



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

SYNOPSIS OF EMERGENCY REGULATIONS

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact Kathryn Selle, John Joyce, or Kathleen Kennedy at the number below.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
December 23, 2019	Emergency/Proposed Regulations DLS Control No. 19-300 Maryland Department of Labor: Racing Commission: Thoroughbred Rules: COMAR 09.10.01.17 The purpose of requesting Emergency status is to enhance the safety and welfare of the thoroughbred horses competing at the Maryland tracks.		Emergency status beginning February 1, 2020 and expiring June 30, 2020.

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December 23, 2019	<p>Emergency/Proposed Regulations DLS Control No. 19-299 Maryland Department of Labor: Racing Commission: Prohibited Acts: COMAR 09.10.03.01 and .01-1</p> <p>The purpose of requesting Emergency status is to enhance the safety and welfare of the thoroughbred horses competing at the Maryland tracks.</p>		Emergency status beginning February 1, 2020 and expiring June 30, 2020.
December 5, 2019	<p>Emergency Regulations DLS Control No. 19-261 Board of Elections: Early Voting: Definitions; General Provisions: COMAR 33.17.01.02 Violations: Definitions; General Provisions: 33.19.01.01</p> <p>The purpose of this action is to require that early voting be conducted before the special general election in the 7th Congressional District that is being held concurrently with the regularly scheduled primary election on April 28, 2020. The regulations also require that voters be allowed to register to vote at precinct polling places on election day in the special primary election in the 7th Congressional District that is being held on February 4, 2020 and in the special general election in the 7th Congressional District that is being held on April 28, 2020.</p>		Emergency status beginning December 30, 2019 and expiring May 5, 2020.
November 21, 2019	<p>Emergency Regulation DLS Control No. 19-238</p>		Emergency status beginning January 1, 2020 and

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	<p>Maryland Institute for Emergency Medical Services Systems: Commercial Ambulance Services: Operational Requirements: COMAR 30.09.07.02</p> <p>The purpose of this emergency action is to lower the minimum certification level required for a driver of a commercial ambulance from “emergency medical technician” (EMT) to “emergency medical responder” (EMR) for advanced life support, neonatal, and specialty care transports. Under § 13-515 of the Education Article, the Maryland Institute for Emergency Medical Services Systems (MIEMSS) is charged with licensing and regulating commercial ambulance services in the State. Commercial ambulance services transport patients from one health care facility to another.</p> <p>MIEMSS indicates the emergency status is necessary to ease staffing issues experienced by commercial ambulance companies that are facing difficulty hiring a sufficient number of EMTs to drive commercial ambulances. MIEMSS advises that patient transfers have been delayed in excess of six hours due to a lack of a driver that meets the existing certification requirement and that, in some instances, public safety ambulances have been called upon to provide inter-facility patient transport when commercial ambulances were unable to respond in a timely manner.</p>		<p>expiring June 26, 2020.</p>
<p>October 31, 2019</p>	<p>Emergency/Proposed Regulations DLS Control No. 19-210 Maryland Department of Health:</p>		<p>Emergency status beginning November 20, 2019 and expiring May 18, 2020.</p>

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	<p>Hospitals: Acute General Hospitals and Special Hospitals: COMAR 10.07.01.06</p> <p>The purpose of this emergency action is to revise COMAR 10.07.01.06 to allow limited flexibility in the licensure of off-campus hospital-operated services if those services are determined by the Health Services Cost Review Commission to be allowable under the hospital rate setting system.</p> <p>This emergency action is being requested due to recent hospital closures and changes in the hospital health care delivery systems which have demonstrated the need for the department to have additional authority for oversight of some off-campus hospital sites under a hospital's license. This expansion in regulatory authority was enabled by SB1350 during the 2016 legislative session.</p>		
September 20, 2019	<p>Emergency Regulations DLS Control No. 19-182 Department of Transportation: State Highway Administration: Permits for Oversize and Overweight Vehicles: COMAR 11.04.01.02 and .13 Heavy Weight Port Corridor Permit: COMAR 11.04.17.01 through .12</p> <p>This regulation implements Chapter 255 of 2019 by authorizing the State Highway Administration to issue a heavy weight port corridor permit in accordance with</p>		Emergency status beginning October 25, 2019 and expiring April 22, 2020.

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	<p>§ 24-113.3 of the Transportation Article and COMAR 11.04.17.</p> <p>The department indicates the emergency status is necessary as heavy loads are expected at Seagirt in mid-October 2019 and must be ready to move to Trade Point Terminal by November 1, 2019.</p>		
September 13, 2019	<p>Emergency Regulation DLS Control No. 19-169 State Board of Education: School Personnel: State Board of Education Teacher Member Election: COMAR 13A.07.13.01 through .07</p> <p>The purpose of this emergency action is to implement the provisions of Chapters 576 and 577 of 2019, that add one certified teacher who is actively teaching to the State Board of Education and require the Maryland State Department of Education to adopt regulations that govern the election of the teacher member.</p> <p>Emergency status is being requested in order to have a procedure in place in a timely manner to govern the election of the initial teacher member of the State Board, who is to be seated by January 1, 2020. According to the department, the process must include several months of lead time to inform approximately 133,000 certified teachers in the State about the upcoming election, to allow sufficient time for nominations, to review nominations and ensure eligibility, to create ballots, and to procure a vendor</p>	October 24, 2019, 1:30 pm, Joint Hearing Room	Emergency status beginning October 24, 2019 and expiring April 21, 2020.

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	to conduct the election and report the results to the department.		
August 23, 2019	<p>Emergency Regulation DLS Control No. 19-151 Maryland Department of Health: Laboratories: Law Enforcement Laboratories - Personnel Certification and Approval of Laboratory Procedures: COMAR 10.10.09.03</p> <p>This emergency action is being requested because recent changes to the State cannabis laws (Md. Code Ann., Criminal law § 5-101 and Md. Code Ann., Agriculture § 14-101) now require Maryland law enforcement agencies to perform quantitative analyses on alleged cannabis that has been seized by law enforcement officers. Since the Maryland State Police (MSP) forensic laboratory does not currently have the appropriate equipment to perform such testing, the MSP plans to award contracts to private forensic laboratories licensed by the Maryland Department of Health to provide Controlled Dangerous Substance (CDS) testing until its forensic laboratory can acquire the necessary equipment. As a result, in order to enable Maryland law enforcement agencies to contract with private forensic laboratories to use their forensic analysts to perform CDS (i.e. cannabis) testing, COMAR 10.10.09.03 will need to be revised to add State licensed forensic laboratories as permitted employers of certified analysts.</p>		Emergency status beginning September 10, 2019 and expiring March 7, 2020.

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March 12, 2019	<p>Emergency/Proposed Regulations DLS Control No. 19-019 Department of Labor, Licensing, and Regulation: Racing Commission: Thoroughbred Rules: COMAR 09.10.01.89</p> <p>The purpose of this action is to allow the thoroughbred tracks to offer a new type of bet called the Roulette wager. The track offering this type of wager will designate two or more horses in a race in a category of black, green or red. The patron shall select a color and if any of the horses designated as that color win, the patron will have a successful wager.</p> <p>The commission indicates that this type of wager has been used in Florida and California on big event days. Because there are many individuals who attend the races for the first time on these big event days they do not have much handicapping experience. This wager provides a different method of selecting a winner and is being used as a marketing tool for Preakness week.</p>		Emergency status beginning May 1, 2019 and expiring October 27, 2019.
March 8, 2019	<p>Emergency/Proposed Regulations DLS Control No. 19-018 Department of Agriculture: Office of the Secretary: Use of Antimicrobial Drugs: COMAR 15.01.15.02</p> <p>The purpose of this action is to clarify the definitions of “regular pattern” and “prophylaxis” as those terms are used in describing certain restrictions on the use of medically</p>		Emergency status beginning April 12, 2019 and expiring September 2, 2019.

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	important antimicrobial drugs in the production of cattle, swine, and poultry. This action also defines the term “elevated risk”. Amending the definitions for “regular pattern” and “prophylaxis” and adding the definition for “elevated risk” are intended to address certain concerns expressed about these definitions when the antimicrobial regulations were first proposed.		
December 14, 2018	<p>Emergency Regulation DLS Control No. 18-393 Department of the Environment: Air Quality: Low Emissions Vehicle Program: COMAR 26.11.34.02</p> <p>The EPA’s national GHG emission standards for light-duty vehicles apply to the same types of vehicles under 40 CFR Parts 85, 86, and 600. The California standards are currently equivalent to and aligned with the federal program. California and the other Section 177 States, including Maryland, adopted a compliance provision to allow vehicle manufactures to meet the California Clean Cars GHG requirements by complying with the EPA GHG requirements. However, EPA has proposed to alter the national GHG standards. The proposed amendments incorporate the current compliance provision requirements as codified by California and removes conflict if EPA’s national GHG standards are altered as proposed.</p>		Emergency status beginning December 31, 2018 and expiring June 29, 2019.
October 18, 2018	<p>Emergency Regulations DLS Control No. 18-304 Maryland Department of Health:</p>		Emergency status beginning November 13, 2018 and expiring April 24, 2019.

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	<p>Natalie Laprade Medical Cannabis Commission: Definitions: COMAR 10.62.01.01 General Regulations: COMAR 10.62.02.05 Medical Cannabis Grower License: COMAR 10.62.08.05 Medical Cannabis Processor License: COMAR 10.62.19.04 Medical Cannabis Dispensary License: COMAR 10.62.25.05</p> <p>The purpose of this emergency action is to expand the evaluation criteria for medical cannabis licensing applications to address the needs of minority and women applicants. The emergency action aims to reduce barriers to entry and encourage participation in the medical cannabis industry by minorities and women. This emergency action is being requested because these emergency regulations are statutorily mandated under § 13-3305.2 of the Health – General Article and are based upon the findings of a disparities study which concluded there is a compelling interest to implement remedial measures to assist minorities and women seeking to participate in the medical cannabis industry. Section 7 of Chapter 598 of 2018 further emphasizes the Maryland General Assembly’s intent that the regulations must be emergency in nature and requires certain legislative reports on the progress of the emergency regulations.</p>		
August 2, 2018	<p>Emergency/Proposed Regulation DLS Control No. 18-214 Comptroller of the Treasury:</p>		Emergency status beginning October 1, 2018 and expiring March 30, 2019.

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	<p>Sales and Use Tax: Sales and Use Tax: COMAR 03.06.01.33</p> <p>The purpose of this action is to enforce a collection requirement that remote sellers without a physical presence in Maryland collect Maryland sales and use taxes for products delivered into Maryland. The recent Supreme Court ruling, South Dakota v. Wayfair, reverses a 1992 ruling on Quill Corp. v. North Dakota that said sellers only had to collect state sales taxes if they had a warehouse, office or sales representative in the state. The Office of the Comptroller is receiving inquiries regarding the impact the decision has on the Comptroller's authority to compel remote sellers to collect Maryland sales and use tax on sales to Maryland customers. The Comptroller is charged with compliance and enforcement efforts related to the collection of the sales and use tax. The Office of the Comptroller does not want a delayed response to have a negative impact on the Maryland's sales and use tax receipts thus emergency regulations should be enacted to begin the collection of sales tax from out of state sellers.</p>		