

Laws  
of the  
State of Maryland

At the Session of the General Assembly Begun and Held in the  
City of Annapolis on the Thirteenth Day of January 2016  
and Ending on the Eleventh Day of April 2016

Bills vetoed by the Governor appear after the Laws

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VOLUME VII

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## Chapter 363

### (House Bill 790)

AN ACT concerning

#### Washington County – Property Tax Credit – Disabled Veterans

FOR the purpose of authorizing the governing body of Washington County to grant, by law, a property tax credit against the county property tax imposed on certain residential property owned by certain disabled veterans of active military, naval, or air service; providing for the amount of the property tax credit; requiring certain disabled veterans or surviving spouses of disabled veterans to provide certain documents when applying for the property tax credit under this Act; prohibiting the inspection of a certain certificate of disability by certain individuals; authorizing the governing body of Washington County to provide, by law, for the duration of the credit and regulations, procedures, and any other provision necessary to carry out the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for certain residential property in Washington County.

BY adding to

Article – Tax – Property

Section 9–323(g)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### Article – Tax – Property

9–323.

**(G) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) 1. “DISABLED VETERAN” MEANS AN INDIVIDUAL WHO:**

**A. IS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM ACTIVE MILITARY, NAVAL, OR AIR SERVICE AS DEFINED IN 38 U.S.C. § 101; AND**

**B. HAS BEEN DECLARED BY THE VETERANS' ADMINISTRATION TO HAVE A PERMANENT SERVICE-CONNECTED DISABILITY OF AT LEAST 50% THAT RESULTS FROM BLINDNESS OR OTHER DISABLING CAUSE THAT:**

**I. IS REASONABLY CERTAIN TO CONTINUE FOR THE LIFE OF THE VETERAN; AND**

**II. WAS NOT CAUSED OR INCURRED BY MISCONDUCT OF THE VETERAN.**

**2. "DISABLED VETERAN" INCLUDES AN INDIVIDUAL WHO QUALIFIES POSTHUMOUSLY FOR A SERVICE-CONNECTED DISABILITY OF AT LEAST 50%.**

**(III) "DWELLING HOUSE":**

**1. MEANS REAL PROPERTY THAT IS:**

**A. THE LEGAL RESIDENCE OF A DISABLED VETERAN OR A SURVIVING SPOUSE; AND**

**B. OCCUPIED BY NOT MORE THAN TWO FAMILIES; AND**

**2. INCLUDES THE LOT OR CURTILAGE AND STRUCTURES NECESSARY TO USE THE REAL PROPERTY AS A RESIDENCE.**

**(IV) "SURVIVING SPOUSE" MEANS AN INDIVIDUAL WHO HAS NOT REMARRIED AND WHO IS THE SURVIVING SPOUSE OF A DISABLED VETERAN.**

**(2) THE GOVERNING BODY OF WASHINGTON COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON A DWELLING HOUSE IF:**

**(I) THE DWELLING HOUSE IS OWNED BY:**

**1. A DISABLED VETERAN; OR**

**2. A SURVIVING SPOUSE OF A DISABLED VETERAN, IF:**

**A. THE DWELLING HOUSE WAS OWNED BY THE DISABLED VETERAN AT THE TIME OF THE DISABLED VETERAN'S DEATH; AND**

**B. THE SURVIVING SPOUSE MEETS THE REQUIREMENTS OF PARAGRAPH (4) OF THIS SUBSECTION; AND**

**(II) THE APPLICATION REQUIREMENTS OF PARAGRAPH (5) OF THIS SUBSECTION ARE MET.**

**(3) THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE DWELLING HOUSE THAT IS EQUAL TO THE PERCENTAGE OF THE DISABLED VETERAN'S SERVICE-CONNECTED DISABILITY RATING.**

**(4) AFTER A DISABLED VETERAN DIES, THE SURVIVING SPOUSE OF THE DISABLED VETERAN MAY RECEIVE A DISABLED VETERAN'S PROPERTY TAX CREDIT FOR THE DWELLING HOUSE THAT WAS FORMERLY OWNED BY THE DISABLED VETERAN IF:**

**(I) THE DWELLING HOUSE RECEIVED A PROPERTY TAX CREDIT UNDER THIS SUBSECTION; AND**

**(II) THE SURVIVING SPOUSE OWNS AND RESIDES IN THE DWELLING HOUSE.**

**(5) (I) A DISABLED VETERAN OR A SURVIVING SPOUSE OF A DISABLED VETERAN SHALL APPLY FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION BY PROVIDING TO THE COUNTY:**

**1. A COPY OF THE DISABLED VETERAN'S DISCHARGE CERTIFICATE FROM ACTIVE MILITARY, NAVAL, OR AIR SERVICE; AND**

**2. ON THE FORM PROVIDED BY THE COUNTY, A CERTIFICATION OF THE DISABLED VETERAN'S DISABILITY FROM THE VETERANS' ADMINISTRATION.**

**(II) THE DISABLED VETERAN'S CERTIFICATE OF DISABILITY MAY NOT BE INSPECTED BY INDIVIDUALS OTHER THAN:**

**1. THE DISABLED VETERAN; OR**

**2. APPROPRIATE EMPLOYEES OF THE COUNTY.**

**(6) THE GOVERNING BODY OF WASHINGTON COUNTY MAY PROVIDE, BY LAW, FOR:**

(I) THE DURATION OF THE TAX CREDIT;

(II) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(III) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 364

(Senate Bill 239)

AN ACT concerning

### Maryland Fiduciary Access to Digital Assets Act

FOR the purpose of establishing the Maryland Fiduciary Access to Digital Assets Act; authorizing a certain user to direct a certain custodian of certain digital assets to disclose or not to disclose those assets under certain circumstances and in a certain manner; providing that this Act does not change, impair, or expand certain rights with respect to the digital assets of a user; authorizing a custodian to grant a certain fiduciary or designated recipient certain access to a user's account or a copy of certain records under certain circumstances; authorizing a custodian to charge a reasonable administrative charge for the cost of disclosing digital assets under this Act; providing that a custodian need not disclose certain digital assets under certain circumstances; authorizing a custodian to seek a court order directing disclosure under certain circumstances; requiring a custodian to disclose the content of certain electronic communications under certain circumstances; requiring a custodian to disclose a catalogue of certain electronic communications and certain digital assets under certain circumstances; authorizing a court to grant a certain guardian access to the digital assets of a certain protected person; authorizing a guardian to request the custodian to suspend or terminate a certain account under certain circumstances; providing that the legal duties imposed on a fiduciary charged with managing certain tangible property apply to the management of digital assets; establishing certain limitations with respect to a certain fiduciary's or designated recipient's authority; providing that, under certain circumstances, a certain fiduciary may access certain tangible personal property and is an authorized user for the purpose of certain computer-related laws; authorizing a custodian to disclose certain information to a certain fiduciary under certain circumstances; authorizing a fiduciary of a user to

request a custodian to terminate the user's account under certain circumstances; requiring a custodian to comply with certain requests by a fiduciary or designated recipient within a certain time period; authorizing a fiduciary or designated recipient to apply for a certain court order under certain circumstances; providing that this Act does not limit a custodian's ability to obtain or require a fiduciary or designated recipient to obtain a certain court order; authorizing a custodian to notify the user of a certain request; authorizing a custodian to deny a certain request under certain circumstances; providing that a custodian and its agents are immune from liability for an act or omission done in good faith compliance with this Act; requiring consideration to be given to the need to promote certain uniformity of the law in applying and construing this Act; providing that this Act modifies, limits, or supersedes certain federal law in a certain manner; providing for the scope and application of this Act; making the provisions of this Act severable; altering certain provisions in certain statutory forms for a power of attorney relating to authority to access and take control of certain digital assets in accordance with this Act; defining certain terms; making conforming changes; and generally relating to the Maryland Fiduciary Access to Digital Assets Act.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13–213, 14.5–815(a), 17–202, and 17–203

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Estates and Trusts

Section 15–601 through 15–620 to be under the new subtitle “Subtitle 6. Maryland Fiduciary Access to Digital Assets Act”

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Estates and Trusts~~

~~Section 17–202 and 17–203~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2015 Supplement)~~

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

### **Article – Estates and Trusts**

13–213.

All the provisions of § 15–102 of this article with respect to the powers of a fiduciary and the manner of exercise of those powers AND TITLE 15, SUBTITLE 6 OF THIS ARTICLE are applicable to a guardian.

14.5–815.

(a) A trustee, without authorization by the court, may exercise:

(1) Powers conferred by the terms of the trust; or

(2) Except as limited by the terms of the trust:

(i) All powers over the trust property that an unmarried competent owner has over individually owned property;

(ii) Other powers appropriate to achieve the proper investment, management, and distribution of the trust property; and

(iii) Other powers conferred by this title OR TITLE 15, SUBTITLE 6 OF THIS ARTICLE.

#### **SUBTITLE 6. MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.**

**15–601.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “ACCOUNT” MEANS AN ARRANGEMENT UNDER A TERMS–OF–SERVICE AGREEMENT IN WHICH A CUSTODIAN CARRIES, MAINTAINS, PROCESSES, RECEIVES, OR STORES A DIGITAL ASSET OF A USER OR PROVIDES GOODS OR SERVICES TO THE USER.**

**(C) “AGENT” HAS THE MEANING STATED IN § 17–101 OF THIS ARTICLE.**

**(D) “CARRIES” MEANS ENGAGES IN THE TRANSMISSION OF ELECTRONIC COMMUNICATIONS.**

**(E) “CATALOGUE OF ELECTRONIC COMMUNICATIONS” MEANS INFORMATION THAT IDENTIFIES:**

**(1) EACH PERSON WITH WHOM A USER HAS HAD AN ELECTRONIC COMMUNICATION;**

**(2) THE TIME AND DATE OF THE COMMUNICATION; AND**

**(3) THE ELECTRONIC ADDRESS OF THE PERSON.**



(F) “CONTENT OF AN ELECTRONIC COMMUNICATION” MEANS INFORMATION CONCERNING THE SUBSTANCE OR MEANING OF A COMMUNICATION THAT:

(1) HAS BEEN SENT OR RECEIVED BY A USER;

(2) (I) IS IN ELECTRONIC STORAGE BY A CUSTODIAN PROVIDING AN ELECTRONIC COMMUNICATION SERVICE TO THE PUBLIC; OR

(II) IS CARRIED OR MAINTAINED BY A CUSTODIAN PROVIDING A REMOTE COMPUTING SERVICE TO THE PUBLIC; AND

(3) IS NOT READILY ACCESSIBLE TO THE PUBLIC.

(G) “CUSTODIAN” MEANS A PERSON WHO CARRIES, MAINTAINS, PROCESSES, RECEIVES, OR STORES A DIGITAL ASSET OF AN ACCOUNT HOLDER.

(H) “DESIGNATED RECIPIENT” MEANS A PERSON CHOSEN BY A USER USING AN ONLINE TOOL TO ADMINISTER THE DIGITAL ASSETS OF THE USER.

~~(H)~~ (I) (1) “DIGITAL ASSET” MEANS AN ELECTRONIC RECORD IN WHICH AN INDIVIDUAL HAS A RIGHT OR INTEREST.

(2) “DIGITAL ASSET” DOES NOT INCLUDE AN UNDERLYING ASSET OR LIABILITY UNLESS THE ASSET OR LIABILITY IS ITSELF AN ELECTRONIC RECORD.

~~(I) “DIGITAL RECIPIENT” MEANS A PERSON CHOSEN BY A USER USING AN ONLINE TOOL TO ADMINISTER THE DIGITAL ASSETS OF THE USER.~~

(J) “ELECTRONIC” MEANS RELATING TO TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

(K) “ELECTRONIC COMMUNICATION” HAS THE MEANING STATED IN 18 U.S.C. § 2510(12).

(L) “ELECTRONIC COMMUNICATION SERVICE” MEANS A CUSTODIAN THAT PROVIDES TO A USER THE ABILITY TO SEND OR RECEIVE AN ELECTRONIC COMMUNICATION.

(M) “FIDUCIARY” MEANS AN ORIGINAL, ADDITIONAL, OR SUCCESSOR PERSONAL REPRESENTATIVE, GUARDIAN, AGENT, ~~TRUSTEE, OR ADVISER~~ OR TRUSTEE.

(N) (1) “GUARDIAN” MEANS A GUARDIAN OF THE PROPERTY APPOINTED BY A COURT UNDER TITLE 13, SUBTITLE 2 OF THIS ARTICLE TO MANAGE THE PROPERTY OF A DISABLED PERSON OR MINOR OR A GUARDIAN OF THE PERSON APPOINTED BY A COURT UNDER TITLE 13, SUBTITLE 7 OF THIS ARTICLE, ACCORDING TO THE CONTEXT IN WHICH IT IS USED.

(2) “GUARDIAN” INCLUDES A LIMITED GUARDIAN.

(O) “INFORMATION” MEANS DATA, TEXT, IMAGES, VIDEOS, SOUNDS, CODES, COMPUTER PROGRAMS, SOFTWARE, OR DATABASES.

(P) “ONLINE TOOL” MEANS AN ELECTRONIC SERVICE PROVIDED BY A CUSTODIAN THAT ALLOWS A USER, IN AN AGREEMENT DISTINCT FROM THE TERMS-OF-SERVICE AGREEMENT BETWEEN THE CUSTODIAN AND THE USER, TO PROVIDE DIRECTIONS FOR DISCLOSURE OR NONDISCLOSURE OF DIGITAL ASSETS TO A THIRD PARTY.

(Q) “PERSON” MEANS AN INDIVIDUAL, ESTATE, ~~TRUST~~, BUSINESS OR NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, INSTRUMENTALITY, OR OTHER LEGAL ENTITY.

(R) “PERSONAL REPRESENTATIVE” MEANS AN EXECUTOR, ADMINISTRATOR, SPECIAL ADMINISTRATOR, OR PERSON THAT PERFORMS SUBSTANTIALLY THE SAME FUNCTION UNDER A LAW OF THIS STATE OTHER THAN THIS SUBTITLE.

(S) “POWER OF ATTORNEY” HAS THE MEANING STATED IN § 17-101 OF THIS ARTICLE.

(T) “PRINCIPAL” HAS THE MEANING STATED IN § 17-101 OF THIS ARTICLE.

(U) (1) “PROTECTED PERSON” MEANS AN INDIVIDUAL FOR WHOM A GUARDIAN HAS BEEN APPOINTED.

(2) “PROTECTED PERSON” INCLUDES AN INDIVIDUAL FOR WHOM AN APPLICATION FOR THE APPOINTMENT OF A GUARDIAN IS PENDING.

(V) “RECORD” MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

(W) “REMOTE COMPUTING SERVICE” MEANS A CUSTODIAN WHO PROVIDES TO A USER COMPUTER PROCESSING SERVICES OR THE STORAGE OF DIGITAL ASSETS BY MEANS OF AN ELECTRONIC COMMUNICATIONS SYSTEM, AS DEFINED IN 18 U.S.C. § 2510(14).

(X) “TERMS-OF-SERVICE AGREEMENT” MEANS AN AGREEMENT THAT CONTROLS THE RELATIONSHIP BETWEEN A USER AND A CUSTODIAN.

(Y) (1) “TRUSTEE” MEANS A FIDUCIARY WITH LEGAL TITLE TO PROPERTY UNDER AN AGREEMENT OR A DECLARATION THAT CREATES A BENEFICIAL INTEREST IN ANOTHER.

(2) “TRUSTEE” INCLUDES AN ORIGINAL, ADDITIONAL, OR SUCCESSOR TRUSTEE OR COTRUSTEE, WHETHER OR NOT APPOINTED OR CONFIRMED BY A COURT.

(Z) “USER” MEANS A PERSON WHO HAS AN ACCOUNT WITH A CUSTODIAN.

(AA) “WILL” INCLUDES A CODICIL, A TESTAMENTARY INSTRUMENT THAT ONLY APPOINTS A PERSONAL REPRESENTATIVE, OR AN INSTRUMENT THAT REVOKES OR REVISES A TESTAMENTARY INSTRUMENT IF THE CODICIL OR INSTRUMENT SATISFIES THE REQUIREMENTS OF § 4-102, § 4-103, OR § 4-104 OF THIS ARTICLE.

15-602.

THIS SUBTITLE DOES NOT APPLY TO A DIGITAL ASSET OF AN EMPLOYER USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF THE EMPLOYER’S BUSINESS.

15-603.

(A) (1) A USER MAY USE AN ONLINE TOOL TO DIRECT A CUSTODIAN TO DISCLOSE TO A DESIGNATED RECIPIENT OR NOT DISCLOSE SOME OR ALL OF THE USER’S DIGITAL ASSETS, INCLUDING THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE USER.

(2) IF THE ONLINE TOOL ALLOWS THE USER TO MODIFY OR DELETE A DIRECTION AT ANY TIME, A DIRECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION OVERRIDES A CONTRARY DIRECTION BY THE USER IN A WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD.

(B) IF THE USER DOES NOT USE AN ONLINE TOOL TO GIVE DIRECTION UNDER SUBSECTION (A) OF THIS SECTION OR IF THE CUSTODIAN FAILS TO PROVIDE

AN ONLINE TOOL, THE USER MAY, IN A WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD, ALLOW OR PROHIBIT DISCLOSURE TO A FIDUCIARY OF SOME OR ALL OF THE USER'S DIGITAL ASSETS, INCLUDING THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE USER.

(C) A DIRECTION BY A USER UNDER SUBSECTIONS (A) OR (B) OF THIS SECTION SHALL OVERRIDE A CONTRARY PROVISION IN A TERMS-OF-SERVICE AGREEMENT, IF THE TERMS-OF-SERVICE AGREEMENT DOES NOT REQUIRE THE USER TO ACT AFFIRMATIVELY AND DISTINCTLY FROM THE USER'S ASSENT TO THE TERMS OF SERVICE.

**15-604.**

(A) THIS SUBTITLE DOES NOT CHANGE OR IMPAIR THE RIGHT OF A CUSTODIAN OR A USER UNDER A TERMS-OF-SERVICE AGREEMENT TO ACCESS OR USE THE DIGITAL ASSETS OF THE USER.

(B) THIS SUBTITLE DOES NOT GRANT A FIDUCIARY OR DESIGNATED RECIPIENT NEW OR EXPANDED RIGHTS OTHER THAN THOSE HELD BY THE USER FOR WHOM OR FOR WHOSE ESTATE OR TRUST THE FIDUCIARY OR DESIGNATED RECIPIENT ACTS OR REPRESENTS.

(C) A FIDUCIARY'S OR DESIGNATED RECIPIENT'S ACCESS TO DIGITAL ASSETS MAY BE MODIFIED OR ELIMINATED BY:

(1) A USER;

(2) FEDERAL LAW; OR

(3) A TERMS-OF-SERVICE AGREEMENT IF THE USER HAS NOT PROVIDED DIRECTION UNDER § 15-603 OF THIS SUBTITLE.

**15-605.**

(A) WHEN DISCLOSING THE DIGITAL ASSETS OF A USER UNDER THIS SUBTITLE, A CUSTODIAN MAY IN ITS SOLE DISCRETION:

(1) GRANT A FIDUCIARY OR DESIGNATED RECIPIENT FULL ACCESS TO THE USER'S ACCOUNT;

(2) GRANT A FIDUCIARY OR DESIGNATED RECIPIENT PARTIAL ACCESS TO THE USER'S ACCOUNT SUFFICIENT TO PERFORM THE TASKS WITH WHICH THE FIDUCIARY OR DESIGNATED RECIPIENT IS CHARGED; OR

**(3) PROVIDE A FIDUCIARY OR DESIGNATED RECIPIENT A COPY IN A RECORD OF A DIGITAL ASSET THAT, ON THE DATE THAT THE CUSTODIAN RECEIVED THE REQUEST FOR DISCLOSURE, THE USER COULD HAVE ACCESSED IF THE USER WERE ALIVE OR HAD FULL CAPACITY AND HAD ACCESS TO THE ACCOUNT.**

**(B) A CUSTODIAN MAY ASSESS A REASONABLE ADMINISTRATIVE CHARGE FOR THE COST OF DISCLOSING DIGITAL ASSETS UNDER THIS SUBTITLE.**

**(C) A CUSTODIAN NEED NOT DISCLOSE UNDER THIS SUBTITLE A DIGITAL ASSET DELETED BY A USER.**

**(D) (1) IF A USER DIRECTS OR A FIDUCIARY REQUESTS A CUSTODIAN TO DISCLOSE ONLY A PORTION OF THE USER'S DIGITAL ASSETS UNDER THIS SUBTITLE, THE CUSTODIAN NEED NOT DISCLOSE THE ASSETS IF SEGREGATION OF THE DIGITAL ASSETS WOULD IMPOSE AN UNDUE BURDEN ON THE CUSTODIAN.**

**(2) IF THE CUSTODIAN BELIEVES UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE DIRECTION OR REQUEST IMPOSES AN UNDUE BURDEN, THE CUSTODIAN OR FIDUCIARY MAY SEEK AN ORDER FROM A COURT TO DISCLOSE:**

**(I) A SUBSET, LIMITED BY DATE, OF THE USER'S DIGITAL ASSETS;**

**(II) ALL OF THE USER'S DIGITAL ASSETS TO THE FIDUCIARY OR DESIGNATED RECIPIENT;**

**(III) NONE OF THE USER'S DIGITAL ASSETS; OR**

**(IV) ALL OF THE USER'S DIGITAL ASSETS TO THE COURT FOR REVIEW IN CAMERA.**

**15-606.**

**IF A DECEASED USER CONSENTED TO OR A COURT DIRECTS THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS OF THE USER, A CUSTODIAN SHALL DISCLOSE TO THE PERSONAL REPRESENTATIVE OF THE USER'S ESTATE THE CONTENT OF AN ELECTRONIC COMMUNICATION SENT OR RECEIVED BY THE USER IF THE PERSONAL REPRESENTATIVE PROVIDES THE CUSTODIAN:**

**(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;**

(2) A COPY OF THE CERTIFICATE OF THE USER'S DEATH;

(3) A COPY OF THE ~~LETTER OF APPOINTMENT~~ LETTERS OF ADMINISTRATION OF THE PERSONAL REPRESENTATIVE OR COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR;

(4) UNLESS THE USER PROVIDED DIRECTION USING AN ONLINE TOOL, A COPY OF THE USER'S WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD EVIDENCING THE USER'S CONSENT TO DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS; AND

(5) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER'S ACCOUNT;

(II) EVIDENCE LINKING THE ACCOUNT TO THE USER; OR

(III) A FINDING BY THE COURT THAT:

1. THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM;

2. DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE USER WOULD NOT VIOLATE 18 U.S.C. § 2701, ET SEQ., 47 U.S.C. § 222, OR OTHER APPLICABLE LAW;

3. UNLESS THE USER PROVIDED DIRECTION USING AN ONLINE TOOL, THE USER CONSENTED TO DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS; OR

4. DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE USER IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE.

15-607.

UNLESS A USER PROHIBITED DISCLOSURE OF DIGITAL ASSETS OR A COURT DIRECTS OTHERWISE, A CUSTODIAN SHALL DISCLOSE TO THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE USER A CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE USER AND THE DIGITAL ASSETS OF

THE USER, OTHER THAN THE CONTENT OF THE ELECTRONIC COMMUNICATIONS, IF THE PERSONAL REPRESENTATIVE PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) A COPY OF THE CERTIFICATE OF THE USER'S DEATH;

(3) A COPY OF THE ~~LETTER OF APPOINTMENT~~ LETTERS OF ADMINISTRATION OF THE PERSONAL REPRESENTATIVE OR COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR; AND

(4) IF REQUESTED BY THE CUSTODIAN:

(i) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER'S ACCOUNT;

(ii) EVIDENCE LINKING THE ACCOUNT TO THE USER;

(iii) AN AFFIDAVIT STATING THAT DISCLOSURE OF THE USER'S DIGITAL ASSETS IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE; OR

(iv) A FINDING BY THE COURT THAT:

1. THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM; OR

2. DISCLOSURE OF THE ~~CONTENT~~ CATALOGUE OF ELECTRONIC COMMUNICATIONS OF THE USER IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE.

15-608.

TO THE EXTENT THAT A POWER OF ATTORNEY EXPRESSLY GRANTS AN AGENT AUTHORITY OVER THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE PRINCIPAL AND UNLESS DIRECTED OTHERWISE BY THE PRINCIPAL OR A COURT, A CUSTODIAN SHALL DISCLOSE TO THE AGENT THE CONTENT IF THE AGENT PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN A PHYSICAL OR ELECTRONIC FORM;

(2) AN ORIGINAL OR COPY OF THE POWER OF ATTORNEY EXPRESSLY GRANTING THE AGENT AUTHORITY OVER THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE PRINCIPAL;

(3) A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY, THAT THE POWER OF ATTORNEY IS IN EFFECT; AND

(4) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PRINCIPAL'S ACCOUNT; OR

(II) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

15-609.

UNLESS OTHERWISE ORDERED BY A COURT, DIRECTED BY A PRINCIPAL, OR PROVIDED BY A POWER OF ATTORNEY, A CUSTODIAN SHALL DISCLOSE TO AN AGENT WITH SPECIFIC AUTHORITY OVER DIGITAL ASSETS OR GENERAL AUTHORITY TO ACT ON BEHALF OF A PRINCIPAL A CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE PRINCIPAL AND DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC COMMUNICATIONS, OF THE PRINCIPAL IF THE AGENT PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) AN ORIGINAL OR COPY OF THE POWER OF ATTORNEY ~~EXPRESSLY GRANTING THE AGENT~~ THAT GRANTS THE AGENT SPECIFIC AUTHORITY OVER DIGITAL ASSETS OR GENERAL ~~ATTORNEY~~ AUTHORITY TO ACT ON BEHALF OF THE PRINCIPAL;

(3) A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY, THAT THE POWER OF ATTORNEY IS IN EFFECT; AND

(4) IF REQUESTED BY THE CUSTODIAN:



(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PRINCIPAL'S ACCOUNT; OR

(II) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

15-610.

UNLESS OTHERWISE ORDERED BY A COURT OR PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS AN ORIGINAL USER OF AN ACCOUNT THE DIGITAL ASSETS OF THE ACCOUNT HELD IN TRUST, INCLUDING A CATALOGUE OF ELECTRONIC COMMUNICATIONS OF THE TRUSTEE AND THE CONTENT OF ELECTRONIC COMMUNICATIONS.

15-611.

UNLESS OTHERWISE ORDERED BY A COURT, DIRECTED BY A USER, OR PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS NOT AN ORIGINAL USER OF AN ACCOUNT THE CONTENT OF AN ELECTRONIC COMMUNICATION SENT OR RECEIVED BY AN ORIGINAL OR SUCCESSOR USER AND CARRIED, MAINTAINED, PROCESSED, RECEIVED, OR STORED BY THE CUSTODIAN ~~OF~~ IN THE ACCOUNT OF THE TRUST IF THE TRUSTEE PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) A COPY OF THE TRUST INSTRUMENT OR CERTIFICATION OF THE TRUST UNDER § 14.5-910 OF THIS ARTICLE THAT INCLUDES CONSENT TO DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS TO THE TRUSTEE;

(3) A CERTIFICATION BY THE TRUSTEE, UNDER PENALTY OF PERJURY, THAT THE TRUST EXISTS AND THE TRUSTEE IS A CURRENTLY ACTING TRUSTEE OF THE TRUST; AND

(4) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE TRUST'S ACCOUNT; OR

(II) EVIDENCE LINKING THE ACCOUNT TO THE TRUST.

**15-612.**

UNLESS OTHERWISE ORDERED BY A COURT, DIRECTED BY A USER, OR PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS NOT AN ORIGINAL USER OF AN ACCOUNT A CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY AN ORIGINAL OR SUCCESSOR USER OR STORED, CARRIED, OR MAINTAINED BY THE CUSTODIAN IN AN ACCOUNT OF THE TRUST AND THE DIGITAL ASSETS, OTHER THAN ELECTRONIC COMMUNICATIONS, IN WHICH THE TRUST HAS A RIGHT OR INTEREST IF THE TRUSTEE PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) A COPY OF THE TRUST INSTRUMENT OR CERTIFICATION OF THE TRUST UNDER § 14.5-910 OF THIS ARTICLE;

(3) A CERTIFICATION BY THE TRUSTEE, UNDER PENALTY OF PERJURY, THAT THE TRUST EXISTS AND THE TRUSTEE IS A CURRENTLY ACTING TRUSTEE OF THE TRUST; AND

(4) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE TRUST'S ACCOUNT; OR

(II) EVIDENCE LINKING THE ACCOUNT TO THE TRUST.

**15-613.**

(A) AFTER AN OPPORTUNITY FOR HEARING UNDER TITLE 13, SUBTITLE 2 OR TITLE 13, SUBTITLE 7 OF THIS ARTICLE, A COURT MAY GRANT A GUARDIAN ACCESS TO THE DIGITAL ASSETS OF THE PROTECTED PERSON FOR WHOM THE GUARDIAN HAS BEEN APPOINTED.

(B) UNLESS OTHERWISE ORDERED BY A COURT OR DIRECTED BY A USER, A CUSTODIAN SHALL DISCLOSE TO A GUARDIAN THE CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE PROTECTED PERSON AND THE DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC COMMUNICATIONS, IN WHICH THE PROTECTED PERSON HAS A RIGHT OR INTEREST IF THE GUARDIAN PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) A COPY OF THE COURT ORDER THAT GIVES THE GUARDIAN AUTHORITY OVER THE DIGITAL ASSETS OF THE PROTECTED PERSON; AND

(3) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PROTECTED PERSON'S ACCOUNT; OR

(II) EVIDENCE LINKING THE ACCOUNT TO THE PROTECTED PERSON.

(C) (1) A GUARDIAN WITH GENERAL AUTHORITY TO MANAGE THE ASSETS OF A PROTECTED PERSON MAY REQUEST A CUSTODIAN OF THE DIGITAL ASSETS OF THE PROTECTED PERSON TO SUSPEND OR TERMINATE AN ACCOUNT OF THE PROTECTED PERSON FOR GOOD CAUSE.

(2) A REQUEST MADE UNDER THIS SUBSECTION SHALL BE ACCOMPANIED BY A COPY OF THE COURT ORDER GRANTING THE ~~CUSTODIAN~~ GUARDIAN AUTHORITY OVER THE PROTECTED PERSON'S PROPERTY.

15-614.

(A) THE LEGAL DUTIES IMPOSED ON A FIDUCIARY CHARGED WITH MANAGING TANGIBLE PROPERTY APPLY TO THE MANAGEMENT OF DIGITAL ASSETS, INCLUDING:

(1) THE DUTY OF CARE;

(2) THE DUTY OF LOYALTY; AND

(3) THE DUTY OF CONFIDENTIALITY.

(B) A FIDUCIARY'S OR DESIGNATED RECIPIENT'S AUTHORITY WITH RESPECT TO A DIGITAL ASSET OF A USER:

(1) EXCEPT AS OTHERWISE PROVIDED IN ITEM (4) OF THIS SUBSECTION, IS SUBJECT TO THE APPLICABLE TERMS OF SERVICE;

(2) IS SUBJECT TO OTHER APPLICABLE LAW, INCLUDING COPYRIGHT LAW;

(3) ~~IS~~ IN THE CASE OF A FIDUCIARY, IS LIMITED BY THE SCOPE OF THE FIDUCIARY'S DUTIES; AND

(4) MAY NOT BE USED TO IMPERSONATE THE USER.

(C) A FIDUCIARY WITH AUTHORITY OVER THE PROPERTY OF A DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR HAS THE RIGHT TO ACCESS A DIGITAL ASSET IN WHICH THE DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR HAD A RIGHT OR INTEREST AND THAT IS NOT HELD BY A CUSTODIAN OR SUBJECT TO A TERMS-OF-SERVICE AGREEMENT.

(D) A FIDUCIARY ACTING WITHIN THE SCOPE OF THE FIDUCIARY'S DUTIES IS AN AUTHORIZED USER OF THE PROPERTY OF THE DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR FOR THE PURPOSE OF APPLICABLE COMPUTER-FRAUD AND UNAUTHORIZED-COMPUTER-ACCESS LAWS, INCLUDING § 7-302 OF THE CRIMINAL LAW ARTICLE.

(E) A FIDUCIARY WITH AUTHORITY OVER THE TANGIBLE, PERSONAL PROPERTY OF A DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR:

(1) HAS THE RIGHT TO ACCESS THE PROPERTY AND THE DIGITAL ASSETS STORED IN IT; AND

(2) IS AN AUTHORIZED USER FOR THE PURPOSE OF COMPUTER-FRAUD AND UNAUTHORIZED-COMPUTER-ACCESS LAWS, INCLUDING § 7-302 OF THE CRIMINAL LAW ARTICLE.

(F) A CUSTODIAN MAY DISCLOSE INFORMATION IN AN ACCOUNT TO A FIDUCIARY OF THE USER WHEN THE INFORMATION IS REQUIRED TO TERMINATE AN ACCOUNT USED TO ACCESS DIGITAL ASSETS LICENSED TO THE USER.

(G) (1) A FIDUCIARY OF A USER MAY REQUEST A CUSTODIAN TO TERMINATE THE USER'S ACCOUNT.

(2) THE FIDUCIARY SHALL SUBMIT THE REQUEST FOR TERMINATION TO THE CUSTODIAN IN WRITING, IN EITHER PHYSICAL OR ELECTRONIC FORM, ACCOMPANIED BY:

(I) IF THE USER IS DECEASED, A COPY OF THE DEATH CERTIFICATE OF THE USER;

(II) A COPY OF THE ~~LETTER OF APPOINTMENT OF THE PERSONAL REPRESENTATIVE, COURT ORDER~~ LETTERS OF ADMINISTRATION OF THE PERSONAL REPRESENTATIVE OR COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR, POWER OF ATTORNEY, OR TRUST GRANTING THE FIDUCIARY AUTHORITY OVER THE ACCOUNT; AND

(III) IF REQUESTED BY THE CUSTODIAN:

1. A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER'S ACCOUNT;
2. EVIDENCE LINKING THE ACCOUNT TO THE USER; OR
3. A FINDING BY THE COURT THAT THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION SPECIFIED IN ITEM 1 OF THIS ITEM.

15-615.

(A) (1) NO LATER THAN 60 DAYS AFTER RECEIPT OF THE INFORMATION REQUIRED UNDER §§ 15-606 THROUGH 15-613 OF THIS SUBTITLE, A CUSTODIAN SHALL COMPLY WITH A REQUEST UNDER THIS SUBTITLE FROM A FIDUCIARY OR DESIGNATED RECIPIENT TO DISCLOSE DIGITAL ASSETS OR TERMINATE AN ACCOUNT.

(2) IF THE CUSTODIAN FAILS TO COMPLY WITH THE REQUEST, THE FIDUCIARY OR DESIGNATED RECIPIENT MAY APPLY TO A COURT FOR AN ORDER DIRECTING COMPLIANCE.

(B) AN ORDER UNDER SUBSECTION (A) OF THIS SECTION DIRECTING COMPLIANCE SHALL CONTAIN A FINDING THAT COMPLIANCE IS NOT IN VIOLATION OF 18 U.S.C. § 2702.

(C) A CUSTODIAN MAY NOTIFY THE USER THAT A REQUEST FOR DISCLOSURE OR TERMINATION OF AN ACCOUNT WAS MADE UNDER THIS SUBTITLE.

(D) A CUSTODIAN MAY DENY A REQUEST UNDER THIS SUBTITLE FROM A FIDUCIARY OR DESIGNATED RECIPIENT FOR DISCLOSURE OF DIGITAL ASSETS OR TERMINATION OF AN ACCOUNT IF THE CUSTODIAN IS AWARE OF ANY LAWFUL ACCESS TO THE ACCOUNT FOLLOWING RECEIPT OF THE FIDUCIARY'S REQUEST.

(E) THIS SUBTITLE DOES NOT LIMIT A CUSTODIAN'S ABILITY TO OBTAIN OR TO REQUIRE A FIDUCIARY OR DESIGNATED RECIPIENT REQUESTING DISCLOSURE OR TERMINATION UNDER THIS SUBTITLE TO OBTAIN A COURT ORDER THAT:

(1) SPECIFIES THAT AN ACCOUNT BELONGS TO THE PROTECTED PERSON OR PRINCIPAL;

(2) SPECIFIES THAT THERE IS SUFFICIENT CONSENT FROM THE PROTECTED PERSON OR PRINCIPAL TO SUPPORT THE REQUESTED DISCLOSURE OR TERMINATION; AND

(3) CONTAINS A FINDING REQUIRED BY LAW OTHER THAN THIS SUBTITLE.

(F) A CUSTODIAN AND ITS OFFICERS, EMPLOYEES, AND AGENTS ARE IMMUNE FROM LIABILITY FOR AN ACT OR OMISSION DONE IN GOOD FAITH IN COMPLIANCE WITH THIS SUBTITLE.

15-616.

IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT ~~THE~~ THE REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.

15-617.

THIS SUBTITLE MODIFIES, LIMITS, OR SUPERSEDES THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C. § 7001 ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION 101(C) OF THAT ACT, 15 U.S.C. § 7001(C), OR AUTHORIZE ELECTRONIC DELIVERY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF THAT ACT, 15 U.S.C. § 7003(B).

15-618.

THIS SUBTITLE APPLIES TO:

(1) A FIDUCIARY ~~OR AN AGENT~~ ACTING UNDER A WILL OR POWER OF ATTORNEY EXECUTED BEFORE, ON, OR AFTER OCTOBER 1, 2016;

(2) A PERSONAL REPRESENTATIVE ACTING FOR A DECEDENT WHO DIED BEFORE, ON, OR AFTER OCTOBER 1, 2016;

(3) A GUARDIANSHIP PROCEEDING, WHETHER PENDING IN A COURT OR COMMENCED BEFORE, ON, OR AFTER OCTOBER 1, 2016;

(4) A TRUSTEE ACTING UNDER A TRUST CREATED BEFORE, ON, OR AFTER OCTOBER 1, 2016; AND

(5) A CUSTODIAN IF THE USER RESIDES IN THIS STATE OR RESIDED IN THIS STATE AT THE TIME OF THE USER'S DEATH.

15-619.

IF A PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO A PERSON OR CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SUBTITLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

15-620.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.

17-202.

#### “MARYLAND STATUTORY FORM

#### PERSONAL FINANCIAL POWER OF ATTORNEY

#### IMPORTANT INFORMATION AND WARNING

You should be very careful in deciding whether or not to sign this document. The powers granted by you (the principal) in this document are broad and sweeping. This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

You need not grant all of the powers listed below. If you choose to grant less than all of the listed powers, you may instead use a Maryland Statutory Form Limited Power of Attorney and mark on that Maryland Statutory Form Limited Power of Attorney which powers you

intend to delegate to your attorney-in-fact (the Agent) and which you do not want the Agent to exercise.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

You should obtain competent legal advice before you sign this power of attorney if you have any questions about the document or the authority you are granting to your agent.

#### DESIGNATION OF AGENT

This section of the form provides for designation of one agent.

If you wish to name coagents, skip this section and use the next section (“Designation of Coagents”).

I, \_\_\_\_\_ ,  
(Name of Principal)

Name the following person as my agent:

Name of Agent: \_\_\_\_\_

Agent’s Address: \_\_\_\_\_

Agent’s Telephone Number: \_\_\_\_\_

#### DESIGNATION OF COAGENTS (OPTIONAL)

This section of the form provides for designation of two or more coagents. Coagents are required to act together unanimously unless you otherwise provide in this form.

I, \_\_\_\_\_ ,  
(Name of Principal)

Name the following persons as coagents:

Name of Coagent: \_\_\_\_\_

Coagent’s Address: \_\_\_\_\_

Coagent’s Telephone Number: \_\_\_\_\_

Name of Coagent: \_\_\_\_\_

Coagent’s Address: \_\_\_\_\_



Coagent's Telephone Number: \_\_\_\_\_

Special Instructions Regarding Coagents: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent's  
Address: \_\_\_\_\_

Successor Agent's  
Telephone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second  
Successor Agent: \_\_\_\_\_

Second Successor  
Agent's Address: \_\_\_\_\_

Second Successor Agent's  
Telephone Number: \_\_\_\_\_

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject listed below, the authority to do all acts that I could do to:

(1) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(2) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction;

(3) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(6) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation and communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal; and

(7) Do lawful acts with respect to the subject and all property related to the subject.

#### SUBJECTS AND AUTHORITY

My agent's authority shall include the authority to act as stated below with regard to each of the following subjects:

Real property – With respect to this subject, I authorize my agent to: demand, buy, sell, convey, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage; release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted; and manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including: (1) insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and (4) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property.

Stocks and bonds – With respect to this subject, I authorize my agent to: buy, sell, and exchange stocks and bonds; establish, continue, modify, or terminate an account with respect to stocks and bonds; pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal; receive certificates and other evidences of ownership with respect to stocks and bonds; exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

Banks and other financial institutions – With respect to this subject, I authorize my agent to: continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal; establish, modify, transact all business in connection with, and terminate an account or other banking

arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; contract for services available from a financial institution, including renting a safe deposit box or space in a vault; deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal; withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them; enter a safe deposit box or vault and withdraw or add to the contents; borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions; and apply for, receive, and use credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution.

Insurance and annuities – With respect to this subject, I authorize my agent to: continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract; procure new, different, and additional contracts of insurance and annuities for the principal and select the amount, type of insurance or annuity, and mode of payment; pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent; apply for and receive a loan secured by a contract of insurance or annuity; surrender and receive the cash surrender value on a contract of insurance or annuity; exercise an election; exercise investment powers available under a contract of insurance or annuity; change the manner of paying premiums on a contract of insurance or annuity; change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section; apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal; collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity; select the form and timing of the payment of proceeds from a contract of insurance or annuity; pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment.

Claims and litigation – With respect to this subject, I authorize my agent to: assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief; act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the

principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value; pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

Benefits from governmental programs or civil or military service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to: execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal; enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program; prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation; initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation; and receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received.

Retirement plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code: (1) an individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a); (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A – With respect to this subject, I authorize my agent to: select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another; establish a retirement plan in the principal's name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. I recognize that granting my agent the authority to create or change a beneficiary designation for a retirement plan may affect the benefits that I may receive if that authority is exercised. If I grant my agent the authority to designate the agent, the agent's spouse, or a dependent of the agent as a beneficiary of a retirement plan, the grant may constitute a taxable gift by me and may make the property subject to that authority taxable as a part of the agent's estate. Therefore, if I wish to authorize my agent to create or change a beneficiary designation for any retirement plan, and in particular if I wish to authorize the agent to designate as my beneficiary the agent, the agent's spouse, or a dependent of the agent, I will explicitly state

this authority in the Special Instructions section that follows or in a separate power of attorney.

Taxes – With respect to this subject, I authorize my agent to: prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032(A), 26 U.S.C. § 2032(A), closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years; pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority; exercise elections available to the principal under federal, state, local, or foreign tax law; and act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

**DIGITAL ASSETS – WITH RESPECT TO THIS SUBJECT, IN ACCORDANCE WITH THE MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT, MY AGENT SHALL HAVE AUTHORITY OVER AND THE RIGHT TO ACCESS: (1) THE CONTENT OF ANY OF MY ELECTRONIC COMMUNICATIONS; (2) ANY CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY ME; AND (3) ANY OTHER DIGITAL ASSET IN WHICH I HAVE A RIGHT OR INTEREST.**

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on \_\_\_\_\_, 20 \_\_\_\_\_.  
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:

Name of nominee for guardian of my property: \_\_\_\_\_

Nominee’s address: \_\_\_\_\_

Nominee’s telephone number: \_\_\_\_\_

Name of nominee for guardian of my person: \_\_\_\_\_

Nominee’s address: \_\_\_\_\_

Nominee’s telephone number: \_\_\_\_\_

SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Your Name Printed

\_\_\_\_\_  
Your Address

\_\_\_\_\_  
Your Telephone Number

STATE OF MARYLAND  
(COUNTY) OF \_\_\_\_\_

This document was acknowledged before me on

\_\_\_\_\_  
(Date)

By \_\_\_\_\_ to be his/her act.  
(Name of Principal)

\_\_\_\_\_  
Signature of Notary (SEAL, IF ANY)  
My commission expires: \_\_\_\_\_

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

\_\_\_\_\_  
(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Witness #1 Name Printed

\_\_\_\_\_  
Witness #1 Address

\_\_\_\_\_  
Witness #1 Telephone Number

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Witness #2 Name Printed

\_\_\_\_\_  
Witness #2 Address

\_\_\_\_\_  
Witness #2 Telephone Number”

17-203.

“MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY

PLEASE READ CAREFULLY

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). You need not give to your agent all the authorities listed below and may give the agent only those limited powers that you specifically indicate. This power of attorney gives your agent the right to make limited decisions for you. You should very carefully weigh your decision as to what powers you give your agent. Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

If you choose to make a grant of limited authority, you should check the boxes that identify the specific authorization you choose to give your agent.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent’s authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is not entitled to compensation unless you indicate otherwise in the special instructions of this power of attorney. If you indicate that your agent is to receive compensation, your agent is entitled to reasonable compensation or compensation as specified in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are required to act together unanimously unless you specify otherwise in the Special Instructions.

If your agent is unavailable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

#### DESIGNATION OF AGENT

This section of the form provides for designation of one agent.

If you wish to name coagents, skip this section and use the next section (“Designation of Coagents”).

I, \_\_\_\_\_, name the following person  
 (Name of Principal)  
 as my agent:

Name of  
 Agent: \_\_\_\_\_  
 Agent’s  
 Address: \_\_\_\_\_  
 Agent’s Telephone  
 Number: \_\_\_\_\_

#### DESIGNATION OF COAGENTS (OPTIONAL)

This section of the form provides for designation of two or more coagents. Coagents are required to act together unanimously unless you otherwise provide in this form.

I, \_\_\_\_\_,  
 (Name of Principal)

Name the following persons as coagents:



Name of Coagent: \_\_\_\_\_

Coagent's Address: \_\_\_\_\_

Coagent's Telephone Number: \_\_\_\_\_

Name of Coagent: \_\_\_\_\_

Coagent's Address: \_\_\_\_\_

Coagent's Telephone Number: \_\_\_\_\_

Special Instructions Regarding Coagents: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent's

Address: \_\_\_\_\_

Successor Agent's Telephone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor

Agent: \_\_\_\_\_

Second Successor Agent's

Address: \_\_\_\_\_

Second Successor Agent's Telephone Number: \_\_\_\_\_

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject that I choose below, the authority to do all acts that I could do to:

(1) Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform,

restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating a schedule contemporaneously or at a later time listing some or all of the principal's property and attaching the schedule to this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(6) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;

(8) Communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;

(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) Do lawful acts with respect to the subject and all property related to the subject.

(INITIAL each authority in any subject you want to include in the agent's general authority. Cross through each authority in any subject that you want to exclude. If you wish to grant general authority over an entire subject, you may initial "All of the above" instead of initialing each authority.)

#### SUBJECTS AND AUTHORITY

A. Real Property – With respect to this category, I authorize my agent to:

Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, retain title for security, encumber, partition, consent to partitioning, subject to an easement or covenant, subdivide, apply for zoning or other governmental permits, plat or consent to platting, develop, grant an option

concerning, lease, sublease, contribute to an entity in exchange for an interest in that entity, or otherwise grant or dispose of an interest in real property or a right incident to real property

(\_\_\_) Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage

(\_\_\_) Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted

(\_\_\_) Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(4) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property

(\_\_\_) Use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in or incident to which the principal has, or claims to have, an interest or right

(\_\_\_) Participate in a reorganization with respect to real property or an entity that owns an interest in or a right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(1) Selling or otherwise disposing of the stocks and bonds or other property;

(2) Exercising or selling an option, a right of conversion, or a similar right with respect to the stocks and bonds or other property; and

(3) Exercising voting rights in person or by proxy

(\_\_\_) Change the form of title of an interest in or a right incident to real property

(\_\_\_) Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest

All of the above

B. Tangible Personal Property – With respect to this subject, I authorize my agent to:

Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, or otherwise dispose of tangible personal property or an interest in tangible personal property

Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property

Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(4) Moving the property from place to place;

(5) Storing the property for hire or on a gratuitous bailment; and

(6) Using and making repairs, alterations, or improvements to the property

Change the form of title of an interest in tangible personal property

All of the above

C. Stocks and Bonds – With respect to this subject, I authorize my agent to:

Buy, sell, and exchange stocks and bonds

Establish, continue, modify, or terminate an account with respect to stocks and bonds

Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal

Receive certificates and other evidences of ownership with respect to stocks and bonds

Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote

All of the above

D. Commodities – With respect to this subject, I authorize my agent to:

Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange

Establish, continue, modify, and terminate option accounts

All of the above

E. Banks and Other Financial Institutions – With respect to this subject, I authorize my agent to:

Continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal

Establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent

Contract for services available from a financial institution, including renting a safe deposit box or space in a vault

Deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal

Withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution

Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them

Enter a safe deposit box or vault and withdraw or add to the contents

Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person on the principal and pay the draft when due

Receive for the principal and act on a sight draft, warehouse receipt, other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument

Apply for, receive, and use letters of credit, credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit

Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution

All of the above

F. Operation of an Entity or a Business – With respect to this subject, I authorize my agent to:

Operate, buy, sell, enlarge, reduce, or terminate an ownership interest

Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or an option that the principal has, may have, or claims to have

Enforce the terms of an ownership agreement

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest

Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or an option the principal has or claims to have as the holder of stocks and bonds

(\_\_\_) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds

(\_\_\_) With respect to an entity or business owned solely by the principal:

(1) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of this power of attorney;

(2) Determine:

(i) The location of the operation of the entity or business;

(ii) The nature and extent of the business of the entity or business;

(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in the operation of the entity or business;

(iv) The amount and types of insurance carried by the entity or business; and

(v) The mode of engaging, compensating, and dealing with the employees and accountants, attorneys, or other advisors of the entity or business;

(3) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(4) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business

(\_\_\_) Put additional capital into an entity or a business in which the principal has an interest

(\_\_\_) Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business

(\_\_\_) Sell or liquidate all or part of an entity or business

(\_\_\_) Establish the value of an entity or a business under a buyout agreement to which the principal is a party

(\_\_\_) Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments

Pay, compromise, or contest taxes, assessments, fines, or penalties and perform other acts to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or a business, including attempts to recover, as permitted by law, money paid before or after the execution of this power of attorney

All of the above

G. Insurance and Annuities – With respect to this subject, I authorize my agent to:

Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract

Procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment

Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent

Apply for and receive a loan secured by a contract of insurance or annuity

Surrender and receive the cash surrender value on a contract of insurance or annuity

Exercise an election

Exercise investment powers available under a contract of insurance or annuity

Change the manner of paying premiums on a contract of insurance or annuity

Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section

Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal

Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity



Select the form and timing of the payment of proceeds from a contract of insurance or annuity

Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment

All of the above

H. Estates, Trusts, and Other Beneficial Interests (including trusts, probate estates, guardianships, conservatorships, escrows, or custodianships or funds from which the principal is, may become, or claims to be entitled to a share or payment) – With respect to this subject, I authorize my agent to:

Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund described above

Demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of the fund described above, by litigation or otherwise

Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary

Conserve, invest, disburse, or use anything received for an authorized purpose

Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor

Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund described above

All of the above

I. Claims and Litigation – With respect to this subject, I authorize my agent to:

Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief

Bring an action to determine adverse claims or intervene or otherwise participate in litigation

Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree

Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation

Submit to alternative dispute resolution, settle, and propose or accept a compromise

Waive the issuance and service of process on the principal, accept service of process, appear for the principal, designate persons on which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation

Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value

Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation

Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation

All of the above

J. Personal and Family Maintenance – With respect to this subject, I authorize my agent to:

(\_\_\_) Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when this power of attorney is executed or later born:

- (1) The principal's children;
- (2) Other individuals legally entitled to be supported by the principal; and
- (3) The individuals whom the principal has customarily supported or indicated the intent to support;

(\_\_\_) Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party

(\_\_\_) Provide living quarters for the individuals described above by:

- (1) Purchase, lease, or other contract; or
- (2) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals

(\_\_\_) Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described above

(\_\_\_) Pay expenses for necessary health care and custodial care on behalf of the individuals described above

(\_\_\_) Act as the principal's personal representative in accordance with the Health Insurance Portability and Accountability Act, §§ 1171 through 1179 of the Social Security Act, 42 U.S.C. § 1320d, and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this State to consent to health care on behalf of the principal

(\_\_\_) Continue provisions made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing the means of transportation, for the individuals described above

(\_\_\_) Maintain credit and debit accounts for the convenience of the individuals described above and open new accounts

Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations

(NOTE: Authority with respect to personal and family maintenance is neither dependent on, nor limited by, authority that an agent may or may not have with respect to gifts under this power of attorney.)

All of the above

K. Benefits from Governmental Programs or Civil or Military Service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to:

Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in “J. Personal and Family Maintenance” above, and for shipment of the household effects of those individuals

Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose

Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal’s behalf, a benefit or program

Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation

Receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received

All of the above

L. Retirement Plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:

(1) An individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408;

(2) A Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A;

(3) A deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q);

(4) An annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b);

(5) A pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a);

(6) A plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b);  
and

(7) A nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) – With respect to this subject, I authorize my agent to:

Select the form and timing of payments under a retirement plan and withdraw benefits from a plan

Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another

Establish a retirement plan in the principal's name

Make contributions to a retirement plan

Exercise investment powers available under a retirement plan

Borrow from, sell assets to, or purchase assets from a retirement plan

All of the above

M. Taxes – With respect to this subject, I authorize my agent to:

Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other

taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years

Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority

Exercise elections available to the principal under federal, state, local, or foreign tax law

Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority

All of the above

N. Gifts (including gifts to a trust, an account under the Uniform Transfers to Minors Act, and a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code Section 529, 26 U.S.C. § 529) – With respect to this subject, I authorize my agent to:

Make outright to, or for the benefit of, a person, a gift of part or all of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount for each donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), 26 U.S.C. § 2503(b), without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, in an amount for each donee not to exceed twice the annual federal gift tax exclusion limit

Consent, pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, to the splitting of a gift made by the principal's spouse in an amount for each donee not to exceed the aggregate annual gift tax exclusions for both spouses

(NOTE: An agent may only make a gift of the principal's property as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:

- (1) The value and nature of the principal's property;
- (2) The principal's foreseeable obligations and need for maintenance;
- (3) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;
- (4) Eligibility for a benefit, a program, or assistance under a statute or regulation; and

- (5) The principal's personal history of making or joining in making gifts.)
- (\_\_\_) All of the above

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. In addition, granting your agent the authority to make gifts to, or to designate as the beneficiary of any retirement plan, the agent, the agent's spouse, or a dependent of the agent may constitute a taxable gift by you and may make the property subject to that authority taxable as part of the agent's estate. INITIAL ONLY the specific authority you WANT to give your agent.)

(\_\_\_) Create an inter vivos trust, or amend, revoke, or terminate an existing inter vivos trust if the trust expressly authorizes that action by the agent

(\_\_\_) Make a gift, subject to any special instructions in this power of attorney

(\_\_\_) Create or change rights of survivorship

(\_\_\_) Create or change a beneficiary designation, subject to any special instructions in this power of attorney; and, if I wish to authorize my agent to designate the agent, the agent's spouse, or a dependent of the agent as a beneficiary, I will explicitly state this authority within the special instructions of this power of attorney or in a separate power of attorney

(\_\_\_) Authorize another person to exercise the authority granted under this power of attorney

(\_\_\_) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

(\_\_\_) Exercise fiduciary powers that the principal has authority to delegate

(\_\_\_) Disclaim or refuse an interest in property, including a power of appointment

**(\_\_\_) IN ACCORDANCE WITH THE MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT, ACCESS AND TAKE CONTROL OF (1) THE CONTENT OF ANY OF MY ELECTRONIC COMMUNICATIONS, (2) ANY CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY ME, AND (3) ANY OTHER DIGITAL ASSET IN WHICH I HAVE A RIGHT OR INTEREST**

LIMITATION ON AGENT’S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on \_\_\_\_\_, 20\_\_\_\_\_.
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for guardian of my property:

\_\_\_\_\_

Nominee’s Address: \_\_\_\_\_

Nominee’s Telephone Number: \_\_\_\_\_

Name of Nominee for guardian of my person:

\_\_\_\_\_

Nominee’s Address: \_\_\_\_\_

Nominee’s Telephone Number: \_\_\_\_\_

SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_



Your Signature

Date

\_\_\_\_\_  
Your Name Printed

\_\_\_\_\_  
Your Address

\_\_\_\_\_  
Your Telephone Number

STATE OF MARYLAND  
(COUNTY) OF \_\_\_\_\_

This document was acknowledged before me on

\_\_\_\_\_,  
(Date)

by \_\_\_\_\_  
(Name of Principal)

\_\_\_\_\_  
Signature of Notary (Seal, if any)

My commission expires: \_\_\_\_\_

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

\_\_\_\_\_  
(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Witness #1 Name Printed

\_\_\_\_\_  
Witness #1 Address

\_\_\_\_\_  
Witness #1 Telephone Number

\_\_\_\_\_  
Witness #2 Signature

---

 Witness #2 Name Printed
 

---



---

 Witness #2 Address
 

---



---

 Witness #2 Telephone Number
 

---

 This document prepared by:
 

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### IMPORTANT INFORMATION FOR AGENT

#### Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act with care, competence, and diligence for the best interest of the principal;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

---

 (Principal's Name)

by

---

 (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(4) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(5) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

#### Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or

(5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

#### Liability of Agent

The meaning of the authority granted to you is defined in the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article. If you violate the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice."

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 365

**(House Bill 507)**

AN ACT concerning

**Maryland Fiduciary Access to Digital Assets Act**

FOR the purpose of establishing the Maryland Fiduciary Access to Digital Assets Act; authorizing a certain user to direct a certain custodian of certain digital assets to disclose or not to disclose those assets under certain circumstances and in a certain manner; providing that this Act does not change, impair, or expand certain rights with respect to the digital assets of a user; authorizing a custodian to grant a certain fiduciary or designated recipient certain access to a user's account or a copy of certain records under certain circumstances; authorizing a custodian to charge a reasonable administrative charge for the cost of disclosing digital assets under this Act; providing that a custodian need not disclose certain digital assets under certain circumstances; authorizing a custodian to seek a court order directing disclosure under certain circumstances; requiring a custodian to disclose the content of certain electronic communications under certain circumstances; requiring a custodian to disclose a catalogue of certain electronic communications and certain digital assets under certain circumstances; authorizing a court to grant a certain guardian access to the digital assets of a certain protected person; authorizing a guardian to request the custodian to suspend or terminate a certain account under certain circumstances; providing that the legal duties imposed on a fiduciary charged with managing certain tangible property apply to the management of digital assets; establishing certain limitations with respect to a certain fiduciary's or designated recipient's authority; providing that, under certain circumstances, a certain fiduciary may access certain tangible personal property and is an authorized user for the purpose of certain computer-related laws; authorizing a custodian to disclose certain information to a certain fiduciary under certain circumstances; authorizing a fiduciary of a user to request a custodian to terminate the user's account under certain circumstances; requiring a custodian to comply with certain requests by a fiduciary or designated recipient within a certain time period; authorizing a fiduciary or designated recipient to apply for a certain court order under certain circumstances; providing that this Act does not limit a custodian's ability to obtain or require a fiduciary or designated recipient to obtain a certain court order; authorizing a custodian to notify the user of a certain request; authorizing a custodian to deny a certain request under certain circumstances; providing that a custodian and its agents are immune from liability for an act or omission done in good faith compliance with this Act; requiring consideration to be given to the need to promote certain uniformity of the law in applying and construing this Act; providing that this Act modifies, limits, or supersedes certain federal law in a certain manner; providing for the scope and application of this Act; making the provisions of this Act severable; altering certain provisions in certain statutory forms for a power of attorney relating to authority to access and take control of certain digital assets in accordance with this Act; defining certain terms; making conforming changes; and generally relating to the Maryland Fiduciary Access to Digital Assets Act.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 13–213, 14.5–815(a), 17–202, and 17–203

Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Estates and Trusts

Section 15–601 through 15–620 to be under the new subtitle “Subtitle 6. Maryland  
Fiduciary Access to Digital Assets Act”

Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

### **Article – Estates and Trusts**

13–213.

All the provisions of § 15–102 of this article with respect to the powers of a fiduciary and the manner of exercise of those powers **AND TITLE 15, SUBTITLE 6 OF THIS ARTICLE** are applicable to a guardian.

14.5–815.

(a) A trustee, without authorization by the court, may exercise:

(1) Powers conferred by the terms of the trust; or

(2) Except as limited by the terms of the trust:

(i) All powers over the trust property that an unmarried competent owner has over individually owned property;

(ii) Other powers appropriate to achieve the proper investment, management, and distribution of the trust property; and

(iii) Other powers conferred by this title **OR TITLE 15, SUBTITLE 6 OF THIS ARTICLE.**

### **SUBTITLE 6. MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.**

**15–601.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) “ACCOUNT” MEANS AN ARRANGEMENT UNDER A TERMS-OF-SERVICE AGREEMENT IN WHICH A CUSTODIAN CARRIES, MAINTAINS, PROCESSES, RECEIVES, OR STORES A DIGITAL ASSET OF A USER OR PROVIDES GOODS OR SERVICES TO THE USER.

(C) “AGENT” HAS THE MEANING STATED IN § 17-101 OF THIS ARTICLE.

(D) “CARRIES” MEANS ENGAGES IN THE TRANSMISSION OF ELECTRONIC COMMUNICATIONS.

(E) “CATALOGUE OF ELECTRONIC COMMUNICATIONS” MEANS INFORMATION THAT IDENTIFIES:

(1) EACH PERSON WITH WHOM A USER HAS HAD AN ELECTRONIC COMMUNICATION;

(2) THE TIME AND DATE OF THE COMMUNICATION; AND

(3) THE ELECTRONIC ADDRESS OF THE PERSON.

(F) “CONTENT OF AN ELECTRONIC COMMUNICATION” MEANS INFORMATION CONCERNING THE SUBSTANCE OR MEANING OF A COMMUNICATION THAT:

(1) HAS BEEN SENT OR RECEIVED BY A USER;

(2) (I) IS IN ELECTRONIC STORAGE BY A CUSTODIAN PROVIDING AN ELECTRONIC COMMUNICATION SERVICE TO THE PUBLIC; OR

(II) IS CARRIED OR MAINTAINED BY A CUSTODIAN PROVIDING A REMOTE COMPUTING SERVICE TO THE PUBLIC; AND

(3) IS NOT READILY ACCESSIBLE TO THE PUBLIC.

(G) “CUSTODIAN” MEANS A PERSON WHO CARRIES, MAINTAINS, PROCESSES, RECEIVES, OR STORES A DIGITAL ASSET OF AN ACCOUNT HOLDER.

(H) “DESIGNATED RECIPIENT” MEANS A PERSON CHOSEN BY A USER USING AN ONLINE TOOL TO ADMINISTER THE DIGITAL ASSETS OF THE USER.

(I) (1) “DIGITAL ASSET” MEANS AN ELECTRONIC RECORD IN WHICH AN INDIVIDUAL HAS A RIGHT OR INTEREST.

(2) “DIGITAL ASSET” DOES NOT INCLUDE AN UNDERLYING ASSET OR LIABILITY UNLESS THE ASSET OR LIABILITY IS ITSELF AN ELECTRONIC RECORD.

(J) “ELECTRONIC” MEANS RELATING TO TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

(K) “ELECTRONIC COMMUNICATION” HAS THE MEANING STATED IN 18 U.S.C. § 2510(12).

(L) “ELECTRONIC COMMUNICATION SERVICE” MEANS A CUSTODIAN THAT PROVIDES TO A USER THE ABILITY TO SEND OR RECEIVE AN ELECTRONIC COMMUNICATION.

(M) “FIDUCIARY” MEANS AN ORIGINAL, ADDITIONAL, OR SUCCESSOR PERSONAL REPRESENTATIVE, GUARDIAN, AGENT, OR TRUSTEE.

(N) (1) “GUARDIAN” MEANS A GUARDIAN OF THE PROPERTY APPOINTED BY A COURT UNDER TITLE 13, SUBTITLE 2 OF THIS ARTICLE TO MANAGE THE PROPERTY OF A DISABLED PERSON OR MINOR OR A GUARDIAN OF THE PERSON APPOINTED BY A COURT UNDER TITLE 13, SUBTITLE 7 OF THIS ARTICLE, ACCORDING TO THE CONTEXT IN WHICH IT IS USED.

(2) “GUARDIAN” INCLUDES A LIMITED GUARDIAN.

(O) “INFORMATION” MEANS DATA, TEXT, IMAGES, VIDEOS, SOUNDS, CODES, COMPUTER PROGRAMS, SOFTWARE, OR DATABASES.

(P) “ONLINE TOOL” MEANS AN ELECTRONIC SERVICE PROVIDED BY A CUSTODIAN THAT ALLOWS A USER, IN AN AGREEMENT DISTINCT FROM THE TERMS-OF-SERVICE AGREEMENT BETWEEN THE CUSTODIAN AND THE USER, TO PROVIDE DIRECTIONS FOR DISCLOSURE OR NONDISCLOSURE OF DIGITAL ASSETS TO A THIRD PARTY.

(Q) “PERSON” MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, INSTRUMENTALITY, OR OTHER LEGAL ENTITY.

(R) “PERSONAL REPRESENTATIVE” MEANS AN EXECUTOR, ADMINISTRATOR, SPECIAL ADMINISTRATOR, OR PERSON THAT PERFORMS SUBSTANTIALLY THE SAME FUNCTION UNDER A LAW OF THIS STATE OTHER THAN THIS SUBTITLE.

(S) “POWER OF ATTORNEY” HAS THE MEANING STATED IN § 17–101 OF THIS ARTICLE.

(T) “PRINCIPAL” HAS THE MEANING STATED IN § 17–101 OF THIS ARTICLE.

(U) (1) “PROTECTED PERSON” MEANS AN INDIVIDUAL FOR WHOM A GUARDIAN HAS BEEN APPOINTED.

(2) “PROTECTED PERSON” INCLUDES AN INDIVIDUAL FOR WHOM AN APPLICATION FOR THE APPOINTMENT OF A GUARDIAN IS PENDING.

(V) “RECORD” MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

(W) “REMOTE COMPUTING SERVICE” MEANS A CUSTODIAN WHO PROVIDES TO A USER COMPUTER PROCESSING SERVICES OR THE STORAGE OF DIGITAL ASSETS BY MEANS OF AN ELECTRONIC COMMUNICATIONS SYSTEM, AS DEFINED IN 18 U.S.C. § 2510(14).

(X) “TERMS-OF-SERVICE AGREEMENT” MEANS AN AGREEMENT THAT CONTROLS THE RELATIONSHIP BETWEEN A USER AND A CUSTODIAN.

(Y) (1) “TRUSTEE” MEANS A FIDUCIARY WITH LEGAL TITLE TO PROPERTY UNDER AN AGREEMENT OR A DECLARATION THAT CREATES A BENEFICIAL INTEREST IN ANOTHER.

(2) “TRUSTEE” INCLUDES AN ORIGINAL, ADDITIONAL, OR SUCCESSOR TRUSTEE OR COTRUSTEE, WHETHER OR NOT APPOINTED OR CONFIRMED BY A COURT.

(Z) “USER” MEANS A PERSON WHO HAS AN ACCOUNT WITH A CUSTODIAN.

(AA) “WILL” INCLUDES A CODICIL, A TESTAMENTARY INSTRUMENT THAT ONLY APPOINTS A PERSONAL REPRESENTATIVE, OR AN INSTRUMENT THAT REVOKES OR REVISES A TESTAMENTARY INSTRUMENT IF THE CODICIL OR INSTRUMENT SATISFIES THE REQUIREMENTS OF § 4–102, § 4–103, OR § 4–104 OF THIS ARTICLE.

15–602.

THIS SUBTITLE DOES NOT APPLY TO A DIGITAL ASSET OF AN EMPLOYER USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF THE EMPLOYER’S BUSINESS.



**15-603.**

(A) (1) A USER MAY USE AN ONLINE TOOL TO DIRECT A CUSTODIAN TO DISCLOSE TO A DESIGNATED RECIPIENT OR NOT DISCLOSE SOME OR ALL OF THE USER'S DIGITAL ASSETS, INCLUDING THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE USER.

(2) IF THE ONLINE TOOL ALLOWS THE USER TO MODIFY OR DELETE A DIRECTION AT ANY TIME, A DIRECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION OVERRIDES A CONTRARY DIRECTION BY THE USER IN A WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD.

(B) IF THE USER DOES NOT USE AN ONLINE TOOL TO GIVE DIRECTION UNDER SUBSECTION (A) OF THIS SECTION OR IF THE CUSTODIAN FAILS TO PROVIDE AN ONLINE TOOL, THE USER MAY, IN A WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD, ALLOW OR PROHIBIT DISCLOSURE TO A FIDUCIARY OF SOME OR ALL OF THE USER'S DIGITAL ASSETS, INCLUDING THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE USER.

(C) A DIRECTION BY A USER UNDER SUBSECTIONS (A) OR (B) OF THIS SECTION SHALL OVERRIDE A CONTRARY PROVISION IN A TERMS-OF-SERVICE AGREEMENT, IF THE TERMS-OF-SERVICE AGREEMENT DOES NOT REQUIRE THE USER TO ACT AFFIRMATIVELY AND DISTINCTLY FROM THE USER'S ASSENT TO THE TERMS OF SERVICE.

**15-604.**

(A) THIS SUBTITLE DOES NOT CHANGE OR IMPAIR THE RIGHT OF A CUSTODIAN OR A USER UNDER A TERMS-OF-SERVICE AGREEMENT TO ACCESS OR USE THE DIGITAL ASSETS OF THE USER.

(B) THIS SUBTITLE DOES NOT GRANT A FIDUCIARY OR DESIGNATED RECIPIENT NEW OR EXPANDED RIGHTS OTHER THAN THOSE HELD BY THE USER FOR WHOM OR FOR WHOSE ESTATE OR TRUST THE FIDUCIARY OR DESIGNATED RECIPIENT ACTS OR REPRESENTS.

(C) A FIDUCIARY'S OR DESIGNATED RECIPIENT'S ACCESS TO DIGITAL ASSETS MAY BE MODIFIED OR ELIMINATED BY:

(1) A USER;

(2) FEDERAL LAW; OR

**(3) A TERMS-OF-SERVICE AGREEMENT IF THE USER HAS NOT PROVIDED DIRECTION UNDER § 15-603 OF THIS SUBTITLE.**

**15-605.**

**(A) WHEN DISCLOSING THE DIGITAL ASSETS OF A USER UNDER THIS SUBTITLE, A CUSTODIAN MAY IN ITS SOLE DISCRETION:**

**(1) GRANT A FIDUCIARY OR DESIGNATED RECIPIENT FULL ACCESS TO THE USER'S ACCOUNT;**

**(2) GRANT A FIDUCIARY OR DESIGNATED RECIPIENT PARTIAL ACCESS TO THE USER'S ACCOUNT SUFFICIENT TO PERFORM THE TASKS WITH WHICH THE FIDUCIARY OR DESIGNATED RECIPIENT IS CHARGED; OR**

**(3) PROVIDE A FIDUCIARY OR DESIGNATED RECIPIENT A COPY IN A RECORD OF A DIGITAL ASSET THAT, ON THE DATE THAT THE CUSTODIAN RECEIVED THE REQUEST FOR DISCLOSURE, THE USER COULD HAVE ACCESSED IF THE USER WERE ALIVE OR HAD FULL CAPACITY AND HAD ACCESS TO THE ACCOUNT.**

**(B) A CUSTODIAN MAY ASSESS A REASONABLE ADMINISTRATIVE CHARGE FOR THE COST OF DISCLOSING DIGITAL ASSETS UNDER THIS SUBTITLE.**

**(C) A CUSTODIAN NEED NOT DISCLOSE UNDER THIS SUBTITLE A DIGITAL ASSET DELETED BY A USER.**

**(D) (1) IF A USER DIRECTS OR A FIDUCIARY REQUESTS A CUSTODIAN TO DISCLOSE ONLY A PORTION OF THE USER'S DIGITAL ASSETS UNDER THIS SUBTITLE, THE CUSTODIAN NEED NOT DISCLOSE THE ASSETS IF SEGREGATION OF THE DIGITAL ASSETS WOULD IMPOSE AN UNDUE BURDEN ON THE CUSTODIAN.**

**(2) IF THE CUSTODIAN BELIEVES UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE DIRECTION OR REQUEST IMPOSES AN UNDUE BURDEN, THE CUSTODIAN OR FIDUCIARY MAY SEEK AN ORDER FROM A COURT TO DISCLOSE:**

**(I) A SUBSET, LIMITED BY DATE, OF THE USER'S DIGITAL ASSETS;**

**(II) ALL OF THE USER'S DIGITAL ASSETS TO THE FIDUCIARY OR DESIGNATED RECIPIENT;**

**(III) NONE OF THE USER'S DIGITAL ASSETS; OR**

**(IV) ALL OF THE USER'S DIGITAL ASSETS TO THE COURT FOR REVIEW IN CAMERA.**

**15-606.**

**IF A DECEASED USER CONSENTED TO OR A COURT DIRECTS THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS OF THE USER, A CUSTODIAN SHALL DISCLOSE TO THE PERSONAL REPRESENTATIVE OF THE USER'S ESTATE THE CONTENT OF AN ELECTRONIC COMMUNICATION SENT OR RECEIVED BY THE USER IF THE PERSONAL REPRESENTATIVE PROVIDES THE CUSTODIAN:**

**(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;**

**(2) A COPY OF THE CERTIFICATE OF THE USER'S DEATH;**

**(3) A COPY OF THE LETTERS OF ADMINISTRATION OF THE PERSONAL REPRESENTATIVE OR COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR;**

**(4) UNLESS THE USER PROVIDED DIRECTION USING AN ONLINE TOOL, A COPY OF THE USER'S WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD EVIDENCING THE USER'S CONSENT TO DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS; AND**

**(5) IF REQUESTED BY THE CUSTODIAN:**

**(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER'S ACCOUNT;**

**(II) EVIDENCE LINKING THE ACCOUNT TO THE USER; OR**

**(III) A FINDING BY THE COURT THAT:**

**1. THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM;**

**2. DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE USER WOULD NOT VIOLATE 18 U.S.C. § 2701, ET SEQ., 47 U.S.C. § 222, OR OTHER APPLICABLE LAW;**

3. UNLESS THE USER PROVIDED DIRECTION USING AN ONLINE TOOL, THE USER CONSENTED TO DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS; OR

4. DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE USER IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE.

15-607.

UNLESS A USER PROHIBITED DISCLOSURE OF DIGITAL ASSETS OR A COURT DIRECTS OTHERWISE, A CUSTODIAN SHALL DISCLOSE TO THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE USER A CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE USER AND THE DIGITAL ASSETS OF THE USER, OTHER THAN THE CONTENT OF THE ELECTRONIC COMMUNICATIONS, IF THE PERSONAL REPRESENTATIVE PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) A COPY OF THE CERTIFICATE OF THE USER'S DEATH;

(3) A COPY OF THE LETTERS OF ADMINISTRATION OF THE PERSONAL REPRESENTATIVE OR COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR; AND

(4) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER'S ACCOUNT;

(II) EVIDENCE LINKING THE ACCOUNT TO THE USER;

(III) AN AFFIDAVIT STATING THAT DISCLOSURE OF THE USER'S DIGITAL ASSETS IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE; OR

(IV) A FINDING BY THE COURT THAT:

1. THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM; OR

2. DISCLOSURE OF THE ~~CONTENT~~ CATALOGUE OF ELECTRONIC COMMUNICATIONS OF THE USER IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE.

15-608.

TO THE EXTENT THAT A POWER OF ATTORNEY EXPRESSLY GRANTS AN AGENT AUTHORITY OVER THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE PRINCIPAL AND UNLESS DIRECTED OTHERWISE BY THE PRINCIPAL OR A COURT, A CUSTODIAN SHALL DISCLOSE TO THE AGENT THE CONTENT IF THE AGENT PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN A PHYSICAL OR ELECTRONIC FORM;

(2) AN ORIGINAL OR COPY OF THE POWER OF ATTORNEY EXPRESSLY GRANTING THE AGENT AUTHORITY OVER THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE PRINCIPAL;

(3) A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY, THAT THE POWER OF ATTORNEY IS IN EFFECT; AND

(4) IF REQUESTED BY THE CUSTODIAN:

(i) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PRINCIPAL'S ACCOUNT; OR

(ii) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

15-609.

UNLESS OTHERWISE ORDERED BY A COURT, DIRECTED BY A PRINCIPAL, OR PROVIDED BY A POWER OF ATTORNEY, A CUSTODIAN SHALL DISCLOSE TO AN AGENT WITH SPECIFIC AUTHORITY OVER DIGITAL ASSETS OR GENERAL AUTHORITY TO ACT ON BEHALF OF A PRINCIPAL A CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE PRINCIPAL AND DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC COMMUNICATIONS, OF THE PRINCIPAL IF THE AGENT PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) AN ORIGINAL OR COPY OF THE POWER OF ATTORNEY THAT GRANTS THE AGENT SPECIFIC AUTHORITY OVER DIGITAL ASSETS OR GENERAL AUTHORITY TO ACT ON BEHALF OF THE PRINCIPAL;

(3) A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY, THAT THE POWER OF ATTORNEY IS IN EFFECT; AND

(4) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PRINCIPAL'S ACCOUNT; OR

(II) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

**15-610.**

UNLESS OTHERWISE ORDERED BY A COURT OR PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS AN ORIGINAL USER OF AN ACCOUNT THE DIGITAL ASSETS OF THE ACCOUNT HELD IN TRUST, INCLUDING A CATALOGUE OF ELECTRONIC COMMUNICATIONS OF THE TRUSTEE AND THE CONTENT OF ELECTRONIC COMMUNICATIONS.

**15-611.**

UNLESS OTHERWISE ORDERED BY A COURT, DIRECTED BY A USER, OR PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS NOT AN ORIGINAL USER OF AN ACCOUNT THE CONTENT OF AN ELECTRONIC COMMUNICATION SENT OR RECEIVED BY AN ORIGINAL OR SUCCESSOR USER AND CARRIED, MAINTAINED, PROCESSED, RECEIVED, OR STORED BY THE CUSTODIAN IN THE ACCOUNT OF THE TRUST IF THE TRUSTEE PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) A COPY OF THE TRUST INSTRUMENT OR CERTIFICATION OF THE TRUST UNDER § 14.5-910 OF THIS ARTICLE THAT INCLUDES CONSENT TO DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS TO THE TRUSTEE;

(3) A CERTIFICATION BY THE TRUSTEE, UNDER PENALTY OF PERJURY, THAT THE TRUST EXISTS AND THE TRUSTEE IS A CURRENTLY ACTING TRUSTEE OF THE TRUST; AND

**(4) IF REQUESTED BY THE CUSTODIAN:**

**(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE TRUST'S ACCOUNT; OR**

**(II) EVIDENCE LINKING THE ACCOUNT TO THE TRUST.**

**15-612.**

**UNLESS OTHERWISE ORDERED BY A COURT, DIRECTED BY A USER, OR PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS NOT AN ORIGINAL USER OF AN ACCOUNT A CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY AN ORIGINAL OR SUCCESSOR USER OR STORED, CARRIED, OR MAINTAINED BY THE CUSTODIAN IN AN ACCOUNT OF THE TRUST AND THE DIGITAL ASSETS, OTHER THAN ELECTRONIC COMMUNICATIONS, IN WHICH THE TRUST HAS A RIGHT OR INTEREST IF THE TRUSTEE PROVIDES THE CUSTODIAN:**

**(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;**

**(2) A COPY OF THE TRUST INSTRUMENT OR CERTIFICATION OF THE TRUST UNDER § 14.5-910 OF THIS ARTICLE;**

**(3) A CERTIFICATION BY THE TRUSTEE, UNDER PENALTY OF PERJURY, THAT THE TRUST EXISTS AND THE TRUSTEE IS A CURRENTLY ACTING TRUSTEE OF THE TRUST; AND**

**(4) IF REQUESTED BY THE CUSTODIAN:**

**(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE TRUST'S ACCOUNT; OR**

**(II) EVIDENCE LINKING THE ACCOUNT TO THE TRUST.**

**15-613.**

**(A) AFTER AN OPPORTUNITY FOR HEARING UNDER TITLE 13, SUBTITLE 2 OR TITLE 13, SUBTITLE 7 OF THIS ARTICLE, A COURT MAY GRANT A GUARDIAN**

ACCESS TO THE DIGITAL ASSETS OF THE PROTECTED PERSON FOR WHOM THE GUARDIAN HAS BEEN APPOINTED.

(B) UNLESS OTHERWISE ORDERED BY A COURT OR DIRECTED BY A USER, A CUSTODIAN SHALL DISCLOSE TO A GUARDIAN THE CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE PROTECTED PERSON AND THE DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC COMMUNICATIONS, IN WHICH THE PROTECTED PERSON HAS A RIGHT OR INTEREST IF THE GUARDIAN PROVIDES THE CUSTODIAN:

(1) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM;

(2) A COPY OF THE COURT ORDER THAT GIVES THE GUARDIAN AUTHORITY OVER THE DIGITAL ASSETS OF THE PROTECTED PERSON; AND

(3) IF REQUESTED BY THE CUSTODIAN:

(I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PROTECTED PERSON'S ACCOUNT; OR

(II) EVIDENCE LINKING THE ACCOUNT TO THE PROTECTED PERSON.

(C) (1) A GUARDIAN WITH GENERAL AUTHORITY TO MANAGE THE ASSETS OF A PROTECTED PERSON MAY REQUEST A CUSTODIAN OF THE DIGITAL ASSETS OF THE PROTECTED PERSON TO SUSPEND OR TERMINATE AN ACCOUNT OF THE PROTECTED PERSON FOR GOOD CAUSE.

(2) A REQUEST MADE UNDER THIS SUBSECTION SHALL BE ACCOMPANIED BY A COPY OF THE COURT ORDER GRANTING THE ~~CUSTODIAN~~ GUARDIAN AUTHORITY OVER THE PROTECTED PERSON'S PROPERTY.

15-614.

(A) THE LEGAL DUTIES IMPOSED ON A FIDUCIARY CHARGED WITH MANAGING TANGIBLE PROPERTY APPLY TO THE MANAGEMENT OF DIGITAL ASSETS, INCLUDING:

(1) THE DUTY OF CARE;

(2) THE DUTY OF LOYALTY; AND



**(3) THE DUTY OF CONFIDENTIALITY.**

**(B) A FIDUCIARY'S OR DESIGNATED RECIPIENT'S AUTHORITY WITH RESPECT TO A DIGITAL ASSET OF A USER:**

**(1) EXCEPT AS OTHERWISE PROVIDED IN ITEM (4) OF THIS SUBSECTION, IS SUBJECT TO THE APPLICABLE TERMS OF SERVICE;**

**(2) IS SUBJECT TO OTHER APPLICABLE LAW, INCLUDING COPYRIGHT LAW;**

**(3) ~~IS~~ IN THE CASE OF A FIDUCIARY, IS LIMITED BY THE SCOPE OF THE FIDUCIARY'S DUTIES; AND**

**(4) MAY NOT BE USED TO IMPERSONATE THE USER.**

**(C) A FIDUCIARY WITH AUTHORITY OVER THE PROPERTY OF A DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR HAS THE RIGHT TO ACCESS A DIGITAL ASSET IN WHICH THE DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR HAD A RIGHT OR INTEREST AND THAT IS NOT HELD BY A CUSTODIAN OR SUBJECT TO A TERMS-OF-SERVICE AGREEMENT.**

**(D) A FIDUCIARY ACTING WITHIN THE SCOPE OF THE FIDUCIARY'S DUTIES IS AN AUTHORIZED USER OF THE PROPERTY OF THE DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR FOR THE PURPOSE OF APPLICABLE COMPUTER-FRAUD AND UNAUTHORIZED-COMPUTER-ACCESS LAWS, INCLUDING § 7-302 OF THE CRIMINAL LAW ARTICLE.**

**(E) A FIDUCIARY WITH AUTHORITY OVER THE TANGIBLE, PERSONAL PROPERTY OF A DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR:**

**(1) HAS THE RIGHT TO ACCESS THE PROPERTY AND THE DIGITAL ASSETS STORED IN IT; AND**

**(2) IS AN AUTHORIZED USER FOR THE PURPOSE OF COMPUTER-FRAUD AND UNAUTHORIZED-COMPUTER-ACCESS LAWS, INCLUDING § 7-302 OF THE CRIMINAL LAW ARTICLE.**

**(F) A CUSTODIAN MAY DISCLOSE INFORMATION IN AN ACCOUNT TO A FIDUCIARY OF THE USER WHEN THE INFORMATION IS REQUIRED TO TERMINATE AN ACCOUNT USED TO ACCESS DIGITAL ASSETS LICENSED TO THE USER.**

**(G) (1) A FIDUCIARY OF A USER MAY REQUEST A CUSTODIAN TO TERMINATE THE USER’S ACCOUNT.**

**(2) THE FIDUCIARY SHALL SUBMIT THE REQUEST FOR TERMINATION TO THE CUSTODIAN IN WRITING, IN EITHER PHYSICAL OR ELECTRONIC FORM, ACCOMPANIED BY:**

**(I) IF THE USER IS DECEASED, A COPY OF THE DEATH CERTIFICATE OF THE USER;**

**(II) A COPY OF THE LETTERS OF ADMINISTRATION OF THE PERSONAL REPRESENTATIVE OR COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR, POWER OF ATTORNEY, OR TRUST GRANTING THE FIDUCIARY AUTHORITY OVER THE ACCOUNT; AND**

**(III) IF REQUESTED BY THE CUSTODIAN:**

**1. A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER’S ACCOUNT;**

**2. EVIDENCE LINKING THE ACCOUNT TO THE USER; OR**

**3. A FINDING BY THE COURT THAT THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION SPECIFIED IN ITEM 1 OF THIS ITEM.**

**15-615.**

**(A) (1) NO LATER THAN 60 DAYS AFTER RECEIPT OF THE INFORMATION REQUIRED UNDER §§ 15-606 THROUGH 15-613 OF THIS SUBTITLE, A CUSTODIAN SHALL COMPLY WITH A REQUEST UNDER THIS SUBTITLE FROM A FIDUCIARY OR DESIGNATED RECIPIENT TO DISCLOSE DIGITAL ASSETS OR TERMINATE AN ACCOUNT.**

**(2) IF THE CUSTODIAN FAILS TO COMPLY WITH THE REQUEST, THE FIDUCIARY OR DESIGNATED RECIPIENT MAY APPLY TO A COURT FOR AN ORDER DIRECTING COMPLIANCE.**

**(B) AN ORDER UNDER SUBSECTION (A) OF THIS SECTION DIRECTING COMPLIANCE SHALL CONTAIN A FINDING THAT COMPLIANCE IS NOT IN VIOLATION OF 18 U.S.C. § 2702.**

(C) A CUSTODIAN MAY NOTIFY THE USER THAT A REQUEST FOR DISCLOSURE OR TERMINATION OF AN ACCOUNT WAS MADE UNDER THIS SUBTITLE.

(D) A CUSTODIAN MAY DENY A REQUEST UNDER THIS SUBTITLE FROM A FIDUCIARY OR DESIGNATED RECIPIENT FOR DISCLOSURE OF DIGITAL ASSETS OR TERMINATION OF AN ACCOUNT IF THE CUSTODIAN IS AWARE OF ANY LAWFUL ACCESS TO THE ACCOUNT FOLLOWING RECEIPT OF THE FIDUCIARY'S REQUEST.

(E) THIS SUBTITLE DOES NOT LIMIT A CUSTODIAN'S ABILITY TO OBTAIN OR TO REQUIRE A FIDUCIARY OR DESIGNATED RECIPIENT REQUESTING DISCLOSURE OR TERMINATION UNDER THIS SUBTITLE TO OBTAIN A COURT ORDER THAT:

(1) SPECIFIES THAT AN ACCOUNT BELONGS TO THE PROTECTED PERSON OR PRINCIPAL;

(2) SPECIFIES THAT THERE IS SUFFICIENT CONSENT FROM THE PROTECTED PERSON OR PRINCIPAL TO SUPPORT THE REQUESTED DISCLOSURE OR TERMINATION; AND

(3) CONTAINS A FINDING REQUIRED BY LAW OTHER THAN THIS SUBTITLE.

(F) A CUSTODIAN AND ITS OFFICERS, EMPLOYEES, AND AGENTS ARE IMMUNE FROM LIABILITY FOR AN ACT OR OMISSION DONE IN GOOD FAITH IN COMPLIANCE WITH THIS SUBTITLE.

15-616.

IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT THE REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.

15-617.

THIS SUBTITLE MODIFIES, LIMITS, OR SUPERSEDES THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C. § 7001 ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION 101(C) OF THAT ACT, 15 U.S.C. § 7001(C), OR AUTHORIZE ELECTRONIC DELIVERY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF THAT ACT, 15 U.S.C. § 7003(B).

15-618.

**THIS SUBTITLE APPLIES TO:**

**(1) A FIDUCIARY ACTING UNDER A WILL OR POWER OF ATTORNEY EXECUTED BEFORE, ON, OR AFTER OCTOBER 1, 2016;**

**(2) A PERSONAL REPRESENTATIVE ACTING FOR A DECEDENT WHO DIED BEFORE, ON, OR AFTER OCTOBER 1, 2016;**

**(3) A GUARDIANSHIP PROCEEDING, WHETHER PENDING IN A COURT OR COMMENCED BEFORE, ON, OR AFTER OCTOBER 1, 2016;**

**(4) A TRUSTEE ACTING UNDER A TRUST CREATED BEFORE, ON, OR AFTER OCTOBER 1, 2016; AND**

**(5) A CUSTODIAN IF THE USER RESIDES IN THIS STATE OR RESIDED IN THIS STATE AT THE TIME OF THE USER’S DEATH.**

**15-619.**

**IF A PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO A PERSON OR CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SUBTITLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.**

**15-620.**

**THIS SUBTITLE MAY BE CITED AS THE MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.**

**17-202.**

**“MARYLAND STATUTORY FORM**

**PERSONAL FINANCIAL POWER OF ATTORNEY**

**IMPORTANT INFORMATION AND WARNING**

You should be very careful in deciding whether or not to sign this document. The powers granted by you (the principal) in this document are broad and sweeping. This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

You need not grant all of the powers listed below. If you choose to grant less than all of the listed powers, you may instead use a Maryland Statutory Form Limited Power of Attorney and mark on that Maryland Statutory Form Limited Power of Attorney which powers you intend to delegate to your attorney-in-fact (the Agent) and which you do not want the Agent to exercise.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

You should obtain competent legal advice before you sign this power of attorney if you have any questions about the document or the authority you are granting to your agent.

#### DESIGNATION OF AGENT

This section of the form provides for designation of one agent.

If you wish to name coagents, skip this section and use the next section ("Designation of Coagents").

I, \_\_\_\_\_ ,  
(Name of Principal)

Name the following person as my agent:

Name of Agent: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's Telephone Number: \_\_\_\_\_

#### DESIGNATION OF COAGENTS (OPTIONAL)

This section of the form provides for designation of two or more coagents. Coagents are required to act together unanimously unless you otherwise provide in this form.

I, \_\_\_\_\_ ,  
(Name of Principal)

Name the following persons as coagents:

Name of Coagent: \_\_\_\_\_

Coagent’s Address: \_\_\_\_\_

Coagent’s Telephone Number: \_\_\_\_\_

Name of Coagent: \_\_\_\_\_

Coagent’s Address: \_\_\_\_\_

Coagent’s Telephone Number: \_\_\_\_\_

Special Instructions Regarding Coagents: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent’s  
Address: \_\_\_\_\_

Successor Agent’s  
Telephone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second  
Successor Agent: \_\_\_\_\_

Second Successor  
Agent’s Address: \_\_\_\_\_

Second Successor Agent’s  
Telephone Number: \_\_\_\_\_

GRANT OF GENERAL AUTHORITY

I (“the principal”) grant my agent and any successor agent, with respect to each subject listed below, the authority to do all acts that I could do to:

- (1) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform,

restate, release, or modify the contract or another contract made by or on behalf of the principal;

(2) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction;

(3) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(6) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation and communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal; and

(7) Do lawful acts with respect to the subject and all property related to the subject.

#### SUBJECTS AND AUTHORITY

My agent's authority shall include the authority to act as stated below with regard to each of the following subjects:

Real property – With respect to this subject, I authorize my agent to: demand, buy, sell, convey, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage; release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted; and manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including: (1) insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and (4) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property.

Stocks and bonds – With respect to this subject, I authorize my agent to: buy, sell, and exchange stocks and bonds; establish, continue, modify, or terminate an account with respect to stocks and bonds; pledge stocks and bonds as security to borrow, pay, renew, or

extend the time of payment of a debt of the principal; receive certificates and other evidences of ownership with respect to stocks and bonds; exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

Banks and other financial institutions – With respect to this subject, I authorize my agent to: continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal; establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; contract for services available from a financial institution, including renting a safe deposit box or space in a vault; deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal; withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them; enter a safe deposit box or vault and withdraw or add to the contents; borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions; and apply for, receive, and use credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution.

Insurance and annuities – With respect to this subject, I authorize my agent to: continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract; procure new, different, and additional contracts of insurance and annuities for the principal and select the amount, type of insurance or annuity, and mode of payment; pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent; apply for and receive a loan secured by a contract of insurance or annuity; surrender and receive the cash surrender value on a contract of insurance or annuity; exercise an election; exercise investment powers available under a contract of insurance or annuity; change the manner of paying premiums on a contract of insurance or annuity; change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section; apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal; collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity; select the form and timing of the payment of proceeds from a contract of insurance or annuity; pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity



or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment.

Claims and litigation – With respect to this subject, I authorize my agent to: assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief; act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value; pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

Benefits from governmental programs or civil or military service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to: execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal; enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program; prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation; initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation; and receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received.

Retirement plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code: (1) an individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a); (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A – With respect to this subject, I authorize my agent to: select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another; establish a retirement plan in the principal's name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. I recognize that granting

my agent the authority to create or change a beneficiary designation for a retirement plan may affect the benefits that I may receive if that authority is exercised. If I grant my agent the authority to designate the agent, the agent’s spouse, or a dependent of the agent as a beneficiary of a retirement plan, the grant may constitute a taxable gift by me and may make the property subject to that authority taxable as a part of the agent’s estate. Therefore, if I wish to authorize my agent to create or change a beneficiary designation for any retirement plan, and in particular if I wish to authorize the agent to designate as my beneficiary the agent, the agent’s spouse, or a dependent of the agent, I will explicitly state this authority in the Special Instructions section that follows or in a separate power of attorney.

Taxes – With respect to this subject, I authorize my agent to: prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax–related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032(A), 26 U.S.C. § 2032(A), closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years; pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority; exercise elections available to the principal under federal, state, local, or foreign tax law; and act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

**DIGITAL ASSETS – WITH RESPECT TO THIS SUBJECT, IN ACCORDANCE WITH THE MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT, MY AGENT SHALL HAVE AUTHORITY OVER AND THE RIGHT TO ACCESS: (1) THE CONTENT OF ANY OF MY ELECTRONIC COMMUNICATIONS; (2) ANY CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY ME; AND (3) ANY OTHER DIGITAL ASSET IN WHICH I HAVE A RIGHT OR INTEREST.**

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

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EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on \_\_\_\_\_, 20 \_\_\_\_\_.  
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:

Name of nominee for guardian of my property: \_\_\_\_\_  
Nominee's address: \_\_\_\_\_  
Nominee's telephone number: \_\_\_\_\_  
Name of nominee for guardian of my person: \_\_\_\_\_  
Nominee's address: \_\_\_\_\_  
Nominee's telephone number: \_\_\_\_\_

SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_  
Your Signature Date

\_\_\_\_\_  
Your Name Printed

\_\_\_\_\_  
Your Address

\_\_\_\_\_  
Your Telephone Number

STATE OF MARYLAND  
(COUNTY) OF \_\_\_\_\_

This document was acknowledged before me on

\_\_\_\_\_  
(Date)

By \_\_\_\_\_ to be his/her act.  
(Name of Principal)

\_\_\_\_\_  
(SEAL, IF ANY)

Signature of Notary  
My commission expires: \_\_\_\_\_

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

\_\_\_\_\_  
(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Witness #1 Name Printed

\_\_\_\_\_  
Witness #1 Address

\_\_\_\_\_  
Witness #1 Telephone Number

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Witness #2 Name Printed

\_\_\_\_\_  
Witness #2 Address

\_\_\_\_\_  
Witness #2 Telephone Number”

17–203.

“MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY

PLEASE READ CAREFULLY

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). You need not give to your agent all the authorities listed below and may give the agent only those limited powers that you specifically indicate. This power of attorney gives your agent the right to make limited decisions for you. You should very carefully weigh your decision as to what powers you give your agent. Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

If you choose to make a grant of limited authority, you should check the boxes that identify the specific authorization you choose to give your agent.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is not entitled to compensation unless you indicate otherwise in the special instructions of this power of attorney. If you indicate that your agent is to receive compensation, your agent is entitled to reasonable compensation or compensation as specified in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are required to act together unanimously unless you specify otherwise in the Special Instructions.

If your agent is unavailable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

### DESIGNATION OF AGENT

This section of the form provides for designation of one agent.

If you wish to name coagents, skip this section and use the next section ("Designation of Coagents").

I, \_\_\_\_\_, name the following person  
(Name of Principal)

as my agent:

Name of Agent: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's Telephone Number: \_\_\_\_\_

### DESIGNATION OF COAGENTS (OPTIONAL)

This section of the form provides for designation of two or more coagents. Coagents are required to act together unanimously unless you otherwise provide in this form.

I, \_\_\_\_\_ ,  
(Name of Principal)

Name the following persons as coagents:

Name of Coagent: \_\_\_\_\_

Coagent's Address: \_\_\_\_\_

Coagent's Telephone Number: \_\_\_\_\_

Name of Coagent: \_\_\_\_\_

Coagent's Address: \_\_\_\_\_

Coagent's Telephone Number: \_\_\_\_\_

Special Instructions Regarding Coagents: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent's  
Address: \_\_\_\_\_

Successor Agent's Telephone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor  
Agent: \_\_\_\_\_

Second Successor Agent's  
Address: \_\_\_\_\_

Second Successor Agent's Telephone Number: \_\_\_\_\_

GRANT OF GENERAL AUTHORITY

I (“the principal”) grant my agent and any successor agent, with respect to each subject that I choose below, the authority to do all acts that I could do to:

(1) Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating a schedule contemporaneously or at a later time listing some or all of the principal’s property and attaching the schedule to this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Seek on the principal’s behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(6) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal’s interest under a statute or regulation;

(8) Communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;

(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) Do lawful acts with respect to the subject and all property related to the subject.

(INITIAL each authority in any subject you want to include in the agent’s general authority. Cross through each authority in any subject that you want to exclude. If you wish to grant general authority over an entire subject, you may initial “All of the above” instead of initialing each authority.)

#### SUBJECTS AND AUTHORITY

A. Real Property – With respect to this category, I authorize my agent to:

Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, retain title for security, encumber, partition, consent to partitioning, subject to an easement or covenant, subdivide, apply for zoning or other governmental permits, plat or consent to platting, develop, grant an option concerning, lease, sublease, contribute to an entity in exchange for an interest in that entity, or otherwise grant or dispose of an interest in real property or a right incident to real property

Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage

Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted

Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(4) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property

Use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in or incident to which the principal has, or claims to have, an interest or right

Participate in a reorganization with respect to real property or an entity that owns an interest in or a right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(1) Selling or otherwise disposing of the stocks and bonds or other property;



(2) Exercising or selling an option, a right of conversion, or a similar right with respect to the stocks and bonds or other property; and

(3) Exercising voting rights in person or by proxy

Change the form of title of an interest in or a right incident to real property

Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest

All of the above

B. Tangible Personal Property – With respect to this subject, I authorize my agent to:

Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, or otherwise dispose of tangible personal property or an interest in tangible personal property

Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property

Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(4) Moving the property from place to place;

(5) Storing the property for hire or on a gratuitous bailment; and

(6) Using and making repairs, alterations, or improvements to the property

Change the form of title of an interest in tangible personal property

All of the above

C. Stocks and Bonds – With respect to this subject, I authorize my agent to:

Buy, sell, and exchange stocks and bonds

Establish, continue, modify, or terminate an account with respect to stocks and bonds

Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal

Receive certificates and other evidences of ownership with respect to stocks and bonds

Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote

All of the above

D. Commodities – With respect to this subject, I authorize my agent to:

Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange

Establish, continue, modify, and terminate option accounts

All of the above

E. Banks and Other Financial Institutions – With respect to this subject, I authorize my agent to:

Continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal

Establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent

Contract for services available from a financial institution, including renting a safe deposit box or space in a vault

Deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal

Withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution

Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them

Enter a safe deposit box or vault and withdraw or add to the contents

Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person on the principal and pay the draft when due

Receive for the principal and act on a sight draft, warehouse receipt, other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument

Apply for, receive, and use letters of credit, credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit

Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution

All of the above

F. Operation of an Entity or a Business – With respect to this subject, I authorize my agent to:

Operate, buy, sell, enlarge, reduce, or terminate an ownership interest

Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or an option that the principal has, may have, or claims to have

(\_\_\_) Enforce the terms of an ownership agreement

(\_\_\_) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest

(\_\_\_) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or an option the principal has or claims to have as the holder of stocks and bonds

(\_\_\_) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds

(\_\_\_) With respect to an entity or business owned solely by the principal:

(1) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of this power of attorney;

(2) Determine:

(i) The location of the operation of the entity or business;

(ii) The nature and extent of the business of the entity or business;

(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in the operation of the entity or business;

(iv) The amount and types of insurance carried by the entity or business; and

(v) The mode of engaging, compensating, and dealing with the employees and accountants, attorneys, or other advisors of the entity or business;

(3) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(4) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business

(\_\_\_) Put additional capital into an entity or a business in which the principal has an interest

Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business

Sell or liquidate all or part of an entity or business

Establish the value of an entity or a business under a buyout agreement to which the principal is a party

Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments

Pay, compromise, or contest taxes, assessments, fines, or penalties and perform other acts to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or a business, including attempts to recover, as permitted by law, money paid before or after the execution of this power of attorney

All of the above

G. Insurance and Annuities – With respect to this subject, I authorize my agent to:

Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract

Procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment

Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent

Apply for and receive a loan secured by a contract of insurance or annuity

Surrender and receive the cash surrender value on a contract of insurance or annuity

Exercise an election

Exercise investment powers available under a contract of insurance or annuity

Change the manner of paying premiums on a contract of insurance or annuity

Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section

Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal

Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity

Select the form and timing of the payment of proceeds from a contract of insurance or annuity

Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment

All of the above

H. Estates, Trusts, and Other Beneficial Interests (including trusts, probate estates, guardianships, conservatorships, escrows, or custodianships or funds from which the principal is, may become, or claims to be entitled to a share or payment) – With respect to this subject, I authorize my agent to:

Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund described above

Demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of the fund described above, by litigation or otherwise

Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary

Conserve, invest, disburse, or use anything received for an authorized purpose

Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor

Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund described above

All of the above

I. Claims and Litigation – With respect to this subject, I authorize my agent to:

Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief

Bring an action to determine adverse claims or intervene or otherwise participate in litigation

Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree

Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation

Submit to alternative dispute resolution, settle, and propose or accept a compromise

Waive the issuance and service of process on the principal, accept service of process, appear for the principal, designate persons on which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation

Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value

Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation

Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation

All of the above

J. Personal and Family Maintenance – With respect to this subject, I authorize my agent to:

Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when this power of attorney is executed or later born:

(1) The principal's children;

(2) Other individuals legally entitled to be supported by the principal; and

(3) The individuals whom the principal has customarily supported or indicated the intent to support;

Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party

Provide living quarters for the individuals described above by:

(1) Purchase, lease, or other contract; or

(2) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals

Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described above

Pay expenses for necessary health care and custodial care on behalf of the individuals described above

Act as the principal's personal representative in accordance with the Health Insurance Portability and Accountability Act, §§ 1171 through 1179 of the Social Security Act, 42 U.S.C. § 1320d, and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the



principal or anyone authorized under the law of this State to consent to health care on behalf of the principal

Continue provisions made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing the means of transportation, for the individuals described above

Maintain credit and debit accounts for the convenience of the individuals described above and open new accounts

Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations

(NOTE: Authority with respect to personal and family maintenance is neither dependent on, nor limited by, authority that an agent may or may not have with respect to gifts under this power of attorney.)

All of the above

K. Benefits from Governmental Programs or Civil or Military Service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to:

Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in “J. Personal and Family Maintenance” above, and for shipment of the household effects of those individuals

Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose

Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal’s behalf, a benefit or program

Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation

Receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received

All of the above

L. Retirement Plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:

(1) An individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408;

(2) A Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A;

(3) A deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q);

(4) An annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b);

(5) A pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a);

(6) A plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b);  
and

(7) A nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) – With respect to this subject, I authorize my agent to:

Select the form and timing of payments under a retirement plan and withdraw benefits from a plan

Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another

Establish a retirement plan in the principal's name

Make contributions to a retirement plan

Exercise investment powers available under a retirement plan

Borrow from, sell assets to, or purchase assets from a retirement plan

All of the above

M. Taxes – With respect to this subject, I authorize my agent to:

Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years

Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority

Exercise elections available to the principal under federal, state, local, or foreign tax law

Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority

All of the above

N. Gifts (including gifts to a trust, an account under the Uniform Transfers to Minors Act, and a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code Section 529, 26 U.S.C. § 529) – With respect to this subject, I authorize my agent to:

Make outright to, or for the benefit of, a person, a gift of part or all of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount for each donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), 26 U.S.C. § 2503(b), without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, in an amount for each donee not to exceed twice the annual federal gift tax exclusion limit

Consent, pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, to the splitting of a gift made by the principal's spouse in an amount for each donee not to exceed the aggregate annual gift tax exclusions for both spouses

(NOTE: An agent may only make a gift of the principal's property as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:

- (1) The value and nature of the principal's property;
  - (2) The principal's foreseeable obligations and need for maintenance;
  - (3) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;
  - (4) Eligibility for a benefit, a program, or assistance under a statute or regulation; and
  - (5) The principal's personal history of making or joining in making gifts.)
- All of the above

#### GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. In addition, granting your agent the authority to make gifts to, or to designate as the beneficiary of any retirement plan, the agent, the agent's spouse, or a dependent of the agent may constitute a taxable gift by you and may make the property subject to that authority taxable as part of the agent's estate. INITIAL ONLY the specific authority you WANT to give your agent.)

Create an inter vivos trust, or amend, revoke, or terminate an existing inter vivos trust if the trust expressly authorizes that action by the agent

Make a gift, subject to any special instructions in this power of attorney

Create or change rights of survivorship

Create or change a beneficiary designation, subject to any special instructions in this power of attorney; and, if I wish to authorize my agent to designate the agent, the agent's spouse, or a dependent of the agent as a beneficiary, I will explicitly state this authority within the special instructions of this power of attorney or in a separate power of attorney

Authorize another person to exercise the authority granted under this power of attorney

Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

Exercise fiduciary powers that the principal has authority to delegate

( ) Disclaim or refuse an interest in property, including a power of appointment

( ) IN ACCORDANCE WITH THE MARYLAND FIDUCIARY ACCESS TO DIGITAL ASSETS ACT, ACCESS AND TAKE CONTROL OF (1) THE CONTENT OF ANY OF MY ELECTRONIC COMMUNICATIONS, (2) ANY CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY ME, AND (3) ANY OTHER DIGITAL ASSET IN WHICH I HAVE A RIGHT OR INTEREST

LIMITATION ON AGENT’S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on \_\_\_\_\_, 20\_\_\_\_\_.
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for guardian of my property:

Nominee’s Address: \_\_\_\_\_

Nominee’s Telephone Number: \_\_\_\_\_



Witness #1 Name Printed

\_\_\_\_\_

Witness #1 Address

\_\_\_\_\_

Witness #1 Telephone Number

\_\_\_\_\_

Witness #2 Signature

\_\_\_\_\_

Witness #2 Name Printed

\_\_\_\_\_

Witness #2 Address

\_\_\_\_\_

Witness #2 Telephone Number

This document prepared by:

\_\_\_\_\_  
\_\_\_\_\_

IMPORTANT INFORMATION FOR AGENT

Agent’s Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal’s property or, if you do not know the principal’s expectations, act in the principal’s best interest;
- (2) Act with care, competence, and diligence for the best interest of the principal;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as “agent” in the following manner:

\_\_\_\_\_ by \_\_\_\_\_  
(Principal’s Name) (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- (4) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (5) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

#### Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

#### Liability of Agent

The meaning of the authority granted to you is defined in the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article. If you violate the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.”

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.



Approved by the Governor, May 10, 2016.

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## Chapter 366

(Senate Bill 242)

AN ACT concerning

### Maryland Medical Assistance Program – Telemedicine – Modifications

FOR the purpose of requiring the Department of Health and Mental Hygiene, under certain circumstances, to include primary care providers in the types of health care providers eligible to receive reimbursement for health care services that are delivered through telemedicine and provided to Maryland Medical Assistance Program recipients; ~~prohibiting~~ authorizing the Department ~~from requiring~~ to require a health care provider to ~~comply with administrative requirements for reimbursement for health care services that are delivered through telemedicine that are not required for reimbursement for health care services that are delivered in person~~ submit a certain form to the Department; requiring the Department, in consultation with the Maryland Health Care Commission, to ~~provide an opportunity for stakeholders to participate in the development of certain regulations; requiring the Department to submit a draft of the regulations to certain legislative committees and provide a certain period of time for review and comment~~ submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to Maryland Medical Assistance Program reimbursement for health care services that are delivered through telemedicine.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 15–105.2  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

#### Article – Health – General

15–105.2.

(a) The Program shall reimburse health care providers in accordance with the requirements of Title 19, Subtitle 1, Part IV of this article.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Health care provider” means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program.

(iii) 1. “Telemedicine” means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:

A. By a health care provider to deliver a health care service that is within the scope of practice of the health care provider at a site other than the site at which the patient is located; and

B. That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient.

2. “Telemedicine” does not include:

A. An audio-only telephone conversation between a health care provider and a patient;

B. An electronic mail message between a health care provider and a patient; or

C. A facsimile transmission between a health care provider and a patient.

(2) To the extent authorized by federal law or regulation, the provisions of § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement for health care services delivered through telemedicine shall apply to the Program and managed care organizations in the same manner they apply to carriers.

(3) Subject to the limitations of the State budget and to the extent authorized by federal law or regulation, the Department may authorize coverage of and reimbursement for health care services that are delivered through store and forward technology or remote patient monitoring.

(4) **(I)** The Department may specify by regulation the types of health care providers eligible to receive reimbursement for health care services provided to Program recipients under this subsection.

**(II) IF THE DEPARTMENT SPECIFIES BY REGULATION THE TYPES OF HEALTH CARE PROVIDERS ELIGIBLE TO RECEIVE REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS**

SUBSECTION, THE TYPES OF HEALTH CARE PROVIDERS SPECIFIED SHALL INCLUDE PRIMARY CARE PROVIDERS.

~~(5) THE DEPARTMENT MAY NOT REQUIRE A HEALTH CARE PROVIDER TO COMPLY WITH ADMINISTRATIVE REQUIREMENTS, INCLUDING APPROVAL OF A PROVIDER ADDENDUM, FOR REIMBURSEMENT FOR HEALTH CARE SERVICES THAT ARE DELIVERED THROUGH TELEMEDICINE THAT ARE NOT REQUIRED FOR REIMBURSEMENT FOR HEALTH CARE SERVICES THAT ARE DELIVERED IN PERSON REQUIRE A HEALTH CARE PROVIDER TO SUBMIT A REGISTRATION FORM TO THE DEPARTMENT THAT INCLUDES INFORMATION REQUIRED FOR THE PROCESSING OF CLAIMS FOR REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS SUBSECTION.~~

~~(5)~~ (6) ~~(H)~~ The Department shall adopt regulations to carry out this subsection.

~~(H) THE DEPARTMENT SHALL:~~

~~1. PROVIDE AN OPPORTUNITY FOR STAKEHOLDERS TO PARTICIPATE IN THE DEVELOPMENT OF THE REGULATIONS; AND~~

~~2. A. SUBMIT A DRAFT OF THE REGULATIONS TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE; AND~~

~~B. PROVIDE THE COMMITTEES WITH A 30 DAY PERIOD FOR REVIEW AND COMMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016, the Department of Health and Mental Hygiene, in consultation with the Maryland Health Care Commission, shall submit a report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee:

(1) assessing the telehealth policies of select Medicaid programs in other states, including reimbursement for telehealth services provided in a home setting; and

(2) detailing planned enhancements to the Maryland Medicaid telehealth program.

~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2016.

Approved by the Governor, May 10, 2016.

**Chapter 367****(House Bill 886)**

AN ACT concerning

**Maryland Medical Assistance Program – Telemedicine – Modifications**

FOR the purpose of requiring the Department of Health and Mental Hygiene, under certain circumstances, to include primary care providers in the types of health care providers eligible to receive reimbursement for health care services that are delivered through telemedicine and provided to Maryland Medical Assistance Program recipients; ~~prohibiting~~ authorizing the Department ~~from requiring to require~~ a health care provider to ~~comply with administrative requirements for reimbursement for health care services that are delivered through telemedicine that are not required for reimbursement for health care services that are delivered in person~~ submit a certain form to the Department; requiring the Department, in consultation with the Maryland Health Care Commission, to ~~provide an opportunity for stakeholders to participate in the development of certain regulations; requiring the Department to submit a draft of the regulations to certain legislative committees and provide a certain period of time for review and comment~~ submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to Maryland Medical Assistance Program reimbursement for health care services that are delivered through telemedicine.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 15–105.2  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

15–105.2.

(a) The Program shall reimburse health care providers in accordance with the requirements of Title 19, Subtitle 1, Part IV of this article.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Health care provider” means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care in the

ordinary course of business or practice of a profession or in an approved education or training program.

(iii) 1. “Telemedicine” means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:

A. By a health care provider to deliver a health care service that is within the scope of practice of the health care provider at a site other than the site at which the patient is located; and

B. That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient.

2. “Telemedicine” does not include:

A. An audio-only telephone conversation between a health care provider and a patient;

B. An electronic mail message between a health care provider and a patient; or

C. A facsimile transmission between a health care provider and a patient.

(2) To the extent authorized by federal law or regulation, the provisions of § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement for health care services delivered through telemedicine shall apply to the Program and managed care organizations in the same manner they apply to carriers.

(3) Subject to the limitations of the State budget and to the extent authorized by federal law or regulation, the Department may authorize coverage of and reimbursement for health care services that are delivered through store and forward technology or remote patient monitoring.

(4) (I) The Department may specify by regulation the types of health care providers eligible to receive reimbursement for health care services provided to Program recipients under this subsection.

**(II) IF THE DEPARTMENT SPECIFIES BY REGULATION THE TYPES OF HEALTH CARE PROVIDERS ELIGIBLE TO RECEIVE REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS SUBSECTION, THE TYPES OF HEALTH CARE PROVIDERS SPECIFIED SHALL INCLUDE PRIMARY CARE PROVIDERS.**

~~(5) THE DEPARTMENT MAY NOT REQUIRE A HEALTH CARE PROVIDER TO COMPLY WITH ADMINISTRATIVE REQUIREMENTS, INCLUDING APPROVAL OF A PROVIDER ADDENDUM, FOR REIMBURSEMENT FOR HEALTH CARE SERVICES THAT ARE DELIVERED THROUGH TELEMEDICINE THAT ARE NOT REQUIRED FOR REIMBURSEMENT FOR HEALTH CARE SERVICES THAT ARE DELIVERED IN PERSON REQUIRE A HEALTH CARE PROVIDER TO SUBMIT A REGISTRATION FORM TO THE DEPARTMENT THAT INCLUDES INFORMATION REQUIRED FOR THE PROCESSING OF CLAIMS FOR REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS SUBSECTION.~~

~~[(5)] (6) (H)~~ The Department shall adopt regulations to carry out this subsection.

~~(H) THE DEPARTMENT SHALL:~~

~~1. PROVIDE AN OPPORTUNITY FOR STAKEHOLDERS TO PARTICIPATE IN THE DEVELOPMENT OF THE REGULATIONS; AND~~

~~2. A. SUBMIT A DRAFT OF THE REGULATIONS TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE; AND~~

~~B. PROVIDE THE COMMITTEES WITH A 30 DAY PERIOD FOR REVIEW AND COMMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016, the Department of Health and Mental Hygiene, in consultation with the Maryland Health Care Commission, shall submit a report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee:

(1) assessing the telehealth policies of select Medicaid programs in other states, including reimbursement for telehealth services provided in a home setting; and

(2) detailing planned enhancements to the Maryland Medicaid telehealth program.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 368

### (Senate Bill 256)

AN ACT concerning

#### **Prince George's County – Property Tax Deferrals – Elderly and Disabled Homeowners**

FOR the purpose of requiring that, in Prince George's County, ~~a certain rate of interest shall be paid~~ the interest payable on certain county property tax payment deferrals may not exceed a certain rate of interest; requiring the governing body of Prince George's County to establish and promote a certain public awareness campaign related to certain property tax deferral programs; authorizing the governing body of Prince George's County to provide, by law, a certain payment deferral of the county property tax for certain residential real property; requiring the governing body of Prince George's County under certain circumstances to specify the duration and certain amounts and restrictions for the payment deferral; requiring the payment of certain deferred property taxes under certain circumstances; requiring the governing body of Prince George's County under certain circumstances to provide certain information in a taxpayer's annual property tax bill; requiring that a payment deferral be authorized by a certain written agreement to be recorded in certain land records; providing for a certain lien attachment under certain circumstances; prohibiting the charging of certain penalties during a certain period of time; defining a certain term; providing for the application of this Act; and generally relating to property tax deferrals in Prince George's County for certain residential real property.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 10–204

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – Property

Section 10–204.7

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Tax – Property**

10–204.

(a) Notwithstanding Subtitle 1 of this title, the governing body of a county may authorize, by law, a payment deferral of county property tax for residential real property occupied as the principal residence of the owner.

(b) An owner is eligible for a payment deferral under subsection (a) of this section if the owner or at least 1 of the owners:

(1) has resided in the dwelling for a period of at least 5 consecutive years;

(2) (i) is at least 65 years of age;

(ii) has been found permanently and totally disabled and has qualified for benefits under:

1. the Social Security Act;

2. the Railroad Retirement Act;

3. any federal act for members of the United States armed forces; or

4. any federal retirement system; or

(iii) has been found permanently and totally disabled by a county health officer or the Baltimore City Commissioner of Health; and

(3) meets the income eligibility requirements determined under subsection (c) of this section.

(c) The governing body of a county that authorizes a payment deferral under subsection (a) of this section shall specify:

(1) the amount of the tax that may be deferred, not exceeding the increase in the county property tax from the date the taxpayer elects to defer the payment of the tax;

(2) restrictions on the amount of the real property eligible for a payment deferral under subsection (a) of this section, except that the amount of eligible property may not be less than the dwelling and curtilage, as determined by the supervisor;

(3) the duration of the payment deferral under subsection (a) of this section;

(4) the rate of interest to be paid on the county property tax payment from the due date without a deferral until the date that the county property tax is paid, **EXCEPT THAT IN PRINCE GEORGE'S COUNTY THE RATE OF INTEREST ~~SHALL BE~~ MAY NOT EXCEED 4%**;



(5) that any mortgagee or beneficiary under a deed of trust be entitled to receive notice of the deferral and of the amount of tax to be deferred; and

(6) the level of income to determine eligibility for the payment deferral under subsection (a) of this section.

(d) The county property tax that is deferred under this section and any interest specified in the law authorizing the deferral are due when the deferral ends as specified in the law authorizing the deferral.

(e) The governing body of a county that authorizes a payment deferral under subsection (a) of this section shall specify the cumulative amount of the deferral and related interest in the taxpayer's annual property tax bill.

(f) A lien shall attach to the property in the amount of all deferred taxes and interest. The lien shall remain attached until the deferred taxes and interest are paid.

(g) The governing body of a county that authorizes a payment deferral under subsection (a) of this section shall authorize the deferral by written agreement. The agreement shall reflect the terms and conditions of the deferral including notice of the lien. The agreement shall be recorded in the land records of the county.

**(H) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL ESTABLISH AND PROMOTE A COUNTYWIDE PUBLIC INFORMATION, AWARENESS, AND EDUCATION CAMPAIGN ON THE PROPERTY TAX DEFERRAL AVAILABLE UNDER THIS SECTION.**

**(2) THE CAMPAIGN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DISSEMINATE INFORMATION ABOUT THE PROPERTY TAX DEFERRAL THROUGH WRITTEN NOTICE IN THE ANNUAL PROPERTY TAX BILL, PUBLICATION ON THE APPROPRIATE COUNTY WEB SITES, POSTERS, AND ANY OTHER MEDIUM LIKELY TO REACH RESIDENT TAXPAYERS WHO MAY BE ELIGIBLE FOR THE DEFERRAL PROGRAM UNDER THIS SECTION.**

**[(h)] (I)** Penalties may not be charged during the period of the deferral on any tax payments deferred under this section.

**10-204.7.**

**(A) IN THIS SECTION, "GROSS INCOME" HAS THE MEANING STATED IN § 9-102 OF THIS ARTICLE.**

**(B) NOTWITHSTANDING SUBTITLE 1 OF THIS TITLE, THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY AUTHORIZE, BY LAW, A PAYMENT DEFERRAL OF**

**COUNTY PROPERTY TAX FOR RESIDENTIAL REAL PROPERTY OCCUPIED AS THE PRINCIPAL RESIDENCE OF THE OWNER.**

**(C) AN OWNER IS ELIGIBLE FOR A PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION IF:**

**(1) THE OWNER OR AT LEAST ONE OF THE OWNERS:**

**(I) HAS RESIDED IN THE DWELLING FOR A PERIOD OF AT LEAST 5 CONSECUTIVE YEARS; AND**

**(II) IS AT LEAST 70 YEARS OF AGE; AND**

**(2) THE COMBINED GROSS INCOME OF ALL INDIVIDUALS WHO ACTUALLY RESIDE IN THE DWELLING, EXCLUDING AN INDIVIDUAL WHO PAYS A REASONABLE AMOUNT FOR RENT OR ROOM AND BOARD OR IS A DEPENDENT OF A RENTER UNDER § 152 OF THE INTERNAL REVENUE CODE, DOES NOT EXCEED \$45,000.**

**(D) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL SPECIFY:**

**(1) THE AMOUNT OF THE TAX THAT MAY BE DEFERRED;**

**(2) RESTRICTIONS ON THE AMOUNT OF THE REAL PROPERTY ELIGIBLE FOR A PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION, EXCEPT THAT THE AMOUNT OF ELIGIBLE PROPERTY MAY NOT BE LESS THAN THE DWELLING AND CURTILAGE, AS DETERMINED BY THE SUPERVISOR;**

**(3) THE DURATION OF THE PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION;**

**(4) THAT A RATE OF INTEREST OF UP TO 4% SHALL BE PAID ON THE COUNTY PROPERTY TAX PAYMENT FROM THE DUE DATE WITHOUT A DEFERRAL UNTIL THE DATE THAT THE COUNTY PROPERTY TAX IS PAID; AND**

**(5) THAT ANY MORTGAGEE OR BENEFICIARY UNDER A DEED OF TRUST BE ENTITLED TO RECEIVE NOTICE OF THE DEFERRAL AND OF THE AMOUNT OF TAX TO BE DEFERRED.**

**(E) THE COUNTY PROPERTY TAX THAT IS DEFERRED UNDER THIS SECTION AND ANY INTEREST SPECIFIED IN THE LAW AUTHORIZING THE DEFERRAL ARE DUE:**

**(1) WHEN THE DEFERRAL ENDS AS SPECIFIED IN SUBSECTION (D)(3) OF THIS SECTION;**

(2) WHEN THE ELIGIBLE OWNER DIES; OR

(3) IMMEDIATELY ON TRANSFER OF OWNERSHIP OF THE PROPERTY FOR WHICH THE PROPERTY TAX HAS BEEN DEFERRED.

(F) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL SPECIFY THE CUMULATIVE AMOUNT OF THE DEFERRAL AND RELATED INTEREST IN THE TAXPAYER'S ANNUAL PROPERTY TAX BILL.

(G) (1) A LIEN SHALL ATTACH TO THE PROPERTY IN THE AMOUNT OF ALL DEFERRED TAXES AND INTEREST.

(2) THE LIEN SHALL REMAIN ATTACHED UNTIL THE DEFERRED TAXES AND INTEREST ARE PAID.

(H) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL AUTHORIZE THE DEFERRAL BY WRITTEN AGREEMENT.

(2) THE AGREEMENT SHALL REFLECT THE TERMS AND CONDITIONS OF THE DEFERRAL, INCLUDING NOTICE OF THE LIEN.

(3) THE AGREEMENT SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY.

(I) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL ESTABLISH AND PROMOTE A COUNTYWIDE PUBLIC INFORMATION, AWARENESS, AND EDUCATION CAMPAIGN ON THE PROPERTY TAX DEFERRAL AVAILABLE UNDER THIS SECTION.

(2) THE CAMPAIGN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DISSEMINATE INFORMATION ABOUT THE PROPERTY TAX DEFERRAL THROUGH WRITTEN NOTICE IN THE ANNUAL PROPERTY TAX BILL, PUBLICATION ON THE APPROPRIATE COUNTY WEB SITES, POSTERS, AND ANY OTHER MEDIUM LIKELY TO REACH RESIDENT TAXPAYERS WHO MAY BE ELIGIBLE FOR THE DEFERRAL PROGRAM UNDER THIS SECTION.

(J) PENALTIES MAY NOT BE CHARGED DURING THE PERIOD OF THE DEFERRAL ON ANY TAX PAYMENTS DEFERRED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

Approved by the Governor, May 10, 2016.

**Chapter 369****(House Bill 1017)**

AN ACT concerning

**Prince George's County – Property Tax Deferrals – Elderly and Disabled Homeowners****PG 412–16**

FOR the purpose of requiring that, in Prince George's County, ~~a certain rate of interest shall be paid~~ *the interest payable* on certain county property tax payment deferrals *may not exceed a certain rate of interest*; requiring the governing body of Prince George's County to establish and promote a certain public awareness campaign related to certain property tax deferral programs; authorizing the governing body of Prince George's County to provide, by law, a certain payment deferral of the county property tax for certain residential real property; requiring the governing body of Prince George's County under certain circumstances to specify the duration and certain amounts and restrictions for the payment deferral; requiring the payment of certain deferred property taxes under certain circumstances; requiring the governing body of Prince George's County under certain circumstances to provide certain information in a taxpayer's annual property tax bill; requiring that a payment deferral be authorized by a certain written agreement to be recorded in certain land records; providing for a certain lien attachment under certain circumstances; prohibiting the charging of certain penalties during a certain period of time; defining a certain term; providing for the application of this Act; and generally relating to property tax deferrals in Prince George's County for certain residential real property.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 10–204

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – Property

Section 10–204.7

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

10-204.

(a) Notwithstanding Subtitle 1 of this title, the governing body of a county may authorize, by law, a payment deferral of county property tax for residential real property occupied as the principal residence of the owner.

(b) An owner is eligible for a payment deferral under subsection (a) of this section if the owner or at least 1 of the owners:

(1) has resided in the dwelling for a period of at least 5 consecutive years;

(2) (i) is at least 65 years of age;

(ii) has been found permanently and totally disabled and has qualified for benefits under:

1. the Social Security Act;

2. the Railroad Retirement Act;

3. any federal act for members of the United States armed forces; or

4. any federal retirement system; or

(iii) has been found permanently and totally disabled by a county health officer or the Baltimore City Commissioner of Health; and

(3) meets the income eligibility requirements determined under subsection (c) of this section.

(c) The governing body of a county that authorizes a payment deferral under subsection (a) of this section shall specify:

(1) the amount of the tax that may be deferred, not exceeding the increase in the county property tax from the date the taxpayer elects to defer the payment of the tax;

(2) restrictions on the amount of the real property eligible for a payment deferral under subsection (a) of this section, except that the amount of eligible property may not be less than the dwelling and curtilage, as determined by the supervisor;

(3) the duration of the payment deferral under subsection (a) of this section;

(4) the rate of interest to be paid on the county property tax payment from the due date without a deferral until the date that the county property tax is paid, **EXCEPT**

**THAT IN PRINCE GEORGE’S COUNTY THE RATE OF INTEREST ~~SHALL BE~~ MAY NOT EXCEED 4%;**

(5) that any mortgagee or beneficiary under a deed of trust be entitled to receive notice of the deferral and of the amount of tax to be deferred; and

(6) the level of income to determine eligibility for the payment deferral under subsection (a) of this section.

(d) The county property tax that is deferred under this section and any interest specified in the law authorizing the deferral are due when the deferral ends as specified in the law authorizing the deferral.

(e) The governing body of a county that authorizes a payment deferral under subsection (a) of this section shall specify the cumulative amount of the deferral and related interest in the taxpayer’s annual property tax bill.

(f) A lien shall attach to the property in the amount of all deferred taxes and interest. The lien shall remain attached until the deferred taxes and interest are paid.

(g) The governing body of a county that authorizes a payment deferral under subsection (a) of this section shall authorize the deferral by written agreement. The agreement shall reflect the terms and conditions of the deferral including notice of the lien. The agreement shall be recorded in the land records of the county.

**(H) (1) THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY SHALL ESTABLISH AND PROMOTE A COUNTYWIDE PUBLIC INFORMATION, AWARENESS, AND EDUCATION CAMPAIGN ON THE PROPERTY TAX DEFERRAL AVAILABLE UNDER THIS SECTION.**

**(2) THE CAMPAIGN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DISSEMINATE INFORMATION ABOUT THE PROPERTY TAX DEFERRAL THROUGH WRITTEN NOTICE IN THE ANNUAL PROPERTY TAX BILL, PUBLICATION ON THE APPROPRIATE COUNTY WEB SITES, POSTERS, AND ANY OTHER MEDIUM LIKELY TO REACH RESIDENT TAXPAYERS WHO MAY BE ELIGIBLE FOR THE DEFERRAL PROGRAM UNDER THIS SECTION.**

**[(h)] (I) Penalties may not be charged during the period of the deferral on any tax payments deferred under this section.**

**10-204.7.**

**(A) IN THIS SECTION, “GROSS INCOME” HAS THE MEANING STATED IN § 9-102 OF THIS ARTICLE.**

(B) NOTWITHSTANDING SUBTITLE 1 OF THIS TITLE, THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY AUTHORIZE, BY LAW, A PAYMENT DEFERRAL OF COUNTY PROPERTY TAX FOR RESIDENTIAL REAL PROPERTY OCCUPIED AS THE PRINCIPAL RESIDENCE OF THE OWNER.

(C) AN OWNER IS ELIGIBLE FOR A PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION IF:

(1) THE OWNER OR AT LEAST ONE OF THE OWNERS:

(I) HAS RESIDED IN THE DWELLING FOR A PERIOD OF AT LEAST 5 CONSECUTIVE YEARS; AND

(II) IS AT LEAST 70 YEARS OF AGE; AND

(2) THE COMBINED GROSS INCOME OF ALL INDIVIDUALS WHO ACTUALLY RESIDE IN THE DWELLING, EXCLUDING AN INDIVIDUAL WHO PAYS A REASONABLE AMOUNT FOR RENT OR ROOM AND BOARD OR IS A DEPENDENT OF A RENTER UNDER § 152 OF THE INTERNAL REVENUE CODE, DOES NOT EXCEED \$45,000.

(D) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL SPECIFY:

(1) THE AMOUNT OF THE TAX THAT MAY BE DEFERRED;

(2) RESTRICTIONS ON THE AMOUNT OF THE REAL PROPERTY ELIGIBLE FOR A PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION, EXCEPT THAT THE AMOUNT OF ELIGIBLE PROPERTY MAY NOT BE LESS THAN THE DWELLING AND CURTILAGE, AS DETERMINED BY THE SUPERVISOR;

(3) THE DURATION OF THE PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION;

(4) THAT A RATE OF INTEREST OF UP TO 4% SHALL BE PAID ON THE COUNTY PROPERTY TAX PAYMENT FROM THE DUE DATE WITHOUT A DEFERRAL UNTIL THE DATE THAT THE COUNTY PROPERTY TAX IS PAID; AND

(5) THAT ANY MORTGAGEE OR BENEFICIARY UNDER A DEED OF TRUST BE ENTITLED TO RECEIVE NOTICE OF THE DEFERRAL AND OF THE AMOUNT OF TAX TO BE DEFERRED.

(E) THE COUNTY PROPERTY TAX THAT IS DEFERRED UNDER THIS SECTION AND ANY INTEREST SPECIFIED IN THE LAW AUTHORIZING THE DEFERRAL ARE DUE:

(1) WHEN THE DEFERRAL ENDS AS SPECIFIED IN SUBSECTION (D)(3) OF THIS SECTION;

(2) WHEN THE ELIGIBLE OWNER DIES; OR

(3) IMMEDIATELY ON TRANSFER OF OWNERSHIP OF THE PROPERTY FOR WHICH THE PROPERTY TAX HAS BEEN DEFERRED.

(F) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL SPECIFY THE CUMULATIVE AMOUNT OF THE DEFERRAL AND RELATED INTEREST IN THE TAXPAYER'S ANNUAL PROPERTY TAX BILL.

(G) (1) A LIEN SHALL ATTACH TO THE PROPERTY IN THE AMOUNT OF ALL DEFERRED TAXES AND INTEREST.

(2) THE LIEN SHALL REMAIN ATTACHED UNTIL THE DEFERRED TAXES AND INTEREST ARE PAID.

(H) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL AUTHORIZE THE DEFERRAL BY WRITTEN AGREEMENT.

(2) THE AGREEMENT SHALL REFLECT THE TERMS AND CONDITIONS OF THE DEFERRAL, INCLUDING NOTICE OF THE LIEN.

(3) THE AGREEMENT SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY.

(I) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL ESTABLISH AND PROMOTE A COUNTYWIDE PUBLIC INFORMATION, AWARENESS, AND EDUCATION CAMPAIGN ON THE PROPERTY TAX DEFERRAL AVAILABLE UNDER THIS SECTION.

(2) THE CAMPAIGN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DISSEMINATE INFORMATION ABOUT THE PROPERTY TAX DEFERRAL THROUGH WRITTEN NOTICE IN THE ANNUAL PROPERTY TAX BILL, PUBLICATION ON THE APPROPRIATE COUNTY WEB SITES, POSTERS, AND ANY OTHER MEDIUM LIKELY TO REACH RESIDENT TAXPAYERS WHO MAY BE ELIGIBLE FOR THE DEFERRAL PROGRAM UNDER THIS SECTION.

(J) PENALTIES MAY NOT BE CHARGED DURING THE PERIOD OF THE DEFERRAL ON ANY TAX PAYMENTS DEFERRED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.



Approved by the Governor, May 10, 2016.

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## Chapter 370

(Senate Bill 285)

AN ACT concerning

### Maryland Home Improvement Commission – Subcontractor Licensing Requirement – Repeal

FOR the purpose of repealing the requirement that a person must have a subcontractor license or a contractor license issued by the Maryland Home Improvement Commission whenever the person acts as a home improvement subcontractor in the State; repealing the application fee, renewal fee, and examination requirement for a subcontractor license; altering the contents of the license application form that must be submitted to the Commission; repealing the authority of the Commission to take disciplinary action against a home improvement subcontractor; altering the circumstances under which payment or compensation may be made for performing or selling a home improvement; repealing the prohibition on a person acting or offering to act as a home improvement subcontractor unless the person has a certain license; altering the contents of a certain notice that must be included in a home improvement contract; making stylistic and conforming changes; altering and repealing defined terms; requiring the Maryland Home Improvement Commission to identify certain persons eligible for a certain license and to encourage them to apply for a certain license; and generally relating to licensing of subcontractors by the Maryland Home Improvement Commission.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 8–101(i), 8–301, 8–302(a), 8–303(a)(2) and (b), 8–306(c) and (d), 8–307, 8–308(d)(2), 8–308.1(b) and (e)(3), 8–311(a) and (b), 8–315(a), 8–317, 8–501(c)(1), 8–601, and 8–614

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

BY repealing

Article – Business Regulation

Section 8–101(p)

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

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

**Article – Business Regulation**

8–101.

(i) (1) “License” means, except where it refers to a license other than one issued under this title, a license issued by the Commission.

(2) “License” includes:

- (i) a contractor license; **AND**
- (ii) [a subcontractor license; and
- (iii)] a salesperson license.

[(p) “Subcontractor license” means a license issued by the Commission to act as a subcontractor.]

8–301.

(a) Except as otherwise provided in this title, a person must have a contractor license whenever the person acts as a contractor in the State.

(b) [Except as otherwise provided in this title, a person must have a subcontractor license or contractor license whenever the person acts as a subcontractor in the State.

(c)] Except as otherwise provided in this title, a person must have a salesperson license or contractor license whenever the person sells a home improvement in the State.

[(d)] (C) This section does not apply to:

(1) an individual who works for a contractor [or subcontractor] for a salary or wages but who is not a salesperson for the contractor;

(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;

(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air-conditioning, or refrigeration contractor, or other person who:

(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;

- or local law; and
- (ii) currently is licensed in that occupation or profession under State
  - (iii) is:
    - 1. acting only within the scope of that occupation or profession; or
    - 2. installing a central heating or air-conditioning system;
  - (5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article;
  - (6) a marine contractor licensed under Title 17, Subtitle 3 of the Environment Article; or
  - (7) a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.

8-302.

- (a) An applicant for a contractor's[, subcontractor's,] or salesperson's license must pass the examination prior to submitting an application for a license.

8-303.

- (a) (2) The application fee:
  - (i) for a contractor license is \$250 for each place of business of the contractor; **OR**
  - (ii) [for a subcontractor license is \$150; or
  - (iii)] for a salesperson license is \$100.
- (b) In addition to any other information required on an application form, the form shall require:
  - (1) for an individual applicant, the name and address of the applicant;
  - (2) for a corporate applicant, the name and address of each officer;
  - (3) for a partnership applicant, the name and address of each partner;
  - (4) for a joint venture applicant, the name and address of each party to the joint venture;

(5) if the applicant acts as a contractor [or subcontractor] through a corporation or limited partnership, the name and address of the resident agent of the corporation or limited partnership in the State;

(6) if the applicant is applying for a contractor license [or subcontractor license], a complete description of the nature of the contracting business of the applicant;

(7) if the applicant is applying for a salesperson license, a complete description of the duties of the applicant;

(8) a record of the applicant's experience in the field of home improvement or other construction work, including dates when and addresses where the applicant has resided and done business;

(9) if the applicant provides lead paint abatement services, the Department of the Environment lead paint abatement accreditation number and accreditation expiration date;

(10) whether the applicant has ever held a professional or vocational license in this or any other state; and

(11) whether the applicant has had a professional or vocational license denied, suspended, or revoked.

8–306.

(c) Except as otherwise provided in subsection (d) of this section, the Commission may not issue a license to an applicant for a contractor license[, subcontractor license,] or salesperson license who has been convicted of violating § 8–601 of this title.

(d) The Commission may issue a contractor license[, subcontractor license,] or salesperson license to an applicant who has been convicted of violating § 8–601 of this title if:

(1) the Commission determines that the applicant has settled all outstanding obligations; and

(2) 1 year has passed since the date of conviction.

8–307.

(a) A contractor license authorizes the licensee to act as a contractor or subcontractor and to sell a home improvement.

(b) [A subcontractor license authorizes the licensee to act as a subcontractor.

(c)] A salesperson license authorizes the licensee to sell a home improvement.

[(d)] (C) A license issued under this subtitle does not authorize the licensee to engage in a business or provide a service that may be engaged in or provided only by a person licensed under other State or local law.

8-308.

(d) (2) The renewal fee:

(i) for a contractor license is \$250 for each place of business of the contractor; **OR**

(ii) [for a subcontractor license is \$150; or

(iii)] for a salesperson license is \$100.

8-308.1.

(b) (1) The holder of a contractor license that is on inactive status may not act as a contractor in the State.

(2) [The holder of a subcontractor license that is on inactive status may not act as a subcontractor in the State.

(3)] The holder of a salesperson license that is on inactive status may not sell a home improvement in the State.

(e) (3) Notwithstanding § 8-308 of this subtitle, a licensee whose license is on inactive status shall pay to the Commission a renewal fee of:

(i) \$112.50 for a contractor license; **OR**

(ii) [\$62.50 for a subcontractor license; or

(iii)] \$37.50 for a salesperson license.

8-311.

(a) Subject to the hearing provisions of § 8-312 of this subtitle, the Commission may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee or the management personnel of the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another person;

- (2) fraudulently or deceptively uses a license;
- (3) fails to give the Commission information required by this subtitle about an application for a license;
- (4) fails to pass an examination required by this subtitle;
- (5) under the laws of the United States or of any state, is convicted of a:
  - (i) felony; or
  - (ii) misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to engage in home improvement services;
- (6) often fails to perform home improvement contracts;
- (7) falsifies an account;
- (8) engages in fraud;
- (9) as a contractor [or subcontractor] fails to show financial solvency, based on the intended scope and size of the business in relation to total assets, liabilities, credit rating, and net worth;
- (10) as a contractor [or subcontractor] lacks competence, as shown by the performance of an unworkmanlike, inadequate, or incomplete home improvement;
- (11) violates this title;
- (12) attempts to violate this title;
- (13) violates a regulation adopted under this title; or
- (14) in the Chesapeake and Atlantic Coastal Bays Critical Area, as defined under § 8–1802 of the Natural Resources Article, fails to comply with:
  - (i) the terms of a State or local permit, license, or approval issued for home improvement; or
  - (ii) any State or local law, an approved plan, or other legal requirement.

(b) Subject to the hearing provisions of § 8–312 of this subtitle, the Commission may reprimand a contractor [or subcontractor] or suspend or revoke the license of a contractor [or subcontractor] for a violation of this title by an agent, director, employee,

manager, officer, partner, or salesperson of the contractor [or subcontractor], unless the Commission finds that the contractor [or subcontractor] or management personnel of the contractor [or subcontractor]:

- (1) had no knowledge of the wrongful conduct; or
- (2) could not prevent the violation.

8-315.

(a) Except as otherwise provided in subsection (b) of this section, a contractor [or subcontractor] may not pay or otherwise compensate another [contractor or subcontractor or a salesperson] **PERSON** for performing or selling a home improvement unless:

- (1) the person to be paid or compensated is licensed;
- (2) the person to be paid or compensated is not subject to the licensing requirements of this title; or
- (3) the transaction for which the consideration is to be paid is not subject to this title.

8-317.

A contractor [or subcontractor] who holds a license under this title is not required to hold a construction license under Title 17 of this article.

8-501.

(c) (1) In addition to any other matters on which the parties lawfully agree, each home improvement contract shall contain:

- (i) the name, address, telephone number, and license number of the contractor;
- (ii) the name and license number of each salesperson who solicited the home improvement contract or sold the home improvement;
- (iii) the approximate dates when the performance of the home improvement will begin and when it will be substantially completed;
- (iv) a description of the home improvement to be performed and the materials to be used;
- (v) the agreed consideration;

(vi) the number of monthly payments and the amount of each payment, including any finance charge;

(vii) a description of any collateral security for the obligation of the owner under the home improvement contract;

(viii) a notice that gives the telephone number and Web site of the Commission and states that:

1. each contractor [and each subcontractor] must be licensed by the Commission; and

2. anyone may ask the Commission about a contractor [or subcontractor]; and

(ix) a notice set by the Commission by regulation that:

1. specifies the protections available to consumers through the Commission; and

2. advises the consumer of the right to purchase a performance bond for additional protection against loss.

8–601.

(a) Except as otherwise provided in this title, a person may not act or offer to act as a contractor in the State unless the person has a contractor license.

(b) [Except as otherwise provided in this title, a person may not act or offer to act as a subcontractor in the State unless the person has a contractor license or subcontractor license.

(c)] Except as otherwise provided in this title, a person may not sell or offer to sell a home improvement in the State unless the person has a contractor license or salesperson license.

[(d)] (C) A person who violates this section is guilty of a misdemeanor and, on first conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both and, on a second or subsequent conviction, is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 2 years or both.

8–614.

A person may not act as a contractor [or subcontractor] or sell a home improvement under a name other than that under which the person is licensed.



SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Home Improvement Commission shall identify subcontractors in the State that may be eligible for a contractor license and shall encourage those subcontractors to apply for a contractor license.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 371

(Senate Bill 297)

AN ACT concerning

### Health Insurance – Habilitative Services – Period of Time for Coverage

FOR the purpose of extending until the end of a certain month the period of time during which certain health insurers, nonprofit health service plans, and health maintenance organizations are required to provide coverage of certain habilitative services for insureds and enrollees who are children; repealing a provision of law stating that a certain determination by a certain entity is considered an adverse decision for certain purposes; altering a certain definition; repealing a certain definition; providing for the application of this Act; and generally relating to health insurance coverage for habilitative services.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 15–835  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

#### Article – Insurance

15–835.

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

[(2) (i) “Congenital or genetic birth defect” means a defect existing at or from birth, including a hereditary defect.

(ii) “Congenital or genetic birth defect” includes, but is not limited to:

1. autism or an autism spectrum disorder;
2. cerebral palsy;
3. intellectual disability;
4. Down syndrome;
5. spina bifida;
6. hydroencephalocele; and
7. congenital or genetic developmental disabilities.

**[(3)] (2)** “Habilitation services” means services **AND DEVICES**, including occupational therapy, physical therapy, and speech therapy, [for the treatment of a child with a congenital or genetic birth defect to enhance the child’s ability to function] **THAT HELP A CHILD KEEP, LEARN, OR IMPROVE SKILLS AND FUNCTIONING FOR DAILY LIVING.**

**[(4)] (3)** “Managed care system” means a method that an insurer, a nonprofit health service plan, or a health maintenance organization uses to review and preauthorize a treatment plan that a health care practitioner develops for a covered person using a variety of cost containment methods to control utilization, quality, and claims.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

(c) (1) An entity subject to this section:

**(I)** shall provide coverage of habilitation services for **INSURED AND ENROLLEES WHO ARE** children [under the age of 19 years] **UNTIL AT LEAST THE END OF THE MONTH IN WHICH THE INSURED OR ENROLLEE TURNS 19 YEARS OLD;** and

**(II)** may do so through a managed care system.

(2) An entity subject to this section is not required to provide reimbursement for habilitative services delivered through early intervention or school services.

(d) An entity subject to this section shall provide notice annually to its insureds and enrollees about the coverage required under this section:

- (1) in print; and
- (2) on its Web site.

(e) [A determination by an entity subject to this section denying a request for habilitative services or denying payment for habilitative services on the grounds that a condition or disease is not a congenital or genetic birth defect is considered an “adverse decision” under § 15–10A–01 of this title.

(f) Beginning November 1, 2013, a determination by an entity subject to this section of whether habilitative services covered under this section are medically necessary and appropriate to treat autism and autism spectrum disorders shall be made in accordance with regulations adopted by the Commissioner.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after ~~October 1, 2016~~ January 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 372

### (Senate Bill 306)

AN ACT concerning

### Agricultural Land Transfer Tax – Calculation

FOR the purpose of altering the definition of “agricultural land transfer tax” and defining “total rate of tax” to provide that, for purposes of certain provisions of law concerning the calculation of the agricultural land transfer tax, the tax does not include a certain surcharge; making conforming changes; and generally relating to the agricultural land transfer tax.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 13–301, 13–303, and 13–407  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 13–302  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

### Article – Tax – Property

13–301.

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

(b) “Agricultural land” means real property that is or was assessed on the basis of farm or agricultural use under § 8–209 of this article.

(c) (1) “Agricultural land transfer tax” means the tax imposed under **§ 13–302** **OF** this subtitle.

(2) “Agricultural land transfer tax” [includes] **DOES NOT INCLUDE** the surcharge imposed under § 13–303(d) of this subtitle.

(d) (1) “Total value” means the value of the property as stated in the most recent assessment roll.

(2) “Total value” includes any adjustment in the value of improvements that result from an increase in construction costs as determined by the Department as of the most recent date of finality.

13–302.

(a) Except as otherwise provided in § 13–305 of this subtitle, agricultural land transfer tax is imposed on an instrument of writing that transfers title to agricultural land.

(b) Agricultural land transfer tax is payable in addition to any other transfer tax imposed under this title.

(c) An instrument of writing subject to agricultural land transfer tax may not be recorded in any county until the agricultural land transfer tax is paid to the collector for the county or paid to the Department.

(d) An instrument of writing subject to agricultural land transfer tax may not be filed with the Department until the agricultural land transfer tax is paid to the Department or the collector for the county.

13–303.

(a) The agricultural land transfer tax applies at the following rates:

(1) for a transfer of 20 acres or more of agricultural land, 5%;

(2) except as provided in item (3) of this subsection, for a transfer of less than 20 acres of agricultural land assessed for agricultural use or as unimproved agricultural land, 4%; or

(3) for a transfer of less than 20 acres of agricultural land assessed as improved agricultural land or agricultural land with site improvements, 3%.

(b) If an instrument of writing is subject to different rates of agricultural land transfer tax under subsection (a) of this section, the total agricultural land transfer tax due is computed separately for each portion of agricultural land to which a different rate applies.

(c) Except as provided by § 13–305(c)(2) of this subtitle, the agricultural land transfer tax determined under subsection (a) or subsection (b) of this section is reduced by 25% for each consecutive full taxable year before a transfer in which property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment under § 8–209 of this article.

(d) (1) Except as provided in paragraph (2) of this subsection, in addition to the [tax imposed under this section] **AGRICULTURAL LAND TRANSFER TAX**, a surcharge in an amount equal to 25% of the tax determined under subsections (a) through (c) of this section is imposed on an instrument of writing that transfers title to agricultural land.

(2) The surcharge imposed under paragraph (1) of this subsection does not apply to an instrument of writing that transfers property of 2 acres or less to be improved to a child or grandchild of the owner.

(e) When determining the rate of the agricultural land transfer tax to be imposed under subsection (a) or (b) of this section, the amount of agricultural land transferred that is exempt from the tax in accordance with § 13–305 of this subtitle may not be included in the amount of agricultural land that is transferred.

13–407.

(a) **IN THIS SECTION, “TOTAL RATE OF TAX” MEANS THE RATE OF TAX IMPOSED FOR THE AGRICULTURAL LAND TRANSFER TAX UNDER § 13–303(A) OF THIS TITLE PLUS THE RATE OF TAX FOR A COUNTY TRANSFER TAX IMPOSED UNDER THIS SECTION.**

**(B)** (1) Unless a greater rate of tax was imposed before July 1, 1979, a county may not impose county transfer tax on a transfer subject to the agricultural land transfer tax under Subtitle 3 of this title at a rate greater than the county rate applicable to the transfer of improved residential property in that county.

(2) If a county has imposed a county transfer tax at a rate that exceeds the rate applicable to the transfer of improved residential property, the total rate of tax that applies to a transfer subject to the agricultural land transfer tax may not exceed 5% plus the rate that applies to improved residential property under the county transfer tax.

(3) If the total rate of tax that applies to a transfer subject to the agricultural land transfer tax exceeds the maximum rate allowed under paragraph (2) of this subsection[, the tax that applies to the transfer]:

(i) **THE AGRICULTURAL LAND TRANSFER TAX** is payable at the rate specified [for the agricultural land transfer tax] **IN § 13–303(A) OF THIS TITLE**; and

(ii) the rate of the county transfer tax shall be reduced as necessary to comply with the 5% limit.

**[(b)] (C)** After July 1, 1979, for the transfer of land subject to the agricultural land transfer tax, a county may not:

(1) impose a county transfer tax at a rate above the rate that was in effect on July 1, 1979; or

(2) increase the rate of a county transfer tax above the rate that was in effect on July 1, 1979.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 373**

**(House Bill 833)**

AN ACT concerning

**Agricultural Land Transfer Tax – Calculation**

FOR the purpose of altering the definition of “agricultural land transfer tax” and defining “total rate of tax” to provide that, for purposes of certain provisions of law concerning the calculation of the agricultural land transfer tax, the tax does not include a certain surcharge; making conforming changes; and generally relating to the agricultural land transfer tax.

BY repealing and reenacting, with amendments,  
 Article – Tax – Property  
 Section 13–301, 13–303, and 13–407  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Tax – Property  
 Section 13–302  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

13–301.

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

(b) “Agricultural land” means real property that is or was assessed on the basis of farm or agricultural use under § 8–209 of this article.

(c) (1) “Agricultural land transfer tax” means the tax imposed under **§ 13–302** OF this subtitle.

(2) “Agricultural land transfer tax” [includes] **DOES NOT INCLUDE** the surcharge imposed under § 13–303(d) of this subtitle.

(d) (1) “Total value” means the value of the property as stated in the most recent assessment roll.

(2) “Total value” includes any adjustment in the value of improvements that result from an increase in construction costs as determined by the Department as of the most recent date of finality.

13–302.

(a) Except as otherwise provided in § 13–305 of this subtitle, agricultural land transfer tax is imposed on an instrument of writing that transfers title to agricultural land.

(b) Agricultural land transfer tax is payable in addition to any other transfer tax imposed under this title.

(c) An instrument of writing subject to agricultural land transfer tax may not be recorded in any county until the agricultural land transfer tax is paid to the collector for the county or paid to the Department.

(d) An instrument of writing subject to agricultural land transfer tax may not be filed with the Department until the agricultural land transfer tax is paid to the Department or the collector for the county.

13–303.

(a) The agricultural land transfer tax applies at the following rates:

(1) for a transfer of 20 acres or more of agricultural land, 5%;

(2) except as provided in item (3) of this subsection, for a transfer of less than 20 acres of agricultural land assessed for agricultural use or as unimproved agricultural land, 4%; or

(3) for a transfer of less than 20 acres of agricultural land assessed as improved agricultural land or agricultural land with site improvements, 3%.

(b) If an instrument of writing is subject to different rates of agricultural land transfer tax under subsection (a) of this section, the total agricultural land transfer tax due is computed separately for each portion of agricultural land to which a different rate applies.

(c) Except as provided by § 13–305(c)(2) of this subtitle, the agricultural land transfer tax determined under subsection (a) or subsection (b) of this section is reduced by 25% for each consecutive full taxable year before a transfer in which property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment under § 8–209 of this article.

(d) (1) Except as provided in paragraph (2) of this subsection, in addition to the [tax imposed under this section] **AGRICULTURAL LAND TRANSFER TAX**, a surcharge in an amount equal to 25% of the tax determined under subsections (a) through (c) of this section is imposed on an instrument of writing that transfers title to agricultural land.



(2) The surcharge imposed under paragraph (1) of this subsection does not apply to an instrument of writing that transfers property of 2 acres or less to be improved to a child or grandchild of the owner.

(e) When determining the rate of the agricultural land transfer tax to be imposed under subsection (a) or (b) of this section, the amount of agricultural land transferred that is exempt from the tax in accordance with § 13–305 of this subtitle may not be included in the amount of agricultural land that is transferred.

13–407.

(a) **IN THIS SECTION, “TOTAL RATE OF TAX” MEANS THE RATE OF TAX IMPOSED FOR THE AGRICULTURAL LAND TRANSFER TAX UNDER § 13–303(A) OF THIS TITLE PLUS THE RATE OF TAX FOR A COUNTY TRANSFER TAX IMPOSED UNDER THIS SECTION.**

**(B)** (1) Unless a greater rate of tax was imposed before July 1, 1979, a county may not impose county transfer tax on a transfer subject to the agricultural land transfer tax under Subtitle 3 of this title at a rate greater than the county rate applicable to the transfer of improved residential property in that county.

(2) If a county has imposed a county transfer tax at a rate that exceeds the rate applicable to the transfer of improved residential property, the total rate of tax that applies to a transfer subject to the agricultural land transfer tax may not exceed 5% plus the rate that applies to improved residential property under the county transfer tax.

(3) If the total rate of tax that applies to a transfer subject to the agricultural land transfer tax exceeds the maximum rate allowed under paragraph (2) of this subsection[, the tax that applies to the transfer]:

(i) **THE AGRICULTURAL LAND TRANSFER TAX** is payable at the rate specified [for the agricultural land transfer tax] **IN § 13–303(A) OF THIS TITLE**; and

(ii) the rate of the county transfer tax shall be reduced as necessary to comply with the 5% limit.

**[(b)] (C)** After July 1, 1979, for the transfer of land subject to the agricultural land transfer tax, a county may not:

(1) impose a county transfer tax at a rate above the rate that was in effect on July 1, 1979; or

(2) increase the rate of a county transfer tax above the rate that was in effect on July 1, 1979.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 374

### (Senate Bill 310)

AN ACT concerning

#### Child Abuse and Neglect – Failure to Report

FOR the purpose of requiring an agency that is participating in a child abuse or neglect investigation and that has substantial grounds to believe that a person has knowingly failed to report child abuse as required under a certain provision of law to file a certain complaint with a certain board, agency, institution, or facility; and generally relating to child abuse and neglect.

BY adding to

Article – Family Law

Section 5–705.3

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### Article – Family Law

#### 5–705.3.

**IF AN AGENCY PARTICIPATING IN AN INVESTIGATION UNDER § 5–706 OF THIS SUBTITLE HAS SUBSTANTIAL GROUNDS TO BELIEVE THAT A PERSON HAS KNOWINGLY FAILED TO REPORT SUSPECTED ABUSE OR NEGLECT AS REQUIRED BY § 5–704 OF THIS SUBTITLE, THE AGENCY SHALL:**

**(1) FILE A COMPLAINT WITH THE APPROPRIATE LICENSING BOARD IN ACCORDANCE WITH THE PROVISIONS OF THE HEALTH OCCUPATIONS ARTICLE IF THE PERSON IS A HEALTH PRACTITIONER;**

**(2) FILE A COMPLAINT WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY IF THE PERSON IS A POLICE OFFICER; OR**

**(3) FILE A COMPLAINT WITH THE COUNTY BOARD OF EDUCATION OR THE APPROPRIATE AGENCY, INSTITUTION, OR LICENSED FACILITY AT WHICH THE PERSON IS EMPLOYED IF THE PERSON IS AN EDUCATOR OR A HUMAN SERVICE WORKER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 375**

### **(House Bill 245)**

AN ACT concerning

#### **Child Abuse and Neglect – Failure to Report**

FOR the purpose of requiring an agency that is participating in a child abuse or neglect investigation and that has substantial grounds to believe that a person has knowingly failed to report child abuse as required under a certain provision of law to file a certain complaint with a certain board, agency, institution, or facility; and generally relating to child abuse and neglect.

BY adding to

Article – Family Law

Section 5–705.3

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Family Law**

##### **5–705.3.**

**IF AN AGENCY PARTICIPATING IN AN INVESTIGATION UNDER § 5–706 OF THIS SUBTITLE HAS SUBSTANTIAL GROUNDS TO BELIEVE THAT A PERSON HAS KNOWINGLY FAILED TO REPORT SUSPECTED ABUSE OR NEGLECT AS REQUIRED BY § 5–704 OF THIS SUBTITLE, THE AGENCY SHALL:**

(1) FILE A COMPLAINT WITH THE APPROPRIATE LICENSING BOARD IN ACCORDANCE WITH THE PROVISIONS OF THE HEALTH OCCUPATIONS ARTICLE IF THE PERSON IS A HEALTH PRACTITIONER;

(2) FILE A COMPLAINT WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY IF THE PERSON IS A POLICE OFFICER; OR

(3) FILE A COMPLAINT WITH THE COUNTY BOARD OF EDUCATION OR THE APPROPRIATE AGENCY, INSTITUTION, OR LICENSED FACILITY AT WHICH THE PERSON IS EMPLOYED IF THE PERSON IS AN EDUCATOR OR A HUMAN SERVICE WORKER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 376

(Senate Bill 336)

AN ACT concerning

### Hospitals – Designation of Lay Caregivers

FOR the purpose of requiring a hospital to provide a patient or the legal guardian of the patient with an opportunity to designate a certain lay caregiver before the patient is discharged from the hospital; requiring a hospital to document a certain decision by a certain patient or the legal guardian of the patient in the patient's medical record; providing that a hospital shall be deemed to be in compliance with this Act under certain circumstances; requiring a hospital to record certain information in a patient's medical record; requiring a hospital to request the written consent of a patient or the legal guardian of the patient to release certain medical information; providing that a hospital, under certain circumstances, is not required to provide certain notice required under a certain provision of this Act or to consult with or provide certain information to a certain lay caregiver; authorizing a patient or the legal guardian of a patient to change the designation of a certain lay caregiver under certain circumstances; providing that a designation of a certain lay caregiver does not obligate an individual to perform certain aftercare; providing that certain provisions of this Act may not be construed to require a patient or the legal guardian of the patient to designate a certain lay caregiver; requiring a hospital to notify a certain lay caregiver of the discharge of a patient or the transfer of a patient to another hospital or a certain facility as soon as practicable; requiring a hospital, as soon as practicable before discharge, to consult with a certain lay caregiver and issue

a certain discharge plan; providing that the inability of a hospital to consult with a certain lay caregiver may not interfere with, delay, or otherwise affect certain medical care or a patient's discharge; authorizing a hospital's discharge process to incorporate certain standards of accreditation and certain Conditions of Participation; prohibiting the use of certain federal or State funds for a certain purpose; providing that no federal or State program funding may be impacted by this Act; providing for the construction of this Act; defining certain terms; and generally relating to hospitals and the designation of lay caregivers.

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 19–301(a) and (f)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to

Article – Health – General  
Section 19–380 through 19–385 to be under the new part “Part XI. Designation of Lay Caregivers”  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

### Article – Health – General

19–301.

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

(f) “Hospital” means an institution that:

(1) Has a group of at least 5 physicians who are organized as a medical staff for the institution;

(2) Maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for 2 or more unrelated individuals; and

(3) Admits or retains the individuals for overnight care.

**19–378. RESERVED.**

**19–379. RESERVED.**

### PART XI. DESIGNATION OF LAY CAREGIVERS.

**19-380.**

**(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) (1) “AFTERCARE” MEANS ANY ASSISTANCE PROVIDED BY A LAY CAREGIVER TO A PATIENT AFTER DISCHARGE OF THE PATIENT.**

**(2) “AFTERCARE” INCLUDES TASKS THAT ARE LIMITED TO THE PATIENT’S CONDITION AT THE TIME OF DISCHARGE THAT DO NOT REQUIRE A LICENSED PROFESSIONAL.**

**(C) “DISCHARGE” MEANS THE EXIT OR RELEASE OF A PATIENT FROM INPATIENT CARE IN A HOSPITAL TO THE RESIDENCE OF THE PATIENT.**

**(D) “LAY CAREGIVER” MEANS AN INDIVIDUAL WHO:**

**(1) IS AN ADULT;**

**(2) IS DESIGNATED AS A LAY CAREGIVER BY A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT UNDER THIS PART; AND**

**(3) PERFORMS AFTERCARE FOR THE PATIENT AT THE RESIDENCE OF THE PATIENT.**

**(E) (1) “RESIDENCE” MEANS A DWELLING THAT A PATIENT CONSIDERS TO BE HOME.**

**(2) “RESIDENCE” DOES NOT INCLUDE:**

**(I) A REHABILITATION FACILITY;**

**(II) A HOSPITAL;**

**(III) A NURSING HOME;**

**(IV) AN ASSISTED LIVING FACILITY; OR**

**(V) A GROUP HOME LICENSED BY THE STATE.**

**19-381.**

**(A) A HOSPITAL SHALL PROVIDE A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT WITH AN OPPORTUNITY TO DESIGNATE ONE LAY CAREGIVER BEFORE DISCHARGE OF THE PATIENT.**

**(B) IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT DECLINES TO DESIGNATE A LAY CAREGIVER:**

**(1) THE HOSPITAL SHALL DOCUMENT THE DECISION IN THE PATIENT'S MEDICAL RECORD; AND**

**(2) THE HOSPITAL SHALL BE DEEMED TO BE IN COMPLIANCE WITH THE PROVISIONS OF THIS PART.**

**(C) IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT DESIGNATES A LAY CAREGIVER, THE HOSPITAL SHALL:**

**(1) RECORD IN THE PATIENT'S MEDICAL RECORD:**

**(I) THE DESIGNATION OF THE LAY CAREGIVER;**

**(II) THE RELATIONSHIP OF THE LAY CAREGIVER TO THE PATIENT; AND**

**(III) THE NAME, TELEPHONE NUMBER, AND ADDRESS OF THE LAY CAREGIVER; AND**

**(2) REQUEST THE WRITTEN CONSENT OF THE PATIENT OR THE LEGAL GUARDIAN OF THE PATIENT TO RELEASE MEDICAL INFORMATION TO THE LAY CAREGIVER IN ACCORDANCE WITH:**

**(I) THE PROCEDURES OF THE HOSPITAL FOR RELEASING PERSONAL HEALTH INFORMATION; AND**

**(II) ALL APPLICABLE FEDERAL AND STATE LAWS.**

**(D) IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT DECLINES TO CONSENT TO THE RELEASE OF MEDICAL INFORMATION TO THE LAY CAREGIVER, THE HOSPITAL IS NOT REQUIRED TO:**

**(1) PROVIDE TO THE LAY CAREGIVER THE NOTICE REQUIRED UNDER § 19-382 OF THIS PART; OR**

**(2) CONSULT WITH THE LAY CAREGIVER OR PROVIDE TO THE LAY CAREGIVER INFORMATION CONTAINED IN THE DISCHARGE PLAN ISSUED UNDER § 19-383 OF THIS PART.**

(E) A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT MAY CHANGE THE DESIGNATION OF A LAY CAREGIVER IN THE EVENT THE LAY CAREGIVER BECOMES INCAPACITATED.

(F) A DESIGNATION OF A LAY CAREGIVER BY A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT UNDER THIS SECTION DOES NOT OBLIGATE AN INDIVIDUAL TO PERFORM ANY AFTERCARE FOR THE PATIENT.

(G) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT TO DESIGNATE A LAY CAREGIVER.

**19-382.**

IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT HAS DESIGNATED A LAY CAREGIVER UNDER § 19-381 OF THIS PART, THE HOSPITAL SHALL NOTIFY THE LAY CAREGIVER OF THE DISCHARGE OF THE PATIENT OR THE TRANSFER OF THE PATIENT TO ANOTHER HOSPITAL OR FACILITY LICENSED BY THE STATE AS SOON AS PRACTICABLE.

**19-383.**

(A) AS SOON AS PRACTICABLE BEFORE DISCHARGE OF A PATIENT, A HOSPITAL SHALL ATTEMPT TO:

(1) CONSULT WITH THE PATIENT'S LAY CAREGIVER TO PREPARE THE LAY CAREGIVER FOR AFTERCARE; AND

(2) ISSUE A DISCHARGE PLAN THAT DESCRIBES THE AFTERCARE NEEDS OF THE PATIENT.

(B) THE INABILITY OF A HOSPITAL TO CONSULT WITH A PATIENT'S DESIGNATED LAY CAREGIVER MAY NOT INTERFERE WITH, DELAY, OR OTHERWISE AFFECT THE MEDICAL CARE PROVIDED TO THE PATIENT OR THE PATIENT'S DISCHARGE.

**19-384.**

A HOSPITAL'S DISCHARGE PROCESS MAY INCORPORATE ESTABLISHED EVIDENCE-BASED PRACTICES, INCLUDING THOSE DESCRIBED IN:

(1) STANDARDS FOR ACCREDITATION ADOPTED BY THE JOINT COMMISSION OR ANOTHER NATIONALLY RECOGNIZED HOSPITAL ACCREDITATION ORGANIZATION; AND



**(2) THE CONDITIONS OF PARTICIPATION FOR HOSPITALS ADOPTED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.**

**19-385.**

**(A) THIS PART MAY NOT BE CONSTRUED TO:**

**(1) AFFECT THE RIGHTS OF AN AGENT TO MAKE HEALTH CARE DECISIONS UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE; OR**

**(2) CREATE A PRIVATE RIGHT OF ACTION AGAINST A HOSPITAL, A HOSPITAL EMPLOYEE, OR A DULY AUTHORIZED AGENT OF A HOSPITAL, OR OTHERWISE SUPERSEDE OR REPLACE EXISTING RIGHTS OR REMEDIES UNDER ANY OTHER STATE OR FEDERAL LAW.**

**(B) NO FEDERAL OR STATE:**

**(1) FUNDS MAY BE USED FOR PAYMENT OF A LAY CAREGIVER; AND**

**(2) PROGRAM FUNDING MAY BE IMPACTED BY THIS PART.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 377**

**(House Bill 1277)**

AN ACT concerning

**Hospitals – Designation of Lay Caregivers**

FOR the purpose of requiring a hospital to provide a patient or the legal guardian of the patient with an opportunity to designate a certain lay caregiver before the patient is discharged from the hospital; requiring a hospital to document a certain decision by a certain patient or the legal guardian of the patient in the patient's medical record; providing that a hospital shall be deemed to be in compliance with this Act under certain circumstances; requiring a hospital to record certain information in a patient's medical record; requiring a hospital to request the written consent of a patient or the legal guardian of the patient to release certain medical information; providing that a hospital, under certain circumstances, is not required to provide certain notice required under a certain provision of this Act or to consult with or

provide certain information to a certain lay caregiver; authorizing a patient or the legal guardian of a patient to change the designation of a certain lay caregiver under certain circumstances; providing that a designation of a certain lay caregiver does not obligate an individual to perform certain aftercare; providing that certain provisions of this Act may not be construed to require a patient or the legal guardian of the patient to designate a certain lay caregiver; requiring a hospital to notify a certain lay caregiver of the discharge of a patient or the transfer of a patient to another hospital or a certain facility as soon as practicable; requiring a hospital, as soon as practicable before discharge, to consult with a certain lay caregiver and issue a certain discharge plan; providing that the inability of a hospital to consult with a certain lay caregiver may not interfere with, delay, or otherwise affect certain medical care or a patient's discharge; authorizing a hospital's discharge process to incorporate certain standards of accreditation and certain Conditions of Participation; prohibiting the use of certain federal or State funds for a certain purpose; providing that no federal or State program funding may be impacted by this Act; providing for the construction of this Act; defining certain terms; and generally relating to hospitals and the designation of lay caregivers.

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 19–301(a) and (f)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to

Article – Health – General  
Section 19–380 through 19–385 to be under the new part “Part XI. Designation of Lay Caregivers”  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

19–301.

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

(f) “Hospital” means an institution that:

(1) Has a group of at least 5 physicians who are organized as a medical staff for the institution;

(2) Maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for 2 or more unrelated individuals; and

- (3) Admits or retains the individuals for overnight care.

**19-378. RESERVED.**

**19-379. RESERVED.**

**PART XI. DESIGNATION OF LAY CAREGIVERS.**

**19-380.**

**(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) (1) "AFTERCARE" MEANS ANY ASSISTANCE PROVIDED BY A LAY CAREGIVER TO A PATIENT AFTER DISCHARGE OF THE PATIENT.**

**(2) "AFTERCARE" INCLUDES TASKS THAT ARE LIMITED TO THE PATIENT'S CONDITION AT THE TIME OF DISCHARGE THAT DO NOT REQUIRE A LICENSED PROFESSIONAL.**

**(C) "DISCHARGE" MEANS THE EXIT OR RELEASE OF A PATIENT FROM INPATIENT CARE IN A HOSPITAL TO THE RESIDENCE OF THE PATIENT.**

**(D) "LAY CAREGIVER" MEANS AN INDIVIDUAL WHO:**

**(1) IS AN ADULT;**

**(2) IS DESIGNATED AS A LAY CAREGIVER BY A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT UNDER THIS PART; AND**

**(3) PERFORMS AFTERCARE FOR THE PATIENT AT THE RESIDENCE OF THE PATIENT.**

**(E) (1) "RESIDENCE" MEANS A DWELLING THAT A PATIENT CONSIDERS TO BE HOME.**

**(2) "RESIDENCE" DOES NOT INCLUDE:**

**(I) A REHABILITATION FACILITY;**

**(II) A HOSPITAL;**

**(III) A NURSING HOME;**

- (IV) AN ASSISTED LIVING FACILITY; OR
- (V) A GROUP HOME LICENSED BY THE STATE.

19-381.

(A) A HOSPITAL SHALL PROVIDE A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT WITH AN OPPORTUNITY TO DESIGNATE ONE LAY CAREGIVER BEFORE DISCHARGE OF THE PATIENT.

(B) IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT DECLINES TO DESIGNATE A LAY CAREGIVER:

(1) THE HOSPITAL SHALL DOCUMENT THE DECISION IN THE PATIENT'S MEDICAL RECORD; AND

(2) THE HOSPITAL SHALL BE DEEMED TO BE IN COMPLIANCE WITH THE PROVISIONS OF THIS PART.

(C) IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT DESIGNATES A LAY CAREGIVER, THE HOSPITAL SHALL:

(1) RECORD IN THE PATIENT'S MEDICAL RECORD:

(i) THE DESIGNATION OF THE LAY CAREGIVER;

(ii) THE RELATIONSHIP OF THE LAY CAREGIVER TO THE PATIENT; AND

(iii) THE NAME, TELEPHONE NUMBER, AND ADDRESS OF THE LAY CAREGIVER; AND

(2) REQUEST THE WRITTEN CONSENT OF THE PATIENT OR THE LEGAL GUARDIAN OF THE PATIENT TO RELEASE MEDICAL INFORMATION TO THE LAY CAREGIVER IN ACCORDANCE WITH:

(i) THE PROCEDURES OF THE HOSPITAL FOR RELEASING PERSONAL HEALTH INFORMATION; AND

(ii) ALL APPLICABLE FEDERAL AND STATE LAWS.

(D) IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT DECLINES TO CONSENT TO THE RELEASE OF MEDICAL INFORMATION TO THE LAY CAREGIVER, THE HOSPITAL IS NOT REQUIRED TO:

(1) PROVIDE TO THE LAY CAREGIVER THE NOTICE REQUIRED UNDER § 19-382 OF THIS PART; OR

(2) CONSULT WITH THE LAY CAREGIVER OR PROVIDE TO THE LAY CAREGIVER INFORMATION CONTAINED IN THE DISCHARGE PLAN ISSUED UNDER § 19-383 OF THIS PART.

(E) A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT MAY CHANGE THE DESIGNATION OF A LAY CAREGIVER IN THE EVENT THE LAY CAREGIVER BECOMES INCAPACITATED.

(F) A DESIGNATION OF A LAY CAREGIVER BY A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT UNDER THIS SECTION DOES NOT OBLIGATE AN INDIVIDUAL TO PERFORM ANY AFTERCARE FOR THE PATIENT.

(G) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT TO DESIGNATE A LAY CAREGIVER.

19-382.

IF A PATIENT OR THE LEGAL GUARDIAN OF A PATIENT HAS DESIGNATED A LAY CAREGIVER UNDER § 19-381 OF THIS PART, THE HOSPITAL SHALL NOTIFY THE LAY CAREGIVER OF THE DISCHARGE OF THE PATIENT OR THE TRANSFER OF THE PATIENT TO ANOTHER HOSPITAL OR FACILITY LICENSED BY THE STATE AS SOON AS PRACTICABLE.

19-383.

(A) AS SOON AS PRACTICABLE BEFORE DISCHARGE OF A PATIENT, A HOSPITAL SHALL ATTEMPT TO:

(1) CONSULT WITH THE PATIENT'S LAY CAREGIVER TO PREPARE THE LAY CAREGIVER FOR AFTERCARE; AND

(2) ISSUE A DISCHARGE PLAN THAT DESCRIBES THE AFTERCARE NEEDS OF THE PATIENT.

(B) THE INABILITY OF A HOSPITAL TO CONSULT WITH A PATIENT'S DESIGNATED LAY CAREGIVER MAY NOT INTERFERE WITH, DELAY, OR OTHERWISE AFFECT THE MEDICAL CARE PROVIDED TO THE PATIENT OR THE PATIENT'S DISCHARGE.

19-384.

**A HOSPITAL’S DISCHARGE PROCESS MAY INCORPORATE ESTABLISHED EVIDENCE–BASED PRACTICES, INCLUDING THOSE DESCRIBED IN:**

**(1) STANDARDS FOR ACCREDITATION ADOPTED BY THE JOINT COMMISSION OR ANOTHER NATIONALLY RECOGNIZED HOSPITAL ACCREDITATION ORGANIZATION; AND**

**(2) THE CONDITIONS OF PARTICIPATION FOR HOSPITALS ADOPTED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.**

**19–385.**

**(A) THIS PART MAY NOT BE CONSTRUED TO:**

**(1) AFFECT THE RIGHTS OF AN AGENT TO MAKE HEALTH CARE DECISIONS UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE; OR**

**(2) CREATE A PRIVATE RIGHT OF ACTION AGAINST A HOSPITAL, A HOSPITAL EMPLOYEE, OR A DULY AUTHORIZED AGENT OF A HOSPITAL, OR OTHERWISE SUPERSEDE OR REPLACE EXISTING RIGHTS OR REMEDIES UNDER ANY OTHER STATE OR FEDERAL LAW.**

**(B) NO FEDERAL OR STATE:**

**(1) FUNDS MAY BE USED FOR PAYMENT OF A LAY CAREGIVER; AND**

**(2) PROGRAM FUNDING MAY BE IMPACTED BY THIS PART.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 378**

**(Senate Bill 354)**

AN ACT concerning

**Petitions for Emergency Evaluation – Minors – Sealing of Court Records**

FOR the purpose of authorizing a certain individual to file a motion with the court requesting that any court records relating to a certain petition for emergency evaluation be sealed; requiring the court to have a copy of the motion served on a certain petitioner at a certain address; authorizing the court to order that certain court records be sealed under certain circumstances; authorizing a certain petitioner to file an objection to the motion; authorizing the court to grant the motion without a hearing under certain circumstances; requiring the court to hold a hearing if the petitioner files an objection to the motion within a certain time period after a copy of the motion is served on the petitioner; authorizing the court to hold a hearing on its own initiative; prohibiting certain court records, if sealed, from being opened for any purpose except by order of the court under certain circumstances; clarifying that a certain provision of law allowing the review of certain court records by certain persons and entities does not apply to the review of certain court records that have been sealed under a certain provision of this Act; and generally relating to petitions for emergency evaluation and court records.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 10–630  
 Annotated Code of Maryland  
 (2015 Replacement Volume)

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

**Article – Health – General**

10–630.

(a) All court records relating to a petition for an emergency evaluation made under this subtitle are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown.

(b) ~~This~~ **EXCEPT FOR A COURT RECORD SEALED UNDER SUBSECTION (D) OF THIS SECTION, THIS** section does not prohibit review of a court record relating to a petition by:

- (1) Personnel of the court;
- (2) The petitioner;
- (3) The emergency evaluatee or counsel for the emergency evaluatee;
- (4) Authorized personnel of the Department;
- (5) Authorized personnel of the local core service agency or local behavioral health authority;

(6) A law enforcement agency; or

(7) A person authorized by a court order on good cause shown.

(c) A petition for an emergency evaluation:

(1) Shall be considered a mental health record under Title 4 of this article;

and

(2) May be released by a health care provider, as defined in § 4–301 of this article, only as permitted by law.

**(D) (1) AN EMERGENCY EVALUEE WHO WAS A MINOR WHEN A PETITION FOR EMERGENCY EVALUATION WAS MADE OR SOUGHT CONCERNING THE EMERGENCY EVALUEE UNDER PART IV OF THIS SUBTITLE MAY FILE A MOTION WITH THE COURT AT ANY TIME REQUESTING THAT ANY COURT RECORDS RELATING TO THE PETITION BE SEALED.**

**(2) THE COURT SHALL HAVE A COPY OF THE MOTION FILED UNDER THIS SUBSECTION SERVED ON THE PETITIONER AT THE ADDRESS STATED FOR THE PETITIONER IN THE PETITION FOR EMERGENCY EVALUATION.**

**(3) THE COURT MAY ORDER COURT RECORDS RELATING TO THE PETITION FOR EMERGENCY EVALUATION THAT IS THE SUBJECT OF THE MOTION SEALED FOR GOOD CAUSE SHOWN ~~FOR GOOD CAUSE SHOWN IF:~~**

**~~(I) THE RECORDS DO NOT INDICATE THAT THE EMERGENCY EVALUEE ENGAGED IN VIOLENT BEHAVIOR AGAINST THE EMERGENCY EVALUEE OR ANOTHER;~~**

**~~(II) THE PETITION DID NOT RESULT IN THE INVOLUNTARY ADMISSION OF THE EMERGENCY EVALUEE; AND~~**

**~~(III) GOOD CAUSE IS SHOWN.~~**

**(4) (I) THE PETITIONER MAY FILE AN OBJECTION TO A MOTION FILED UNDER THIS SUBSECTION.**

**(II) IF NO OBJECTION IS FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

**(III) IF THE PETITIONER FILES AN OBJECTION TO THE MOTION WITHIN 30 DAYS AFTER A COPY OF THE MOTION IS SERVED ON THE PETITIONER, THE COURT SHALL HOLD A HEARING.**



## (IV) THE COURT MAY HOLD A HEARING ON ITS OWN INITIATIVE.

(5) IF SEALED, THE COURT RECORDS RELATING TO THE PETITION FOR EMERGENCY EVALUATION THAT IS THE SUBJECT OF THE MOTION MAY NOT BE OPENED, FOR ANY PURPOSE, EXCEPT BY ORDER OF THE COURT FOR GOOD CAUSE SHOWN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 10, 2016.

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Chapter 379

(Senate Bill 359)

AN ACT concerning

**Family Law – Divorce – Corroboration of Testimony ~~and Filing Procedures~~**

FOR the purpose of repealing ~~the prohibition on~~ a provision prohibiting a court *from* entering a decree of divorce on the uncorroborated testimony of the party seeking the divorce; ~~requiring authorizing parties to jointly file a certain complaint in order to initiate proceedings for an absolute divorce on the grounds of mutual consent; requiring the Court of Appeals to establish a certain joint complaint form and procedures for filing certain joint complaints~~ repealing a provision specifying that, in a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff's testimony that the separation was voluntary under certain circumstances; and generally relating to divorce.

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 7-101 ~~and 7-103(f)~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, without amendments,  
 Article – Family Law  
 Section 7-103(a)(8)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article – Family Law  
Section 7-103(f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)~~

*BY repealing*

~~*Article – Family Law  
Section 8-104  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)*~~

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

**Article – Family Law**

7-101.

[(a)] If the grounds for the divorce occurred outside of this State, a party may not apply for a divorce unless one of the parties has resided in this State for at least 6 months before the application is filed.

[(b)] A court may not enter a decree of divorce on the uncorroborated testimony of the party who is seeking the divorce.]

~~7-103.~~

~~(a) The court may decree an absolute divorce on the following grounds:~~

~~(8) mutual consent, if:~~

~~(i) the parties do not have any minor children in common;~~

~~(ii) the parties execute and submit to the court a written settlement agreement signed by both parties that resolves all issues relating to:~~

~~1. alimony; and~~

~~2. the distribution of property, including the relief provided in §§ 8-205 and 8-208 of this article;~~

~~(iii) neither party files a pleading to set aside the settlement agreement prior to the divorce hearing required under the Maryland Rules; and~~

~~(iv) both parties appear before the court at the absolute divorce hearing.~~

~~(F) (1) TO INITIATE PROCEEDINGS FOR AN ABSOLUTE DIVORCE ON THE GROUNDS OF MUTUAL CONSENT, THE PARTIES SHALL MAY JOINTLY FILE A COMPLAINT FOR ABSOLUTE DIVORCE.~~

~~(2) THE COURT OF APPEALS SHALL, BY RULE, ESTABLISH A JOINT COMPLAINT FORM AND PROCEDURES FOR FILING JOINT COMPLAINTS UNDER THIS SUBSECTION.~~

~~[(F)] (C) If a court decrees an absolute divorce on the grounds of mutual consent under subsection (a)(8) of this section, the court may:~~

~~(1) merge or incorporate the settlement agreement into the divorce decree; and~~

~~(2) modify or enforce the settlement agreement consistent with Title 8, Subtitle 1 of this article.~~

[8-104.

In a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff's testimony that the separation was voluntary if the agreement:

(1) states that the spouses voluntarily agreed to separate; and

(2) is executed under oath before the application for divorce is filed.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 380

(House Bill 274)

AN ACT concerning

### Family Law – Divorce – Corroboration of Testimony

FOR the purpose of repealing a provision prohibiting a court from entering a decree of divorce on the uncorroborated testimony of the party seeking the divorce; repealing a provision specifying that, in a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff's testimony

that the separation was voluntary under certain circumstances; and generally relating to divorce.

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 7–101  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing  
Article – Family Law  
Section 8–104  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Family Law**

7–101.

[(a)] If the grounds for the divorce occurred outside of this State, a party may not apply for a divorce unless one of the parties has resided in this State for at least 6 months before the application is filed.

[(b)] A court may not enter a decree of divorce on the uncorroborated testimony of the party who is seeking the divorce.]

[8–104.

In a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff's testimony that the separation was voluntary if the agreement:

- (1) states that the spouses voluntarily agreed to separate; and
- (2) is executed under oath before the application for divorce is filed.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 381

### (Senate Bill 360)

AN ACT concerning

#### **Juvenile Causes – Permanency Plans – ~~Age~~ Age Restrictions on Use of Another Planned Permanent Living Arrangement**

FOR the purpose of providing that another planned permanent living arrangement may be a child's permanency plan only if the child is at least a certain age; ~~requiring a local department of social services to document certain efforts and steps at certain permanency planning hearings, certain permanency plan review hearings, and certain guardianship review hearings, under certain circumstances;~~ and generally relating to permanency plans for the out-of-home placement of children.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–823(e) ~~and (h)~~  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–326(a) and 5–525(f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

3–823.

(e) (1) At a permanency planning hearing, the court shall:

(i) Determine the child's permanency plan, which, to the extent consistent with the best interests of the child, may be, in descending order of priority:

1. Reunification with the parent or guardian;
2. Placement with a relative for:
  - A. Adoption; or
  - B. Custody and guardianship under § 3–819.2 of this subtitle;

3. Adoption by a nonrelative;
  4. Custody and guardianship by a nonrelative under § 3–819.2 of this subtitle; or
  5. **[Another] FOR A CHILD AT LEAST 16 YEARS OLD, ANOTHER** planned permanent living arrangement that:
    - A. Addresses the individualized needs of the child, including the child’s educational plan, emotional stability, physical placement, and socialization needs; and
    - B. Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child’s life; and
- (ii) For a child who has attained the age of 16 years, determine the services needed to assist the child to make the transition from placement to independent living.

(2) In determining the child’s permanency plan, the court shall consider the factors specified in § 5–525(f)(1) of the Family Law Article.

~~(3) AT A PERMANENCY PLANNING HEARING FOR A CHILD WHOSE RECOMMENDED PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (1)(1)5 OF THIS SUBSECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:~~

~~(i) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND~~

~~(ii) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:~~

~~1. THE CHILD’S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND~~

~~2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.~~

~~(h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the court shall conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated.~~

~~(ii) The court shall conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis.~~

~~(iii) 1. Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual.~~

~~2. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.~~

~~3. The court may not conclude a review hearing under subsubparagraph 2 of this subparagraph unless the court has seen the child in person.~~

~~(2) At the review hearing, the court shall:~~

~~(i) Determine the continuing necessity for and appropriateness of the commitment;~~

~~(ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;~~

~~(iii) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;~~

~~(iv) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;~~

~~(v) Evaluate the safety of the child and take necessary measures to protect the child; and~~

~~(vi) Change the permanency plan if a change in the permanency plan would be in the child's best interest.~~

~~(3) AT EACH REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (E)(1)(I)5 OF THIS SECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:~~

~~(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND~~

~~(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:~~

~~1. THE CHILD'S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND~~

~~2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.~~

~~(3) (4) Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.~~

### Article – Family Law

5–326.

(a) (1) A juvenile court shall hold:

(i) an initial guardianship review hearing as scheduled under § 5–324(b)(1)(vi) of this subtitle to establish a permanency plan for the child; and

(ii) at least once each year after the initial guardianship review hearing until the juvenile court's jurisdiction terminates, a guardianship review hearing.

(2) At each guardianship review hearing, a juvenile court shall determine whether:

(i) the child's current circumstances and placement are in the child's best interests;

(ii) the permanency plan that is in effect is in the child's best interests; and

(iii) reasonable efforts have been made to finalize the permanency plan that is in effect.

(3) (i) A juvenile court shall give at least 30 days' notice before each guardianship review hearing for a child to:

1. the local department;

2. the child's attorney; and

3. each of the child's living parents who has not waived the right to notice and that parent's attorney.

(ii) A parent is entitled to be heard and to participate at a guardianship review hearing.



(iii) A parent is not a party solely on the basis of the right to notice or opportunity to be heard or participate at a guardianship review hearing.

(4) (i) A local department shall give a child's caregiver at least 7 days' notice before a guardianship review hearing.

(ii) A caregiver is entitled to be heard at a guardianship review hearing.

(iii) A caregiver is not a party solely on the basis of the right to notice or opportunity to be heard at a guardianship review hearing.

(5) (i) At least 10 days before each guardianship review hearing, a local department shall:

1. investigate as needed to prepare a written report that summarizes the child's circumstances and the progress that has been made in implementing the child's permanency plan; and

2. send a copy of the report to:

A. the child's attorney; and

B. each of the child's living parents who has not waived the right to notice and that parent's attorney.

(ii) Notice to a parent under this paragraph shall be sent to the parent's last address known to the juvenile court.

(6) A child's permanency plan may be, in order of priority:

(i) adoption of the child;

(ii) custody and guardianship of the child by an individual; or

(iii) **FOR A CHILD AT LEAST 16 YEARS OLD**, another planned permanent living arrangement that:

1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and

2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(7) Every reasonable effort shall be made to implement a permanency plan within 1 year.

- (8) At each guardianship review hearing for a child, a juvenile court shall:
- (i) evaluate the child’s safety and act as needed to protect the child;
  - (ii) consider the written report of a local out-of-home placement review board required under § 5–545 of this title;
  - (iii) determine the extent of compliance with the permanency plan;
  - (iv) make a specific factual finding on whether reasonable efforts have been made to finalize the child’s permanency plan and document the finding;
  - (v) subject to subsection (b) of this section, change the child’s permanency plan if a change would be in the child’s best interests;
  - (vi) project a reasonable date by which the permanency plan will be finalized;
  - (vii) enter any order that the juvenile court finds appropriate to implement the permanency plan; and
  - (viii) take all other action that the juvenile court considers to be in the child’s best interests, including any order allowed under § 5–324(b)(1)(ii) of this subtitle.

~~(9) AT EACH GUARDIANSHIP REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (6)(II) OF THIS SUBSECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:~~

~~(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND~~

~~(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:~~

~~1. THE CHILD’S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND~~

~~2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.~~

~~(9) (10) (9)~~ A juvenile court may approve a permanency plan other than adoption of a child only if the juvenile court finds that, for a compelling reason, adoption is not in the child’s best interests.

~~(10)~~ ~~(11)~~ (10) (i) At a guardianship review hearing held 1 year or more after a juvenile court enters an order for guardianship of a child, the juvenile court may designate an individual guardian of the child if:

1. the local department certifies the child's successful placement with the individual under the supervision of the local department or its agent for at least 180 days or a shorter period allowed by the juvenile court on recommendation of the local department;

2. the local department files a report by a child placement agency, completed in accordance with department regulations, as to the suitability of the individual to be the child's guardian; and

3. the juvenile court makes a specific finding that:

A. for a compelling reason, adoption is not in the child's best interests; and

B. custody and guardianship by the individual is in the child's best interests and is the least restrictive alternative available.

(ii) Designation of a guardian under this paragraph terminates the local department's legal obligations and responsibilities to the child.

(iii) After designation of a guardian under this paragraph, a juvenile court may order any further review that the juvenile court finds to be in the child's best interests.

5-525.

(f) (1) In developing a permanency plan for a child in an out-of-home placement, the local department shall give primary consideration to the best interests of the child, including consideration of both in-State and out-of-state placements. The local department shall consider the following factors in determining the permanency plan that is in the best interests of the child:

(i) the child's ability to be safe and healthy in the home of the child's parent;

(ii) the child's attachment and emotional ties to the child's natural parents and siblings;

(iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;

(iv) the length of time the child has resided with the current caregiver;

(v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and

(vi) the potential harm to the child by remaining in State custody for an excessive period of time.

(2) To the extent consistent with the best interests of the child in an out-of-home placement, the local department shall consider the following permanency plans, in descending order of priority:

(i) returning the child to the child's parent or guardian, unless the local department is the guardian;

(ii) placing the child with relatives to whom adoption, custody and guardianship, or care and custody, in descending order of priority, are planned to be granted;

(iii) adoption in the following descending order of priority:

1. by a current foster parent with whom the child has resided continually for at least the 12 months prior to developing the permanency plan or for a sufficient length of time to have established positive relationships and family ties; or

2. by another approved adoptive family; or

(iv) **FOR A CHILD AT LEAST 16 YEARS OLD**, another planned permanent living arrangement that:

1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and

2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(3) Subject to paragraphs (1) and (2) of this subsection and to the extent consistent with the best interests of a child in an out-of-home placement, in determining a permanency plan, the local department shall consider the following in descending order of priority:

(i) placement of the child in the local jurisdiction where the child's parent or guardian resides; or

(ii) if the local department finds, based on a compelling reason, that placement of the child as described in item (i) of this paragraph is not in the best interest of the child, placement of the child in another jurisdiction in the State after considering:

1. the availability of resources to provide necessary services to the child;
2. the accessibility to family treatment, if appropriate; and
3. the effect on the local school system.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 382

### (House Bill 192)

AN ACT concerning

#### **Juvenile Causes – Permanency Plans – Age Restrictions on Use of Another Planned Permanent Living Arrangement**

FOR the purpose of providing that another planned permanent living arrangement may be a child's permanency plan only if the child is at least a certain age; and generally relating to permanency plans for the out-of-home placement of children.

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 3–823(e)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 5–326(a) and 5–525(f)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

3–823.

(e) (1) At a permanency planning hearing, the court shall:

(i) Determine the child’s permanency plan, which, to the extent consistent with the best interests of the child, may be, in descending order of priority:

1. Reunification with the parent or guardian;
2. Placement with a relative for:
  - A. Adoption; or
  - B. Custody and guardianship under § 3–819.2 of this subtitle;
3. Adoption by a nonrelative;
4. Custody and guardianship by a nonrelative under § 3–819.2 of this subtitle; or

5. **[Another] FOR A CHILD AT LEAST 16 YEARS OLD, ANOTHER** planned permanent living arrangement that:

A. Addresses the individualized needs of the child, including the child’s educational plan, emotional stability, physical placement, and socialization needs; and

B. Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child’s life; and

(ii) For a child who has attained the age of 16 years, determine the services needed to assist the child to make the transition from placement to independent living.

(2) In determining the child’s permanency plan, the court shall consider the factors specified in § 5–525(f)(1) of the Family Law Article.

### **Article – Family Law**

5–326.

(a) (1) A juvenile court shall hold:

(i) an initial guardianship review hearing as scheduled under § 5–324(b)(1)(vi) of this subtitle to establish a permanency plan for the child; and

(ii) at least once each year after the initial guardianship review hearing until the juvenile court's jurisdiction terminates, a guardianship review hearing.

(2) At each guardianship review hearing, a juvenile court shall determine whether:

(i) the child's current circumstances and placement are in the child's best interests;

(ii) the permanency plan that is in effect is in the child's best interests; and

(iii) reasonable efforts have been made to finalize the permanency plan that is in effect.

(3) (i) A juvenile court shall give at least 30 days' notice before each guardianship review hearing for a child to:

1. the local department;

2. the child's attorney; and

3. each of the child's living parents who has not waived the right to notice and that parent's attorney.

(ii) A parent is entitled to be heard and to participate at a guardianship review hearing.

(iii) A parent is not a party solely on the basis of the right to notice or opportunity to be heard or participate at a guardianship review hearing.

(4) (i) A local department shall give a child's caregiver at least 7 days' notice before a guardianship review hearing.

(ii) A caregiver is entitled to be heard at a guardianship review hearing.

(iii) A caregiver is not a party solely on the basis of the right to notice or opportunity to be heard at a guardianship review hearing.

(5) (i) At least 10 days before each guardianship review hearing, a local department shall:

1. investigate as needed to prepare a written report that summarizes the child's circumstances and the progress that has been made in implementing the child's permanency plan; and

2. send a copy of the report to:
  - A. the child's attorney; and
  - B. each of the child's living parents who has not waived the right to notice and that parent's attorney.

(ii) Notice to a parent under this paragraph shall be sent to the parent's last address known to the juvenile court.

(6) A child's permanency plan may be, in order of priority:

- (i) adoption of the child;
- (ii) custody and guardianship of the child by an individual; or

(iii) **FOR A CHILD AT LEAST 16 YEARS OLD**, another planned permanent living arrangement that:

1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and

2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(7) Every reasonable effort shall be made to implement a permanency plan within 1 year.

(8) At each guardianship review hearing for a child, a juvenile court shall:

- (i) evaluate the child's safety and act as needed to protect the child;
- (ii) consider the written report of a local out-of-home placement review board required under § 5-545 of this title;

(iii) determine the extent of compliance with the permanency plan;

(iv) make a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan and document the finding;

(v) subject to subsection (b) of this section, change the child's permanency plan if a change would be in the child's best interests;

(vi) project a reasonable date by which the permanency plan will be finalized;



(vii) enter any order that the juvenile court finds appropriate to implement the permanency plan; and

(viii) take all other action that the juvenile court considers to be in the child's best interests, including any order allowed under § 5-324(b)(1)(ii) of this subtitle.

(9) A juvenile court may approve a permanency plan other than adoption of a child only if the juvenile court finds that, for a compelling reason, adoption is not in the child's best interests.

(10) (i) At a guardianship review hearing held 1 year or more after a juvenile court enters an order for guardianship of a child, the juvenile court may designate an individual guardian of the child if:

1. the local department certifies the child's successful placement with the individual under the supervision of the local department or its agent for at least 180 days or a shorter period allowed by the juvenile court on recommendation of the local department;

2. the local department files a report by a child placement agency, completed in accordance with department regulations, as to the suitability of the individual to be the child's guardian; and

3. the juvenile court makes a specific finding that:

A. for a compelling reason, adoption is not in the child's best interests; and

B. custody and guardianship by the individual is in the child's best interests and is the least restrictive alternative available.

(ii) Designation of a guardian under this paragraph terminates the local department's legal obligations and responsibilities to the child.

(iii) After designation of a guardian under this paragraph, a juvenile court may order any further review that the juvenile court finds to be in the child's best interests.

5-525.

(f) (1) In developing a permanency plan for a child in an out-of-home placement, the local department shall give primary consideration to the best interests of the child, including consideration of both in-State and out-of-state placements. The local department shall consider the following factors in determining the permanency plan that is in the best interests of the child:

(i) the child's ability to be safe and healthy in the home of the child's parent;

(ii) the child's attachment and emotional ties to the child's natural parents and siblings;

(iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;

(iv) the length of time the child has resided with the current caregiver;

(v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and

(vi) the potential harm to the child by remaining in State custody for an excessive period of time.

(2) To the extent consistent with the best interests of the child in an out-of-home placement, the local department shall consider the following permanency plans, in descending order of priority:

(i) returning the child to the child's parent or guardian, unless the local department is the guardian;

(ii) placing the child with relatives to whom adoption, custody and guardianship, or care and custody, in descending order of priority, are planned to be granted;

(iii) adoption in the following descending order of priority:

1. by a current foster parent with whom the child has resided continually for at least the 12 months prior to developing the permanency plan or for a sufficient length of time to have established positive relationships and family ties; or

2. by another approved adoptive family; or

(iv) **FOR A CHILD AT LEAST 16 YEARS OLD**, another planned permanent living arrangement that:

1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and

2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(3) Subject to paragraphs (1) and (2) of this subsection and to the extent consistent with the best interests of a child in an out-of-home placement, in determining a permanency plan, the local department shall consider the following in descending order of priority:

(i) placement of the child in the local jurisdiction where the child's parent or guardian resides; or

(ii) if the local department finds, based on a compelling reason, that placement of the child as described in item (i) of this paragraph is not in the best interest of the child, placement of the child in another jurisdiction in the State after considering:

1. the availability of resources to provide necessary services to the child;
2. the accessibility to family treatment, if appropriate; and
3. the effect on the local school system.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 383

(Senate Bill 401)

AN ACT concerning

### Charles County and St. Mary's County – Deer Management Permit – Firearms

FOR the purpose of authorizing an individual who holds a Deer Management Permit in Charles County and St. Mary's County to use certain firearms to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; and generally relating to the use of certain firearms under a Deer Management Permit in Charles County and St. Mary's County.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 10–415(d)(1) and (3)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–415(d)(2)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Natural Resources**

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued by the Department authorizing the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) (i) In Charles County and St. Mary’s County, an individual who holds a Deer Management Permit may:

1. Use a shotgun or breech loading center fired rifle approved by the Department to hunt deer throughout [deer season] **THE YEAR, INCLUDING ALL DEER HUNTING SEASONS**, in the locations and under the conditions set forth in the permit; and

2. If the individual leases State land in Charles County or St. Mary’s County for the purpose of cultivating crops, hunt deer on the land leased by the individual in the locations and under the conditions set forth in the permit.

(ii) The Department may authorize an individual in Charles County or St. Mary’s County to hunt deer on Sundays under a Deer Management Permit.

(3) To protect public safety and welfare, the Department may restrict the lands on which an individual may hunt deer under a Deer Management Permit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 384**

**(House Bill 1417)**

AN ACT concerning

**Charles County and St. Mary's County – Deer Management Permit – Firearms**

FOR the purpose of authorizing an individual who holds a Deer Management Permit in Charles County and St. Mary's County to use certain firearms to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; and generally relating to the use of certain firearms under a Deer Management Permit in Charles County and St. Mary's County.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 10–415(d)(1) and (3)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–415(d)(2)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Natural Resources**

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued by the Department authorizing the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) (i) In Charles County and St. Mary's County, an individual who holds a Deer Management Permit may:

1. Use a shotgun or breech loading center fired rifle approved by the Department to hunt deer throughout [deer season] **THE YEAR, INCLUDING ALL DEER HUNTING SEASONS**, in the locations and under the conditions set forth in the permit; and

2. If the individual leases State land in Charles County or St. Mary's County for the purpose of cultivating crops, hunt deer on the land leased by the individual in the locations and under the conditions set forth in the permit.

(ii) The Department may authorize an individual in Charles County or St. Mary's County to hunt deer on Sundays under a Deer Management Permit.

(3) To protect public safety and welfare, the Department may restrict the lands on which an individual may hunt deer under a Deer Management Permit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 385

(Senate Bill 411)

AN ACT concerning

### **Income Tax – Credit for ~~Physician~~ Preceptors in Areas With Health Care Workforce Shortages**

FOR the purpose of authorizing a credit against the State income tax for certain individuals who, under certain circumstances, serve as ~~physician~~ preceptors in certain preceptorship programs and work in certain areas of the State with health care workforce shortages; providing that the credit may not exceed the State income tax for that taxable year and that any unused credit may not be carried over to any other taxable year; providing for the calculation of the credit; requiring the Department of Health and Mental Hygiene, on application of a taxpayer, to issue a tax credit certificate under certain circumstances; requiring the application to contain certain information; providing for the maximum amount of a tax credit certificate that may be issued; requiring the Department to approve applications on a first-come, first-served basis and notify applicants of approval or denial of an application within a certain number of days of receipt of the application; providing that the total number of tax credit certificates issued by the Department may not exceed a certain amount for each taxable year; providing that tax credit certificate amounts not issued during a taxable year may be carried over and issued during the next taxable year; requiring the Department to report certain information to the Comptroller and the General Assembly on or before a certain date each year; requiring the Department, in consultation with the Governor's Workforce Investment Board, to adopt certain regulations; establishing the Nurse Practitioner Preceptorship Tax Credit Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; authorizing a certain amount of the unspent portion of money transferred to the Office of Student Financial Assistance for use under the Health Personnel Shortage Incentive Grant Program to be transferred or revert to the General Fund only for a certain purpose; requiring the

State Board of Nursing to assess a certain fee for the renewal of a certain certification; requiring the Board to pay the fee collected into the Fund; defining certain terms; providing for the application of this Act; providing for the termination of this Act; and generally relating to a credit against the State income tax for certain physician preceptors in certain areas with health care workforce shortages.

BY adding to

Article – Tax – General  
 Section 10–737 and 10–738  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Education  
 Section 18–803(b)(1) and (2)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Education  
 Section 18–803(e)(2)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Education  
 Section 18–803(e)(3)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 8–206(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

**10–737.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEPARTMENT” MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(3) “LICENSED PHYSICIAN” MEANS AN INDIVIDUAL WHO IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

(4) “PRECEPTORSHIP PROGRAM” MEANS AN ORGANIZED SYSTEM OF CLINICAL EXPERIENCE THAT, FOR THE PURPOSE OF ATTAINING SPECIFIED LEARNING OBJECTIVES, PAIRS AN ENROLLED STUDENT OF A LIAISON COMMITTEE ON MEDICAL EDUCATION–ACCREDITED MEDICAL SCHOOL IN THE STATE OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL TRAINING PROGRAM IN THE STATE ~~THAT IS APPROVED BY THE STATE BOARD OF PHYSICIANS~~ WITH A LICENSED PHYSICIAN WHO MEETS THE QUALIFICATIONS AS A PRECEPTOR.

(B) (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A LICENSED PHYSICIAN MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE ISSUED UNDER SUBSECTION (C) OF THIS SECTION FOR THE TAXABLE YEAR IN WHICH THE LICENSED PHYSICIAN SERVED WITHOUT COMPENSATION AS A PHYSICIAN PRECEPTOR IN A PRECEPTORSHIP PROGRAM ~~APPROVED BY THE STATE BOARD OF PHYSICIANS~~ AUTHORIZED BY AN ACCREDITED MEDICAL SCHOOL IN THE STATE AND WORKED:

(I) A MINIMUM OF THREE ROTATIONS, EACH CONSISTING OF 160 HOURS OF COMMUNITY–BASED CLINICAL TRAINING; AND

(II) IN AN AREA OF THE STATE IDENTIFIED AS HAVING A HEALTH CARE WORKFORCE SHORTAGE BY THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR’S WORKFORCE INVESTMENT BOARD.

(2) (I) THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION FOR ANY TAXABLE YEAR MAY NOT EXCEED THE STATE INCOME TAX IMPOSED FOR THAT TAXABLE YEAR.

(II) ANY UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

(C) (1) ON APPLICATION BY A LICENSED PHYSICIAN, THE DEPARTMENT SHALL ISSUE A CREDIT CERTIFICATE IN THE AMOUNT OF \$1,000 FOR EACH STUDENT FOR WHOM THE LICENSED PHYSICIAN SERVED AS A PHYSICIAN PRECEPTOR WITHOUT COMPENSATION.

(2) THE APPLICATION SHALL CONTAIN:

(I) THE NAME OF THE LICENSED PHYSICIAN;



(II) INFORMATION IDENTIFYING THE PHYSICIAN PRECEPTORSHIP IN WHICH THE LICENSED PHYSICIAN PARTICIPATED;

(III) THE NUMBER AND NAMES OF THE STUDENTS FOR WHOM THE INDIVIDUAL SERVED AS A PHYSICIAN PRECEPTOR WITHOUT COMPENSATION; AND

(IV) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

(3) FOR ANY TAXABLE YEAR, THE AMOUNT OF TAX CREDIT STATED IN THE TAX CREDIT CERTIFICATE MAY NOT EXCEED \$10,000.

(4) THE DEPARTMENT SHALL:

(I) APPROVE ALL APPLICATIONS THAT QUALIFY FOR A TAX CREDIT CERTIFICATE UNDER THIS SUBSECTION ON A FIRST-COME, FIRST-SERVED BASIS; AND

(II) NOTIFY A TAXPAYER WITHIN 45 DAYS OF RECEIPT OF THE TAXPAYER'S APPLICATION OF ITS APPROVAL OR DENIAL.

(5) (I) FOR EACH TAXABLE YEAR, THE TOTAL AMOUNT OF TAX CREDIT CERTIFICATES THAT MAY BE ISSUED BY THE DEPARTMENT UNDER THIS SECTION MAY NOT EXCEED \$100,000.

(II) IF THE AGGREGATE AMOUNT OF TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING A TAXABLE YEAR TOTAL LESS THAN THE AMOUNT AUTHORIZED UNDER THIS PARAGRAPH, ANY EXCESS AMOUNT MAY BE ISSUED UNDER TAX CREDIT CERTIFICATES IN THE NEXT TAXABLE YEAR.

(D) ON OR BEFORE JANUARY 31 OF EACH TAXABLE YEAR, THE DEPARTMENT SHALL:

(1) REPORT TO THE COMPTROLLER ON THE TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING THE PRIOR TAXABLE YEAR; AND

(2) REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE UTILIZATION OF THE CREDIT ESTABLISHED UNDER THIS SECTION.

(E) THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING THE CRITERIA AND PROCEDURES FOR APPLICATION FOR, APPROVAL OF, AND MONITORING ELIGIBILITY FOR THE TAX CREDIT AUTHORIZED UNDER THIS SECTION.

10-738.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(3) "LICENSED PHYSICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

(4) "NURSE PRACTITIONER" HAS THE MEANING STATED IN § 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.

(5) "PRECEPTORSHIP PROGRAM" MEANS AN ORGANIZED SYSTEM OF CLINICAL EXPERIENCE THAT, FOR THE PURPOSE OF ATTAINING SPECIFIED LEARNING OBJECTIVES, PAIRS A NURSE PRACTITIONER STUDENT ENROLLED IN A NURSING EDUCATION PROGRAM THAT IS RECOGNIZED BY THE STATE BOARD OF NURSING WITH A NURSE PRACTITIONER OR LICENSED PHYSICIAN WHO MEETS THE QUALIFICATIONS AS A PRECEPTOR.

(B) (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A NURSE PRACTITIONER OR LICENSED PHYSICIAN MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE ISSUED UNDER SUBSECTION (C) OF THIS SECTION FOR THE TAXABLE YEAR IN WHICH THE NURSE PRACTITIONER OR LICENSED PHYSICIAN SERVED WITHOUT COMPENSATION AS A PRECEPTOR IN A PRECEPTORSHIP PROGRAM APPROVED BY THE STATE BOARD OF NURSING AND WORKED:

(I) A MINIMUM OF THREE ROTATIONS, EACH CONSISTING OF 160 HOURS OF COMMUNITY-BASED CLINICAL TRAINING; AND

(II) IN AN AREA OF THE STATE IDENTIFIED AS HAVING A HEALTH CARE WORKFORCE SHORTAGE BY THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD.

(2) (I) THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION FOR ANY TAXABLE YEAR MAY NOT EXCEED THE STATE INCOME TAX IMPOSED FOR THAT TAXABLE YEAR.

(II) ANY UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

(C) (1) ON APPLICATION BY A NURSE PRACTITIONER OR LICENSED PHYSICIAN, THE DEPARTMENT SHALL ISSUE A CREDIT CERTIFICATE IN THE AMOUNT OF \$1,000 FOR EACH NURSE PRACTITIONER STUDENT FOR WHOM THE NURSE PRACTITIONER OR LICENSED PHYSICIAN SERVED AS A PRECEPTOR WITHOUT COMPENSATION.

(2) THE APPLICATION SHALL CONTAIN:

(I) THE NAME OF THE NURSE PRACTITIONER OR LICENSED PHYSICIAN;

(II) INFORMATION IDENTIFYING THE PRECEPTORSHIP IN WHICH THE NURSE PRACTITIONER OR LICENSED PHYSICIAN PARTICIPATED;

(III) THE NUMBER AND NAMES OF THE NURSE PRACTITIONER STUDENTS FOR WHOM THE INDIVIDUAL SERVED AS A PRECEPTOR WITHOUT COMPENSATION; AND

(IV) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

(3) FOR ANY TAXABLE YEAR, THE AMOUNT OF TAX CREDIT STATED IN THE TAX CREDIT CERTIFICATE MAY NOT EXCEED \$10,000.

(4) THE DEPARTMENT SHALL:

(I) APPROVE ALL APPLICATIONS THAT QUALIFY FOR A TAX CREDIT CERTIFICATE UNDER THIS SUBSECTION ON A FIRST-COME, FIRST-SERVED BASIS; AND

(II) NOTIFY A TAXPAYER WITHIN 45 DAYS OF RECEIPT OF THE TAXPAYER'S APPLICATION OF ITS APPROVAL OR DENIAL.

(5) (I) FOR EACH TAXABLE YEAR, THE TOTAL AMOUNT OF TAX CREDIT CERTIFICATES THAT MAY BE ISSUED BY THE DEPARTMENT UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:

1. THE TOTAL FUNDS IN THE NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND FOR THAT YEAR; OR

2. \$100,000.

(II) IF THE AGGREGATE AMOUNT OF TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING A TAXABLE YEAR TOTAL LESS THAN THE AMOUNT AUTHORIZED UNDER THIS PARAGRAPH, ANY EXCESS AMOUNT MAY BE ISSUED UNDER TAX CREDIT CERTIFICATES IN THE NEXT TAXABLE YEAR.

(D) (1) IN THIS SECTION, “FUND” MEANS THE NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THERE IS A NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND.

(3) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(4) THE PURPOSE OF THE FUND IS TO OFFSET THE COSTS OF THE TAX CREDIT AVAILABLE UNDER THIS SECTION.

(5) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(6) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(7) THE FUND CONSISTS OF:

(I) REVENUE DISTRIBUTED TO THE FUND UNDER § 8-206 OF THE HEALTH OCCUPATIONS ARTICLE;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(8) THE MONEY IN THE FUND SHALL BE INVESTED AND REINVESTED BY THE STATE TREASURER, AND INTEREST AND EARNINGS SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

**(9) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, MONEY CREDITED OR APPROPRIATED TO THE FUND SHALL REMAIN IN THE FUND.**

**(II) 1. WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER, THE DEPARTMENT SHALL NOTIFY THE COMPTROLLER AS TO EACH CREDIT CERTIFICATE ISSUED DURING THE QUARTER.**

**2. ON NOTIFICATION THAT A CREDIT CERTIFICATE HAS BEEN ISSUED BY THE DEPARTMENT, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO THE CREDIT AMOUNT STATED IN THE TAX CREDIT CERTIFICATE FROM THE FUND TO THE GENERAL FUND OF THE STATE.**

**(E) ON OR BEFORE JANUARY 31 EACH TAXABLE YEAR, THE DEPARTMENT SHALL:**

**(1) REPORT TO THE COMPTROLLER ON THE TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING THE PRIOR TAXABLE YEAR; AND**

**(2) REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE UTILIZATION OF THE CREDIT ESTABLISHED UNDER THIS SECTION.**

**(F) THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING THE CRITERIA AND PROCEDURES FOR APPLICATION FOR, APPROVAL OF, AND MONITORING ELIGIBILITY FOR THE TAX CREDIT AUTHORIZED UNDER THIS SECTION.**

### Article – Education

18-803.

(b) (1) There is a Health Personnel Shortage Incentive Grant Program for eligible institutions.

(2) The Office of Student Financial Assistance shall administer the Grant Program as provided in this section.

(e) (2) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ANY unspent portions of the money that is transferred to the Office for use under this section by the Comptroller may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the Office to administer these programs to be used for the purposes specified in this section.

(3) AN AMOUNT NOT EXCEEDING \$100,000 OF THE UNSPENT PORTION OF THE MONEY THAT IS TRANSFERRED TO THE OFFICE FOR USE UNDER THIS SECTION MAY BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND OF THE STATE IN ORDER TO OFFSET THE COSTS OF THE TAX CREDIT AVAILABLE UNDER § 10-737 OF THE TAX – GENERAL ARTICLE.

Article – Health Occupations

8-206.

(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board as provided in subsection (e) of this section.

(3) (I) IN ADDITION TO THE FEE SET BY THE BOARD UNDER THIS TITLE FOR THE RENEWAL OF AN ADVANCED PRACTICE REGISTERED NURSE CERTIFICATION OF A NURSE PRACTITIONER, THE BOARD SHALL ASSESS A SEPARATE \$15 FEE FOR A RENEWAL OF THE CERTIFICATION.

(II) THE BOARD SHALL PAY THE FEE COLLECTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND ESTABLISHED UNDER § 10-738 OF THE TAX – GENERAL ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2015. It shall remain effective for a period of 5 years and, at the end of June 30, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 10, 2016.

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Chapter 386

(House Bill 1494)

AN ACT concerning

Income Tax – Credit for ~~Physician~~ Preceptors in Areas With Health Care  
Workforce Shortages

FOR the purpose of authorizing a credit against the State income tax for certain individuals who, under certain circumstances, serve as ~~physician~~ preceptors in certain preceptorship programs and work in certain areas of the State with health care workforce shortages; providing that the credit may not exceed the State income tax for that taxable year and that any unused credit may not be carried over to any other taxable year; providing for the calculation of the credit; requiring the Department of Health and Mental Hygiene, on application of a taxpayer, to issue a tax credit certificate under certain circumstances; requiring the application to contain certain information; providing for the maximum amount of a tax credit certificate that may be issued; requiring the Department to approve applications on a first-come, first-served basis and notify applicants of approval or denial of an application within a certain number of days of receipt of the application; providing that the total number of tax credit certificates issued by the Department may not exceed a certain amount for each taxable year; providing that tax credit certificate amounts not issued during a taxable year may be carried over and issued during the next taxable year; requiring the Department to report certain information to the Comptroller and the General Assembly on or before a certain date each year; requiring the Department, in consultation with the Governor's Workforce Investment Board, to adopt certain regulations; establishing the Nurse Practitioner Preceptorship Tax Credit Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; authorizing a certain amount of the unspent portion of money transferred to the Office of Student Financial Assistance for use under the Health Personnel Shortage Incentive Grant Program to be transferred or revert to the General Fund only for a certain purpose; requiring the State Board of Nursing to assess a certain fee for the renewal of a certain certification; requiring the Board to pay the fee collected into the Fund; defining certain terms; providing for the application of this Act; providing for the termination of this Act; and generally relating to a credit against the State income tax for certain ~~physician~~ preceptors in certain areas with health care workforce shortages.

BY adding to

Article – Tax – General  
Section 10–737 and 10–738  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Education  
Section 18–803(b)(1) and (2)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 18–803(e)(2)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Education  
Section 18–803(e)(3)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 8–206(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

**10–737.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEPARTMENT” MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(3) “LICENSED PHYSICIAN” MEANS AN INDIVIDUAL WHO IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

(4) “PRECEPTORSHIP PROGRAM” MEANS AN ORGANIZED SYSTEM OF CLINICAL EXPERIENCE THAT, FOR THE PURPOSE OF ATTAINING SPECIFIED LEARNING OBJECTIVES, PAIRS AN ENROLLED STUDENT OF A LIAISON COMMITTEE ON MEDICAL EDUCATION–ACCREDITED MEDICAL SCHOOL IN THE STATE OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL TRAINING PROGRAM IN THE STATE ~~THAT IS APPROVED BY THE STATE BOARD OF PHYSICIANS~~ WITH A LICENSED PHYSICIAN WHO MEETS THE QUALIFICATIONS AS A PRECEPTOR.

(B) (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A LICENSED PHYSICIAN MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE ISSUED UNDER SUBSECTION (C) OF THIS SECTION FOR THE TAXABLE YEAR IN WHICH THE LICENSED PHYSICIAN SERVED WITHOUT COMPENSATION AS A PHYSICIAN PRECEPTOR IN A PRECEPTORSHIP



PROGRAM ~~APPROVED BY THE STATE BOARD OF PHYSICIANS~~ AUTHORIZED BY AN ACCREDITED MEDICAL SCHOOL IN THE STATE AND WORKED:

(I) A MINIMUM OF THREE ROTATIONS, EACH CONSISTING OF 160 HOURS OF COMMUNITY-BASED CLINICAL TRAINING; AND

(II) IN AN AREA OF THE STATE IDENTIFIED AS HAVING A HEALTH CARE WORKFORCE SHORTAGE BY THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD.

(2) (I) THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION FOR ANY TAXABLE YEAR MAY NOT EXCEED THE STATE INCOME TAX IMPOSED FOR THAT TAXABLE YEAR.

(II) ANY UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

(C) (1) ON APPLICATION BY A LICENSED PHYSICIAN, THE DEPARTMENT SHALL ISSUE A CREDIT CERTIFICATE IN THE AMOUNT OF \$1,000 FOR EACH STUDENT FOR WHOM THE LICENSED PHYSICIAN SERVED AS A PHYSICIAN PRECEPTOR WITHOUT COMPENSATION.

(2) THE APPLICATION SHALL CONTAIN:

(I) THE NAME OF THE LICENSED PHYSICIAN;

(II) INFORMATION IDENTIFYING THE PHYSICIAN PRECEPTORSHIP IN WHICH THE LICENSED PHYSICIAN PARTICIPATED;

(III) THE NUMBER AND NAMES OF THE STUDENTS FOR WHOM THE INDIVIDUAL SERVED AS A PHYSICIAN PRECEPTOR WITHOUT COMPENSATION; AND

(IV) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

(3) FOR ANY TAXABLE YEAR, THE AMOUNT OF TAX CREDIT STATED IN THE TAX CREDIT CERTIFICATE MAY NOT EXCEED \$10,000.

(4) THE DEPARTMENT SHALL:

(I) APPROVE ALL APPLICATIONS THAT QUALIFY FOR A TAX CREDIT CERTIFICATE UNDER THIS SUBSECTION ON A FIRST-COME, FIRST-SERVED BASIS; AND

(II) NOTIFY A TAXPAYER WITHIN 45 DAYS OF RECEIPT OF THE TAXPAYER'S APPLICATION OF ITS APPROVAL OR DENIAL.

(5) (I) FOR EACH TAXABLE YEAR, THE TOTAL AMOUNT OF TAX CREDIT CERTIFICATES THAT MAY BE ISSUED BY THE DEPARTMENT UNDER THIS SECTION MAY NOT EXCEED \$100,000.

(II) IF THE AGGREGATE AMOUNT OF TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING A TAXABLE YEAR TOTAL LESS THAN THE AMOUNT AUTHORIZED UNDER THIS PARAGRAPH, ANY EXCESS AMOUNT MAY BE ISSUED UNDER TAX CREDIT CERTIFICATES IN THE NEXT TAXABLE YEAR.

(D) ON OR BEFORE JANUARY 31 OF EACH TAXABLE YEAR, THE DEPARTMENT SHALL:

(1) REPORT TO THE COMPTROLLER ON THE TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING THE PRIOR TAXABLE YEAR; AND

(2) REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE UTILIZATION OF THE CREDIT ESTABLISHED UNDER THIS SECTION.

(E) THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING THE CRITERIA AND PROCEDURES FOR APPLICATION FOR, APPROVAL OF, AND MONITORING ELIGIBILITY FOR THE TAX CREDIT AUTHORIZED UNDER THIS SECTION.

10-738.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(3) "LICENSED PHYSICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

(4) "NURSE PRACTITIONER" HAS THE MEANING STATED IN § 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.

(5) "PRECEPTORSHIP PROGRAM" MEANS AN ORGANIZED SYSTEM OF CLINICAL EXPERIENCE THAT, FOR THE PURPOSE OF ATTAINING SPECIFIED LEARNING OBJECTIVES, PAIRS A NURSE PRACTITIONER STUDENT ENROLLED IN A NURSING EDUCATION PROGRAM THAT IS RECOGNIZED BY THE STATE BOARD OF NURSING WITH A NURSE PRACTITIONER OR LICENSED PHYSICIAN WHO MEETS THE QUALIFICATIONS AS A PRECEPTOR.

(B) (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A NURSE PRACTITIONER OR LICENSED PHYSICIAN MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE ISSUED UNDER SUBSECTION (C) OF THIS SECTION FOR THE TAXABLE YEAR IN WHICH THE NURSE PRACTITIONER OR LICENSED PHYSICIAN SERVED WITHOUT COMPENSATION AS A PRECEPTOR IN A PRECEPTORSHIP PROGRAM APPROVED BY THE STATE BOARD OF NURSING AND WORKED:

(I) A MINIMUM OF THREE ROTATIONS, EACH CONSISTING OF 160 HOURS OF COMMUNITY-BASED CLINICAL TRAINING; AND

(II) IN AN AREA OF THE STATE IDENTIFIED AS HAVING A HEALTH CARE WORKFORCE SHORTAGE BY THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD.

(2) (I) THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION FOR ANY TAXABLE YEAR MAY NOT EXCEED THE STATE INCOME TAX IMPOSED FOR THAT TAXABLE YEAR.

(II) ANY UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

(C) (1) ON APPLICATION BY A NURSE PRACTITIONER OR LICENSED PHYSICIAN, THE DEPARTMENT SHALL ISSUE A CREDIT CERTIFICATE IN THE AMOUNT OF \$1,000 FOR EACH NURSE PRACTITIONER STUDENT FOR WHOM THE NURSE PRACTITIONER OR LICENSED PHYSICIAN SERVED AS A PRECEPTOR WITHOUT COMPENSATION.

(2) THE APPLICATION SHALL CONTAIN:

(I) THE NAME OF THE NURSE PRACTITIONER OR LICENSED PHYSICIAN;

(II) INFORMATION IDENTIFYING THE PRECEPTORSHIP IN WHICH THE NURSE PRACTITIONER OR LICENSED PHYSICIAN PARTICIPATED;

(III) THE NUMBER AND NAMES OF THE NURSE PRACTITIONER STUDENTS FOR WHOM THE INDIVIDUAL SERVED AS A PRECEPTOR WITHOUT COMPENSATION; AND

(IV) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

(3) FOR ANY TAXABLE YEAR, THE AMOUNT OF TAX CREDIT STATED IN THE TAX CREDIT CERTIFICATE MAY NOT EXCEED \$10,000.

(4) THE DEPARTMENT SHALL:

(I) APPROVE ALL APPLICATIONS THAT QUALIFY FOR A TAX CREDIT CERTIFICATE UNDER THIS SUBSECTION ON A FIRST-COME, FIRST-SERVED BASIS; AND

(II) NOTIFY A TAXPAYER WITHIN 45 DAYS OF RECEIPT OF THE TAXPAYER'S APPLICATION OF ITS APPROVAL OR DENIAL.

(5) (I) FOR EACH TAXABLE YEAR, THE TOTAL AMOUNT OF TAX CREDIT CERTIFICATES THAT MAY BE ISSUED BY THE DEPARTMENT UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:

1. THE TOTAL FUNDS IN THE NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND FOR THAT YEAR; OR

2. \$100,000.

(II) IF THE AGGREGATE AMOUNT OF TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING A TAXABLE YEAR TOTAL LESS THAN THE AMOUNT AUTHORIZED UNDER THIS PARAGRAPH, ANY EXCESS AMOUNT MAY BE ISSUED UNDER TAX CREDIT CERTIFICATES IN THE NEXT TAXABLE YEAR.

(D) (1) IN THIS SECTION, "FUND" MEANS THE NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THERE IS A NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND.

(3) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(4) THE PURPOSE OF THE FUND IS TO OFFSET THE COSTS OF THE TAX CREDIT AVAILABLE UNDER THIS SECTION.

(5) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(6) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(7) THE FUND CONSISTS OF:

(I) REVENUE DISTRIBUTED TO THE FUND UNDER § 8-206 OF THE HEALTH OCCUPATIONS ARTICLE;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(8) THE MONEY IN THE FUND SHALL BE INVESTED AND REINVESTED BY THE STATE TREASURER, AND INTEREST AND EARNINGS SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(9) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, MONEY CREDITED OR APPROPRIATED TO THE FUND SHALL REMAIN IN THE FUND.

(II) 1. WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER, THE DEPARTMENT SHALL NOTIFY THE COMPTROLLER AS TO EACH CREDIT CERTIFICATE ISSUED DURING THE QUARTER.

2. ON NOTIFICATION THAT A CREDIT CERTIFICATE HAS BEEN ISSUED BY THE DEPARTMENT, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO THE CREDIT AMOUNT STATED IN THE TAX CREDIT CERTIFICATE FROM THE FUND TO THE GENERAL FUND OF THE STATE.

(E) ON OR BEFORE JANUARY 31 EACH TAXABLE YEAR, THE DEPARTMENT SHALL:

(1) REPORT TO THE COMPTROLLER ON THE TAX CREDIT CERTIFICATES ISSUED UNDER THIS SECTION DURING THE PRIOR TAXABLE YEAR; AND

(2) REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE UTILIZATION OF THE CREDIT ESTABLISHED UNDER THIS SECTION.

**(F) THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING THE CRITERIA AND PROCEDURES FOR APPLICATION FOR, APPROVAL OF, AND MONITORING ELIGIBILITY FOR THE TAX CREDIT AUTHORIZED UNDER THIS SECTION.**

#### Article – Education

18–803.

(b) (1) There is a Health Personnel Shortage Incentive Grant Program for eligible institutions.

(2) The Office of Student Financial Assistance shall administer the Grant Program as provided in this section.

(e) (2) [Any] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ANY** unspent portions of the money that is transferred to the Office for use under this section by the Comptroller may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the Office to administer these programs to be used for the purposes specified in this section.

**(3) AN AMOUNT NOT EXCEEDING \$100,000 OF THE UNSPENT PORTION OF THE MONEY THAT IS TRANSFERRED TO THE OFFICE FOR USE UNDER THIS SECTION MAY BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND OF THE STATE IN ORDER TO OFFSET THE COSTS OF THE TAX CREDIT AVAILABLE UNDER § 10–737 OF THE TAX – GENERAL ARTICLE.**

#### Article – Health Occupations

8–206.

(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board as provided in subsection (e) of this section.

**(3) (1) IN ADDITION TO THE FEE SET BY THE BOARD UNDER THIS TITLE FOR THE RENEWAL OF AN ADVANCED PRACTICE REGISTERED NURSE CERTIFICATION OF A NURSE PRACTITIONER, THE BOARD SHALL ASSESS A SEPARATE \$15 FEE FOR A RENEWAL OF THE CERTIFICATION.**

**(II) THE BOARD SHALL PAY THE FEE COLLECTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE NURSE PRACTITIONER PRECEPTORSHIP TAX CREDIT FUND ESTABLISHED UNDER § 10-738 OF THE TAX – GENERAL ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2015. It shall remain effective for a period of 5 years and, at the end of June 30, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 10, 2016.

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**Chapter 387**

**(Senate Bill 425)**

AN ACT concerning

**Maryland Income Tax Refunds – Warrant Intercept Program – Statewide**

FOR the purpose of authorizing certain counties to participate, *for a certain period of time*, in a certain income tax refund withholding program related to individuals with outstanding warrants if the sheriff of the county notifies the Comptroller of the county's intention to participate on or before a certain date; repealing ~~certain provisions of law that prohibit~~ a certain provision of law that prohibits the program from applying to certain ~~individuals~~ members of the armed forces of the United States; requiring the Governor's Office of Crime Control and Prevention to conduct a certain annual study and to provide a certain annual report; making nonsubstantive changes to certain termination provisions; making conforming changes; providing for the effective dates of this Act; providing for the termination of this Act; and generally relating to withholding income tax refunds of individuals with outstanding warrants.

BY repealing and reenacting, without amendments,  
 Article – Tax – General  
 Section 13–935 and 13–937 through 13–940  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 13–936  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 Supplement)

BY adding toArticle – Tax – GeneralSection 13–941Annotated Code of Maryland(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Chapter 451 of the Acts of the General Assembly of 2012, as amended by Chapter  
213 of the Acts of the General Assembly of 2013

Section 3

BY repealing and reenacting, with amendments,

Chapter 213 of the Acts of the General Assembly of 2013

Section 3

BY repealing and reenacting, with amendments,

Article – Tax – General

Section ~~13–936(a)~~ 13–936

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:**Article – Tax – General**

13–935.

- (a) In this part the following words have the meanings indicated.
- (b) “Refund” means an individual’s Maryland income tax refund.
- (c)
  - (1) “Warrant” means a criminal arrest warrant.
  - (2) “Warrant” includes a warrant issued for or that results from:
    - (i) a failure to appear before a court of the State;
    - (ii) a violation of the Maryland Vehicle Law that is punishable by a term of confinement; or
    - (iii) a violation of probation.
  - (3) “Warrant” does not include a body attachment.



(d) “Warrant official” means an official of the federal, State, or local government charged with serving a warrant.

13-936.

(a) **(1) (a)** This part applies only to individuals who:

**[(1)] ~~(H)~~** are residents of Anne Arundel County, Baltimore City, [or] Washington County, **OR A COUNTY THAT PARTICIPATES IN THE PROGRAM UNDER THIS PART**; or

**[(2)] ~~(H)~~ (2)** have an outstanding warrant from Anne Arundel County, Baltimore City, [or] Washington County, **OR A COUNTY THAT PARTICIPATES IN THE PROGRAM UNDER THIS PART**.

**~~(2)~~ (B)** A COUNTY MAY PARTICIPATE IN THE PROGRAM UNDER THIS PART IF THE SHERIFF OF THE COUNTY NOTIFIES THE COMPTROLLER OF THE COUNTY’S INTENTION TO PARTICIPATE ON OR BEFORE DECEMBER 31 OF THE FIRST TAXABLE YEAR FOR WHICH THE COUNTY INTENDS TO PARTICIPATE.

**~~(3)~~ (C)** A COUNTY’S PARTICIPATION IN THE PROGRAM UNDER THIS PART CONTINUES UNTIL THE SHERIFF OF THE COUNTY NOTIFIES THE COMPTROLLER OF THE COUNTY’S INTENTION NOT TO PARTICIPATE IN THE PROGRAM.

(b) This part does not apply to an individual:

**~~(1)~~** ~~who is an active duty member of the armed forces of the United States;~~  
or

**~~(2)~~** who files a joint Maryland income tax return.

13-937.

A warrant official may:

(1) certify to the Comptroller the existence of an outstanding warrant for an individual who is a resident of Maryland or who receives income from Maryland; and

(2) request the Comptroller to withhold any refund to which the individual is entitled.

13-938.

(a) A certification by a warrant official to the Comptroller shall include:

(1) the full name and address of the individual and any other names known to be used by the individual;

(2) the Social Security number or federal tax identification number; and

(3) a statement that the warrant is outstanding.

(b) The Comptroller shall determine if an individual for whom a certification is received is due a refund.

(c) As to any individual due a refund for whom a certification is received, the Comptroller shall:

(1) withhold the individual's refund; and

(2) notify the individual of a certification by the warrant official of the existence of an outstanding warrant.

(d) The Comptroller may not pay a refund until the warrant official notifies the Comptroller that the warrant is no longer outstanding.

13-939.

The Comptroller shall withhold and pay any amount as provided in § 13-918 of this subtitle before withholding any part of an income tax refund under § 13-938 of this part.

13-940.

On or before December 1 of each year, the Office of the Comptroller shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of §§ 13-935 through 13-939 of this part.

**13-941.**

**(A) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, IN CONSULTATION WITH THE COMPTROLLER, SHALL:**

**(1) STUDY:**

**(I) THE TOTAL NUMBER OF TAX REFUNDS WITHHELD BY THE COMPTROLLER UNDER TITLE 13, SUBTITLE 9, PART VII OF THE TAX – GENERAL ARTICLE;**

**(II) THE AVERAGE AMOUNT OF THE TAX REFUNDS WITHHELD BY THE COMPTROLLER;**

(III) THE POTENTIAL DIFFERENCES IN THE SERVICE OF WARRANTS OR REQUESTS BY WARRANT OFFICIALS TO THE COMPTROLLER TO WITHHOLD TAX REFUNDS UNDER THE PROGRAM BASED ON RACE;

(IV) THE TYPES OF WARRANTS AND SPECIFIC CHARGES THAT PROMPTED THE REQUESTS BY WARRANT OFFICIALS TO THE COMPTROLLER TO WITHHOLD REFUNDS, INCLUDING WARRANTS RELATED TO CRIMINAL VIOLATIONS, CIVIL MATTERS, MOTOR VEHICLE VIOLATIONS, AND FAILURES TO APPEAR;

(V) THE EFFECTIVENESS OF WITHHOLDING REFUNDS ON RESOLVING OUTSTANDING WARRANTS IN EACH JURISDICTION OF THE STATE; AND

(VI) WHETHER ANY WITHHELD REFUNDS WERE CONTESTED; AND

(2) MAKE RECOMMENDATIONS REGARDING CONTINUED IMPLEMENTATION OF THE PROGRAM IN A MANNER THAT ENSURES THAT THE PROGRAM DOES NOT DISPARATELY IMPACT INDIVIDUALS ON RACIAL GROUNDS.

(B) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

**Chapter 451 of the Acts of 2012, as amended by Chapter 213 of the Acts of 2013**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012. [Section 1 of this Act shall remain effective for a period of 6 years and, at the end of September 30, 2018, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.]

**Chapter 213 of the Acts of 2013**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013. [Section 1 of this Act shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 451 of the Acts of 2012. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.]

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

**Article – Tax – General**

(a) ~~(1)~~ This part applies only to individuals who:

~~(i)~~ (1) are residents of [Anne Arundel County,] Baltimore City, Washington County, or a county that participates in the program under this part; or

~~(ii)~~ (2) have an outstanding warrant from [Anne Arundel County,] Baltimore City, Washington County, or a county that participates in the program under this part.

~~(b)~~ (b) A county may participate in the program under this part if the sheriff of the county notifies the Comptroller of the county's intention to participate on or before December 31 of the first taxable year for which the county intends to participate.

~~(c)~~ (c) A county's participation in the program under this part continues until the sheriff of the county notifies the Comptroller of the county's intention not to participate in the program.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2016. It shall remain effective for a period of 3 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 10, 2016.**

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## Chapter 388

(Senate Bill 442)

AN ACT concerning

### General Provisions – Commemorative Days – National Healthcare Decisions Day

FOR the purpose of requiring the Governor annually to proclaim a certain day as National Healthcare Decisions Day; and generally relating to National Healthcare Decisions Day.

BY renumbering

Article – General Provisions

Section 7–405 through 7–416, respectively

to be Section 7–406 through 7–417, respectively

Annotated Code of Maryland  
(2014 Volume and 2015 Supplement)

BY adding to  
Article – General Provisions  
Section 7–405  
Annotated Code of Maryland  
(2014 Volume and 2015 Supplement)

#### Preamble

WHEREAS, Advance directives help people indicate the kind of care they want during a medical crisis or at the end of life; and

WHEREAS, Advance directives support individuals and families in receiving humane, personalized health care by respecting an individual’s wishes and values; and

WHEREAS, The use of advance directives often leads to reduced health care costs by avoiding unwanted and unnecessary health care expenses; and

WHEREAS, Advance directive forms are free, legal, readily available, and straightforward; and

WHEREAS, Advance directive forms can be obtained online and from the State, health care facilities, and faith–based institutions; and

WHEREAS, Only about 30% of Marylanders have advance directives; and

WHEREAS, The rate of the use of advance directives is lower among those in minority groups, and this is now recognized as a minority health disparity; and

WHEREAS, Educational and public information programs can help increase the rate of use of advance directives; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–405 through 7–416, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 7–406 through 7–417, respectively.

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

#### Article – General Provisions

**7–405.**

**THE GOVERNOR ANNUALLY SHALL PROCLAIM APRIL 16 AS NATIONAL HEALTHCARE DECISIONS DAY.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 389**

**(House Bill 91)**

AN ACT concerning

### **General Provisions – Commemorative Days – National Healthcare Decisions Day**

FOR the purpose of requiring the Governor annually to proclaim a certain day as National Healthcare Decisions Day; and generally relating to National Healthcare Decisions Day.

BY renumbering

Article – General Provisions  
Section 7–405 through 7–416, respectively  
to be Section 7–406 through 7–417, respectively  
Annotated Code of Maryland  
(2014 Volume and 2015 Supplement)

BY adding to

Article – General Provisions  
Section 7–405  
Annotated Code of Maryland  
(2014 Volume and 2015 Supplement)

#### **Preamble**

WHEREAS, Advance directives help people indicate the kind of care they want during a medical crisis or at the end of life; and

WHEREAS, Advance directives support individuals and families in receiving humane, personalized health care by respecting an individual's wishes and values; and

WHEREAS, The use of advance directives often leads to reduced health care costs by avoiding unwanted and unnecessary health care expenses; and

WHEREAS, Advance directive forms are free, legal, readily available, and straightforward; and

WHEREAS, Advance directive forms can be obtained online and from the State, health care facilities, and faith-based institutions; and

WHEREAS, Only about 30% of Marylanders have advance directives; and

WHEREAS, The rate of the use of advance directives is lower among those in minority groups, and this is now recognized as a minority health disparity; and

WHEREAS, Educational and public information programs can help increase the rate of use of advance directives; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7-405 through 7-416, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 7-406 through 7-417, respectively.

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

### Article – General Provisions

#### 7-405.

**THE GOVERNOR ANNUALLY SHALL PROCLAIM APRIL 16 AS NATIONAL HEALTHCARE DECISIONS DAY.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 390

(Senate Bill 449)

AN ACT concerning

**Maryland Medical Assistance Program – Guardianship Fees – ~~Income Deduction~~  
Personal Needs Allowance**

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~deduct as a remedial service~~ include as part of the personal needs allowance certain

guardianship fees when determining the portion of income certain recipients of Maryland Medical Assistance Program benefits are required to contribute to the cost of their care under the Program; specifying the amount of ~~deductions~~ the personal needs allowance for certain guardianship fees; establishing that certain guardians are not entitled to receive more than a certain amount in compensation unless a certain finding is made by a certain court; defining certain terms; and generally relating to the Maryland Medical Assistance Program and compensation for guardianship services provided to Program recipients.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 13–218  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Health – General  
Section 15–122.3  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

#### **Article – Estates and Trusts**

13–218.

**(A)** Except in unusual circumstances **AND AS PROVIDED IN SUBSECTION (B) OF THIS SECTION**, the guardian is entitled to the same compensation and reimbursement for actual and necessary expenses as the trustee of a trust. No petition or hearing is required to entitle the guardian to compensation and expenses. Upon the petition of any interested person and upon a finding by the court that unusual circumstances exist, the court may increase or decrease compensation.

**(B)** **IF THE GUARDIAN IS APPOINTED AS THE GUARDIAN OF A DISABLED PERSON WHO IS A RECIPIENT OF LONG–TERM CARE SERVICES AND SUPPORTS UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND WHOSE INCOME IS SUBJECT TO § 15–122.3 OF THE HEALTH – GENERAL ARTICLE, THE GUARDIAN IS NOT ENTITLED TO RECEIVE MORE THAN \$50 PER MONTH IN COMPENSATION UNLESS THE COURT MAKES A FINDING THAT UNUSUAL CIRCUMSTANCES EXIST.**

#### **Article – Health – General**

**15–122.3.**



(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AVAILABLE INCOME” MEANS THE PORTION OF INCOME OF A PROGRAM RECIPIENT THAT THE PROGRAM RECIPIENT IS REQUIRED TO CONTRIBUTE TO THE COST OF CARE FOR THE PROGRAM RECIPIENT UNDER THE PROGRAM.

(3) “DISABLED PERSON” HAS THE MEANING STATED IN § 13-101 OF THE ESTATES AND TRUSTS ARTICLE.

(4) “GUARDIAN” MEANS:

(I) A GUARDIAN OF THE PERSON; OR

(II) A GUARDIAN OF THE PROPERTY.

(5) “GUARDIAN OF THE PERSON” MEANS A PERSON WHO HAS BEEN APPOINTED BY A COURT AS A GUARDIAN OF THE PERSON OF A DISABLED PERSON UNDER § 13-705 OF THE ESTATES AND TRUSTS ARTICLE.

(6) “GUARDIAN OF THE PROPERTY” MEANS A PERSON WHO HAS BEEN APPOINTED BY A COURT AS A GUARDIAN OF THE PROPERTY OF A DISABLED PERSON UNDER § 13-201 OF THE ESTATES AND TRUSTS ARTICLE.

(7) “GUARDIANSHIP SERVICES” MEANS SERVICES PROVIDED TO A RECIPIENT WHO IS A DISABLED PERSON BY A GUARDIAN WHILE ACTING IN THE CAPACITY AS A GUARDIAN.

(8) “RECIPIENT” MEANS A PROGRAM RECIPIENT WHO RECEIVES LONG-TERM CARE SERVICES AND SUPPORTS UNDER THE PROGRAM.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN DETERMINING THE AVAILABLE INCOME OF A RECIPIENT WHO IS A DISABLED PERSON AND HAS A GUARDIAN, THE DEPARTMENT SHALL ~~DEDUCT AS A REMEDIAL SERVICE~~ INCLUDE AS PART OF THE PERSONAL NEEDS ALLOWANCE GUARDIANSHIP FEES PAYABLE FOR GUARDIANSHIP SERVICES.

(C) ~~DEDUCTIONS~~ THE PERSONAL NEEDS ALLOWANCE FOR GUARDIANSHIP FEES SHALL BE AS FOLLOWS:

(1) IF ONE PERSON IS SERVING AS BOTH THE GUARDIAN OF THE PERSON AND THE GUARDIAN OF THE PROPERTY OF THE RECIPIENT, THE ~~DEDUCTION~~ PERSONAL NEEDS ALLOWANCE SHALL BE \$50 PER MONTH; AND

(2) IF ONE PERSON IS SERVING AS THE GUARDIAN OF THE PERSON OF THE RECIPIENT AND A DIFFERENT PERSON IS SERVING AS THE GUARDIAN OF THE PROPERTY OF THE RECIPIENT, THE ~~DEDUCTION~~ PERSONAL NEEDS ALLOWANCE SHALL BE \$50 PER MONTH FOR EACH GUARDIAN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 391

(House Bill 981)

AN ACT concerning

### **Maryland Medical Assistance Program – Guardianship Fees – ~~Income Deduction~~ Personal Needs Allowance**

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~deduct as a remedial service~~ include as part of the personal needs allowance certain guardianship fees when determining the portion of income certain recipients of Maryland Medical Assistance Program benefits are required to contribute to the cost of their care under the Program; specifying the amount of ~~deductions~~ the personal needs allowance for certain guardianship fees; establishing that certain guardians are not entitled to receive more than a certain amount in compensation unless a certain finding is made by a certain court; defining certain terms; and generally relating to the Maryland Medical Assistance Program and compensation for guardianship services provided to Program recipients.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 13–218  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Health – General  
Section 15–122.3  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Estates and Trusts**

13–218.

(A) Except in unusual circumstances AND AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, the guardian is entitled to the same compensation and reimbursement for actual and necessary expenses as the trustee of a trust. No petition or hearing is required to entitle the guardian to compensation and expenses. Upon the petition of any interested person and upon a finding by the court that unusual circumstances exist, the court may increase or decrease compensation.

(B) IF THE GUARDIAN IS APPOINTED AS THE GUARDIAN OF A DISABLED PERSON WHO IS A RECIPIENT OF LONG-TERM CARE SERVICES AND SUPPORTS UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND WHOSE INCOME IS SUBJECT TO § 15–122.3 OF THE HEALTH – GENERAL ARTICLE, THE GUARDIAN IS NOT ENTITLED TO RECEIVE MORE THAN \$50 PER MONTH IN COMPENSATION UNLESS THE COURT MAKES A FINDING THAT UNUSUAL CIRCUMSTANCES EXIST.

**Article – Health – General**

15–122.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AVAILABLE INCOME” MEANS THE PORTION OF INCOME OF A PROGRAM RECIPIENT THAT THE PROGRAM RECIPIENT IS REQUIRED TO CONTRIBUTE TO THE COST OF CARE FOR THE PROGRAM RECIPIENT UNDER THE PROGRAM.

(3) “DISABLED PERSON” HAS THE MEANING STATED IN § 13–101 OF THE ESTATES AND TRUSTS ARTICLE.

(4) “GUARDIAN” MEANS:

(I) A GUARDIAN OF THE PERSON; OR

(II) A GUARDIAN OF THE PROPERTY.

(5) “GUARDIAN OF THE PERSON” MEANS A PERSON WHO HAS BEEN APPOINTED BY A COURT AS A GUARDIAN OF THE PERSON OF A DISABLED PERSON UNDER § 13–705 OF THE ESTATES AND TRUSTS ARTICLE.

(6) “GUARDIAN OF THE PROPERTY” MEANS A PERSON WHO HAS BEEN APPOINTED BY A COURT AS A GUARDIAN OF THE PROPERTY OF A DISABLED PERSON UNDER § 13–201 OF THE ESTATES AND TRUSTS ARTICLE.

(7) “GUARDIANSHIP SERVICES” MEANS SERVICES PROVIDED TO A RECIPIENT WHO IS A DISABLED PERSON BY A GUARDIAN WHILE ACTING IN THE CAPACITY AS A GUARDIAN.

(8) “RECIPIENT” MEANS A PROGRAM RECIPIENT WHO RECEIVES LONG-TERM CARE SERVICES AND SUPPORTS UNDER THE PROGRAM.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN DETERMINING THE AVAILABLE INCOME OF A RECIPIENT WHO IS A DISABLED PERSON AND HAS A GUARDIAN, THE DEPARTMENT SHALL ~~DEDUCT AS A REMEDIAL SERVICE~~ INCLUDE AS PART OF THE PERSONAL NEEDS ALLOWANCE GUARDIANSHIP FEES PAYABLE FOR GUARDIANSHIP SERVICES.

(C) ~~DEDUCTIONS~~ THE PERSONAL NEEDS ALLOWANCE FOR GUARDIANSHIP FEES SHALL BE AS FOLLOWS:

(1) IF ONE PERSON IS SERVING AS BOTH THE GUARDIAN OF THE PERSON AND THE GUARDIAN OF THE PROPERTY OF THE RECIPIENT, THE ~~DEDUCTION~~ PERSONAL NEEDS ALLOWANCE SHALL BE \$50 PER MONTH; AND

(2) IF ONE PERSON IS SERVING AS THE GUARDIAN OF THE PERSON OF THE RECIPIENT AND A DIFFERENT PERSON IS SERVING AS THE GUARDIAN OF THE PROPERTY OF THE RECIPIENT, THE ~~DEDUCTION~~ PERSONAL NEEDS ALLOWANCE SHALL BE \$50 PER MONTH FOR EACH GUARDIAN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 392

(Senate Bill 471)

AN ACT concerning

Commercial Law – Debt Settlement Services – Fund and Sunset Repeal

FOR the purpose of altering certain provisions of law relating to the collection, deposit, and purpose of certain fees related to debt settlement services; requiring all revenue received for the registration of certain persons and, with a certain exception, any other fee, examination assessment, or revenue received by the Commissioner of Financial Regulation under certain provisions of law to be credited to a certain fund and used in accordance with a certain provision of law; repealing the termination date of the Maryland Debt Settlement Services Act; making certain provisions of this Act contingent on the taking effect of another Act; providing for the effective dates of this Act; and generally relating to the Maryland Debt Settlement Services Act.

BY repealing and reenacting, with amendments,  
 Article – Financial Institutions  
 Section 12–1007  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Chapter 280 of the Acts of the General Assembly of 2011, as amended by Chapters  
 276 and 277 of the Acts of the General Assembly of 2014  
 Section 4

BY repealing and reenacting, with amendments,  
 Chapter 281 of the Acts of the General Assembly of 2011, as amended by Chapters  
 276 and 277 of the Acts of the General Assembly of 2014  
 Section 4

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

### **Article – Financial Institutions**

12–1007.

(A) All [fees collected] **REVENUE RECEIVED FOR THE REGISTRATION OF PERSONS UNDER THIS SUBTITLE AND, EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY OTHER FEE, EXAMINATION ASSESSMENT, OR REVENUE RECEIVED** by the Commissioner under this subtitle shall be:

(1) [Deposited in] **CREDITED TO** the [Debt Management Services Fund] **NONDEPOSITORY SPECIAL FUND** established under [§ 12–905] **§ 11–610** of this [title] **ARTICLE**; and

(2) Used [to cover the costs and expenses incurred by the Commissioner that are related to the registration of debt settlement services providers] **IN ACCORDANCE WITH § 11–610(C) OF THIS ARTICLE.**

**(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE COMMISSIONER UNDER THIS SUBTITLE INTO THE GENERAL FUND OF THE STATE.**

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

**Chapter 280 of the Acts of 2011, as amended by Chapters 276 and 277 of the Acts of 2014**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. [It shall remain effective for a period of 4 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

**Chapter 281 of the Acts of 2011, as amended by Chapters 276 and 277 of the Acts of 2014**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. [It shall remain effective for a period of 4 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2016, contingent on the taking effect of Chapter 341 (S.B. 88) of the Acts of the General Assembly of 2016, and if Chapter 341 (S.B. 88) does not become effective, Section 1 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 393**

**(House Bill 1450)**

AN ACT concerning

**Commercial Law – Debt Settlement Services – Fund and Sunset Repeal**

FOR the purpose of altering certain provisions of law relating to the collection, deposit, and purpose of certain fees related to debt settlement services; requiring all revenue

received for the registration of certain persons and, with a certain exception, any other fee, examination assessment, or revenue received by the Commissioner of Financial Regulation under certain provisions of law to be credited to a certain fund and used in accordance with a certain provision of law; repealing the termination date of the Maryland Debt Settlement Services Act; making certain provisions of this Act contingent on the taking effect of another Act; providing for the effective dates of this Act; and generally relating to the Maryland Debt Settlement Services Act.

BY repealing and reenacting, with amendments,  
 Article – Financial Institutions  
 Section 12–1007  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Chapter 280 of the Acts of the General Assembly of 2011, as amended by Chapters 276 and 277 of the Acts of the General Assembly of 2014  
 Section 4

BY repealing and reenacting, with amendments,  
 Chapter 281 of the Acts of the General Assembly of 2011, as amended by Chapters 276 and 277 of the Acts of the General Assembly of 2014  
 Section 4

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

### **Article – Financial Institutions**

12–1007.

**(A)** All [fees collected] **REVENUE RECEIVED FOR THE REGISTRATION OF PERSONS UNDER THIS SUBTITLE AND, EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY OTHER FEE, EXAMINATION ASSESSMENT, OR REVENUE RECEIVED** by the Commissioner under this subtitle shall be:

(1) [Deposited in] **CREDITED TO** the [Debt Management Services Fund] **NONDEPOSITORY SPECIAL FUND** established under [§ 12–905] **§ 11–610** of this [title] **ARTICLE**; and

(2) Used [to cover the costs and expenses incurred by the Commissioner that are related to the registration of debt settlement services providers] **IN ACCORDANCE WITH § 11–610(C) OF THIS ARTICLE.**

**(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE COMMISSIONER UNDER THIS SUBTITLE INTO THE GENERAL FUND OF THE STATE.**

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

**Chapter 280 of the Acts of 2011, as amended by Chapters 276 and 277 of the Acts of 2014**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. [It shall remain effective for a period of 4 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

**Chapter 281 of the Acts of 2011, as amended by Chapters 276 and 277 of the Acts of 2014**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. [It shall remain effective for a period of 4 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2016, contingent on the taking effect of Chapter 341 (S.B. 88) of the Acts of the General Assembly of 2016, and if Chapter 341 (S.B. 88) does not become effective, Section 1 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 394**

**(Senate Bill 505)**

AN ACT concerning

**Workers' Compensation Insurance – Premium Discount – Alcohol– and  
Drug–Free Workplace Program**



FOR the purpose of ~~requiring~~ authorizing a workers' compensation insurer to ~~provide~~ file a certain rating plan with the Insurance Commissioner that provides for a certain premium discount for certain risks to an insured for that has a certain alcohol- and drug-free workplace policy that may include certain programs instituted and maintained by the insured under certain circumstances; requiring a workers' compensation insurer to provide a certain premium discount to a certain insured that institutes and maintains a policy requiring certain alcohol or drug testing; providing that a certain insurer is not required to provide a certain premium discount under certain circumstances; and generally relating to workers' compensation insurance and alcohol- and drug-free workplace programs.

BY repealing and reenacting, without amendments,  
 Article – Insurance  
 Section 11–329(b)(1)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Insurance  
 Section 11–329(f)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

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

### Article – Insurance

11–329.

(b) (1) Each workers' compensation insurer shall adhere to a uniform classification system and uniform experience rating plan filed with the Commissioner by a rating organization designated by and subject to disapproval by the Commissioner.

(f) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection, the uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based on measurement of the loss-producing characteristics of an individual insured.

(2) In addition to any premium adjustment allowed under paragraph (1) of this subsection and pursuant to a filing made by a rating organization and approved by the Commissioner, an insurer may file a rating plan with the Commissioner that provides for prospective premium adjustments up to 25% based upon characteristics of a risk that are not reflected in the uniform experience rating plan.

**(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO ANY PREMIUM ADJUSTMENT ALLOWED UNDER**

PARAGRAPHS (1) AND (2) OF THIS SUBSECTION AND PURSUANT TO A FILING MADE BY A RATING ORGANIZATION AND APPROVED BY THE COMMISSIONER, AN INSURER ~~SHALL PROVIDE~~ MAY FILE A RATING PLAN WITH THE COMMISSIONER THAT PROVIDES FOR A PREMIUM DISCOUNT OF 1% FOR APPROPRIATE CLASSIFICATIONS OR SUBCLASSIFICATIONS OF A RISK OF UP TO 4% TO AN INSURED THAT HAS AN ALCOHOL- AND DRUG-FREE WORKPLACE POLICY THAT MAY INCLUDE ONE OR MORE OF THE FOLLOWING PROGRAMS:

~~1. FOR EACH OF THE FOLLOWING PROGRAMS INSTITUTED AND MAINTAINED BY THE INSURED:~~

~~A. 1. AN ALCOHOL AND A DRUG FREE WORKPLACE ALCOHOL AND DRUG TESTING PROGRAM;~~

~~B. 2. AN EMPLOYEE EDUCATION PROGRAM ON ALCOHOL AND DRUG ABUSE;~~

~~C. 3. A SUPERVISOR EDUCATION PROGRAM ON ALCOHOL AND DRUG ABUSE; AND~~

~~D. 4. AN EMPLOYEE ASSISTANCE PROGRAM THAT INCLUDES REFERRALS OF EMPLOYEES FOR APPROPRIATE DIAGNOSIS, TREATMENT, AND ASSISTANCE; AND~~

~~2. 5. THAT INSTITUTES AND MAINTAINS A POLICY A PROGRAM REQUIRING AN EMPLOYEE WHO HAS CAUSED OR CONTRIBUTED TO AN ACCIDENT WHILE AT WORK TO UNDERGO ALCOHOL OR DRUG TESTING; AND~~

6. ANY OTHER PROGRAM THAT THE INSURER DEEMS EFFECTIVE TO ENCOURAGE AN ALCOHOL- AND DRUG-FREE WORKPLACE.

(II) AN INSURER IS NOT REQUIRED TO PROVIDE A PREMIUM DISCOUNT UNDER THIS PARAGRAPH IF THE INSURED IS REQUIRED UNDER FEDERAL OR STATE LAW TO TEST ITS EMPLOYEES FOR DRUGS OR OTHERWISE PROVIDE AN ALCOHOL- AND A DRUG-FREE WORKPLACE.

(4) An insurer may file a rating plan that provides for retrospective premium adjustments based on an insured's past experience.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

**Chapter 395****(Senate Bill 509)**

AN ACT concerning

**Real Property – Actions to Quiet Title**

FOR the purpose of authorizing a certain action to be brought to establish title against adverse claims to property; establishing that the court is deemed to have possession and control for the purpose of an action under this Act; providing for the venue and the application of certain rules in an action under this Act; establishing requirements for a complaint, an answer to a complaint, naming of defendants, joinder of parties, and service of process in an action under this Act; authorizing the court to take certain actions in an action under this Act; ~~authorizing~~ requiring the recording of a certain judgment; providing for the effect of a judgment in an action under this Act; providing for the construction of this Act; making stylistic changes; defining certain terms; and generally relating to actions to quiet title.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–108

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Real Property

Section 14–601 through 14–621 to be under the new subtitle “Subtitle 6. Actions to Quiet Title”

Annotated Code of Maryland

(2015 Replacement Volume)

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

**Article – Real Property**

14–108.

(a) Any person in actual peaceable possession of property, or, if the property is vacant and unoccupied, in constructive and peaceable possession of it, either under color of title or claim of right by reason of [his] **THE PERSON** or [his] **THE PERSON’S** predecessor’s adverse possession for the statutory period, when [his] **THE PERSON’S** title to the property is denied or disputed, or when any other person claims, of record or otherwise to own the property, or any part of it, or to hold any lien encumbrance on it, regardless of whether or not the hostile outstanding claim is being actively asserted, and if an action at law or

proceeding in equity is not pending to enforce or test the validity of the title, lien, encumbrance, or other adverse claim, the person may maintain a suit in [equity] **ACCORDANCE WITH SUBTITLE 6 OF THIS TITLE in THE CIRCUIT COURT FOR THE** county where the property [lies] **OR ANY PART OF THE PROPERTY IS LOCATED** to quiet or remove any cloud from the title, or determine any adverse claim.

(b) The proceeding shall be deemed in rem or quasi in rem so long as the only relief sought is a decree that the plaintiff has absolute ownership and the right of disposition of the property, and an injunction against the assertion by the person named as the party defendant, of [his] **THE PERSON’S** claim by any action at law or otherwise. Any person who appears of record, or claims to have a hostile outstanding right, shall be made a defendant in the proceedings.

### **SUBTITLE 6. ACTIONS TO QUIET TITLE.**

#### **14-601.**

(A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“CLAIM” INCLUDES A LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN PROPERTY OR A CLOUD ON THE TITLE TO PROPERTY.**

(C) **“HOLDER” MEANS THE MORTGAGEE, TRUSTEE, BENEFICIARY, NOMINEE, OR ASSIGNEE OF RECORD, IF ANY, OF A SECURITY INSTRUMENT.**

(D) **“PROPERTY” MEANS REAL PROPERTY OR ANY INTEREST IN OR APPURTENANT TO REAL PROPERTY, INCLUDING FIXTURES.**

(E) **“SECURITY INSTRUMENT” MEANS A RECORDED MORTGAGE OR DEED OF TRUST OR AN ASSIGNMENT OF A RECORDED MORTGAGE OR DEED OF TRUST.**

#### **14-602.**

**AN ACTION MAY BE BROUGHT UNDER THIS SUBTITLE TO ESTABLISH TITLE AGAINST ADVERSE CLAIMS TO PROPERTY, INCLUDING ADVERSE CLAIMS DESCRIBED IN § 14-108 OF THIS TITLE.**

#### **14-603.**

(A) **IN AN ACTION UNDER THIS SUBTITLE, THE COURT IS DEEMED TO HAVE OBTAINED POSSESSION AND CONTROL OF THE PROPERTY FOR THE PURPOSES OF THE ACTION.**

(B) THIS SUBTITLE DOES NOT LIMIT ANY AUTHORITY THE COURT MAY HAVE TO GRANT ANY EQUITABLE RELIEF THAT MAY BE PROPER UNDER THE CIRCUMSTANCES OF THE CASE.

14-604.

THE MARYLAND RULES APPLY TO ACTIONS UNDER THIS SUBTITLE, EXCEPT TO THE EXTENT THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE.

14-605.

(A) AT THE TIME A COMPLAINT IS FILED, THE PLAINTIFF SHALL SEND EACH HOLDER THAT IS NOT NAMED AS A PARTY IN THE ACTION A COPY OF THE COMPLAINT WITH EXHIBITS AND A STATEMENT THAT:

(1) THE HOLDER IS NOT A PARTY IN THE PROCEEDING AND ANY JUDGMENT IN THE PROCEEDING WILL NOT AFFECT ANY CLAIM OF THE HOLDER; AND

(2) IF THE HOLDER ELECTS TO APPEAR IN THE PROCEEDING, THE HOLDER WILL APPEAR AS A DEFENDANT AND BE BOUND BY ANY JUDGMENT ENTERED IN THE PROCEEDING.

(B) THE COMPLAINT AND STATEMENT SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY FIRST-CLASS MAIL TO THE ~~HOLDER'S~~ HOLDER:

(1) AT THE ADDRESS SET FORTH IN THE SECURITY INSTRUMENT FOR THE HOLDER'S RECEIPT OF NOTICES; OR

(2) IF NO ADDRESS FOR THE HOLDER'S RECEIPT OF NOTICES IS SET FORTH IN THE SECURITY INSTRUMENT, AT THE LAST KNOWN ADDRESS OF THE HOLDER.

14-606.

A COMPLAINT UNDER THIS SUBTITLE SHALL BE VERIFIED AND SHALL INCLUDE:

(1) A DESCRIPTION OF THE PROPERTY THAT IS THE SUBJECT OF THE ACTION, INCLUDING BOTH ITS LEGAL DESCRIPTION AND ITS STREET ADDRESS OR COMMON DESIGNATION, IF ANY;

(2) (i) THE TITLE OF THE PLAINTIFF AS TO WHICH A DETERMINATION IS SOUGHT AND THE BASIS OF THE TITLE; AND

(II) IF THE TITLE IS BASED ON ADVERSE POSSESSION, THE SPECIFIC FACTS CONSTITUTING THE ADVERSE POSSESSION;

(3) THE ADVERSE CLAIMS TO THE TITLE OF THE PLAINTIFF AGAINST WHICH A DETERMINATION IS SOUGHT; AND

(4) A PRAYER FOR A DETERMINATION OF THE TITLE OF THE PLAINTIFF AGAINST THE ADVERSE CLAIMS.

**14-607.**

(A) AN ANSWER TO A COMPLAINT UNDER THIS SUBTITLE SHALL BE VERIFIED AND SHALL SET FORTH:

(1) ANY CLAIM THE DEFENDANT HAS TO THE PROPERTY THAT IS THE SUBJECT OF THE ACTION;

(2) ANY FACTS TENDING TO CONTROVERT ANY MATERIAL ALLEGATIONS OF THE COMPLAINT THAT THE DEFENDANT DOES NOT WISH TO BE TAKEN AS TRUE; AND

(3) A STATEMENT OF ANY NEW MATTER CONSTITUTING A DEFENSE.

(B) IF THE DEFENDANT DISCLAIMS ANY ~~CLAIM~~ INTEREST IN THE TITLE OF THE PROPERTY IN THE ANSWER OR ALLOWS JUDGMENT TO BE TAKEN WITHOUT ANSWER, THE PLAINTIFF MAY NOT RECOVER COSTS.

**14-608.**

(A) THE PLAINTIFF SHALL NAME AS DEFENDANTS IN AN ACTION UNDER THIS SUBTITLE THE PERSONS HAVING ADVERSE CLAIMS TO THE TITLE OF THE PLAINTIFF THAT ARE OF RECORD OR KNOWN TO THE PLAINTIFF OR REASONABLY APPARENT FROM AN INSPECTION OF THE PROPERTY AGAINST WHICH A DETERMINATION IS SOUGHT.

(B) IF THE PLAINTIFF ADMITS THE VALIDITY OF ANY ADVERSE CLAIM, THE PLAINTIFF SHALL STATE THE ADMISSION IN THE COMPLAINT.

**14-609.**

(A) IF THE NAME OF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS NOT KNOWN TO THE PLAINTIFF, THE PLAINTIFF SHALL STATE IN THE COMPLAINT

THAT THE NAME IS UNKNOWN AND SHALL NAME AS PARTIES ALL PERSONS UNKNOWN IN THE MANNER PROVIDED IN § 14-613 OF THIS SUBTITLE.

(B) (1) IF THE CLAIM OR THE SHARE OR QUANTITY OF THE CLAIM OF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS UNKNOWN, UNCERTAIN, OR CONTINGENT, THE PLAINTIFF SHALL STATE THOSE FACTS IN THE COMPLAINT.

(2) IF THE LACK OF KNOWLEDGE, UNCERTAINTY, OR CONTINGENCY IS CAUSED BY A TRANSFER TO AN UNBORN OR UNASCERTAINED PERSON OR CLASS MEMBER, OR BY A TRANSFER IN THE FORM OF A CONTINGENT REMAINDER, VESTED REMAINDER SUBJECT TO DEFEASANCE, EXECUTORY INTEREST, OR SIMILAR DISPOSITION, THE PLAINTIFF SHALL ALSO STATE IN THE COMPLAINT, SO FAR AS IS KNOWN TO THE PLAINTIFF, THE NAME, AGE, AND LEGAL DISABILITY, IF ANY, OF THE PERSON IN BEING WHO WOULD BE ENTITLED TO THE CLAIM HAD THE CONTINGENCY ON WHICH THE CLAIM DEPENDS OCCURRED BEFORE THE COMMENCEMENT OF THE ACTION.

14-610.

(A) IF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS DEAD AND THE PLAINTIFF KNOWS OF A PERSONAL REPRESENTATIVE, THE PLAINTIFF SHALL JOIN THE PERSONAL REPRESENTATIVE AS A DEFENDANT.

(B) (1) IF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS DEAD, OR IS BELIEVED BY THE PLAINTIFF TO BE DEAD, AND THE PLAINTIFF KNOWS OF NO PERSONAL REPRESENTATIVE, THE PLAINTIFF SHALL STATE THOSE FACTS IN AN AFFIDAVIT FILED WITH THE COMPLAINT.

(2) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT A PERSON IS DEAD, THE PLAINTIFF MAY JOIN AS DEFENDANTS “THE TESTATE AND INTESTATE SUCCESSORS OF \_\_\_\_\_ (NAMING THE DECEASED PERSON), DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH, OR UNDER THE DECEDENT”.

(3) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT A PERSON IS BELIEVED TO BE DEAD, THE PLAINTIFF MAY JOIN THE PERSON AS A DEFENDANT, AND MAY ALSO JOIN “THE TESTATE AND INTESTATE SUCCESSORS OF \_\_\_\_\_ (NAMING THE PERSON), BELIEVED TO BE DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH, OR UNDER THE PERSON BELIEVED TO BE DECEASED”.

14-611.

**THE COURT ON ITS OWN MOTION OR ON MOTION OF ANY PARTY MAY ISSUE ANY APPROPRIATE ORDER TO REQUIRE:**

**(1) JOINDER OF ANY ADDITIONAL PARTIES THAT ARE NECESSARY OR PROPER; AND**

**(2) THE PLAINTIFF TO PROCURE A TITLE REPORT SUPPORTED BY AN AFFIDAVIT BY THE PERSON MAKING THE SEARCH THAT A COMPLETE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS OF TITLE EXAMINATION FOR THE APPROPRIATE PERIOD AS DETERMINED BY THE COURT, BUT NOT LESS THAN 60 YEARS, AND DESIGNATE A PLACE WHERE THE TITLE REPORT SHALL BE KEPT FOR INSPECTION, USE, AND COPYING BY THE PARTIES.**

**14-612.**

**ANY PERSON WHO HAS A CLAIM TO THE PROPERTY DESCRIBED IN A COMPLAINT UNDER THIS SUBTITLE MAY APPEAR IN THE PROCEEDING.**

**14-613.**

**IN ADDITION TO THE PERSONS REQUIRED TO BE NAMED AS DEFENDANTS IN AN ACTION UNDER THIS SUBTITLE, THE PLAINTIFF MAY NAME AS DEFENDANTS “ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO THE PLAINTIFF’S TITLE, OR ANY CLOUD ON THE PLAINTIFF’S TITLE TO THE PROPERTY”.**

**14-614.**

**THE COURT ON ITS OWN MOTION OR ON MOTION OF ANY PARTY MAY ISSUE AN ORDER FOR APPOINTMENT OF AN ATTORNEY TO PROTECT THE INTEREST OF ANY PARTY TO THE SAME EXTENT AND EFFECT AS PROVIDED UNDER **RULE 2-203** OF THE MARYLAND RULES WITH RESPECT TO INDIVIDUALS NOT IN BEING.**

**14-615.**

**(A) (1) IF, ON AFFIDAVIT OF THE PLAINTIFF, IT APPEARS TO THE SATISFACTION OF THE COURT THAT THE PLAINTIFF HAS USED REASONABLE DILIGENCE TO ASCERTAIN THE IDENTITY AND RESIDENCE OF AND TO SERVE A SUMMONS ON THE PERSONS NAMED AS UNKNOWN DEFENDANTS AND PERSONS JOINED AS TESTATE OR INTESSTATE SUCCESSORS OF A PERSON KNOWN OR BELIEVED TO BE DEAD, THE COURT SHALL ORDER SERVICE BY PUBLICATION IN ACCORDANCE**



WITH RULE 2-122 OF THE MARYLAND RULES AND THE PROVISIONS OF THIS SUBTITLE.

(2) THE ORDER SHALL DIRECT THAT A COPY OF THE SUMMONS, THE COMPLAINT, AND THE ORDER FOR PUBLICATION BE MAILED IMMEDIATELY TO THE PARTY IF THE PARTY'S ADDRESS IS ASCERTAINED BEFORE EXPIRATION OF THE TIME PRESCRIBED FOR PUBLICATION OF THE SUMMONS.

(B) THIS SECTION DOES NOT AUTHORIZE SERVICE BY PUBLICATION ON ANY PERSON NAMED AS AN UNKNOWN DEFENDANT WHO IS IN OPEN AND ACTUAL POSSESSION OF THE PROPERTY.

14-616.

(A) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PLAINTIFF SHALL:

(1) POST, NOT LATER THAN 10 DAYS AFTER THE DATE THE ORDER IS ISSUED, A COPY OF THE SUMMONS AND COMPLAINT IN A CONSPICUOUS PLACE ON THE PROPERTY THAT IS THE SUBJECT OF THE ACTION; AND

(2) FILE PROOF THAT THE SUMMONS HAS BEEN SERVED, POSTED, AND PUBLISHED AS REQUIRED IN THE ORDER.

(B) ~~(1)~~ IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PUBLICATION SHALL USE THE LEGAL DESCRIPTION OF THE PROPERTY ALONG WITH ITS STREET ADDRESS, OR OTHER COMMON DESIGNATION, IF ANY.

~~(2) IF A LEGAL DESCRIPTION OF THE PROPERTY IS GIVEN, THE VALIDITY OF THE PUBLICATION MAY NOT BE AFFECTED BY THE FACT THAT THE STREET ADDRESS OR OTHER COMMON DESIGNATION RECITED IS ERRONEOUS OR THAT THE STREET ADDRESS OR OTHER COMMON DESIGNATION IS OMITTED.~~

14-617.

(A) IN ALL CASES THE PLAINTIFF SHALL SUBMIT EVIDENCE AT A HEARING BEFORE THE COURT ESTABLISHING THE PLAINTIFF'S TITLE AND THE COURT MAY HEAR OR TAKE ANY EVIDENCE OFFERED RESPECTING THE CLAIMS OF ANY DEFENDANT, OTHER THAN CLAIMS THE VALIDITY OF WHICH IS ADMITTED BY THE PLAINTIFF IN THE COMPLAINT.

(B) (1) A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE ~~MAY~~ SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH ANY PORTION OF THE PROPERTY IS LOCATED.

(2) ~~IF THE JUDGMENT IS RECORDED, THE~~ THE CLERK SHALL INDEX THE JUDGMENT IN ACCORDANCE WITH § 3-302 OF THIS ARTICLE, WITH THE PARTIES AGAINST WHOM THE JUDGMENT IS ENTERED AS GRANTOR AND THE PARTY IN WHOSE FAVOR THE JUDGMENT IS ENTERED AS GRANTEE.

14-618.

A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE IS BINDING AND CONCLUSIVE, REGARDLESS OF ANY LEGAL DISABILITY, ON:

(1) ALL PERSONS KNOWN AND UNKNOWN WHO WERE PARTIES TO THE ACTION AND WHO HAVE ANY CLAIM TO THE PROPERTY, WHETHER PRESENT OR FUTURE, VESTED OR CONTINGENT, LEGAL OR EQUITABLE, SEVERAL OR UNDIVIDED; AND

(2) EXCEPT AS PROVIDED IN § 14-619 OF THIS SUBTITLE, ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND WHO HAVE ANY CLAIM TO THE PROPERTY THAT WAS NOT OF RECORD AT THE TIME THE ACTION WAS COMMENCED.

14-619.

(A) A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE DOES NOT AFFECT A CLAIM IN THE PROPERTY OR PART OF THE PROPERTY OF ANY PERSON WHO WAS NOT A PARTY TO THE ACTION, IF, AT THE TIME THE ACTION WAS COMMENCED:

(1) THE CLAIM WAS OF RECORD; OR

(2) THE CLAIM WAS ACTUALLY KNOWN TO THE PLAINTIFF OR WOULD HAVE BEEN REASONABLY APPARENT FROM AN INSPECTION OF THE PROPERTY.

(B) THIS SECTION MAY NOT BE CONSTRUED TO IMPAIR THE RIGHTS OF A BONA FIDE PURCHASER OR ENCUMBRANCER FOR VALUE DEALING WITH THE PLAINTIFF OR THE PLAINTIFF'S SUCCESSORS IN INTEREST.

14-620.

ANY RELIEF GRANTED IN AN ACTION OR PROCEEDING DIRECTLY OR COLLATERALLY ATTACKING A JUDGMENT ENTERED UNDER THIS SUBTITLE, WHETHER BASED ON LACK OF ACTUAL NOTICE TO A PARTY OR OTHERWISE, MAY NOT IMPAIR THE RIGHTS OF A PURCHASER OR ENCUMBRANCER FOR VALUE OF THE PROPERTY ACTING IN RELIANCE ON THE JUDGMENT WITHOUT KNOWLEDGE OF ANY DEFECTS OR IRREGULARITIES IN THE JUDGMENT OR THE PROCEEDINGS.

14-621.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE IS NOT BINDING OR CONCLUSIVE ON:

(1) THE STATE, UNLESS INDIVIDUALLY JOINED AS A PARTY TO THE ACTION AND STATE LAW AUTHORIZES THE JUDGMENT TO BE BINDING OR CONCLUSIVE AS TO ITS INTERESTS; OR

(2) THE UNITED STATES, UNLESS THE UNITED STATES IS INDIVIDUALLY JOINED AS A PARTY TO THE ACTION AND FEDERAL LAW AUTHORIZES THE JUDGMENT TO BE BINDING OR CONCLUSIVE AS TO ITS INTERESTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 396

(House Bill 920)

AN ACT concerning

### Real Property – Actions to Quiet Title

FOR the purpose of authorizing a certain action to be brought to establish title against adverse claims to property; establishing that the court is deemed to have possession and control for the purpose of an action under this Act; providing for the venue and the application of certain rules in an action under this Act; establishing requirements for a complaint, an answer to a complaint, naming of defendants, joinder of parties, and service of process in an action under this Act; authorizing the court to take certain actions in an action under this Act; ~~authorizing~~ requiring the recording of a certain judgment; providing for the effect of a judgment in an action under this Act; providing for the construction of this Act; making stylistic changes; defining certain terms; and generally relating to actions to quiet title.

BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 14-108  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to

Article – Real Property

Section 14–601 through 14–621 to be under the new subtitle “Subtitle 6. Actions to Quiet Title”

Annotated Code of Maryland

(2015 Replacement Volume)

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

### **Article – Real Property**

14–108.

(a) Any person in actual peaceable possession of property, or, if the property is vacant and unoccupied, in constructive and peaceable possession of it, either under color of title or claim of right by reason of [his] **THE PERSON** or [his] **THE PERSON’S** predecessor’s adverse possession for the statutory period, when [his] **THE PERSON’S** title to the property is denied or disputed, or when any other person claims, of record or otherwise to own the property, or any part of it, or to hold any lien encumbrance on it, regardless of whether or not the hostile outstanding claim is being actively asserted, and if an action at law or proceeding in equity is not pending to enforce or test the validity of the title, lien, encumbrance, or other adverse claim, the person may maintain a suit in [equity] **ACCORDANCE WITH SUBTITLE 6 OF THIS TITLE** in **THE CIRCUIT COURT FOR THE** county where the property [lies] **OR ANY PART OF THE PROPERTY IS LOCATED** to quiet or remove any cloud from the title, or determine any adverse claim.

(b) The proceeding shall be deemed in rem or quasi in rem so long as the only relief sought is a decree that the plaintiff has absolute ownership and the right of disposition of the property, and an injunction against the assertion by the person named as the party defendant, of [his] **THE PERSON’S** claim by any action at law or otherwise. Any person who appears of record, or claims to have a hostile outstanding right, shall be made a defendant in the proceedings.

### **SUBTITLE 6. ACTIONS TO QUIET TITLE.**

14–601.

(A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“CLAIM” INCLUDES A LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN PROPERTY OR A CLOUD ON THE TITLE TO PROPERTY.**

(C) **“HOLDER” MEANS THE MORTGAGEE, TRUSTEE, BENEFICIARY, NOMINEE, OR ASSIGNEE OF RECORD, IF ANY, OF A SECURITY INSTRUMENT.**

(D) “PROPERTY” MEANS REAL PROPERTY OR ANY INTEREST IN OR APPURTENANT TO REAL PROPERTY, INCLUDING FIXTURES.

(E) “SECURITY INSTRUMENT” MEANS A RECORDED MORTGAGE OR DEED OF TRUST OR AN ASSIGNMENT OF A RECORDED MORTGAGE OR DEED OF TRUST.

**14-602.**

AN ACTION MAY BE BROUGHT UNDER THIS SUBTITLE TO ESTABLISH TITLE AGAINST ADVERSE CLAIMS TO PROPERTY, INCLUDING ADVERSE CLAIMS DESCRIBED IN § 14-108 OF THIS TITLE.

**14-603.**

(A) IN AN ACTION UNDER THIS SUBTITLE, THE COURT IS DEEMED TO HAVE OBTAINED POSSESSION AND CONTROL OF THE PROPERTY FOR THE PURPOSES OF THE ACTION.

(B) THIS SUBTITLE DOES NOT LIMIT ANY AUTHORITY THE COURT MAY HAVE TO GRANT ANY EQUITABLE RELIEF THAT MAY BE PROPER UNDER THE CIRCUMSTANCES OF THE CASE.

**14-604.**

THE MARYLAND RULES APPLY TO ACTIONS UNDER THIS SUBTITLE, EXCEPT TO THE EXTENT THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE.

**14-605.**

(A) AT THE TIME A COMPLAINT IS FILED, THE PLAINTIFF SHALL SEND EACH HOLDER THAT IS NOT NAMED AS A PARTY IN THE ACTION A COPY OF THE COMPLAINT WITH EXHIBITS AND A STATEMENT THAT:

(1) THE HOLDER IS NOT A PARTY IN THE PROCEEDING AND ANY JUDGMENT IN THE PROCEEDING WILL NOT AFFECT ANY CLAIM OF THE HOLDER; AND

(2) IF THE HOLDER ELECTS TO APPEAR IN THE PROCEEDING, THE HOLDER WILL APPEAR AS A DEFENDANT AND BE BOUND BY ANY JUDGMENT ENTERED IN THE PROCEEDING.

(B) THE COMPLAINT AND STATEMENT SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY FIRST-CLASS MAIL TO THE ~~HOLDER'S~~ HOLDER:

**(1) AT THE ADDRESS SET FORTH IN THE SECURITY INSTRUMENT FOR THE HOLDER'S RECEIPT OF NOTICES; OR**

**(2) IF NO ADDRESS FOR THE HOLDER'S RECEIPT OF NOTICES IS SET FORTH IN THE SECURITY INSTRUMENT, AT THE LAST KNOWN ADDRESS OF THE HOLDER.**

**14-606.**

**A COMPLAINT UNDER THIS SUBTITLE SHALL BE VERIFIED AND SHALL INCLUDE:**

**(1) A DESCRIPTION OF THE PROPERTY THAT IS THE SUBJECT OF THE ACTION, INCLUDING BOTH ITS LEGAL DESCRIPTION AND ITS STREET ADDRESS OR COMMON DESIGNATION, IF ANY;**

**(2) (I) THE TITLE OF THE PLAINTIFF AS TO WHICH A DETERMINATION IS SOUGHT AND THE BASIS OF THE TITLE; AND**

**(II) IF THE TITLE IS BASED ON ADVERSE POSSESSION, THE SPECIFIC FACTS CONSTITUTING THE ADVERSE POSSESSION;**

**(3) THE ADVERSE CLAIMS TO THE TITLE OF THE PLAINTIFF AGAINST WHICH A DETERMINATION IS SOUGHT; AND**

**(4) A PRAYER FOR A DETERMINATION OF THE TITLE OF THE PLAINTIFF AGAINST THE ADVERSE CLAIMS.**

**14-607.**

**(A) AN ANSWER TO A COMPLAINT UNDER THIS SUBTITLE SHALL BE VERIFIED AND SHALL SET FORTH:**

**(1) ANY CLAIM THE DEFENDANT HAS TO THE PROPERTY THAT IS THE SUBJECT OF THE ACTION;**

**(2) ANY FACTS TENDING TO CONTROVERT ANY MATERIAL ALLEGATIONS OF THE COMPLAINT THAT THE DEFENDANT DOES NOT WISH TO BE TAKEN AS TRUE; AND**

**(3) A STATEMENT OF ANY NEW MATTER CONSTITUTING A DEFENSE.**

**(B) IF THE DEFENDANT DISCLAIMS ANY ~~CLAIM~~ *INTEREST IN THE TITLE OF THE PROPERTY* IN THE ANSWER OR ALLOWS JUDGMENT TO BE TAKEN WITHOUT ANSWER, THE PLAINTIFF MAY NOT RECOVER COSTS.**

**14-608.**

**(A) THE PLAINTIFF SHALL NAME AS DEFENDANTS IN AN ACTION UNDER THIS SUBTITLE THE PERSONS HAVING ADVERSE CLAIMS TO THE TITLE OF THE PLAINTIFF THAT ARE OF RECORD OR KNOWN TO THE PLAINTIFF OR REASONABLY APPARENT FROM AN INSPECTION OF THE PROPERTY AGAINST WHICH A DETERMINATION IS SOUGHT.**

**(B) IF THE PLAINTIFF ADMITS THE VALIDITY OF ANY ADVERSE CLAIM, THE PLAINTIFF SHALL STATE THE ADMISSION IN THE COMPLAINT.**

**14-609.**

**(A) IF THE NAME OF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS NOT KNOWN TO THE PLAINTIFF, THE PLAINTIFF SHALL STATE IN THE COMPLAINT THAT THE NAME IS UNKNOWN AND SHALL NAME AS PARTIES ALL PERSONS UNKNOWN IN THE MANNER PROVIDED IN § 14-613 OF THIS SUBTITLE.**

**(B) (1) IF THE CLAIM OR THE SHARE OR QUANTITY OF THE CLAIM OF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS UNKNOWN, UNCERTAIN, OR CONTINGENT, THE PLAINTIFF SHALL STATE THOSE FACTS IN THE COMPLAINT.**

**(2) IF THE LACK OF KNOWLEDGE, UNCERTAINTY, OR CONTINGENCY IS CAUSED BY A TRANSFER TO AN UNBORN OR UNASCERTAINED PERSON OR CLASS MEMBER, OR BY A TRANSFER IN THE FORM OF A CONTINGENT REMAINDER, VESTED REMAINDER SUBJECT TO DEFEASANCE, EXECUTORY INTEREST, OR SIMILAR DISPOSITION, THE PLAINTIFF SHALL ALSO STATE IN THE COMPLAINT, SO FAR AS IS KNOWN TO THE PLAINTIFF, THE NAME, AGE, AND LEGAL DISABILITY, IF ANY, OF THE PERSON IN BEING WHO WOULD BE ENTITLED TO THE CLAIM HAD THE CONTINGENCY ON WHICH THE CLAIM DEPENDS OCCURRED BEFORE THE COMMENCEMENT OF THE ACTION.**

**14-610.**

**(A) IF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS DEAD AND THE PLAINTIFF KNOWS OF A PERSONAL REPRESENTATIVE, THE PLAINTIFF SHALL JOIN THE PERSONAL REPRESENTATIVE AS A DEFENDANT.**

**(B) (1) IF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS DEAD, OR IS BELIEVED BY THE PLAINTIFF TO BE DEAD, AND THE PLAINTIFF KNOWS OF NO**

PERSONAL REPRESENTATIVE, THE PLAINTIFF SHALL STATE THOSE FACTS IN AN AFFIDAVIT FILED WITH THE COMPLAINT.

(2) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT A PERSON IS DEAD, THE PLAINTIFF MAY JOIN AS DEFENDANTS “THE TESTATE AND INTESTATE SUCCESSORS OF \_\_\_\_\_ (NAMING THE DECEASED PERSON), DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH, OR UNDER THE DECEDENT”.

(3) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT A PERSON IS BELIEVED TO BE DEAD, THE PLAINTIFF MAY JOIN THE PERSON AS A DEFENDANT, AND MAY ALSO JOIN “THE TESTATE AND INTESTATE SUCCESSORS OF \_\_\_\_\_ (NAMING THE PERSON), BELIEVED TO BE DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH, OR UNDER THE PERSON BELIEVED TO BE DECEASED”.

14-611.

THE COURT ON ITS OWN MOTION OR ON MOTION OF ANY PARTY MAY ISSUE ANY APPROPRIATE ORDER TO REQUIRE:

(1) JOINDER OF ANY ADDITIONAL PARTIES THAT ARE NECESSARY OR PROPER; AND

(2) THE PLAINTIFF TO PROCURE A TITLE REPORT SUPPORTED BY AN AFFIDAVIT BY THE PERSON MAKING THE SEARCH THAT A COMPLETE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS OF TITLE EXAMINATION FOR THE APPROPRIATE PERIOD AS DETERMINED BY THE COURT, BUT NOT LESS THAN 60 YEARS, AND DESIGNATE A PLACE WHERE THE TITLE REPORT SHALL BE KEPT FOR INSPECTION, USE, AND COPYING BY THE PARTIES.

14-612.

ANY PERSON WHO HAS A CLAIM TO THE PROPERTY DESCRIBED IN A COMPLAINT UNDER THIS SUBTITLE MAY APPEAR IN THE PROCEEDING.

14-613.

IN ADDITION TO THE PERSONS REQUIRED TO BE NAMED AS DEFENDANTS IN AN ACTION UNDER THIS SUBTITLE, THE PLAINTIFF MAY NAME AS DEFENDANTS “ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO



THE PLAINTIFF'S TITLE, OR ANY CLOUD ON THE PLAINTIFF'S TITLE TO THE PROPERTY”.

14-614.

THE COURT ON ITS OWN MOTION OR ON MOTION OF ANY PARTY MAY ISSUE AN ORDER FOR APPOINTMENT OF AN ATTORNEY TO PROTECT THE INTEREST OF ANY PARTY TO THE SAME EXTENT AND EFFECT AS PROVIDED UNDER RULE 2-203 OF THE MARYLAND RULES WITH RESPECT TO INDIVIDUALS NOT IN BEING.

14-615.

(A) (1) IF, ON AFFIDAVIT OF THE PLAINTIFF, IT APPEARS TO THE SATISFACTION OF THE COURT THAT THE PLAINTIFF HAS USED REASONABLE DILIGENCE TO ASCERTAIN THE IDENTITY AND RESIDENCE OF AND TO SERVE A SUMMONS ON THE PERSONS NAMED AS UNKNOWN DEFENDANTS AND PERSONS JOINED AS TESTATE OR INTESTATE SUCCESSORS OF A PERSON KNOWN OR BELIEVED TO BE DEAD, THE COURT SHALL ORDER SERVICE BY PUBLICATION IN ACCORDANCE WITH RULE 2-122 OF THE MARYLAND RULES AND THE PROVISIONS OF THIS SUBTITLE.

(2) THE ORDER SHALL DIRECT THAT A COPY OF THE SUMMONS, THE COMPLAINT, AND THE ORDER FOR PUBLICATION BE MAILED IMMEDIATELY TO THE PARTY IF THE PARTY'S ADDRESS IS ASCERTAINED BEFORE EXPIRATION OF THE TIME PRESCRIBED FOR PUBLICATION OF THE SUMMONS.

(B) THIS SECTION DOES NOT AUTHORIZE SERVICE BY PUBLICATION ON ANY PERSON NAMED AS AN UNKNOWN DEFENDANT WHO IS IN OPEN AND ACTUAL POSSESSION OF THE PROPERTY.

14-616.

(A) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PLAINTIFF SHALL:

(1) POST, NOT LATER THAN 10 DAYS AFTER THE DATE THE ORDER IS ISSUED, A COPY OF THE SUMMONS AND COMPLAINT IN A CONSPICUOUS PLACE ON THE PROPERTY THAT IS THE SUBJECT OF THE ACTION; AND

(2) FILE PROOF THAT THE SUMMONS HAS BEEN SERVED, POSTED, AND PUBLISHED AS REQUIRED IN THE ORDER.

(B) ~~(1)~~ IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PUBLICATION SHALL USE THE LEGAL DESCRIPTION OF THE PROPERTY ALONG WITH ITS STREET ADDRESS, OR OTHER COMMON DESIGNATION, IF ANY.

~~(2) IF A LEGAL DESCRIPTION OF THE PROPERTY IS GIVEN, THE VALIDITY OF THE PUBLICATION MAY NOT BE AFFECTED BY THE FACT THAT THE STREET ADDRESS OR OTHER COMMON DESIGNATION RECITED IS ERRONEOUS OR THAT THE STREET ADDRESS OR OTHER COMMON DESIGNATION IS OMITTED.~~

14-617.

(A) IN ALL CASES THE PLAINTIFF SHALL SUBMIT EVIDENCE AT A HEARING BEFORE THE COURT ESTABLISHING THE PLAINTIFF'S TITLE AND THE COURT MAY HEAR OR TAKE ANY EVIDENCE OFFERED RESPECTING THE CLAIMS OF ANY DEFENDANT, OTHER THAN CLAIMS THE VALIDITY OF WHICH IS ADMITTED BY THE PLAINTIFF IN THE COMPLAINT.

(B) (1) A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE ~~MAY~~ SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH ANY PORTION OF THE PROPERTY IS LOCATED.

(2) ~~IF THE JUDGMENT IS RECORDED, THE~~ THE CLERK SHALL INDEX THE JUDGMENT IN ACCORDANCE WITH § 3-302 OF THIS ARTICLE, WITH THE PARTIES AGAINST WHOM THE JUDGMENT IS ENTERED AS GRANTOR AND THE PARTY IN WHOSE FAVOR THE JUDGMENT IS ENTERED AS GRANTEE.

14-618.

A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE IS BINDING AND CONCLUSIVE, REGARDLESS OF ANY LEGAL DISABILITY, ON:

(1) ALL PERSONS KNOWN AND UNKNOWN WHO WERE PARTIES TO THE ACTION AND WHO HAVE ANY CLAIM TO THE PROPERTY, WHETHER PRESENT OR FUTURE, VESTED OR CONTINGENT, LEGAL OR EQUITABLE, SEVERAL OR UNDIVIDED; AND

(2) EXCEPT AS PROVIDED IN § 14-619 OF THIS SUBTITLE, ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND WHO HAVE ANY CLAIM TO THE PROPERTY THAT WAS NOT OF RECORD AT THE TIME THE ACTION WAS COMMENCED.

14-619.

(A) A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE DOES NOT AFFECT A CLAIM IN THE PROPERTY OR PART OF THE PROPERTY OF ANY PERSON WHO WAS NOT A PARTY TO THE ACTION, IF, AT THE TIME THE ACTION WAS COMMENCED:

(1) THE CLAIM WAS OF RECORD; OR

(2) THE CLAIM WAS ACTUALLY KNOWN TO THE PLAINTIFF OR WOULD HAVE BEEN REASONABLY APPARENT FROM AN INSPECTION OF THE PROPERTY.

(B) THIS SECTION MAY NOT BE CONSTRUED TO IMPAIR THE RIGHTS OF A BONA FIDE PURCHASER OR ENCUMBRANCER FOR VALUE DEALING WITH THE PLAINTIFF OR THE PLAINTIFF'S SUCCESSORS IN INTEREST.

14-620.

ANY RELIEF GRANTED IN AN ACTION OR PROCEEDING DIRECTLY OR COLLATERALLY ATTACKING A JUDGMENT ENTERED UNDER THIS SUBTITLE, WHETHER BASED ON LACK OF ACTUAL NOTICE TO A PARTY OR OTHERWISE, MAY NOT IMPAIR THE RIGHTS OF A PURCHASER OR ENCUMBRANCER FOR VALUE OF THE PROPERTY ACTING IN RELIANCE ON THE JUDGMENT WITHOUT KNOWLEDGE OF ANY DEFECTS OR IRREGULARITIES IN THE JUDGMENT OR THE PROCEEDINGS.

14-621.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE IS NOT BINDING OR CONCLUSIVE ON:

(1) THE STATE, UNLESS INDIVIDUALLY JOINED AS A PARTY TO THE ACTION AND STATE LAW AUTHORIZES THE JUDGMENT TO BE BINDING OR CONCLUSIVE AS TO ITS INTERESTS; OR

(2) THE UNITED STATES, UNLESS THE UNITED STATES IS INDIVIDUALLY JOINED AS A PARTY TO THE ACTION AND FEDERAL LAW AUTHORIZES THE JUDGMENT TO BE BINDING OR CONCLUSIVE AS TO ITS INTERESTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 397

(Senate Bill 520)

AN ACT concerning

### ~~Washington County Board~~ County Boards of Education – School Buses – Motor Fuel Tax Exemption and Refund

FOR the purpose of exempting from the motor fuel tax certain motor fuel that is bought by a county board of education or a school bus operator under contract with a county board of education for use in ~~certain vehicles~~ a school bus; authorizing ~~the Washington County Board of Education~~ a county board of education to claim a refund of motor fuel tax paid on motor fuel purchased for use in ~~vehicles~~ a school bus owned by the ~~Washington County Board of Education~~ county board; authorizing a school bus operator under contract with a county board of education to claim a refund of motor fuel tax paid on motor fuel purchased for use in ~~vehicles~~ a school bus used to transport the county's public school students; and generally relating to an exemption from and a refund of motor fuel tax for the Washington County Board of Education a county board of education on motor fuel used to operate a school bus for a county board of education.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 11-153, 11-154, and 11-173

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 9-303(d) and 13-901(f)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

#### Article – Transportation

11-153.

“School bus” means a Type I school vehicle, as defined in this subtitle.

11-154.

(a) “School vehicle” means, except as provided in subsection (b) of this section, any motor vehicle that:

(1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

(2) Is either:

(i) A Type I school vehicle, as defined in this subtitle; or

(ii) A Type II school vehicle, as defined in this subtitle.

(b) "School vehicle" does not include:

(1) A privately owned vehicle while it is carrying members of its owner's household and not operated for compensation; or

(2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article and used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:

(i) The vehicle is designed for carrying 15 persons or less, including the driver;

(ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;

(iii) The owner has obtained vehicle liability insurance or other security as required by Title 17 of this article; and

(iv) The vehicle is equipped with proper seat belts or safety seats so as to permit each child to be secured in a seat belt or a safety seat as required by §§ 22-412.2 and 22-412.3 of this article.

11-173.

(a) "Type I school vehicle" means a school vehicle that:

(1) Is designed and constructed to carry passengers;

(2) Is either of the body-on-chassis type construction or integral type construction; and

(3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger.

*(b) “Type I school vehicle” does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.*

### Article – Tax – General

9–303.

(d) The motor fuel tax does not apply to motor fuel that is bought by:

(1) the Department of General Services for use by State agencies;

(2) A COUNTY BOARD OF EDUCATION FOR USE IN ~~VEHICLES~~ A SCHOOL BUS OWNED BY THE COUNTY BOARD OF EDUCATION; OR

(3) A SCHOOL BUS OPERATOR UNDER CONTRACT WITH A COUNTY BOARD OF EDUCATION FOR USE IN ~~VEHICLES~~ A SCHOOL BUS USED TO TRANSPORT THE COUNTY’S PUBLIC SCHOOL STUDENTS.

13–901.

(f) (1) Except as provided in paragraph (3) of this subsection, a claim for refund of motor fuel tax may be filed by a claimant who pays the tax on:

(i) aviation fuel, as defined in § 9–101 of this article, that is:

1. dispensed to aircraft by an aircraft manufacturing company located in the State; or

2. used:

A. by a person who engages in agricultural activities; and

B. in an aircraft that is used for agricultural purposes at least 70% of the time that the aircraft is used; or

(ii) motor fuel, as defined in § 9–101 of this article, that:

1. is used to operate:

A. a bus that is used only in the operation of a transportation system of a political subdivision of the State to transport the public on regular schedules between fixed termini, as defined in Title 11 of the Transportation Article;

B. farm equipment that is used for an agricultural purpose and is not registered to operate on a public highway;

C. fire or rescue apparatus or vehicles by a volunteer fire company or nonprofit volunteer rescue company incorporated in the State;

D. an internal combustion engine that is installed permanently at a fixed location; or

E. a vehicle that is owned and used by a Maryland chapter of the American Red Cross or a bona fide unit of a national veterans' organization;

2. is bought by:

A. the United States or a unit of the United States government;

B. the Department of General Services for use by State agencies; [or]

C. ~~THE WASHINGTON COUNTY BOARD OF EDUCATION~~ A COUNTY BOARD OF EDUCATION FOR USE IN VEHICLES A SCHOOL BUS OWNED BY THE WASHINGTON COUNTY BOARD OF EDUCATION ~~A COUNTY BOARD OF EDUCATION;~~  
~~OR~~

D. A SCHOOL BUS OPERATOR UNDER CONTRACT WITH A COUNTY BOARD OF EDUCATION FOR USE IN VEHICLES A SCHOOL BUS USED TO TRANSPORT THE COUNTY'S PUBLIC SCHOOL STUDENTS; OR

E. a person who is required to pay a tax on the same fuel to another state;

3. except for any operation of a motor vehicle on a public highway in the State, is used for a commercial purpose, including:

A. the operation of a vessel used only for commercial purposes;

B. commercial cleaning; or

C. commercial dyeing;

4. is used in any of the following vehicles that have pumping or other equipment mechanically or hydraulically driven by the engine that propels the vehicle:

A. a concrete mixing motor vehicle or concrete pump truck;

B. a motor fuel delivery vehicle;

C. a solid waste compacting vehicle;

D. a well–drilling vehicle; or

E. farm equipment registered as a vehicle for highway use that is designed or adapted solely and used exclusively for bulk farm spreading of agriculture liming materials, chemicals, or fertilizer;

5. is used by a system of transportation based in the State, in a vehicle that is used to provide transportation to elderly or low income individuals, or individuals with disabilities, if the system is operated by a nonprofit organization for purposes relating to the charge for which the nonprofit organization was established and the nonprofit organization:

A. is exempt for federal income tax purposes under § 501(c) of the Internal Revenue Code;

B. is funded to provide transportation to elderly or low income individuals, or individuals with disabilities;

C. receives part of its operating funding from the Maryland Department of Transportation or the Maryland Department of Health and Mental Hygiene;

D. has stated in its charter or bylaws that operating transportation services for elderly or low income individuals, or individuals with disabilities, is one of the purposes for which it was established; and

E. is actively operating a system of transportation for elderly or low income individuals, or individuals with disabilities; or

6. is lost as a result of fire, collision, or other casualty, except for loss in ordinary transportation and storage.

(2) A refund based on a claim under paragraph (1)(ii)4 of this subsection may not exceed the following percentages of the motor fuel tax paid:

(i) 35% for a concrete mixing vehicle or concrete pump truck;

(ii) 55% for farm equipment, registered as a vehicle for highway use, that is designed or adapted solely and used exclusively for bulk spreading of agriculture liming materials, chemicals, or fertilizers;

(iii) 10% for a motor fuel delivery vehicle;

(iv) 15% for a solid waste compacting vehicle; and



(v) 80% for a well–drilling vehicle.

(3) A person may not make a claim for a refund of motor fuel tax under paragraph (1)(ii)1B of this subsection for motor fuel used to operate a farm truck under the provisions of § 8–602(c) of the Transportation Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 398

**(House Bill 576)**

AN ACT concerning

### **Maryland Dormant Minerals Interests Act – Use of Mineral Interest – Clarification**

FOR the purpose of clarifying that when an owner of a mineral interest takes a certain action for a mineral that is part of a mineral interest, the action constitutes use of the entire mineral interest owned by that owner; establishing that payment of certain taxes by an owner of a mineral interest constitutes use of the entire mineral interest that is taxed and certain other mineral interests that are not taxed; establishing that a certain judgment or decree recorded by an owner of a mineral interest constitutes use of the mineral interest specified in the judgment or decree; and generally relating to the use of a mineral interest under the Maryland Dormant Mineral Interests Act.

BY repealing and reenacting, with amendments,  
 Article – Environment  
 Section 15–1203  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Environment**

15–1203.

(a) (1) On or after October 1, 2011, a surface owner of real property that is subject to a mineral interest may maintain an action to terminate a dormant mineral interest.

(2) A mineral interest is dormant for the purpose of this subtitle if:

(i) The mineral interest is unused for a period of 20 or more years preceding the commencement of termination of the mineral interest; and

(ii) Notice of the mineral interest was not recorded during the period of 20 or more years preceding the commencement of termination of the mineral interest.

(b) (1) The action must be in the nature of and require the same notice as is required in an action to quiet title as set forth in § 14–108 of the Real Property Article.

(2) The action may be maintained, whether or not the owner of the severed mineral interest is an unknown or missing owner.

(c) (1) Except as provided in paragraph ~~(2)~~ (4) of this subsection, the following actions taken by or under the authority of [the] AN owner of a mineral interest in relation to any mineral that is part of the mineral interest shall constitute use of the entire mineral interest **OWNED BY THAT OWNER**:

(i) Active mineral operations on or below the surface of the real property or other property utilized or pooled with the real property, including production, geophysical exploration, exploratory or developmental drilling, mining, exploitation, and development of minerals; and

~~(ii) Payment of taxes on a separate assessment of the mineral interest or of a transfer or severance tax relating to the mineral interest, in accordance with § 8–229 of the Tax Property Article;~~

~~(iii) Recordation of an instrument that creates, reserves, or otherwise evidences a claim to, or the continued existence of, the mineral interest, including an instrument that transfers, leases, or divides the interest; and.~~

~~(iv) Recordation of a judgment or decree that makes a specific reference to the mineral interest.~~

**(2) PAYMENT OF THE FOLLOWING TAXES BY OR UNDER THE AUTHORITY OF AN OWNER OF THE TAXED MINERAL INTEREST SHALL CONSTITUTE USE OF THE ENTIRE MINERAL INTEREST THAT IS TAXED AND ANY OTHER MINERAL INTEREST THAT IS NOT TAXED BUT ON WHICH THE OWNER OWNS ALL OR A PARTIAL INTEREST:**

(I) A TAX ON A SEPARATE ASSESSMENT OF A MINERAL INTEREST IN ACCORDANCE WITH § 8-229 OF THE TAX – PROPERTY ARTICLE;

(II) A TRANSFER TAX RELATING TO A MINERAL THAT IS PART OF THE MINERAL INTEREST IN ACCORDANCE WITH § 8-229 OF THE TAX – PROPERTY ARTICLE; OR

(III) A SEVERANCE TAX RELATING TO A MINERAL THAT IS PART OF THE MINERAL INTEREST IN ACCORDANCE WITH § 8-229 OF THE TAX – PROPERTY ARTICLE.

(3) A JUDGMENT OR DECREE THAT MAKES A SPECIFIC REFERENCE TO ANY MINERAL THAT IS PART OF THE MINERAL INTEREST RECORDED BY OR UNDER THE AUTHORITY OF AN OWNER OF THE MINERAL INTEREST SHALL CONSTITUTE USE OF THE MINERAL INTEREST SPECIFIED IN THE JUDGMENT OR DECREE.

~~(2)~~ (4) The injection of substances for the purpose of disposal or storage does not constitute use of a mineral interest.

(d) (1) A surface owner of real property that is subject to a mineral interest who brings an action to terminate a dormant mineral interest in accordance with this section shall bring the action in the circuit court of the jurisdiction in which the real property is located.

(2) A court order that terminates a mineral interest merges the terminated mineral interest, including express and implied appurtenant surface rights and obligations, with the surface estate in shares proportionate to the ownership of the surface estate, subject to existing liens for taxes or assessments.

(3) (i) A court order that terminates a mineral interest shall identify:

1. The mineral interest;
2. Each surface estate into which the mineral interest is merged, including the tax map and parcel number;
3. The name of each surface owner;
4. If known, the name of each person that owned the mineral interest prior to the termination date; and
5. Any information determined by the court as appropriate to describe the effect of the termination and merger of the mineral interest.

(ii) The clerk of the court that issued the order shall record the order in the land records.

(e) This section shall apply notwithstanding any provision to the contrary in:

(1) The instrument that creates, reserves, transfers, leases, divides, or otherwise evidences the claim to, or the continued existence of, the mineral interest; or

(2) Another recorded document, unless the instrument or other recorded document provides an earlier termination date.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 399

(Senate Bill 525)

AN ACT concerning

### **Maryland Dormant Minerals Interests Act – Use of Mineral Interest – Clarification**

FOR the purpose of clarifying that when an owner of a mineral interest takes a certain action for a mineral that is part of a mineral interest, the action constitutes use of the entire mineral interest owned by that owner; establishing that payment of certain taxes by an owner of a mineral interest constitutes use of the entire mineral interest that is taxed and certain other mineral interests that are not taxed; establishing that a certain judgment or decree recorded by an owner of a mineral interest constitutes use of the mineral interest specified in the judgment or decree; and generally relating to the use of a mineral interest under the Maryland Dormant Mineral Interests Act.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 15–1203  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Environment**

15–1203.

(a) (1) On or after October 1, 2011, a surface owner of real property that is subject to a mineral interest may maintain an action to terminate a dormant mineral interest.

(2) A mineral interest is dormant for the purpose of this subtitle if:

(i) The mineral interest is unused for a period of 20 or more years preceding the commencement of termination of the mineral interest; and

(ii) Notice of the mineral interest was not recorded during the period of 20 or more years preceding the commencement of termination of the mineral interest.

(b) (1) The action must be in the nature of and require the same notice as is required in an action to quiet title as set forth in § 14–108 of the Real Property Article.

(2) The action may be maintained, whether or not the owner of the severed mineral interest is an unknown or missing owner.

(c) (1) Except as provided in paragraph ~~(2)~~ **(4)** of this subsection, the following actions taken by or under the authority of [the] AN owner of a mineral interest in relation to any mineral that is part of the mineral interest shall constitute use of the entire mineral interest **OWNED BY THAT OWNER**:

(i) Active mineral operations on or below the surface of the real property or other property utilized or pooled with the real property, including production, geophysical exploration, exploratory or developmental drilling, mining, exploitation, and development of minerals; **AND**

~~(ii) Payment of taxes on a separate assessment of the mineral interest or of a transfer or severance tax relating to the mineral interest, in accordance with § 8–229 of the Tax Property Article;~~

~~(iii) Recordation of an instrument that creates, reserves, or otherwise evidences a claim to, or the continued existence of, the mineral interest, including an instrument that transfers, leases, or divides the interest; and~~

~~(iv) Recordation of a judgment or decree that makes a specific reference to the mineral interest.~~

**(2) PAYMENT OF THE FOLLOWING TAXES BY OR UNDER THE AUTHORITY OF AN OWNER OF THE TAXED MINERAL INTEREST SHALL CONSTITUTE USE OF THE ENTIRE MINERAL INTEREST THAT IS TAXED AND ANY OTHER MINERAL**

**INTEREST THAT IS NOT TAXED BUT ON WHICH THE OWNER OWNS ALL OR A PARTIAL INTEREST:**

**(I) A TAX ON A SEPARATE ASSESSMENT OF A MINERAL INTEREST IN ACCORDANCE WITH § 8-229 OF THE TAX – PROPERTY ARTICLE;**

**(II) A TRANSFER TAX RELATING TO A MINERAL THAT IS PART OF THE MINERAL INTEREST IN ACCORDANCE WITH § 8-229 OF THE TAX – PROPERTY ARTICLE; OR**

**(III) A SEVERANCE TAX RELATING TO A MINERAL THAT IS PART OF THE MINERAL INTEREST IN ACCORDANCE WITH § 8-229 OF THE TAX – PROPERTY ARTICLE.**

**(3) A JUDGMENT OR DECREE THAT MAKES A SPECIFIC REFERENCE TO ANY MINERAL THAT IS PART OF THE MINERAL INTEREST RECORDED BY OR UNDER THE AUTHORITY OF AN OWNER OF THE MINERAL INTEREST SHALL CONSTITUTE USE OF THE MINERAL INTEREST SPECIFIED IN THE JUDGMENT OR DECREE.**

~~(2)~~ (4) The injection of substances for the purpose of disposal or storage does not constitute use of a mineral interest.

(d) (1) A surface owner of real property that is subject to a mineral interest who brings an action to terminate a dormant mineral interest in accordance with this section shall bring the action in the circuit court of the jurisdiction in which the real property is located.

(2) A court order that terminates a mineral interest merges the terminated mineral interest, including express and implied appurtenant surface rights and obligations, with the surface estate in shares proportionate to the ownership of the surface estate, subject to existing liens for taxes or assessments.

(3) (i) A court order that terminates a mineral interest shall identify:

1. The mineral interest;
2. Each surface estate into which the mineral interest is merged, including the tax map and parcel number;
3. The name of each surface owner;
4. If known, the name of each person that owned the mineral interest prior to the termination date; and

5. Any information determined by the court as appropriate to describe the effect of the termination and merger of the mineral interest.

(ii) The clerk of the court that issued the order shall record the order in the land records.

(e) This section shall apply notwithstanding any provision to the contrary in:

(1) The instrument that creates, reserves, transfers, leases, divides, or otherwise evidences the claim to, or the continued existence of, the mineral interest; or

(2) Another recorded document, unless the instrument or other recorded document provides an earlier termination date.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 400

(Senate Bill 526)

AN ACT concerning

### **Agriculture – ~~Donation~~ of Commercial Feed – Exemption**

FOR the purpose of altering the defined term ~~“distribute”~~ “commercial feed” ~~and defining “donation”~~ as used in the Maryland Commercial Feed Law ~~to exempt certain materials~~; and generally relating to the Maryland Commercial Feed Law.

~~BY renumbering~~

~~Article – Agriculture~~

~~Section 6 – 101(i) through (o), respectively~~

~~to be Section 6 – 101(j) through (p), respectively~~

~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Agriculture~~

~~Section 6 – 101(a), (d), (e), and (g)~~

~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Agriculture  
Section 6–101(h)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2015 Supplement)~~

~~BY adding to  
Article – Agriculture  
Section 6–101(i)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, without amendments,  
Article – Agriculture  
Section 6–101(a)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Agriculture  
Section 6–101(d)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2015 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 6–101(i) through (o), respectively, of Article – Agriculture of the Annotated  
Code of Maryland be renumbered to be Section(s) 6–101(j) through (p), respectively.~~

~~SECTION 2. AND BE IT FURTHER ENACTED~~ 1. BE IT ENACTED BY THE  
GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Agriculture**

6–101.

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

(d) “Commercial feed” means a material or combination of materials distributed, or intended for distribution, for use as feed, or for mixing in feed for any animal other than man including feed prepared and distributed for consumption by dogs and cats, or any domesticated animal normally maintained in a cage or tank, including gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles, except:

(1) Unmixed whole seeds and physically altered entire unmixed seeds that are not chemically altered or adulterated; ~~or~~



(2) Commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when the commodities, compounds, or substances are not intermixed with other materials or adulterated; OR

**(3) A MATERIAL OR COMBINATION OF MATERIALS THAT IS EXEMPT FROM THIS DEFINITION IN REGULATIONS ADOPTED BY THE SECRETARY.**

(e) “Contract feed” means a commercial feed which is formulated according to an agreement between a distributor and a contract feeder.

(g) “Customer–formula feed” means a mixture of commercial feed, each batch of which is mixed according to the specific instructions of any distributee.

(h) ~~(1)~~ “Distribute” means to exchange, offer for sale, sell, or barter, supply, furnish, or provide commercial feed, customer–formula feed, or contract feed to a contract feeder, or otherwise to supply, furnish, or provide commercial feeds as part of a commercial enterprise.

~~(2) “DISTRIBUTE” DOES NOT INCLUDE THE DONATION OF COMMERCIAL FEED, CUSTOMER–FORMULA FEED, OR CONTRACT FEED.~~

~~(1) “DONATION” MEANS A DELIVERY FROM A SINGLE PRODUCER TO A SINGLE OPERATOR WITHOUT A FEE.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 401

(Senate Bill 544)

AN ACT concerning

### **Motor Vehicle Insurance – Insurance Identification Card – Carrying Proof of Coverage – Uninsured Motorist Education and Enforcement Fund**

FOR the purpose of requiring a certain insurer to provide a certain insurance identification card to certain insureds at certain times; providing that an insurance identification card may be produced in a certain electronic format; providing that the insurance identification card shall be valid for only a certain period except under certain circumstances; requiring a certain operator to be in possession of or carry in the motor vehicle at certain times certain evidence of required security; providing that a

certain identification insurance card is a form of evidence of a certain required security; allowing a certain evidence of required security to be produced in a certain electronic format; providing for a certain fine; establishing the Uninsured Motorist Education and Enforcement Fund as a special, nonlapsing fund; providing that a certain fine may ~~not~~ be waived and shall be deposited into the Fund; specifying the purpose of the Fund; requiring the Motor Vehicle Administration to administer the Fund; providing that the Fund consists of certain revenues, interest, and other money; specifying the uses of the Fund; authorizing the Administration to delay the imposition of a certain fine for a certain period of time for a certain purpose; authorizing the Administration to adopt regulations; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; authorizing the Administration to accept funding or another form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund for a certain purpose; defining certain terms; and generally relating to carrying proof of coverage, educating operators of motor vehicles about and enforcing the Maryland Vehicle Law, and motor vehicle insurance.

BY adding to

Article – Insurance

Section 19–503.1

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)84. and 85.

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)86.

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Transportation

Section 17–104.2

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

**19-503.1.**

(A) IN THIS SECTION, “INSURANCE IDENTIFICATION CARD” MEANS A CARD ISSUED BY OR ON BEHALF OF AN INSURER, IN A FORM THAT THE COMMISSIONER PRESCRIBES OR APPROVES, AS AN INDICATION THAT THE INSURER HAS ISSUED A MOTOR VEHICLE LIABILITY INSURANCE POLICY MEETING THE REQUIREMENTS OF THIS SUBTITLE.

(B) (1) AN INSURER THAT ISSUES, SELLS, OR DELIVERS A MOTOR VEHICLE LIABILITY INSURANCE POLICY IN THE STATE SHALL PROVIDE TO AN INSURED AT THE TIME THE MOTOR VEHICLE LIABILITY INSURANCE POLICY IS INITIALLY ISSUED AND AT EACH RENEWAL AN INSURANCE IDENTIFICATION CARD THAT INDICATES:

(I) THE FIRST NAMED INSURED ON THE MOTOR VEHICLE LIABILITY INSURANCE POLICY;

(II) THE MOTOR VEHICLE COVERED UNDER THE MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND

(III) THE PERIOD FOR WHICH COVERAGE UNDER THE MOTOR VEHICLE LIABILITY INSURANCE POLICY IS IN EFFECT; ~~AND~~

~~(IV) ANY OTHER INFORMATION THE COMMISSIONER REQUIRES.~~

(2) (I) IF AN INSURED AND AN INSURER BOTH CONSENT, AN INSURANCE IDENTIFICATION CARD MAY BE PRODUCED IN ELECTRONIC FORMAT.

(II) ACCEPTABLE ELECTRONIC FORMATS INCLUDE DISPLAY OF ELECTRONIC IMAGES ON A CELLULAR PHONE OR ANY OTHER TYPE OF PORTABLE ELECTRONIC DEVICE.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INSURANCE IDENTIFICATION CARD SHALL BE VALID ONLY FOR THE PERIOD FOR WHICH MOTOR VEHICLE LIABILITY INSURANCE COVERAGE HAS BEEN PAID BY THE INSURED.

(II) IF THE INSURED IS ON AN INSURER-SPONSORED PAYMENT ~~PLAN~~ PLAN OR HAS FINANCED PREMIUMS THROUGH A PREMIUM FINANCE COMPANY, THE INSURANCE IDENTIFICATION CARD MAY BE ISSUED FOR PERIODS OF 6 MONTHS EVEN IF THE PAYMENT BY THE INSURED IS FOR A PERIOD OF LESS THAN 6 MONTHS.

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

84. the Economic Development Marketing Fund; [and]

85. the Military Personnel and Veteran-Owned Small Business No-Interest Loan Fund; AND

86. THE UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

Article – Transportation

17-104.2.

(A) IN THIS SECTION, “FUND” MEANS THE UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(B) THE OPERATOR OF A MOTOR VEHICLE THAT IS REQUIRED TO BE REGISTERED IN THIS STATE SHALL:

(1) BE IN POSSESSION OF, OR CARRY IN THE MOTOR VEHICLE, EVIDENCE OF THE REQUIRED SECURITY FOR THE MOTOR VEHICLE, WHEN OPERATING THE MOTOR VEHICLE ON A HIGHWAY IN THE STATE; AND

(2) PRESENT EVIDENCE OF THE REQUIRED SECURITY ON THE REQUEST OF A LAW ENFORCEMENT OFFICER.

(C) (1) AN INSURANCE IDENTIFICATION CARD ISSUED BY OR ON BEHALF OF A MOTOR VEHICLE INSURER UNDER § 19-504.1 OF THE INSURANCE ARTICLE IS A FORM OF EVIDENCE OF THE REQUIRED SECURITY FOR THE MOTOR VEHICLE.

(2) EVIDENCE OF THE REQUIRED SECURITY MAY BE PRODUCED IN ELECTRONIC FORMAT, INCLUDING DISPLAY OF ELECTRONIC IMAGES ON A CELLULAR PHONE OR ANY OTHER TYPE OF PORTABLE ELECTRONIC DEVICE.

(D) (1) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS SUBJECT TO A FINE OF \$50.

(2) THE FINE UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) ~~EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,~~  
~~MAY NOT~~ MAY BE WAIVED; AND

(II) SHALL BE DEPOSITED IN THE FUND.

(E) (1) THERE IS AN UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE EDUCATION OF OPERATORS ABOUT, AND THE ENFORCEMENT OF, SECURITY REQUIREMENTS FOR MOTOR VEHICLES UNDER THE MARYLAND VEHICLE LAW.

(3) THE ADMINISTRATION SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING REVOLVING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) REVENUES DEPOSITED TO THE FUND UNDER SUBSECTION (D) OF THIS SECTION;

(II) INTEREST EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

**(6) MONEY IN THE FUND SHALL BE USED FOR:**

**(I) THE ADMINISTRATION OF THE FUND; AND**

**(II) THE EDUCATION OF OPERATORS OF MOTOR VEHICLES ABOUT, AND THE ENFORCEMENT OF, SECURITY REQUIREMENTS FOR MOTOR VEHICLES UNDER THE MARYLAND VEHICLE LAW.**

**(F) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Administration may delay the imposition of a fine under this Act to allow a period of time that the Administration determines is sufficient for the education of operators of motor vehicles about the requirement to carry evidence of required security under § 17–104.2(b) of the Transportation Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration may accept funding for the Uninsured Motorist Education and Enforcement Fund established under § 17–104.2 of the Transportation Article, as enacted by Section 1 of this Act, or another form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund to assist in educating operators of motor vehicles about the requirement to carry evidence of required security under § 17–104.2(b) of the Transportation Article, as enacted by Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 402**

**(House Bill 720)**

AN ACT concerning

**Motor Vehicle Insurance – Insurance Identification Card – Carrying Proof of Coverage – Uninsured Motorist Education and Enforcement Fund**

FOR the purpose of requiring a certain insurer to provide a certain insurance identification card to certain insureds at certain times; providing that an insurance identification card may be produced in a certain electronic format; providing that the insurance identification card shall be valid for only a certain period except under certain circumstances; requiring a certain operator to be in possession of or carry in the

motor vehicle at certain times certain evidence of required security; providing that a certain identification insurance card is a form of evidence of a certain required security; allowing a certain evidence of required security to be produced in a certain electronic format; providing for a certain fine; establishing the Uninsured Motorist Education and Enforcement Fund as a special, nonlapsing fund; providing that a certain fine may ~~not~~ be waived and shall be deposited into the Fund; specifying the purpose of the Fund; requiring the Motor Vehicle Administration to administer the Fund; providing that the Fund consists of certain revenues, interest, and other money; specifying the uses of the Fund; authorizing the Administration to delay the imposition of a certain fine for a certain period of time for a certain purpose; authorizing the Administration to adopt regulations; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; authorizing the Administration to accept funding or another form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund for a certain purpose; defining certain terms; and generally relating to carrying proof of coverage, educating operators of motor vehicles about and enforcing the Maryland Vehicle Law, and motor vehicle insurance.

BY adding to

Article – Insurance

Section 19–503.1

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)84. and 85.

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)86.

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Transportation

Section 17–104.2

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

**19-503.1.**

(A) IN THIS SECTION, “INSURANCE IDENTIFICATION CARD” MEANS A CARD ISSUED BY OR ON BEHALF OF AN INSURER, IN A FORM THAT THE COMMISSIONER PRESCRIBES OR APPROVES, AS AN INDICATION THAT THE INSURER HAS ISSUED A MOTOR VEHICLE LIABILITY INSURANCE POLICY MEETING THE REQUIREMENTS OF THIS SUBTITLE.

(B) (1) AN INSURER THAT ISSUES, SELLS, OR DELIVERS A MOTOR VEHICLE LIABILITY INSURANCE POLICY IN THE STATE SHALL PROVIDE TO AN INSURED AT THE TIME THE MOTOR VEHICLE LIABILITY INSURANCE POLICY IS INITIALLY ISSUED AND AT EACH RENEWAL AN INSURANCE IDENTIFICATION CARD THAT INDICATES:

(I) THE FIRST NAMED INSURED ON THE MOTOR VEHICLE LIABILITY INSURANCE POLICY;

(II) THE MOTOR VEHICLE COVERED UNDER THE MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND

(III) THE PERIOD FOR WHICH COVERAGE UNDER THE MOTOR VEHICLE LIABILITY INSURANCE POLICY IS IN EFFECT; ~~AND~~

~~(IV) ANY OTHER INFORMATION THE COMMISSIONER REQUIRES.~~

(2) (I) IF AN INSURED AND AN INSURER BOTH CONSENT, AN INSURANCE IDENTIFICATION CARD MAY BE PRODUCED IN ELECTRONIC FORMAT.

(II) ACCEPTABLE ELECTRONIC FORMATS INCLUDE DISPLAY OF ELECTRONIC IMAGES ON A CELLULAR PHONE OR ANY OTHER TYPE OF PORTABLE ELECTRONIC DEVICE.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INSURANCE IDENTIFICATION CARD SHALL BE VALID ONLY FOR THE PERIOD FOR WHICH MOTOR VEHICLE LIABILITY INSURANCE COVERAGE HAS BEEN PAID BY THE INSURED.



(II) IF THE INSURED IS ON AN INSURER-SPONSORED PAYMENT ~~PLAN~~ PLAN OR HAS FINANCED PREMIUMS THROUGH A PREMIUM FINANCE COMPANY, THE INSURANCE IDENTIFICATION CARD MAY BE ISSUED FOR PERIODS OF 6 MONTHS EVEN IF THE PAYMENT BY THE INSURED IS FOR A PERIOD OF LESS THAN 6 MONTHS.

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

84. the Economic Development Marketing Fund; [and]

85. the Military Personnel and Veteran-Owned Small Business No-Interest Loan Fund; AND

86. THE UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

Article – Transportation

17-104.2.

(A) IN THIS SECTION, “FUND” MEANS THE UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(B) THE OPERATOR OF A MOTOR VEHICLE THAT IS REQUIRED TO BE REGISTERED IN THIS STATE SHALL:

(1) BE IN POSSESSION OF, OR CARRY IN THE MOTOR VEHICLE, EVIDENCE OF THE REQUIRED SECURITY FOR THE MOTOR VEHICLE, WHEN OPERATING THE MOTOR VEHICLE ON A HIGHWAY IN THE STATE; AND

(2) PRESENT EVIDENCE OF THE REQUIRED SECURITY ON THE REQUEST OF A LAW ENFORCEMENT OFFICER.

(C) (1) AN INSURANCE IDENTIFICATION CARD ISSUED BY OR ON BEHALF OF A MOTOR VEHICLE INSURER UNDER § 19-504.1 OF THE INSURANCE ARTICLE IS A FORM OF EVIDENCE OF THE REQUIRED SECURITY FOR THE MOTOR VEHICLE.

(2) EVIDENCE OF THE REQUIRED SECURITY MAY BE PRODUCED IN ELECTRONIC FORMAT, INCLUDING DISPLAY OF ELECTRONIC IMAGES ON A CELLULAR PHONE OR ANY OTHER TYPE OF PORTABLE ELECTRONIC DEVICE.

(D) (1) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS SUBJECT TO A FINE OF \$50.

(2) THE FINE UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) ~~EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,~~  
~~MAY NOT~~ MAY BE WAIVED; AND

(II) SHALL BE DEPOSITED IN THE FUND.

(E) (1) THERE IS AN UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE EDUCATION OF OPERATORS ABOUT, AND THE ENFORCEMENT OF, SECURITY REQUIREMENTS FOR MOTOR VEHICLES UNDER THE MARYLAND VEHICLE LAW.

(3) THE ADMINISTRATION SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING REVOLVING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) REVENUES DEPOSITED TO THE FUND UNDER SUBSECTION (D) OF THIS SECTION;

(II) INTEREST EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

**(6) MONEY IN THE FUND SHALL BE USED FOR:****(I) THE ADMINISTRATION OF THE FUND; AND**

**(II) THE EDUCATION OF OPERATORS OF MOTOR VEHICLES ABOUT, AND THE ENFORCEMENT OF, SECURITY REQUIREMENTS FOR MOTOR VEHICLES UNDER THE MARYLAND VEHICLE LAW.**

**(F) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Administration may delay the imposition of a fine under this Act to allow a period of time that the Administration determines is sufficient for the education of operators of motor vehicles about the requirement to carry evidence of required security under § 17-104.2(b) of the Transportation Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration may accept funding for the Uninsured Motorist Education and Enforcement Fund established under § 17-104.2 of the Transportation Article, as enacted by Section 1 of this Act, or another form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund to assist in educating operators of motor vehicles about the requirement to carry evidence of required security under § 17-104.2(b) of the Transportation Article, as enacted by Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 403**

**(Senate Bill 545)**

AN ACT concerning

**Labor and Employment – Apprenticeship Career Training in Our Neighborhoods (ACTION) Program – Establishment**

FOR the purpose of altering and renaming the Construction Apprenticeship Assistance Program to establish the Apprenticeship Career Training in Our Neighborhoods (ACTION) Program; altering the purpose and method for administering the Program; requiring the Department of Labor, Licensing, and Regulation to administer the Program; establishing certain standards under which certain

employers may be eligible to receive certain grants; requiring the Department, rather than the Secretary, to adopt certain regulations; altering a specification regarding the method for awarding certain grants to certain eligible employers and determining the amount of the grant for each eligible employer; repealing specifications regarding ~~a certain maximum grant amount and~~ the process for distributing certain grants; declaring the intent of the General Assembly that the Program receive certain funding on an annual basis; defining a certain term; and generally relating to the Apprenticeship Career Training in Our Neighborhoods (ACTION) Program.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 11–601  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

### **Article – Labor and Employment**

11–601.

(a) In this section, [“private sector entity” means a person that the Maryland Apprenticeship and Training Council approves under § 11–405(b) of this title] **“ACTION PROGRAM” MEANS THE APPRENTICESHIP CAREER TRAINING IN OUR NEIGHBORHOODS PROGRAM ESTABLISHED UNDER THIS SECTION.**

(b) There is [a Construction Apprenticeship Assistance] **AN APPRENTICESHIP CAREER TRAINING IN OUR NEIGHBORHOODS** Program in the Department.

(c) The [purpose] **PURPOSES** of the [Construction Apprenticeship Assistance] **ACTION** Program [is] **ARE:**

(1) to develop a well-trained, productive construction workforce which meets the needs of the State’s economy;

(2) **TO ENCOURAGE EMPLOYERS TO HIRE APPRENTICES IN THE CONSTRUCTION INDUSTRY; AND**

(3) **TO HELP EMPLOYERS OFFSET ADDITIONAL COSTS, IF ANY, ASSOCIATED WITH HIRING APPRENTICES.**

(d) (1) The [Division] **DEPARTMENT** shall administer the [Construction Apprenticeship Assistance] **ACTION** Program and **PROVIDE GRANTS ON A**

COMPETITIVE BASIS TO EMPLOYERS THAT MEET THE REQUIREMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) AN EMPLOYER IS ELIGIBLE TO RECEIVE A GRANT IF THE EMPLOYER EMPLOYS ONE OR MORE APPRENTICES WHO:

(I) HAVE BEEN EMPLOYED BY THE EMPLOYER FOR AT LEAST 7 MONTHS;

(II) ARE ENGAGED IN A BUILDING OR CONSTRUCTION TRADE;

(III) ARE ENROLLED IN THE FIRST YEAR OF AN APPRENTICESHIP PROGRAM REGISTERED WITH THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL UNDER § 11-405(B) OF THIS TITLE; AND

(IV) LIVE IN A ZIP CODE IN WHICH THE PERCENTAGE OF POVERTY IS AT LEAST 20% AS ESTABLISHED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, IN THE MOST RECENTLY RELEASED DATA.

(e) (1) As provided in the State budget, the [Construction Apprenticeship Assistance] ACTION Program shall award grants to eligible [private sector entities that operate apprenticeship programs in the State] EMPLOYERS.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, FOR FISCAL YEAR 2017 AND EACH FISCAL YEAR THEREAFTER, THE STATE BUDGET INCLUDE AN APPROPRIATION OF AT LEAST \$100,000 FOR THE ACTION PROGRAM TO:

(I) PROVIDE GRANTS TO ELIGIBLE EMPLOYERS; AND

(II) COVER ADMINISTRATIVE COSTS.

(f) [The Secretary may] THE DEPARTMENT SHALL adopt regulations necessary to carry out this section, INCLUDING REGULATIONS TO:

(1) DEVELOP REQUIREMENTS FOR GRANT APPLICATIONS;

(2) DEVELOP A PROCESS FOR REVIEWING GRANT APPLICATIONS AND AWARDING GRANTS TO ELIGIBLE EMPLOYERS; AND

(3) DETERMINE A CAP FOR THE MAXIMUM AMOUNT OF A GRANT THAT AN ELIGIBLE EMPLOYER MAY RECEIVE EACH YEAR.

(g) [By regulation, the Secretary shall establish:

- (1) criteria to determine the eligibility of private sector entities; and
- (2) an application process for determining eligibility.

(h) A] **THE AMOUNT OF A** grant awarded by the [Construction Apprenticeship Assistance] **ACTION** Program under subsection (e) of this section shall be based on the number of [participants in a program operated by an eligible private sector entity] **APPRENTICES THAT AN ELIGIBLE EMPLOYER EMPLOYS WHO SATISFY THE CRITERIA IN SUBSECTION (D)(2) OF THIS SECTION THAT THE ELIGIBLE EMPLOYER EMPLOYS.**

~~(i) (H)~~ A grant shall consist of a maximum of \$1,000 for each apprentice ~~in an eligible private sector entity~~ **THAT AN ELIGIBLE EMPLOYER EMPLOYS WHO SATISFIES THE CRITERIA IN SUBSECTION (D)(2) OF THIS SECTION.**

~~(j) The Construction Apprenticeship Assistance Program shall distribute a grant awarded to a private sector entity:~~

~~(1) at the end of a Program year; and~~

~~(2) only to the extent that each apprentice has completed the Program year.]~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 404

(House Bill 290)

AN ACT concerning

### Labor and Employment – Apprenticeship Career Training in Our Neighborhoods (ACTION) Program – Establishment

FOR the purpose of altering and renaming the Construction Apprenticeship Assistance Program to establish the Apprenticeship Career Training in Our Neighborhoods (ACTION) Program; altering the purpose and method for administering the Program; requiring the Department of Labor, Licensing, and Regulation to administer the Program; establishing certain standards under which certain employers may be eligible to receive certain grants; requiring the Department, rather than the Secretary, to adopt certain regulations; altering a specification regarding the method for awarding certain grants to certain eligible employers and

determining the amount of the grant for each eligible employer; repealing specifications regarding ~~a certain maximum grant amount~~ and the process for distributing certain grants; declaring the intent of the General Assembly that the Program receive certain funding on an annual basis; defining a certain term; and generally relating to the Apprenticeship Career Training in Our Neighborhoods (ACTION) Program.

BY repealing and reenacting, with amendments,  
 Article – Labor and Employment  
 Section 11–601  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

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

**Article – Labor and Employment**

11–601.

(a) In this section, [“private sector entity” means a person that the Maryland Apprenticeship and Training Council approves under § 11–405(b) of this title] **“ACTION PROGRAM” MEANS THE APPRENTICESHIP CAREER TRAINING IN OUR NEIGHBORHOODS PROGRAM ESTABLISHED UNDER THIS SECTION.**

(b) There is [a Construction Apprenticeship Assistance] **AN APPRENTICESHIP CAREER TRAINING IN OUR NEIGHBORHOODS** Program in the Department.

(c) The [purpose] **PURPOSES** of the [Construction Apprenticeship Assistance] **ACTION** Program [is] **ARE:**

(1) to develop a well-trained, productive construction workforce which meets the needs of the State’s economy;

(2) **TO ENCOURAGE EMPLOYERS TO HIRE APPRENTICES IN THE CONSTRUCTION INDUSTRY; AND**

(3) **TO HELP EMPLOYERS OFFSET ADDITIONAL COSTS, IF ANY, ASSOCIATED WITH HIRING APPRENTICES.**

(d) (1) The [Division] **DEPARTMENT** shall administer the [Construction Apprenticeship Assistance] **ACTION** Program and **PROVIDE GRANTS ON A COMPETITIVE BASIS TO EMPLOYERS THAT MEET THE REQUIREMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) AN EMPLOYER IS ELIGIBLE TO RECEIVE A GRANT IF THE EMPLOYER EMPLOYS ONE OR MORE APPRENTICES WHO:**

**(I) HAVE BEEN EMPLOYED BY THE EMPLOYER FOR AT LEAST 7 MONTHS;**

**(II) ARE ENGAGED IN A BUILDING OR CONSTRUCTION TRADE;**

**(III) ARE ENROLLED IN THE FIRST YEAR OF AN APPRENTICESHIP PROGRAM REGISTERED WITH THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL UNDER § 11-405(B) OF THIS TITLE; AND**

**(IV) LIVE IN A ZIP CODE IN WHICH THE PERCENTAGE OF POVERTY IS AT LEAST 20% AS ESTABLISHED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, IN THE MOST RECENTLY RELEASED DATA.**

(e) **(1)** As provided in the State budget, the [Construction Apprenticeship Assistance] **ACTION** Program shall award grants to eligible [private sector entities that operate apprenticeship programs in the State] **EMPLOYERS**.

**(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, FOR FISCAL YEAR 2017 AND EACH FISCAL YEAR THEREAFTER, THE STATE BUDGET INCLUDE AN APPROPRIATION OF AT LEAST \$100,000 FOR THE ACTION PROGRAM TO:**

**(I) PROVIDE GRANTS TO ELIGIBLE EMPLOYERS; AND**

**(II) COVER ADMINISTRATIVE COSTS.**

(f) [The Secretary may] **THE DEPARTMENT SHALL** adopt regulations necessary to carry out this section, **INCLUDING REGULATIONS TO:**

**(1) DEVELOP REQUIREMENTS FOR GRANT APPLICATIONS;**

**(2) DEVELOP A PROCESS FOR REVIEWING GRANT APPLICATIONS AND AWARDING GRANTS TO ELIGIBLE EMPLOYERS; AND**

**(3) DETERMINE A CAP FOR THE MAXIMUM AMOUNT OF A GRANT THAT AN ELIGIBLE EMPLOYER MAY RECEIVE EACH YEAR.**

(g) [By regulation, the Secretary shall establish:

(1) criteria to determine the eligibility of private sector entities; and

(2) an application process for determining eligibility.



(h) A] **THE AMOUNT OF A** grant awarded by the [Construction Apprenticeship Assistance] **ACTION** Program under subsection (e) of this section shall be based on the number of [participants in a program operated by an eligible private sector entity] **APPRENTICES THAT AN ELIGIBLE EMPLOYER EMPLOYS WHO SATISFY THE CRITERIA IN SUBSECTION (D)(2) OF THIS SECTION** ~~THAT THE ELIGIBLE EMPLOYER EMPLOYS.~~

~~(i) (H)~~ A grant shall consist of a maximum of \$1,000 for each apprentice ~~in an eligible private sector entity~~ **THAT AN ELIGIBLE EMPLOYER EMPLOYS WHO SATISFIES THE CRITERIA IN SUBSECTION (D)(2) OF THIS SECTION.**

~~(j) The Construction Apprenticeship Assistance Program shall distribute a grant awarded to a private sector entity:~~

~~(1) at the end of a Program year; and~~

~~(2) only to the extent that each apprentice has completed the Program year.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 405

(Senate Bill 551)

AN ACT concerning

~~Department of Health and Mental Hygiene~~ **Behavioral Health Advisory Council**  
**- Clinical Crisis Walk-In Services and Mobile Crisis Teams - Strategic Plan**

FOR the purpose of requiring the ~~Department of Health and Mental Hygiene~~ **Behavioral Health Advisory Council**, in consultation with certain agencies ~~and~~, certain health providers, ~~and certain stakeholders~~, to develop a strategic plan for ensuring that certain crisis services and certain teams are available statewide and operating in a certain manner; requiring the strategic plan to include certain elements; requiring the ~~Department to submit the plan to the Governor and the General Assembly on or before a certain date~~ **Council to include in a certain report an update on the development of the plan on or before a certain date; requiring the Council to submit the plan as part of a certain report on or before a certain date; and generally relating to the Department of Health and Mental Hygiene Behavioral Health Advisory Council** and a strategic plan for clinical crisis walk-in services and mobile crisis teams.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) ~~The Department of Health and Mental Hygiene~~ Behavioral Health Advisory Council, in consultation with local core service agencies ~~and~~, community behavioral health providers, ~~and interested stakeholders~~, shall develop a strategic plan for ensuring that clinical crisis walk-in services and mobile crisis teams are available statewide and operating 24 hours a day and 7 days a week.

(b) The strategic plan developed under subsection (a) of this section shall include:

(1) A design that ensures that the Maryland Behavioral Health Crisis Response System is accessible to individuals in need of mental health and substance use crisis services;

(2) Consideration of regional models and other strategies for ensuring efficiency in the delivery of mental health and substance use crisis services;

(3) Measures to monitor services and outcomes for individuals served by the Maryland Behavioral Health Crisis Response System; and

(4) Methods for recovering payment for mental health and substance use crisis services delivered to individuals with private health insurance.

(c) (1) The Behavioral Health Advisory Council shall include, in the annual report required on or before December 31, 2016, under § 7.5–305 of the Health – General Article, an update on the development of the strategic plan required under subsection (a) of this section.

~~(2) On or before December 1, 2016, the Department of Health and Mental Hygiene~~ The Behavioral Health Advisory Council shall submit the strategic plan required under subsection (a) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly as part of the annual report required on or before December 31, 2017, under § 7.5–305 of the Health – General Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

AN ACT concerning

~~Department of Health and Mental Hygiene~~ Behavioral Health Advisory Council  
– Clinical Crisis Walk-In Services and Mobile Crisis Teams – Strategic Plan

FOR the purpose of requiring the ~~Department of Health and Mental Hygiene~~ Behavioral Health Advisory Council, in consultation with certain agencies ~~and~~, certain health providers, ~~and certain stakeholders~~, to develop a strategic plan for ensuring that certain crisis services and certain teams are available statewide and operating in a certain manner; requiring the strategic plan to include certain elements; requiring the ~~Department to submit the plan to the Governor and the General Assembly on or before a certain date~~ Council to include in a certain report an update on the development of the plan on or before a certain date; requiring the Council to submit the plan as part of a certain report on or before a certain date; and generally relating to the ~~Department of Health and Mental Hygiene~~ Behavioral Health Advisory Council and a strategic plan for clinical crisis walk-in services and mobile crisis teams.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) The ~~Department of Health and Mental Hygiene~~ Behavioral Health Advisory Council, in consultation with local core service agencies ~~and~~, community behavioral health providers, ~~and interested stakeholders~~, shall develop a strategic plan for ensuring that clinical crisis walk-in services and mobile crisis teams are available statewide and operating 24 hours a day and 7 days a week.

(b) The strategic plan developed under subsection (a) of this section shall include:

(1) A design that ensures that the Maryland Behavioral Health Crisis Response System is accessible to individuals in need of mental health and substance use crisis services;

(2) Consideration of regional models and other strategies for ensuring efficiency in the delivery of mental health and substance use crisis services;

(3) Measures to monitor services and outcomes for individuals served by the Maryland Behavioral Health Crisis Response System; and

(4) Methods for recovering payment for mental health and substance use crisis services delivered to individuals with private health insurance.

(c) (1) The Behavioral Health Advisory Council shall include, in the annual report required on or before December 31, 2016, under § 7.5–305 of the Health – General Article, an update on the development of the strategic plan required under subsection (a) of this section.

~~(2) On or before December 1, 2016, the Department of Health and Mental Hygiene The Behavioral Health Advisory Council shall submit the strategic plan required under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly as part of the annual report required on or before December 31, 2017, under § 7.5-305 of the Health – General Article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 407

(Senate Bill 579)

AN ACT concerning

### **Vehicle Laws – Application – Park Model Recreational Vehicles – Definition**

FOR the purpose of establishing that a park model recreational vehicle is considered to be a travel trailer for the purposes of the Maryland Vehicle Law; defining the term “park model recreational vehicle”; making certain conforming changes; and generally relating to the application of the Maryland Vehicle Law to park model recreational vehicles.

BY renumbering

Article – Transportation

Section 11-144.1

to be Section 11-144.2

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 12-1003(c)(2)(i)3. and 14-2301(f)(1)

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11-104(c)(1)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY adding to

Article – Transportation  
 Section 11–144.1  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 11–170  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That Section(s) 11–144.1 of Article – Transportation of the Annotated Code of Maryland be  
 renumbered to be Section(s) 11–144.2.

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

#### **Article – Commercial Law**

12–1003.

(c) (2) (i) 3. “Passenger car” has the meaning stated in § [11–144.1]  
**11–144.2** of the Transportation Article.

14–2301.

(f) (1) “Motor vehicle” means a passenger car as defined under § [11–144.1]  
**11–144.2** of the Transportation Article.

#### **Article – Tax – General**

11–104.

(c) (1) In this subsection:

(i) “short-term vehicle rental” means a rental of a passenger car, as  
 defined in § [11–144.1] **11–144.2** of the Transportation Article, or a vehicle that may be  
 registered as a Class D, E, F, G, or M vehicle under Title 13, Subtitle 9 of the Transportation  
 Article, for a period of 180 days or less under the following terms:

1. the vendor does not provide a driver for the vehicle as a  
 part of the rental; and

2. if the vehicle is a passenger car, as defined in § [11-144.1] 11-144.2 of the Transportation Article, a multipurpose passenger vehicle, or a motorcycle, the vehicle is not to be used to transport individuals or property for hire; and

(ii) “short-term vehicle rental” does not include a rental of:

1. a dump truck, as described in § 13-919 of the Transportation Article;

2. a tow truck, as described in § 13-920 of the Transportation Article; or

3. a farm vehicle exempt from the sales and use tax under § 11-201(a) of this title.

### Article – Transportation

11-144.1.

**“PARK MODEL RECREATIONAL VEHICLE” MEANS A VEHICLE THAT:**

**(1) IS DESIGNED AND MARKETED AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL, OR SEASONAL USE;**

**(2) IS NOT PERMANENTLY AFFIXED TO REAL PROPERTY FOR USE AS A PERMANENT DWELLING;**

**(3) MAY REQUIRE A SPECIAL PERMIT FOR HIGHWAY USE;**

**(4) IS BUILT ON A SINGLE CHASSIS MOUNTED ON WHEELS;**

**(5) HAS A GROSS TRAILER AREA NOT EXCEEDING 400 SQUARE FEET IN THE SETUP MODE; AND**

**(6) IS CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE A119.5 STANDARD FOR RECREATIONAL PARK TRAILERS.**

11-170.

(a) “Travel trailer” means a vehicle that IS:

(1) **(I) [Is mounted] MOUNTED** on wheels;

[(2)] (II) [Is of] **OF** such a size and weight as not to require any special highway movement permit when towed by a motor vehicle;

[(3)] (III) [Is designed] **DESIGNED** and constructed primarily to provide temporary living quarters for recreational, camping, or travel use; and

[(4)] (IV) [Is no] **NO** longer than 40 feet; **OR**

**(2) A PARK MODEL RECREATIONAL VEHICLE.**

(b) “Travel trailer” includes a fifth wheel travel trailer.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 408

**(House Bill 922)**

AN ACT concerning

### Vehicle Laws – Application – Park Model Recreational Vehicles – Definition

FOR the purpose of establishing that a park model recreational vehicle is considered to be a travel trailer for the purposes of the Maryland Vehicle Law; defining the term “park model recreational vehicle”; making certain conforming changes; and generally relating to the application of the Maryland Vehicle Law to park model recreational vehicles.

BY renumbering

Article – Transportation

Section 11–144.1

to be Section 11–144.2

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 12–1003(c)(2)(i)3. and 14–2301(f)(1)

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 11–104(c)(1)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Transportation  
Section 11–144.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 11–170  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 11–144.1 of Article – Transportation of the Annotated Code of Maryland be  
renumbered to be Section(s) 11–144.2.

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

#### Article – Commercial Law

12–1003.

(c) (2) (i) 3. “Passenger car” has the meaning stated in § [11–144.1]  
**11–144.2** of the Transportation Article.

14–2301.

(f) (1) “Motor vehicle” means a passenger car as defined under § [11–144.1]  
**11–144.2** of the Transportation Article.

#### Article – Tax – General

11–104.

(c) (1) In this subsection:

(i) “short-term vehicle rental” means a rental of a passenger car, as  
defined in § [11–144.1] **11–144.2** of the Transportation Article, or a vehicle that may be



registered as a Class D, E, F, G, or M vehicle under Title 13, Subtitle 9 of the Transportation Article, for a period of 180 days or less under the following terms:

1. the vendor does not provide a driver for the vehicle as a part of the rental; and
2. if the vehicle is a passenger car, as defined in § [11-144.1] 11-144.2 of the Transportation Article, a multipurpose passenger vehicle, or a motorcycle, the vehicle is not to be used to transport individuals or property for hire; and
  - (ii) “short-term vehicle rental” does not include a rental of:
    1. a dump truck, as described in § 13-919 of the Transportation Article;
    2. a tow truck, as described in § 13-920 of the Transportation Article; or
    3. a farm vehicle exempt from the sales and use tax under § 11-201(a) of this title.

#### Article – Transportation

##### 11-144.1.

**“PARK MODEL RECREATIONAL VEHICLE” MEANS A VEHICLE THAT:**

- (1) IS DESIGNED AND MARKETED AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL, OR SEASONAL USE;**
- (2) IS NOT PERMANENTLY AFFIXED TO REAL PROPERTY FOR USE AS A PERMANENT DWELLING;**
- (3) MAY REQUIRE A SPECIAL PERMIT FOR HIGHWAY USE;**
- (4) IS BUILT ON A SINGLE CHASSIS MOUNTED ON WHEELS;**
- (5) HAS A GROSS TRAILER AREA NOT EXCEEDING 400 SQUARE FEET IN THE SETUP MODE; AND**
- (6) IS CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE A119.5 STANDARD FOR RECREATIONAL PARK TRAILERS.**

(a) “Travel trailer” means a vehicle that IS:

(1) (I) [Is mounted] **MOUNTED** on wheels;

[(2)] (II) [Is of] **OF** such a size and weight as not to require any special highway movement permit when towed by a motor vehicle;

[(3)] (III) [Is designed] **DESIGNED** and constructed primarily to provide temporary living quarters for recreational, camping, or travel use; and

[(4)] (IV) [Is no] **NO** longer than 40 feet; **OR**

**(2) A PARK MODEL RECREATIONAL VEHICLE.**

(b) “Travel trailer” includes a fifth wheel travel trailer.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 409**

### **(Senate Bill 600)**

AN ACT concerning

#### **Freestanding Birthing Centers – Use of Ultrasound Imaging**

FOR the purpose of requiring the Secretary of Health and Mental Hygiene, after consultation with certain representatives, to establish by regulation certain standards for the use of ultrasound imaging in a freestanding birthing center; and generally relating to freestanding birthing centers and the use of ultrasound imaging.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–3B–01(a), (c), and (d)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Health – General

Section 19–3B–03(a)(1)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

19–3B–01.

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

(c) “Freestanding ambulatory care facility” means:

- (1) An ambulatory surgical facility;
- (2) A freestanding endoscopy facility;
- (3) A freestanding facility utilizing major medical equipment;
- (4) A kidney dialysis center; or
- (5) A freestanding birthing center.

(d) (1) “Freestanding birthing center” means a facility that provides nurse midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

(2) “Freestanding birthing center” does not include:

- (i) A hospital regulated under Subtitle 2 of this title; or
- (ii) The private residence of the mother.

19–3B–03.

(a) (1) After consultation with representatives of payors, health care practitioners, and **FREESTANDING** ambulatory care facilities, the Secretary shall by regulation establish:

- (i) Procedures to implement the provisions of this subtitle; and
- (ii) Standards to ensure quality of care and patient safety that shall

include:

1. Procedures for credentialing and practitioner performance evaluation;

2. Qualifications of health care practitioners and support personnel;
3. Procedures to be followed in the event of an emergency, including a requirement that in the event of an emergency the patient be transported to the nearest appropriate emergency care facility;
4. Procedures for quality control of any biomedical equipment;
5. Procedures for postoperative recovery;
6. Procedures for discharge; [and]
7. **THE USE OF ULTRASOUND IMAGING IN A FREESTANDING BIRTHING CENTER; AND**

[7.] 8. Any other procedures that the Secretary considers necessary for quality of care and patient safety.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 410**

**(House Bill 1303)**

AN ACT concerning

### **Freestanding Birthing Centers – Use of Ultrasound Imaging**

FOR the purpose of requiring the Secretary of Health and Mental Hygiene, after consultation with certain representatives, to establish by regulation certain standards for the use of ultrasound imaging in a freestanding birthing center; and generally relating to freestanding birthing centers and the use of ultrasound imaging.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–3B–01(a), (c), and (d)  
Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–3B–03(a)(1)

Annotated Code of Maryland

(2015 Replacement Volume)

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

**Article – Health – General**

19–3B–01.

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

(c) “Freestanding ambulatory care facility” means:

(1) An ambulatory surgical facility;

(2) A freestanding endoscopy facility;

(3) A freestanding facility utilizing major medical equipment;

(4) A kidney dialysis center; or

(5) A freestanding birthing center.

(d) (1) “Freestanding birthing center” means a facility that provides nurse midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

(2) “Freestanding birthing center” does not include:

(i) A hospital regulated under Subtitle 2 of this title; or

(ii) The private residence of the mother.

19–3B–03.

(a) (1) After consultation with representatives of payors, health care practitioners, and **FREESTANDING** ambulatory care facilities, the Secretary shall by regulation establish:

(i) Procedures to implement the provisions of this subtitle; and

(ii) Standards to ensure quality of care and patient safety that shall include:

1. Procedures for credentialing and practitioner performance evaluation;

2. Qualifications of health care practitioners and support personnel;

3. Procedures to be followed in the event of an emergency, including a requirement that in the event of an emergency the patient be transported to the nearest appropriate emergency care facility;

4. Procedures for quality control of any biomedical equipment;

5. Procedures for postoperative recovery;

6. Procedures for discharge; [and]

**7. THE USE OF ULTRASOUND IMAGING IN A FREESTANDING BIRTHING CENTER; AND**

[7.] **8.** Any other procedures that the Secretary considers necessary for quality of care and patient safety.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 411

(Senate Bill 605)

AN ACT concerning

~~Health Occupations~~ **Athletic Trainers – Evaluation and Treatment Protocols – Approval**

FOR the purpose of altering a certain provision of law to require the Athletic Trainer Advisory Committee to recommend to the State Board of Physicians approval, modification, or disapproval of individual evaluation and treatment protocols; authorizing, under certain circumstances, an athletic trainer to assume duties under

an evaluation and treatment protocol after receiving a certain recommendation from the Committee; providing that certain specialized tasks may only be performed after an athletic trainer receives certain approval from the Board; authorizing the Board to disapprove, under certain circumstances, an evaluation and treatment protocol and specialized tasks included in an evaluation and treatment protocol; requiring the Board, under certain circumstances, to send certain notice to a primary supervising physician and an athletic trainer; requiring an athletic trainer who receives notice of a certain disapproval to cease practicing under a certain evaluation and treatment protocol or performing a certain specialized task; providing that a member of the Board is not civilly liable for certain actions and omissions; making a conforming change; the definition of “practice athletic training” to include instruction to tactical athletes regarding the care and prevention of athletic injuries while engaging in tactical athletic activity; granting, except under certain circumstances, immunity from civil liability to a member of the State Board of Physicians for an act or omission relating to the approval of a certain evaluation and treatment protocol; authorizing an athletic trainer to assume certain duties under an evaluation and treatment protocol on the date of receipt by the Board of a written recommendation of approval from the Athletic Trainer Advisory Committee under certain circumstances; authorizing an athletic trainer, on receipt of a temporary practice letter, to practice a certain specialized task under certain circumstances if an evaluation and treatment protocol is pending approval by the Board; requiring the Board to send a certain notice to a certain primary supervising physician and certain athletic trainer if the Board disapproves a certain protocol or a certain specialized task under a certain protocol; requiring a certain athletic trainer to cease to practice under a certain protocol or to perform a certain specialized task after receiving a certain notice of disapproval; altering certain definitions; defining certain terms; and generally relating to the ~~practice~~ regulation of athletic trainers.

BY repealing and reenacting, with amendments,  
 Article – Health Occupations  
 Section ~~14-5D-01~~ 14-5D-06 and 14-5D-11  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – Health Occupations  
 Section 14-5D-11.3  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

### Article – Health Occupations

~~14-5D-01.~~

- (a) ~~In this subtitle the following words have the meanings indicated.~~
- (b) ~~“Alternate supervising physician” means one or more physicians designated by the supervising physician to provide supervision of an athletic trainer.~~
- (1) ~~During the absence of the supervising physician; and~~
- (2) ~~In accordance with the evaluation and treatment protocol on file with the Board.~~
- (c) ~~“Athlete” means an individual who participates in an athletic activity.~~
- (d) ~~“Athletic activity” means exercise, recreation, sport, competition, or game that:~~
- (1) ~~Requires physical strength, range of motion, flexibility, control, speed, stamina, or agility; and~~
- (2) ~~Is associated with a setting as defined under this section[, an educational institution, or a professional, amateur, or recreational sports club or athletic organization].~~
- (e) ~~“Athletic injury” means an injury that affects an athlete’s participation or performance in an athletic activity.~~
- (f) ~~“Board” means the State Board of Physicians.~~
- (g) ~~“Committee” means the Athletic Trainer Advisory Committee established under § 14-5D-04 of this subtitle.~~
- (h) ~~“Educational institution” includes:~~
- (1) ~~The schools in the public elementary and secondary education system of the State;~~
- (2) ~~A nonecollegiate educational institution governed under § 2-206 of the Education Article; and~~
- (3) ~~An institution of higher education as defined in § 10-101 of the Education Article.~~
- (i) ~~“Evaluation and treatment protocol” means a document that is executed by a physician and an athletic trainer that meets the requirements of § 14-5D-11 of this subtitle.~~
- (j) ~~“License” means a license issued by the Board to practice athletic training.~~



~~(k) "Licensed athletic trainer" means an individual who is licensed by the Board to practice athletic training.~~

~~(l) "Licensed health care practitioner" means an individual licensed, certified, or otherwise authorized to practice a health occupation under this article.~~

~~(m) "National certifying board" means the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization.~~

~~(n) "Nonsupervising physician" means a physician licensed by the Board who is not the supervising physician of the licensed athletic trainer.~~

~~(o) "Outside referral" means a request for treatment from a nonsupervising physician or licensed health care practitioner.~~

~~(p) (1) "Practice athletic training" means application of the following principles and methods for managing athletic injuries for athletes in good overall health under the supervision of a licensed physician:~~

~~(i) Prevention;~~

~~(ii) Clinical evaluation and assessment;~~

~~(iii) Immediate care; and~~

~~(iv) Treatment, rehabilitation, and reconditioning.~~

~~(2) "Practice athletic training" includes:~~

~~(i) Organization and administration of an athletic training program; [and]~~

~~(ii) Instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of athletic injuries; AND~~

~~(iii) INSTRUCTION TO TACTICAL ATHLETES REGARDING THE CARE AND PREVENTION OF ATHLETIC INJURIES WHILE ENGAGING IN TACTICAL ATHLETIC ACTIVITY.~~

~~(3) "Practice athletic training" does not include:~~

~~(i) The practice of:~~

~~1. Chiropractic, including adjustments, manipulation, or high velocity mobilizations of the spine or extremities;~~

- ~~2. Massage therapy;~~
- ~~3. Medicine;~~
- ~~4. Occupational therapy;~~
- ~~5. Physical therapy; or~~
- ~~6. Podiatry;~~

(ii) ~~The reconditioning of systemic neurologic injuries, conditions, or disease; or~~

(iii) ~~Except for the conditioning of an athlete under the supervision of a treating physician, the treatment, rehabilitation, or reconditioning of nonathletic injuries or disease.~~

(q) ~~“Setting” means [a]:~~

(1) ~~[Location where an athletic activity, as defined in subsection (d) of this section, is being held] AN EDUCATIONAL INSTITUTION;~~

(2) ~~A PROFESSIONAL, AN AMATEUR, OR A RECREATIONAL SPORTS CLUB OR ATHLETIC ORGANIZATION;~~

~~[(2)](3) [Health] A HEALTH or fitness club;~~

~~[(3)](4) [Clinic] A CLINIC or hospital;~~

~~[(4)](5) [Corporation] A CORPORATION; or~~

~~[(5)](6) [Government] A GOVERNMENT agency.~~

(R) ~~“STATE OR LOCAL PUBLIC SAFETY EMPLOYEE” MEANS AN INDIVIDUAL WHO IS:~~

(1) ~~A CAREER OR VOLUNTEER MEMBER OF:~~

(I) ~~A FIRE DEPARTMENT;~~

(II) ~~AN AMBULANCE COMPANY OR SQUAD; OR~~

(III) ~~A RESCUE COMPANY OR SQUAD;~~

(2) ~~A LAW ENFORCEMENT OFFICER;~~

~~(3) A CORRECTIONAL OFFICER; OR~~

~~(4) A MEMBER OF THE MARYLAND NATIONAL GUARD.~~

~~[(e)](S) "Supervising physician" means a physician who has been approved by the Board to supervise one or more athletic trainers.~~

~~[(e)](T) "Supervision" means the responsibility of a physician to provide ongoing and immediately available instruction, in person, by telephone, or by other electronic means, that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.~~

~~(U) "TACTICAL ATHLETE" MEANS AN ATHLETE WHO PARTICIPATES IN TACTICAL ATHLETIC ACTIVITY.~~

~~(V) "TACTICAL ATHLETIC ACTIVITY" MEANS HIGH RISK ACTION OR MOVEMENT THAT REQUIRES PHYSICAL STRENGTH, RANGE OF MOTION, FLEXIBILITY, CONTROL, SPEED, STAMINA, AGILITY, OR AN AEROBIC OR ANAEROBIC FITNESS LEVEL THAT IS:~~

~~(1) REQUIRED AS PART OF THE JOB PERFORMANCE OF A STATE OR LOCAL PUBLIC SAFETY EMPLOYEE OR AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES; AND~~

~~(2) ASSOCIATED WITH A SETTING.~~

14-5D-06.

(a) In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

(1) Develop and recommend to the Board regulations to carry out this subtitle;

(2) Develop and recommend to the Board continuing education requirements for license renewal;

(3) Provide the Board with recommendations concerning the practice of athletic training;

(4) Develop and recommend to the Board an evaluation and treatment protocol for use by an athletic trainer and the physician with whom the athletic trainer practices;

(5) [Provide advice and recommendations] RECOMMEND to the Board [on] APPROVAL, MODIFICATION, OR DISAPPROVAL OF individual evaluation and treatment protocols [when requested];

(6) Keep a record of its proceedings; and

(7) Submit an annual report to the Board.

(b) The Board shall:

(1) Consider all recommendations of the Committee; and

(2) Provide to the Committee an annual report on the disciplinary matters involving licensees.

14-5D-11.

(a) Nothing in this title may be construed to authorize an athletic trainer to practice except under the supervision of a licensed physician and in an approved setting.

(b) Before an athletic trainer may practice athletic training, the athletic trainer shall:

(1) Obtain a license under this subtitle;

(2) Enter into a written evaluation and treatment protocol with a licensed physician; and

(3) ~~Obtain~~ **EXCEPT AS PROVIDED IN § 14-5D-11.3(A) OF THIS SUBTITLE, OBTAIN** Board approval of the evaluation and treatment protocol.

(c) An evaluation and treatment protocol shall:

(1) Describe the qualifications of the licensed physician and licensed athletic trainer;

(2) Describe the settings where the athletic trainer may practice;

(3) Describe the physician supervision mechanisms that the physician will use to give direction to the athletic trainer;

(4) Specify the treatment procedures the athletic trainer may perform;

(5) Describe tasks the athletic trainer may not perform;

(6) Describe specialized tasks the supervising physician is delegating to the athletic trainer to perform with documentation of competencies, certification, credentials, or any other requirements established by the Board to support the delegation of the specialized tasks;

(7) Indicate whether the athletic trainer may accept outside referrals from nonsupervising physicians and other licensed health care practitioners;

(8) Designate an alternate supervising physician, if appropriate or necessary; and

(9) Contain an attestation that states the supervising physician will be responsible for providing ongoing and immediately available instruction that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.

(d) An athletic trainer may accept an outside referral from a nonsupervising physician or licensed health care practitioner if:

(1) The supervising physician specifies in the evaluation and treatment protocol that the athletic trainer may accept referrals from a nonsupervising physician or licensed health care practitioner;

(2) The nonsupervising physician or licensed health care practitioner has seen the athlete and has written an order for the care of the athlete; and

(3) The treatment procedures to be used by the athletic trainer are:

(i) Within the scope of practice of an athletic trainer; and

(ii) Included in the evaluation and treatment protocol that the athletic trainer has entered into with the supervising physician.

(e) In the event of a sudden departure, incapacity, or death of a supervising physician, a designated alternate supervising physician may assume the role of the supervising physician by submitting an evaluation and treatment protocol to the Board within 15 days of the event.

~~(F) A MEMBER OF THE BOARD IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION WHEN APPROVING AN EVALUATION AND TREATMENT PROTOCOL AS PROVIDED UNDER SUBSECTION (B)(3) OF THIS SECTION IF THE MEMBER OF THE BOARD IS ACTING IN GOOD FAITH WHEN APPROVING THE EVALUATION AND TREATMENT PROTOCOL.~~

~~14-5D-11.3.~~

~~(A) IN THIS SECTION, "PENDING" MEANS THAT AN EVALUATION AND TREATMENT PROTOCOL THAT INCLUDES SPECIALIZED TASKS IN A SETTING THAT DOES NOT MEET THE REQUIREMENTS UNDER § 14-5D-11 OF THIS SUBTITLE HAS BEEN EXECUTED AND SUBMITTED TO THE BOARD FOR ITS APPROVAL, BUT:~~

~~(1) THE COMMITTEE HAS NOT MADE A RECOMMENDATION TO THE BOARD AS PROVIDED UNDER § 14-5D-06 OF THIS SUBTITLE; OR~~

~~(2) THE BOARD HAS NOT MADE A FINAL DECISION REGARDING THE EVALUATION AND TREATMENT PROTOCOL.~~

~~(B) AN ATHLETIC TRAINER MAY ASSUME THE DUTIES UNDER AN EVALUATION AND TREATMENT PROTOCOL ON THE DATE OF RECEIPT BY THE BOARD OF A WRITTEN RECOMMENDATION OF APPROVAL OF THE PROTOCOL FROM THE COMMITTEE AS PROVIDED UNDER § 14-5D-06 OF THIS SUBTITLE IF:~~

~~(1) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT INCLUDE SPECIALIZED TASKS; OR~~

~~(2) THE EVALUATION AND TREATMENT PROTOCOL INCLUDES SPECIALIZED TASKS THAT THE BOARD HAS PREVIOUSLY APPROVED UNDER § 14-5D-11 OF THIS SUBTITLE.~~

~~(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF AN EVALUATION AND TREATMENT PROTOCOL IS PENDING, ON RECEIPT OF A TEMPORARY PRACTICE LETTER FROM THE BOARD, AN ATHLETIC TRAINER MAY PRACTICE THE SPECIALIZED TASK IF:~~

~~(1) THE PRIMARY SUPERVISING PHYSICIAN PREVIOUSLY HAS BEEN APPROVED TO SUPERVISE ONE OR MORE ATHLETIC TRAINERS IN THE PERFORMANCE OF THE SPECIALIZED TASK; AND~~

~~(2) THE ATHLETIC TRAINER PREVIOUSLY HAS BEEN APPROVED BY THE BOARD TO PERFORM THE SPECIALIZED TASK.~~

~~(D) IF THE BOARD DENIES THE PENDING EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK UNDER THE PROTOCOL, THE BOARD SHALL PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE ATHLETIC TRAINER WITH WRITTEN NOTICE OF THE DISAPPROVAL.~~

~~(E) AN ATHLETIC TRAINER WHO RECEIVES NOTICE THAT THE BOARD HAS DISAPPROVED AN EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK UNDER THE EVALUATION AND TREATMENT PROTOCOL IMMEDIATELY SHALL CEASE:~~

- ~~(1) TO PRACTICE UNDER THE PROTOCOL; OR~~
- ~~(2) TO PERFORM THE SPECIALIZED TASK.~~

14-5D-11.3.

(A) (1) AN ATHLETIC TRAINER MAY ASSUME THE DUTIES UNDER AN EVALUATION AND TREATMENT PROTOCOL AFTER RECEIVING A WRITTEN RECOMMENDATION OF APPROVAL FROM THE COMMITTEE IF:

(I) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT INCLUDE SPECIALIZED TASKS; OR

(II) THE EVALUATION AND TREATMENT PROTOCOL INCLUDES SPECIALIZED TASKS THAT THE BOARD PREVIOUSLY HAS APPROVED UNDER § 14-5D-11 OF THIS SUBTITLE.

(2) IF AN EVALUATION AND TREATMENT PROTOCOL INCLUDES SPECIALIZED TASKS THAT HAVE NOT BEEN PREVIOUSLY APPROVED BY THE BOARD UNDER § 14-5D-11 OF THIS SUBTITLE, AN ATHLETIC TRAINER MAY ONLY PERFORM THE SPECIALIZED TASK AFTER RECEIVING WRITTEN APPROVAL FROM THE BOARD.

(B) THE BOARD MAY DISAPPROVE AN EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK INCLUDED IN THE EVALUATION AND TREATMENT PROTOCOL IF THE BOARD DETERMINES THAT:

(1) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT MEET THE REQUIREMENTS OF § 14-5D-11(C) OF THIS SUBTITLE;

(2) THE ATHLETIC TRAINER IS UNABLE TO PERFORM THE SPECIALIZED TASK SAFELY; OR

(3) THE SPECIALIZED TASK IS OUTSIDE THE PRACTICE SCOPE OF AN ATHLETIC TRAINER.

(C) IF THE BOARD DISAPPROVES AN EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK INCLUDED IN AN EVALUATION AND TREATMENT PROTOCOL, THE BOARD SHALL SEND TO THE PRIMARY SUPERVISING PHYSICIAN AND THE ATHLETIC TRAINER WRITTEN NOTICE OF THE DISAPPROVAL.

(D) AN ATHLETIC TRAINER WHO RECEIVES NOTICE OF A DISAPPROVAL UNDER SUBSECTION (C) OF THIS SECTION SHALL IMMEDIATELY CEASE PRACTICING

UNDER THE EVALUATION AND TREATMENT PROTOCOL OR PERFORMING THE SPECIALIZED TASK.

(E) AN INDIVIDUAL MEMBER OF THE BOARD IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION RELATING TO THE APPROVAL, MODIFICATION, OR DISAPPROVAL OF AN EVALUATION AND TREATMENT PROTOCOL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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Chapter 412

(House Bill 232)

AN ACT concerning

~~Health Occupations~~ – Athletic Trainers – Evaluation and Treatment Protocols – Approval

FOR the purpose of altering a certain provision of law to require the Athletic Trainer Advisory Committee to recommend to the State Board of Physicians approval, modification, or disapproval of individual evaluation and treatment protocols; authorizing, under certain circumstances, an athletic trainer to assume duties under an evaluation and treatment protocol after receiving a certain recommendation from the Committee; providing that certain specialized tasks may only be performed after an athletic trainer receives certain approval from the Board; authorizing the Board to disapprove, under certain circumstances, an evaluation and treatment protocol and specialized tasks included in an evaluation and treatment protocol; requiring the Board, under certain circumstances, to send certain notice to a primary supervising physician and an athletic trainer; requiring an athletic trainer who receives notice of a certain disapproval to cease practicing under a certain evaluation and treatment protocol or performing a certain specialized task; providing that a member of the Board is not civilly liable for certain actions and omissions; making a conforming change; the definition of “practice athletic training” to include instruction to tactical athletes regarding the care and prevention of athletic injuries while engaging in tactical athletic activity; granting, except under certain circumstances, immunity from civil liability to a member of the State Board of Physicians for an act or omission relating to the approval of a certain evaluation and treatment protocol; authorizing an athletic trainer to assume certain duties under an evaluation and treatment protocol on the date of receipt by the Board of a written recommendation of approval from the Athletic Trainer Advisory Committee under certain circumstances; authorizing an athletic trainer, on receipt of a temporary practice



~~letter, to practice a certain specialized task under certain circumstances if an evaluation and treatment protocol is pending approval by the Board; requiring the Board to send a certain notice to a certain primary supervising physician and certain athletic trainer if the Board disapproves a certain protocol or a certain specialized task under a certain protocol; requiring a certain athletic trainer to cease to practice under a certain protocol or to perform a certain specialized task after receiving a certain notice of disapproval; altering certain definitions; defining certain terms; and generally relating to the practice regulation of athletic trainers.~~

BY repealing and reenacting, with amendments,  
 Article – Health Occupations  
 Section ~~14-5D-01~~ 14-5D-06 and 14-5D-11  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – Health Occupations  
 Section 14-5D-11.3  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

### Article – Health Occupations

#### ~~14-5D-01.~~

- (a) ~~In this subtitle the following words have the meanings indicated.~~
- (b) ~~“Alternate supervising physician” means one or more physicians designated by the supervising physician to provide supervision of an athletic trainer:~~
- (1) ~~During the absence of the supervising physician; and~~
  - (2) ~~In accordance with the evaluation and treatment protocol on file with the Board.~~
- (c) ~~“Athlete” means an individual who participates in an athletic activity.~~
- (d) ~~“Athletic activity” means exercise, recreation, sport, competition, or game that:~~
- (1) ~~Requires physical strength, range of motion, flexibility, control, speed, stamina, or agility; and~~

~~(2) Is associated with a setting as defined under this section[, an educational institution, or a professional, amateur, or recreational sports club or athletic organization].~~

~~(e) “Athletic injury” means an injury that affects an athlete’s participation or performance in an athletic activity.~~

~~(f) “Board” means the State Board of Physicians.~~

~~(g) “Committee” means the Athletic Trainer Advisory Committee established under § 14-5D-04 of this subtitle.~~

~~(h) “Educational institution” includes:~~

~~(1) The schools in the public elementary and secondary education system of the State;~~

~~(2) A noncollegiate educational institution governed under § 2-206 of the Education Article; and~~

~~(3) An institution of higher education as defined in § 10-101 of the Education Article.~~

~~(i) “Evaluation and treatment protocol” means a document that is executed by a physician and an athletic trainer that meets the requirements of § 14-5D-11 of this subtitle.~~

~~(j) “License” means a license issued by the Board to practice athletic training.~~

~~(k) “Licensed athletic trainer” means an individual who is licensed by the Board to practice athletic training.~~

~~(l) “Licensed health care practitioner” means an individual licensed, certified, or otherwise authorized to practice a health occupation under this article.~~

~~(m) “National certifying board” means the National Athletic Trainers’ Association Board of Certification, Inc., or its successor organization.~~

~~(n) “Nonsupervising physician” means a physician licensed by the Board who is not the supervising physician of the licensed athletic trainer.~~

~~(o) “Outside referral” means a request for treatment from a nonsupervising physician or licensed health care practitioner.~~

~~(p) (1) “Practice athletic training” means application of the following principles and methods for managing athletic injuries for athletes in good overall health under the supervision of a licensed physician:~~

- ~~(i) Prevention;~~
- ~~(ii) Clinical evaluation and assessment;~~
- ~~(iii) Immediate care; and~~
- ~~(iv) Treatment, rehabilitation, and reconditioning.~~

~~(2) "Practice athletic training" includes:~~

- ~~(i) Organization and administration of an athletic training program; [and]~~
- ~~(ii) Instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of athletic injuries; AND~~

~~(iii) INSTRUCTION TO TACTICAL ATHLETES REGARDING THE CARE AND PREVENTION OF ATHLETIC INJURIES WHILE ENGAGING IN TACTICAL ATHLETIC ACTIVITY.~~

~~(3) "Practice athletic training" does not include:~~

- ~~(i) The practice of:
 
  - ~~1. Chiropractic, including adjustments, manipulation, or high velocity mobilizations of the spine or extremities;~~
  - ~~2. Massage therapy;~~
  - ~~3. Medicine;~~
  - ~~4. Occupational therapy;~~
  - ~~5. Physical therapy; or~~
  - ~~6. Podiatry;~~~~
- ~~(ii) The reconditioning of systemic neurologic injuries, conditions, or disease; or~~
- ~~(iii) Except for the conditioning of an athlete under the supervision of a treating physician, the treatment, rehabilitation, or reconditioning of nonathletic injuries or disease.~~

~~(q) "Setting" means [a]:~~

~~(1) [Location where an athletic activity, as defined in subsection (d) of this section, is being held] AN EDUCATIONAL INSTITUTION;~~

~~(2) A PROFESSIONAL, AN AMATEUR, OR A RECREATIONAL SPORTS CLUB OR ATHLETIC ORGANIZATION;~~

~~(2)(3) [Health] A HEALTH or fitness club;~~

~~(3)(4) [Clinic] A CLINIC or hospital;~~

~~(4)(5) [Corporation] A CORPORATION; or~~

~~(5)(6) [Government] A GOVERNMENT agency.~~

~~(R) “STATE OR LOCAL PUBLIC SAFETY EMPLOYEE” MEANS AN INDIVIDUAL WHO IS:~~

~~(1) A CAREER OR VOLUNTEER MEMBER OF:~~

~~(I) A FIRE DEPARTMENT;~~

~~(II) AN AMBULANCE COMPANY OR SQUAD; OR~~

~~(III) A RESCUE COMPANY OR SQUAD;~~

~~(2) A LAW ENFORCEMENT OFFICER;~~

~~(3) A CORRECTIONAL OFFICER; OR~~

~~(4) A MEMBER OF THE MARYLAND NATIONAL GUARD.~~

~~(r)(S) “Supervising physician” means a physician who has been approved by the Board to supervise one or more athletic trainers.~~

~~(s)(T) “Supervision” means the responsibility of a physician to provide ongoing and immediately available instruction, in person, by telephone, or by other electronic means, that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.~~

~~(U) “TACTICAL ATHLETE” MEANS AN ATHLETE WHO PARTICIPATES IN TACTICAL ATHLETIC ACTIVITY.~~

~~(V) “TACTICAL ATHLETIC ACTIVITY” MEANS HIGH RISK ACTION OR MOVEMENT THAT REQUIRES PHYSICAL STRENGTH, RANGE OF MOTION,~~

~~FLEXIBILITY, CONTROL, SPEED, STAMINA, AGILITY, OR AN AEROBIC OR ANAEROBIC FITNESS LEVEL THAT IS:~~

~~(1) REQUIRED AS PART OF THE JOB PERFORMANCE OF A STATE OR LOCAL PUBLIC SAFETY EMPLOYEE OR AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES; AND~~

~~(2) ASSOCIATED WITH A SETTING.~~

14-5D-06.

(a) In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

(1) Develop and recommend to the Board regulations to carry out this subtitle;

(2) Develop and recommend to the Board continuing education requirements for license renewal;

(3) Provide the Board with recommendations concerning the practice of athletic training;

(4) Develop and recommend to the Board an evaluation and treatment protocol for use by an athletic trainer and the physician with whom the athletic trainer practices;

(5) [Provide advice and recommendations] RECOMMEND to the Board [on] APPROVAL, MODIFICATION, OR DISAPPROVAL OF individual evaluation and treatment protocols [when requested];

(6) Keep a record of its proceedings; and

(7) Submit an annual report to the Board.

(b) The Board shall:

(1) Consider all recommendations of the Committee; and

(2) Provide to the Committee an annual report on the disciplinary matters involving licensees.

14-5D-11.

(a) Nothing in this title may be construed to authorize an athletic trainer to practice except under the supervision of a licensed physician and in an approved setting.

(b) Before an athletic trainer may practice athletic training, the athletic trainer shall:

- (1) Obtain a license under this subtitle;
- (2) Enter into a written evaluation and treatment protocol with a licensed physician; and
- (3) ~~Obtain~~ **EXCEPT AS PROVIDED IN § 14-5D-11.3(A) OF THIS SUBTITLE, OBTAIN** Board approval of the evaluation and treatment protocol.

(c) An evaluation and treatment protocol shall:

- (1) Describe the qualifications of the licensed physician and licensed athletic trainer;
- (2) Describe the settings where the athletic trainer may practice;
- (3) Describe the physician supervision mechanisms that the physician will use to give direction to the athletic trainer;
- (4) Specify the treatment procedures the athletic trainer may perform;
- (5) Describe tasks the athletic trainer may not perform;
- (6) Describe specialized tasks the supervising physician is delegating to the athletic trainer to perform with documentation of competencies, certification, credentials, or any other requirements established by the Board to support the delegation of the specialized tasks;
- (7) Indicate whether the athletic trainer may accept outside referrals from nonsupervising physicians and other licensed health care practitioners;
- (8) Designate an alternate supervising physician, if appropriate or necessary; and
- (9) Contain an attestation that states the supervising physician will be responsible for providing ongoing and immediately available instruction that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.

(d) An athletic trainer may accept an outside referral from a nonsupervising physician or licensed health care practitioner if:

- (1) The supervising physician specifies in the evaluation and treatment protocol that the athletic trainer may accept referrals from a nonsupervising physician or licensed health care practitioner;

(2) The nonsupervising physician or licensed health care practitioner has seen the athlete and has written an order for the care of the athlete; and

(3) The treatment procedures to be used by the athletic trainer are:

(i) Within the scope of practice of an athletic trainer; and

(ii) Included in the evaluation and treatment protocol that the athletic trainer has entered into with the supervising physician.

(e) In the event of a sudden departure, incapacity, or death of a supervising physician, a designated alternate supervising physician may assume the role of the supervising physician by submitting an evaluation and treatment protocol to the Board within 15 days of the event.

~~(F) A MEMBER OF THE BOARD IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION WHEN APPROVING AN EVALUATION AND TREATMENT PROTOCOL AS PROVIDED UNDER SUBSECTION (B)(3) OF THIS SECTION IF THE MEMBER OF THE BOARD IS ACTING IN GOOD FAITH WHEN APPROVING THE EVALUATION AND TREATMENT PROTOCOL.~~

~~14-5D-11.3.~~

~~(A) IN THIS SECTION, "PENDING" MEANS THAT AN EVALUATION AND TREATMENT PROTOCOL THAT INCLUDES SPECIALIZED TASKS IN A SETTING THAT DOES NOT MEET THE REQUIREMENTS UNDER § 14-5D-11 OF THIS SUBTITLE HAS BEEN EXECUTED AND SUBMITTED TO THE BOARD FOR ITS APPROVAL, BUT:~~

~~(1) THE COMMITTEE HAS NOT MADE A RECOMMENDATION TO THE BOARD AS PROVIDED UNDER § 14-5D-06 OF THIS SUBTITLE; OR~~

~~(2) THE BOARD HAS NOT MADE A FINAL DECISION REGARDING THE EVALUATION AND TREATMENT PROTOCOL.~~

~~(B) AN ATHLETIC TRAINER MAY ASSUME THE DUTIES UNDER AN EVALUATION AND TREATMENT PROTOCOL ON THE DATE OF RECEIPT BY THE BOARD OF A WRITTEN RECOMMENDATION OF APPROVAL OF THE PROTOCOL FROM THE COMMITTEE AS PROVIDED UNDER § 14-5D-06 OF THIS SUBTITLE IF:~~

~~(1) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT INCLUDE SPECIALIZED TASKS; OR~~

~~(2) THE EVALUATION AND TREATMENT PROTOCOL INCLUDES SPECIALIZED TASKS THAT THE BOARD HAS PREVIOUSLY APPROVED UNDER § 14-5D-11 OF THIS SUBTITLE.~~

~~(c) SUBJECT TO SUBSECTION (d) OF THIS SECTION, IF AN EVALUATION AND TREATMENT PROTOCOL IS PENDING, ON RECEIPT OF A TEMPORARY PRACTICE LETTER FROM THE BOARD, AN ATHLETIC TRAINER MAY PRACTICE THE SPECIALIZED TASK IF:~~

~~(1) THE PRIMARY SUPERVISING PHYSICIAN PREVIOUSLY HAS BEEN APPROVED TO SUPERVISE ONE OR MORE ATHLETIC TRAINERS IN THE PERFORMANCE OF THE SPECIALIZED TASK; AND~~

~~(2) THE ATHLETIC TRAINER PREVIOUSLY HAS BEEN APPROVED BY THE BOARD TO PERFORM THE SPECIALIZED TASK.~~

~~(d) IF THE BOARD DENIES THE PENDING EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK UNDER THE PROTOCOL, THE BOARD SHALL PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE ATHLETIC TRAINER WITH WRITTEN NOTICE OF THE DISAPPROVAL.~~

~~(e) AN ATHLETIC TRAINER WHO RECEIVES NOTICE THAT THE BOARD HAS DISAPPROVED AN EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK UNDER THE EVALUATION AND TREATMENT PROTOCOL IMMEDIATELY SHALL CEASE:~~

~~(1) TO PRACTICE UNDER THE PROTOCOL; OR~~

~~(2) TO PERFORM THE SPECIALIZED TASK.~~

### 14-5D-11.3.

(A) (1) AN ATHLETIC TRAINER MAY ASSUME THE DUTIES UNDER AN EVALUATION AND TREATMENT PROTOCOL AFTER RECEIVING A WRITTEN RECOMMENDATION OF APPROVAL FROM THE COMMITTEE IF:

(i) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT INCLUDE SPECIALIZED TASKS; OR

(ii) THE EVALUATION AND TREATMENT PROTOCOL INCLUDES SPECIALIZED TASKS THAT THE BOARD PREVIOUSLY HAS APPROVED UNDER § 14-5D-11 OF THIS SUBTITLE.



**(2) IF AN EVALUATION AND TREATMENT PROTOCOL INCLUDES SPECIALIZED TASKS THAT HAVE NOT BEEN PREVIOUSLY APPROVED BY THE BOARD UNDER § 14-5D-11 OF THIS SUBTITLE, AN ATHLETIC TRAINER MAY ONLY PERFORM THE SPECIALIZED TASK AFTER RECEIVING WRITTEN APPROVAL FROM THE BOARD.**

**(B) THE BOARD MAY DISAPPROVE AN EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK INCLUDED IN THE EVALUATION AND TREATMENT PROTOCOL IF THE BOARD DETERMINES THAT:**

**(1) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT MEET THE REQUIREMENTS OF § 14-5D-11(C) OF THIS SUBTITLE;**

**(2) THE ATHLETIC TRAINER IS UNABLE TO PERFORM THE SPECIALIZED TASK SAFELY; OR**

**(3) THE SPECIALIZED TASK IS OUTSIDE THE PRACTICE SCOPE OF AN ATHLETIC TRAINER.**

**(C) IF THE BOARD DISAPPROVES AN EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED TASK INCLUDED IN AN EVALUATION AND TREATMENT PROTOCOL, THE BOARD SHALL SEND TO THE PRIMARY SUPERVISING PHYSICIAN AND THE ATHLETIC TRAINER WRITTEN NOTICE OF THE DISAPPROVAL.**

**(D) AN ATHLETIC TRAINER WHO RECEIVES NOTICE OF A DISAPPROVAL UNDER SUBSECTION (C) OF THIS SECTION SHALL IMMEDIATELY CEASE PRACTICING UNDER THE EVALUATION AND TREATMENT PROTOCOL OR PERFORMING THE SPECIALIZED TASK.**

**(E) AN INDIVIDUAL MEMBER OF THE BOARD IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION RELATING TO THE APPROVAL, MODIFICATION, OR DISAPPROVAL OF AN EVALUATION AND TREATMENT PROTOCOL.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 413

(Senate Bill 606)

AN ACT concerning

**Maryland College Collaboration for Student Veterans Commission**

FOR the purpose of establishing the Maryland College Collaboration for Student Veterans Commission; providing for the membership ~~and appointment~~ and terms of members of the Commission; requiring the Commission to elect the chair, vice chair, and secretary each year; requiring the Commission to meet a certain number of times each year; providing that a member of the Commission may not receive certain compensation, but may receive reimbursement for certain expenses under certain regulations; providing for the duties of the Commission; and generally relating to the Maryland College Collaboration for Student Veterans Commission.

BY adding to

Article – State Government

Section 9–949 through 9–954 to be under the new part “Part VII. Maryland College Collaboration for Student Veterans Commission”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – State Government**

**9–947. RESERVED.**

**9–948. RESERVED.**

**PART VII. MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS  
COMMISSION.**

**9–949.**

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COLLEGE COLLABORATION” MEANS THE MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS, MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND MARYLAND INSTITUTIONS OF HIGHER EDUCATION DATED JANUARY 31, 2011.

(C) “COMMISSION” MEANS THE MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION.

**9–950.**

THERE IS A MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION IN THE DEPARTMENT.

9-951.

(A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

~~(1) THE DESIGNEE OF THE SECRETARY OF VETERANS AFFAIRS, OR THE SECRETARY'S DESIGNEE;~~

~~(2) THE SECRETARY OF HIGHER EDUCATION, OR THE SECRETARY'S DESIGNEE; AND~~

~~(3)~~ (2) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND, OR THE CHANCELLOR'S DESIGNEE;

~~(4)~~ (3) THE PRESIDENT OF THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION, OR THE PRESIDENT'S DESIGNEE;

~~(5)~~ (4) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

~~(3)~~ ~~(6)~~ (5) ONE REPRESENTATIVE OF ANY INSTITUTION OF HIGHER EDUCATION IN THE STATE THAT ELECTS TO PARTICIPATE, APPOINTED BY THE PRESIDENT OF THE INSTITUTION.

~~(B) THE GOVERNOR SHALL APPOINT THE REPRESENTATIVES OF THE INSTITUTIONS OF HIGHER EDUCATION DESCRIBED IN SUBSECTION (A)(6) OF THIS SECTION FROM A LIST OF THREE QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR BY THE INSTITUTION OF HIGHER EDUCATION SEEKING TO BE REPRESENTED ON THE COMMISSION.~~

~~(C)~~ (B) (1) THE TERM OF A MEMBER IS 2 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

9-952.

THE COMMISSION SHALL ELECT ANNUALLY A CHAIR, A VICE CHAIR, AND A SECRETARY FROM AMONG THE MEMBERS OF THE COMMISSION.

9-953.

(A) THE COMMISSION SHALL MEET AT LEAST FOUR TIMES EACH YEAR.

(B) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) MAY RECEIVE REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9-954.

THE COMMISSION SHALL:

(1) WORK TO ENSURE THE EDUCATIONAL SUCCESS OF RETURNING VETERANS, INCLUDING THEIR RECRUITMENT, SUCCESSFUL TRANSITION INTO HIGHER EDUCATION, RETENTION, AND EVENTUAL GRADUATION;

(2) FACILITATE THE SHARING OF BEST PRACTICES AMONG INSTITUTIONS OF HIGHER EDUCATION AND STATE AGENCIES REGARDING ACADEMIC TRANSITION PROGRAMS AND SUPPORT SERVICES DESIGNED FOR RETURNING VETERANS;

(3) WORK WITH INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO PROVIDE THE FOLLOWING SERVICES TO VETERANS, AS SET FORTH IN THE COLLEGE COLLABORATION:

(I) AWARENESS OF VETERAN REINTEGRATION CHALLENGES;

(II) COMMUNICATION AND COORDINATION OF AVAILABLE VETERAN SERVICES;

(III) A DESIGNATED “ONE DOOR” OFFICE THAT COORDINATES VETERAN SERVICES AND SUPPORTS;

(IV) BEHAVIORAL HEALTH SERVICES;

(V) FINANCIAL AID AND GI BILL SUPPORT SERVICES; AND

(VI) PEER SUPPORT GROUPS; ~~AND~~

(4) PUBLISH AN ANNUAL REPORT AND ANY OTHER MATERIAL THE COMMISSION CONSIDERS NECESSARY; AND

**(5) SUBMIT THE ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 414**

**(House Bill 1458)**

AN ACT concerning

**Maryland College Collaboration for Student Veterans Commission**

FOR the purpose of establishing the Maryland College Collaboration for Student Veterans Commission; providing for the membership ~~and appointment~~ and terms of members of the Commission; requiring the Commission to elect the chair, vice chair, and secretary each year; requiring the Commission to meet a certain number of times each year; providing that a member of the Commission may not receive certain compensation, but may receive reimbursement for certain expenses under certain regulations; providing for the duties of the Commission; and generally relating to the Maryland College Collaboration for Student Veterans Commission.

BY adding to

Article – State Government

Section 9-949 through 9-954 to be under the new part “Part VII. Maryland College Collaboration for Student Veterans Commission”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – State Government**

**9-947. RESERVED.**

**9-948. RESERVED.**

**PART VII. MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION.**

9-949.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COLLEGE COLLABORATION” MEANS THE MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS, MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND MARYLAND INSTITUTIONS OF HIGHER EDUCATION DATED JANUARY 31, 2011.

(C) “COMMISSION” MEANS THE MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION.

9-950.

THERE IS A MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION IN THE DEPARTMENT.

9-951.

(A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE DESIGNEE OF THE SECRETARY OF VETERANS AFFAIRS, OR THE SECRETARY’S DESIGNEE;

~~(2) THE SECRETARY OF HIGHER EDUCATION, OR THE SECRETARY’S DESIGNEE; AND~~

~~(3)~~ (2) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND, OR THE CHANCELLOR’S DESIGNEE;

(3) THE PRESIDENT OF THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION, OR THE PRESIDENT’S DESIGNEE;

(4) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR’S DESIGNEE; AND

(5) ONE REPRESENTATIVE OF ANY INSTITUTION OF HIGHER EDUCATION IN THE STATE THAT ELECTS TO PARTICIPATE, APPOINTED BY THE PRESIDENT OF THE INSTITUTION.

~~(B) THE GOVERNOR SHALL APPOINT THE REPRESENTATIVES OF THE INSTITUTIONS OF HIGHER EDUCATION FROM A LIST OF THREE QUALIFIED~~

~~INDIVIDUALS SUBMITTED TO THE GOVERNOR BY THE INSTITUTION OF HIGHER EDUCATION SEEKING TO BE REPRESENTED ON THE COMMISSION.~~

~~(C)~~ (B) (1) THE TERM OF A MEMBER IS 2 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

9-952.

THE COMMISSION SHALL ELECT ANNUALLY A CHAIR, A VICE CHAIR, AND A SECRETARY FROM AMONG THE MEMBERS OF THE COMMISSION.

9-953.

(A) THE COMMISSION SHALL MEET AT LEAST FOUR TIMES EACH YEAR.

(B) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) MAY RECEIVE REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9-954.

THE COMMISSION SHALL:

(1) WORK TO ENSURE THE EDUCATIONAL SUCCESS OF RETURNING VETERANS, INCLUDING THEIR RECRUITMENT, SUCCESSFUL TRANSITION INTO HIGHER EDUCATION, RETENTION, AND EVENTUAL GRADUATION;

(2) FACILITATE THE SHARING OF BEST PRACTICES AMONG INSTITUTIONS OF HIGHER EDUCATION AND STATE AGENCIES REGARDING ACADEMIC TRANSITION PROGRAMS AND SUPPORT SERVICES DESIGNED FOR RETURNING VETERANS;

(3) WORK WITH INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO PROVIDE THE FOLLOWING SERVICES TO VETERANS, AS SET FORTH IN THE COLLEGE COLLABORATION:

(I) AWARENESS OF VETERAN REINTEGRATION CHALLENGES;

(II) COMMUNICATION AND COORDINATION OF AVAILABLE VETERAN SERVICES;

(III) A DESIGNATED “ONE DOOR” OFFICE THAT COORDINATES VETERAN SERVICES AND SUPPORTS;

(IV) BEHAVIORAL HEALTH SERVICES;

(V) FINANCIAL AID AND GI BILL SUPPORT SERVICES; AND

(VI) PEER SUPPORT GROUPS; ~~AND~~

(4) PUBLISH AN ANNUAL REPORT AND ANY OTHER MATERIAL THE COMMISSION CONSIDERS NECESSARY; AND

(5) SUBMIT THE ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 415

(Senate Bill 620)

AN ACT concerning

### Commemorative Weeks – Chesapeake Bay Awareness Week

FOR the purpose of requiring the Governor to proclaim annually a certain week as Chesapeake Bay Awareness Week; requiring the proclamation to urge certain organizations to properly observe Chesapeake Bay Awareness Week with certain events, activities, and programs; and generally relating to Chesapeake Bay Awareness Week.

BY adding to

Article – General Provisions

Section 7-601 to be under the new subtitle “Subtitle 6. Commemorative Weeks”

Annotated Code of Maryland

(2014 Volume and 2015 Supplement)

Preamble



WHEREAS, The Chesapeake Bay is the largest and, at one time, was the most productive estuary in the United States, spanning six states and the District of Columbia; and

WHEREAS, The Chesapeake Bay watershed is an extraordinary and vital natural resource, as well as an integral part of the history and heritage of the State; and

WHEREAS, The Chesapeake Bay is fed by 50 major tributaries, including the Susquehanna River, Potomac River, Patuxent River, Rappahannock River, York River, and James River, and contains more than 15 trillion gallons of water; and

WHEREAS, According to the Chesapeake Bay Foundation, the Chesapeake Bay stretches 200 miles from Havre de Grace, Maryland, to Norfolk, Virginia, has an average depth of 21 feet, ranges from 3.4 miles to 35 miles wide, and supports 348 species of finfish, 173 species of shellfish, and more than 3,600 species of plant and animal life, including 2,700 types of plants and more than 16 species of underwater grasses; and

WHEREAS, The Chesapeake Bay area is home to more than 17 million people, many of whom rely on the Bay for their livelihood and recreational activities; and

WHEREAS, As an important source of food for the State and the East Coast of the United States, the Chesapeake Bay produces more than 500 million pounds of seafood harvest each year; and

WHEREAS, The rich history, pivotal economic importance, and astounding beauty of the Chesapeake Bay watershed never cease to amaze residents and visitors alike; now, therefore,

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

### **Article – General Provisions**

#### **SUBTITLE 6. COMMEMORATIVE WEEKS.**

##### **7-601.**

**(A) THE GOVERNOR ANNUALLY SHALL PROCLAIM THE SECOND WEEK IN JUNE AS CHESAPEAKE BAY AWARENESS WEEK.**

**(B) THE PROCLAMATION SHALL URGE EDUCATIONAL AND ENVIRONMENTAL ORGANIZATIONS, INCLUDING THE CHESAPEAKE BAY FOUNDATION, THE ALLIANCE FOR THE CHESAPEAKE BAY, ~~AND THE CHOOSE CLEAN WATER FOUNDATION~~ COALITION, AND THE CHESAPEAKE BAY COMMERCIAL FISHERMEN'S ASSOCIATION, TO OBSERVE CHESAPEAKE BAY AWARENESS WEEK PROPERLY WITH APPROPRIATE**

**EVENTS, ACTIVITIES, AND PROGRAMS DESIGNED TO INCREASE AWARENESS OF THE IMPORTANCE OF THE CHESAPEAKE BAY TO THE STATE, THE REGION, AND THE UNITED STATES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 416**

**(House Bill 1156)**

AN ACT concerning

**Calvert County – Alcoholic Beverages – Beer or Wine Festival License**

FOR the purpose of altering the wine festival license in Calvert County to be the beer or wine festival license; establishing that beer festivals and beer and wine festivals are subject to certain authorizations and requirements applicable to wine festivals; authorizing the Calvert County Board of License Commissioners to issue the beer or wine festival license to certain persons; providing that the primary purpose of the license is to authorize the holder to sell certain beer or wine; authorizing the Board to approve up to a certain number of weekends for beer or wine festivals per license applicant each year and requiring the Board to approve the location for a festival; and generally relating to the beer or wine festival license in Calvert County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 14–1304

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

14–1304.

- (a) There is a **BEER OR** wine festival [(WF)] **(BWF)** license.
- (b) The Board may issue the license to:

- (1) a holder of:
  - (I) a retail license authorizing the sale of **BEER OR** wine[.];
  - (II) A Class 3 winery license[, or];
  - (III) A Class 4 **LIMITED** winery license;
  - (IV) A **CLASS 5 BREWERY LICENSE**;
  - (V) A **CLASS 7 MICRO-BREWERY LICENSE; OR**
  - (VI) A **CLASS 8 FARM BREWERY LICENSE; OR**
- (2) A **NONPROFIT ORGANIZATION**.

(c) The **PRIMARY PURPOSE OF THE** license [authorizes] **IS TO AUTHORIZE** the holder to display and sell **BEER THAT IS BREWED IN THE STATE OR** wine **THAT IS MANUFACTURED AND PROCESSED IN THE STATE**.

(d) A license holder shall display and sell **BEER OR** wine:

- (1) at retail for on- and off-premises consumption; and
- (2) during the hours and days designated for the **BEER OR** wine festival.

(e) [For the wine festival, the Board shall choose] **THE BOARD**:

(1) [1 weekend] **MAY APPROVE UP TO 4 WEEKENDS FOR BEER OR WINE FESTIVALS PER APPLICANT** each year; and

(2) [a location that is not already licensed] **SHALL APPROVE THE LOCATION FOR A FESTIVAL**.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is \$15.

(h) The Board shall adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

## Chapter 417

### (Senate Bill 624)

AN ACT concerning

### Calvert County – Alcoholic Beverages – Beer ~~and~~ or Wine Festival ~~(BWF)~~ License

FOR the purpose of altering ~~certain provisions of law relating to a~~ *the wine festival license* in Calvert County *to be the beer or wine festival license; establishing that beer festivals and beer and wine festivals are subject to certain authorizations and requirements applicable to wine festivals;* authorizing the Board of License Commissioners for Calvert County to issue ~~a~~ *the beer and or wine festival (BWF)* license to certain ~~alcoholic beverages license holders or a certain nonprofit organization;~~ *providing for the scope of the beer and wine festival license; requiring the Board to choose not more than a certain number of weekends each year for the beer and wine persons; providing that the primary purpose of the license is to authorize the holder to sell certain beer or wine; authorizing the Board to approve up to a certain number of weekends for beer or wine festivals per license applicant each year and requiring the Board to approve the location for a festival;* and generally relating to the ~~sale of alcoholic beverages~~ *beer or wine festival license* in Calvert County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 14–1304

Annotated Code of Maryland

(As enacted by Chapter 41 ~~(S.B. \_\_\_\_\_)(Ch1406)~~ *(S.B. 724)* of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

14–1304.

(a) There is a **BEER ~~AND~~ OR** wine festival [(WF)] **(BWF)** license.

(b) The Board may issue the license to:

(1) a holder of:

**(1)** a retail license authorizing the sale of **BEER ~~AND~~ OR** wine;

- ~~(II) A Class 3 winery license, ~~for~~;~~
- ~~(III) A Class 4 LIMITED winery license;~~
- ~~(IV) A CLASS 5 BREWERY LICENSE;~~
- ~~(V) A CLASS 7 MICRO-BREWERY LICENSE; OR~~
- ~~(VI) A CLASS 8 FARM BREWERY LICENSE; OR~~

~~(2) A NONPROFIT ORGANIZATION THAT:~~

~~(I) IS SELECTED BY THE BOARD TO ORGANIZE A BEER AND WINE FESTIVAL; AND~~

~~(II) MAY CONTRACT WITH A HOLDER OF A RETAIL LICENSE AUTHORIZING THE SALE OF BEER AND WINE, CLASS 3 WINERY LICENSE, CLASS 4 LIMITED WINERY LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE TO SELL AND DISPLAY BEER AND WINE AT THE FESTIVAL AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.~~

(c) The PRIMARY PURPOSE OF THE license ~~authorizes~~ IS TO AUTHORIZE the holder to display and sell ~~BEER AND THAT IS BREWED IN THE STATE OR~~ wine THAT IS MANUFACTURED AND PROCESSED IN THE STATE.

(d) A license holder shall display and sell ~~BEER AND OR~~ wine:

(1) at retail for on- and off-premises consumption; and

(2) during the hours and days designated for the ~~BEER AND OR~~ wine festival.

~~(e) For the BEER AND wine festival, the THE Board shall choose:~~

(1) [1 weekend] ~~NOT MORE THAN~~ MAY APPROVE UP TO 4 WEEKENDS FOR BEER OR WINE FESTIVALS PER APPLICANT each year; and

(2) ~~a~~ SHALL APPROVE THE location ~~that is not already licensed~~ FOR A FESTIVAL.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is \$15.

(h) The Board shall adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 418

### (Senate Bill 630)

AN ACT concerning

#### **Comptroller – Distillery Off-Site Permit and Liquor Festival Permit**

FOR the purpose of authorizing ~~the Office of~~ the Comptroller to ~~issue~~ grant a distillery off-site permit to a holder of a Class 1 ~~manufacturer's~~ distillery license or a Class 9 limited distillery license for certain purposes under certain circumstances; establishing certain limitations on the times and locations that distillery off-site permits may be used in a year; establishing certain requirements and a fee for the distillery off-site permit; authorizing the holder of the distillery off-site permit to provide samples of and sell certain liquor at certain events under certain circumstances; requiring that the permit holders have present at each event at least one individual who is certified by an approved alcohol awareness program; requiring the distillery off-site permit holder to notify the Comptroller of the permit holder's intention to attend an event within a time period that the Comptroller determines; requiring that the notice be on a certain form; authorizing the Comptroller to adopt certain regulations; authorizing the Comptroller to issue grant a liquor festival permit to a certain organization; providing that the permit authorizes the permit holder to conduct a liquor festival for a certain time and purchase liquor at wholesale for certain purposes; requiring the liquor festival permit holder to provide space at a liquor festival for holders of distillery off-site permits; providing that a holder of a distillery off-site permit that attends a liquor festival may provide liquor to a consumer in a certain manner; authorizing the liquor festival permit holder to provide or sell at a liquor festival only certain alcoholic beverages; allowing a liquor sample to be served that is blended with certain products; requiring that the liquor festival permit holder have present at all times at least two individuals who are certified by an approved alcohol awareness program; requiring an applicant for a liquor festival permit to submit an application to the Comptroller before a certain time; requiring that the application be on a certain form and contain certain information; requiring a holder of a liquor festival permit to provide the Comptroller with a certain list before a certain time; establishing a fee for a liquor festival permit; and generally relating to ~~liquor and liquor~~ liquor, distillery off-site permits, and liquor festival permits.

~~BY adding to~~

~~Article 2B – Alcoholic Beverages  
Section 2–101(b)(11) and (z)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
The part designation “Part IV. Beer, Wine, and Liquor Permits” immediately  
preceding Section 2–129  
Annotated Code of Maryland  
(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 2–129  
Annotated Code of Maryland  
(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages  
Section 2–132.1 and 2–132.2  
Annotated Code of Maryland  
(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### Article ~~2B~~ – Alcoholic Beverages

~~2–101.~~

~~(b) (11) THE ANNUAL FEE FOR A DISTILLERY OFF-SITE PERMIT IS \$100.~~

~~(z) (1) THE OFFICE OF THE COMPTROLLER MAY ISSUE A DISTILLERY  
OFF-SITE PERMIT TO THE HOLDER OF A CLASS 1 MANUFACTURER’S LICENSE.~~

~~(2) THE PERMIT HOLDER MAY USE THE PERMIT FOR NOT MORE THAN  
12 EVENTS IN ANY GIVEN CALENDAR YEAR.~~

~~(3) AN EVENT FOR WHICH THE PERMIT IS USED MAY NOT EXCEED 3  
CONSECUTIVE DAYS.~~

~~(4) A PERMIT HOLDER MAY NOT USE THE PERMIT MORE THAN ONCE  
IN A GIVEN POLITICAL SUBDIVISION IN A CALENDAR YEAR.~~

~~(5) THE PERMIT MAY BE USED ONLY FOR AN EVENT THAT:~~

~~(I) HAS AS ITS MAJOR PURPOSE AN ACTIVITY OTHER THAN THE SALE AND PROMOTION OF LIQUOR AND FOR WHICH THE PARTICIPATION OF THE HOLDER IS A SUBORDINATE ACTIVITY;~~

~~(II) IS ORGANIZED AND CONDUCTED BY A NONPROFIT ORGANIZATION OR GOVERNMENTAL ENTITY;~~

~~(III) THE OFFICE OF THE COMPTROLLER APPROVES; AND~~

~~(IV) IS HELD ON A NONLICENSED PREMISES OR A PREMISES ON WHICH A PERSON MAY OBTAIN A TEMPORARY ALCOHOLIC BEVERAGES LICENSE.~~

~~(6) THE PERMIT AUTHORIZES THE HOLDER TO:~~

~~(I) PROVIDE SAMPLES NOT TO EXCEED ONE HALF FLUID OUNCE PER BRAND OF PRODUCT PRODUCED BY THE PERMIT HOLDER TO CONSUMERS;~~

~~(II) SELL NOT MORE THAN THREE 750 MILLILITER BOTTLES OF LIQUOR TO A CONSUMER AT ANY GIVEN EVENT OR FESTIVAL FOR OFF PREMISES CONSUMPTION; AND~~

~~(III) SELL BY THE GLASS LIQUOR THE LICENSE HOLDER PRODUCES TO PERSONS PARTICIPATING IN AN EVENT AND FOR ON PREMISES CONSUMPTION.~~

~~(7) THE PERMIT HOLDER SHALL HAVE PRESENT AT AN EVENT AT LEAST ONE INDIVIDUAL WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.~~

Part IV. Beer [and Wine], WINE, AND LIQUOR Permits.

2-129.

This part applies statewide.

2-132.1.

(A) THERE IS A DISTILLERY OFF-SITE PERMIT.

(B) THE COMPTROLLER MAY ~~ISSUE~~ GRANT THE PERMIT TO A HOLDER OF A CLASS 1 DISTILLERY LICENSE OR A CLASS 9 LIMITED DISTILLERY LICENSE THAT MEETS THE REQUIREMENTS OF THIS SECTION.



(C) DURING AN EVENT LISTED IN SUBSECTION (E) OF THIS SECTION, THE PERMIT HOLDER MAY:

(1) PROVIDE TO A CONSUMER NOT MORE THAN FOUR LIQUOR SAMPLES THAT:

(I) HAVE BEEN PRODUCED BY THE PERMIT HOLDER; AND

(II) DO NOT EXCEED ONE-QUARTER OF 1 FLUID OUNCE FOR EACH OFFERING; AND

(2) SELL TO A CONSUMER LIQUOR THAT HAS BEEN PRODUCED BY THE PERMIT HOLDER FOR OFF-PREMISES CONSUMPTION.

(D) WHILE SELLING LIQUOR OR PROVIDING SAMPLES OF LIQUOR AT AN EVENT, THE PERMIT HOLDER SHALL HAVE PRESENT AT LEAST ONE INDIVIDUAL WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

(E) THE PERMIT MAY BE USED AT THE FOLLOWING EVENTS:

(1) THE FREDERICK COUNTY AGRICULTURAL FAIR;

(2) THE MARYLAND STATE AGRICULTURAL FAIR;

(3) THE MONTGOMERY COUNTY AGRICULTURAL FAIR;

(4) THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET AND FOUR OTHER FARMERS' MARKETS THAT ARE LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE;

(5) A LIQUOR FESTIVAL UNDER § 2-132.2 OF THIS SUBTITLE; AND

(6) NOT MORE THAN SIX OTHER EVENTS IN A YEAR THAT HAVE AS THE MAJOR PURPOSE OF THE EVENT AN ACTIVITY:

(I) THAT IS OTHER THAN THE SALE AND PROMOTION OF ALCOHOLIC BEVERAGES; AND

(II) FOR WHICH THE PARTICIPATION OF A DISTILLERY IS A SUBORDINATE ACTIVITY.

(F) AN APPLICANT FOR A PERMIT SHALL COMPLETE AN APPLICATION ON A FORM THAT THE COMPTROLLER PROVIDES.

(G) (1) (i) THE PERMIT HOLDER SHALL NOTIFY THE COMPTROLLER OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN EVENT WITHIN A TIME PERIOD THAT THE COMPTROLLER DETERMINES.

(ii) THE NOTICE SHALL BE ON A FORM THAT THE COMPTROLLER PROVIDES.

(2) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THE PERMIT HOLDER TO NOTIFY THE LOCAL LICENSING BOARD FOR THE JURISDICTION WHERE THE EVENT IS BEING HELD OF THE PERMIT HOLDER'S INTENTION TO ATTEND THE EVENT.

(H) THE ANNUAL PERMIT FEE IS \$250.

2-132.2.

(A) THERE IS A LIQUOR FESTIVAL PERMIT.

(B) THE COMPTROLLER MAY ~~ISSUE~~ GRANT THE PERMIT TO A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE, THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(C) (1) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO:

(i) CONDUCT A LIQUOR FESTIVAL FOR AT LEAST 1 DAY BUT NOT MORE THAN 3 CONSECUTIVE DAYS; AND

(ii) PURCHASE LIQUOR AT WHOLESALE TO:

1. PROVIDE TO A CONSUMER AT NO COST OR FOR A FEE NOT MORE THAN FOUR SAMPLES THAT DO NOT EXCEED ONE-QUARTER OF 1 FLUID OUNCE FOR EACH OFFERING; AND

2. SELL TO A CONSUMER LIQUOR FOR OFF-PREMISES CONSUMPTION.

(2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A LIQUOR FESTIVAL FOR HOLDERS OF DISTILLERY OFF-SITE PERMITS.

(3) A HOLDER OF A DISTILLERY OFF-SITE PERMIT THAT ATTENDS A LIQUOR FESTIVAL MAY PROVIDE LIQUOR TO A CONSUMER IN THE SAME MANNER AS THE HOLDER OF THE LIQUOR FESTIVAL PERMIT.

(4) (I) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE LIQUOR FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER OR A HOLDER OF A DISTILLERY OFF-SITE PERMIT WHO IS IN ATTENDANCE.

(II) A SAMPLE MAY BE SERVED THAT IS BLENDED WITH PRODUCTS MANUFACTURED BY A HOLDER OF A DISTILLERY OFF-SITE PERMIT AND NONALCOHOLIC INGREDIENTS.

(D) AT ALL TIMES DURING THE LIQUOR FESTIVAL, THE PERMIT HOLDER SHALL HAVE PRESENT AT LEAST TWO INDIVIDUALS, ONE OF WHOM MAY BE THE PERMIT HOLDER, WHO ARE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

(E) (1) NOT LESS THAN 30 DAYS BEFORE THE DAY THE LIQUOR FESTIVAL IS SCHEDULED TO BEGIN, AN APPLICANT FOR THE PERMIT SHALL SUBMIT A COMPLETED APPLICATION TO THE COMPTROLLER.

(2) THE APPLICATION SHALL:

(I) BE ON A FORM THAT THE COMPTROLLER PROVIDES;

(II) STATE THAT THE PRIMARY PURPOSE OF THE LIQUOR FESTIVAL IS TO PROMOTE MARYLAND LIQUOR;

(III) PROVIDE DETAILS OF THE LIQUOR FESTIVAL, INCLUDING THE LOCATION, DATES, AND TIMES OF OPERATION; AND

(IV) INCLUDE APPROPRIATE EVIDENCE THAT THE APPLICANT HAS BEEN GIVEN PERMISSION BY THE OWNER OF THE PROPERTY WHERE THE LIQUOR FESTIVAL IS TO BE HELD.

(F) NOT LESS THAN 15 DAYS BEFORE THE LIQUOR FESTIVAL, THE PERMIT HOLDER SHALL PROVIDE THE COMPTROLLER WITH A LIST OF DISTILLERY OFF-SITE PERMIT HOLDERS THAT WILL ATTEND.

(G) THE PERMIT FEE IS \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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**Chapter 419****(Senate Bill 649)**

AN ACT concerning

**City of Annapolis – Alcoholic Beverages – Refillable Container Permit for Draft Beer**

FOR the purpose of authorizing the Alcoholic Beverage Control Board for the City of Annapolis to issue a refillable container permit for draft beer to a holder of a Class E license; making a stylistic change; and generally relating to refillable container permits in the City of Annapolis.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 10–1102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

10–1102.

- (a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, [a]Class B license, [or a] Class D license, **OR CLASS E LICENSE**.
- (b) An applicant for the permit shall complete the form that the Board provides.
- (c) The hours of sale for a refillable container permit:
- (1) begin at the same time as those for the underlying license; and
  - (2) end at midnight.
- (d) The Board shall adopt regulations to carry out this section.
- (e) The annual permit fees are:
- (1) \$50 for an applicant whose license has an off–sale privilege; and
  - (2) \$500 for an applicant whose license does not have an off–sale privilege.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 420

### (Senate Bill 707)

AN ACT concerning

#### **Freestanding Medical Facilities – Certificate of Need, Rates, and Definition**

FOR the purpose of exempting from certain certificate of need requirements the conversion of a certain hospital to a freestanding medical facility in accordance with certain requirements; altering the number of days before the proposed closing or partial closing of a health care facility for the filing of a certain notice by a certain person; altering the requirements for a public informational hearing for a hospital that files a notice of its proposed closing; requiring a certain hospital to hold a public informational hearing if the hospital requests an exemption from certificate of need requirements to convert to a freestanding medical facility; requiring the Maryland Health Care Commission to establish by regulation requirements for certain public informational hearings; requiring, for a hospital seeking to close, partially close, or convert to a freestanding medical facility, that the regulations require the hospital to address certain items at a public informational hearing; requiring a hospital to provide a written summary of a public informational hearing within a certain period of time to certain individuals, entities, and legislative committees; clarifying the circumstances in which a certificate of need is required to establish or operate a freestanding medical facility; authorizing the Commission to approve a site for a freestanding medical facility that is not on a certain site, under certain circumstances; prohibiting a certain hospital from converting to a freestanding medical facility before a certain date; altering the services provided at a freestanding medical facility that may be considered hospital services for purposes of rate-setting; requiring a freestanding medical facility to have a certain license, instead of a certificate of need, to obtain certain rates; altering the definition of “freestanding medical facility” to require a facility to meet the requirements for provider-based status under a certain certification and to exempt, from the requirement that the facility be physically separate from a hospital or hospital grounds, a freestanding medical facility established as a result of a certain hospital conversion; requiring the Department of Health and Mental Hygiene to issue a license to a freestanding medical facility that receives an exemption from obtaining a certificate of need; establishing a workgroup on rural health care delivery; providing for the membership, chair, and staff of the workgroup; requiring the workgroup to oversee a certain study of health care needs in certain counties and to hold certain public hearings; providing for the contents of a certain study; requiring the workgroup to

review certain policy options and to report on a certain study and certain recommendations on or before a certain date; *stating the intent of the General Assembly; providing for the construction of a certain provision of this Act; authorizing the use of certain funds for a certain purpose; and generally relating to freestanding medical facilities.*

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–120(j)(1) and (k)(1)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 19–120(j)(2)(iv), (k)(6)(viii) and (ix) and (7), and (l), 19–201(d), 19–211(c),  
19–3A–01, 19–3A–03, and 19–3A–08  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to  
Article – Health – General  
Section 19–120(k)(6)(x) and (o)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

### **Article – Health – General**

19–120.

(j) (1) A certificate of need is required before the type or scope of any health care service is changed if the health care service is offered:

- (i) By a health care facility;
- (ii) In space that is leased from a health care facility; or
- (iii) In space that is on land leased from a health care facility.

(2) This subsection does not apply if:

(iv) 1. At least 45 days before increasing or decreasing the volume of one or more health care services, written notice of intent to change the volume of health care services is filed with the Commission;

2. The Commission in its sole discretion finds that the proposed change:

A. Is pursuant to [the]:

I. **THE** consolidation or merger of two or more health care facilities[, the];

II. **THE** conversion of a health care facility or part of a facility to a nonhealth–related use[, or the];

III. **THE** conversion of a hospital to a limited service hospital;

**OR**

**IV. THE CONVERSION OF A LICENSED GENERAL HOSPITAL TO A FREESTANDING MEDICAL FACILITY IN ACCORDANCE WITH SUBSECTION (O)(3) OF THIS SECTION;**

B. Is not inconsistent with the State health plan or the institution–specific plan developed and adopted by the Commission;

C. Will result in the delivery of more efficient and effective health care services; and

D. Is in the public interest; and

3. Within 45 days of receiving notice under item 1 of this item, the Commission notifies the health care facility of its finding.

(k) (1) A certificate of need is required before any of the following capital expenditures are made by or on behalf of a hospital:

(i) Any expenditure that, under generally accepted accounting principles, is not properly chargeable as an operating or maintenance expense, if:

1. The expenditure is made as part of an acquisition, improvement, or expansion, and, after adjustment for inflation as provided in the regulations of the Commission, the total expenditure, including the cost of each study, survey, design, plan, working drawing, specification, and other essential activity, is more than \$10,000,000;

2. The expenditure is made as part of a replacement of any plant and equipment of the hospital and is more than \$10,000,000 after adjustment for inflation as provided in the regulations of the Commission;

3. The expenditure results in a substantial change in the bed capacity of the hospital; or

4. The expenditure results in the establishment of a new medical service in a hospital that would require a certificate of need under subsection (i) of this section; or

(ii) Any expenditure that is made to lease or, by comparable arrangement, obtain any plant or equipment for the hospital, if:

1. The expenditure is made as part of an acquisition, improvement, or expansion, and, after adjustment for inflation as provided in the rules and regulations of the Commission, the total expenditure, including the cost of each study, survey, design, plan, working drawing, specification, and other essential activity, is more than \$10,000,000;

2. The expenditure is made as part of a replacement of any plant and equipment and is more than \$10,000,000 after adjustment for inflation as provided in the regulations of the Commission;

3. The expenditure results in a substantial change in the bed capacity of the hospital; or

4. The expenditure results in the establishment of a new medical service in a hospital that would require a certificate of need under subsection (i) of this section.

(6) This subsection does not apply to:

(viii) A capital expenditure by a hospital, as defined in § 19–301 of this title, for a project in excess of \$10,000,000 for construction or renovation that:

1. May be related to patient care;

2. Does not require, over the entire period or schedule of debt service associated with the project, a total cumulative increase in patient charges or hospital rates of more than \$1,500,000 for the capital costs associated with the project as determined by the Commission, after consultation with the Health Services Cost Review Commission;

3. At least 45 days before the proposed expenditure is made, the hospital notifies the Commission;

4. A. Within 45 days of receipt of the relevant financial information, the Commission makes the financial determination required under item 2 of this item; or



B. The Commission has not made the financial determination required under item 2 of this item within 60 days of the receipt of the relevant financial information; and

5. The relevant financial information to be submitted by the hospital is defined in regulations adopted by the Commission, after consultation with the Health Services Cost Review Commission; [or]

(ix) A plant donated to a hospital, as defined in § 19–301 of this title, that does not require a cumulative increase in patient charges or hospital rates of more than \$1,500,000 for capital costs associated with the donated plant as determined by the Commission, after consultation with the Health Services Cost Review Commission, if:

1. At least 45 days before the proposed donation is made, the hospital notifies the Commission;

2. A. Within 45 days of receipt of the relevant financial information, the Commission makes the financial determination required under this item (ix) of this paragraph; or

B. The Commission has not made the financial determination required under this item (ix) of this paragraph within 60 days of the receipt of the relevant financial information; and

3. The relevant financial information to be submitted by the hospital is defined in regulations adopted by the Commission after consultation with the Health Services Cost Review Commission; **OR**

**(X) A CAPITAL EXPENDITURE MADE AS PART OF A CONVERSION OF A LICENSED GENERAL HOSPITAL TO A FREESTANDING MEDICAL FACILITY IN ACCORDANCE WITH SUBSECTION (O)(3) OF THIS SECTION.**

(7) Paragraph (6)(vi), (vii), (viii), [and] (ix), **AND (X)** of this subsection may not be construed to permit a facility to offer a new health care service for which a certificate of need is otherwise required.

(1) (1) A certificate of need is not required to close any health care facility or part of a health care facility if at least ~~45~~ **90** days before the closing or **IF AT LEAST 45 DAYS BEFORE THE** partial closing of the health care facility, including a State hospital, a person proposing to close all or part of the health care facility files notice of the proposed closing or partial closing with the Commission.

(2) A hospital [located in a county with fewer than three hospitals that files a notice of its proposed closing or partial closing with the Commission] shall hold a public informational hearing in the county where the hospital is located **IF THE HOSPITAL:**

**(I) FILES A NOTICE OF THE PROPOSED CLOSING OF THE HOSPITAL WITH THE COMMISSION;**

**(II) REQUESTS AN EXEMPTION FROM THE COMMISSION UNDER SUBSECTION (O)(3) OF THIS SECTION TO CONVERT TO A FREESTANDING MEDICAL FACILITY; OR**

**(III) IS LOCATED IN A COUNTY WITH FEWER THAN THREE HOSPITALS AND FILES A NOTICE OF THE PARTIAL CLOSING OF THE HOSPITAL WITH THE COMMISSION.**

(3) The Commission may require a health care facility other than a hospital described in paragraph (2) of this subsection that files notice of its proposed closing or partial closing to hold a public informational hearing in the county where the health care facility is located.

(4) A public informational hearing required under paragraph (2) or (3) of this subsection shall be held by the health care facility, in consultation with the Commission, within 30 days after [the]:

**(I) THE health care facility files WITH THE COMMISSION a notice of its proposed closing or partial closing [with the Commission]; OR**

**(II) THE HOSPITAL FILES WITH THE COMMISSION A NOTICE OF INTENT TO CONVERT TO A FREESTANDING MEDICAL FACILITY.**

**(5) (I) THE COMMISSION SHALL ESTABLISH BY REGULATION REQUIREMENTS FOR A PUBLIC INFORMATIONAL HEARING REQUIRED UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION.**

**(II) FOR A HOSPITAL PROPOSING TO CLOSE, PARTIALLY CLOSE, OR CONVERT TO A FREESTANDING MEDICAL FACILITY, THE REGULATIONS SHALL REQUIRE THE HOSPITAL TO ADDRESS:**

**1. THE REASONS FOR THE CLOSURE, PARTIAL CLOSURE, OR CONVERSION;**

**2. THE PLAN FOR TRANSITIONING ACUTE CARE SERVICES PREVIOUSLY PROVIDED BY THE HOSPITAL TO RESIDENTS OF THE HOSPITAL SERVICE AREA;**

**3. THE PLAN FOR ADDRESSING THE HEALTH CARE NEEDS OF THE RESIDENTS OF THE HOSPITAL SERVICE AREA;**

4. THE PLAN FOR RETRAINING AND PLACING DISPLACED EMPLOYEES;

5. THE PLAN FOR THE HOSPITAL'S PHYSICAL PLANT AND SITE; AND

6. THE PROPOSED TIMELINE FOR THE CLOSURE, PARTIAL CLOSURE, OR CONVERSION TO A FREESTANDING MEDICAL FACILITY.

(6) WITHIN 10 WORKING DAYS AFTER A PUBLIC INFORMATIONAL HEARING HELD BY A HOSPITAL UNDER THIS SUBSECTION, THE HOSPITAL SHALL PROVIDE A WRITTEN SUMMARY OF THE HEARING TO:

(I) THE GOVERNOR;

(II) THE SECRETARY;

(III) THE GOVERNING BODY OF THE COUNTY IN WHICH THE HOSPITAL IS LOCATED;

(IV) THE LOCAL HEALTH DEPARTMENT AND THE LOCAL BOARD OF HEALTH OR SIMILAR BODY FOR THE COUNTY IN WHICH THE HOSPITAL IS LOCATED;

(V) THE COMMISSION; AND

(VI) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE MEMBERS OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT IN WHICH THE HOSPITAL IS LOCATED.

(O) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON SHALL HAVE A CERTIFICATE OF NEED ISSUED BY THE COMMISSION BEFORE A PERSON ESTABLISHES OR OPERATES A FREESTANDING MEDICAL FACILITY.

(2) A CERTIFICATE OF NEED IS NOT REQUIRED FOR THE ESTABLISHMENT OR OPERATION OF A FREESTANDING MEDICAL FACILITY PILOT PROJECT ESTABLISHED UNDER § 19-3A-07 OF THIS TITLE.

(3) (I) A CERTIFICATE OF NEED IS NOT REQUIRED TO ESTABLISH OR OPERATE A FREESTANDING MEDICAL FACILITY IF:

1. THE FREESTANDING MEDICAL FACILITY IS ESTABLISHED AS THE RESULT OF THE CONVERSION OF A LICENSED GENERAL HOSPITAL;

2. THROUGH THE CONVERSION, THE LICENSED GENERAL HOSPITAL WILL ELIMINATE THE CAPABILITY OF THE HOSPITAL TO ADMIT OR RETAIN PATIENTS FOR OVERNIGHT HOSPITALIZATION, EXCEPT FOR OBSERVATION STAYS;

3. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE FREESTANDING MEDICAL FACILITY WILL REMAIN ON THE SITE OF, OR ON A SITE ADJACENT TO, THE LICENSED GENERAL HOSPITAL;

4. AT LEAST ~~45~~ 60 DAYS BEFORE THE CONVERSION, WRITTEN NOTICE OF INTENT TO CONVERT THE LICENSED GENERAL HOSPITAL TO A FREESTANDING MEDICAL FACILITY IS FILED WITH THE COMMISSION;

5. THE COMMISSION IN ITS SOLE DISCRETION FINDS THAT THE CONVERSION:

A. IS ~~NOT INCONSISTENT~~ CONSISTENT WITH THE STATE HEALTH PLAN;

B. WILL RESULT IN THE DELIVERY OF MORE EFFICIENT AND EFFECTIVE HEALTH CARE SERVICES;

C. WILL MAINTAIN ADEQUATE AND APPROPRIATE DELIVERY OF EMERGENCY CARE WITHIN THE STATEWIDE EMERGENCY MEDICAL SERVICES SYSTEM AS DETERMINED BY THE STATE EMERGENCY MEDICAL SERVICES BOARD; AND

D. IS IN THE PUBLIC INTEREST; AND

6. WITHIN ~~45~~ 60 DAYS AFTER RECEIVING NOTICE UNDER ITEM 4 OF THIS SUBPARAGRAPH, THE COMMISSION NOTIFIES THE LICENSED GENERAL HOSPITAL OF THE COMMISSION'S FINDINGS.

(II) THE COMMISSION MAY APPROVE A SITE FOR A FREESTANDING MEDICAL FACILITY THAT IS NOT ON THE SITE OF, OR ON A SITE ADJACENT TO, THE LICENSED GENERAL HOSPITAL IF:

1. THE LICENSED GENERAL HOSPITAL IS:

A. THE ONLY HOSPITAL IN THE COUNTY; OR

**B. ONE OF TWO HOSPITALS IN THE COUNTY THAT ARE PART OF THE SAME MERGED ASSET SYSTEM, AND ARE THE ONLY TWO HOSPITALS IN THE COUNTY; AND**

**2. THE SITE IS WITHIN A 5-MILE RADIUS AND IN THE PRIMARY SERVICE AREA OF THE LICENSED GENERAL HOSPITAL.**

**(III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A LICENSED GENERAL HOSPITAL LOCATED IN KENT COUNTY MAY NOT CONVERT TO A FREESTANDING MEDICAL FACILITY IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH BEFORE JULY 1, 2020.**

19-201.

(d) (1) “Hospital services” means:

(i) Inpatient hospital services as enumerated in Medicare Regulation 42 C.F.R. § 409.10, as amended;

(ii) Emergency services, including services provided at[:

1. Freestanding medical facility pilot projects authorized under Subtitle 3A of this title prior to January 1, 2008; and

2. A freestanding medical facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015] **A FREESTANDING MEDICAL FACILITY LICENSED UNDER SUBTITLE 3A OF THIS TITLE;**

(iii) Outpatient services provided at [the] A hospital; [and]

**(IV) OUTPATIENT SERVICES, AS SPECIFIED BY THE COMMISSION IN REGULATION, PROVIDED AT A FREESTANDING MEDICAL FACILITY LICENSED UNDER SUBTITLE 3A OF THIS TITLE THAT HAS RECEIVED:**

**1. A CERTIFICATE OF NEED UNDER § 19-120(O)(1) OF THIS TITLE; OR**

**2. AN EXEMPTION FROM OBTAINING A CERTIFICATE OF NEED UNDER § 19-120(O)(3) OF THIS TITLE; AND**

**[(iv)] (V) Identified physician services for which a facility has Commission-approved rates on June 30, 1985.**

(2) “Hospital services” includes a hospital outpatient service:

(i) Of a hospital that, on or before June 1, 2015, is under a merged asset hospital system;

(ii) That is designated as a part of another hospital under the same merged asset hospital system to make it possible for the hospital outpatient service to participate in the 340B Program under the federal Public Health Service Act; and

(iii) That complies with all federal requirements for the 340B Program and applicable provisions of 42 C.F.R. § 413.65.

(3) “Hospital services” does not include:

(i) Outpatient renal dialysis services; or

(ii) Outpatient services provided at a limited service hospital as defined in § 19–301 of this title, except for emergency services.

19–211.

(c) The Commission shall set rates for hospital services provided at:

(1) A freestanding medical facility pilot project authorized under Subtitle 3A of this title prior to January 1, 2008; and

(2) A freestanding medical facility [issued a certificate of need by the Maryland Health Care Commission after July 1, 2015] **LICENSED UNDER SUBTITLE 3A OF THIS TITLE.**

19–3A–01.

In this subtitle, “freestanding medical facility” means a facility:

(1) In which medical and health services are provided;

(2) That, **EXCEPT FOR A FREESTANDING MEDICAL FACILITY ESTABLISHED AS A RESULT OF A CONVERSION OF A LICENSED GENERAL HOSPITAL UNDER § 19–120(O)(3) OF THIS TITLE**, is physically separate from a hospital or hospital grounds; [and]

(3) That is an administrative part of a hospital [or related institution], as defined in § 19–301 of this title; **AND**

(4) **THAT MEETS THE REQUIREMENTS FOR PROVIDER–BASED STATUS UNDER THE CERTIFICATION FOR AN AFFILIATED HOSPITAL AS SET FORTH BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES IN 42 C.F.R. § 413.65.**

19-3A-03.

(a) The Department shall issue a license to a freestanding medical facility that:

(1) Meets the licensure requirements under this subtitle; and

(2) [After July 1, 2015, receives] **RECEIVES** a certificate of need **OR AN EXEMPTION FROM OBTAINING A CERTIFICATE OF NEED** from the Maryland Health Care Commission [issued] under § 19-120 of this title.

(b) A freestanding medical facility that uses in its title or advertising the word “emergency” or other language indicating to the public that medical treatment for immediately life-threatening medical conditions exist at that facility shall be licensed by the Department before it may operate in this State.

(c) Notwithstanding subsection (a)(2) of this section, the Department may not require a freestanding medical facility pilot project to be approved by the Maryland Health Care Commission as a condition of licensure.

19-3A-08.

(a) This section applies to all payors subject to the rate-setting authority of the Health Services Cost Review Commission, including:

(1) Insurers, nonprofit health service plans, and health maintenance organizations that deliver or issue for delivery individual, group, or blanket health insurance policies and contracts in the State;

(2) Managed care organizations, as defined in § 15-101 of this article; and

(3) The Maryland Medical Assistance Program established under Title 15, Subtitle 1 of this article.

(b) A payor subject to this section shall pay rates set by the Health Services Cost Review Commission under Subtitle 2 of this title for hospital services provided at:

(1) A freestanding medical facility pilot project authorized under this subtitle prior to January 1, 2008; and

(2) A freestanding medical facility [issued a certificate of need by the Maryland Health Care Commission after July 1, 2015] **LICENSED UNDER § 19-3A-03 OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a workgroup on rural health care delivery.

(b) The workgroup consists of:

(1) the Chair of the Senate Finance Committee and the Chair of the House Health and Government Operations Committee;

(2) two members of the Senate of Maryland and two members of the House of Delegates from rural areas of the State, appointed by the President of the Senate and the Speaker of the House of Delegates, respectively;

(3) the Secretary of Health and Mental Hygiene, or the Secretary's designee; ~~and~~

(4) the Chief Executive Officer of McCready Memorial Hospital, or the Chief Executive Officer's designee;

(5) the Chief Executive Officer of Garrett Regional Medical Center, or the Chief Executive Officer's designee; and

~~(4)~~ (6) individuals representing the interests of health care providers, business, labor, State and local government, consumers, and other stakeholder groups, appointed by the Maryland Health Care Commission.

(c) The Maryland Health Care Commission shall designate the chair of the workgroup.

(d) The Maryland Health Care Commission and the Department of Health and Mental Hygiene shall provide staff for the workgroup.

(e) The workgroup shall:

(1) oversee a study of rural health care needs in Caroline, Dorchester, Kent, Queen Anne's, and Talbot counties; and

(2) hold public hearings to gain community input regarding the health care needs in the five study counties.

(f) The study required under subsection (e)(1) of this section shall:

(1) be carried out by an entity with expertise in rural health care delivery and planning;

(2) examine challenges to the delivery of health care in the five study counties, including:

(i) the limited availability of health care providers and services;



- (ii) the special needs of vulnerable populations;
    - (iii) transportation barriers; and
    - (iv) the economic impact of the closure, partial closure, or conversion of a health care facility;
  - (3) take into account the input gained through the public hearings held by the workgroup;
  - (4) identify opportunities created by telehealth and the Maryland all-payer model contract for restructuring the delivery of health care services; and
  - (5) develop policy options for addressing the health care needs of residents of and improving the health care delivery system in the five study counties.
- (g) The workgroup shall:
- (1) review the policy options developed under the study and recommend policies that address:
    - (i) the health care needs of residents of the five study counties; and
    - (ii) improvements to the health care delivery system in the five study counties; and
  - (2) on or before October 1, 2017, report on the findings of the study and the recommendations of the workgroup to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that, due to unique circumstances and a desire for prompt consideration by the Maryland Health Care Commission of the certificate of need for the Prince George's Regional Medical Center, the memorandum of understanding, which sets forth the process for community engagement regarding the modernization and transformation plan for Laurel Regional Hospital entered into by the University of Maryland Medical System and representatives of local government, shall supplement the process for community engagement regarding the modernization and transformation plan for the Laurel Regional Hospital.

(b) Subsection (a) of this section may not be construed to affect the processes established under Section 1 of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Funds in the Maryland Health Benefit Exchange Fund deposited or transferred from the Maryland Health Insurance Plan Fund may be used by the Maryland Health Care Commission in fiscal years 2017 and 2018 to pay for the study of rural health care needs required under Section 2 of this Act.

(b) The amount of funds that may be used under subsection (a) of this section may not exceed \$500,000.

SECTION ~~2~~ 4 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 421

(Senate Bill 757)

AN ACT concerning

### Alcoholic Beverage Taxes – Electronic Filing of Returns

FOR the purpose of requiring the Comptroller to develop and implement procedures for electronic filing of alcoholic beverage tax returns by a certain date; and generally relating to the filing of alcoholic beverage tax returns.

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 5–201  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

### Article – Tax – General

5–201.

(a) A person who holds a Class E, F, or G alcoholic beverage license shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(1) on or before the 25th day of the month that follows the month in which the person sells any alcoholic beverage within the boundaries of the State; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the licensee does not sell any alcoholic beverages in the State.

(b) (1) Each manufacturer and each wholesaler shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(i) except as provided in paragraph (2) of this subsection, on or before the 10th day of the month that follows the month in which:

1. the manufacturer or wholesaler sells or delivers any alcoholic beverage in the State;

2. a manufacturer that brews malt beverages, under a Class 6 pub-brewery license, transfers the malt beverages for consumption on the restaurant premises in accordance with federal alcohol tax laws and regulations; or

3. a manufacturer that brews malt beverages, under a Class 7 micro-brewery license, transfers the malt beverages for consumption off the micro-brewery licensed premises in accordance with federal alcohol tax laws and regulations; and

(ii) if the Comptroller so specifies, by regulation, on other dates for each month in which the manufacturer or wholesaler does not sell, deliver, or transfer any alcoholic beverage in the State.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Comptroller may, by regulation, establish dates for filing the alcoholic beverage tax returns required under this subsection.

(ii) Any filing date established under subparagraph (i) of this paragraph shall be at least 5 days later than the day specified for filing a return under paragraph (1)(i) of this subsection.

(c) A nonresident dealer shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(1) on or before the 15th day of the month that follows the month in which the nonresident dealer delivers beer into the State; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the nonresident dealer does not deliver beer into the State.

(d) A person who is a direct wine shipper shall file with the Office of the Comptroller a quarterly tax return.

(e) A resident dealer shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(1) on or before the 15th day of the month that follows the month in which the resident dealer delivers beer into the State; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the resident dealer does not deliver beer into the State.

**(F) ON OR BEFORE JANUARY 1, ~~2017~~ 2018, THE COMPTROLLER SHALL DEVELOP AND IMPLEMENT PROCEDURES FOR THE ELECTRONIC FILING OF THE ALCOHOLIC BEVERAGE TAX RETURNS REQUIRED TO BE FILED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 422**

**(House Bill 648)**

AN ACT concerning

### **Alcoholic Beverage Taxes – Electronic Filing of Returns**

FOR the purpose of requiring the Comptroller to develop and implement procedures for electronic filing of alcoholic beverage tax returns by a certain date; and generally relating to the filing of alcoholic beverage tax returns.

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 5–201  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

### **Article – Tax – General**

5–201.

(a) A person who holds a Class E, F, or G alcoholic beverage license shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(1) on or before the 25th day of the month that follows the month in which the person sells any alcoholic beverage within the boundaries of the State; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the licensee does not sell any alcoholic beverages in the State.

(b) (1) Each manufacturer and each wholesaler shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(i) except as provided in paragraph (2) of this subsection, on or before the 10th day of the month that follows the month in which:

1. the manufacturer or wholesaler sells or delivers any alcoholic beverage in the State;

2. a manufacturer that brews malt beverages, under a Class 6 pub–brewery license, transfers the malt beverages for consumption on the restaurant premises in accordance with federal alcohol tax laws and regulations; or

3. a manufacturer that brews malt beverages, under a Class 7 micro–brewery license, transfers the malt beverages for consumption off the micro–brewery licensed premises in accordance with federal alcohol tax laws and regulations; and

(ii) if the Comptroller so specifies, by regulation, on other dates for each month in which the manufacturer or wholesaler does not sell, deliver, or transfer any alcoholic beverage in the State.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Comptroller may, by regulation, establish dates for filing the alcoholic beverage tax returns required under this subsection.

(ii) Any filing date established under subparagraph (i) of this paragraph shall be at least 5 days later than the day specified for filing a return under paragraph (1)(i) of this subsection.

(c) A nonresident dealer shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(1) on or before the 15th day of the month that follows the month in which the nonresident dealer delivers beer into the State; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the nonresident dealer does not deliver beer into the State.

(d) A person who is a direct wine shipper shall file with the Office of the Comptroller a quarterly tax return.

(e) A resident dealer shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

(1) on or before the 15th day of the month that follows the month in which the resident dealer delivers beer into the State; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the resident dealer does not deliver beer into the State.

**(F) ON OR BEFORE JANUARY 1, ~~2017~~ 2018, THE COMPTROLLER SHALL DEVELOP AND IMPLEMENT PROCEDURES FOR THE ELECTRONIC FILING OF THE ALCOHOLIC BEVERAGE TAX RETURNS REQUIRED TO BE FILED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 423

(Senate Bill 765)

AN ACT concerning

### **CINA, Guardianship, Adoption, Custody, and Visitation – ~~Blindness~~ Disability of Parent, Guardian, Custodian, or Party**

FOR the purpose of ~~establishing that, in making a disposition on a child in need of assistance (CINA) petition, the blindness of a child's parent, guardian, or custodian is relevant only to the extent that the court finds, based on clear and convincing evidence in the record, that the blindness affects the ability of the parent, guardian, or custodian to give proper care and attention to the child and the child's needs; granting certain blind individuals the opportunity to prove that certain supportive parenting services would prevent a certain finding, determination, denial, or withholding of consent in certain proceedings; authorizing the juvenile court to require the provision of certain supportive parenting services and review the need for the continuation of the services within a reasonable period of time; requiring a court, a local department of social services, a guardian, or a child placement agency, in certain proceedings, to specifically state in writing the basis for a certain finding, denial, determination, or withholding of consent and the reason that the provision of certain supportive parenting services is not a reasonable accommodation to prevent the finding, denial, determination, or withholding of consent under certain circumstances; establishing that, in determining whether to grant custody and guardianship to a relative or a nonrelative, the blindness of the relative or~~

~~nonrelative is relevant only to the extent that the court finds, based on clear and convincing evidence in the record, that the blindness affects the best interest of the child; requiring the Social Services Administration to adopt certain regulations; establishing that, in any custody or visitation proceeding, the blindness disability of a party is relevant only to the extent that the court finds, based on clear and convincing evidence in the record, that the blindness disability affects the best interest of the child; requiring, in a certain custody or visitation proceeding, the party alleging that the blindness disability of the other party affects the best interest of the child to bear a certain burden of proof; defining a certain term; altering the definition of “disability” in certain provisions of law; providing for the construction of “disability” in certain provisions of law; and generally relating to the blindness disability of certain individuals in certain CINA, guardianship, adoption, custody, and visitation proceedings.~~

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 3–819(b)(2) and 3–819.2(a) ~~and (g)~~  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–819.2(g)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 5–338(b), 5–350, 5–3A–35(b), 5–3B–19, 5–525(a), ~~(d), and (j)~~, and  
 9–107  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Family Law  
 Section 5–3A–35(a) and 5–525(d) and (j)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

### **Article – Courts and Judicial Proceedings**

3–819.

(b) (2) (i) 1. In this paragraph, “disability” means:

~~A. A physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

~~B. A mental impairment or deficiency;~~

~~C. A record of having a physical or mental impairment as defined under this paragraph; or~~

~~D. Being regarded as having a physical or mental impairment as defined under this paragraph.~~

~~2. “Disability” includes:~~

~~A. Any degree of paralysis or amputation;~~

~~B. Blindness or visual impairment;~~

~~C. Deafness or hearing impairment;~~

~~D. Muteness or speech impediment;~~

~~E. Physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~

~~F. Intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~

**A. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

**B. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR**

**C. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.**

**2. “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.**

(ii) ~~[In] SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH, IN~~ making a disposition on a CINA petition under this subtitle, a disability of the child’s parent, guardian, or custodian is relevant only to the extent that



the court finds, based on evidence in the record, that the disability affects the ability of the parent, guardian, or custodian to give proper care and attention to the child and the child's needs.

~~(H) 1. IN THIS SUBPARAGRAPH, "SUPPORTIVE PARENTING SERVICES" MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL'S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.~~

~~2. THIS SUBPARAGRAPH APPLIES ONLY TO A PARENT, GUARDIAN, OR CUSTODIAN WHO IS BLIND.~~

~~3. IN MAKING A DISPOSITION ON A CINA PETITION UNDER THIS SUBTITLE, THE BLINDNESS OF A CHILD'S PARENT, GUARDIAN, OR CUSTODIAN IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON CLEAR AND CONVINCING EVIDENCE IN THE RECORD, THAT THE BLINDNESS AFFECTS THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD AND THE CHILD'S NEEDS.~~

~~4. THE PARENT, GUARDIAN, OR CUSTODIAN SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD AND THE CHILD'S NEEDS.~~

~~5. THE COURT MAY:~~

~~A. REQUIRE THE PROVISION OF SUPPORTIVE PARENTING SERVICES; AND~~

~~B. REVIEW THE NEED FOR THE CONTINUATION OF SUPPORTIVE PARENTING SERVICES WITHIN A REASONABLE PERIOD OF TIME.~~

~~6. IF THE COURT FINDS THAT THE BLINDNESS OF THE PARENT, GUARDIAN, OR CUSTODIAN AFFECTS THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD AND THE CHILD'S NEEDS, THE COURT SHALL SPECIFICALLY STATE IN WRITING:~~

~~A. THE BASIS FOR THE FINDING; AND~~

~~B. THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE FINDING.~~

3-819.2.

(a) (1) In this section, ~~“disability” means:~~ ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) (I) “DISABILITY” MEANS:~~

~~[(i)] 1. A physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

~~[(ii)] 2. A mental impairment or deficiency;~~

~~[(iii)] 3. A record of having a physical or mental impairment as defined under this subsection; or~~

~~[(iv)] 4. Being regarded as having a physical or mental impairment as defined under this subsection.~~

~~[(2)] (II) “Disability” includes:~~

~~[(i)] 1. Any degree of paralysis or amputation;~~

~~[(ii)] 2. Blindness or visual impairment;~~

~~[(iii)] 3. Deafness or hearing impairment;~~

~~[(iv)] 4. Muteness or speech impediment;~~

~~[(v)] 5. Physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~

~~[(vi)] 6. Intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~

~~(3) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.~~

(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

(2) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

(g) ~~(1) [In] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, IN~~ determining whether to grant custody and guardianship to a relative or a nonrelative under this section, a disability of the relative or nonrelative is relevant only to the extent that the court finds, based on evidence in the record, that the disability affects the best interest of the child.

~~(2) (i) THIS PARAGRAPH APPLIES ONLY TO A RELATIVE OR NONRELATIVE WHO IS BLIND.~~

~~(ii) IN DETERMINING WHETHER TO GRANT CUSTODY AND GUARDIANSHIP TO A RELATIVE OR A NONRELATIVE UNDER THIS SECTION, THE BLINDNESS OF THE RELATIVE OR NONRELATIVE IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON CLEAR AND CONVINCING EVIDENCE IN THE RECORD, THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF THE CHILD.~~

~~(iii) THE RELATIVE OR NONRELATIVE SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF THE CHILD.~~

~~(iv) THE COURT MAY:~~

~~1. REQUIRE THE PROVISION OF SUPPORTIVE PARENTING SERVICES; AND~~

~~2. REVIEW THE NEED FOR THE CONTINUATION OF SUPPORTIVE PARENTING SERVICES WITHIN A REASONABLE PERIOD OF TIME.~~

~~(v) IF THE COURT FINDS THAT THE BLINDNESS OF THE RELATIVE OR NONRELATIVE AFFECTS THE BEST INTEREST OF THE CHILD, THE COURT SHALL SPECIFICALLY STATE IN WRITING:~~

~~1. THE BASIS FOR THE FINDING; AND~~

~~2. THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE FINDING.~~

### Article – Family Law

5–338.

(b) (1) (i) In this subsection, “disability” means: ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(H) 1. “DISABILITY” MEANS:~~

~~[1.] A. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

~~[2.] B. a mental impairment or deficiency;~~

~~[3.] C. a record of having a physical or mental impairment as defined under this paragraph; or~~

~~[4.] D. being regarded as having a physical or mental impairment as defined under this paragraph.~~

~~{(ii)} 2. “Disability” includes:~~

~~[1.] A. any degree of paralysis or amputation;~~

~~[2.] B. blindness or visual impairment;~~

~~[3.] C. deafness or hearing impairment;~~

~~[4.] D. muteness or speech impediment;~~

~~[5.] E. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~

~~[6.] F. intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~

~~(H) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO~~

~~DISCHARGE THE INDIVIDUAL'S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.~~

1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

(II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

(2) ~~(H)~~ A local department may not withhold consent for the sole reason that:

~~{(i)} 1.~~ the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

~~{(ii)} 2.~~ a prospective adoptive parent has a disability.

~~(H) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.~~

~~2. THE PROSPECTIVE ADOPTIVE PARENT SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT THE WITHHOLDING OF CONSENT.~~

~~3. IF THE LOCAL DEPARTMENT WITHHOLDS CONSENT, THE LOCAL DEPARTMENT SHALL SPECIFICALLY STATE IN WRITING:~~

~~A. THE BASIS FOR THE WITHHOLDING OF CONSENT; AND~~

~~B. THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE WITHHOLDING OF CONSENT.~~

5-350.

(a) A juvenile court may enter an order for a child's adoption under this Part IV of this subtitle only if:

(1) for an individual under the age of 18 years, the individual’s guardian consents; and

(2) for an individual who is at least 10 years old, the individual consents.

(b) (1) (i) In this subsection~~], “disability” means:]~~ ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(H) 1. “DISABILITY” MEANS:~~

~~[1.] A. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

~~[2.] B. a mental impairment or deficiency;~~

~~[3.] C. a record of having a physical or mental impairment as defined under this paragraph; or~~

~~[4.] D. being regarded as having a physical or mental impairment as defined under this paragraph.~~

~~{(i)} 2. “Disability” includes:~~

~~[1.] A. any degree of paralysis or amputation;~~

~~[2.] B. blindness or visual impairment;~~

~~[3.] C. deafness or hearing impairment;~~

~~[4.] D. muteness or speech impediment;~~

~~[5.] E. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~

~~[6.] F. intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~

~~(H) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.~~

1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

(II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

(2) ~~(H)~~ A guardian may not withhold consent for the sole reason that:

~~{(i)}~~ ~~1.~~ the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

~~{(ii)}~~ ~~2.~~ a prospective adoptive parent has a disability.

~~(H) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.~~

~~2. THE PROSPECTIVE ADOPTIVE PARENT SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT THE WITHHOLDING OF CONSENT.~~

~~3. IF THE GUARDIAN WITHHOLDS CONSENT, THE GUARDIAN SHALL SPECIFICALLY STATE IN WRITING:~~

~~A. THE BASIS FOR THE WITHHOLDING OF CONSENT; AND~~

~~B. THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE WITHHOLDING OF CONSENT.~~

5-3A-35.

(a) A court may enter an order for a child's adoption under this subtitle only if:

(1) the child placement agency consents; and

(2) for a child who is at least 10 years old, the child consents.

(b) (1) (i) In this subsection~~], “disability” means:]~~ ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(H) 1. “DISABILITY” MEANS:~~

~~[1.] A. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

~~[2.] B. a mental impairment or deficiency;~~

~~[3.] C. a record of having a physical or mental impairment as defined under this paragraph; or~~

~~[4.] D. being regarded as having a physical or mental impairment as defined under this paragraph.~~

~~(ii) 2. “Disability” includes:~~

~~[1.] A. any degree of paralysis or amputation;~~

~~[2.] B. blindness or visual impairment;~~

~~[3.] C. deafness or hearing impairment;~~

~~[4.] D. muteness or speech impediment;~~

~~[5.] E. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~

~~[6.] F. intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~

~~(III) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.~~

1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR



**3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.**

**(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.**

(2) ~~(H)~~ A child placement agency may not withhold consent for the sole reason that:

~~{(i)}~~ ~~1.~~ the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

~~{(ii)}~~ ~~2.~~ a prospective adoptive parent has a disability.

~~(H) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.~~

~~2. THE PROSPECTIVE ADOPTIVE PARENT SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT THE WITHHOLDING OF CONSENT.~~

~~3. IF THE CHILD PLACEMENT AGENCY WITHHOLDS CONSENT, THE AGENCY SHALL SPECIFICALLY STATE IN WRITING:~~

~~A. THE BASIS FOR THE WITHHOLDING OF CONSENT; AND~~

~~B. THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE WITHHOLDING OF CONSENT.~~

5-3B-19.

(a) In ruling on a petition for a prospective adoptee’s adoption under this subtitle, a court shall consider:

(1) all factors necessary to determine the prospective adoptee’s best interests; and

(2) any report prepared for the court.

(b) (1) (i) In this subsection, “disability” means: ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(H) 1. “DISABILITY” MEANS:~~~~[1.] A. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~~~[2.] B. a mental impairment or deficiency;~~~~[3.] C. a record of having a physical or mental impairment as defined under this paragraph; or~~~~[4.] D. being regarded as having a physical or mental impairment as defined under this paragraph.~~~~{(ii)} 2. “Disability” includes:~~~~[1.] A. any degree of paralysis or amputation;~~~~[2.] B. blindness or visual impairment;~~~~[3.] C. deafness or hearing impairment;~~~~[4.] D. muteness or speech impediment;~~~~[5.] E. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~~~[6.] F. intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~~~(H) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.~~~~1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;~~~~2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR~~

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.

(2) ~~(H)~~ In ruling on an adoption petition under this subtitle, a court may not deny the petition solely because the petitioner:

~~{(i)} 1.~~ is single or unmarried; or

~~{(ii)} 2.~~ has a disability.

~~(H) 1. THIS SUBPARAGRAPH APPLIES TO A PETITIONER WHO IS BLIND.~~

~~2. THE PETITIONER SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A DENIAL OF A PETITION UNDER THIS SECTION.~~

~~3. IF THE COURT DENIES THE PETITION, THE COURT SHALL SPECIFICALLY STATE IN WRITING:~~

~~A. THE BASIS FOR THE DENIAL; AND~~

~~B. THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE DENIAL.~~

5-525.

(a) (1) In this section, ~~“disability” means: THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) (I) “DISABILITY” MEANS:~~

~~{(i)} 1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

~~{(ii)} 2. a mental impairment or deficiency;~~

~~{(iii)} 3. a record of having a physical or mental impairment as defined under this subsection; or~~

~~[(iv)] 4. being regarded as having a physical or mental impairment as defined under this subsection.~~

~~[(2)]-(H) “Disability” includes:~~

~~[(i)] 1. any degree of paralysis or amputation;~~

~~[(ii)] 2. blindness or visual impairment;~~

~~[(iii)] 3. deafness or hearing impairment;~~

~~[(iv)] 4. muteness or speech impediment;~~

~~[(v)] 5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~

~~[(vi)] 6. intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~

~~(3) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.~~

~~(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;~~

~~(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR~~

~~(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.~~

~~(2) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.~~

(d) (1) The local department shall provide 24-hour a day care and supportive services for a child who is committed to its custody or guardianship in an out-of-home placement on a short-term basis or placed in accordance with a voluntary placement agreement.

(2) (i) A child may not be committed to the custody or guardianship of a local department and placed in an out-of-home placement solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness.

(ii) The local department shall make appropriate referrals to emergency shelter services and other services for the homeless family with a child which lacks shelter.

~~(3) (i) THIS PARAGRAPH APPLIES TO A PARENT OR GUARDIAN WHO IS BLIND.~~

~~(ii) THE PARENT OR GUARDIAN SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A DETERMINATION TO COMMIT THE CHILD TO THE CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN AN OUT-OF-HOME PLACEMENT.~~

~~(iii) IF THE LOCAL DEPARTMENT COMMITS THE CHILD TO THE CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACES THE CHILD IN AN OUT-OF-HOME PLACEMENT, THE LOCAL DEPARTMENT SHALL SPECIFICALLY STATE IN WRITING:~~

~~1. THE BASIS FOR THE DETERMINATION; AND~~

~~2. THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE DETERMINATION.~~

(j) The Administration shall adopt regulations that:

(1) establish goals and specify permanency planning procedures that:

(i) maximize the prospect for reducing length of stay in out-of-home placement in the best interests of children; and

(ii) implement the intent of this section;

(2) ~~(i)~~ prohibit a local department from seeking the custody or guardianship of a child for placement in foster care solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness; ~~AND~~

~~(H) FOR A PARENT OR GUARDIAN WHO IS BLIND:~~

~~1. PROVIDE AN OPPORTUNITY FOR THE PARENT OR GUARDIAN TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT THE CHILD FROM BEING COMMITTED TO THE CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACED IN AN OUT OF HOME PLACEMENT; AND~~

~~2. REQUIRE THE LOCAL DEPARTMENT TO SPECIFICALLY STATE IN WRITING THE BASIS FOR A DETERMINATION TO COMMIT THE CHILD TO THE CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN AN OUT OF HOME PLACEMENT AND THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE DETERMINATION;~~

(3) specify the compelling reasons for placing a child in a local jurisdiction other than the local jurisdiction where the child's parent or guardian resides, under subsection (f)(3)(ii) of this section;

(4) require the local department to make appropriate referrals to emergency shelter and other services for families with children who lack shelter;

(5) establish criteria for investigating and approving foster homes, including requirements for window coverings in accordance with § 5-505 of this subtitle;

(6) for cases in which the permanency plan recommended by the local department or under consideration by the court includes appointment of a guardian and rescission of the local department's custody or guardianship of a child:

(i) establish criteria for investigating and determining the suitability of prospective relative or nonrelative guardians; and

(ii) require the filing of a report with the court as provided in § 3-819.2 of the Courts Article; and

(7) ensure that all children in foster care who are at least 18 years of age have a birth certificate, a Social Security card, health insurance information, medical records, and a driver's license or State-issued identification card at emancipation.

9-107.

(a) (1) In this section[, "disability" means:] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) "DISABILITY" MEANS:**

~~[(i)] 1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

~~[(ii)] 2. a mental impairment or deficiency;~~

~~[(iii)] 3. a record of having a physical or mental impairment as defined under this subsection; or~~

~~[(iv)] 4. being regarded as having a physical or mental impairment as defined under this subsection.~~

~~[(2)] (H) "Disability" includes:~~

~~[(i)] 1. any degree of paralysis or amputation;~~

~~[(ii)] 2. blindness or visual impairment;~~

~~[(iii)] 3. deafness or hearing impairment;~~

~~[(iv)] 4. muteness or speech impediment;~~

~~[(v)] 5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~

~~[(vi)] 6. intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~

**1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES;**

**2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR**

**3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.**

**(II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.**

**(3) "SUPPORTIVE PARENTING SERVICES" MEANS SERVICES THAT MAY ASSIST ~~A BLIND INDIVIDUAL~~ AN INDIVIDUAL WITH A DISABILITY IN THE EFFECTIVE USE OF ~~NONVISUAL~~ TECHNIQUES AND OTHER ALTERNATIVE METHODS**

**TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL'S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO ~~IS NOT BLIND~~ DOES NOT HAVE A DISABILITY, INCLUDING NONVISUAL TECHNIQUES FOR INDIVIDUALS WHO ARE BLIND.**

(b) (1) ~~[In] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, IN any custody or visitation proceeding, a disability of a party is relevant only to the extent that the court finds, based on evidence in the record, that the disability affects the best interest of the child.~~

~~(2) (i) THIS PARAGRAPH APPLIES ONLY IF A PARTY IS BLIND.~~

~~(ii) IN ANY CUSTODY OR VISITATION PROCEEDING, THE BLINDNESS DISABILITY OF A PARTY IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON ~~CLEAR AND CONVINCING~~ EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD.~~

~~(iii) (2) THE PARTY ALLEGING THAT THE BLINDNESS DISABILITY OF THE OTHER PARTY AFFECTS THE BEST INTEREST OF THE CHILD BEARS THE BURDEN OF PROVING ~~BY CLEAR AND CONVINCING EVIDENCE~~ THAT THE BLINDNESS DISABILITY OF THE OTHER PARTY AFFECTS THE BEST INTEREST OF THE CHILD.~~

~~(iv) (3) IF THE BURDEN OF PROOF IS MET, THE ~~BLIND~~ PARTY WHO HAS A DISABILITY SHALL HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A FINDING THAT THE BLINDNESS DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD.~~

~~(v) (4) IF THE COURT FINDS THAT THE BLINDNESS DISABILITY OF A PARTY AFFECTS THE BEST INTEREST OF THE CHILD AND DENIES OR LIMITS CUSTODY OR VISITATION, THE COURT SHALL SPECIFICALLY STATE IN WRITING:~~

~~1. (I) THE BASIS FOR THE FINDING; AND~~

~~2. (II) THE REASON THAT THE PROVISION OF SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE FINDING.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.



## Chapter 424

### (Senate Bill 775)

AN ACT concerning

#### Natural Resources – Recreational License Donation Program – Establishment

FOR the purpose of authorizing a person to purchase and donate certain recreational hunting or fishing licenses and any corresponding stamps for certain purposes; authorizing the Department of Natural Resources to issue a donated license or stamp only for use by a Gold Star recipient, a disabled veteran, a disabled member of the armed services, or a permanently disabled person who requires the use of a wheelchair; requiring a recipient of a donated license or stamp to have certain sponsorship; requiring a recipient of a donated hunting license to meet certain hunting safety requirements; limiting to a certain amount the number of eligible persons that may hunt under the authority of a donated license or stamp during one recreational license year; prohibiting the Department from charging a fee for the issuance of a donated license or stamp; authorizing the Department to issue a donated license or stamp to an eligible resident or nonresident of the State; requiring the Department to post under certain circumstances certain information on its Web site on or before a certain date each year; requiring the Department to adopt certain regulations; requiring the Department to implement the recreational license donation program at or before a certain time; ~~establishing that certain funds are nonlapsing and not subject to reversion to the General Fund~~ the Recreational License Donation Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary of Natural Resources to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; defining a certain term; requiring the Department to submit a certain report on the recreational license donation program to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the establishment of the recreational hunting and fishing license donation program.

BY adding to

Article – Natural Resources

Section 1–405

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### Article – Natural Resources

1-405.

(A) IN THIS SECTION, “GOLD STAR RECIPIENT” MEANS A RECIPIENT OF THE U.S. DEPARTMENT OF DEFENSE GOLD STAR FOR SURVIVING SPOUSES, PARENTS, AND NEXT OF KIN OF MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES IN COMBAT.

(B) A PERSON MAY PURCHASE AND DONATE AN ANGLER’S LICENSE, A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE, OR A HUNTING LICENSE AND ANY CORRESPONDING STAMPS FOR ISSUANCE IN ACCORDANCE WITH THIS SECTION.

~~(B)~~ (C) (1) THE DEPARTMENT MAY ISSUE A DONATED LICENSE OR STAMP ONLY FOR USE BY A GOLD STAR RECIPIENT, A DISABLED VETERAN, A DISABLED MEMBER OF THE ARMED FORCES, OR A PERMANENTLY DISABLED PERSON WHO REQUIRES THE USE OF A WHEELCHAIR.

(2) A RECIPIENT OF A DONATED LICENSE OR STAMP SHALL BE SPONSORED BY A NONPROFIT CHARITABLE ORGANIZATION THAT PROVIDES RECREATIONAL HUNTING OR FISHING OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS, DISABLED MEMBERS OF THE ARMED FORCES, OR PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.

(3) A RECIPIENT OF A DONATED HUNTING LICENSE IS SUBJECT TO THE HUNTING SAFETY REQUIREMENTS UNDER § 10-301.1 OF THIS ARTICLE.

~~(C)~~ (D) ONLY ONE ELIGIBLE PERSON MAY HUNT UNDER THE AUTHORITY OF A DONATED LICENSE OR STAMP DURING ONE RECREATIONAL LICENSE YEAR.

~~(D)~~ (E) THE DEPARTMENT:

(1) MAY NOT CHARGE A FEE FOR THE ISSUANCE OF A DONATED LICENSE OR STAMP; AND

(2) MAY ISSUE A DONATED LICENSE OR STAMP TO AN ELIGIBLE RESIDENT OR NONRESIDENT OF THE STATE.

~~(E)~~ (F) ON OR BEFORE OCTOBER 1, 2017, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL POST ON ITS WEB SITE THE NAMES OF THE PERSONS WHO DONATED RECREATIONAL LICENSES OR STAMPS IN THE PREVIOUS RECREATIONAL LICENSE YEARS, UNLESS A PERSON WHO DONATES A LICENSE OR STAMP REQUESTS ANONYMITY.

~~(F)~~ (G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING REGULATIONS ESTABLISHING ELIGIBILITY REQUIREMENTS FOR DONORS, SPONSORS, AND RECIPIENTS OF DONATED RECREATIONAL LICENSES AND STAMPS.

~~(G)~~ (H) ~~FUNDS COLLECTED FOR LICENSE DONATIONS UNDER THIS SECTION ARE NONLAPSING AND MAY NOT BE SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

(1) IN THIS SUBSECTION, "FUND" MEANS THE RECREATIONAL LICENSE DONATION FUND.

(2) THERE IS A RECREATIONAL LICENSE DONATION FUND.

(3) THE PURPOSE OF THE FUND IS TO PROVIDE RECREATIONAL HUNTING AND FISHING OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS, DISABLED MEMBERS OF THE ARMED FORCES, AND PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.

(4) THE SECRETARY SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) REVENUE COLLECTED BY THE DEPARTMENT FOR THE PURCHASE AND DONATION OF RECREATIONAL HUNTING OR FISHING LICENSES OR STAMPS UNDER THIS SECTION;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(7) THE FUND MAY BE USED ONLY FOR DONATED RECREATIONAL HUNTING OR FISHING LICENSES OR STAMPS FOR USE BY GOLD STAR RECIPIENTS, DISABLED VETERANS, DISABLED MEMBERS OF THE ARMED FORCES, OR PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.

**(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.**

**(9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

**(10) MONEY EXPENDED FROM THE FUND FOR DONATED RECREATIONAL LICENSES OR STAMPS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR RECREATIONAL LICENSES OR STAMPS FOR USE BY GOLD STAR RECIPIENTS, DISABLED VETERANS, DISABLED MEMBERS OF THE ARMED FORCES, OR PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall implement the recreational license donation program established under this Act at or before the beginning of hunting license sales for the 2017–2018 hunting license year.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Department of Natural Resources shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly that states:

(1) the number of donated licenses and stamps issued under the recreational license donation program, aggregated by:

(i) the types of licenses issued; and

(ii) the status that formed the basis of the license recipient's eligibility for the donated licenses;

(2) the nonprofit charitable organizations that sponsored recipients of donated licenses, aggregated by the number and types of licenses issued;

(3) an accounting of the money deposited into and redeemed out of the Recreational License Donation Fund; and

(4) any other information related to the recreational license donation program that the Department considers relevant.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. It shall remain effective for a period of 3 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 10, 2016.

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## Chapter 425

(Senate Bill 784)

AN ACT concerning

### Motor Vehicle Insurance – Personal Injury Protection – ~~Optional~~ Rejection of Coverage

FOR the purpose of ~~requiring certain insurers to offer, instead of provide, certain motor vehicle liability insurance coverage for certain medical, hospital, and disability benefits; authorizing a certain first named insured to exclude from certain coverage benefits for certain individuals; providing that an exclusion from certain benefits constitutes an exclusion from all benefits described in certain provisions of law; authorizing certain individuals to recover certain benefits under certain circumstances; requiring an insurer to provide a certain notice to a certain first named insured; prohibiting an insurer from refusing to underwrite a certain person under certain circumstances; providing that an insurer is subject to certain penalties for a certain violation; repealing a requirement that a certain first named insured make a waiver of certain benefits under certain circumstances; repealing certain provisions of law relating to a certain waiver, including what the waiver constitutes, who is bound by the waiver, who may recover benefits if there is a waiver, when the waiver is effective, and how the waiver is made; repealing a requirement that a certain security provide certain personal injury protection benefits under certain circumstances~~ providing that, under certain circumstances, a first named insured under a certain policy of motor vehicle liability insurance is not required to obtain coverage for certain medical, hospital, and disability benefits that must be provided by certain insurers; requiring the Maryland Automobile Insurance Fund to offer a certain first named insured at a certain time the option to reject coverage for certain benefits under certain circumstances; authorizing an insurer other than the Fund to offer a certain first named insured at a certain time the option to reject coverage for certain benefits under certain circumstances; requiring a certain first named insured, at the time of application for a certain policy, to make a certain election; requiring the election to be made on a certain form; authorizing the form to be part of the insurance contract; requiring the form to contain a certain explanation in a certain manner; providing that a certain rejection of coverage for certain benefits is effective until a certain time except under certain circumstances; requiring, on renewal of a certain policy, that a certain insurer provide certain coverage under certain circumstances; altering a certain minimum security requirement; requiring the Maryland Insurance Commissioner to consult with certain insurers, insurance producers, and certain other persons in developing a certain form; requiring the Fund and certain insurers to annually report certain information to the Maryland

Insurance Administration; requiring the Administration to compile certain information and, on or before a certain date, report certain findings and recommendations to certain committees of the General Assembly; making conforming changes; providing for the application of this Act; and generally relating to optional personal injury protection coverage under policies of motor vehicle liability insurance.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–505

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY ~~repealing~~ repealing and reenacting, without amendments,

Article – Insurance

Section 19–506

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Insurance

Section 19–506.1

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 17–103

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

### Article – Insurance

19–505.

(a) ~~(1)~~ ~~¶~~Unless waived in accordance with § 19–506 of this subtitle **OR REJECTED IN ACCORDANCE WITH § 19–506.1 OF THIS SUBTITLE**, each ~~EACH~~ insurer that issues, sells, or delivers a motor vehicle liability insurance policy in the State shall ~~provide~~ ~~OFFER~~ coverage for the medical, hospital, and disability benefits described in this section.

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE COVERAGE UNDER THIS SECTION SHALL PROVIDE BENEFITS~~ for each of the following individuals:

~~{(1)} (I)~~ except for individuals specifically excluded under § 27–609 of this article:

~~{(i)} 1.~~ the first named insured, and any family member of the first named insured who resides in the first named insured's household, who is injured in any motor vehicle accident, including an accident that involves an uninsured motor vehicle or a motor vehicle the identity of which cannot be ascertained; and

~~{(ii)} 2.~~ any other individual who is injured in a motor vehicle accident while using the insured motor vehicle with the express or implied permission of the named insured;

~~{(2)} (II)~~ an individual who is injured in a motor vehicle accident while occupying the insured motor vehicle as a guest or passenger; and

~~{(3)} (III)~~ an individual who is injured in a motor vehicle accident that involves the insured motor vehicle:

~~{(i)} 1.~~ as a pedestrian; or

~~{(ii)} 2.~~ while in, on, or alighting from a vehicle that is operated by animal or muscular power.

~~(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE FIRST NAMED INSURED MAY EXCLUDE FROM THE COVERAGE DESCRIBED IN THIS SECTION BENEFITS FOR:~~

~~1. EACH NAMED INSURED;~~

~~2. EACH LISTED DRIVER; AND~~

~~3. EACH MEMBER OF THE FIRST NAMED INSURED'S FAMILY RESIDING IN THE FIRST NAMED INSURED'S HOUSEHOLD WHO IS AT LEAST 16 YEARS OLD.~~

~~(II) AN EXCLUSION FROM BENEFITS UNDER THIS PARAGRAPH CONSTITUTES AN EXCLUSION FROM ALL OF THE BENEFITS DESCRIBED IN THIS SECTION, WHETHER PROVIDED UNDER:~~

~~1. THE FIRST NAMED INSURED'S POLICY;~~

~~2. ANY OTHER MOTOR VEHICLE LIABILITY INSURANCE POLICY ISSUED IN THE STATE; OR~~

~~3. ANOTHER FORM OF SECURITY USED IN PLACE OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY AS AUTHORIZED UNDER § 17-103 OF THE TRANSPORTATION ARTICLE.~~

~~(III) AN INDIVIDUAL LISTED IN SUBPARAGRAPH (I) 2 OR 3 OF THIS PARAGRAPH MAY RECOVER THE BENEFITS DESCRIBED IN THIS SECTION UNDER ANOTHER MOTOR VEHICLE LIABILITY INSURANCE POLICY IF THAT INDIVIDUAL:~~

~~1. IS THE FIRST NAMED INSURED UNDER THE OTHER POLICY;~~

~~2. HAS NOT EXCLUDED THE BENEFITS DESCRIBED IN THIS SECTION UNDER THE OTHER POLICY; AND~~

~~3. IS NOT A NAMED INSURED UNDER ANY OTHER MOTOR VEHICLE LIABILITY INSURANCE POLICY UNDER WHICH AN EXCLUSION OF THE BENEFITS DESCRIBED IN THIS SECTION IS IN EFFECT.~~

~~(IV) AN INSURER SHALL PROVIDE THE FIRST NAMED INSURED WRITTEN NOTICE OF THE NATURE, EXTENT, AND COST OF THE COVERAGE THAT WOULD BE PROVIDED UNDER THE POLICY IF NOT EXCLUDED BY THE FIRST NAMED INSURED UNDER THIS PARAGRAPH.~~

(b) (1) In this subsection, “income” means:

(i) wages, salaries, tips, commissions, professional fees, and other earnings from work or employment;

(ii) earnings from a business or farm owned individually, jointly, or in partnership; and

(iii) to the extent earnings are paid or payable in property or services instead of in cash, the reasonable value of the property or services.

(2) The minimum medical, hospital, and disability benefits provided by an insurer under this section shall include up to \$2,500 for:

(i) payment of all reasonable and necessary expenses that arise from a motor vehicle accident and that are incurred within 3 years after the accident for necessary prosthetic devices and ambulance, dental, funeral, hospital, medical, professional nursing, surgical, and X-ray services;



(ii) payment of benefits for 85% of income lost:

1. within 3 years after, and resulting from, a motor vehicle accident; and

2. by an injured individual who was earning or producing income when the accident occurred; and

(iii) payments made in reimbursement of reasonable and necessary expenses incurred within 3 years after a motor vehicle accident for essential services ordinarily performed for the care and maintenance of the family or family household by an individual who was injured in the accident and not earning or producing income when the accident occurred.

(3) As a condition of providing loss of income benefits under this subsection, an insurer may require the injured individual to furnish the insurer with reasonable medical proof of the injury causing loss of income.

(c) (1) An insurer may exclude from the coverage described in this section benefits for:

(i) an individual, otherwise insured under the policy, who:

1. intentionally causes the motor vehicle accident resulting in the injury for which benefits are claimed;

2. is a nonresident of the State and is injured as a pedestrian in a motor vehicle accident that occurs outside of the State;

3. is injured in a motor vehicle accident while operating or voluntarily riding in a motor vehicle that the individual knows is stolen; or

4. is injured in a motor vehicle accident while committing a felony or while violating § 21–904 of the Transportation Article; or

(ii) the named insured or a family member of the named insured who resides in the named insured's household for an injury that occurs while the named insured or family member is occupying an uninsured motor vehicle owned by:

1. the named insured; or

2. an immediate family member of the named insured who resides in the named insured's household.

(2) In the case of motorcycles, mopeds, or motor scooters, an insurer may:

- (i) exclude the economic loss benefits described in this section; or
- (ii) offer the economic loss benefits with deductibles, options, or specific exclusions.

~~(D) (1) AN INSURER MAY NOT REFUSE TO UNDERWRITE A PERSON BECAUSE THE PERSON REFUSES TO MAKE AN EXCLUSION OF COVERAGE UNDER SUBSECTION (A)(3) OF THIS SECTION.~~

~~(2) AN INSURER THAT VIOLATES THIS SUBSECTION IS SUBJECT TO THE PENALTIES PROVIDED BY §§ 4-113 AND 4-114 OF THIS ARTICLE.~~

§19-506.

(a) (1) If the first named insured does not wish to obtain the benefits described in § 19-505 of this subtitle, the first named insured shall make an affirmative written waiver of those benefits.

(2) If the first named insured does not make an affirmative written waiver under this section, the insurer shall provide the coverage described in § 19-505 of this subtitle.

(b) (1) A waiver made under this section constitutes a waiver of all the benefits described in § 19-505 of this subtitle, whether provided under:

- (i) the first named insured's policy;
- (ii) any other motor vehicle liability insurance policy issued in the State; or
- (iii) another form of security used in place of a motor vehicle liability insurance policy as authorized under § 17-103 of the Transportation Article.

(2) Subject to paragraph (3) of this subsection, a waiver made under this section is binding on the following individuals covered by the policy:

- (i) each named insured;
- (ii) each listed driver; and
- (iii) each member of the first named insured's family residing in the first named insured's household who is at least 16 years old.

(3) An individual listed in paragraph (2)(ii) or (iii) of this subsection may recover the benefits described in § 19-505 of this subtitle under another motor vehicle liability insurance policy if that individual:

- (i) is the first named insured under the other policy;
- (ii) has not waived the benefits described in § 19–505 of this subtitle under the other policy; and
- (iii) is not a named insured under any other motor vehicle liability insurance policy under which a waiver of the benefits described in § 19–505 of this subtitle is in effect.

(c) A waiver made under this section is not effective unless, prior to the waiver, the insurer gives the first named insured written notice of the nature, extent, and cost of the coverage described in § 19–505 of this subtitle.

(d) (1) A waiver made under this section shall be made on the form that the Commissioner requires.

(2) The form may be part of the insurance contract.

(3) The form shall clearly and concisely explain in 10 point boldface type:

(i) the nature, extent, and cost of the coverage that would be provided under the policy if not waived by the first named insured;

(ii) each effect of a waiver as stated in subsection (b) of this section;

(iii) that a failure of the first named insured to make a waiver requires an insurer to provide the coverage described in § 19–505 of this subtitle;

(iv) that an insurer may not refuse to underwrite a person because the person refuses to waive the coverage described in § 19–505 of this subtitle; and

(v) that a waiver made under this section must be an affirmative written waiver.

(e) A waiver made under this section by a person that is insured continuously by the Maryland Automobile Insurance Fund or the insurer is effective until the waiver is withdrawn in writing.

(f) (1) An insurer may not refuse to underwrite a person because the person refuses to waive the coverage described in § 19–505 of this subtitle.

(2) An insurer that violates this subsection is subject to the penalties provided by §§ 4–113 and 4–114 of this article.†

**19–506.1.**

(A) (1) NOTWITHSTANDING §§ 19-505 AND 19-506 OF THIS SUBTITLE, A FIRST NAMED INSURED IS NOT REQUIRED TO OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY THAT:

(I) PROVIDES COVERAGE THAT DOES NOT EXCEED THE MINIMUM LIABILITY COVERAGE SPECIFIED IN § 17-103(B) OF THE TRANSPORTATION ARTICLE; AND

(II) 1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IS ISSUED, SOLD, OR DELIVERED BY THE MARYLAND AUTOMOBILE INSURANCE FUND; OR

2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IS ISSUED, SOLD, OR DELIVERED BY AN INSURER OTHER THAN THE MARYLAND AUTOMOBILE INSURANCE FUND.

(2) THE MARYLAND AUTOMOBILE INSURANCE FUND SHALL OFFER A FIRST NAMED INSURED, AT THE TIME OF APPLICATION FOR A POLICY DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION, THE OPTION TO REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IF, PRIOR TO THE APPLICATION, THE APPLICANT HAS NOT BEEN INSURED CONTINUOUSLY BY THE MARYLAND AUTOMOBILE INSURANCE FUND FOR AT LEAST 1 YEAR.

(3) AN INSURER OTHER THAN THE MARYLAND AUTOMOBILE INSURANCE FUND MAY OFFER A FIRST NAMED INSURED, AT THE TIME OF APPLICATION FOR A POLICY DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION, THE OPTION TO REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IF:

(I) PRIOR TO THE APPLICATION, THE APPLICANT WAS INSURED BY AN INSURER OTHER THAN THE MARYLAND AUTOMOBILE INSURANCE FUND; AND

(II) THE INSURER UNDER THE PRIOR POLICY CANCELED THE POLICY BEFORE THE END OF THE POLICY'S TERM.

(B) AT THE TIME OF APPLICATION FOR A POLICY DESCRIBED IN SUBSECTION (A)(1)(I) OF THIS SECTION, THE FIRST NAMED INSURED SHALL ELECT IN WRITING TO:

(1) OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE;

(2) WAIVE COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE IN ACCORDANCE WITH § 19-506 OF THIS SUBTITLE; OR

(3) REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION.

(C) (1) THE ELECTION UNDER SUBSECTION (B) OF THIS SECTION SHALL BE MADE ON THE FORM THAT THE COMMISSIONER REQUIRES.

(2) THE FORM MAY BE PART OF THE INSURANCE CONTRACT.

(3) THE FORM SHALL CLEARLY AND CONCISELY EXPLAIN IN 10 POINT BOLDFACE TYPE:

(I) THAT THE FIRST NAMED INSURED MUST ELECT IN WRITING TO:

1. OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE;

2. WAIVE COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE IN ACCORDANCE WITH § 19-506 OF THIS SUBTITLE; OR

3. REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION;

(II) THE NATURE, EXTENT, AND COST OF COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IF NOT REJECTED BY THE FIRST NAMED INSURED;

(III) THAT THE ELECTION TO REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION IS EFFECTIVE UNTIL THE END OF THE POLICY'S TERM UNLESS THE FIRST NAMED INSURED:

1. WITHDRAWS THE REJECTION IN WRITING;

2. OBTAINS A MOTOR VEHICLE LIABILITY INSURANCE POLICY FOR THE INSURED MOTOR VEHICLE FROM ANOTHER INSURER; OR

3. INCREASES ANY COVERAGE UNDER THE POLICY TO AN AMOUNT THAT EXCEEDS THE MINIMUM LIABILITY COVERAGE SPECIFIED IN § 17-103(B) OF THE TRANSPORTATION ARTICLE; AND

(IV) THAT ON RENEWAL OF THE POLICY, UNLESS THE FIRST NAMED INSURED NOTIFIES THE INSURER IN WRITING THAT THE FIRST NAMED INSURED WISHES TO OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE, THE INSURER SHALL PROVIDE THE COVERAGE DESCRIBED IN § 19-506 OF THIS SUBTITLE.

(D) (1) A REJECTION OF COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION IS EFFECTIVE UNTIL THE END OF THE POLICY'S TERM UNLESS THE FIRST NAMED INSURED:

(I) WITHDRAWS THE REJECTION IN WRITING;

(II) OBTAINS A MOTOR VEHICLE LIABILITY INSURANCE POLICY FOR THE INSURED MOTOR VEHICLE FROM ANOTHER INSURER; OR

(III) INCREASES ANY COVERAGE UNDER THE POLICY TO AN AMOUNT THAT EXCEEDS THE MINIMUM LIABILITY COVERAGE SPECIFIED IN § 17-103(B) OF THE TRANSPORTATION ARTICLE.

(2) ON RENEWAL OF THE POLICY, UNLESS THE FIRST NAMED INSURED NOTIFIES THE INSURER IN WRITING THAT THE FIRST NAMED INSURED WISHES TO OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE, THE INSURER SHALL PROVIDE THE COVERAGE DESCRIBED IN § 19-506 OF THIS SUBTITLE.

### Article – Transportation

17-103.

(a) (1) Except as provided in paragraph (2) of this subsection, the form of security required under this subtitle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State.

(2) The Administration may accept another form of security in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by subsection (b) of this section.

(3) The Administration shall, by regulation, assess each self-insurer an annual sum which may not exceed \$750, and which shall be used for actuarial studies and audits to determine financial solvency.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to \$30,000 for any one person and up to \$60,000 for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

(3) ~~Unless waived~~ UNDER § 19-506 OF THE INSURANCE ARTICLE OR REJECTED UNDER § 19-506.1 OF THE INSURANCE ARTICLE, the benefits described under § 19-505 of the Insurance Article as to basic required primary coverage;

(4)~~†~~ The benefits required under § 19-509 of the Insurance Article as to required additional coverage; and

~~†(5)†~~ ~~(4)~~ For vehicles subject to the provisions of § 25-111.1 of this article, the security requirements adopted under 49 C.F.R., Part 387.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Commissioner shall consult with insurers, insurance producers, and any other person that the Commissioner determines is appropriate in developing the form required under § 19-506.1(c) of the Insurance Article, as enacted by Section 1 of this Act, including use of the form by written and electronic means.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Automobile Insurance Fund and other insurers that offer first named insureds the option to elect to reject coverage for the benefits described in §§ 19-505 and 19-506 of the Insurance Article in accordance with § 19-506.1 of the Insurance Article, as enacted by Section 1 of this Act, shall report to the Maryland Insurance Administration, on an annual basis as determined by the Maryland Insurance Commissioner, for policies subject to this Act that are issued, sold, or delivered beginning on the effective date of this Act through October 31, 2019, on:

(1) the number of first named insureds who were eligible to make an election under § 19-506.1(b) of the Insurance Article, as enacted by Section 1 of this Act;

(2) the number of first named insureds who elected to obtain coverage for the benefits described in §§ 19-505 and 19-506 of the Insurance Article, and the number of first named insureds who elected to reject those benefits, under § 19-506.1(b) of the Insurance Article, as enacted by Section 1 of this Act; and

(3) any other related information that the Commissioner requires.

(b) The Maryland Insurance Administration shall:

(1) compile the information received from the Maryland Automobile Insurance Fund and other insurers under subsection (a) of this section; and

(2) on or before December 1, 2019, report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, its findings and any recommendations.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall apply to all motor vehicle liability insurance policies subject to this Act that are issued, sold, or delivered in the State on or after October 1, 2016.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 426

### (House Bill 900)

AN ACT concerning

#### **Motor Vehicle Insurance – Personal Injury Protection – ~~Optional~~ Rejection of Coverage**

FOR the purpose of ~~requiring certain insurers to offer, instead of provide, certain motor vehicle liability insurance coverage for certain medical, hospital, and disability benefits; authorizing a certain first named insured to exclude from certain coverage benefits for certain individuals; providing that an exclusion from certain benefits constitutes an exclusion from all benefits described in certain provisions of law; authorizing certain individuals to recover certain benefits under certain circumstances; requiring an insurer to provide a certain notice to a certain first named insured; prohibiting an insurer from refusing to underwrite a certain person under certain circumstances; providing that an insurer is subject to certain penalties for a certain violation; repealing a requirement that a certain first named insured make a waiver of certain benefits under certain circumstances; repealing certain provisions of law relating to a certain waiver, including what the waiver constitutes, who is bound by the waiver, who may recover benefits if there is a waiver, when the waiver is effective, and how the waiver is made; repealing a requirement that a certain security provide certain personal injury protection benefits under certain circumstances~~ providing that, under certain circumstances, a first named insured under a certain policy of motor vehicle liability insurance is not required to obtain coverage for certain medical, hospital, and disability benefits that must be provided by certain insurers; requiring the Maryland Automobile Insurance Fund to offer a certain first named insured at a certain time the option to reject coverage for certain benefits under certain circumstances; authorizing an insurer other than the Fund to offer a certain first named insured at a certain time the option to reject coverage for



certain benefits under certain circumstances; requiring a certain first named insured, at the time of application for a certain policy, to make a certain election; requiring the election to be made on a certain form; authorizing the form to be part of the insurance contract; requiring the form to contain a certain explanation in a certain manner; providing that a certain rejection of coverage for certain benefits is effective until a certain time except under certain circumstances; requiring, on renewal of a certain policy, that a certain insurer provide certain coverage under certain circumstances; altering a certain minimum security requirement; requiring the Maryland Insurance Commissioner to consult with certain insurers, insurance producers, and certain other persons in developing a certain form; requiring the Fund and certain insurers to annually report certain information to the Maryland Insurance Administration; requiring the Administration to compile certain information and, on or before a certain date, report certain findings and recommendations to certain committees of the General Assembly; making conforming changes; providing for the application of this Act; and generally relating to optional personal injury protection coverage under policies of motor vehicle liability insurance.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 19–505  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY ~~repealing~~ repealing and reenacting, without amendments,  
Article – Insurance  
Section 19–506  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Insurance  
Section 19–506.1  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 17–103  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

19-505.

(a) ~~(1)~~ ~~Unless waived in accordance with § 19-506 of this subtitle **OR REJECTED IN ACCORDANCE WITH § 19-506.1 OF THIS SUBTITLE**, each ~~EACH~~ insurer that issues, sells, or delivers a motor vehicle liability insurance policy in the State shall ~~provide~~ ~~OFFER~~ coverage for the medical, hospital, and disability benefits described in this section.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE COVERAGE UNDER THIS SECTION SHALL PROVIDE BENEFITS~~ for each of the following individuals:

~~(1)~~ ~~(I)~~ except for individuals specifically excluded under § 27-609 of this article:

~~(i)~~ ~~1.~~ the first named insured, and any family member of the first named insured who resides in the first named insured's household, who is injured in any motor vehicle accident, including an accident that involves an uninsured motor vehicle or a motor vehicle the identity of which cannot be ascertained; and

~~(ii)~~ ~~2.~~ any other individual who is injured in a motor vehicle accident while using the insured motor vehicle with the express or implied permission of the named insured;

~~(2)~~ ~~(II)~~ an individual who is injured in a motor vehicle accident while occupying the insured motor vehicle as a guest or passenger; and

~~(3)~~ ~~(III)~~ an individual who is injured in a motor vehicle accident that involves the insured motor vehicle:

~~(i)~~ ~~1.~~ as a pedestrian; or

~~(ii)~~ ~~2.~~ while in, on, or alighting from a vehicle that is operated by animal or muscular power.

~~(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE FIRST NAMED INSURED MAY EXCLUDE FROM THE COVERAGE DESCRIBED IN THIS SECTION BENEFITS FOR:~~

~~1. EACH NAMED INSURED;~~

~~2. EACH LISTED DRIVER; AND~~

~~3. EACH MEMBER OF THE FIRST NAMED INSURED'S FAMILY RESIDING IN THE FIRST NAMED INSURED'S HOUSEHOLD WHO IS AT LEAST 16 YEARS OLD.~~

~~(H) AN EXCLUSION FROM BENEFITS UNDER THIS PARAGRAPH CONSTITUTES AN EXCLUSION FROM ALL OF THE BENEFITS DESCRIBED IN THIS SECTION, WHETHER PROVIDED UNDER:~~

~~1. THE FIRST NAMED INSURED'S POLICY;~~

~~2. ANY OTHER MOTOR VEHICLE LIABILITY INSURANCE POLICY ISSUED IN THE STATE; OR~~

~~3. ANOTHER FORM OF SECURITY USED IN PLACE OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY AS AUTHORIZED UNDER § 17-103 OF THE TRANSPORTATION ARTICLE.~~

~~(H) AN INDIVIDUAL LISTED IN SUBPARAGRAPH (I) 2 OR 3 OF THIS PARAGRAPH MAY RECOVER THE BENEFITS DESCRIBED IN THIS SECTION UNDER ANOTHER MOTOR VEHICLE LIABILITY INSURANCE POLICY IF THAT INDIVIDUAL:~~

~~1. IS THE FIRST NAMED INSURED UNDER THE OTHER POLICY;~~

~~2. HAS NOT EXCLUDED THE BENEFITS DESCRIBED IN THIS SECTION UNDER THE OTHER POLICY; AND~~

~~3. IS NOT A NAMED INSURED UNDER ANY OTHER MOTOR VEHICLE LIABILITY INSURANCE POLICY UNDER WHICH AN EXCLUSION OF THE BENEFITS DESCRIBED IN THIS SECTION IS IN EFFECT.~~

~~(IV) AN INSURER SHALL PROVIDE THE FIRST NAMED INSURED WRITTEN NOTICE OF THE NATURE, EXTENT, AND COST OF THE COVERAGE THAT WOULD BE PROVIDED UNDER THE POLICY IF NOT EXCLUDED BY THE FIRST NAMED INSURED UNDER THIS PARAGRAPH.~~

(b) (1) In this subsection, "income" means:

(i) wages, salaries, tips, commissions, professional fees, and other earnings from work or employment;

(ii) earnings from a business or farm owned individually, jointly, or in partnership; and

(iii) to the extent earnings are paid or payable in property or services instead of in cash, the reasonable value of the property or services.

(2) The minimum medical, hospital, and disability benefits provided by an insurer under this section shall include up to \$2,500 for:

(i) payment of all reasonable and necessary expenses that arise from a motor vehicle accident and that are incurred within 3 years after the accident for necessary prosthetic devices and ambulance, dental, funeral, hospital, medical, professional nursing, surgical, and X-ray services;

(ii) payment of benefits for 85% of income lost:

1. within 3 years after, and resulting from, a motor vehicle accident; and

2. by an injured individual who was earning or producing income when the accident occurred; and

(iii) payments made in reimbursement of reasonable and necessary expenses incurred within 3 years after a motor vehicle accident for essential services ordinarily performed for the care and maintenance of the family or family household by an individual who was injured in the accident and not earning or producing income when the accident occurred.

(3) As a condition of providing loss of income benefits under this subsection, an insurer may require the injured individual to furnish the insurer with reasonable medical proof of the injury causing loss of income.

(c) (1) An insurer may exclude from the coverage described in this section benefits for:

(i) an individual, otherwise insured under the policy, who:

1. intentionally causes the motor vehicle accident resulting in the injury for which benefits are claimed;

2. is a nonresident of the State and is injured as a pedestrian in a motor vehicle accident that occurs outside of the State;

3. is injured in a motor vehicle accident while operating or voluntarily riding in a motor vehicle that the individual knows is stolen; or

4. is injured in a motor vehicle accident while committing a felony or while violating § 21–904 of the Transportation Article; or

(ii) the named insured or a family member of the named insured who resides in the named insured's household for an injury that occurs while the named insured or family member is occupying an uninsured motor vehicle owned by:

1. the named insured; or
2. an immediate family member of the named insured who resides in the named insured's household.

(2) In the case of motorcycles, mopeds, or motor scooters, an insurer may:

- (i) exclude the economic loss benefits described in this section; or
- (ii) offer the economic loss benefits with deductibles, options, or specific exclusions.

~~(D) (1) AN INSURER MAY NOT REFUSE TO UNDERWRITE A PERSON BECAUSE THE PERSON REFUSES TO MAKE AN EXCLUSION OF COVERAGE UNDER SUBSECTION (A)(3) OF THIS SECTION.~~

~~(2) AN INSURER THAT VIOLATES THIS SUBSECTION IS SUBJECT TO THE PENALTIES PROVIDED BY §§ 4-113 AND 4-114 OF THIS ARTICLE.~~

‡19-506.

(a) (1) If the first named insured does not wish to obtain the benefits described in § 19-505 of this subtitle, the first named insured shall make an affirmative written waiver of those benefits.

(2) If the first named insured does not make an affirmative written waiver under this section, the insurer shall provide the coverage described in § 19-505 of this subtitle.

(b) (1) A waiver made under this section constitutes a waiver of all the benefits described in § 19-505 of this subtitle, whether provided under:

- (i) the first named insured's policy;
- (ii) any other motor vehicle liability insurance policy issued in the State; or
- (iii) another form of security used in place of a motor vehicle liability insurance policy as authorized under § 17-103 of the Transportation Article.

(2) Subject to paragraph (3) of this subsection, a waiver made under this section is binding on the following individuals covered by the policy:

(i) each named insured;

(ii) each listed driver; and

(iii) each member of the first named insured's family residing in the first named insured's household who is at least 16 years old.

(3) An individual listed in paragraph (2)(ii) or (iii) of this subsection may recover the benefits described in § 19–505 of this subtitle under another motor vehicle liability insurance policy if that individual:

(i) is the first named insured under the other policy;

(ii) has not waived the benefits described in § 19–505 of this subtitle under the other policy; and

(iii) is not a named insured under any other motor vehicle liability insurance policy under which a waiver of the benefits described in § 19–505 of this subtitle is in effect.

(c) A waiver made under this section is not effective unless, prior to the waiver, the insurer gives the first named insured written notice of the nature, extent, and cost of the coverage described in § 19–505 of this subtitle.

(d) (1) A waiver made under this section shall be made on the form that the Commissioner requires.

(2) The form may be part of the insurance contract.

(3) The form shall clearly and concisely explain in 10 point boldface type:

(i) the nature, extent, and cost of the coverage that would be provided under the policy if not waived by the first named insured;

(ii) each effect of a waiver as stated in subsection (b) of this section;

(iii) that a failure of the first named insured to make a waiver requires an insurer to provide the coverage described in § 19–505 of this subtitle;

(iv) that an insurer may not refuse to underwrite a person because the person refuses to waive the coverage described in § 19–505 of this subtitle; and

(v) that a waiver made under this section must be an affirmative written waiver.

(e) A waiver made under this section by a person that is insured continuously by the Maryland Automobile Insurance Fund or the insurer is effective until the waiver is withdrawn in writing.

(f) (1) An insurer may not refuse to underwrite a person because the person refuses to waive the coverage described in § 19-505 of this subtitle.

(2) An insurer that violates this subsection is subject to the penalties provided by §§ 4-113 and 4-114 of this article.†

### **19-506.1.**

**(A) (1) NOTWITHSTANDING §§ 19-505 AND 19-506 OF THIS SUBTITLE, A FIRST NAMED INSURED IS NOT REQUIRED TO OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY THAT:**

**(I) PROVIDES COVERAGE THAT DOES NOT EXCEED THE MINIMUM LIABILITY COVERAGE SPECIFIED IN § 17-103(B) OF THE TRANSPORTATION ARTICLE; AND**

**(II) 1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IS ISSUED, SOLD, OR DELIVERED BY THE MARYLAND AUTOMOBILE INSURANCE FUND; OR**

**2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IS ISSUED, SOLD, OR DELIVERED BY AN INSURER OTHER THAN THE MARYLAND AUTOMOBILE INSURANCE FUND.**

**(2) THE MARYLAND AUTOMOBILE INSURANCE FUND SHALL OFFER A FIRST NAMED INSURED, AT THE TIME OF APPLICATION FOR A POLICY DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION, THE OPTION TO REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IF, PRIOR TO THE APPLICATION, THE APPLICANT HAS NOT BEEN INSURED CONTINUOUSLY BY THE MARYLAND AUTOMOBILE INSURANCE FUND FOR AT LEAST 1 YEAR.**

**(3) AN INSURER OTHER THAN THE MARYLAND AUTOMOBILE INSURANCE FUND MAY OFFER A FIRST NAMED INSURED, AT THE TIME OF APPLICATION FOR A POLICY DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION, THE OPTION TO REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IF:**

**(I) PRIOR TO THE APPLICATION, THE APPLICANT WAS INSURED BY AN INSURER OTHER THAN THE MARYLAND AUTOMOBILE INSURANCE FUND; AND**

(II) THE INSURER UNDER THE PRIOR POLICY CANCELED THE POLICY BEFORE THE END OF THE POLICY'S TERM.

(B) AT THE TIME OF APPLICATION FOR A POLICY DESCRIBED IN SUBSECTION (A)(1)(I) OF THIS SECTION, THE FIRST NAMED INSURED SHALL ELECT IN WRITING TO:

(1) OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE;

(2) WAIVE COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE IN ACCORDANCE WITH § 19-506 OF THIS SUBTITLE; OR

(3) REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION.

(C) (1) THE ELECTION UNDER SUBSECTION (B) OF THIS SECTION SHALL BE MADE ON THE FORM THAT THE COMMISSIONER REQUIRES.

(2) THE FORM MAY BE PART OF THE INSURANCE CONTRACT.

(3) THE FORM SHALL CLEARLY AND CONCISELY EXPLAIN IN 10 POINT BOLDFACE TYPE:

(I) THAT THE FIRST NAMED INSURED MUST ELECT IN WRITING TO:

1. OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE;

2. WAIVE COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE IN ACCORDANCE WITH § 19-506 OF THIS SUBTITLE; OR

3. REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION;

(II) THE NATURE, EXTENT, AND COST OF COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IF NOT REJECTED BY THE FIRST NAMED INSURED;

(III) THAT THE ELECTION TO REJECT COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION IS EFFECTIVE UNTIL THE END OF THE POLICY'S TERM UNLESS THE FIRST NAMED INSURED:



1. WITHDRAWS THE REJECTION IN WRITING;
2. OBTAINS A MOTOR VEHICLE LIABILITY INSURANCE POLICY FOR THE INSURED MOTOR VEHICLE FROM ANOTHER INSURER; OR
3. INCREASES ANY COVERAGE UNDER THE POLICY TO AN AMOUNT THAT EXCEEDS THE MINIMUM LIABILITY COVERAGE SPECIFIED IN § 17-103(B) OF THE TRANSPORTATION ARTICLE; AND

(IV) THAT ON RENEWAL OF THE POLICY, UNLESS THE FIRST NAMED INSURED NOTIFIES THE INSURER IN WRITING THAT THE FIRST NAMED INSURED WISHES TO OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE, THE INSURER SHALL PROVIDE THE COVERAGE DESCRIBED IN § 19-506 OF THIS SUBTITLE.

(D) (1) A REJECTION OF COVERAGE FOR THE BENEFITS DESCRIBED IN §§ 19-505 AND 19-506 OF THIS SUBTITLE IN ACCORDANCE WITH THIS SECTION IS EFFECTIVE UNTIL THE END OF THE POLICY'S TERM UNLESS THE FIRST NAMED INSURED:

- (I) WITHDRAWS THE REJECTION IN WRITING;
- (II) OBTAINS A MOTOR VEHICLE LIABILITY INSURANCE POLICY FOR THE INSURED MOTOR VEHICLE FROM ANOTHER INSURER; OR
- (III) INCREASES ANY COVERAGE UNDER THE POLICY TO AN AMOUNT THAT EXCEEDS THE MINIMUM LIABILITY COVERAGE SPECIFIED IN § 17-103(B) OF THE TRANSPORTATION ARTICLE.

(2) ON RENEWAL OF THE POLICY, UNLESS THE FIRST NAMED INSURED NOTIFIES THE INSURER IN WRITING THAT THE FIRST NAMED INSURED WISHES TO OBTAIN COVERAGE FOR THE BENEFITS DESCRIBED IN § 19-505 OF THIS SUBTITLE, THE INSURER SHALL PROVIDE THE COVERAGE DESCRIBED IN § 19-506 OF THIS SUBTITLE.

#### Article – Transportation

17-103.

(a) (1) Except as provided in paragraph (2) of this subsection, the form of security required under this subtitle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State.

(2) The Administration may accept another form of security in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by subsection (b) of this section.

(3) The Administration shall, by regulation, assess each self-insurer an annual sum which may not exceed \$750, and which shall be used for actuarial studies and audits to determine financial solvency.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to \$30,000 for any one person and up to \$60,000 for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

(3) ~~Unless waived~~ **UNDER § 19-506 OF THE INSURANCE ARTICLE OR REJECTED UNDER § 19-506.1 OF THE INSURANCE ARTICLE**, the benefits described under § 19-505 of the Insurance Article as to basic required primary coverage;

(4)~~]~~ The benefits required under § 19-509 of the Insurance Article as to required additional coverage; and

~~(5)]~~ ~~(4)~~ For vehicles subject to the provisions of § 25-111.1 of this article, the security requirements adopted under 49 C.F.R., Part 387.

**SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Commissioner shall consult with insurers, insurance producers, and any other person that the Commissioner determines is appropriate in developing the form required under § 19-506.1(c) of the Insurance Article, as enacted by Section 1 of this Act, including use of the form by written and electronic means.**

**SECTION 3. AND BE IT FURTHER ENACTED, That:**

(a) **The Maryland Automobile Insurance Fund and other insurers that offer first named insureds the option to elect to reject coverage for the benefits described in §§ 19-505 and 19-506 of the Insurance Article in accordance with § 19-506.1 of the Insurance Article, as enacted by Section 1 of this Act, shall report to the Maryland Insurance Administration, on an annual basis as determined by the Maryland Insurance Commissioner, for policies subject to this Act that are issued, sold, or delivered beginning on the effective date of this Act through October 31, 2019, on:**

(1) **the number of first named insureds who were eligible to make an election under § 19-506.1(b) of the Insurance Article, as enacted by Section 1 of this Act;**

(2) the number of first named insureds who elected to obtain coverage for the benefits described in §§ 19–505 and 19–506 of the Insurance Article, and the number of first named insureds who elected to reject those benefits, under § 19–506.1(b) of the Insurance Article, as enacted by Section 1 of this Act; and

(3) any other related information that the Commissioner requires.

(b) The Maryland Insurance Administration shall:

(1) compile the information received from the Maryland Automobile Insurance Fund and other insurers under subsection (a) of this section; and

(2) on or before December 1, 2019, report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, its findings and any recommendations.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall apply to all motor vehicle liability insurance policies subject to this Act that are issued, sold, or delivered in the State on or after October 1, 2016.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 427

**(Senate Bill 794)**

AN ACT concerning

### **Education – Prekindergarten and Kindergarten Assessments – Administration**

FOR the purpose of requiring a certain statewide kindergarten assessment to be limited to a ~~random~~ representative sample of certain kindergarten students from within certain local school systems in the State, subject to a certain exception; authorizing a certain kindergarten assessment to evaluate certain skills; authorizing certain county boards of education and certain principals and teachers to administer a certain statewide kindergarten assessment under certain circumstances; prohibiting ~~certain standardized tests~~ a statewide kindergarten assessment from being administered to certain prekindergarten students, subject to a certain exception; requiring the State Department of Education to adopt certain regulations; declaring the intent of the General Assembly; and generally relating to the administration of prekindergarten and kindergarten assessments.

BY adding to

Article – Education

Section 7–208

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – Education**

**7–208.**

**(A) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A STATEWIDE KINDERGARTEN ASSESSMENT THAT IS ADMINISTERED WITH THE PURPOSE OF MEASURING SCHOOL READINESS:**

**(1) SHALL BE LIMITED TO A ~~RANDOM~~ REPRESENTATIVE SAMPLE, AS DETERMINED BY THE DEPARTMENT, OF KINDERGARTEN STUDENTS FROM WITHIN EACH LOCAL SCHOOL SYSTEM IN THE STATE; AND**

**(2) MAY INCLUDE AN EVALUATION OF:**

**(I) LANGUAGE AND LITERACY SKILLS;**

**(II) ACADEMIC KNOWLEDGE IN MATHEMATICS, SCIENCE, AND SOCIAL STUDIES;**

**(III) PHYSICAL DEVELOPMENT; AND**

**(IV) SOCIAL DEVELOPMENT.**

**(B) IN ACCORDANCE WITH A COLLECTIVE BARGAINING AGREEMENT EXECUTED UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE OR AN AMENDMENT TO AN EXISTING AGREEMENT, A A PRINCIPAL AND A TEACHER WHO ARE IN MUTUAL AGREEMENT, OR A COUNTY BOARD, MAY ADMINISTER A STATEWIDE KINDERGARTEN ASSESSMENT WITH THE PURPOSE OF MEASURING SCHOOL READINESS IF:**

**(1) THE ASSESSMENT IS COMPLETED ~~BEFORE THE FIRST FULL DAY OF KINDERGARTEN~~ ON OR BEFORE OCTOBER 1; AND**

**(2) THE AGGREGATE RESULTS ARE RETURNED WITHIN 45 DAYS AFTER ADMINISTRATION OF THE ASSESSMENT.**

~~(B)~~ ~~A~~ (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A STANDARDIZED TEST STATEWIDE KINDERGARTEN ASSESSMENT MAY NOT BE ADMINISTERED TO A AN ENROLLED PREKINDERGARTEN STUDENT.

(2) A STANDARDIZED TEST STATEWIDE KINDERGARTEN ASSESSMENT MAY BE ADMINISTERED TO AN ENROLLED PREKINDERGARTEN STUDENT BY A SCHOOL PSYCHOLOGIST OR OTHER SCHOOL-BASED PROFESSIONAL WHO INTENDS TO USE THE RESULTS IN ORDER TO IDENTIFY A DISABILITY.

~~(C)~~ (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a teacher who administers a statewide kindergarten assessment in accordance with § 7-208(b) of the Education Article, as enacted by Section 1 of this Act, be paid for the time worked in accordance with a collective bargaining agreement executed under Title 6, Subtitle 4 or 5 of the Education Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 428

(Senate Bill 795)

AN ACT concerning

### Harford County – Alcoholic Beverages – Movie Theater License

FOR the purpose of establishing a Class MT (movie theater) license in Harford County; authorizing the Harford County Board of License Commissioners to issue the license to an owner of a movie theater; requiring the owner of a movie theater to provide certain documentation to the Board to be eligible for the license; specifying that the license entitles the holder to sell beer ~~and wine,~~ wine, and liquor for on-premises consumption; specifying the hours and days of sale; requiring that beer and wine, wine, and liquor be sold only in a certain manner; providing that a movie theater for which the license is issued is subject to certain alcohol awareness training requirements and shall offer for sale food other than candy and popcorn; specifying a certain annual license fee; and generally relating to the sale of alcoholic beverages in Harford County.

BY adding to

Article – Alcoholic Beverages

Section 22–1005.1

Annotated Code of Maryland

(As enacted by Chapter 41 ~~(S.B. \_\_\_\_\_)(Ch 1406)~~ (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

**22–1005.1.**

(A) **THERE IS A CLASS MT (MOVIE THEATER) BEER ~~AND WINE~~, WINE, AND LIQUOR LICENSE.**

(B) **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY THE OWNER OF A MOVIE THEATER.**

**(2) TO BE ELIGIBLE FOR THE LICENSE, THE OWNER OF A MOVIE THEATER IS REQUIRED TO PROVIDE DOCUMENTATION TO THE BOARD THAT THE OWNER HAS MADE AN INVESTMENT OF AT LEAST \$250,000 IN THE MOVIE THEATER.**

(C) **(1) THE LICENSE HOLDER MAY SELL BEER ~~AND WINE~~, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ~~DURING THE SAME HOURS AND~~ FROM 4 P.M. TO MIDNIGHT ON THE DAYS THAT THE MOVIE THEATER IS OPEN.**

**(2) BEER ~~AND WINE~~, WINE, AND LIQUOR MAY BE SOLD ONLY:**

**(I) IN SINGLE SERVE CONTAINERS; AND**

**(II) FROM A COUNTER SEPARATE FROM A COUNTER SERVING CANDY, POPCORN, AND NONALCOHOLIC BEVERAGES.**

**(3) A MOVIE THEATER FOR WHICH THE LICENSE IS ISSUED:**

**(I) IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4–505 OF THIS ARTICLE; AND**

**(II) SHALL OFFER FOR SALE FOOD OTHER THAN CANDY AND POPCORN.**

(D) **THE ANNUAL LICENSE FEE IS \$500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 429

### (House Bill 892)

AN ACT concerning

#### Harford County – Alcoholic Beverages – Movie Theater License

FOR the purpose of establishing a Class MT (movie theater) license in Harford County; authorizing the Harford County Board of License Commissioners to issue the license to an owner of a movie theater; requiring the owner of a movie theater to provide certain documentation to the Board to be eligible for the license; specifying that the license entitles the holder to sell beer ~~and wine~~, wine, and liquor for on-premises consumption; specifying the hours and days of sale; requiring that beer, wine, and liquor be sold only in a certain manner; providing that a movie theater for which the license is issued is subject to certain alcohol awareness training requirements and shall offer for sale food other than candy and popcorn; specifying a certain annual license fee; and generally relating to the sale of alcoholic beverages in Harford County.

BY adding to

Article – Alcoholic Beverages

Section 22-1005.1

Annotated Code of Maryland

(As enacted by Chapter 41 ~~(S.B. \_\_\_\_\_)(Ch 1406)~~ (S.B. 724) of the Acts of the General Assembly of 2016)

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

#### Article – Alcoholic Beverages

##### 22-1005.1.

(A) **THERE IS A CLASS MT (MOVIE THEATER) BEER ~~AND WINE~~, WINE, AND LIQUOR LICENSE.**

(B) **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY THE OWNER OF A MOVIE THEATER.**

**(2) TO BE ELIGIBLE FOR THE LICENSE, THE OWNER OF A MOVIE THEATER IS REQUIRED TO PROVIDE DOCUMENTATION TO THE BOARD THAT THE OWNER HAS MADE AN INVESTMENT OF AT LEAST \$250,000 IN THE MOVIE THEATER.**

**(C) (1) THE LICENSE HOLDER MAY SELL BEER ~~AND WINE~~, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ~~DURING THE SAME HOURS AND~~ FROM 4 P.M. TO MIDNIGHT ON THE DAYS THAT THE MOVIE THEATER IS OPEN.**

**(2) BEER, WINE, AND LIQUOR MAY BE SOLD ONLY:**

**(I) IN SINGLE-SERVE CONTAINERS; AND**

**(II) FROM A COUNTER SEPARATE FROM A COUNTER SERVING CANDY, POPCORN, AND NONALCOHOLIC BEVERAGES.**

**(3) A MOVIE THEATER FOR WHICH THE LICENSE IS ISSUED:**

**(I) IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE; AND**

**(II) SHALL OFFER FOR SALE FOOD OTHER THAN CANDY AND POPCORN.**

**(D) THE ANNUAL LICENSE FEE IS \$500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 430

(Senate Bill 811)

AN ACT concerning

### Electric Companies – Installation of Solar Electric Generating Facility – Completion of Interconnection

FOR the purpose of requiring an electric company, subject to a certain provision, to complete interconnection of a customer-generator's solar electric generating facility with the electric company's distribution facilities by providing acceptance and final approval to operate within a certain period after completion of a certain installation



process; requiring an electric company to complete certain interconnection requirements for a certain percentage of installation processes completed during a certain time in the electric company's service territory; specifying that the installation process includes an approved interconnection application, completion of the installation of the solar electric generating facility and certain required system upgrades, and completion of all necessary paperwork and documentation; authorizing the Public Service Commission to waive a certain requirement under certain circumstances; defining a certain term; and generally relating to interconnection of a customer-generator's solar electric generating facility.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 7–306.1  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

#### **Article – Public Utilities**

7–306.1.

(a) A person who is negotiating a contract with an eligible customer-generator to install a solar electric generating facility on the customer-generator's property that the customer-generator owns and operates, leases and operates, or contracts with a third party that owns and operates and that requires interconnection with an electric company's distribution facilities:

(1) shall submit to the customer-generator's electric company a completed application for interconnection of the solar electric generating facility with the electric company's distribution facilities;

(2) before receiving the electric company's approval of the application submitted under paragraph (1) of this subsection:

(i) may accept payment from the customer-generator in connection with the contract; but

(ii) may not begin installation of the solar electric generating facility on the customer-generator's property;

(3) shall notify the customer-generator of the electric company's approval or disapproval of the application submitted under paragraph (1) of this subsection; and

(4) if the electric company disapproves the application submitted under paragraph (1) of this subsection, shall fully refund any payment from the customer-generator under paragraph (2)(i) of this subsection.

(b) On request of a person under subsection (a)(1) of this section, an electric company shall process an application submitted under subsection (a)(1) of this section and notify the person whether the application is approved or disapproved in accordance with a process and time frame specified in regulations adopted by the Commission.

**(C) (1) IN THIS SUBSECTION, “INSTALLATION PROCESS” INCLUDES:**

**(I) AN APPROVED APPLICATION SUBMITTED UNDER SUBSECTION (A)(1) OF THIS SECTION;**

**(II) COMPLETION OF THE INSTALLATION OF THE CUSTOMER-GENERATOR’S SOLAR ELECTRIC GENERATING FACILITY AND ANY REQUIRED ELECTRIC DISTRIBUTION SYSTEM UPGRADES; AND**

**(III) COMPLETION OF ALL NECESSARY PAPERWORK AND DOCUMENTATION, INCLUDING A SIGNED INTERCONNECTION AGREEMENT, CERTIFICATE OF COMPLETION, AND AN INSPECTION CERTIFICATE.**

**(2) ~~AN (I)~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN ELECTRIC COMPANY SHALL COMPLETE INTERCONNECTION OF ISSUE ACCEPTANCE AND FINAL APPROVAL TO OPERATE A CUSTOMER-GENERATOR’S SOLAR ELECTRIC GENERATING FACILITY WITH ON THE ELECTRIC COMPANY’S DISTRIBUTION FACILITIES BY PROVIDING ACCEPTANCE AND FINAL APPROVAL TO OPERATE WITHIN 20 BUSINESS DAYS AFTER RECEIVING NOTICE OF THE COMPLETION OF THE INSTALLATION PROCESS THE COMPLETION OF THE INSTALLATION PROCESS AND RECEIPT OF THE PAPERWORK AND DOCUMENTATION SET FORTH IN PARAGRAPH (1)(III) OF THIS SUBSECTION.**

**(II) AN ELECTRIC COMPANY SHALL COMPLETE THE INTERCONNECTION REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR AT LEAST 90% OF INSTALLATION PROCESSES COMPLETED DURING THE YEAR IN THE ELECTRIC COMPANY’S SERVICE TERRITORY.**

**(3) THE COMMISSION MAY TEMPORARILY WAIVE THE REQUIREMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION IN AN ELECTRIC COMPANY’S SERVICE TERRITORY ON A SHOWING OF GOOD CAUSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

**Chapter 431****(House Bill 440)**

AN ACT concerning

**Electric Companies – Installation of Solar Electric Generating Facility –  
Completion of Interconnection**

FOR the purpose of requiring an electric company, subject to a certain provision, to complete interconnection of a customer–generator’s solar electric generating facility with the electric company’s distribution facilities by providing acceptance and final approval to operate within a certain period after completion of a certain installation process; requiring an electric company to complete certain interconnection requirements for a certain percentage of installation processes completed during a certain time in the electric company’s service territory; specifying that the installation process includes an approved interconnection application, completion of the installation of the solar electric generating facility and certain required system upgrades, and completion of all necessary paperwork and documentation; authorizing the Public Service Commission to waive a certain requirement under certain circumstances; defining a certain term; and generally relating to interconnection of a customer–generator’s solar electric generating facility.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 7–306.1  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Public Utilities**

7–306.1.

(a) A person who is negotiating a contract with an eligible customer–generator to install a solar electric generating facility on the customer–generator’s property that the customer–generator owns and operates, leases and operates, or contracts with a third party that owns and operates and that requires interconnection with an electric company’s distribution facilities:

(1) shall submit to the customer–generator’s electric company a completed application for interconnection of the solar electric generating facility with the electric company’s distribution facilities;

(2) before receiving the electric company's approval of the application submitted under paragraph (1) of this subsection:

(i) may accept payment from the customer-generator in connection with the contract; but

(ii) may not begin installation of the solar electric generating facility on the customer-generator's property;

(3) shall notify the customer-generator of the electric company's approval or disapproval of the application submitted under paragraph (1) of this subsection; and

(4) if the electric company disapproves the application submitted under paragraph (1) of this subsection, shall fully refund any payment from the customer-generator under paragraph (2)(i) of this subsection.

(b) On request of a person under subsection (a)(1) of this section, an electric company shall process an application submitted under subsection (a)(1) of this section and notify the person whether the application is approved or disapproved in accordance with a process and time frame specified in regulations adopted by the Commission.

**(C) (1) IN THIS SUBSECTION, "INSTALLATION PROCESS" INCLUDES:**

**(I) AN APPROVED APPLICATION SUBMITTED UNDER SUBSECTION (A)(1) OF THIS SECTION;**

**(II) COMPLETION OF THE INSTALLATION OF THE CUSTOMER-GENERATOR'S SOLAR ELECTRIC GENERATING FACILITY AND ANY REQUIRED ELECTRIC DISTRIBUTION SYSTEM UPGRADES; AND**

**(III) COMPLETION OF ALL NECESSARY PAPERWORK AND DOCUMENTATION, INCLUDING A SIGNED INTERCONNECTION AGREEMENT, CERTIFICATE OF COMPLETION, AND AN INSPECTION CERTIFICATE.**

**(2) ~~AN (I)~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN ELECTRIC COMPANY SHALL ~~COMPLETE INTERCONNECTION OF~~ ~~ISSUE ACCEPTANCE AND FINAL APPROVAL TO OPERATE~~ A CUSTOMER-GENERATOR'S SOLAR ELECTRIC GENERATING FACILITY ~~WITH~~ ON THE ELECTRIC COMPANY'S DISTRIBUTION FACILITIES BY PROVIDING ACCEPTANCE AND FINAL APPROVAL TO OPERATE WITHIN 20 BUSINESS DAYS AFTER ~~RECEIVING NOTICE OF THE COMPLETION OF THE INSTALLATION PROCESS~~ THE COMPLETION OF THE INSTALLATION PROCESS AND RECEIPT OF THE PAPERWORK AND DOCUMENTATION SET FORTH IN PARAGRAPH (1)(III) OF THIS SUBSECTION.**

**(II) AN ELECTRIC COMPANY SHALL COMPLETE THE INTERCONNECTION REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR AT LEAST 90% OF INSTALLATION PROCESSES COMPLETED DURING THE YEAR IN THE ELECTRIC COMPANY'S SERVICE TERRITORY.**

**(3) THE COMMISSION MAY TEMPORARILY WAIVE THE REQUIREMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION IN AN ELECTRIC COMPANY'S SERVICE TERRITORY ON A SHOWING OF GOOD CAUSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 432

(Senate Bill 824)

AN ACT concerning

### Real Estate Licensees – Verification of Service Provider Licensing Status

FOR the purpose of providing that a licensee of the State Real Estate Commission need not verify that a certain service provider is licensed by the State under certain circumstances, notwithstanding any other provision of law and with a certain exception; requiring a licensee of the Commission to verify annually that a home improvement contractor is licensed by the Maryland Home Improvement Commission ~~at a certain time~~ under certain circumstances; requiring the licensee to give a client certain information for a certain purpose under certain circumstances; defining a certain term; and generally relating to verification of licensing status of service providers by licensees of the State Real Estate Commission.

BY adding to

Article – Business Occupations and Professions

Section 17–527.4

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

### Article – Business Occupations and Professions

**17–527.4.**

(A) (1) IN THIS SECTION, “SERVICE PROVIDER” INCLUDES A MORTGAGE LENDER, A MORTGAGE BROKER, A REAL ESTATE APPRAISER, A HOME INSPECTOR, A PLUMBER, AN ELECTRICIAN, AND A HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTOR.

(2) “SERVICE PROVIDER” DOES NOT INCLUDE A HOME IMPROVEMENT CONTRACTOR.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A LICENSEE OFFERS THE NAME OF A SERVICE PROVIDER TO A CLIENT IN THE PROVISION OF REAL ESTATE BROKERAGE SERVICES, THE LICENSEE NEED NOT VERIFY THAT THE SERVICE PROVIDER IS CURRENTLY LICENSED BY THE STATE TO PERFORM THE SERVICES.

(C) IF A LICENSEE OFFERS THE NAME OF A HOME IMPROVEMENT CONTRACTOR TO A CLIENT, THE LICENSEE SHALL:

(I) ~~FIRST~~ FIRST ANNUALLY VERIFY THAT THE HOME IMPROVEMENT CONTRACTOR IS ~~CURRENTLY~~ LICENSED BY THE HOME IMPROVEMENT COMMISSION UNDER TITLE 8 OF THE BUSINESS REGULATION ARTICLE TO ACT AS A HOME IMPROVEMENT CONTRACTOR BEFORE OFFERING THE NAME TO THE CLIENT; AND

(II) INFORM THE CLIENT OF THE WEB SITE ON WHICH THE LICENSING INFORMATION MAY BE FOUND, AND THE DATE ON WHICH THE LICENSEE VERIFIED THE INFORMATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 433

(House Bill 1453)

AN ACT concerning

### Real Estate Licensees – Verification of Service Provider Licensing Status

FOR the purpose of providing that a licensee of the State Real Estate Commission need not verify that a certain service provider is licensed by the State under certain circumstances, notwithstanding any other provision of law and with a certain

exception; requiring a licensee of the Commission to verify annually that a home improvement contractor is licensed by the Maryland Home Improvement Commission ~~at a certain time~~ under certain circumstances; requiring the licensee to give a client certain information for a certain purpose under certain circumstances; defining a certain term; and generally relating to verification of licensing status of service providers by licensees of the State Real Estate Commission.

BY adding to

Article – Business Occupations and Professions

Section 17–527.4

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

**Article – Business Occupations and Professions**

**17–527.4.**

(A) (1) IN THIS SECTION, “SERVICE PROVIDER” INCLUDES A MORTGAGE LENDER, A MORTGAGE BROKER, A REAL ESTATE APPRAISER, A HOME INSPECTOR, A PLUMBER, AN ELECTRICIAN, AND A HEATING, VENTILATION, AIR–CONDITIONING, AND REFRIGERATION CONTRACTOR.

(2) “SERVICE PROVIDER” DOES NOT INCLUDE A HOME IMPROVEMENT CONTRACTOR.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A LICENSEE OFFERS THE NAME OF A SERVICE PROVIDER TO A CLIENT IN THE PROVISION OF REAL ESTATE BROKERAGE SERVICES, THE LICENSEE NEED NOT VERIFY THAT THE SERVICE PROVIDER IS CURRENTLY LICENSED BY THE STATE TO PERFORM THE SERVICES.

(C) IF A LICENSEE OFFERS THE NAME OF A HOME IMPROVEMENT CONTRACTOR TO A CLIENT, THE LICENSEE SHALL:

(1) ~~FIRST~~ ANNUALLY VERIFY THAT THE HOME IMPROVEMENT CONTRACTOR IS ~~CURRENTLY~~ LICENSED BY THE HOME IMPROVEMENT COMMISSION UNDER TITLE 8 OF THE BUSINESS REGULATION ARTICLE TO ACT AS A HOME IMPROVEMENT CONTRACTOR BEFORE OFFERING THE NAME TO THE CLIENT; AND

(2) INFORM THE CLIENT OF THE WEB SITE ON WHICH THE LICENSING INFORMATION MAY BE FOUND, AND THE DATE ON WHICH THE LICENSEE VERIFIED THE INFORMATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 434**

### **(Senate Bill 830)**

AN ACT concerning

#### **State Board of Cosmetologists – Limited License – Hair Services – Blow Drying**

FOR the purpose of establishing a limited license to provide hair services – blow drying; requiring the State Board of Cosmetologists to establish by regulation certain curriculum standards for providing hair services – blow drying for use by certain entities for a certain purpose; establishing qualifications for a limited license to provide hair services – blow drying; providing that a certain limited license authorizes the licensee to provide only certain services; authorizing the establishment of a limited practice beauty salon for providing hair services – blow drying; prohibiting a person from providing hair services – blow drying in certain places subject to certain exceptions; defining certain terms; altering the definitions of certain terms; and generally relating to a limited license to provide hair services – blow drying.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 5–101, 5–205(c), 5–301, 5–305, 5–310, 5–501, and 5–605

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

#### **Article – Business Occupations and Professions**

5–101.

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

(b) “Apprentice” means an individual who is learning to practice cosmetology or any limited practice of cosmetology in a beauty salon that holds a beauty salon permit under the supervision of:



- (1) if learning to practice cosmetology, a licensed senior cosmetologist;
- (2) if learning to provide esthetic services, a licensed senior cosmetologist or a licensed esthetician with 2 years' experience;
- (3) if learning to provide hair services, a licensed senior cosmetologist or a licensed hairstylist with 2 years' experience; and
- (4) if learning to provide nail technician services, a licensed senior cosmetologist or a licensed nail technician with 2 years' experience.

(c) (1) "Beauty salon" means any commercial establishment, except a barbershop, in which an individual practices cosmetology.

(2) "Beauty salon" does not include a clinic in a cosmetology school.

(d) "Beauty salon permit" means a permit issued by the Board to operate a beauty salon.

(e) "Board" means the State Board of Cosmetologists.

(f) "Cosmetologist" means an individual who practices cosmetology.

(g) "Hairstylist" means an individual who provides hair services.

**(H) "HAIRSTYLIST – BLOW DRY TECHNICIAN" MEANS AN INDIVIDUAL WHO PROVIDES HAIR SERVICES – BLOW DRYING;**

**[(h)] (I)** (1) "License" means, unless the context requires otherwise, a license issued by the Board.

(2) "License" includes, unless the context requires otherwise, each of the following licenses:

- (i) a license to practice cosmetology;
- (ii) a license to practice as a senior cosmetologist;
- (iii) a limited license to provide esthetic services;
- (iv) a limited license to provide hair services; **[and]**

**(V) A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING; AND**

**[(v)] (VI)** a limited license to provide nail technician services.

**[(i)] (J)** “Licensed cosmetologist” means, unless the context requires otherwise, a cosmetologist who is licensed by the Board to practice cosmetology.

**[(j)] (K)** “Licensed senior cosmetologist” means a person who:

- (1) has at least 2 years of experience as a licensed cosmetologist; and
- (2) has passed a test approved by the Board.

**[(k)] (L)** (1) “Limited license” means a license issued by the Board to practice cosmetology as limited in § 5–301 of this title.

(2) “Limited license” includes, unless the context requires otherwise, each of the following licenses:

- (i) a limited license to provide esthetic services;
- (ii) a limited license to provide hair services; [and]

**(III) A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING; AND**

**[(iii)] (IV)** a limited license to provide nail technician services.

**[(l)] (M)** (1) “Practice cosmetology” means to engage in any of the following for compensation:

- (i) providing hair services;
- (ii) arching or dyeing eyebrows;
- (iii) dyeing eyelashes;
- (iv) providing esthetic services; or
- (v) providing nail technician services.

(2) The practice of cosmetology does not include:

- (i) the mere sale, fitting, or styling of wigs or hairpieces;
- (ii) the mere shampooing of hair; or
- (iii) a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device,

provided that the service does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

**[(m)] (N)** “Provide esthetic services” means to provide to an individual, for compensation, the service of:

- (1) cleansing, exercising, massaging, stimulating, or performing any other similar procedure on the skin or scalp by electrical, mechanical, or any other means;
- (2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic preparation; or
- (3) removing superfluous hair by the use of a depilatory, tweezers, or wax.

**[(n)] (O)** “Provide hair services” means to provide to an individual for compensation the service of beautifying, cleaning, or embellishing the hair of the individual by:

- (1) arranging the hair;
- (2) bleaching the hair;
- (3) cleansing the hair;
- (4) coloring the hair;
- (5) curling the hair;
- (6) cutting the hair;
- (7) dressing the hair;
- (8) singeing the hair;
- (9) permanent waving the hair;
- (10) waving the hair; or
- (11) performing any other similar procedure intended to beautify, clean, or embellish the hair.

**(P) “PROVIDE HAIR SERVICES – BLOW DRYING” MEANS TO PROVIDE TO AN INDIVIDUAL FOR COMPENSATION THE SERVICE OF BEAUTIFYING, CLEANING, OR ARRANGING THE HAIR OF THE INDIVIDUAL BY:**

- (1) ARRANGING THE HAIR;
- (2) CLEANSING THE HAIR;
- (3) CURLING THE HAIR;
- (4) DRESSING THE HAIR;
- (5) BLOW DRYING THE HAIR; ~~OR~~
- (6) SINGEING THE HAIR; OR

~~(6)~~ (7) PERFORMING ANY OTHER SIMILAR PROCEDURE INTENDED TO BEAUTIFY, CLEAN, OR ARRANGE THE HAIR.

[(o)] **(Q)** “Provide nail technician services” means to provide to an individual, for compensation, the service of:

- (1) manicuring or pedicuring the individual’s nails;
- (2) applying artificial nail enhancement products; or
- (3) maintaining artificial nail enhancement products.

5–205.

(c) (1) The Board shall adopt regulations that establish detailed curriculum standards for use by the State Board of Education or the Maryland Higher Education Commission in approving applications for instruction in the practice of cosmetology, the provision of esthetic services, the provision of hair services, and the provision of nail technician services at public schools or private career schools.

(2) The curriculum standards established under paragraph (1) of this subsection shall:

- (i) incorporate modern methods and practices for:
  1. practicing cosmetology;
  2. providing esthetic services;
  3. providing hair services; [and]
  4. **PROVIDING HAIR SERVICES – BLOW DRYING; AND**
  - [4.] **5.** providing nail technician services;

(ii) include a reference to each topic and the emphasis of each topic required of a comprehensive curriculum in the appropriate licensing area; and

(iii) be reviewed and updated periodically as determined by the Board.

5–301.

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice cosmetology before the individual may practice cosmetology in the State.

(b) If an individual holds the appropriate limited license, the individual may practice cosmetology in a manner limited to:

(1) providing esthetic services;

(2) providing hair services; [or]

**(3) PROVIDING HAIR SERVICES – BLOW DRYING; OR**

**[(3)] (4)** providing nail technician services.

(c) Subsection (a) of this section does not apply to:

(1) a student while the student practices cosmetology in accordance with § 5–302 or § 5–303 of this subtitle; or

(2) a registered apprentice.

5–305.

(a) To qualify for a limited license to practice cosmetology, an applicant shall be an individual who meets the requirements of this section.

(b) An applicant for a limited license to provide esthetic services shall:

(1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;  
and

(3) have received training by:

(i) serving as a registered apprentice for at least 6 months as provided under §§ 5–404 and 5–405 of this title; or

(ii) successfully completing at least 600 hours of instruction in providing esthetic services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

(c) An applicant for a limited license to provide hair services shall:

(1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;

and

(3) have received training by:

(i) serving as a registered apprentice for at least 15 months as provided under §§ 5–404 and 5–405 of this title; or

(ii) successfully completing at least 1,200 hours of instruction providing hair services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

**(D) AN APPLICANT FOR A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING SHALL:**

**(1) BE AT LEAST 17 YEARS OLD;**

**(2) HAVE COMPLETED SUCCESSFULLY A 9TH GRADE EDUCATION OR THE EQUIVALENT; AND**

**(3) HAVE RECEIVED TRAINING BY SUCCESSFULLY COMPLETING AT LEAST 350 HOURS OF INSTRUCTION PROVIDING HAIR SERVICES – BLOW DRYING IN A COSMETOLOGY SCHOOL APPROVED BY THE STATE DEPARTMENT OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN CONSULTATION WITH THE BOARD.**

**[(d)] (E)** An applicant for a limited license to provide nail technician services shall:

(1) be at least 17 years old;

(2) have successfully completed a 9th grade education or the equivalent;

and

(3) have received training by:

(i) serving as a registered apprentice for at least 3 months as provided under §§ 5-404 and 5-405 of this title; or

(ii) successfully completing at least 250 hours of instruction in providing nail technician services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

**[(e)] (F)** If an applicant is licensed to practice as an esthetician, hairstylist, **HAIRSTYLIST – BLOW DRYING TECHNICIAN**, or nail technician in another state or foreign country, the applicant meets the training requirements of this section if the applicant has held a limited license in the other state or foreign country and has actively practiced in the other state or foreign country for a period of 6 months.

**[(f)] (G)** An applicant for a limited license shall pass an examination given by the Board under this subtitle.

5-310.

(a) Subject to subsections (b), (c), **[and] (d), AND (E)** of this section and while a license to practice cosmetology is in effect, it authorizes the licensee to practice cosmetology.

(b) While a limited license to provide esthetic services is in effect, it authorizes the licensee to provide only esthetic services.

(c) While a limited license to provide hair services is in effect, the license authorizes the licensee to provide only hair services.

**(D) WHILE A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING IS IN EFFECT, THE LICENSE AUTHORIZES THE LICENSEE TO PROVIDE ONLY HAIR SERVICES – BLOW DRYING.**

**[(d)] (E)** While a limited license to provide nail technician services is in effect, it authorizes the licensee to provide only nail technician services.

5-501.

(a) A person shall hold a beauty salon permit issued by the Board before the person may operate a beauty salon in the State.

(b) A beauty salon may operate as a limited practice beauty salon by offering cosmetology services limited to:

(1) providing esthetic services;

(2) providing hair services; **[or]**

**(3) PROVIDING HAIR SERVICES – BLOW DRYING; OR**

**[(3)] (4)** providing nail technician services.

(c) A separate beauty salon permit is required for each beauty salon that a person operates.

5–605.

(a) Except as provided in §§ 5–302 and 5–303 of this title and subsection (b) of this section, a person may not practice cosmetology, provide esthetic services, provide hair services, **PROVIDE HAIR SERVICES – BLOW DRYING**, or provide nail technician services in any place other than:

(1) a beauty salon that holds a beauty salon permit; or

(2) a barbershop that holds a barbershop permit issued under Title 4 of this article.

(b) (1) A licensed cosmetologist, esthetician, hairstylist, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, or nail technician may practice cosmetology and provide services in:

(i) a facility in which beautification–oriented medical services, authorized by the Department of Health and Mental Hygiene, are provided;

(ii) the residence of an individual confined to the residence by reason of a physical or mental infirmity;

(iii) an assisted living facility as defined in § 19–1801 of the Health – General Article;

(iv) a hospice facility defined in § 19–901(c) of the Health – General Article;

(v) a nursing home as defined in § 19–1401(e) of the Health – General Article; or

(vi) a hospital as defined in § 19–301 of the Health – General Article or a similar institution.

(2) To practice in any of the locations specified in this subsection:

(i) the licensed cosmetologist, esthetician, hairstylist, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, or nail technician shall be sponsored by a beauty



salon in which the cosmetologist, esthetician, hairstylist, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, or nail technician is authorized to practice;

(ii) the patron to whom the services are rendered shall be a customer of the beauty salon; and

(iii) the services shall be rendered by appointment through the beauty salon.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 435

### (House Bill 1291)

AN ACT concerning

#### **State Board of Cosmetologists – Limited License – Hair Services – Blow Drying**

FOR the purpose of establishing a limited license to provide hair services – blow drying; requiring the State Board of Cosmetologists to establish by regulation certain curriculum standards for providing hair services – blow drying for use by certain entities for a certain purpose; establishing qualifications for a limited license to provide hair services – blow drying; providing that a certain limited license authorizes the licensee to provide only certain services; authorizing the establishment of a limited practice beauty salon for providing hair services – blow drying; prohibiting a person from providing hair services – blow drying in certain places subject to certain exceptions; defining certain terms; altering the definitions of certain terms; and generally relating to a limited license to provide hair services – blow drying.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 5–101, 5–205(c), 5–301, 5–305, 5–310, 5–501, and 5–605

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

#### **Article – Business Occupations and Professions**

5–101.

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

(b) “Apprentice” means an individual who is learning to practice cosmetology or any limited practice of cosmetology in a beauty salon that holds a beauty salon permit under the supervision of:

(1) if learning to practice cosmetology, a licensed senior cosmetologist;

(2) if learning to provide esthetic services, a licensed senior cosmetologist or a licensed esthetician with 2 years’ experience;

(3) if learning to provide hair services, a licensed senior cosmetologist or a licensed hairstylist with 2 years’ experience; and

(4) if learning to provide nail technician services, a licensed senior cosmetologist or a licensed nail technician with 2 years’ experience.

(c) (1) “Beauty salon” means any commercial establishment, except a barbershop, in which an individual practices cosmetology.

(2) “Beauty salon” does not include a clinic in a cosmetology school.

(d) “Beauty salon permit” means a permit issued by the Board to operate a beauty salon.

(e) “Board” means the State Board of Cosmetologists.

(f) “Cosmetologist” means an individual who practices cosmetology.

(g) “Hairstylist” means an individual who provides hair services.

**(H) “HAIRSTYLIST – BLOW DRY TECHNICIAN” MEANS AN INDIVIDUAL WHO PROVIDES HAIR SERVICES – BLOW DRYING;**

**[(h)] (I)** (1) “License” means, unless the context requires otherwise, a license issued by the Board.

(2) “License” includes, unless the context requires otherwise, each of the following licenses:

(i) a license to practice cosmetology;

(ii) a license to practice as a senior cosmetologist;

(iii) a limited license to provide esthetic services;

(iv) a limited license to provide hair services; [and]

**(V) A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING; AND**

[(v)] **(VI)** a limited license to provide nail technician services.

**[(i)] (J)** “Licensed cosmetologist” means, unless the context requires otherwise, a cosmetologist who is licensed by the Board to practice cosmetology.

**[(j)] (K)** “Licensed senior cosmetologist” means a person who:

- (1) has at least 2 years of experience as a licensed cosmetologist; and
- (2) has passed a test approved by the Board.

**[(k)] (L)** (1) “Limited license” means a license issued by the Board to practice cosmetology as limited in § 5–301 of this title.

(2) “Limited license” includes, unless the context requires otherwise, each of the following licenses:

- (i) a limited license to provide esthetic services;
- (ii) a limited license to provide hair services; [and]

**(III) A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING; AND**

[(iii)] **(IV)** a limited license to provide nail technician services.

**[(l)] (M)** (1) “Practice cosmetology” means to engage in any of the following for compensation:

- (i) providing hair services;
- (ii) arching or dyeing eyebrows;
- (iii) dyeing eyelashes;
- (iv) providing esthetic services; or
- (v) providing nail technician services.

(2) The practice of cosmetology does not include:

- (i) the mere sale, fitting, or styling of wigs or hairpieces;
- (ii) the mere shampooing of hair; or

(iii) a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

**[(m)] (N)** “Provide esthetic services” means to provide to an individual, for compensation, the service of:

- (1) cleansing, exercising, massaging, stimulating, or performing any other similar procedure on the skin or scalp by electrical, mechanical, or any other means;
- (2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic preparation; or
- (3) removing superfluous hair by the use of a depilatory, tweezers, or wax.

**[(n)] (O)** “Provide hair services” means to provide to an individual for compensation the service of beautifying, cleaning, or embellishing the hair of the individual by:

- (1) arranging the hair;
- (2) bleaching the hair;
- (3) cleansing the hair;
- (4) coloring the hair;
- (5) curling the hair;
- (6) cutting the hair;
- (7) dressing the hair;
- (8) singeing the hair;
- (9) permanent waving the hair;
- (10) waving the hair; or

(11) performing any other similar procedure intended to beautify, clean, or embellish the hair.

**(P) “PROVIDE HAIR SERVICES – BLOW DRYING” MEANS TO PROVIDE TO AN INDIVIDUAL FOR COMPENSATION THE SERVICE OF BEAUTIFYING, CLEANING, OR ARRANGING THE HAIR OF THE INDIVIDUAL BY:**

- (1) ARRANGING THE HAIR;**
- (2) CLEANSING THE HAIR;**
- (3) CURLING THE HAIR;**
- (4) DRESSING THE HAIR;**
- (5) BLOW DRYING THE HAIR; ~~OR~~**
- (6) SINGEING THE HAIR; OR**

**~~(6)~~ (7) PERFORMING ANY OTHER SIMILAR PROCEDURE INTENDED TO BEAUTIFY, CLEAN, OR ARRANGE THE HAIR.**

**[(o)] (Q) “Provide nail technician services” means to provide to an individual, for compensation, the service of:**

- (1) manicuring or pedicuring the individual’s nails;
- (2) applying artificial nail enhancement products; or
- (3) maintaining artificial nail enhancement products.

5–205.

(c) (1) The Board shall adopt regulations that establish detailed curriculum standards for use by the State Board of Education or the Maryland Higher Education Commission in approving applications for instruction in the practice of cosmetology, the provision of esthetic services, the provision of hair services, and the provision of nail technician services at public schools or private career schools.

(2) The curriculum standards established under paragraph (1) of this subsection shall:

- (i) incorporate modern methods and practices for:
  - 1. practicing cosmetology;

2. providing esthetic services;
3. providing hair services; [and]
4. **PROVIDING HAIR SERVICES – BLOW DRYING; AND**
- [4.] **5.** providing nail technician services;

(ii) include a reference to each topic and the emphasis of each topic required of a comprehensive curriculum in the appropriate licensing area; and

(iii) be reviewed and updated periodically as determined by the Board.

5–301.

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice cosmetology before the individual may practice cosmetology in the State.

(b) If an individual holds the appropriate limited license, the individual may practice cosmetology in a manner limited to:

- (1) providing esthetic services;
- (2) providing hair services; [or]
- (3) **PROVIDING HAIR SERVICES – BLOW DRYING; OR**
- [(3)] (4) providing nail technician services.

(c) Subsection (a) of this section does not apply to:

(1) a student while the student practices cosmetology in accordance with § 5–302 or § 5–303 of this subtitle; or

(2) a registered apprentice.

5–305.

(a) To qualify for a limited license to practice cosmetology, an applicant shall be an individual who meets the requirements of this section.

(b) An applicant for a limited license to provide esthetic services shall:

- (1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;  
and

(3) have received training by:

(i) serving as a registered apprentice for at least 6 months as provided under §§ 5–404 and 5–405 of this title; or

(ii) successfully completing at least 600 hours of instruction in providing esthetic services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

(c) An applicant for a limited license to provide hair services shall:

(1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;  
and

(3) have received training by:

(i) serving as a registered apprentice for at least 15 months as provided under §§ 5–404 and 5–405 of this title; or

(ii) successfully completing at least 1,200 hours of instruction providing hair services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

**(D) AN APPLICANT FOR A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING SHALL:**

**(1) BE AT LEAST 17 YEARS OLD;**

**(2) HAVE COMPLETED SUCCESSFULLY A 9TH GRADE EDUCATION OR THE EQUIVALENT; AND**

**(3) HAVE RECEIVED TRAINING BY SUCCESSFULLY COMPLETING AT LEAST 350 HOURS OF INSTRUCTION PROVIDING HAIR SERVICES – BLOW DRYING IN A COSMETOLOGY SCHOOL APPROVED BY THE STATE DEPARTMENT OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN CONSULTATION WITH THE BOARD.**

**[(d)] (E)** An applicant for a limited license to provide nail technician services shall:

- (1) be at least 17 years old;
  - (2) have successfully completed a 9th grade education or the equivalent;
- and
- (3) have received training by:
    - (i) serving as a registered apprentice for at least 3 months as provided under §§ 5–404 and 5–405 of this title; or
    - (ii) successfully completing at least 250 hours of instruction in providing nail technician services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

**[(e)] (F)** If an applicant is licensed to practice as an esthetician, hairstylist, **HAIRSTYLIST – BLOW DRYING TECHNICIAN**, or nail technician in another state or foreign country, the applicant meets the training requirements of this section if the applicant has held a limited license in the other state or foreign country and has actively practiced in the other state or foreign country for a period of 6 months.

**[(f)] (G)** An applicant for a limited license shall pass an examination given by the Board under this subtitle.

5–310.

(a) Subject to subsections (b), (c), **[and] (d), AND (E)** of this section and while a license to practice cosmetology is in effect, it authorizes the licensee to practice cosmetology.

(b) While a limited license to provide esthetic services is in effect, it authorizes the licensee to provide only esthetic services.

(c) While a limited license to provide hair services is in effect, the license authorizes the licensee to provide only hair services.

**(D) WHILE A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING IS IN EFFECT, THE LICENSE AUTHORIZES THE LICENSEE TO PROVIDE ONLY HAIR SERVICES – BLOW DRYING.**

**[(d)] (E)** While a limited license to provide nail technician services is in effect, it authorizes the licensee to provide only nail technician services.

5–501.

(a) A person shall hold a beauty salon permit issued by the Board before the person may operate a beauty salon in the State.



(b) A beauty salon may operate as a limited practice beauty salon by offering cosmetology services limited to:

- (1) providing esthetic services;
- (2) providing hair services; [or]
- (3) PROVIDING HAIR SERVICES – BLOW DRYING; OR**
- [(3)] (4)** providing nail technician services.

(c) A separate beauty salon permit is required for each beauty salon that a person operates.

5–605.

(a) Except as provided in §§ 5–302 and 5–303 of this title and subsection (b) of this section, a person may not practice cosmetology, provide esthetic services, provide hair services, **PROVIDE HAIR SERVICES – BLOW DRYING**, or provide nail technician services in any place other than:

- (1) a beauty salon that holds a beauty salon permit; or
- (2) a barbershop that holds a barbershop permit issued under Title 4 of this article.

(b) (1) A licensed cosmetologist, esthetician, hairstylist, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, or nail technician may practice cosmetology and provide services in:

- (i) a facility in which beautification–oriented medical services, authorized by the Department of Health and Mental Hygiene, are provided;
- (ii) the residence of an individual confined to the residence by reason of a physical or mental infirmity;
- (iii) an assisted living facility as defined in § 19–1801 of the Health – General Article;
- (iv) a hospice facility defined in § 19–901(c) of the Health – General Article;
- (v) a nursing home as defined in § 19–1401(e) of the Health – General Article; or

(vi) a hospital as defined in § 19–301 of the Health – General Article or a similar institution.

(2) To practice in any of the locations specified in this subsection:

(i) the licensed cosmetologist, esthetician, hairstylist, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, or nail technician shall be sponsored by a beauty salon in which the cosmetologist, esthetician, hairstylist, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, or nail technician is authorized to practice;

(ii) the patron to whom the services are rendered shall be a customer of the beauty salon; and

(iii) the services shall be rendered by appointment through the beauty salon.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 436

(Senate Bill 848)

AN ACT concerning

### Health Insurance – Contraceptive Equity Act

FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance, or prior authorization requirement for certain contraceptive drugs and devices; providing that the prohibition does not apply with respect to a certain health benefit plan; ~~requiring a certain insurer, nonprofit health service plan, and health maintenance organization to post its contraceptive formulary on its Web site in a certain format, include certain information on the formulary, and provide a print copy of the formulary on request;~~ establishing an exception to the prohibition against applying a copayment or coinsurance requirement for certain contraceptive drugs or devices; requiring a certain insurer, nonprofit health service plan, and health maintenance organization to provide coverage for a single dispensing to an insured or an enrollee of a certain supply of prescription contraceptives, ~~except for certain prescriptions, for a certain period of time~~ subject to certain exceptions; requiring the insurer, nonprofit health service plan, and health maintenance organization to increase the dispensing fee paid to certain individuals the pharmacist under certain circumstances; requiring ~~a certain~~ the insurer, nonprofit health service plan, and health maintenance

organization to provide coverage without a prescription for certain contraceptive drugs, subject to certain limitations; prohibiting the insurer, nonprofit health service plan, and health maintenance ~~organizations~~ organization from applying a copayment or coinsurance requirement for the contraceptive drugs dispensed without a prescription that exceeds a certain copayment or coinsurance requirement; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for male sterilization; excluding a certain organization from the requirement to provide the coverage for male sterilization; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance requirement, or deductible to coverage for male sterilization; providing that the prohibition does not apply with respect to a certain health benefit plan; altering the circumstances under which a member may receive a prescription drug or device that is not on the formulary of a certain insurer, nonprofit health service plan, or health maintenance organization; requiring the procedure under which a member may receive a prescription drug or device that is not on the formulary to provide for coverage of a contraceptive prescription drug or device that is medically necessary for ~~adherence purposes~~ the member to adhere to the appropriate use of the prescription drug or device; prohibiting the Maryland Medical Assistance Program and the Maryland Children's Health Program from applying a prior authorization requirement for certain contraceptive drugs and devices; requiring the Maryland Medical Assistance Program and the Maryland Children's Health Program to provide coverage for a single dispensing to an enrollee of a certain supply of prescription contraceptives, subject to a certain exception; defining a certain term; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage of contraceptive drugs, devices, and procedures and contraception equity.

BY adding to

Article – Insurance  
Section 15–826.1 and 15–826.2  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 15–831  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Health – General  
Section 15–148  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Insurance**

**15–826.1.**

(A) IN THIS SECTION, “AUTHORIZED PRESCRIBER” HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) (1) ~~EXCEPT WITH RESPECT~~ THIS SUBSECTION DOES NOT APPLY TO A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, AN.

(2) AN ENTITY SUBJECT TO THIS SECTION:

(1) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

1. A. AN INTRAUTERINE DEVICE; OR

B. AN IMPLANTABLE ROD;

2. APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND

3. OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER; AND

~~(1)~~ (II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, MAY NOT APPLY A COPAYMENT, COINSURANCE, OR PRIOR

~~AUTHORIZATION~~ COPAYMENT OR COINSURANCE REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

~~(F)~~ 1. APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND

~~(H)~~ 2. OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER; ~~BUT.~~

~~(2)~~ (3) AN ENTITY SUBJECT TO THIS SECTION MAY APPLY A COPAYMENT OR COINSURANCE REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT, ACCORDING TO THE U.S. FOOD AND DRUG ADMINISTRATION, IS THERAPEUTICALLY EQUIVALENT TO ANOTHER CONTRACEPTIVE DRUG OR DEVICE THAT IS AVAILABLE UNDER THE SAME POLICY OR CONTRACT WITHOUT A COPAYMENT OR COINSURANCE REQUIREMENT.

~~(D)~~ ~~AN ENTITY SUBJECT TO THIS SECTION SHALL:~~

~~(1) (I) POST ON ITS WEB SITE ITS CONTRACEPTIVE FORMULARY IN A CONSUMER FRIENDLY FORMAT THAT IS ACCESSIBLE TO INDIVIDUALS SEEKING INFORMATION ABOUT COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER THE POLICIES OR CONTRACTS OF THE ENTITY; AND~~

~~(II) INCLUDE IN THE FORMULARY COMPLETE AND CURRENT INFORMATION ABOUT COST SHARING REQUIREMENTS FOR CONTRACEPTIVE DRUGS AND DEVICES ON AND OFF THE ENTITY'S FORMULARY; AND~~

~~(2) PROVIDE A PRINT COPY OF THE CONTRACEPTIVE FORMULARY REQUIRED UNDER ITEM (1) OF THIS SUBSECTION ON REQUEST.~~

~~(E)~~ (D) (1) EXCEPT AS PROVIDED IN ~~PARAGRAPH (2)~~ PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR A SINGLE DISPENSING TO AN INSURED OR AN ENROLLEE OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A ~~12-MONTH~~ 6-MONTH PERIOD.

(2) SUBJECT TO § 15-824 OF THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION MAY PROVIDE COVERAGE FOR A SUPPLY OF PRESCRIPTION CONTRACEPTIVES THAT IS FOR LESS THAN A 6-MONTH PERIOD, IF A 6-MONTH SUPPLY WOULD EXTEND BEYOND THE PLAN YEAR.

~~(2)~~ (3) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN INSURED OR AN ENROLLEE UNDER:

(I) THE INITIAL ~~FIRST~~ PRESCRIPTION FOR THE CONTRACEPTIVES; OR

(II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO ~~OR CHANGE IN A PRESCRIPTION FOR CONTRACEPTIVES FOR~~ THE INSURED OR THE ENROLLEE.

~~(3)~~ (4) WHENEVER AN ENTITY SUBJECT TO THIS SECTION INCREASES THE COPAYMENT FOR A SINGLE DISPENSING OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A ~~13-MONTH~~ 6-MONTH PERIOD, THE ENTITY SHALL ALSO INCREASE PROPORTIONATELY THE DISPENSING FEE PAID TO THE PHARMACIST ~~OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO DISPENSE PRESCRIPTION CONTRACEPTIVES.~~

~~(F)~~ (E) (1) ~~AN~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION:

~~(1)~~ (I) SHALL PROVIDE COVERAGE WITHOUT A PRESCRIPTION FOR ALL CONTRACEPTIVE DRUGS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AND AVAILABLE BY PRESCRIPTION AND OVER THE COUNTER; AND

~~(2)~~ (II) MAY NOT APPLY A COPAYMENT OR COINSURANCE REQUIREMENT FOR A CONTRACEPTIVE DRUG DISPENSED WITHOUT A PRESCRIPTION UNDER ITEM (I) OF THIS PARAGRAPH THAT EXCEEDS THE COPAYMENT OR COINSURANCE REQUIREMENT FOR THE CONTRACEPTIVE DRUG DISPENSED UNDER A PRESCRIPTION.

(2) AN ENTITY SUBJECT TO THIS SECTION:

(I) MAY ONLY BE REQUIRED TO PROVIDE POINT-OF-SALE COVERAGE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION AT IN-NETWORK PHARMACIES; AND

(II) MAY LIMIT THE FREQUENCY WITH WHICH THE COVERAGE REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS PROVIDED.

15-826.2.

(A) (1) IN THIS SUBSECTION, “GROUP” MEANS A GROUP THAT IS NOT A GROUP COVERED UNDER A HEALTH INSURANCE POLICY OR CONTRACT OR UNDER A HEALTH MAINTENANCE ORGANIZATION CONTRACT ISSUED OR DELIVERED TO A SMALL EMPLOYER, AS DEFINED IN § 31-101 OF THIS ARTICLE.

**(2) THIS SUBSECTION APPLIES TO:**

**(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

**(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

**(3) THIS SUBSECTION DOES NOT APPLY TO AN ORGANIZATION THAT REQUESTS AND RECEIVES AN EXCLUSION FROM COVERAGE UNDER § 15-826(C) OF THIS SUBTITLE.**

**(4) AN ENTITY SUBJECT TO THIS SUBSECTION SHALL PROVIDE COVERAGE FOR MALE STERILIZATION.**

**(B) (1) THIS SUBSECTION APPLIES TO:**

**(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR MALE STERILIZATION UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

**(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR MALE STERILIZATION UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

**(2) EXCEPT WITH RESPECT TO A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, AN ENTITY SUBJECT TO THIS SUBSECTION MAY NOT APPLY A COPAYMENT, COINSURANCE REQUIREMENT, OR DEDUCTIBLE TO COVERAGE FOR MALE STERILIZATION.**

15-831.

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

(2) “Authorized prescriber” has the meaning stated in § 12-101 of the Health Occupations Article.

(3) “Formulary” means a list of prescription drugs or devices that are covered by an entity subject to this section.

(4) (i) “Member” means an individual entitled to health care benefits for prescription drugs or devices under a policy issued or delivered in the State by an entity subject to this section.

(ii) “Member” includes a subscriber.

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for prescription drugs and devices under individual or group contracts that are issued or delivered in the State.

(2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy benefit manager is subject to the requirements of this section.

(3) This section does not apply to a managed care organization as defined in § 15–101 of the Health – General Article.

(c) Each entity subject to this section that limits its coverage of prescription drugs or devices to those in a formulary shall establish and implement a procedure by which a member may receive a prescription drug or device that is not in the entity’s formulary in accordance with this section.

(d) The procedure shall provide for coverage for a prescription drug or device that is not in the formulary if, in the judgment of the authorized prescriber:

(1) there is no equivalent prescription drug or device in the entity’s formulary; [or]

(2) an equivalent prescription drug or device in the entity’s formulary:

(i) has been ineffective in treating the disease or condition of the member; or

(ii) has caused or is likely to cause an adverse reaction or other harm to the member; **OR**

**(3) FOR A CONTRACEPTIVE PRESCRIPTION DRUG OR DEVICE, THE PRESCRIPTION DRUG OR DEVICE THAT IS NOT ON THE FORMULARY IS MEDICALLY NECESSARY FOR ~~ADHERENCE PURPOSES~~ THE MEMBER TO ADHERE TO THE APPROPRIATE USE OF THE PRESCRIPTION DRUG OR DEVICE.**



(e) A decision by an entity subject to this section not to provide access to or coverage of a prescription drug or device in accordance with this section constitutes an adverse decision as defined under Subtitle 10A of this title if the decision is based on a finding that the proposed drug or device is not medically necessary, appropriate, or efficient.

Article – Health – General

15-148.

**(A) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:**

- (1) (I) AN INTRAUTERINE DEVICE; OR**
- (II) AN IMPLANTABLE ROD;**
- (2) APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND**
- (3) OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER.**

**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM SHALL PROVIDE COVERAGE FOR A SINGLE DISPENSING TO AN ENROLLEE OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A 6-MONTH PERIOD.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN ENROLLEE UNDER:**

- (I) THE INITIAL PRESCRIPTION FOR THE CONTRACEPTIVES; OR**
- (II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO THE ENROLLEE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after January 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.

Approved by the Governor, May 10, 2016.

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## Chapter 437

### (House Bill 1005)

AN ACT concerning

#### Health Insurance – Contraceptive Equity Act

FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance, or prior authorization requirement for certain contraceptive drugs and devices; providing that the prohibition does not apply with respect to a certain health benefit plan; ~~requiring a certain insurer, nonprofit health service plan, and health maintenance organization to post its contraceptive formulary on its Web site in a certain format, include certain information on the formulary, and provide a print copy of the formulary on request;~~ establishing an exception to the prohibition against applying a copayment or coinsurance requirement for certain contraceptive drugs or devices; requiring a certain insurer, nonprofit health service plan, and health maintenance organization to provide coverage for a single dispensing to an insured or an enrollee of a certain supply of prescription contraceptives, ~~except for certain prescriptions, for a certain period of time~~ subject to certain exceptions; requiring the insurer, nonprofit health service plan, and health maintenance organization to increase the dispensing fee paid to certain individuals the pharmacist under certain circumstances; requiring ~~a certain~~ the insurer, nonprofit health service plan, and health maintenance organization to provide coverage without a prescription for certain contraceptive drugs, subject to certain limitations; prohibiting the insurer, nonprofit health service plan, and health maintenance ~~organizations~~ organization from applying a copayment or coinsurance requirement for the contraceptive drugs dispensed without a prescription that exceeds a certain copayment or coinsurance requirement; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for male sterilization; excluding a certain organization from the requirement to provide the coverage for male sterilization; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance requirement, or deductible to coverage for male sterilization; providing that the prohibition does not apply with respect to a certain health benefit plan; altering the circumstances under which a member may receive a prescription drug or device that is not on the formulary of a certain insurer, nonprofit health service plan, or health maintenance organization; requiring the procedure under which a member may receive a prescription drug or device that is not on the formulary to provide for coverage of a contraceptive

prescription drug or device that is medically necessary for adherence purposes the member to adhere to the appropriate use of the prescription drug or device; prohibiting the Maryland Medical Assistance Program and the Maryland Children's Health Program from applying a prior authorization requirement for certain contraceptive drugs and devices; requiring the Maryland Medical Assistance Program and the Maryland Children's Health Program to provide coverage for a single dispensing to an enrollee of a certain supply of prescription contraceptives, subject to a certain exception; defining a certain term; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage of contraceptive drugs, devices, and procedures and contraception equity.

BY adding to

Article – Insurance  
 Section 15–826.1 and 15–826.2  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance  
 Section 15–831  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Health – General  
Section 15–148  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Insurance**

**15–826.1.**

(A) IN THIS SECTION, “AUTHORIZED PRESCRIBER” HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(c) (1) ~~EXCEPT WITH RESPECT~~ THIS SUBSECTION DOES NOT APPLY TO A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, AN.

(2) AN ENTITY SUBJECT TO THIS SECTION:

(1) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

1. A. AN INTRAUTERINE DEVICE; OR
- B. AN IMPLANTABLE ROD;
2. APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND
3. OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER; AND

~~(1)~~ (II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, MAY NOT APPLY A COPAYMENT, COINSURANCE, OR PRIOR AUTHORIZATION COPAYMENT OR COINSURANCE REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

- ~~(1)~~ 1. APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND
- ~~(1)~~ 2. OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER; ~~BUT,~~

~~(2)~~ (3) AN ENTITY SUBJECT TO THIS SECTION MAY APPLY A COPAYMENT OR COINSURANCE REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT, ACCORDING TO THE U.S. FOOD AND DRUG ADMINISTRATION, IS THERAPEUTICALLY EQUIVALENT TO ANOTHER CONTRACEPTIVE DRUG OR DEVICE THAT IS AVAILABLE UNDER THE SAME POLICY OR CONTRACT WITHOUT A COPAYMENT OR COINSURANCE REQUIREMENT.

~~(D) AN ENTITY SUBJECT TO THIS SECTION SHALL:~~

~~(1) (i) POST ON ITS WEB SITE ITS CONTRACEPTIVE FORMULARY IN A CONSUMER-FRIENDLY FORMAT THAT IS ACCESSIBLE TO INDIVIDUALS SEEKING INFORMATION ABOUT COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER THE POLICIES OR CONTRACTS OF THE ENTITY; AND~~

~~(ii) INCLUDE IN THE FORMULARY COMPLETE AND CURRENT INFORMATION ABOUT COST SHARING REQUIREMENTS FOR CONTRACEPTIVE DRUGS AND DEVICES ON AND OFF THE ENTITY'S FORMULARY; AND~~

~~(2) PROVIDE A PRINT COPY OF THE CONTRACEPTIVE FORMULARY REQUIRED UNDER ITEM (1) OF THIS SUBSECTION ON REQUEST.~~

~~(E) (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR A SINGLE DISPENSING TO AN INSURED OR AN ENROLLEE OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A ~~13-MONTH~~ 6-MONTH PERIOD.~~

~~(2) SUBJECT TO § 15-824 OF THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION MAY PROVIDE COVERAGE FOR A SUPPLY OF PRESCRIPTION CONTRACEPTIVES THAT IS FOR LESS THAN A 6-MONTH PERIOD, IF A 6-MONTH SUPPLY WOULD EXTEND BEYOND THE PLAN YEAR.~~

~~(2) (3) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN INSURED OR AN ENROLLEE UNDER:~~

~~(I) THE INITIAL ~~FIRST~~ PRESCRIPTION FOR THE CONTRACEPTIVES; OR~~

~~(II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO OR CHANGE IN A PRESCRIPTION FOR CONTRACEPTIVES FOR THE INSURED OR THE ENROLLEE.~~

~~(3) (4) WHENEVER AN ENTITY SUBJECT TO THIS SECTION INCREASES THE COPAYMENT FOR A SINGLE DISPENSING OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A ~~13-MONTH~~ 6-MONTH PERIOD, THE ENTITY SHALL ALSO INCREASE PROPORTIONATELY THE DISPENSING FEE PAID TO THE PHARMACIST OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO DISPENSE PRESCRIPTION CONTRACEPTIVES.~~

~~(F)~~ (E) (1) ~~AN~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION:

~~(1)~~ (1) SHALL PROVIDE COVERAGE WITHOUT A PRESCRIPTION FOR ALL CONTRACEPTIVE DRUGS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AND AVAILABLE BY PRESCRIPTION AND OVER THE COUNTER; AND

~~(2)~~ (II) MAY NOT APPLY A COPAYMENT OR COINSURANCE REQUIREMENT FOR A CONTRACEPTIVE DRUG DISPENSED WITHOUT A PRESCRIPTION UNDER ITEM (I) OF THIS PARAGRAPH THAT EXCEEDS THE COPAYMENT OR COINSURANCE REQUIREMENT FOR THE CONTRACEPTIVE DRUG DISPENSED UNDER A PRESCRIPTION.

(2) AN ENTITY SUBJECT TO THIS SECTION:

(I) MAY ONLY BE REQUIRED TO PROVIDE POINT-OF-SALE COVERAGE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION AT IN-NETWORK PHARMACIES; AND

(II) MAY LIMIT THE FREQUENCY WITH WHICH THE COVERAGE REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS PROVIDED.

15-826.2.

(A) (1) IN THIS SUBSECTION, “GROUP” MEANS A GROUP THAT IS NOT A GROUP COVERED UNDER A HEALTH INSURANCE POLICY OR CONTRACT OR UNDER A HEALTH MAINTENANCE ORGANIZATION CONTRACT ISSUED OR DELIVERED TO A SMALL EMPLOYER, AS DEFINED IN § 31-101 OF THIS ARTICLE.

(2) THIS SUBSECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(3) THIS SUBSECTION DOES NOT APPLY TO AN ORGANIZATION THAT REQUESTS AND RECEIVES AN EXCLUSION FROM COVERAGE UNDER § 15-826(C) OF THIS SUBTITLE.

(4) AN ENTITY SUBJECT TO THIS SUBSECTION SHALL PROVIDE COVERAGE FOR MALE STERILIZATION.

(B) (1) THIS SUBSECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR MALE STERILIZATION UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR MALE STERILIZATION UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) EXCEPT WITH RESPECT TO A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, AN ENTITY SUBJECT TO THIS SUBSECTION MAY NOT APPLY A COPAYMENT, COINSURANCE REQUIREMENT, OR DEDUCTIBLE TO COVERAGE FOR MALE STERILIZATION.

15-831.

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

(2) “Authorized prescriber” has the meaning stated in § 12-101 of the Health Occupations Article.

(3) “Formulary” means a list of prescription drugs or devices that are covered by an entity subject to this section.

(4) (i) “Member” means an individual entitled to health care benefits for prescription drugs or devices under a policy issued or delivered in the State by an entity subject to this section.

(ii) “Member” includes a subscriber.

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for prescription drugs and devices under individual or group contracts that are issued or delivered in the State.

(2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy benefit manager is subject to the requirements of this section.

(3) This section does not apply to a managed care organization as defined in § 15–101 of the Health – General Article.

(c) Each entity subject to this section that limits its coverage of prescription drugs or devices to those in a formulary shall establish and implement a procedure by which a member may receive a prescription drug or device that is not in the entity's formulary in accordance with this section.

(d) The procedure shall provide for coverage for a prescription drug or device that is not in the formulary if, in the judgment of the authorized prescriber:

(1) there is no equivalent prescription drug or device in the entity's formulary; [or]

(2) an equivalent prescription drug or device in the entity's formulary:

(i) has been ineffective in treating the disease or condition of the member; or

(ii) has caused or is likely to cause an adverse reaction or other harm to the member; OR

**(3) FOR A CONTRACEPTIVE PRESCRIPTION DRUG OR DEVICE, THE PRESCRIPTION DRUG OR DEVICE THAT IS NOT ON THE FORMULARY IS MEDICALLY NECESSARY FOR ~~ADHERENCE PURPOSES~~ THE MEMBER TO ADHERE TO THE APPROPRIATE USE OF THE PRESCRIPTION DRUG OR DEVICE.**

(e) A decision by an entity subject to this section not to provide access to or coverage of a prescription drug or device in accordance with this section constitutes an adverse decision as defined under Subtitle 10A of this title if the decision is based on a finding that the proposed drug or device is not medically necessary, appropriate, or efficient.

### Article – Health – General

#### 15–148.

**(A) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, THE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:**



- (1) (I) AN INTRAUTERINE DEVICE; OR
- (II) AN IMPLANTABLE ROD;
- (2) APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND
- (3) OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM SHALL PROVIDE COVERAGE FOR A SINGLE DISPENSING TO AN ENROLLEE OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A 6-MONTH PERIOD.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN ENROLLEE UNDER:

- (I) THE INITIAL PRESCRIPTION FOR THE CONTRACEPTIVES; OR
- (II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO THE ENROLLEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after January 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.

**Approved by the Governor, May 10, 2016.**

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## Chapter 438

(Senate Bill 853)

AN ACT concerning

### **Guardians of Property and Custodians – Authority to Fund Certain Trusts and Accounts**

FOR the purpose of authorizing a guardian of the property of a certain minor or disabled person to pay or apply income or principal from a certain estate to establish or fund

a certain special needs trust, a pooled asset special needs trust account, or an Achieving a Better Life Experience (ABLE) account for the benefit of the minor or disabled person, without court authorization or confirmation; authorizing a certain custodian to use all or part of certain custodial property to establish or fund a certain special needs trust, a pooled asset special needs trust account, or an ABLE account for the benefit of a certain minor, without court order; defining certain terms; altering a certain definition; making technical and stylistic changes; and generally relating to the powers of certain guardians of property and custodians.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13–101, 13–214, and 13–314

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

### Article – Estates and Trusts

13–101.

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

(b) **“ABLE ACCOUNT” MEANS AN ACCOUNT DESCRIBED UNDER 26 U.S.C. § 529A(E).**

(c) “Classification of abode” means one of the following types of abode licensed or certified by a State agency:

(1) Related institutions under § 19–114 of the Health – General Article;

(2) Private or public group homes under § 7–601 of the Health – General Article;

(3) CARE homes under Title 6, Subtitle 5, Part II of the Human Services Article;

(4) Adult foster care homes regulated by the Department of Human Resources; or

(5) Senior assisted housing facilities under Title 10 of the Human Services Article.

[(c)] (D) “Court” means the court having jurisdiction under § 13–105 of this subtitle.

**[(d)] (E)** “Director” means the director of the local department of social services in the political subdivision where the adult requiring protective services lives.

**[(e)] (F)** “Disabled person” means, **UNLESS THE CONTEXT REQUIRES OTHERWISE**, a person other than a minor who:

(1) (i) Has been judged by a court to be unable to manage **[his] THE PERSON’S** property for reasons listed in § 13–201(c)(1) of this title; and

(ii) As a result of this inability requires a guardian of **[his] THE PERSON’S** property; or

(2) (i) Has been judged by a court to be unable to provide for **[his] THE PERSON’S** daily needs sufficiently to protect **[his] THE PERSON’S** health or safety for reasons listed in § 13–705(b) of this title; and

(ii) As a result of this inability requires a guardian of the person.

**[(f)] (G)** “Emergency” means that a person is living in conditions which present a substantial risk of death or immediate and serious physical harm to himself or others.

**[(g)] (H)** “Estate” is the property of a disabled person or minor which is subject to a protective proceeding.

**[(h)] (I)** “Guardian” means a guardian of an estate appointed by a court under Subtitle 2 of this title to manage the property of a disabled person or minor or a guardian of a person appointed by a court under Subtitle 7 of this title, according to the context in which it is used.

**[(i)] (J)** “Heirs” denotes those persons entitled under the laws of Maryland to the property of a protected person, as if **[he] THE PROTECTED PERSON** had died intestate at the applicable time.

**[(j)] (K)** “Interested person” means the guardian, the heirs of the minor or disabled person, any governmental agency paying benefits to the minor or disabled person, or any person or agency eligible to serve as guardian of the disabled person under § 13–707 of this title. If an interested person is also a minor or a disabled person, interested person also includes a judicially appointed guardian, committee, conservator, or trustee for that person, or, if none, the parent or other person having assumed responsibility for **[him] THAT PERSON**.

**[(k)] (L)** “Maryland Rules” has the meaning stated in § 1–101(o) of this article.

**[(l)] (M)** “Mental facility” means any place providing a clinic, hospital, day residential or other programs, public or private, other than a veterans’ hospital, which purports to or does provide treatment for persons suffering from mental disorders as defined in § 10–101(i) of the Health – General Article or § 3–101(g) of the Criminal Procedure Article, intellectual disability as defined in § 7–101(k) of the Health – General Article, or drug addiction or for chronic alcoholics.

**[(m)] (N)** A “minor” is a person who has not reached the age of 18.

**(O) “POOLED ASSET SPECIAL NEEDS TRUST” MEANS A TRUST DESCRIBED UNDER 42 U.S.C. § 1396P(D)(4)(C).**

**[(n)] (P)** “Property” includes both real and personal property.

**[(o)] (Q)** “Protective proceeding” is a proceeding to protect an estate in accordance with Subtitle 2 of this title or a proceeding to appoint a guardian of the person brought pursuant to Subtitle 7 of this title.

**(R) “SPECIAL NEEDS TRUST” MEANS A TRUST DESCRIBED UNDER 42 U.S.C. § 1396P(D)(4)(A).**

**[(p)] (S)** “Trust company” has the meaning stated in § 1–101 of this article.

13–214.

(a) A guardian may distribute or disburse property without court authorization or confirmation in accordance with this section.

(b) (1) A guardian of a minor may pay or apply income and principal from the estate as needed for the clothing, support, care, protection, welfare, and education of the minor.

(2) **(I)** A guardian of a disabled person may pay or apply income and principal from the estate as needed for the clothing, support, care, protection, welfare, and rehabilitation of the disabled person.

**(II)** **[He] THE GUARDIAN** shall give consideration to the support and care of the disabled person during the probable period of the estate and the needs of persons dependent upon the disabled person.

(3) Income and principal also may be paid or applied for the benefit of persons legally dependent upon the minor or disabled person and, with the approval of the court, for the benefit of other persons maintained and supported in whole or in part by the disabled person prior to the appointment of a guardian.

**(C) IF A MINOR OR DISABLED PERSON IS “DISABLED” AS DEFINED UNDER 42 U.S.C. § 1382C(A)(3), A GUARDIAN OF THE MINOR OR DISABLED PERSON MAY PAY OR APPLY INCOME OR PRINCIPAL FROM THE ESTATE TO ESTABLISH OR FUND, FOR THE BENEFIT OF THE MINOR OR DISABLED PERSON:**

**(1) A SPECIAL NEEDS TRUST, PROVIDED THAT THE TRUSTEE IS SUBJECT TO THE JURISDICTION OF A COURT, BONDED, AND REQUIRED TO FILE ANNUAL ACCOUNTINGS OF THE TRUST;**

**(2) A POOLED ASSET SPECIAL NEEDS TRUST ACCOUNT, PROVIDED THAT THE TRUST HAS BEEN APPROVED BY THE ATTORNEY GENERAL OF THE STATE WHERE THE MINOR OR DISABLED PERSON RESIDES; OR**

**(3) AN ABLE ACCOUNT.**

**[(c)] (D) (1) (I)** When a minor attains **[his] THE AGE OF** majority, **[his] THE guardian OF THE MINOR**, after meeting all prior claims and expenses of administration, shall distribute the estate to the former minor as soon as possible, unless the minor is then disabled.

**(II)** The distribution normally shall be in kind.

**(2) (I)** If the guardian is satisfied that the disability of the disabled person has ceased or if the court has found in a proceeding under § 13–221 of this subtitle that the disability has ceased, the guardian, after meeting all prior claims and expenses of administration, shall distribute the estate to the former disabled person as soon as possible.

**(II)** The distribution normally shall be in kind.

**(3)** When a minor or disabled person dies, the guardian shall deliver to the appropriate probate court for safekeeping any will of the deceased person in **[his] THE GUARDIAN’S** possession, pay from the estate all commissions, fees, and expenses shown on the court–approved final guardianship account, inform the personal representative or a beneficiary named in it that **[he] THE GUARDIAN** has done so, and retain the balance of the estate for delivery to an appointed personal representative of the decedent or other person entitled to it.

**(4)** If a guardianship is terminated for reasons other than the attainment of majority, cessation of disability, or death of the protected person, the guardian shall distribute the estate in accordance with the order of the court terminating the guardianship.

(a) **IN THIS SECTION, “DISABLED” HAS THE MEANING STATED IN 42 U.S.C. § 1382C(A)(3).**

**(B)** A custodian may deliver or pay to the minor or expend for the minor’s benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to:

(1) The duty or ability of the custodian personally or of any other person to support the minor; or

(2) Any other income or property of the minor which may be applicable or available for that purpose.

**[(b)] (C)** (1) Subject to paragraphs (3) and (4) of this subsection, a custodian may transfer all or part of the custodial property to a qualified minor’s trust without a court order.

(2) A transfer of custodial property to a qualified minor’s trust terminates the custodianship of that property to the extent of the transfer.

(3) Custodial property created under a testamentary instrument may not be transferred under this subsection unless the transfer is expressly authorized by the instrument.

(4) For an inter vivos transfer under this subsection to be valid, the instrument that created the custodial property shall contain in conspicuous type a statement that the transferor of the property elects to grant the custodian the authority to transfer all or part of the custodial property to a qualified minor’s trust without a court order.

**(D) IF THE MINOR IS DISABLED, A CUSTODIAN MAY, WITHOUT COURT ORDER, USE ALL OR PART OF THE CUSTODIAL PROPERTY TO ESTABLISH OR FUND FOR THE BENEFIT OF THE MINOR:**

**(1) A SPECIAL NEEDS TRUST, PROVIDED THAT THE TRUSTEE IS SUBJECT TO THE JURISDICTION OF A COURT, BONDED, AND REQUIRED TO FILE ANNUAL ACCOUNTINGS OF THE TRUST;**

**(2) A POOLED ASSET SPECIAL NEEDS TRUST ACCOUNT, PROVIDED THAT THE TRUST HAS BEEN APPROVED BY THE ATTORNEY GENERAL OF THE STATE WHERE THE MINOR RESIDES; OR**

**(3) AN ABLE ACCOUNT.**

[(c)] (E) On petition of an interested person or the minor if the minor has attained the age of 14 years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

[(d)] (F) A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 439

### (House Bill 960)

AN ACT concerning

#### **Guardians of Property and Custodians – Authority to Fund Certain Trusts and Accounts**

FOR the purpose of authorizing a guardian of the property of a certain minor or disabled person to pay or apply income or principal from a certain estate to establish or fund a certain special needs trust, a pooled asset special needs trust account, or an Achieving a Better Life Experience (ABLE) account for the benefit of the minor or disabled person, without court authorization or confirmation; authorizing a certain custodian to use all or part of certain custodial property to establish or fund a certain special needs trust, a pooled asset special needs trust account, or an ABLE account for the benefit of a certain minor, without court order; defining certain terms; altering a certain definition; making technical and stylistic changes; and generally relating to the powers of certain guardians of property and custodians.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 13–101, 13–214, and 13–314  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

#### **Article – Estates and Trusts**

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

(b) **“ABLE ACCOUNT” MEANS AN ACCOUNT DESCRIBED UNDER 26 U.S.C. § 529A(E).**

(c) **“Classification of abode”** means one of the following types of abode licensed or certified by a State agency:

- (1) Related institutions under § 19–114 of the Health – General Article;
- (2) Private or public group homes under § 7–601 of the Health – General Article;
- (3) CARE homes under Title 6, Subtitle 5, Part II of the Human Services Article;
- (4) Adult foster care homes regulated by the Department of Human Resources; or
- (5) Senior assisted housing facilities under Title 10 of the Human Services Article.

**[(c)] (D)** **“Court”** means the court having jurisdiction under § 13–105 of this subtitle.

**[(d)] (E)** **“Director”** means the director of the local department of social services in the political subdivision where the adult requiring protective services lives.

**[(e)] (F)** **“Disabled person”** means, **UNLESS THE CONTEXT REQUIRES OTHERWISE**, a person other than a minor who:

(1) (i) Has been judged by a court to be unable to manage **[his] THE PERSON’S** property for reasons listed in § 13–201(c)(1) of this title; and

(ii) As a result of this inability requires a guardian of **[his] THE PERSON’S** property; or

(2) (i) Has been judged by a court to be unable to provide for **[his] THE PERSON’S** daily needs sufficiently to protect **[his] THE PERSON’S** health or safety for reasons listed in § 13–705(b) of this title; and

(ii) As a result of this inability requires a guardian of the person.

**[(f)] (G)** **“Emergency”** means that a person is living in conditions which present a substantial risk of death or immediate and serious physical harm to himself or others.



**[(g)] (H)** “Estate” is the property of a disabled person or minor which is subject to a protective proceeding.

**[(h)] (I)** “Guardian” means a guardian of an estate appointed by a court under Subtitle 2 of this title to manage the property of a disabled person or minor or a guardian of a person appointed by a court under Subtitle 7 of this title, according to the context in which it is used.

**[(i)] (J)** “Heirs” denotes those persons entitled under the laws of Maryland to the property of a protected person, as if **[he]** **THE PROTECTED PERSON** had died intestate at the applicable time.

**[(j)] (K)** “Interested person” means the guardian, the heirs of the minor or disabled person, any governmental agency paying benefits to the minor or disabled person, or any person or agency eligible to serve as guardian of the disabled person under § 13–707 of this title. If an interested person is also a minor or a disabled person, interested person also includes a judicially appointed guardian, committee, conservator, or trustee for that person, or, if none, the parent or other person having assumed responsibility for **[him]** **THAT PERSON**.

**[(k)] (L)** “Maryland Rules” has the meaning stated in § 1–101(o) of this article.

**[(l)] (M)** “Mental facility” means any place providing a clinic, hospital, day residential or other programs, public or private, other than a veterans’ hospital, which purports to or does provide treatment for persons suffering from mental disorders as defined in § 10–101(i) of the Health – General Article or § 3–101(g) of the Criminal Procedure Article, intellectual disability as defined in § 7–101(k) of the Health – General Article, or drug addiction or for chronic alcoholics.

**[(m)] (N)** A “minor” is a person who has not reached the age of 18.

**(O)** **“POOLED ASSET SPECIAL NEEDS TRUST” MEANS A TRUST DESCRIBED UNDER 42 U.S.C. § 1396P(D)(4)(C).**

**[(n)] (P)** “Property” includes both real and personal property.

**[(o)] (Q)** “Protective proceeding” is a proceeding to protect an estate in accordance with Subtitle 2 of this title or a proceeding to appoint a guardian of the person brought pursuant to Subtitle 7 of this title.

**(R)** **“SPECIAL NEEDS TRUST” MEANS A TRUST DESCRIBED UNDER 42 U.S.C. § 1396P(D)(4)(A).**

**[(p)] (S)** “Trust company” has the meaning stated in § 1–101 of this article.

13–214.

(a) A guardian may distribute or disburse property without court authorization or confirmation in accordance with this section.

(b) (1) A guardian of a minor may pay or apply income and principal from the estate as needed for the clothing, support, care, protection, welfare, and education of the minor.

(2) (I) A guardian of a disabled person may pay or apply income and principal from the estate as needed for the clothing, support, care, protection, welfare, and rehabilitation of the disabled person.

(II) [He] **THE GUARDIAN** shall give consideration to the support and care of the disabled person during the probable period of the estate and the needs of persons dependent upon the disabled person.

(3) Income and principal also may be paid or applied for the benefit of persons legally dependent upon the minor or disabled person and, with the approval of the court, for the benefit of other persons maintained and supported in whole or in part by the disabled person prior to the appointment of a guardian.

**(C) IF A MINOR OR DISABLED PERSON IS “DISABLED” AS DEFINED UNDER 42 U.S.C. § 1382C(A)(3), A GUARDIAN OF THE MINOR OR DISABLED PERSON MAY PAY OR APPLY INCOME OR PRINCIPAL FROM THE ESTATE TO ESTABLISH OR FUND, FOR THE BENEFIT OF THE MINOR OR DISABLED PERSON:**

**(1) A SPECIAL NEEDS TRUST, PROVIDED THAT THE TRUSTEE IS SUBJECT TO THE JURISDICTION OF A COURT, BONDED, AND REQUIRED TO FILE ANNUAL ACCOUNTINGS OF THE TRUST;**

**(2) A POOLED ASSET SPECIAL NEEDS TRUST ACCOUNT, PROVIDED THAT THE TRUST HAS BEEN APPROVED BY THE ATTORNEY GENERAL OF THE STATE WHERE THE MINOR OR DISABLED PERSON RESIDES; OR**

**(3) AN ABLE ACCOUNT.**

**[(c)] (D)** (1) (I) When a minor attains [his] **THE AGE OF** majority, [his] **THE** guardian **OF THE MINOR**, after meeting all prior claims and expenses of administration, shall distribute the estate to the former minor as soon as possible, unless the minor is then disabled.

(II) The distribution normally shall be in kind.

(2) (I) If the guardian is satisfied that the disability of the disabled person has ceased or if the court has found in a proceeding under § 13–221 of this subtitle that the disability has ceased, the guardian, after meeting all prior claims and expenses of administration, shall distribute the estate to the former disabled person as soon as possible.

(II) The distribution normally shall be in kind.

(3) When a minor or disabled person dies, the guardian shall deliver to the appropriate probate court for safekeeping any will of the deceased person in [his] **THE GUARDIAN’S** possession, pay from the estate all commissions, fees, and expenses shown on the court–approved final guardianship account, inform the personal representative or a beneficiary named in it that [he] **THE GUARDIAN** has done so, and retain the balance of the estate for delivery to an appointed personal representative of the decedent or other person entitled to it.

(4) If a guardianship is terminated for reasons other than the attainment of majority, cessation of disability, or death of the protected person, the guardian shall distribute the estate in accordance with the order of the court terminating the guardianship.

13–314.

(a) **IN THIS SECTION, “DISABLED” HAS THE MEANING STATED IN 42 U.S.C. § 1382C(A)(3).**

(B) A custodian may deliver or pay to the minor or expend for the minor’s benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to:

(1) The duty or ability of the custodian personally or of any other person to support the minor; or

(2) Any other income or property of the minor which may be applicable or available for that purpose.

**[(b)] (C)** (1) Subject to paragraphs (3) and (4) of this subsection, a custodian may transfer all or part of the custodial property to a qualified minor’s trust without a court order.

(2) A transfer of custodial property to a qualified minor’s trust terminates the custodianship of that property to the extent of the transfer.

(3) Custodial property created under a testamentary instrument may not be transferred under this subsection unless the transfer is expressly authorized by the instrument.

(4) For an inter vivos transfer under this subsection to be valid, the instrument that created the custodial property shall contain in conspicuous type a statement that the transferor of the property elects to grant the custodian the authority to transfer all or part of the custodial property to a qualified minor's trust without a court order.

**(D) IF THE MINOR IS DISABLED, A CUSTODIAN MAY, WITHOUT COURT ORDER, USE ALL OR PART OF THE CUSTODIAL PROPERTY TO ESTABLISH OR FUND FOR THE BENEFIT OF THE MINOR:**

**(1) A SPECIAL NEEDS TRUST, PROVIDED THAT THE TRUSTEE IS SUBJECT TO THE JURISDICTION OF A COURT, BONDED, AND REQUIRED TO FILE ANNUAL ACCOUNTINGS OF THE TRUST;**

**(2) A POOLED ASSET SPECIAL NEEDS TRUST ACCOUNT, PROVIDED THAT THE TRUST HAS BEEN APPROVED BY THE ATTORNEY GENERAL OF THE STATE WHERE THE MINOR RESIDES; OR**

**(3) AN ABLE ACCOUNT.**

**[(c)] (E)** On petition of an interested person or the minor if the minor has attained the age of 14 years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

**[(d)] (F)** A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 440**

**(Senate Bill 856)**

AN ACT concerning

### **Public Health – HIV Testing During Pregnancy**

FOR the purpose of requiring certain health care providers to obtain consent for HIV testing in accordance with certain provisions of law and to test pregnant patients, except under certain circumstances, during the first and third trimesters of

pregnancy; repealing certain provisions of law made obsolete by this Act; *providing that certain health care providers may not be subject to certain disciplinary action under certain circumstances*; and generally relating to HIV testing during pregnancy.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 18–338.2  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

18–338.2.

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

(2) “Health care facility” means a facility or office where health or medical care is provided to patients by a health care provider, including:

(i) A hospital as defined in § 19–301 of this article;

(ii) A facility operated by the Department or a health officer; and

(iii) The office of a health care provider.

(3) “Health care provider” means a physician, nurse, or designee of a health care facility.

(4) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome (AIDS).

(5) “Prenatal care” means obstetric and gynecologic service performed as part of a prenatal care program, including:

(i) Screening;

(ii) Physical examination;

(iii) Laboratory and diagnostic testing procedures and interpretation;

and

(iv) Counseling.

(b) **(1)** ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~  
A health care provider who provides prenatal medical care shall:

~~(1)~~ **(I)** [Notify each pregnant patient that she will be tested for HIV infection as part of the routine prenatal blood tests;

(2) Advise the pregnant patient that she has the right to refuse the test for HIV infection without penalty;

(3) Obtain [informed] consent from [the] A pregnant patient [to test her] for HIV [infection] **TESTING IN ACCORDANCE WITH § 18–336 OF THIS SUBTITLE;**

~~[(4)]~~ ~~(2)~~ **(II)** Test the patient **DURING THE FIRST AND THIRD TRIMESTERS**, unless the patient declines the [test] **TESTS; AND**

~~[(5)]~~ Document in the medical record if the patient declines the test;

(6) Offer an HIV test in the third trimester to a pregnant woman who was not tested earlier in her pregnancy;

(7) Consider routinely offering a repeat HIV test in the third trimester to all pregnant women:

(i) At health care facilities in areas of high rates of HIV prevalence;  
and

(ii) Who are at a high risk of acquiring HIV; and]

~~[(8)]~~ ~~(3)~~ **(III)** Provide a referral for treatment and supportive services, including case management services.

**(2) PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) APPLIES TO ROUTINE PRENATAL MEDICAL CARE VISITS;**  
**AND**

**(II) DOES NOT APPLY TO THE INCIDENTAL OR EPISODIC PROVISION OF PRENATAL MEDICAL CARE GIVEN TO A PREGNANT PATIENT BY A HEALTH CARE PROVIDER.**

(c) A health care provider who provides labor and delivery services to pregnant women shall offer:

(1) A rapid HIV test to pregnant women with unknown or undocumented HIV status during labor and delivery; and

(2) Antiretroviral prophylaxis prior to receiving the results of the confirmatory test if a rapid HIV test during labor and delivery is positive.

(d) (1) As part of a health care provider's patient acceptance procedures or protocol, a health care provider shall provide a pregnant woman with counseling concerning being tested for the presence of HIV as part of the woman's prenatal care program.

(2) The counseling shall include:

(i) Information required for pretest counseling under § 18-336 of this subtitle; and

(ii) Education on:

1. The effect of a positive HIV test result on the pregnant woman and the fetus concerning the risk of transmission of HIV to the fetus; and

2. Recognized methods of reducing that risk, including the use of pharmaceuticals during pregnancy known to reduce the risk of transmission of HIV to the fetus.

(e) (1) Except as otherwise provided in paragraph (2) of this subsection, the record of an HIV test performed under this section is confidential and not discoverable or admissible in evidence in any criminal, civil, or administrative action.

(2) Provided that the identity or any other information that could readily be associated with the identity of the pregnant woman is not disclosed, the results of an HIV test performed under this section may be introduced into evidence in any criminal, civil, or administrative action, including the adjudication of a workers' compensation claim.

(f) **(1)** A health care provider, including a health care facility, acting in good faith to provide the counseling required under subsection (d) of this section may not be held liable in any cause of action related to a woman's decision to consent or not to consent to have an HIV test.

**(2) A HEALTH CARE PROVIDER MAY NOT BE SUBJECT TO DISCIPLINARY ACTION BY THE PROFESSIONAL LICENSING BOARD THAT LICENSES THE HEALTH CARE PROVIDER FOR NOT TESTING A PREGNANT PATIENT FOR HIV DURING THE THIRD TRIMESTER IN ACCORDANCE WITH THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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**Chapter 441****(House Bill 180)**

AN ACT concerning

**Public Health – HIV Testing During Pregnancy**

FOR the purpose of requiring certain health care providers to obtain consent for HIV testing in accordance with certain provisions of law and to test pregnant patients, except under certain circumstances, during the first and third trimesters of pregnancy; repealing certain provisions of law made obsolete by this Act; providing that certain health care providers may not be subject to certain disciplinary action under certain circumstances; and generally relating to HIV testing during pregnancy.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 18–338.2  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

18–338.2.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Health care facility” means a facility or office where health or medical care is provided to patients by a health care provider, including:
- (i) A hospital as defined in § 19–301 of this article;
  - (ii) A facility operated by the Department or a health officer; and
  - (iii) The office of a health care provider.
- (3) “Health care provider” means a physician, nurse, or designee of a health care facility.
- (4) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome (AIDS).



(5) “Prenatal care” means obstetric and gynecologic service performed as part of a prenatal care program, including:

- (i) Screening;
  - (ii) Physical examination;
  - (iii) Laboratory and diagnostic testing procedures and interpretation;
- and
- (iv) Counseling.

(b) **(1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** health care provider who provides prenatal medical care shall:

~~(1)~~ **(I)** [Notify each pregnant patient that she will be tested for HIV infection as part of the routine prenatal blood tests;

(2) Advise the pregnant patient that she has the right to refuse the test for HIV infection without penalty;

(3) Obtain [informed] consent from [the] A pregnant patient [to test her] for HIV [infection] **TESTING IN ACCORDANCE WITH § 18–336 OF THIS SUBTITLE;**

[(4) ~~(2)~~ **(II)** Test the patient **DURING THE FIRST AND THIRD TRIMESTERS**, unless the patient declines the [test] **TESTS; AND**

[(5) Document in the medical record if the patient declines the test;

(6) Offer an HIV test in the third trimester to a pregnant woman who was not tested earlier in her pregnancy;

(7) Consider routinely offering a repeat HIV test in the third trimester to all pregnant women:

- (i) At health care facilities in areas of high rates of HIV prevalence;
- (ii) Who are at a high risk of acquiring HIV; and]

[(8) ~~(3)~~ **(III)** Provide a referral for treatment and supportive services, including case management services.

**(2) PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) APPLIES TO ROUTINE PRENATAL MEDICAL CARE VISITS;**  
**AND**

**(II) DOES NOT APPLY TO THE INCIDENTAL OR EPISODIC PROVISION OF PRENATAL MEDICAL CARE GIVEN TO A PREGNANT PATIENT BY A HEALTH CARE PROVIDER.**

(c) A health care provider who provides labor and delivery services to pregnant women shall offer:

(1) A rapid HIV test to pregnant women with unknown or undocumented HIV status during labor and delivery; and

(2) Antiretroviral prophylaxis prior to receiving the results of the confirmatory test if a rapid HIV test during labor and delivery is positive.

(d) (1) As part of a health care provider's patient acceptance procedures or protocol, a health care provider shall provide a pregnant woman with counseling concerning being tested for the presence of HIV as part of the woman's prenatal care program.

(2) The counseling shall include:

(i) Information required for pretest counseling under § 18-336 of this subtitle; and

(ii) Education on:

1. The effect of a positive HIV test result on the pregnant woman and the fetus concerning the risk of transmission of HIV to the fetus; and

2. Recognized methods of reducing that risk, including the use of pharmaceuticals during pregnancy known to reduce the risk of transmission of HIV to the fetus.

(e) (1) Except as otherwise provided in paragraph (2) of this subsection, the record of an HIV test performed under this section is confidential and not discoverable or admissible in evidence in any criminal, civil, or administrative action.

(2) Provided that the identity or any other information that could readily be associated with the identity of the pregnant woman is not disclosed, the results of an HIV test performed under this section may be introduced into evidence in any criminal, civil, or administrative action, including the adjudication of a workers' compensation claim.

(f) **(1)** A health care provider, including a health care facility, acting in good faith to provide the counseling required under subsection (d) of this section may not be held

liable in any cause of action related to a woman's decision to consent or not to consent to have an HIV test.

**(2) A HEALTH CARE PROVIDER MAY NOT BE SUBJECT TO DISCIPLINARY ACTION BY THE PROFESSIONAL LICENSING BOARD THAT LICENSSES THE HEALTH CARE PROVIDER FOR NOT TESTING A PREGNANT PATIENT FOR HIV DURING THE THIRD TRIMESTER IN ACCORDANCE WITH THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 442

(Senate Bill 859)

AN ACT concerning

### Frederick County – Development Rights and Responsibilities Agreements – Administrative Appeals

FOR the purpose of authorizing, in Frederick County, a person aggrieved by a development rights and responsibilities agreement to file an administrative appeal; authorizing, in Frederick County, certain persons to file a request for judicial review of a decision of the county board of zoning appeals by the circuit court of the county; authorizing, in Frederick County, a certain party to a proceeding in the circuit court of the county to appeal to the Court of Special Appeals; providing that if an agreement was entered into before a certain date, a person aggrieved by an amendment to the agreement may not file an administrative appeal and may seek direct judicial review under certain circumstances; providing that a certain party may appeal to the Court of Special Appeals and thereafter may petition the Court of Appeals for a writ of certiorari under certain circumstances; and generally relating to development rights and responsibilities agreements in Frederick County.

BY repealing and reenacting, with amendments,  
Article – Land Use  
Section 7–307  
Annotated Code of Maryland  
(2012 Volume and 2015 Supplement)

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

### Article – Land Use

7-307.

(a) [In] **THIS SECTION APPLIES ONLY IN Frederick County**[, a].

**(B)** A person aggrieved by an agreement executed under this subtitle[:

(1)] may [not] file an administrative appeal **TO THE COUNTY BOARD OF ZONING APPEALS**[; and

(2) may seek direct judicial review of the agreement in circuit court by filing a request with the circuit court of the county].

**[(b)] (C) (1) ANY OF THE FOLLOWING PERSONS MAY FILE A REQUEST FOR JUDICIAL REVIEW BY THE CIRCUIT COURT OF THE COUNTY OF A DECISION OF THE BOARD OF ZONING APPEALS:**

**(I) A PERSON AGGRIEVED BY THE DECISION; OR**

**(II) A PARTY TO THE PROCEEDING BEFORE THE BOARD OF ZONING APPEALS.**

**(2)** The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

**(D) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY APPEAL TO THE COURT OF SPECIAL APPEALS IN THE SAME MANNER PROVIDED FOR CIVIL CASES.**

**(E) (1) IF A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT WAS ENTERED INTO BEFORE JULY 1, 2016, A PERSON AGGRIEVED BY AN AMENDMENT TO THE AGREEMENT:**

**(I) MAY NOT FILE AN ADMINISTRATIVE APPEAL; AND**

**(II) MAY SEEK DIRECT JUDICIAL REVIEW OF THE AGREEMENT IN CIRCUIT COURT BY FILING A REQUEST WITH THE CIRCUIT COURT OF THE COUNTY.**

**(2) THE JUDICIAL REVIEW SHALL BE IN ACCORDANCE WITH TITLE 7, CHAPTER 200 OF THE MARYLAND RULES.**

**(3) UNDER THIS SUBSECTION, A PARTY TO THE PROCEEDING IN THE CIRCUIT COURT THAT IS AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY APPEAL TO THE COURT OF SPECIAL APPEALS AND THEREAFTER MAY PETITION THE**

**COURT OF APPEALS FOR A WRIT OF CERTIORARI IN THE MANNER THAT IS PROVIDED FOR CIVIL CASES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 443**

**(House Bill 605)**

AN ACT concerning

**Frederick County – Development Rights and Responsibilities  
Agreements – Administrative Appeals**

FOR the purpose of authorizing, in Frederick County, a person aggrieved by a development rights and responsibilities agreement to file an administrative appeal; authorizing, in Frederick County, certain persons to file a request for judicial review of a decision of the county board of zoning appeals by the circuit court of the county; authorizing, in Frederick County, a certain party to a proceeding in the circuit court of the county to appeal to the Court of Special Appeals; providing that if an agreement was entered into before a certain date, a person aggrieved by an amendment to the agreement may not file an administrative appeal and may seek direct judicial review under certain circumstances; providing that a certain party may appeal to the Court of Special Appeals and thereafter may petition the Court of Appeals for a writ of certiorari under certain circumstances; and generally relating to development rights and responsibilities agreements in Frederick County.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 7–307

Annotated Code of Maryland

(2012 Volume and 2015 Supplement)

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

**Article – Land Use**

7–307.

(a) **[In] THIS SECTION APPLIES ONLY IN Frederick County[, a].**

**(B)** A person aggrieved by an agreement executed under this subtitle[:

(1)] may [not] file an administrative appeal **TO THE COUNTY BOARD OF ZONING APPEALS**[; and

(2) may seek direct judicial review of the agreement in circuit court by filing a request with the circuit court of the county].

**[(b)] (C) (1) ANY OF THE FOLLOWING PERSONS MAY FILE A REQUEST FOR JUDICIAL REVIEW BY THE CIRCUIT COURT OF THE COUNTY OF A DECISION OF THE BOARD OF ZONING APPEALS:**

**(I) A PERSON AGGRIEVED BY THE DECISION; OR**

**(II) A PARTY TO THE PROCEEDING BEFORE THE BOARD OF ZONING APPEALS.**

**(2)** The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

**(D) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY APPEAL TO THE COURT OF SPECIAL APPEALS IN THE SAME MANNER PROVIDED FOR CIVIL CASES.**

**(E) (1) IF A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT WAS ENTERED INTO BEFORE JULY 1, 2016, A PERSON AGGRIEVED BY AN AMENDMENT TO THE AGREEMENT:**

**(I) MAY NOT FILE AN ADMINISTRATIVE APPEAL; AND**

**(II) MAY SEEK DIRECT JUDICIAL REVIEW OF THE AGREEMENT IN CIRCUIT COURT BY FILING A REQUEST WITH THE CIRCUIT COURT OF THE COUNTY.**

**(2) THE JUDICIAL REVIEW SHALL BE IN ACCORDANCE WITH TITLE 7, CHAPTER 200 OF THE MARYLAND RULES.**

**(3) UNDER THIS SUBSECTION, A PARTY TO THE PROCEEDING IN THE CIRCUIT COURT THAT IS AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY APPEAL TO THE COURT OF SPECIAL APPEALS AND THEREAFTER MAY PETITION THE COURT OF APPEALS FOR A WRIT OF CERTIORARI IN THE MANNER THAT IS PROVIDED FOR CIVIL CASES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 444

(Senate Bill 882)

AN ACT concerning

### Economic Development – Northeastern Maryland Additive Manufacturing Innovation Authority

FOR the purpose of renaming the Northeastern Maryland Additive Manufacturing Innovation Authority to be the Regional Additive Manufacturing Partnership of Maryland; altering certain definitions in order to codify a certain alternate name for the ~~Northeastern Maryland Additive Manufacturing Innovation Authority Partnership~~; altering the number and composition of the voting members of the Executive Board; requiring the ~~Authority Partnership~~ to include in a certain submission to the Department of Economic Competitiveness and Commerce a certain request for financial support in a certain fiscal year; requiring the Department to consider including certain requests for financial support in its annual budget recommendations; ~~requiring, rather than authorizing, the Governor to include in the annual budget bill certain funding for the Authority~~; and generally relating to the Northeastern Maryland Additive Manufacturing Innovation Authority.

BY repealing and reenacting, with amendments,

Article – Economic Development

~~Section 13-1201, 13-1203(b)(2)(xvii) through (xix), and 13-1209~~

Section 13-1201, 13-1202, 13-1203(a) and (b)(2)(xvii) through (xix) and (3), 13-1204(b), 13-1205 through 13-1210, 13-1211(a), (c), (e), and (f), and 13-1212

Annotated Code of Maryland

(2008 Volume and 2015 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Economic Development~~

~~Section 13-1202 and 13-1203(a)~~

~~Annotated Code of Maryland~~

~~(2008 Volume and 2015 Supplement)~~

BY adding to

Article – Economic Development

Section 13-1203(b)(2)(xx)

Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)82.

Annotated Code of Maryland

(2015 Replacement Volume)

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

### Article – Economic Development

13–1201.

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

(b) “Additive manufacturing” means a process of joining materials to make objects from three–dimensional model data, usually layer upon layer, as opposed to subtractive manufacturing methodologies.

~~(c) “Authority” means the Northeastern Maryland Additive Manufacturing Innovation Authority, ALSO KNOWN AS RAMP MD.~~

~~(d) (C)~~ “Board” means the Executive Board of the ~~Authority~~ PARTNERSHIP.

~~(e) (D)~~ “Executive Director” means the Executive Director of the ~~Authority~~ PARTNERSHIP.

~~(f) (E)~~ “Fund” means the ~~Northeastern Maryland Additive Manufacturing Innovation Authority~~ REGIONAL ADDITIVE MANUFACTURING PARTNERSHIP OF MARYLAND Fund, ALSO KNOWN AS THE RAMP MD FUND.

**(F) “PARTNERSHIP” MEANS THE REGIONAL ADDITIVE MANUFACTURING PARTNERSHIP OF MARYLAND, ALSO KNOWN AS RAMP MD.**

(g) “Region” means Cecil and Harford counties.

13–1202.



(a) There is a ~~Northeastern Maryland Additive Manufacturing Innovation Authority~~ **REGIONAL ADDITIVE MANUFACTURING PARTNERSHIP OF MARYLAND**.

(b) (1) The ~~Authority~~ **PARTNERSHIP** is a tax-exempt body politic and corporate.

(2) The ~~Authority~~ **PARTNERSHIP** is an independent unit that the Governor may not place in a principal department of State government.

(c) The purposes of the ~~Authority~~ **PARTNERSHIP** are to:

(1) foster the economic development of the region by:

(i) promoting collaboration among government, businesses, educational institutions, and entrepreneurs and innovators; and

(ii) leveraging the established additive manufacturing investments in the region, including the facilities at Aberdeen Proving Ground; and

(2) position the State as a leader in additive manufacturing.

13-1203.

(a) An Executive Board shall manage the ~~Authority~~ **PARTNERSHIP** and exercise its corporate powers.

(b) (2) The voting members of the Board are:

(xvii) **AT LEAST** one representative of 3D Maryland, appointed by the Director of 3D Maryland;

(xviii) one representative of the Maryland Advisory Commission on Manufacturing Competitiveness, appointed by the Chair of the Commission; [and]

(xix) **AT LEAST** six representatives of industry who reflect the influential and emerging industries using additive manufacturing as determined by the Department, appointed by the Secretary of Commerce; **AND**

**(XX) AT LEAST ONE REPRESENTATIVE OF EACH ORGANIZATION FOCUSED ON ADDITIVE MANUFACTURING IN THE STATE THAT IS INTERESTED IN COLLABORATING WITH THE ~~AUTHORITY~~ PARTNERSHIP, APPOINTED BY THE DIRECTOR OF THE REPRESENTATIVE'S RESPECTIVE ORGANIZATION.**

(3) In addition to the voting members, the Executive Director of the [Authority] PARTNERSHIP shall serve as an ex officio nonvoting member of the Board.

13-1204.

(b) (1) The Executive Director is the chief administrative officer of the [Authority] PARTNERSHIP.

(2) The Executive Director shall manage the administrative affairs and technical activities of the [Authority] PARTNERSHIP in accordance with the policies and procedures that the Board establishes.

13-1205.

(a) The Department, the Cecil County Office of Economic Development, and the Harford County Office of Economic Development jointly shall provide staff, office space, and operational support for the [Authority] PARTNERSHIP.

(b) The [Authority] PARTNERSHIP may:

(1) (i) select and retain its own legal counsel; or

(ii) use the Attorney General as its legal counsel;

(2) employ, as regular employees or as independent contractors, additional staff that the [Authority] PARTNERSHIP considers necessary; and

(3) retain any professional consultants that the [Authority] PARTNERSHIP considers necessary.

13-1206.

The [Authority] PARTNERSHIP may:

(1) adopt a seal;

(2) sue or be sued;

(3) adopt bylaws and rules for the conduct of its business;

(4) enter into contracts and other legal instruments;

(5) accept grants, contributions, or other assistance of any kind from the federal government, the State, a local government, a college or university, or other public or private source;

(6) include in any contract for financial assistance with the federal government any reasonable and appropriate condition imposed under federal law that is not inconsistent with the purposes of this subtitle;

(7) make grants from the Fund to further the purposes of this subtitle;

(8) create, own, control, or be a member of a corporation, limited liability company, partnership, or any other entity; and

(9) do all things necessary or convenient to carry out the purposes of this subtitle.

13-1207.

To further the purposes of this subtitle, the [Authority] PARTNERSHIP shall:

(1) foster collaborative efforts, including public-private partnerships and memoranda of understanding, among government agencies, military installations, educational institutions, businesses, nonprofit organizations, individuals, and other entities in the region to:

(i) share resources, including existing manufacturing infrastructure;

(ii) cooperate in the development of new products and processes; and

(iii) bridge gaps between research, product development, and the commercial application of new technologies and manufacturing processes;

(2) facilitate the involvement of Harford Community College, Cecil College, Towson University, and other segments of the higher education community in developing and sustaining a skilled additive manufacturing workforce through degree, certification, specialized training, and continuing education programs;

(3) assist the Cecil County and Harford County public school systems in preparing students for employment in the additive manufacturing workforce;

(4) support manufacturing businesses in retaining and expanding production and jobs;

(5) obtain, coordinate, and disseminate marketing resources to promote and enhance additive manufacturing opportunities and investment in the region;

(6) support priority access to workforce training funds and enterprise investment tax credits for entities that are investing resources and creating jobs in the region;

(7) pursue federal, State, local, and other public and private funding and collaboration initiatives; and

(8) perform any other function consistent with the purposes of this subtitle.

13-1208.

(a) (1) Except as provided in paragraph (2) of this subsection, the [Authority] PARTNERSHIP is exempt from Title 10 and Division II of the State Finance and Procurement Article.

(2) The [Authority] PARTNERSHIP, its Board, and its employees are subject to Title 12, Subtitle 4 and Title 14, Subtitle 3 of the State Finance and Procurement Article.

(b) The officers and employees of the [Authority] PARTNERSHIP are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(c) The [Authority] PARTNERSHIP is subject to the Public Information Act.

(d) The Board and the officers and employees of the [Authority] PARTNERSHIP are subject to the Public Ethics Law.

13-1209.

(a) The State and Cecil and Harford counties jointly may finance the ~~Authority~~ PARTNERSHIP and its activities.

(b) (1) The State may provide financial support to the ~~Authority~~ PARTNERSHIP to assist in carrying out the activities of the ~~Authority~~ PARTNERSHIP.

(2) (i) On or before August 1 of each year, the ~~Authority~~ PARTNERSHIP shall submit its proposed work programs and operating budget for the following fiscal year to the Department.

(ii) The submission shall include:

1. supporting schedules to show how the budget is financed and to provide for review and recommendations; AND

2. A SPECIFIC REQUEST TO THE DEPARTMENT FOR FINANCIAL SUPPORT IN THE FOLLOWING FISCAL YEAR.

(iii) After review, the Department shall:

1. CONSIDER INCLUDING THE REQUEST FOR FINANCIAL SUPPORT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IN ITS ANNUAL BUDGET RECOMMENDATIONS; AND

2. forward the submission and any recommendations to the Department of Budget and Management for consideration.

(3) (i) In accordance with subparagraph (ii) of this paragraph, for fiscal year 2016 and each fiscal year thereafter, the Governor ~~[may]~~ **SHALL** include in the State budget an appropriation ~~OF AT LEAST \$150,000~~ to partially support the ~~Authority~~ **PARTNERSHIP**.

(ii) 1. Any appropriation in a fiscal year under subparagraph (i) of this paragraph shall be contingent on the commitment of Cecil and Harford counties to contribute funds to the ~~Authority~~ **PARTNERSHIP** during the same fiscal year.

2. In determining the amount of an appropriation in a fiscal year, it is the intent of the General Assembly that the appropriation shall equal at least two times the total amount committed to be contributed by Cecil and Harford counties in the same fiscal year.

(c) (1) The governing bodies of Cecil and Harford counties each year may appropriate funds to the ~~Authority~~ **PARTNERSHIP** to promote the purposes of the ~~Authority~~ **PARTNERSHIP**.

(2) An appropriation under paragraph (1) of this subsection may be a designated portion of the budget of the county Office of Economic Development.

(d) The ~~Authority~~ **PARTNERSHIP** may accept additional money from any other public or private source.

13-1210.

The [Authority] **PARTNERSHIP** shall cooperate with State and local units that have relevant statutory functions and duties.

13-1211.

(a) There is a [Northeastern Maryland Additive Manufacturing Innovation Authority] **REGIONAL ADDITIVE MANUFACTURING PARTNERSHIP OF MARYLAND Fund**.

(c) The [Authority] **PARTNERSHIP** shall administer the Fund.

(e) The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) money appropriated by Cecil and Harford counties to the [Authority]

**PARTNERSHIP:**

(3) money made available to the Fund through federal programs;

(4) interest and investment earnings of the Fund; and

(5) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only to:

(1) provide grants for projects that further the purposes of this subtitle;

and

(2) pay the administrative and operational expenses of the [Authority]

**PARTNERSHIP.**

13-1212.

The [Authority] PARTNERSHIP shall submit to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly:

(1) on or before December 1, 2014, an update on the activities of the [Authority] PARTNERSHIP in implementing the provisions of this subtitle; and

(2) on or before December 1, 2015, and each year thereafter, a complete operating and financial statement covering the [Authority's] PARTNERSHIP'S operations and a summary of the [Authority's] PARTNERSHIP'S activities during the preceding fiscal year.

**Article – State Finance and Procurement**

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

82. the [Northeastern Maryland Additive Manufacturing Innovation Authority] REGIONAL ADDITIVE MANUFACTURING PARTNERSHIP OF MARYLAND Fund;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 445

(Senate Bill 887)

AN ACT concerning

### Health Insurance – Consumer Health Claim Filing Fairness Act

FOR the purpose of requiring a certain health benefit plan to include provisions that permit enrollees a certain minimum period of time to submit a claim for a service, provide for the suspension of the minimum period of time under certain circumstances, and provide that failure to submit a claim within the minimum period of time does not invalidate or reduce the amount of the claim under certain circumstances; creating an exception to a provision of law that requires certain proof of loss to be furnished to an insurer in case of claim for loss within a certain period of time; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to the time period for submitting a claim under health insurance.

BY repealing and reenacting, with amendments,  
 Article – Insurance  
 Section 12–102 and 15–213  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

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

### Article – Insurance

12–102.

(a) Except as provided in subsection (b)(1) of this section, an insurance contract or annuity contract shall contain the standard provisions required under this article.

(b) (1) The Commissioner may waive the required use of a provision in an insurance policy or contract form if the Commissioner:

(i) finds that the provision is unnecessary to protect the insured or is inconsistent with the purposes of the policy; and

(ii) approves the policy.

(2) A required standard provision may not be waived by agreement between an insurer and another person.

(c) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “CARRIER” MEANS:

1. AN INSURER AUTHORIZED TO SELL HEALTH INSURANCE;

2. A NONPROFIT HEALTH SERVICE PLAN;

3. A HEALTH MAINTENANCE ORGANIZATION; OR

~~4. A DENTAL PLAN ORGANIZATION; OR~~

~~5.~~ 4. ANY OTHER ENTITY PROVIDING A PLAN OF HEALTH INSURANCE, HEALTH BENEFITS, OR HEALTH SERVICES AUTHORIZED UNDER THIS ARTICLE OR THE AFFORDABLE CARE ACT.

(III) “ENROLLEE” MEANS AN INDIVIDUAL ENTITLED TO BENEFITS FROM A CARRIER’S HEALTH BENEFIT PLAN.

(IV) “HEALTH BENEFIT PLAN” HAS THE MEANING STATED IN § ~~15-140~~ 15-1301 OF THIS ARTICLE.

(2) EACH HEALTH BENEFIT PLAN ISSUED BY A CARRIER SHALL INCLUDE PROVISIONS THAT:

(I) PERMIT ENROLLEES A MINIMUM OF 1 YEAR AFTER THE DATE OF SERVICE TO SUBMIT A CLAIM FOR THE SERVICE;

(II) PROVIDE THAT:

1. AN ENROLLEE’S LEGAL INCAPACITY SHALL SUSPEND THE TIME TO SUBMIT A CLAIM; AND



**2. THE SUSPENSION PERIOD ENDS WHEN LEGAL CAPACITY IS REGAINED; AND**

**(III) PROVIDE THAT THE FAILURE TO SUBMIT A CLAIM WITHIN 1 YEAR AFTER THE DATE OF SERVICE DOES NOT INVALIDATE OR REDUCE THE AMOUNT OF THE CLAIM IF:**

**1. ~~THE DELAY WAS NOT UNREASONABLE IT WAS NOT REASONABLY POSSIBLE TO SUBMIT THE CLAIM WITHIN 1 YEAR AFTER THE DATE OF SERVICE;~~ AND**

**2. THE CLAIM IS SUBMITTED WITHIN 2 YEARS AFTER THE DATE OF SERVICE.**

**[(c)] (D)** The Commissioner may approve a substitute provision in an insurance policy or annuity contract if the provision is not less favorable than the required provision to the insured, annuitant, or beneficiary.

**[(d)] (E)** Instead of a provision required by this article, a foreign insurer or alien insurer may use a substantially similar provision required by the law of the foreign insurer's or alien insurer's domicile if the substantially similar provision does not conflict with the law of this State.

**[(e)] (F)** A policy or contract may not contain a provision that is inconsistent with a standard provision used or required to be used.

15-213.

**[Each] EXCEPT AS PROVIDED IN § 12-102(C) OF THIS ARTICLE, EACH** policy of health insurance shall contain the following provision:

“Proofs of loss: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one (1) year from the time proof is otherwise required.”

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall apply to all health benefit plans issued, delivered, or renewed in the State on or after January 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2017.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 446**

**(Senate Bill 888)**

AN ACT concerning

### **Motor Vehicle Insurance – Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured**

FOR the purpose of establishing in the Motor Vehicle Administration the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured; specifying the purpose of the Program; specifying the Program period; specifying the eligibility requirements for vehicle owners participating in the Program; requiring the Administration to notify certain vehicle owners in a certain manner; requiring a certain notice to include certain information; requiring the Administration to waive a portion of certain delinquent uninsured vehicle penalties of certain vehicle owners; specifying the conditions under which a portion of certain delinquent uninsured vehicle penalties may be waived; requiring a certain vehicle owner to pay a certain amount owed under a certain circumstance; requiring a vehicle owner to purchase and maintain a certain required security under a certain circumstance; allowing the Administration to adopt certain regulations; requiring the Administration to coordinate with the Maryland Insurance Administration to publicize the Program; requiring the Administration to make a certain report within a certain period of time; allowing the Administration to accept certain funding or other form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund for a certain purpose; defining certain terms; and generally relating to the establishment of the Program, uninsured vehicle penalties, and motor vehicle insurance.

BY adding to

Article – Transportation

Section 17–111

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Transportation**

17-111.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CENTRAL COLLECTION UNIT FEE" MEANS THE FEE THE CENTRAL COLLECTION UNIT IN THE DEPARTMENT OF BUDGET AND MANAGEMENT IS AUTHORIZED UNDER § 3-304 OF THE STATE FINANCE AND PROCUREMENT ARTICLE TO ASSESS ON DEBTS OR CLAIMS COLLECTED.

(3) "PROGRAM" MEANS THE PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED.

(4) "PROGRAM PERIOD" MEANS THE PERIOD DURING WHICH VEHICLE OWNERS MAY HAVE A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES WAIVED UNDER THE PROGRAM.

(5) "UNINSURED VEHICLE PENALTY" MEANS THE FINE THE ADMINISTRATION MAY ASSESS A VEHICLE OWNER UNDER § 17-106 OF THIS SUBTITLE FOR A LAPSE OF THE REQUIRED SECURITY ON A VEHICLE DURING A REGISTRATION YEAR.

(B) (1) THERE IS A PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED IN THE ADMINISTRATION.

(2) THE PURPOSE OF THE PROGRAM IS TO REDUCE THE NUMBER OF UNINSURED VEHICLES IN THE STATE BY INCENTIVIZING AND ENABLING UNINSURED VEHICLE OWNERS WITH DELINQUENT UNINSURED VEHICLE PENALTIES TO BE INSURED.

(C) (1) UNDER THE PROGRAM, THE ADMINISTRATION SHALL:

(I) WAIVE A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES ON VEHICLE OWNERS; AND

(II) AS A CONDITION OF WAIVING A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES ON VEHICLE OWNERS, REQUIRE VEHICLE OWNERS TO PURCHASE AND MAINTAIN THE REQUIRED SECURITY ON THEIR VEHICLES.

(2) THE PROGRAM PERIOD SHALL:

(I) BE UP TO 90 CALENDAR DAYS; AND

(II) BEGIN NO EARLIER THAN JANUARY 1, 2017, AND END NO LATER THAN DECEMBER 31, 2017.

(D) A VEHICLE OWNER IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF THE VEHICLE OWNER:

(1) IS A RESIDENT OF THE STATE;

(2) DOES NOT HAVE THE REQUIRED SECURITY ON A VEHICLE;

(3) HAS DELINQUENT UNINSURED VEHICLE PENALTIES THAT BECAME DELINQUENT BEFORE JANUARY 1, 2014; AND

(4) HAS NOT BEEN ISSUED A JUDGMENT BY THE CENTRAL COLLECTION UNIT.

(E) (1) THE ADMINISTRATION SHALL NOTIFY VEHICLE OWNERS WHO MAY BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM AT THEIR LAST KNOWN ADDRESS.

(2) THE NOTIFICATION TO A VEHICLE OWNER SHALL INCLUDE:

(I) THE ADMINISTRATION'S WEB SITE ADDRESS AND THE MARYLAND INSURANCE ADMINISTRATION'S WEB SITE ADDRESS, WHERE THE OWNER MAY FIND CONTACT INFORMATION FOR INSURERS THAT WRITE MOTOR VEHICLE LIABILITY INSURANCE IN THE STATE AND OTHER INFORMATION ABOUT MOTOR VEHICLE INSURANCE; AND

(II) THE TOTAL DELINQUENT UNINSURED VEHICLE PENALTIES THAT THE OWNER OWES AND THE AMOUNT OF THE PENALTIES THAT MAY BE WAIVED UNDER THE PROGRAM.

(F) (1) IN ACCORDANCE WITH PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE ADMINISTRATION SHALL WAIVE ~~60%~~ 80% OF A VEHICLE OWNER'S DELINQUENT UNINSURED VEHICLE PENALTIES THAT BECAME DELINQUENT BEFORE JANUARY 1, 2014.

(2) (I) AS A CONDITION OF WAIVING A PORTION OF A VEHICLE OWNER'S DELINQUENT UNINSURED VEHICLE PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL REQUIRE THE VEHICLE OWNER TO PAY THE BALANCE OF THE DELINQUENT UNINSURED VEHICLE PENALTIES OWED AFTER SUBTRACTING THE WAIVED AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) IF A CLAIM AGAINST A VEHICLE OWNER HAS BEEN SENT TO THE CENTRAL COLLECTION UNIT, IN ADDITION TO THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE VEHICLE OWNER SHALL PAY A CENTRAL COLLECTION UNIT FEE CALCULATED AS A PERCENTAGE OF THE AMOUNT OF THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE ADMINISTRATION SHALL REQUIRE A VEHICLE OWNER TO PAY THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND ANY CENTRAL COLLECTION UNIT FEE OWED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH BEFORE THE END OF THE PROGRAM PERIOD.

2. THE ADMINISTRATION MAY ALLOW AN OWNER TO PAY THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND ANY CENTRAL COLLECTION UNIT FEE OWED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH USING A MONTHLY INSTALLMENT PAYMENT PLAN THAT EXTENDS PAYMENTS BEYOND THE END OF THE PROGRAM PERIOD IF THE TERMS OF THE MONTHLY INSTALLMENT PAYMENT PLAN REQUIRE:

A. THE FIRST PAYMENT TO BE DUE ON ENTRY INTO THE PROGRAM; AND

B. THE REMAINING BALANCE OWED TO BE PAID WITHIN 6 MONTHS AFTER ENTRY INTO THE PROGRAM.

(3) (I) AS A CONDITION OF WAIVING A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES ON A VEHICLE OWNER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL REQUIRE THE VEHICLE OWNER TO PURCHASE AND MAINTAIN THE REQUIRED SECURITY ON THE VEHICLE FOR THE PERIOD OF TIME SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE ADMINISTRATION SHALL REQUIRE THE REQUIRED SECURITY ON THE VEHICLE TO BE MAINTAINED FOR A PERIOD OF AT LEAST 6 MONTHS.

2. THE ADMINISTRATION MAY REQUIRE THAT THE REQUIRED SECURITY ON THE VEHICLE BE MAINTAINED FOR A PERIOD OF AT LEAST 1 YEAR IF THE WAIVER AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION EXCEEDS \$3,000.

**(G) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Vehicle Administration shall:

(1) coordinate with the Maryland Insurance Administration to publicize the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured established under § 17–111 of the Transportation Article as enacted under Section 1 of this Act, including notifying motor vehicle liability insurers and producers about the Program; and

(2) within 60 days of the end of the Program period, report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(i) the results of the Program; and

(ii) any recommendations to implement another program aimed at reducing the number of uninsured motorists.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Vehicle Administration may accept funding or another form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund to assist with the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured established under § 17–111 of the Transportation Article as enacted under Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 447**

**(House Bill 912)**

AN ACT concerning

### **Motor Vehicle Insurance – Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured**

FOR the purpose of establishing in the Motor Vehicle Administration the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured; specifying the purpose of the Program; specifying the Program period; specifying the eligibility requirements for vehicle owners participating in the Program; requiring the

Administration to notify certain vehicle owners in a certain manner; requiring a certain notice to include certain information; requiring the Administration to waive a portion of certain delinquent uninsured vehicle penalties of certain vehicle owners; specifying the conditions under which a portion of certain delinquent uninsured vehicle penalties may be waived; requiring a certain vehicle owner to pay a certain amount owed under a certain circumstance; requiring a vehicle owner to purchase and maintain a certain required security under a certain circumstance; allowing the Administration to adopt certain regulations; requiring the Administration to coordinate with the Maryland Insurance Administration to publicize the Program; requiring the Administration to make a certain report within a certain period of time; allowing the Administration to accept certain funding or other form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund for a certain purpose; defining certain terms; and generally relating to the establishment of the Program, uninsured vehicle penalties, and motor vehicle insurance.

BY adding to

Article – Transportation

Section 17–111

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Transportation**

**17–111.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “CENTRAL COLLECTION UNIT FEE” MEANS THE FEE THE CENTRAL COLLECTION UNIT IN THE DEPARTMENT OF BUDGET AND MANAGEMENT IS AUTHORIZED UNDER § 3–304 OF THE STATE FINANCE AND PROCUREMENT ARTICLE TO ASSESS ON DEBTS OR CLAIMS COLLECTED.**

**(3) “PROGRAM” MEANS THE PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED.**

**(4) “PROGRAM PERIOD” MEANS THE PERIOD DURING WHICH VEHICLE OWNERS MAY HAVE A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES WAIVED UNDER THE PROGRAM.**

**(5) “UNINSURED VEHICLE PENALTY” MEANS THE FINE THE ADMINISTRATION MAY ASSESS A VEHICLE OWNER UNDER § 17–106 OF THIS**

**SUBTITLE FOR A LAPSE OF THE REQUIRED SECURITY ON A VEHICLE DURING A REGISTRATION YEAR.**

**(B) (1) THERE IS A PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED IN THE ADMINISTRATION.**

**(2) THE PURPOSE OF THE PROGRAM IS TO REDUCE THE NUMBER OF UNINSURED VEHICLES IN THE STATE BY INCENTIVIZING AND ENABLING UNINSURED VEHICLE OWNERS WITH DELINQUENT UNINSURED VEHICLE PENALTIES TO BE INSURED.**

**(C) (1) UNDER THE PROGRAM, THE ADMINISTRATION SHALL:**

**(I) WAIVE A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES ON VEHICLE OWNERS; AND**

**(II) AS A CONDITION OF WAIVING A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES ON VEHICLE OWNERS, REQUIRE VEHICLE OWNERS TO PURCHASE AND MAINTAIN THE REQUIRED SECURITY ON THEIR VEHICLES.**

**(2) THE PROGRAM PERIOD SHALL:**

**(I) BE UP TO 90 CALENDAR DAYS; AND**

**(II) BEGIN NO EARLIER THAN JANUARY 1, 2017, AND END NO LATER THAN DECEMBER 31, 2017.**

**(D) A VEHICLE OWNER IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF THE VEHICLE OWNER:**

**(1) IS A RESIDENT OF THE STATE;**

**(2) DOES NOT HAVE THE REQUIRED SECURITY ON A VEHICLE;**

**(3) HAS DELINQUENT UNINSURED VEHICLE PENALTIES THAT BECAME DELINQUENT BEFORE JANUARY 1, 2014; AND**

**(4) HAS NOT BEEN ISSUED A JUDGMENT BY THE CENTRAL COLLECTION UNIT.**

**(E) (1) THE ADMINISTRATION SHALL NOTIFY VEHICLE OWNERS WHO MAY BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM AT THEIR LAST KNOWN ADDRESS.**



**(2) THE NOTIFICATION TO A VEHICLE OWNER SHALL INCLUDE:**

**(I) THE ADMINISTRATION'S WEB SITE ADDRESS AND THE MARYLAND INSURANCE ADMINISTRATION'S WEB SITE ADDRESS, WHERE THE OWNER MAY FIND CONTACT INFORMATION FOR INSURERS THAT WRITE MOTOR VEHICLE LIABILITY INSURANCE IN THE STATE AND OTHER INFORMATION ABOUT MOTOR VEHICLE INSURANCE; AND**

**(II) THE TOTAL DELINQUENT UNINSURED VEHICLE PENALTIES THAT THE OWNER OWES AND THE AMOUNT OF THE PENALTIES THAT MAY BE WAIVED UNDER THE PROGRAM.**

**(F) (1) IN ACCORDANCE WITH PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE ADMINISTRATION SHALL WAIVE ~~60%~~ 80% OF A VEHICLE OWNER'S DELINQUENT UNINSURED VEHICLE PENALTIES THAT BECAME DELINQUENT BEFORE JANUARY 1, 2014.**

**(2) (I) AS A CONDITION OF WAIVING A PORTION OF A VEHICLE OWNER'S DELINQUENT UNINSURED VEHICLE PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL REQUIRE THE VEHICLE OWNER TO PAY THE BALANCE OF THE DELINQUENT UNINSURED VEHICLE PENALTIES OWED AFTER SUBTRACTING THE WAIVED AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(II) IF A CLAIM AGAINST A VEHICLE OWNER HAS BEEN SENT TO THE CENTRAL COLLECTION UNIT, IN ADDITION TO THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE VEHICLE OWNER SHALL PAY A CENTRAL COLLECTION UNIT FEE CALCULATED AS A PERCENTAGE OF THE AMOUNT OF THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**(III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE ADMINISTRATION SHALL REQUIRE A VEHICLE OWNER TO PAY THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND ANY CENTRAL COLLECTION UNIT FEE OWED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH BEFORE THE END OF THE PROGRAM PERIOD.**

**2. THE ADMINISTRATION MAY ALLOW AN OWNER TO PAY THE BALANCE OWED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND ANY CENTRAL COLLECTION UNIT FEE OWED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH USING A MONTHLY INSTALLMENT PAYMENT PLAN THAT EXTENDS PAYMENTS BEYOND THE END OF THE PROGRAM PERIOD IF THE TERMS OF THE MONTHLY INSTALLMENT PAYMENT PLAN REQUIRE:**

**A. THE FIRST PAYMENT TO BE DUE ON ENTRY INTO THE PROGRAM; AND**

**B. THE REMAINING BALANCE OWED TO BE PAID WITHIN 6 MONTHS AFTER ENTRY INTO THE PROGRAM.**

**(3) (I) AS A CONDITION OF WAIVING A PORTION OF DELINQUENT UNINSURED VEHICLE PENALTIES ON A VEHICLE OWNER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL REQUIRE THE VEHICLE OWNER TO PURCHASE AND MAINTAIN THE REQUIRED SECURITY ON THE VEHICLE FOR THE PERIOD OF TIME SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

**(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE ADMINISTRATION SHALL REQUIRE THE REQUIRED SECURITY ON THE VEHICLE TO BE MAINTAINED FOR A PERIOD OF AT LEAST 6 MONTHS.**

**2. THE ADMINISTRATION MAY REQUIRE THAT THE REQUIRED SECURITY ON THE VEHICLE BE MAINTAINED FOR A PERIOD OF AT LEAST 1 YEAR IF THE WAIVER AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION EXCEEDS \$3,000.**

**(G) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Vehicle Administration shall:

(1) coordinate with the Maryland Insurance Administration to publicize the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured established under § 17–111 of the Transportation Article as enacted under Section 1 of this Act, including notifying motor vehicle liability insurers and producers about the Program; and

(2) within 60 days of the end of the Program period, report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(i) the results of the Program; and

(ii) any recommendations to implement another program aimed at reducing the number of uninsured motorists.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Vehicle Administration may accept funding or another form of support from the Uninsured Claim

and Judgment Fund of the Maryland Automobile Insurance Fund to assist with the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured established under § 17-111 of the Transportation Article as enacted under Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 448

(Senate Bill 916)

AN ACT concerning

### Harford County – Alcoholic Beverages – Community College License

FOR the purpose of establishing a Class CC (community college) beer and wine license in Harford County; authorizing the Board of License Commissioners to issue the license to ~~an officer~~ *officers* of a community college for use on certain parts of the community college campus; providing that the license authorizes the sale of beer and wine for on-premises consumption to individuals who attend certain public events and to members of certain groups and their guests who attend events held for those groups; prohibiting a license holder from selling beer and wine at certain events; *limiting the number of days per year the license holder may sell beer and wine at certain events*; prohibiting a license holder from allowing alcoholic beverages to be consumed during a certain time; prohibiting, with a certain exception, a license holder from allowing an individual to carry alcoholic beverages onto or from the licensed premises; providing for an annual license fee; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22-102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 22-807.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

## Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–807.1.

(A) THERE IS A CLASS CC (COMMUNITY COLLEGE) BEER AND WINE LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO ~~AN OFFICER~~ OFFICERS OF A COMMUNITY COLLEGE FOR USE ON ENCLOSED PARTS OF THE COMMUNITY COLLEGE CAMPUS THAT ARE:

(1) OWNED BY THE COMMUNITY COLLEGE; AND

(2) USED AND EQUIPPED BY THE COMMUNITY COLLEGE TO PROMOTE OR HOST EVENTS, INCLUDING ARTISTIC, CULTURAL, OR CIVIC EXHIBITS, MEETINGS, FESTIVALS, SHOWS, OR OTHER ENTERTAINMENT PRODUCTIONS.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION TO:

(1) INDIVIDUALS WHO ATTEND AN EVENT THAT IS OPEN TO THE PUBLIC; AND

(2) MEMBERS OF A CLUB, A SOCIETY, OR AN ASSOCIATION AND THEIR GUESTS WHO ATTEND AN EVENT THAT IS HELD FOR THAT GROUP.

(D) (1) THE LICENSE HOLDER MAY NOT SELL BEER AND WINE ON THE COMMUNITY COLLEGE CAMPUS AT:

~~(1)~~ (I) A STUDENT SPORTING EVENT; OR

~~(2)~~ (II) AN EVENT THAT IS SPONSORED BY STUDENTS.

(2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT EVENTS THAT ARE HELD ON THE COMMUNITY COLLEGE CAMPUS FOR A MAXIMUM OF 25 DAYS PER YEAR.

(E) AFTER AN EVENT IS OVER, THE LICENSE HOLDER MAY NOT ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE LICENSED PREMISES FROM MIDNIGHT TO NOON THE FOLLOWING DAY.

(F) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES, EXCEPT A WHOLESALER OF BEER OR WINE WHO CONDUCTS BUSINESS REGARDING AN EVENT FOR WHICH A LICENSE HAS BEEN ISSUED UNDER THIS SECTION.

(G) THE ANNUAL LICENSE FEE IS \$1,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 449

### (House Bill 1051)

AN ACT concerning

#### **Harford County – Alcoholic Beverages – Community College License**

FOR the purpose of establishing a Class CC (community college) beer and wine license in Harford County; authorizing the Board of License Commissioners to issue the license to ~~an officer~~ officers of a community college for use on certain parts of the community college campus; providing that the license authorizes the sale of beer and wine for on-premises consumption to individuals who attend certain public events and to members of certain groups and their guests who attend events held for those groups; prohibiting a license holder from selling beer and wine at certain events; limiting the number of days per year the license holder may sell beer and wine at certain events; prohibiting a license holder from allowing alcoholic beverages to be consumed during a certain time; prohibiting, with a certain exception, a license holder from allowing an individual to carry alcoholic beverages onto or from the licensed premises; providing for an annual license fee; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22-102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 22–807.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

22–102.

This title applies only in Harford County.

**22–807.1.**

**(A) THERE IS A CLASS CC (COMMUNITY COLLEGE) BEER AND WINE LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO ~~AN OFFICER~~ OFFICERS OF A COMMUNITY COLLEGE FOR USE ON ENCLOSED PARTS OF THE COMMUNITY COLLEGE CAMPUS THAT ARE:**

**(1) OWNED BY THE COMMUNITY COLLEGE; AND**

**(2) USED AND EQUIPPED BY THE COMMUNITY COLLEGE TO PROMOTE OR HOST EVENTS, INCLUDING ARTISTIC, CULTURAL, OR CIVIC EXHIBITS, MEETINGS, FESTIVALS, SHOWS, OR OTHER ENTERTAINMENT PRODUCTIONS.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION TO:**

**(1) INDIVIDUALS WHO ATTEND AN EVENT THAT IS OPEN TO THE PUBLIC; AND**

**(2) MEMBERS OF A CLUB, A SOCIETY, OR AN ASSOCIATION AND THEIR GUESTS WHO ATTEND AN EVENT THAT IS HELD FOR THAT GROUP.**

**(D) (1) THE LICENSE HOLDER MAY NOT SELL BEER AND WINE ON THE COMMUNITY COLLEGE CAMPUS AT:**

**~~(1)~~ (1) A STUDENT SPORTING EVENT; OR**

~~(2)~~ (II) AN EVENT THAT IS SPONSORED BY STUDENTS.

**(2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT EVENTS THAT ARE HELD ON THE COMMUNITY COLLEGE CAMPUS FOR A MAXIMUM OF 25 DAYS PER YEAR.**

(E) AFTER AN EVENT IS OVER, THE LICENSE HOLDER MAY NOT ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE LICENSED PREMISES FROM MIDNIGHT TO NOON THE FOLLOWING DAY.

(F) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES, EXCEPT A WHOLESALER OF BEER OR WINE WHO CONDUCTS BUSINESS REGARDING AN EVENT FOR WHICH A LICENSE HAS BEEN ISSUED UNDER THIS SECTION.

(G) THE ANNUAL LICENSE FEE IS \$1,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 450

(Senate Bill 926)

AN ACT concerning

### Lyme Disease – Laboratory Test – Required Notice

FOR the purpose of requiring certain health care providers and certain medical laboratories to provide a certain notice to a patient for whom the health care provider or the medical laboratory orders performs a laboratory test for the presence of Lyme disease; ~~providing immunity from liability, under certain circumstances, for certain health care providers for providing the notice;~~ authorizing the Department of Health and Mental Hygiene to adopt certain regulations under certain circumstances; requiring the Department to provide certain written notice to certain committees of the General Assembly before submitting certain regulations for publication in the Maryland Register; prohibiting the provision of a certain notice from being the sole basis for a cause of action; and generally relating to laboratory tests for Lyme disease.

BY adding to  
Article – Health – General

Section 20–1701 to be under the new subtitle “Subtitle 17. Lyme Disease Information”

Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

**SUBTITLE 17. LYME DISEASE INFORMATION.**

**20–1701.**

**(A) A HEALTH CARE PROVIDER LICENSED IN THE STATE SHALL PROVIDE THE FOLLOWING NOTICE TO EACH PATIENT FOR WHOM THE HEALTH CARE PROVIDER ORDERS A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE WHO DRAWS THE BLOOD OF A PATIENT TO PERFORM A LABORATORY TEST FOR LYME DISEASE OR A MEDICAL LABORATORY, AS DEFINED IN § 17–201 OF THIS ARTICLE, THAT PERFORMS A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE SHALL PROVIDE THE FOLLOWING WRITTEN NOTICE TO THE PATIENT AT THE TIME THE PATIENT’S BLOOD IS DRAWN:**

**“YOUR HEALTH CARE PROVIDER HAS ORDERED A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE FOR YOU. CURRENT LABORATORY TESTING FOR LYME DISEASE CAN BE PROBLEMATIC AND STANDARD LABORATORY TESTS OFTEN RESULT IN FALSE NEGATIVE AND FALSE POSITIVE RESULTS AND, IF DONE TOO EARLY, YOU MAY NOT HAVE PRODUCED ENOUGH ANTIBODIES TO BE CONSIDERED POSITIVE BECAUSE YOUR IMMUNE RESPONSE REQUIRES TIME TO DEVELOP ANTIBODIES. IF YOU ARE TESTED FOR LYME DISEASE AND THE RESULTS ARE NEGATIVE, THIS DOES NOT NECESSARILY MEAN YOU DO NOT HAVE LYME DISEASE. IF YOU CONTINUE TO EXPERIENCE UNEXPLAINED SYMPTOMS, YOU SHOULD CONTACT YOUR HEALTH CARE PROVIDER AND INQUIRE ABOUT THE APPROPRIATENESS OF RETESTING OR INITIAL OR ADDITIONAL TREATMENT.”**

**(B) IF THE DEPARTMENT FINDS SIGNIFICANT DIFFERENCES BETWEEN THE CONTENT OF THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS SECTION AND CURRENT MEDICAL EVIDENCE ON LYME DISEASE TESTING, THE DEPARTMENT MAY ADOPT REGULATIONS THAT CHANGE THE CONTENT OF THE NOTICE.**

**(C) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE BEFORE SUBMITTING ANY PROPOSED REGULATION UNDER**



SUBSECTION (B) OF THIS SECTION TO THE MARYLAND REGISTER FOR PUBLICATION.

~~(B) A HEALTH CARE PROVIDER WHO PROVIDES THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY FOR PROVIDING THE NOTICE UNLESS THE HEALTH CARE PROVIDER ACTS WITH GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.~~

(D) THE PROVISION BY A HEALTH CARE PROVIDER OR MEDICAL LABORATORY OF THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS SECTION MAY NOT BE THE SOLE BASIS FOR A CAUSE OF ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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**Chapter 451**

**(House Bill 399)**

AN ACT concerning

**Lyme Disease – Laboratory Test – Required Notice**

FOR the purpose of requiring certain health care providers and certain medical laboratories to provide a certain notice to a patient for whom the health care provider or the medical laboratory orders performs a laboratory test for the presence of Lyme disease; ~~providing immunity from liability, under certain circumstances, for certain health care providers for providing the notice;~~ authorizing the Department of Health and Mental Hygiene to adopt certain regulations under certain circumstances; requiring the Department to provide certain written notice to certain committees of the General Assembly before submitting certain regulations for publication in the Maryland Register; prohibiting the provision of a certain notice from being the sole basis for a cause of action; and generally relating to laboratory tests for Lyme disease.

BY adding to

Article – Health – General

Section 20–1701 to be under the new subtitle “Subtitle 17. Lyme Disease Information”

Annotated Code of Maryland  
(2015 Replacement Volume)

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

Article – Health – General

SUBTITLE 17. LYME DISEASE INFORMATION.

20-1701.

~~(A) A HEALTH CARE PROVIDER LICENSED IN THE STATE SHALL PROVIDE THE FOLLOWING NOTICE TO EACH PATIENT FOR WHOM THE HEALTH CARE PROVIDER ORDERS A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE WHO DRAWS THE BLOOD OF A PATIENT TO PERFORM A LABORATORY TEST FOR LYME DISEASE OR A MEDICAL LABORATORY, AS DEFINED IN § 17-201 OF THIS ARTICLE, THAT PERFORMS A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE SHALL PROVIDE THE FOLLOWING WRITTEN NOTICE TO THE PATIENT AT THE TIME THE PATIENT'S BLOOD IS DRAWN:~~

~~“YOUR HEALTH CARE PROVIDER HAS ORDERED A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE FOR YOU. CURRENT LABORATORY TESTING FOR LYME DISEASE CAN BE PROBLEMATIC AND STANDARD LABORATORY TESTS OFTEN RESULT IN FALSE NEGATIVE AND FALSE POSITIVE RESULTS AND, IF DONE TOO EARLY, YOU MAY NOT HAVE PRODUCED ENOUGH ANTIBODIES TO BE CONSIDERED POSITIVE BECAUSE YOUR IMMUNE RESPONSE REQUIRES TIME TO DEVELOP ANTIBODIES. IF YOU ARE TESTED FOR LYME DISEASE AND THE RESULTS ARE NEGATIVE, THIS DOES NOT NECESSARILY MEAN YOU DO NOT HAVE LYME DISEASE. IF YOU CONTINUE TO EXPERIENCE UNEXPLAINED SYMPTOMS, YOU SHOULD CONTACT YOUR HEALTH CARE PROVIDER AND INQUIRE ABOUT THE APPROPRIATENESS OF RETESTING OR INITIAL OR ADDITIONAL TREATMENT.”.~~

~~(B) IF THE DEPARTMENT FINDS SIGNIFICANT DIFFERENCES BETWEEN THE CONTENT OF THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS SECTION AND CURRENT MEDICAL EVIDENCE ON LYME DISEASE TESTING, THE DEPARTMENT MAY ADOPT REGULATIONS THAT CHANGE THE CONTENT OF THE NOTICE.~~

~~(C) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE BEFORE SUBMITTING ANY PROPOSED REGULATION UNDER SUBSECTION (B) OF THIS SECTION TO THE MARYLAND REGISTER FOR PUBLICATION.~~

~~(B) A HEALTH CARE PROVIDER WHO PROVIDES THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY FOR~~

~~PROVIDING THE NOTICE UNLESS THE PHYSICIAN ACTS WITH GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.~~

(D) THE PROVISION BY A HEALTH CARE PROVIDER OR MEDICAL LABORATORY OF THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS SECTION MAY NOT BE THE SOLE BASIS FOR A CAUSE OF ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 452

(Senate Bill 931)

AN ACT concerning

### Birth Certificates – Homeless Individuals – Prohibition on Collection of Fee

FOR the purpose of prohibiting the Department of Health and Mental Hygiene from collecting a fee for a certain copy of a birth certificate issued to a homeless individual; requiring the Department to accept ~~a signed written statement from a homeless individual~~ as proof of homelessness a certain statement from a certain homeless services provider; providing that a homeless individual may receive one copy of a birth certificate without a fee in a certain transaction; requiring the Department to adopt certain regulations; defining a certain term; and generally relating to prohibiting the collection of fees for copies of birth certificates issued to homeless individuals.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 4–217  
 Annotated Code of Maryland  
 (2015 Replacement Volume)

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

### Article – Health – General

4–217.

(a) (1) Except as provided in subsection (b) of this section, the Secretary shall provide, on request, any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth, death, or fetal death certificate registered under this subtitle or of the certificate of a marriage performed after June 1, 1951.

(2) Except as provided in subsection (b) of this section, a local health department may:

(i) Access electronically from the Department a certified or abridged copy of a birth certificate registered under this subtitle; and

(ii) On request, provide any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth certificate registered under this subtitle.

(3) (i) The Secretary shall provide on request, to any person authorized by regulation adopted under this subtitle, a commemorative birth certificate.

(ii) The Department shall set a fee for the commemorative birth certificate.

(iii) The commemorative birth certificate shall:

1. Be in a form consistent with the need to protect the integrity of vital records but suitable for display; and

2. Have the same status as evidence as the original birth certificate.

(iv) A portion of the funds collected under this paragraph shall go to the Department for the production costs of issuing the commemorative birth certificates. The remainder of the funds collected shall be paid into the Children's Trust Fund established under § 13–2207 of this article to provide funding for the Child Abuse Medical Providers (Maryland CHAMP) Initiative.

(v) The Secretary shall adopt regulations to implement the provisions of this paragraph.

(b) (1) A certified or abridged copy of a birth certificate may be issued only:

(i) On order of a court of competent jurisdiction;

(ii) On request of the individual to whom the record relates;

(iii) On request of a parent, guardian, surviving spouse, or other authorized representative of the individual; or

(iv) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article.

(2) A certified or abridged copy of a birth certificate may contain only the personal information that appears on the birth certificate and may not include any confidential medical information that appears on the birth certificate.

(3) Birth certificate information may not be given if it is to be used for commercial solicitation or private gain.

(4) A noncertified copy of a birth certificate including confidential medical information may be provided to a unit of the Department to carry out its legal mandate or to conduct Institutional Review Board (IRB) approved research or study. Any report resulting from this research or study may not contain personal identifiers unless authorized by the subject of the record or the subject's parent or authorized representative.

(5) A copy of a birth certificate may be given to the Maryland Immunization Program to improve childhood immunization rates.

(c) (1) Except as otherwise provided by law:

(i) The Department shall collect a \$12 fee:

1. For each certified or abridged copy of a fetal death, marriage, or divorce verification certificate;

2. For a report that a search of the fetal death, marriage, or divorce verification certificate files was made and the requested record is not on file;

3. For each change to a fetal death, marriage, or divorce verification certificate made later than one year after the certificate has been registered with the Department; or

4. To process an adoption, foreign adoption, or legitimation;

(ii) The Department shall collect a \$24 fee:

1. **[For] EXCEPT AS PROVIDED IN PARAGRAPH (6)(II) OF THIS SUBSECTION, FOR** each certified or abridged copy of a birth certificate;

2. For the first copy of a certified or abridged death certificate issued in a single transaction;

3. For a report that a search of the birth or death certificate files was made and the requested record is not on file; or

4. For each change to a birth or death certificate made later than 1 year after the certificate has been registered with the Department; and

(iii) The Department shall collect a \$12 fee for each additional certified or abridged copy of a death certificate provided concurrently with an initial requested death certificate.

(2) From the fee the Department collects under paragraph (1) of this subsection, the Department shall transfer the entire fee to the General Fund.

(3) (i) Any local health department may set and collect a fee for processing and issuing a birth certificate, or for a report that a search of the files was made and the requested record is not on file, that covers:

1. The administrative costs of providing this service; and
2. The requirements of subparagraph (iii) of this paragraph.

(ii) The fee set by the local health department for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not exceed the actual costs to the local health department for processing and issuing a birth certificate or a report.

(iii) From the fee the local health department collects under subparagraph (i) of this paragraph, \$20 shall be transferred to the General Fund.

(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph, the local health department shall enter into a memorandum of understanding with the Department of Health and Mental Hygiene that outlines the local health department's fee structure.

(4) The Department or a local health department may collect a fee for a certificate requested by an agency of the State or any of its political subdivisions.

(5) The Secretary may waive all or part of a fee if chargeable to an agency of the United States.

(6) (I) The Department may not collect a fee for a copy of a vital record issued to:

[(i)] 1. A current or former member of the armed forces of the United States; or

[(ii)] 2. The surviving spouse or child of the member, if the copy will be used in connection with a claim for a dependent or beneficiary of the member.

(II) 1. IN THIS SUBPARAGRAPH, “HOMELESS INDIVIDUAL” HAS THE MEANING STATED IN THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (42 U.S.C. § 11302(A)).

2. ~~THE~~ SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS SUBPARAGRAPH, THE DEPARTMENT MAY NOT COLLECT A FEE FOR A CERTIFIED OR AN ABRIDGED COPY OF A BIRTH CERTIFICATE ISSUED TO A HOMELESS INDIVIDUAL.

~~2.~~ 3. THE DEPARTMENT SHALL ACCEPT AS PROOF OF HOMELESSNESS A SIGNED WRITTEN STATEMENT FROM A HOMELESS INDIVIDUAL THAT THE INDIVIDUAL IS HOMELESS AS PROOF OF HOMELESSNESS HOMELESS SERVICES PROVIDER LOCATED IN THE STATE THAT:

A. AFFIRMS THAT THE INDIVIDUAL IS HOMELESS; AND

B. INCLUDES THE ADDRESS TO WHICH THE COPY OF THE BIRTH CERTIFICATE REQUESTED UNDER THIS SECTION MAY BE SENT.

4. A HOMELESS INDIVIDUAL MAY RECEIVE ONE COPY OF A BIRTH CERTIFICATE WITHOUT A FEE IN A SINGLE TRANSACTION.

5. THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBPARAGRAPH.

(d) (1) Any local health department may set and collect a fee for processing and issuing a death certificate that covers the administrative costs of providing this service.

(2) The fee set by the local health department for processing and issuing a death certificate under this subsection may not exceed the actual costs to the local health department for processing and issuing a death certificate.

(e) The Secretary shall include with every copy of a death certificate, in a form prescribed and provided by the Insurance Commissioner, a notice which advises that certain individuals may be entitled to continuation of group health insurance benefits under § 15-407 of the Insurance Article.

(f) The Secretary shall include with every copy of a death certificate that is completed by the Chief Medical Examiner a notice that advises a person in interest, as defined in § 4-101(g) of the General Provisions Article, of the right to appeal a denial by the Chief Medical Examiner of a request to correct findings and conclusions as to the cause and manner of death recorded on a death certificate as provided under § 5-310(d) of this article.

(g) A person may use a photocopy of a birth, death, fetal death, or marriage certificate for any nonfraudulent and nondeceptive purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 453

### (House Bill 280)

AN ACT concerning

#### **Birth Certificates – Homeless Individuals – Prohibition on Collection of Fee**

FOR the purpose of prohibiting the Department of Health and Mental Hygiene from collecting a fee for a certain copy of a birth certificate issued to a homeless individual; requiring the Department to accept ~~a signed written statement from a homeless individual~~ as proof of homelessness a certain statement from a certain homeless services provider; providing that a homeless individual may receive one copy of a birth certificate without a fee in a certain transaction; requiring the Department to adopt certain regulations; defining a certain term; and generally relating to prohibiting the collection of fees for copies of birth certificates issued to homeless individuals.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–217

Annotated Code of Maryland

(2015 Replacement Volume)

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

#### **Article – Health – General**

4–217.

(a) (1) Except as provided in subsection (b) of this section, the Secretary shall provide, on request, any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth, death, or fetal death certificate registered under this subtitle or of the certificate of a marriage performed after June 1, 1951.

(2) Except as provided in subsection (b) of this section, a local health department may:



(i) Access electronically from the Department a certified or abridged copy of a birth certificate registered under this subtitle; and

(ii) On request, provide any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth certificate registered under this subtitle.

(3) (i) The Secretary shall provide on request, to any person authorized by regulation adopted under this subtitle, a commemorative birth certificate.

(ii) The Department shall set a fee for the commemorative birth certificate.

(iii) The commemorative birth certificate shall:

1. Be in a form consistent with the need to protect the integrity of vital records but suitable for display; and

2. Have the same status as evidence as the original birth certificate.

(iv) A portion of the funds collected under this paragraph shall go to the Department for the production costs of issuing the commemorative birth certificates. The remainder of the funds collected shall be paid into the Children's Trust Fund established under § 13-2207 of this article to provide funding for the Child Abuse Medical Providers (Maryland CHAMP) Initiative.

(v) The Secretary shall adopt regulations to implement the provisions of this paragraph.

(b) (1) A certified or abridged copy of a birth certificate may be issued only:

(i) On order of a court of competent jurisdiction;

(ii) On request of the individual to whom the record relates;

(iii) On request of a parent, guardian, surviving spouse, or other authorized representative of the individual; or

(iv) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article.

(2) A certified or abridged copy of a birth certificate may contain only the personal information that appears on the birth certificate and may not include any confidential medical information that appears on the birth certificate.

(3) Birth certificate information may not be given if it is to be used for commercial solicitation or private gain.

(4) A noncertified copy of a birth certificate including confidential medical information may be provided to a unit of the Department to carry out its legal mandate or to conduct Institutional Review Board (IRB) approved research or study. Any report resulting from this research or study may not contain personal identifiers unless authorized by the subject of the record or the subject's parent or authorized representative.

(5) A copy of a birth certificate may be given to the Maryland Immunization Program to improve childhood immunization rates.

(c) (1) Except as otherwise provided by law:

(i) The Department shall collect a \$12 fee:

1. For each certified or abridged copy of a fetal death, marriage, or divorce verification certificate;

2. For a report that a search of the fetal death, marriage, or divorce verification certificate files was made and the requested record is not on file;

3. For each change to a fetal death, marriage, or divorce verification certificate made later than one year after the certificate has been registered with the Department; or

4. To process an adoption, foreign adoption, or legitimation;

(ii) The Department shall collect a \$24 fee:

1. **[For] EXCEPT AS PROVIDED IN PARAGRAPH (6)(II) OF THIS SUBSECTION, FOR** each certified or abridged copy of a birth certificate;

2. For the first copy of a certified or abridged death certificate issued in a single transaction;

3. For a report that a search of the birth or death certificate files was made and the requested record is not on file; or

4. For each change to a birth or death certificate made later than 1 year after the certificate has been registered with the Department; and

(iii) The Department shall collect a \$12 fee for each additional certified or abridged copy of a death certificate provided concurrently with an initial requested death certificate.

(2) From the fee the Department collects under paragraph (1) of this subsection, the Department shall transfer the entire fee to the General Fund.

(3) (i) Any local health department may set and collect a fee for processing and issuing a birth certificate, or for a report that a search of the files was made and the requested record is not on file, that covers:

1. The administrative costs of providing this service; and
2. The requirements of subparagraph (iii) of this paragraph.

(ii) The fee set by the local health department for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not exceed the actual costs to the local health department for processing and issuing a birth certificate or a report.

(iii) From the fee the local health department collects under subparagraph (i) of this paragraph, \$20 shall be transferred to the General Fund.

(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph, the local health department shall enter into a memorandum of understanding with the Department of Health and Mental Hygiene that outlines the local health department's fee structure.

(4) The Department or a local health department may collect a fee for a certificate requested by an agency of the State or any of its political subdivisions.

(5) The Secretary may waive all or part of a fee if chargeable to an agency of the United States.

(6) (I) The Department may not collect a fee for a copy of a vital record issued to:

[(i)] 1. A current or former member of the armed forces of the United States; or

[(ii)] 2. The surviving spouse or child of the member, if the copy will be used in connection with a claim for a dependent or beneficiary of the member.

(II) 1. IN THIS SUBPARAGRAPH, "HOMELESS INDIVIDUAL" HAS THE MEANING STATED IN THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (42 U.S.C. § 11302(A)).

2. THE SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS SUBPARAGRAPH, THE DEPARTMENT MAY NOT COLLECT A FEE FOR A CERTIFIED OR AN ABRIDGED COPY OF A BIRTH CERTIFICATE ISSUED TO A HOMELESS INDIVIDUAL.

~~2. 3.~~ THE DEPARTMENT SHALL ACCEPT AS PROOF OF HOMELESSNESS A SIGNED WRITTEN STATEMENT FROM A HOMELESS INDIVIDUAL THAT THE INDIVIDUAL IS HOMELESS AS PROOF OF HOMELESSNESS HOMELESS SERVICES PROVIDER LOCATED IN THE STATE THAT:

A. AFFIRMS THAT THE INDIVIDUAL IS HOMELESS; AND

B. INCLUDES THE ADDRESS TO WHICH THE COPY OF THE BIRTH CERTIFICATE REQUESTED UNDER THIS SECTION MAY BE SENT.

4. A HOMELESS INDIVIDUAL MAY RECEIVE ONE COPY OF A BIRTH CERTIFICATE WITHOUT A FEE IN A SINGLE TRANSACTION.

5. THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBPARAGRAPH.

(d) (1) Any local health department may set and collect a fee for processing and issuing a death certificate that covers the administrative costs of providing this service.

(2) The fee set by the local health department for processing and issuing a death certificate under this subsection may not exceed the actual costs to the local health department for processing and issuing a death certificate.

(e) The Secretary shall include with every copy of a death certificate, in a form prescribed and provided by the Insurance Commissioner, a notice which advises that certain individuals may be entitled to continuation of group health insurance benefits under § 15–407 of the Insurance Article.

(f) The Secretary shall include with every copy of a death certificate that is completed by the Chief Medical Examiner a notice that advises a person in interest, as defined in § 4–101(g) of the General Provisions Article, of the right to appeal a denial by the Chief Medical Examiner of a request to correct findings and conclusions as to the cause and manner of death recorded on a death certificate as provided under § 5–310(d) of this article.

(g) A person may use a photocopy of a birth, death, fetal death, or marriage certificate for any nonfraudulent and nondeceptive purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 454

(Senate Bill 958)

AN ACT concerning

### Cecil County – Alcoholic Beverages – ~~Class 9 Limited Distillery Licenses and Class 7 Micro-Brewery Licenses~~

FOR the purpose of authorizing ~~a Class 9 limited distillery license and a Class 7 micro-brewery license to be issued in Cecil County; authorizing a Class 9 limited distillery license to be issued to a holder of a Class B beer, wine, and liquor license as well as a Class D beer, wine, and liquor license under certain circumstances; providing that a certain Class 9 limited distillery license holder who is also a Class B beer, wine, and liquor license holder may sell certain products in a certain manner and may not sell at retail more than a certain number of gallons on a certain premises each year; requiring a Class 9 limited distillery license holder who is also a Class B beer, wine, and liquor license holder to divest itself of a certain license and obtain a certain license if the license holder distills more than a certain number of gallons of product each year; authorizing a Class 7 micro-brewery license to be issued to a holder of a Class B beer, wine, and liquor license or a Class D beer, wine, and liquor license under certain circumstances; establishing that for a holder of a Class D beer, wine, and liquor license who also holds a Class 7 micro-brewery license, the hours and days of sale for the Class 7 micro-brewery license are those established for a Class D beer, wine, and liquor license; authorizing the Board of License Commissioners for Cecil County to determine a certain ratio of gross receipts; repealing certain provisions of law authorizing the Board of License Commissioners for Cecil County to issue a certain license to sell beer, wine, and liquor to the owner of a certain hotel; and generally relating to the issuance of Class 9 limited distillery licenses and Class 7 micro-brewery alcoholic beverages licenses in Cecil County.~~

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 17-102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 17-401 and 17-902

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 17-403 ~~and 17-404~~

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

17–102.

This title applies only in Cecil County.

17–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the County without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) § 2–202 (“Class 1 distillery license”);
- (3) § 2–204 (“Class 2 rectifying license”);
- (4) § 2–205 (“Class 3 winery license”);
- (5) § 2–206 (“Class 4 limited winery license”);
- (6) § 2–207 (“Class 5 brewery license”);
- (7) § 2–208 (“Class 6 pub–brewery license”);
- (8) § 2–210 (“Class 8 farm brewery license”);
- (9) § 2–211 (“Residency requirement”);
- (10) § 2–212 (“Additional licenses”);
- (11) § 2–213 (“Additional fees”);
- (12) § 2–214 (“Sale or delivery restricted”);
- (13) § 2–215 (“Beer sale on credit to retail dealer prohibited”);
- (14) § 2–216 (“Interaction between manufacturing entities and retailers”);
- (15) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”);

and

(16) § 2-218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) ~~The following sections~~ **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”)** of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article ~~do not~~ **DOES NOT** apply in the County:

(1) ~~§ 2-203 (“Class 9 limited distillery license”), SUBJECT TO § 17-403 OF THIS SUBTITLE;~~ and

(2) ~~§ 2-209 (“Class 7 micro-brewery license”), SUBJECT TO § 17-404 OF THIS SUBTITLE.~~

**(C) SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) APPLIES IN THE COUNTY, SUBJECT TO § 17-403 OF THIS SUBTITLE.**

~~17-403.~~

~~(A) A CLASS 9 LIMITED DISTILLERY LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE OR A CLASS D BEER, WINE, AND LIQUOR LICENSE IF THE LICENSE OF THE HOLDER AUTHORIZES CONSUMPTION ON AND OFF THE LICENSED PREMISES.~~

~~(B) A HOLDER OF A CLASS 9 LIMITED DISTILLERY LICENSE AND A CLASS B BEER, WINE, AND LIQUOR LICENSE:~~

~~(1) MAY SELL THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 LIMITED DISTILLERY LICENSE AT RETAIL IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS B LICENSE; AND~~

~~(2) MAY NOT SELL AT RETAIL ON THE PREMISES OF THE CLASS B LICENSE, FOR ON OR OFF SALE CONSUMPTION, MORE THAN 15,500 GALLONS OF THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 LIMITED DISTILLERY LICENSE EACH CALENDAR YEAR.~~

~~(C) A HOLDER OF A CLASS 9 LIMITED DISTILLERY LICENSE AND A CLASS B BEER, WINE, AND LIQUOR LICENSE THAT DISTILLS MORE THAN THE GALLONAGE SPECIFIED IN § 2-203(D)(3) OF THIS ARTICLE SHALL DIVEST ITSELF OF ANY CLASS B RETAIL LICENSE AND OBTAIN A CLASS 1 MANUFACTURER’S LICENSE.~~

~~17-404.~~

(A) A CLASS 7 MICRO-BREWERY LICENSE MAY BE ISSUED TO THE HOLDER OF:

(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE, FOR USE ON THE PREMISES OF THE RESTAURANT FOR WHICH THE CLASS B LICENSE WAS ISSUED; OR

(2) A CLASS D BEER, WINE, AND LIQUOR LICENSE, FOR USE ON THE PREMISES FOR WHICH THE CLASS D LICENSE WAS ISSUED.

(B) THE HOURS AND DAYS OF SALE FOR THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D LICENSE.

(C) FOR THE HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT ALSO HOLDS A CLASS 7 MICRO-BREWERY LICENSE, THE BOARD MAY DETERMINE THE REQUIRED RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

17-902.

(a) There is a Class B beer, wine, and liquor license.

(b) [The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) has:

(i) at least one passenger elevator;

(ii) at least 100 rooms for the accommodation of the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a [hotel or] restaurant at retail at the place described in the license, for on- or off-premises consumption.

~~[(d)](C)~~ The annual license fee is \$750.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.



## Chapter 455

(House Bill 1071)

AN ACT concerning

### Cecil County – Alcoholic Beverages – ~~Class 9 Limited Distillery Licenses and Class 7 Micro-Brewery Licenses~~

FOR the purpose of authorizing ~~a Class 9 limited distillery license and a Class 7 micro-brewery license to be issued in Cecil County; authorizing a Class 9 limited distillery license to be issued to a holder of a Class B beer, wine, and liquor license as well as a Class D beer, wine, and liquor license under certain circumstances; providing that a certain Class 9 limited distillery license holder who is also a Class B beer, wine, and liquor license holder may sell certain products in a certain manner and may not sell at retail more than a certain number of gallons on a certain premises each year; requiring a Class 9 limited distillery license holder who is also a Class B beer, wine, and liquor license holder to divest itself of a certain license and obtain a certain license if the license holder distills more than a certain number of gallons of product each year;~~ authorizing a Class 7 micro-brewery license to be issued to a holder of a Class B beer, wine, and liquor license or a Class D beer, wine, and liquor license under certain circumstances; establishing that for a holder of a Class D beer, wine, and liquor license who also holds a Class 7 micro-brewery license, the hours and days of sale for the Class 7 micro-brewery license are those established for a Class D beer, wine, and liquor license; authorizing the Board of License Commissioners for Cecil County to determine a certain ratio of gross receipts; repealing certain provisions of law authorizing the Board to issue a certain license to sell beer, wine, and liquor to the owner of a certain hotel; and generally relating to the issuance of ~~Class 9 limited distillery licenses and Class 7 micro-brewery~~ alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 17-102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 17-401 and 17-902

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 17-403 ~~and 17-404~~

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

17–102.

This title applies only in Cecil County.

17–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the County without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) § 2–202 (“Class 1 distillery license”);
- (3) § 2–204 (“Class 2 rectifying license”);
- (4) § 2–205 (“Class 3 winery license”);
- (5) § 2–206 (“Class 4 limited winery license”);
- (6) § 2–207 (“Class 5 brewery license”);
- (7) § 2–208 (“Class 6 pub–brewery license”);
- (8) § 2–210 (“Class 8 farm brewery license”);
- (9) § 2–211 (“Residency requirement”);
- (10) § 2–212 (“Additional licenses”);
- (11) § 2–213 (“Additional fees”);
- (12) § 2–214 (“Sale or delivery restricted”);
- (13) § 2–215 (“Beer sale on credit to retail dealer prohibited”);
- (14) § 2–216 (“Interaction between manufacturing entities and retailers”);
- (15) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”);

and

(16) § 2-218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) ~~The following sections~~ **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”)** of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article [do not] **DOES NOT** apply in the County:

(1) ~~§ 2-203 (“Class 9 limited distillery license”), SUBJECT TO § 17-403 OF THIS SUBTITLE; and~~

(2) ~~§ 2-209 (“Class 7 micro brewery license”), SUBJECT TO § 17-404 OF THIS SUBTITLE.~~

(c) **SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”)** APPLIES IN THE COUNTY, SUBJECT TO **§ 17-403 OF THIS SUBTITLE.**

**17-403.**

~~(A) A CLASS 9 LIMITED DISTILLERY LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE OR A CLASS D BEER, WINE, AND LIQUOR LICENSE IF THE LICENSE OF THE HOLDER AUTHORIZES CONSUMPTION ON AND OFF THE LICENSED PREMISES.~~

~~(B) A HOLDER OF A CLASS 9 LIMITED DISTILLERY LICENSE AND A CLASS B BEER, WINE, AND LIQUOR LICENSE:~~

~~(1) MAY SELL THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 LIMITED DISTILLERY LICENSE AT RETAIL IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS B LICENSE; AND~~

~~(2) MAY NOT SELL AT RETAIL ON THE PREMISES OF THE CLASS B LICENSE, FOR ON OR OFF SALE CONSUMPTION, MORE THAN 15,500 GALLONS OF THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 LIMITED DISTILLERY LICENSE EACH CALENDAR YEAR.~~

~~(C) A HOLDER OF A CLASS 9 LIMITED DISTILLERY LICENSE AND A CLASS B BEER, WINE, AND LIQUOR LICENSE THAT DISTILLS MORE THAN THE GALLONAGE SPECIFIED IN § 2-203(D)(3) OF THIS ARTICLE SHALL DIVEST ITSELF OF ANY CLASS B RETAIL LICENSE AND OBTAIN A CLASS 1 MANUFACTURER’S LICENSE.~~

**17-404.**

(A) A CLASS 7 MICRO-BREWERY LICENSE MAY BE ISSUED TO THE HOLDER OF:

(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE, FOR USE ON THE PREMISES OF THE RESTAURANT FOR WHICH THE CLASS B LICENSE WAS ISSUED; OR

(2) A CLASS D BEER, WINE, AND LIQUOR LICENSE, FOR USE ON THE PREMISES FOR WHICH THE CLASS D LICENSE WAS ISSUED.

(B) THE HOURS AND DAYS OF SALE FOR THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D LICENSE.

(C) FOR THE HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT ALSO HOLDS A CLASS 7 MICRO-BREWERY LICENSE, THE BOARD MAY DETERMINE THE REQUIRED RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

17-902.

(a) There is a Class B beer, wine, and liquor license.

(b) [The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) has:

(i) at least one passenger elevator;

(ii) at least 100 rooms for the accommodation of the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a [hotel or] restaurant at retail at the place described in the license, for on- or off-premises consumption.

~~(d)~~(C) The annual license fee is \$750.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 456

### (Senate Bill 969)

AN ACT concerning

#### Vehicle Equipment – Counterfeit and Nonfunctional Airbags – Prohibitions

FOR the purpose of prohibiting a person from importing, manufacturing, distributing, selling, or offering for sale a counterfeit airbag or a nonfunctional airbag; prohibiting a person from installing a counterfeit airbag or a nonfunctional airbag in a motor vehicle; prohibiting a person from selling or installing a device that causes the vehicle diagnostic system to inaccurately indicate that the airbag is functional when a counterfeit airbag, a nonfunctional airbag, or no airbag is installed; prohibiting a person from representing to another person that a counterfeit airbag or a nonfunctional airbag that is or will be installed in a motor vehicle is a functional airbag; prohibiting a person from assisting in or causing a violation of this Act; establishing certain penalties for a violation of this Act; defining certain terms; and generally relating to motor vehicle equipment and counterfeit airbags and nonfunctional airbags.

BY adding to

Article – Transportation

Section 22–419

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### Article – Transportation

**22–419.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) “AIRBAG” MEANS A MOTOR VEHICLE INFLATABLE OCCUPANT–RESTRAINT SYSTEM THAT:**

1. OPERATES IN THE EVENT OF A CRASH; AND

2. IS DESIGNED IN ACCORDANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS FOR THE SPECIFIC MAKE, MODEL, AND YEAR OF THE MOTOR VEHICLE IN WHICH IT IS OR WILL BE INSTALLED.

(II) “AIRBAG” INCLUDES THE COVER, SENSORS, CONTROLLERS, INFLATORS, WIRING, CUSHION MATERIAL, AND ANY OTHER COMPONENT PART OF AN AIRBAG.

(3) “COUNTERFEIT AIRBAG” MEANS A REPLACEMENT AIRBAG DISPLAYING AN UNAUTHORIZED MARK IDENTICAL OR SUBSTANTIALLY SIMILAR TO THE GENUINE MARK OF A MOTOR VEHICLE MANUFACTURER OR A SUPPLIER OF PARTS TO THE MOTOR VEHICLE MANUFACTURER.

(4) “NONFUNCTIONAL AIRBAG” MEANS:

(I) A REPLACEMENT AIRBAG THAT:

1. HAS BEEN PREVIOUSLY DEPLOYED OR DAMAGED; OR

2. HAS AN ELECTRICAL FAULT THAT IS DETECTED BY THE VEHICLE DIAGNOSTIC SYSTEM AFTER THE INSTALLATION PROCEDURE IS COMPLETED; OR

(II) AN OBJECT, INCLUDING A COUNTERFEIT AIRBAG, INTENDED TO DECEIVE A VEHICLE OWNER OR OPERATOR INTO BELIEVING THAT THE OBJECT IS A FUNCTIONAL AIRBAG.

(B) ~~A PERSON MAY NOT, WITH ACTUAL KNOWLEDGE OR KNOWLEDGE THAT ONE USING REASONABLE CARE OR DILIGENCE SHOULD POSSESS KNOWINGLY:~~

(1) IMPORT, MANUFACTURE, DISTRIBUTE, SELL, OR OFFER FOR SALE A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG;

(2) INSTALL OR REINSTALL A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG IN A MOTOR VEHICLE;

(3) SELL, OFFER FOR SALE, INSTALL, OR REINSTALL A DEVICE IN A VEHICLE THAT CAUSES THE VEHICLE’S DIAGNOSTIC SYSTEM TO INACCURATELY INDICATE THAT THE VEHICLE IS EQUIPPED WITH A FUNCTIONAL AIRBAG WHEN A COUNTERFEIT AIRBAG, NONFUNCTIONAL AIRBAG, OR NO AIRBAG IS INSTALLED;

(4) REPRESENT TO ANOTHER PERSON THAT A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG THAT IS OR WILL BE INSTALLED IN A MOTOR VEHICLE IS A FUNCTIONAL AIRBAG; OR

(5) ASSIST IN OR CAUSE A VIOLATION OF THIS SUBSECTION.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

~~(D) THIS SECTION MAY BE CITED AS THE COUNTERFEIT AIRBAG PREVENTION ACT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 457

(House Bill 1236)

AN ACT concerning

### Vehicle Equipment – Counterfeit and Nonfunctional Airbags – Prohibitions

FOR the purpose of prohibiting a person from importing, manufacturing, distributing, selling, or offering for sale a counterfeit airbag or a nonfunctional airbag; prohibiting a person from installing a counterfeit airbag or a nonfunctional airbag in a motor vehicle; prohibiting a person from selling or installing a device that causes the vehicle diagnostic system to inaccurately indicate that the airbag is functional when a counterfeit airbag, a nonfunctional airbag, or no airbag is installed; prohibiting a person from representing to another person that a counterfeit airbag or a nonfunctional airbag that is or will be installed in a motor vehicle is a functional airbag; prohibiting a person from assisting in or causing a violation of this Act; establishing certain penalties for a violation of this Act; defining certain terms; and generally relating to motor vehicle equipment and counterfeit airbags and nonfunctional airbags.

BY adding to

Article – Transportation

Section 22-419

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Transportation**

**22-419.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) “AIRBAG” MEANS A MOTOR VEHICLE INFLATABLE OCCUPANT-RESTRAINT SYSTEM THAT:**

- 1. OPERATES IN THE EVENT OF A CRASH; AND**
- 2. IS DESIGNED IN ACCORDANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS FOR THE SPECIFIC MAKE, MODEL, AND YEAR OF THE MOTOR VEHICLE IN WHICH IT IS OR WILL BE INSTALLED.**

**(II) “AIRBAG” INCLUDES THE COVER, SENSORS, CONTROLLERS, INFLATORS, WIRING, CUSHION MATERIAL, AND ANY OTHER COMPONENT PART OF AN AIRBAG.**

**(3) “COUNTERFEIT AIRBAG” MEANS A REPLACEMENT AIRBAG DISPLAYING AN UNAUTHORIZED MARK IDENTICAL OR SUBSTANTIALLY SIMILAR TO THE GENUINE MARK OF A MOTOR VEHICLE MANUFACTURER OR A SUPPLIER OF PARTS TO THE MOTOR VEHICLE MANUFACTURER.**

**(4) “NONFUNCTIONAL AIRBAG” MEANS:**

- (I) A REPLACEMENT AIRBAG THAT:**
- 1. HAS BEEN PREVIOUSLY DEPLOYED OR DAMAGED; OR**
  - 2. HAS AN ELECTRICAL FAULT THAT IS DETECTED BY THE VEHICLE DIAGNOSTIC SYSTEM AFTER THE INSTALLATION PROCEDURE IS COMPLETED; OR**

**(II) AN OBJECT, INCLUDING A COUNTERFEIT AIRBAG, INTENDED TO DECEIVE A VEHICLE OWNER OR OPERATOR INTO BELIEVING THAT THE OBJECT IS A FUNCTIONAL AIRBAG.**

**(B) A PERSON MAY NOT, ~~WITH ACTUAL KNOWLEDGE OR KNOWLEDGE THAT ONE USING REASONABLE CARE OR DILIGENCE SHOULD POSSESS~~ KNOWINGLY:**



(1) IMPORT, MANUFACTURE, DISTRIBUTE, SELL, OR OFFER FOR SALE A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG;

(2) INSTALL OR REINSTALL A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG IN A MOTOR VEHICLE;

(3) SELL, OFFER FOR SALE, INSTALL, OR REINSTALL A DEVICE IN A VEHICLE THAT CAUSES THE VEHICLE'S DIAGNOSTIC SYSTEM TO INACCURATELY INDICATE THAT THE VEHICLE IS EQUIPPED WITH A FUNCTIONAL AIRBAG WHEN A COUNTERFEIT AIRBAG, NONFUNCTIONAL AIRBAG, OR NO AIRBAG IS INSTALLED;

(4) REPRESENT TO ANOTHER PERSON THAT A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG THAT IS OR WILL BE INSTALLED IN A MOTOR VEHICLE IS A FUNCTIONAL AIRBAG; OR

(5) ASSIST IN OR CAUSE A VIOLATION OF THIS SUBSECTION.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

~~(D) THIS SECTION MAY BE CITED AS THE COUNTERFEIT AIRBAG PREVENTION ACT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 458

(Senate Bill 979)

AN ACT concerning

### Optional Retirement Program – Eligibility – Alterations

FOR the purpose of altering the eligibility provisions of the Optional Retirement Program to include individuals in certain position categories designated by certain governing boards of institutions of higher education or the Secretary of Higher Education; ~~authorizing~~ requiring an individual who was a participant in the Optional Retirement Program as of a certain date to continue to participate in the Program

under certain circumstances; conforming certain terminology to current institutional policies regarding employment categories; and generally relating to eligibility for the Optional Retirement Program.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 30–301  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Personnel and Pensions**

30–301.

(a) An individual is eligible to participate in the program if the individual is eligible for membership in a retirement system or a pension system and is:

- (1) a member of the faculty of an employing institution;
- (2) a professional employee at a community college or regional community college established under Title 16 of the Education Article;
- (3) an employee of the University System of Maryland who is in a position designated as exempt under a policy adopted by the University System of Maryland Board of Regents;
- (4) an employee of Morgan State University who is in a position designated as **EXECUTIVE OR** professional [or] administrative by the Board of Regents of Morgan State University;
- (5) an employee of St. Mary's College of Maryland who is in a position determined by the Board of Trustees of the College to be [a professional or faculty] **AN EXEMPT** position; or
- (6) an employee of the Maryland Higher Education Commission who is in a position determined by the Secretary of Higher Education to be a professional position.

(b) (1) This subsection applies to an individual who:

- (i) on August 22, 2004, was eligible to participate in the program;  
and
- (ii) is in a position that, as of August 23, 2004, was reclassified by the University System of Maryland Board of Regents or the Board of Regents of Morgan

State University and would no longer be eligible for participation in the program under subsection (a) of this section.

(2) An individual described under paragraph (1) of this subsection ~~may~~ **SHALL** continue to participate in the program if the individual:

(i) would otherwise be eligible for membership in a system under the State Retirement and Pension System; and

(ii) is employed by an employing institution.

**(C) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO:**

**(I) IS IN A POSITION THAT WAS ELIGIBLE TO PARTICIPATE IN THE PROGRAM BUT WAS RECLASSIFIED BY THE GOVERNING BOARD OF THE INDIVIDUAL'S EMPLOYING INSTITUTION OR THE SECRETARY OF HIGHER EDUCATION TO A POSITION THAT WOULD NO LONGER BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM UNDER SUBSECTION (A) OF THIS SECTION; AND**

**(II) WAS A PARTICIPANT IN THE PROGRAM ON THE DATE IMMEDIATELY PRECEDING THE RECLASSIFICATION.**

**(2) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION ~~MAY~~ **SHALL** CONTINUE TO PARTICIPATE IN THE PROGRAM IF THE INDIVIDUAL:**

**(I) WOULD OTHERWISE BE ELIGIBLE FOR MEMBERSHIP IN A SYSTEM UNDER THE STATE RETIREMENT AND PENSION SYSTEM; AND**

**(II) IS EMPLOYED BY AN EMPLOYING INSTITUTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 459

(Senate Bill 982)

AN ACT concerning

~~Maryland~~ **State Retirement and Pension System – Private Equity and Venture  
Capital Authority Investments**

FOR the purpose of ~~establishing the Maryland Private Equity and Venture Capital Authority in the State Retirement and Pension System for a certain purpose; providing for the membership, terms, chair, quorum, and duties of the Authority; prohibiting a member of the Authority from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring members of the Authority to file certain financial disclosures; requiring, beginning in a certain fiscal year, the Authority to make certain recommendations to~~ authorizing the Board of Trustees for the State Retirement and Pension System regarding the investment of to enter into an agreement with the Maryland Technology Development Corporation or another entity to make and manage investments in certain private equity and venture capital in the State with certain additional funds; requiring the Board of Trustees to make certain investments in accordance with certain recommendations of the Authority; prohibiting the Board of Trustees from making certain investments under certain circumstances; prohibiting a member of the Authority from making certain recommendations under certain circumstances; if certain conditions are not met, to develop a certain process to authorize the Maryland Technology Development Corporation or another entity to provide certain recommendations regarding certain investments; providing that an entity that provides certain services to the Board of Trustees in accordance with this Act shall be a fiduciary of the several systems subject to certain standards of care and prohibited from taking certain actions under certain provisions of law; requiring certain profits and return of principal from certain investments to accrue to certain accumulation funds; requiring the Board of Trustees to include certain information in a certain report; providing for the initial terms of the members of the Authority; submit a certain report that includes certain information to certain committees of the General Assembly on or before a certain date each year; requiring a certain entity to submit a certain report that includes certain information to certain committees of the General Assembly on or before a certain date each year; providing certain immunities from liability for certain actions or decisions made by certain persons; requiring the Board of Trustees to act in good faith in carrying out the requirements of this Act in a certain manner; providing for the construction of this Act; declaring the intent of the General Assembly; defining certain terms; and generally relating to investments in private equity and venture capital in the State and the State Retirement and Pension System.

~~BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 21-108(e)  
Annotated Code of Maryland  
(2015 Replacement Volume)~~

BY adding to  
Article – State Personnel and Pensions  
~~Section 21-701 through 21-707 to be under the new subtitle “Subtitle 7. Maryland  
Private Equity and Venture Capital Authority”~~ Section 21-123.2  
Annotated Code of Maryland

(2015 Replacement Volume)

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

**Article – State Personnel and Pensions**

~~21-108.~~

~~(e) Subject to §§ 21-122 and 21-123 of this subtitle AND § 21-706 OF THIS TITLE, the Board of Trustees shall have full power to invest the assets of the several systems.~~

~~**SUBTITLE 7. MARYLAND PRIVATE EQUITY AND VENTURE CAPITAL AUTHORITY.**~~

~~21-701. 21-123.2.~~

~~(A) (1) IN THIS SUBTITLE SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “AUTHORITY” MEANS THE MARYLAND PRIVATE EQUITY AND VENTURE CAPITAL AUTHORITY ESTABLISHED UNDER § 21-702 OF THIS SUBTITLE.~~

~~(C) (2) “PRIVATE EQUITY” MEANS AN ASSET CLASS CONSISTING OF EQUITY SECURITIES AND DEBT IN OPERATING COMPANIES THAT ARE NOT PUBLICLY TRADED ON A STOCK EXCHANGE.~~

~~(D) (3) “VENTURE CAPITAL” MEANS AN INVESTMENT OF CAPITAL TO A BUSINESS AT ANY STAGE OF ITS DEVELOPMENT BEFORE THE BUSINESS MAKES A PUBLIC OFFERING OF STOCK.~~

~~21-702.~~

~~(A) THERE IS A MARYLAND PRIVATE EQUITY AND VENTURE CAPITAL AUTHORITY IN THE STATE RETIREMENT AND PENSION SYSTEM.~~

~~(B) THE PURPOSE OF THE AUTHORITY IS TO PROVIDE RECOMMENDATIONS TO THE BOARD OF TRUSTEES REGARDING INVESTMENTS IN PRIVATE EQUITY AND VENTURE CAPITAL IN THE STATE.~~

~~21-703.~~

~~(A) THE AUTHORITY CONSISTS OF THE FOLLOWING MEMBERS:~~

~~(1) THE EXECUTIVE DIRECTOR OF THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(2) THE CHAIRMAN OF THE BOARD OF TRUSTEES, OR THE CHAIRMAN'S DESIGNEE;~~

~~(3) FOUR MEMBERS WITH EXPERTISE IN TECHNOLOGY, TECHNOLOGY TRANSFER, PRIVATE EQUITY, OR VENTURE CAPITAL APPOINTED AS FOLLOWS:~~

~~(I) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;~~

~~(II) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE;~~  
AND

~~(III) TWO MEMBERS APPOINTED BY THE GOVERNOR;~~

~~(4) ONE REPRESENTATIVE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WITH EXPERTISE IN TECHNOLOGY TRANSFER AND HIGHER EDUCATION;~~  
AND

~~(5) ONE REPRESENTATIVE OF A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION WITH EXPERTISE IN TECHNOLOGY TRANSFER AND HIGHER EDUCATION.~~

~~(B) THE MEMBERS APPOINTED BY THE PRESIDENT AND THE SPEAKER MAY NOT BE ELECTED OFFICIALS.~~

~~(C) EACH MEMBER SHALL RESIDE IN THE STATE.~~

~~(D) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.~~

~~(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.~~

~~(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.~~

~~(4) A MEMBER APPOINTED BY THE GOVERNOR MAY BE REMOVED BY THE GOVERNOR WITH OR WITHOUT CAUSE.~~

~~(5) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE AUTHORITY ON JULY 1, 2016.~~

~~21-704.~~

~~(A) THE AUTHORITY SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.~~

~~(B) THE AUTHORITY SHALL DETERMINE THE MANNER OF ELECTION OF OFFICERS AND THEIR TERMS OF OFFICE.~~

~~21-705.~~

~~(A) (1) FIVE MEMBERS OF THE AUTHORITY ARE A QUORUM.~~

~~(2) AN ACT OF THE AUTHORITY MUST BE APPROVED BY A MAJORITY VOTE OF THE MEMBERS ATTENDING A MEETING AT WHICH A QUORUM IS PRESENT.~~

~~(B) A MEMBER OF THE AUTHORITY:~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE AUTHORITY; BUT~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(C) A MEMBER OF THE AUTHORITY SHALL FILE A PUBLIC DISCLOSURE OF FINANCIAL INTERESTS AS REQUIRED UNDER THE MARYLAND PUBLIC ETHICS LAW.~~

~~21-706.~~

(B) FOR PURPOSES OF THIS SECTION, AN INVESTMENT IN THE STATE SHALL INCLUDE AN INVESTMENT IN AN ENTITY OR VEHICLE THAT:

(1) IS DOMICILED IN THE STATE;

(2) OPERATES IN THE STATE; OR

(3) IS REASONABLY EXPECTED TO INVEST IN ENTITIES THAT ARE IN THE STATE.

(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT STATE CONTRIBUTIONS IN EXCESS OF STATUTORY REQUIREMENTS BE INVESTED IN THE STATE WITH A GOAL TO INCREASE THE RISK CAPITAL AVAILABLE IN THE STATE, IF THE INVESTMENTS ARE CONSISTENT WITH, AND DO NOT COMPROMISE OR CONFLICT WITH, THE FIDUCIARY DUTIES OF THE BOARD OF TRUSTEES TO THE PARTICIPANTS OF THE SEVERAL SYSTEMS.

~~(A) (D)~~ (1) ~~FOR FISCAL YEAR 2017 AND EACH FISCAL YEAR THEREAFTER, THE AUTHORITY SHALL MAKE RECOMMENDATIONS TO THE BOARD OF TRUSTEES FOR INVESTMENTS~~ THE BOARD OF TRUSTEES MAY ENTER INTO AN AGREEMENT WITH THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION OR ANOTHER ENTITY TO MAKE AND MANAGE INVESTMENTS ON BEHALF OF THE BOARD OF TRUSTEES IN PRIVATE EQUITY AND VENTURE CAPITAL IN THE STATE WITH THE AMOUNT OF MONEY APPROPRIATED TO THE SYSTEM, THE STATE RETIREMENT AGENCY, OR THE ACCUMULATION FUNDS OF THE SEVERAL SYSTEMS THAT IS IN ADDITION TO:

(I) THE AMOUNTS APPROPRIATED FOR THE STATE AND LOCAL EMPLOYER CONTRIBUTIONS AND THE SUPPLEMENTAL CONTRIBUTION REQUIRED UNDER §§ 21-308, 21-309, 21-309.1, AND 21-310 OF THIS ~~SUBTITLE~~ TITLE;

(II) THE AMOUNT APPROPRIATED UNDER § 7-311(J)(1)(I)1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(III) ANY OTHER AMOUNTS REQUIRED BY ANY OTHER PROVISIONS OF LAW TO BE APPROPRIATED TO THE SYSTEM, THE STATE RETIREMENT AGENCY, OR THE ACCUMULATION FUNDS OF THE SEVERAL SYSTEMS.

(2) IF THE BOARD OF TRUSTEES DOES NOT ENTER INTO AN AGREEMENT WITH THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION OR ANOTHER ENTITY IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL DEVELOP A PROCESS THAT AUTHORIZES THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION OR ANOTHER ENTITY TO PROVIDE RECOMMENDATIONS REGARDING INVESTMENTS IN PRIVATE EQUITY AND VENTURE CAPITAL IN THE STATE WITH RESPECT TO THE ADDITIONAL AMOUNT DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(2)~~ (3) THE INVESTMENTS OR RECOMMENDATIONS MADE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THIS SECTION SHALL INCLUDE A GOAL OF INVESTMENTS OR RECOMMENDATIONS FOR THE INVESTMENT OF 50% OF THE FUNDS IN COMMERCIALIZATION OF TECHNOLOGY SPONSORED OR CREATED BY A UNIVERSITY IN THE STATE.

(4) AN ENTITY PROVIDING SERVICES TO THE BOARD OF TRUSTEES IN ACCORDANCE WITH PARAGRAPH (1) OR (2) OF THIS SUBSECTION SHALL BE A FIDUCIARY OF THE SEVERAL SYSTEMS IN ACCORDANCE WITH SUBTITLE 2 SUBJECT TO THE STANDARDS OF CARE UNDER § 21-203 OF THIS TITLE AND THE PROHIBITED TRANSACTIONS UNDER § 21-205 OF THIS TITLE, WITH RESPECT TO THE SERVICES PROVIDED.



~~(B) (1) WITH RESPECT TO THE ADDITIONAL AMOUNT DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL MAKE INVESTMENTS IN PRIVATE EQUITY AND VENTURE CAPITAL IN THE STATE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE AUTHORITY.~~

~~(2) IF THE BOARD OF TRUSTEES REJECTS THE RECOMMENDATIONS OF THE AUTHORITY, THE BOARD OF TRUSTEES IS PROHIBITED FROM INVESTING THE AMOUNT DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(C) A MEMBER OF THE AUTHORITY MAY NOT MAKE A RECOMMENDATION TO INVEST THE ADDITIONAL AMOUNT DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION WITH A VENTURE CAPITAL FIRM OR A PRIVATE EQUITY FIRM IN WHICH THE MEMBER HAS A FINANCIAL INTEREST.~~

~~(D)~~ (E) ALL PROFITS OF AND RETURN OF PRINCIPAL FROM INVESTMENTS MADE UNDER THIS SECTION SHALL ACCRUE TO THE ACCUMULATION FUNDS OF THE SEVERAL SYSTEMS.

~~21-707.~~

~~THE BOARD OF TRUSTEES SHALL INCLUDE, AS PART OF THE REPORT REQUIRED UNDER § 21-112 OF THIS TITLE,~~

(F) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND SUBJECT TO § 4-335 OF THE GENERAL PROVISIONS ARTICLE, THAT INCLUDES A DETAILED DESCRIPTION OF:

(I) THE INVESTMENTS, IF ANY, MADE UNDER THIS SECTION;

~~(1)~~ (II) THE RECOMMENDATIONS, IF ANY, MADE BY THE AUTHORITY UNDER THIS SUBTITLE SECTION; AND

~~(2)~~ (III) THE ACTIONS, IF ANY, TAKEN BY THE BOARD OF TRUSTEES ON THE RECOMMENDATIONS MADE BY THE AUTHORITY UNDER THIS SECTION;

(IV) THE INVESTMENT PERFORMANCE OF ANY INVESTMENTS MADE UNDER THIS SECTION;

(V) TO THE EXTENT POSSIBLE, AN ACCOUNTING OF THE FEES AND EXPENSES INCURRED UNDER THIS SECTION; AND

(VI) TO THE EXTENT POSSIBLE, THE RATIO OF FUNDS INVESTED IN PROJECTS UNDER THIS SECTION TO THE TOTAL PERCENTAGE OF VENTURE CAPITAL FUNDS RAISED IN THE STATE BY ALL SOURCES.

(2) ON OR BEFORE DECEMBER 1 EACH YEAR, THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION OR ANOTHER ENTITY WITH WHICH THE BOARD OF TRUSTEES ENTERED INTO AN AGREEMENT UNDER SUBSECTION (D)(1) OR (2) OF THIS SECTION SHALL SUBMIT A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT, TO THE EXTENT POSSIBLE, PROVIDES:

(I) THE ECONOMIC BENEFIT GENERATED FROM INVESTMENTS MADE UNDER THIS SECTION, INCLUDING:

1. THE CREATION OF NEW BUSINESSES;
2. THE EXPANSION OF EXISTING BUSINESSES;
3. THE CREATION OF NEW JOBS;
4. THE TERMINATION OF ANY JOBS; AND
5. ANY INCREASES IN PAYROLL; AND

(II) THE NUMBER OF BUSINESSES RECEIVING FUNDS FROM INVESTMENTS UNDER THIS SECTION THAT SUBSEQUENTLY RELOCATE TO OTHER STATES OR COUNTRIES.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the initial terms of the members of the Maryland Private Equity and Venture Capital Authority appointed under § 21-703 of the State Personnel and Pensions Article, as enacted by this Act, shall expire as follows:~~

- ~~(1) two members in 2018;~~
- ~~(2) two members in 2019; and~~
- ~~(3) two members in 2020.~~

(G) THE BOARD OF TRUSTEES, OR ANY OTHER FIDUCIARY OF THE SEVERAL SYSTEMS AS DEFINED IN § 21-201(B) OF THIS TITLE, MAY NOT BE HELD LIABLE FOR ANY ACTIONS TAKEN OR DECISIONS MADE IN GOOD FAITH FOR THE PURPOSE OF COMPLYING WITH OR EXECUTING THE REQUIREMENTS OF THIS SECTION.

**(H) THE BOARD OF TRUSTEES SHALL ACT IN GOOD FAITH TO CARRY OUT THE REQUIREMENTS OF THIS SECTION IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL LAW, INCLUDING RELEVANT JUDICIAL DECISIONS.**

**(I) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD OF TRUSTEES TO TAKE ACTION AS DESCRIBED IN THIS SECTION UNLESS THE BOARD OF TRUSTEES DETERMINES, IN GOOD FAITH, THAT THE ACTION IS CONSISTENT WITH THE FIDUCIARY RESPONSIBILITIES OF THE BOARD OF TRUSTEES AS DESCRIBED IN SUBTITLE 2 OF THIS TITLE.**

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 460

(Senate Bill 1020)

AN ACT concerning

### State Board of Physicians – ~~Authority to Adopt Regulations~~ – Physician Licensing Reciprocity

FOR the purpose of ~~authorizing the State Board of Physicians to adopt regulations that would allow the Board to license an applicant who is licensed as a physician in another state if the applicant meets certain qualification and licensing requirements and the state in which the applicant is licensed offers a certain reciprocal licensing process; and generally relating to physician licensing reciprocity under the State Board of Physicians~~ requiring the State Board of Physicians to license certain applicants to practice medicine under certain circumstances; requiring the Board to adopt certain regulations; and generally relating to reciprocal licensure for physicians.

BY adding to

Article – Health Occupations

Section 14-307(j)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – Health Occupations**

14-307.

**(J) (1) THE BOARD SHALL LICENSE AN APPLICANT TO PRACTICE MEDICINE IF:**

**(i) THE APPLICANT:**

**1. BECAME LICENSED OR CERTIFIED AS A PHYSICIAN IN ANOTHER JURISDICTION UNDER REQUIREMENTS THAT THE BOARD DETERMINES ARE SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS TITLE;**

**2. IS IN GOOD STANDING UNDER THE LAWS OF THE OTHER JURISDICTION;**

**3. SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT THE BOARD REQUIRES; AND**

**4. PAYS TO THE BOARD AN APPLICATION FEE SET BY THE BOARD; AND**

**(ii) THE JURISDICTION IN WHICH THE APPLICANT IS LICENSED OR CERTIFIED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR INDIVIDUALS LICENSED TO PRACTICE MEDICINE BY THE BOARD.**

**(2) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.**

~~**(J) THE BOARD MAY ADOPT REGULATIONS TO LICENSE AN APPLICANT WHO IS LICENSED AS A PHYSICIAN IN ANOTHER STATE IF:**~~

~~**(1) THE APPLICANT:**~~

~~**(i) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS TITLE; AND**~~

~~**(ii) BECAME LICENSED IN THE OTHER STATE UNDER REQUIREMENTS SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS TITLE; AND**~~

~~**(2) THE STATE IN WHICH THE APPLICANT IS LICENSED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR INDIVIDUALS LICENSED AS PHYSICIANS BY THE BOARD.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 461

(House Bill 998)

AN ACT concerning

### State Board of Physicians – ~~Authority to Adopt Regulations~~ – Physician Licensing Reciprocity

FOR the purpose of ~~authorizing the State Board of Physicians to adopt regulations that would allow the Board to license an applicant who is licensed as a physician in another state if the applicant meets certain qualification and licensing requirements and the state in which the applicant is licensed offers a certain reciprocal licensing process; and generally relating to physician licensing reciprocity under the State Board of Physicians~~ requiring the State Board of Physicians to license certain applicants to practice medicine under certain circumstances; requiring the Board to adopt certain regulations; and generally relating to reciprocal licensure for physicians.

BY adding to

Article – Health Occupations  
Section 14–307(j)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

#### Article – Health Occupations

14–307.

**(J) (1) THE BOARD SHALL LICENSE AN APPLICANT TO PRACTICE MEDICINE IF:**

**(I) THE APPLICANT:**

1. BECAME LICENSED OR CERTIFIED AS A PHYSICIAN IN ANOTHER JURISDICTION UNDER REQUIREMENTS THAT THE BOARD DETERMINES ARE SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS TITLE;

2. IS IN GOOD STANDING UNDER THE LAWS OF THE OTHER JURISDICTION;

3. SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT THE BOARD REQUIRES; AND

4. PAYS TO THE BOARD AN APPLICATION FEE SET BY THE BOARD; AND

(II) THE JURISDICTION IN WHICH THE APPLICANT IS LICENSED OR CERTIFIED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR INDIVIDUALS LICENSED TO PRACTICE MEDICINE BY THE BOARD.

(2) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

~~(J) THE BOARD MAY ADOPT REGULATIONS TO LICENSE AN APPLICANT WHO IS LICENSED AS A PHYSICIAN IN ANOTHER STATE IF:~~

~~(1) THE APPLICANT:~~

~~(i) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS TITLE; AND~~

~~(ii) BECAME LICENSED IN THE OTHER STATE UNDER REQUIREMENTS SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS TITLE; AND~~

~~(2) THE STATE IN WHICH THE APPLICANT IS LICENSED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR INDIVIDUALS LICENSED AS PHYSICIANS BY THE BOARD.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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**Chapter 462****(Senate Bill 1057)**

AN ACT concerning

**Maryland Technology Development Corporation – Maryland Innovation Initiative – Financing Authority**

FOR the purpose of authorizing the Maryland Innovation Initiative in the Maryland Technology Development Corporation to provide certain financing to certain universities or certain entities to promote the commercialization of certain intellectual property, assess certain issues, and pay certain costs; expanding the authority of the Corporation to use money in the Maryland Innovation Initiative Fund to provide certain financing; and generally relating to the financing authority of the Maryland Innovation Initiative.

BY repealing and reenacting, without amendments,  
Article – Economic Development  
Section 10–457(a)  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 10–457(e) and 10–458  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)

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

**Article – Economic Development**

10–457.

(a) There is a Maryland Innovation Initiative Fund.

(e) Money in the Fund may be used only to:

(1) award grants **OR PROVIDE EQUITY INVESTMENT FINANCING** to promote the commercialization of research in accordance with the terms of this part; and

(2) pay the costs necessary to administer the Initiative.

10–458.

(a) The Initiative may:

(1) provide grant funding **OR EQUITY INVESTMENT FINANCING** to a qualifying university, qualifying university–based entrepreneur, or other start–up entity, to promote the commercialization of technology developed in whole or in part by a qualifying university;

(2) pursue grants, other funds, and in–kind contributions for the Initiative or its qualifying universities;

(3) develop and implement guidelines for technology transfer; and

(4) identify projects at qualifying universities that may be viable for commercialization.

(b) The grant funding **OR EQUITY INVESTMENT FINANCING** in subsection (a) shall be awarded:

(1) to support pre–commercial research on intellectual property to increase the likelihood of commercializing the intellectual property;

(2) to defray costs of evaluating the feasibility of a technology becoming commercialized through a start–up company;

(3) to defray the direct costs of developing early stage technology through a start–up entity;

(4) to assess intellectual property issues, including licensing and patents;  
or

(5) for any other costs that the Initiative’s participating members determine are appropriate to promote technology transfer and commercialization in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 463**

**(Senate Bill 1063)**

AN ACT concerning



**Maryland Institute for Policy Analysis and Research Positions – Transfer to  
State Personnel Management System**

FOR the purpose of requiring that, under certain circumstances, certain contractual employees of the Maryland Institute for Policy Analysis and Research be placed in certain positions in the Department of Health and Mental Hygiene; requiring that the employees be placed in the State Personnel Management System without further examination or qualification and with a certain salary level; requiring that certain transferred employees be appointed without prior service credit and serve a certain probationary period; and generally relating to the transfer of certain contractual employees of the Maryland Institute for Policy Analysis and Research to State positions in the Department of Health and Mental Hygiene.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) For each newly authorized State position in the fiscal year 2017 budget bill appropriation for the Department of Health and Mental Hygiene that is intended to replace a contractual position in the Maryland Institute for Policy Analysis and Research, the Maryland Institute for Policy Analysis and Research contractual employee shall be placed in a position in the State Personnel Management System that is comparable to the employee's former contractual position without further examination or qualification and with a salary level that is closest to but not less than the employee's salary under the Maryland Institute for Policy Analysis and Research contract.

(b) Each employee transferred from a contractual Maryland Institute for Policy Analysis and Research position shall be appointed without prior service credit and shall serve a probationary period in accordance with § 7-402 of the State Personnel and Pensions Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 464**

**(Senate Bill 1069)**

AN ACT concerning

**Public Utilities – Application for a Certificate of Public Convenience and  
Necessity – Public Notice**

FOR the purpose of requiring the Public Service Commission to provide a weekly notice of a public hearing and an opportunity for public comment on a certain number of social media types and on the Commission's Web site with a certain frequency before the public hearing date; requiring the Commission, before a public hearing, to coordinate with a certain governing body or municipal corporation to identify certain options for providing notice of the public hearing; requiring that a certain informational sign be posted in a certain manner on the day of a public hearing; specifying the contents and size of a certain informational sign; and generally relating to public notice for an application for a certificate of public convenience and necessity.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 7–207(d)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

#### **Article – Public Utilities**

7–207.

(d) (1) The Commission shall provide an opportunity for public comment and hold a public hearing on the application for a certificate of public convenience and necessity in each county and municipal corporation in which any portion of the construction of a generating station, an overhead transmission line designed to carry a voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

(2) The Commission shall hold the public hearing jointly with the governing body of the county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located, unless the governing body declines to participate in the hearing.

(3) (I) Once in each of the 4 successive weeks immediately before the hearing date, the Commission shall provide weekly notice of the public hearing and an opportunity for public comment:

1. by advertisement in a newspaper of general circulation in the county or municipal corporation affected by the application;
2. **ON TWO TYPES OF SOCIAL MEDIA; AND**
3. **ON THE COMMISSION'S WEB SITE.**

(II) BEFORE A PUBLIC HEARING, THE COMMISSION SHALL COORDINATE WITH THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE CONSTRUCTION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE IS PROPOSED TO BE LOCATED TO IDENTIFY ADDITIONAL OPTIONS FOR PROVIDING, IN AN EFFICIENT AND COST-EFFECTIVE MANNER, NOTICE OF THE PUBLIC HEARING THROUGH OTHER TYPES OF MEDIA THAT ARE FAMILIAR TO THE RESIDENTS OF THE COUNTY OR MUNICIPAL CORPORATION.

(4) (I) ON THE DAY OF A PUBLIC HEARING, AN INFORMATIONAL SIGN SHALL BE POSTED PROMINENTLY AT OR NEAR EACH PUBLIC ENTRANCE OF THE BUILDING IN WHICH THE PUBLIC HEARING WILL BE HELD.

(II) THE INFORMATIONAL SIGN REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

1. STATE THE TIME, ROOM NUMBER, AND SUBJECT OF THE PUBLIC HEARING; AND
2. BE AT LEAST 17 BY 22 INCHES IN SIZE.

[(4)] (5) (i) The Commission shall ensure presentation and recommendations from each interested State unit, and shall allow representatives of each State unit to sit during hearing of all parties.

(ii) The Commission shall allow each State unit 15 days after the conclusion of the hearing to modify the State unit's initial recommendations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 465

(Senate Bill 1076)

AN ACT concerning

**Washington County – Alcoholic Beverages – Population Ratio Quota – Classes of Licenses**

FOR the purpose of prohibiting the Washington County Board of License Commissioners from issuing a Class A off-sale license, a Class B on- and off-sale license, or a Class D on- and off-sale license in an election district if the number of licenses exceeds the population ratio quota; authorizing the Board to issue a Class A off-sale license, a Class B on- and off-sale license, or a Class D on- and off-sale license in an election district if the number of licenses exceeds the population ratio quota under certain circumstances; altering a certain seating capacity requirement for a restaurant to be issued an on-sale license; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 31-102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 31-1601

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

31-102.

This title applies only in Washington County.

31-1601.

(a) In this section, “population ratio quota” means one license for every 3,000 individuals residing in the election district where the license will be issued:

(1) as determined by the last federal population census; but

(2) excluding individuals detained or confined in a correctional facility as defined in § 1-101 of the Correctional Services Article.

(b) Except as provided in subsections (c) and (d) of this section, the Board may not issue a **CLASS A OFF-SALE** license, a **CLASS B ON- AND OFF-SALE LICENSE**, or a **CLASS D ON- AND OFF-SALE LICENSE** in an election district if the number of licenses exceeds the population ratio quota.

(c) [For any class of license, the] **THE** Board may:

(1) [issue the license] **ISSUE A CLASS A OFF-SALE LICENSE, A CLASS B ON- AND OFF-SALE LICENSE, OR A CLASS D ON- AND OFF-SALE LICENSE** if the Board:

(i) determines that there is a public need **AND DESIRE**, including government-sanctioned economic revitalization; and

(ii) states in the order issuing the license the reasons for its decision to exceed the population ratio quota; or

(2) renew the license or approve the transfer of a license for the same premises.

(d) The Board may issue an on-sale license to a restaurant that:

(1) is located in a permanent building;

(2) regularly sells and serves food to the public;

(3) has a seating capacity of at least[:

(i) 75 persons for a Class B (on- and off-sale) license; or

(ii) 50 persons [for a Class B (on-sale) license]; and

(4) has annual gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 466

**(Senate Bill 1097)**

AN ACT concerning

### **Local Government Tort Claims Act – Regional Development Councils**

FOR the purpose of *repealing certain provisions of law granting the Tri-County Council for Southern Maryland and the Tri-County Council for Western Maryland immunity from suit*; altering the definition of a “local government” under the Local Government

Tort Claims Act to include certain regional development councils; providing for the application of this Act; and generally relating to the inclusion of certain regional councils under the Local Government Tort Claims Act.

BY repealing

Article – Courts and Judicial Proceedings

Section 5–505 and 5–506

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 5–301  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 5–505 and 5–506 of Article – Courts and Judicial Proceedings of the  
Annotated Code of Maryland be repealed.

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

**Article – Courts and Judicial Proceedings**

5–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Actual malice” means ill will or improper motivation.
- (c) (1) “Employee” means any person who was employed by a local government at the time of the act or omission giving rise to potential liability against that person.
- (2) “Employee” includes:
  - (i) Any employee, either within or without a classified service or merit system;
  - (ii) An appointed or elected official; or
  - (iii) A volunteer who, at the request of the local government, and under its control and direction, was providing services or performing duties.
- (d) “Local government” means:
  - (1) A charter county as defined in § 1–101 of the Local Government Article;

- (2) A code county as defined in § 1–101 of the Local Government Article;
- (3) A board of county commissioners;
- (4) Baltimore City;
- (5) A municipality as defined in § 1–101 of the Local Government Article;
- (6) The Maryland–National Capital Park and Planning Commission;
- (7) The Washington Suburban Sanitary Commission;
- (8) The Northeast Maryland Waste Disposal Authority;
- (9) A community college or board of trustees for a community college established or operating under Title 16 of the Education Article, not including Baltimore City Community College;
- (10) A county public library or board of trustees of a county public library established or operating under Title 23, Subtitle 4 of the Education Article;
- (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt Free Library;
- (12) The Washington County Free Library or the Board of Trustees of the Washington County Free Library;
- (13) A special taxing district;
- (14) A nonprofit community service corporation incorporated under State law that is authorized to collect charges or assessments;
- (15) Housing authorities created under Division II of the Housing and Community Development Article;
- (16) A sanitary district, sanitary commission, metropolitan commission, or other sewer or water authority established or operating under public local law or public general law;
- (17) **[The Baltimore Metropolitan Council] A REGIONAL DEVELOPMENT COUNCIL;**
- (18) The Howard County Economic Development Authority;
- (19) The Howard County Mental Health Authority;

(20) A commercial district management authority established by a county or municipal corporation if provided under local law;

(21) The Baltimore City Police Department;

(22) A regional library resource center or a cooperative library corporation established under Title 23, Subtitle 2 of the Education Article;

(23) Lexington Market, Inc., in Baltimore City;

(24) The Baltimore Public Markets Corporation, in Baltimore City;

(25) The nonprofit corporation serving as the local public transportation authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit System);

(26) The nonprofit corporation serving as the animal control and licensing authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County (the Humane Society of Carroll County, Inc.);

(27) Garrett County Municipalities, Inc., in Garrett County;

(28) The nonprofit corporation serving as the local public transportation authority for Garrett County pursuant to a contract or memorandum of understanding with Garrett County (Garrett County Community Action Committee, Inc.); and

(29) The nonprofit corporation serving as the industrial development authority of Carroll County established under Title 12, Subtitle 1 of the Economic Development Article.

**(E) (1) “REGIONAL DEVELOPMENT COUNCIL” MEANS A REGIONAL OR MUNICIPAL COUNCIL ESTABLISHED UNDER TITLE 13 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

**(2) “REGIONAL DEVELOPMENT COUNCIL” INCLUDES:**

**(I) THE BALTIMORE METROPOLITAN COUNCIL;**

**(II) THE MID–SHORE REGIONAL COUNCIL;**

**(III) THE UPPER SHORE REGIONAL COUNCIL;**

**(IV) THE TRI–COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF MARYLAND;**



(V) THE TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND;  
AND

(VI) THE TRI-COUNTY COUNCIL FOR WESTERN MARYLAND.

SECTION ~~3~~ 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 467

(Senate Bill 1106)

AN ACT concerning

### **Anne Arundel County and Harford County – Courthouse Dog and Child Witness Pilot Program**

FOR the purpose of establishing the Courthouse Dog and Child Witness Pilot Program in the circuit courts for Anne Arundel County and Harford County; establishing the purpose of the pilot program; requiring the Administrative Office of the Courts to develop a plan to implement the pilot program; requiring the Administrative Office of the Courts to establish certain standards for participants in the program; requiring the Administrative Office of the Courts to establish requirements that a party in a certain proceeding must follow; requiring the Administrative Office of the Courts to make information about the pilot program publicly available; requiring the Administrative Office of the Courts to report annually to the Governor and General Assembly; authorizing the Administrative Office of the Courts to adopt certain rules; defining certain terms; providing for the termination of this Act; and generally relating to the Courthouse Dog and Child Witness Pilot Program.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

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

(2) “Child witness” means a witness who is a minor when the witness testifies in a criminal proceeding.

(3) “Facility dog” means a dog that has:

(i) graduated from a program of an assistance dog organization that trains dogs for the purpose of reducing stress in a child witness;

(ii) received 2 years of training;

(iii) passed the same public access test as a service dog; and

(iv) been teamed with a facility dog handler.

(4) “Facility dog handler” means a person who has received training on:

(i) offering the person’s animal for assistance purposes from an organization accredited by Assistance Dogs International or an equivalent organization; and

(ii) court protocol and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice.

(5) “Therapy dog” means a dog that has:

(i) received training to provide affection and comfort to children who need emotional support; and

(ii) been teamed with a therapy dog handler.

(6) “Therapy dog handler” means a person who has received training on:

(i) offering the person’s animal for assistance purposes from an organization that insures, registers, or certifies therapy dogs and their handlers; and

(ii) court protocol and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice.

(b) There is a Courthouse Dog and Child Witness Pilot Program in the circuit courts for Anne Arundel County and Harford County.

~~(b)~~ (c) The purpose of the pilot program is to determine whether to establish a structured, defined, and systematic approach for providing a courthouse dog to a child witness in any circuit court proceeding in the State.

~~(c)~~ (d) To accomplish the purpose of the pilot program, the Administrative Office of the Courts shall:

(1) develop a plan to implement the pilot program;

~~(2)~~ establish minimum training standards for therapy and facility dogs used in the pilot program;

~~(3)~~ establish minimum standards for therapy and facility dog handlers who participate in the program in court protocols and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice;

~~(4)~~ (2) establish the procedures that a party in a court proceeding must follow to request that a therapy dog and therapy dog handler or facility dog and facility dog handler assist a child witness; and

~~(5)~~ (3) ensure that the details of the pilot program are publicly available.

~~(d)~~ (e) On or before September 30, 2019, the Administrative Office of the Courts shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the operation and results of the pilot program.

~~(e)~~ (f) The Administrative Office of the Courts may adopt rules to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. It shall remain effective for a period of 3 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 10, 2016.**

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## Chapter 468

(Senate Bill 1109)

AN ACT concerning

### **Division of Workforce Development and Adult Learning – Transfer of Senior Community Service Employment Program**

FOR the purpose of requiring the Division of Workforce Development and Adult Learning to administer any community service employment programs delegated to the State under certain provisions of federal law; requiring the responsibility for carrying out the Senior Community Service Employment Program to be transferred to the Division on a certain date; requiring that certain appropriations be transferred to the Division on a certain date; providing for the transfer of certain functions, powers, duties, property, records, fixtures, credits, assets, liability, obligations, rights, and

privileges; requiring that certain employees of the Department of Aging be transferred to the Division without diminution of their rights, benefits, employment, and retirement status; requiring that certain positions at the Department be transferred to the Division; requiring that certain participants of the Program be transferred to the Division without change or loss of rights or status; providing for the continuity of certain transactions affected by or flowing from this Act; providing for the continuity of certain laws, regulations, standards and guidelines, policies, orders and other directives, forms, plans, membership, contracts, property, investigations, administrative and judicial responsibilities, rights, and other duties and responsibilities; and generally relating to the transfer of the Senior Community Service Employment Program to the Division of Workforce Development and Adult Learning.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 11–103  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

### **Article – Labor and Employment**

11–103.

(a) The Division shall:

- (1) promote apprenticeship and training programs;
- (2) administer job training, placement, and service programs;
- (3) implement the provisions of the Workforce Investment Act;
- (4) administer adult education and literacy services programs;
- (5) conduct educational and job skills training programs in adult correctional facilities;
- (6) oversee any other units established pursuant to State or federal employment, training, or manpower statutes; [and]
- (7) administer those programs assigned to the Division by law or designated by the Secretary; **AND**

**(8) ADMINISTER ANY COMMUNITY SERVICE EMPLOYMENT PROGRAMS DELEGATED TO THE STATE UNDER TITLE V OF THE FEDERAL OLDER AMERICANS ACT OF 1965.**

(b) The Division shall meet and confer on a regular basis with representatives of the State's community colleges, appointed by the Maryland Association of Community Colleges, and the adult education community, appointed by the Maryland Association for Adult Continuing and Community Education, to assure that adult education and literacy services and job training activities and resources are effectively coordinated.

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

(a) The responsibility for carrying out the Senior Community Service Employment Program shall be transferred to the Division of Workforce Development and Adult Learning on July 1, 2016.

(b) All appropriations, including State and federal funds, held by the Department of Aging to carry out the Senior Community Service Employment Program shall be transferred to the Division of Workforce Development and Adult Learning on July 1, 2016.

(c) On July 1, 2016, all of the functions, powers, duties, books and records (including electronic records), real and personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges of the Senior Community Service Employment Program shall be transferred to the Division of Workforce Development and Adult Learning.

**SECTION 3. AND BE IT FURTHER ENACTED, That** all employees of the Department of Aging who, on June 30, 2016, work more than 50% of the time for the Senior Community Service Employment Program shall be transferred to the Division of Workforce Development and Adult Learning without diminution of their rights, benefits, employment, or retirement status.

**SECTION 4. AND BE IT FURTHER ENACTED, That** all positions at the Department of Aging that, on June 30, 2016, are assigned more than 50% of the time to the Senior Community Service Employment Program shall be transferred to the Division of Workforce Development and Adult Learning.

**SECTION 5. AND BE IT FURTHER ENACTED, That** all participants in the Senior Community Service Employment Program as of June 30, 2016, shall be transferred to the Division of Workforce Development and Adult Learning without any change or loss of rights or status.

**SECTION 6. AND BE IT FURTHER ENACTED, That** any transaction affected by the transfer of the Senior Community Service Employment Program to the Division of Workforce Development and Adult Learning and validly entered into before the effective date of this Act, and every right, duty, or interest flowing from it remains valid after the

effective date of this Act and may be terminated, completed, consummated, or enforced under the law.

SECTION 7. AND BE IT FURTHER ENACTED, That all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the Senior Community Service Employment Program prior to the effective date of this Act shall continue under and, as appropriate, are legal and binding on the Division of Workforce Development and Adult Learning until completed, withdrawn, canceled, modified, or otherwise changed under the law.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 469**

### **(Senate Bill 1119)**

#### **State Treasurer – Supranational Issuers**

FOR the purpose of authorizing the Treasurer to invest or reinvest certain funds in a certain obligation issued and unconditionally guaranteed by a supranational issuer; defining a certain term; and generally relating to the investment or reinvestment of certain funds by the Treasurer.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 6–222 and 8–131(g)(3)(v)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

#### **Article – State Finance and Procurement**

6–222.

**(A) (1) IN THIS SECTION, “SUPRANATIONAL ISSUER” MEANS AN INTERNATIONAL DEVELOPMENT INSTITUTION THAT:**

**(I) PROVIDES FINANCING, ADVISORY SERVICES, OR OTHER FINANCIAL SERVICES TO THE INSTITUTION'S MEMBER COUNTRIES TO ACHIEVE THE OVERALL GOAL OF IMPROVING LIVING STANDARDS THROUGH SUSTAINABLE ECONOMIC GROWTH; AND**

**(II) IS RATED IN THE HIGHEST CREDIT RATING CATEGORY BY A NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.**

**(2) "SUPRANATIONAL ISSUER" INCLUDES:**

**(I) THE WORLD BANK;**

**(II) THE INTERNATIONAL FINANCE CORPORATION;**

**(III) THE INTER-AMERICAN DEVELOPMENT BANK;**

**(IV) THE AFRICAN DEVELOPMENT BANK; AND**

**(V) THE ASIAN DEVELOPMENT BANK.**

**[(a)] (B)** The Treasurer may invest or reinvest unexpended or surplus money over which the Treasurer has custody in:

(1) an obligation for which the United States has pledged its faith and credit for the payment of the principal and interest;

(2) an obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress;

**(3) AN OBLIGATION ISSUED AND UNCONDITIONALLY GUARANTEED BY A SUPRANATIONAL ISSUER DENOMINATED IN UNITED STATES DOLLARS AND ELIGIBLE TO BE SOLD IN THE UNITED STATES;**

**[(3)] (4)** a repurchase agreement collateralized in an amount not less than 102% of the principal amount by an obligation of the United States, its agencies or instrumentalities, provided the collateral is held by a custodian other than the seller designated by the buyer;

**[(4)] (5)** bankers' acceptances guaranteed by a financial institution with a short-term debt rating in the highest letter and numerical rating by at least one nationally recognized statistical rating organization as designated by either the United States Securities and Exchange Commission or the Treasurer;

**[(5)] (6)** with respect to amounts treated by the Internal Revenue Service as bond sale proceeds only, bonds, notes, or other obligations of investment grade in the

highest quality letter and numerical rating by at least one nationally recognized statistical rating organization as designated by the United States Securities and Exchange Commission issued by or on behalf of this or any other state or any agency, department, county, municipal or public corporation, special district, authority, or political subdivision thereof, or in any fund or trust that invests only in securities of the type described in this item;

**[(6)] (7)** commercial paper that has received the highest letter and numerical rating by at least two nationally recognized statistical rating organizations as designated by the United States Securities and Exchange Commission, provided that such commercial paper may not exceed 10% of the total investments made by the Treasurer under this subsection;

**[(7)] (8)** money market mutual funds that:

(i) are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, 15 U.S.C. § 80a–1 et seq., as amended;

(ii) are operated in accordance with Rule 2A–7 of the Investment Company Act of 1940, 17 C.F.R. § 270.2A–7, as amended; and

(iii) have received the highest possible rating from at least one nationally recognized statistical rating organization as designated by the United States Securities and Exchange Commission; and

**[(8)] (9)** any investment portfolio created under the Maryland Local Government Investment Pool defined under §§ 17–301 through 17–309 of the Local Government Article of the Code that is administered by the Office of the State Treasurer.

**[(b)] (C)** The Treasurer may sell, redeem, or exchange an investment or reinvestment made under this section in accordance with the limitations of this section.

**[(c)] (D)** Subject to § 2–1246 of the State Government Article, the Treasurer shall report by January 3 of each year to the General Assembly on investment activities for unexpended or surplus money over which the Treasurer has custody which have been conducted during the previous fiscal year. At a minimum, the report shall specify for General Fund investments and all other investments:

(1) the inventory of investments with maturity dates and the book and market value as of June 30;

(2) the net income earned;

(3) the percentage share of each category of investment in the portfolio; and

(4) any sale of investments prior to the maturity date.



**[(d)] (E)** An investment made pursuant to this section shall be made:

(1) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(2) in a manner designed to reasonably match the anticipated cash flow of the State so that sufficient funds are available to pay obligations upon proper presentation for payment;

(3) so that a reasonable amount of cash or cash equivalents is available for unanticipated cash needs;

(4) with due regard for minimizing risk while maximizing return;

(5) using competitive purchasing practices except when impractical;

(6) in accordance with a written investment policy;

(7) so that the securities and collateral may continue to be priced on a market to market basis; and

(8) to avoid the enhancement of the personal financial position of the Treasurer or any employee of the Treasurer who has responsibilities for such investments.

**[(e)] (F)** (1) (i) Consistent with minority business purchasing standards applicable to units of State government under this article and consistent with the fiduciary duties of the Treasurer, the Treasurer shall attempt to use to the greatest extent feasible minority business enterprises for brokerage and investment management services under this section.

(ii) For purposes of this subsection, brokerage and investment management services shall include services relating to all allocated asset classes as described in subsection **[(a)] (B)** of this section.

(2) (i) To assist the Treasurer in achieving the goal described under paragraph (1) of this subsection, the Treasurer shall undertake measures to remove any barriers that limit full participation by minority business enterprises in brokerage and investment management services opportunities afforded under this section.

(ii) The measures undertaken by the Treasurer shall include the use of a wide variety of media, including the Treasurer's Web site, to provide notice to a broad and varied range of potential providers about the brokerage and investment management services opportunities afforded by the Treasurer.

(3) In conjunction with the Governor's Office of Minority Affairs, the Treasurer shall develop guidelines to assist in identifying and evaluating qualified minority business enterprises in order to help the Treasurer achieve the objective for greater use of minority business enterprises for brokerage and investment management services under this section.

(4) On or before September 1 each year, the Treasurer shall submit a report to the Governor's Office of Minority Affairs and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Treasurer in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets under the custody of the Treasurer that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Treasurer undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

8-131.

(g) (3) The trustee may invest and reinvest money in the trust fund in:

(v) any obligation or other investment described in § [6-222(a)] **6-222(B)** of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 470

(Senate Bill 1126)

AN ACT concerning

**Frederick County – Linking Youth to New Experiences (LYNX) High School –**  
**~~Pilot Program~~**

FOR the purpose of establishing the Linking Youth to New Experiences (LYNX) High School ~~pilot program~~ at a certain high school in Frederick County; providing that the LYNX High School ~~pilot program~~ is a public school under the authority and

supervision of the Frederick County Board of Education and the Frederick County Superintendent of Schools; providing for the purpose of the LYNX High School ~~pilot program~~; requiring the County Superintendent, on or before a certain date, to develop and submit to the ~~State Board of Education for review~~ county board of education for approval a certain plan that describes certain items; requiring the county board to approve the plan on or before a certain date; requiring the County Superintendent to submit a certain plan to the State Board of Education for review; requiring the ~~State Board~~ county board to consult with the County Superintendent after a certain plan is received to ensure that the plan meets certain requirements; requiring the State Board to grant the LYNX High School ~~pilot program~~ a waiver from certain regulations within a certain period of time in accordance with certain provisions of law and regulation subject to certain exceptions; ~~exempting the LYNX High School pilot program from certain provisions of law relating to student assessments~~ prohibiting the State Board from granting certain waivers; requiring certain elements of certain waivers to be subject to certain provisions of law; requiring, after the granting of a certain ~~wavers~~ waiver, the State Board and the County Superintendent to meet with representatives of the ~~Apprenticeship and Training Council and the Division of Labor and Industry in the Department of Labor, Licensing, and Regulation regarding certain items~~ the development and implementation of apprenticeship experiences for certain students; authorizing the LYNX High School ~~pilot program~~ to apply for and accept donations, grants, or other financial assistance from certain entities; requiring the County Superintendent to conduct an evaluation of the LYNX High School ~~pilot program~~ each year; requiring the County Superintendent to submit to the State Board a certain fiscal year evaluation report on or before a certain date each year; authorizing the LYNX High School ~~pilot program~~ to continue to operate until the County Superintendent sends the State Board a certain notice; requiring the County Superintendent to submit a certain plan and a certain report to certain committees of the General Assembly on or before certain dates; defining certain terms; and generally relating to the LYNX High School ~~pilot program~~ in Frederick County.

BY adding to

Article – Education

Section 7–1701 through 7–1705 to be under the new subtitle “Subtitle 17. LYNX High School ~~Pilot Program~~”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

### Article – Education

#### SUBTITLE 17. LYNX HIGH SCHOOL ~~PILOT PROGRAM~~.

7–1701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COUNTY SUPERINTENDENT” MEANS THE FREDERICK COUNTY SUPERINTENDENT OF SCHOOLS.

(C) “LYNX HIGH SCHOOL” MEANS A LINKING YOUTH TO NEW EXPERIENCES HIGH SCHOOL.

7-1702.

(A) (1) THERE IS A LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ AT FREDERICK HIGH SCHOOL IN FREDERICK COUNTY.

(2) THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ IS A PUBLIC SCHOOL UNDER THE AUTHORITY AND SUPERVISION OF THE FREDERICK COUNTY BOARD OF EDUCATION AND THE FREDERICK COUNTY SUPERINTENDENT OF SCHOOLS.

(B) THE PURPOSES OF THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ ARE TO:

(1) PROVIDE INDIVIDUALIZED, SELF-DIRECTED LEARNING OPPORTUNITIES FOR EVERY STUDENT IN ACCORDANCE WITH A PERSONAL PLAN FOR SUCCESS THAT IS DEVELOPED BY EACH STUDENT WITH THE ASSISTANCE OF EDUCATION AND BUSINESS ADVOCATES AND PARENTS OR GUARDIANS AND IS APPROVED BY THE COUNTY SUPERINTENDENT;

(2) IN ACCORDANCE WITH A STUDENT’S PERSONAL PLAN FOR SUCCESS, ALLOW THE STUDENT TO SELECT ACADEMIC COURSE WORK, THE METHOD OF INSTRUCTION, AND THE PACE OF LEARNING THAT WORKS BEST FOR THE INDIVIDUAL STUDENT; AND

(3) ALLOW THE STUDENT TO PARTICIPATE IN AND MOVE BETWEEN PROJECT-BASED LEARNING EXPERIENCES AT THE HIGH SCHOOL AND COLLEGE LEVELS AND WORK, INTERNSHIP, OR APPRENTICESHIP EXPERIENCES FOCUSED ON COLLEGE AND CAREER READINESS COMPETENCIES AS AN INTEGRAL PART OF THE STUDENT’S CURRICULUM.

7-1703.

(A) (1) ON OR BEFORE SEPTEMBER 30, 2016, THE COUNTY SUPERINTENDENT SHALL DEVELOP, IN CONSULTATION AND COLLABORATION WITH TEACHERS, ADMINISTRATORS, AND NONCERTIFICATED PERSONNEL IN THE SCHOOL AND THE EXCLUSIVE REPRESENTATIVES FOR TEACHERS, PRINCIPALS, AND NONCERTIFICATED PERSONNEL, AND SUBMIT TO THE ~~STATE BOARD~~ COUNTY

BOARD FOR REVIEW APPROVAL A PLAN THAT DESCRIBES IN DETAIL THE PROGRAM DESCRIPTION, PROPOSED CURRICULUM, EVALUATION PROCEDURES, PERFORMANCE STANDARDS, AND STANDARDS FOR GRADUATION FOR STUDENTS TO BE ENROLLED IN THE LYNX HIGH SCHOOL PILOT PROGRAM.

(2) THE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DESCRIBE:

(I) HOW COURSE CREDITS WILL BE ASSIGNED TO CLASSROOM ACADEMIC COURSE WORK AND OTHER LEARNING OPPORTUNITIES;

(II) HOW STUDENTS MAY EARN CREDITS OTHER THAN THROUGH CLASSROOM ACADEMIC COURSE WORK;

(III) HOW THE CURRICULUM WILL HOLD EACH STUDENT ACCOUNTABLE FOR MEETING THE REQUIREMENTS OF THE MARYLAND COLLEGE AND CAREER-READY STANDARDS;

(IV) HOW STUDENTS WILL BE ASSESSED ON THE MARYLAND COLLEGE AND CAREER-READY STANDARDS;

(V) THE HOURS AND DAYS OF OPERATION OF THE LYNX HIGH SCHOOL PILOT PROGRAM;

~~(VI) PERSONNEL REQUIREMENTS, INCLUDING THE USE OF INSTRUCTORS FROM INSTITUTIONS OF POSTSECONDARY EDUCATION AND INSTRUCTORS FROM THE BUSINESS SECTOR;~~

~~(VII)~~ (VI) THE USE OF ONLINE COURSES AND OTHER LEARNING OPPORTUNITIES AND A PROPOSED METHOD OF APPROVING ONLINE COURSES THAT MEETS THE REQUIREMENTS AND PACE OF THE CURRICULUM; AND

~~(VIII)~~ (VII) ANY OTHER RELEVANT INFORMATION AS DETERMINED BY THE COUNTY SUPERINTENDENT.

(3) ON OR BEFORE DECEMBER 1, 2016, THE COUNTY BOARD SHALL APPROVE THE PLAN SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) AFTER THE COUNTY BOARD HAS APPROVED THE PLAN SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY SUPERINTENDENT SHALL SUBMIT THE PLAN TO THE STATE BOARD FOR REVIEW.

(B) ON RECEIPT OF THE PLAN SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION, THE ~~STATE BOARD~~ COUNTY BOARD SHALL CONSULT WITH THE COUNTY SUPERINTENDENT TO ENSURE THAT THE PLAN IS ~~IN~~:

(1) IN THE BEST INTERESTS OF THE STUDENTS OF THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~; AND

(2) AS IT RELATES TO WORKING CONDITIONS, COMPLIANT WITH COLLECTIVE BARGAINING AGREEMENTS AND ANY REQUIREMENTS OF SUBTITLES 4 AND 5 OF TITLE 6 OF THIS ARTICLE.

(C) (1) ~~WITHIN~~ EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, WITHIN 45 DAYS AFTER THE DAY OF RECEIPT OF THE PLAN SUBMITTED UNDER SUBSECTION ~~(A)~~ (A)(4) OF THIS SECTION AND IN ACCORDANCE WITH THE AUTHORITY OF THE STATE BOARD UNDER § 2-205 OF THIS ARTICLE AND ~~REGULATION~~ TO GRANT WAIVERS FROM REGULATIONS ADOPTED BY THE STATE BOARD, THE STATE BOARD SHALL GRANT THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ A WAIVER FROM THE FOLLOWING REGULATIONS:

(1) ~~ENROLLMENT AND CREDIT REQUIREMENTS IN COMAR 13A.03.02.03;~~

(2) ~~OTHER PROVISIONS FOR EARNING CREDIT IN COMAR 13A.03.02.04;~~

(3) ~~PROCEDURES FOR IMPLEMENTING ALTERNATIVE PROGRAMS LEADING TO A HIGH SCHOOL DIPLOMA IN COMAR 13A.03.02.11;~~

(4) ~~PERSONNEL REQUIREMENTS IN COMAR 13A.12.01 AND 13A.12.02;~~

(5) ~~MANDATED SCHOOL DAYS AND SCHOOL YEAR REQUIREMENTS IN COMAR 13A.03.02.12;~~

(6) ~~ONLINE COURSE APPROVAL REQUIREMENTS IN COMAR 13A.04.15.04; AND~~

(7) ~~ANY OTHER~~ ANY REGULATION THAT CONFLICTS WITH THE PLAN APPROVED BY THE ~~STATE BOARD~~ COUNTY BOARD.

(2) A WAIVER REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE GRANTED RELATED TO:

(I) PERSONNEL REQUIREMENTS IN COMAR 13A.12.01 OR 13A.12.02;

(II) MANDATORY SCHOOL DAYS AND SCHOOL YEAR REQUIREMENTS IN COMAR 13A.03.02.12; OR

(III) ASSESSMENT REQUIREMENTS IN COMAR 13A.03.02.06.

(3) A WAIVER GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT RELATES TO WORKING CONDITIONS SHALL BE SUBJECT TO SUBTITLES 4 AND 5 OF TITLE 6 OF THIS ARTICLE.

~~(D) FOR THE DURATION OF THE OPERATION OF THE LYNX HIGH SCHOOL PILOT PROGRAM, THE LYNX HIGH SCHOOL PILOT PROGRAM SHALL BE EXEMPT FROM THE PROVISIONS OF § 7-205.1(B) OF THIS TITLE.~~

~~(E) (D) AFTER THE GRANTING OF WAIVERS A WAIVER FROM ITS REGULATIONS UNDER SUBSECTION (C) OF THIS SECTION, THE STATE BOARD AND THE COUNTY SUPERINTENDENT SHALL MEET WITH REPRESENTATIVES OF THE APPRENTICESHIP AND TRAINING COUNCIL AND THE DIVISION OF LABOR AND INDUSTRY WITHIN THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION REGARDING:~~

~~(1) THE THE DEVELOPMENT AND IMPLEMENTATION OF APPRENTICESHIP EXPERIENCES FOR STUDENTS TO BE ENROLLED IN THE LYNX HIGH SCHOOL PILOT PROGRAM; AND~~

~~(2) THE WAIVER OF REGULATIONS UNDER COMAR 09.12.43.~~

7-1704.

THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ MAY APPLY FOR AND ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL ASSISTANCE FROM A GOVERNMENT ENTITY OR ANY NONPROFIT OR OTHER PRIVATE ORGANIZATION.

7-1705.

(A) THE COUNTY SUPERINTENDENT SHALL CONDUCT AN EVALUATION OF THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ EACH YEAR.

(B) ON OR BEFORE SEPTEMBER 30 EACH YEAR, THE COUNTY SUPERINTENDENT SHALL SUBMIT TO THE STATE BOARD AN EVALUATION REPORT FOR THE PRIOR FISCAL YEAR THAT INCLUDES:

(1) THE ACADEMIC AND CAREER PROGRESS OF EACH STUDENT ENROLLED IN THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~;

(2) THE LEVEL OF SATISFACTION OF THE STUDENTS, TEACHERS, PARENTS OR GUARDIANS, AND ADVOCATES WITH THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~; AND

(3) THE LYNX HIGH ~~SCHOOL PILOT PROGRAM'S~~ SCHOOL'S FISCAL YEAR FINANCIAL REPORT.

(C) THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ MAY CONTINUE TO OPERATE UNTIL THE COUNTY SUPERINTENDENT SENDS TO THE STATE BOARD A WRITTEN NOTICE THAT THE LYNX HIGH SCHOOL ~~PILOT PROGRAM~~ HAS BEEN DISCONTINUED.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 30, 2016, the Frederick County Superintendent of Schools shall submit the plan required under this Act, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before June 30, 2019, the Frederick County Superintendent of Schools shall submit, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means a report that includes:

(1) the academic and career progress of each student enrolled in the LYNX High School as compared to other students in Frederick County including assessment results;

(2) the level of satisfaction of the students, teachers, parents or guardians, and advocates with the LYNX High School; and

(3) the LYNX High School's fiscal year financial report for each of the preceding years.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.



AN ACT concerning

**Washington County – Business Licenses – Repeal of Zoning  
Certification Requirement**

FOR the purpose of repealing the prohibition on the clerk of the Circuit Court for Washington County from issuing a certain business license under certain circumstances unless the applicant submits a certain zoning certification; repealing a certain prohibition on the clerk of the Circuit Court for Washington County on endorsing a change in a place of business in Washington County until certain zoning requirements are met; and generally relating to business licenses in Washington County.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 17–302 and 17–307  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

**Article – Business Regulation**

17–302.

(a) Except as otherwise provided in this title, an applicant for a license under this title shall:

(1) submit to the clerk, in duplicate, an application on the form that the clerk provides;

(2) submit to the clerk a receipt or certificate for taxes in accordance with subsection (c) of this section; and

(3) pay to the clerk the appropriate license fee required by this title.

(b) Each application for a license shall be verified in the way and contain the information that the Comptroller requires by regulation.

(c) (1) In this subsection, “county treasurer” includes the Director of Finance or other chief fiscal officer of a county that does not have a county treasurer.

(2) This subsection does not apply to a domestic corporation that has shares subject to taxation under State law.

(3) An applicant for a license shall submit to the clerk:

(i) a certification by the State Department of Assessments and Taxation of the value of the goods, fixtures, and stock in trade in each county where the business is located for the applicant's business for the valuation year;

(ii) a certification by the county treasurer of that county that there are no unpaid taxes due to the State or county on the goods, fixtures, or stock in trade; and

(iii) a certification by the municipal corporation, if any, where the business is located that there are no unpaid taxes due to the municipal corporation on the goods, fixtures, or stock in trade.

(4) In this subsection, the valuation year:

(i) in Washington County, is the fiscal year that includes May 1 of the calendar year when the license is issued; or

(ii) in each other county, is the last calendar year before the year for which the license is sought.

[(d) In Washington County, the clerk may not issue a license under this title for the first time unless the applicant submits to the clerk a certification that the location of the business for which the license is sought has proper zoning. The certification must be from the county planning commission or, if the business is located in a municipal corporation, from the municipal corporation.

(e)] (D) (1) This subsection applies only in Calvert County.

(2) The clerk may not issue a license under this title for the first time to a business that will be located in Calvert County unless the applicant submits to the clerk a certification that the location of the business for which the license is sought is zoned for the type of business for which the applicant is seeking a license.

(3) The certification must be issued from:

(i) the Calvert County Department of Planning and Zoning; or

(ii) the appropriate municipal corporation, if the location of the proposed business is within the boundaries of a municipal corporation.

17-307.

(a) (1) If a specific place for doing business is stated in a license, the licensee may change the place of business only if the clerk endorses the change on the license.

(2) Subject to subsections [(b), (c), and (d)] **(B) AND (C)** of this section, on application of the licensee, the clerk shall endorse the change on the license.

(b) In Baltimore County, the clerk may not endorse a change in the place of business until the zoning commissioner approves the new place.

[(c) In Washington County, the clerk may not endorse a change in the place of business until the licensee meets the zoning requirements of § 17–302(d) of this subtitle for a license issued for the first time.

(d) **(C)** In Calvert County, the clerk may not endorse a change in the place of business until the licensee meets the zoning requirements of [§ 17–302(e)] **§ 17–302(D)** of this subtitle for a license issued for the first time.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 472

**(Senate Bill 1136)**

AN ACT concerning

**Regulation of Radiation Sources – Fee – Exemption for Pro Bono Temporary  
~~Pro Bono~~ Dental Clinics**

FOR the purpose of exempting certain temporary ~~pro bono~~ dental clinics that meet certain requirements from the fee for monitoring and regulating sources of radiation; making this Act an emergency measure; and generally relating to the regulation of radiation sources.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 8–301  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

### Article – Environment

8–301.

(a) (1) Subject to Subtitle 4 of this title, the Secretary shall adopt rules and regulations for general licenses and specific licenses that govern:

(i) Ionizing radiation sources and byproduct material;

(ii) Special nuclear material; and

(iii) Devices that use ionizing radiation sources, byproduct material, or special nuclear material.

(2) The rules and regulations shall provide for:

(i) The issuance, amendment, suspension, or revocation of general licenses and specific licenses;

(ii) The registration of ionizing radiation sources for which a general license or specific license is not required; and

(iii) Based on the kinds and amounts of radioactive material subject to specific licenses, the establishment of financial plans to ensure the decommissioning of facilities operating under those licenses and a timetable for the submission of the plans to the Department.

(3) The amount of funding assurance required under a financial plan established under paragraph (2)(iii) of this subsection may not exceed the amount specified in the comparable federal regulations promulgated by the U.S. Nuclear Regulatory Agency as amended from time to time.

(b) (1) The Secretary may adopt rules and regulations that:

(i) Require registration by persons granted a general license;

(ii) Subject to any registration requirements the Secretary requires, recognize licenses issued by the federal government or any other state; and

(iii) Except as otherwise provided in subsections (c) and (d) of this section, based on the anticipated cost of monitoring and regulating sources of radiation, establish a fee schedule for general licenses, specific licenses, and the registration of radiation machines or other sources of radiation issued under this section.

(2) If the Secretary finds that allowing the exemptions will not constitute a significant risk to the health and safety of the public, the Secretary may adopt rules and regulations that exempt from the licensing or registration requirements of this section:

(i) Specific sources of ionizing radiation;

- (ii) Specific kinds of uses of ionizing radiation; and
- (iii) Specific kinds of users of ionizing radiation.

(3) In adopting the regulations under paragraph (1)(iii) of this subsection, the Department shall consult with the regulated profession or industry to determine that the license fee is reasonable and directly related to the actual cost of the licensing and regulatory activity.

(c) (1) For a dental office or dental facility operated by a licensed dentist, a partnership of licensed dentists, a professional association of licensed dentists, or a public health dental facility, the Secretary may adopt regulations that establish a fee to offset the costs of monitoring and regulating sources of radiation within that dental facility.

(2) Except as provided in paragraphs (3) and (4) of this subsection, the fees established under this subsection may not exceed:

(i) For the first 2 years beginning July 1, 2002, \$60 per dental radiation machine per year;

(ii) From June 30, 2004, through June 30, 2006, inclusive, \$70 per dental radiation machine per year; and

(iii) 1. After June 30, 2006, through at least June 30, 2010, \$80 per dental radiation machine per year; and

2. After June 30, 2010, the fee per dental radiation machine shall continue to be \$80 per year unless altered by the General Assembly.

(3) The Secretary shall reduce fees proportionately to reflect the balance of any unspent or unencumbered fees collected under this subsection in the previous fiscal year.

(4) If a dental radiation machine is not inspected within any 3-year period and all annual fees were paid during that 3-year period, an additional annual inspection fee is not required to be paid until a dental radiation machine inspection is performed by a State inspector.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, inspection of the dental radiation machines at each dental office or facility may not be performed more than once every 3 years.

(ii) Inspection of the dental radiation machines at a dental office or facility may be performed more than once every 3 years if the Department has grounds to believe that:

1. A violation of this title or any rule, regulation, order, registration, certificate, or license adopted or issued under this title may exist; or

2. A hazard associated with the use of radiation may exist.

(6) (i) If, based on an inspection of a dental radiation machine at a dental office or facility, the State inspector determines that there is a violation of this title and the violation does not present a serious and probable danger to the patients or employees of the dental office or facility, the State inspector shall provide the dental office or facility a written notice:

1. Setting forth the nature of the violation and the required corrective action;

2. Informing the dental office or facility that the dental office or facility has 20 working days to comply with the corrective action; and

3. Informing the dental office or facility of the required procedure to inform the Department that the corrective action has been completed.

(ii) If the corrective action is completed within 20 working days in accordance with subparagraph (i) of this paragraph, the Department may not impose a fine on a dental office or dental facility for a violation of this title.

(d) The provisions of subsections (b) and (c) of this section relating to fees for monitoring and regulating sources of radiation do not apply to:

**(1) [a] A dental school accredited by the Commission on Dental Accreditation of the American Dental Association; OR**

**(2) AFTER JUNE 30, 2016, A ~~TEMPORARY PRO BONO DENTAL CLINIC~~ TEMPORARY DENTAL CLINIC THAT HOLDS A PERMIT UNDER TITLE 4 OF THE HEALTH OCCUPATIONS ARTICLE, PROVIDES ALL SERVICES ON A PRO BONO BASIS, AND OPERATES ~~LESS FEWER~~ THAN 100 HOURS A YEAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, May 10, 2016.**

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**Chapter 473****(House Bill 69)**

AN ACT concerning

**Personal Property Tax – Credit for New or Small Business**

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to provide a property tax credit against the county or municipal corporation property tax imposed on certain personal property that is owned or leased by certain new or small businesses; authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to provide for certain matters relating to the tax credit; providing for the application of this Act; and generally relating to a property tax credit for personal property owned or leased by certain new or small businesses.

BY adding to

Article – Tax – Property

Section 9–257

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

**9–257.**

**(A) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT FOR UP TO ~~100%~~ 50% OF THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON PERSONAL PROPERTY THAT IS:**

**(1) NOT OPERATING PROPERTY OF A RAILROAD OR PUBLIC UTILITY;**  
AND

**(2) OWNED OR LEASED BY A BUSINESS ENTITY THAT:**

**(I) HAS BEEN IN OPERATION FOR NO MORE THAN 2 YEARS; OR**

**(II) HAS NO MORE THAN 15 EMPLOYEES.**

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

- (1) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SECTION;
- (2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;
- (3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND
- (4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 474

### (House Bill 104)

AN ACT concerning

#### **Medical Cannabis – Written Certifications – Certifying Providers**

FOR the purpose of authorizing certain dentists, podiatrists, nurse midwives, and nurse practitioners, in addition to physicians, to issue written certifications to qualifying patients by substituting the defined term “certifying provider” for “certifying physician” as it relates to laws governing medical cannabis; making conforming changes; making a stylistic change; providing for a delayed effective date; and generally relating to providers authorized to provide written certifications for medical cannabis.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 13–3301(a)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,



## Article – Health – General

Section 13–3301(c), (m), and (n), 13–3304, 13–3305, 13–3313(a)(1)(ii) and (3), and 13–3314(d)

Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

13–3301.

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

(c) “Certifying [physician] **PROVIDER**” means an individual who:

(1) **(I) 1.** Has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; **AND**

**[(2)] 2.** Is in good standing with the State Board of Physicians;

**(II) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE DENTISTRY THAT WAS ISSUED BY THE STATE BOARD OF DENTAL EXAMINERS UNDER TITLE 4 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

**2. IS IN GOOD STANDING WITH THE STATE BOARD OF DENTAL EXAMINERS;**

**(III) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE PODIATRY THAT WAS ISSUED BY THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS UNDER TITLE 16 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

**2. IS IN GOOD STANDING WITH THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS; OR**

**(IV) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE REGISTERED NURSING AND HAS AN ACTIVE, UNRESTRICTED CERTIFICATION TO PRACTICE AS A NURSE PRACTITIONER OR A NURSE MIDWIFE THAT WERE ISSUED BY THE STATE BOARD OF NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

**2. IS IN GOOD STANDING WITH THE STATE BOARD OF NURSING;**

**[(3)] (2)** Has a State controlled dangerous substances registration; and

**[(4)] (3)** Is registered with the Commission to make cannabis available to patients for medical use in accordance with regulations adopted by the Commission.

(m) “Qualifying patient” means an individual who:

(1) Has been provided with a written certification by a certifying **[physician] PROVIDER** in accordance with a bona fide **[physician–patient] PROVIDER–PATIENT** relationship; and

(2) If under the age of 18 years, has a caregiver.

(n) “Written certification” means a certification that:

(1) Is issued by a certifying **[physician] PROVIDER** to a qualifying patient with whom the **[physician] PROVIDER** has a bona fide **[physician–patient] PROVIDER–PATIENT** relationship; and

(2) Includes a written statement certifying that, in the **[physician’s] PROVIDER’S** professional opinion, after having completed an assessment of the patient’s medical history and current medical condition, the patient has a condition:

(i) That meets the inclusion criteria and does not meet the exclusion criteria of the certifying **[physician’s] PROVIDER’S** application; and

(ii) For which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and

(3) May include a written statement certifying that, in the **[physician’s] PROVIDER’S** professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient.

13–3304.

(a) The Commission shall register as a certifying **[physician] PROVIDER** an individual who:

(1) Meets the requirements of this subtitle; and

(2) Submits application materials that meet the requirements of this subtitle.

(b) To be registered as a certifying [physician] **PROVIDER**, a [physician] **PROVIDER** shall submit a proposal to the Commission that includes:

(1) The reasons for including a patient under the care of the [physician] **PROVIDER** for the purposes of this subtitle, including the patient's qualifying medical conditions;

(2) An attestation that a standard patient evaluation will be completed, including a history, a physical examination, a review of symptoms, and other pertinent medical information; and

(3) The [physician's] **PROVIDER'S** plan for the ongoing assessment and follow-up care of a patient and for collecting and analyzing data.

(c) The Commission may not require an individual to meet requirements in addition to the requirements listed in subsections (a) and (b) of this section to be registered as a certifying [physician] **PROVIDER**.

(d) (1) The Commission is encouraged to approve [physician] **PROVIDER** applications for the following medical conditions:

(i) A chronic or debilitating disease or medical condition that results in a patient being admitted into hospice or receiving palliative care; or

(ii) A chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces:

1. Cachexia, anorexia, or wasting syndrome;
2. Severe or chronic pain;
3. Severe nausea;
4. Seizures; or
5. Severe or persistent muscle spasms.

(2) The Commission may not limit treatment of a particular medical condition to one class of [physicians] **PROVIDERS**.

(e) The Commission may approve applications that include any other condition that is severe and for which other medical treatments have been ineffective if the symptoms reasonably can be expected to be relieved by the medical use of cannabis.

(f) (1) A certifying [physician] **PROVIDER** or the spouse of a certifying [physician] **PROVIDER** may not receive any gifts from or have an ownership interest in a medical cannabis grower, a processor, or a dispensary.

(2) A certifying [physician] **PROVIDER** may receive compensation from a medical cannabis grower, a processor, or A dispensary if the certifying [physician] **PROVIDER**:

(i) Obtains the approval of the Commission before receiving the compensation; and

(ii) Discloses the amount of compensation received from the medical cannabis grower, processor, or dispensary to the Commission.

(g) (1) A qualifying patient may be a patient of the certifying [physician] **PROVIDER** or may be referred to the certifying [physician] **PROVIDER**.

(2) A certifying [physician] **PROVIDER** shall provide each written certification to the Commission.

(3) On receipt of a written certification provided under paragraph (2) of this subsection, the Commission shall issue an identification card to each qualifying patient or caregiver named in the written certification.

(4) A certifying [physician] **PROVIDER** may discuss medical cannabis with a patient.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, a qualifying patient or caregiver may obtain medical cannabis only from a medical cannabis grower licensed by the Commission or a dispensary licensed by the Commission.

(ii) A qualifying patient under the age of 18 years may obtain medical cannabis only through the qualifying patient's caregiver.

(6) (i) A caregiver may serve no more than five qualifying patients at any time.

(ii) A qualifying patient may have no more than two caregivers.

(h) (1) A certifying [physician] **PROVIDER** may register biennially.

(2) The Commission shall grant or deny a renewal of a registration for approval based on the [physician's] **PROVIDER'S** performance in complying with regulations adopted by the Commission.

On or before January 1 each year, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on [physicians] **PROVIDERS** certified under this subtitle.

13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of cannabis:

(1) A qualifying patient:

(ii) In possession of an amount of medical cannabis that is greater than a 30-day supply if the qualifying patient's certifying [physician] **PROVIDER** stated in the written certification that a 30-day supply would be inadequate to meet the medical needs of the qualifying patient;

(3) A certifying [physician] **PROVIDER**;

13-3314.

(d) This subtitle may not be construed to require a hospital, medical facility, or hospice program to report to the Commission any disciplinary action taken by the hospital, medical facility, or hospice program against a certifying [physician] **PROVIDER**, including the revocation of privileges, after the registration of the certifying [physician] **PROVIDER** by the Commission.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2016~~ June 1, 2017.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 475**

**(House Bill 117)**

AN ACT concerning

**State Board of Pharmacy – Licensure Requirements for Pharmacists – Proof of Proficiency in English**

FOR the purpose of providing that, for applicants for a license to practice pharmacy, graduation from certain schools is acceptable proof of proficiency in the oral communication of the English language under a certain provision of law; and generally relating to licensure requirements for pharmacists.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 12–302(g)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

### **Article – Health Occupations**

12–302.

(g) (1) **[The] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE** Board shall require, as part of its examination or licensing procedures, an applicant for a license to practice pharmacy to demonstrate an oral competency in the English language by passing a Board approved standardized test of oral competency.

(2) The Board shall adopt regulations that establish a procedure for testing an individual who because of the individual's speech or hearing impairment is unable to complete satisfactorily a Board approved standardized test of oral competency.

(3) If any disciplinary charge or action that relates to a problem with the oral communication of the English language is brought against a licensee under this title, the Board shall require the licensee to pass a Board approved standardized test of oral competency.

(4) The Board may not require an applicant for a license to practice pharmacy, who was previously licensed in another state to practice pharmacy, to demonstrate an oral competency in the English language, if the other state's examination and licensing procedures at the time the applicant was licensed in the other state included an oral competency component similar to the oral competency component in this State's examination and licensing procedures.

**(5) GRADUATION FROM A RECOGNIZED ENGLISH-SPEAKING UNDERGRADUATE SCHOOL OR HIGH SCHOOL AFTER AT LEAST 3 YEARS OF ENROLLMENT OR FROM A RECOGNIZED ENGLISH SPEAKING PROFESSIONAL SCHOOL ACCREDITED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION IS ACCEPTABLE AS PROOF OF PROFICIENCY IN THE ORAL COMMUNICATION OF THE ENGLISH LANGUAGE UNDER THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 476

### (Senate Bill 469)

AN ACT concerning

#### **State Board of Pharmacy – Licensure Requirements for Pharmacists – Proof of Proficiency in English**

FOR the purpose of providing that, for applicants for a license to practice pharmacy, graduation from a certain school is acceptable proof of proficiency in the oral communication of the English language under a certain provision of law; and generally relating to licensure requirements for pharmacists.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 12–302(g)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Health Occupations**

12–302.

(g) (1) **[The] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE** Board shall require, as part of its examination or licensing procedures, an applicant for a license to practice pharmacy to demonstrate an oral competency in the English language by passing a Board approved standardized test of oral competency.

(2) The Board shall adopt regulations that establish a procedure for testing an individual who because of the individual's speech or hearing impairment is unable to complete satisfactorily a Board approved standardized test of oral competency.

(3) If any disciplinary charge or action that relates to a problem with the oral communication of the English language is brought against a licensee under this title, the Board shall require the licensee to pass a Board approved standardized test of oral competency.

(4) The Board may not require an applicant for a license to practice pharmacy, who was previously licensed in another state to practice pharmacy, to demonstrate an oral competency in the English language, if the other state's examination and licensing procedures at the time the applicant was licensed in the other state included an oral competency component similar to the oral competency component in this State's examination and licensing procedures.

**(5) GRADUATION FROM A RECOGNIZED ENGLISH-SPEAKING UNDERGRADUATE SCHOOL OR HIGH SCHOOL AFTER AT LEAST 3 YEARS OF ENROLLMENT OR FROM A RECOGNIZED ENGLISH SPEAKING PROFESSIONAL SCHOOL ACCREDITED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION IS ACCEPTABLE AS PROOF OF PROFICIENCY IN THE ORAL COMMUNICATION OF THE ENGLISH LANGUAGE UNDER THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 477

(House Bill 140)

AN ACT concerning

### Security Systems Technicians and Agencies – ~~Fees and~~ Fees and Sunset Extension and Program Evaluation

FOR the purpose of altering the amount of the application fee for a license to engage in the business of providing security systems services; requiring a certain applicant to pay certain fees relating to a criminal history records check; altering the amount of a certain processing fee for a certain applicant for a certain license; ~~altering the amount of the application fee for a license to engage in the business of providing security systems services; requiring a certain applicant to pay certain fees relating to a criminal history records check; altering the amount of a certain processing fee for a certain applicant for a certain license; altering the amount of a certain license renewal fee and a certain processing fee for a certain applicant for renewal; altering the amount of a certain registration application fee; altering the amount of a certain processing fee for a certain applicant for a certain registration; altering the amount of a certain registration renewal fee and a certain registration renewal processing fee;~~ continuing the authority of the Secretary of State Police to license and regulate security systems agencies in the State and register security systems technicians and certain other individuals in accordance with the Maryland Program Evaluation Act



(Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulation authority of the Secretary; requiring that a preliminary evaluation of the program to license and regulate security systems technicians and agencies and the statutes and regulations that relate to the program be conducted in a certain year; and generally relating to security systems technicians and agencies.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section ~~18-303 and 18-303, 18-307, 18-3A-03, 18-3A-07, and~~ 18-701

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8-403(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8-403(b)(52)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – Business Occupations and Professions**

18-303.

*(a) An applicant for a license shall:*

*(1) submit to the Secretary an application on the form that the Secretary provides;*

*(2) submit the documents required by this section; and*

*(3) pay to the Secretary:*

*(I) an application fee of ~~[\$150 which shall include the cost of the Maryland and national criminal records check]~~ **\$100;***

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(b) The application form provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of this title.

(c) If the applicant is a firm, the representative member shall complete the application form and otherwise be responsible for the firm's compliance with this section.

(d) (1) The application shall be accompanied by at least two written recommendations for the applicant.

(2) Each recommendation shall be signed, under oath, by a reputable citizen of the State.

(e) (1) An applicant for a license shall submit with the application a set of legible fingerprints of the applicant on a form approved by the Criminal Justice Information System Central Repository and the Director of the Federal Bureau of Investigation.

(2) If the applicant is a firm, the applicant shall pay the cost of the fingerprint card records check for each firm member.

(f) An applicant for a license shall submit with the application a copy of a bond or proof of insurance in accordance with the requirements of § 18-401 of this title.

(g) The Secretary may waive the requirements of subsections (a)(2) and (3), (d), and (e) of this section and issue a license to an applicant who:

(1) provides adequate evidence that the applicant:

(i) is licensed to engage in the business of providing security systems services in another state; and

(ii) became licensed in the other state:

1. after meeting qualifications that are at least equivalent to those required in this State; and

2. after submitting to a State and national criminal records check; and

(2) pays to the Secretary a processing fee of ~~[\$150]~~ \$100.

~~18-303.~~

~~(a) An applicant for a license shall:~~

~~(1) submit to the Secretary an application on the form that the Secretary provides;~~

~~(2) submit the documents required by this section; and~~

~~(3) pay to the Secretary:~~

~~(I) an application fee of ~~[\$150 which shall include the cost of the Maryland and national criminal records check]~~ \$250;~~

~~(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND~~

~~(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.~~

~~(b) The application form provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of this title.~~

~~(c) If the applicant is a firm, the representative member shall complete the application form and otherwise be responsible for the firm's compliance with this section.~~

~~(d) (1) The application shall be accompanied by at least two written recommendations for the applicant.~~

~~(2) Each recommendation shall be signed, under oath, by a reputable citizen of the State.~~

~~(e) (1) An applicant for a license shall submit with the application a set of legible fingerprints of the applicant on a form approved by the Criminal Justice Information System Central Repository and the Director of the Federal Bureau of Investigation.~~

~~(2) If the applicant is a firm, the applicant shall pay the cost of the fingerprint card records check for each firm member.~~

~~(f) An applicant for a license shall submit with the application a copy of a bond or proof of insurance in accordance with the requirements of § 18-401 of this title.~~

~~(g) The Secretary may waive the requirements of subsections (a)(2) and (3), (d), and (e) of this section and issue a license to an applicant who:~~

~~(1) provides adequate evidence that the applicant:~~

~~(i) is licensed to engage in the business of providing security systems services in another state; and~~

~~(ii) became licensed in the other state:~~

~~1. after meeting qualifications that are at least equivalent to those required in this State; and~~

~~2. after submitting to a State and national criminal records check; and~~

~~(2) pays to the Secretary a processing fee of ~~[\$150] \$250.~~~~

~~18-307.~~

~~(a) By regulation, the Secretary shall stagger the terms of the licenses.~~

~~(b) Unless a license is renewed for a 3-year term as provided in this section, the license expires on the date the Secretary sets.~~

~~(c) At least 1 month before a license expires, the Secretary shall mail to the agency, at the last known address of the agency:~~

~~(1) a renewal application form; and~~

~~(2) a notice that states:~~

~~(i) the date on which the current license expires;~~

~~(ii) that the Secretary must receive the renewal application and proof of insurance or bonding as required in § 18-401 of this title at least 15 days before the license expiration date for the renewal to be issued and mailed before the license expires;~~

~~(iii) the amount of the renewal fee;~~

~~(iv) that, if the complete renewal application and proof of insurance or bonding as required in § 18-401 of this title are not received at least 15 days before the license expiration date, a fee of \$25 per day shall be charged against the agency until the day the license expires, at which time the agency shall be considered closed;~~

~~(v) that an agency may not be issued a license under this title until all outstanding obligations are satisfied with the Secretary; and~~

~~(vi) that the submission of a false statement in the renewal application or the submission of altered or false documents that are otherwise required is cause for revocation of the agency license.~~

~~(d) An agency periodically may renew the license for an additional 3-year term, if the license holder:~~

~~(1) otherwise is entitled to be licensed;~~

~~(2) pays to the Secretary:~~

~~(i) a renewal fee of [~~\$100~~] UP TO ~~\$175~~;~~

~~(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;~~

~~(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and~~

~~(iv) any late fee required under this subtitle; and~~

~~(3) submits to the Secretary:~~

~~(i) a renewal application on the form the Secretary provides;~~

~~(ii) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and~~

~~(iii) satisfactory evidence of compliance with any other requirements under this section for renewal of registration.~~

~~(e) In accordance with §§ 10-201 through 10-235 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history records information.~~

~~(f) The Secretary may waive the national criminal history records check required under subsection (d) of this section for an applicant who was issued a license under §~~

~~18-303(g) of this subtitle if the applicant pays to the Secretary a processing fee of [\$100] UP TO \$175.~~

~~(g) If the renewal application was submitted as required in subsection (d) of this section and the national criminal history records check required under this section is not completed before the licensee's license expires, the Secretary shall allow the licensee to operate in a temporary license status if the licensee otherwise meets the requirements of this section.~~

~~(h) A licensee may operate in a temporary license status at the time of renewal only if the renewal application and all required documents and fees were submitted by the expiration date of the license.~~

~~(i) The temporary license status shall expire at the earlier of:~~

~~(1) the completion of the national criminal history records check of the applicant; or~~

~~(2) the renewal or denial of the license.~~

~~(j) The Secretary shall renew the license of each applicant who meets the requirements of this section.~~

~~18-3A-03.~~

~~(a) An applicant for registration shall:~~

~~(1) submit to the Secretary an application on the form that the Secretary provides;~~

~~(2) submit the documents required by this section; and~~

~~(3) pay to the Secretary:~~

~~(i) an application fee that is the higher of [\$15] \$25 or an amount the Secretary determines based on actual processing costs; and~~

~~(ii) the cost of any background checks.~~

~~(b) The application form provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of this title.~~

~~(c) An applicant for registration shall submit with the application a set of legible fingerprints of the applicant on forms approved by the Criminal Justice Information System Central Repository and the Director of the Federal Bureau of Investigation.~~

~~(d) The Secretary may waive the requirements of this section and register an applicant who:~~

~~(1) provides adequate evidence that the applicant:~~

~~(i) is licensed in another state to engage in the business of providing security systems services or registered in another state as a security systems technician or other individual who has access to circumventational information; and~~

~~(ii) became licensed or registered in the other state:~~

~~1. after meeting qualifications that are at least equivalent to those required in this State; and~~

~~2. after submitting to a State and national criminal records check; and~~

~~(2) pays to the Secretary a processing fee that is the higher of ~~[\$15]~~ \$25 or an amount the Secretary determines based on actual processing costs.~~

~~(e) A minor in an apprenticeship program approved by the Department of Labor, Licensing, and Regulation or a cooperative education program established under § 18-3A-02 of this subtitle is not required to meet the criminal background check and fingerprint requirements of this section.~~

~~18-3A-07.~~

~~(a) By regulation, the Secretary shall stagger the terms of the registrations under this subtitle.~~

~~(b) Unless a registration is renewed for a 3-year term as provided in this section, the registration expires on the date the Secretary sets.~~

~~(c) At least 90 days before a registration expires, the applicant shall deliver to the Secretary:~~

~~(1) a renewal application form;~~

~~(2) the amount of the renewal fee; and~~

~~(3) the amount of any late fee, as determined by the Secretary.~~

~~(d) An individual periodically may renew a registration for an additional 3-year term if the individual:~~

~~(1) otherwise is entitled to be registered;~~

~~(2) pays to the Secretary:~~

~~(i) a renewal fee that is the higher of ~~[\$15]~~ \$25 or an amount which the Secretary determines based on the actual processing costs;~~

~~(ii) the fee authorized under ~~§ 10-221(b)(7)~~ of the Criminal Procedure Article for access to Maryland criminal history records;~~

~~(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and~~

~~(iv) any late fee required under this subtitle; and~~

~~(3) submits to the Secretary:~~

~~(i) a renewal application on the form the Secretary provides;~~

~~(ii) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and~~

~~(iii) satisfactory evidence of compliance with any other requirements under this section for renewal of registration.~~

~~(c) In accordance with §§ 10-201 through 10-235 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history records information.~~

~~(f) (1) Subject to paragraph (2) of this subsection, if a complete application for renewal of registration as required under this subtitle is not received by the Secretary at least 30 calendar days before the certification expires, the Secretary shall assess a late fee of \$5 per day until the application is received by the Secretary.~~

~~(2) The total amount of late fees assessed under this subsection may not exceed \$150.~~

~~(3) The Secretary may not register any applicant under this title if the applicant has outstanding late fee obligations.~~

~~(g) The Secretary may waive the national criminal history records check required under subsection (d) of this section for an applicant who was registered under ~~§ 18-3A-03~~ of this subtitle if the applicant pays to the Secretary a processing fee of ~~[\$15]~~ \$25.~~

~~(h) If the renewal application was submitted as required under this section and the national criminal history records check required under this section is not completed before a registration expires, the Secretary shall allow the applicant to operate in a~~



~~temporary registration status if the applicant otherwise meets the requirements of this section.~~

~~(i) The temporary registration status shall expire at the earlier of:~~

~~(1) the completion of the national criminal history records check of the applicant; or~~

~~(2) the renewal or denial of the registration.~~

~~(j) (1) The Secretary shall renew the registration of each individual who meets the requirements of this section.~~

~~(2) Within 5 days after the Secretary refuses to renew the registration of an individual under this title, the Secretary shall send written notice of the refusal to the individual who submitted the renewal application.~~

18-701.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no further force and effect after July 1, [2016] **2021**.

### Article – State Government

8-403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(52) security systems technicians, licensing and regulation of (§ 18-201 of the Business Occupations and Professions Article: [2013] **2018**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

**Chapter 478****(House Bill 188)**

AN ACT concerning

**Financial Institutions – Commissioner of Financial Regulation – Disclosure and Sharing of Information**

FOR the purpose of reorganizing and consolidating certain provisions of law relating to the disclosure of certain information by the Commissioner of Financial Regulation and certain other persons and the authority of the Commissioner to enter into certain information sharing agreements and exchange certain information; prohibiting a person, including the Commissioner and an employee of and the attorney for the Commissioner's office, from disclosing certain information obtained ~~by the Commissioner~~ or generated in the ~~exercise of~~ course of exercising the Commissioner's authority to examine certain persons required to be licensed under certain provisions of law, banking institutions, and credit unions, ~~and other persons required to be licensed under certain provisions of law~~; establishing the circumstances under which the Commissioner may disclose certain information; altering and establishing the authority of the Commissioner to enter into certain information sharing agreements and exchange certain information; prohibiting certain information shared by the Commissioner from being disclosed by an agency under certain laws or admitted into evidence in certain civil litigation or administrative process without the prior written consent of the Commissioner; providing that certain information disclosed to any person under certain provisions of this Act remains the property of the Commissioner and may not be further disclosed by any person without the prior written consent of the Commissioner; providing that certain provisions of the Maryland Public Information Act shall be superseded by certain requirements of this Act; altering the circumstances under which a certain affiliate is subject to certain provisions of this Act; establishing certain penalties for a violation of certain provisions of this Act; repealing certain provisions of law that are duplicative of or superseded by certain provisions of this Act; providing for the application of certain provisions of this Act; repealing certain provisions of law authorizing the Commissioner to adopt certain rules and regulations; defining certain terms; making conforming and stylistic changes; and generally relating to the disclosure of information obtained by the Commissioner of Financial Regulation and the authority of the Commissioner to enter into information sharing agreements and exchange information.

BY repealing and reenacting, with amendments,  
Article – Financial Institutions  
Section 1-101 ~~and~~ 2-117, 11-501(o), and 11-601(s)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Financial Institutions

Section 2-117.1  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing

Article – Financial Institutions  
Section 5–209, 5–909, 6–909, and 12–903  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Financial Institutions**

1–101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(b) “Address” means post office address, including, if applicable, street and number, municipal area or county, state, and, if outside of the United States, country.

(c) “Any state” means:

- (1) Any state, possession, or territory of the United States;
- (2) The District of Columbia; or
- (3) The Commonwealth of Puerto Rico.

(d) “Banking institution” means an institution that is incorporated under the laws of this State as a State bank, trust company, or savings bank.

(e) “Charter” has the meaning stated in § 1–101 of the Corporations and Associations Article.

(f) “Commercial bank” means an institution that is incorporated under the laws of this State as a State bank or trust company.

(g) “Commissioner” means the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation.

(h) “County” means a county of this State and, unless otherwise indicated, Baltimore City.

(i) **“CREDIT UNION” MEANS A CREDIT UNION THAT IS INCORPORATED UNDER THE LAWS OF THIS STATE AS A CREDIT UNION.**

**(J)** “Financial institution” means any financial institution of the type supervised under this article, whether or not State-chartered.

**[(j)] (K)** (1) “Foreign bank” means any financial institution or other institution that engages in banking activities that are usual in connection with the business of banking in the nations in which the institution is organized or operates.

(2) “Foreign bank” does not include a bank organized under the laws of any state or a national banking association that has its headquarters in any state.

**[(k)] (L)** “Includes” or “including” means includes or including by way of illustration and not by way of limitation.

**[(l)] (M)** “Mail” means to deposit in the United States mail, postage prepaid.

**[(m)] (N)** “Mortgage” includes a deed of trust that secures a debt or the performance of an obligation.

**[(n)] (O)** “Municipal area” means a municipal corporation or an unincorporated city, town, or village.

**[(o)] (P)** “National banking association” means an institution that is incorporated under federal law as a bank.

~~**(Q)** **“NMLS” MEANS A MULTISTATE UNIFORM LICENSING SYSTEM**~~

**(Q) “NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY” MEANS A MULTISTATE UNIFORM LICENSING SYSTEM DEVELOPED AND MAINTAINED BY THE CONFERENCE OF STATE BANK SUPERVISORS, OR BY A SUBSIDIARY OR AN AFFILIATE OF THE CONFERENCE OF STATE BANK SUPERVISORS, *THAT MAY BE USED* FOR THE LICENSING OF PERSONS REQUIRED TO BE LICENSED UNDER THIS ARTICLE.**

**[(p)] (R)** “Other-state bank” means a bank chartered and primarily regulated by another state.

**(S) “OTHER-STATE CREDIT UNION” MEANS A CREDIT UNION CHARTERED AND PRIMARILY REGULATED BY ANOTHER STATE.**

**[(q)] (T)** “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

[(r)] (U) “Political subdivision” means:

- (1) A county or municipal corporation of this State; and
- (2) Unless the context requires otherwise, a special taxing district of this State.

[(s)] (V) “Real property” includes any interest in real property.

2–117.

**(A) IN THIS SECTION, “LICENSED PERSON” MEANS:**

**(1) A PERSON REQUIRED TO BE LICENSED UNDER THIS ARTICLE, WHETHER OR NOT THE PERSON MAINTAINS A LICENSE; AND**

**(2) A COLLECTION AGENCY REQUIRED TO BE LICENSED UNDER THE BUSINESS REGULATION ARTICLE, WHETHER OR NOT THE COLLECTION AGENCY MAINTAINS A LICENSE.**

**(B) THIS SECTION DOES NOT APPLY TO:**

**(1) INFORMATION RELATING TO PUBLICLY ADJUDICATED DISCIPLINARY OR ENFORCEMENT ACTIONS AGAINST A LICENSED PERSON; OR**

**(2) INFORMATION OR MATERIAL PROVIDED TO THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY UNDER TITLE 11, SUBTITLE 5 OR 6 OF THIS ARTICLE.**

**(C) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A PERSON, INCLUDING THE COMMISSIONER AND AN EMPLOYEE OF AND THE ATTORNEY FOR THE COMMISSIONER’S OFFICE, MAY NOT DISCLOSE ANY INFORMATION OBTAINED OR GENERATED IN THE COURSE OF EXERCISING THE COMMISSIONER’S AUTHORITY TO EXAMINE LICENSED PERSONS.**

**(D) THE COMMISSIONER AND AN EMPLOYEE OF AND THE ATTORNEY FOR THE COMMISSIONER’S OFFICE MAY DISCLOSE THE INFORMATION DESCRIBED IN SUBSECTION (C) OF THIS SECTION:**

**(1) IF PERFORMING A PUBLIC DUTY TO REPORT ON OR TAKE SPECIAL ACTION RELATING TO A LICENSED PERSON;**

**(2) IF TESTIFYING AS A WITNESS IN A CRIMINAL PROCEEDING;**

(3) IF INFORMING A DIRECTOR, OFFICER, MEMBER, PARTNER, EMPLOYEE, OR AGENT OF A LICENSED PERSON OF THE RESULTS OF AN EXAMINATION;

(4) IF PROVIDING INFORMATION TO ANY STATE OR FEDERAL AGENCY HAVING SUPERVISORY AUTHORITY OVER THE LICENSED PERSON; AND

(5) IF ENTERING INFORMATION INTO EVIDENCE UNDER SEAL IN A PUBLIC ENFORCEMENT HEARING.

[(a)] (E) Subject to subsections [(b), (c)] (F), (G), and [(d)] (L) of this section, AND notwithstanding any other provision of State [laws or regulations] LAW, the Commissioner may:

(1) Enter into [cooperative and] information sharing agreements with any federal or state regulatory agency having authority over [financial institutions] LICENSED PERSONS or with any federal or state law enforcement agency, INCLUDING THE OFFICE OF FOREIGN ASSET CONTROL, AND ANY SUCCESSOR TO THESE AGENCIES, AND ANY AGENCY OF A FOREIGN COUNTRY WITH PRIMARY RESPONSIBILITY FOR REGULATING LICENSED PERSONS, provided that the agreements prohibit the [agency] AGENCIES from disclosing any shared information ABOUT A LICENSED PERSON without THE prior written consent from the Commissioner regarding disclosure of the particular information; and

(2) Exchange information about a [financial institution] LICENSED PERSON, including information obtained OR GENERATED during an examination, with any federal or [state] OTHER STATE'S regulatory agency having authority over the [financial institution] LICENSED PERSON or with any federal or state law enforcement agency, INCLUDING THE OFFICE OF FOREIGN ASSET CONTROL, AND ANY SUCCESSOR TO THESE AGENCIES, AND ANY AGENCY OF A FOREIGN COUNTRY WITH PRIMARY RESPONSIBILITY FOR REGULATING LICENSED PERSONS.

(F) INFORMATION SHARED BY THE COMMISSIONER UNDER SUBSECTION (E) OF THIS SECTION MAY NOT BE DISCLOSED BY AN AGENCY UNDER FEDERAL OR OTHER STATES' LAWS GOVERNING THE DISCLOSURE OF PUBLIC INFORMATION, OR BY SUBPOENA, DISCOVERY, OR ADMISSION INTO EVIDENCE IN PRIVATE CIVIL LITIGATION OR ADMINISTRATIVE PROCESS, WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMMISSIONER.

[(b)](G) If the Commissioner receives a record from an agency under [a cooperative and] AN information sharing agreement authorized by subsection [(a)(1)] (E)(1) of this section and the agency expressly retains ownership of the record, either in writing or by law or regulation, the Commissioner:

(1) May not disclose the record to any person that requests the record under Title 4, Subtitles 1 through 5 of the General Provisions Article; and

(2) Shall forward the request for the record to the agency that owns the record for processing in accordance with the laws or regulations governing disclosure of the agency's records.

[(c)] (H) Notwithstanding § 2-113(d) of this subtitle, an affiliate as defined in § 2-113(a) of this subtitle is subject to [subsection (a) of] this section if that affiliate maintains or is required to maintain a license issued by the Commissioner **OR THE STATE COLLECTION AGENCY LICENSING BOARD.**

(I) ANY PROVISION OF TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE RELATING TO THE DISCLOSURE OF ANY INFORMATION DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL BE SUPERSEDED BY THE REQUIREMENTS OF THIS SECTION.

(J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL INFORMATION DISCLOSED BY THE COMMISSIONER OR AN EMPLOYEE OF OR THE ATTORNEY FOR THE COMMISSIONER'S OFFICE TO ANY PERSON AS PERMITTED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION:

(1) REMAINS THE PROPERTY OF THE COMMISSIONER; AND

(2) MAY NOT BE FURTHER DISCLOSED BY ANY PERSON WITHOUT THE PRIOR WRITTEN PERMISSION OF THE COMMISSIONER.

(K) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FORFEITURE OF THE PERSON'S OFFICE OR EMPLOYMENT; AND

(2) A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

[(d)] (L) This section does not authorize the Commissioner to share or exchange information in any way **THAT IS** prohibited by federal law.

#### 2-117.1.

(A) THIS SECTION DOES NOT APPLY TO INFORMATION RELATING TO PUBLICLY ADJUDICATED DISCIPLINARY OR ENFORCEMENT ACTIONS AGAINST BANKING INSTITUTIONS OR CREDIT UNIONS AND DESIGNATED BY THE COMMISSIONER FOR ACCESS TO THE PUBLIC.

~~(A)~~ (B) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ~~A:~~

(1) A PERSON, INCLUDING THE COMMISSIONER AND AN EMPLOYEE OF AND THE ATTORNEY FOR THE COMMISSIONER'S OFFICE, MAY NOT DISCLOSE ANY INFORMATION OBTAINED OR GENERATED IN THE EXERCISE OF COURSE OF EXERCISING THE COMMISSIONER'S AUTHORITY TO EXAMINE BANKING INSTITUTIONS, OR CREDIT UNIONS, OR OTHER PERSONS REQUIRED TO BE LICENSED UNDER THIS ARTICLE; AND

(2) THE COMMISSIONER AND THE EMPLOYEES OF AND THE ATTORNEY FOR THE COMMISSIONER'S OFFICE MAY NOT DISCLOSE:

(I) THE NAME OF ANY DEBTOR OF A BANKING INSTITUTION OR CREDIT UNION; OR

(II) ANY INFORMATION ABOUT THE PRIVATE ACCOUNTS WITH OR TRANSACTIONS OF A BANKING INSTITUTION OR CREDIT UNION.

~~(B)~~ (C) THE COMMISSIONER AND AN EMPLOYEE OF AND THE ATTORNEY FOR THE COMMISSIONER'S OFFICE MAY DISCLOSE THE INFORMATION DESCRIBED IN SUBSECTION ~~(A)~~ (B) OF THIS SECTION:

(1) IF PERFORMING A PUBLIC DUTY TO REPORT ON OR TAKE SPECIAL ACTION ABOUT THE BUSINESS OF A BANKING INSTITUTION, OR CREDIT UNION, ~~OR OTHER PERSON REQUIRED TO BE LICENSED UNDER THIS ARTICLE;~~

(2) IF TESTIFYING AS A WITNESS IN A CRIMINAL PROCEEDING;

(3) IF INFORMING ANY DIRECTOR OR AUTHORIZED OFFICER, EMPLOYEE, OR AGENT OF A BANKING INSTITUTION, OR CREDIT UNION, ~~OR OTHER PERSON REQUIRED TO BE LICENSED UNDER THIS ARTICLE~~ OF THE RESULTS OF AN EXAMINATION;

(4) IF PROVIDING INFORMATION TO ANY STATE OR FEDERAL AGENCY HAVING SUPERVISORY AUTHORITY OVER THE BANKING ~~INSTITUTIONS~~ INSTITUTION, ~~OR CREDIT UNIONS, OR OTHER PERSONS REQUIRED TO BE LICENSED UNDER THIS ARTICLE~~ UNION;

(5) IF PROVIDING INFORMATION ABOUT A BANKING INSTITUTION TO THE FEDERAL DEPOSIT INSURANCE CORPORATION, IF THE BANKING INSTITUTION:

(I) IS APPLYING FOR INSURANCE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION; AND



(II) ASKS THE COMMISSIONER TO DO SO;

(6) IF PROVIDING INFORMATION ABOUT A BANKING INSTITUTION TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE BANK SYSTEM OR THE FEDERAL RESERVE BANK OF RICHMOND, IF THE BANKING INSTITUTION:

(I) IS APPLYING FOR MEMBERSHIP IN THE FEDERAL RESERVE SYSTEM; AND

(II) ASKS THE COMMISSIONER TO DO SO;

(7) IF PROVIDING INFORMATION ABOUT A BANKING INSTITUTION TO THE OFFICE OF THE COMPTROLLER OF THE CURRENCY, IF THE BANKING INSTITUTION:

(I) IS APPLYING TO CONVERT TO, CONSOLIDATE OR MERGE WITH, OR TRANSFER ASSETS TO A NATIONAL BANKING ASSOCIATION; AND

(II) ASKS THE COMMISSIONER TO DO SO;

(8) IF PROVIDING INFORMATION ABOUT A BANKING INSTITUTION TO ANY OTHER STATE BANK REGULATORY AGENCY IF THE BANKING INSTITUTION:

(I) IS APPLYING TO CONSOLIDATE OR MERGE WITH OR TRANSFER ASSETS TO AN OTHER-STATE BANK; AND

(II) ASKS THE COMMISSIONER TO DO SO;

(9) IF PROVIDING INFORMATION ABOUT A CREDIT UNION TO A CREDIT UNION SHARE GUARANTY CORPORATION, IF THE CREDIT UNION:

(I) IS INSURED BY THE CREDIT UNION SHARE GUARANTY CORPORATION; OR

(II) 1. IS APPLYING FOR INSURANCE FROM THE CREDIT UNION SHARE GUARANTY CORPORATION; AND

2. ASKS THE COMMISSIONER TO DO SO;

(10) IF PROVIDING INFORMATION ABOUT A CREDIT UNION TO THE NATIONAL CREDIT UNION ADMINISTRATION, IF THE CREDIT UNION:

(I) 1. IS APPLYING FOR INSURANCE FROM THE NATIONAL CREDIT UNION ADMINISTRATION; AND

2. ASKS THE COMMISSIONER TO DO SO; OR

(II) 1. IS APPLYING TO CONVERT TO OR MERGE WITH A FEDERAL CREDIT UNION; AND

2. ASKS THE COMMISSIONER TO DO SO;

(11) IF PROVIDING INFORMATION ABOUT A CREDIT UNION TO ANOTHER STATE BANK REGULATORY AGENCY, IF THE CREDIT UNION:

(I) IS APPLYING TO MERGE WITH AN OTHER-STATE CREDIT UNION; AND

(II) ASKS THE COMMISSIONER TO DO SO; AND

(12) IF ENTERING INFORMATION INTO EVIDENCE UNDER SEAL IN A PUBLIC ENFORCEMENT HEARING.

~~[(a)](C) [Subject to subsections (b), (c), and (d) of this section, notwithstanding] NOTWITHSTANDING any other provision of State [laws or regulations] LAW, the Commissioner may:~~

~~(1) Enter into [cooperative and] information sharing agreements with [any federal or state regulatory agency having authority over financial institutions or with any federal or state law enforcement agency,] OTHER GOVERNMENTAL AGENCIES, THE CONFERENCE OF STATE BANK SUPERVISORS, OR OTHER ASSOCIATIONS REPRESENTING GOVERNMENTAL AGENCIES, provided that the agreements prohibit the [agency] AGENCIES from disclosing any shared information without THE prior written consent from the Commissioner regarding disclosure of the particular information; and~~

~~(2) Exchange information about [a financial institution] BANKING INSTITUTIONS, CREDIT UNIONS, AND OTHER PERSONS REQUIRED TO BE LICENSED UNDER THIS ARTICLE, including information obtained during an examination, with [any federal or state regulatory agency having authority over the financial institution or with any federal or state law enforcement agency] OTHER GOVERNMENTAL AGENCIES, THE CONFERENCE OF STATE BANK SUPERVISORS, OR OTHER ASSOCIATIONS REPRESENTING GOVERNMENTAL AGENCIES.~~

(D) SUBJECT TO SUBSECTIONS (E), (F), AND (J) OF THIS SECTION, AND NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW, THE COMMISSIONER MAY:

(1) ENTER INTO INFORMATION SHARING AGREEMENTS WITH ANY FEDERAL OR STATE REGULATORY AGENCY HAVING AUTHORITY OVER BANKING INSTITUTIONS OR CREDIT UNIONS, A FEDERAL HOME LOAN BANK, OR ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY, INCLUDING THE OFFICE OF FOREIGN ASSET CONTROL, AND ANY SUCCESSOR TO THESE AGENCIES, PROVIDED THAT THE AGREEMENTS PROHIBIT THE AGENCIES FROM DISCLOSING ANY SHARED INFORMATION ABOUT A BANKING INSTITUTION OR CREDIT UNION WITHOUT THE PRIOR WRITTEN CONSENT FROM THE COMMISSIONER REGARDING DISCLOSURE OF THE PARTICULAR INFORMATION; AND

(2) EXCHANGE INFORMATION ABOUT A BANKING INSTITUTION OR A CREDIT UNION, INCLUDING INFORMATION OBTAINED OR GENERATED DURING AN EXAMINATION, WITH ANY FEDERAL OR OTHER STATE'S REGULATORY AGENCY HAVING AUTHORITY OVER THE BANKING INSTITUTION OR CREDIT UNION OR WITH ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY.

~~(D)~~ (E) INFORMATION SHARED BY THE COMMISSIONER UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION MAY NOT BE DISCLOSED BY AN AGENCY UNDER FEDERAL OR OTHER STATES' LAWS GOVERNING THE DISCLOSURE OF PUBLIC INFORMATION, OR BY SUBPOENA, DISCOVERY, OR ADMISSION INTO EVIDENCE IN PRIVATE CIVIL LITIGATION OR ADMINISTRATIVE PROCESS, WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMMISSIONER.

~~[(b)] (E)~~ If the Commissioner receives a record from an agency under ~~[a cooperative and]~~ AN information sharing agreement authorized by subsection ~~[(a)(1)] (C)(1)~~ of this section and the agency expressly retains ownership of the record, either in writing or by law or regulation, the Commissioner:

~~(1) May not disclose the record to any person that requests the record under Title 4, Subtitles 1 through 5 of the General Provisions Article; and~~

~~(2) Shall forward the request for the record to the agency that owns the record for processing in accordance with the laws or regulations governing disclosure of the agency's records.~~

~~[(c)] (F)~~ Notwithstanding § 2-113(d) of this subtitle, an affiliate as defined in § 2-113(a) of this subtitle is subject to ~~[subsection (a) of]~~ this section if that affiliate IS AN AFFILIATE OF A BANKING INSTITUTION, OR maintains or is required to maintain a license issued by the Commissioner.

~~(G) THIS SECTION DOES NOT APPLY TO:~~

~~(1) INFORMATION RELATING TO PUBLICLY ADJUDICATED DISCIPLINARY OR ENFORCEMENT ACTIONS AGAINST BANKING INSTITUTIONS;~~

~~CREDIT UNIONS, OR OTHER PERSONS REQUIRED TO BE LICENSED UNDER THIS ARTICLE AND DESIGNATED BY THE COMMISSIONER FOR ACCESS BY THE PUBLIC; OR~~

~~(2) INFORMATION OR MATERIAL PROVIDED TO NMLS UNDER SUBTITLE 11 OF THIS ARTICLE.~~

(F) IF THE COMMISSIONER RECEIVES A RECORD FROM AN AGENCY UNDER AN INFORMATION SHARING AGREEMENT AUTHORIZED BY SUBSECTION (D)(1) OF THIS SECTION AND THE AGENCY EXPRESSLY RETAINS OWNERSHIP OF THE RECORD, EITHER IN WRITING OR BY LAW OR REGULATION, THE COMMISSIONER:

(1) MAY NOT DISCLOSE THE RECORD TO ANY PERSON THAT REQUESTS THE RECORD UNDER TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE; AND

(2) SHALL FORWARD THE REQUEST FOR THE RECORD TO THE AGENCY THAT OWNS THE RECORD FOR PROCESSING IN ACCORDANCE WITH THE LAWS OR REGULATIONS GOVERNING DISCLOSURE OF THE AGENCY'S RECORDS.

~~(H) (G)~~ ANY ~~PROVISIONS~~ PROVISION OF TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE RELATING TO THE DISCLOSURE OF ANY INFORMATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL BE SUPERSEDED BY THE REQUIREMENTS OF THIS SECTION.

~~(H) (H)~~ EXCEPT AS OTHERWISE PROVIDED ~~BY~~ IN THIS SECTION, ALL INFORMATION DISCLOSED BY THE COMMISSIONER OR AN EMPLOYEE OF OR THE ATTORNEY FOR THE COMMISSIONER'S OFFICE TO ANY PERSON AS PERMITTED UNDER SUBSECTIONS ~~(B) AND (C)~~ (C) AND (D) OF THIS SECTION:

(1) REMAINS THE PROPERTY OF THE COMMISSIONER; AND

(2) MAY NOT BE FURTHER DISCLOSED BY ANY PERSON WITHOUT THE PRIOR WRITTEN PERMISSION OF THE COMMISSIONER.

~~(J) (I)~~ A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FORFEITURE OF THE PERSON'S OFFICE OR EMPLOYMENT; AND

(2) ~~FOR EACH OCCURRENCE, A~~ A FINE NOT EXCEEDING ~~\$5,000~~ \$1,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

~~[(d)] (K)~~ This section does not authorize the Commissioner to share or exchange information in any way ~~THAT IS~~ prohibited by federal law.

**(J) THIS SECTION DOES NOT AUTHORIZE THE COMMISSIONER TO SHARE OR EXCHANGE INFORMATION IN ANY WAY THAT IS PROHIBITED BY FEDERAL LAW.**

[5-209.

(a) Except as otherwise provided in this article, the Commissioner and the employees of and the attorney for the Commissioner's office may not disclose:

(1) The name of any debtor of a banking institution;

(2) Any information about the private accounts with or transactions of a banking institution;

(3) Any information obtained in the course of examining a banking institution; or

(4) Any confidential information obtained from a federal banking authority.

(b) This section does not apply to any information that a person discloses:

(1) In performing a public duty to report on or take special action about the business of a banking institution;

(2) In testifying as a witness in a criminal proceeding; or

(3) In informing any director or authorized officer, employee, or agent of a banking institution under examination of the results of that examination.

(c) (1) As provided in this subsection, the Commissioner may give a federal banking authority a copy of any examination of a banking institution, a copy of any report made by the banking institution, and any other information that the Commissioner has about the banking institution.

(2) The Commissioner may give the Federal Deposit Insurance Corporation information about a banking institution if:

(i) The institution is insured by the Corporation; or

(ii) The institution:

1. Is applying for insurance from the Corporation; and

2. Asks the Commissioner to do so.

(3) The Commissioner may give the Federal Reserve Bank of Richmond information about a banking institution if:

- (i) The institution is a member of the Federal Reserve System; or
- (ii) The institution:
  - 1. Is applying for membership in the System; and
  - 2. Asks the Commissioner to do so.

(d) Except as otherwise provided by law, all confidential information disclosed to any person as permitted under this section:

- (1) Remains the property of the Commissioner; and
- (2) May not be further disclosed by that person without the written permission of the Commissioner.

(e) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to:

- (1) Forfeiture of the office or employment; and
- (2) A fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both.]

[5–909.

(a) In order to carry out the purposes of this article, the Commissioner may:

- (1) Adopt regulations; and
- (2) Subject to subsection (b) of this section, enter into cooperative or information–sharing agreements with any other bank supervisory agency.

(b) If the Commissioner receives a record from a bank supervisory agency under a cooperative or an information–sharing agreement authorized by subsection (a)(2) of this section and the bank supervisory agency expressly retains ownership of the record, either in writing or by law or regulation, the Commissioner:

- (1) May not disclose the record to any person that requests the record under Title 4, Subtitles 1 through 5 of the General Provisions Article; and
- (2) Shall forward the request for the record to the bank supervisory agency that owns the record for processing in accordance with the laws or regulations governing disclosure of the bank supervisory agency’s records.]

[6-909.

(a) Except as otherwise provided in this article, the Commissioner and the employees of and the attorney for the Commissioner's office may not disclose:

- (1) The name of any debtor of a credit union;
- (2) Any information about the private accounts with or transactions of a credit union;
- (3) Any information obtained in the course of examining a credit union; or
- (4) Any confidential information obtained from a credit union authority.

(b) This section does not apply to any information that a person discloses:

- (1) In performing a public duty to report on or take special action about the business of a credit union;
- (2) In testifying as a witness in a criminal proceeding; or
- (3) In informing any official, officer, employee, or agent of a credit union under examination of the results of that examination.

(c) (1) The Commissioner may give a credit union share guaranty corporation information about a credit union if:

- (i) The credit union is insured by the credit union share guaranty corporation; or
- (ii) The credit union:
  1. Is applying for insurance from the credit union share guaranty corporation; and
  2. Requests the Commissioner to provide the information.

(2) The Commissioner may give the National Credit Union Administration Share Insurance Program information about a credit union if:

- (i) The credit union is insured by the National Credit Union Administration Share Insurance Program; or
- (ii) The credit union:

1. Is applying for insurance from the National Credit Union Administration Share Insurance Program; and

2. Requests the Commissioner to provide the information.

(d) Except as otherwise provided by law, all confidential information disclosed to any person as permitted under this section:

(1) Remains the property of the Commissioner; and

(2) May not be further disclosed by that person without the written permission of the Commissioner.

(e) A person that violates any provision of this section is guilty of a misdemeanor and on conviction is subject to:

(1) Forfeiture of the person's office or employment; and

(2) A fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both.]

11-501.

*(o) “Nationwide Mortgage Licensing System and Registry” [means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators and mortgage lenders] HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.*

11-601.

*(s) “Nationwide Mortgage Licensing System and Registry” has the meaning stated in [§ 11-501 of this title] § 1-101 OF THIS ARTICLE.*

[12-903.

To carry out the provisions of this subtitle, the Commissioner may:

(1) Adopt rules and regulations;

(2) Enter into cooperative and information sharing agreements with any other federal or State agencies having supervisory responsibility over debt management services businesses; and



(3) Exchange information about a debt management services provider, including information obtained during an examination, with any State or federal agency having authority over the debt management services provider.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 479

### (House Bill 202)

AN ACT concerning

~~Gaming Payouts – Donation of Coins~~ *Pilot Program – Donation of Coins From*  
*Gaming Payouts – Maryland Veterans Trust Fund*

FOR the purpose of requiring the State Lottery and Gaming Control Commission to adopt regulations ~~requiring authorizing certain~~ *requiring a* video lottery facility ~~licensees~~ *licensee* to adopt certain procedures ~~for~~ *to offer* certain players *the opportunity* to donate coins to the Maryland Veterans Trust Fund under certain circumstances; requiring the Commission to adopt regulations ~~requiring authorizing certain licensees~~ *requiring a licensee* to attach certain boxes near exits in ~~certain a~~ video lottery ~~facilities~~ *facility* for certain purposes; specifying the source of certain revenues for the Fund; *requiring the Commission to report to certain committees of the General Assembly on or before a certain date*; and generally relating to gaming payouts and revenues for the Maryland Veterans Trust Fund.

BY repealing and reenacting, with amendments,

Article – State Government  
Section 9–1A–04(d) and 9–913(g)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government  
Section 9–913(e)(2)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

### Article – State Government

9-1A-04.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(1) establishing the methods and forms of application that an applicant for any license required under this subtitle shall follow and complete before consideration of the application by the Commission;

(2) establishing the methods, procedures, and form for delivery of information from an applicant or licensee concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs;

(3) establishing the procedures for the fingerprinting of an applicant for any license required under this subtitle or other methods of identification that may be necessary in the judgment of the Commission to accomplish effective enforcement of the provisions of this subtitle;

(4) establishing the manner and procedure of hearings conducted by the Commission;

(5) establishing the manner and method of collection of taxes, fees, and civil penalties;

(6) defining and limiting the areas of operation for video lottery terminals and table games, rules of video lottery terminals and table games, odds for video lottery terminals and table games, the types and values of promotional items that may be given away to encourage play of video lottery terminals and table games, the method of operation of the video lottery terminals and table games, and the number and types of table games;

(7) regulating the practice and procedures for negotiable transactions involving players, including limitations on the circumstances and amounts of negotiable transactions and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

(8) prescribing the grounds and procedures for reprimands of licensees or the revocation or suspension of licenses issued under this subtitle;

(9) governing the manufacture, distribution, sale, and servicing of video lottery terminals and table games;

(10) establishing the procedures, forms, and methods of management controls;

(11) providing for minimum uniform standards of accountancy methods, procedures, and forms as are necessary to assure consistency, comparability, and effective

disclosure of all financial information, including percentages of profit for video lottery terminals and table games;

(12) establishing periodic financial reports and the form of the reports, including an annual audit prepared by a certified public accountant licensed to do business in the State, disclosing whether the accounts, records, and control procedures examined are maintained by the video lottery operation licensee as required by this subtitle and the regulations that shall be issued under this subtitle;

(13) requiring licensees under this subtitle to demonstrate and maintain financial viability;

(14) ensuring that the operation of video lottery terminals, table games, and video lottery facilities is conducted legally;

(15) establishing procedures for the removal of video lottery terminals from a video lottery facility;

(16) determining the suitability of:

(i) the use of any variations or composites of the table games authorized under this subtitle after an appropriate test or experimental period under terms and conditions that the Commission may deem appropriate; and

(ii) any other game that is compatible with the public interest and suitable for casino use after an appropriate test or experimental period deemed appropriate by the Commission;

(17) establishing procedures for accounting for all money exchanged at each table game;

(18) establishing the number of video lottery terminals that may be removed from a video lottery facility to accommodate table games; [and]

**(19) ~~REQUIRING AUTHORIZING LICENSEES~~ REQUIRING ONE LICENSEE  
UNDER THIS SUBTITLE TO:**

**(I) ESTABLISH PROCEDURES TO OFFER PLAYERS THE OPPORTUNITY TO DONATE COINS, WHEN RECEIVING CASH ON PAYOUT, TO THE MARYLAND VETERANS TRUST FUND ESTABLISHED UNDER § 9-913 OF THIS ARTICLE; AND**

**(II) ATTACH DONATION BOXES NEAR THE EXITS FROM A ~~THE~~ VIDEO LOTTERY FACILITY, WITH THE PROCEEDS DEDICATED TO THE MARYLAND VETERANS TRUST FUND; AND**

[(19)] (20) otherwise carrying out the provisions of this subtitle.

9–913.

(e) (2) There is a Maryland Veterans Trust Fund.

(g) The Fund consists of:

(1) gifts and grants that the Trust receives under § 9–914.2(a)(1) of this subtitle; and

(2) contributions to the Fund from:

(I) the sale of tickets from instant ticket lottery machines under § 9–112(d) of this title; AND

(II) **THE DONATIONS FROM VIDEO LOTTERY FACILITY PLAYERS UNDER § 9–1A–04(D)(19) OF THIS ARTICLE.**

*SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2019, the State Lottery and Gaming Control Commission shall report to the Senate Budget and Taxation Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article, on the implementation of the pilot program to allow players at a video lottery facility to donate coins, when receiving a cash payout, to the Maryland Veterans Trust Fund. The report shall include recommendations on the expansion, alteration, or repeal of the pilot program.*

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 480

(House Bill 264)

AN ACT concerning

~~Study Group to Investigate Discriminatory Practices Against Minority Franchisees~~

Task Force to Investigate the Challenges of and Opportunities for Minorities in Business

FOR the purpose of establishing the ~~Study Group to Investigate Discriminatory Practices Against Minority Franchisees~~ Task Force to Investigate the Challenges of and Opportunities for Minorities in Business; providing for the composition, chair, and staffing of the ~~Study Group~~ Task Force; prohibiting a member of the ~~Study Group~~ Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the ~~Study Group~~ Task Force to study and make recommendations regarding certain matters; requiring the ~~Study Group~~ Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the ~~Study Group to Investigate Discriminatory Practices Against Minority Franchisees~~ Task Force to Investigate the Challenges of and Opportunities for Minorities in Business.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) In this section, “minority” means an individual of African American, Hispanic, Native American, or Asian descent.

(b) There is a ~~Study Group to Investigate Discriminatory Practices Against Minority Franchisees~~ Task Force to Investigate the Challenges of and Opportunities for Minorities in Business.

(c) The ~~Study Group~~ Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) two members of the Legislative Black Caucus, appointed by the Chair of the Legislative Black Caucus;

(4) the Attorney General, or the Attorney General’s designee;

(5) the Secretary of Labor, Licensing, and Regulation, or the Secretary’s designee; ~~and~~

(6) ~~three individuals with expertise in matters relating to the franchisor franchisee relationship in the State, appointed by the Governor~~ the Secretary of Commerce, or the Secretary’s designee;

(7) the Special Secretary of the Governor’s Office of Minority Affairs, or the Special Secretary’s designee; and

(8) the following members, appointed by the Governor:

(i) a representative from a certified minority business enterprise that is at least 51% owned and controlled by minorities;

(ii) a representative from a certified minority business enterprise that is at least 51% owned and controlled by women;

(iii) an individual with expertise in matters relating to the franchisor–franchisee relationship in the State;

(iv) a representative from the Maryland Bankers Association;

(v) a representative from the Maryland Chamber of Commerce;

(vi) a representative from the Maryland District Office of the federal Small Business Administration; and

(vii) one member of the general public.

(d) The Governor shall designate the chair of the ~~Study Group~~ Task Force.

(e) The ~~Office of the Attorney General~~ Governor's Office of Minority Affairs shall provide staff for the ~~Study Group~~ Task Force.

(f) A member of the ~~Study Group~~ Task Force:

(1) may not receive compensation as a member of the ~~Study Group~~ Task Force, but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The ~~Study Group~~ Task Force shall:

~~(1) study reports of minority franchisee discrimination on the national level;~~

~~(2) study the franchisor–franchisee relationship in the State and investigate whether there is evidence or a pattern of discriminatory treatment of minority franchisees by their respective franchisors;~~

~~(3) investigate incidents of franchise closings in the State to determine if minority-owned franchises are shut down disproportionately as compared to nonminority-owned franchises;~~

~~(4) conduct hearings as considered appropriate; and~~

~~(5) in the event a pattern of discriminatory practices in the State is found, make recommendations regarding prevention, intervention, and enforcement strategies.~~

(1) investigate discriminatory practices against minority- and women-owned businesses, including:

(i) reports of minority- and women-owned franchisee discrimination on the national level;

(ii) the franchisor-franchisee relationship in the State and whether there is evidence or a pattern of discriminatory treatment of minority- and women-owned franchisees by their respective franchisors; and

(iii) incidents of franchise closings in the State to determine whether minority- and women-owned franchises are shut down disproportionately as compared to nonminority- and male-owned franchises;

(2) review, examine, and assess issues related to access to working capital for small, minority- and women-owned businesses, including potential airport concessionaires, in Maryland, including:

(i) the working capital needs by industry of those businesses;

(ii) the availability of working capital in the marketplace for, and any barriers encountered in gaining access to working capital in the marketplace by, those businesses; and

(iii) any resources available through the State to assist those businesses in gaining access to working capital, including technical assistance and training, financial assistance, and partnerships with other entities;

~~(3) study the employment of minorities and women under procurement contracts at Baltimore Washington International Thurgood Marshall Airport, including:~~

~~(i) the working conditions and employment opportunities for employees employed by contractors under procurement contracts at Baltimore Washington International Thurgood Marshall Airport;~~

~~(ii) the level of compensation and other benefits paid to minorities and women as compared to other employees by contractors under procurement contracts at Baltimore Washington International Thurgood Marshall Airport; and~~

~~(iii) the participation of minorities and women with regard to the solicitation and award of procurement contracts at Baltimore Washington International Thurgood Marshall Airport;~~

(4) review, examine, and assess incentives for business entities that employ ex-felons, including:

(i) the best possible incentives to encourage business entities to employ ex-felons; and

(ii) the benefits and challenges associated with the long-term employment of ex-felons by business entities; and

~~(5)~~ (4) conduct hearings as considered appropriate.

(h) On or before December 31, ~~2016, the Study Group~~ 2017, the Task Force shall report its findings and recommendations, including any recommended legislation to address the findings of the Task Force, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of ~~1 year~~ 2 years and 1 month and, at the end of June 30, ~~2017~~ 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 10, 2016.**

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## Chapter 481

**(House Bill 320)**

AN ACT concerning

### **Frederick County – Property Tax – Small Business Tax Credit**

FOR the purpose of altering certain requirements for an existing business entity in Frederick County to qualify for a certain property tax credit imposed on real property owned or leased by the business entity; altering a certain definition to increase the hours and period of time a certain employee must work in a certain position and to require a certain rate of payment; altering the percentage of the property tax credit authorized in certain taxable years; clarifying that the governing body of Frederick County may not grant the property tax credit until a certain taxable year under certain circumstances; making it discretionary, rather than mandatory, that the governing body of Frederick County provide, by law, for certain eligibility requirements for the property tax credit, limitations on the credit, and any appropriate provisions to implement the credit; providing for the application of this Act; making clarifying and conforming changes; and generally relating to a county property tax credit for small businesses in Frederick County.



BY repealing and reenacting, with amendments,  
 Article – Tax – Property  
 Section 9–312(i)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

9–312.

(i) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Affiliate” means a person:

1. that directly or indirectly owns at least 80% of a business entity; or
2. at least 80% of which is owned, directly or indirectly, by a business entity.

(iii) “Business entity” means a person conducting a trade or business in the State that is subject to the State individual or corporate income tax or insurance premiums tax.

(iv) “Full–time position” means a position [requiring] **THAT:**

1. **REQUIRES** at least [840] **1,800** hours of an individual’s time [during at least 24 weeks in a 6–month period] **IN A CALENDAR YEAR; AND**
2. **PAYS AT LEAST 150% OF THE FEDERAL MINIMUM WAGE.**

(v) “New or expanded premises” means commercial or industrial real property, including a building or part of a building that has not been previously occupied, where a business entity or its affiliates locate to conduct business.

- (vi) 1. “New permanent full–time position” means a position that is:
- A. a full–time position of indefinite duration;
  - B. located in Frederick County;

C. newly created, as a result of the establishment or expansion of a business facility in the county; and

D. filled.

2. “New permanent full–time position” does not include a position that is:

A. created when an employment function is shifted from an existing business facility of the business entity or its affiliates located in Frederick County to another business facility of the same business entity or its affiliates, if the position does not represent a net new job in the county;

B. created through a change in ownership of a trade or business;

C. created through a consolidation, merger, or restructuring of a business entity or its affiliates, if the position does not represent a net new job in the county;

D. created when an employment function is contractually shifted from an existing business entity or its affiliates located in the county to another business entity or its affiliates, if the position does not represent a net new job in the county; or

E. filled for a period of less than 12 months.

(2) The governing body of Frederick County may grant, by law, a property tax credit against the county property tax imposed on real property owned or leased by a business entity that meets the requirements specified for the tax credit under this subsection.

(3) To qualify for a property tax credit under this subsection, before a business entity obtains the new or expanded premises or hires employees to fill the new permanent full–time positions at the new or expanded premises, the business entity shall provide written notification to the governing body of Frederick County stating:

(i) that the business entity intends to claim the property tax credit; and

(ii) when the business entity expects to obtain the new or expanded premises and hire the required number of employees in the new permanent full–time positions.

(4) [(i)] To qualify for a property tax credit under this subsection, [an existing] A business entity [in the county] shall:

[1. obtain at least an additional 1,500 square feet of new or expanded premises by purchasing newly constructed premises, constructing new premises, causing new premises to be constructed, or leasing previously unoccupied premises; and

2. employ at least one individual in a new permanent full-time position during a 12-month period, during which period the business entity also must obtain and occupy the new or expanded premises.

(ii) To qualify for the property tax credit under this subsection, a new business entity locating in the county shall:]

[1.] (I) obtain at least 2,500 square feet of new or expanded premises by purchasing newly constructed premises, constructing new premises, causing new premises to be constructed, or leasing previously unoccupied premises; and

[2.] (II) employ at least five individuals in new permanent full-time positions during a 24-month period, during which period the business entity also must obtain and occupy the new or expanded premises.

(5) (i) [If an existing] **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A** business entity [in the county meets the requirements of paragraph (4)(i) of] **QUALIFIES FOR THE PROPERTY TAX CREDIT UNDER** this subsection, the property tax credit [granted under this subsection] shall equal a percentage of the amount of property tax imposed on the assessment of the new or expanded premises, as follows:

1. [52%] **40%** in the 1st and 2nd taxable years;
2. [39%] **30%** in the 3rd and 4th taxable years; [and]
3. [26%] **20%** in the 5th and 6th taxable years; **AND**
4. **0% FOR EACH TAXABLE YEAR THEREAFTER.**

[(ii) If a new business entity locating in the county meets the requirements of paragraph (4)(ii) of this subsection, the property tax credit granted under this subsection shall equal a percentage of the amount of property tax imposed on the assessment of the new or expanded premises, as follows:

1. 30% in the 1st and 2nd taxable years;
2. 20% in the 3rd and 4th taxable years; and
3. 10% in the 5th and 6th taxable years.]

(II) A PROPERTY TAX CREDIT UNDER THIS SUBSECTION MAY NOT BE GRANTED UNTIL THE FIRST TAXABLE YEAR IN WHICH THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED OR LEASED BY THE BUSINESS ENTITY INCREASES DUE TO THE BUSINESS ENTITY'S QUALIFYING INVESTMENT IN THE NEW OR EXPANDED PREMISES.

(6) The lessor of real property granted a property tax credit under this subsection shall reduce the amount of taxes for which a business entity is contractually liable under the lease agreement by the amount of any credit granted under this subsection for improvements made by the business entity.

(7) The governing body of Frederick County [shall] MAY provide, by law, for:

- (i) [the specific] ANY ADDITIONAL requirements for eligibility for a property tax credit authorized under this subsection;
- (ii) any additional limitations on eligibility for the credit; and
- (iii) any other provision appropriate to implement the credit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 482

### (House Bill 326)

AN ACT concerning

### **Housing and Community Development – Business Lending and Neighborhood Revitalization**

FOR the purpose of authorizing the Maryland Housing Fund in the Department of Housing and Community Development to provide certain insurance or credit enhancement on business projects under certain circumstances; altering certain findings related to the Maryland Housing Fund to include certain business projects; specifying certain criteria for a project to qualify as a business project; providing for certain types of financial assistance to business projects by the Community Development Administration under certain circumstances; authorizing the Administration to purchase or issue securities for certain business projects; altering certain definitions; defining certain terms; authorizing the Department to charge certain fees for certain

financial assistance provided under the Division of Neighborhood Revitalization; requiring the Department to provide certain notice of certain projects under the Division to certain local jurisdictions; altering the circumstances in which the Department may approve certain projects; altering the standards for receipt of certain financial assistance to certain businesses under the Division; altering the type of financial assistance that the Department may provide through certain entities under certain circumstances; expanding the areas in which the Neighborhood Business Development Program is authorized to provide financial assistance; requiring the Department to reserve a certain amount of money to make financial assistance available to certain projects located in sustainable communities; repealing certain requirements for applicants for financial assistance for projects in certain areas; repealing a requirement for the Department to establish certain minimum percentages for certain types of funding; altering certain limits on the amount of certain loans that the Department may sell; authorizing the Department to purchase certain financial assistance from certain entities for certain business purposes; authorizing the Department to pledge certain loans for certain purposes; altering where certain unencumbered funds in the Neighborhood Business Development Fund may be transferred for certain uses under certain circumstances; declaring the intent of the General Assembly; requiring the Department to report to certain committees of the General Assembly on or before a certain date; and generally relating to business lending and neighborhood revitalization in the Department of Housing and Community Development.

BY renumbering

Article – Housing and Community Development

Section 3–201(b) through (j), respectively, and 4–201(b) through (u), respectively to be Section 3–201(c) through (k), respectively, and 4–201(c) through (v), respectively

Annotated Code of Maryland

(2006 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

Section 3–201(a) and 4–201(a)

Annotated Code of Maryland

(2006 Volume and 2015 Supplement)

BY adding to

Article – Housing and Community Development

Section 3–201(b), 4–201(b), and 4–223

Annotated Code of Maryland

(2006 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 3–202, 3–206(a), 4–201(e), 4–211(a)(12), 4–225(a), 4–234, 6–102, 6–206(b), 6–301, 6–302, 6–303, 6–304(b), 6–305, 6–308, 6–308.1, 6–310, and 6–405(c)

Annotated Code of Maryland  
(2006 Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3–201(b) through (j), respectively, and 4–201(b) through (u), respectively, of Article – Housing and Community Development of the Annotated Code of Maryland be renumbered to be Section(s) 3–201(c) through (k), respectively, and 4–201(c) through (v), respectively.

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

### **Article – Housing and Community Development**

3–201.

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

**(B) “BUSINESS PROJECT” HAS THE MEANING STATED IN § 4–201 OF THIS ARTICLE.**

3–202.

(a) (1) The General Assembly finds that:

(i) the flow of private investment capital into **BUSINESSES AND** adequate housing can be stimulated by a system insuring qualified lending institutions against losses resulting from nonpayment of money owed under the terms of a note, bond, or other evidence of indebtedness; and

(ii) the insurance can help State and local activity to finance **BUSINESSES**, housing, and rehabilitation.

(2) The General Assembly also finds that adequate housing can and should be provided by private capital under our free enterprise system and in accordance with sound investment practices.

(3) The General Assembly finds as a subject of concern that:

(i) many residents of the State are living in substandard housing;  
and

(ii) there is a shortage of housing at reasonable costs for various income levels.

(b) The General Assembly finds that it is in the public interest to promote energy conservation projects and solar energy projects by providing insurance for:

- (1) loans made by qualified lending institutions; and
- (2) bonds or notes issued to finance the projects.

(c) The General Assembly finds that the sale of pooled mortgages or securities backed by mortgages to private or public investors, including public and private pension funds, is in the public interest and could increase the investment capital available to make mortgage loans to:

- (1) acquire, construct, and rehabilitate housing; **AND**
- (2) **ACQUIRE, OPERATE, CONSTRUCT, AND REHABILITATE BUSINESSES.**

(d) (1) In this subsection, “distressed area” has the meaning stated in § 4–201 of this article.

(2) The General Assembly finds that it is in the public interest to encourage the financing of, and otherwise to support, the planning, acquisition, development, construction, reconstruction, rehabilitation, repair, renovation, and other improvement of:

- (i) public purpose projects in distressed areas in the State; and
- (ii) infrastructure projects.

(e) The General Assembly finds that the flow of public and private capital to support the activities specified in this section will be encouraged and expanded by:

- (1) insuring:
  - (i) loans made by qualified lending institutions;
  - (ii) bonds or notes issued by qualified issuers; and
  - (iii) obligations backed by mortgages; and
- (2) providing other credit enhancements.

3–206.

(a) In offering insurance and other forms of credit enhancement, the Department shall adopt eligibility standards that are reasonable to aid in:

- (1) financing the purchase, construction, or rehabilitation of:
  - (i) housing projects;

(ii) special housing facility projects, consisting of the acquisition, rehabilitation, improvement, renovation, construction, financing, or refinancing of a building that:

1. provides common, shared, or independent living, dining, kitchen, sanitary, and sleeping facilities;

2. may include supportive services or supervisory live-in personnel for individuals with specialized housing needs; and

3. may include nonresidential facilities to serve individuals with special needs who may or may not be residents of the special housing facility;

(iii) rehabilitation projects, as defined in § 4–901 of this article;

(iv) energy conservation projects;

(v) solar energy projects;

(vi) public purpose projects; [or]

(vii) infrastructure projects; [and] **OR**

**(VIII) BUSINESS PROJECTS; AND**

(2) the sale or other transfer of an obligation that is:

(i) denoted as a bond, note, collateralized obligation, grantor trust, conduit, or other form of security or obligation; and

(ii) backed directly or indirectly by a mortgage or a payment derived from a mortgage.

4–201.

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

**(B) “BUSINESS PROJECT” MEANS A PROJECT THAT QUALIFIES UNDER § 4–223 OF THIS SUBTITLE.**

(e) (1) “Development costs” means the costs that the Department considers reasonable and necessary to carry out:

(i) a community development project;



- (ii) an energy conservation project;
- (iii) a home improvement project;
- (iv) an infrastructure project;
- (v) a public purpose project;
- (vi) a solar energy project; [or]
- (vii) a special housing facility; **OR**

**(VIII) A BUSINESS PROJECT.**

(2) "Development costs" includes:

(i) the costs of:

1. studies, surveys, plans and specifications, and architectural, engineering, or other special services;
2. acquisition of land and any buildings on the land;
3. site preparation and development, construction, reconstruction, rehabilitation, and improvement; and
4. acquisition of machinery, equipment, and furnishings;

(ii) expenses incurred in connection with initial occupancy or operation of the project;

(iii) an allocable portion of the administrative and operating expenses of the Department;

(iv) the cost of financing the project, including interest on bonds and notes issued to finance the project from the date issued to the date the Department determines that the project is substantially occupied or substantially in operation; [and]

(v) the cost of other items, including indemnity and surety bonds, premiums on insurance, fees, relocation costs, and charges and expenses of trustees, depositories, and paying agents for bonds and notes issued; **AND**

**(VI) OPERATING AND EXPANSION COSTS FOR BUSINESS PROJECTS.**

(a) The Administration shall:

(12) provide money to programs eligible to receive funding from the Neighborhood Business Development Fund under § [6-309] **6-310** of this article.

**4-223.**

**(A) A PROJECT QUALIFIES AS A BUSINESS PROJECT IF THE PROJECT IS:**

**(1) LOCATED IN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND**

**(2) (I) ACQUIRED, OWNED, DEVELOPED, CONSTRUCTED, RECONSTRUCTED, REHABILITATED, OR IMPROVED BY A PERSON OR AN ENTITY FOR THE PURPOSES OF CARRYING ON A BUSINESS WHETHER OR NOT FOR PROFIT; OR**

**(II) ELIGIBLE FOR FUNDING FROM THE NEIGHBORHOOD BUSINESS DEVELOPMENT FUND UNDER § 6-310 OF THIS ARTICLE.**

**(B) REPAYMENT OF PRINCIPAL AND INTEREST FOR A BUSINESS PROJECT MAY BE SECURED BY:**

**(1) REAL PROPERTY;**

**(2) PERSONAL PROPERTY;**

**(3) BANK ACCOUNTS;**

**(4) CERTIFICATES OF DEPOSIT, STOCKS, AND BONDS;**

**(5) CREDIT ENHANCEMENT, ASSURANCE, OR GUARANTY; OR**

**(6) ANY OTHER COLLATERAL ACCEPTABLE TO THE ADMINISTRATION.**

**4-225.**

(a) The Administration shall administer a program of financial assistance for:

(1) community development projects;

(2) energy conservation projects;

(3) home improvement projects;

- (4) public purpose projects;
- (5) solar energy projects; [and]
- (6) special housing facilities; **AND**
- (7) BUSINESS PROJECTS.**

4-234.

(a) In this section, “government-sponsored enterprise” means the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Bank, or other agency or instrumentality of or chartered by the federal government that has similar powers.

(b) **(1)** To finance community development projects, public purpose projects, or residential mortgage loans, the Administration may purchase or issue securities that are backed by mortgage loans and guaranteed by the Government National Mortgage Association or a government-sponsored enterprise.

**(2) TO FINANCE BUSINESS PROJECTS, THE ADMINISTRATION MAY PURCHASE OR ISSUE SECURITIES THAT ARE BACKED BY LOANS OR OTHER OBLIGATIONS.**

(c) (1) Notwithstanding inconsistent provisions of this subtitle relating to bonds or notes that the Administration purchases or issues, the issuance, terms, and conditions of a security that the Administration issues under this section may be as the Administration finds necessary or desirable for guaranty by:

**(I) the Government National Mortgage Association or a government-sponsored enterprise, FOR PROJECTS OR LOANS DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION; OR**

**(II) THE MARYLAND HOUSING FUND, A PRIVATE ENTITY, OR A GOVERNMENT-SPONSORED ENTERPRISE, FOR PROJECTS DESCRIBED UNDER SUBSECTION (B)(2) OF THIS SECTION.**

(2) Except as provided by paragraph (1) of this subsection, the provisions of this subtitle that relate to bonds or notes issued by the Administration apply to securities purchased or issued under this section.

6-102.

(a) The Division of Neighborhood Revitalization shall administer commercial and mixed-use revitalization programs to encourage physical and organizational improvements to business areas.

(b) To carry out commercial and mixed-use revitalization programs, the Division of Neighborhood Revitalization shall administer State and federal grants and loans and other financial assistance to:

(1) political subdivisions, local public agencies, nonprofit organizations, neighborhood or community organizations, or private parties; or

(2) corporations or foundations whose net earnings are invested to foster, encourage, help, or carry out community assistance activities, projects, or programs.

**(C) THE DEPARTMENT MAY:**

**(1) CHARGE AND COLLECT FROM A PROJECT APPLICANT OR RECIPIENT OF FINANCIAL ASSISTANCE UNDER THIS TITLE:**

**(I) ORIGINATION, APPLICATION, AND PROCESSING FEES; AND**

**(II) ANY OTHER CHARGES, FEES, OR REIMBURSEMENTS INCIDENTAL TO A PROJECT APPLICATION OR PROVIDING FINANCIAL ASSISTANCE; AND**

**(2) INCLUDE THE FEES AND CHARGES LISTED IN THIS SECTION IN THE AMOUNT OF FINANCIAL ASSISTANCE.**

~~6-206.~~

~~(b) (1) The Department may not approve an application [unless] UNTIL THE DEPARTMENT HAS PROVIDED WRITTEN NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO the political subdivision in which the proposed project is located [approves the application by:~~

~~(i) resolution; or~~

~~(ii) letter, delivered to the Department by the political subdivision's authorized designee, expressing support for the plan or project].~~

~~(2) If an application affects a sustainable community entirely within a municipal corporation, the [approval must come from] DEPARTMENT MUST PROVIDE NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO the municipal corporation rather than the surrounding county.~~

~~(3) If an application affects a sustainable community within more than one political subdivision, THE DEPARTMENT MUST PROVIDE NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO each political subdivision [must approve it by:~~

~~(i) resolution; or~~

~~(ii) letter, delivered to the Department by the political subdivision's authorized designee, expressing support for the plan or project.]~~

6-206.

**(b) (1) The Department SHALL PROVIDE WRITTEN NOTICE TO THE POLITICAL SUBDIVISION IN WHICH THE PROPOSED PROJECT IS LOCATED.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE DEPARTMENT may not approve an application unless the political subdivision in which the proposed project is located approves the application by:**

(i) resolution; or

(ii) letter, delivered to the Department by the political subdivision's authorized designee, expressing support for the plan or project.

**[(2)] (3) If an application affects a sustainable community entirely within a municipal corporation, the approval must come from the municipal corporation rather than the surrounding county.**

**[(3)] (4) If an application affects a sustainable community within more than one political subdivision, each political subdivision must approve it by:**

(i) resolution; or

(ii) letter, delivered to the Department by the political subdivision's authorized designee, expressing support for the plan or project.

**(5) IF THE DEPARTMENT DOES NOT RECEIVE NOTICE OF APPROVAL OR DENIAL OF AN APPLICATION FROM THE AFFECTED JURISDICTIONS WITHIN 45 DAYS AFTER NOTICE OF THE PROPOSED PROJECT IS GIVEN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY APPROVE THE APPLICATION.**

6-301.

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

(b) (1) "Development costs" means the costs incurred to [construct or rehabilitate] **DEVELOP, REDEVELOP, OR EXPAND** a neighborhood business development project.

- (2) “Development costs” includes the costs of:
- (i) necessary studies, surveys, plans, and specifications;
  - (ii) architectural, engineering, or other special services, including flood plain studies, environmental audits, and critical area or wetland assessments;
  - (iii) land and improvements;
  - (iv) site preparation;
  - (v) construction, reconstruction, and rehabilitation;
  - (vi) machinery, equipment, and furnishings;
  - (vii) essential [start-up] operating costs, including working capital and [initial] occupancy expenses;
  - (viii) indemnity and surety bonds and premiums on insurance;
  - (ix) temporary relocation expenses; and
  - (x) other [necessary fees] **COSTS DETERMINED TO BE ACCEPTABLE BY THE DEPARTMENT.**

(c) “Food desert” means the part of a priority funding area designated by the Secretary under § 6–308(c) of this subtitle.

(d) “Fund” means the Neighborhood Business Development Fund.

(e) “Microenterprise” means a business [with not more than five employees that:

- (1) requires not more than \$35,000 in total start-up capital or financial assistance; and

(2) does not have access to the traditional commercial banking sector] **THAT QUALIFIES AS A MICROENTERPRISE UNDER § 6–302 OF THIS SUBTITLE.**

**(F) “PRIORITY FUNDING AREA” MEANS AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

[(f)] **(G)** “Program” means the Neighborhood Business Development Program.

[(g)] **(H)** (1) “Project” means a neighborhood business development project that receives financial assistance from the Fund.

(2) “Project” includes a microenterprise project that receives financial assistance from the Fund.

**[(h) (I)]** “Small business” means a business that qualifies as a small business under § 6–302 of this subtitle.

**[(i) (J)]** “Sustainable community” means the part of a priority funding area that:

(1) as determined by the Smart Growth Subcabinet, satisfies the requirements of § 6–205 of this title;

(2) has been designated as a BRAC Revitalization and Incentive Zone under Title 5, Subtitle 13 of the Economic Development Article; or

(3) has been designated a transit-oriented development under § 7–101 of the Transportation Article.

6–302.

**[(a)]** A business qualifies as a small business **OR A MICROENTERPRISE** if the number of its employees and the amount of its annual receipts do not exceed limits that the Department sets by regulation **FOR A SMALL BUSINESS OR A MICROENTERPRISE**.

**[(b)]** The limits that the Department sets may not be less restrictive than those that the federal Small Business Administration sets.]

6–303.

(a) There is a Neighborhood Business Development Program.

(b) The purposes of the Program are:

(1) in **[sustainable communities] PRIORITY FUNDING AREAS**, to:

(i) help develop, redevelop, or expand small businesses and microenterprises;

(ii) stimulate investment by the private sector;

(iii) invest in revitalization projects for small businesses and microenterprises; and

(iv) stimulate political subdivisions to participate in developing and expanding small businesses and microenterprises; and

(2) in food deserts **OR PARTS OF PRIORITY FUNDING AREAS THAT SERVE FOOD DESERTS**, to help create small businesses and other food-related enterprises that provide fresh fruits, vegetables, and other healthy foods to residents in the food desert.

(c) The Program includes:

- (1) the Business Development Program; and
- (2) the Capital Access Program.

6-304.

(b) The Business Development Program shall provide financial assistance to projects in [sustainable communities and food deserts] **PRIORITY FUNDING AREAS**.

6-305.

(a) (1) A small business, nonprofit organization, or microenterprise may apply for financial assistance under the Business Development Program.

(2) The Department shall review each application.

(b) An applicant may qualify for financial assistance for a project in a [sustainable community or food desert] **PRIORITY FUNDING AREA** if the application demonstrates that:

(1) [except for a microenterprise project, the project has significant commitments for financing from other private and nonstate public sources that are sufficient to complete the project with the money from the Fund;

(2)] the financial assistance from the Fund is the minimum amount necessary to make the project financially feasible;

[(3)] (2) the project is ready to proceed when it receives financial assistance from the Business Development Program; **AND**

~~[(4)] (3) the political subdivision has [adopted a resolution, or its authorized designee has delivered a letter to the Business Development Program, that expresses support for the project] **BEEN PROVIDED WITH WRITTEN NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT**; and~~

[(5)] (4) (3) any food desert project includes a plan to seek out sources of Maryland-grown produce and Maryland produced foods.

(c) **(1) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE POLITICAL SUBDIVISION IN WHICH THE PROPOSED PROJECT IS LOCATED.**



**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE DEPARTMENT MAY NOT APPROVE AN APPLICATION UNLESS THE POLITICAL SUBDIVISION IN WHICH THE PROPOSED PROJECT IS LOCATED APPROVES THE APPLICATION BY:**

**(I) RESOLUTION; OR**

**(II) LETTER, DELIVERED TO THE DEPARTMENT BY THE POLITICAL SUBDIVISION'S AUTHORIZED DESIGNEE, EXPRESSING SUPPORT OF THE PLAN OR PROJECT.**

**(3) IF THE DEPARTMENT DOES NOT RECEIVE NOTICE OF APPROVAL OR DENIAL OF AN APPLICATION FROM THE AFFECTED JURISDICTIONS WITHIN 45 DAYS AFTER NOTICE OF THE PROPOSED PROJECT IS GIVEN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY APPROVE THE APPLICATION.**

**(D)** Financial assistance under the Business Development Program may be provided to a small business, nonprofit organization, or microenterprise as:

- (1) a grant;
- (2) a loan;
- (3) a reduction in the principal obligation of or interest rate on a loan or portion of a loan;
- (4) a prepayment of interest on a subordinate or superior loan or portion of a loan;
- (5) an assurance;
- (6) a guarantee; or
- (7) any other form of credit enhancement.

**(E) THE DEPARTMENT SHALL RESERVE AT LEAST THE LESSER OF \$5,000,000 OR THE ANNUAL CAPITAL APPROPRIATION FOR THE FUND TO MAKE FINANCIAL ASSISTANCE AVAILABLE TO PROJECTS LOCATED IN SUSTAINABLE COMMUNITIES.**

6-308.

- (a) The Department shall:

(1) administer the Business Development Program;

(2) adopt regulations to carry out the Business Development Program, including a process to designate an area as a food desert under subsection (c) of this section; **AND**

(3) [establish, for each category of financing described in § 6–306(c) of this subtitle, minimum percentages or amounts of private and nonstate public financing that an applicant for the Business Development Program must secure; and

(4)] make a reasonable, good faith effort to make 25% of the Business Development Program loans and grants to microenterprises.

(b) The Department may:

(1) sell, assign, or otherwise dispose of a Program loan or revenue from a loan on terms and conditions acceptable to the Department, including selling loans at a discount, if the maximum sale proceeds in any fiscal year do not exceed **[\$4,000,000] LIMITS THAT THE DEPARTMENT SETS BY REGULATION; [and]**

(2) apply the proceeds received from a sale, assignment, or other disposition under item (1) of this subsection to the Fund; **AND**

**(3) PLEDGE A PROGRAM LOAN AS SECURITY FOR ANY:**

**(I) BUSINESS PROJECT LOAN, BOND, OR SECURITY THAT IS ISSUED, MADE, OR PURCHASED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION UNDER TITLE 4 OF THIS ARTICLE; OR**

**(II) INSURANCE, GUARANTY, OR CREDIT ENHANCEMENT ON A PROGRAM LOAN OR BUSINESS PROJECT UNDER § 4–223 OF THIS ARTICLE.**

(c) The Secretary, on the recommendation of the Interagency Food Desert Advisory Committee established under § 6–308.2 of this subtitle, may designate an area as a food desert after considering the following factors:

(1) availability of fresh fruit, vegetables, and other healthy foods in the area;

(2) income levels of local residents;

(3) transportation needs of local residents and the availability of public transportation;

(4) comments from local governments; and

- (5) any other factors that the Department considers relevant.

6-308.1.

(a) If the Department determines that an entity is capable of administering [a microenterprise loan program] **FINANCIAL ASSISTANCE UNDER THE PROGRAM**, the entity may originate and administer [loans to microenterprises] **FINANCIAL ASSISTANCE** in accordance with standards the Department adopts by regulation.

(b) (1) The Department shall adopt regulations to establish standards for determining the eligibility of an entity to administer [a microenterprise loan program] **FINANCIAL ASSISTANCE UNDER THE PROGRAM**.

- (2) The standards shall include provisions on:

(i) the size, training, and experience of the professional staff that would administer the [program] **FINANCIAL ASSISTANCE**; and

- (ii) the capability of the professional staff to:

1. determine financial capacity of a borrower;
2. originate [a loan] **FINANCIAL ASSISTANCE**; and
3. evaluate applications for [program loans] **FINANCIAL ASSISTANCE**.

- (c) The Department may:

(1) help train employees of an approved entity to administer [a microenterprise loan program] **FINANCIAL ASSISTANCE** in accordance with standards that the Department adopts;

- (2) charge and collect from a borrower:

- (i) reasonable origination, application, and processing fees; and

(ii) other charges, fees, or reimbursements incidental to [microenterprise loans] **THE FINANCIAL ASSISTANCE**;

(3) include the fees and charges listed in item (2) of this subsection in the [loan] amount **OF FINANCIAL ASSISTANCE**;

(4) pay an approved entity a reasonable origination, application, and processing fee for [each loan to a microenterprise] **THE FINANCIAL ASSISTANCE** that is originated by the approved entity;

(5) directly fund [a loan to a microenterprise] **THE FINANCIAL ASSISTANCE** that is originated by an approved entity; [and]

(6) provide financial assistance to an approved entity for the purpose of the approved entity making [a loan to a microenterprise] **THE FINANCIAL ASSISTANCE** in accordance with this subtitle;

**(7) PURCHASE OR COMMIT TO PURCHASE FROM APPROVED ENTITIES ANY FORM OF FINANCIAL ASSISTANCE THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ANY REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND**

**(8) ENTER INTO AGREEMENTS WITH APPROVED ENTITIES TO COLLECTIVELY LEND MONEY ON A PROJECT THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ANY REGULATIONS ADOPTED UNDER THIS SUBTITLE.**

6–310.

(a) There is a Neighborhood Business Development Fund.

(b) The Department shall use the Fund to:

(1) operate and pay expenses of the Program; and

(2) provide financial assistance to small businesses, nonprofit organizations, and microenterprises.

(c) (1) The Department shall administer the Fund.

(2) The State Treasurer shall hold and the Comptroller shall account for the Fund.

(d) The Fund is a continuing, nonlapsing special fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(e) The Fund consists of:

(1) money appropriated in the State budget for the Program;

(2) any repayment or prepayment of financial assistance under this subtitle or under the State Action Loans for Targeted Areas Program under former Article 83B, Title 4, Subtitle 6, of the Code;

(3) money transferred to the Fund from any other fund as provided in this article;

(4) money received from the sale, assignment, or other disposition of Program loans;

(5) other money received by the Program under this subtitle or from the Community Development Administration under Subtitle 2 of this title; and

(6) investment earnings of the Fund.

(f) The Fund shall be invested in the same way as other State money.

(g) With the approval of the Legislative Policy Committee and, subject to § 7-209 of the State Finance and Procurement Article, after the first 8 months of a fiscal year, the Department may transfer unencumbered money in the Fund to:

(1) any other fund established under this title;

(2) **THE COMMUNITY DEVELOPMENT ADMINISTRATION TO PROVIDE FINANCIAL ASSISTANCE TO BUSINESS PROJECTS; AND**

(3) **THE MARYLAND HOUSING FUND UNDER TITLE 3 OF THIS ARTICLE TO PROVIDE INSURANCE, CREDIT ENHANCEMENT, OR A GUARANTY ON:**

(I) **A PROGRAM LOAN; OR**

(II) **A BUSINESS PROJECT LOAN, BOND, OR SECURITY THAT IS ISSUED, MADE, OR PURCHASED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION UNDER TITLE 4 OF THIS ARTICLE.**

6-405.

~~(e) (1) The Department may not approve a proposal submitted under this section [unless the proposal is approved by] UNTIL AFTER IT HAS PROVIDED WRITTEN NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO the governing body [or authorized designee] of:~~

~~(i) each county that includes any of the priority funding area that benefits from the project, if the project is not in a municipal corporation;~~

~~(ii) each municipal corporation that includes any of the priority funding area that benefits from the project; or~~

~~(iii) each political subdivision that includes any of the priority funding area that benefits from the project, if the priority funding area is partly within and partly outside of any municipal corporation.~~

~~(2) An approval shall:~~

~~(i) be in writing; and~~

~~(ii) state the maximum amount of contributions to the approved project that are eligible for a tax credit under § 6-404 of this subtitle.~~

~~(3) The sum of contributions eligible for a tax credit under § 6-404 of this subtitle for all approved projects for a fiscal year may not exceed \$3,500,000.~~

**(c) (1) The DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE POLITICAL SUBDIVISION IN WHICH THE PROPOSED PROJECT IS LOCATED.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE Department may not approve a proposal submitted under this section unless the proposal is approved by the governing body or authorized designee of:**

**(i) each county that includes any of the priority funding area that benefits from the project, if the project is not in a municipal corporation;**

**(ii) each municipal corporation that includes any of the priority funding area that benefits from the project; or**

**(iii) each political subdivision that includes any of the priority funding area that benefits from the project, if the priority funding area is partly within and partly outside of any municipal corporation.**

**[(2)] (3) An approval shall:**

**(i) be in writing; and**

**(ii) state the maximum amount of contributions to the approved project that are eligible for a tax credit under § 6-404 of this subtitle.**

**(4) IF THE DEPARTMENT DOES NOT RECEIVE NOTICE OF APPROVAL OR DENIAL OF AN APPLICATION FROM THE AFFECTED JURISDICTIONS WITHIN 45 DAYS AFTER NOTICE OF THE PROPOSED PROJECT IS GIVEN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY APPROVE THE APPLICATION.**

**[(3)] (5) The sum of contributions eligible for a tax credit under § 6-404 of this subtitle for all approved projects for a fiscal year may not exceed \$3,500,000.**

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in implementing this Act the Department of Housing and Community Development fund, to the greatest extent possible, a number of business projects located in sustainable communities that is comparable to the number of business projects located in priority funding areas outside sustainable communities.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Department of Housing and Community Development shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the State Government Article, on the financial assistance provided to business projects after the effective date of this Act, including:

- (1) the total number of projects assisted and applications received;
- (2) the amount and type of financial assistance provided by the Department including the Maryland Housing Fund and the Community Development Administration;
- (3) the amount of financial assistance provided in sustainable communities and priority funding areas; and
- (4) information on each project, including location, recipient's name, and the amount of financial assistance received from each program.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 483

### (House Bill 340)

AN ACT concerning

#### Property Tax – Renters’ Property Tax Relief Program

FOR the purpose of ~~excluding certain items from the definition of “assets” for purposes of certain property tax relief provided to certain renters;~~ altering the calculation of the relief provided by altering the calculation of the combined income of a renter; increasing the maximum amount of property tax relief that may be provided; providing for the application of this Act; and generally relating to the renters’ property tax relief program.

~~BY repealing and reenacting, without amendments,  
 Article – Tax – Property  
 Section 9-102(a)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, with amendments,  
 Article – Tax – Property  
 Section ~~9-102(a)(2), (h)~~, *9-102(h)* and (i)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

### Article – Tax – Property

9-102.

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

~~(2) (i) “Assets” include:~~

~~1. real property;~~

~~2. cash;~~

~~3. savings accounts;~~

~~4. stocks;~~

~~5. bonds; and~~

~~6. any other investment.~~

~~(ii) “Assets” do not include:~~

~~1. the cash value of the life insurance policies on the life of  
 the renter; [or]~~

~~2. THE CASH VALUE OF ANY QUALIFIED RETIREMENT  
 SAVINGS PLANS OR INDIVIDUAL RETIREMENT ACCOUNTS; OR~~

~~[2.] 3. tangible personal property.~~



(h) (1) The property tax relief that a renter may receive under this section is the assumed property tax on real property less a percentage of the combined income of the renter.

(2) The percentage is:

- (i) 0% of the 1st \$4,000 of combined income;
- (ii) 2.5% of the 2nd \$4,000 of combined income; **AND**
- (iii) 5.5% of the [3rd \$4,000 of] combined income [;
- (iv) 7.5% of the 4th \$4,000 of combined income; and
- (v) 9% of the combined income over \$16,000] **OVER \$8,000.**

(i) The property tax relief under this section may not be:

- (1) more than [\$750] **\$1,000;**
- (2) granted to any renter whose combined net worth exceeds \$200,000 as of December 31 of the calendar year for which the property tax relief is sought;
- (3) granted to any renter whose dwelling is exempt from property tax; and
- (4) granted if the credit under this section is less than \$1 in any year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all calendar years beginning after December 31, 2015.

**Approved by the Governor, May 10, 2016.**

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## Chapter 484

**(House Bill 385)**

AN ACT concerning

### **Baltimore City – Abandoned Property – Tax Sales – Ground Rent**

FOR the purpose of repealing a limitation on selling the whole fee simple interest in certain property in Baltimore City when the property is subject to a ground rent or certain lease; and generally relating to the tax sales of property.

BY repealing and reenacting, with amendments,

Article – Tax – Property  
Section 14–816(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

14–816.

(b) If abandoned property in Baltimore City **CONSISTING OF EITHER A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNFIT FOR HUMAN HABITATION ON A HOUSING OR BUILDING VIOLATION NOTICE** sold under [§ 14–817(c) of] this subtitle [with a minimum bid less than the lien amount] is subject to a ground rent or lease for a term of 99 years renewable forever, the collector shall sell the whole fee simple interest in the property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 485**

**(House Bill 439)**

AN ACT concerning

**Commercial Law – Consumer Protection – Door-to-Door Sales**

FOR the purpose of altering the circumstances under which it is an unfair or deceptive trade practice under the Maryland Consumer Protection Act for a seller in a door-to-door sale transaction to fail to furnish a certain statement that specifies the time period in which a buyer has the right to cancel the transaction; ~~clarifying when~~ altering the circumstances under which it is an unfair or deceptive trade practice for a seller in a door-to-door sale transaction to fail to furnish a buyer with a certain “Notice of Cancellation” form; altering, under certain circumstances, the time period for cancellation of a door-to-door sale specified in a “Notice of Cancellation” form; specifying that, under certain circumstances, it is an unfair or deceptive trade practice for a seller in a door-to-door sale transaction to fail to obtain the signature of a buyer on a certain acknowledgment of the buyer’s right to cancel or furnish to the buyer a copy of the written acknowledgment with the completed receipt or copy of the contract; requiring the Department of Labor, Licensing, and Regulation, in

collaboration with the Consumer Protection Division of the Office of the Attorney General, to convene a certain workgroup to study certain issues; authorizing the workgroup to include certain individuals; requiring the Department, in collaboration with the Division, to report certain findings and recommendations to certain committees of the General Assembly on or before a certain date; altering a certain definition; defining a certain term; making stylistic changes; and generally relating to consumer protection and door-to-door sales.

BY repealing and reenacting, with amendments,  
Article – Commercial Law  
Section 14–301 and 14–302  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Commercial Law  
Section 14–302.1  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

### **Article – Commercial Law**

14–301.

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

(b) “Business day” means any calendar day except Sunday or the following business holidays: New Year’s Day, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, and Christmas Day.

(c) “Consumer goods” and “consumer services” mean:

(1) Goods or services purchased, leased, or rented primarily for personal, family, or household purposes; and

(2) Courses of instruction or training regardless of the purpose for which they are taken.

(d) (1) “Door-to-door sale” means a sale, lease, or rental of consumer goods or consumer services under single or multiple contracts with a purchase price of \$25 or more, in which:

(i) The seller or [his] **THE SELLER’S** representative personally solicits the sale, including a solicitation in response to or following an invitation by the buyer; and

(ii) The buyer’s agreement or offer to purchase is made at a place other than the place of business of the seller.

(2) “Door-to-door sale” does not include a transaction:

(i) Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment which has a fixed permanent location where the consumer goods are exhibited or the consumer services are offered for sale on a continuing basis;

(ii) In which the consumer may rescind under the provisions of the federal Consumer Credit Protection Act or any regulation adopted under the Act;

(iii) In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer’s handwriting which describes the situation that requires immediate remedy and expressly acknowledges and waives the right to cancel the sale within ~~three~~ **5** business days **FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT, OR, FOR A HOME IMPROVEMENT CONTRACT, 5 BUSINESS DAYS OR ~~10~~ 7 BUSINESS DAYS IF THE BUYER IS AT LEAST 65 YEARS OLD,** and the seller in good faith makes a substantial beginning of the performance of the contract;

(iv) Conducted and consummated entirely by mail or telephone, without any other contact between the buyer and the seller or its representative before delivery of the consumer goods or performance of the consumer services;

(v) In which the buyer has initiated the contact and specifically requests the seller to visit [his] **THE BUYER’S** home to repair or perform maintenance on the buyer’s personal property, except that, if, in the course of the visit, the seller sells the buyer the right to receive any additional consumer services or consumer goods, other than replacement parts necessarily used to perform the maintenance or to make the repairs, the sale of the additional consumer goods or consumer services is not within this exclusion; or

(vi) Which pertains to the sale or rental of real property, to the sale of insurance, or to the sale of securities or commodities by a broker-dealer registered with the Securities and Exchange Commission or with the Division of Securities of this State.

**(E) (1) “HOME IMPROVEMENT CONTRACT” HAS THE MEANING STATED IN § 8-101 OF THE BUSINESS REGULATION ARTICLE.**

**(2) “HOME IMPROVEMENT CONTRACT” DOES NOT INCLUDE AN ORAL OR WRITTEN AGREEMENT BETWEEN A CONTRACTOR AND AN OWNER FOR THE INSTALLATION OF A SMOKE DETECTOR, A HEAT DETECTOR, OR A CARBON MONOXIDE DETECTOR.**

~~(E)~~ **(F)** “Person” includes an individual, corporation, business trust, statutory trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

~~(F)~~ **(G)** “Place of business” means the main or permanent branch office or local address of a seller.

~~(G)~~ **(H)** “Purchase price” means the total price paid or to be paid for the consumer goods or consumer services, including all interest and service charges.

~~(H)~~ **(I)** “Sale” means a door-to-door sale.

~~(I)~~ **(J)** “Seller” means a person engaged in the door-to-door sale of consumer goods or consumer services.

14-302.

It is an unfair or deceptive trade practice within the meaning of Title 13 of this article for a seller to:

(1) Fail to furnish the buyer with:

(i) A fully completed receipt or copy of any contract which pertains to a door-to-door sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation, shows the date of the transaction, and contains the name and address of the seller; and

(ii) A statement which is in immediate proximity to the space reserved in the contract for the signature of the buyer or, if a contract is not used, is on the front page of the receipt and which, in boldface type of a minimum size of 10 points, is in substantially the following form:

“You, the buyer, may cancel this transaction at any time prior to midnight of the ~~[third]~~ **FIFTH** business day after the date of this transaction, ~~OR MIDNIGHT OF THE 10TH DAY AFTER THE DATE OF THIS TRANSACTION IF YOU ARE AT LEAST 65 YEARS OLD.~~ See the attached notice of cancellation form for an explanation of this right”;

(2) Fail to furnish the buyer, at the time ~~[he]~~ **THE BUYER** signs the door-to-door sales contract or otherwise agrees to buy consumer goods or consumer services from the seller, a ~~SEPARATE~~ completed form in duplicate, ~~THAT IS NOT A PART OF THE CONTRACT,~~ captioned “Notice of Cancellation”, which:

- and
  - (i) Is attached to the contract or receipt and is easily detachable;
  - (ii) Contains in 10 point boldface type the following information and statements, in the same language as that used in the contract:

“Notice of Cancellation

(Enter date of transaction)

.....  
(Date)

You may cancel this transaction, without any penalty or obligation, within ~~three~~ **5** business days from the above date, ~~OR WITHIN 10 BUSINESS DAYS FROM THE ABOVE DATE IF YOU ARE AT LEAST 65 YEARS OLD.~~

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this  
(name of seller) (address of seller’s place of business)  
....., at .....  
not later than midnight of .....  
(date)

I hereby cancel this transaction.  
.....  
(date)

.....  
(Buyer’s signature);

(3) Fail, before furnishing copies of the “Notice of Cancellation” to the buyer, to complete both copies by entering the name of the seller, the address of the seller’s place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation;

(4) Include in any door-to-door sales contract or receipt any confession of judgment or waiver of any of the rights to which the buyer is entitled under this section,

including specifically [his] THE BUYER’S right to cancel the sale in accordance with the provisions of this section;

(5) Fail to ~~inform~~

~~(I) INFORM~~ the buyer orally, at the time [he] THE BUYER signs the contract or purchases the consumer goods or consumer services, of [his] THE BUYER’S right to cancel;

~~(II) OBTAIN THE SIGNATURE OF THE BUYER ON THE FOLLOWING WRITTEN ACKNOWLEDGMENT OF THE BUYER’S RIGHT TO CANCEL:~~

~~“I, [INSERT NAME], HAVE BEEN PROVIDED ORAL NOTICE THAT I HAVE THE RIGHT TO CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN 5 BUSINESS DAYS FROM THE DATE OF THE TRANSACTION SPECIFIED ON THE “NOTICE OF CANCELLATION”, OR, IF I AM AT LEAST 65 YEARS OLD, WITHIN 10 BUSINESS DAYS FROM THE DATE OF THE TRANSACTION SPECIFIED ON THE “NOTICE OF CANCELLATION”.~~

~~☐ CHECK IF BUYER IS AT LEAST 65 YEARS OLD~~

~~\_\_\_\_\_  
\_\_\_\_\_  
(BUYER’S SIGNATURE)~~

~~\_\_\_\_\_  
\_\_\_\_\_  
(DATE)”; OR~~

~~(III) FURNISH TO THE BUYER A COPY OF THE WRITTEN ACKNOWLEDGMENT OF THE BUYER’S RIGHT TO CANCEL WITH THE COMPLETED RECEIPT OR COPY OF THE CONTRACT;~~

(6) Misrepresent in any manner the buyer’s right to cancel;

(7) Fail or refuse to honor any valid notice of cancellation by a buyer and, within 10 business days after the receipt of that notice, to:

(i) Refund all payments made under the contract or sale;

(ii) Return, in substantially as good condition as when received by the seller, any goods or property traded in;

(iii) Cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction;

(8) Negotiate, transfer, sell, or assign any note or other evidence of indebtedness to a finance company or other third party before midnight of the fifth business

day following the day the contract was signed or the consumer goods or consumer services were purchased;

(9) Fail, within 10 business days of receiving a buyer's notice of cancellation, to notify [him] **THE BUYER** whether the seller intends to repossess or to abandon any shipped or delivered goods;

(10) Solicit a sale or order for sale of goods or services at the residence of a prospective buyer, without clearly, affirmatively and expressly revealing at the time the person initially contacts the prospective buyer, and before making any other statement, except a greeting, or asking the prospective buyer any other questions:

(i) The identity of the person making the solicitation.

(ii) The trade name of the person represented by the person making the solicitation.

(iii) The kind of goods or services being offered.

(iv) And, the person making the solicitation shall, in addition to meeting the requirements of paragraphs (i), (ii), and (iii), show and display identification which states the information required by paragraphs (i) and (ii) as well as the address of the place of business of one of the persons identified; or

(11) [To use] **USE** any plan, scheme, or ruse in soliciting a sale or order for the sale of goods or services at the residence of a prospective buyer, which misrepresents the solicitor's true status or mission for the purpose of making the sale or order for the sale of goods or services.

#### **14-302.1.**

**NOTWITHSTANDING § 14-302 OF THIS SUBTITLE, FOR A HOME IMPROVEMENT CONTRACT:**

**(1) THE STATEMENT REQUIRED UNDER § 14-302(1)(II) OF THIS SUBTITLE SHALL ALLOW THE BUYER TO CANCEL A TRANSACTION PRIOR TO MIDNIGHT OF THE FIFTH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION, OR MIDNIGHT OF THE ~~10TH~~ 7TH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION IF THE BUYER IS AT LEAST 65 YEARS OLD;**

**(2) THE "NOTICE OF CANCELLATION" TO BE FURNISHED TO THE BUYER UNDER § 14-302(2) OF THIS SUBTITLE SHALL:**

**(I) BE ON A SEPARATE FORM THAT IS NOT A PART OF THE HOME IMPROVEMENT CONTRACT; AND**



(II) ALLOW THE BUYER TO CANCEL A TRANSACTION PRIOR TO MIDNIGHT OF THE FIFTH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION, OR MIDNIGHT OF THE ~~10TH~~ 7TH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION IF THE BUYER IS AT LEAST 65 YEARS OLD;

(3) THE DATE BY WHICH THE BUYER MAY GIVE NOTICE OF CANCELLATION THAT MUST BE ENTERED BY THE SELLER ON THE “NOTICE OF CANCELLATION” UNDER § 14-302(3) OF THIS SUBTITLE MAY NOT BE EARLIER THAN THE FIFTH BUSINESS DAY FOLLOWING THE DATE OF THE TRANSACTION, OR THE ~~10TH~~ 7TH BUSINESS DAY FOLLOWING THE DATE OF THE TRANSACTION IF THE BUYER IS AT LEAST 65 YEARS OLD; AND

(4) IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE FOR A SELLER TO FAIL TO:

(I) OBTAIN THE SIGNATURE OF THE BUYER ON THE FOLLOWING WRITTEN ACKNOWLEDGMENT OF THE BUYER’S RIGHT TO CANCEL:

“I, (INSERT NAME), HAVE BEEN PROVIDED ORAL NOTICE THAT I HAVE THE RIGHT TO CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN 5 BUSINESS DAYS FROM THE DATE OF THE TRANSACTION SPECIFIED ON THE “NOTICE OF CANCELLATION”, OR, IF I AM AT LEAST 65 YEARS OLD, WITHIN ~~10~~ 7 BUSINESS DAYS FROM THE DATE OF THE TRANSACTION SPECIFIED ON THE “NOTICE OF CANCELLATION”.

CHECK IF BUYER IS AT LEAST 65 YEARS OLD

\_\_\_\_\_  
(BUYER’S SIGNATURE)

\_\_\_\_\_  
(DATE)”; OR

(II) FURNISH TO THE BUYER A COPY OF THE WRITTEN ACKNOWLEDGMENT OF THE BUYER’S RIGHT TO CANCEL WITH THE COMPLETED RECEIPT OR COPY OF THE HOME IMPROVEMENT CONTRACT.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) The Department of Labor, Licensing, and Regulation, in collaboration with the Consumer Protection Division of the Office of the Attorney General, shall convene a stakeholder workgroup to study issues relating to door-to-door sales of home improvement services.

(2) The study shall include:

(i) a review of complaints that have been made by consumers relating to door-to-door sales of home improvement services; and

(ii) a review of recommendations made in the 2010 sunset evaluation of the Maryland Home Improvement Commission and the laws that govern door-to-door sales and home improvement contracts to determine what, if any, updates are needed to the laws governing door-to-door sales and home improvement contracts to protect consumers and clarify the requirements for providers of home improvement services.

(b) The workgroup may include:

(1) members of the General Assembly;

(2) representatives of consumer advocacy organizations;

(3) representatives of the National Association of the Remodeling Industry, the Maryland Building Industry Association, and other home improvement industry organizations;

(4) local officials with responsibility for issuing building permits or enforcing building codes; and

(5) representatives of the homeowner's insurance industry.

(c) On or before December 1, 2016, the Department of Labor, Licensing, and Regulation, in collaboration with the Consumer Protection Division, shall report, in accordance with § 2-1246 of the State Government Article, its findings and recommendations to the Senate Finance Committee and House Economic Matters Committee.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 486

(House Bill 472)

AN ACT concerning

### **Estates and Trusts – Registers of Wills – Retention of Estate Files**

FOR the purpose of repealing a requirement that a register of wills in a county return certain estate files to the personal representative of the estate under certain circumstances; authorizing a register to dispose of certain estate files after a certain period of time if copies of the files are retained in a certain manner; making a stylistic

change; providing for the application of this Act; and generally relating to the retention of estate files by a register of wills in a county.

BY repealing and reenacting, with amendments,  
 Article – Estates and Trusts  
 Section 2–209  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

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

### Article – Estates and Trusts

2–209.

(a) Any will, probated, or any paper filed in the office of the register may not be delivered out of the office to any person.

(b) When a will or other paper is properly demanded for introduction in evidence, it shall be presented under the care of the register or **[his] THE REGISTER’S** deputy.

(c) (1) The register may comply with subsection (a) of this section by[:

(i) **Retainin] RETAINING** a permanent paper file of a probated will in the office and a copy of any other file associated with the estate in paper, photographic, microprocessed, magnetic, mechanical, electronic, digital, or any other medium if the copy is maintained in a manner that:

**[1.] (I)** Is clear and legible;

**[2.] (II)** Accurately reproduces the original document in its entirety, including any attachments to the document;

**[3.] (III)** Is capable of producing a clear and legible hard copy of the original document; and

**[4.] (IV)** Preserves evidence of any signature contained on the document[; and].

**[(ii) (2)** No sooner than 180 days following the closing of an estate, **[returning each other file associated with the estate, other than the will, to the personal representative of the estate] THE REGISTER MAY DISPOSE OF ANY FILE ASSOCIATED WITH THE ESTATE OTHER THAN THE WILL IF A COPY OF THE FILE IS RETAINED BY THE REGISTER IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**

[(2)] (3) In consultation with the Comptroller and the State Archives to ensure uniform application throughout the State, the register shall develop standards in accordance with paragraph (1) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect estates opened on or after October 1, 2014.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 487

(House Bill 488)

AN ACT concerning

### Property Tax – Property Transferred to New Owner – Appeals

FOR the purpose of requiring a supervisor of assessments or the supervisor's designee to hold a hearing within a certain period of time on an appeal of a change in the value or classification of property that is transferred to a new owner; ~~providing for the value and classification of the property if the supervisor or the supervisor's designee does not hold a hearing on the appeal within a certain period of time;~~ and generally relating to the time for holding hearings on appeals on the value or classification of property that is transferred to new ownership.

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 8–404  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 14–502  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

8–404.

(a) A person who receives a notice under § 8–401 of this subtitle may appeal the value or classification, if that person replies as provided by Title 14, Subtitle 5 of this article.

(b) If any real property is transferred to a new owner at a time that prevents the notice from being mailed before January 1 to a new owner, the Department shall mail a new notice to the new owner. The new owner may appeal the value or classification as provided by Title 14, Subtitle 5 of this article.

14–502.

(a) (1) Except as provided in paragraph (2) of this subsection and as otherwise provided by § 14–503 of this subtitle, for property assessed by a supervisor, any taxpayer, a county, a municipal corporation, or the Attorney General may submit a written appeal to the supervisor as to a value or classification in a notice of assessment on or before 45 days from the date of the notice.

(2) If any real property is transferred after January 1 and before the beginning of the next taxable year to a new owner, the new owner may submit a written appeal as to a value or classification on or before 60 days after the date of the transfer.

(3) The date of transfer of any real property under this section shall be the effective date of the deed as described in § 3–201 of the Real Property Article.

(4) (i) If the date of recordation of the deed evidencing the transfer is after June 30, the taxpayer must submit a copy of the executed deed evidencing the date of transfer as a condition to maintaining its right to appeal under subsection (a)(2) of this section.

(ii) If a copy of the executed deed is not presented at or before the appeal hearing, the appeal may be dismissed by the supervisor.

(b) (1) If the requirements of subsection (a) of this section are met, the supervisor or the supervisor's designee shall hold a hearing as provided under § 14–510 of this subtitle.

**(2) IF A WRITTEN APPEAL IS SUBMITTED UNDER SUBSECTION (A)(2) OF THIS SECTION, THE SUPERVISOR OR THE SUPERVISOR'S DESIGNEE SHALL HOLD A HEARING AS PROVIDED UNDER § 14–510 OF THIS SUBTITLE BY THE LATER OF:**

**(I) 90 DAYS AFTER RECEIVING THE WRITTEN APPEAL; OR**

(II) 90 DAYS AFTER THE DEED EVIDENCING THE TRANSFER IS RECORDED.

~~(3) IF THE SUPERVISOR OR SUPERVISOR'S DESIGNEE DOES NOT HOLD A HEARING WITHIN THE PERIOD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION:~~

~~(I) IF THE APPEAL CONCERNS THE ASSESSED VALUE OF THE PROPERTY, THE ASSESSED VALUE OF THE PROPERTY SHALL BE THE CONSIDERATION PAID BY THE NEW OWNER FOR THE PROPERTY; OR~~

~~(II) IF THE APPEAL CONCERNS THE CLASSIFICATION OF THE PROPERTY, THE CLASSIFICATION OF THE PROPERTY SHALL BE THE SAME AS THE CLASSIFICATION OF THE PROPERTY BEFORE THE ISSUANCE OF THE NOTICE UNDER § 8-401 OF THIS ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 488

(House Bill 501)

AN ACT concerning

### Motor Vehicle Insurance – Volunteer Drivers

FOR the purpose of prohibiting certain insurers that issue, sell, or deliver policies of motor vehicle liability insurance in the State from canceling the policy of a named insured or refusing to issue a policy to a certain applicant solely because the named insured or applicant is a volunteer driver; prohibiting certain insurers from imposing a certain charge or rate increase solely because a certain driver under the policy is a volunteer driver; providing that this Act does not prohibit certain insurers from canceling, refusing to renew, or imposing certain charges or rate increases on a policy under certain circumstances; defining “volunteer driver”; providing for the application of this Act; and generally relating to motor vehicle liability insurance.

BY adding to

Article – Insurance

Section 19–518

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

**19–518.**

(A) IN THIS SECTION, “VOLUNTEER DRIVER” MEANS AN INDIVIDUAL WHO PROVIDES DRIVING SERVICES, INCLUDING TRANSPORTATION OF INDIVIDUALS OR GOODS, WITHOUT COMPENSATION OTHER THAN FOR EXPENSES TO:

(1) A CHARITABLE ORGANIZATION, AS DEFINED IN § 6–101 OF THE BUSINESS REGULATION ARTICLE, IN THE STATE; OR

(2) A NOT-FOR-PROFIT ORGANIZATION IN THE STATE THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3), (4), OR (6) OF THE INTERNAL REVENUE CODE IN THE STATE.

(B) AN INSURER THAT ISSUES, SELLS, OR DELIVERS A MOTOR VEHICLE LIABILITY INSURANCE POLICY IN THE STATE MAY NOT:

(1) CANCEL THE POLICY OF A NAMED INSURED OR REFUSE TO ISSUE THE POLICY TO AN APPLICANT SOLELY BECAUSE THE NAMED INSURED OR APPLICANT IS A VOLUNTEER DRIVER; OR

(2) IMPOSE A SURCHARGE ON OR OTHERWISE INCREASE THE RATE FOR THE POLICY SOLELY BECAUSE THE NAMED INSURED OR APPLICANT, A MEMBER OF THE NAMED INSURED’S OR APPLICANT’S HOUSEHOLD, OR AN INDIVIDUAL WHO CUSTOMARILY OPERATES THE NAMED INSURED’S OR APPLICANT’S MOTOR VEHICLE IS A VOLUNTEER DRIVER.

(C) THIS SECTION DOES NOT PROHIBIT AN INSURER FROM CANCELING, REFUSING TO RENEW, IMPOSING A SURCHARGE ON, OR OTHERWISE INCREASING THE RATE FOR A MOTOR VEHICLE LIABILITY INSURANCE POLICY BASED ON FACTORS OTHER THAN THE STATUS OF A DRIVER UNDER THE POLICY AS A VOLUNTEER DRIVER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply to every policy of motor vehicle liability insurance issued, sold, delivered, or renewed in the State on or after January 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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**Chapter 489**  
**(House Bill 534)**

AN ACT concerning

**Family Law – Protective Orders – Notification of Service – Sunset Repeal**

FOR the purpose of repealing the termination date of certain provisions of law relating to notice of the service on a respondent of certain protective orders; repealing certain obsolete provisions relating to a certain contingency; and generally relating to notification of the service of a protective order.

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 4–504(d), 4–504.1(g), and 4–505(b)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 711 of the Acts of the General Assembly of 2009, as amended by Chapter  
103 of the Acts of the General Assembly of 2011 and Chapter 79 of the Acts of  
the General Assembly of 2013  
Section 2

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

**Article – Family Law**

4–504.

(d) (1) If a petitioner has requested notification of the service of a protective order, the Department of Public Safety and Correctional Services shall:

(i) notify the petitioner of the service on the respondent of an interim or a temporary protective order within one hour after a law enforcement officer electronically notifies the Department of Public Safety and Correctional Services of the service; and

(ii) notify the petitioner of the service on the respondent of a final protective order within one hour after knowledge of service of the order on the respondent.



(2) The Department of Public Safety and Correctional Services shall develop a notification request form and procedures for notification under this subsection.

(3) The court clerk or Commissioner shall provide the notification request form to a petitioner.

4-504.1.

(g) A law enforcement officer shall:

(1) immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order;

(2) immediately after service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the Clerk; and

(3) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service.

4-505.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer shall:

(i) immediately serve the temporary protective order on the alleged abuser under this section; and

(ii) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

**Chapter 711 of the Acts of 2009, as amended by Chapter 103 of the Acts of 2011  
and Chapter 79 of the Acts of 2013**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2010[, contingent on the receipt by the Governor's Office of Crime Control and Prevention of federal funds under the American Recovery and Reinvestment Act of 2009 to fund implementation of the notification requirements under this Act and if federal funds are not received for this purpose by January 1, 2010, this Act shall be null and void without the necessity of further action by the General Assembly. It shall remain effective for a period of 7 years and, at the end of December 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 490

### (House Bill 555)

AN ACT concerning

#### **Office of Cemetery Oversight – Perpetual Care Trust Funds – Report Submission Requirement**

FOR the purpose of altering the time period within which a sole proprietor registered cemeterian, certain permit holders, or certain other persons subject to certain perpetual care trust requirements are required to submit a certain report regarding a certain perpetual care trust fund to the Director of the Office of Cemetery Oversight; and generally relating to perpetual care trust funds and the Office of Cemetery Oversight.

BY repealing and reenacting, without amendments,  
Article – Business Regulation  
Section 5–603(b)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 5–606  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

#### **Article – Business Regulation**

5–603.

(b) (1) Each sole proprietor registered cemeterian, permit holder, or any other person subject to the registration or permit provisions of this title who sells or offers to sell to the public a burial lot or burial right in a cemetery as to which perpetual care is stated or implied shall have a perpetual care trust fund.

(2) A separate perpetual care trust fund shall be established for each cemetery to which this section applies.

(3) On the general price list, contract of sale of burial space, and any conveyance documents, all cemeteries subject to the provisions of this subtitle shall state in writing the following using 12 point or larger type font:

- (i) “The cemetery is a perpetual care cemetery.”; or
- (ii) “The cemetery is not a perpetual care cemetery.”

(4) A cemetery created in the State after October 1, 2001, that is not exempt under § 5–602 of this subtitle shall be required to establish a perpetual care trust fund.

5–606.

(a) (1) Each sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle shall keep detailed records of all sales of burial lots or burial rights in a cemetery and money received.

(2) The records of each sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle and of each trustee appointed by the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle are subject to examination by:

- (i) the Director;
- (ii) the Attorney General or an authorized representative of the Attorney General; and
- (iii) the State’s Attorney for the county where the cemetery owner does business or where the cemetery is located.

(b) (1) Each sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle shall submit a report to the Director within [120] **150** days after the close of each calendar or other fiscal year chosen by the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle.

(2) The report shall:

- (i) be on the form that the Director requires;
- (ii) be certified as to correctness by a certified public accountant retained by the cemetery;

(iii) be accompanied by a trustee's annual summary statement of assets for the reporting period that includes:

1. the amount of money in the perpetual care trust fund at the beginning of the reporting period;
2. an investment portfolio summary describing the asset and the market value for each investment class;
3. a transaction summary of the perpetual care trust fund containing:
  - A. trust account earnings, including interest, dividends, and realized gains or losses;
  - B. money deposited;
  - C. total receipts;
  - D. administrative expenses;
  - E. disbursements of income for cemetery care, maintenance, administration, and embellishment;
  - F. other disbursements; and
  - G. total disbursements; and
4. the amount of money in the perpetual care trust fund at the end of the reporting period;

(iv) be accompanied by a fee of \$25; and

(v) include:

1. the name of the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle;
2. each location of the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle;
3. the amount of money in each perpetual care trust fund at the beginning of the calendar or other fiscal year chosen by the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle;

4. the amount of money that the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle received during that year that is subject to the trust requirements of this subtitle;

5. the amount of money actually deposited into each perpetual care trust fund in that year;

6. the amount of money spent during that year to provide care, maintenance, administration, and embellishment of each cemetery, except for money used for the care of monuments and memorials; and

7. the name and address of each trustee.

(3) If the Director determines, after a review of the report and annual summary statement of assets required by this subsection, that additional documentation is required, a sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle shall provide the additional documentation to the Director.

(4) A sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle who stops selling burial lots or burial rights in a cemetery as to which perpetual care is stated or implied shall notify the Director in the required report for the year in which sales stop.

(5) The Director may require a sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle to correct any underfunding, including interest, due to the perpetual care trust fund.

(c) The Director may adopt regulations:

(1) to administer subsection (b) of this section; and

(2) for determining whether registered cemeterians, permit holders, or any other person subject to the trust requirements of this subtitle are complying with this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 491**

**(House Bill 557)**

AN ACT concerning

**Homeowner's Insurance – Underwriting Standards – Deductibles**

FOR the purpose of authorizing an insurer to issue a policy of homeowner's insurance that includes a certain deductible, subject to certain limitations; authorizing the insurer to require a certain deductible in a policy of homeowner's insurance or to offer a certain deductible as an option; requiring an insurer that has adopted a certain underwriting standard to apply a certain deductible only during a certain period of time and regardless of where the insured's home is located in the State; repealing the requirement that an insurer that issues a policy of homeowner's insurance file with the Maryland Insurance Commissioner for approval a certain underwriting standard that requires a certain deductible under certain circumstances before the insurer may implement the underwriting standard; requiring an insurer that issues a policy of homeowner's insurance to file ~~for information~~ with the Commissioner a certain underwriting standard that requires a certain deductible under certain circumstances at least a certain period of time before the insurer proposes to implement the underwriting standard; altering the contents of a certain filing; repealing a provision of law that prohibits a certain underwriting standard from taking effect until a certain period of time has passed; repealing the authority of the Commissioner to take certain actions with regard to a certain underwriting standard during certain periods of time; repealing a provision of law that a certain filing is deemed approved unless disapproved by the Commissioner during certain periods of time; ~~authorizing an insurer to adopt a certain underwriting standard that requires a certain deductible under certain circumstances if the deductible applies only during a certain period of time and regardless of where the insured's home is located in the State;~~ altering certain requirements relating to an annual statement that must be provided to a policyholder; requiring a certain insurer, under certain circumstances, to provide an insured with a certain statement about a certain deductible at certain times; requiring a certain statement to include certain information; authorizing a certain example required to be included in a certain statement to be provided in a certain manner; authorizing a certain insurer to satisfy certain notice requirements in a certain manner; requiring an insurer to send a copy of a certain form to the Commissioner ~~for information~~ under certain circumstances; providing for the application of this Act; providing for a delayed effective date; and generally relating to underwriting standards and deductibles under homeowner's insurance.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 19–209  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Insurance  
Section 19–209.1

Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

19–209.

**(A) (1) SUBJECT TO SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, AN INSURER MAY ISSUE A POLICY OF HOMEOWNER’S INSURANCE THAT INCLUDES A DEDUCTIBLE THAT IS EQUAL TO A PERCENTAGE OF THE “COVERAGE A – DWELLING LIMIT” OF THE POLICY.**

**(2) THE INSURER MAY:**

**(I) REQUIRE THE DEDUCTIBLE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IN A POLICY OF THE HOMEOWNER’S INSURANCE; OR**

**(II) OFFER THE DEDUCTIBLE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION AS AN OPTION TO AN APPLICANT OR INSURED.**

**(B) AN INSURER THAT HAS ADOPTED AN UNDERWRITING STANDARD THAT REQUIRES A MANDATORY HURRICANE DEDUCTIBLE EQUAL TO A PERCENTAGE OF THE “COVERAGE A – DWELLING LIMIT” OF THE POLICY SHALL APPLY THE DEDUCTIBLE:**

**(1) ONLY BEGINNING AT THE TIME THE NATIONAL HURRICANE CENTER OF THE NATIONAL WEATHER SERVICE ISSUES A HURRICANE WARNING FOR ANY PART OF THE STATE AND ENDING 24 HOURS FOLLOWING THE TERMINATION OF THE LAST HURRICANE WARNING ISSUED FOR ANY PART OF THE STATE; AND**

**(2) REGARDLESS OF WHERE THE INSURED’S HOME IS LOCATED IN THE STATE.**

~~(a)~~ **(C) (1)** An insurer that issues a policy of homeowner’s insurance may not adopt an underwriting standard that requires a deductible that exceeds 5% of the “Coverage A – Dwelling Limit” of the policy in the case of a hurricane [or other storm,] unless[:

**(i)]** the insurer has filed the underwriting standard ~~for~~ [approval by] ~~INFORMATION WITH~~ the Commissioner[; and

**(ii)]** the Commissioner has approved the underwriting standard in writing].

(2) The filing required by paragraph (1) of this subsection shall:

(i) be made at least 60 days before the insurer proposes to implement the underwriting standard in the State; and

(ii) include [any information required by the Commissioner, including]:

1. a copy of the underwriting standard the insurer [proposes] INTENDS to implement;

[2. the data relied on by the insurer in developing the underwriting standard;] and

[3.] 2. the date on which the insurer intends to implement the underwriting standard.

(3) [An underwriting standard subject to this subsection may not take effect until 60 days after it is filed with the Commissioner.

(4) During the initial 60-day waiting period, the Commissioner may extend the waiting period for an additional period, not to exceed 60 days, by written notice to the insurer that the Commissioner needs additional time for consideration of the filing.

(5) A filing is deemed approved unless disapproved by the Commissioner during the waiting period or any extension of the waiting period.

(6) If the Commissioner finds that compliance with paragraph (3) or (4) of this subsection would result in impairment of the insurer or a significant financial loss to the insurer, the Commissioner may allow an insurer to implement its underwriting standard establishing a deductible at the percentage indicated in the filing within 60 days after the filing of the underwriting standard.

(7) An underwriting standard subject to this subsection shall comply with all applicable laws.

~~(b) [If an insurer has adopted an underwriting standard that requires a deductible equal to a percentage of the “Coverage A – Dwelling Limit” of the policy in the case of a hurricane or other storm, the deductible may only be applicable] AN INSURER MAY ADOPT AN UNDERWRITING STANDARD THAT REQUIRES A DEDUCTIBLE EQUAL TO A PERCENTAGE OF THE “COVERAGE A – DWELLING LIMIT” OF THE POLICY FOR DIRECT PHYSICAL LOSS CAUSED BY THE PERIL OF WINDSTORM OR HAIL DURING THE PERIOD OF A HURRICANE WARNING IF THE DEDUCTIBLE APPLIES:~~



~~(1) ONLY beginning at the time the National Hurricane Center of the National Weather Service issues a hurricane warning for any part of the State [where the insured's home is located] and ending 24 hours following the termination of the last hurricane warning issued for any part of the State [in which the insured's home is located]; AND~~

~~(2) REGARDLESS OF WHERE THE INSURED'S HOME IS LOCATED IN THE STATE.~~

~~(D)~~ (1) An insurer that ISSUES A POLICY OF HOMEOWNER'S INSURANCE THAT INCLUDES A DEDUCTIBLE THAT IS EQUAL TO A PERCENTAGE OF THE "COVERAGE A - DWELLING LIMIT" OF THE POLICY OR has adopted an underwriting standard that requires a MANDATORY HURRICANE deductible equal to a percentage of the "Coverage A - Dwelling Limit" of the policy ~~in the case of a hurricane~~ [or other storm] shall provide a policyholder with an annual statement explaining the manner in which the deductible is applied IN ACCORDANCE WITH § 19-209.1 OF THIS SUBTITLE.

(2) The insurer shall send a copy of the form used to provide the ~~notice~~ STATEMENT required under paragraph (1) of this subsection to the Commissioner ~~FOR INFORMATION~~ prior to its use.

~~(E)~~ (E) The Commissioner may adopt regulations to implement the provisions of this section.

### 19-209.1.

(A) AN INSURER THAT ISSUES A POLICY OF HOMEOWNER'S INSURANCE THAT INCLUDES A DEDUCTIBLE THAT IS EQUAL TO A PERCENTAGE OF THE "COVERAGE A - DWELLING LIMIT" OF THE POLICY, OR HAS ADOPTED AN UNDERWRITING STANDARD THAT REQUIRES A MANDATORY HURRICANE DEDUCTIBLE EQUAL TO A PERCENTAGE OF THE "COVERAGE A - DWELLING LIMIT" OF THE POLICY, SHALL PROVIDE AN INSURED WITH A STATEMENT ABOUT THE DEDUCTIBLE AT THE TIME THE POLICY OF HOMEOWNER'S INSURANCE IS FIRST ISSUED AND AT EACH RENEWAL.

(B) (1) THE STATEMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(I) BE TITLED, IN AT LEAST 12 POINT TYPE, "PERCENTAGE DEDUCTIBLE NOTICE";

(II) STATE THE ACTUAL PERCENTAGE OF THE PERCENTAGE DEDUCTIBLE;

(III) STATE THE CIRCUMSTANCES UNDER WHICH THE DEDUCTIBLE APPLIES;

(IV) INCLUDE AN EXAMPLE OF HOW THE DEDUCTIBLE APPLIES TO A LOSS; AND

(V) INCLUDE THE FOLLOWING STATEMENT, OR A SUBSTANTIALLY SIMILAR STATEMENT, IN AT LEAST 10 POINT TYPE:

“YOUR HOMEOWNER’S INSURANCE POLICY CONTAINS A PERCENTAGE DEDUCTIBLE, WHICH MEANS THAT YOUR DEDUCTIBLE FOR A COVERED LOSS WILL BE DETERMINED BY MULTIPLYING THE DOLLAR AMOUNT OF YOUR COVERAGE A – DWELLING LIMIT OF LIABILITY BY THIS PERCENTAGE UNDER THE FOLLOWING CIRCUMSTANCES: [INSERT EXPLANATION OF CIRCUMSTANCES UNDER WHICH A PERCENTAGE DEDUCTIBLE WOULD BE APPLIED]”.

(2) THE EXAMPLE REQUIRED UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION MAY BE PROVIDED IN THE FOLLOWING MANNER:

“IF, AT THE TIME OF A COVERED LOSS, A HOMEOWNER’S INSURANCE POLICY’S COVERAGE A – DWELLING LIMIT OF LIABILITY IS \$300,000 AND THE POLICY INCLUDES A 2% DEDUCTIBLE, THE POLICYHOLDER WILL BE RESPONSIBLE FOR PAYING A DEDUCTIBLE OF \$6,000 ON A CLAIM FOR A COVERED LOSS (\$300,000 X 2%). THIS MEANS THAT, FOR EXAMPLE:

IF THE COVERED LOSS TO THE DWELLING IS \$25,000 AND THE COVERED LOSS TO PERSONAL PROPERTY IS \$10,000 FOR A TOTAL COVERED LOSS OF \$35,000, THE POLICYHOLDER IS RESPONSIBLE FOR PAYING A \$6,000 DEDUCTIBLE AND THE INSURER IS RESPONSIBLE FOR THE BALANCE OF THE COVERED LOSS, OR \$29,000.

IF THE COVERED LOSS TO THE DWELLING IS \$5,000, THE POLICYHOLDER IS RESPONSIBLE FOR PAYING THE ENTIRE COVERED LOSS BECAUSE THE TOTAL AMOUNT OF THE COVERED LOSS IS LESS THAN THE PERCENTAGE DEDUCTIBLE, WHICH IS \$6,000.”.

(C) (1) AN INSURER MAY SATISFY THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION IF, ON THE DECLARATIONS PAGE OF THE POLICY OF HOMEOWNER’S INSURANCE OR IN A SEPARATE STATEMENT, THE INSURER STATES:

(I) THE ACTUAL PERCENTAGE OF THE PERCENTAGE DEDUCTIBLE;

(II) THE DOLLAR AMOUNT OF THE PERCENTAGE DEDUCTIBLE AS IT RELATES TO THE POLICY OF HOMEOWNER’S INSURANCE; AND

**(III) THE CIRCUMSTANCES UNDER WHICH THE DEDUCTIBLE APPLIES.**

**(2) THE STATEMENT SHALL BE TITLED, IN AT LEAST 12 POINT TYPE, "PERCENTAGE DEDUCTIBLE NOTICE".**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of homeowner's insurance issued, delivered, or renewed in the State on or after ~~October 1, 2016~~ January 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2016~~ January 1, 2017.

Approved by the Governor, May 10, 2016.

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**Chapter 492**

**(House Bill 567)**

AN ACT concerning

**~~State Board of~~ Barbers and Cosmetologists – Mobile Barbershops and Beauty Salons – Permit Requirement**

FOR the purpose of altering the definition of "barbershop" to include a certain mobile barbershop; requiring an applicant for a barbershop permit for a mobile barbershop to hold a certain permit to operate a certain barbershop and to lease or own the motor vehicle or trailer in which a certain mobile barbershop is located for which a certain application is made; altering the definition of "beauty salon" to include a certain mobile beauty salon; requiring an applicant for a beauty salon permit for a mobile beauty salon to hold a certain permit to operate a certain beauty salon and to lease or own the motor vehicle or trailer in which a certain mobile beauty salon is located for which a certain application is made; ~~altering a certain definition;~~ defining a ~~certain term~~ certain terms; making certain conforming and stylistic changes; and generally relating to barbershops and beauty salons and the State Board of Barbers and the State Board of Cosmetologists.

BY repealing and reenacting, with amendments,  
 Article – Business Occupations and Professions  
 Section ~~4-101, 4-502, 5-101, and 5-502~~  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 Supplement)

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

**Article – Business Occupations and Professions**

4-101.

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

(b) “Apprentice barber” means an individual who, under the supervision of a master barber, is learning to practice barbering or to provide barber–stylist services in a barbershop that holds a barbershop permit.

(c) “Barber” means an individual who practices barbering.

(d) “Barber–stylist” means an individual who provides barber–stylist services.

(e) (1) “Barbershop” means any commercial establishment, except a beauty salon, in which an individual practices barbering or provides barber–stylist services.

(2) **“BARBERSHOP” INCLUDES A MOBILE BARBERSHOP.**

~~[(2)]~~ (3) “Barbershop” does not include a clinic in a barber school.

(f) “Barbershop permit” means a permit issued by the Board to operate a barbershop.

(g) “Board” means the State Board of Barbers.

(h) (1) “License” means, unless the context requires otherwise, a license issued by the Board to practice barbering or to provide barber–stylist services.

(2) “License” includes, unless the context requires otherwise, each of the following licenses:

(i) a master barber license;

(ii) a barber license; and

(iii) a barber–stylist limited license.

(i) (1) “Limited license” means a license issued by the Board to practice barbering as limited in § 4-301 of this title.

(2) “Limited license” includes, unless the context requires otherwise, a limited license to provide barber–stylist services.

(i) “Master barber” means a barber who:

(1) has at least 15 months experience as a licensed barber; and

(2) has passed a test approved by the Board.

**(K) “MOBILE BARBERSHOP” MEANS A BARBERSHOP THAT IS LOCATED IN A MOTOR VEHICLE OR A TRAILER THAT IS DESIGNED, CONSTRUCTED, AND EQUIPPED AS A PLACE FOR AN INDIVIDUAL TO PRACTICE BARBERING AND FOR USE AS A CONVEYANCE ON HIGHWAYS.**

~~[(k)]~~ **(L)** (1) “Practice barbering” means to provide to an individual for compensation the service of:

(i) cutting, razor cutting, styling, relaxing, body waving, shampooing, or coloring the hair;

(ii) shaving or trimming the beard;

(iii) massaging the face;

(iv) designing, fitting, or cutting a hairpiece; or

(v) performing any other similar procedure on the hair, beard, face, or hairpiece of the individual.

(2) “Practice barbering” does not include:

(i) the mere sale of wigs or hairpieces; or

(ii) the services performed by an employee under the supervision of a master barber in a barbershop that holds a barbershop permit that are restricted to:

1. shampooing;

2. removal of a hair solution;

3. sterilization of equipment; or

4. similar activities.

~~[(l)]~~ **(M)** “Provide barber–stylist services” means to provide to an individual for compensation the service of:

(1) cutting, razor cutting, or styling the hair;

(2) shaving or trimming the beard;

(3) massaging the face; or

(4) performing any other similar procedure on the hair, beard, or face of the individual.

4-502.

(a) To qualify for a barbershop permit, an applicant shall be a person who meets the requirements of this section.

(b) (1) An applicant shall own the FACILITY IN WHICH THE barbershop for which the application is made IS LOCATED.

(2) TO QUALIFY FOR A BARBERSHOP PERMIT FOR A MOBILE BARBERSHOP, THE APPLICANT SHALL:

(I) HOLD A BARBERSHOP PERMIT TO OPERATE A BARBERSHOP THAT IS NOT A MOBILE BARBERSHOP; AND

(II) OWN OR LEASE THE MOTOR VEHICLE OR TRAILER IN WHICH THE MOBILE BARBERSHOP FOR WHICH THE APPLICATION IS MADE IS LOCATED.

(c) An applicant shall satisfy the Board that the location and equipment of the barbershop for which the application is made meets the requirements of:

(1) the Board;

(2) the Department of Health and Mental Hygiene; and

(3) the applicable local zoning code.

(d) As a condition of the issuance of a barbershop permit, the barbershop for which the application is made shall pass a pre-opening inspection conducted under § 4-512 of this subtitle.

5-101.

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

(b) “Apprentice” means an individual who is learning to practice cosmetology or any limited practice of cosmetology in a beauty salon that holds a beauty salon permit under the supervision of:

(1) if learning to practice cosmetology, a licensed senior cosmetologist;

(2) if learning to provide esthetic services, a licensed senior cosmetologist or a licensed esthetician with 2 years' experience;

(3) if learning to provide hair services, a licensed senior cosmetologist or a licensed hairstylist with 2 years' experience; and

(4) if learning to provide nail technician services, a licensed senior cosmetologist or a licensed nail technician with 2 years' experience.

(c) (1) "Beauty salon" means any commercial establishment, except a barbershop, in which an individual practices cosmetology.

(2) **"BEAUTY SALON" INCLUDES A MOBILE BEAUTY SALON.**

(3) "Beauty salon" does not include a clinic in a cosmetology school.

(d) "Beauty salon permit" means a permit issued by the Board to operate a beauty salon.

(e) "Board" means the State Board of Cosmetologists.

(f) "Cosmetologist" means an individual who practices cosmetology.

(g) "Hairstylist" means an individual who provides hair services.

(h) (1) "License" means, unless the context requires otherwise, a license issued by the Board.

(2) "License" includes, unless the context requires otherwise, each of the following licenses:

(i) a license to practice cosmetology;

(ii) a license to practice as a senior cosmetologist;

(iii) a limited license to provide esthetic services;

(iv) a limited license to provide hair services; and

(v) a limited license to provide nail technician services.

(i) "Licensed cosmetologist" means, unless the context requires otherwise, a cosmetologist who is licensed by the Board to practice cosmetology.

(j) "Licensed senior cosmetologist" means a person who:

- (1) has at least 2 years of experience as a licensed cosmetologist; and
- (2) has passed a test approved by the Board.

(k) (1) “Limited license” means a license issued by the Board to practice cosmetology as limited in § 5–301 of this title.

(2) “Limited license” includes, unless the context requires otherwise, each of the following licenses:

- (i) a limited license to provide esthetic services;
- (ii) a limited license to provide hair services; and
- (iii) a limited license to provide nail technician services.

**(L) “MOBILE BEAUTY SALON” MEANS A BEAUTY SALON THAT IS LOCATED IN A MOTOR VEHICLE OR A TRAILER THAT IS DESIGNED, CONSTRUCTED, AND EQUIPPED AS A PLACE FOR AN INDIVIDUAL TO PRACTICE COSMETOLOGY AND FOR USE AS A CONVEYANCE ON HIGHWAYS.**

**[1] (M)** (1) “Practice cosmetology” means to engage in any of the following for compensation:

- (i) providing hair services;
- (ii) arching or dyeing eyebrows;
- (iii) dyeing eyelashes;
- (iv) providing esthetic services; or
- (v) providing nail technician services.

(2) The practice of cosmetology does not include:

- (i) the mere sale, fitting, or styling of wigs or hairpieces;
- (ii) the mere shampooing of hair; or

(iii) a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.



**[(m)] (N)** “Provide esthetic services” means to provide to an individual, for compensation, the service of:

- (1) cleansing, exercising, massaging, stimulating, or performing any other similar procedure on the skin or scalp by electrical, mechanical, or any other means;
- (2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic preparation; or
- (3) removing superfluous hair by the use of a depilatory, tweezers, or wax.

**[(n)] (O)** “Provide hair services” means to provide to an individual for compensation the service of beautifying, cleaning, or embellishing the hair of the individual by:

- (1) arranging the hair;
- (2) bleaching the hair;
- (3) cleansing the hair;
- (4) coloring the hair;
- (5) curling the hair;
- (6) cutting the hair;
- (7) dressing the hair;
- (8) singeing the hair;
- (9) permanent waving the hair;
- (10) waving the hair; or
- (11) performing any other similar procedure intended to beautify, clean, or embellish the hair.

**[(o)] (P)** “Provide nail technician services” means to provide to an individual, for compensation, the service of:

- (1) manicuring or pedicuring the individual’s nails;
- (2) applying artificial nail enhancement products; or
- (3) maintaining artificial nail enhancement products.

5–502.

(a) To qualify for a beauty salon permit, an applicant shall meet the requirements of this section.

(b) (1) An applicant shall own or lease **THE FACILITY IN WHICH** the beauty salon for which the application is made **IS LOCATED**.

(2) **TO QUALIFY FOR A BEAUTY SALON PERMIT FOR A MOBILE BEAUTY SALON, THE APPLICANT SHALL:**

(I) **HOLD A BEAUTY SALON PERMIT TO OPERATE A BEAUTY SALON THAT IS NOT A MOBILE BEAUTY SALON; AND**

(II) **OWN OR LEASE THE MOTOR VEHICLE OR TRAILER IN WHICH THE MOBILE BEAUTY SALON FOR WHICH THE APPLICATION IS MADE IS LOCATED.**

(c) As a condition of the issuance of a beauty salon permit, the beauty salon for which the application is made shall pass the inspection conducted under § 5–520 of this subtitle.

(d) The applicant shall meet any other requirements that the Board sets, by regulation, for applicants for beauty salon permits.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 493**

**(House Bill 631)**

AN ACT concerning

**Workers' Compensation – Permanent Partial Disability – Howard County  
Deputy Sheriffs**

**Ho. Co. 11–16**

FOR the purpose of altering the circumstances under which Howard County deputy sheriffs are eligible for enhanced workers' compensation benefits for certain permanent partial disability claims; providing for the application of this Act; and generally relating to workers' compensation benefits for Howard County deputy sheriffs.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 9–628  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 9–629  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

**Article – Labor and Employment**

9–628.

(a) In this section, “public safety employee” means:

(1) a firefighter, fire fighting instructor, or paramedic employed by:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

(2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life support worker who is a covered employee under § 9–234 of this title and who provides volunteer fire or rescue services to:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

- (3) a police officer employed by:
  - (i) a municipal corporation;
  - (ii) a county;
  - (iii) the State;
  - (iv) the State Airport Authority;
  - (v) the Maryland–National Capital Park and Planning Commission;

or

- (vi) the Washington Metropolitan Area Transit Authority;
- (4) a Prince George’s County deputy sheriff or correctional officer;
- (5) a Montgomery County deputy sheriff or correctional officer;
- (6) an Allegany County deputy sheriff;

(7) a Howard County deputy sheriff[, but only when the deputy sheriff is performing law enforcement duties expressly requested, defined, and authorized in accordance with a written memorandum of understanding executed between the Howard County Sheriff and other law enforcement agencies];

- (8) an Anne Arundel County deputy sheriff or detention officer; or

(9) a Baltimore County deputy sheriff, but only when the deputy sheriff sustains an accidental personal injury that arises out of and in the course and scope of performing duties directly related to:

- (i) courthouse security;
- (ii) prisoner transportation;
- (iii) service of warrants;
- (iv) personnel management; or
- (v) other administrative duties.

(b) Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 1988, the employer or its insurer shall pay the covered

employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$80.

(c) Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 1989, the employer or its insurer shall pay the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$82.50.

(d) Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 1993, the employer or its insurer shall pay the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$94.20.

(e) Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 2000, the employer or its insurer shall pay the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$114.

(f) Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay to the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed:

(1) for claims arising from events occurring on or after January 1, 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

(2) for claims arising from events occurring on or after January 1, 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

(3) for claims arising from events occurring on or after January 1, 2011, 16.7% of the State average weekly wage.

(g) If a covered employee is awarded compensation for less than 75 weeks for a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay the covered employee weekly compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this subtitle.

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this subtitle.

If a covered employee is awarded compensation for a period equal to or greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee but does not exceed one-third of the State average weekly wage.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events that occurred before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 494

### (House Bill 675)

AN ACT concerning

#### **Vehicle Laws – Mechanical Repair Contracts**

FOR the purpose of altering the definition of “mechanical repair contract”; authorizing ~~a designated~~ an agent of an and a registered obligor under a mechanical repair contract to offer, sell, or negotiate a mechanical repair contract; establishing that an obligor or a vehicle dealer is liable for the actions of its agent under certain circumstances; establishing a civil penalty for an agent or an agent’s employee that violates certain provisions of this Act; requiring an obligor or a licensed vehicle dealer that uses an agent to sell a mechanical repair contract to maintain a certain list and, on request, make the list available to the Insurance Commissioner; requiring an agent to maintain a certain list and, on request, make the list available to the agent’s obligor or licensed vehicle dealer within a certain period of time; providing that a list maintained under this Act may be stored in an electronic format; increasing the penalty for a violation of certain provisions of this Act; making conforming changes; and generally relating to mechanical repair contracts.

BY renumbering

Article – Transportation

Section 15–311.2(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively to be Section 15–311.2(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 15–311.2(a) and (c) and 27–101(ff)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Transportation  
Section 15–311.2(d)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 15–311.2(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively, of  
Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s)  
15–311.2(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), respectively.

SECTION ~~1~~ 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Transportation

15–311.2.

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

(2) **“AGENT” MEANS A BUSINESS ENTITY THAT IS AUTHORIZED BY AN OBLIGOR OR A LICENSED VEHICLE DEALER TO SELL A MECHANICAL REPAIR CONTRACT.**

**(3)** (i) “Mechanical repair contract” means any agreement or contract sold by a licensed vehicle dealer [or], an obligor, ~~OR A DESIGNATED AN AGENT OF AN OBLIGOR~~ under which the obligor agrees to perform over a fixed period of time, for a specific duration, and for a specific identifiable price, provided that the purchase of the contract is optional to the purchaser, any of the following services:

1. The repair, replacement, or maintenance of a motor vehicle, or the indemnification for the repair, replacement, or maintenance of a motor vehicle, for the operational or structural failure of the motor vehicle due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for incidental payment of indemnity for services including towing, rental and emergency road service, and road hazard protection;

2. The repair, replacement, or maintenance of a motor vehicle for the operational or structural failure of one or more parts or systems of the motor vehicle brought about by the failure of an additive product to perform as represented;

3. The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards, including potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps;

4. The removal and repair of dents, dings, or creases on a motor vehicle using the process of paintless dent removal;

5. The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

6. The replacement of a motor vehicle key or key fob if the key or key fob becomes inoperable or is lost or stolen; or

7. Other services or products that may be approved by the Insurance Commissioner if consistent with the provisions of this section.

(ii) “Mechanical repair contract” includes extended warranties and extended service contracts.

(iii) “Mechanical repair contract” does not include:

1. Warranties under the Magnuson–Moss Warranty Act, 15 U.S.C. § 2301, et seq.;

2. Contracts or agreements for regular maintenance only; or

3. An agreement between a motor club, as defined in § 26–101 of the Insurance Article, and a member or subscriber of the motor club.

~~(3)~~ **(4)** (i) “Obligor” means the person specified in a mechanical repair contract that is contractually obligated to perform the services set forth in the mechanical repair contract.

(ii) “Obligor” does not include an insurer that provides insurance coverage in accordance with subsection (b) of this section.

(c) (1) An obligor shall register with the Insurance Commissioner each year.

(2) As part of registration, an obligor shall provide the following information for registration with the Commissioner:

(i) The name, corporate address, and telephone number of the obligor;

(ii) The name, address, and telephone number of an individual designated to receive correspondence on behalf of the obligor; and



(iii) The name and address of a designated agent authorized to accept service on behalf of the obligor in the State.

(3) An obligor shall notify the Commissioner within 30 days of any change to the registration information required under this subsection.

(4) An obligor that is required to register under this section shall pay an annual registration fee as provided in § 2–112(a)(11) of the Insurance Article.

(5) (i) ~~Other than a licensed vehicle dealer OR A DESIGNATED AGENT OF AN OBLIGOR, a person that is not a registered obligor under this subtitle may not~~ **ONLY A LICENSED VEHICLE DEALER, AN AGENT, OR A REGISTERED OBLIGOR, OR AN EMPLOYEE OF A LICENSED VEHICLE DEALER, AN AGENT, OR A REGISTERED OBLIGOR MAY** offer, sell, or negotiate a mechanical repair contract.

(ii) **AN OBLIGOR OR A LICENSED VEHICLE DEALER IS LIABLE FOR THE ACTIONS OF ITS AGENT WHEN THE AGENT IS OFFERING OR SELLING A MECHANICAL REPAIR CONTRACT ON BEHALF OF THE OBLIGOR OR VEHICLE DEALER.**

**(III)** The Commissioner may pursue an action against a person that violates this paragraph.

(6) Subject to paragraph (7) of this subsection, the Commissioner shall register each obligor that meets the requirements of this section.

(7) The Commissioner may deny a registration to an applicant or refuse to renew, suspend, or revoke the registration of a registrant, after notice and an opportunity for a hearing under §§ 2–210 through 2–214 of the Insurance Article, if the applicant or registrant, or an officer, director, or employee of the applicant or registrant:

(i) Makes a material misstatement or misrepresentation in an application for registration;

(ii) Fraudulently or deceptively obtains or attempts to obtain a registration for the applicant, the registrant, or another person;

(iii) Has been convicted of a felony or of a misdemeanor involving moral turpitude in connection with the sale, solicitation, negotiation, or administration of a mechanical repair contract;

(iv) Commits fraud or engages in illegal or dishonest activities in connection with the administration of a mechanical repair contract; or

(v) Has violated any provision of this section or a regulation adopted under this section.

(8) Instead of, or in addition to, suspending or revoking a registration, the Commissioner may impose on the registrant a civil penalty of ~~not~~:

(I) NOT less than \$100 but not exceeding \$1,000 for each violation of this section; AND

(II) NOT LESS THAN \$100 BUT NOT EXCEEDING \$5,000 FOR EACH VIOLATION OF THIS SECTION COMMITTED BY AN AGENT OR THE AGENT'S EMPLOYEE WHILE OFFERING OR SELLING A MECHANICAL REPAIR CONTRACT ON BEHALF OF THE REGISTRANT.

(D) (1) AN OBLIGOR OR A LICENSED VEHICLE DEALER THAT USES AN AGENT TO SELL A MECHANICAL REPAIR CONTRACT SHALL:

(I) MAINTAIN A LIST OF ITS AGENTS; AND

(II) MAKE THE LIST AVAILABLE TO THE INSURANCE COMMISSIONER ON REQUEST.

(2) AN AGENT SHALL:

(I) MAINTAIN A LIST CONTAINING THE NAMES OF EACH EMPLOYEE WHO IS AUTHORIZED TO SELL A MECHANICAL REPAIR CONTRACT; AND

(II) ON REQUEST, PROVIDE THE LIST TO ITS OBLIGOR OR LICENSED VEHICLE DEALER WITHIN 10 BUSINESS DAYS FROM RECEIPT OF THE REQUEST.

(3) A LIST MAINTAINED UNDER THIS SUBSECTION MAY BE STORED IN AN ELECTRONIC FORMAT.

27-101.

(ff) A person that is convicted of a violation of § 15-311.2(c)(5) of this article:

(1) Is subject to a fine of not more than [\$1,000] \$5,000 or imprisonment for not more than 1 year or both; and

(2) May be required to pay restitution.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

**Chapter 495****(House Bill 676)**

AN ACT concerning

**Labor and Employment – Maryland Apprenticeship and Training Council –  
Annual Report**

FOR the purpose of requiring the Maryland Apprenticeship and Training Council to report to the General Assembly annually, on or before a certain date, certain information regarding apprenticeship programs registered in the State and the individuals enrolled in those programs; requiring the Council to sort the information in a certain manner and to publish the report on the Council's Web site; and generally relating to the Maryland Apprenticeship and Training Council.

BY adding to

Article – Labor and Employment

Section 11–405(e)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

**Article – Labor and Employment**

11–405.

**(E) (1) ON OR BEFORE JUNE 30 OF EACH YEAR, THE COUNCIL SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR:**

**(I) THE COMPLETION AND ENROLLMENT RATES OF EACH APPRENTICESHIP PROGRAM REGISTERED IN THE STATE; AND**

**(II) THE AGE, RACE, SEX OR GENDER IDENTITY, COUNTY OF RESIDENCE, AND PROGRAM ENROLLMENT OF EACH INDIVIDUAL ENROLLED IN A REGISTERED APPRENTICESHIP PROGRAM.**

**(2) THE COUNCIL SHALL:**

**(I) SORT THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY APPRENTICESHIP PROGRAM; AND**

(II) PUBLISH THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON THE COUNCIL'S WEB SITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 496

(House Bill 727)

AN ACT concerning

### Horse Racing – ~~Intertrack~~ Satellite Simulcast Betting – Public Hearing Requirements

FOR the purpose of requiring the State Racing Commission to hold certain public hearings at certain ~~track~~ locations; requiring the Commission to give notice of certain public hearings to certain individuals ~~and businesses~~ within a certain area in a certain manner; requiring the Commission to require an applicant for a certain permit to take certain actions; and generally relating to public hearings on ~~intertrack~~ satellite simulcast betting on horse racing.

BY repealing and reenacting, without amendments,  
 Article – Business Regulation  
 Section ~~11-811(a), (b), and (c)~~ 11-816(a) and 11-817(a)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Business Regulation  
 Section ~~11-811(d)~~ 11-819  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2015 Supplement)

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

#### Article – Business Regulation

~~11-811~~

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

- ~~(2) "Fair Hill" means the Cecil County Breeders' Fair, Inc., or its successor.~~
- ~~(3) "State Fair Society" means the Maryland State Fair and Agricultural Society, Inc.~~
- ~~(b) This section applies only to intertrack betting in which:~~
- ~~(1) the sending track is equipped to transmit simulcast races and is:~~
- ~~(i) a mile thoroughbred track;~~
- ~~(ii) a harness track;~~
- ~~(iii) a track where racing is conducted by Fair Hill; or~~
- ~~(iv) a track where racing is conducted by the State Fair Society; and~~
- ~~(2) the receiving track is:~~
- ~~(i) equipped to receive simulcast races and hold intertrack betting on those races; and~~
- ~~(ii) one of the tracks specified in item (1) of this subsection.~~
- ~~(c) The Commission may authorize intertrack betting involving tracks of:~~
- ~~(1) mile thoroughbred racing licensees;~~
- ~~(2) harness racing licensees;~~
- ~~(3) Fair Hill; or~~
- ~~(4) the State Fair Society.~~
- ~~(d) (1) The Commission may authorize licensees, Fair Hill, or the State Fair Society to participate in intertrack betting by operating sending tracks and receiving tracks only if:~~
- ~~[(1)] (I) the operators of the sending track and the receiving track submit a joint application to the Commission;~~
- ~~[(2)] (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, the Commission holds a public hearing on the matter;~~
- ~~[(3)] (III) the operator of the receiving track shows to the satisfaction of the Commission that the operator has held, is holding, or will hold regularly scheduled race~~

~~meetings at the receiving track in accordance with a license and has complied with the terms of the license; and~~

~~[(4)] (IV) the receiving track meets the requirements of subsection (e) of this section, unless the Commission has waived them, and subsection (f) of this section.~~

~~(2) THE COMMISSION SHALL:~~

~~(I) HOLD THE PUBLIC HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION AT THE LOCATION OF THE RECEIVING TRACK; AND~~

~~(II) GIVE AT LEAST 30 DAYS' NOTICE OF THE PUBLIC HEARING TO:~~

~~1. ALL RESIDENTS AND BUSINESSES WITHIN A 1-MILE RADIUS OF THE RECEIVING TRACK; AND~~

~~2. THE SENATORS, DELEGATES, AND COUNTY ELECTED OFFICIALS THAT REPRESENT THE AREA THAT IS WITHIN A 1-MILE RADIUS OF THE RECEIVING TRACK.~~

11-816.

(a) The Commission may approve satellite simulcast facilities that may conduct satellite simulcast betting.

11-817.

(a) A person must have a permit granted by the Commission whenever the person holds satellite simulcast betting.

11-819.

(A) The factors that the Commission shall consider in deciding whether to grant a permit shall include:

(1) the needs and convenience of the public;

(2) whether the satellite simulcast facility:

(i) would be expected to interfere unreasonably with attendance at tracks; and

(ii) meets the requirements of § 11-825(a) of this subtitle;

(3) the desires of the political subdivision where the proposed satellite simulcast facility is to be located;

(4) the interests of the racing industry; and

(5) other matters that the Commission finds appropriate.

**(B) BEFORE GRANTING A PERMIT, THE COMMISSION SHALL:**

**(1) HOLD A PUBLIC HEARING WITHIN 10 MILES OF THE PROPOSED SATELLITE SIMULCAST FACILITY;**

**(2) ADVERTISE THE DATE, TIME, AND LOCATION OF THE PUBLIC HEARING IN A LOCAL PUBLICATION AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING;**

**(3) PROVIDE WRITTEN NOTICE OF THE DATE, TIME, AND LOCATION OF THE PUBLIC HEARING TO EACH OF THE SENATORS, DELEGATES, AND COUNTY-ELECTED OFFICIALS THAT REPRESENT THE JURISDICTION WITHIN WHICH THE PROPOSED SATELLITE SIMULCAST BETTING FACILITY IS TO BE LOCATED;**

**(4) POST NOTICE OF THE PUBLIC HEARING ON THE COMMISSION'S WEB SITE AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING;**

**(5) REQUIRE THE APPLICANT, AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING, TO POST A SIGN IN A CONSPICUOUS LOCATION AT THE FACILITY FOR WHICH THE APPLICATION FOR THE PERMIT WAS SUBMITTED STATING THAT AN APPLICATION IS PENDING FOR USE OF THE FACILITY FOR SATELLITE SIMULCAST BETTING AND SPECIFYING THE DATE, TIME, AND LOCATION OF THE PUBLIC HEARING; AND**

**(6) REQUEST FROM THE APPLICANT A LIST OF COMMUNITY ASSOCIATIONS THAT WERE NOTIFIED OF THE PUBLIC HEARING.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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Chapter 497

(House Bill 815)

AN ACT concerning

**Horse Racing – Fair Hill – Arabian Breed Racing Authorization**

FOR the purpose of authorizing a licensee at the Fair Hill Natural Resources Management Area to conduct live racing of Arabian breed horses under certain circumstances; defining a certain term; and generally relating to horse racing at Fair Hill.

BY repealing and reenacting, without amendments,  
Article – Business Regulation  
Section 11–701 through 11–704  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Business Regulation  
Section 11–705  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

**Article – Business Regulation**

11–701.

This subtitle applies only to the licensee that is the Cecil County Breeders' Fair, Inc., or its successor.

11–702.

(a) (1) The Commission shall issue a license to the Cecil County Breeders' Fair, Inc., or its successor to hold racing on at least 2 but not more than 8 one-day race meetings a year for steeplechase, hurdle, or flat racing at the Fair Hill Natural Resources Management Area.

(2) The racing shall be held on dates that the licensee chooses and the Commission approves.

(b) In conjunction with this racing, an agricultural fair with livestock entered for exhibition shall be held under the auspices of the State Fair Board on at least 1 racing day.

(c) For each racing day, the licensee shall offer at least 1 steeplechase or hurdle race for each flat race, but an additional flat race may be substituted for a steeplechase race or hurdle race that is not filled.



(d) An officer of the licensee may not receive a salary or dividends from racing allowed under this subtitle.

(e) The licensee shall allocate to the Union Hospital of Cecil County all profits earned under this subtitle, including money from pari-mutuel betting, admission charges, and other receipts.

11-703.

The Commission may issue a license to the licensee to hold racing on 2 race meetings a year for quarter horse racing at the Fair Hill Natural Resources Management Area.

11-704.

(a) (1) The licensee shall deduct from the handle:

- (i) all the breakage; and
- (ii) 25%.

(2) From the 25% that the licensee deducts from the handle, 9% of the handle shall be paid to the Commission, which shall send it to the Comptroller to be credited to the Fair Hill Improvement Fund established in § 5-908 of the Natural Resources Article.

(b) Money that remains after deductions are made under subsection (a) of this section shall be returned as winnings to successful bettors.

11-705.

**(A) IN THIS SECTION, "ARABIAN BREED HORSE" MEANS A HORSE THAT:**

- (1) IS A PUREBRED ARABIAN BREED HORSE; AND**
- (2) HAS A VALID CERTIFICATE OF REGISTRY WITH THE ARABIAN JOCKEY CLUB OF AMERICA.**

**(B) A LICENSEE AT THE FAIR HILL NATURAL RESOURCES MANAGEMENT AREA MAY CONDUCT LIVE RACING OF ARABIAN BREED HORSES IF:**

- (1) THE PURSE FOR AN ARABIAN BREED RACE IS FUNDED BY THE LICENSEE OR THE SPONSOR OF THE RACE;**
- (2) THE TAKEOUT PROVISIONS OF § 11-704 OF THIS SUBTITLE APPLY TO THE RACE;**

(3) THE LICENSEE PAYS ALL TAXES AND FEES ASSOCIATED WITH THE ARABIAN BREED RACE THAT WOULD OTHERWISE BE DUE ON A STEEPLECHASE, HURDLE, OR FLAT RACE; AND

(4) THE ARABIAN BREED RACE IS APPROVED BY THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 498

(House Bill 898)

AN ACT concerning

### Property Tax Credit – Elderly Individuals and Veterans

FOR the purpose of authorizing the Mayor and City Council of Baltimore City and the governing body of a county or municipal corporation to provide a property tax credit against the county or municipal corporation property tax imposed on the dwelling of certain individuals who are elderly or veterans; providing for the amount and duration of the tax credit; authorizing the Mayor and City Council of Baltimore City and the governing body of a county or municipal corporation to provide for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for certain individuals who are elderly or veterans.

BY adding to

Article – Tax – Property

Section 9–257

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

### Article – Tax – Property

9–257.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DWELLING” HAS THE MEANING STATED IN § 9-105 OF THIS TITLE;

(3) “ELIGIBLE INDIVIDUAL” MEANS:

(I) AN INDIVIDUAL WHO IS AT LEAST 65 YEARS OLD AND HAS LIVED IN THE SAME DWELLING FOR AT LEAST THE PRECEDING 40 YEARS; OR

(II) AN INDIVIDUAL WHO IS AT LEAST 65 YEARS OLD AND IS A RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES.

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE DWELLING OF AN ELIGIBLE INDIVIDUAL.

(C) THE PROPERTY TAX CREDIT ALLOWED UNDER THIS SECTION MAY:

(1) NOT EXCEED 20% OF THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE PROPERTY; AND

(2) BE GRANTED FOR A PERIOD OF UP TO 5 YEARS.

(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE MAXIMUM ASSESSED VALUE OF A DWELLING THAT IS ELIGIBLE FOR THE TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 499

### (House Bill 958)

AN ACT concerning

#### Insurance – Rate Filings – Trade Secrets

FOR the purpose of establishing the confidentiality, under certain circumstances, of certain information that an insurer files with the Maryland Insurance Commissioner and identifies as proprietary rate-related information; ~~authorizing the Commissioner to make a certain determination concerning certain material and to make the material available to the public~~ providing that certain information is not subject to subpoena under certain circumstances; requiring the Commissioner, if the Commissioner makes a certain determination, to give an insurer certain notice of a certain determination and to make certain material open to public inspection at a certain time, with a certain exception; authorizing the Commissioner to disclose certain information for certain purposes or to certain persons in a certain manner; requiring the People's Insurance Counsel Division to maintain the confidentiality of certain proprietary rate-related information; allowing the Division to disclose certain proprietary rate-related information to a certain consultant under certain circumstances; requiring the Commissioner to give an insurer certain notice at a certain time before disclosing certain information under certain circumstances; authorizing an insurer to seek to have a certain disclosure made in a certain manner; providing that certain disclosures do not waive a certain privilege or claim of confidentiality of certain information; providing for the construction of certain provisions of this Act; defining a certain term; and generally relating to insurance rate filings and confidentiality.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 11-307

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

#### Article – Insurance

11-307.

(a) (1) Except as otherwise provided in this subsection, each authorized insurer and each rating organization that has been designated by an insurer for the filing of rates under subsection (b) of this section shall file with the Commissioner all rates and supplementary rate information and all changes and amendments of rates and supplementary information made by it for use in the State on or before the date they become effective.

(2) Rates and supplementary rate information need not be filed for inland marine risks that by general custom are not written according to manual rules or rating plans.

(b) (1) An insurer may itself establish rates and supplementary rate information based on the factors in § 11-306 of this subtitle.

(2) Except for workers' compensation insurance rates, an insurer may use rates and supplementary rate information prepared and filed with the Commissioner by a rating organization of which it is a member or subscriber, with average loss factors or expense factors determined by the rating organization or with modification for its own expense and loss experience as the credibility of that experience allows.

(3) If an insurer uses rates and supplementary rate information prepared by a rating organization:

(i) the insurer shall notify the Commissioner that it uses rates and supplementary rate information prepared and filed with the Commissioner by a designated rating organization of which it is a member or subscriber and shall provide the Commissioner with information about modifications of those rates and supplementary rate information that is necessary to inform the Commissioner fully; and

(ii) subject to modifications filed by the insurer, the insurer's rates and supplementary rate information shall be those filed periodically by the rating organization, including any amendments to those filings.

(c) **(1) IN THIS SUBSECTION, "PROPRIETARY RATE-RELATED INFORMATION":**

**(I) MEANS A RATING MODEL; AND**

**(II) INCLUDES THE FORMULAS, ALGORITHMS, ANALYSES, AND SPECIFIC WEIGHTS GIVEN TO VARIABLES USED IN THE MODEL.**

**[(1)] (2) (I) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, EACH filing and any supporting information filed under this subtitle shall be open to public inspection as soon as filed.**

[(2)] (II) On request and payment of a reasonable charge, a person may obtain copies of a filing and any supporting information.

(3) (I) INFORMATION THAT AN INSURER FILES WITH THE COMMISSIONER AND IDENTIFIES AS PROPRIETARY RATE-RELATED INFORMATION:

1. CONSTITUTES A TRADE SECRET AND CONFIDENTIAL COMMERCIAL INFORMATION;

2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH AND EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, SHALL BE KEPT CONFIDENTIAL BY THE COMMISSIONER; AND

3. IS NOT SUBJECT TO SUBPOENA SERVED ON THE COMMISSIONER OR ANY RECIPIENT OF PROPRIETARY RATE-RELATED INFORMATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(II) 1. ~~IF EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF~~ THE COMMISSIONER DETERMINES THAT SOME OR ALL OF THE MATERIAL THAT AN INSURER FILES AND IDENTIFIES AS PROPRIETARY RATE-RELATED INFORMATION DOES NOT CONSTITUTE PROPRIETARY RATE-RELATED INFORMATION AS DEFINED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL:

A. GIVE THE INSURER WRITTEN NOTICE OF THAT DETERMINATION AT LEAST 10 BUSINESS DAYS BEFORE MAKING THE MATERIAL AVAILABLE TO THE PUBLIC; AND

B. MAKE THE MATERIAL OPEN TO PUBLIC INSPECTION 10 BUSINESS DAYS AFTER THE DATE THE COMMISSIONER GIVES NOTICE OF THE DETERMINATION TO THE INSURER.

2. THE COMMISSIONER MAY NOT DISCLOSE THE MATERIAL IF:

A. THE INSURER HAS NOT PUT THE RATE FILING INTO EFFECT; AND

B. WITHIN THE TIME PERIOD DESCRIBED IN SUBSUBPARAGRAPH 1B OF THIS SUBPARAGRAPH, THE INSURER WITHDRAWS THE RATE FILING AND NOTIFIES THE COMMISSIONER THAT THE RATE FILING IS WITHDRAWN.

(III) THIS PARAGRAPH DOES NOT PROHIBIT THE COMMISSIONER FROM DISCLOSING AN INSURER'S PROPRIETARY RATE-RELATED INFORMATION:

1. IN FURTHERANCE OF A REGULATORY OR LEGAL ACTION THAT THE COMMISSIONER UNDERTAKES IN PERFORMING THE COMMISSIONER'S DUTIES UNDER THIS ARTICLE; ~~OR~~

2. IF THE RECIPIENT ENTERS INTO A WRITTEN AGREEMENT TO MAINTAIN THE CONFIDENTIALITY OF THE PROPRIETARY RATE-RELATED INFORMATION, TO:

A. AN OUTSIDE CONSULTANT THAT THE COMMISSIONER ENGAGES TO ASSIST THE COMMISSIONER IN REVIEWING THE INSURER'S RATE FILING;

B. ANOTHER STATE'S INSURANCE REGULATORY AGENCY;

C. THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS; OR

D. A STATE OR FEDERAL LAW ENFORCEMENT AUTHORITY, INCLUDING THE UNITED STATES DEPARTMENT OF JUSTICE AND THE MARYLAND ATTORNEY GENERAL, IF ACTING IN A LAW ENFORCEMENT CAPACITY;  
OR

3. IF THE PROPRIETARY RATE-RELATED INFORMATION IS PART OF A HOMEOWNER'S INSURANCE RATE FILING, TO THE PEOPLE'S INSURANCE COUNSEL DIVISION ACTING UNDER § 6-306 OF THE STATE GOVERNMENT ARTICLE.

(IV) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE PEOPLE'S INSURANCE COUNSEL DIVISION SHALL MAINTAIN THE CONFIDENTIALITY OF PROPRIETARY RATE-RELATED INFORMATION DISCLOSED TO THE DIVISION UNDER SUBPARAGRAPH (III) 3 OF THIS PARAGRAPH.

2. THE PEOPLE'S INSURANCE COUNSEL DIVISION MAY DISCLOSE PROPRIETARY RATE-RELATED INFORMATION TO AN OUTSIDE CONSULTANT THAT THE DIVISION ENGAGES TO ASSIST THE DIVISION IN REVIEWING A HOMEOWNER'S INSURANCE RATE FILING, PROVIDED THAT THE OUTSIDE CONSULTANT ENTERS INTO A WRITTEN AGREEMENT TO MAINTAIN THE CONFIDENTIALITY OF THE PROPRIETARY RATE-RELATED INFORMATION.

~~(IV)~~ (V) THE COMMISSIONER SHALL NOTIFY THE INSURER IN WRITING AT LEAST 10 BUSINESS DAYS BEFORE THE COMMISSIONER DISCLOSES ANY OF THE INSURER'S PROPRIETARY RATE-RELATED INFORMATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

~~(V)~~ (VI) IN ADDITION TO ANY OTHER RIGHTS AN INSURER MAY HAVE UNDER ANY OTHER APPLICABLE LAW, THE INSURER MAY SEEK TO HAVE ANY DISCLOSURE OF THE INSURER'S PROPRIETARY RATE-RELATED INFORMATION UNDER SUBPARAGRAPH (III)1 OF THIS PARAGRAPH BE MADE UNDER SEAL OR OTHER PROTECTION OF CONFIDENTIALITY.

~~(VI)~~ (VII) THERE IS NO WAIVER OF ANY APPLICABLE PRIVILEGE OR CLAIM OF CONFIDENTIALITY WITH REGARD TO ANY PROPRIETARY RATE-RELATED INFORMATION THAT IS DISCLOSED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

**(4) THIS SUBSECTION MAY NOT BE CONSTRUED TO:**

**(I) AUTHORIZE AN INSURER TO DESIGNATE THE RATING FACTORS USED TO CALCULATE THE PREMIUM AS PROPRIETARY RATE-RELATED INFORMATION; OR**

**(II) AUTHORIZE THE COMMISSIONER TO KEEP THE RATING FACTORS CONFIDENTIAL.**

(d) (1) The Commissioner may investigate and determine whether or not rates in the State are excessive, inadequate, or unfairly discriminatory.

(2) In an investigation and determination under this subsection, the Commissioner shall give due consideration to the factors specified in § 11-306 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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**Chapter 500**

**(House Bill 1123)**

AN ACT concerning



**Maryland–Washington Metropolitan District – Boundaries – City of Greenbelt**

**PG/MC 117–16**

FOR the purpose of altering a certain provision of law to provide that the boundaries of the Maryland–Washington Metropolitan District do not include the City of Greenbelt as its boundaries are defined on a certain date; and generally relating to the boundaries of the Maryland–Washington Metropolitan District.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 19–102

Annotated Code of Maryland

(2012 Volume and 2015 Supplement)

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

**Article – Land Use**

19–102.

The boundaries of the metropolitan district are the same as existed on October 1, 2012, with the exclusion of:

(1) any property annexed into the City of Rockville, the City of Gaithersburg, or the Town of Washington Grove under Chapter 429 of the Acts of the General Assembly of 2007; AND

(2) **THE CITY OF GREENBELT AS IT EXISTED ON JULY 1, 2016.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 501**

**(House Bill 1128)**

AN ACT concerning

**Washington Suburban Sanitary Commission – Drinking Water – Testing**

**PG/MC 113–16**

FOR the purpose of altering which cycle of certain regulations adopted by the United States Environmental Protection Agency is the basis for the requirement that the Washington Suburban Sanitary Commission conduct quarterly testing of drinking water in the Commission system for unregulated contaminants; and generally relating to the quarterly testing of drinking water by the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 28–301  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Public Utilities**

28–301.

(a) The Commission shall conduct quarterly testing of drinking water in the Commission system for unregulated contaminants included in the United States Environmental Protection Agency’s [third] **LATEST** cycle of unregulated contaminant monitoring regulations established in accordance with Title XIV, § 1445(a)(B)(i) of the federal Public Health Service Act.

(b) Within 30 days after receiving the results of each quarterly test, if the results indicate that a contaminant is present, the Commission shall:

- (1) report the results of the test to the county executives of Montgomery County and Prince George’s County; and
- (2) publish the results of the test on its Web site.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

AN ACT concerning

**Washington Suburban Sanitary Commission – Commissioners Appointed From  
Montgomery County – Qualifications**

**PG/MC 116–16**

FOR the purpose of ~~repealing a requirement that not more than two members of the Washington Suburban Sanitary Commission from Montgomery County be of the same political party~~ repealing a requirement that members of the Washington Suburban Sanitary Commission from Montgomery County reside in the Washington Suburban Sanitary District; and generally relating to qualifications of the members of the Washington Suburban Sanitary Commission appointed from Montgomery County.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 17–102  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Public Utilities**

17–102.

(a) The Commission consists of:

(1) three commissioners from Prince George’s County, appointed by the County Executive subject to the confirmation of the County Council; and

(2) three commissioners from Montgomery County, appointed by the County Executive subject to the confirmation of the County Council.

(b) (1) Each commissioner FROM PRINCE GEORGE’S COUNTY shall be a resident of the sanitary district.

(2) (i) Each commissioner from Montgomery County shall be a registered voter of Montgomery County.

(ii) Each commissioner from Prince George’s County shall be a registered voter of Prince George’s County.

(c) ~~¶(1)~~ An individual may not be appointed or continue in office as a commissioner if the individual holds any other position of profit or trust under the Constitution or laws of the State or any political subdivision of the State.

~~¶(2)~~ Not more than two commissioners from Montgomery County may be of the same political party.~~¶~~

(d) (1) The term of a commissioner is 4 years and begins on June 1 of the year of appointment.

(2) The terms of commissioners are staggered as required by the terms provided for commissioners on July 1, 1982.

(3) At the end of a term, a commissioner continues to serve until a successor is appointed and takes the oath of office.

(4) A commissioner who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and takes the oath of office.

(5) A vacancy on the Commission does not impair the right of the remaining commissioners to exercise all the powers of the Commission.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 503

(House Bill 1167)

AN ACT concerning

### **Biotechnology Investment Tax Credit – Investment in Qualified Companies in Low-Income Areas**

FOR the purpose of altering the amount of the credit allowed against the State income tax for certain investments in certain qualified Maryland biotechnology companies located in certain counties; providing for the application of this Act; and generally relating to a credit against the State income tax for certain investments in certain biotechnology companies.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 10–725(b)(1)

Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 10–725(d)(1)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

10–725.

(b) (1) Subject to paragraphs (2) and (3) of this subsection and subsections (d) and (e) of this section, for the taxable year in which an investment in a qualified Maryland biotechnology company is made, a qualified investor may claim a credit against the State income tax in an amount equal to the amount of tax credit stated in the final credit certificate approved by the Secretary for the investment as provided under this section.

(d) (1) The tax credit allowed in an initial tax credit certificate issued under this section is:

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, 50% of the investment in a qualified Maryland biotechnology company, not to exceed \$250,000; OR**

**(II) IF A QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY IS LOCATED IN ALLEGANY, DORCHESTER, GARRETT, OR SOMERSET COUNTIES ~~OR BALTIMORE CITY~~, 75% OF THE INVESTMENT IN THE QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY, NOT TO EXCEED \$500,000.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all initial tax credit certificates issued after June 30, 2016.

Approved by the Governor, May 10, 2016.

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**Chapter 504**

**(House Bill 1168)**

AN ACT concerning

**Cybersecurity Investment Tax Credit – Investment in Qualified Companies in Low-Income Areas**

FOR the purpose of altering the amount of the credit allowed against the State income tax for certain investments in certain qualified Maryland cybersecurity companies located in certain counties; providing for the application of this Act; and generally relating to a credit allowed against the State income tax for investments in certain cybersecurity companies.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 10–733(b)(1)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 10–733(d)(1)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

10–733.

(b) (1) Subject to paragraph (2) of this subsection and subsections (d) and (f) of this section, for the taxable year in which an investment in a qualified Maryland cybersecurity company is made, a qualified Maryland cybersecurity company may claim a credit against the State income tax in an amount equal to the amount of tax credit stated in the final credit certificate approved by the Secretary for the investment as provided under this section.

(d) (1) The tax credit allowed in an initial tax credit certificate issued under this section is:

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, 33% of the investment in a qualified Maryland cybersecurity company, not to exceed \$250,000; OR**

**(II) IF A QUALIFIED MARYLAND CYBERSECURITY COMPANY IS LOCATED IN ALLEGANY COUNTY, DORCHESTER COUNTY, GARRETT COUNTY, OR**

**SOMERSET COUNTY ~~OR BALTIMORE CITY~~, 50% OF THE INVESTMENT IN THE QUALIFIED MARYLAND CYBERSECURITY COMPANY, NOT TO EXCEED \$500,000.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all initial tax credit certificates issued after June 30, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 505

(House Bill 1217)

AN ACT concerning

**Maryland Medical Assistance Program – Specialty Mental Health and Substance Use Disorder Services – Parity**

FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt regulations necessary to ensure that the Maryland Medical Assistance Program is in compliance with certain federal laws; providing that the Department is not required to adopt certain regulations for certain changes; requiring the regulations to include standards regarding treatment limitations for specialty mental health and substance use disorder services that comply with the federal laws and relate to certain items; providing that the treatment limitations comply with the federal laws if certain factors used in applying a treatment limitation meet certain requirements for medical and surgical services; and generally relating to the Maryland Medical Assistance Program and compliance with federal laws relating to specialty mental health and substance use disorder services.

BY adding to

Article – Health – General  
Section 15–103.6  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

**15–103.6.**

(A) ~~(1)~~ ON SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JUNE 30, 2017, THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO ENSURE THAT THE PROGRAM IS IN COMPLIANCE WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(2) THE DEPARTMENT IS NOT REQUIRED TO ADOPT REGULATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ANY CHANGE THAT MAY BE MADE THROUGH A PROCESS OTHER THAN THE REGULATORY PROCESS.

(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE STANDARDS REGARDING TREATMENT LIMITATIONS FOR SPECIALTY MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES THAT COMPLY WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, AND RELATE TO:

(1) THE SCOPE OF BENEFITS FOR:

(I) TELEHEALTH SERVICES; AND

(II) RESIDENTIAL TREATMENT PROGRAMS THAT ARE NOT INSTITUTIONS FOR MENTAL DISEASE;

(2) SERVICE NOTIFICATION AND AUTHORIZATION REQUIREMENTS;

(3) LICENSED SPECIALTY MENTAL HEALTH OR SUBSTANCE USE DISORDER PROGRAM BILLING FOR:

(I) SERVICES PROVIDED BY PHYSICIANS, ADVANCED PRACTICE NURSES, AND PHYSICIAN ASSISTANTS;

(II) SERVICES PROVIDED BY A LICENSED SPECIALTY MENTAL HEALTH OR SUBSTANCE USE DISORDER PROGRAM AT A LOCATION THAT IS NOT THE PRIMARY LOCATION AT WHICH THE PROGRAM IS LICENSED; AND

(III) SEPARATE LEVELS OF SERVICE PROVIDED WITHIN A SINGLE DAY OR WEEK; AND

(4) REIMBURSEMENT RATES.

(C) THE TREATMENT LIMITATIONS FOR SPECIALTY MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES COMPLY WITH THE FEDERAL MENTAL



**HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, IF THE OPERABLE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING A TREATMENT LIMITATION TO SPECIALTY MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICES, AS WRITTEN AND APPLIED, ARE COMPARABLE TO AND NO MORE RESTRICTIVE THAN, AND ARE APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING THE TREATMENT LIMITATION TO MEDICAL AND SURGICAL SERVICES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## **Chapter 506**

**(House Bill 1268)**

AN ACT concerning

### **Calvert County – Pretrial Release Program – Nonviolent Felon**

FOR the purpose of repealing a provision of law that prohibits an individual in detention for or previously convicted of a felony that is not a crime of violence from being eligible for a certain pretrial release program in Calvert County; providing that an individual in detention for or previously convicted of a certain crime is not eligible for a certain program; and generally relating to the Calvert County pretrial release program.

BY repealing and reenacting, with amendments,  
 Article – Correctional Services  
 Section 11–706(e)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

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

#### **Article – Correctional Services**

11–706.

(e) (1) The Sheriff may:

(i) establish a pretrial release program that offers alternatives to pretrial detention; and

(ii) adopt regulations to administer the program.

(2) A court may order an individual to participate in the pretrial release program if the individual:

(i) appears before the court after being charged and detained on bond; and

(ii) meets the eligibility requirements of paragraph (4) of this subsection.

(3) The court may make the order at the imposition of bond, on review of bond, or any other time during the individual's pretrial detention.

(4) An individual is eligible for the pretrial release program if the individual:

(i) is recommended to the court for placement in the program by the program staff;

(ii) has no other charges for a felony or a violation of a crime of violence as defined in § 14–101 of the Criminal Law Article pending in any jurisdiction; and

(iii) is not in detention for or been previously convicted of:

1. a crime of violence listed in § 14–101 of the Criminal Law Article;

2. [a felony; or

3.] the crime of escape under § 9–404 of the Criminal Law Article; OR

**3. A CRIME UNDER ~~§§ 5–612, 5–613, OR 5–614~~ § 5–612, § 5–613, OR § 5–614 OF THE CRIMINAL LAW ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 10, 2016.**

## Chapter 507

### (House Bill 1281)

AN ACT concerning

#### Strategic Energy Investment Program and Advisory Board – Alterations

FOR the purpose of ~~providing that certain excess administrative expenses of the Strategic Energy Investment Fund shall be paid from a certain allocation for a certain fiscal year~~, requiring the Maryland Energy Administration to provide certain plans to the Strategic Energy Investment Advisory Board in certain years; requiring the Administration to provide certain reports on the implementation of certain plans in certain years; providing for the ~~election~~ appointment of a chair of the Board; authorizing the Board to meet under certain circumstances; providing that copies of a certain report shall be provided to members of certain committees; providing that certain information concerning certain grants and certain amounts be included in the report; repealing an obsolete provision; and generally relating to the Strategic Energy Investment Program.

BY repealing and reenacting, without amendments,  
 Article – State Government  
 Section 9–20B–01, 9–20B–04, 9–20B–08, and 9–20B–09  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 9–20B–05, 9–20B–06, 9–20B–07, and 9–20B–12  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

#### Article – State Government

9–20B–01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Administration” means the Maryland Energy Administration.
- (c) “Board” means the Strategic Energy Investment Advisory Board established under § 9–20B–07 of this subtitle.
- (d) “Fund” means the Maryland Strategic Energy Investment Fund.

- (e) “Program” means the Maryland Strategic Energy Investment Program.

9–20B–04.

The Administration shall:

- (1) manage, supervise, and administer the Program;
- (2) adopt regulations to implement the Program and to ensure that Fund resources are utilized only to carry out the purposes of the Program;
- (3) attach specific terms and conditions to any grant, loan, or other form of assistance that are determined by the Administration as necessary to ensure that the purposes of the Program are fulfilled;
- (4) develop procedures for monitoring programs, projects, activities, and investments to verify that Fund resources are being used to meet the purposes of the Program; and
- (5) provide moneys annually or as needed to the Clean Air Fund managed by the Department of the Environment to fund the costs of the Department’s programs to reduce or mitigate the effects of climate change.

9–20B–05.

- (a) There is a Maryland Strategic Energy Investment Fund.
- (b) The purpose of the Fund is to implement the Strategic Energy Investment Program.
- (c) The Administration shall administer the Fund.
- (d)
  - (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
  - (2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.
- (e) The Fund consists of:
  - (1) all of the proceeds from the sale of allowances under § 2–1002(g) of the Environment Article;
  - (2) money appropriated in the State budget to the Program;

(3) repayments and prepayments of principal and interest on loans made from the Fund;

(4) interest and investment earnings on the Fund;

(5) compliance fees paid under § 7-705 of the Public Utilities Article;

(6) money received from any public or private source for the benefit of the Fund; and

(7) money transferred from the Public Service Commission under § 7-207.2(c)(3) of the Public Utilities Article.

(f) The Administration shall use the Fund:

(1) to invest in the promotion, development, and implementation of:

(i) cost-effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;

(ii) renewable and clean energy resources;

(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and

(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:

1. changes in the price of electricity over time; or

2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;

(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low-income and moderate-income residential sectors;

(3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7-512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Resources;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the Public Utilities Article;

(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9–20B–03 of this subtitle;

(6) to implement energy–related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9–2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities; and

(9) to pay the expenses of the Program.

(g) Proceeds received by the Fund from the sale of allowances under § 2–1002(g) of the Environment Article shall be allocated as follows:

(1) at least 50% shall be credited to an energy assistance account to be used for the Electric Universal Service Program and other electricity assistance programs in the Department of Human Resources;

(2) at least 20% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account for energy efficiency and conservation programs, projects, or activities and demand response programs, of which at least one–half shall be targeted to the low and moderate income efficiency and conservation programs account for:

(i) the low–income residential sector at no cost to the participants of the programs, projects, or activities; and

(ii) the moderate–income residential sector;

(3) at least 20% shall be credited to a renewable and clean energy programs account for:

(i) renewable and clean energy programs and initiatives;

(ii) energy–related public education and outreach; and

(iii) climate change and resiliency programs; and

(4) up to 10%, but not more than \$5,000,000, shall be credited to an administrative expense account for costs related to the administration of the Fund, including the review of electric company plans for achieving electricity savings and demand reductions that the electric companies are required under law to submit to the Administration.

(h) (1) Energy efficiency and conservation programs under subsection (g)(2) of this section include:

- (i) low-income energy efficiency programs;
- (ii) residential and small business energy efficiency programs;
- (iii) commercial and industrial energy efficiency programs;
- (iv) State and local energy efficiency programs;
- (v) demand response programs;
- (vi) loan programs and alternative financing mechanisms; and

(vii) grants to training funds and other organizations supporting job training for deployment of energy efficiency and energy conservation technology and equipment.

(2) Energy-related public education and outreach and renewable and clean energy programs and initiatives under subsection (g)(3)(i) and (ii) of this section include:

- (i) production incentives for specified renewable energy sources;
- (ii) expansion of existing grant programs for solar, geothermal, and wind programs;
- (iii) loan programs and alternative financing mechanisms; and
- (iv) consumer education and outreach programs that are designed to reach low-income communities.

(i) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7-705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.

(2) Compliance fees paid under § 7-705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State.

(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into [an administrative expense account within] the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.

(k) Expenditures from the Fund shall be made by:

(1) an appropriation in the annual State budget; or

(2) a budget amendment in accordance with § 7–209 of the State Finance and Procurement Article.

(l) An expenditure by budget amendment may be made under subsection (k) of this section only after:

(1) the Administration has submitted the proposed budget amendment and supporting documentation to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Economic Matters Committee; and

(2) the committees have had 45 days for review and comment.

~~(M) IF THE ADMINISTRATIVE EXPENSES OF THE FUND FOR A SINGLE FISCAL YEAR EXCEED THE \$5,000,000 LIMIT UNDER SUBSECTION (G)(4) OF THIS SECTION, THE EXCESS OF EXPENSES SHALL BE PAID FROM THE ADMINISTRATIVE EXPENSES ALLOCATION FOR THE FOLLOWING FISCAL YEAR.~~

9–20B–06.

(a) [On or before December 15, 2008, the Administration shall develop a plan for expenditures from the Fund for fiscal year 2009 and fiscal year 2010.

(b) On or before September 1, 2009, and every 3 years thereafter, the Administration shall develop a plan for expenditures covering the next 3 fiscal years.

[(c)] (B) (1) The Administration shall hold one or more public meetings in conjunction with the development of a plan.

(2) The Administration:

(i) shall hold at least four public meetings across the State during the development of the initial plan under subsection (a) of this section, in the eastern, southern, central, and western parts of the State, respectively; and



(ii) is encouraged to solicit input from all regions of the State in developing subsequent plans under this section.

(3) The Administration shall submit [a]:

**(I) EACH plan to the Board for review IN A PLAN DEVELOPMENT YEAR; AND**

**(II) A REPORT TO THE BOARD ON THE IMPLEMENTATION OF THE PLAN DURING YEARS OTHER THAN PLAN DEVELOPMENT YEARS.**

9-20B-07.

(a) There is a Strategic Energy Investment Advisory Board.

(b) (1) The Board shall review the Program and the Administration's proposed uses of and expenditures from the Fund and make recommendations to the Administration concerning any proposed use or expenditure.

(2) The Administration shall consider the Board's recommendations when making decisions about uses and expenditures from the Fund.

(c) The Board consists of the following members:

(1) one member of the Senate, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House of Delegates;

(3) the following members appointed by the Governor:

(i) two representatives of Maryland residential customers;

(ii) a representative of Maryland commercial customers;

(iii) a representative of large electricity users in the State;

(iv) a representative of an electric company;

(v) a representative of an electric cooperative;

(vi) a representative of electricity suppliers;

(vii) a representative of a Maryland environmental group; and

(viii) a representative of a renewable electricity industry; and

(4) the following nonvoting ex officio members:

(i) the Chairman of the Public Service Commission or the Chairman's designee;

(ii) the People's Counsel or the designee of the People's Counsel; and

(iii) the Secretary of the Environment or the Secretary's designee.

(d) If a regulated lobbyist is appointed to serve as a member of the Board, the lobbyist:

(1) is not subject to § 5–504(d) of the General Provisions Article with respect to that service; and

(2) is not subject to § 5–704(f)(3) of the General Provisions Article as a result of that service.

**(E) ~~THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS~~ THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD FROM AMONG ITS VOTING MEMBERS.**

**[(e)] (F)** (1) The term of a member appointed by the Governor is 3 years.

(2) The terms of the members appointed by the Governor are staggered as required by the terms provided for members of the Board on June 1, 2008.

(3) **(I)** The Board shall meet at least 2 times each year.

**(II) IN ADDITION, THE BOARD MAY MEET AT THE DISCRETION OF THE CHAIR OF THE BOARD OR THE REQUEST OF THE DIRECTOR OF THE ADMINISTRATION.**

(4) The Board may act only by the affirmative vote of at least six voting members.

(5) A member of the Board:

(i) may not receive compensation as a member of the Board; but

(ii) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

**[(f)] (G)** The Administration shall provide staff support for the Board.

9-20B-08.

(a) The Administration regularly shall disclose summary information regarding any contract entered into by the Administration that encumbers \$100,000 or more from the Fund.

(b) For each of the contracts specified under subsection (a) of this section, the following information shall be posted on the Administration's Web site on a quarterly basis:

(1) the name and business address of the parties of the contract;

(2) a summary of the goods and services to be provided under the contract;

and

(3) the maximum amount of moneys from the Fund that may be obligated by the contract.

9-20B-09.

(a) The Administration shall monitor and analyze the impact of each program, project, activity, and investment to ensure that the outcome of each program, project, activity, or investment achieves the purposes of the Program.

(b) In monitoring and analyzing the impact of a program, project, activity, or investment under subsection (a) of this section, if the Administration finds that the outcome of the program, project, activity, or investment is not achieving the purposes of the Program, the Administration shall take specific measures to address the findings.

9-20B-12.

(a) On or before January 1 of each year, the Administration shall report to the Governor and, in accordance with § 2-1246 of this article, to the General Assembly **AND THE MEMBERS OF THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE** on the uses and expenditures of the Fund from the prior fiscal year.

(b) The report shall include:

(1) a detailed accounting of all amounts received by and disbursed from the Fund, including the amount and recipient of each grant awarded by the Administration, **AND IDENTIFYING MULTIPLE GRANTS AWARDED TO THE SAME PERSON, ~~THE SAME HOUSEHOLD, OR TO AFFILIATES OF THE SAME PERSON~~ OR THE SAME ADDRESS;**

(2) all amounts used by the Administration for administrative purposes, **INCLUDING THE FUNDING SOURCE FROM WHICH EACH AMOUNT WAS OBTAINED;**

(3) programs, projects, and activities included in each category under § 9–20B–05(g) of this subtitle;

(4) the status of programs, projects, activities, and investments implemented with funds from the Fund, including an evaluation of the impact of the programs, projects, activities, and investments that are directed to low-income or moderate-income residential sectors or to other particular classes of ratepayers;

(5) an estimate of electricity savings from the programs, projects, activities, and investments;

(6) the number of allowances sold in each auction;

(7) the average allowance price from each auction;

(8) an estimate of revenue from future auctions;

**(9) AN ACCOUNTING OF ALL AMOUNTS RECEIVED OR DISBURSED BY THE FUND FROM ALL OTHER SOURCES, INCLUDING MONEY RECEIVED IN ACCORDANCE WITH ORDERS ISSUED AND SETTLEMENT AGREEMENTS APPROVED BY THE PUBLIC SERVICE COMMISSION; and**

**[(9)] (10)** recommendations for changes to the allocation of funds under § 9–20B–05(g) of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 10, 2016.**

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## Chapter 508

(House Bill 1299)

AN ACT concerning

**Property Tax – ~~Public Land and Public Use~~ Crane Located on State Property – Exemption**

FOR the purpose of providing an exemption from property tax for the interest of a person in certain property that is located on property owned by ~~certain public entities~~ the State and used for certain ~~public~~ purposes; providing for the construction of this Act; providing for the application of this Act; and generally relating to an exemption from property tax for interests in certain property.

BY adding to

Article – Tax – Property

Section 7–211(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

7–211.

(I) AN INTEREST OF A PERSON IN PERSONAL PROPERTY THAT IS LOCATED ON PROPERTY OWNED BY THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION IS NOT SUBJECT TO PROPERTY TAX IF THE PERSONAL PROPERTY IS A CRANE USED FOR A PUBLIC PURPOSE CARGO HANDLING PURPOSES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to alter or abrogate any agreements between a person and a local government concerning any personal property described under this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

**Approved by the Governor, May 10, 2016.**

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**Chapter 509**

**(House Bill 1344)**

AN ACT concerning

**Queen Anne’s County – County Commissioners Election ~~and Terms~~  
Method – Straw Ballot**

FOR the purpose of requiring that a certain ~~questions~~ question be placed on the ballot in Queen Anne’s County at the November general election of 2016 to determine the sense of the voters of the County on the ~~issues~~ issue of the method of electing the members of the Board of County Commissioners ~~and staggered terms for the members of the Board of County Commissioners~~; providing for the carrying out of

the straw ballot; and generally relating to the holding of a straw ballot in Queen Anne's County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That under the provisions of the Election Law Article, the Queen Anne's County Board of Elections, in consultation with the State Board of Elections, shall prepare and include on the ballot for the November general election of 2016 the following ~~questions~~ question:

~~"Queen Anne's County Board of County Commissioners – Staggered Terms~~

Do you favor changing the method of selection of ~~the four of the five~~ the four of the five members of the Queen Anne's County Board of County Commissioners from the current method of ~~four members~~ four members being elected at large by the voters of Queen Anne's County, with one member residing in each of the four election districts ~~(except for the election of one member who may reside in any district of the County)~~, to a new method where each ~~member~~ member of the ~~four members~~ four members is elected by only the voters of the district in which the member resides ~~(except for the election of one member who may reside in any district of the County)~~ and the fifth member is elected at large and may reside in any district of the County?"

~~"Queen Anne's County Board of County Commissioners – Staggered Terms~~

~~Do you favor staggering the terms of the members of the Queen Anne's County Board of County Commissioners?"~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Queen Anne's County Board of Elections and the Board of County Commissioners of Queen Anne's County shall do those things necessary and proper to place ~~these questions~~ this question on the ballot prepared for the November general election of 2016, so that each participating voter in the County may have the opportunity to cast a vote on ~~these questions~~ this question. The ~~questions~~ question shall be proposed, presented, tallied, and reported in general accordance with the provisions of the Election Law Article. The vote on this question is advisory only.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.

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## Chapter 510

(House Bill 1385)

AN ACT concerning

**Public Health – ~~Electronic Advance Directives – Witness Requirements, Information Sheet, and Repository Services Procedures, Information Sheet, and Use of Electronic Advance Directives~~**

FOR the purpose of providing that ~~certain provisions of law apply to managed care organizations in a certain manner; requiring each managed care organization to offer electronic advance directives to its enrollees at a certain time; authorizing managed care organizations to contract with an electronic advance directives service under certain circumstances; repealing a provision of law providing that an electronic advance directive created in a certain manner satisfies certain requirements; prohibiting a certain witness from being required to be physically present at the time a declarant signs or acknowledges the declarant's signature on an electronic advance directive; requiring managed care organizations and the Maryland Health Benefit Exchange to provide a certain information sheet in accordance with certain provisions of law; requiring a certain information sheet to encourage the use of electronic advance directives and provide certain information; prohibiting a certain information sheet from imposing certain requirements; requiring the Department of Health and Mental Hygiene, for a certain purpose, to contract with an electronic advance directives service to connect with health care providers in a certain manner; establishing certain requirements for an electronic advance directives service; requiring the Department to encourage certain persons and entities to engage in certain outreach efforts for a certain purpose; requiring the Department to encourage the use of electronic advance directives; requiring the State-designated health information exchange to make an electronic advance directive available to a certain health care provider under certain circumstances; requiring health insurance carriers to offer electronic advance directives to their members and enrollees at a certain time; authorizing carriers to contract with an electronic advance directives service under certain circumstances; requiring the Exchange to provide a certain information sheet in a certain manner; requiring the Secretary of Budget and Management to offer electronic advance directives to certain employees at a certain time~~ a certain expression of an individual's wishes regarding health care shall be considered under certain circumstances, notwithstanding any other provision of law; repealing a provision of law establishing that a certain electronic advance directive satisfies a certain requirement; establishing that a witness is not required for an electronic advance directive under certain circumstances; authorizing the State-designated health information exchange to accept as valid a certain electronic advance directive in a certain form under certain circumstances; requiring the Maryland Health Benefit Exchange to provide a certain information sheet in accordance with certain provisions of this Act; altering the contents of a certain information sheet; requiring the Department of Health and Mental Hygiene to take certain actions regarding electronic advance directives; *repealing the Advance Directive Registry in the Department; establishing an Advance Directive Program in the Department; repealing certain powers and duties of the Secretary of Health and Mental Hygiene and the Department relating to the Registry; authorizing the Secretary to adopt certain regulations for the Program; authorizing an individual to register an advance directive with a certain advance directives service; requiring a registrant to provide certain notice to a certain advance directives service under*

*certains circumstances; requiring a health care provider to provide a registrant with certain information under certain circumstances; providing that an individual is not required to submit an advance directive to a certain advance directives service; requiring the Department to take certain actions before accepting an advance directive into a certain advance directives service; establishing certain immunity for a health care provider for failing to access a certain advance directives service or relying on information provided by a certain advance directives service; altering a certain definition; repealing a certain definition; requiring the Department, for a certain purpose, to contract with an electronic advance directives service to connect with health care providers in a certain manner; requiring certain money in the Spinal Cord Injury Research Trust Fund to be used to administer the Advance Directive Registry Program in the Department; altering the date on or before which the Department must implement a certain plan; requiring the Department to offer to certain recipients a certain information sheet in a certain manner and the use of electronic advance directives through a certain service; requiring the Maryland Health Care Commission to develop certain criteria for a certain purpose; establishing certain requirements that an electronic advance directives service must meet to connect to the State-designated health information exchange; authorizing the State-designated health information exchange to charge a certain fee under certain circumstances; requiring the State-designated health information exchange to ensure that electronic advance directives services do not have access to certain information; altering a certain definition; making conforming changes; and generally relating to electronic advance directives.*

~~BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 5-602(a), 5-620, and 15-109.1  
Annotated Code of Maryland  
(2015 Replacement Volume)~~

BY repealing and reenacting, with amendments,  
Article – Health – General  
~~Section 5-602(e), 5-615, 5-622, and 5-623~~ *Section 5-602(a) and (c), 5-615, 5-622, 13-1406,  
and 15-109.1* *Section 5-602(a) and (c), 5-615; 5-619 through 5-623, 5-625,  
and 5-626 to be under the amended part “Part II. Advance Directive Program”;*  
*13-406, and 15-109.1*  
Annotated Code of Maryland  
(2015 Replacement Volume)

~~BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 5-620  
Annotated Code of Maryland  
(2015 Replacement Volume)~~

BY adding to  
Article – Health – General



Section ~~15-102.9~~ 5-615.1 and 19-144  
 Annotated Code of Maryland  
 (2015 Replacement Volume)

*BY repealing*

*Article – Health – General*  
*Section 5-624*  
*Annotated Code of Maryland*  
*(2015 Replacement Volume)*

BY repealing and reenacting, ~~with~~ without amendments,  
 Article – Insurance  
 Section ~~15-122.1~~ 6-103.1  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – Insurance  
 Section 31-108(g)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

~~BY adding to~~  
~~Article – State Personnel and Pensions~~  
~~Section 2-503(e)~~  
~~Annotated Code of Maryland~~  
~~(2015 Replacement Volume)~~

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

**Article – Health – General**

5-602.

(a) **(1)** Any competent individual may, at any time, make a written or electronic advance directive regarding the provision of health care to that individual, or the withholding or withdrawal of health care from that individual.

**(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE ABSENCE OF A VALIDLY EXECUTED OR WITNESSED ADVANCE DIRECTIVE, ANY AUTHENTIC EXPRESSION MADE BY AN INDIVIDUAL WHILE COMPETENT OF THE INDIVIDUAL'S WISHES REGARDING HEALTH CARE FOR THE INDIVIDUAL SHALL BE CONSIDERED.**

(c) (1) A written or electronic advance directive shall be dated, signed by or at the express direction of the declarant, and subscribed by two witnesses.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, any competent individual may serve as a witness to an advance directive, including an employee of a health care facility, nurse practitioner, physician assistant, or physician caring for the declarant if acting in good faith.

(ii) The health care agent of the declarant may not serve as a witness.

(iii) At least one of the witnesses must be an individual who is not knowingly entitled to any portion of the estate of the declarant or knowingly entitled to any financial benefit by reason of the death of the declarant.

(3) [An electronic advance directive that is created in compliance with the electronic witness protocols of the Advance Directive Registry of the Department shall satisfy the witness requirement of paragraph (1) of this subsection] ~~A WITNESS WHO USES AN ELECTRONIC SIGNATURE AT THE DIRECTION OF THE DECLARANT TO WITNESS AN ELECTRONIC ADVANCE DIRECTIVE MAY NOT BE REQUIRED TO BE PHYSICALLY PRESENT AT THE TIME THE DECLARANT SIGNS OR ACKNOWLEDGES THE DECLARANT'S SIGNATURE ON THE ELECTRONIC ADVANCE DIRECTIVE IS NOT REQUIRED FOR AN ELECTRONIC ADVANCE DIRECTIVE IF THE DECLARANT'S IDENTITY HAS BEEN ESTABLISHED USING REMOTE IDENTITY PROOFING AND MULTIFACTOR AUTHENTICATION SERVICES:~~

~~(I) ESTABLISHED IN ACCORDANCE WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SPECIAL PUBLICATION 800-63-2: ELECTRONIC AUTHENTICATION GUIDELINE; AND~~

~~(H) APPROVED BY THE MARYLAND HEALTH CARE COMMISSION.~~

~~(4) THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE MAY ACCEPT AS VALID AN UNWITNESSED ELECTRONIC ADVANCE DIRECTIVE IN THE FORM OF A VIDEO RECORD OR FILE TO STATE THE DECLARANT'S WISHES REGARDING HEALTH CARE FOR THE DECLARANT OR TO APPOINT AN AGENT IF THE VIDEO RECORD OR FILE:~~

~~(I) IS DATED; AND~~

~~(II) IS STORED IN AN ELECTRONIC FILE BY AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.~~

5-615.

(a) In this section, “health care facility” has the meaning stated in § 19-114 of this article.

(b) Each health care facility shall provide each individual on admittance to the facility information concerning the rights of the individual to make decisions concerning health care, including the right to accept or refuse treatment, and the right to make an advance directive, including a living will.

(c) (1) The Department, in consultation with the Office of the Attorney General, shall develop an information sheet that provides information relating to advance directives, which shall include:

(i) Written statements informing an individual that an advance directive:

1. Is a useful, legal, and well established way for an individual to direct medical care;

2. Allows an individual to specify the medical care that the individual will receive and can alleviate conflict among family members and health care providers;

3. Can ensure that an individual’s religious beliefs are considered when directing medical care;

4. Is most effective if completed in consultation with family members, or legal and religious advisors, if an individual desires;

5. Can be revoked or changed at any time;

6. Is available in many forms, including model forms developed by religious organizations, estate planners, and lawyers;

7. Does not have to be on any specific form and can be personalized; and

8. If completed, should be copied for an individual’s family members, physicians, and legal advisors; and

(ii) The following written statements:

1. That an individual should discuss the appointment of a health care agent with the potential appointee;

2. That advance directives are for individuals of all ages;

3. That in the absence of an appointed health care agent, the next of kin make an individual's health care decisions when the individual is incapable of making those decisions; and

4. That an individual is not required to complete an advance directive.

(2) The information sheet developed by the Department under this subsection shall be provided by:

(i) The Department, in accordance with § 15–109.1 of this article;

(ii) The Motor Vehicle Administration, in accordance with § 12–303.1 of the Transportation Article; [and]

(iii) A carrier, in accordance with § 15–122.1 of the Insurance Article;

AND

~~(IV) A MANAGED CARE ORGANIZATION, IN ACCORDANCE WITH § 15–102.9 OF THIS ARTICLE; AND~~

~~(V) (IV) THE MARYLAND HEALTH BENEFIT EXCHANGE, IN ACCORDANCE WITH § 31–108(G) OF THE INSURANCE ARTICLE.~~

(3) The information sheet developed by the Department under this subsection may not contain or promote a specific advance directive form OR AN ELECTRONIC ADVANCE DIRECTIVE TECHNOLOGY OR SERVICE.

(4) THE INFORMATION SHEET DEVELOPED BY THE DEPARTMENT UNDER THIS SUBSECTION AT A MINIMUM SHALL:

~~(I) SHALL ENCOURAGE THE USE OF ELECTRONIC ADVANCE DIRECTIVES AND PROVIDE INFORMATION ABOUT SUBMITTING ELECTRONIC ADVANCE DIRECTIVES TO THE ADVANCE DIRECTIVE REGISTRY IN THE DEPARTMENT, INCLUDING ANY FEES REQUIRED TO USE THE SERVICES OF THE REGISTRY; BUT~~

~~(H) MAY NOT REQUIRE THE USE OF AN ELECTRONIC ADVANCE DIRECTIVE, A SPECIFIC ELECTRONIC ADVANCE DIRECTIVE FORM, THE ADVANCE DIRECTIVE REGISTRY, OR A SPECIFIC ADVANCE DIRECTIVE SERVICE.~~

(I) EDUCATE THE PUBLIC ON THE USE OF ELECTRONIC ADVANCE DIRECTIVES;

(II) ENCOURAGE THE USE OF ELECTRONIC ADVANCE DIRECTIVES;

(III) PROVIDE INFORMATION ABOUT DEVELOPING AN ELECTRONIC ADVANCE DIRECTIVE;

(IV) DESCRIBE HOW ELECTRONIC ADVANCE DIRECTIVES ARE MADE AVAILABLE AT THE POINT OF CARE;

(V) INDICATE THAT THE USE OF AN ELECTRONIC ADVANCE DIRECTIVE IS NOT REQUIRED; AND

(VI) INDICATE THAT INDIVIDUALS DO NOT HAVE TO PAY TO HAVE THEIR ELECTRONIC ADVANCE DIRECTIVES HONORED.

5-615.1.

THE DEPARTMENT SHALL:

(1) ENCOURAGE THE USE OF ELECTRONIC ADVANCE DIRECTIVES;

(2) CARRY OUT APPROPRIATE EDUCATIONAL AND OUTREACH EFFORTS TO INCREASE PUBLIC AWARENESS OF ELECTRONIC ADVANCE DIRECTIVES; AND

(3) ENCOURAGE THE FOLLOWING PERSONS AND ENTITIES TO ENGAGE IN OUTREACH EFFORTS REGARDING ELECTRONIC ADVANCE DIRECTIVES:

(I) THE MARYLAND DEPARTMENT OF AGING;

(II) COUNTY OMBUDSPERSONS;

(III) LOCAL HEALTH DEPARTMENTS;

(IV) SENIOR LIVING FACILITIES;

(V) ACADEMIC INSTITUTIONS;

(VI) RELIGIOUS ORGANIZATIONS;

(VII) HOSPITALS; AND

(VIII) OTHER SIMILAR PERSONS OR ENTITIES.

*Part II. Advance Directive [Registry] PROGRAM.*

5-619.

(a) *In this Part II of this subtitle the following words have the meanings indicated.*

(b) *“Advance directive” has the meaning stated in § 5-601 of this subtitle.*

(c) *“Registrant” means an individual who registers an advance directive with [the Department] **AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.***

*[(d) “Registry” means the repository for advance directives in the Department.]*

## 5-620.

There is an Advance Directive ~~Registry~~ **PROGRAM** in the Department.

5-621.

*The Secretary may adopt regulations to ensure the efficient operation of the [Registry] **PROGRAM.***

## 5-622.

~~(a) (1) The Secretary shall, by regulation, set a fee for any service of the Registry, including an initial fee to utilize the services of the Registry and renewal fees.~~

~~(2) The fees set by the Secretary may not, in the aggregate, exceed the Department’s costs to establish and operate the Registry.~~

~~(b) (1) The Department may, by contract, obtain from any person services related to the establishment and operation of the Registry.~~

~~(2) Notwithstanding any contract in accordance with paragraph (1) of this subsection, the Department is responsible for the Registry.~~

~~(c)~~ **(A) (1) TO FACILITATE THE USE OF CLOUD-BASED TECHNOLOGY FOR ELECTRONIC ADVANCE DIRECTIVES, THE DEPARTMENT SHALL CONTRACT WITH AN ELECTRONIC ADVANCE DIRECTIVES SERVICE TO CONNECT WITH HEALTH CARE PROVIDERS AT THE POINT OF CARE THROUGH THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE.**

**(2) THE ELECTRONIC ADVANCE DIRECTIVES SERVICE SHALL:**

**(I) BE APPROVED BY THE MARYLAND HEALTH CARE COMMISSION AND THE DEPARTMENT; AND**

(II) MEET THE TECHNOLOGY, SECURITY, AND PRIVACY STANDARDS SET BY THE MARYLAND HEALTH CARE COMMISSION.

[(c)] ~~(D)~~ ~~(B)~~ ~~(1)~~ The Department shall carry out appropriate educational and outreach efforts to increase public awareness of ~~the Registry~~ AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

~~(2) TO INCREASE PUBLIC AWARENESS OF ELECTRONIC ADVANCE DIRECTIVES, THE DEPARTMENT SHALL ENCOURAGE THE FOLLOWING PERSONS AND ENTITIES TO ENGAGE IN OUTREACH EFFORTS ABOUT ELECTRONIC ADVANCE DIRECTIVES:~~

- ~~(I) THE MARYLAND DEPARTMENT OF AGING;~~
- ~~(II) COUNTY OMBUDSPERSONS;~~
- ~~(III) LOCAL HEALTH DEPARTMENTS;~~
- ~~(IV) SENIOR LIVING FACILITIES;~~
- ~~(V) ACADEMIC INSTITUTIONS;~~
- ~~(VI) RELIGIOUS ORGANIZATIONS; AND~~
- ~~(VII) ANY SIMILAR PERSON OR ENTITY.~~

~~5-623.~~

~~(a) (1) An individual may register with the Department an advance directive.~~

~~(2) THE DEPARTMENT SHALL ENCOURAGE THE USE OF ELECTRONIC ADVANCE DIRECTIVES.~~

~~(b) (1) The registrant shall notify the Registry if the registrant has amended or revoked a registered advance directive.~~

~~(2) A health care provider that becomes aware that a registrant has amended or revoked a registered advance directive shall, at the request of the registrant, provide the registrant with information on how to notify the Registry.~~

~~(c) An individual is not required to submit an advance directive to the Registry.~~

~~(d) Nothing in this Part II of this subtitle affects the validity of an advance directive that is not submitted to the Registry.~~

~~(E) IF AN INDIVIDUAL HAS SUBMITTED AN ELECTRONIC ADVANCE DIRECTIVE TO THE REGISTRY OR ANOTHER ADVANCE DIRECTIVES SERVICE, THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE SHALL MAKE THE ELECTRONIC ADVANCE DIRECTIVE AVAILABLE TO THE INDIVIDUAL'S HEALTH CARE PROVIDER ON REQUEST OF THE INDIVIDUAL.~~

~~15-102.0.~~

~~(A) THE PROVISIONS OF § 15-122.1 OF THE INSURANCE ARTICLE APPLY TO MANAGED CARE ORGANIZATIONS IN THE SAME MANNER THE PROVISIONS APPLY TO CARRIERS.~~

~~(B) EACH MANAGED CARE ORGANIZATION SHALL OFFER ELECTRONIC ADVANCE DIRECTIVES TO ITS ENROLLEES DURING OPEN ENROLLMENT.~~

~~(C) A MANAGED CARE ORGANIZATION MAY CONTRACT WITH ANY ELECTRONIC ADVANCE DIRECTIVES SERVICE IF THE SERVICE:~~

~~(1) IS APPROVED BY THE MARYLAND HEALTH CARE COMMISSION AND THE DEPARTMENT; AND~~

~~(2) MEETS THE TECHNOLOGY, SECURITY, AND PRIVACY STANDARDS SET BY THE MARYLAND HEALTH CARE COMMISSION.~~

5-623.

*(a) An individual may register AN ADVANCE DIRECTIVE with [the Department an advance directive] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.*

*(b) (1) The registrant shall notify the [Registry] ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION if the registrant has amended or revoked a registered advance directive.*

*(2) A health care provider that becomes aware that a registrant has amended or revoked a registered advance directive shall, at the request of the registrant, provide the registrant with information on how to notify the [Registry] ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.*

*(c) An individual is not required to submit an advance directive to [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.*



(d) Nothing in this Part II of this subtitle affects the validity of an advance directive that is not submitted to [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

[5-624.

(a) The Registry shall consist of a secure, electronic database to which authorized access is available 24 hours per day, 7 days per week.

(b) The Secretary shall specify in regulations the persons who are authorized to access the Registry, including:

(1) The registrant or the registrant's designee; and

(2) Representatives of a health care facility in which a registrant is receiving health care.

(c) The Secretary shall adopt regulations regarding access to the Registry, including procedures to protect confidential information.

(d) The Department may perform evaluations of the Registry.]

[5-625.] 5-624.

Before accepting an advance directive into [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION, the Department shall review and verify that the advance directive includes:

(1) The signature of the declarant;

(2) The date on which the advance directive was signed by the declarant;  
and

(3) The signature of two witnesses as provided in § 5-602(c) of this subtitle.

[5-626.] 5-625.

A health care provider is not subject to criminal prosecution or civil liability or deemed to have engaged in unprofessional conduct as determined by the appropriate licensing authority for:

(1) Failure to access [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION;  
or

(2) Relying on information provided by [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

13–1406.

(a) There is a Spinal Cord Injury Research Trust Fund.

(b) The Fund shall consist of money transferred to the Fund under § 6–103.1 of the Insurance Article or received from any other lawful source.

(c) (1) Money in the Fund shall be used to [make]:

(I) MAKE grants for spinal cord injury research that is focused on basic, preclinical, and clinical research for developing new therapies to restore neurological function in individuals with spinal cord injuries; AND

(II) ADMINISTER THE ADVANCE DIRECTIVE ~~REGISTRY~~ PROGRAM ESTABLISHED UNDER § 5–620 OF THIS ARTICLE.

(2) For the purpose specified in paragraph (1) of this subsection, a grant may include an award to or for:

(i) A public or private entity;

(ii) A university researcher;

(iii) A research institution;

(iv) Private industry;

(v) A clinical trial;

(vi) A supplement to an existing charitable or private industry grant;

(vii) A matching fund;

(viii) A fellowship in spinal cord injury research;

(ix) A research meeting concerning spinal cord injury research; or

(x) Any other recipient or purpose which the Board determines is consistent with the purpose specified in paragraph (1) of this subsection.

(d) (1) The Fund is a continuing, nonlapsing fund, not subject to § 7–302 of the State Finance and Procurement Article.

(2) (i) The Fund shall be used exclusively to offset the actual documented direct costs of fulfilling the statutory and regulatory duties of the Board under this subtitle.

(ii) The Department shall pay the indirect costs the Board incurs in fulfilling the statutory and regulatory duties of the Board under this subtitle.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purpose specified in subsection (c) of this section.

(e) The chairman of the Board or the designee of the chairman shall administer the Fund.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

15-109.1.

(a) The Department, in consultation with the Office of the Attorney General, shall:

(1) Develop and implement a plan for making the advance directive information sheet developed under § 5-615 of this article widely available; and

(2) Make the information sheet described in item (1) of this subsection available in a conspicuous location in each local health department, in each local department of social services, and in community health centers.

(b) The Department shall implement the plan on or before ~~June 30, 2005~~ **JANUARY 1, 2017.**

(c) During the development of the plan under subsection (a) of this section and the information sheet under § 5-615 of this article, the Office of the Attorney General shall consult with any interested party including the State Advisory Council on Quality Care at the End of Life.

**(D) THE DEPARTMENT SHALL OFFER:**

**(1) THE INFORMATION SHEET DEVELOPED UNDER § 5-615 OF THIS ARTICLE AS PART OF THE MONTHLY ENROLLMENT PACKET MAILED TO A RECIPIENT BY THE ENROLLMENT BROKER; AND**

**(2) THE USE OF ELECTRONIC ADVANCE DIRECTIVES TO A RECIPIENT THROUGH AN ADVANCE DIRECTIVES SERVICE THAT:**

(I) IS APPROVED BY THE MARYLAND HEALTH CARE COMMISSION AND THE DEPARTMENT; AND

(II) MEETS THE TECHNOLOGY, SECURITY, AND PRIVACY STANDARDS ESTABLISHED BY THE MARYLAND HEALTH CARE COMMISSION.

19-144.

(A) TO FACILITATE THE USE OF WEB-BASED TECHNOLOGY FOR ELECTRONIC ADVANCE DIRECTIVES, THE MARYLAND HEALTH CARE COMMISSION SHALL DEVELOP CRITERIA FOR RECOGNIZING ELECTRONIC ADVANCE DIRECTIVES SERVICES THAT ARE AUTHORIZED TO CONNECT TO THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE.

(B) TO BE AUTHORIZED TO CONNECT TO THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE, AN ELECTRONIC ADVANCE DIRECTIVES SERVICE SHALL:

(1) BE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION;

~~(2) MEET NATIONAL PRIVACY AND SECURITY STANDARDS AND INDUSTRY BEST PRACTICES FOR SECURITY AUDITS IDENTIFIED BY THE MARYLAND HEALTH CARE COMMISSION;~~

~~(3) USE REMOTE IDENTITY PROOFING AND MULTIFACTOR AUTHENTICATION SERVICES;~~

~~(H) (2) ESTABLISHED~~ BE ESTABLISHED IN ACCORDANCE WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SPECIAL PUBLICATION 800-63-2: ELECTRONIC AUTHENTICATION GUIDELINE; AND

~~(H) APPROVED BY THE MARYLAND HEALTH CARE COMMISSION;~~

~~(4) (3)~~ BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH CONNECTING TO THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE; AND

~~(5) (4)~~ STORE ELECTRONIC ADVANCE DIRECTIVES THAT ARE RECEIVED BY FACSIMILE OR OTHER ELECTRONIC MEANS.

(C) THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE MAY CHARGE ELECTRONIC ADVANCE DIRECTIVES SERVICES RECOGNIZED BY THE

MARYLAND HEALTH CARE COMMISSION A FEE FOR CONNECTING TO THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE.

(D) THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE SHALL ENSURE THAT ELECTRONIC ADVANCE DIRECTIVES SERVICES DO NOT HAVE ACCESS TO INFORMATION STORED ON THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE.

Article - Insurance

~~15-122.1.~~

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

~~(2) "Advance directive" has the meaning stated in § 5-601 of the Health General Article:~~

~~(3) (i) "Carrier" means:~~

~~1. an insurer;~~

~~2. a nonprofit health service plan;~~

~~3. a health maintenance organization; and~~

~~4. any other person that provides health benefit plans subject to regulation by the State.~~

~~(ii) "Carrier" does not include a managed care organization.~~

~~(b) A carrier shall provide the advance directive information sheet developed under § 5-615 of the Health General Article:~~

~~(1) in the carrier's member publications;~~

~~(2) if the carrier maintains a Web site on the Internet, on the carrier's Web site; and~~

~~(3) at the request of a member.~~

~~(C) EACH CARRIER SHALL OFFER ELECTRONIC ADVANCE DIRECTIVES TO ITS MEMBERS OR ENROLLEES DURING OPEN ENROLLMENT.~~

~~(D) A CARRIER MAY CONTRACT WITH ANY ELECTRONIC ADVANCE DIRECTIVES SERVICE IF THE SERVICE:~~

~~(1) IS APPROVED BY THE MARYLAND HEALTH CARE COMMISSION AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; AND~~

~~(2) MEETS THE TECHNOLOGY, SECURITY, AND PRIVACY STANDARDS SET BY THE MARYLAND HEALTH CARE COMMISSION.~~

6-103.1.

Notwithstanding § 2-114 of this article, beginning January 15, 2006, from the tax imposed on the health insurers under this subtitle, \$500,000 shall be distributed annually to the Spinal Cord Injury Research Trust Fund created under § 13-1406 of the Health – General Article.

31-108.

(G) THE EXCHANGE SHALL PROVIDE THE ADVANCE DIRECTIVE INFORMATION SHEET DEVELOPED UNDER § 5-615 OF THE HEALTH – GENERAL ARTICLE:

- (1) IN THE EXCHANGE'S CONSUMER PUBLICATIONS;
- (2) ON THE EXCHANGE'S WEB SITE; AND
- (3) AT THE REQUEST OF AN APPLICANT.

~~Article – State Personnel and Pensions~~

~~2-503.~~

~~(E) THE SECRETARY SHALL OFFER ELECTRONIC ADVANCE DIRECTIVES TO EMPLOYEES DURING OPEN ENROLLMENT FOR HEALTH INSURANCE BENEFITS UNDER THE PROGRAM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.

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Chapter 511

(House Bill 260)

AN ACT concerning

**United States Senator, Attorney General, and Comptroller – Appointments and  
Special Elections to Fill a Vacancy**

FOR the purpose of requiring the Governor to appoint an individual to fill a vacancy in the office of United States Senator, Attorney General, or Comptroller from a list of names submitted by the State Central Committee of the political party of the vacating officeholder; requiring individuals whose names are submitted to the Governor to have been affiliated with the political party of the vacating officeholder before the vacancy occurred; providing for the appointment of an individual to fill a vacancy in the office of United States Senator, Attorney General, or Comptroller in circumstances where the political party of the vacating officeholder fails to submit names to the Governor within a certain period of time or the vacating officeholder was not affiliated with a political party; requiring an individual appointed by the Governor to fill a vacancy in the offices of either the Attorney General or the Comptroller to serve for the remainder of the term if the vacancy occurs after a certain date; requiring that a special election be held at the same time as a certain regular statewide election to fill a vacancy in the offices of either the Attorney General or the Comptroller if the vacancy occurs on or before a certain date; providing for the effective dates of this Act; submitting the constitutional amendment proposed by this Act to the qualified voters of the State of Maryland for their adoption or rejection; and generally relating to appointments and special elections to fill a vacancy in the office of United States Senator, Attorney General, or Comptroller.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 8–602  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY proposing an amendment to the Maryland Constitution  
Article V – Attorney–General and State’s Attorneys  
Section 5

BY proposing an amendment to the Maryland Constitution  
Article VI – Treasury Department  
Section 1

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

**Article – Election Law**

8–602.

(a) (1) (I) If there is a vacancy in the office of United States Senator, the Governor shall appoint an eligible individual to fill the vacancy **AS PROVIDED IN THIS PARAGRAPH.**

(II) **THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING SENATOR HAD BEEN AFFILIATED AT THE TIME OF THE SENATOR'S LAST ELECTION OR APPOINTMENT.**

(III) **EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

(IV) **THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY.**

(V) **IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

(VI) **IF THE VACATING SENATOR WAS NOT AFFILIATED WITH A POLITICAL PARTY AT THE TIME OF THE SENATOR'S LAST ELECTION OR APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.**

(2) Except as provided in paragraph (3) of this subsection, the appointed individual shall serve until a successor is elected pursuant to subsection (b) of this section to fill the remainder of the term.

(3) The appointed individual shall serve for the remainder of the term if the vacancy occurs after the date that is 21 days before the deadline for filing certificates of candidacy for the election that is held in the fourth year of the term.

(b) If the vacancy occurs **ON OR** before the date that is 21 days before the deadline for filing certificates of candidacy for the next succeeding regular statewide election, the Governor shall issue a proclamation immediately after the occurrence of the vacancy declaring that a special primary election and a special general election shall be held at the



same time as the next regular statewide primary election and regular statewide general election.

SECTION 2. AND BE IT FURTHER ENACTED, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

**Article V – Attorney-General and State’s Attorneys**

5.

(A) In case of vacancy in the office of Attorney General, occasioned by death, resignation, removal from the State, or from office, or other disqualification, the Governor shall appoint [a person] **AN INDIVIDUAL** to fill the vacancy ~~for the [residue] REMAINDER of the term~~ **AS PROVIDED IN THIS SECTION.**

(B) **THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING ATTORNEY GENERAL HAD BEEN AFFILIATED AT THE TIME OF THE ATTORNEY GENERAL’S LAST ELECTION OR APPOINTMENT.**

(C) **EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING ATTORNEY GENERAL ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

(D) **THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY.**

(E) **IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING ATTORNEY GENERAL ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

(F) **IF THE VACATING ATTORNEY GENERAL WAS NOT AFFILIATED WITH A POLITICAL PARTY AT THE TIME OF THE ATTORNEY GENERAL’S LAST ELECTION OR APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.**

**(G) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, AN INDIVIDUAL APPOINTED UNDER THIS SECTION SHALL SERVE UNTIL A SUCCESSOR IS ELECTED UNDER SUBSECTION (I) OF THIS SECTION TO FILL THE REMAINDER OF THE TERM.**

**(H) AN INDIVIDUAL APPOINTED UNDER THIS SECTION SHALL SERVE FOR THE REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER THE DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM.**

**(I) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM, THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.**

### Article VI – Treasury Department

1.

**(A)** There shall be a Treasury Department, consisting of a Comptroller chosen by the qualified electors of the State, who shall receive such salary as may be fixed by law; and a Treasurer, to be appointed on joint ballot by the two Houses of the Legislature at each regular session in which begins the term of the Governor, who shall receive such salary as may be fixed by law.

**(B)** The terms of office of the Comptroller and Treasurer shall be for four years, and until their successors shall qualify; and neither of the officers shall be allowed, or receive any fees, commissions or perquisites of any kind in addition to his salary for the performance of any duty or services whatsoever.

**(C) (1)** In case of a vacancy in the office of the Comptroller by death or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment **AS PROVIDED IN THIS SUBSECTION**, ~~to continue until another election and until the qualification of the successor.~~

**(2) THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING COMPTROLLER HAD BEEN AFFILIATED AT THE TIME OF THE COMPTROLLER'S LAST ELECTION OR APPOINTMENT.**

(3) EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

(4) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY.

(5) IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

(6) IF THE VACATING COMPTROLLER WAS NOT AFFILIATED WITH A POLITICAL PARTY AT THE TIME OF THE COMPTROLLER'S LAST ELECTION OR APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.

(7) EXCEPT AS PROVIDED IN PARAGRAPH (8) OF THIS SUBSECTION, AN INDIVIDUAL APPOINTED UNDER THIS SUBSECTION SHALL SERVE UNTIL A SUCCESSOR IS ELECTED UNDER PARAGRAPH (9) OF THIS SUBSECTION TO FILL THE REMAINDER OF THE TERM.

(8) AN INDIVIDUAL APPOINTED UNDER THIS SUBSECTION SHALL SERVE FOR THE REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER THE DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM.

(9) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM, THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.

(D) In case of a vacancy in the office of the Treasurer by death or otherwise, the Deputy Treasurer shall act as Treasurer until the next regular or extraordinary session of

the Legislature following the creation of the vacancy, whereupon the Legislature shall choose a successor to serve for the duration of the unexpired term of office.

(E) The Comptroller and the Treasurer shall keep their offices at the seat of government, and shall take such oaths and enter into such bonds for the faithful discharge of their duties as are now or may hereafter be prescribed by law.

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 2 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the Maryland Constitution proposed by Section 2 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2016 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment,” as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2016.

**Assigned a chapter number, enactment subject to constitutional referendum, May 10, 2016.**

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## Chapter 512

(Senate Bill 945)

AN ACT concerning

### Drunk Driving Reduction Act of 2016 (Noah’s Law)

FOR the purpose of ~~increasing the suspension periods for the driver’s license of a person who is convicted of certain offenses relating to driving under the influence of alcohol and driving while impaired;~~ requiring the Motor Vehicle Administration to require a person who is convicted of certain offenses relating to driving under the influence of alcohol ~~and driving while impaired~~ to participate in the Ignition Interlock System Program for certain periods of time; requiring that the Administration include certain information about the Program in notifications regarding *certain revocations*

*and* suspensions; requiring the Administration to modify certain ~~suspensions on revocations of~~ the driver's license of a person who is convicted of certain offenses relating to driving under the influence of alcohol ~~and driving while impaired; repealing the opportunity for a certain restricted license after a conviction of driving under the influence of alcohol; repealing a person's right to a hearing on financial hardship regarding the installation of an ignition interlock on a motor vehicle owned by the person;~~ increasing the suspension periods for the driver's license of a person who has refused or has certain results after a test for breath alcohol concentration; adding advisements a police officer must give to certain detainees; altering the length of time a certain person must participate in the Program *under certain circumstances*; requiring a certain person whose license is suspended by the Administration after the person ~~refuses or has certain results from a certain test for breath alcohol concentration~~ to participate in the Program; ~~authorizing the Administration to extend a certain person's participation period in the Program under certain circumstances~~ *repealing certain disqualifying criteria from participation in the Program*; altering the period of time a certain person must participate in the Program; requiring the Administration to modify the suspension of a certain Program participant's license and issue the participant a restricted license; providing that a certain person who participates in the Program must receive credit for *certain participation toward certain* future participation; *requiring a court to order a person to participate in the Program under certain circumstances; providing for the construction of a certain provision of law; establishing certain completion requirements; authorizing the Maryland Department of Transportation to publicize this Act in a certain manner; establishing certain completion requirements; requiring a certain person convicted of reckless or negligent driving to participate in the Program; altering the employer-based exception for a person who has a restricted license that requires an ignition interlock;* making conforming changes; and generally relating to ~~required~~ participation in the Ignition Interlock System Program.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 16–205, 16–205.1, *and* 16–404.1, ~~and 27–107~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

*BY adding to*  
*Article – Transportation*  
*Section 27–107.1*  
*Annotated Code of Maryland*  
*(2012 Replacement Volume and 2015 Supplement)*

~~BY repealing and reenacting, without amendments,~~  
~~Article – Transportation~~  
~~Section 21–901.1 and 27–101(a), (b), and (g)~~  
~~Annotated Code of Maryland~~  
~~(2012 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article – Transportation~~

~~Section 27–101(gg)~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2015 Supplement)~~

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

### Article – Transportation

16–205.

(a) **(1)** The Administration may revoke the license of any person who:

~~(i)~~ **(1)** Is convicted under § 21–902(a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled dangerous substance; or

~~(ii)~~ **(II)** Within a 3–year period, is convicted under § 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

~~(i)~~ **1.** § 21–902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

~~(ii)~~ **2.** § 21–902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

~~(iii)~~ **3.** § 21–902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or

~~(iv)~~ **4.** § 21–902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance.

**(2) IN THE NOTICE OF PROPOSED REVOCATION, THE ADMINISTRATION SHALL ADVISE AN INDIVIDUAL WHO IS CONVICTED UNDER § 21–902(A) OF THIS ARTICLE THAT THE INDIVIDUAL, IF ELIGIBLE, IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE FOLLOWING PERIODS:**

(I) 6 MONTHS THE FIRST TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM;

(II) 1 YEAR THE SECOND TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM; AND

(III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM.

(b) The Administration:

(1) Shall revoke the license of any person who has been convicted, under Title 2, Subtitle 5 of the Criminal Law Article, of homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance; and

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

(c) **(1)** Subject to ~~subsection (d-1)~~ ~~SUBSECTIONS (D) AND (E)~~ of this section ~~AND § 16-404.1 OF THIS TITLE~~, the Administration ~~may~~ ~~SHALL~~ suspend ~~for not more than 60 days the license of any person who~~ ~~A PERSON'S LICENSE TO DRIVE FOR:~~

~~(I) 90 DAYS IF THE PERSON~~ is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely;

~~(II) 6 MONTHS IF THE PERSON IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE; OR~~

~~(III) 1 YEAR IF WITHIN A 5 YEAR PERIOD THE PERSON IS CONVICTED OF A VIOLATION OF § 21-902 OF THIS ARTICLE AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902 OF THIS ARTICLE.~~

**(2)** A SUSPENSION UNDER THIS SUBSECTION SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(d) (1) ~~¶~~Subject to subsection (d-1) and subsection (e) of this section AND § 16-404.1 OF THIS TITLE, the Administration may suspend for not more than 1 year the license of any person who, within a 5-year period, is convicted of any violation of § 21-902 of this article after the person was previously convicted of any violation under § 21-902 of this article.

(2) If requested by the person, the Administration may issue a restricted license for the period of a suspension to a person who participates in the Ignition Interlock System Program under § 16-404.1 of this title.

(3) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for the violation of § 21-902 of this article described in this subsection.

(d-1) (1)~~¶~~ Notwithstanding ~~¶~~subsections~~¶~~ ~~SUBSECTION~~ (c) ~~¶~~and (d)~~¶~~ of this section AND SUBJECT TO § 16-404.1 OF THIS TITLE, for a person who is under the age of 21 years on the date of a violation of § 21-902 of this article, and who is subsequently convicted of the violation under § 21-902 of this article, the Administration shall suspend the person's license to drive for:

(i) 1 year for a first conviction of § 21-902 of this article; and

(ii) 2 years for a second or subsequent conviction of § 21-902 of this article.

(2) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection; and

(ii) Receive credit for any suspension period imposed under § 16-113(f) of this title or § 16-205.1 of this subtitle that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection.

(3) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under this section, § 16-206(c)(3) or § 16-213 of this subtitle, or § 16-404 of this title that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.



(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

(e) (1) In this subsection, “motor vehicle” does not include a commercial motor vehicle.

(2) ~~Subject to the provisions of this subsection~~ AND § 16-404.1 OF THIS TITLE, the Administration shall suspend for 1 year the license of a person who is convicted of:

(i) A violation of § 21-902(a) of this article more than once within a 5-year period;

(ii) A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

(iii) A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article.

(3) ~~On receiving a record of a conviction of a person for a violation described in paragraph (2) SUBSECTION (C) of this subsection SECTION~~, the Administration shall issue to the person a notice of suspension of the person’s license that:

(i) States that the person’s license shall be suspended for ~~1 year~~ SUBJECT TO § 16-404.1 OF THIS TITLE ~~THE PERIOD PROVIDED IN SUBSECTION (C) OF THIS SECTION~~;

(ii) ~~States that a restricted license may be issued during the 1-year period of suspension if:~~

1. The person maintains an ignition interlock system on a motor vehicle owned or operated by the person for 1 year; OR A LONGER PERIOD IF REQUIRED UNDER § 16-404.1 OF THIS TITLE; AND

2. The license is restricted to prohibit the person from driving a motor vehicle that is not equipped with an ignition interlock system;

~~3. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, or an ignition interlock system~~

~~service facility, if the person was convicted of a violation of § 21-902(a) of this article more than once within a 5-year period; and~~

~~4. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:~~

~~A. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article;~~  
~~or~~

~~B. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article;~~

(iii) Advises the person of the requirements under paragraph (7) of this subsection for a person who does not participate in the Ignition Interlock System Program in accordance with this paragraph during the 1-year period of suspension;

(iv) ~~‡~~ Advises the person of the right to request a hearing on a suspension under this paragraph; ~~‡and‡~~

~~‡(v)‡ (III)~~ Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to ~~‡be~~ subject to a 1-year period of suspension, during which, the person may be issued a restricted license under this paragraph if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;

2. ~~The violation did not arise out of circumstances that involved a death of, or serious physical injury to, another person;~~

~~‡~~ The person surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

~~‡~~ 3. The person elects in writing, within the same time limit for requesting a hearing, to meet the ignition interlock system requirements under this paragraph for 1 year. ~~‡PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE; AND~~

~~(IV)~~ (VI) PROVIDES INFORMATION ABOUT THE IGNITION INTERLOCK SYSTEM PROGRAM AND HOW A PERSON PARTICIPATES IN THE PROGRAM AS REQUIRED UNDER § 16-404.1 OF THIS TITLE.

~~[(4)] (3)~~ After notice under paragraph ~~[(3)] (2)~~ of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. ~~A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE; OR~~ A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

~~2. More than one violation of [§ 21-902(a)] § 21-902 of this article within a 5-year period; OR~~

~~2.~~ A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

3. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; or~~]~~

(iii) The person fails to appear for a hearing requested by the person.

~~[(5)]~~ The Administration may modify a suspension under paragraph (4) of this subsection to:

(i) Order the person to maintain for 1 year OR A LONGER PERIOD IF REQUIRED UNDER § 16-404.1 OF THIS TITLE an ignition interlock system on a motor vehicle owned or operated by the person; and

(ii) Impose a restriction on the person's license ~~for 1 year~~ that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system ~~and permits the person to drive only to and from:~~

~~1. Work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21-902(a) of this article more than once within a 5-year period;~~

~~2. Work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:~~

~~A. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or~~

~~B. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article.~~

(6) A person who participates in the Ignition Interlock System Program for at least 1 year under paragraph (5) of this subsection is exempt from the requirements of paragraphs (7) through (11) of this subsection.

(7) The Administration shall, within 90 days of the expiration of the 1-year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than ~~3~~ **6** months and not ~~more than 1 year~~ **LESS THAN THE PERIOD REQUIRED UNDER § 16-401.1 OF THIS TITLE**, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than ~~3~~ **6** months and not ~~more than 1 year~~ **LESS THAN THE PERIOD REQUIRED UNDER § 16-401.1 OF THIS TITLE**, dating from the expiration of the 1-year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than ~~3~~ **6** months and not ~~more than 1 year~~ **LESS THAN THE PERIOD REQUIRED UNDER § 16-401.1 OF THIS TITLE**, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than ~~3~~ **6** months and not ~~more than 1 year~~ **LESS THAN THE PERIOD REQUIRED UNDER § 16-401.1 OF THIS TITLE**, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

(10) An exemption under paragraph (9)(ii) of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than ~~3~~ **6** months and not ~~more than 1 year~~ **LESS THAN THE PERIOD REQUIRED UNDER § 16-401.1 OF THIS TITLE**, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.†

~~†(12)† (4)~~ Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

~~†(13)† (5)~~ This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

~~†(14)~~ A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902(a) or (d) of this article described in this subsection.

(15) Notwithstanding any other provision of this subsection, a person who is subject to suspension under paragraph (2) of this subsection may not operate a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock device, as set forth in § 27-107(g) of this article.

(f) (1) Subject to paragraph (2) of this subsection, the Administration may modify any suspension under this section or any suspension under § 16-205.1 of this subtitle and issue a ~~restrictive~~ **RESTRICTED** license to a licensee who participates in the Ignition Interlock System Program established under § 16-404.1 of this title.

(2) The Administration may not modify a suspension and issue a ~~restrictive~~ **RESTRICTED** license during a mandatory period of suspension described in subsection (e) of this section.

~~(g)~~ ~~(F)~~ When a suspension imposed under ~~(c)~~, (d), (d-1), or (e) of this section or § 16-206(b) of this subtitle expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.

16-205.1.

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

(ii) "Specimen of blood" and "1 specimen of blood" means 1 sample of blood that is taken, in a single procedure, in 2 or more portions in 2 or more separate vials.

(iii) "Test" means, unless the context requires otherwise:

1. A test of a person's breath or of 1 specimen of a person's blood to determine alcohol concentration;

2. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood; or

3. Both:

A. A test of a person's breath or a test of 1 specimen of a person's blood, to determine alcohol concentration; and

B. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood.

(iv) "Under the influence of alcohol" includes under the influence of alcohol per se as defined by § 11-174.1 of this article.

(2) Any person who drives or attempts to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State is deemed to have consented, subject to the provisions of §§ 10–302 through 10–309, inclusive, of the Courts and Judicial Proceedings Article, to take a test if the person should be detained on suspicion of driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title.

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a test. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Administration shall:

(i) In the case of a person licensed under this title:

1. Except as provided in items 2, 3, and 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the driver's license for [45] ~~90~~ **180** days; or

B. For a second or subsequent offense, suspend the driver's license for [90] **180** days;

2. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for [90] **180** days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [180] **270** days;

3. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 6 months; or

B. For a second or subsequent offense, suspend the person's driving privilege for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 1 year; or

B. For a second or subsequent offense, revoke the person's driving privilege; or

5. For a test refusal:

A. For a first offense, suspend the driver's license for [120] **270** days; or

B. For a second or subsequent offense, suspend the driver's license for [1 year] **2 YEARS**;

(ii) In the case of a nonresident or unlicensed person:

1. Except as provided in items 2, 3, and 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for [45] ~~90~~ **180** days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [90] **180** days;

2. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for [90] **180** days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [180] **270** days;

3. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 6 months; or



B. For a second or subsequent offense, suspend the person's driving privilege for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 1 year; or

B. For a second or subsequent offense, revoke the person's driving privilege; or

5. For a test refusal:

A. For a first offense, suspend the person's driving privilege for [120] **270** days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [1 year] **2 YEARS**; and

(iii) In addition to any applicable driver's license suspensions authorized under this section, in the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test:

1. Disqualify the person's commercial instructional permit or commercial driver's license for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and disqualify for life if the person's commercial instructional permit or commercial driver's license has been previously disqualified for at least 1 year under:

A. § 16-812(a) or (b) of this title;

B. A federal law; or

C. Any other state's law; or

2. If the person holds a commercial instructional permit or a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(2) Except as provided in subsection (c) of this section, if a police officer stops or detains any person who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a motor vehicle while under the influence of alcohol,

while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title, and who is not unconscious or otherwise incapable of refusing to take a test, the police officer shall:

(i) Detain the person;

(ii) Request that the person permit a test to be taken;

(iii) Advise the person of the administrative sanctions, ~~INCLUDING A REQUIREMENT THAT THE PERSON PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE,~~ that shall be imposed for ~~A REFUSAL TO TAKE THE TEST AND FOR~~ test results indicating an alcohol concentration of at least 0.08 ~~[but less than 0.15]~~ at the time of testing; ~~AND~~

(iv) ~~[~~Advise the person of the administrative sanctions, including ineligibility for modification of a suspension or issuance of a ~~restrictive~~ **RESTRICTED** license unless the person participates in the Ignition Interlock System Program under § 16–404.1 of this title, that shall be imposed for refusal to take the test and for test results indicating an alcohol concentration of 0.15 or more at the time of testing; ~~and~~

(v) ~~]~~ Advise the person of the additional criminal penalties that may be imposed under § 27–101(x) of this article on conviction of a violation of § 21–902 of this article if the person knowingly refused to take a test arising out of the same circumstances as the violation; **AND**

**(VI) ADVISE THE PERSON THAT A COURT SHALL IMPOSE PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM AS PART OF THE SENTENCE IN ACCORDANCE WITH § 27–107.1 OF THIS ARTICLE.**

(3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

(i) Confiscate the person’s driver’s license issued by this State;

(ii) Acting on behalf of the Administration, personally serve an order of suspension on the person;

(iii) Issue a temporary license to drive;

(iv) Inform the person that the temporary license allows the person to continue driving for 45 days if the person is licensed under this title;

(v) Inform the person that:

1. The person has a right to request, at that time or within 10 days, a hearing to show cause why the driver's license should not be suspended concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing, and the hearing will be scheduled within 45 days; and

2. If a hearing request is not made at that time or within 10 days, but within 30 days the person requests a hearing, a hearing to show cause why the driver's license should not be suspended concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing will be scheduled, but a request made after 10 days does not extend a temporary license issued by the police officer that allows the person to continue driving for 45 days;

(vi) Advise the person of the administrative sanctions that shall be imposed in the event of failure to request a hearing, failure to attend a requested hearing, or upon an adverse finding by the hearing officer, ~~INCLUDING A REQUIREMENT THAT THE PERSON PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE;~~

(vii) Inform the person that, if the person refuses a test or takes a test that indicates an alcohol concentration of ~~[0.15]~~ **0.08** or more at the time of testing, the person may participate in the Ignition Interlock System Program under § 16-404.1 of this title instead of requesting a hearing under this paragraph, if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused; AND

2. ~~The person was not charged with a moving violation arising out of the same circumstances as an administrative offense under this section that involved a death of, or serious physical injury to, another person; and~~

~~3.~~ Within the same time limits set forth in item (v) of this paragraph, the person:

A. Surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

B. Elects in writing to participate in the Ignition Interlock System Program for ~~1 year~~ **A PERIOD EQUAL TO THE ENTIRE LENGTH OF A SUSPENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION;** [and]

(viii) **PROVIDE INFORMATION ABOUT THE IGNITION INTERLOCK SYSTEM PROGRAM AND HOW A PERSON PARTICIPATES IN THE PROGRAM AS REQUIRED UNDER § 16-404.1 OF THIS TITLE; AND**

(IX) Within 72 hours after the issuance of the order of suspension, send any confiscated driver's license, copy of the suspension order, and a sworn statement to the Administration, that states:

1. The officer had reasonable grounds to believe that the person had been driving or attempting to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. The person refused to take a test when requested by the police officer, the person submitted to the test which indicated an alcohol concentration of 0.08 or more at the time of testing, or the person submitted to the test which indicated an alcohol concentration of 0.15 or more at the time of testing; and

3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test or takes a test that indicates an alcohol concentration of ~~0.15~~ **0.08** or more at the time of testing is ~~[ineligible]~~ **ELIGIBLE** for modification of a suspension or issuance of a ~~[restrictive]~~ **RESTRICTED** license ~~under [subsection (n) of this section]~~ ~~§ 16–404.1 OF THIS TITLE.~~

(c) (1) If a person is involved in a motor vehicle accident that results in the death of, or a life threatening injury to, another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of § 16–813 of this title, the person shall be required to submit, as directed by the officer, to a test of:

(i) The person's breath to determine alcohol concentration;

(ii) One specimen of the person's blood, to determine alcohol concentration or to determine the drug or controlled dangerous substance content of the person's blood; or

(iii) Both the person's breath under item (i) of this paragraph and one specimen of the person's blood under item (ii) of this paragraph.

(2) If a police officer directs that a person be tested, then the provisions of § 10–304 of the Courts and Judicial Proceedings Article shall apply.

(3) Any medical personnel who perform any test required by this section are not liable for any civil damages as the result of any act or omission related to such test, not amounting to gross negligence.

(d) (1) If a police officer has reasonable grounds to believe that a person has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of § 16–813 of this title, and if the police officer determines that the person is unconscious or otherwise incapable of refusing to take a test, the police officer shall:

(i) Obtain prompt medical attention for the person;

(ii) If necessary, arrange for removal of the person to a nearby medical facility; and

(iii) If a test would not jeopardize the health or well-being of the person, direct a qualified medical person to withdraw blood for a test.

(2) If a person regains consciousness or otherwise becomes capable of refusing before the taking of a test, the police officer shall follow the procedure set forth in subsection (b) or (c) of this section.

(e) (1) The tests to determine alcohol concentration may be administered by an individual who has been examined and is certified by the Department of State Police as sufficiently equipped and trained to administer the tests.

(2) The Department of State Police may adopt regulations for the examination and certification of individuals trained to administer tests to determine alcohol concentration.

(f) (1) Subject to the provisions of this subsection, at the time of, or within 30 days from the date of, the issuance of an order of suspension, a person may submit a written request for a hearing before an officer of the Administration if:

(i) The person is arrested for driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title; and

(ii) 1. There is an alcohol concentration of 0.08 or more at the time of testing; or

2. The person refused to take a test.

(2) A request for a hearing made by mail shall be deemed to have been made on the date of the United States Postal Service postmark on the mail.

(3) If the driver's license has not been previously surrendered, the license must be surrendered at the time the request for a hearing is made.

(4) If a hearing request is not made at the time of or within 10 days after the issuance of the order of suspension or revocation, the Administration shall:

(i) Make the order effective and shall:

1. Except as provided in items 2, 3, and 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the driver's license for ~~[45] 90~~ 180 days; or

B. For a second or subsequent offense, suspend the driver's license for ~~[90] 180~~ days;

2. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the driver's license for ~~[90]~~ 180 days; or

B. For a second or subsequent offense, suspend the driver's license for ~~[180] 270~~ days;

3. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 6 months; or

B. For a second or subsequent offense, suspend the driver's license for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 1 year;  
or

B. For a second or subsequent offense, revoke the driver's license; or

5. For a test refusal:

A. For a first offense, suspend the driver's license for [120] **270** days; or

B. For a second offense or subsequent offense, suspend the driver's license for [1 year] **2 YEARS**; and

(ii) 1. In the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test, disqualify the person from operating a commercial motor vehicle for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or

2. In the case of a person operating a commercial motor vehicle who refuses to take a test, and who holds a commercial instructional permit or a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle in this State and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(5) (i) If the person requests a hearing at the time of or within 10 days after the issuance of the order of suspension and surrenders the driver's license or, if applicable, the person's commercial instructional permit or commercial driver's license, the Administration shall set a hearing for a date within 30 days of the receipt of the request.

(ii) Subject to the provisions of this paragraph, a postponement of a hearing under this paragraph does not extend the period for which the person is authorized to drive and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period after the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall extend the period for which the person is authorized to drive if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the order of suspension was served under this section, for

the issuance of a subpoena under § 12–108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing described under this paragraph, fails to comply with the subpoena at an initial or subsequent hearing described under this paragraph held within the 45–day period; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing described under this paragraph held within the 45–day period after the issuance of the order of suspension.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45–day period after the issuance of the order of suspension under the circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing described under this paragraph.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(6) (i) If a hearing request is not made at the time of, or within 10 days from the date of the issuance of an order of suspension, but within 30 days of the date of the issuance of an order of suspension, the person requests a hearing and surrenders the driver’s license or, if applicable, the person’s commercial instructional permit or commercial driver’s license, the Administration shall:

1. A. Make a suspension order effective suspending the license for the applicable period of time described under paragraph (4)(i) of this subsection; and

B. In the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver’s license who refuses to take a test, disqualify the person’s commercial instructional permit or commercial driver’s license, or privilege to operate a commercial motor vehicle in this State, for the applicable period of time described under paragraph (4)(ii) of this subsection; and

2. Set a hearing for a date within 45 days of the receipt of a request for a hearing under this paragraph.



(ii) A request for a hearing scheduled under this paragraph does not extend the period for which the person is authorized to drive, and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period that begins on the date of the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall stay the suspension only if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing under this paragraph within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the person requested a hearing under this paragraph, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing, fails to comply with the subpoena at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45-day period that begins on the date of the request for a hearing under this paragraph under circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(7) (i) At a hearing under this section, the person has the rights described in § 12-206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. Whether the police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. Whether the person refused to take the test;

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.08 or more at the time of testing;

6. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.15 or more at the time of testing;

7. If the hearing involves disqualification of a commercial instructional permit or a commercial driver's license, whether the person was operating a commercial motor vehicle or held a commercial instructional permit or a commercial driver's license; or

8. Whether the person was involved in a motor vehicle accident that resulted in the death of another person.

(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal, a test result indicating an alcohol concentration of 0.08 or more at the time of testing, or a test result indicating an alcohol concentration of 0.15 or more at the time of testing.

(8) (i) After a hearing, the Administration shall suspend or revoke the [driver's] **PERSON'S** license or privilege to drive [of the person charged under subsection (b) or (c) of this section] if:

1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. The police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. A. The person refused to take the test; or

B. A test to determine alcohol concentration was taken and the test result indicated an alcohol concentration of 0.08 or more at the time of testing; and

5. When applicable, the person was involved in a motor vehicle accident that resulted in the death of another person.

(ii) After a hearing, the Administration shall disqualify the person from driving a commercial motor vehicle if:

1. The person was detained while operating a commercial motor vehicle or while holding a commercial instructional permit or a commercial driver's license;

2. The police officer who stopped or detained the person had reasonable grounds to believe that the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

3. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

4. The police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed; and

5. The person refused to take the test.

(iii) If the person is licensed to drive a commercial motor vehicle or holds a commercial instructional permit, the Administration shall disqualify the person in accordance with subparagraph (ii) of this paragraph, but may not impose a suspension under subparagraph (i) of this paragraph, if:

1. The person was detained while operating a commercial motor vehicle or while holding a commercial instructional permit or a commercial driver's license;

2. The police officer had reasonable grounds to believe the person was in violation of an alcohol restriction or in violation of § 16–813 of this title;

3. The police officer did not have reasonable grounds to believe the driver was driving while under the influence of alcohol, driving while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while impaired by a controlled dangerous substance; and

4. The driver refused to take a test.

(iv) In the absence of a compelling reason for failure to attend a hearing, failure of a person to attend a hearing is prima facie evidence of the person's inability to answer the sworn statement of the police officer or the test technician or analyst, and the Administration summarily shall:

1. Suspend the driver's license or privilege to drive; and

2. If the driver is detained in a commercial motor vehicle or holds a commercial instructional permit or a commercial driver's license, disqualify the person from operating a commercial motor vehicle.

(v) The suspension imposed ~~UNDER SUBPARAGRAPHS (I) AND (IV) OF THIS PARAGRAPH~~ shall be:

1. Except as provided in items 2 and 3 of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, a suspension for [45] ~~90~~ 180 days; or

B. For a second or subsequent offense, a suspension for [90] **180** days;

2. Except as provided in item 3 of this subparagraph, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, a suspension of [90] **180** days; or

B. For a second or subsequent offense, a suspension of [180] **270** days;

3. Except as provided in item 4 of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 6 months; or

B. For a second or subsequent offense, suspend the driver's license for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 1 year; or

B. For a second or subsequent offense, revoke the driver's license; or

5. For a test refusal:

A. For a first offense, a suspension for [120] **270** days; or

B. For a second or subsequent offense, a suspension for [1 year] **2 YEARS**.

(vi) A disqualification imposed under subparagraph (ii) or (iii) of this paragraph shall be for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous material required to be placarded, and life for a second or subsequent offense which occurs while operating or attempting to operate any commercial motor vehicle.

(vii) A disqualification of a commercial instructional permit or a commercial driver's license is not subject to any modifications, nor may a restricted commercial instructional permit or commercial driver's license be issued in lieu of a disqualification.

(viii) A disqualification for life may be reduced if permitted by § 16-812(d) of this title.

(g) **INSTEAD OF REQUESTING A HEARING OR ON A SUSPENSION OR REVOCATION UNDER SUBSECTION (F) OF THIS SECTION, A PERSON MAY REQUEST TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE IF:**

(1) THE PERSON'S DRIVER'S LICENSE IS NOT CURRENTLY SUSPENDED, REVOKED, CANCELED, OR REFUSED; AND

~~(2) THE PERSON WAS NOT CHARGED WITH A MOVING VIOLATION ARISING OUT OF THE SAME CIRCUMSTANCES AS AN ADMINISTRATIVE OFFENSE UNDER THIS SECTION THAT INVOLVED A DEATH OF, OR SERIOUS PHYSICAL INJURY TO, ANOTHER PERSON; AND~~

~~(3) WITHIN THE SAME TIME LIMITS SET FORTH IN SUBSECTION (F) OF THIS SECTION, THE PERSON:~~

(I) SURRENDERS A VALID MARYLAND DRIVER'S LICENSE OR SIGNS A STATEMENT CERTIFYING THAT THE DRIVER'S LICENSE IS NO LONGER IN THE PERSON'S POSSESSION; AND

~~(II) ELECTS IN WRITING TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE PERIOD EQUAL TO THE ENTIRE SUSPENSION PERIOD SPECIFIED IN THIS SECTION FOR THE APPLICABLE VIOLATION.~~

(II) ELECTS IN WRITING TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR:

1. 180 DAYS FOR AN OFFENSE OF A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF AT LEAST 0.08 BUT NOT MORE THAN 0.14;

2. 1 YEAR FOR AN OFFENSE OF A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.15 OR MORE; OR

3. 1 YEAR FOR AN OFFENSE OF A TEST REFUSAL.

(H) (1) An initial refusal to take a test that is withdrawn as provided in this subsection is not a refusal to take a test.

(2) A person who initially refuses to take a test may withdraw the initial refusal and subsequently consent to take the test if the subsequent consent:

(i) Is unequivocal;

(ii) Does not substantially interfere with the timely and efficacious administration of the test; and

(iii) Is given by the person:

1. Before the delay in testing would materially affect the outcome of the test; and

2. A. For the purpose of a test for determining alcohol concentration, within 2 hours of the person's apprehension; or

B. For the purpose of a test for determining the drug or controlled dangerous substance content of the person's blood, within 4 hours of the person's apprehension.

(3) In determining whether a person has withdrawn an initial refusal for the purposes of paragraph (1) of this subsection, among the factors that the Administration shall consider are the following:

(i) Whether the test would have been administered properly:

1. For the purpose of a test for determining alcohol concentration, within 2 hours of the person's apprehension; or

2. For the purpose of a test for determining the drug or controlled dangerous substance content of the person's blood, within 4 hours of the person's apprehension;

(ii) Whether a qualified person, as defined in § 10–304 of the Courts Article, to administer the test and testing equipment were readily available;

(iii) Whether the delay in testing would have interfered with the administration of a test to another person;

(iv) Whether the delay in testing would have interfered with the attention to other duties of the arresting officer or a qualified person, as defined in § 10–304 of the Courts Article;

(v) Whether the person's subsequent consent to take the test was made in good faith; and

(vi) Whether the consent after the initial refusal was while the person was still in police custody.

(4) In determining whether a person has withdrawn an initial refusal for the purposes of paragraph (1) of this subsection, the burden of proof rests with the person to establish by a preponderance of the evidence the requirements of paragraph (2) of this subsection.

**[(h)] (I)** Notwithstanding any other provision of this section, if a driver's license is suspended based on multiple administrative offenses of refusal to take a test, or a test to determine alcohol concentration taken that indicated an alcohol concentration of 0.08 or

more at the time of testing, or any combination of these administrative offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall suspend the driver's license for the administrative offense that results in the lengthiest period of suspension; and

(2) May not impose any additional periods of suspension for the remainder of the administrative offenses.

**[(i)] (J)** Notwithstanding any other provision of this section, a test for drug or controlled dangerous substance content under this section:

(1) May not be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer unless the law enforcement agency of which the officer is a member has the capacity to have such tests conducted;

(2) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer who is a trainee, has been trained, or is participating directly or indirectly in a program of training that is:

(i) Designed to train and certify police officers as drug recognition experts; and

(ii) Conducted by a law enforcement agency of the State, or any county, municipal, or other law enforcement agency in the State described in **[(items)] ITEM (3)(i)1** through 12 of this subsection:

1. In conjunction with the National Highway Traffic Safety Administration; or

2. As a program of training of police officers as drug recognition experts that contains requirements for successful completion of the training program that are the substantial equivalent of the requirements of the Drug Recognition Training Program developed by the National Highway Traffic Safety Administration; and

(3) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section:

(i) In the case of a police officer who is a trainee, or who is participating directly or indirectly in a program of training described in **[paragraph] ITEM (2)** of this subsection, if the police officer is a member of, and is designated as a trainee or a participant by the head of:



1. The Department of State Police;
2. The Baltimore City Police Department;
3. A police department, bureau, or force of a county;
4. A police department, bureau, or force of an incorporated city or town;
5. The Maryland Transit Administration Police Force;
6. The Maryland Port Administration Police Force of the Department of Transportation;
7. The Maryland Transportation Authority Police Force;
8. The Police Force of the University of Maryland or Morgan State University;
9. The police force for a State university or college under the direction and control of the University System of Maryland;
10. A sheriff's department of any county or Baltimore City;
11. The Natural Resources Police Force or the Forest and Park Service Police Force of the Department of Natural Resources; or
12. The Maryland Capitol Police of the Department of General Services; or

(ii) In the case of a police officer who has been trained as a drug recognition expert, if the police officer is a member of, and certified as a drug recognition expert by the head of one of the law enforcement agencies described in [items (3)(i)1] **ITEM (I)1** through 12 of this [subsection] **ITEM**.

**[(j)] (K)** If the Administration imposes a suspension, revocation, or disqualification after a hearing, the person whose license or privilege to drive has been suspended, revoked, or disqualified may appeal the final order of suspension or revocation as provided in Title 12, Subtitle 2 of this article.

**[(k)] (L)** **(1)** Subject to § 16–812(p) of this title, this section does not prohibit the imposition of further administrative sanctions if the person is convicted for any violation of the Maryland Vehicle Law arising out of the same occurrence.

**(2) THIS SUBSECTION MAY NOT BE CONSTRUED AS LIMITING THE PROVISIONS OF § 16–404.1(M) OF THIS TITLE.**

~~[(l)]~~ (M) (1) The determination of any facts by the Administration is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence.

(2) The disposition of those criminal charges may not affect any suspension imposed under this section.

~~[(m)]~~ (N) (1) Except as otherwise provided in this subsection, a suspension imposed under this section may not be stayed by the Administration pending appeal.

(2) If the person files an appeal and requests in writing a stay of a suspension imposed under this section, the Director of the Division of Administrative Adjudication of the Administration may stay a suspension imposed under this section.

~~[(n)]~~ (O) (1) This subsection applies only to a licensee:

~~(i)~~ ~~Who~~ WHO takes a test that indicates an alcohol concentration of at least 0.08 but less than 0.15 AND DID NOT ELECT TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM;

~~(ii)~~ ~~Whose license has not been suspended under this section during the past 5 years; and~~

~~(iii)~~ ~~Who has not been convicted under § 21-902 of this article during the past 5 years.~~

(2) The Administration may modify a suspension under this section or issue a ~~restrictive~~ RESTRICTED license if the Administration finds that:

(i) The licensee is required to drive a motor vehicle in the course of employment;

(ii) The license is required for the purpose of attending an alcohol prevention or treatment program;

(iii) The licensee has no alternative means of transportation available to or from the licensee's place of employment and, without the license, the licensee's ability to earn a living would be severely impaired;

(iv) The license is required for the purpose of obtaining health care treatment, including a prescription, that is necessary for the licensee or a member of the licensee's immediate family and the licensee and the licensee's immediate family have no alternative means of transportation available to obtain the health care treatment; or

(v) The license is required for the purpose of attending a noncollegiate educational institution as defined in § 2–206(a) of the Education Article or a regular program at an institution of postsecondary education.

~~(p)~~ **(P)** (1) This subsection applies only to a licensee who:

(i) Refused to take a test; **OR**

(ii) Took a test that indicated an alcohol concentration of 0.15 or more at the time of testing; ~~or~~

~~(iii) Took a test that indicated an alcohol concentration of at least 0.08 but less than 0.15 at the time of testing and who is ineligible for a modification of a suspension or issuance of a restrictive license under subsection (n) of this section.~~

(2) The Administration may modify a suspension under this section or issue a ~~restrictive~~ **RESTRICTED** license only if the licensee participates in the Ignition Interlock System Program for 1 year.

~~(p)~~ **(Q)** (1) If the Administration modifies a suspension under this section or issues a ~~restrictive~~ **RESTRICTED** license on condition that the licensee participate in the Ignition Interlock System Program and the licensee does not successfully complete the Program, the Administration shall suspend the licensee's driver's license or driving privilege for the full period of suspension specified in this section for the applicable violation.

(2) The Administration shall notify a licensee of a suspension under this subsection.

(3) A licensee may request an administrative hearing on a suspension imposed under this subsection.

(4) If a licensee requests a hearing under this subsection, the suspension shall be stayed pending the decision at the administrative hearing.‡

**[(q)]** ~~(Q)~~ **(R)** The provisions of this section relating to disqualification do not apply to offenses committed by an individual in a noncommercial motor vehicle before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial instructional permit by any state.

16–404.1.

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

(2) “Approved service provider” means a person who is certified by:

(i) The Administration to service, install, monitor, calibrate, and provide information on ignition interlock systems; and

(ii) A manufacturer to be qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(3) “Manufacturer” means a person who manufactures ignition interlock systems and who certifies that approved service providers are qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(4) “Participant” means a participant in the Ignition Interlock System Program.

(5) “Program” means the Ignition Interlock System Program.

(b) (1) The Administration shall establish an Ignition Interlock System Program in accordance with this section.

(2) The Administration shall establish a protocol for the Program by regulations that require certain minimum standards for all service providers who service, install, monitor, calibrate, and provide information on ignition interlock systems and include requirements that:

(i) A service provider who applies to the Administration for certification as an approved service provider shall demonstrate that the service provider is able to competently service, install, monitor, calibrate, and provide information to the Administration at least every 30 days on individuals required to use ignition interlock systems;

(ii) A service provider who applies to the Administration for certification as an approved service provider shall be certified by a signed affidavit from the manufacturer that the service provider has been trained by an authorized manufacturer and that the service provider is competent to service, install, monitor, calibrate, and provide information on ignition interlock systems;

(iii) Approved service providers be deemed to be authorized representatives of a manufacturer; and

(iv) Any service of notice upon an approved service provider, who has violated any laws or regulations or whose ignition interlock system has violated any laws or regulations, be deemed as service upon the manufacturer who certified the approved service provider.

(c) An individual ~~may~~ **SHALL** be a participant if:

(1) The individual's license is suspended or revoked under § 16-205 of this title for a violation of ~~§ 21-902(a), (b), or (c)~~ **§ 21-902(B) OR (C)** of this article or § 16-404 of this subtitle for an accumulation of points under § 16-402(a)(28) ~~or (37)~~ of this subtitle;

(2) The individual's license has an alcohol restriction imposed under § 16-113(g)(1) of this title; ~~for~~

(3) The ~~Administration~~ modifies a suspension or issues a ~~restrictive~~ **RESTRICTED** license to the individual; ~~INDIVIDUAL'S LICENSE IS SUSPENDED~~ under § 16-205.1 of this title;

~~(4) THE INDIVIDUAL'S LICENSE IS REVOKED UNDER § 16-205(B) OF THIS TITLE FOR HOMICIDE BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, IMPAIRED BY ALCOHOL, OR IMPAIRED BY A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL; OR~~

~~(5) THE INDIVIDUAL IS REQUIRED TO PARTICIPATE BY A COURT ORDER UNDER § 27-107 OF THIS ARTICLE.~~

(d) (1) ~~(i)~~ Notwithstanding subsection (c) of this section, an individual shall be a participant if ~~the individual is convicted of a violation of:~~

1. ~~§ 21-902(a)(1) or (2)~~ **THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(A)** of this article and had an alcohol concentration at the time of testing of 0.15 or more; ~~or~~

2. ~~§ 21-902(a)(3) or (b)(2)~~ **THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(B)(2)** of this article and the minor who was transported was under the age of 16 years;

3. **THE INDIVIDUAL'S LICENSE IS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE OR § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;**

4. **THE INDIVIDUAL'S LICENSE IS REVOKED UNDER § 16-205(B) OF THIS TITLE FOR:**

**A. HOMICIDE BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, HOMICIDE BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR HOMICIDE BY MOTOR VEHICLE WHILE IMPAIRED BY A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL; OR**

**B. LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE,**

**LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ONE OR MORE DRUGS AND ALCOHOL; OR**

**5. THE INDIVIDUAL IS REQUIRED TO BE A PARTICIPANT BY A COURT ORDER UNDER § 27-107.1 OF THIS ARTICLE.**

~~[(ii)] (i)~~ If an individual is subject to ~~[this paragraph]~~ ~~SUBSECTION (C) OF THIS SECTION~~ and fails to participate in the Program or successfully complete the Program, the Administration shall suspend, notwithstanding § 16-208 of this title, the individual's license until the individual successfully completes the Program.

~~[(iii)] (ii)~~ Nothing contained in this paragraph limits the authority of the Administration to modify a suspension imposed under this paragraph to allow an individual to be a participant in accordance with subsection (e) or ~~[(o)] (p)~~ of this section.

**(IV) THE ADMINISTRATION SHALL ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS SECTION AND WHO IS OTHERWISE ELIGIBLE.**

(2) ~~[(i)]~~ (i) Notwithstanding subsection (c) of this section, an individual shall be a participant as a condition of modification of a suspension or revocation of a license or issuance of a ~~restrictive~~ **RESTRICTED** license if the individual:

1. Is required to be a participant by a court order under § 27-107 of this article;
2. Is convicted of a violation of ~~§ 21-902(a) or (b)~~ **§ 21-902(B)** of this article and within the preceding 5 years the individual has been convicted of any violation of § 21-902 of this article; or
3. Was under the age of 21 years on the date of a violation by the individual of:
  - A. An alcohol restriction imposed under § 16-113(b)(1) of this title; or
  - B. ~~§ 21-902(a), (b), or (c)~~ **§ 21-902(B) OR (C)** of this article.

(ii) If an individual is subject to this paragraph and the individual fails to participate in the Program or does not successfully complete the Program, the Administration shall suspend the individual's license for 1 year.

(iii) Nothing contained in this paragraph limits the authority of the Administration to modify a suspension imposed under this paragraph to allow an individual to be a participant in accordance with subsection (e) or (o) of this section~~].~~

**(IV) THE ADMINISTRATION SHALL ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS SECTION AND WHO IS OTHERWISE ELIGIBLE.**

(3) ~~AN~~ **EXCEPT AS PROVIDED IN § 16-205 OF THIS TITLE, AN** individual who is subject to this subsection shall participate in the Program for ~~THE LENGTH OF THE SUSPENSION IMPOSED ON THE INDIVIDUAL'S LICENSE OR IF NO SUSPENSION LENGTH IS SPECIFIED:~~

(i) 6 months the first time the individual is required under this ~~subsection] SECTION~~ to participate in the Program;

(ii) 1 year the second time the individual is required under this ~~subsection] SECTION~~ to participate in the Program; and

(iii) 3 years the third or any subsequent time the individual is required under this ~~subsection] SECTION~~ to participate in the Program.

(4) Paragraph (3) of this subsection does not limit a longer period of Program participation that is required by:

(i) A court order under § 27-107 of this article; or

(ii) The Administration in accordance with another provision of this title.

(e) If an individual subject to subsection (c) ~~for (d)]~~ of this section does not initially become a participant:

(1) The individual may apply later to the Administration to be a participant; and

(2) The Administration may reconsider any suspension or revocation of the driver's license of the individual arising out of the same circumstances and allow the individual to participate in the Program.

(f) (1) The Administration ~~[may] SHALL~~:

(i) ~~[Issue]~~ **MODIFY A SUSPENSION AND ISSUE** a ~~[restrictive]~~ **RESTRICTED** license to an individual who is a participant in the Program ~~during the suspension period~~ as provided under § 16-205 or § 16-205.1 of this title or § 16-404 of this subtitle;

(ii) Reinstatement of the driver's license of a participant whose license has been revoked:

1. For a violation of ~~§ 21-902(a), (b), or (c)~~ **§ 21-902(B) OR (C)** of this article;
2. For an accumulation of points under ~~§ 16-402(a)(37)~~ **§ 16-402(A)(28)** of this subtitle for a violation of ~~§ 21-902(a)~~ **§ 21-902(B) OR (C)** of this article; or
3. Under § 16-205.1(b) or (f) of this title; and

(iii) Notwithstanding any other provision of law, impose on a participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this subtitle in lieu of a license revocation:

1. For a violation of ~~§ 21-902(a), (b), or (c)~~ **§ 21-902(B) OR (C)** of this article;
2. For an accumulation of points under ~~§ 16-402(a)(37)~~ **§ 16-402(A)(28)** of this subtitle for a violation of ~~§ 21-902(a)~~ **§ 21-902(B) OR (C)** of this article; or
3. Under § 16-205.1(b) or (f) of this title.

**(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:**

**(I) MODIFY A SUSPENSION AND ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM AS PROVIDED UNDER § 16-205 OR § 16-205.1 OF THIS TITLE OR § 16-404 OF THIS SUBTITLE;**

**(II) REINSTATE THE DRIVER'S LICENSE OF A PARTICIPANT WHOSE LICENSE HAS BEEN REVOKED:**

- 1. FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;**
- 2. FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE; OR**
- 3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.**



**(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IMPOSE ON A PARTICIPANT A PERIOD OF SUSPENSION IN ACCORDANCE WITH § 16-404(C)(2) AND (3) OF THIS SUBTITLE IN LIEU OF A LICENSE REVOCATION:**

**1. FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;**

**2. FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE; OR**

**3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.**

~~(2)~~ **(3)** A notice of suspension or revocation sent to an individual under this title shall include information about the Program and how individuals participate in the Program.

~~(3)~~ **(4)** The Administration shall establish a fee for the Program that is sufficient to cover the costs of the Program.

(g) Subject to ~~§ 27-107(g)(2)~~ ~~§ 27-107(H)~~ of this article, the Administration shall impose a restriction on the individual's license that prohibits the individual from driving a motor vehicle that is not equipped with an ignition interlock system for the period of time that the individual is required to participate in the Program under this section.

(h) A participant is considered to begin participation in the Program when the participant provides evidence of the installation of an ignition interlock system by an approved service provider in a manner required by the Administration.

(i) An individual whose license is suspended under § 16-404(c)(2)(iv) of this subtitle is a habitual offender whose license may not be reinstated unless the individual participates in the Program for at least 24 months.

(j) (1) For purposes of an ignition interlock system used under ~~§ 16-205(f)~~ of this title, ~~this section~~, or a court order under § 27-107 of this article, the Administration shall permit only the use of an ignition interlock system that meets or exceeds the technical standards for breath alcohol ignition interlock devices published in the Federal Register from time to time.

(2) For purposes of an ignition interlock system used under this section, the Administration shall require the Program protocol adopted by the Administration.

(k) (1) An individual required to use an ignition interlock system under a court order or this section:

(i) Shall be monitored by the Administration; and

(ii) Except as provided in paragraph (2) of this subsection, shall pay the fee required by the Administration under subsection (f)(3) of this section.

(2) The Administration shall waive the fee required under this subsection for an individual who is indigent.

(l) A court order that requires the use of an ignition interlock system is not affected by § 16–404(c)(3) of this subtitle.

(m) (1) If an individual participates in the Program under this section and participates in the Program in accordance with any other provision of law arising out of the same incident, the periods of participation in the Program shall be concurrent.

**(2) IF AN INDIVIDUAL PARTICIPATES IN THE PROGRAM UNDER § 16–205.1 OF THIS TITLE, THE INDIVIDUAL SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE PROGRAM ARISING OUT OF THE SAME INCIDENT AS ~~REQUIRED~~ AUTHORIZED UNDER SUBSECTION (C) OF THIS SECTION OR AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.**

**(N) THE ADMINISTRATION SHALL CONSIDER A PARTICIPANT TO HAVE SUCCESSFULLY COMPLETED THE PROGRAM IF THE ADMINISTRATION RECEIVES FROM THE PARTICIPANT’S APPROVED SERVICE PROVIDER A CERTIFICATION THAT IN THE ~~4~~ 3 CONSECUTIVE MONTHS BEFORE A PARTICIPANT’S DATE OF RELEASE FROM THE PROGRAM THERE WAS NOT:**

**(1) AN ATTEMPT TO START THE VEHICLE WITH A BREATH ALCOHOL CONCENTRATION OF 0.04 OR MORE UNLESS A SUBSEQUENT TEST PERFORMED WITHIN 10 MINUTES REGISTERED A BREATH ALCOHOL CONCENTRATION LOWER THAN 0.04;**

**(2) A FAILURE TO TAKE OR PASS A RANDOM TEST WITH A BREATH ALCOHOL CONCENTRATION OF 0.025 OR LOWER UNLESS A SUBSEQUENT TEST PERFORMED WITHIN 10 MINUTES REGISTERED A BREATH ALCOHOL CONCENTRATION LOWER THAN 0.025; OR**

**(3) A FAILURE OF THE PARTICIPANT TO APPEAR AT THE APPROVED SERVICE PROVIDER WHEN REQUIRED FOR MAINTENANCE, REPAIR, CALIBRATION, MONITORING, INSPECTION, OR REPLACEMENT OF THE DEVICE CAUSING THE DEVICE TO CEASE TO FUNCTION AS REQUIRED UNDER THIS SECTION.**

**[(n)] (O)** If an individual successfully completes the Program and the individual’s license is not refused, revoked, suspended, or canceled under another provision of this article, the Administration shall immediately issue a license to the licensee.

**[(o)] (P)** (1) Notwithstanding § 16–208 of this title, if the Administration removes an individual from the Program because the individual violated requirements of the Program, the Administration may allow the individual to reenter the Program after a period of 30 days from the date of removal.

(2) If an individual reenters the Program under this subsection, the individual shall participate in the Program for the entire period of time that was initially necessary for successful completion of the Program without any credit for the period of participation before the individual was removed from the Program.

(3) Nothing contained in paragraph (2) of this subsection limits a period of participation in the Program required under any other provision of this title or § 27–107 of this article.

**[(p)] (Q)** A suspension or revocation of a license of an individual subject to subsection (c) or (d) of this section that is imposed as a result of the failure of the individual to participate in the Program or successfully complete the Program shall be concurrent with any other suspension or revocation arising out of the same incident for which the individual is subject to subsection (c) or (d) of this section.

**[(q)] (R)** (1) If a person is ~~convicted of any violation of § 21–902 of this article~~ **REQUIRED TO BE A PARTICIPANT UNDER SUBSECTION (D) OF THIS SECTION**, the Administration shall include in the notice of proposed suspension or revocation a warning in bold conspicuous type that the person shall participate in the Program [if the person is subsequently convicted of a violation of § 21–902(a) or (b) of this article as described in this section].

(2) At the time that the Administration issues a license to a person who is under the age of 21 years, the Administration shall provide to the person a written warning in bold conspicuous type that the person shall participate in the Program if the Administration finds the person violated the alcohol restriction on a driver under the age of 21 years or the person violated any provision of § 21–902 of this article.

(3) A person may not raise the absence of the warning described under this subsection or the failure to receive that warning as a basis for limiting the authority of the Administration to require that the person participate in the Program in accordance with this section.

**27–107.1.**

**(A) IN THIS SECTION, “TEST” HAS THE MEANING STATED IN § 16–205.1 OF THIS ARTICLE.**

**(B) IF A PERSON IS CONVICTED OF A VIOLATION UNDER § 21–902(B) OR (C) OF THIS ARTICLE AND THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE PERSON REFUSED TO TAKE A TEST ARISING OUT OF THE SAME**

CIRCUMSTANCES AS THE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE FOR 1 YEAR.

**(C) THE PENALTY PROVIDED IN THIS SECTION SHALL BE:**

**(1) IN ADDITION TO ANY OTHER CRIMINAL PENALTY FOR A VIOLATION OF § 21-902(B) OR (C) OF THIS ARTICLE;**

**(2) CONCURRENT WITH ANY OTHER PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ORDERED BY THE ADMINISTRATION UNDER ANY OTHER PROVISION OF THIS ARTICLE.**

**(D) IF A PERSON SUBJECT TO THIS SECTION PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-205.1 OF THIS ARTICLE, THE PERSON SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ARISING OUT OF THE SAME INCIDENT REQUIRED UNDER THIS SECTION.**

~~21-901.1.~~

~~(a) A person is guilty of reckless driving if he drives a motor vehicle:~~

~~(1) In wanton or willful disregard for the safety of persons or property; or~~

~~(2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.~~

~~(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.~~

~~27-101.~~

~~(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:~~

~~(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or~~

~~(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.~~

~~(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.~~

~~(g) Any person who is convicted of a violation of any of the following sections of this article is subject to a fine of not more than \$1,000:~~

- ~~(1) § 13-704 (“Fraud in application”);~~
- ~~(2) § 21-706 (“Overtaking and passing school vehicle”); or~~
- ~~(3) § 21-901.1(a) (“Reckless driving”).~~

~~(GG) IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-901.1(A) OF THIS ARTICLE (“RECKLESS DRIVING”) OR § 21-901.1(B) OF THIS ARTICLE (“NEGLIGENT DRIVING”) AND WHO WAS ORIGINALLY CHARGED WITH A VIOLATION OF § 21-902 OF THIS ARTICLE SHALL PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE FOR A PERIOD OF AT LEAST 6 MONTHS.~~

~~27-107.~~

~~(a) In this section, “ignition interlock system” means a device that:~~

- ~~(1) Connects a motor vehicle ignition system to a breath analyzer that measures a driver’s blood alcohol level; and~~
- ~~(2) Prevents a motor vehicle ignition from starting if a driver’s blood alcohol level exceeds the calibrated setting on the device.~~

~~(b) In addition to any other penalties provided in this title for a violation of any of the provisions of § 21-902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”), or § 21-902(b) of this article (“Driving while impaired by alcohol”), or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under § 6-220 of the Criminal Procedure Article for, a violation of § 21-902(a) or § 21-902(b) of this article from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.~~

~~(c) If the court imposes the use of an ignition interlock system as a sentence, part of a sentence, or a condition of probation, the court:~~

- ~~(1) Shall state on the record the requirement for, and the period of the use of the system, and so notify the Administration;~~
- ~~(2) Shall direct that the records of the Administration reflect:
  - ~~(i) That the person may not operate a motor vehicle that is not equipped with an ignition interlock system; and~~~~

~~(ii) Whether the court has expressly permitted the person to operate a motor vehicle without an ignition interlock system under subsection [(g)(2)] (H) of this section;~~

~~(3) Shall direct the Administration to note in an appropriate manner a restriction on the person's license imposed under [paragraph] ITEM (2)(i) or (ii) of this subsection;~~

~~(4) Shall require proof of the installation of the system and periodic reporting by the person for verification of the proper operation of the system;~~

~~(5) Shall require the person to have the system monitored for proper use and accuracy by an entity approved by the Administration at least semiannually, or more frequently as the circumstances may require; and~~

~~(6) (i) Shall require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the system; and~~

~~(ii) May establish a payment schedule.~~

~~(d) A person prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system may not solicit or have another person attempt to start or start a motor vehicle equipped with an ignition interlock system.~~

~~(e) A person may not attempt to start or start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system.~~

~~(f) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition interlock system that has been installed in the motor vehicle of a person under this section or Title 16 of this article.~~

~~(g) [(1)] Subject to the provisions of [paragraph (2)] SUBSECTION (H) of this [subsection] SECTION, a person may not knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to another person who the person knows is prohibited under subsection (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with an ignition interlock system.~~

~~[(2) (i) This paragraph does not limit or otherwise affect any provision of federal or State law relating to a holder of a commercial driver's license.~~

~~(ii) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may~~

~~operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if:~~

~~1. The person has not been convicted of:~~

~~A. A violation of § 21-902(a) of this article more than once within a 5-year period;~~

~~B. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or~~

~~C. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; and~~

~~2. The court or the Administration has expressly permitted the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.~~

~~(iii) The Administration may allow a participant in the Ignition Interlock System Program under § 16-404.1 of this article to operate, in the course of the person's employment, a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock system if:~~

~~1. The person provides information acceptable to the Administration regarding the person's current employment and the need for the person to operate the motor vehicle in the course of employment; and~~

~~2. The person has not been convicted of:~~

~~A. A violation of § 21-902(a) of this article more than once within a 5-year period;~~

~~B. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or~~

~~C. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article.]~~

~~(H) (1) THIS SUBSECTION DOES NOT LIMIT OR OTHERWISE AFFECT ANY PROVISION OF FEDERAL OR STATE LAW RELATING TO A HOLDER OF A COMMERCIAL DRIVER'S LICENSE.~~

~~(2) SUBJECT TO THE REQUIREMENTS IN PARAGRAPH (3) OF THIS SUBSECTION, IF A PERSON IS REQUIRED TO OPERATE AN EMPLOYER'S MOTOR VEHICLE IN THE COURSE AND SCOPE OF EMPLOYMENT AND THE BUSINESS ENTITY THAT OWNS THE VEHICLE IS NOT OWNED OR CONTROLLED BY THE PERSON, THE EMPLOYER MAY PROVIDE AND THE PERSON MAY OPERATE A MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK SYSTEM TO BE USED IN THE COURSE OF THE PERSON'S EMPLOYMENT.~~

~~(3) ANY TIME A PERSON OPERATES A MOTOR VEHICLE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE PERSON SHALL HAVE IN THE PERSON'S POSSESSION AND PRESENT TO A LAW ENFORCEMENT OFFICER IF REQUESTED A FORM THAT INCLUDES:~~

~~(i) A DESCRIPTION OF THE PERSON'S LICENSE RESTRICTION REQUIRING THAT THE PERSON OPERATE ONLY VEHICLES EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;~~

~~(ii) A STATEMENT THAT THE PERSON MAY OPERATE THE EMPLOYER'S VEHICLES ONLY IN THE COURSE AND SCOPE OF THE PERSON'S EMPLOYMENT;~~

~~(iii) THE EMPLOYER'S NAME, TITLE, AND TELEPHONE NUMBER;~~

~~(iv) A NOTARIZED SIGNATURE OF THE EMPLOYER ACKNOWLEDGING THE CONTENTS OF THE FORM;~~

~~(v) THE PERSON'S SIGNATURE ACKNOWLEDGING THAT THE PERSON MUST KEEP THE FORM IN THE PERSON'S POSSESSION AT ALL TIMES WHILE OPERATING THE EMPLOYER'S VEHICLE; AND~~

~~(vi) A STAMP OR SIGNATURE FROM AN AUTHORIZED EMPLOYEE OF THE ADMINISTRATION.~~

~~(4) THE PERSON SHALL PROVIDE TO THE PERSON'S EMPLOYER AND THE ADMINISTRATION A COPY OF THE COMPLETED FORM.~~

~~(5) THE ADMINISTRATION SHALL CREATE A STANDARDIZED FORM THAT COMPLIES WITH THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(6) NOTHING IN THIS SUBSECTION AUTHORIZES A PERSON TO OPERATE AN EMPLOYER'S MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK SYSTEM TO COMMUTE TO OR FROM WORK OR FOR ANY OTHER PERSONAL USE NOT REQUIRED IN THE COURSE AND SCOPE OF THE PERSON'S EMPLOYMENT.~~



~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Transportation may publicize this Act by public service announcements, stickers to be placed on motor vehicle fuel dispensers, or any other method calculated to make the public aware of the provisions of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 513

(House Bill 409)

AN ACT concerning

**Criminal Law – Providing Alcohol to Underage Drinkers – Penalties  
(Alex and Calvin’s Law)**

FOR the purpose of prohibiting a person from committing a certain violation relating to alcoholic beverages under certain circumstances; increasing penalties for certain violations of prohibitions relating to obtaining or furnishing alcoholic beverages for individuals under a certain age or allowing an individual under a certain age to possess or consume alcoholic beverages under certain circumstances; establishing a certain penalty; and generally relating to underage consumption of alcohol.

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section ~~10-116 and 10-117~~  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 10-117 and 10-121  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

## Article – Criminal Law

10–116.

An individual may not obtain, or attempt to obtain by purchase or otherwise, an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining or attempting to obtain the beverage knows is under the age of 21 years.

10–117.

(a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:

(1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) (1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

(i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

(ii) are participants in a religious ceremony.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

(i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or

(ii) are participants in a religious ceremony.

**(D) A PERSON MAY NOT VIOLATE SUBSECTION (A) OR (B) OF THIS SECTION IF THE VIOLATION INVOLVES AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO:**

(1) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN WOULD OPERATE A MOTOR VEHICLE AFTER CONSUMING THE ALCOHOLIC BEVERAGE; AND

(2) AS A RESULT OF OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR WHILE IMPAIRED BY ALCOHOL, CAUSES SERIOUS PHYSICAL INJURY OR DEATH TO THE INDIVIDUAL OR ANOTHER.

10-121.

(a) This section does not apply to a person who:

(1) was acting in the capacity of a licensee, or an employee of a licensee, under Article 2B of the Code; and

(2) has committed a violation of and is subject to the penalties under Article 2B, § 12-108 of the Code.

(b) ~~(1) An~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ~~AN~~ adult who violates § 10-116 or ~~§ 10-117~~ § 10-117(A) § 10-117 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

~~(1) (I) [a fine not exceeding \$2,500] for a first offense, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; or~~

~~(2) (II) [a fine not exceeding \$5,000] for a second or subsequent offense, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.~~

~~(2) AN ADULT WHO VIOLATES § 10-117(B) OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~

~~(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR~~

~~(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.~~

(1) A FINE NOT EXCEEDING \$2,500 FOR A FIRST OFFENSE; OR

(2) A FINE NOT EXCEEDING \$5,000 FOR A SECOND OR SUBSEQUENT OFFENSE.

**(C) AN ADULT WHO VIOLATES § 10–117(D) OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 514

**(House Bill 565)**

AN ACT concerning

### **Criminal Law – Possession of Less Than 10 Grams of Marijuana – Code Violation**

FOR the purpose of specifying that a person who violates a certain provision of law involving the use or possession of marijuana in the amount of 10 grams or more is guilty of the misdemeanor of possession of marijuana; altering a certain provision of law so as to provide that a finding of guilt, rather than a violation, of a certain provision of law is a civil offense punishable by a certain fine; requiring that a certain citation contain the date of birth of the person charged; providing that prepayment of a certain fine shall be considered a plea of guilty to a Code violation; prohibiting a certain person from prepaying a certain fine; authorizing a certain person to request a certain trial in a certain manner at a certain time; authorizing the court to impose a certain fine and costs against a certain person and find the person is guilty of a Code violation for a certain purpose under certain circumstances; establishing certain procedures for a certain Code violation proceeding; providing that a certain defendant is liable for certain costs; authorizing the State's Attorney to prosecute a certain violation in a certain manner; establishing that a certain provision of law providing that a certain citation and a certain record of a court are not subject to public inspection and may not be included on a certain Web site only applies under certain circumstances; and generally relating to possession of marijuana.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–601(a) and (c)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

(As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–601(c)(2) and 5–601.1

Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

### Article – Criminal Law

5–601.

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana **IN THE AMOUNT OF 10 GRAMS OR MORE IS GUILTY OF THE MISDEMEANOR OF POSSESSION OF MARIJUANA AND** is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(ii) 1. A first [violation of] **FINDING OF GUILT UNDER** this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$100.

2. A second [violation of] **FINDING OF GUILT UNDER** this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$250.

3. A third or subsequent [violation of] **FINDING OF GUILT UNDER** this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

4. A. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under subparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subparagraph 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

**C. A COURT THAT ORDERS A PERSON TO A DRUG EDUCATION PROGRAM OR SUBSTANCE ABUSE ASSESSMENT OR TREATMENT UNDER THIS SUBSUBPARAGRAPH MAY HOLD THE CASE SUB CURIA PENDING RECEIPT OF PROOF OF COMPLETION OF THE PROGRAM, ASSESSMENT, OR TREATMENT.**

5–601.1.

(a) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana.

(b) (1) A violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana is a civil offense.

(2) Adjudication of a violation under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana:

(i) is not a criminal conviction for any purpose; and

(ii) does not impose any of the civil disabilities that may result from a criminal conviction.

(c) (1) A citation issued for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana shall be signed by the police officer who issues the citation and shall contain:

- (i) the [name and address] **NAME, ADDRESS, AND DATE OF BIRTH** of the person charged;
- (ii) the date and time that the violation occurred;
- (iii) the location at which the violation occurred;
- (iv) the fine that may be imposed;
- (v) a notice stating that prepayment of the fine is allowed, except as provided in paragraph (2) of this subsection; and
- (vi) a notice in boldface type that states that the person shall:
1. pay the full amount of the preset fine; or
  2. request a trial date at the date, time, and place established by the District Court by writ or trial notice.

(2) (i) If a citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana is issued to a person under the age of 21 years, the court shall summon the person for trial.

(ii) If the court finds that a person at least 21 years old **WHO HAS BEEN ISSUED A CITATION UNDER THIS SECTION** has [committed a third or subsequent violation of] **AT LEAST TWICE PREVIOUSLY BEEN FOUND GUILTY UNDER § 5–601** of this part involving the use or possession of less than 10 grams of marijuana, the court shall summon the person for trial.

(d) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.

(e) **(1)** The Chief Judge of the District Court shall establish a schedule for the prepayment of the fine.

**(2) PREPAYMENT OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE VIOLATION.**

**(3) A PERSON DESCRIBED IN SUBSECTION (C)(2) OF THIS SECTION MAY NOT PREPAY THE FINE.**

**(F) (1) A PERSON MAY REQUEST A TRIAL BY SENDING A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS ISSUED WITHIN 30 DAYS OF THE ISSUANCE OF THE CITATION.**

**(2) IF A PERSON OTHER THAN A PERSON DESCRIBED IN SUBSECTION (C)(2) OF THIS SECTION DOES NOT REQUEST A TRIAL OR PREPAY THE FINE WITHIN 30 DAYS OF THE ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE MAXIMUM FINE AND COSTS AGAINST THE PERSON AND FIND THE PERSON IS GUILTY OF A CODE VIOLATION FOR PURPOSES OF SUBSECTION (C)(2)(II) OF THIS SECTION.**

**(G) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING VENUE.**

**(H) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS DESCRIBED IN SUBSECTION (C)(2) OF THIS SECTION SHALL BE GOVERNED BY § 5–212 OF THE CRIMINAL PROCEDURE ARTICLE.**

**(2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE AND COSTS AGAINST THE PERSON AND FIND THE PERSON IS GUILTY OF A CODE VIOLATION FOR PURPOSES OF SUBSECTION (C)(2)(II) OF THIS SECTION.**

**(I) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER § 5–601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA:**

**(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;**

**(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;**

**(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;**

**(4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;**

**(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND**

**(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:**



(I) GUILTY OF A CODE VIOLATION;

(II) NOT GUILTY OF A CODE VIOLATION; OR

(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(J) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT.

(2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IN WHICH COSTS ARE IMPOSED ARE \$5.

(K) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A CODE VIOLATION UNDER § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(2) IN A CODE VIOLATION CASE UNDER § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA, THE STATE'S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

[(f)] (L) A person issued a citation for a violation of § 5-601 of this part involving the use or possession of less than 10 grams of marijuana who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

[(g)] (M) A citation for a violation of § 5-601 of this part involving the use or possession of less than 10 grams of marijuana and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public Web site maintained by the Maryland Judiciary IF:

(1) THE DEFENDANT HAS PREPAID THE FINE;

**(2) THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE AND COSTS IMPOSED FOR THE VIOLATION;**

**(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE JUDGMENT AND HAS FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;**

**(4) THE CASE HAS BEEN REMOVED FROM THE STET DOCKET AFTER THE DEFENDANT FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;**

**(5) THE STATE HAS ENTERED A NOLLE PROSEQUI;**

**(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**  
**OR**

**(7) THE CHARGE HAS BEEN DISMISSED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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