agreement.

2 DRAFTER'S NOTE:

3 Error: Purpose paragraph of bill being cured failed to accurately describe the changes
4 made by the bill.

5 Occurred: Chapter 399 (House Bill 738) of the Acts of 2019.

6 **Article – Housing and Community Development**

7 4–2503.

8 (b) (3) (iii) Notwithstanding the provisions of § 7–213 of the State Finance
9 and Procurement Article, the Governor may not reduce an appropriation for the Reserve
10 Fund in the State budget as approved by the General Assembly.

11 DRAFTER'S NOTE:

12 Error: Purpose paragraph of bill being cured failed to accurately describe the changes
13 made by the bill.

14 Occurred: Chapter 211 (Senate Bill 581) of the Acts of 2019.

15 **Article – State Government**

16 2–1235.

17 (b) A performance evaluation conducted by the Office may include:

18 (1) evaluating the efficiency, effectiveness, and economy with which
19 resources are used;

20 (2) determining whether desired program results are achieved;

21 (3) determining whether a program aligns with the unit's mission;

22 (4) evaluating whether a program duplicates another program or activity
23 within another unit;

24 (5) evaluating whether the governmental activity or unit under evaluation
25 operates:

26 (i) in an open and accountable manner, with public access to records
27 and meetings, safeguards against conflicts of interest, and opportunity for public
28 participation; and

1 (ii) in a fair and nondiscriminatory manner that complies fully with
2 law and State policy;

3 (6) determining the reliability of performance measures, as defined in §
4 3–1001 of the State Finance and Procurement Article, identified in:

5 (i) the managing for results agency strategic plan developed under
6 § 3–1002(c) of the State Finance and Procurement Article; or

7 (ii) the StateStat strategic plan and performance measurement
8 report submitted to the Secretary of Budget and Management under § 3–1003(d) of the
9 State Finance and Procurement Article; and

10 (7) for a performance evaluation of a local school system:

11 (i) evaluating whether or not the school system is complying with
12 federal and State laws and regulations;

13 (ii) analyzing grading standards, graduation requirements,
14 assessments, procurement, and equitable use of resources among the schools within the
15 system evaluated; and

16 (iii) identifying instances of fraud, waste, and abuse.

17 DRAFTER'S NOTE:

18 Error: Purpose paragraph of bill being cured failed to accurately describe the changes
19 made by the bill.

20 Occurred: Chapters 510 and 511 (House Bill 1113/Senate Bill 640) of the Acts of
21 2019.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained
23 in this Act are not law and may not be considered to have been enacted as part of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
25 measure, is necessary for the immediate preservation of the public health or safety, has
26 been passed by a yea and nay vote supported by three-fifths of all the members elected to
27 each of the two Houses of the General Assembly, and shall take effect from the date it is
28 enacted.