Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the City of Annapolis on the Tenth Day of January 2018 and Ending on the Ninth Day of April 2018

Bills vetoed by the Governor appear after the Laws

VOLUME II
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Chapter 176

(House Bill 961)

AN ACT concerning

Department of Information Technology — Department of Housing and Community Development — Rural Broadband Communication Services Service — Inventory and Mapping of Assets

FOR the purpose of continuing the Maryland Rural Broadband Coordination Board and the Rural Broadband Assistance Fund; expanding the places where certain nonprofit telecommunications services providers are authorized to install certain broadband communication infrastructure without imposition of a certain charge; extending a requirement that the State Highway Administration allow certain nonprofit telecommunications services providers to install certain broadband communication infrastructure without imposition of a certain charge to certain other units of State government; requiring the Department of Information Technology — Department of Housing and Community Development to complete an inventory of certain State and local government assets on or before a certain date; requiring the Department to use a certain inventory to create a certain map; requiring authorizing the Department to solicit input from local governments and Internet service providers on identifying certain unserved and underserved areas in the State; requiring the Department to make a certain inventory and a certain map publicly available on its website available on request; repealing a certain termination date; and generally relating to rural broadband communication services.

BY repealing and reenacting, with amendments,

Article — Transportation
Section 8–654
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Section 3

BY repealing and reenacting, with amendments,

Section 22 through 25

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

Article — Transportation

8–654.
(a) The [Administration] FOLLOWING UNITS OF THE STATE shall allow the use of any right-of-way OR EASEMENT for the installation of broadband communication infrastructure provided by nonprofit telecommunications services providers in rural and underserved areas of the State without imposition of any charge for the use of the right-of-way OR THE EASEMENT:

(1) THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE STATE HIGHWAY ADMINISTRATION, THE MARYLAND TRANSPORTATION AUTHORITY, AND THE MARYLAND TRANSIT ADMINISTRATION;

(2) THE BOARD OF PUBLIC WORKS;

(3) THE DEPARTMENT OF INFORMATION TECHNOLOGY;

(4) THE DEPARTMENT OF NATURAL RESOURCES; AND

(5) THE DEPARTMENT OF THE ENVIRONMENT.

(b) This section may not be construed to limit or otherwise affect any right granted to the State or a unit of the State under § 253 of the federal Telecommunications Act of 1996 with regard to for profit telecommunications services providers.

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

Chapter 269 of the Acts of 2006

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2006. [It shall remain effective for a period of 14 years and, at the end of June 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

Chapter 306 of the Acts of 2008

SECTION 22. [AND BE IT FURTHER ENACTED, That Title 5, Subtitle 11 of the Economic Development Article, the subtitle “Subtitle 11. Rural Broadband Assistance Fund”, Title 13, Subtitle 5 of the Economic Development Article, and the subtitle “Subtitle 5. Rural Broadband Coordination Board”, as enacted by Section 2 of this Act, shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 269 of the Acts of the General Assembly of 2006. If that termination provision takes effect, Title 5, Subtitle 11 of the Economic Development Article, the subtitle “Subtitle 11. Rural Broadband Assistance Fund”, Title 13, Subtitle 5 of the Economic Development Article, and the subtitle “Subtitle 5. Rural Broadband Coordination Board”, as enacted by Section 2 of this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.]
SECTION 23. AND BE IT FURTHER ENACTED, That Title 11, Subtitle 1 of the Economic Development Article and the subtitle “Subtitle 1. Base Realignment and Closure Subcabinet”, as enacted by Section 2 of this Act, shall remain effective until the taking effect of the termination provision specified in Section 2 of Chapter 6 of the Acts of the General Assembly of 2007. If that termination provision takes effect, Title 11, Subtitle 1 of the Economic Development Article and the subtitle “Subtitle 1. Base Realignment and Closure Subcabinet”, as enacted by Section 2 of this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 24. AND BE IT FURTHER ENACTED, That Title 11, Subtitle 2 of the Economic Development Article and the subtitle “Subtitle 2. Maryland Military Installation Council”, as enacted by Section 2 of this Act, shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 634 of the Acts of the General Assembly of 2006. If that termination provision takes effect, Title 11, Subtitle 2 of the Economic Development Article and the subtitle “Subtitle 2. Maryland Military Installation Council”, as enacted by Section 2 of this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 25. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 19 through 23 of this Act, this Act shall take effect October 1, 2008.

SECTION 3. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) On or before October 1, 2019 June 1, 2020, the Department of Information Technology Department of Housing and Community Development shall complete an inventory of all State and local government assets that can be used to assist with the expansion of broadband service to Western unserved and underserved areas of Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties.

(2) Assets inventoried shall include the location and number of:

(i) cellular towers;

(ii) water towers;

(iii) fiber optic cable routes; and

(iv) any other structures the Department determines are necessary to complete the inventory.

(b) (1) The Department shall use the inventory completed under subsection (a) of this section to create a map that includes:
(i) all deployable assets and resources owned or managed by State and local governments; and

(ii) population density and business density for unserved and underserved rural areas in Western of Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties.

(2) The Department shall may solicit input from local governments and Internet service providers on identifying unserved and underserved rural areas in Western of Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties.

(3) The Department shall make the inventory and map required under this section publicly available on its website available on request.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 177

(House Bill 243)

AN ACT concerning

Task Force on Rural Internet, Broadband, Wireless, and Cellular Service – Study and Extension

FOR the purpose of requiring the Task Force on Rural Internet, Broadband, Wireless, and Cellular Service, in conducting a certain study, to solicit input from certain entities; expanding the scope of a certain study; extending the date by which the Task Force must report its findings and recommendations to the Governor and the General Assembly; extending the termination date of the Task Force; and generally relating to the Task Force on Rural Internet, Broadband, Wireless, and Cellular Service.

BY repealing and reenacting, with amendments,

Chapter 620 of the Acts of the General Assembly of 2017
Section 1(f) and (g) and 2

BY repealing and reenacting, with amendments,

Chapter 621 of the Acts of the General Assembly of 2017
Section 1(f) and (g) and 2
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Chapter 620 of the Acts of 2017

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(f) (1) (I) The Task Force shall study and make recommendations regarding how Western Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties can work together to obtain federal assistance to improve Internet, Broadband, wireless, and cellular services and accessibility in Western Maryland, in Southern Maryland, on the Eastern Shore, and in Frederick, Carroll, and Harford counties RURAL AREAS OF MARYLAND.

(II) IN CONDUCTING THE STUDY REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TASK FORCE SHALL SOLICIT INPUT FROM LOCAL GOVERNMENTS AND, INTERNET SERVICE PROVIDERS, AND WIRELESS SERVICE PROVIDERS ON IDENTIFYING UNSERVED AND UNDERSERVED RURAL AREAS IN WESTERN OF MARYLAND COUNTIES, SOUTHERN MARYLAND COUNTIES, EASTERN SHORE COUNTIES, AND FREDERICK, CARROLL, AND HARFORD COUNTIES.

(2) In accordance with paragraph (3) of this subsection, the study required under paragraph (1) of this subsection shall:

(i) assess current Internet, Broadband, wireless, cellular, and landline service connectivity;

(ii) assess coverage for the users located at the end of the:

1. Internet service connectivity;
2. Broadband service connectivity;
3. wireless service connectivity;
4. cellular service connectivity; and
5. landline service connectivity;

(iii) evaluate redundancies and gaps in the current Internet, Broadband, wireless, cellular, and landline service connectivity; [and]

(iv) evaluate any federal funds applied for in response to any previous Broadband task force in the State; AND
(V) EXAMINE HOW TO ACCESS MAPS SUFFICIENT TO:

1. EDUCATE THE PUBLIC; AND

2. CALCULATE COSTS FOR UNIVERSAL LAST-MILE BROADBAND COVERAGE.

(3) The study required under paragraph (1) of this subsection shall be based on publicly available and nonconfidential information.

(g) On or before November 30, [2017] 2018, the Task Force shall report its findings and recommendations 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, 2017. It shall remain effective for a period of [1 year] 2 YEARS and, at the end of May 31, [2018] 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 621 of the Acts of 2017

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(f) (1) (I) The Task Force shall study and make recommendations regarding how Western Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties can work together to obtain federal assistance to improve Internet, Broadband, wireless, and cellular services and accessibility in Western Maryland, in Southern Maryland, on the Eastern Shore, and in Frederick, Carroll, and Harford counties RURAL AREAS OF MARYLAND.

(II) IN CONDUCTING THE STUDY REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TASK FORCE SHALL SOLICIT INPUT FROM LOCAL GOVERNMENTS AND, INTERNET SERVICE PROVIDERS, AND WIRELESS SERVICE PROVIDERS ON IDENTIFYING UNSERVED AND UNDERSERVED RURAL AREAS IN WESTERN OF MARYLAND COUNTIES, SOUTHERN MARYLAND COUNTIES, EASTERN SHORE COUNTIES, AND FREDERICK, CARROLL, AND HARFORD COUNTIES.

(2) In accordance with paragraph (3) of this subsection, the study required under paragraph (1) of this subsection shall:

(i) assess current Internet, Broadband, wireless, cellular, and landline service connectivity;
(ii) assess coverage for the users located at the end of the:

1. Internet service connectivity;
2. Broadband service connectivity;
3. wireless service connectivity;
4. cellular service connectivity; and
5. landline service connectivity;

(iii) evaluate redundancies and gaps in the current Internet, Broadband, wireless, cellular, and landline service connectivity; [and]

(iv) evaluate any federal funds applied for in response to any previous Broadband task force in the State; AND

(V) EXAMINE HOW TO ACCESS MAPS SUFFICIENT TO:

1. EDUCATE THE PUBLIC; AND
2. CALCULATE COSTS FOR UNIVERSAL LAST–MILE BROADBAND COVERAGE.

(3) The study required under paragraph (1) of this subsection shall be based on publicly available and nonconfidential information.

(g) On or before November 30, [2017] 2018, the Task Force shall report its findings and recommendations 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, 2017. It shall remain effective for a period of [1 year] 2 YEARS and, at the end of May 31, [2018] 2019, 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 June 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 178

(Senate Bill 968)

AN ACT concerning

Task Force on Rural Internet, Broadband, Wireless, and Cellular Service – Study and Extension

FOR the purpose of requiring the Task Force on Rural Internet, Broadband, Wireless, and Cellular Service, in conducting a certain study, to solicit input from certain entities; expanding the scope of a certain study; extending the date by which the Task Force must report its findings and recommendations to the Governor and the General Assembly; extending the termination date of the Task Force; and generally relating to the Task Force on Rural Internet, Broadband, Wireless, and Cellular Service.

BY repealing and reenacting, with amendments,

Chapter 620 of the Acts of the General Assembly of 2017
Section 1(f) and (g) and 2

BY repealing and reenacting, with amendments,

Chapter 621 of the Acts of the General Assembly of 2017
Section 1(f) and (g) and 2

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

Chapter 620 of the Acts of 2017

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(f) (1) (I) The Task Force shall study and make recommendations regarding how Western Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties can work together to obtain federal assistance to improve Internet, Broadband, wireless, and cellular services and accessibility in Western Maryland, in Southern Maryland, on the Eastern Shore, and in Frederick, Carroll, and Harford counties RURAL AREAS OF MARYLAND.

(II) IN CONDUCTING THE STUDY REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TASK FORCE SHALL SOLICIT INPUT FROM LOCAL GOVERNMENTS, INTERNET SERVICE PROVIDERS, AND WIRELESS SERVICE PROVIDERS ON IDENTIFYING UNSERVED AND UNDERSERVED RURAL AREAS IN WESTERN MARYLAND COUNTIES, SOUTHERN MARYLAND COUNTIES, EASTERN SHORE COUNTIES, AND FREDERICK, CARROLL, AND HARFORD COUNTIES.
(2) In accordance with paragraph (3) of this subsection, the study required under paragraph (1) of this subsection shall:

(i) assess current Internet, Broadband, wireless, cellular, and landline service connectivity;

(ii) assess coverage for the users located at the end of the:

1. Internet service connectivity;
2. Broadband service connectivity;
3. wireless service connectivity;
4. cellular service connectivity; and
5. landline service connectivity;

(iii) evaluate redundancies and gaps in the current Internet, Broadband, wireless, cellular, and landline service connectivity; [and]

(iv) evaluate any federal funds applied for in response to any previous Broadband task force in the State; AND

(V) EXAMINE HOW TO ACCESS MAPS SUFFICIENT TO:

1. EDUCATE THE PUBLIC; AND
2. CALCULATE COSTS FOR UNIVERSAL LAST–MILE BROADBAND COVERAGE.

(3) The study required under paragraph (1) of this subsection shall be based on publicly available and nonconfidential information.

(g) On or before November 30, [2017] 2018, the Task Force shall report its findings and recommendations 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, 2017. It shall remain effective for a period of [1 year] 2 YEARS and, at the end of May 31, [2018] 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 621 of the Acts of 2017
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(f) (1) The Task Force shall study and make recommendations regarding how Western Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties can work together to obtain federal assistance to improve Internet, Broadband, wireless, and cellular services and accessibility in Western Maryland, in Southern Maryland, on the Eastern Shore, and in Frederick, Carroll, and Harford counties RURAL AREAS OF MARYLAND.

(ii) In conducting the study required under subparagraph (i) of this paragraph, the Task Force shall solicit input from local governments, Internet service providers, and wireless service providers on identifying unserved and underserved rural areas in Western of Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties.

(2) In accordance with paragraph (3) of this subsection, the study required under paragraph (1) of this subsection shall:

(i) assess current Internet, Broadband, wireless, cellular, and landline service connectivity;

(ii) assess coverage for the users located at the end of the:

1. Internet service connectivity;
2. Broadband service connectivity;
3. wireless service connectivity;
4. cellular service connectivity; and
5. landline service connectivity;

(iii) evaluate redundancies and gaps in the current Internet, Broadband, wireless, cellular, and landline service connectivity; AND

(iv) evaluate any federal funds applied for in response to any previous Broadband task force in the State; AND

(V) EXAMINE HOW TO ACCESS MAPS SUFFICIENT TO:

1. EDUCATE THE PUBLIC; AND
2. CALCULATE COSTS FOR UNIVERSAL LAST–MILE BROADBAND COVERAGE.

(3) The study required under paragraph (1) of this subsection shall be based on publicly available and nonconfidential information.

(g) On or before November 30, [2017] 2018, the Task Force shall report its findings and recommendations 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, 2017. It shall remain effective for a period of [1 year] 2 YEARS and, at the end of May 31, [2018] 2019, 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 June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 179

(House Bill 306)

AN ACT concerning

State Personnel – Rights and Protections for Nursing Mothers

FOR the purpose of requiring the State, through its appropriate officers and employees, to provide a reasonable break time for an employee to express breast milk for her nursing child for a certain period of time after the child’s birth each time the employee needs to express the milk and, on notice, to provide a certain place that may be used by an employee to express breast milk; prohibiting the State from being required to compensate an employee receiving reasonable break time for any time spent expressing breast milk at work; and generally relating to rights and protections for nursing mothers employed by the State.

BY adding to

Article – State Personnel and Pensions
Section 2–310
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

2–310.

(A) The State, through its appropriate officers and employees, shall provide:

(1) A reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time the employee needs to express the milk; and

(2) On notice, on notice, a place, other than a bathroom, that is shielded from view and free from coworkers and the public and that may be used by an employee to express breast milk.

(B) The State may not be required to compensate an employee receiving reasonable break time under subsection (a)(1) of this section for any time spent expressing breast milk at work.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 180

(Senate Bill 341)

AN ACT concerning

Hunting – Required Outerwear – Daylight Fluorescent Pink

FOR the purpose of adding daylight fluorescent pink as a color authorized for certain outerwear required to be worn by certain persons performing certain hunting activities; authorizing the Department of Natural Resources to adopt regulations to define “daylight fluorescent pink”; and generally relating to the use of daylight fluorescent pink outerwear while hunting.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 10–418
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

10–418.

(a) This section does not apply to any person who:

(1) Hunts deer with a bow and arrow during the season restricted to
    hunting with a bow and arrow;

(2) Hunts game birds or mammals during the open season using falcons,
    hawks, or owls; or

(3) Hunts or accompanies, aids, or assists another person hunting the
    following species:

(i) Wetland game birds;

(ii) Fur–bearing mammals;

(iii) Crows;

(iv) Doves; or

(v) Wild turkeys.

(b) Except as provided in subsection (a) of this section, a person who hunts any
    wildlife and a person who accompanies, aids, or assists another person in a field, wooded
    area, marsh, or on the water to hunt any wildlife shall wear:

(1) A cap of a solid daylight fluorescent orange OR DAYLIGHT
    FLUORESCENT PINK color;

(2) A vest, jacket, or jacket containing back and front panels of at least 250
    square inches of a solid daylight fluorescent orange OR DAYLIGHT FLUORESCENT PINK
    color; or

(3) An outer garment of camouflage fluorescent orange OR PINK worn
    above the waist which contains at least 50 percent daylight fluorescent orange OR
    DAYLIGHT FLUORESCENT PINK color.
(c) By regulation, the Department may define the term “daylight” TERMS:

(1) “DAYLIGHT fluorescent orange” consistent with the recommendations of the North American Association of Hunter Safety Coordinators; AND

(2) “DAYLIGHT FLUORESCENT PINK”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 181

(House Bill 1118)

AN ACT concerning

Hunting – Required Outerwear – Daylight Fluorescent Pink

FOR the purpose of adding daylight fluorescent pink as a color authorized for certain outerwear required to be worn by certain persons performing certain hunting activities; authorizing the Department of Natural Resources to adopt regulations to define “daylight fluorescent pink”; and generally relating to the use of daylight fluorescent pink outerwear while hunting.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–418

Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

10–418.

(a) This section does not apply to any person who:

(1) Hunts deer with a bow and arrow during the season restricted to hunting with a bow and arrow;
(2) Hunts game birds or mammals during the open season using falcons, hawks, or owls; or 

(3) Hunts or accompanies, aids, or assists another person hunting the following species:

   (i) Wetland game birds;
   (ii) Fur–bearing mammals;
   (iii) Crows;
   (iv) Doves; or
   (v) Wild turkeys.

(b) Except as provided in subsection (a) of this section, a person who hunts any wildlife and a person who accompanies, aids, or assists another person in a field, wooded area, marsh, or on the water to hunt any wildlife shall wear:

   (1) A cap of a solid daylight fluorescent orange OR DAYLIGHT FLUORESCENT PINK color;
   
   (2) A vest, jacket, or jacket containing back and front panels of at least 250 square inches of a solid daylight fluorescent orange OR DAYLIGHT FLUORESCENT PINK color; or

   (3) An outer garment of camouflage fluorescent orange OR PINK worn above the waist which contains at least 50 percent daylight fluorescent orange OR DAYLIGHT FLUORESCENT PINK color.

(c) By regulation, the Department may define the [term “daylight] TERMS:

   (1) “DAYLIGHT fluorescent orange” consistent with the recommendations of the North American Association of Hunter Safety Coordinators; AND

   (2) “DAYLIGHT FLUORESCENT PINK”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

Environment – Water and Sewer Service

FOR the purpose of declaring the intent of the General Assembly that homeowners have access to certain affordability programs for water and sewer services; authorizing a political subdivision, a sanitary commission, or an authority to develop and implement certain affordability programs; authorizing a sanitary commission, a political subdivision, and an authority to disconnect certain service to properties that meet certain criteria; requiring a sanitary commission, a political subdivision, and an authority to restore certain service to certain properties under certain circumstances; and generally relating to water and sewer services.

BY adding to
Article – Environment
Section 9–202, 9–670, and 9–728
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–951
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Environment

9–202.

(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT HOMEOWNERS HAVE ACCESS TO PROGRAMS TO ASSIST THEM IN MEETING THEIR PAYMENT OBLIGATIONS FOR WATER AND SEWER SERVICES.

(B) A POLITICAL SUBDIVISION, A SANITARY COMMISSION, OR AN AUTHORITY PROVIDING SERVICES UNDER THIS TITLE MAY DEVELOP AND IMPLEMENT SERVICE AFFORDABILITY PROGRAMS TO ASSIST HOMEOWNERS HAVING DIFFICULTY MAKING PAYMENTS FOR WATER AND SEWER SERVICES, INCLUDING:

(1) PAYMENT PLANS; AND
(2) Round up programs in which ratepayers may donate to a fund to be used to provide payment assistance to homeowners.

9–670.

(A) A sanitary commission may disconnect service to a property on a finding or notification from the governing body of the political subdivision in which the property is located that the property is:

(1) A vacant lot; or

(2) Cited as vacant and unfit for habitation on a housing or building violation notice.

(B) Subject to subsection (C) of this section, on request by the owner of the property, the sanitary commission shall restore service to a property where service was disconnected in accordance with subsection (A) of this section.

(C) (1) A sanitary commission may require proof that all housing and building violation notices for a property have been resolved prior to restoring service under subsection (B) of this section.

(2) Prior to restoring service under subsection (B) of this section, a sanitary commission may require the owner of the property to pay:

(I) All unpaid fees, charges, or assessments for service at the property; and

(II) Any reconnection fees for service at the property.

9–728.

(A) A political subdivision may disconnect service to a property on a finding or notification from the governing body of the political subdivision in which the property is located that the property is:

(1) A vacant lot; or

(2) Cited as vacant and unfit for habitation on a housing or building violation notice.
(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON REQUEST BY THE OWNER OF THE PROPERTY, THE POLITICAL SUBDIVISION SHALL RESTORE SERVICE TO A PROPERTY WHERE SERVICE WAS DISCONNECTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(C) (1) A POLITICAL SUBDIVISION MAY REQUIRE PROOF THAT ALL HOUSING AND BUILDING VIOLATION NOTICES ON A PROPERTY HAVE BEEN RESOLVED PRIOR TO RESTORING SERVICE UNDER SUBSECTION (B) OF THIS SECTION.

(2) PRIOR TO RESTORING SERVICE UNDER SUBSECTION (B) OF THIS SECTION, A POLITICAL SUBDIVISION MAY REQUIRE THE OWNER OF THE PROPERTY TO PAY:

(I) ALL UNPAID FEES, CHARGES, OR ASSESSMENTS FOR SERVICE AT THE PROPERTY; AND

(II) ANY RECONNECTION FEES FOR SERVICE AT THE PROPERTY.

9–951.

(a) A political subdivision that owns or operates a water system may contract with an authority as provided in subsection (b) of this section to shut off the supply of water to any premises that are connected with any sewerage system of the authority.

(b) If the owner, tenant, or occupant of any premises described in subsection (a) of this section fails, within the time stated in the contract, to pay any rate, fee, or charge for the use or services of the sewerage system of an authority, the authority may shut off the supply of water to the premises.

(C) (1) AN AUTHORITY MAY DISCONNECT SERVICE TO A PROPERTY ON A FINDING OR NOTIFICATION FROM THE GOVERNING BODY OF THE POLITICAL SUBDIVISION IN WHICH THE PROPERTY IS LOCATED THAT THE PROPERTY IS:

(I) A VACANT LOT; OR

(II) CITED AS VACANT AND UNFIT FOR HABITATION ON A HOUSING OR BUILDING VIOLATION NOTICE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON REQUEST BY THE OWNER OF THE PROPERTY, THE AUTHORITY SHALL RESTORE SERVICE TO A PROPERTY WHERE SERVICE WAS DISCONNECTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.
(3) (I) An authority may require proof that all housing and building violation notices on a property have been resolved prior to restoring service under paragraph (2) of this subsection.

(II) Prior to restoring service under paragraph (2) of this subsection, an authority may require the owner of the property to pay:

1. All unpaid rates, fees, charges, or assessments for service at the property; and

2. Any reconnection fees for service at the property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 183
(Senate Bill 709)

AN ACT concerning Environment – Water and Sewer Service

FOR the purpose of declaring the intent of the General Assembly that homeowners have access to certain affordability programs for water and sewer services; authorizing a political subdivision, a sanitary commission, or an authority to develop and implement certain affordability programs; authorizing a sanitary commission, a political subdivision, and an authority to disconnect certain service to properties that meet certain criteria; requiring a sanitary commission, a political subdivision, and an authority to restore certain service to certain properties under certain circumstances; and generally relating to water and sewer services.

BY adding to
Article – Environment
Section 9–202, 9–670, and 9–728
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

9–202.

(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT HOMEOWNERS HAVE ACCESS TO PROGRAMS TO ASSIST THEM IN MEETING THEIR PAYMENT OBLIGATIONS FOR WATER AND SEWER SERVICES.

(B) A POLITICAL SUBDIVISION, A SANITARY COMMISSION, OR AN AUTHORITY PROVIDING SERVICES UNDER THIS TITLE MAY DEVELOP AND IMPLEMENT SERVICE AFFORDABILITY PROGRAMS TO ASSIST HOMEOWNERS HAVING DIFFICULTY MAKING PAYMENTS FOR WATER AND SEWER SERVICES, INCLUDING:

(1) PAYMENT PLANS; AND

(2) ROUND UP PROGRAMS IN WHICH RATEPAYERS MAY DONATE TO A FUND TO BE USED TO PROVIDE PAYMENT ASSISTANCE TO HOMEOWNERS.

9–670.

(A) A SANITARY COMMISSION MAY DISCONNECT SERVICE TO A PROPERTY ON A FINDING OR NOTIFICATION FROM THE GOVERNING BODY OF THE POLITICAL SUBDIVISION IN WHICH THE PROPERTY IS LOCATED THAT THE PROPERTY IS:

(1) A VACANT LOT; OR

(2) CITED AS VACANT AND UNFIT FOR HABITATION ON A HOUSING OR BUILDING VIOLATION NOTICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON REQUEST BY THE OWNER OF THE PROPERTY, THE SANITARY COMMISSION SHALL RESTORE SERVICE TO A PROPERTY WHERE SERVICE WAS DISCONNECTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(C) (1) A SANITARY COMMISSION MAY REQUIRE PROOF THAT ALL HOUSING AND BUILDING VIOLATION NOTICES FOR A PROPERTY HAVE BEEN RESOLVED PRIOR TO RESTORING SERVICE UNDER SUBSECTION (B) OF THIS
SECTION.

(2) PRIOR TO RESTORING SERVICE UNDER SUBSECTION (B) OF THIS SECTION, A SANITARY COMMISSION MAY REQUIRE THE OWNER OF THE PROPERTY TO PAY:

(I) ALL UNPAID FEES, CHARGES, OR ASSESSMENTS FOR SERVICE AT THE PROPERTY; AND

(II) ANY RECONNECTION FEES FOR SERVICE AT THE PROPERTY.

9–728.

(A) A POLITICAL SUBDIVISION MAY DISCONNECT SERVICE TO A PROPERTY ON A FINDING OR NOTIFICATION FROM THE GOVERNING BODY OF THE POLITICAL SUBDIVISION IN WHICH THE PROPERTY IS LOCATED THAT THE PROPERTY IS:

(1) A VACANT LOT; OR

(2) CITED AS VACANT AND UNFIT FOR HABITATION ON A HOUSING OR BUILDING VIOLATION NOTICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON REQUEST BY THE OWNER OF THE PROPERTY, THE POLITICAL SUBDIVISION SHALL RESTORE SERVICE TO A PROPERTY WHERE SERVICE WAS DISCONNECTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(C) (1) A POLITICAL SUBDIVISION MAY REQUIRE PROOF THAT ALL HOUSING AND BUILDING VIOLATION NOTICES ON A PROPERTY HAVE BEEN RESOLVED PRIOR TO RESTORING SERVICE UNDER SUBSECTION (B) OF THIS SECTION.

(2) PRIOR TO RESTORING SERVICE UNDER SUBSECTION (B) OF THIS SECTION, A POLITICAL SUBDIVISION MAY REQUIRE THE OWNER OF THE PROPERTY TO PAY:

(I) ALL UNPAID FEES, CHARGES, OR ASSESSMENTS FOR SERVICE AT THE PROPERTY; AND

(II) ANY RECONNECTION FEES FOR SERVICE AT THE PROPERTY.

9–951.

(a) A political subdivision that owns or operates a water system may contract with
an authority as provided in subsection (b) of this section to shut off the supply of water to any premises that are connected with any sewerage system of the authority.

(b) If the owner, tenant, or occupant of any premises described in subsection (a) of this section fails, within the time stated in the contract, to pay any rate, fee, or charge for the use or services of the sewerage system of an authority, the authority may shut off the supply of water to the premises.

(C) (1) AN AUTHORITY MAY DISCONNECT SERVICE TO A PROPERTY ON A FINDING OR NOTIFICATION FROM THE GOVERNING BODY OF THE POLITICAL SUBDIVISION IN WHICH THE PROPERTY IS LOCATED THAT THE PROPERTY IS:

   (I) A VACANT LOT; OR

   (II) CITED AS VACANT AND UNFIT FOR HABITATION ON A HOUSING OR BUILDING VIOLATION NOTICE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON REQUEST BY THE OWNER OF THE PROPERTY, THE AUTHORITY SHALL RESTORE SERVICE TO A PROPERTY WHERE SERVICE WAS DISCONNECTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(3) (I) AN AUTHORITY MAY REQUIRE PROOF THAT ALL HOUSING AND BUILDING VIOLATION NOTICES ON A PROPERTY HAVE BEEN RESOLVED PRIOR TO RESTORING SERVICE UNDER PARAGRAPH (2) OF THIS SUBSECTION.

   (II) PRIOR TO RESTORING SERVICE UNDER PARAGRAPH (2) OF THIS SUBSECTION, AN AUTHORITY MAY REQUIRE THE OWNER OF THE PROPERTY TO PAY:

   1. ALL UNPAID RATES, FEES, CHARGES, OR ASSESSMENTS FOR SERVICE AT THE PROPERTY; AND

   2. ANY RECONNECTION FEES FOR SERVICE AT THE PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 184

(House Bill 1721)

AN ACT concerning

Horse Racing – Maryland International and Preakness Stakes Incentives – Modifications

FOR the purpose of altering the amount available for a purse for the Maryland International thoroughbred race; specifying that the Maryland International is a graded stakes; authorizing, with the approval of the State Racing Commission, a certain race; requiring that certain money distributed to the Racing Special Fund and paid for certain purposes remain available for certain purposes; repealing certain requirements that certain lottery revenues be deposited in the Racing Special Fund; making a conforming change; providing for a delayed effective date for certain provisions of this Act; and generally relating to the Maryland International thoroughbred race and Preakness Stakes.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–403(a)(9) and 11–522.1(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 11–403(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Section 2

BY adding to
Article – Business Regulation
Section 11–403(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Business Regulation

11–403.

(a) The Comptroller shall pay from the Special Fund an annual grant of:

(9) beginning July 1, 2017, from the money distributed under § 9–120(b) of the State Government Article:

(i) UP TO $500,000 to a purse for the Maryland International thoroughbred race under § 11–522.1 of this title;

(ii) $350,000 to the Maryland Office of Sports Marketing in the Maryland Stadium Authority for incentive grants for youth and amateur sporting events; and

(iii) $150,000 to the Maryland Humanities Council for Maryland History Day and other programming.

(b) (1) In fiscal year 2017, the Comptroller shall pay, from the money distributed to the Special Fund, $500,000 to the Maryland Racing Commission to be used, in a manner determined by the Maryland Racing Commission, for a bonus award program for Maryland–bred or Maryland–sired horses running in the Preakness Stakes.

(2) The Maryland Racing Commission shall consult with representatives of the thoroughbred racing industry prior to establishing the rules and criteria for the bonus award program.

(3) If, under the rules of the bonus award program, funds remain in the program after the Preakness Stakes is conducted on one or more occasions, remaining funds shall carry over to the next fiscal year and may not revert to the General Fund.

11–522.1.

(a) (1) There is a Maryland International thoroughbred race conducted by a licensee at Laurel Park.

(2) The Maryland International is a [Grade 1] GRADED stakes race run on a turf track.

Chapter 727 of the Acts of 2016

SECTION 2. 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.]

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

Article – Business Regulation

11–403.

(D) ANY AMOUNTS PAID BY THE COMPTROLLER FOR THE PURPOSES SPECIFIED UNDER SUBSECTIONS (A)(9) AND (B) OF THIS SECTION SHALL REMAIN AVAILABLE FOR THOSE PURPOSES AND MAY NOT BE USED FOR ANY OTHER PURPOSE.

Article – State Government

9–120.

(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:

(i) into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed $20,000,000 in any fiscal year;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans’ organizations under § 9–112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10–656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to $20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least $10,000,000 paid no later than December 1 of each fiscal year; AND

(iv) after June 30, 2016, into the Racing Special Fund established under § 11–401 of the Business Regulation Article from money that remains in the State Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii), and (iii) of this paragraph, an amount equal to $500,000;

(v) after June 30, 2017, into the Racing Special Fund established
under § 11–401 of the Business Regulation Article from money that remains in the State Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii), (iii), and (iv) of this paragraph, an amount equal to $1,000,000 in each fiscal year; and

(vi) into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), AND (iii)[, (iv), and (v)] of this paragraph.

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 185

(Senate Bill 1158)

AN ACT concerning

Horse Racing – Maryland International and Preakness Stakes Incentives – Modifications

FOR the purpose of altering the amount available for a purse for the Maryland International thoroughbred race; specifying that the Maryland International is a graded stakes; authorizing, with the approval of the State Racing Commission, a certain race; requiring that certain money distributed to the Racing Special Fund and paid for certain purposes remain available for certain purposes; repealing certain requirements that certain lottery revenues be deposited in the Racing Special Fund; making a conforming change; providing for a delayed effective date for certain provisions of this Act; and generally relating to the Maryland International thoroughbred race and Preakness Stakes.

BY repealing and reenacting, with amendments, Article – Business Regulation
Section 11–403(a)(9) and 11–522.1(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 11–403(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Section 2

BY adding to
Article – Business Regulation
Section 11–403(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

11–403.

(a) The Comptroller shall pay from the Special Fund an annual grant of:

(9) beginning July 1, 2017, from the money distributed under § 9–120(b) of the State Government Article:

(i) UP TO $500,000 to a purse for the Maryland International thoroughbred race under § 11–522.1 of this title;

(ii) $350,000 to the Maryland Office of Sports Marketing in the Maryland Stadium Authority for incentive grants for youth and amateur sporting events; and

(iii) $150,000 to the Maryland Humanities Council for Maryland History Day and other programming.

(b) In fiscal year 2017, the Comptroller shall pay, from the money distributed to the Special Fund, $500,000 to the Maryland Racing Commission to be used, in a manner determined by the Maryland Racing Commission, for a bonus award program for Maryland–bred or Maryland–sired horses running in the Preakness Stakes.
(2) The Maryland Racing Commission shall consult with representatives of the thoroughbred racing industry prior to establishing the rules and criteria for the bonus award program.

(3) If, under the rules of the bonus award program, funds remain in the program after the Preakness Stakes is conducted on one or more occasions, remaining funds shall carry over to the next fiscal year and may not revert to the General Fund.

11–522.1.

(a) (1) There is a Maryland International thoroughbred race conducted by a licensee at Laurel Park.

(2) The Maryland International is a [Grade 1] GRADED stakes race run on a turf track.

Chapter 727 of the Acts of 2016

SECTION 2. 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.]

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

Article – Business Regulation

11–403.

(D) ANY AMOUNTS PAID BY THE COMPTROLLER FOR THE PURPOSES SPECIFIED UNDER SUBSECTIONS (A)(9) AND (B) OF THIS SECTION SHALL REMAIN AVAILABLE FOR THOSE PURPOSES AND MAY NOT BE USED FOR ANY OTHER PURPOSE.

Article – State Government

9–120.

(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:

(i) into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the
State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed $20,000,000 in any fiscal year;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans’ organizations under § 9–112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10–656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to $20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least $10,000,000 paid no later than December 1 of each fiscal year; AND

(iv) after June 30, 2016, into the Racing Special Fund established under § 11–401 of the Business Regulation Article from money that remains in the State Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii), and (iii) of this paragraph, an amount equal to $500,000;

(v) after June 30, 2017, into the Racing Special Fund established under § 11–401 of the Business Regulation Article from money that remains in the State Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii), (iii), and (iv) of this paragraph, an amount equal to $1,000,000 in each fiscal year; and

(vi) into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), AND (iii), (iv), and (v) of this paragraph.

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

Emergency Vehicles – Organ Delivery Vehicles

FOR the purpose of altering the definition of “emergency vehicle” to include certain organ delivery vehicles; authorizing the Motor Vehicle Administration to designate an organ delivery vehicle as an emergency vehicle only under certain circumstances; authorizing the driver of an emergency vehicle to exercise certain privileges while transporting, under certain circumstances, human organs or medical personnel; prohibiting a person from exercising certain privileges while operating an organ delivery vehicle unless the person has a certain certification; authorizing organ delivery vehicles to be equipped with certain lights or signal devices; defining a certain term; making certain conforming changes; making a certain stylistic change; and generally relating to emergency organ delivery vehicles.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 11–118, 21–106, and 22–218(c)(1) and (4)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to

Article – Transportation
Section 11–142.1 and 22–218(c)(13)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

11–118.

“Emergency vehicle” means any of the following vehicles that are designated by the Administration as entitled to the exemptions and privileges set forth in the Maryland Vehicle Law for emergency vehicles:

(1) Vehicles of federal, State, or local law enforcement agencies;

(2) Vehicles of volunteer fire companies, rescue squads, fire departments, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Fire and Rescue Institute;

(3) State vehicles used in response to oil or hazardous materials spills;
(4) State vehicles designated for emergency use by the Commissioner of Correction;

(5) Ambulances; [and]

(6) ORGAN DELIVERY VEHICLES; AND

[(6)] (7) Special vehicles funded or provided by federal, State, or local government and used for emergency or rescue purposes in this State.

11–142.1.

“ORGAN DELIVERY VEHICLE” MEANS A VEHICLE THAT IS USED OR MAINTAINED TO TRANSPORT ORGANS ON AN EMERGENCY BASIS.

21–106.

(a) Subject to the conditions stated in this section:

(1) The driver of an emergency vehicle registered in any state may exercise the privileges set forth in this section while:

(i) Responding to an emergency call;

(ii) Pursuing a violator or suspected violator of the law; [or]

(iii) Responding to, but not while returning from, a fire alarm;

(IV) TRANSPORTING ON AN EMERGENCY BASIS A HUMAN ORGAN FOR TRANSPLANTATION; OR

(V) TRANSPORTING MEDICAL PERSONNEL ON AN EMERGENCY BASIS FOR THE PURPOSE OF PERFORMING HUMAN ORGAN RECOVERY OR TRANSPLANTATION; [and]

(2) The driver of an emergency vehicle registered in the State or a local jurisdiction in the State may exercise the privileges set forth in this section while performing motorcade or escort duty if the motorcade or escort duty involves:

(i) Homeland security;

(ii) A funeral;

(iii) A dignitary; or
(iv) Facilitating the safe movement of vehicles or pedestrians that are or will be near the motorcade or escort; AND

(3) (I) THE ADMINISTRATION MAY DESIGNATE AN ORGAN DELIVERY VEHICLE AS AN EMERGENCY VEHICLE ONLY IF IT IS REGISTERED TO A FEDERALLY DESIGNATED ORGAN PROCUREMENT ORGANIZATION OR AN ORGAN PROFESSIONAL THERAPY A PROFESSIONAL ORGAN TRANSPORTATION ORGANIZATION.

(II) A PERSON MAY NOT EXERCISE THE PRIVILEGES AUTHORIZED UNDER THIS SECTION WHILE OPERATING AN ORGAN DELIVERY VEHICLE UNLESS THE PERSON IS CERTIFIED TO OPERATE EMERGENCY VEHICLES THROUGH COMPLETION OF AN EMERGENCY VEHICLE OPERATOR COURSE APPROVED BY THE MARYLAND FIRE AND RESCUE INSTITUTE.

(b) Under the circumstances stated in subsection (a) of this section, the driver of an emergency vehicle may:

(1) Park or stand without regard to the other provisions of this title;

(2) Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;

(3) Exceed any maximum speed limit, but only so long as the driver does not endanger life or property;

(4) Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction; and

(5) Travel through any local jurisdiction in the State as necessary to perform and return from motorcade or escort duty.

(c) (1) Subject to paragraph (2) of this subsection, the privileges set forth in this section apply only while the emergency vehicle is using audible and visual signals that meet the requirements of § 22–218 of this article, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.

(2) The privileges set forth in subsection (b)(1) of this section apply only while the emergency vehicle is using visual signals that meet the requirements of § 22–218 of this article.

(3) (i) The driver of an emergency vehicle may not use flashing lights or a bell, siren, or exhaust whistle while returning from an emergency call, fire alarm, or motorcade or escort, except that fire apparatus carrying standing firemen may use flashing lights that are visible only to the rear.
(ii) The driver of an emergency vehicle, while parking or backing the emergency vehicle, may use flashing lights within 100 feet of the entrance ramp to a:

1. Fire station; or
2. Rescue station.

(4) Before exercising the privileges set forth in subsection (b)(5) of this section, the jurisdiction that employs the driver of a motorcade or escort shall provide notice of the motorcade or escort to any jurisdiction that the driver will enter while performing or returning from the motorcade or escort duty.

(d) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

22–218.

(c) (1) A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, rotating, blinking, or other type of emission of light, unless designated and authorized by the Administrator as indicated in paragraphs (2) through [(12)] (13) of this subsection. The provisions of this section do not prohibit the display and use of any lighting device that may be permitted or required elsewhere in the Maryland Vehicle Law.

(4) Ambulances may be equipped with or display red [and/or], white, OR RED AND WHITE lights or signal devices.

(13) ORGAN DELIVERY VEHICLES SHALL BE EQUIPPED WITH OR DISPLAY RED, WHITE, OR RED AND WHITE LIGHTS OR SIGNAL DEVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 187

(Senate Bill 475)

AN ACT concerning

Emergency Vehicles – Organ Delivery Vehicles
FOR the purpose of altering the definition of “emergency vehicle” to include certain organ
delivery vehicles; authorizing the Motor Vehicle Administration to designate an
organ delivery vehicle as an emergency vehicle only under certain circumstances;
authorizing the driver of an emergency vehicle to exercise certain privileges while
transporting, under certain circumstances, human organs or medical personnel;
prohibiting a person from exercising certain privileges while operating an organ
delivery vehicle unless the person has a certain certification; authorizing organ
delivery vehicles to be equipped with certain lights or signal devices; defining a
certain term; making certain conforming changes; making a certain stylistic change;
and generally relating to emergency organ delivery vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–118, 21–106, and 22–218(c)(1) and (4)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Transportation
Section 11–142.1 and 22–218(c)(13)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

11–118.

“Emergency vehicle” means any of the following vehicles that are designated by the
Administration as entitled to the exemptions and privileges set forth in the Maryland
Vehicle Law for emergency vehicles:

(1) Vehicles of federal, State, or local law enforcement agencies;

(2) Vehicles of volunteer fire companies, rescue squads, fire departments,
the Maryland Institute for Emergency Medical Services Systems, and the Maryland Fire
and Rescue Institute;

(3) State vehicles used in response to oil or hazardous materials spills;

(4) State vehicles designated for emergency use by the Commissioner of
Correction;

(5) Ambulances; [and]
(6) **ORGAN DELIVERY VEHICLES; AND**

[(6)] (7) Special vehicles funded or provided by federal, State, or local government and used for emergency or rescue purposes in this State.

11–142.1.

“**ORGAN DELIVERY VEHICLE**” MEANS A VEHICLE THAT IS USED OR MAINTAINED TO TRANSPORT ORGANS ON AN EMERGENCY BASIS.

21–106.

(a) Subject to the conditions stated in this section:

(1) The driver of an emergency vehicle registered in any state may exercise the privileges set forth in this section while:

(i) Responding to an emergency call;

(ii) Pursuing a violator or suspected violator of the law; [or]

(iii) Responding to, but not while returning from, a fire alarm;

(IV) TRANSPORTING ON AN EMERGENCY BASIS A HUMAN ORGAN FOR TRANSPLANTATION; OR

(V) TRANSPORTING MEDICAL PERSONNEL ON AN EMERGENCY BASIS FOR THE PURPOSE OF PERFORMING HUMAN ORGAN RECOVERY OR TRANSPLANTATION; [and]

(2) The driver of an emergency vehicle registered in the State or a local jurisdiction in the State may exercise the privileges set forth in this section while performing motorcade or escort duty if the motorcade or escort duty involves:

(i) Homeland security;

(ii) A funeral;

(iii) A dignitary; or

(iv) Facilitating the safe movement of vehicles or pedestrians that are or will be near the motorcade or escort; AND

(3) (I) THE ADMINISTRATION MAY DESIGNATE AN ORGAN DELIVERY VEHICLE AS AN EMERGENCY VEHICLE ONLY IF IT IS REGISTERED TO A FEDERALLY DESIGNATED ORGAN PROCUREMENT ORGANIZATION OR AN ORGAN
A PROFESSIONAL ORGAN TRANSPORTATION ORGANIZATION.

(II) A PERSON MAY NOT EXERCISE THE PRIVILEGES AUTHORIZED UNDER THIS SECTION WHILE OPERATING AN ORGAN DELIVERY VEHICLE UNLESS THE PERSON IS CERTIFIED TO OPERATE EMERGENCY VEHICLES THROUGH COMPLETION OF AN EMERGENCY VEHICLE OPERATOR COURSE APPROVED BY THE MARYLAND FIRE AND RESCUE INSTITUTE.

(b) Under the circumstances stated in subsection (a) of this section, the driver of an emergency vehicle may:

(1) Park or stand without regard to the other provisions of this title;

(2) Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;

(3) Exceed any maximum speed limit, but only so long as the driver does not endanger life or property;

(4) Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction; and

(5) Travel through any local jurisdiction in the State as necessary to perform and return from motorcade or escort duty.

(c) (1) Subject to paragraph (2) of this subsection, the privileges set forth in this section apply only while the emergency vehicle is using audible and visual signals that meet the requirements of § 22–218 of this article, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.

(2) The privileges set forth in subsection (b)(1) of this section apply only while the emergency vehicle is using visual signals that meet the requirements of § 22–218 of this article.

(3) (i) The driver of an emergency vehicle may not use flashing lights or a bell, siren, or exhaust whistle while returning from an emergency call, fire alarm, or motorcade or escort, except that fire apparatus carrying standing firemen may use flashing lights that are visible only to the rear.

(ii) The driver of an emergency vehicle, while parking or backing the emergency vehicle, may use flashing lights within 100 feet of the entrance ramp to a:

1. Fire station; or

2. Rescue station.
(4) Before exercising the privileges set forth in subsection (b)(5) of this section, the jurisdiction that employs the driver of a motorcade or escort shall provide notice of the motorcade or escort to any jurisdiction that the driver will enter while performing or returning from the motorcade or escort duty.

(d) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

22–218.

(c) (1) A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, rotating, blinking, or other type of emission of light, unless designated and authorized by the Administrator as indicated in paragraphs (2) through [(12)] (13) of this subsection. The provisions of this section do not prohibit the display and use of any lighting device that may be permitted or required elsewhere in the Maryland Vehicle Law.

(4) Ambulances may be equipped with or display red [and/or], white, OR RED AND WHITE lights or signal devices.

(13) ORGAN DELIVERY VEHICLES SHALL BE EQUIPPED WITH OR DISPLAY RED, WHITE, OR RED AND WHITE LIGHTS OR SIGNAL DEVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 2018.

Approved by the Governor, April 24, 2018.
contempt in certain circumstances; requiring a court to issue a certain order for the Department to appear and show cause for certain actions under certain circumstances; providing that a lack of available beds in a certain facility is not a sufficient reason for not making a certain placement; authorizing a court to impose certain sanctions under certain circumstances; making certain stylistic changes altering the number of days after receiving a certain report within which a court is required to hold a certain hearing; defining a certain term; and generally relating to the Maryland Department of Health and the commitment of defendants found incompetent to stand trial or not criminally responsible.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 3–106 and 3–112
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, The unreasonable detention of defendants found incompetent to stand trial or not criminally responsible outside a treatment facility is a serious public safety risk and a violation of the U.S. Constitution; and

WHEREAS, Keeping potentially dangerous, seriously mentally ill defendants from treatment exacerbates their problems and violates their right to due process; and

WHEREAS, These individuals should promptly undergo competency restoration in a hospital designated by the Maryland Department of Health and not in a correctional facility; and

WHEREAS, The crisis of delayed treatment for seriously mentally ill and incompetent defendants in Maryland has been foreseeable for many years and well–documented, facilitated by a steady reduction in capacity and staff of State hospitals while the demand for forensic beds has remained constant; and

WHEREAS, On August 28, 2017, the Maryland Court of Appeals, in Fredia Powell, et al. v. Maryland Department of Health, et al., No. 77, September Term 2016, held that, contrary to the intent of the General Assembly, the Annotated Code of Maryland does not authorize a court to set a deadline for admission of a defendant into a hospital; and

WHEREAS, Seriously mentally ill and incompetent defendants will continue to be unlawfully housed in detention centers unless the courts have authority to impose deadlines to enforce court orders; now, therefore,

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

Article – Criminal Procedure
3–106.

(A) (1) In this section, “designated health care facility” means:

(I) a State facility maintained by the Behavioral Health Administration under § 10–406 as defined in § 10–101 of the Health – General Article; or

(II) a State forensic residential center maintained by the Developmental Disabilities Administration under Title 7 of the Health – General Article; or

(III) a hospital or private residential facility under contract with the Health Department to house and treat individuals found to be incompetent to stand trial or not criminally responsible.

(2) “Designated health care facility” does not include a correctional or detention facility or a unit within a correctional or detention facility.

[(a) (B) If, after a hearing, the court finds that the defendant is incompetent to stand trial but is not dangerous, as a result of a mental disorder or mental retardation, to self or the person or property of others, the court may set bail for the defendant or authorize release of the defendant on recognizance.

[(b) (C) (1) (I) If, after a hearing, the court finds that the defendant is incompetent to stand trial and, because of mental retardation or a mental disorder, is a danger to self or the person or property of another, the court [may] SHALL ENTER AN order that the defendant BE COMMITTED BY THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER to the facility that the Health Maryland Department of Health designates until the court finds that:

[(i)] 1. the defendant no longer is incompetent to stand trial;

[(ii)] 2. the defendant no longer is, because of mental retardation or a mental disorder, a danger to self or the person or property of others; or

[(iii)] 3. there is not a substantial likelihood that the defendant will become competent to stand trial in the foreseeable future.

[(2) (II) If a court commits the defendant because of mental retardation, the Health Maryland Department of Health shall require the Developmental Disabilities Administration to provide the care or treatment that the defendant needs.
THE MARYLAND DEPARTMENT OF HEALTH SHALL:

1. FACILITATE THE IMMEDIATE PLACEMENT IN A DESIGNATED HEALTH CARE FACILITY OF A DEFENDANT WHO IS COMMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER; IF THE COURT COMMITS A DEFENDANT TO THE HEALTH DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HEALTH DEPARTMENT SHALL:

   (I) ADMIT THE DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY AS SOON AS POSSIBLE, BUT NOT LATER THAN 10 BUSINESS DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE ORDER OF COMMITMENT; AND

2. (II) NOTIFY THE COURT OF THE DATE ON WHICH THE DEFENDANT WAS ADMITTED TO THE DESIGNATED HEALTH CARE FACILITY.

A REBUTTABLE PRESUMPTION OF CONTEMPT SHALL BE ESTABLISHED IF A DEFENDANT WHO HAS BEEN COMMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT PLACED IN A DESIGNATED HEALTH CARE FACILITY ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER.

THE COURT SHALL ISSUE IMMEDIATELY AN ORDER FOR THE MARYLAND DEPARTMENT OF HEALTH TO APPEAR AND SHOW CAUSE FOR WHY THE DEFENDANT WAS NOT PLACED AS ORDERED IN THE COMMITMENT ORDER.

LACK OF AVAILABLE BEDS IN A DESIGNATED HEALTH CARE FACILITY IS NOT A SUFFICIENT REASON FOR NOT PLACING A DEFENDANT AS ORDERED IN A COMMITMENT ORDER.

IF A COURT FINDS THE MARYLAND DEPARTMENT OF HEALTH IN CONTEMPT AFTER A PROCEEDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO ANY OTHER REMEDY OR SANCTION AVAILABLE TO THE COURT IN A CIVIL OR CRIMINAL CONTEMPT PROCEEDING, THE COURT MAY IMPOSE SANCTIONS, INCLUDING:

1. CONTEMPT FINES AGAINST THE MARYLAND DEPARTMENT OF HEALTH AND ANY OFFICIAL OF THE MARYLAND DEPARTMENT OF HEALTH NOT TO EXCEED $160 PER DAY FOR EACH VIOLATION;

2. REIMBURSEMENT FOR EXPENSES AND COSTS INCURRED BY A DETENTION FACILITY RESULTING FROM A DEFENDANT’S LACK OF PLACEMENT IN VIOLATION OF A COMMITMENT ORDER; AND
3. **ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE.**

   (3) **IF THE HEALTH DEPARTMENT FAILS TO ADMIT A DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY WITHIN THE TIME PERIOD SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION, THE COURT MAY IMPOSE ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE, INCLUDING REQUIRING THE HEALTH DEPARTMENT TO REIMBURSE A DETENTION FACILITY FOR EXPENSES AND COSTS INCURRED IN RETAINING THE DEFENDANT BEYOND THE TIME PERIOD SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION AT THE DAILY RATE SPECIFIED IN § 9–402(B) OF THE CORRECTIONAL SERVICES ARTICLE.**

   [(c) (D)] (1) To determine whether the defendant continues to meet the criteria for commitment set forth in subsection [(b)] (C) of this section, the court shall hold a hearing:

   (i) every year from the date of commitment;

   (ii) within 30 days after the filing of a motion by the State’s Attorney or counsel for the defendant setting forth new facts or circumstances relevant to the determination; and

   (iii) within 30 days **10 BUSINESS DAYS** after receiving a report from the **MARYLAND Department of Health** stating opinions, facts, or circumstances that have not been previously presented to the court and are relevant to the determination.

   (2) At any time, and on its own initiative, the court may hold a conference or a hearing on the record with the State’s Attorney and the counsel of record for the defendant to review the status of the case.

   [(d) (E)] At a competency hearing under subsection [(c)] (D) of this section, if the court finds that the defendant is incompetent and is not likely to become competent in the foreseeable future, the court shall:

   (1) civilly commit the defendant as an inpatient in a medical facility that the **MARYLAND Department of Health** designates provided the court finds by clear and convincing evidence that:

   (i) the defendant has a mental disorder;

   (ii) inpatient care is necessary for the defendant;

   (iii) the defendant presents a danger to the life or safety of self or others;
(iv) the defendant is unable or unwilling to be voluntarily committed to a medical facility; and

(v) there is no less restrictive form of intervention that is consistent with the welfare and safety of the defendant; or

(2) order the confinement of the defendant for 21 days as a resident in a Developmental Disabilities Administration facility for the initiation of admission proceedings under § 7–503 of the Health – General Article provided the court finds that the defendant, because of mental retardation, is a danger to self or others.

[(e)] (F) The provisions under Title 10 of the Health – General Article shall apply to the continued retention of a defendant civilly committed under subsection [(d)] (E) of this section.

[(f)] (G) (1) For a defendant who has been found incompetent to stand trial but not dangerous, as a result of a mental disorder or mental retardation, to self or the person or property of others, and released on bail or on recognizance, the court:

(i) shall hold a hearing annually from the date of release;

(ii) may hold a hearing, at any time, on its own initiative; or

(iii) shall hold a hearing, at any time, upon motion of the State’s Attorney or the counsel for the defendant.

(2) At a hearing under paragraph (1) of this subsection, the court shall reconsider whether the defendant remains incompetent to stand trial or a danger to self or the person or property of another because of mental retardation or a mental disorder.

(3) At a hearing under paragraph (1) of this subsection, the court may modify or impose additional conditions of release on the defendant.

(4) If the court finds, at a hearing under paragraph (1) of this subsection, that the defendant is incompetent and is not likely to become competent in the foreseeable future and is a danger to self or the person or property of another because of mental retardation or a mental disorder, the court shall revoke the pretrial release of the defendant and:

(i) civilly commit the defendant in accordance with paragraph (1) of subsection [(d)] (E) (E)(1) of this section; or

(ii) order confinement of the defendant in accordance with subsection [(d)(2)] (E)(2) of this section.
[(g)] (H) If the defendant is found incompetent to stand trial, defense counsel may make any legal objection to the prosecution that may be determined fairly before trial and without the personal participation of the defendant.

[(h)] (I) The court shall notify the Criminal Justice Information System Central Repository of any commitment ordered or release authorized under this section and of any determination that a defendant is no longer incompetent to stand trial.

3–112.

(A) (1) IN THIS SECTION, “DESIGNATED HEALTH CARE FACILITY” MEANS:

   (I) A STATE FACILITY MAINTAINED BY THE BEHAVIORAL HEALTH ADMINISTRATION UNDER § 10–406 AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE; OR

   (II) A STATE FORENSIC RESIDENTIAL CENTER MAINTAINED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION UNDER TITLE 7 OF THE HEALTH – GENERAL ARTICLE; OR

   (III) A HOSPITAL OR PRIVATE RESIDENTIAL FACILITY UNDER CONTRACT WITH THE HEALTH DEPARTMENT TO HOUSE AND TREAT INDIVIDUALS FOUND TO BE INCOMPETENT TO STAND TRIAL OR NOT CRIMINALLY RESPONSIBLE.

   (2) “DESIGNATED HEALTH CARE FACILITY” DOES NOT INCLUDE A CORRECTIONAL OR DETENTION FACILITY OR A UNIT WITHIN A CORRECTIONAL OR DETENTION FACILITY.

[(a)] (B) Except as provided in subsection [(c)] (E) of this section, after a verdict of not criminally responsible, the court SHALL ENTER AN ORDER THAT the defendant BE COMMITTED BY THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER to the FACILITY THAT THE MARYLAND Department OF HEALTH DESIGNATES for institutional inpatient care or treatment.

[(b)] (C) If the court commits a defendant who was found not criminally responsible primarily because of mental retardation, the MARYLAND Department OF HEALTH shall designate a facility for mentally retarded persons for care and treatment of the committed person.

(D) (1) THE MARYLAND DEPARTMENT OF HEALTH SHALL:

   (I) FACILITATE THE IMMEDIATE PLACEMENT IN A DESIGNATED HEALTH CARE FACILITY OF A DEFENDANT WHO IS COMMITTED UNDER SUBSECTION (B) OF THIS SECTION ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER; IF THE COURT COMMITS A DEFENDANT TO THE HEALTH
DEPARTMENT UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE HEALTH DEPARTMENT SHALL:

1. ADMIT THE DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY AS SOON AS POSSIBLE, BUT NOT LATER THAN 10 BUSINESS DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE ORDER OF COMMITMENT; AND

2. NOTIFY THE COURT OF THE DATE ON WHICH THE DEFENDANT WAS ADMITTED TO THE DESIGNATED HEALTH CARE FACILITY.

A REBUTTABLE PRESUMPTION OF CONTEMPT SHALL BE ESTABLISHED IF A DEFENDANT WHO HAS BEEN COMMITTED UNDER SUBSECTION (B) OF THIS SECTION IS NOT PLACED IN A FACILITY ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER.

THE COURT SHALL ISSUE IMMEDIATELY AN ORDER FOR THE MARYLAND DEPARTMENT OF HEALTH TO APPEAR AND SHOW CAUSE FOR WHY THE DEFENDANT WAS NOT PLACED AS ORDERED.

A LACK OF AVAILABLE BEDS IN A DESIGNATED HEALTH CARE FACILITY IS NOT A SUFFICIENT REASON FOR NOT PLACING A DEFENDANT AS ORDERED IN A COMMITMENT ORDER.

IF A COURT FINDS THE MARYLAND DEPARTMENT OF HEALTH IN CONTEMPT AFTER A PROCEEDING UNDER PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO ANY OTHER REMEDY AND SANCTION AVAILABLE TO THE COURT IN A CIVIL OR CRIMINAL PROCEEDING, THE COURT MAY IMPOSE SANCTIONS, INCLUDING:

1. CONTEMPT FINES AGAINST THE MARYLAND DEPARTMENT OF HEALTH AND ANY OFFICIAL OF THE MARYLAND DEPARTMENT OF HEALTH NOT TO EXCEED $160 PER DAY FOR EACH VIOLATION;

2. REIMBURSEMENT FOR EXPENSES AND COSTS INCURRED BY A DETENTION FACILITY RESULTING FROM A DEFENDANT’S LACK OF PLACEMENT IN VIOLATION OF A COMMITMENT ORDER; AND

3. ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE.

IF THE HEALTH DEPARTMENT FAILS TO ADMIT A DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY WITHIN THE TIME PERIOD SPECIFIED IN SUBSECTION (D)(1) OF THIS SECTION, THE COURT MAY IMPOSE ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE, INCLUDING REQUIRING THE HEALTH DEPARTMENT TO REIMBURSE A DETENTION FACILITY FOR EXPENSES AND
Chapter 189

(Senate Bill 233)

AN ACT concerning

Maryland Department of Health – Defendants Found Incompetent to Stand Trial or Not Criminally Responsible – Commitment

FOR the purpose of requiring a court to enter a certain commitment order a certain defendant committed to a certain facility if the court makes a certain finding; requiring the Maryland Department of Health to facilitate the immediate placement of certain defendants in admit a certain defendant to a certain facility on or before a certain date specified in a commitment order within a certain time period and to provide certain notification to the court; establishing a rebuttable presumption of contempt in certain circumstances; requiring a court to issue a certain order for the Department to appear and show cause for certain actions under certain
circumstances; providing that a lack of available beds in a certain facility is not a sufficient reason for not making a certain placement; authorizing a court to impose certain sanctions under certain circumstances; making certain stylistic changes altering the number of days after receiving a certain report within which a court is required to hold a certain hearing; defining a certain term; and generally relating to the Maryland Department of Health and the commitment of defendants found incompetent to stand trial or not criminally responsible.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 3–106 and 3–112
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, The unreasonable detention of defendants found incompetent to stand trial or not criminally responsible outside a treatment facility is a serious public safety risk and a violation of the U.S. Constitution; and

WHEREAS, Keeping potentially dangerous, seriously mentally ill defendants from treatment exacerbates their problems and violates their right to due process; and

WHEREAS, These individuals should promptly undergo competency restoration in a hospital designated by the Maryland Department of Health and not in a correctional facility; and

WHEREAS, The crisis of delayed treatment for seriously mentally ill and incompetent defendants in Maryland has been foreseeable for many years and well–documented, facilitated by a steady reduction in capacity and staff of State hospitals while the demand for forensic beds has remained constant; and

WHEREAS, On August 28, 2017, the Maryland Court of Appeals, in Fredia Powell, et al. v. Maryland Department of Health, et al., No. 77, September Term 2016, held that, contrary to the intent of the General Assembly, the Annotated Code of Maryland does not authorize a court to set a deadline for admission of a defendant into a hospital; and

WHEREAS, Seriously mentally ill and incompetent defendants will continue to be unlawfully housed in detention centers unless the courts have authority to impose deadlines to enforce court orders; now, therefore,

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

Article – Criminal Procedure

3–106.
Chapter 189

(A) (1) IN THIS SECTION, “DESIGNATED HEALTH CARE FACILITY” MEANS:

(I) A STATE FACILITY MAINTAINED BY THE BEHAVIORAL HEALTH ADMINISTRATION UNDER § 10–406 AS DEFINED IN § 10–101 OF THE HEALTH–GENERAL ARTICLE; OR

(II) A STATE FORENSIC RESIDENTIAL CENTER MAINTAINED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION UNDER TITLE 7 OF THE HEALTH–GENERAL ARTICLE; OR

(III) A HOSPITAL OR PRIVATE RESIDENTIAL FACILITY UNDER CONTRACT WITH THE HEALTH DEPARTMENT TO HOUSE AND TREAT INDIVIDUALS FOUND TO BE INCOMPETENT TO STAND TRIAL OR NOT CRIMINALLY RESPONSIBLE.

(2) “DESIGNATED HEALTH CARE FACILITY” DOES NOT INCLUDE A CORRECTIONAL OR DETENTION FACILITY OR A UNIT WITHIN A CORRECTIONAL OR DETENTION FACILITY.

[(a)] (B) If, after a hearing, the court finds that the defendant is incompetent to stand trial but is not dangerous, as a result of a mental disorder or mental retardation, to self or the person or property of others, the court may set bail for the defendant or authorize release of the defendant on recognizance.

[(b)] (C) (1) (I) If, after a hearing, the court finds that the defendant is incompetent to stand trial and, because of mental retardation or a mental disorder, is a danger to self or the person or property of another, the court [may] SHALL ENTER AN ORDER THAT the defendant BE committed BY THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER to the facility that the [Health] MARYLAND Department OF HEALTH designates until the court finds that:

[(i)] 1. the defendant no longer is incompetent to stand trial;

[(ii)] 2. the defendant no longer is, because of mental retardation or a mental disorder, a danger to self or the person or property of others; or

[(iii)] 3. there is not a substantial likelihood that the defendant will become competent to stand trial in the foreseeable future.

[(2)] (II) If a court commits the defendant because of mental retardation, the [Health] MARYLAND Department OF HEALTH shall require the Developmental Disabilities Administration to provide the care or treatment that the defendant needs.

(2) (I) The MARYLAND Department OF HEALTH SHALL:
1. FACILITATE THE IMMEDIATE PLACEMENT IN A DESIGNATED HEALTH CARE FACILITY OF A DEFENDANT WHO IS COMMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER; IF THE COURT COMMITS A DEFENDANT TO THE HEALTH DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HEALTH DEPARTMENT SHALL:

   (I) ADMIT THE DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY AS SOON AS POSSIBLE, BUT NOT LATER THAN 10 BUSINESS DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE ORDER OF COMMITMENT; AND

2. (II) NOTIFY THE COURT OF THE DATE ON WHICH THE DEFENDANT WAS ADMITTED TO THE DESIGNATED HEALTH CARE FACILITY.

   (II) 1. A REBUTTABLE PRESUMPTION OF CONTEMPT SHALL BE ESTABLISHED IF A DEFENDANT WHO HAS BEEN COMMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT PLACED IN A DESIGNATED HEALTH CARE FACILITY ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER.

2. THE COURT SHALL ISSUE IMMEDIATELY AN ORDER FOR THE MARYLAND DEPARTMENT OF HEALTH TO APPEAR AND SHOW CAUSE FOR WHY THE DEFENDANT WAS NOT PLACED AS ORDERED IN THE COMMITMENT ORDER.

3. A LACK OF AVAILABLE BEDS IN A DESIGNATED HEALTH CARE FACILITY IS NOT A SUFFICIENT REASON FOR NOT PLACING A DEFENDANT AS ORDERED IN A COMMITMENT ORDER.

   (III) IF A COURT FINDS THE MARYLAND DEPARTMENT OF HEALTH IN CONTEMPT AFTER A PROCEEDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO ANY OTHER REMEDY OR SANCTION AVAILABLE TO THE COURT IN A CIVIL OR CRIMINAL CONTEMPT PROCEEDING, THE COURT MAY IMPOSE SANCTIONS, INCLUDING:

1. CONTEMPT FINES AGAINST THE MARYLAND DEPARTMENT OF HEALTH AND ANY OFFICIAL OF THE MARYLAND DEPARTMENT OF HEALTH NOT TO EXCEED $160 PER DAY FOR EACH VIOLATION;

2. REIMBURSEMENT FOR EXPENSES AND COSTS INCURRED BY A DETENTION FACILITY RESULTING FROM A DEFENDANT'S LACK OF PLACEMENT IN VIOLATION OF A COMMITMENT ORDER; AND

3. ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE.
(3) If the Health Department fails to admit a defendant to a designated health care facility within the time period specified in paragraph (2)(i) of this subsection, the court may impose any sanction reasonably designed to compel compliance, including requiring the Health Department to reimburse a detention facility for expenses and costs incurred in retaining the defendant beyond the time period specified in paragraph (2)(i) of this subsection at the daily rate specified in § 9–402(b) of the Correctional Services Article.

[(c)] (D) (1) To determine whether the defendant continues to meet the criteria for commitment set forth in subsection [(b)] (C) of this section, the court shall hold a hearing:

(i) every year from the date of commitment;

(ii) within 30 days after the filing of a motion by the State’s Attorney or counsel for the defendant setting forth new facts or circumstances relevant to the determination; and

(iii) within 20 days 10 BUSINESS DAYS after receiving a report from the Health Maryland Department of Health stating opinions, facts, or circumstances that have not been previously presented to the court and are relevant to the determination.

(2) At any time, and on its own initiative, the court may hold a conference or a hearing on the record with the State’s Attorney and the counsel of record for the defendant to review the status of the case.

[(d)] (E) At a competency hearing under subsection [(c)] (D) of this section, if the court finds that the defendant is incompetent and is not likely to become competent in the foreseeable future, the court shall:

(1) civilly commit the defendant as an inpatient in a medical facility that the Health Maryland Department of Health designates provided the court finds by clear and convincing evidence that:

(i) the defendant has a mental disorder;

(ii) inpatient care is necessary for the defendant;

(iii) the defendant presents a danger to the life or safety of self or others;

(iv) the defendant is unable or unwilling to be voluntarily committed to a medical facility; and
(v) there is no less restrictive form of intervention that is consistent with the welfare and safety of the defendant; or

(2) order the confinement of the defendant for 21 days as a resident in a Developmental Disabilities Administration facility for the initiation of admission proceedings under § 7–503 of the Health – General Article provided the court finds that the defendant, because of mental retardation, is a danger to self or others.

[(e)] (F) The provisions under Title 10 of the Health – General Article shall apply to the continued retention of a defendant civilly committed under subsection [(d)] (E) of this section.

[(f)] (G) (1) For a defendant who has been found incompetent to stand trial but not dangerous, as a result of a mental disorder or mental retardation, to self or the person or property of others, and released on bail or on recognizance, the court:

(i) shall hold a hearing annually from the date of release;

(ii) may hold a hearing, at any time, on its own initiative; or

(iii) shall hold a hearing, at any time, upon motion of the State’s Attorney or the counsel for the defendant.

(2) At a hearing under paragraph (1) of this subsection, the court shall reconsider whether the defendant remains incompetent to stand trial or a danger to self or the person or property of another because of mental retardation or a mental disorder.

(3) At a hearing under paragraph (1) of this subsection, the court may modify or impose additional conditions of release on the defendant.

(4) If the court finds, at a hearing under paragraph (1) of this subsection, that the defendant is incompetent and is not likely to become competent in the foreseeable future and is a danger to self or the person or property of another because of mental retardation or a mental disorder, the court shall revoke the pretrial release of the defendant and:

(i) civilly commit the defendant in accordance with paragraph (1) of subsection [(d)] (E)(1) of this section; or

(ii) order confinement of the defendant in accordance with subsection [(d)(2)] (E)(2) of this section.

[(g)] (H) If the defendant is found incompetent to stand trial, defense counsel may make any legal objection to the prosecution that may be determined fairly before trial and without the personal participation of the defendant.
[(h)] (I) The court shall notify the Criminal Justice Information System Central Repository of any commitment ordered or release authorized under this section and of any determination that a defendant is no longer incompetent to stand trial.

3–112.

(A) (1) IN THIS SECTION, “DESIGNATED HEALTH CARE FACILITY” MEANS:

(I) A STATE FACILITY MAINTAINED BY THE BEHAVIORAL HEALTH ADMINISTRATION UNDER § 10–406 AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE; OR

(II) A STATE FORENSIC RESIDENTIAL CENTER MAINTAINED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION UNDER TITLE 7 OF THE HEALTH – GENERAL ARTICLE; OR

(III) A HOSPITAL OR PRIVATE RESIDENTIAL FACILITY UNDER CONTRACT WITH THE HEALTH DEPARTMENT TO HOUSE AND TREAT INDIVIDUALS FOUND TO BE INCOMPETENT TO STAND TRIAL OR NOT CRIMINALLY RESPONSIBLE.

(2) “DESIGNATED HEALTH CARE FACILITY” DOES NOT INCLUDE A CORRECTIONAL OR DETENTION FACILITY OR A UNIT WITHIN A CORRECTIONAL OR DETENTION FACILITY.

[(a)] (B) Except as provided in subsection [(c)] (E) of this section, after a verdict of not criminally responsible, the court [immediately shall commit] SHALL ENTER AN ORDER THAT the defendant BE COMMITTED BY THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER to the FACILITY THAT THE {Health} MARYLAND Department OF HEALTH DESIGNATES for institutional inpatient care or treatment.

[(b)] (C) If the court commits a defendant who was found not criminally responsible primarily because of mental retardation, the {Health} MARYLAND Department OF HEALTH shall designate a facility for mentally retarded persons for care and treatment of the committed person.

(D) (1) THE MARYLAND DEPARTMENT OF HEALTH SHALL:

(I) FACILITATE THE IMMEDIATE PLACEMENT IN A DESIGNATED HEALTH CARE FACILITY OF A DEFENDANT WHO IS COMMITTED UNDER SUBSECTION (B) OF THIS SECTION ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER; IF THE COURT COMMITS A DEFENDANT TO THE HEALTH DEPARTMENT UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE HEALTH DEPARTMENT SHALL:
(1) ADMIT THE DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY AS SOON AS POSSIBLE, BUT NOT LATER THAN 10 BUSINESS DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE ORDER OF COMMITMENT; AND

(II) NOTIFY THE COURT OF THE DATE ON WHICH THE DEFENDANT WAS ADMITTED TO THE DESIGNATED HEALTH CARE FACILITY.

(2) (I) A REBUTTABLE PRESUMPTION OF CONTEMPT SHALL BE ESTABLISHED IF A DEFENDANT WHO HAS BEEN COMMITTED UNDER SUBSECTION (B) OF THIS SECTION IS NOT PLACED IN A FACILITY ON OR BEFORE THE DATE SPECIFIED BY THE COURT IN A COMMITMENT ORDER.

(II) THE COURT SHALL ISSUE IMMEDIATELY AN ORDER FOR THE MARYLAND DEPARTMENT OF HEALTH TO APPEAR AND SHOW CAUSE FOR WHY THE DEFENDANT WAS NOT PLACED AS ORDERED.

(III) A LACK OF AVAILABLE BEDS IN A DESIGNATED HEALTH CARE FACILITY IS NOT A SUFFICIENT REASON FOR NOT PLACING A DEFENDANT AS ORDERED IN A COMMITMENT ORDER.

(3) IF A COURT FINDS THE MARYLAND DEPARTMENT OF HEALTH IN CONTEMPT AFTER A PROCEEDING UNDER PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO ANY OTHER REMEDY AND SANCTION AVAILABLE TO THE COURT IN A CIVIL OR CRIMINAL PROCEEDING, THE COURT MAY IMPOSE SANCTIONS, INCLUDING:

(I) CONTEMPT FINES AGAINST THE MARYLAND DEPARTMENT OF HEALTH AND ANY OFFICIAL OF THE MARYLAND DEPARTMENT OF HEALTH NOT TO EXCEED $160 PER DAY FOR EACH VIOLATION;

(II) REIMBURSEMENT FOR EXPENSES AND COSTS INCURRED BY A DETENTION FACILITY RESULTING FROM A DEFENDANT'S LACK OF PLACEMENT IN VIOLATION OF A COMMITMENT ORDER; AND

(III) ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE.

(E) IF THE HEALTH DEPARTMENT FAILS TO ADMIT A DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY WITHIN THE TIME PERIOD SPECIFIED IN SUBSECTION (D)(1) OF THIS SECTION, THE COURT MAY IMPOSE ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE, INCLUDING REQUIRING THE HEALTH DEPARTMENT TO REIMBURSE A DETENTION FACILITY FOR EXPENSES AND COSTS INCURRED IN RETAINING THE DEFENDANT BEYOND THE TIME PERIOD SPECIFIED IN SUBSECTION (D)(1) OF THIS SECTION AT THE DAILY RATE SPECIFIED IN § 9–402(B) OF THE CORRECTIONAL SERVICES ARTICLE.
Chapter 190

(House Bill 528)

AN ACT concerning

Public Utilities – Water or Sewage Disposal Systems – Rates

FOR the purpose of allowing the Public Service Commission to authorize a certain rate consolidation of two or more water or sewage disposal systems under certain circumstances; defining the term “rate consolidation”; and generally relating to water or sewage disposal systems.

BY adding to

Article – Public Utilities
Section 4–307
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Utilities

4–307.

(A) IN THIS SECTION, “RATE CONSOLIDATION” MEANS THE USE OF THE SAME OR SIMILAR RATES OR TARIFF SCHEDULES OF RATES FOR CUSTOMERS OF THE SAME CLASS FOR TWO OR MORE WATER OR SEWAGE DISPOSAL SYSTEMS EVEN IF THE SYSTEMS ARE NOT PHYSICALLY INTERCONNECTED.

(B) AFTER NOTICE TO CUSTOMERS AND HOLDING A PUBLIC HEARING AND AN EVIDENTIARY HEARING, THE COMMISSION MAY AUTHORIZE A RATE CONSOLIDATION OF TWO OR MORE WATER OR SEWAGE DISPOSAL SYSTEMS IF:

(1) THE WATER OR SEWAGE DISPOSAL SYSTEMS HAVE COMMON OWNERSHIP; AND

(2) THE RATE CONSOLIDATION IS IN THE PUBLIC INTEREST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 191

(Senate Bill 337)

AN ACT concerning

Public Utilities – Water or Sewage Disposal Systems – Rates

FOR the purpose of allowing the Public Service Commission to authorize a certain rate consolidation of two or more water or sewage disposal systems under certain circumstances; defining the term “rate consolidation”; and generally relating to water or sewage disposal systems.

BY adding to

Article – Public Utilities
Section 4–307
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities

4–307.

(A) IN THIS SECTION, “RATE CONSOLIDATION” MEANS THE USE OF THE
SAME OR SIMILAR RATES OR TARIFF SCHEDULES OF RATES FOR CUSTOMERS OF THE
SAME CLASS FOR TWO OR MORE WATER OR SEWAGE DISPOSAL SYSTEMS EVEN IF THE
SYSTEMS ARE NOT PHYSICALLY INTERCONNECTED.

(B) AFTER NOTICE TO CUSTOMERS AND HOLDING A PUBLIC HEARING AND
AN EVIDENTIARY HEARING, THE COMMISSION MAY AUTHORIZE A RATE
CONSOLIDATION OF TWO OR MORE WATER OR SEWAGE DISPOSAL SYSTEMS IF:

(1) THE WATER OR SEWAGE DISPOSAL SYSTEMS HAVE COMMON
OWNERSHIP; AND

(2) THE RATE CONSOLIDATION IS IN THE PUBLIC INTEREST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 192
(Senate Bill 453)

AN ACT concerning

Insurance Article – References to Vehicles and Automobiles – Consistency

FOR the purpose of altering certain references to vehicles and certain automobiles in
certain provisions of the Insurance Article for the purpose of consistency; and
generally relating to references to vehicles and automobiles in the Insurance Article.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–128(a)(3)(ii), 10–602(a), (b), (d), and (g), 10–603(b), 10–604, 10–606(a) and
(c), 10–701(f)(2)(iii), 10–702(3), 25–401(d)(2)(i), 27–609(c)(2) and (3), and
27–906
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Insurance

10–128.

(a) This section does not apply to:

(3) insurance of:

(ii) a MOTOR vehicle principally garaged and used outside the State; or

10–602.

(a) A motor vehicle rental company shall hold a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle before the company or its employees or authorized representatives may sell or offer any policies of insurance in this State to a renter in connection with, and incidental to, a rental agreement.

(b) A limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle shall also authorize any employee and any authorized representative of the motor vehicle rental company who is trained, under § 10–604(a)(4) of this subtitle, to act on behalf of, and under the supervision of, a motor vehicle rental company, with respect to the kinds of insurance specified in § 10–604(b)(2) of this subtitle.

(d) A motor vehicle rental company holding a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle is not required to treat premiums collected from a renter that purchased insurance from the motor vehicle rental company as funds received in a fiduciary capacity if:

(1) the insurer represented by the motor vehicle rental company has consented in a written agreement, signed by an officer of the insurer, that the premiums do not need to be segregated from other funds received by the motor vehicle rental company in connection with the vehicle rental; and

(2) the charges for insurance coverage are itemized but not billed to the renter separately from the charges for the vehicle rental.
(g) A motor vehicle rental company that holds a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle shall:

(1) maintain a register, on a form the Commissioner requires, containing:

   (i) the names of each employee or authorized representative who offers limited lines insurance on behalf of the motor vehicle rental company; and

   (ii) the business addresses of all locations in the State where employees or authorized representatives offer limited lines insurance on behalf of the motor vehicle rental company; and

(2) submit the register for inspection by the Commissioner as the Commissioner requires.

10–603.

(b) A limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle is subject to the same term and renewal conditions specified for an insurance producer license under § 10–115 of this title.

10–604.

(a) A limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle authorizes the motor vehicle rental company to offer or sell, in connection with, and incidental to, a motor vehicle rental agreement in which the rental period does not exceed 30 days, the insurance products specified in paragraph (b) of this section if:

(1) the policies have been filed with and approved by the Commissioner;

(2) the motor vehicle rental company holds an appointment with each authorized insurer, under § 10–118 of this title, that the motor vehicle rental company intends to represent;

(3) prior to completion of the rental transaction, an employee or authorized representative of the motor vehicle rental company provides to the renter disclosures approved by the Commissioner that:

   (i) summarize, clearly and correctly, the material terms of coverage, including limitations or exclusions;

   (ii) identify the authorized insurer or insurers;

   (iii) specify that the policies offered by the motor vehicle rental company may provide a duplication of coverage already provided by a renter’s personal
automobile insurance policy, homeowner's insurance policy, personal liability insurance policy, or other source of coverage;

(iv) specify that the purchase of the coverages offered by the motor vehicle rental company is not required in order for the renter to rent a vehicle;

(v) describe the process by which the renter can file a claim; and

(vi) specify that any excess liability coverage purchased by the renter may duplicate coverage required to be provided under § 18–102(a)(2) of the Transportation Article;

(4) the motor vehicle rental company provides a training program, approved by the Commissioner, for any employee or authorized representative who sells, solicits, or negotiates insurance coverage under this subtitle that includes:

(i) instruction about the kinds of insurance specified in subsection (b) of this section that can be offered to renters;

(ii) instruction that the trainee shall inform a renter that the purchase of any insurance from the motor vehicle rental company is not required in order for the renter to rent a vehicle; and

(iii) instruction that the trainee shall inform a renter that the renter may have insurance policies that already provide the coverage being offered by the motor vehicle rental company; and

(5) an employee or authorized representative who offers or sells insurance coverage on behalf of the motor vehicle rental company informs a renter that the policies offered by the motor vehicle rental company may duplicate coverage already provided by the renter’s personal automobile insurance policy, homeowner’s insurance policy, personal liability insurance policy, or other source of coverage.

(b) A limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle authorizes the motor vehicle rental company to offer or sell insurance policies under this subtitle that are:

(1) in excess of or optional to the coverages required to be provided by the motor vehicle rental company under Title 17 of the Transportation Article and any related regulations; and

(2) one of the following kinds of insurance:

(i) bodily injury liability;

(ii) property damage liability;
(iii) uninsured motorist insurance; or

(iv) if approved by the Commissioner, any other insurance coverage that is appropriate in connection with the rental of a [motor] vehicle.

10–606.

(a) The Commissioner may suspend, revoke, or refuse to renew a limited lines license to sell insurance in connection with, and incidental to, the rental of a [motor] vehicle issued under this subtitle after notice and opportunity for a hearing under Title 2, Subtitle 2 of this article if the motor vehicle rental company or an employee or authorized representative of the motor vehicle rental company has:

(1) willfully violated this article or another law of the State that relates to insurance;

(2) operated without a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle as required under this subtitle;

(3) failed to provide required disclosures;

(4) offered or sold unapproved insurance products;

(5) failed to hold an appointment with the insurer;

(6) failed to train employees and authorized representatives selling or soliciting, or negotiating the sale of, insurance products on behalf of the motor vehicle rental company; or

(7) misrepresented pertinent facts or policy provisions that relate to the coverage offered or sold pursuant to this subtitle.

(c) Instead of, or in addition to, suspending or revoking the limited lines license to sell insurance in connection with, and incidental to, the rental of a [motor] vehicle, the Commissioner may:

(1) impose on the motor vehicle rental company a penalty of not less than $100 but not more than $2,500 for each violation of this subtitle; and

(2) require that restitution be made to any person who has suffered financial injury because of the violation of this article.

10–701.

(f) (2) “Portable electronics insurance” does not include:
(iii) a homeowner’s, renter’s, [private passenger automobile] MOTOR VEHICLE, or similar policy that covers loss or theft of portable electronics.

10–702.

This subtitle does not apply to:

(3) a homeowner’s, renter’s, [private passenger automobile] MOTOR VEHICLE, or similar policy that covers loss or theft of portable electronics.

25–401.

(d) (2) “Essential property insurance” does not include:

(i) [automobile] MOTOR VEHICLE insurance;

27–609.

(c) A policy described in subsection (a) or (b) of this section may be endorsed to exclude specifically all coverage for any of the following when the named excluded driver is operating a motor vehicle covered under the policy whether or not that operation or use was with the express or implied permission of an individual insured under the policy:

(2) the MOTOR vehicle owner;

(3) family members residing in the household of the excluded operator or user or MOTOR vehicle owner; and

27–906.

An insurer that issues or delivers in the State a policy of motor vehicle liability insurance that provides coverage for the repair of physical damage to the MOTOR vehicle shall provide, on request of the insured, a copy of the warranty for aftermarket crash parts, if available.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

Insurance – Commercial Lines – Exemptions From Filings

FOR the purpose of providing that certain requirements to the Maryland Insurance Commissioner for filing with the Commissioner certain rates and supplementary rate information and for modifications of rates and supplementary rate information do not apply to exempt commercial policyholders; repeals repealing the requirement that a certain commercial policyholder has to certify in a certain manner to the Commissioner that it meets certain criteria for a certain exemption; altering the definition of “exempt commercial policyholder”; and generally relating to exemptions from rate and form filings for commercial insurance lines.

BY repealing and reenacting, with amendments,

Article – Insurance
Section 11–206
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Insurance

11–206.

(a) (1) Except as otherwise provided in this section, each insurer shall file with the Commissioner all rates, supplementary rate information, policy forms, and endorsements and all modifications of rates, supplementary rate information, policy forms, and endorsements that the insurer proposes to use.

(2) Each filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated.

(b) (1) (i) If a filing is not accompanied by the information on which the insurer supports the filing and the Commissioner does not have sufficient information to determine whether the filing meets the requirements of this subtitle, the Commissioner shall require the insurer to provide supporting information for the filing within 60 days.

(ii) If the Commissioner requires the filer to provide supporting information, the waiting period under subsection (g) of this section begins on the date the supporting information is provided.

(2) The information provided in support of a filing may include:

(i) the judgment of the filer;
(ii) the filer’s interpretation of any statistical data relied on;

(iii) the experience of other filers; and

(iv) any other relevant factors.

(c) Each filing shall include the experience of the filer.

(d) A filing and any supporting information shall be open to public inspection as soon as filed.

(e) An insurer may satisfy its obligation to make filings by:

(1) being a member of or subscriber to a licensed rating organization that makes filings; and

(2) authorizing the Commissioner to accept filings on its behalf from the rating organization.

(f) The Commissioner shall review each filing as soon as reasonably possible after it is made to determine whether it meets the requirements of this subtitle.

(g) (1) (i) Except as provided in subsections (h) and (i) of this section, a filing may not take effect until 30 working days after it is filed with the Commissioner.

(ii) By written notice to the filer during the initial 30–day waiting period that the Commissioner needs additional time for consideration of the filing, the Commissioner may extend the waiting period for an additional period not exceeding 30 working days.

(2) On written application by the filer, the Commissioner may authorize a filing that the Commissioner has reviewed to become effective before the expiration of the waiting period or any extension of the waiting period or at a later date.

(3) A filing is deemed approved unless disapproved by the Commissioner during the waiting period or any extension of the waiting period.

(4) A filing may be withdrawn or amended by the filer at any time before approval.

(5) After approval or disapproval of a filing, the withdrawal or amendment of the filing is subject to the approval of the Commissioner in accordance with this section.

(h) (1) Inland marine risks that by general custom of the business are not written according to manual rates or rating plans need not be filed.
(2) Notwithstanding paragraph (1) of this subsection, specific inland marine rates on risks specially rated by a rating organization shall be filed, become effective when filed, and remain effective until the Commissioner finds the filing does not meet the requirements of this subtitle.

(i) A special filing with respect to a surety or guarantee bond required by law, by court, by executive order, or by order, rule, or regulation of a public body, not covered by a previous filing shall become effective when filed and remain effective until the Commissioner finds that the filing does not meet the requirements of this subtitle.

(j) (1) In this subsection, “exempt commercial policyholder” means a person that:

(i) pays annual aggregate property and casualty premiums for commercial insurance policies issued in the State during the current or preceding calendar year of $25,000 or more; and

(ii) meets any two of the following criteria:

1. generates annual revenues or sales in excess of [$10,000,000] $5,000,000;

2. possesses a net worth in excess of [$5,000,000] $2,500,000;

3. employs at least 25 full–time employees;

4. is a nonprofit organization or public body with an annual budget of at least [$10,000,000] $5,000,000; or

5. is a municipal corporation with a population of at least 15,000.

(2) The filing requirements of this section do not apply to RATES, SUPPLEMENTARY RATE INFORMATION, policy forms, and endorsements and to modifications of RATES, SUPPLEMENTARY RATE INFORMATION, policy forms, and endorsements issued to an exempt commercial policyholder.

(3) (i) An exempt commercial policyholder must certify in writing, on a form approved by the Commissioner, to the insurer issuing coverage [and the Commissioner] that it meets the criteria necessary for exemption from RATE AND form filing requirements.

(ii) The certification must include:
1. specific reference to the optional criteria that the insured has satisfied to qualify as an exempt commercial policyholder;

2. information required by the Commissioner for the purpose of determining the annual aggregate premiums of the insured for purposes of paragraph (1)(i) of this subsection; and

3. an acknowledgment by the insured that the RATE, SUPPLEMENTARY RATE INFORMATION, policy form, endorsement, or modification intended for use has not been filed with the Commissioner.

(4) This subsection does not apply to the filing of workers’ compensation insurance RATE AND policy forms.

(5) The Commissioner may require, by regulation, that insurers provide information to the Administration on the number and types of policies written for exempt commercial policyholders under this subsection.

(6) On written request of the Commissioner, an insurer shall file with the Commissioner a form or endorsement issued to an exempt commercial policyholder.

(7) Except for the exemption from RATE AND form filing requirements under this section, a RATE, SUPPLEMENTARY RATE INFORMATION, form, or endorsement issued to an exempt commercial policyholder is subject to all applicable provisions of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 194

(Senate Bill 876)

AN ACT concerning

Insurance – Commercial Lines – Exemptions From Filings

FOR the purpose of providing that certain requirements to the Maryland Insurance Commissioner for filing with the Commissioner certain rates and supplementary rate information and for modifications of rates and supplementary rate information do not apply to exempt commercial policyholders; repeals repealing the requirement that a certain commercial policyholder has to certify in a certain manner to the
Commissioner that it meets certain criteria for a certain exemption; altering the definition of “exempt commercial policyholder”; and generally relating to exemptions from rate and form filings for commercial insurance lines.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–206
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Insurance

11–206.

(a) (1) Except as otherwise provided in this section, each insurer shall file with the Commissioner all rates, supplementary rate information, policy forms, and endorsements and all modifications of rates, supplementary rate information, policy forms, and endorsements that the insurer proposes to use.

(2) Each filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated.

(b) (1) (i) If a filing is not accompanied by the information on which the insurer supports the filing and the Commissioner does not have sufficient information to determine whether the filing meets the requirements of this subtitle, the Commissioner shall require the insurer to provide supporting information for the filing within 60 days.

(ii) If the Commissioner requires the filer to provide supporting information, the waiting period under subsection (g) of this section begins on the date the supporting information is provided.

(2) The information provided in support of a filing may include:

(i) the judgment of the filer;

(ii) the filer’s interpretation of any statistical data relied on;

(iii) the experience of other filers; and

(iv) any other relevant factors.

(c) Each filing shall include the experience of the filer.
(d) A filing and any supporting information shall be open to public inspection as soon as filed.

(e) An insurer may satisfy its obligation to make filings by:

(1) being a member of or subscriber to a licensed rating organization that makes filings; and

(2) authorizing the Commissioner to accept filings on its behalf from the rating organization.

(f) The Commissioner shall review each filing as soon as reasonably possible after it is made to determine whether it meets the requirements of this subtitle.

(g) (1) (i) Except as provided in subsections (h) and (i) of this section, a filing may not take effect until 30 working days after it is filed with the Commissioner.

(ii) By written notice to the filer during the initial 30-day waiting period that the Commissioner needs additional time for consideration of the filing, the Commissioner may extend the waiting period for an additional period not exceeding 30 working days.

(2) On written application by the filer, the Commissioner may authorize a filing that the Commissioner has reviewed to become effective before the expiration of the waiting period or any extension of the waiting period or at a later date.

(3) A filing is deemed approved unless disapproved by the Commissioner during the waiting period or any extension of the waiting period.

(4) A filing may be withdrawn or amended by the filer at any time before approval.

(5) After approval or disapproval of a filing, the withdrawal or amendment of the filing is subject to the approval of the Commissioner in accordance with this section.

(h) (1) Inland marine risks that by general custom of the business are not written according to manual rates or rating plans need not be filed.

(2) Notwithstanding paragraph (1) of this subsection, specific inland marine rates on risks specially rated by a rating organization shall be filed, become effective when filed, and remain effective until the Commissioner finds the filing does not meet the requirements of this subtitle.

(i) A special filing with respect to a surety or guarantee bond required by law, by court, by executive order, or by order, rule, or regulation of a public body, not covered by a previous filing shall become effective when filed and remain effective until the Commissioner finds that the filing does not meet the requirements of this subtitle.
(j)  (1)  In this subsection, “exempt commercial policyholder” means a person that:

(i)  pays annual aggregate property and casualty premiums for commercial insurance policies issued in the State during the current or preceding calendar year of $25,000 or more; and

(ii)  meets any two of the following criteria:

1.  generates annual revenues or sales in excess of [$10,000,000] $5,000,000;

2.  possesses a net worth in excess of [$5,000,000] $2,500,000;

3.  employs at least 25 full-time employees;

4.  is a nonprofit organization or public body with an annual budget of at least [$10,000,000] $5,000,000; or

5.  is a municipal corporation with a population of at least 15,000.

(2)  The filing requirements of this section do not apply to RATES, SUPPLEMENTARY RATE INFORMATION, policy forms, and endorsements and to modifications of RATES, SUPPLEMENTARY RATE INFORMATION, policy forms, and endorsements issued to an exempt commercial policyholder.

(3)  (i)  An exempt commercial policyholder must certify in writing, on a form approved by the Commissioner, to the insurer issuing coverage and the Commissioner that it meets the criteria necessary for exemption from RATE AND form filing requirements.

(ii)  The certification must include:

1.  specific reference to the optional criteria that the insured has satisfied to qualify as an exempt commercial policyholder;

2.  information required by the Commissioner for the purpose of determining the annual aggregate premiums of the insured for purposes of paragraph (1)(i) of this subsection; and

3.  an acknowledgment by the insured that the RATE, SUPPLEMENTARY RATE INFORMATION, policy form, endorsement, or modification intended for use has not been filed with the Commissioner.
(4) This subsection does not apply to the filing of workers’ compensation insurance RATE AND policy forms.

(5) The Commissioner may require, by regulation, that insurers provide information to the Administration on the number and types of policies written for exempt commercial policyholders under this subsection.

(6) On written request of the Commissioner, an insurer shall file with the Commissioner a form or endorsement issued to an exempt commercial policyholder.

(7) Except for the exemption from RATE AND form filing requirements under this section, a RATE, SUPPLEMENTARY RATE INFORMATION, form, or endorsement issued to an exempt commercial policyholder is subject to all applicable provisions of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 195

(House Bill 1161)

AN ACT concerning

Maryland Automobile Insurance Fund – Uninsured Division – Uninsured Motorists

FOR the purpose of establishing certain legislative findings and declarations; establishing the Uninsured Motorist Education and Enforcement Fund as a special, nonlapsing fund; specifying the purpose of the Uninsured Motorist Education and Enforcement Fund; requiring the Uninsured Division of the Maryland Automobile Insurance Fund to administer the Fund; specifying the contents of the Uninsured Motorist Education and Enforcement Fund; providing for the uses of the Uninsured Motorist Education and Enforcement Fund; establishing in the Uninsured Division a Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured; requiring the Division to administer the Program; specifying the purpose of the Program; specifying the length of the Program period; providing that an individual is eligible to participate in the Program under certain circumstances; requiring the Motor Vehicle Administration to waive a certain percentage of an eligible individual’s delinquent uninsured vehicle penalties under certain circumstances; requiring the Motor Vehicle Administration and the Central Collection Unit to provide the Division with certain information; requiring the Division to notify certain individuals...
who may be eligible to participate in the Program at a certain address; requiring that a certain notice include certain information; requiring an eligible individual, as a condition of receiving a certain waiver, to pay a certain balance and, under certain circumstances, a certain fee; authorizing an eligible individual to pay a certain balance and fee using a certain monthly installment payment plan under certain circumstances; requiring an eligible individual, as a condition of receiving a certain waiver, to purchase and maintain a certain required security under certain circumstances; authorizing the Division to collect certain uninsured vehicle penalties and certain fees; requiring the Motor Vehicle Administration and the Unit to take certain steps to allow an eligible individual to register a vehicle under certain circumstances; providing that an applicant for a policy from the Maryland Automobile Insurance Fund may be considered to have met certain requirements; authorizing an applicant for a policy from the Maryland Automobile Insurance Fund to pay a certain premium for a certain policy in installments under certain circumstances in accordance with certain provisions of law regardless of the amount of the premium; prohibiting the Division from contacting certain owners until at least a certain number of days after a certain date if the Division has received certain information from the Motor Vehicle Administration; requiring the Division to send a certain notice to certain owners; requiring that certain penalties received under the Program be paid to the Division; authorizing the Motor Vehicle Administration to reinstate certain penalties under certain circumstances; requiring the Motor Vehicle Administration and the Maryland Automobile Insurance Fund to cooperate to ensure that certain programming and other work accomplished will be made available to implement the Program; requiring the Division to meet with and solicit input from certain parties for a certain purpose, to take certain actions, to determine the effectiveness of the efforts to educate consumers regarding certain matters, and to make a certain report within a certain period of time to the General Assembly on or before a certain date; requiring the Division to report on certain information relating to a certain Program within a certain period of time; repealing the Uninsured Motorist Education and Enforcement Fund under the Transportation Article; requiring the Motor Vehicle Administration to provide in a certain manner the information contained in a certain notice to the Division; clarifying that a certain provision of law does not prevent the Motor Vehicle Administration from furnishing personal information to the Division for a certain purpose; requiring interest earnings of the Uninsured Motorist Education and Enforcement Fund to be credited to the Uninsured Motorist Education and Enforcement Fund; exempting the Uninsured Motorist Education and Enforcement Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Uninsured Division of the Maryland Automobile Insurance Fund and uninsured motorists.

BY repealing and reenacting, without amendments,
   Article – Insurance
   Section 20–101(a) and 20–301(a)
   Annotated Code of Maryland
(2017 Replacement Volume)
BY adding to
    Article – Insurance
    Section 20–101(k) and 20–610 through 20–613 20–614
    Annotated Code of Maryland
    (2017 Replacement Volume)

BY repealing and reenacting, with amendments,
    Article – Insurance
    Section 20–101(k) and 20–301(c)
    Annotated Code of Maryland
    (2017 Replacement Volume)

BY repealing and reenacting, without amendments,
    Article – State Finance and Procurement
    Section 6–226(a)(2)(i) and (b)
    Annotated Code of Maryland
    (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
    Article – State Finance and Procurement
    Section 6–226(a)(2)(ii)101. and 102.
    Annotated Code of Maryland
    (2015 Replacement Volume and 2017 Supplement)

BY adding to
    Article – State Finance and Procurement
    Section 6–226(a)(2)(ii)103.
    Annotated Code of Maryland
    (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
    Article – Transportation
    Section 12–112(d)(5), 17–104.2, and 17–106(c) and (e)(2)(i) and (3) through (5)
    Annotated Code of Maryland
    (2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
    Article – Transportation
    Section 17–106(e)(2)(vi) and 17–111(b)(1)
    Annotated Code of Maryland
    (2012 Replacement Volume and 2017 Supplement)

BY adding to
    Article – Transportation
    Section 17–106(e)(3) and 17–111(h)
    Annotated Code of Maryland
    (2012 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

20–101.

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

(k) “UNINSURED DIVISION” MEANS THE UNIT WITHIN THE FUND THAT IS RESPONSIBLE FOR CLAIMS UNDER SUBTITLE 6 OF THIS TITLE AND ACTIVITIES RELATED TO REDUCING THE RATE OF UNINSURED MOTORISTS IN THE STATE.

(l) “Uninsured motor vehicle” means a motor vehicle for which:

(1) the security required under § 17–103 of the Transportation Article is not in force; or

(2) the security required under § 17–103 of the Transportation Article is in force but a receiver or conservator has been appointed by a court for the insurer that issued the security.

20–301.

(a) The purpose of the Fund is to provide the financial security required under § 17–103 of the Transportation Article to those eligible persons that are unable to obtain it from an Association member.

(c) (1) All operating expenses of the Fund shall be paid from the money collected by or for the Fund.

(2) (i) Subject to subparagraphs (ii) through (iv) of this paragraph, money and property available to the Fund may be used for the general purposes of the Fund.

(ii) Premiums collected and income accruing from those premiums may be used only for the payment of claims arising under policies issued by the Fund and for the administrative expenses of the Fund.

(iii) The Fund shall keep separate records of any income and expenses directly attributable to the UNINSURED DIVISION, INCLUDING THE processing and payment of unsatisfied claims under Subtitle 6 of this title.

(iv) The Fund shall keep separate records of any income and expenses directly attributable to its commercial policy and claims operations.
20–610.

THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) THERE IS AN UNACCEPTABLY LARGE NUMBER OF UNINSURED MOTORISTS IN THE STATE;

(2) UNINSURED MOTORISTS CAUSE HARM TO INSURED DRIVERS BY INCREASING THE COST OF AUTOMOBILE INSURANCE FOR EVERYONE REQUIRED TO PURCHASE UNINSURED MOTORIST COVERAGE;

(3) UNINSURED MOTORISTS ARE A FINANCIAL DRAIN ON THE STATE AND REQUIRE SUBSTANTIAL FUNDING FOR THE UNINSURED DIVISION OF THE FUND TO COVER LEGITIMATE CLAIMS OF INNOCENT PEDESTRIANS, PASSENGERS, AND DRIVERS WHO ARE INJURED BY UNINSURED MOTORISTS;

(4) TO ENCOURAGE UNINSURED MOTORISTS TO BECOME INSURED, THE LAW FOR MANY YEARS HAS PROVIDED FINANCIAL PENALTIES TO BE IMPOSED ON UNINSURED MOTORISTS AND A SUBSTANTIAL NUMBER OF PENALTIES ARE ISSUED EVERY YEAR;

(5) TO FURTHER ADDRESS THE RATE OF UNINSURED MOTORISTS, THE GENERAL ASSEMBLY PASSED LEGISLATION (CHAPTER 446 OF THE ACTS OF 2016) TO REQUIRE THE MOTOR VEHICLE ADMINISTRATION TO CONDUCT A PROGRAM THAT WAIVED SUBSTANTIAL PORTIONS OF DELINQUENT UNINSURED MOTORIST FINES AS AN INCENTIVE FOR ELIGIBLE PARTICIPANTS TO BECOME INSURED, BUT LESS THAN 4% OF ELIGIBLE UNINSURED MOTORISTS ACTUALLY ENTERED THE PROGRAM;

(6) THE GENERAL ASSEMBLY ALSO PASSED LEGISLATION (CHAPTER 401 OF THE ACTS OF 2016) TO REQUIRE DRIVERS TO CARRY PROOF OF AUTOMOBILE INSURANCE;

(7) DESPITE THESE STATUTORY EFFORTS, THE RATE OF UNINSURED MOTORISTS HAS REMAINED STUBBORNLY HIGH, HOVERING AT ABOUT 12% ACCORDING TO THE INSURANCE RESEARCH COUNCIL;

(8) IT IS IN THE BEST INTERESTS OF THE STATE TO ADDRESS THE RATE OF UNINSURED MOTORISTS IN THE STATE IN A COMPREHENSIVE AND COORDINATED FASHION;

(9) THE FUND WAS ESTABLISHED IN 1973 TO PROVIDE THE FINANCIAL SECURITY REQUIRED UNDER THE MARYLAND VEHICLE LAW TO
INDIVIDUALS WHO ARE UNABLE TO OBTAIN AUTOMOBILE INSURANCE FROM PRIVATE INSURERS;

(10) IN ADDITION TO THE FUND, MOTOR VEHICLE LIABILITY INSURANCE IN THE STATE IS PROVIDED THROUGH A SYSTEM OF PRIVATE INSURERS, INSURANCE PRODUCERS, AND INDEPENDENT INSURANCE PRODUCERS;

(11) THE UNINSURED DIVISION IS UNIQUELY POSITIONED TO REDUCE THE RATE OF UNINSURED MOTORISTS BY CONDUCTING OUTREACH AND INCENTIVIZING, EDUCATING, AND ENCOURAGING UNINSURED MOTORISTS TO OBTAIN AUTOMOBILE INSURANCE FROM PRIVATE INSURERS OR THE FUND; AND

(12) THE EFFORT TO REDUCE THE RATE OF UNINSURED MOTORISTS WOULD BE GREATLY ENHANCED BY MAKING THE UNINSURED DIVISION THE PRIMARY STATE AGENCY WITH RESPONSIBILITY TO CONDUCT OUTREACH AND INCENTIVIZE, EDUCATE, AND ENCOURAGE UNINSURED MOTORISTS TO BECOME INSURED.

20–611.

(A) IN THIS SECTION, “UNINSURED MOTORIST FUND” MEANS THE UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(B) THERE IS AN UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(C) THE PURPOSE OF THE UNINSURED MOTORIST FUND IS TO PROVIDE FUNDING FOR THE EDUCATION OF DRIVERS ABOUT, AND THE ENFORCEMENT OF, THE SECURITY REQUIREMENTS FOR MOTOR VEHICLES UNDER THE MARYLAND VEHICLE LAW.

(D) THE UNINSURED DIVISION SHALL ADMINISTER THE UNINSURED MOTORIST FUND.

(E) THE UNINSURED MOTORIST FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(F) THE UNINSURED MOTORIST FUND CONSISTS OF:

(1) REVENUES DEPOSITED TO THE UNINSURED MOTORIST FUND UNDER § 17–104.2 OF THE TRANSPORTATION ARTICLE;
(2) INTEREST AND INVESTMENT EARNINGS OF THE UNINSURED MOTORIST FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE UNINSURED MOTORIST FUND.

(G) MONEY IN THE UNINSURED MOTORIST FUND SHALL BE USED SOLELY FOR:

(1) THE ADMINISTRATION OF THE UNINSURED MOTORIST FUND; AND

(2) THE EDUCATION OF DRIVERS AND THE PUBLIC ABOUT:

(I) THE SECURITY REQUIREMENTS UNDER THE MARYLAND VEHICLE LAW; AND

(II) THE SOURCES OF AUTOMOBILE INSURANCE IN THE STATE, INCLUDING PRIVATE INSURERS AND THE FUND.

20–612.

(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 ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(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 MOTOR VEHICLE ADMINISTRATION MAY ASSESS A VEHICLE OWNER UNDER § 17–106 OF THE TRANSPORTATION ARTICLE 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 UNINSURED DIVISION.
(2) **The Program is administered by the Uninsured Division.**

(3) **The purpose of the Program is to reduce the number of uninsured vehicles in the State by incentivizing and enabling individuals with delinquent uninsured vehicle penalties to become:**

(I) **Eligible to register a vehicle in the State; and**

(II) **Insured after paying a reduced uninsured vehicle penalty.**

(C) **The Program period:**

(1) **May not exceed 180 calendar days; and**

(2) **Shall begin not earlier than July 1, 2018, and end not later than December 31, 2019.**

(D) **An individual is eligible to participate in the Program if the individual:**

(1) **Is a State resident;**

(2) **Has delinquent uninsured vehicle penalties that became delinquent on or before December 31, 2016;**

(3) **Does not have the required insurance on any vehicle owned by the individual; and**

(4) **Has not been issued a judgment by the Central Collection Unit.**

(E) (1) **The Motor Vehicle Administration and the Central Collections Unit shall provide the Uninsured Division with contact information and the total amount of delinquent uninsured vehicle penalties of each individual who may be eligible to participate in the Program.**

(2) **The Uninsured Division shall notify individuals who may be eligible to participate in the Program at the individual’s last known address.**
(3) **The notification required under paragraph (2) of this subsection shall include:**

- **(I)** the website addresses of the Motor Vehicle Administration, the Fund, and the Administration, where individuals 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 amount of delinquent uninsured vehicle penalties that the individual owes and the amount of the penalties that may be waived under the Program.

(F) (1) **On notification by the Uninsured Division that an applicant meets the eligibility requirements for the Program, the Motor Vehicle Administration shall waive 80% of an eligible individual’s delinquent uninsured vehicle penalties that became delinquent on or before December 31, 2016.**

(2) **(I)** as a condition of receiving a waiver under paragraph (1) of this subsection, the eligible individual shall 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 an eligible individual has been sent to the Central Collection Unit, in addition to the balance owed under subparagraph (I) of this paragraph, the eligible individual 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, an eligible individual shall 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. An eligible individual may 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 RECEIVING A WAIVER UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN ELIGIBLE INDIVIDUAL WHO OWNS A VEHICLE AT THE TIME OF THE WAIVER, OR AN ELIGIBLE INDIVIDUAL WHO DOES NOT OWN A VEHICLE AT THE TIME OF THE WAIVER BUT SUBSEQUENTLY REGISTERS A VEHICLE, SHALL PURCHASE AND MAINTAIN THE REQUIRED SECURITY ON THE VEHICLE FOR THE PERIOD OF TIME SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) THE ELIGIBLE INDIVIDUAL SHALL MAINTAIN THE REQUIRED SECURITY ON THE VEHICLE FOR A PERIOD OF:

1. AT LEAST 6 MONTHS; OR

2. AT LEAST 1 YEAR IF THE WAIVED AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION EXCEEDS $3,000.

(G) (1) ON BEHALF OF THE STATE, THE UNINSURED DIVISION MAY COLLECT THE AMOUNT OF THE DELINQUENT UNINSURED VEHICLE PENALTIES TOGETHER WITH ANY CENTRAL COLLECTIONS UNIT FEE THAT IS DUE AND TRANSMIT THE MONEY THAT IS OWED TO THE MOTOR VEHICLE ADMINISTRATION AND THE CENTRAL COLLECTIONS UNIT.

(2) ON NOTIFICATION FROM THE UNINSURED DIVISION THAT THE REQUIRED AMOUNT OF THE UNINSURED VEHICLE PENALTIES AND CENTRAL COLLECTION UNIT FEES HAVE BEEN RECEIVED FROM AN ELIGIBLE INDIVIDUAL, THE MOTOR VEHICLE ADMINISTRATION AND THE CENTRAL COLLECTIONS UNIT SHALL TAKE THE NECESSARY STEPS TO ALLOW THE ELIGIBLE INDIVIDUAL TO REGISTER A VEHICLE.

20–613.

AN APPLICANT FOR A POLICY FROM THE FUND WHO IS PARTICIPATING IN THE PROGRAM UNDER § 20–612 OF THIS SUBTITLE MAY:

(1) BE CONSIDERED BY THE FUND TO HAVE MET THE REQUIREMENTS OF § 20–502(A)(3) OF THIS TITLE; AND
(2) PAY THE PREMIUM FOR THE POLICY IN INSTALLMENTS IN ACCORDANCE WITH § 20–507(G)(1)(II)1B OF THIS TITLE, REGARDLESS OF THE AMOUNT OF THE PREMIUM WITHOUT REGARD TO THE REQUIREMENTS OF § 20–507(G) OF THIS TITLE, PROVIDED THE COMMISSIONER HAS APPROVED THE FUND’S INSTALLMENT PAYMENT PLAN FOR PARTICIPANTS IN THE PROGRAM AS CONSISTENT WITH THE PURPOSES OF BOTH THE PROGRAM AND THE FUND.

20–614.


(B) IF THE UNINSURED DIVISION USES THE INFORMATION RECEIVED FROM THE MOTOR VEHICLE ADMINISTRATION UNDER § 17–106 OF THE TRANSPORTATION ARTICLE TO CONTACT AN OWNER, THE UNINSURED DIVISION SHALL SEND A NOTICE TO THE OWNER THAT:

(1) PROVIDES THE WEBSITE ADDRESSES OF THE MOTOR VEHICLE ADMINISTRATION, THE FUND, AND THE ADMINISTRATION WHERE THE OWNER MAY FIND CONTACT INFORMATION FOR INSURERS THAT WRITE MOTOR VEHICLE LIABILITY INSURANCE IN THE STATE AND OTHER INFORMATION ABOUT MOTOR VEHICLE LIABILITY INSURANCE; AND

(2) ADVISES THE OWNER THAT THE OWNER MAY CONTACT THE OWNER’S INSURANCE PRODUCER, IF ANY, OR THE OWNER’S PRIOR INSURER TO DETERMINE WHETHER MOTOR VEHICLE LIABILITY INSURANCE MAY BE PLACED FOR THE OWNER BY THE INSURANCE PRODUCER OR THE INSURER.

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.
The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; and

102. the Make Office Vacancies Extinct Matching Fund; AND

103. THE UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(b) (1) Notwithstanding any other provision of law, the Treasurer may invest separately or commingled in 1 or more pools amounts to be invested by law or regulation for State agencies.

(2) The Treasurer shall allocate net earnings on amounts commingled in a pool to the appropriate State agencies entitled to receive interest earnings under subsection (a) of this section.

Article – Transportation

12–112.

(d) (5) This subsection does not prevent the Administration from furnishing personal information under this section:

(i) To another governmental agency, INCLUDING THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND TO CARRY OUT THE UNINSURED DIVISION’S FUNCTIONS UNDER TITLE 20 OF THE INSURANCE ARTICLE; or


17–104.2.

(a) In this section, “Fund” means the Uninsured Motorist Education and Enforcement Fund ADMINISTERED BY THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER § 20–611 OF THE INSURANCE ARTICLE.

(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) 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) (E) The Administration may adopt regulations to carry out this section. 17–106.]

(c) On receipt of a notice under subsection (b) of this section, the Administration shall [make]:

1. MAKE a reasonable effort to notify the owner of the vehicle that his registration has been suspended; AND
2. PROVIDE ELECTRONICALLY THE INFORMATION CONTAINED IN THE NOTICE OF THE SUSPENSION TO THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND.

(e) (2) (i) [A] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A penalty assessed under this subsection shall be paid as follows:

1. 70% to be allocated as provided in subparagraphs (ii) through (vi) of this paragraph; and
2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.

(vi) For each fiscal year beginning on or after July 1, 2014, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. $600,000 to the School Safety Enforcement Fund;
2. $2,000,000 to the Vehicle Theft Prevention Fund;
3. To the Maryland Automobile Insurance Fund, the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics; and
4. The balance to the General Fund.
(3) BEGINNING JULY 1, 2018, ANY UNINSURED MOTORIST PENALTIES THE ADMINISTRATION RECEIVES UNDER THE PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED ESTABLISHED UNDER § 20–612 OF THE INSURANCE ARTICLE SHALL BE PAID TO THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND.

[(3)] (4) If the Administration assesses a vehicle owner, co–owner, or lessee with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

(i) Reinstate a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned, co–owned, or leased by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned, co–owned, or leased by that person.

[(4)] (5) (i) In this paragraph, “family member” means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.

(iii) Regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle’s registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

[(5)] (6) An amount equal to the monetary penalties paid to the Administration under paragraph (2) of this subsection may be used by the Administration only for the enforcement of this subtitle.

17–111.

(b) (1) There is a Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured in the Administration.

(H) (1) BEGINNING JULY 1, 2018, THERE IS A PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED, ADMINISTERED BY THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER § 20–612 OF THE INSURANCE ARTICLE.
(2) The Administration:

(i) shall waive delinquent uninsured vehicle penalties as provided in § 20–612 of the Insurance Article; and

(ii) if conditions specified under § 20–612 of the Insurance Article are not met, may reinstate the waived delinquent uninsured motorist penalties.

SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration and the Uninsured Division of the Maryland Automobile Insurance Fund shall:

(I) work together to ensure that, to the fullest extent possible, the programming and other work accomplished by the Motor Vehicle Administration and its vendor during the implementation of the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured during 2017 be made available to implement this Act; and

SECTION 3. AND BE IT FURTHER ENACTED, That the Uninsured Division of the Maryland Automobile Insurance Fund shall:

(1) (i) meet with and solicit input from other insurers, producers and producer associations, premium finance companies, the Maryland Insurance Administration, the Motor Vehicle Administration, consumer groups, and others as determined by the Uninsured Division concerning the implementation of methods or programs aimed at reducing the number of uninsured motorists; and

(ii) in meeting with and soliciting input from the parties specified under item (i) of this item:

1. determine a targeted reduced amount of the rate of uninsured motorists in the State that may be achieved with the implementation of methods or programs;

2. identify methods or programs that could be effective in reducing the number of uninsured motorists, including providing insurance premium credits or other rate subsidies to vehicle owners who are unable to afford insurance;

3. consider the involvement of other insurers and producers for each method or program;

4. identify the amount of funds needed to implement each method or program and possible sources of additional funding, including:

A. altering the funding formula under § 17–106 of the Transportation Article; or
B. requesting funding, if needed, through a budget appropriation beginning with fiscal year 2020; and

(iii) review any other issue that the Uninsured Division considers appropriate relating to reducing the number of uninsured motorists;

(2) determine the effectiveness of efforts to educate consumers regarding:

(i) the security requirements under the Maryland Vehicle Law, including the proof of insurance provisions;

(ii) the sources of automobile insurance in the State, including private insurers and the Fund; and

(iii) how to shop for automobile insurance and the methods by which automobile insurance may be purchased, including through insurance producers; and

(3) on or before December 1, 2019, report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That the Uninsured Division of the Maryland Automobile Insurance Fund shall, within 60 days after the end of the Program period for the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured as established under § 20–612 of the Insurance Article, as enacted by Section 1 of this Act, report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(i) (1) the results of the Program; and

(2) the demographics of the Program participants, including gender, age, and zip code, and the insurance companies with whom participants obtained insurance;

(3) any analysis or information relating to the implementation and effectiveness of the Program that the Uninsured Division considers appropriate; and

(ii) (4) any recommendations to implement another program other programs aimed at reducing the number of uninsured motorists.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

Maryland Automobile Insurance Fund – Uninsured Division – Uninsured Motorists

FOR the purpose of establishing certain legislative findings and declarations; establishing the Uninsured Motorist Education and Enforcement Fund as a special, nonlapsing fund; specifying the purpose of the Uninsured Motorist Education and Enforcement Fund; requiring the Uninsured Division of the Maryland Automobile Insurance Fund to administer the Fund; specifying the contents of the Uninsured Motorist Education and Enforcement Fund; providing for the uses of the Uninsured Motorist Education and Enforcement Fund; establishing in the Uninsured Division a Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured; requiring the Division to administer the Program; specifying the purpose of the Program; specifying the length of the Program period; providing that an individual is eligible to participate in the Program under certain circumstances; requiring the Motor Vehicle Administration to waive a certain percentage of an eligible individual’s delinquent uninsured vehicle penalties under certain circumstances; requiring the Motor Vehicle Administration and the Central Collection Unit to provide the Division with certain information; requiring the Division to notify certain individuals who may be eligible to participate in the Program at a certain address; requiring that a certain notice include certain information; requiring an eligible individual, as a condition of receiving a certain waiver, to pay a certain balance and, under certain circumstances, a certain fee; authorizing an eligible individual to pay a certain balance and fee using a certain monthly installment payment plan under certain circumstances; requiring an eligible individual, as a condition of receiving a certain waiver, to purchase and maintain a certain required security under certain circumstances; authorizing the Division to collect certain uninsured vehicle penalties and certain fees; requiring the Motor Vehicle Administration and the Unit to take certain steps to allow an eligible individual to register a vehicle under certain circumstances; providing that an applicant for a policy from the Maryland Automobile Insurance Fund may be considered to have met certain requirements; authorizing an applicant for a policy from the Maryland Automobile Insurance Fund to pay a certain premium for a certain policy in installments under certain circumstances; requiring that certain penalties received under the Program be paid to the Division; requiring the Division to reinstate certain penalties under certain circumstances; requiring the Motor Vehicle Administration and the Maryland Automobile Insurance Fund to cooperate to ensure that certain programming and other work accomplished will be made
available to implement the Program; requiring the Division to meet with and solicit input from certain parties for a certain purpose, to take certain actions, to determine the effectiveness of the efforts to educate consumers regarding certain matters, and to make a certain report within a certain period of time to the General Assembly on or before a certain date; requiring the Division to report on certain information relating to a certain Program within a certain period of time; repealing the Uninsured Motorist Education and Enforcement Fund under the Transportation Article; requiring the Motor Vehicle Administration to provide in a certain manner the information contained in a certain notice to the Division; clarifying that a certain provision of law does not prevent the Motor Vehicle Administration from furnishing personal information to the Division for a certain purpose; requiring interest earnings of the Uninsured Motorist Education and Enforcement Fund to be credited to the Uninsured Motorist Education and Enforcement Fund; exempting the Uninsured Motorist Education and Enforcement Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Uninsured Division of the Maryland Automobile Insurance Fund and uninsured motorists.

BY repealing and reenacting, without amendments,

Article – Insurance
Section 20–101(a) and 20–301(a)
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to

Article – Insurance
Section 20–101(k) and 20–610 through 20–614
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 20–101(k) and 20–301(c)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(i) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)
BY adding to
   Article – State Finance and Procurement
   Section 6–226(a)(2)(ii)103.
   Annotated Code of Maryland
   (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Article – Transportation
   Section 12–112(d)(5), 17–104.2, and 17–106(c) and (e)(2)(i) and (3) through (5)
   Annotated Code of Maryland
   (2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
   Article – Transportation
   Section 17–106(e)(2)(vi) and 17–111(b)(1)
   Annotated Code of Maryland
   (2012 Replacement Volume and 2017 Supplement)

BY adding to
   Article – Transportation
   Section 17–106(e)(3) and 17–111(h)
   Annotated Code of Maryland
   (2012 Replacement Volume and 2017 Supplement)

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

Article – Insurance

20–101.

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

(K) “UNINSURED DIVISION” MEANS THE UNIT WITHIN THE FUND THAT IS RESPONSIBLE FOR CLAIMS UNDER SUBTITLE 6 OF THIS TITLE AND ACTIVITIES RELATED TO REDUCING THE RATE OF UNINSURED MOTORISTS IN THE STATE.

[(k)] (L) “Uninsured motor vehicle” means a motor vehicle for which:

(1) the security required under § 17–103 of the Transportation Article is not in force; or

(2) the security required under § 17–103 of the Transportation Article is in force but a receiver or conservator has been appointed by a court for the insurer that issued the security.
20–301. The purpose of the Fund is to provide the financial security required under § 17–103 of the Transportation Article to those eligible persons that are unable to obtain it from an Association member.

(c) (1) All operating expenses of the Fund shall be paid from the money collected by or for the Fund.

(2) (i) Subject to subparagraphs (ii) through (iv) of this paragraph, money and property available to the Fund may be used for the general purposes of the Fund.

(ii) Premiums collected and income accruing from those premiums may be used only for the payment of claims arising under policies issued by the Fund and for the administrative expenses of the Fund.

(iii) The Fund shall keep separate records of any income and expenses directly attributable to the UNINSURED DIVISION, INCLUDING THE processing and payment of unsatisfied claims under Subtitle 6 of this title.

(iv) The Fund shall keep separate records of any income and expenses directly attributable to its commercial policy and claims operations.

20–610. THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) THERE IS AN UNACCEPTABLY LARGE NUMBER OF UNINSURED MOTORISTS IN THE STATE;

(2) UNINSURED MOTORISTS CAUSE HARM TO INSURED DRIVERS BY INCREASING THE COST OF AUTOMOBILE INSURANCE FOR EVERYONE REQUIRED TO PURCHASE UNINSURED MOTORIST COVERAGE;

(3) UNINSURED MOTORISTS ARE A FINANCIAL DRAIN ON THE STATE AND REQUIRE SUBSTANTIAL FUNDING FOR THE UNINSURED DIVISION OF THE FUND TO COVER LEGITIMATE CLAIMS OF INNOCENT PEDESTRIANS, PASSENGERS, AND DRIVERS WHO ARE INJURED BY UNINSURED MOTORISTS;

(4) TO ENCOURAGE UNINSURED MOTORISTS TO BECOME INSURED, THE LAW FOR MANY YEARS HAS PROVIDED FINANCIAL PENALTIES TO BE IMPOSED ON UNINSURED MOTORISTS AND A SUBSTANTIAL NUMBER OF PENALTIES ARE ISSUED EVERY YEAR;
(5) To further address the rate of uninsured motorists, the General Assembly passed legislation (Chapter 446 of the Acts of 2016) to require the Motor Vehicle Administration to conduct a program that waived substantial portions of delinquent uninsured motorist fines as an incentive for eligible participants to become insured, but less than 4% of eligible uninsured motorists actually entered the program;

(6) The General Assembly also passed legislation (Chapter 401 of the Acts of 2016) to require drivers to carry proof of automobile insurance;

(7) Despite these statutory efforts, the rate of uninsured motorists has remained stubbornly high, hovering at about 12% according to the Insurance Research Council;

(8) It is in the best interests of the State to address the rate of uninsured motorists in the State in a comprehensive and coordinated fashion;

(9) The Fund was established in 1973 to provide the financial security required under the Maryland Vehicle Law to individuals who are unable to obtain automobile insurance from private insurers;

(10) In addition to the Fund, motor vehicle liability insurance in the State is provided through a system of private insurers, insurance producers, and independent insurance producers.

(11) The Uninsured Division is uniquely positioned to reduce the rate of uninsured motorists by conducting outreach and incentivizing, educating, and encouraging uninsured motorists to obtain automobile insurance from private insurers or the Fund; and

(11) (12) The effort to reduce the rate of uninsured motorists would be greatly enhanced by making the Uninsured Division the primary State agency with responsibility to conduct outreach and incentivize, educate, and encourage uninsured motorists to become insured.

20–611.

(A) In this section, “Uninsured Motorist Fund” means the Uninsured Motorist Education and Enforcement Fund.
(B) **There is an Uninsured Motorist Education and Enforcement Fund.**

(C) The purpose of the Uninsured Motorist Fund is to provide funding for the education of drivers about, and the enforcement of, the security requirements for motor vehicles under the Maryland Vehicle Law.

(D) The Uninsured Division shall administer the Uninsured Motorist Fund.

(E) The Uninsured Motorist Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(F) The Uninsured Motorist Fund consists of:

1. Revenues deposited to the Uninsured Motorist Fund under § 17–104.2 of the Transportation Article;

2. Interest and investment earnings of the Uninsured Motorist Fund; and

3. Any other money from any other source accepted for the benefit of the Uninsured Motorist Fund.

(G) Money in the Uninsured Motorist Fund shall be used solely for:

1. The administration of the Uninsured Motorist Fund; and

2. The education of drivers and the public about:

   (I) The security requirements under the Maryland Vehicle Law; and

   (II) The sources of automobile insurance in the State, including private insurers and the Fund.

20–612.

(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 ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(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 MOTOR VEHICLE ADMINISTRATION MAY ASSESS A VEHICLE OWNER UNDER § 17–106 OF THE TRANSPORTATION ARTICLE 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 UNINSURED DIVISION.

(2) THE PROGRAM IS ADMINISTERED BY THE UNINSURED DIVISION.

(3) THE PURPOSE OF THE PROGRAM IS TO REDUCE THE NUMBER OF UNINSURED VEHICLES IN THE STATE BY INCENTIVIZING AND ENABLING INDIVIDUALS WITH DELINQUENT UNINSURED VEHICLE PENALTIES TO BECOME:

(I) ELIGIBLE TO REGISTER A VEHICLE IN THE STATE; AND

(II) INSURED AFTER PAYING A REDUCED UNINSURED VEHICLE PENALTY.

(C) THE PROGRAM PERIOD:

(1) MAY NOT EXCEED 180 CALENDAR DAYS; AND

(2) SHALL BEGIN NOT EARLIER THAN JULY 1, 2018, AND END NOT LATER THAN DECEMBER 31, 2019.

(D) AN INDIVIDUAL IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF THE INDIVIDUAL:

(1) IS A STATE RESIDENT;
(2) has delinquent uninsured vehicle penalties that became delinquent on or before December 31, 2016;

(3) does not have the required insurance on any vehicle owned by the individual; and

(4) has not been issued a judgment by the Central Collection Unit.

(E) (1) The Motor Vehicle Administration and the Central Collections Unit shall provide the Uninsured Division with contact information and the total amount of delinquent uninsured vehicle penalties of each individual who may be eligible to participate in the program.

(2) The Uninsured Division shall notify individuals who may be eligible to participate in the program at the individual’s last known address.

(3) The notification required under paragraph (2) of this subsection shall include:

   (i) the website addresses of the Motor Vehicle Administration, the Fund, and the Administration, where individuals 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 amount of delinquent uninsured vehicle penalties that the individual owes and the amount of the penalties that may be waived under the program.

(F) (1) On notification by the Uninsured Division that an applicant meets the eligibility requirements for the program, the Motor Vehicle Administration shall waive 80% of an eligible individual’s delinquent uninsured vehicle penalties that became delinquent on or before December 31, 2016.

(2) (i) As a condition of receiving a waiver under paragraph (1) of this subsection, the eligible individual shall 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 an eligible individual has been sent to the Central Collection Unit, in addition to the balance owed under subparagraph (i) of this paragraph, the eligible individual 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, an eligible individual shall 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. An eligible individual may 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 receiving a waiver under paragraph (1) of this subsection, an eligible individual who owns a vehicle at the time of the waiver, or an eligible individual who does not own a vehicle at the time of the waiver but subsequently registers a vehicle, shall purchase and maintain the required security on the vehicle for the period of time specified in subparagraph (ii) of this paragraph.

(II) The eligible individual shall maintain the required security on the vehicle for a period of:

1. At least 6 months; or

2. At least 1 year if the waived amount under paragraph (1) of this subsection exceeds $3,000.

(G) (1) On behalf of the State, the Uninsured Division may collect the amount of the delinquent uninsured vehicle penalties due together with any Central Collections Unit fee that is due and
TRANSMIT THE MONEY THAT IS OWED TO THE MOTOR VEHICLE ADMINISTRATION AND THE CENTRAL COLLECTIONS UNIT.

(2) ON NOTIFICATION FROM THE UNINSURED DIVISION THAT THE REQUIRED AMOUNT OF THE UNINSURED VEHICLE PENALTIES AND CENTRAL COLLECTION UNIT FEES HAVE BEEN RECEIVED FROM AN ELIGIBLE INDIVIDUAL, THE MOTOR VEHICLE ADMINISTRATION AND THE CENTRAL COLLECTIONS UNIT SHALL TAKE THE NECESSARY STEPS TO ALLOW THE ELIGIBLE INDIVIDUAL TO REGISTER A VEHICLE.

20–613.

AN APPLICANT FOR A POLICY FROM THE FUND WHO IS PARTICIPATING IN THE PROGRAM UNDER § 20–612 OF THIS SUBTITLE MAY:

(1) BE CONSIDERED BY THE FUND TO HAVE MET THE REQUIREMENTS OF § 20–502(A)(3) OF THIS TITLE; AND

(2) PAY THE PREMIUM FOR THE POLICY IN INSTALLMENTS IN ACCORDANCE WITH § 20–507(G)(1)(II)1B OF THIS TITLE, REGARDLESS OF THE AMOUNT OF THE PREMIUM WITHOUT REGARD TO THE REQUIREMENTS OF § 20–507(G) OF THIS TITLE, PROVIDED THE COMMISSIONER HAS APPROVED THE FUND’S INSTALLMENT PAYMENT PLAN FOR PARTICIPANTS IN THE PROGRAM AS CONSISTENT WITH THE PURPOSES OF BOTH THE PROGRAM AND THE FUND.

20–614.


(B) IF THE UNINSURED DIVISION USES THE INFORMATION RECEIVED FROM THE MOTOR VEHICLE ADMINISTRATION UNDER § 17–106 OF THE TRANSPORTATION ARTICLE TO CONTACT AN OWNER, THE UNINSURED DIVISION SHALL SEND A NOTICE TO THE OWNER THAT:

(1) PROVIDES THE WEBSITE ADDRESSES OF THE MOTOR VEHICLE ADMINISTRATION, THE FUND, AND THE ADMINISTRATION WHERE THE OWNER MAY FIND CONTACT INFORMATION FOR INSURERS THAT WRITE MOTOR VEHICLE
LIABILITY INSURANCE IN THE STATE AND OTHER INFORMATION ABOUT MOTOR VEHICLE LIABILITY INSURANCE; AND

(2) ADVISES THE OWNER THAT THE OWNER MAY CONTACT THE OWNER’S INSURANCE PRODUCER, IF ANY, OR THE OWNER’S PRIOR INSURER TO DETERMINE WHETHER MOTOR VEHICLE LIABILITY INSURANCE MAY BE PLACED FOR THE OWNER BY THE INSURANCE PRODUCER OR THE INSURER.

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:

101. the Advance Directive Program Fund; [and]

102. the Make Office Vacancies Extinct Matching Fund; AND

103. THE UNINSURED MOTORIST EDUCATION AND ENFORCEMENT FUND.

(b) (1) Notwithstanding any other provision of law, the Treasurer may invest separately or commingled in 1 or more pools amounts to be invested by law or regulation for State agencies.

(2) The Treasurer shall allocate net earnings on amounts commingled in a pool to the appropriate State agencies entitled to receive interest earnings under subsection (a) of this section.

Article – Transportation

12–112.

(d) (5) This subsection does not prevent the Administration from furnishing personal information under this section:

(i) To another governmental agency, INCLUDING THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND TO
CARRY OUT THE **UNINSURED DIVISION’S FUNCTIONS UNDER TITLE 20 OF THE INSURANCE ARTICLE**; or


17–104.2.

(a) In this section, “Fund” means the Uninsured Motorist Education and Enforcement Fund **ADMINISTERED BY THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER § 20–611 OF THE INSURANCE ARTICLE**.

(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) 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) (E)] The Administration may adopt regulations to carry out this section.

17–106.

(c) On receipt of a notice under subsection (b) of this section, the Administration shall [make]:

(1) MAKE a reasonable effort to notify the owner of the vehicle that his registration has been suspended; AND

(2) PROVIDE ELECTRONICALLY THE INFORMATION CONTAINED IN THE NOTICE OF THE SUSPENSION TO THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND.

(e) (2) (i) [A] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A penalty assessed under this subsection shall be paid as follows:

1. 70% to be allocated as provided in subparagraphs (ii) through (vi) of this paragraph; and

2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts
with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.

(vi) For each fiscal year beginning on or after July 1, 2014, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. $600,000 to the School Safety Enforcement Fund;
2. $2,000,000 to the Vehicle Theft Prevention Fund;
3. To the Maryland Automobile Insurance Fund, the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics; and
4. The balance to the General Fund.

(3) BEGINNING JULY 1, 2018, ANY UNINSURED MOTORIST PENALTIES THE ADMINISTRATION RECEIVES UNDER THE PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED ESTABLISHED UNDER § 20–612 OF THE INSURANCE ARTICLE SHALL BE PAID TO THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND.

[(3)] (4) If the Administration assesses a vehicle owner, co–owner, or lessee with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

(i) Reinstates a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned, co–owned, or leased by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned, co–owned, or leased by that person.

[(4)] (5) (i) In this paragraph, “family member” means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.
(iii) Regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle’s registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

[(5)] (6) An amount equal to the monetary penalties paid to the Administration under paragraph (2) of this subsection may be used by the Administration only for the enforcement of this subtitle.

17–111.

(b) (1) There is a Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured in the Administration.

(H) (1) BEGINNING JULY 1, 2018, THERE IS A PROGRAM TO INCENTIVIZE AND ENABLE UNINSURED VEHICLE OWNERS TO BE INSURED, ADMINISTERED BY THE UNINSURED DIVISION OF THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER § 20–612 OF THE INSURANCE ARTICLE.

(2) THE ADMINISTRATION:

(I) SHALL WAIVE DELINQUENT UNINSURED VEHICLE PENALTIES AS PROVIDED IN § 20–612 OF THE INSURANCE ARTICLE; AND

(II) IF CONDITIONS SPECIFIED UNDER § 20–612 OF THE INSURANCE ARTICLE ARE NOT MET, MAY REINSTATE THE WAIVED DELINQUENT UNINSURED MOTORIST PENALTIES.

SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration and the Uninsured Division of the Maryland Automobile Insurance Fund shall:

(1) work together to ensure that, to the fullest extent possible, the programming and other work accomplished by the Motor Vehicle Administration and its vendor during the implementation of the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured during 2017 be made available to implement this Act; and

SECTION 3. AND BE IT FURTHER ENACTED, That the Uninsured Division of the Maryland Automobile Insurance Fund shall:

(1) (i) meet with and solicit input from other insurers, producers and producer associations, premium finance companies, the Maryland Insurance Administration, the Motor Vehicle Administration, consumer groups, and others as determined by the Uninsured Division concerning the implementation of methods or programs aimed at reducing the number of uninsured motorists; and
(ii) in meeting with and soliciting input from the parties specified under item (i) of this item:

1. determine a targeted reduced amount of the rate of uninsured motorists in the State that may be achieved with the implementation of methods or programs;

2. identify methods or programs that could be effective in reducing the number of uninsured motorists, including providing insurance premium credits or other rate subsidies to vehicle owners who are unable to afford insurance;

3. consider the involvement of other insurers and producers for each method or program;

4. identify the amount of funds needed to implement each method or program and possible sources of additional funding, including:
   A. altering the funding formula under § 17–106 of the Transportation Article; or
   B. requesting funding, if needed, through a budget appropriation beginning with fiscal year 2020; and

(iii) review any other issue that the Uninsured Division considers appropriate relating to reducing the number of uninsured motorists;

(2) determine the effectiveness of efforts to educate consumers regarding:

(i) the security requirements under the Maryland Vehicle Law, including the proof of insurance provisions;

(ii) the sources of automobile insurance in the State, including private insurers and the Fund; and

(iii) how to shop for automobile insurance and the methods by which automobile insurance may be purchased, including through insurance producers; and

(3) on or before December 1, 2019, report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) SECTION 4. AND BE IT FURTHER ENACTED, That the Uninsured Division of the Maryland Automobile Insurance Fund shall, within 60 days after the end of the Program period for the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured as established under § 20–612 of the Insurance Article, as enacted by Section
1 of this Act, report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(i) (1) the results of the Program; and

(2) the demographics of the Program participants, including gender, age, and zip code, and the insurance companies with whom participants obtained insurance;

(3) any analysis or information relating to the implementation and effectiveness of the Program that the Uninsured Division considers appropriate; and

(ii) (4) any recommendations to implement another program aimed at reducing the number of uninsured motorists.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 197

(House Bill 979)

AN ACT concerning Property and Casualty Insurance – Travel Insurance – Regulation

FOR the purpose of specifying that a certain insurer that offers or sells a travel insurance policy is required to pay a certain premium tax on certain premiums paid by certain persons; requiring a travel insurer to document the state of residence or principal place of business of the policyholder or certificate holder for certain purposes; specifying the state of residence for different types of policies; requiring travel insurance to be classified and filed as inland marine insurance; providing for the scope and construction of certain coverage; providing that eligibility and underwriting standards for travel insurance may be developed and provided based on certain travel protection plans and certain applicable provisions of law; providing that a travel protection plan may be offered for one price under certain circumstances; subjecting a person that offers or sells travel insurance to certain provisions of law concerning unfair trade practices, with certain exceptions; making it an unfair or deceptive trade practice for a person to offer or sell a travel insurance policy that could never result in a certain payment; requiring that documents provided to a consumer before the purchase of travel insurance be consistent with certain travel insurance policy documents; requiring that a travel insurance policy or certificate containing a certain preexisting condition exclusion clearly disclose the exclusion in a certain manner; providing that a certain policyholder or certificate
holder has at least a certain number of days to review and cancel a certain travel insurance policy or certificate under certain circumstances; requiring an insurer, on the cancellation of the policy or certificate within a certain time period, to provide the policy or certificate holder a certain refund except under certain circumstances; requiring that certain material disclose whether the travel insurance is primary or secondary to other applicable insurance coverage; providing that travel insurance is not subject to coordination of benefits for certain health insurance; providing that it is not an unfair or deceptive trade practice if travel insurance is marketed directly to a consumer through an insurer’s website or by others through an aggregator site under certain circumstances; prohibiting a person from offering or selling travel insurance or a travel protection plan using a certain negative option or opt-out provision; providing that it is not an unfair or deceptive trade practice for a person to include blanket travel insurance with the purchase of a trip under certain circumstances; prohibiting a person from acting or representing itself as a travel administrator except under certain circumstances; exempting a travel administrator and certain employees from certain licensing requirements; authorizing the Maryland Insurance Commissioner to conduct certain investigations or examinations and take certain actions following notice and a hearing for certain purposes; authorizing the Commissioner to adopt certain regulations; altering certain definitions; defining certain terms; providing for the construction of certain terms; providing for the application of this Act; and generally relating to the regulation of travel insurance.

BY repealing and reenacting, without amendments,

Article – Insurance
Section 1–101(a) and 10–101(a), (k), and (p)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 1–101(z), 6–102, and 10–101(j) and (o)
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to

Article – Insurance
Section 11–801 to be under the new subtitle “Subtitle 8. Travel Insurance Premium Rating Review”; and 19–1007 through 19–1005 to be under the new subtitle “Subtitle 10. Travel Insurance”
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Insurance
1–101.

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

(z) (1) “Marine insurance” includes:

(i) insurance against loss or damage in connection with any risk of navigation, transit, or transportation, including war risks, marine builder’s risks and personal property floater risks, to vessels, craft, aircraft, automobiles, trailers, or vehicles of any kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, money, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests, and all other kinds of property and interests:

1. on or under water, on land, or in the air;

2. while being assembled, packed, crated, baled, compressed, or similarly prepared for shipment or while awaiting shipment; or

3. during any delay, storage, transshipment, or incidental reshipment;

(ii) except as provided in paragraph (2) of this subsection, insurance against:

1. loss or damage to a person or property in connection with or as part of marine, inland marine, transit, or transportation insurance arising out of or in connection with the construction, repair, operation, maintenance, or use of the subject matter of the insurance; and

2. legal liability of the insured for loss of or damage to the person or property;

(iii) insurance against loss or damage to precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise or whether in course of transportation or otherwise; [and]

(iv) except as provided in paragraph (2) of this subsection, insurance against loss or damage to bridges, tunnels, other instrumentalities of transportation and communication, auxiliary facilities and related equipment, piers, wharves, docks, slips, other aids to navigation and transportation, dry docks, and marine railways; AND

(V) TRAVEL INSURANCE, AS DEFINED IN § 10–101 OF THIS ARTICLE.

(2) “Marine insurance” does not include:
(i) life insurance, surety bonds, or insurance against loss because of bodily injury to a person arising out of ownership, maintenance, or use of an automobile, UNLESS A PART OF TRAVEL INSURANCE, AS DEFINED IN § 10–101 OF THIS ARTICLE; or

(ii) insurance against loss or damage to buildings that are instrumentalities of transportation and communication, their furniture and furnishings, and fixed contents and supplies stored in the buildings.

6–102.

(a) A tax is imposed on all new and renewal gross direct premiums of each person subject to taxation under this subtitle that are:

(1) allocable to the State; and

(2) written during the preceding calendar year.

(b) Premiums to be taxed include:

(1) the consideration for a surety contract, guaranty contract, or annuity contract;

(2) gross receipts received as a result of capitation payments, supplemental payments, and bonus payments, made to a managed care organization for provider services to an individual who is enrolled in a managed care organization;

(3) subscription charges or other amounts paid to a for-profit health maintenance organization on a predetermined periodic rate basis by a person other than a person subject to the tax under this subtitle as compensation for providing health care services to members;

(4) dividends on life insurance policies that have been applied to buy additional insurance or to shorten the period during which a premium is payable; [and]"}_"}

(5) the part of the gross receipts of a title insurer that is derived from insurance business or guaranty business; AND

(6) THE AMOUNT ALLOCABLE TO TRAVEL INSURANCE, EXCLUDING ANY AMOUNT RECEIVED FOR TRAVEL ASSISTANCE SERVICES OR CANCELLATION FEE WAIVERS, SOLD TO:

(1) AN INDIVIDUAL PRIMARY POLICYHOLDER WHO IS A RESIDENT OF THE STATE;
(II) A PRIMARY CERTIFICATE HOLDER WHO:

1. IS A RESIDENT OF THE STATE; AND

2. WHO ELECTS COVERAGE UNDER A GROUP TRAVEL INSURANCE POLICY; AND OR

(III) A BLANKET TRAVEL INSURANCE POLICYHOLDER THAT:

1. IS A RESIDENT OF THE STATE OR HAS ITS PRINCIPAL PLACE OF BUSINESS OR THE PRINCIPAL PLACE OF AN AFFILIATE OR SUBSIDIARY IN THE STATE; AND

2. HAS PURCHASED BLANKET TRAVEL INSURANCE IN THE STATE FOR ELIGIBLE BLANKET GROUP MEMBERS, SUBJECT TO ANY APPORTIONMENT RULES THAT:

A. APPLY TO THE INSURER ACROSS MULTIPLE TAXING JURISDICTIONS; OR

B. ALLOW THE INSURER TO ALLOCATE PREMIUMS ON AN APPORTIONED BASIS IN A REASONABLE AND EQUITABLE MANNER IN THOSE JURISDICTIONS.

(c) Premiums not to be taxed include:

(1) premiums on policies covering weekly disability benefits on which premiums are payable weekly; or

(2) credits allowed on premiums under policies of industrial insurance because of payment being made to the home office or a branch office of the insurer.

(d) (1) Gross direct premiums or parts of gross direct premiums that are derived from or reasonably attributable to insurance business in the State shall be allocated to the State.

(2) By regulation, the Commissioner may require or allow a method of allocating gross direct premiums written by a person subject to taxation under this subtitle that justly and fairly determines the part of the gross direct premiums that is derived from or reasonably attributable to the person’s insurance business in the State.

(e) (1) Funds accepted by a life insurer under a group contract that provides for an accumulation of funds to buy annuities at future dates may be considered as “gross premiums written”:

(i) on receipt of the funds; or
on the actual application of the funds to buy annuities.

(2) Any funds taxed on receipt and any interest later credited to those funds are not subject to taxation on the purchase of annuities.

(3) Any interest credited to funds that are not taxed on receipt also shall be included in “gross premiums written”.

(4) Each life insurer shall elect between alternatives in paragraph (1) of this subsection.

(5) A life insurer may not change an election between alternatives in paragraph (1) of this subsection without the consent of the Commissioner.

(6) If funds that have been taxed as gross premiums are withdrawn before actually applied to buy annuities, the funds are eligible to be included as returned premiums if otherwise eligible under § 6–104(a)(1) of this subtitle.

(F) FOR PURPOSES OF DETERMINING THE PREMIUMS SUBJECT TO TAXATION UNDER SUBSECTION (B)(6) OF THIS SECTION, A TRAVEL INSURER SHALL DOCUMENT THE STATE OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS OF THE POLICYHOLDER OR CERTIFICATE HOLDER, WHICH SHALL BE:

(1) FOR INDIVIDUAL POLICIES, THE PRIMARY POLICYHOLDER’S STATE, AS SPECIFIED BY THE PRIMARY POLICYHOLDER DURING THE PURCHASE OF THE POLICY;

(2) FOR GROUP POLICIES, THE PRIMARY CERTIFICATE HOLDER’S STATE, AS SPECIFIED DURING THE PURCHASE OF THE COVERAGE; OR

(3) FOR BLANKET POLICIES, THE STATE OF THE PRINCIPAL PLACE OF BUSINESS OF THE PRIMARY BLANKET POLICYHOLDER, AFFILIATE, OR SUBSIDIARY, AS SPECIFIED DURING THE PURCHASE OF THE POLICY.


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

(j) “Limited lines travel insurance producer” means, with respect to travel insurance:

(1) a licensed managing general agent or third party administrator; OR

(2) a licensed insurance producer, INCLUDING A limited lines insurance producer; OR
(3) A TRAVEL ADMINISTRATOR.

(k) “Offer and disseminate” means, with respect to limited lines travel insurance, to:

(1) provide general information, including a description of coverage and price;

(2) process applications; and

(3) collect premiums.

(o) (1) “Travel insurance” means insurance coverage for personal risk incident to planned travel, including:

   (i) interruption or cancellation of a trip or an event;

   (ii) loss of baggage or personal effects;

   (iii) damage to accommodations or a rental vehicle; or

   (iv) sickness, accident, disability, or death occurring during travel, if issued as incidental to the coverage provided by item (i), (ii), (iii), (V), (VI), OR (VII) of this paragraph;

   (V) EMERGENCY EVACUATION;

   (VI) REPATRIATION OF REMAINS; AND

   (VII) ANY OTHER CONTRACTUAL OBLIGATIONS TO INDEMNIFY OR PAY A SPECIFIED AMOUNT TO THE TRAVELER ON DETERMINABLE CONTINGENCIES RELATED TO TRAVEL AS THE COMMISSIONER APPROVES.

(2) “Travel insurance” does not include a major medical plan that provides comprehensive medical protection for a traveler on a trip lasting 6 months or longer, such as an individual working outside the United States or military personnel being deployed.

(p) “Travel retailer” means a business entity that makes, arranges, or offers travel services.

SUBTITLE 8. TRAVEL INSURANCE PREMIUM RATING REVIEW.

11–801.
(A) In this section, “travel insurance” has the meaning stated in § 10–101 of this article.

(B) Notwithstanding any other provision of this article, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance.

(C) Travel insurance may be in the form of an individual, a group, or a blanket policy.

(D) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels if those standards also meet the State’s underwriting standards for inland marine lines of insurance and applicable provisions of § 27–501 of this article.

SUBTITLE 10. TRAVEL INSURANCE.

19–1001.

(A) In this subtitle the following words have the meanings indicated.

(B) “Affiliated insurer” means:

(1) an insurer in the same corporate system as the insurer’s parent; or

(2) a member organization having common ownership, control, operation, or management with the insurer.

(C) “Aggregator site” means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.

(D) “Blanket travel insurance” means a policy of travel insurance issued to any eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.
(E) “CANCELLATION FEE WAIVER” means a noninsurance contractual agreement between a person engaged in the business of arranging or supplying travel and the person’s customer to waive some or all of a nonrefundable cancellation fee provision of the supplier’s underlying travel contract, with or without regard to the reason for cancellation or form of reimbursement.

(F) “Eligible group” means two or more persons who are engaged in a common enterprise or who have an economic, educational, or social affinity or relationship, including:

1. (i) An entity engaged in the business of providing travel or travel services in which, with regard to any particular travel or type of travel or travelers, all members or customers of the group have common exposure to risk attendant to that travel, including:
   1. (i) A tour operator;
   2. (ii) A lodging provider;
   3. (iii) A vacation property owner;
   4. (iv) A hotel or resort;
   5. (v) A travel club;
   6. (vi) A travel agency;
   7. (vii) A property manager;
   8. (viii) A cultural exchange program; and
   9. (ix) A common carrier; and

2. (ii) The operator, owner, or lessor of a means of transportation of passengers in which, with regard to any particular travel or type of travel or travelers, all members or customers of the group have common exposure to risk attendant to that travel, including:
   1. An airline;
   2. A cruise line;
3. A RAILROAD;

4. A STEAMSHIP COMPANY; AND

5. A PUBLIC BUS CARRIER;

(2) A COLLEGE, SCHOOL, OR ANY OTHER INSTITUTION OF LEARNING PROVIDING TRAVEL INSURANCE COVERAGE FOR STUDENTS, TEACHERS, EMPLOYEES, OR VOLUNTEERS;

(3) AN EMPLOYER PROVIDING TRAVEL INSURANCE COVERAGE FOR EMPLOYEES, VOLUNTEERS, CONTRACTORS, BOARDS OF DIRECTORS, OR DEPENDENTS, OR GUESTS OF THOSE PERSONS;

(4) A SPORTS TEAM, CAMP, OR SPONSOR OF A SPORTS TEAM OR CAMP PROVIDING TRAVEL INSURANCE COVERAGE FOR PARTICIPANTS, MEMBERS, CAMPERS, EMPLOYEES, OFFICIALS, SUPERVISORS, OR VOLUNTEERS;

(5) A RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL, OR CIVIC ORGANIZATION OR BRANCH OF THE RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL, OR CIVIC ORGANIZATION PROVIDING TRAVEL INSURANCE COVERAGE FOR MEMBERS, PARTICIPANTS, OR VOLUNTEERS;

(6) A FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR, OR PARENT HOLDING COMPANY, TRUSTEE, OR AGENT OF, OR DESIGNATED BY, A FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR, PROVIDING TRAVEL INSURANCE COVERAGE FOR ACCOUNT HOLDERS, CREDIT CARD HOLDERS, DEBTORS, GUARANTORS, OR PURCHASERS;

(7) AN INCORPORATED OR UNINCORPORATED ASSOCIATION, INCLUDING A LABOR UNION, THAT:

   (I) HAS A COMMON INTEREST, CONSTITUTION, AND BYLAWS;

   (II) IS ORGANIZED AND MAINTAINED IN GOOD FAITH FOR PURPOSES OTHER THAN OBTAINING INSURANCE FOR MEMBERS OR PARTICIPANTS OF THE ASSOCIATION; AND

   (III) PROVIDES TRAVEL INSURANCE COVERAGE FOR MEMBERS OF THE ASSOCIATION;
(8) A trust or the trustees of a fund, subject to the commissioner’s authorizing the use of a trust and the State’s premium tax provisions under § 6–102 of this article:

(i) established, created, or maintained for the benefit of members, employees, or customers of an association described under item (7) of this subsection; and

(ii) providing travel insurance coverage for members, employees, or customers of the association;

(9) An entertainment production company providing travel insurance coverage for participants, volunteers, audience members, contestants, or workers;

(10) A volunteer fire department, an ambulance, a rescue, a police, a court, or any other volunteer agency having jurisdiction as a first aid or civil defense group and providing travel insurance coverage for members, participants, or volunteers;

(11) A preschool, a day care institution for children or adults, or a senior citizen club providing travel insurance coverage for attendees or participants;

(12) An automobile or truck rental or leasing company:

(i) providing travel insurance coverage for individuals who may become renters, lessees, or passengers defined by the travel status of the individuals on the rented or leased vehicles; and

(ii) if the common carrier, operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder or certificate holder of the travel insurance policy; and

(13) any other group for which the commissioner determines that:

(i) the members of the group are engaged in a common enterprise or have an economic, educational, or social affinity or relationship; and
(II) THE ISSUANCE OF THE POLICY WOULD NOT BE CONTRARY TO THE BEST INTERESTS OF THE PUBLIC.

(G) “FULFILLMENT MATERIAL” MEANS DOCUMENTATION SENT TO THE PURCHASER OF A TRAVEL PROTECTION PLAN CONFIRMING THE PURCHASE AND PROVIDING THE TRAVEL PROTECTION PLAN’S COVERAGE AND ASSISTANCE AND COVERAGE DETAILS, INCLUDING ACCESS TO THE POLICY OR CERTIFICATE OF COVERAGE, AS APPLICABLE.

(H) “GROUP TRAVEL INSURANCE” MEANS TRAVEL INSURANCE THAT PROVIDES COVERAGE FOR CERTIFICATE HOLDERS OF AN ELIGIBLE GROUP UNDER A TRAVEL INSURANCE POLICY ISSUED TO A POLICYHOLDER.

(I) “LIMITED LINES TRAVEL INSURANCE PRODUCER” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(J) “OFFER AND DISSEMINATE” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(K) (1) “TRAVEL ADMINISTRATOR” MEANS A PERSON THAT, IN CONNECTION WITH TRAVEL INSURANCE:

(i) DIRECTLY OR INDIRECTLY UNDERWRITES POLICIES;

(ii) COLLECTS CHARGES, COLLATERAL, OR PREMIUMS; OR

(iii) ADJUSTS OR SETTLES CLAIMS.

(2) “TRAVEL ADMINISTRATOR” DOES NOT INCLUDE A PERSON WHOSE ACTIONS IN CONNECTION WITH TRAVEL INSURANCE ARE LIMITED TO:

(i) WORKING FOR A TRAVEL ADMINISTRATOR TO THE EXTENT THAT THE PERSON’S ACTIVITIES ARE SUBJECT TO THE SUPERVISION AND CONTROL OF THE TRAVEL ADMINISTRATOR;

(ii) AS AN INSURANCE PRODUCER, SELLING INSURANCE OR ENGAGING IN ADMINISTRATIVE AND CLAIMS-RELATED ACTIVITIES WITHIN THE SCOPE OF THE PRODUCER’S LICENSE;

(iii) AS A TRAVEL RETAILER, OFFERING AND DISSEMINATING TRAVEL INSURANCE, IF THE TRAVEL RETAILER IS REGISTERED UNDER THE LICENSE OF A LIMITED LINES TRAVEL INSURANCE PRODUCER IN ACCORDANCE WITH THIS SUBTITLE;
(IV) ADJUSTING OR SETTLING CLAIMS IN THE NORMAL COURSE OF THAT INDIVIDUAL'S PRACTICE OR EMPLOYMENT AS AN ATTORNEY, IF THE INDIVIDUAL DOES NOT COLLECT CHARGES, COLLATERAL, OR PREMIUMS; OR

(V) WITH RESPECT TO A BUSINESS ENTITY, BEING AFFILIATED WITH A LICENSED INSURER WHILE ACTING AS A TRAVEL ADMINISTRATOR FOR THE DIRECT AND ASSUMED INSURANCE BUSINESS OF AN AFFILIATED INSURER.

(†) (K) (1) "TRAVEL ASSISTANCE SERVICE SERVICES" MEANS A NONINSURANCE SERVICE SERVICES:

   (I) FOR WHICH THE CONSUMER IS NOT INDEMNIFIED BASED ON A FORTUITOUS EVENT; AND

   (II) THAT DOES NOT RESULT IN ANY TRANSFER OR SHIFTING OF RISK THAT WOULD CONSTITUTE THE BUSINESS OF INSURANCE.

(2) "TRAVEL ASSISTANCE SERVICE SERVICES" INCLUDES:

   (I) A SECURITY ADVISORY SERVICE;

   (II) A DESTINATION INFORMATION SERVICE;

   (III) A VACCINATION AND IMMUNIZATION INFORMATION SERVICE;

   (IV) A TRAVEL RESERVATION SERVICE;

   (V) AN ENTERTAINMENT SERVICE;

   (VI) AN ACTIVITY AND EVENT PLANNING SERVICE;

   (VII) A TRANSLATION ASSISTANCE SERVICE;

   (VIII) AN EMERGENCY MESSAGING SERVICE;

   (IX) AN INTERNATIONAL LEGAL AND MEDICAL REFERRAL SERVICE;

   (X) A MEDICAL CASE MONITORING SERVICE;

   (XI) COORDINATION OF TRANSPORTATION ARRANGEMENTS;

   (XII) EMERGENCY CASH TRANSFER ASSISTANCE;
(XIII) Medical prescription replacement assistance;

(XIV) Passport and travel document replacement assistance;

(XV) Lost luggage assistance;

(XVI) A concierge service; and

(XVII) Any other service that is furnished in connection with planned travel that is not related to the adjudication of a travel insurance claim, unless otherwise approved by the commissioner in a travel insurance filing.

(M) “Travel insurance” has the meaning stated in § 10–101 of this article.

(M) “Travel protection plan” means a plan that provides, in addition to travel insurance:

(1) A travel assistance service; or

(2) A cancellation fee waiver.

(N) “Travel retailer” has the meaning stated in § 10–101 of this article.

19–1002.

(A) The purpose of this subtitle is to promote the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in the State.

(B) (1) This subtitle applies to travel insurance under policies and certificates delivered or issued for delivery in the State.

(2) (i) Except as otherwise expressly provided in this subtitle, this subtitle does not apply to a cancellation fee waiver or a travel assistance service.

(ii) The following may not be construed to be insurance, as defined in § 1–101 of this article:

1. A cancellation fee waiver; or
2. **A TRAVEL ASSISTANCE SERVICE SERVICES.**

(C) All other applicable provisions of this article apply to travel insurance, except that specific provisions of this subtitle supersede any general provisions of this article.

19–1003.

Notwithstanding § 27–214 of this article, travel protection plans may be offered for one price for the combined features that the travel protection plan offers in the state if:

(1) **The travel protection plan:**

(I) Clearly discloses to the consumer at or before the time of purchase that the plan includes travel insurance and, as applicable, a travel assistance service services or a cancellation fee waiver; and

(II) Provides information and an opportunity at or before the time of purchase for the consumer to obtain additional information regarding the features and pricing of the travel insurance, travel assistance service services, and a cancellation fee waiver, as applicable; and

(2) **The fulfillment material for the travel protection plan:**

(I) Describes and delineates the travel insurance, travel assistance service services, and cancellation fee waiver in the travel protection plan;

(II) Includes the travel insurance disclosures required under state law; and

(III) Includes the contact information for the person providing the travel assistance service services or cancellation fee waiver, as applicable.

19–1004.
(A) (1) Except as otherwise provided in this section, a person involved in offering, soliciting, or negotiating travel insurance to residents of the State is subject to Title 27 of this article.

(2) If there is a conflict between this subtitle and any other provision of this article concerning the sale and marketing of travel insurance or travel protection plans, this subtitle controls.

(B) It is an unfair trade practice under Title 27 of this article for a person to offer or sell a travel insurance policy that could never result in payment of any claim for any insured under the policy.

(C) (1) Documents provided to a consumer before the purchase of travel insurance, including sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy documents itself, including forms, endorsements, policies, rate filings, and certificates of insurance.

(2) If a travel insurance policy or certificate that contains a preexisting condition exclusion shall clearly disclose the exclusion, information and an opportunity to learn more about the preexisting condition exclusion shall be provided any time before the time of purchase and in the travel protection plan’s fulfillment material.

(3) (I) An insurer shall provide a policyholder or certificate holder at least 10 days after the later of the date of purchase of a travel protection plan or the policyholder’s or certificate holder’s receipt, either by physical or electronic means, of the travel protection plan’s fulfillment material to review and, if desired, cancel the policy or certificate.

(II) If the policyholder or certificate holder cancels the policy or certificate within the time period under subparagraph (I) of this paragraph, the insurer shall provide the policyholder or certificate holder a full refund of the travel protection plan price unless the insured has started the covered trip or filed a claim under the travel insurance coverage.

(4) (I) The fulfillment material shall disclose whether the travel insurance is primary or secondary to other applicable coverage.
(II) Travel insurance is not subject to coordination of benefits for health insurance coverage.

(5) Subject to § 10–122 of this article, an action may not be deemed an unfair trade practice in violation of Title 27 of this article or other violation of law if:

(I) Travel insurance is marketed directly to a consumer through an insurer’s website or by another person through an aggregator site;

(II) the insurer’s website or aggregator site provides an accurate summary or short description of travel insurance coverage; and

(III) the consumer has access to the full provisions of the travel insurance policy through electronic means.

(D) Unless otherwise authorized by federal or state law, a person offering or selling travel insurance or a travel protection plan may not offer or sell the travel insurance or travel protection plan on an individual or group basis by using a negative option or an opt-out provision that requires a consumer to take an affirmative action to refuse coverage, including unchecking a box on an electronic form, when the consumer purchases a trip.

(E) It is not an unfair trade practice under Title 27 of this article for a person to include blanket travel insurance with the purchase of a trip if the blanket travel insurance is not marketed as free of charge.

19–1005.

(A) Notwithstanding any other provision of this article, a person may not act as, or represent that the person is, a travel administrator in the state unless the person:

(1) is a licensed producer for property and casualty insurance in the State with an inland marine line of authority for activities permitted under a producer license;

(2) holds a certificate of qualification as a managing general agent under Title 8, Subtitle 2 of this article; or
(3) IS REGISTERED AS A THIRD PARTY ADMINISTRATOR UNDER TITLE 8, SUBTITLE 3 OF THIS ARTICLE.

(B) A TRAVEL ADMINISTRATOR AND THE EMPLOYEES OF THE TRAVEL ADMINISTRATOR ARE EXEMPT FROM THE LICENSING REQUIREMENTS UNDER TITLE 10, SUBTITLE 4 OF THIS ARTICLE FOR TRAVEL INSURANCE CLAIMS.

19–1006.

(A) THE COMMISSIONER MAY CONDUCT INVESTIGATIONS OR EXAMINATIONS OF TRAVEL INSURERS, LIMITED LINES TRAVEL INSURANCE PRODUCERS, TRAVEL RETAILERS, AND TRAVEL ADMINISTRATORS IN ORDER TO ENFORCE THIS SUBTITLE.

(B) THE COMMISSIONER MAY TAKE ACTION, FOLLOWING NOTICE AND A HEARING, NECESSARY OR APPROPRIATE TO ENFORCE THIS SUBTITLE, THE COMMISSIONER’S ORDERS, AND STATE LAWS TO PROTECT CONSUMERS OF TRAVEL INSURANCE IN THE STATE IN ACCORDANCE WITH § 2–201 OF THIS ARTICLE.

19–1007.

THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018, and shall apply to all policies of travel insurance and travel protection plans offered, sold, or issued in the State on or after that date.

Approved by the Governor, April 24, 2018.

Chapter 198

(Senate Bill 652)

AN ACT concerning

Property and Casualty Insurance – Travel Insurance – Regulation

FOR the purpose of specifying that a certain insurer that offers or sells a travel insurance policy is required to pay a certain premium tax on certain premiums paid by certain persons; requiring a travel insurer to document the state of residence or principal place of business of the policyholder or certificate holder for certain purposes; specifying the state of residence for different types of policies; requiring travel
insurance to be classified and filed as inland marine insurance; providing for the scope and construction of certain coverage; providing that eligibility and underwriting standards for travel insurance may be developed and provided based on certain travel protection plans and certain applicable provisions of law; providing that a travel protection plan may be offered for one price under certain circumstances; subjecting a person that offers or sells travel insurance to certain provisions of law concerning unfair trade practices, with certain exceptions; making it an unfair or deceptive trade practice for a person to offer or sell a travel insurance policy that could never result in a certain payment; requiring that documents provided to a consumer before the purchase of travel insurance be consistent with certain travel insurance policy documents; requiring that a travel insurance policy or certificate containing a certain preexisting condition exclusion clearly disclose the exclusion in a certain manner; providing that a certain policyholder or certificate holder has at least a certain number of days to review and cancel a certain travel insurance policy or certificate under certain circumstances; requiring an insurer, on the cancellation of the policy or certificate within a certain time period, to provide the policy or certificate holder a certain refund except under certain circumstances; requiring that certain material disclose whether the travel insurance is primary or secondary to other applicable insurance coverage; providing that travel insurance is not subject to coordination of benefits for certain health insurance; providing that it is not an unfair or deceptive trade practice if travel insurance is marketed directly to a consumer through an insurer’s website or by others through an aggregator site under certain circumstances; prohibiting a person from offering or selling travel insurance or a travel protection plan using a certain negative option or opt-out opt-out provision; providing that it is not an unfair or deceptive trade practice for a person to include blanket travel insurance with the purchase of a trip under certain circumstances; prohibiting a person from acting or representing itself as a travel administrator except under certain circumstances; exempting a travel administrator and certain employees from certain licensing requirements; authorizing the Maryland Insurance Commissioner to conduct certain investigations or examinations and take certain actions following notice and a hearing for certain purposes; authorizing the Commissioner to adopt certain regulations; altering certain definitions; defining certain terms; providing for the construction of certain terms; providing for the application of this Act; and generally relating to the regulation of travel insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 1–101(a) and 10–101(a), (k), and (p)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 1–101(z), 6–102, and 10–101(j) and (o)
Annotated Code of Maryland
(2017 Replacement Volume)
BY adding to
    Article – Insurance
Section 11–801 to be under the new subtitle “Subtitle 8. Travel Insurance Premium Rating Review”; and 19–1001 through 19–1005 to be under the new subtitle “Subtitle 10. Travel Insurance”
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Insurance

1–101.

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

(z) (1) “Marine insurance” includes:

(i) insurance against loss or damage in connection with any risk of navigation, transit, or transportation, including war risks, marine builder’s risks and personal property floater risks, to vessels, craft, aircraft, automobiles, trailers, or vehicles of any kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, money, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests, and all other kinds of property and interests:

1. on or under water, on land, or in the air;

2. while being assembled, packed, crated, baled, compressed, or similarly prepared for shipment or while awaiting shipment; or

3. during any delay, storage, transshipment, or incidental reshipment;

(ii) except as provided in paragraph (2) of this subsection, insurance against:

1. loss or damage to a person or property in connection with or as part of marine, inland marine, transit, or transportation insurance arising out of or in connection with the construction, repair, operation, maintenance, or use of the subject matter of the insurance; and

2. legal liability of the insured for loss of or damage to the person or property;
(iii) insurance against loss or damage to precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise or whether in course of transportation or otherwise; [and]

(iv) except as provided in paragraph (2) of this subsection, insurance against loss or damage to bridges, tunnels, other instrumentalities of transportation and communication, auxiliary facilities and related equipment, piers, wharves, docks, slips, other aids to navigation and transportation, dry docks, and marine railways; AND

(V) TRAVEL INSURANCE, AS DEFINED IN § 10–101 OF THIS ARTICLE.

(2) “Marine insurance” does not include:

(i) life insurance, surety bonds, or insurance against loss because of bodily injury to a person arising out of ownership, maintenance, or use of an automobile, UNLESS A PART OF TRAVEL INSURANCE, AS DEFINED IN § 10–101 OF THIS ARTICLE; or

(ii) insurance against loss or damage to buildings that are instrumentalities of transportation and communication, their furniture and furnishings, and fixed contents and supplies stored in the buildings.

6–102.

(a) A tax is imposed on all new and renewal gross direct premiums of each person subject to taxation under this subtitle that are:

(1) allocable to the State; and

(2) written during the preceding calendar year.

(b) Premiums to be taxed include:

(1) the consideration for a surety contract, guaranty contract, or annuity contract;

(2) gross receipts received as a result of capitation payments, supplemental payments, and bonus payments, made to a managed care organization for provider services to an individual who is enrolled in a managed care organization;

(3) subscription charges or other amounts paid to a for-profit health maintenance organization on a predetermined periodic rate basis by a person other than a person subject to the tax under this subtitle as compensation for providing health care services to members;
(4) dividends on life insurance policies that have been applied to buy additional insurance or to shorten the period during which a premium is payable; [and]

(5) the part of the gross receipts of a title insurer that is derived from insurance business or guaranty business; AND

(6) THE AMOUNT ALLOCABLE TO TRAVEL INSURANCE, EXCLUDING ANY AMOUNT RECEIVED FOR TRAVEL ASSISTANCE SERVICES OR CANCELLATION FEE WAIVERS, SOLD TO:

(I) an individual primary policyholder who is a resident of the State;

(II) a primary certificate holder who:

1. is a resident of the State; and

2. who elects coverage under a group travel insurance policy; AND OR

(III) a blanket travel insurance policyholder that:

1. is a resident of the State or has its principal place of business or the principal place of an affiliate or subsidiary in the State; and

2. has purchased blanket travel insurance in the State for eligible blanket group members, subject to any apportionment rules that:

A. apply to the insurer across multiple taxing jurisdictions; or

B. allow the insurer to allocate premiums on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(c) Premiums not to be taxed include:

(1) premiums on policies covering weekly disability benefits on which premiums are payable weekly; or

(2) credits allowed on premiums under policies of industrial insurance because of payment being made to the home office or a branch office of the insurer.
(d) (1) Gross direct premiums or parts of gross direct premiums that are derived from or reasonably attributable to insurance business in the State shall be allocated to the State.

(2) By regulation, the Commissioner may require or allow a method of allocating gross direct premiums written by a person subject to taxation under this subtitle that justly and fairly determines the part of the gross direct premiums that is derived from or reasonably attributable to the person’s insurance business in the State.

(e) (1) Funds accepted by a life insurer under a group contract that provides for an accumulation of funds to buy annuities at future dates may be considered as “gross premiums written”:

   (i) on receipt of the funds; or

   (ii) on the actual application of the funds to buy annuities.

(2) Any funds taxed on receipt and any interest later credited to those funds are not subject to taxation on the purchase of annuities.

(3) Any interest credited to funds that are not taxed on receipt also shall be included in “gross premiums written”.

(4) Each life insurer shall elect between alternatives in paragraph (1) of this subsection.

(5) A life insurer may not change an election between alternatives in paragraph (1) of this subsection without the consent of the Commissioner.

(6) If funds that have been taxed as gross premiums are withdrawn before actually applied to buy annuities, the funds are eligible to be included as returned premiums if otherwise eligible under § 6–104(a)(1) of this subtitle.

(F) FOR PURPOSES OF DETERMINING THE PREMIUMS SUBJECT TO TAXATION UNDER SUBSECTION (B)(6) OF THIS SECTION, A TRAVEL INSURER SHALL DOCUMENT THE STATE OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS OF THE POLICYHOLDER OR CERTIFICATE HOLDER, WHICH SHALL BE:

(1) FOR INDIVIDUAL POLICIES, THE PRIMARY POLICYHOLDER’S STATE, AS SPECIFIED BY THE PRIMARY POLICYHOLDER DURING THE PURCHASE OF THE POLICY;

(2) FOR GROUP POLICIES, THE PRIMARY CERTIFICATE HOLDER’S STATE, AS SPECIFIED DURING THE PURCHASE OF THE COVERAGE; OR
(3) FOR BLANKET POLICIES, THE STATE OF THE PRINCIPAL PLACE OF BUSINESS OF THE PRIMARY BLANKET POLICYHOLDER, AFFILIATE, OR SUBSIDIARY, AS SPECIFIED DURING THE PURCHASE OF THE POLICY.


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

(j) “Limited lines travel insurance producer” means, with respect to travel insurance:

(1) a licensed managing general agent or third party administrator; 
(2) a licensed insurance producer, INCLUDING A limited lines insurance producer; OR

(3) A TRAVEL ADMINISTRATOR.

(k) “Offer and disseminate” means, with respect to limited lines travel insurance, to:

(1) provide general information, including a description of coverage and price;

(2) process applications; and

(3) collect premiums.

(o) (1) “Travel insurance” means insurance coverage for personal risk incident to planned travel, including:

(i) interruption or cancellation of a trip or an event;

(ii) loss of baggage or personal effects;

(iii) damage to accommodations or a rental vehicle; 

(iv) sickness, accident, disability, or death occurring during travel, if issued as incidental to the coverage provided by item (i), (ii), or (iii), (V), (VI), OR (VII) of this paragraph;

(V) EMERGENCY EVACUATION;

(VI) REPATRIATION OF REMAINS; AND
(VII) ANY OTHER CONTRACTUAL OBLIGATIONS TO INDEMNIFY OR PAY A SPECIFIED AMOUNT TO THE TRAVELER ON DETERMINABLE CONTINGENCIES RELATED TO TRAVEL AS THE COMMISSIONER APPROVES.

(2) “Travel insurance” does not include a major medical plan that provides comprehensive medical protection for a traveler on a trip lasting 6 months or longer, such as an individual working outside the United States or military personnel being deployed.

(p) “Travel retailer” means a business entity that makes, arranges, or offers travel services.

SUBTITLE 8. TRAVEL INSURANCE PREMIUM RATING REVIEW.

11–801.

(A) IN THIS SECTION, “TRAVEL INSURANCE” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, TRAVEL INSURANCE SHALL BE CLASSIFIED AND FILED FOR PURPOSES OF RATES AND FORMS UNDER AN INLAND MARINE LINE OF INSURANCE.

(C) TRAVEL INSURANCE MAY BE IN THE FORM OF AN INDIVIDUAL, A GROUP, OR A BLANKET POLICY.

(D) ELIGIBILITY AND UNDERWRITING STANDARDS FOR TRAVEL INSURANCE MAY BE DEVELOPED AND PROVIDED BASED ON TRAVEL PROTECTION PLANS DESIGNED FOR INDIVIDUAL OR IDENTIFIED MARKETING OR DISTRIBUTION CHANNELS IF THOSE STANDARDS ALSO MEET THE STATE’S UNDERWRITING STANDARDS FOR INLAND MARINE LINES OF INSURANCE AND APPLICABLE PROVISIONS OF § 27–501 OF THIS ARTICLE.

SUBTITLE 10. TRAVEL INSURANCE.

19–1001.

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

(B) “AFFILIATED INSURER” MEANS:

(1) AN INSURER IN THE SAME CORPORATE SYSTEM AS THE INSURER’S PARENT; OR
(2) A MEMBER ORGANIZATION HAVING COMMON OWNERSHIP, CONTROL, OPERATION, OR MANAGEMENT WITH THE INSURER.

(C) “AGGREGATOR SITE” MEANS A WEBSITE THAT PROVIDES ACCESS TO INFORMATION REGARDING INSURANCE PRODUCTS FROM MORE THAN ONE INSURER, INCLUDING PRODUCT AND INSURER INFORMATION, FOR USE IN COMPARISON SHOPPING.

(D) “BLANKET TRAVEL INSURANCE” MEANS A POLICY OF TRAVEL INSURANCE ISSUED TO ANY ELIGIBLE GROUP PROVIDING COVERAGE FOR SPECIFIC CLASSES OF PERSONS DEFINED IN THE POLICY WITH COVERAGE PROVIDED TO ALL MEMBERS OF THE ELIGIBLE GROUP WITHOUT A SEPARATE CHARGE TO INDIVIDUAL MEMBERS OF THE ELIGIBLE GROUP.

(E) “CANCELLATION FEE WAIVER” MEANS A NONINSURANCE CONTRACTUAL AGREEMENT BETWEEN A PERSON ENGAGED IN THE BUSINESS OF ARRANGING OR SUPPLYING TRAVEL AND THE PERSON’S CUSTOMER TO WAIVE SOME OR ALL OF A NONREFUNDABLE CANCELLATION FEE PROVISION OF THE SUPPLIER’S UNDERLYING TRAVEL CONTRACT, WITH OR WITHOUT REGARD TO THE REASON FOR CANCELLATION OR FORM OF REIMBURSEMENT.

(F) “ELIGIBLE GROUP” MEANS TWO OR MORE PERSONS WHO ARE ENGAGED IN A COMMON ENTERPRISE OR WHO HAVE AN ECONOMIC, EDUCATIONAL, OR SOCIAL AFFINITY OR RELATIONSHIP, INCLUDING:

(1) (1) (i) AN ENTITY ENGAGED IN THE BUSINESS OF PROVIDING TRAVEL OR TRAVEL SERVICES IN WHICH, WITH REGARD TO ANY PARTICULAR TRAVEL OR TYPE OF TRAVEL OR TRAVELERS, ALL MEMBERS OR CUSTOMERS OF THE GROUP HAVE COMMON EXPOSURE TO RISK ATTENDANT TO THAT TRAVEL, INCLUDING:

1. (i) A TOUR OPERATOR;

2. (ii) A LODGING PROVIDER;

3. (iii) A VACATION PROPERTY OWNER;

4. (iv) A HOTEL OR RESORT;

5. (v) A TRAVEL CLUB;

6. (vi) A TRAVEL AGENCY;

7. (vii) A PROPERTY MANAGER;
S. (VIII) A CULTURAL EXCHANGE PROGRAM; AND

S. (IX) A COMMON CARRIER; AND

(T) (X) THE OPERATOR, OWNER, OR LESSOR OF A MEANS OF TRANSPORTATION OF PASSENGERS IN WHICH, WITH REGARD TO ANY PARTICULAR TRAVEL OR TYPE OF TRAVEL OR TRAVELERS, ALL MEMBERS OR CUSTOMERS OF THE GROUP HAVE COMMON EXPOSURE TO RISK ATTENDANT TO THAT TRAVEL, INCLUDING:

1. AN AIRLINE;

2. A CRUISE LINE;

3. A RAILROAD;

4. A STEAMSHIP COMPANY; AND

5. A PUBLIC BUS CARRIER;

(2) A COLLEGE, SCHOOL, OR ANY OTHER INSTITUTION OF LEARNING PROVIDING TRAVEL INSURANCE COVERAGE FOR STUDENTS, TEACHERS, EMPLOYEES, OR VOLUNTEERS;

(3) AN EMPLOYER PROVIDING TRAVEL INSURANCE COVERAGE FOR EMPLOYEES, VOLUNTEERS, CONTRACTORS, BOARDS OF DIRECTORS, OR DEPENDENTS, OR GUESTS OF THOSE PERSONS;

(4) A SPORTS TEAM, CAMP, OR SPONSOR OF A SPORTS TEAM OR CAMP PROVIDING TRAVEL INSURANCE COVERAGE FOR PARTICIPANTS, MEMBERS, CAMPERS, EMPLOYEES, OFFICIALS, SUPERVISORS, OR VOLUNTEERS;

(5) A RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL, OR CIVIC ORGANIZATION OR BRANCH OF THE RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL, OR CIVIC ORGANIZATION PROVIDING TRAVEL INSURANCE COVERAGE FOR MEMBERS, PARTICIPANTS, OR VOLUNTEERS;

(6) A FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR, OR PARENT HOLDING COMPANY, TRUSTEE, OR AGENT OF, OR DESIGNATED BY, A FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR, PROVIDING TRAVEL INSURANCE COVERAGE FOR ACCOUNT HOLDERS, CREDIT CARD HOLDERS, DEBTORS, GUARANTORS, OR PURCHASERS;
(7) AN INCORPORATED OR UNINCORPORATED ASSOCIATION, INCLUDING A LABOR UNION, THAT:

(I) HAS A COMMON INTEREST, CONSTITUTION, AND BYLAWS;

(II) IS ORGANIZED AND MAINTAINED IN GOOD FAITH FOR PURPOSES OTHER THAN OBTAINING INSURANCE FOR MEMBERS OR PARTICIPANTS OF THE ASSOCIATION; AND

(III) PROVIDES TRAVEL INSURANCE COVERAGE FOR MEMBERS OF THE ASSOCIATION;

(8) A TRUST OR THE TRUSTEES OF A FUND, SUBJECT TO THE COMMISSIONER’S AUTHORIZING THE USE OF A TRUST AND THE STATE’S PREMIUM TAX PROVISIONS UNDER § 6–102 OF THIS ARTICLE:

(I) ESTABLISHED, CREATED, OR MAINTAINED FOR THE BENEFIT OF MEMBERS, EMPLOYEES, OR CUSTOMERS OF AN ASSOCIATION DESCRIBED UNDER ITEM (7) OF THIS SUBSECTION; AND

(II) PROVIDING TRAVEL INSURANCE COVERAGE FOR MEMBERS, EMPLOYEES, OR CUSTOMERS OF THE ASSOCIATION;

(9) AN ENTERTAINMENT PRODUCTION COMPANY PROVIDING TRAVEL INSURANCE COVERAGE FOR PARTICIPANTS, VOLUNTEERS, AUDIENCE MEMBERS, CONTESTANTS, OR WORKERS;

(10) A VOLUNTEER FIRE DEPARTMENT, AN AMBULANCE, A RESCUE, A POLICE, A COURT, OR ANY OTHER VOLUNTEER AGENCY HAVING JURISDICTION AS A FIRST AID OR CIVIL DEFENSE GROUP AND PROVIDING TRAVEL INSURANCE COVERAGE FOR MEMBERS, PARTICIPANTS, OR VOLUNTEERS;

(11) A PRESCHOOL, A DAY CARE INSTITUTION FOR CHILDREN OR ADULTS, OR A SENIOR CITIZEN CLUB PROVIDING TRAVEL INSURANCE COVERAGE FOR ATTENDEES OR PARTICIPANTS;

(12) AN AUTOMOBILE OR TRUCK RENTAL OR LEASING COMPANY:

(I) PROVIDING TRAVEL INSURANCE COVERAGE FOR INDIVIDUALS WHO MAY BECOME RENTERS, LESSEES, OR PASSENGERS DEFINED BY THE TRAVEL STATUS OF THE INDIVIDUALS ON THE RENTED OR LEASED VEHICLES; AND
(II) IF THE COMMON CARRIER, OPERATOR, OWNER, OR LESSOR OF A MEANS OF TRANSPORTATION, OR THE AUTOMOBILE OR TRUCK RENTAL OR LEASING COMPANY, IS THE POLICYHOLDER OR CERTIFICATE HOLDER OF THE TRAVEL INSURANCE POLICY; AND

(13) ANY OTHER GROUP FOR WHICH THE COMMISSIONER DETERMINES THAT:

(I) THE MEMBERS OF THE GROUP ARE ENGAGED IN A COMMON ENTERPRISE OR HAVE AN ECONOMIC, EDUCATIONAL, OR SOCIAL AFFINITY OR RELATIONSHIP; AND

(II) THE ISSUANCE OF THE POLICY WOULD NOT BE CONTRARY TO THE BEST INTERESTS OF THE PUBLIC.

(G) “FULFILLMENT MATERIAL” MEANS DOCUMENTATION SENT TO THE PURCHASER OF A TRAVEL PROTECTION PLAN CONFIRMING THE PURCHASE AND PROVIDING THE TRAVEL PROTECTION PLAN’S COVERAGE AND ASSISTANCE AND COVERAGE DETAILS, INCLUDING ACCESS TO THE POLICY OR CERTIFICATE OF COVERAGE, AS APPLICABLE.

(H) “GROUP TRAVEL INSURANCE” MEANS TRAVEL INSURANCE THAT PROVIDES COVERAGE FOR CERTIFICATE HOLDERS OF AN ELIGIBLE GROUP UNDER A TRAVEL INSURANCE POLICY ISSUED TO A POLICYHOLDER.

(I) “LIMITED LINES TRAVEL INSURANCE PRODUCER” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(J) “OFFER AND DISSEMINATE” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(K) (1) “TRAVEL ADMINISTRATOR” MEANS A PERSON THAT, IN CONNECTION WITH TRAVEL INSURANCE:

(I) DIRECTLY OR INDIRECTLY UNDERWRITES POLICIES;

(II) COLLECTS CHARGES, COLLATERAL, OR PREMIUMS; OR

(III) ADJUSTS OR SETTLES CLAIMS.

(2) “TRAVEL ADMINISTRATOR” DOES NOT INCLUDE A PERSON WHOSE ACTIONS IN CONNECTION WITH TRAVEL INSURANCE ARE LIMITED TO:
(I) WORKING FOR A TRAVEL ADMINISTRATOR TO THE EXTENT THAT THE PERSON’S ACTIVITIES ARE SUBJECT TO THE SUPERVISION AND CONTROL OF THE TRAVEL ADMINISTRATOR;

(II) AS AN INSURANCE PRODUCER, SELLING INSURANCE OR ENGAGING IN ADMINISTRATIVE AND CLAIMS RELATED ACTIVITIES WITHIN THE SCOPE OF THE PRODUCER’S LICENSE;

(III) AS A TRAVEL RETAILER, OFFERING AND DISSEMINATING TRAVEL INSURANCE, IF THE TRAVEL RETAILER IS REGISTERED UNDER THE LICENSE OF A LIMITED LINES TRAVEL INSURANCE PRODUCER IN ACCORDANCE WITH THIS SUBTITLE;

(IV) ADJUSTING OR SETTLING CLAIMS IN THE NORMAL COURSE OF THAT INDIVIDUAL’S PRACTICE OR EMPLOYMENT AS AN ATTORNEY, IF THE INDIVIDUAL DOES NOT COLLECT CHARGES, COLLATERAL, OR PREMIUMS; OR

(V) WITH RESPECT TO A BUSINESS ENTITY, BEING AFFILIATED WITH A LICENSED INSURER WHILE ACTING AS A TRAVEL ADMINISTRATOR FOR THE DIRECT AND ASSUMED INSURANCE BUSINESS OF AN AFFILIATED INSURER.

(L) (K) (1) “TRAVEL ASSISTANCE SERVICE SERVICES” MEANS A NONINSURANCE SERVICE:

(I) FOR WHICH THE CONSUMER IS NOT INDEMNIFIED BASED ON A FORTUITOUS EVENT; AND

(II) THAT DOES NOT RESULT IN ANY TRANSFER OR SHIFTING OF RISK THAT WOULD CONSTITUTE THE BUSINESS OF INSURANCE.

(2) “TRAVEL ASSISTANCE SERVICE SERVICES” INCLUDES:

(I) A SECURITY ADVISORY SERVICE;

(II) A DESTINATION INFORMATION SERVICE;

(III) A VACCINATION AND IMMUNIZATION INFORMATION SERVICE;

(IV) A TRAVEL RESERVATION SERVICE;

(V) AN ENTERTAINMENT SERVICE;

(VI) AN ACTIVITY AND EVENT PLANNING SERVICE;
(VII) A TRANSLATION ASSISTANCE SERVICE;

(VIII) AN EMERGENCY MESSAGING SERVICE;

(IX) AN INTERNATIONAL LEGAL AND MEDICAL REFERRAL SERVICE;

(X) A MEDICAL CASE MONITORING SERVICE;

(XI) COORDINATION OF TRANSPORTATION ARRANGEMENTS;

(XII) EMERGENCY CASH TRANSFER ASSISTANCE;

(XIII) MEDICAL PRESCRIPTION REPLACEMENT ASSISTANCE;

(XIV) PASSPORT AND TRAVEL DOCUMENT REPLACEMENT ASSISTANCE;

(XV) LOST LUGGAGE ASSISTANCE;

(XVI) A CONCIERGE SERVICE; AND

(XVII) ANY OTHER SERVICE SERVICES THAT IS ARE FURNISHED IN CONNECTION WITH PLANNED TRAVEL THAT IS NOT RELATED TO THE ADJUDICATION OF A TRAVEL INSURANCE CLAIM, UNLESS OTHERWISE APPROVED BY THE COMMISSIONER IN A TRAVEL INSURANCE FILING.

(M) (L) “TRAVEL INSURANCE” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(M) (M) “TRAVEL PROTECTION PLAN” MEANS A PLAN THAT PROVIDES, IN ADDITION TO TRAVEL INSURANCE:

(1) A TRAVEL ASSISTANCE SERVICE SERVICES; OR

(2) A CANCELLATION FEE WAIVER.

(N) (N) “TRAVEL RETAILER” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

19–1002.
(A) The purpose of this subtitle is to promote the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in the State.

(B) (1) This subtitle applies to travel insurance under policies and certificates delivered or issued for delivery in the State.

(2) (I) Except as otherwise expressly provided in this subtitle, this subtitle does not apply to a cancellation fee waiver or a travel assistance service services.

(II) The following may not be construed to be insurance, as defined in § 1–101 of this article:

1. A cancellation fee waiver; or

2. A travel assistance service services.

(C) All other applicable provisions of this article apply to travel insurance, except that specific provisions of this subtitle supersede any general provisions of this article.

19–1003.

Notwithstanding § 27–214 of this article, travel protection plans may be offered for one price for the combined features that the travel protection plan offers in the State if:

(1) The travel protection plan:

(I) Clearly discloses to the consumer at or before the time of purchase that the plan includes travel insurance and, as applicable, a travel assistance service services or a cancellation fee waiver; and

(II) Provides information and an opportunity at or before the time of purchase for the consumer to obtain additional information regarding the features and pricing of the travel insurance, travel assistance service services, and a cancellation fee waiver, as applicable; and

(2) The fulfillment material for the travel protection plan:
(I) DESCRIBES AND Delineates the Travel Insurance, Travel Assistance Services, and Cancellation Fee Waiver in the Travel Protection Plan;

(II) Includes the Travel Insurance Disclosures Required under State Law; and

(III) Includes the Contact Information for the Person Providing the Travel Assistance Services or Cancellation Fee Waiver, as Applicable.

19–1004.

(A) (1) Except as otherwise provided in this section, a person involved in offering, soliciting, or negotiating Travel Insurance to residents of the state is subject to Title 27 of this article.

(2) If there is a conflict between this Subtitle and any other provision of this article concerning the sale and marketing of Travel Insurance or Travel Protection Plans, this Subtitle controls.

(B) It is an unfair trade practice under Title 27 of this article for a person to offer or sell a Travel Insurance Policy that could never result in payment of any claim for any Insured under the Policy.

(C) (1) Documents provided to a Consumer before the purchase of Travel Insurance, including Sales Materials, Advertising Materials, and Marketing Materials, shall be consistent with the Travel Insurance Policy Documents Itself, including Forms, Endorsements, Policies, Rate Filings, and Certificates of Insurance.

(2) If a Travel Insurance Policy or Certificate That Contains a Preexisting Condition Exclusion Shall Clearly Disclose the Exclusion, Information and an Opportunity to Learn More about the Preexisting Condition Exclusion Shall be Provided Any Time before the Time of Purchase and in the Travel Protection Plan’s Fulfillment Material.

(3) (I) An Insurer Shall Provide a Policyholder or Certificate Holder at Least 10 Days After the Later of the Date of Purchase of a Travel Protection Plan or the Policyholder’s or Certificate Holder’s Receipt, Either by Physical or Electronic Means, of the Travel Protection Plan’s Fulfillment Material to Review and, If Desired, Cancel the Policy or Certificate.
(II) If the policyholder or certificate holder cancels the policy or certificate within the time period under subparagraph (I) of this paragraph, the insurer shall provide the policyholder or certificate holder a full refund of the travel protection plan price unless the insured has started the covered trip or filed a claim under the travel insurance coverage.

(4) (I) The fulfillment material shall disclose whether the travel insurance is primary or secondary to other applicable coverage.

(II) Travel insurance is not subject to coordination of benefits for health insurance coverage.

(5) Subject to § 10–122 of this article, an action may not be deemed an unfair trade practice in violation of Title 27 of this article or other violation of law if:

(I) Travel insurance is marketed directly to a consumer through an insurer’s website or by another person through an aggregator site;

(II) The insurer’s website or aggregator site provides an accurate summary or short description of travel insurance coverage; and

(III) The consumer has access to the full provisions of the travel insurance policy through electronic means.

(D) Unless otherwise authorized by federal or state law, a person offering or selling travel insurance or a travel protection plan may not offer or sell the travel insurance or travel protection plan on an individual or group basis by using a negative option or an opt-out provision that requires a consumer to take an affirmative action to refuse coverage, including unchecking a box on an electronic form, when the consumer purchases a trip.

(E) It is not an unfair trade practice under Title 27 of this article for a person to include blanket travel insurance with the purchase of a trip if the blanket travel insurance is not marketed as free of charge.

19–1005.
(A) Notwithstanding any other provision of this article, a person may not act as, or represent that the person is, a travel administrator in the State unless the person:

(1) is a licensed producer for property and casualty insurance in the State with an inland marine line of authority for activities permitted under a producer license;

(2) holds a certificate of qualification as a managing general agent under Title 8, Subtitle 2 of this article; or

(3) is registered as a third party administrator under Title 8, Subtitle 3 of this article.

(B) A travel administrator and the employees of the travel administrator are exempt from the licensing requirements under Title 10, Subtitle 4 of this article for travel insurance claims.

19–1006.

(A) The Commissioner may conduct investigations or examinations of travel insurers, limited lines travel insurance producers, travel retailers, and travel administrators in order to enforce this subtitle.

(B) The Commissioner may take action, following notice and a hearing, necessary or appropriate to enforce this subtitle, the Commissioner’s orders, and State laws to protect consumers of travel insurance in the State in accordance with § 2–201 of this article.

19–1007.

The Commissioner may adopt regulations to carry out this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018, and shall apply to all policies of travel insurance and travel protection plans offered, sold, or issued in the State on or after that date.

Approved by the Governor, April 24, 2018.
Chapter 199
(House Bill 47)

AN ACT concerning

Electronic Nicotine Delivery Systems Retailer License – Sales Through Mail or Electronic Network Licenses – Modifications

FOR the purpose of authorizing the holder of an electronic nicotine delivery systems retailer license to make sales to consumers through the mail, a computer network, a telephonic network, or another electronic network; repealing a certain authorization relating to electronic nicotine delivery systems storage warehouses; authorizing the holder of an electronic nicotine delivery systems wholesaler distributor license or an electronic nicotine delivery systems wholesaler importer license to sell electronic nicotine delivery systems to vape shop vendors; authorizing the holder of a vape shop vendor license to buy electronic nicotine delivery systems from an electronic nicotine delivery systems wholesaler distributor or an electronic nicotine delivery systems wholesaler importer; making this Act an emergency measure; and generally relating to the sale of electronic nicotine delivery systems.

BY repealing and reenacting, with amendments,

Article – Business Regulation
Section 16.7–204(b), (c), and (d)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

16.7–204.

(b) [(1)] An electronic nicotine delivery systems retailer license authorizes the licensee to:

[(i)] (1) except as provided in paragraph (2) of this subsection, sell electronic nicotine delivery systems to consumers;

[(ii)] (2) buy electronic nicotine delivery systems from an electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer;

[(iii)] (3) if the electronic nicotine delivery systems retailer licensee also holds a license to act as an electronic nicotine delivery systems manufacturer, sell at
retail electronic nicotine delivery systems manufactured under the manufacturer license; and

[(iv) (4)] except as otherwise prohibited or restricted under local law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article, distribute sample electronic nicotine delivery systems products to consumers in the State.

[(2) An electronic nicotine delivery systems retailer license does not authorize the licensee to ship, sell, or cause to be shipped to a consumer who purchases or orders an electronic nicotine delivery system through the mail, a computer network, a telephonic network, or another electronic network.]

(c) An electronic nicotine delivery systems wholesaler distributor license or electronic nicotine delivery systems wholesaler importer license authorizes the licensee to:

(1) sell electronic nicotine delivery systems to electronic nicotine delivery systems retailers AND VAPE SHOP VENDORS;

(2) buy electronic nicotine delivery systems directly from an electronic nicotine delivery systems manufacturer and an electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer;

(3) hold electronic nicotine delivery systems; AND

(4) sell electronic nicotine delivery systems to another licensed electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer; and

(5) store electronic nicotine delivery systems at a licensed electronic nicotine delivery systems storage warehouse.

(d) A vape shop vendor license authorizes the licensee to:

(3) buy electronic nicotine delivery systems from an electronic nicotine delivery systems manufacturer, AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR, OR AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER.

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 yea 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, April 24, 2018.
Chapter 200

(Senate Bill 90)

AN ACT concerning

Electronic Nicotine Delivery Systems Retailer License—Sales Through Mail or Electronic Network Licenses—Modifications

FOR the purpose of authorizing the holder of an electronic nicotine delivery systems retailer license to make sales to consumers through the mail, a computer network, a telephonic network, or another electronic network; repealing a certain authorization relating to electronic nicotine delivery systems storage warehouses; authorizing the holder of an electronic nicotine delivery systems wholesaler distributor license or an electronic nicotine delivery systems wholesaler importer license to sell electronic nicotine delivery systems to vape shop vendors; authorizing the holder of a vape shop vendor license to buy electronic nicotine delivery systems from an electronic nicotine delivery systems wholesaler distributor or an electronic nicotine delivery systems wholesaler importer; making this Act an emergency measure; and generally relating to the sale of electronic nicotine delivery systems.

BY repealing and reenacting, with amendments,

Article – Business Regulation
Section 16.7–204(b), (c), and (d)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

16.7–204.

(b) (1) An electronic nicotine delivery systems retailer license authorizes the licensee to:

   (i) (1) except as provided in paragraph (2) of this subsection.] sell electronic nicotine delivery systems to consumers;

   (ii) (2) buy electronic nicotine delivery systems from an electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer;

   (iii) (3) if the electronic nicotine delivery systems retailer licensee also holds a license to act as an electronic nicotine delivery systems manufacturer, sell at
retail electronic nicotine delivery systems manufactured under the manufacturer license; and

[(iv) (4)] except as otherwise prohibited or restricted under local law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article, distribute sample electronic nicotine delivery systems products to consumers in the State.

[(2)] An electronic nicotine delivery systems retailer license does not authorize the licensee to ship, sell, or cause to be shipped to a consumer who purchases or orders an electronic nicotine delivery system through the mail, a computer network, a telephonic network, or another electronic network.]

(c) An electronic nicotine delivery systems wholesaler distributor license or electronic nicotine delivery systems wholesaler importer license authorizes the licensee to:

(1) sell electronic nicotine delivery systems to electronic nicotine delivery systems retailers AND VAPE SHOP VENDORS;

(2) buy electronic nicotine delivery systems directly from an electronic nicotine delivery systems manufacturer and an electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer;

(3) hold electronic nicotine delivery systems; AND

(4) sell electronic nicotine delivery systems to another licensed electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer; and

(5) store electronic nicotine delivery systems at a licensed electronic nicotine delivery systems storage warehouse.

(d) A vape shop vendor license authorizes the licensee to:

(3) buy electronic nicotine delivery systems from an electronic nicotine delivery systems manufacturer, AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR, OR AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER.

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 yea 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, April 24, 2018.
Chapter 201

(House Bill 412)

AN ACT concerning

Health Insurance – Medical Stop–Loss Insurance – Repeal of Sunset

FOR the purpose of repealing the termination date of certain provisions of law relating to medical stop–loss insurance; and generally relating to medical stop–loss insurance.

BY repealing and reenacting, with amendments,


Section 4

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

Chapter 494 of the Acts of 2015

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. [It shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2018, 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 June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 202

(Senate Bill 207)

AN ACT concerning

Health Insurance – Medical Stop–Loss Insurance – Repeal of Sunset

FOR the purpose of repealing the termination date of certain provisions of law relating to medical stop–loss insurance; and generally relating to medical stop–loss insurance.

BY repealing and reenacting, with amendments,


Section 4
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Chapter 494 of the Acts of 2015

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. [It shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2018, 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 June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 203

(House Bill 371)

AN ACT concerning

Emergency Medical Services – Emergency Medical Services Board – Appointments

FOR the purpose of repealing a provision that prohibits the Governor from appointing a member of the Board of Regents of the University System of Maryland, a member of the Board of Directors of the Medical System Corporation, or an officer or a full–time employee of the Medical System Corporation or the University of Maryland, Baltimore Campus to the Emergency Medical Services Board; prohibiting the Governor from appointing more than two persons from the same health system, a health system and medical school that are affiliated, or medical schools under the same governing board to the Emergency Medical Services Board; and generally relating to appointments to the Emergency Medical Services Board.

BY repealing and reenacting, without amendments,

Article – Education
Section 13–503
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 13–505
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

13–503.

(a) There is a Maryland Institute for Emergency Medical Services Systems.

(b) The Institute is an independent agency located at the University of Maryland, Baltimore Campus.

(c) The Institute shall be governed by the State Emergency Medical Services Board.

(d) Funding for the Institute shall be from:

(1) The surcharge imposed under § 13–954 of the Transportation Article;

(2) General funds; and

(3) Funds from any other source.

13–505.

(a) (1) The EMS Board consists of 11 members appointed by the Governor.

(2) Of the 11 members:

(i) One shall be the Secretary of Health or the Secretary’s designee;

(ii) One shall be a representative of the University of Maryland, Baltimore Campus, nominated by the Board of Regents;

(iii) One shall be the chairperson of the Advisory Council;

(iv) One shall be a physician knowledgeable in the delivery of emergency medical services;

(v) One shall be a physician experienced in the clinical care of trauma patients;

(vi) One shall be a nurse experienced in the clinical care of emergency patients;
(vii) One shall be a career firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(viii) One shall be a volunteer firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(ix) One shall be a hospital administrator knowledgeable in the management and delivery of emergency medical services; and

(x) Two shall be from the public at large, one of whom shall reside in a county with a population of less than 175,000.

(b) (1) Each appointed member shall have demonstrated interest or experience in the delivery of emergency medical services.

(2) In appointing members to the EMS Board, the Governor shall take into consideration the five emergency medical service regions of the State to assure a geographic balance in the Board’s membership.

(3) In appointing members to the EMS Board, the Governor shall take into consideration persons:

(i) Recommended by the Advisory Council; or

(ii) Recommended by any statewide organization or association which is interested and involved in the delivery of emergency medical services.

(4) Except as authorized under this section, the Governor may not appoint to the EMS Board any other person who is:

(i) A member of the Board of Regents;

(ii) A member of the Board of Directors of the Medical System Corporation; or

(iii) An officer or full-time employee of the Medical System Corporation or the University MORE THAN TWO PERSONS IN TOTAL FROM:

(I) THE SAME HEALTH SYSTEM;

(II) A HEALTH SYSTEM AND MEDICAL SCHOOL THAT ARE AFFILIATED; OR

(III) MEDICAL SCHOOLS UNDER THE SAME GOVERNING BOARD.
(c) (1) The term of an appointed member is 4 years.

(2) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(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 and qualifies.

(d) Annually, from among the members of the EMS Board:

(1) The Governor shall appoint a chairperson; and

(2) The chairperson shall appoint a vice chairperson.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 204

(Senate Bill 175)

AN ACT concerning Emergency Medical Services – Emergency Medical Services Board – Appointments

FOR the purpose of repealing a provision that prohibits the Governor from appointing a member of the Board of Regents of the University System of Maryland, a member of the Board of Directors of the Medical System Corporation, or an officer, or a full-time employee of the Medical System Corporation or the University of Maryland, Baltimore Campus to the Emergency Medical Services Board; prohibiting the Governor from appointing more than two persons from the same health system, a health system and medical school that are affiliated, or medical schools under the same governing board to the Emergency Medical Services Board; and generally relating to appointments to the Emergency Medical Services Board.

BY repealing and reenacting, without amendments,

Article – Education
Section 13–503
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

13–503.

(a) There is a Maryland Institute for Emergency Medical Services Systems.

(b) The Institute is an independent agency located at the University of Maryland, Baltimore Campus.

(c) The Institute shall be governed by the State Emergency Medical Services Board.

(d) Funding for the Institute shall be from:

(1) The surcharge imposed under § 13–954 of the Transportation Article;

(2) General funds; and

(3) Funds from any other source.

13–505.

(a) (1) The EMS Board consists of 11 members appointed by the Governor.

(2) Of the 11 members:

(i) One shall be the Secretary of Health or the Secretary’s designee;

(ii) One shall be a representative of the University of Maryland, Baltimore Campus, nominated by the Board of Regents;

(iii) One shall be the chairperson of the Advisory Council;

(iv) One shall be a physician knowledgeable in the delivery of emergency medical services;

(v) One shall be a physician experienced in the clinical care of trauma patients;
(vi) One shall be a nurse experienced in the clinical care of emergency patients;

(vii) One shall be a career firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(viii) One shall be a volunteer firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(ix) One shall be a hospital administrator knowledgeable in the management and delivery of emergency medical services; and

(x) Two shall be from the public at large, one of whom shall reside in a county with a population of less than 175,000.

(b) (1) Each appointed member shall have demonstrated interest or experience in the delivery of emergency medical services.

(2) In appointing members to the EMS Board, the Governor shall take into consideration the five emergency medical service regions of the State to assure a geographic balance in the Board’s membership.

(3) In appointing members to the EMS Board, the Governor shall take into consideration persons:

   (i) Recommended by the Advisory Council; or

   (ii) Recommended by any statewide organization or association which is interested and involved in the delivery of emergency medical services.

(4) Except as authorized under this section, the Governor may not appoint to the EMS Board any other person who is:

   (i) A member of the Board of Regents; or

   (ii) A member of the Board of Directors of the Medical System Corporation; or

   (iii) An officer or full-time employee of the Medical System Corporation or the University.

More than two persons in total from:

   (I) THE SAME HEALTH SYSTEM; OR

   (II) A HEALTH SYSTEM AND MEDICAL SCHOOL THAT ARE AFFILIATED; OR
(III) MEDICAL SCHOOLS UNDER THE SAME GOVERNING BOARD.

(c) (1) The term of an appointed member is 4 years.

   (2) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

   (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 and qualifies.

(d) Annually, from among the members of the EMS Board:

   (1) The Governor shall appoint a chairperson; and

   (2) The chairperson shall appoint a vice chairperson.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 205
(House Bill 645)

AN ACT concerning


FOR the purpose of prohibiting a local government from requiring a license or permit, including a certain license, to install, maintain, inspect, replace, or service certain wireless security systems; authorizing a local government to require providers and operators of wireless security systems to comply with certain ordinances and obtain certain registrations or permits; prohibiting a local government from requiring providers and operators of wireless security systems to obtain electrical permits; providing that wireless security systems are not exempt from certain laws; requiring wireless security systems to meet certain State and local codes; defining certain terms; and generally relating to licenses and permits by a local government for wireless security systems.

BY adding to

Article – Business Regulation
Section 19–901 to be under the new subtitle “Subtitle 9. Security Systems”
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

SUBTITLE 9. SECURITY SYSTEMS.

19–901.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) (I) “SECURITY SYSTEM” MEANS ANY BURGLARY ALARM
SYSTEM OR ROBBERY ALARM SYSTEM.

(II) “SECURITY SYSTEM” INCLUDES THE SERVICE OF
MONITORING THE PROPERTY TO WHICH A SECURITY SYSTEM IS ATTACHED IN CASE
OF AN ALARM SOUNDING.

(3) (I) “WIRELESS SECURITY SYSTEM” MEANS A SECURITY SYSTEM
THAT IS DESIGNED TO CARRY A VOLTAGE OF 50 VOLTS OR LESS AND NOT
HARDWIRED.

(II) “WIRELESS SECURITY SYSTEM” INCLUDES ANCILLARY
LOW–VOLTAGE COMPONENTS THAT ARE EITHER WIRELESS OR BATTERY–OPERATED
AND SUPPLEMENTARY SMOKE DETECTORS AS DEFINED IN THE NATIONAL FIRE
PROTECTION ASSOCIATION 72: NATIONAL FIRE ALARM AND SIGNALING CODE.

(B) IF A WIRELESS SECURITY SYSTEM DOES NOT REQUIRE THE SUBMISSION
OF A FIRE PROTECTION PLAN REVIEW TO A LOCAL GOVERNMENT FOR COMPLIANCE
WITH THE STATE OR A LOCAL BUILDING CODE, A LOCAL GOVERNMENT MAY NOT
REQUIRE A ELECTRICAL LICENSE OR AN ELECTRICAL PERMIT TO INSTALL,
MAINTAIN, INSPECT, REPLACE, OR SERVICE THE WIRELESS SECURITY SYSTEM,
INCLUDING A LICENSE TO PERFORM ELECTRICAL WORK.

(C) (1) A LOCAL GOVERNMENT MAY:

(1) REQUIRE A PERSON WHO PROVIDES WIRELESS SECURITY
SYSTEMS TO COMPLY WITH A LOCAL ALARM ORDINANCE OR OBTAIN AN ALARM
BUSINESS REGISTRATION OR PERMIT; AND
(II) REQUIRE A PERSON WHO OPERATES WIRELESS SECURITY SYSTEMS OR CAUSES WIRELESS SECURITY SYSTEMS TO BE OPERATED TO COMPLY WITH A LOCAL ALARM ORDINANCE OR OBTAIN AN ALARM SYSTEM REGISTRATION OR PERMIT.

(2) A LOCAL GOVERNMENT MAY NOT REQUIRE A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO OBTAIN AN ELECTRICAL PERMIT.

(D) WIRELESS SECURITY SYSTEMS ARE NOT EXEMPT FROM TITLE 18 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(E) WIRELESS SECURITY SYSTEMS MUST COMPLY WITH ANY STATE OR LOCAL BUILDING CODES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 206
(Senate Bill 662)

AN ACT concerning


FOR the purpose of prohibiting a local government from requiring a license or permit, including a certain license, to install, maintain, inspect, replace, or service certain wireless security systems; authorizing a local government to require providers and operators of wireless security systems to comply with certain ordinances and obtain certain registrations or permits; prohibiting a local government from requiring providers and operators of wireless security systems to obtain electrical permits; providing that wireless security systems are not exempt from certain laws; requiring wireless security systems to meet certain State and local codes; defining certain terms; and generally relating to licenses and permits by a local government for wireless security systems.

BY adding to
Article – Business Regulation
Section 19–901 to be under the new subtitle “Subtitle 9. Security Systems”
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Business Regulation

SUBTITLE 9. SECURITY SYSTEMS.

19–901.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) (I) “SECURITY SYSTEM” MEANS ANY BURGLARY ALARM
SYSTEM OR ROBBERY ALARM SYSTEM.

(II) “SECURITY SYSTEM” INCLUDES THE SERVICE OF
MONITORING THE PROPERTY TO WHICH A SECURITY SYSTEM IS ATTACHED IN CASE
OF AN ALARM SOUNDING.

(3) (I) “WIRELESS SECURITY SYSTEM” MEANS A SECURITY SYSTEM
THAT IS DESIGNED TO CARRY A VOLTAGE OF 50 VOLTS OR LESS AND NOT
HARDWIRED.

(II) “WIRELESS SECURITY SYSTEM” INCLUDES ANCILLARY
LOW–VOLTAGE COMPONENTS THAT ARE EITHER WIRELESS OR BATTERY–OPERATED
AND SUPPLEMENTARY SMOKE DETECTORS AS DEFINED IN THE NATIONAL FIRE
PROTECTION ASSOCIATION 72: NATIONAL FIRE ALARM AND SIGNALING CODE.

(B) IF A WIRELESS SECURITY SYSTEM DOES NOT REQUIRE THE SUBMISSION
OF A FIRE PROTECTION PLAN REVIEW TO A LOCAL GOVERNMENT FOR COMPLIANCE
WITH THE STATE OR A LOCAL BUILDING CODE, A LOCAL GOVERNMENT MAY NOT
REQUIRE AN ELECTRICAL LICENSE OR AN ELECTRICAL PERMIT TO INSTALL,
MAINTAIN, INSPECT, REPLACE, OR SERVICE THE WIRELESS SECURITY SYSTEM.

(C) (1) A LOCAL GOVERNMENT MAY:

(I) REQUIRE A PERSON WHO PROVIDES WIRELESS SECURITY
SYSTEMS TO COMPLY WITH A LOCAL ALARM ORDINANCE OR OBTAIN AN ALARM
BUSINESS REGISTRATION OR PERMIT; AND

(II) REQUIRE A PERSON WHO OPERATES WIRELESS SECURITY
SYSTEMS OR CAUSES WIRELESS SECURITY SYSTEMS TO BE OPERATED TO COMPLY
WITH A LOCAL ALARM ORDINANCE OR OBTAIN AN ALARM SYSTEM REGISTRATION OR PERMIT.

(2) A LOCAL GOVERNMENT MAY NOT REQUIRE A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO OBTAIN AN ELECTRICAL PERMIT.

(D) WIRELESS SECURITY SYSTEMS ARE NOT EXEMPT FROM TITLE 18 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(E) WIRELESS SECURITY SYSTEMS MUST COMPLY WITH ANY STATE OR LOCAL BUILDING CODES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 207

(House Bill 814)

AN ACT concerning

Workers’ Compensation – Students in Unpaid Work–Based Learning Experiences

FOR the purpose of authorizing all county boards of education, rather than only certain county boards of education, to waive the requirement that a participating employer reimburse the county for the cost of the premium for workers’ compensation coverage provided to students placed in unpaid work–based learning experiences or pay a certain fee; and generally relating to workers’ compensation coverage for unpaid work–based learning experiences.

BY repealing and reenacting, with amendments,
   Article – Education
   Section 7–114
   Annotated Code of Maryland
   (2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
   Article – Labor and Employment
   Section 9–228(c)
   Annotated Code of Maryland
   (2016 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–114.

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

(2) “Private noncollegiate institution” means a school or other institution that is not under the general control and supervision of a county board of education.

(3) “Unpaid work–based learning experience” means a program that provides a student with structured employer–supervised learning that:

(i) Occurs in the workplace;

(ii) Links with classroom instruction;

(iii) Is coordinated by a county board or private noncollegiate institution; and

(iv) Is conducted in accordance with the terms of an individual written work–based learning agreement between the county board of education or private noncollegiate institution placing a participating student and the employer of that participating student.

(b) A student who has been placed with an employer in an unpaid work–based learning experience coordinated by a county board or private noncollegiate institution is a covered employee of that employer, as defined in Title 9 of the Labor and Employment Article, for the purposes of coverage under the State workers’ compensation laws.

(c) (1) The participating employer where a student is placed in an unpaid work–based learning experience under this section shall secure workers’ compensation coverage for that student.

(2) The participating employer may satisfy its obligation to secure workers’ compensation coverage under this subsection if the county board or private noncollegiate institution that places the student in the unpaid work–based learning experience chooses to secure workers’ compensation coverage for that student.

(d) (1) The county board or private noncollegiate institution that places a student with an employer in an unpaid work–based learning experience under this section may secure workers’ compensation coverage for that student.

(2) Subject to subsection (e) of this section, if a county board or private
noncollegiate institution chooses to secure workers’ compensation coverage under this subsection, the participating employer shall reimburse the county board or private noncollegiate institution in an amount equal to the lesser of:

(i) The cost of the premium for the workers’ compensation insurance coverage; or

(ii) A fee of $250.

(e) [The Allegany County Board, the Cecil County Board, and the Howard County Board] A COUNTY BOARD may waive the requirement for reimbursement under subsection (d)(2) of this section.

Article – Labor and Employment

9–228.

(c) (1) A student is a covered employee when the student has been placed with an employer in an unpaid work–based learning experience coordinated by a county board or private noncollegiate institution under § 7–114 of the Education Article.

(2) For purposes of this title, the employer for whom the student works in the unpaid work–based learning experience is the employer of that student.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
BY repealing and reenacting, with amendments,
Article – Education
Section 7–114
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–228(c)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Education

7–114.

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

(2) “Private noncollegiate institution” means a school or other institution
that is not under the general control and supervision of a county board of education.

(3) “Unpaid work–based learning experience” means a program that
provides a student with structured employer–supervised learning that:

(i) Occurs in the workplace;

(ii) Links with classroom instruction;

(iii) Is coordinated by a county board or private noncollegiate
institute; and

(iv) Is conducted in accordance with the terms of an individual
written work–based learning agreement between the county board of education or private
noncollegiate institution placing a participating student and the employer of that
participating student.

(b) A student who has been placed with an employer in an unpaid work–based
learning experience coordinated by a county board or private noncollegiate institution is a
covered employee of that employer, as defined in Title 9 of the Labor and Employment
Article, for the purposes of coverage under the State workers’ compensation laws.

(c) (1) The participating employer where a student is placed in an unpaid
work–based learning experience under this section shall secure workers’ compensation
coverage for that student.
(2) The participating employer may satisfy its obligation to secure workers’ compensation coverage under this subsection if the county board or private noncollegiate institution that places the student in the unpaid work–based learning experience chooses to secure workers’ compensation coverage for that student.

(d) (1) The county board or private noncollegiate institution that places a student with an employer in an unpaid work–based learning experience under this section may secure workers’ compensation coverage for that student.

(2) Subject to subsection (e) of this section, if a county board or private noncollegiate institution chooses to secure workers’ compensation coverage under this subsection, the participating employer shall reimburse the county board or private noncollegiate institution in an amount equal to the lesser of:

(i) The cost of the premium for the workers’ compensation insurance coverage; or

(ii) A fee of $250.

(e) [The Allegany County Board, the Cecil County Board, and the Howard County Board] A COUNTY BOARD may waive the requirement for reimbursement under subsection (d)(2) of this section.

Article – Labor and Employment

9–228.

(c) (1) A student is a covered employee when the student has been placed with an employer in an unpaid work–based learning experience coordinated by a county board or private noncollegiate institution under § 7–114 of the Education Article.

(2) For purposes of this title, the employer for whom the student works in the unpaid work–based learning experience is the employer of that student.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 209

(House Bill 1092)

AN ACT concerning
Behavioral Health Crisis Response Grant Program – Establishment

FOR the purpose of establishing the Behavioral Health Crisis Response Grant Program; providing for the purpose of the Program; requiring the Maryland Department of Health to administer the Program; requiring the Program to award certain grants to local behavioral health authorities to establish and expand certain behavioral health crisis response programs and services; authorizing certain uses of funds distributed under the Program; establishing that funds distributed under the Program shall be used to supplement, and not supplant, certain other funding; authorizing a local behavioral health authority to submit a certain proposal to the Department; requiring the Department to award grants according to certain priorities; requiring certain recipients of funding under the Program to report certain data to the Department; requiring the Department to establish certain application procedures, a certain system of outcome measurement, and certain guidelines and procedures; requiring, for certain fiscal years, the Governor to include in the budget bill certain appropriations for the Program; requiring, on or before a certain date each year, the Department to report to the Governor and the General Assembly; defining a certain term; and generally relating to the Behavioral Health Crisis Response Grant Program.

BY adding to
Article – Health – General
Section 7.5–208
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General

7.5–208.

(A) IN THIS SECTION, “PROGRAM” MEANS THE BEHAVIORAL HEALTH CRISIS RESPONSE GRANT PROGRAM.

(B) (1) THERE IS A BEHAVIORAL HEALTH CRISIS RESPONSE GRANT PROGRAM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE FUNDS TO LOCAL JURISDICTIONS TO ESTABLISH AND EXPAND COMMUNITY BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEMS.

(C) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.
(D) (1) The Program shall award competitive grants to local behavioral health authorities to establish and expand behavioral health crisis response programs and services that:

   (I) Serve local behavioral health needs for children, adults, and older adults;

   (II) Meet national standards;

   (III) Integrate the delivery of mental health and substance use treatment; and

   (IV) Connect individuals to appropriate community–based care in a timely manner on discharge.

(2) Funds distributed to a local behavioral health authority under the Program:

   (I) May be used to establish or expand behavioral health crisis response programs and services, such as:

       1. Mobile crisis teams;

       2. On–demand walk–in services;

       3. Crisis residential beds; and

       4. Other behavioral health crisis programs and services that the Department considers eligible for Program funds; and

   (II) Shall be used to supplement, and not supplant, any other funding for behavioral health crisis response programs and services.

(3) A local behavioral health authority may submit a proposal requesting Program funding to the Department.

(4) In awarding grants under this section, the Department shall prioritize proposals that:

   (I) Make use of more than one funding source;
(II) **DEMONSTRATE EFFICIENCY IN SERVICE DELIVERY THROUGH REGIONALIZATION, INTEGRATION OF THE BEHAVIORAL HEALTH CRISIS PROGRAM OR SERVICE WITH EXISTING PUBLIC SAFETY AND EMERGENCY RESOURCES, AND OTHER STRATEGIES TO ACHIEVE ECONOMIES OF SCALE; AND**

(III) **EVIDENCE A STRONG PLAN FOR INTEGRATION INTO THE EXISTING BEHAVIORAL HEALTH SYSTEM OF CARE AND SUPPORTS TO PROVIDE SEAMLESS AFTERCARE.**

(5) **FOR EACH SERVICE OR PROGRAM THAT RECEIVES FUNDING UNDER THE PROGRAM, A LOCAL BEHAVIORAL HEALTH AUTHORITY SHALL REPORT TO THE DEPARTMENT ALL OUTCOME MEASUREMENT DATA REQUIRED BY THE DEPARTMENT.**

(6) **THE DEPARTMENT SHALL ESTABLISH:**

(I) **APPLICATION PROCEDURES;**

(II) **A STATEWIDE SYSTEM OF OUTCOME MEASUREMENT TO ASSESS THE EFFECTIVENESS AND ADEQUACY OF BEHAVIORAL HEALTH CRISIS RESPONSE SERVICES AND PROGRAMS;**

(III) **GUIDELINES THAT REQUIRE PROGRAMS TO BILL THIRD–PARTY INSURERS AND, WHEN APPROPRIATE, THE MARYLAND MEDICAL ASSISTANCE PROGRAM; AND**

(IV) **ANY OTHER PROCEDURES OR CRITERIA NECESSARY TO CARRY OUT THIS SECTION.**

(E) **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL OPERATING BUDGET BILL THE FOLLOWING AMOUNTS FOR THE PROGRAM:**

(1) **$2,000,000 $3,000,000 FOR FISCAL YEAR 2020;**

(2) **$4,000,000 FOR FISCAL YEAR 2021; AND**

(3) **$6,000,000 $5,000,000 FOR FISCAL YEAR 2022; AND**

(4) **$8,000,000 FOR FISCAL YEAR 2023; AND**

(5) **$10,000,000 FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER.**
(F) On or before December 1 each year beginning in 2020, the Department shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly a report that includes, for the most recent closed fiscal year:

1. The number of grants distributed;
2. Funds distributed by county;
3. Information about grant recipients and programs and services provided; and
4. Outcome data reported under the statewide system of measurement required in subsection (D)(6)(II) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 210
(Senate Bill 703)

AN ACT concerning

Behavioral Health Crisis Response Grant Program – Establishment

FOR the purpose of establishing the Behavioral Health Crisis Response Grant Program; providing for the purpose of the Program; requiring the Maryland Department of Health to administer the Program; requiring the Program to award certain grants to local behavioral health authorities to establish and expand certain behavioral health crisis response programs and services; authorizing certain uses of funds distributed under the Program; establishing that funds distributed under the Program shall be used to supplement, and not supplant, certain other funding; authorizing a local behavioral health authority to submit a certain proposal to the Department; requiring the Department to award grants according to certain priorities; requiring certain recipients of funding under the Program to report certain data to the Department; requiring the Department to establish certain application procedures, a certain system of outcome measurement, and certain guidelines and procedures; requiring, for certain fiscal years, the Governor to include in the budget bill certain appropriations for the Program; requiring, on or before a certain date each year, the Department to report to the Governor and the General Assembly;
defining a certain term; and generally relating to the Behavioral Health Crisis Response Grant Program.

BY adding to
Article – Health – General
Section 7.5–208
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General

7.5–208.

(A) IN THIS SECTION, “PROGRAM” MEANS THE BEHAVIORAL HEALTH CRISIS RESPONSE GRANT PROGRAM.

(B) (1) THERE IS A BEHAVIORAL HEALTH CRISIS RESPONSE GRANT PROGRAM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE FUNDS TO LOCAL JURISDICTIONS TO ESTABLISH AND EXPAND COMMUNITY BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEMS.

(C) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

(D) (1) THE PROGRAM SHALL AWARD COMPETITIVE GRANTS TO LOCAL BEHAVIORAL HEALTH AUTHORITIES TO ESTABLISH AND EXPAND BEHAVIORAL HEALTH CRISIS RESPONSE PROGRAMS AND SERVICES THAT:

(I) SERVE LOCAL BEHAVIORAL HEALTH NEEDS FOR CHILDREN, ADULTS, AND OLDER ADULTS;

(II) MEET NATIONAL STANDARDS;

(III) INTEGRATE THE DELIVERY OF MENTAL HEALTH AND SUBSTANCE USE TREATMENT; AND

(IV) CONNECT INDIVIDUALS TO APPROPRIATE COMMUNITY–BASED CARE IN A TIMELY MANNER ON DISCHARGE.

(2) FUNDS DISTRIBUTED TO A LOCAL BEHAVIORAL HEALTH AUTHORITY UNDER THE PROGRAM:
(I) May be used to establish or expand behavioral health crisis response programs and services, such as:

1. Mobile crisis teams;
2. On-demand walk-in services;
3. Crisis residential beds; and
4. Other behavioral health crisis programs and services that the Department considers eligible for Program funds; and

(II) Shall be used to supplement, and not supplant, any other funding for behavioral health crisis response programs and services.

(3) A local behavioral health authority may submit a proposal requesting Program funding to the Department.

(4) In awarding grants under this section, the Department shall prioritize proposals that:

(I) Make use of more than one funding source;

(II) Demonstrate efficiency in service delivery through regionalization, integration of the behavioral health crisis program or service with existing public safety and emergency resources, and other strategies to achieve economies of scale; and

(III) Evidence a strong plan for integration into the existing behavioral health system of care and supports to provide seamless aftercare.

(5) For each service or program that receives funding under the Program, a local behavioral health authority shall report to the Department all outcome measurement data required by the Department.

(6) The Department shall establish:

(I) Application procedures;
(II) A statewide system of outcome measurement to assess the effectiveness and adequacy of behavioral health crisis response services and programs;

(III) Guidelines that require programs to bill third-party insurers and, when appropriate, the Maryland Medical Assistance Program; and

(IV) Any other procedures or criteria necessary to carry out this section.

(E) The Governor shall include in the annual operating budget bill the following amounts for the Program:

1. $2,000,000 for fiscal year 2020;
2. $4,000,000 for fiscal year 2021; and
3. $6,000,000 for fiscal year 2022;
4. $8,000,000 for fiscal year 2023; and
5. $10,000,000 for fiscal year 2024 and each fiscal year thereafter.

(F) On or before December 1 each year beginning in 2020, the Department shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly a report that includes, for the most recent closed fiscal year:

1. The number of grants distributed;
2. Funds distributed by county;
3. Information about grant recipients and programs and services provided; and
4. Outcome data reported under the statewide system of measurement required in subsection (D)(6)(II) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 211

(House Bill 922)

AN ACT concerning

Maryland Department of Health – “Pill Mill” Tip Line and Overdose Report

FOR the purpose of requiring the Maryland Department of Health, on or before a certain date, to establish a method for establishing a certain tip line through which a person may report a certain individual who the reporting person suspects is prescribing medication or overprescribing medication in violation of certain provisions of law; requiring the Department to endeavor to ensure that a certain phone number translates alphanumerically in a certain manner; establishing that the Department is responsible for ensuring that certain reports are investigated by forwarded to the appropriate licensing board; requiring the Department to report to certain committees of the General Assembly on or before a certain date requiring, on or before a certain date each year, the Secretary of Health to examine the prescription and treatment history of certain individuals who suffered fatal overdoses involving opiates and other controlled dangerous substances; requiring the Secretary to collaborate with certain entities when conducting the examination; requiring the Secretary to provide a certain report to the Governor and the General Assembly on or before a certain date each year; requiring a certain assessment to include accessing certain data sets; requiring, on or before a certain date, certain entities to share data with the Department and enter into a certain agreement with the Department; providing that certain records and information are not public records and are not subject to discovery, subpoena, or other means of legal compulsion in civil or criminal litigation; requiring the Department to seek certain funding for a certain purpose; requiring the Department to examine the feasibility to establishing a certain program, develop a certain model, and determine a certain cost; requiring, on or before a certain date, the Department to report to certain committees of the General Assembly on certain findings; providing for the termination of this Act; and generally relating to a “pill mill” tip line the inappropriate prescribing of medication and the assessment and reporting of overdose data.

BY adding to

Article – Health Occupations
Section 1–224
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health – General
Section 7.5–701 to be under the new subtitle “Subtitle 7.5 Overdose Report”
Annotated Code of Maryland
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

1–224.

(A) On or before December 1, 2018, the Department shall establish a method for establishing a tip line through which a person may report an individual licensed under this article who the reporting person suspects is prescribing medication or overprescribing medication in violation of any provision of this article.

(2) In establishing the tip line under this subsection, the department shall endeavor to ensure that the phone number associated with the tip line translates alphanumerically to a memorable word or phrase.

(B) The department shall be responsible for ensuring that reports to the tip line are investigated by forwarded to the appropriate licensing board.

Article – Health – General

SUBTITLE 7.5. OVERDOSE REPORT.

7.5–701.

(A) On or before July 1 each year, the Secretary shall examine the prescription and treatment history, including court-ordered treatment or treatment provided through the criminal justice system, of individuals in the State who suffered fatal overdoses involving opiates and other controlled dangerous substances in the immediately preceding 4 calendar years.

(B) In conducting the examination required under subsection (A) of this section, the Secretary shall collaborate with the Department of Public Safety and Correctional Services, the Department of Human Services, the Department of Juvenile Services, the Maryland Institute for Emergency Medical Services Systems, the Department of Housing
AND COMMUNITY DEVELOPMENT, AND ANY OTHER STATE AND LOCAL AGENCY THAT THE SECRETARY CONSIDERS NECESSARY.

(C) (1) BEGINNING JULY 1, 2019, AND EACH YEAR THEREAFTER, THE SECRETARY SHALL PROVIDE A REPORT ON THE FINDINGS OF THE EXAMINATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(1) INCLUDE AN ASSESSMENT OF THE FACTORS ASSOCIATED WITH FATAL AND NONFATAL OPIOID OVERDOSE RISK AND AN ASSESSMENT OF THE PROGRAMS TARGETED AT OPIOID USE AND MISUSE, INCLUDING:

1. UTILIZATION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT AND RECOVERY SUPPORT SERVICES, INCLUDING CLAIMS DATA FROM THE MARYLAND MEDICAL ASSISTANCE PROGRAM;

2. UTILIZATION OF HOSPITAL SERVICES;

3. UTILIZATION OF EMERGENCY MEDICAL SERVICES;

4. UTILIZATION OF CONTROLLED PRESCRIPTION DRUGS AND ANTIDOTES;

5. INVOLVEMENT WITH THE STATE AND LOCAL CRIMINAL JUSTICE SYSTEM, INCLUDING ARREST, INCARCERATION, AND COMMUNITY SUPERVISION;

6. INVOLVEMENT WITH SOCIAL SERVICES AGENCIES;

7. SOCIOECONOMIC STATUS, RACE, AGE, ETHNICITY, LOCATION OF OVERDOSE, MARITAL STATUS, AND EMPLOYMENT STATUS;

8. EDUCATION STATUS; AND

9. ACCESS TO PUBLIC OR PRIVATE HEALTH INSURANCE COVERAGE;

(II) IDENTIFY AND ASSESS METHODS OF INTERVENING WITH POPULATIONS FOUND TO BE AT RISK OF OVERDOSE OR A SUBSTANCE USE DISORDER; AND
(III) **Include recommendations for improving and providing statewide prevention, response, and data collection efforts related to substance use disorder.**

(3) **The assessment required under paragraph (2) of this subsection shall include accessing, and where feasible links to, the following data sets:**

   (I) **Overdose deaths and other fatal drug poisonings;**

   (II) **Substance use treatment;**

   (III) **Prescription Drug Monitoring Program;**

   (IV) **Emergency medical services database;**

   (V) **Select birth information for children exposed to opioids during gestation;**

   (VI) **Cancer registry;**

   (VII) **Cause and manner of death and toxicology;**

   (VIII) **Hospital case mix, emergency department and inpatient records associated with substance use disorder and nonfatal controlled dangerous substance–related poisonings;**

   (IX) **All payer claims database;**

   (X) **Corrections mental health and substance use disorder data and incarcerations in correctional facilities including county detention centers;**

   (XI) **Needle exchange program;**

   (XII) **Drug seizures;**

   (XIII) **Index of concentration at the extremes;**

   (XIV) **Maryland violent death records system;**

   (XV) **Electronic Surveillance System for the Early Notification of Community–based Epidemics;**
(XVI) **VITAL STATISTICS**;

(XVII) **STATE AND LOCAL FATALITY REVIEW RECORDS; AND**

(XVIII) **MARYLAND MEDICAL ASSISTANCE PROGRAM PHARMACY CLAIMS.**

(4) **ON OR BEFORE SEPTEMBER 1, 2018, EACH ENTITY IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION SHALL PROVIDE DATA TO THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION AND ENTER INTO A DATA SHARING USE AGREEMENT WITH THE DEPARTMENT.**

(D) **ANY RECORDS AND INFORMATION PROVIDED TO THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION THAT COULD IDENTIFY ANY INDIVIDUAL ARE NOT PUBLIC RECORDS AND ARE NOT SUBJECT TO DISCOVERY, SUBPOENA, OR OTHER MEANS OF LEGAL COMPULSION IN CIVIL OR CRIMINAL LITIGATION.**

(E) **THE DEPARTMENT SHALL SEEK ANY AVAILABLE FEDERAL FUNDING TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.**

**SECTION 2. AND BE IT FURTHER ENACTED,** That, on or before December 1, 2019, the Maryland Department of Health shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the status of the tip line required under § 1–224(a)(1) of the Health—General Article, as enacted by Section 1 of this Act, including:

(1) the Department’s attempts to identify a tip line phone number that translates alphanumerically as required;

(2) the number of calls received by the tip line and the disposition of any investigations resulting from the calls; and

(3) any recommendations relating to the tip line.

**SECTION 2. AND BE IT FURTHER ENACTED,** That, the Maryland Department of Health shall:

(1) examine the feasibility of establishing a Hub and Spoke model program in the State;

(2) develop a proposed model for the State and determine the cost of the model; and

(3) on or before January 1, 2019, report to the Senate Finance Committee, the House Health and Government Operations Committee, and the Joint Committee on
Behavioral Health and Opioid Use Disorders, in accordance with § 2–1246 of the State Government Article, on the findings of the examination.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July June 1, 2018. It shall remain effective for a period of 4 years and 2 months and, at the end of July 31, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 212

(Senate Bill 87)

AN ACT concerning

Controlled Dangerous Substances – Registration, Schedules, Penalties, and Orders of Impoundment

FOR the purpose of requiring a person to be registered by the Maryland Department of Health before the person transports a controlled dangerous substance into the State under certain circumstances; altering the lists of substances designated as controlled dangerous substances under certain schedules under the Maryland Controlled Dangerous Substances Act; authorizing the Department to impose a certain civil penalty for each violation of the Maryland Controlled Dangerous Substances Act; requiring the Department to pay a certain penalty imposed by the Department into the General Fund of the State; authorizing the Department to issue an order of impoundment and immediately impound certain bulk powders and chemicals under certain circumstances; applying certain procedural requirements for impounding certain drugs to the impoundment of certain bulk powders and chemicals; authorizing the Department to charge certain fees to recover certain costs; altering certain required procedures relating to the destruction or transfer of impounded drugs and applying the procedures to impounded bulk powders and chemicals; requiring the Department to adopt certain regulations; altering a certain definition; and generally relating to controlled dangerous substances.

BY repealing and reenacting, with amendments,
   Article – Criminal Law
   Section 5–301 and 5–402 through 5–406
   Annotated Code of Maryland
   (2012 Replacement Volume and 2017 Supplement)

BY adding to
   Article – Criminal Law
   Section 5–908
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

5–301.

(a) (1) Except as otherwise provided in this section, a person shall be registered by the Department before the person manufactures, distributes, or dispenses a controlled dangerous substance in the State OR TRANSPORTS A CONTROLLED DANGEROUS SUBSTANCE INTO THE STATE.

(2) The Department shall adopt regulations to carry out this subsection.

(b) An applicant must register separately each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses a controlled dangerous substance.

(c) To the extent authorized by the registration and subject to subsection (b) of this section and this subtitle, a person registered by the Department under this subtitle may:

(1) possess, manufacture, distribute, or dispense controlled dangerous substances; and

(2) perform any activity listed in item (1) of this subsection to conduct research.

(d) A person need not register with the Department to possess a controlled dangerous substance while acting in the course of the person’s business or profession if the person is:

(1) an agent or agent’s employee of a registered manufacturer, distributor, or dispenser of a controlled dangerous substance;

(2) a common or contract carrier or warehouseman, or an employee of a common or contract carrier or warehouseman; or
(3) an ultimate user or person in possession of a controlled dangerous substance acting in good faith in accordance with a lawful order of an authorized provider.

(e) If the Department finds that a waiver is consistent with public health and safety, by regulation, the Department may waive the registration requirement for a manufacturer, distributor, or dispenser.

5–402.

(a) Schedule I consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule I by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule I controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, ANY OF THE FOLLOWING OPIATES, INCLUDING THEIR ISOMERS, INCLUDING OPTICAL AND GEOMETRIC ISOMERS, ESTERS, ETHERS, SALTS, AND SALTS OF ISOMERS, ESTERS, AND ETHERS, WHENEVER THE EXISTENCE OF SUCH ISOMERS, ESTERS, ETHERS, OR SALTS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, ARE

[(1) These substances are listed in Schedule I:

(1) ACETYL–ALPHA–METHYLFENTANYL;

[[[i] (2) acetylmethadol;

[[ii] alfentanil;] (3) ACETYL FENTANYL (N–(1–PHENETHYLPIPERIDINE–4–YL)–N–PHENYLACETAMIDE);

(4) AH–7921 (3,4–DICHLORO–N–[(1–DIMETHYLAMINO) CYCLOHEXYLMETHYL]BENZAMIDE;

[[iii] (5) allylprodine;

[[iv] (6) alphacetylmethadol, except levoalphacetylmethadol;

[[v] (7) alphameprodine;

[[vi] (8) alphamethadol;]
(9) ALPHA–METHYLFENTANYL; 

(10) ALPHA–METHYLTHIOFENTANYL;

[(vii)] (11) benzethidine;

[(viii)](12) betacetylmethadol;

(13) BETA–HYDROXYFENTANYL;

(14) BETA–HYDROXY–3–METHYLTHIOFENTANYL;

[(ix)] (15) betameprodine;

[(x)] (16) betamethadol;

[(xi)] (17) betaprodine;

[(xii)] (18) clonitazene;

[(xiii)](19) dextromoramide;

[(xiv)] dextrorphan:

[(xv)] (20) diampromide;

[(xvi)] (21) diethylthiambutene;

[(xvii)] dimenoxadol;

[(xviii)] (22) difenoxin;

(23) DIMENOXADOL;

[(xix)] (24) dimepheetanol;

[(xx)] (25) dimethylthiambutene;

[(xxi)] (26) dioxaphetyl butyrate;

[(xxii)] (27) dipipanone;

[(xxiii)] (28) ethylmethylthiambutene;

[(xxiv)] (29) etonitazene;
[(xxv) (30)] etoxeridine;
[(xxvi)] (31) furethidine;
[(xxvii)] (32) hydroxypethidine;
[(xxviii)] (33) ketobemidone;
[(xxix)] (34) levomoramide;
[(xxx)] (35) levophenacylmorphan;

(36) 3–METHYLFENTANYL (N–3–METHYL–1–(2–PHENYLETHYL)–4–PIPERIDYL–1–N–PHENYLPROPANAMIDE);

(37) 3–METHYLTHIOFENTANYL;
[(xxx)] (38) morpheridine;

(39) MPPP (1–METHYL–4–PHENYL–4–PROPIONOXYPYPERIDINE);
[(xxxi)] (40) noracymethadol;
[(xxxii)] (41) norlevorphanol;
[(xxxiii)] (42) normethadone;
[(xxxiv)] (43) norpipanone;

(44) PARA–FLUOROFENTANYL;

(45) PEPAP (1–(2–PHENETHYL)–4–PHENYL–4–ACETOXYPIPERIDINE);
[(xxxvi)] (46) phenadoxone;
[(xxxvii)] (47) phenampronide;
[(xxxviii)] (48) phenomorphan;
[(xxxix)] (49) phenoperidine;
[(xl)] (50) piritramide;
[(xli)] (51) proheptazine;
[(xlii)] (52) properidine;
[(xliii)] (53) propiram;
[(xliv)] (54) racemoramide; [and]

(55) THIOFENTANYL;

(56) TILIDINE; AND

[(xlv)] (57) trimeperidin.

[(2) Unless specifically excepted under this subtitle, an isomer, ester, ether, or salt of a substance listed in this subsection or a salt of the isomer, ester, or ether is a substance listed in Schedule I if the existence of the isomer, ester, ether, or salt is possible within the specific chemical designation.]

(c) Unless specifically excepted under this subtitle or listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, are substances listed in Schedule I:

[(1) These opium derivatives are substances listed in Schedule I:

(i) (1) acetorphine;

[iii] (2) acetyldihydrocodeine;

[iii] acetylocodone;

[iv] (3) benzylmorphine;

[v] (4) codeine methylbromide;

[vi] (5) codeine–N–oxide;

[vii] codoxime;

[viii] (6) cyprenorphine;

[ix] (7) desomorphine;]
[(x) (8) dihydromorphine;
[(xi) (9) drotebanol;
[(xii) ethylmorphine methyl iodide;
[(xiii)](10) etorphine (EXCEPT HYDROCHLORIDE SALT);
[(xiv) etorphine 3-methylether;
[(xv)] (11) heroin;
[(xvi)] (12) hydromorphinol;
[(xvii)] (13) methyldesorphine;
[(xviii)] methyldihydromorphinone;
(14) METHYLDIHYDROMORPHINE;
[(xix) methylhydromorphine;
[(xx)] (15) morphine methyl bromide;
[(xxi)] morphine methyl chloride;
[(xxii)] (16) morphine methyl sulfonate;
[(xxiii)] (17) morphine–N–oxide;
[(xxiv)] (18) myrophine;
[(xxv)] (19) nicocodeine;
[(xxvi)] nicodicodine;
[(xxvii)] (20) nicomorphine;
[(xxviii)] norcodeine;
[(xxix)] (21) normorphine;
[(xxx)] (22) pholcodine; and
[(xxxi)] (23) thebacon.
[2] Unless specifically excepted under this subtitle, a salt, isomer, or salt of an isomer of a substance listed in this subsection is a Schedule I substance if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

(d) UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING HALLUCINOGENIC SUBSTANCES, OR THAT CONTAINS ANY OF ITS SALTS, ISOMERS, INCLUDING OPTICAL, POSITION, AND GEOMETRIC ISOMERS, OR SALTS OF ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, OR SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, IS A SUBSTANCE LISTED IN SCHEDULE I:

[(1) A material, compound, mixture, or preparation that contains any of the following hallucinogenic or hallucinogenic–like substances is a substance listed in Schedule I:]

(1) Alpha–ethyltryptamine
(2) 4–bromo–2,5–dimethoxy–amphetamine;
(3) 4–bromo–2,5–dimethoxypheonethylamine;
(4) 2,5–dimethoxyamphetamine;
(5) 2,5–dimethoxy–4–ethylamphetamine (DOET);
(6) 2,5–dimethoxy–4–(n)–propylthiophenethylamine (2C–T–7);
(7) 4–methoxyamphetamine (PMA);
(8) 5–methoxy–3,4–methylendioxy–amphetamine;
(9) 4–methyl–2,5–dimethoxy–amphetamine;
(10) 3,4–methylendioxyamphetamine;
(11) 3,4–methylendioxyxymethylamphetamine (MDMA);
(12) 3,4–methylendioxy–n–ethylamphetamine (MDA);
(13) N–hydroxy–3,4–methylendioxyamphetamine;
(14) 3,4,5–trimethoxyamphetamine;
(15) 5–METHOXY–N, N–DIMETHYLTRYPTAMINE;

(16) ALPHA–METHYLTRYPTAMINE (AMT);
   
   [[(i)] (17) bufotenine;
   
   [(ii)] (18) diethyltryptamine (DET);
   
   [(iii)] (19) dimethyltryptamine (DMT);
   
   [(iv) 4–methyl–2, 5–dimethoxyamphetamine;]

(20) 5–METHOXY–N, N–DIISOPROPYLTRYPTAMINE (5–MEO–DIPT);
   
   [(v)] (21) ibogaine;
   
   [(vi)] (22) lysergic acid diethylamide;
   
   [(vii)] (23) marijuana;
   
   [(viii)] (24) mescaline;

(25) PARAHEXYL;

   [(ix)] (26) peyote (MEANING ALL PARTS OF THE PLANT PRESENTLY CLASSIFIED BOTANICALLY AS LOPHOPHORA WILLIAMSII LEMAIRE, WHETHER GROWING OR NOT, THE SEEDS THEREOF, ANY EXTRACT FROM ANY PART OF SUCH PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF SUCH PLANT, ITS SEEDS, OR EXTRACTS);

(27) N–ETHYL–3–PIPERIDYL BENZilate;

(28) N–METHYL–3–PIPERIDYL BENZilate;
   
   [(x)] (29) psilocybin;
   
   [(xi)] (30) psilocyn;
   
   [(xii)] (31) tetrahydrocannabinols;
   
   [(xiii) thiophene analog of phencyclidine;
   
   (xiv) 2, 5–dimethoxyamphetamine;
(xv) 4–bromo–2, 5–dimethoxyamphetamine;
(xvi) 4–methoxyamphetamine;
(xvii) 3, 4–methylenedioxyamphetamine;
(xviii) 3, 4–methylenedioxymethamphetamine (MDMA);
(xix) 5–methoxy–3, 4–methylenedioxyamphetamine;
(xx) 3, 4, 5–trimethoxyamphetamine;
(xxi) N–methyl–3–piperidyl benzilate;
(xxii) N–ethyl–3–piperidyl benzilate;]

[(xxiii) (32) ETHYLAMINE ANALOG OF PHENCYCLIDINE
(N–ethyl–1–phenylcyclohexylamine);

[(xxiv) (33) PYRROLIDINE ANALOG OF PHENCYCLIDINE
(1–(1–phenylcyclohexyl)–pyrrolidine);

[(xxv) (34) THIOPHENE ANALOG OF PHENCYCLIDINE
(1–(1–(2–thienyl)–cyclohexyl)–piperidine);

[(xxvi) 1–methyl–4–phenyl–4–propionoxypiperidine (MPPP);
(xxvii) 1–(2–phenylethyl)–4–phenyl–4–acetyloxypiperidine (PEPAP);
(xxviii) 3, 4–methylenedioxymethcathinone (methylone);]

(35) 1–[1–(2–THIENYL) CYCLOHEXYL] PYRROLIDINE;

[(xxix) (36) 3, 4–methylenedioxy(pyrovalerone (MDPV);
[(xxx) (37) 4–methylnmethcathinone (mephedrone);
[(xxxii) (38) 4–methoxymethcathinone (methedrone);

(39) 2–(2,5–DIMETHOXY–4–ETHYLPHENYL) ETHANAMINE (2C–E);
(40) 2–(2,5–DIMETHOXY–4–METHYLPHENYL) ETHANAMINE (2C–D);
(41) 2–(4–CHLORO–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–C);
(42) 2–(4–IODO–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–I);

(43) 2–(4–ETHYLTHIO–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–T–2);

(44) 2–(4–ISOPROPYLTHIO–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–T–4);

(45) 2–(2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–H);

(46) 2–(2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–H);

(47) 2–(2,5–DIMETHOXY–4–(N)–PROPYLPHENYL) ETHANAMINE (2C–P);

(48) 3,4–METHYLENEDIOXYMETHCATHINONE (METHYLONE);

(49) (1–PENTYL–1H–INDOL–3–YL) (2,2,3,3–TETRAMETHYLCYCLOPROPYL) METHANONE (UR–144);

(50) [1–(5–FLUORO–PENTYL)–1H–INDOL–3–YL] (2,2,3,3–TETRAMETHYLCYCLOPROPYL) METHANONE (5–FLUORO–UR–144, XLR11);

(51) N–(1–ADAMANTYL)–1–PENTYL–1H–INDAZOLE–3–CARBOXAMIDE (APINACA, AKB48);

(52) QUINOLIN–8–YL 1–PENTYL–1H–INDOLE–3–CARBOXYLATE (PB–22);

(53) QUINOLIN–8–YL 1–(5–FLUOROPENTYL)–1H–INDOLE–3–CARBOXYLATE (5–FLUORO–PB–22);


(56) 2–(4–IODO–2,5–DIMETHOXYPHENYL)–N–(2–METHOXYBENZYL) ETHANAMINE (25I–NBOME);

(57) 2–(4–CHLORO–2,5–DIMETHOXYPHENYL)–N–(2–METHOXYBENZYL) ETHANAMINE (25C–NBOME);
(58) (57) 2–(4–BROMO–2,5–DIMETHOXYPHENYL)–N–(2–METHOXYBENZYL) ETHANAMINE (25B–NBOME);

(59) (58) MARIJUANA EXTRACT (MEANING AN EXTRACT CONTAINING ONE OR MORE CANNABINIODS THAT HAS BEEN DERIVED FROM ANY PLANT OF THE GENUS CANNABIS, OTHER THAN THE SEPARATED RESIN, WHETHER CRUDE OR PURIFIED, OBTAINED FROM THE PLANT);

(60) (59) 4–METHYL–N–ETHYL CATHINONE (4–MEC);

(61) (60) 4–METHYL–ALPHA–PYRROLIDINOPROPIOPHENONE (4–MEPPP);

(62) (61) ALPHA–PYRROLIDINOPENTIOPHENONE (A–PVP);

(63) (62) 1–(1,3–BENZODIOXOL–5–YL)–2–(METHYLAMINO) BUTAN–1–ONE (BUTYLONE);

(64) (63) 2–(METHYLAMINO)–1–PHENYL PENTAN–1–ONE (PENTEDRONE);

(65) (64) 1–(1,3–BENZODIOXOL–5–YL)–2–(METHYLAMINO) PENTAN–1–ONE (PENTYLONE);

[(xxxii) 4–fluoromethmethcathinone (flephedrone);]

(66) (65) 4–FLUORO–N–METHYL CATHINONE (FLEPHEDRONE);

[(xxxiii) 3–fluoromethcathinone (3–FMC); and]

(67) (66) 3–FLUORO–N–METHYL CATHINONE (3–FMC);

[(xxxiv)] (68) (67) cannabimimetic agents;

(69) (68) 1–(NAPHTHALEN–2–YL)–2–(PYRROLIDIN–1–YL)PENTAN–1–ONE (NAPHYRONE); AND

(70) (69) ALPHA–PYRROLIDINOBUTIOPHENONE (A–PBP).

[(2) Unless specifically excepted under this subtitle, a salt, isomer, or salt of an isomer of a substance listed in this subsection is a substance listed in Schedule I if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.]
(E) Unless specifically excepted under this subtitle or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, or that contains their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

1. 5–(1, 1–DIMETHYLHEPTYL)–2–[(1R,3S)–3–HYDROXYCYCLOHEXYL]–PHENOL (CP–47,497);

2. 5–(1,1–DIMETHYLOCTYL)–2–[(1R,3S)3–HYDROXYCYCLOHEXYL]–PHENOL (CP–47,497 C8 HOMOLOGUE);

3. 1–PENTYL–3–(1–NAPHTHOYL) INDOLE (JWH–018 AND AM678)

4. 1–BUTYL–3–(1–NAPHTHOYL) INDOLE (JWH–073);

5. 1–HEXYL–3–(1–NAPHTHOYL) INDOLE (JWH–019);

6. 1–[2–(4–MORPHOLINYL)ETHYL]–3–(1–NAPHTHOYL) INDOLE (JWH–200);

7. 1–PENTYL–3–(2–METHOXYPHENYLACETYL) INDOLE (JWH–250);

8. 1–PENTYL–3–(1–(4–METHOXYNAPHTHOYL) INDOLE (JWH–081);

9. 1–PENTYL–3–(4–METHYL–1–NAPHTHOYL) INDOLE (JWH–122);

10. 1–PENTYL–3–(4–CHLORO–1–NAPHTHOYL) INDOLE (JWH–398);

11. 1–(5–FLUOROPENTYL)–3–(1–NAPHTHOYL) INDOLE (AM2201);

12. 1–(5–FLUOROPENTYL)–3–(2–IODOBENZOYL) INDOLE (AM694);

13. 1–PENTYL–3–[(4–METHOXY)–BENZOYL] INDOLE (SR–19 AND RCS–4);

14. 1–CYCLOHEXYLETHYL–3–(2–METHOXYPHENYLACETYL) INDOLE (SR–18 AND RCS–8); AND


[(e)] (F) Unless specifically excepted under this subtitle or listed in another schedule, a material, compound, mixture, or
PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING DEPRESSANT EFFECTS ON THE CENTRAL NERVOUS SYSTEM, OR THAT CONTAINS ITS SALTS, ISOMERS, OR SALTS OF ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, OR SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, IS A SUBSTANCE LISTED IN SCHEDULE I:

[(1) Unless specifically excepted under this subtitle or listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system is a substance listed in Schedule I:

(i) mecloqualone;

(ii) methaqualone; and

(3) GAMMA–HYDROXYBUTYRIC ACID.

(iii) a salt, isomer, or salt of an isomer of a substance listed in this paragraph if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

(2) Any material, compound, mixture, or preparation that contains any of the following substances is a substance listed in Schedule I:

(i) 3–methylfentanyl (N–3–methyl–1–(2–phenylethyl)–4–piperidyl–1–N–phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers;

(ii) acetyl–alpha–methylfentanyl;

(iii) alpha–methylthiofentanyl;

(iv) benzylfentanyl;

(v) beta–hydroxy–3–methylfentanyl;

(vi) beta–hydroxyfentanyl;

(vii) thenylfentanyl;

(viii) thiofentanyl; and

(ix) 3–methylthiofentanyl.]

(G) UNLESS SPECIFICALLY EXCEPTED OR LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY
QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM, OR THAT CONTAINS ITS SALTS, ISOMERS, OR SALTS OF ISOMERS, IS A SUBSTANCE LISTED IN SCHEDULE I:

(1) AMINOREX;

(2) N–BENZYLPIPERAZINE;

(3) CATHINONE;

(4) FENETYLLINE;

(5) METHCATHINONE;

(6) 4–METHYLAMINOREX;

(7) (±)CIS–4–METHYLAMINOREX;

(8) N–ETHYLAMPHETAMINE; AND

(9) N, N–DIMETHYLAMPHETAMINE.

[(f) (H)] (1) In this subsection:

(i) “controlled dangerous substance analogue” means a substance:

1. that has a chemical structure substantially similar to the chemical structure of a controlled dangerous substance listed in Schedule I or Schedule II; and

2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance listed in Schedule I or Schedule II; but

(ii) “controlled dangerous substance analogue” does not include:

1. a controlled dangerous substance;

2. a substance for which there is an approved new drug application; or

(2) To the extent intended for human consumption, each controlled dangerous substance analogue is a substance listed in Schedule I.

[(g)] (I) The Department may not add a substance to Schedule I under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) no accepted medical use in the United States for the substance; and

(3) a lack of accepted safety for use of the substance under medical supervision.

5–403.

(a) Schedule II consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule II by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule II controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) Unless the substance is listed in another schedule and except as provided in paragraph (2) of this subsection, opium and opiate, and a salt, compound, derivative, or preparation of opium or opiate is a substance listed in Schedule II, including:

(i) raw opium;

(ii) opium extracts;

(III) OPIUM FLUID EXTRACT;

[(iii)] (IV) opium fluid;

[(iv)] (V) powdered opium;

[(v)] (VI) granulated opium;

[(vi)] (VII) tincture of opium;

[(vii)] (VIII) codeine;

(IX) DEXTROPROPOXYHENE BULK (NONDOSAGE FORM);
(X) DIHYDROETORPHINE;

[(viii)] (XI) ethylmorphine;

[(ix)] (XII) etorphine hydrochloride;

[(x)] (XIII) hydrocodone;

[(xi)] (XIV) hydromorphone;

[(xii)] (XV) metopon;

[(xiii)] (XVI) morphine;

(XVII) ORIPAVINE;

[(xiv)] (XVIII) oxycodone;

[(xv)] (XIX) oxymorphone; and

[(xvi)] (XX) thebaine.

(2) Apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, are not substances listed in Schedule II.

(3) Substances listed in Schedule II also include:

(i) except for the isoquinoline alkaloids of opium, a salt, compound, derivative, or preparation that is chemically equivalent or identical to a substance listed in paragraph (1) of this subsection;

(ii) opium poppy [and], poppy straw, AND POPPY STRAW CONCENTRATE;

(iii) coca leaf;

(iv) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(v) ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

(vi) a compound, mixture, or preparation that contains any of the substances listed in this section.
(4) A substance that is listed in Schedule II is included whether produced:

(i) directly or indirectly by extraction from substances of vegetable origin;

(ii) independently by chemical synthesis; or

(iii) by a combination of extraction and chemical synthesis.

(c) (1) These opiates are substances listed in Schedule II:

(I) ALFENTANIL;

[(i)] (II) alphaprodine;

[(ii)] (III) anileridine;

[(iii)] (IV) bezitramide;

(V) CARFENTANIL;

[(iv)] (VI) dihydrocodeine;

[(v)] (VII) diphenoxylate;

(VIII) DROBINAL, DRONABINAL, DRONABINOL (IN ORAL SOLUTION);

[(vi)] (IX) fentanyl;

[(vii)] (X) isomethadone;

[(viii)] (XI) levoalphacetylmethadol;

[(ix)] (XII) levomethorphan;

[(x)] (XIII) levorphanol;

[(xi)] (XIV) metazocine;

[(xii)] (XV) methadone;

[(xiii)] (XVI) methadone 4–cyano–2–dimethylamino–4, 4–diphenyl butane;

[(xv)] (XVIII) pethidine;

[(xvi)] (XIX) pethidine – intermediate – A, 4–cyano–1–methyl–4–phenylpiperidine;

[(xvii)] (XX) pethidine – intermediate – B, ethyl–4–phenylpiperidine–4–carboxylate;

[(xviii)] (XXI) pethidine – intermediate – C, 1–methyl–4–phenylpiperidine–4–carboxylic acid;

[(xix)] (XXII) phenazocine;

[(xx)] (XXIII) piminodine;

[(xxi)] (XXIV) racemethorphan;

[(xxii)] (XXV) racemorphan; [and]

(XXVI) REMIFENTANIL;

[(xxiii)] (XXVII) sulfentanil;

(XXVIII) TAPENTADOL; AND

(XXIX) THIAFENTANIL.

(2) Unless specifically excepted under this subtitle, an isomer, ester, ether, or salt of an opiate and a salt of an isomer, ester, or ether is a substance listed in Schedule II if the existence of the isomer, ester, ether, or salt is possible within the specific chemical designation.

(d) A substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) phenmetrazine and its salts;
(3) a substance that contains any methamphetamine, including salts, optical isomers, and salts of its optical isomers, in combination with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(4) methylphenidate; [and]

(5) methamphetamine, its salts, optical isomers, and salts of optical isomers; AND

(6) LISDEXAMFETAMINE, ITS SALTS, ISOMERS, AND SALTS OF ISOMERS.

(e) (1) Unless specifically excepted under this subtitle or listed in another schedule, a substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

(i) amobarbital;

(II) GLUTETHIMIDE;

[(iii)] (III) secobarbital;

[(iii)] (IV) pentobarbital;

[(iv)] (V) phencyclidine;

[(v)] (VI) 1–(1–phenylcyclohexyl) piperidine;

[(vi)] (VII) 1–phenylcyclohexylamine; and

[(vii)](VIII) 1–piperidinocyclohexanecarbonitrile.

(2) Unless specifically excepted under this subtitle or listed in another schedule, a salt, isomer, or salt of an isomer of a substance listed in this subsection is included in Schedule II if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

(f) The Department may not add a substance to Schedule II under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) currently accepted medical use of the substance in the United States, or currently accepted medical use with severe restrictions; and
(3) evidence that abuse of the substance may lead to severe psychological or physical dependence.

5–404.

(a) Schedule III consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule III by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule III controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) Substances listed in Schedule III include:

   (i) nalorphine; and

   (ii) except as provided in paragraph (2) of this subsection, an anabolic steroid consisting of a material, compound, or preparation that includes:


   2. 17ALPHA–METHYL–3ALPHA,17BETA–DIHYDROXY–5 ALPHA–ANDROSTANE;

   3. 17ALPHA–METHYL–3BETA,17BETA–DIHYDROXYANDROST–4–ENE;

   4. 17ALPHA–METHYL–4–HYDROXYNANDROLONE;

   5. 17ALPHA–METHYL–DELTA1–DIHYDROTESTOSTERONE;

   6. 19–NOR–4,9(10)–ANDROSTADIENEDIONE;


   8. 19–NOR–4–ANDROSTENEDIONE;

   9. 19–NOR–5–ANDROSTENEDIOL;

   10. 19–NOR–5–ANDROSTENEDIONE;
11. 1-ANDROSTENEDIOL;
12. 1-ANDROSTENEDIONE;
13. 3 ALPHA, 17BETA-DIHYDROXY-5-ALPHA-ANDROSTANE;
14. 4-ANDROSTENEDIOL (4-AD);
15. 4-ANDROSTENEDIONE;
16. 4-HYDROXY-19-NORTESTOSTERONE;
17. 4-HYDROXYTESTOSTERONE;
18. 5-ANDROSTENEDIONE;
19. BOLASTERONE;
[1.] 20. boldenone;
21. BOLDIONE;
22. CALUSTERONE;
[2.] 23. chlorotestosterone;
[3.] 24. clostebol;
[4.] 25. dehydrochlormethyltestosterone;
26. DESOXYMETHYLTESTOSTERONE;
[5.] 27. dihydrotestosterone;
[6.] 28. drostanolone;
[7.] 29. ethylestroenol;
[8.] 30. fluoxymesterone;
[9.] 31. formobulone;
32. FURAZABOL;
[10.] 33. mesterolone;
[11.] 34. methandienone;
[12.] 35. methandranone;
[13.] 36. methandriol;
[14.] 37. methandrostenolone;
38. METHASTERONE;
[15.] 39. methenolone;
40. METHYLDIENOLONE;
[16.] 41. methyltestosterone;
42. METHYLTRIENOLONE;
[17.] 43. mibolerone;
[18.] 44. nandrolone;
45. NORCLOSTEBOL;
[19.] 46. norethandrolone;
47. NORMETHANDROLINE;
[20.] 48. oxandrolone;
[21.] 49. oxymesterone;
[22.] 50. oxymetholone;
51. PROSTANOZOL;
[23.] 52. stanolone;
[24.] 53. stanozolol;
54. STENBOLONE;
[25.] 55. testolactone;

[26.] 56. testosterone;

57. TETRAHYDROGESTRINONE;

[27.] 58. trenbolone; and

[28.] 59. any isomer, ester, salt, or derivative of a substance listed in this paragraph.

(2) The following substances are not included in Schedule III:

(i) an estrogen, progestin, or corticosteroid; or

(ii) a substance covered by paragraph (1) of this subsection if:

1. expressly intended for administration through implants to cattle or other nonhuman species; and

2. approved for that use by the Food and Drug Administration.

(c) (1) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:

(i) benzphetamine;

(ii) chlorphentermine;

(iii) clortermine;

(iv) mazindol; and

(v) phendimetrazine.

(2) Subject to paragraph (3) of this subsection, substances in Schedule III include:

(i) a salt of a substance listed in this subsection; or

(ii) an optical, position, or geometric isomer of a substance listed in this subsection; or
(iii) a salt of an isomer of a substance listed in this subsection.

(3) Unless listed in another schedule, a salt, isomer, or salt of an isomer described in paragraph (2) of this subsection may be included in Schedule III only if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

(d) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) except those substances that are specifically listed in other schedules, a substance that contains any quantity of a derivative of barbituric acid, or a salt of a derivative of a barbituric acid;

(2) APROBARBITAL;

(3) BUTABARBITAL (SECBUTABARBITAL);

(4) BUTALBITAL (FIORINAL);

(5) BUTOBARBITAL (BUTETHAL);

[[2]] (6) chlorhexadol;

[[3]] glutethimide;

(7) EMBUTRAMIDE;

(8) GAMMA HYDROXYBUTYRIC ACID PREPARATIONS;

[[4]] (9) lysergic acid;

[[5]] (10) lysergic acid amide;

[[6]] (11) methyprylon;

[[7]] (12) pentazocine;

(13) PERAMPANEL (FYCOMPA);

[[8]] (14) sulfondiethylmethane;

[[9]] (15) sulfonethylmethane; [and]
[(10)] (16) sulfonmethane;

(17) TALBUTAL;

(18) THIAMYLAL;

(19) THIOPENTAL; AND

(20) VINBARBITAL.

(e) (1) Substances listed in Schedule III include a material, compound, mixture, or preparation that contains limited quantities of any of these narcotic drugs or their salts:

   (i) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

   (ii) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

   (iii) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

   (iv) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

   (v) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

   (vi) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

   (vii) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

   (viii) not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit; [and]
(ix) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; AND

(X) BUPRENORPHINE.

(2) Substances listed in Schedule III include a compound, mixture, or preparation or salt of a compound, mixture, or preparation and another active medicinal ingredient that is not listed in another schedule and that contains:

(i) amobarbital;

(ii) secobarbital; or

(iii) pentobarbital.

(3) If not combined with one or more active medicinal ingredients that are listed in another schedule, substances listed in Schedule III include a suppository dosage form or salt of a suppository dosage that contains:

(i) amobarbital;

(ii) secobarbital; or

(iii) pentobarbital.

(f) Substances listed in Schedule III include:

(1) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration–approved product; [and]

(2) ketamine, its salts, isomers, and salts of isomers;

(3) FIORICET (CONTAINING BUTALBITAL, ACETOMINOPHEN, AND CAFFINE).

(g) The Department may not add a substance to Schedule III under § 5–202 of this title unless the Department finds:

(1) a potential for abuse of the substance that is less than that for the substances listed in Schedule I and Schedule II;

(2) well documented and approved medical use of the substance in the United States; and
(3) evidence that abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

5–405.

(a) Schedule IV consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule IV by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule IV controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) ALFAXALONE;

(2) ALPRAZOLAM;

[(1)] (3) barbital;

[(2)] (4) bromazepam;

(5) BUTORPHANOL;

[(3)] (6) camazepam;

(7) CARISOPRODOL;

(8) CATHINE +/- (NORPSEUDOEPEDRINE);

[(4)] (9) chloral betaine;

[(5)] (10) chloral hydrate;

[(6) ethchlorvynol;]

[(7)] (11) chlordiazepoxide;

[(8)] (12) clobazam;

[(9)] (13) clonazepam;
[(10)] (14) clorazepate;
[(11)] (15) clotiazepam;
[(12)] (16) cloxazolam;
[(13)] (17) delorazepam;

(18) DEXFENFLURAMINE;

(19) DEXTROPROPOXYPHEN DOSAGE FORMS;

[(14)] (20) diazepam;

(21) DICHLORALPHENAZONE;

(22) ELUXADOLINE (VIBERZI);

[(15)] (23) estazolam;

(24) ETHCHLORVYNOL;

[(16)] (25) ethinamate;

[(17)] (26) ethylloflazepate;

(27) FENCAMFAMIN;

(28) FENPROPOREX;

[(18)] (29) fludiazepam;

[(19)] (30) flunitrazepam;

[(20)] (31) flurazepam;

[(21)] (32) halazepam;

[(22)] (33) haloxazolam;

[(23)] (34) ketazolam;

[(24)] (35) loprazolam;
lorazepam;
lormetazepam;
mebutamate;
medazepam;
MEFENOREX;
methohexital;
meprobamate;
methylphenobarbital;
MIDAZOLAM;
MODAFINIL;
nimetazepam;
nitrozepam;
nordiazepam;
oxazepam;
oxazolam;
paraldehyde;
petrichloral;
phenobarbital;
pinazepam;
PRAWDOL PIPRADROL;
prazepam;
QUAZEPAM;
SIBUTRAMINE;
(59) SPA (LEFETAMINE);

(60) SUVOREXANT (BELSOMRA);

[(42)] (61) temazepam;

[(43)] (62) tetrazepam; [and]

(63) TRAMADOL;

[(44)] (64) triazolam;

(65) ZALEPION ZALEPLON (SONATA);

(66) ZOLPIDEM (AMBIEN); AND

(67) ZOPICLONE (LUNESTA).

(c) Substances listed in Schedule IV include:

(1) a material, compound, mixture, or preparation that contains fenfluramine; and

(2) if its existence is possible:

(i) a salt of fenfluramine;

(ii) an optical, position, or geometric isomer of fenfluramine; and

(iii) a salt of an isomer of fenfluramine.

(d) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) diethylpropion;

(2) pemoline, including organometallic complexes and their chelates; and

(3) phentermine.

(e) By regulation, the Department may exempt from this section a compound, mixture, or preparation that contains a depressant substance listed in subsection (b) of this section if:
(1) the compound, mixture, or preparation contains an active medicinal ingredient that does not have a depressant effect on the central nervous system; and

(2) the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

(f) The Department may not add a substance to Schedule IV under § 5–202 of this title unless the Department finds that:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

5–406.

(a) Schedule V consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule V by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule V controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) A substance is listed in Schedule V if the substance includes a compound, mixture, or preparation that contains the following narcotic drugs or their salts:

(1) (i) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(ii) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(iii) not more than 50 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(iv) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; [or]
(v) unless specifically excepted under this subtitle, or unless listed in another schedule, any material, compound, mixture, or preparation containing buprenorphine or its salt; and]

(V) BRIVARACETAM;

(VI) DIFENOXIN PREPARATIONS 0.5MG/25UG ATSO4/DU (MOTOFEN);

(VII) EZOGABINE (POTIGA);

(VIII) LACOSAMIDE (VIMPAT);

(IX) PREGABALIN (LYRICA); OR

(X) PYROVALERONE; AND

(2) nonnarcotic active medicinal ingredients in sufficient proportion to confer on the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

(c) The Department may not add a substance to Schedule V under § 5–202 of this title unless the Department finds:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule IV;

(2) the substance has currently accepted medical use in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV.

5–908.

(A) THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING $1,000 FOR EACH VIOLATION OF THIS TITLE.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

(C) THE DEPARTMENT SHALL REMIT A PENALTY IMPOSED UNDER THIS SECTION TO THE GENERAL FUND OF THE STATE.
21–1113.

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

(2) “Authorized prescriber” means a licensed dentist, licensed physician, licensed podiatrist, licensed veterinarian, certified nurse midwife to the extent permitted under § 8–601 of the Health Occupations Article, certified nurse practitioner to the extent permitted under § 8–508 of the Health Occupations Article, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

(3) “Board” means a health occupation licensing board authorized to issue a permit, license, or certificate under the Health Occupations Article.

(4) (i) “Controlled dangerous substance” means a drug, substance, or immediate precursor listed in Schedule I through Schedule V in Title 5 of the Criminal Law Article.

(ii) “Controlled dangerous substance” does not include tobacco or a distilled spirit, wine, or malt beverage.

(5) “Drug” means a prescription or nonprescription drug.

(6) “Nonprescription drug” means a drug which may be sold without a prescription and which is labeled for consumer use in accordance with the requirements of the laws and regulations of this State and the federal government.

(7) “Permit holder” means a holder of, or applicant for:

(i) A pharmacy permit, manufacturer’s permit, or distributor’s permit issued by the State Board of Pharmacy under Title 12 of the Health Occupations Article; OR

(ii) A dispensing permit issued by a board under the authority of § 12–102(c)(2) of the Health Occupations Article; OR

(III) A CONTROLLED DANGEROUS SUBSTANCES REGISTRATION ISSUED BY THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION UNDER § 5–301(A)(1) OF THE CRIMINAL LAW ARTICLE.

(8) “Prescription drug” means a drug that under § 21–220 of this title may be dispensed only on the prescription of a health practitioner who is authorized by law to prescribe the drug.

(b) (1) The Department may issue an order of impoundment and immediately impound drugs, BULK POWDERS AND CHEMICALS, or prescription records of a permit holder or an authorized prescriber if:
(i) A permit holder’s permit or authorized prescriber’s license has expired or has been revoked or suspended;

(ii) An application for a permit or license has been denied;

(iii) A board has:

1. Determined that the permit holder or authorized prescriber failed to comply with a board order, letter of surrender, or law regarding the disposition of drugs, BULK POWDERS AND CHEMICALS, or prescription records; and

2. Requested that the Department impound the drugs, BULK POWDERS AND CHEMICALS, or prescription records;

(iv) The drugs OR BULK POWDERS AND CHEMICALS pose an imminent threat to the public health, safety, or welfare; or

(v) The confidentiality of the prescription records is in imminent danger of being compromised.

(2) The Department may not impound the drugs, BULK POWDERS AND CHEMICALS, or prescription records of a permit holder or authorized prescriber who is in compliance with a board order or law specifically providing for the manner of the disposition of drugs, BULK POWDERS AND CHEMICALS, or prescription records.

(c) (1) Except as otherwise provided in paragraph (2) of this subsection, the Department shall:

(i) Attempt to serve written notice of an impoundment on the permit holder or authorized prescriber;

(ii) Provide the permit holder or authorized prescriber with an opportunity to avoid impoundment by allowing the permit holder or authorized prescriber to dispose of the drugs, BULK POWDERS AND CHEMICALS, or prescription records in a manner acceptable to the Department;

(iii) Provide the permit holder or authorized prescriber with an opportunity prior to impoundment to review the nature, type, and amount of information upon which the Department issued the impoundment order; and

(iv) Provide the permit holder or authorized prescriber with an opportunity to avoid impoundment by providing the Department with information upon which the Department could reasonably conclude that the impoundment is not warranted.
(2) If drugs OR BULK POWDERS AND CHEMICALS pose an imminent threat to the public health, safety, or welfare, or if the confidentiality of prescription records is in imminent danger of being compromised, the Department may:

(i) Issue an impoundment order; and

(ii) Immediately impound drugs, BULK POWDERS AND CHEMICALS, or prescription records without prior notice to the permit holder or authorized prescriber.

(d) An order of impoundment constitutes a final order subject to judicial review under the State Administrative Procedure Act.

(e) The Department shall provide the permit holder or authorized prescriber with a list of all drugs, BULK POWDERS AND CHEMICALS, and prescription records impounded.

(f) The Department may charge reasonable fees to recover the costs of the collection, storage, and disposition of drugs, BULK POWDERS AND CHEMICALS, or prescription records.

(g) The Department shall adopt regulations governing the disposition of impounded drugs, BULK POWDERS AND CHEMICALS, and prescription records.

(h) Prior to issuing an order of impoundment, the Department, with the approval of the Board of Pharmacy, shall develop regulations concerning:

(1) The nature, type, and amount of information upon which the Department may rely to issue an order of impoundment;

(2) The level of investigation the Department must pursue to verify the information upon which the order of impoundment was based under subsection (b)(1)(iv) or (v) or (c)(2) of this section; and

(3) The measures the Department must pursue to attempt service on the permit holder or authorized prescriber prior to impoundment under subsection (c) of this section.

(i) Prior to destroying or transferring impounded drugs, BULK POWDERS AND CHEMICALS, or prescription records, the Department shall publish a notice [for 2 consecutive weeks] ONCE A WEEK FOR 2 CONSECUTIVE WEEKS in a [daily] newspaper that is circulated locally:

(1) Stating the date that the drugs, BULK POWDERS AND CHEMICALS, or prescription records will be destroyed or transferred; and
(2) Designating a date, time, and location where the drugs, BULK POWDERS AND CHEMICALS, or prescription records may be retrieved by the permit holder or authorized prescriber if certain conditions are met.

(j) A board shall immediately notify the Office of Controlled Substances Administration of the surrender, suspension, or revocation of a permit holder’s permit or an authorized prescriber’s license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 213

(House Bill 1452)

AN ACT concerning

Controlled Dangerous Substances Registration – Authorized Providers – Continuing Medical Education

FOR the purpose of requiring a certain authorized provider to submit certain evidence attest on a certain registration form to the Maryland Department of Health that the authorized provider completed certain continuing medical education before the authorized provider may be registered by the Department or renew a certain registration to dispense a controlled dangerous substance; requiring certain continuing medical education to be related to the prescribing or dispensing of controlled dangerous substances and developed by organizations recognized by a certain licensing or certification board or accredited by a certain organization; requiring an authorized provider who dispenses a controlled dangerous substance to complete certain continuing medical education before the authorized provider’s registration may be renewed by the Department; and generally relating to registration requirements for authorized providers to dispense controlled dangerous substances.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–301 and 5–302
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

5–301.

(a) (1) Except as otherwise provided in this section, a person shall be registered by the Department before the person manufactures, distributes, or dispenses a controlled dangerous substance in the State.

(2) The Department shall adopt regulations to carry out this subsection.

(b) An applicant must register separately each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses a controlled dangerous substance.

(C) (1) BEFORE THE DEPARTMENT REGISTERS AN AUTHORIZED PROVIDER TO DISPENSE A CONTROLLED DANGEROUS SUBSTANCE, AN AUTHORIZED PROVIDER APPLYING FOR A REGISTRATION TO DISPENSE A CONTROLLED DANGEROUS SUBSTANCE UNDER THIS SECTION AND WHO WILL PRESCRIBE OR DISPENSE CONTROLLED DANGEROUS SUBSTANCES UNDER THAT REGISTRATION SHALL SUBMIT ATTEST ON THE REGISTRATION FORM TO THE DEPARTMENT SATISFACTORY EVIDENCE THAT THE AUTHORIZED PROVIDER SUCCESSFULLY COMPLETED TWO CREDITS OF CONTINUING MEDICAL THAT THE AUTHORIZED PROVIDER HAS COMPLETED 2 HOURS OF CONTINUING EDUCATION.

(2) AN AUTHORIZED PROVIDER SHALL MAKE THE ATTESTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) BEFORE THE AUTHORIZED PROVIDER’S INITIAL REGISTRATION; OR

(II) IF THE AUTHORIZED PROVIDER IS REGISTERED BEFORE OCTOBER 1, 2018, BEFORE THE FIRST RENEWAL OF THE AUTHORIZED PROVIDER’S REGISTRATION THAT OCCURS ON OR AFTER OCTOBER 1, 2018.

(2) (3) THE CONTINUING MEDICAL EDUCATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) RELATED TO THE PRESCRIBING OR DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES; AND

(II) DEVELOPED BY ORGANIZATIONS THAT ARE RECOGNIZED BY THE AUTHORIZED PROVIDER’S LICENSING OR CERTIFICATION BOARD OR ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION.
To the extent authorized by the registration and subject to subsection (b) of this section and this subtitle, a person registered by the Department under this subtitle may:

1. possess, manufacture, distribute, or dispense controlled dangerous substances; and

2. perform any activity listed in item (1) of this subsection to conduct research.

A person need not register with the Department to possess a controlled dangerous substance while acting in the course of the person’s business or profession if the person is:

1. an agent or agent’s employee of a registered manufacturer, distributor, or dispenser of a controlled dangerous substance;

2. a common or contract carrier or warehouseman, or an employee of a common or contract carrier or warehouseman; or

3. an ultimate user or person in possession of a controlled dangerous substance acting in good faith in accordance with a lawful order of an authorized provider.

If the Department finds that a waiver is consistent with public health and safety, by regulation, the Department may waive the registration requirement for a manufacturer, distributor, or dispenser.

A registration expires on the date set by the Department unless it is renewed for an additional term as provided in this section.

A registration may not be renewed for more than 3 years.

Before a registration expires, an authorized provider who dispenses a controlled dangerous substance may renew the registration periodically for an additional term if the authorized prescriber submits to the Department satisfactory evidence of completion of two credits of continuing medical education.

The continuing medical education required under paragraph (1) of this subsection shall be:

1. related to the dispensing of controlled dangerous substances; and
II DEVELOPED BY ORGANIZATIONS THAT ARE ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 214
(Senate Bill 1223)

AN ACT concerning

Controlled Dangerous Substances Registration – Authorized Providers – Continuing Medical Education

FOR the purpose of requiring a certain authorized provider to submit certain evidence attest on a certain registration form to the Maryland Department of Health that the authorized provider completed certain continuing medical education before the authorized provider may be registered by the Department or renew a certain registration to dispense a controlled dangerous substance; requiring certain continuing medical education to be related to the prescribing or dispensing of controlled dangerous substances and developed by organizations recognized by a certain licensing or certification board or accredited by a certain organization; requiring an authorized provider who dispenses a controlled dangerous substance to complete certain continuing medical education before the authorized provider’s registration may be renewed by the Department; and generally relating to registration requirements for authorized providers to dispense controlled dangerous substances.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–301 and 5–302
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Criminal Law

5–301.
(a) (1) Except as otherwise provided in this section, a person shall be registered by the Department before the person manufactures, distributes, or dispenses a controlled dangerous substance in the State.

(2) The Department shall adopt regulations to carry out this subsection.

(b) An applicant must register separately each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses a controlled dangerous substance.

(C) (1) Before the Department registers an authorized provider to dispense a controlled dangerous substance, an authorized provider applying for a registration to dispense a controlled dangerous substance under this section and who will prescribe or dispense controlled dangerous substances under that registration shall submit attestation on the registration form to the Department satisfactory evidence that the authorized provider successfully completed two credits of continuing medical education that the authorized provider has completed 2 hours of continuing medical education.

(2) An authorized provider shall make the attestation required under paragraph (1) of this subsection:

   (I) before the authorized provider’s initial registration; or

   (II) if the authorized provider is registered before October 1, 2018, before the first renewal of the authorized provider’s registration that occurs on or after October 1, 2018.

(2) (3) The continuing medical education required under paragraph (1) of this subsection shall be:

   (I) related to the prescribing or dispensing of controlled dangerous substances; and

   (II) developed by organizations that are recognized by the authorized provider’s licensing or certification board or accredited by the Accreditation Council for Continuing Medical Education.

[(c) (D)] To the extent authorized by the registration and subject to subsection (b) of this section and this subtitle, a person registered by the Department under this subtitle may:
(1) possess, manufacture, distribute, or dispense controlled dangerous substances; and

(2) perform any activity listed in item (1) of this subsection to conduct research.

[(d)] (E) A person need not register with the Department to possess a controlled dangerous substance while acting in the course of the person’s business or profession if the person is:

(1) an agent or agent’s employee of a registered manufacturer, distributor, or dispenser of a controlled dangerous substance;

(2) a common or contract carrier or warehouseman, or an employee of a common or contract carrier or warehouseman; or

(3) an ultimate user or person in possession of a controlled dangerous substance acting in good faith in accordance with a lawful order of an authorized provider.

[(e)] (F) If the Department finds that a waiver is consistent with public health and safety, by regulation, the Department may waive the registration requirement for a manufacturer, distributor, or dispenser.

§ 302.

(a) A registration expires on the date set by the Department unless it is renewed for an additional term as provided in this section.

(b) A registration may not be renewed for more than 3 years.

(c) (1) Before a registration expires, an authorized provider who dispenses a controlled dangerous substance may renew the registration periodically for an additional term if the authorized prescriber submits to the Department satisfactory evidence of completion of two credits of continuing medical education.

(2) The continuing medical education required under paragraph (1) of this subsection shall be:

(I) related to the dispensing of controlled dangerous substances; and

(II) developed by organizations that are accredited by the Accreditation Council for Continuing Medical Education.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 215
(House Bill 653)

AN ACT concerning

Health Care Providers – Opioid and Benzodiazepine Prescriptions – Discussion of Information Benefits and Risks

FOR the purpose of requiring certain health care providers to discuss certain information with certain patients or, and benzodiazepines under certain circumstances, certain parents or guardians at certain times; requiring certain health care providers to obtain a certain written acknowledgment and include the acknowledgment in certain patients’ medical records; requiring the Maryland Department of Health to develop and make available a certain model form that includes certain guidelines; making the failure to provide certain patients, parents, and guardians with certain information and obtain a certain written acknowledgment a violation for which certain health occupations boards are authorized to take certain disciplinary actions against certain individuals; making conforming changes; providing that a violation of this Act is grounds for disciplinary action by a certain health occupations board; and generally relating to the discussion of information and advice regarding benefits and risks associated with opioids and benzodiazepines that are controlled dangerous substances.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–223
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–315(a)(35), 8–316(a)(36), 14–404(a)(43), and 16–311(a)(8)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

1–223.

(a) In this section, “controlled dangerous substance” has the meaning stated in § 5–101 of the Criminal Law Article.

(B) (1) Before prescribing an opioid that is a controlled dangerous substance as treatment for pain, a health care provider shall discuss with the patient or, if the patient is a minor, the parent or guardian of the patient:

(i) The reasons why the prescription is necessary;

(ii) The risks associated with the use of the opioid, including the risk of:
   1. Addiction and overdose, even when taken as prescribed;
   2. Developing a physical or psychological dependence on the opioid; and
   3. Taking more opioids than prescribed;

(iii) The dangers of taking opioids with alcohol, benzodiazepines, and other central nervous system depressants, including the danger of fatal respiratory depression; and

(iv) Alternative treatments that may be available.

(2) A health care provider shall discuss the information and risks described under paragraph (1) of this subsection before issuing:

(i) An initial prescription for an opioid that is a controlled dangerous substance; and

(ii) A third prescription for an opioid that is a controlled dangerous substance in the same course of treatment.

(3) (i) A health care provider shall obtain a written acknowledgment from the patient or, if the patient is a minor, the parent or guardian of the patient that the patient or parent or
GUARDIAN HAS DISCUSSED THE INFORMATION AND RISKS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITH THE HEALTH CARE PROVIDER.

(ii) The health care provider shall include a copy of the written acknowledgment required under subparagraph (i) of this paragraph in the patient's medical record.

(iii) 1. The Department shall develop and make available a model form for health care providers to use as the written acknowledgment required under subparagraph (i) of this paragraph.

2. The form developed under subsubparagraph 1 of this subparagraph shall include guidelines for health care providers for engaging in the discussion required under paragraph (1) of this subsection.

(b) (c) (1) On treatment for pain, a health care provider, based on the clinical judgment of the health care provider, shall prescribe:

(1) The lowest effective dose of an opioid; and

(2) A quantity that is no greater than the quantity needed for the expected duration of pain severe enough to require an opioid that is a controlled dangerous substance unless the opioid is prescribed to treat:

(i) A substance–related disorder;

(ii) Pain associated with a cancer diagnosis;

(iii) Pain experienced while the patient is receiving end–of–life, hospice, or palliative care services; or

(iv) Chronic pain.

(c) (2) The dosage, quantity, and duration of an opioid prescribed under paragraph (1) of this section shall be based on an evidence–based clinical guideline for prescribing controlled dangerous substances that is appropriate for:

(1) The health care service delivery setting for the patient;

(2) The type of health care services required by the patient; and

(3) The age and health status of the patient.
(D) (1) WHEN A PATIENT IS PRESCRIBED AN OPIOID UNDER SUBSECTION (B) OF THIS SECTION, THE PATIENT SHALL BE ADVISED OF THE BENEFITS AND RISKS ASSOCIATED WITH THE OPIOID.

(2) WHEN A PATIENT IS CO–PRESCRIBED A BENZODIAZEPINE WITH AN OPIOID THAT IS PRESCRIBED UNDER SUBSECTION (B) OF THIS SECTION, THE PATIENT SHALL BE ADVISED OF THE BENEFITS AND RISKS ASSOCIATED WITH THE BENZODIAZEPINE AND THE CO–PRESCRIPTION OF THE BENZODIAZEPINE.

(E) A violation of subsection (b) OR (D) of this section is grounds for disciplinary action by the health occupations board that regulates the health care provider who commits the violation.

4–315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher’s license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(35) Fails to comply with § 1–223 of this article.

8–316.

(a) Subject to the hearing provisions of § 8–317 of this subtitle, the Board may deny a license or grant a license, including a license subject to a reprimand, probation, or suspension, to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the applicant or licensee:

(36) Fails to comply with § 1–223 of this article.

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(43) Fails to comply with § 1–223 of this article.

16–311.

(a) Subject to the hearing provisions of § 16–313 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an
administrative monetary penalty not exceeding $50,000 on any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or a limited license if the applicant, licensee, or holder:

(8) Prescribes or distributes a controlled dangerous substance to any other person in violation of the law, including in violation of § 1–223 of this article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 216
(Senate Bill 522)

AN ACT concerning

Health Care Providers – Opioid and Benzodiazepine Prescriptions – Discussion of Information Advice Regarding Discussion of Benefits and Risks

FOR the purpose of requiring that certain health care providers to discuss advice certain information patients be advised of the benefits and risks associated with the prescription of certain opioids and benzodiazepines under certain circumstances with certain patients or, under certain circumstances, certain parents or guardians at certain times; requiring certain health care providers to obtain a certain written acknowledgment and include the acknowledgment in certain patients’ medical records; requiring the Maryland Department of Health to develop and make available a certain model form that includes certain guidelines; making the failure to provide certain patients, parents, and guardians with certain information and obtain a certain written acknowledgment a violation for which certain health occupations boards are authorized to take certain disciplinary actions against certain individuals; making conforming changes; providing that a violation of this Act is grounds for disciplinary action by a certain health occupations board; and generally relating to the discussion of information advice regarding benefits and risks associated with opioids and benzodiazepines that are controlled dangerous substances.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–223
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations
1–223.

(a) In this section, “controlled dangerous substance” has the meaning stated in § 5–101 of the Criminal Law Article.

(B) (1) BEFORE PRESCRIBING AN OPIOID THAT IS A CONTROLLED DANGEROUS SUBSTANCE AS TREATMENT FOR PAIN, A HEALTH CARE PROVIDER SHALL DISCUSS WITH THE PATIENT OR, IF THE PATIENT IS A MINOR, THE PARENT OR GUARDIAN OF THE PATIENT:

   (I) THE REASONS WHY THE PRESCRIPTION IS NECESSARY;

   (II) THE RISKS ASSOCIATED WITH THE USE OF THE OPIOID, INCLUDING THE RISK OF:

   1. ADDICTION AND OVERDOSE, EVEN WHEN TAKEN AS PRESCRIBED;

   2. DEVELOPING A PHYSICAL OR PSYCHOLOGICAL DEPENDENCE ON THE OPIOID; AND

   3. TAKING MORE OPIOIDS THAN PRESCRIBED;

   (III) THE DANGERS OF TAKING OPIOIDS WITH ALCOHOL, BENZODIAZEPINES, AND OTHER CENTRAL NERVOUS SYSTEM DEPRESSANTS, INCLUDING THE DANGER OF FATAL RESPIRATORY DEPRESSION; AND

   (IV) ALTERNATIVE TREATMENTS THAT MAY BE AVAILABLE.

(2) A HEALTH CARE PROVIDER SHALL DISCUSS THE INFORMATION AND RISKS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE ISSUING:

   (I) AN INITIAL PRESCRIPTION FOR AN OPIOID THAT IS A CONTROLLED DANGEROUS SUBSTANCE; AND
(II) A third prescription for an opioid that is a controlled dangerous substance in the same course of treatment.

(3) (i) A health care provider shall obtain a written acknowledgment from the patient or, if the patient is a minor, the parent or guardian of the patient that the patient or parent or guardian has discussed the information and risks described under paragraph (1) of this subsection with the health care provider.

(ii) The health care provider shall include a copy of the written acknowledgment required under subparagraph (i) of this paragraph in the patient’s medical record.

(iii) 1. The Department shall develop and make available a model form for health care providers to use as the written acknowledgment required under subparagraph (i) of this paragraph.

2. The form developed under subsubparagraph 1 of this subparagraph shall include guidelines for health care providers for engaging in the discussion required under paragraph (1) of this subsection.

(b) (c) (1) On treatment for pain, a health care provider, based on the clinical judgment of the health care provider, shall prescribe:

(1) The lowest effective dose of an opioid; and

(2) A quantity that is no greater than the quantity needed for the expected duration of pain severe enough to require an opioid that is a controlled dangerous substance unless the opioid is prescribed to treat:

(i) A substance–related disorder;

(ii) Pain associated with a cancer diagnosis;

(iii) Pain experienced while the patient is receiving end–of–life, hospice, or palliative care services; or

(iv) Chronic pain.

(c) (2) The dosage, quantity, and duration of an opioid prescribed under subsection (b) paragraph (1) of this section shall be based on an evidence–based clinical guideline for prescribing controlled dangerous substances that is appropriate for:
The health care service delivery setting for the patient;

The type of health care services required by the patient; and

The age and health status of the patient.

(D) (1) When prescribing an opioid under subsection (b) of this section, a health care provider shall advise the patient of the benefits and risks associated with the prescribed opioid. When a patient is prescribed an opioid under subsection (b) of this section, the patient shall be advised of the benefits and risks associated with the opioid.

(2) When a patient is co-prescribed a benzodiazepine with an opioid that is prescribed under subsection (b) of this section, the patient shall be advised of the benefits and risks associated with the benzodiazepine and the co-prescription of the benzodiazepine.

(E) A violation of subsection (b) or (D) of this section is grounds for disciplinary action by the health occupations board that regulates the health care provider who commits the violation.

4–315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher’s license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(35) Fails to comply with § 1–223 of this article.

8–316.

(a) Subject to the hearing provisions of § 8–317 of this subtitle, the Board may deny a license or grant a license, including a license subject to a reprimand, probation, or suspension, to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the applicant or licensee:

(36) Fails to comply with § 1–223 of this article.

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may
reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(43) Fails to comply with § 1–223 of this article.

16–311.

(a) Subject to the hearing provisions of § 16–313 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an administrative monetary penalty not exceeding $50,000 on any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or a limited license if the applicant, licensee, or holder:

(8) Prescribes or distributes a controlled dangerous substance to any other person in violation of the law, including in violation of § 1–223 of this article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 217

(House Bill 736)

AN ACT concerning Pharmacy Benefits Managers – Pharmacies and Pharmacists – Information on and Sales of Prescription Drugs

FOR the purpose of prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from providing a beneficiary with certain information regarding a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from discussing with a beneficiary a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from selling a certain alternative prescription drug under certain circumstances; providing for the construction of this Act; and generally relating to pharmacy benefits managers.

BY adding to Article – Insurance
Section 15–1611
Annotated Code of Maryland
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–1611.

(A) A PHARMACY BENEFITS MANAGER MAY NOT PROHIBIT A PHARMACY OR PHARMACIST FROM:

(1) PROVIDING A BENEFICIARY WITH INFORMATION REGARDING THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;

(2) DISCUSSING WITH A BENEFICIARY INFORMATION REGARDING THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG; OR

(3) IF A MORE AFFORDABLE DRUG IS AVAILABLE THAN ONE ON THE PURCHASER’S FORMULARY AND THE REQUIREMENTS FOR A THERAPEUTIC INTERCHANGE UNDER §§ 15–1633 THROUGH 15–1639 OF THIS SUBTITLE ARE MET, SELLING THE MORE AFFORDABLE ALTERNATIVE TO THE BENEFICIARY.

(B) THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE REQUIREMENTS FOR A THERAPEUTIC INTERCHANGE UNDER §§ 15–1633 THROUGH 15–1639 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 218

(Senate Bill 576)

AN ACT concerning

Pharmacy Benefits Managers – Pharmacies and Pharmacists – Information on and Sales of Prescription Drugs
FOR the purpose of prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from providing a beneficiary with certain information regarding a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from discussing with a beneficiary a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from selling a certain alternative prescription drug under certain circumstances; providing for the construction of this Act; and generally relating to pharmacy benefits managers.

BY adding to
Article – Insurance
Section 15–1611
Annotated Code of Maryland (2017 Replacement Volume)

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

Article – Insurance

15–1611.

(A) A PHARMACY BENEFITS MANAGER MAY NOT PROHIBIT A PHARMACY OR PHARMACIST FROM:

(1) PROVIDING A BENEFICIARY WITH INFORMATION REGARDING THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;

(2) DISCUSSING WITH A BENEFICIARY INFORMATION REGARDING THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG; OR

(3) IF A MORE AFFORDABLE DRUG IS AVAILABLE THAN ONE ON THE PURCHASER’S FORMULARY AND THE REQUIREMENTS FOR A THERAPEUTIC INTERCHANGE UNDER §§ 15–1633 THROUGH 15–1639 OF THIS SUBTITLE ARE MET, SELLING THE MORE AFFORDABLE ALTERNATIVE TO THE BENEFICIARY.

(B) THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE REQUIREMENTS FOR A THERAPEUTIC INTERCHANGE UNDER §§ 15–1633 THROUGH 15–1639 OF THIS SUBTITLE.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 219
(House Bill 1566)

AN ACT concerning Public Utilities – Water and Sewage Disposal Companies – Acquisition

FOR the purpose of establishing a certain process for valuing a water company or a sewage disposal company that is the subject of a certain acquisition; prohibiting a person from acquiring a controlling interest in certain water services or sewage disposal providers for certain purposes without prior approval of the Public Service Commission; providing that the Commission may authorize a certain acquisition if the Commission finds that the acquisition is consistent with the public convenience and necessity; requiring the fair market value of the selling utility to be determined in a certain manner under certain circumstances; requiring the Public Service Commission to maintain a list of certain utility valuation experts; requiring certain utility valuation experts to perform separate valuations of a providing that the acquiring entity and the selling utility are responsible for hiring certain experts to conduct an appraisal of the selling utility in a certain manner; requiring an acquiring entity and a selling utility to engage a certain licensed engineer for certain purposes; requiring the utility valuation experts to provide completed appraisals within a certain period of time; requiring the utility valuation experts to provide completed appraisals within a certain period of time; providing for the selection of certain utility valuation experts in a certain manner; prohibiting a utility valuation expert from deriving certain benefits from a certain sale or from having a certain relationship with an acquiring entity or a selling utility within a certain period of time; authorizing the inclusion of certain fees in certain costs; requiring the rate making rate base of a selling utility and certain costs and fees to be included in the rate base of the acquiring utility or other acquiring entity in a certain manner and at a certain value; requiring an acquiring utility entity to provide certain information to the Commission in a certain application; requiring the Commission to issue a certain order on a certain application within a certain period of time; providing for a certain extension; providing that a certain application is deemed approved under certain circumstances; requiring the order to contain certain matters; providing that a certain tariff shall remain in effect until certain rates are approved; authorizing an acquiring utility to collect a certain distribution system improvement charge during a certain period subject to Commission approval; providing that a certain appraisal is presumed to be valid under certain circumstances; requiring a certain cost of service to be included in the revenue requirement of the acquiring utility entity in a certain manner; requiring an acquiring entity that is not a public utility in the State
to include certain information in an application for a certificate of public convenience and necessity to operate in the State; providing for the accrual of a certain construction allowance for an acquiring utility entity for a certain period under certain circumstances; providing for the deferral of certain depreciation for certain purposes; providing for the application of this Act; defining certain terms; and generally relating to water companies and sewage disposal companies.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a), (d), (f), (t), (u), (v), (w), (x), (z), (ee), (ss), and (tt) and 4–206 Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY adding to
Article – Public Utilities
Section 6–301 through 6–308 to be under the new subtitle “Subtitle 3. Acquisition of Water Companies and Sewage Disposal Companies” Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Public Utilities

1–101.

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

(d) “Commission” means the Public Service Commission.

(f) “Company”, as a designation for a type of enterprise, includes a person that owns a company individually or as an agent, trustee, or receiver of a company.

(t) “Own” includes own, operate, lease to or from, manage, or control.

(u) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(v) “Plant” includes all material, equipment, and property owned by a public service company and used or to be used for or in connection with a public utility service.

(w) “Proceeding” includes an action, complaint, hearing, investigation, trial, appeal, order, or similar matter pending before, made, or conducted by an official body.
(x) (1) “Public service company” means a common carrier company, electric company, gas company, sewage disposal company, telegraph company, telephone company, water company, or any combination of public service companies.

(2) “Public service company” does not include:

(i) a campground that provides water, electric, gas, sewage, or telephone service to campers incident to the campground’s primary business of operating and maintaining the campground; or

(ii) a person that owns or operates equipment used for charging electric vehicles, including a person that owns or operates:

1. an electric vehicle charging station;

2. electric vehicle supply equipment; or

3. an electric vehicle charging station service company or provider.

(z) (1) “Rate” means a toll, fare, tariff, fee, price, or other charge, or a combination of these items, by a public service company for public utility service.

(2) “Rate” includes a schedule, regulation, classification, or practice of a public service company that affects:

(i) the amount of a charge; or

(ii) the nature and value of the service rendered for the charge.

(ee) “Sewage disposal company” means a privately owned public service company that owns or maintains facilities for the disposal of sewage.

(ss) “Water company” means a public service company that owns a water plant and sells or distributes water for gain.

(tt) “Water plant” means the material, equipment, and property owned by a water company and used or to be used for or in connection with water service.

4–206.

(a) At any time, the Commission may investigate and determine the fair value of the property of a public service company used and useful in providing service to the public.

(b) (1) The valuation:

(i) is not final until the Commission:
1. serves on the public service company a copy of the order setting the proposed valuation and the method used to set the valuation; and

2. allows a reasonable time in which to file a protest; and

   (ii) is final if a protest is not filed within the time specified in the order.

(2) If a timely protest is filed, the Commission shall enter a final valuation by order after hearing.

(c) All final valuations are prima facie evidence of value in proceedings under this division.

SUBTITLE 3. ACQUISITION OF WATER COMPANIES AND SEWAGE DISPOSAL COMPANIES.

6–301.

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

(B) “ACQUIRING ENTITY” MEANS:

   (1) AN ACQUIRING UTILITY A WATER COMPANY OR A SEWAGE COMPANY THAT IS ACQUIRING A SELLING UTILITY AS THE RESULT OF A VOLUNTARY ARM’S LENGTH TRANSACTION BETWEEN THE BUYER AND SELLER; OR

   (2) ANOTHER PERSON THAT:

      (I) IS ACQUIRING A SELLING UTILITY AS THE RESULT OF A VOLUNTARY ARM’S LENGTH TRANSACTION BETWEEN THE BUYER AND SELLER; AND

      (II) HAS FILED WITH APPLIED TO THE COMMISSION, DIRECTLY OR THROUGH AN AFFILIATE, AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR AUTHORITY TO OPERATE AS A PUBLIC SERVICE COMPANY IN THE STATE.

(C) “ACQUIRING UTILITY” MEANS A WATER COMPANY OR A SEWAGE DISPOSAL COMPANY THAT IS ACQUIRING A SELLING UTILITY AS THE RESULT OF A VOLUNTARY ARM’S LENGTH TRANSACTION BETWEEN THE BUYER AND SELLER.

(D) “AFFILIATE” HAS THE MEANING STATED IN § 7–501 OF THIS ARTICLE.
(D) “CONSTRUCTION ALLOWANCE” means an accounting practice that recognizes the capital costs, including debt and equity funds that are used to finance the construction costs of an improvement to a selling utility’s assets by an acquiring entity.

(E) “FAIR MARKET VALUE” means the average of the two utility valuation expert appraisals conducted under § 6–303 6–304 of this subtitle.

(G) “RATE MAKING RATE BASE” means the dollar value of a selling utility that, for purposes of rate making after the acquisition, is incorporated into the rate base of the acquiring entity.

(H) “RATE STABILIZATION PLAN” means a plan that will hold rates constant or phase rates in over a period of time after the next base rate case after the acquisition.

(F) “SELLING UTILITY” means a water company or a sewage disposal company in the State or any other water service or sewage disposal service provider in the State, including any State, county, or municipal water service provider or sewage disposal service provider that is being purchased by an acquiring entity as the result of a voluntary arm’s length transaction between the buyer and seller.

(G) “UTILITY VALUATION EXPERT” or “EXPERT” means a person hired by an acquiring public utility and selling utility for the purpose of conducting an economic valuation of the selling utility to determine its fair market value.

6–302.

This subtitle applies to the sale and acquisition of water companies and sewage disposal companies, including all tangible assets, of public and private water service providers and sewage disposal service providers with fewer than 400,000 customers.

6–303.

(A) WITHOUT PRIOR AUTHORIZATION OF THE COMMISSION, A PERSON MAY NOT ACQUIRE A CONTROLLING INTEREST IN ANY STATE, COUNTY, MUNICIPAL, OR SIMILAR NOT–FOR–PROFIT WATER SERVICE OR SEWAGE DISPOSAL SERVICE PROVIDER, FOR THE PURPOSE OF CONVERTING THE PROVIDER INTO A WATER COMPANY OR SEWAGE DISPOSAL COMPANY.
(B) The Commission may authorize an acquisition under subsection (A) of this section if the Commission finds that the acquisition is consistent with the public convenience and necessity.

6–304.

(A) On agreement by both the acquiring entity and the selling utility, the fair market value of the selling utility shall be determined in accordance with this section.

(B) The Commission shall maintain a list of utility valuation experts from which the acquiring entity and the selling utility shall each select an expert to conduct an appraisal of the selling utility to determine the fair market value of the selling utility.

(C) Each of the two utility valuation experts shall perform a separate appraisal of the selling utility for the purpose of establishing its fair market value.

(D) (C) Each utility valuation expert shall determine the fair market value in compliance with the Uniform Standards of Professional Appraisal Practice, employing the cost, market, and income approaches.

(E) (D) (1) The acquiring entity and the selling utility shall engage the services of the same licensed engineer to conduct an assessment of the tangible assets of the selling utility.

(2) The assessment shall be incorporated into the appraisals under the cost approach required under subsection (D) (C) of this section.

(F) Each utility valuation expert shall provide the completed appraisal to the acquiring public entity and the selling utility within 90 days after execution of the contract for the appraisal service.

6–304. 6–305.

(A) The utility valuation experts required under § 6–303 of this subtitle shall be selected as follows:

(1) One shall be selected by the acquiring entity; and
(2) ONE SHALL BE SELECTED BY THE SELLING UTILITY.

(B) A UTILITY VALUATION EXPERT MAY NOT:

(1) DERIVE ANY MATERIAL FINANCIAL BENEFIT FROM THE SALE OF THE SELLING UTILITY OTHER THAN FEES FOR SERVICES RENDERED; OR

(2) BE AN IMMEDIATE FAMILY MEMBER OF A DIRECTOR, AN OFFICER, OR AN EMPLOYEE OF EITHER THE ACQUIRING ENTITY OR THE SELLING UTILITY WITHIN 12 MONTHS BEFORE THE DATE OF HIRING TO PERFORM AN APPRAISAL UNDER THIS SUBTITLE.

6–306.

(C) (A) (1) REASONABLE TRANSACTION AND CLOSING COSTS INCURRED BY THE ACQUIRING ENTITY SHALL BE INCLUDED IN THE RATE MAKING RATE BASE OF THE ACQUIRING ENTITY.

(B) FEES PAID TO UTILITY VALUATION EXPERTS MAY BE INCLUDED IN THE TRANSACTION AND CLOSING COSTS ASSOCIATED WITH ACQUISITION BY THE ACQUIRING ENTITY.

(2) (3) FEES UNLESS THE COMMISSION FINDS JUST CAUSE TO AUTHORIZE ADDITIONAL FEES, FEES ELIGIBLE FOR INCLUSION MAY NOT EXCEED 5% OF THE FAIR MARKET VALUE OF THE SELLING UTILITY OR ANOTHER FEE THAT THE COMMISSION APPROVES $50,000 IF THE ACTUAL FEES PAID EXCEED 5% OF THE FAIR MARKET VALUE.

6–305.

(A) THE RATE MAKING RATE BASE OF THE SELLING UTILITY SHALL BE INCORPORATED INTO THE RATE BASE OF:

(1) THE ACQUIRING UTILITY DURING THE ACQUIRING UTILITY’S NEXT BASE RATE CASE; OR

(2) IN THE CASE OF AN ACQUIRING ENTITY THAT IS NOT A PUBLIC SERVICE COMPANY IN THE STATE AT THE TIME OF FILING UNDER THIS SUBTITLE, THE ACQUIRING ENTITY’S INITIAL TARIFF FILING.

(B) THE AS OF THE CLOSING DATE OF THE ACQUISITION, THE RATE MAKING RATE BASE OF THE SELLING UTILITY, INCLUDING ADDITIONS UNDER SUBSECTION (A) OF THIS SECTION, SHALL BE THE LESSER OF:
(1) the purchase price negotiated by the acquiring entity and selling utility; or

(2) the fair market value of the selling utility.

6–306. 6–307.

(A) this section applies to the acquisition of a selling utility by an acquiring utility.

(B) if an acquiring utility entity and the selling utility agree to use the process outlined in § 6–303 6–304 of this subtitle, the acquiring utility entity shall include in its application for commission approval of the acquisition filed under § 6–101 of this title:

(1) copies of the two appraisals performed by the utility valuation experts under § 6–303 6–304 of this subtitle;

(2) the purchase price of the selling utility as agreed to by the acquiring utility entity and the selling utility;

(3) the rate making rate base of the selling utility determined in accordance with § 6–305 of this subtitle;

(4) the transaction and closing costs incurred by the acquiring utility entity that will be included in its rate base; and

(5) a tariff containing a rate equal to the existing rates of the selling utility at the time of the acquisition and a rate stabilization plan, if applicable to the schedule of rates, service charges, and any additional fees to be incurred by the customers of the selling utility at or immediately after the closing date of acquisition.

(C) (B) (1) the subject to paragraph (2) of this subsection, the commission shall issue a final order on an application submitted under this subtitle within 180 days after the filing date of a complete application under subsection (B) (A) of this section.

(2) the commission may extend a proceeding under this subtitle for an additional 30 days if the commission finds that the proceedings cannot be completed within the initial suspension period.
(3) After the expiration of 180 days under paragraph (1) of this subsection and any extension under paragraph (2) of this subsection, if the Commission has not entered a final order, the application shall be deemed approved.

(D) If the Commission issues an order approving the application for acquisition, the order shall include:

(1) The rate making rate base of the selling utility, as determined under § 6–305 of this subtitle; and

(2) Any conditions of approval that the Commission requires.

(E) The tariff submitted under subsection (D)(5) of this section shall remain in effect until new rates are approved for the acquiring utility entity in a base rate case proceeding.

(2) The acquiring utility may collect a distribution system improvement charge during this period as approved by the Commission.

(F) The selling utility’s cost of service shall be incorporated into the revenue requirement of the acquiring utility as part of the acquiring utility’s next base rate case proceeding.

(2) The original source of funding for any part of the water or sewer assets of the selling utility may not be relevant in determining the value of those assets.

6–307.

(A) This section applies to the acquisition of a selling utility by an acquiring entity that is not a public service company in the State at the time of filing for approval of the acquisition.

(B) The acquiring entity shall provide all the information required by § 6–306(b) of this subtitle to the Commission as an attachment to its application for a certificate of public convenience and necessity to operate as a public service company in the State.

(E) An appraisal conducted under this subtitle is presumed to be valid unless substantial evidence demonstrates a failure to adhere to the requirements of § 6–304 or § 6–305 of this subtitle.
6–308.

(A) The cost of an improvement that an acquiring utility entity places in service after the acquisition that is not included in a distribution improvement charge shall accrue a construction allowance after the date the cost was incurred until the earlier of:

1. 4 3 years after the improvement is placed in service; or
2. The date the improvement is included in the acquiring utility’s entity’s next base rate case.

(B) Depreciation on an acquiring utility’s entity’s improvements after the acquisition that have not been included in the calculation of a distribution system improvement charge shall be deferred for book and rate making purposes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 220

(Senate Bill 854)

AN ACT concerning

Public Utilities – Water and Sewage Disposal Companies – Acquisition

FOR the purpose of establishing a certain process for valuing a water company or a sewage disposal company that is the subject of a certain acquisition; prohibiting a person from acquiring a controlling interest in certain water services or sewage disposal providers for certain purposes without prior approval of the Public Service Commission; providing that the Commission may authorize a certain acquisition if the Commission finds that the acquisition is consistent with the public convenience and necessity; requiring the fair market value of the selling utility to be determined in a certain manner under certain circumstances; requiring the Public Service Commission to maintain a list of certain utility valuation experts; requiring certain utility valuation experts to perform separate valuations of a providing that the acquiring entity and the selling utility are responsible for hiring certain experts to conduct an appraisal of the selling utility in a certain manner; requiring an acquiring entity and a selling utility to engage a certain licensed engineer for certain purposes; requiring the utility valuation experts to provide completed appraisals within a
certain period of time; providing for the selection of certain utility valuation experts in a certain manner; prohibiting a utility valuation expert from deriving certain benefits from a certain sale or from having a certain relationship with an acquiring entity or a selling utility within a certain period of time; authorizing the inclusion of certain fees in certain costs; requiring the rate making rate base of a selling utility and certain costs and fees to be included in the rate base of the acquiring utility or other acquiring entity in a certain manner and at a certain value; requiring an acquiring utility entity to provide certain information to the Commission in a certain application; requiring the Commission to issue a certain order on a certain application within a certain period of time; providing for a certain extension; providing that a certain application is deemed approved under certain circumstances; requiring the order to contain certain matters; providing that a certain tariff shall remain in effect until certain rates are approved; authorizing an acquiring utility to collect a certain distribution system improvement charge during a certain period subject to Commission approval; providing that a certain appraisal is presumed to be valid under certain circumstances; requiring a certain cost of service to be included in the revenue requirement of the acquiring utility entity in a certain manner; requiring an acquiring entity that is not a public utility in the State to include certain information in an application for a certificate of public convenience and necessity to operate in the State; providing for the accrual of a certain construction allowance for an acquiring utility entity for a certain period under certain circumstances; providing for the deferral of certain depreciation for certain purposes; providing for the application of this Act; defining certain terms; and generally relating to water companies and sewage disposal companies.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a), (d), (f), (t), (u), (v), (w), (x), (z), (ee), (ss), and (tt) and 4–206
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY adding to
Article – Public Utilities
Section 6–301 through 6–308 to be under the new subtitle “Subtitle 3. Acquisition of Water Companies and Sewage Disposal Companies”
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Public Utilities

1–101.

(a) In this division the following words have the meanings indicated.
(d) “Commission” means the Public Service Commission.

(f) “Company”, as a designation for a type of enterprise, includes a person that owns a company individually or as an agent, trustee, or receiver of a company.

(t) “Own” includes own, operate, lease to or from, manage, or control.

(u) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(v) “Plant” includes all material, equipment, and property owned by a public service company and used or to be used for or in connection with a public utility service.

(w) “Proceeding” includes an action, complaint, hearing, investigation, trial, appeal, order, or similar matter pending before, made, or conducted by an official body.

(x) (1) “Public service company” means a common carrier company, electric company, gas company, sewage disposal company, telegraph company, telephone company, water company, or any combination of public service companies.

(2) “Public service company” does not include:

(i) a campground that provides water, electric, gas, sewage, or telephone service to campers incident to the campground’s primary business of operating and maintaining the campground; or

(ii) a person that owns or operates equipment used for charging electric vehicles, including a person that owns or operates:

1. an electric vehicle charging station;

2. electric vehicle supply equipment; or

3. an electric vehicle charging station service company or provider.

(z) (1) “Rate” means a toll, fare, tariff, fee, price, or other charge, or a combination of these items, by a public service company for public utility service.

(2) “Rate” includes a schedule, regulation, classification, or practice of a public service company that affects:

(i) the amount of a charge; or

(ii) the nature and value of the service rendered for the charge.
(ee) “Sewage disposal company” means a privately owned public service company that owns or maintains facilities for the disposal of sewage.

(ss) “Water company” means a public service company that owns a water plant and sells or distributes water for gain.

(tt) “Water plant” means the material, equipment, and property owned by a water company and used or to be used for or in connection with water service.

4–206.

(a) At any time, the Commission may investigate and determine the fair value of the property of a public service company used and useful in providing service to the public.

(b) (1) The valuation:

(i) is not final until the Commission:

1. serves on the public service company a copy of the order setting the proposed valuation and the method used to set the valuation; and

2. allows a reasonable time in which to file a protest; and

(ii) is final if a protest is not filed within the time specified in the order.

(2) If a timely protest is filed, the Commission shall enter a final valuation by order after hearing.

(c) All final valuations are prima facie evidence of value in proceedings under this division.

**SUBTITLE 3. ACQUISITION OF WATER COMPANIES AND SEWAGE DISPOSAL COMPANIES.**

6–301.

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

(B) “ACQUIRING ENTITY” MEANS:

(1) AN ACQUIRING UTILITY A WATER COMPANY OR A SEWAGE COMPANY THAT IS ACQUIRING A SELLING UTILITY AS THE RESULT OF A VOLUNTARY ARM’S LENGTH TRANSACTION BETWEEN THE BUYER AND SELLER; OR
(2) ANOTHER PERSON THAT:

(I) IS ACQUIRING A SELLING UTILITY AS THE RESULT OF A VOLUNTARY ARM’S LENGTH TRANSACTION BETWEEN THE BUYER AND SELLER; AND

(II) HAS FILED WITH APPLIED TO THE COMMISSION, DIRECTLY OR THROUGH AN AFFILIATE, AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR AUTHORITY TO OPERATE AS A PUBLIC SERVICE COMPANY IN THE STATE.

(C) “ACQUIRING UTILITY” MEANS A WATER COMPANY OR A SEWAGE DISPOSAL COMPANY THAT IS ACQUIRING A SELLING UTILITY AS THE RESULT OF A VOLUNTARY ARM’S LENGTH TRANSACTION BETWEEN THE BUYER AND SELLER.

(D) “AFFILIATE” HAS THE MEANING STATED IN § 7–501 OF THIS ARTICLE.

(E) “CONSTRUCTION ALLOWANCE” MEANS AN ACCOUNTING PRACTICE THAT RECOGNIZES THE CAPITAL COSTS, INCLUDING DEBT AND EQUITY FUNDS THAT ARE USED TO FINANCE THE CONSTRUCTION COSTS OF AN IMPROVEMENT TO A SELLING UTILITY’S ASSETS BY AN ACQUIRING ENTITY.

(F) “FAIR MARKET VALUE” MEANS THE AVERAGE OF THE TWO UTILITY VALUATION EXPERT APPRAISALS CONDUCTED UNDER § 6–303 6–304 OF THIS SUBTITLE.

(G) “RATE MAKING RATE BASE” MEANS THE DOLLAR VALUE OF A SELLING UTILITY THAT, FOR PURPOSES OF RATE MAKING AFTER THE ACQUISITION, IS INCORPORATED INTO THE RATE BASE OF THE ACQUIRING ENTITY.

(H) “RATE STABILIZATION PLAN” MEANS A PLAN THAT WILL HOLD RATES CONSTANT OR PHASE RATES IN OVER A PERIOD OF TIME AFTER THE NEXT BASE RATE CASE AFTER THE ACQUISITION.

(I) “SELLING UTILITY” MEANS A WATER COMPANY OR A SEWAGE DISPOSAL COMPANY IN THE STATE OR ANY OTHER WATER SERVICE OR SEWAGE DISPOSAL SERVICE PROVIDER IN THE STATE, INCLUDING ANY STATE, COUNTY, OR MUNICIPAL WATER SERVICE PROVIDER OR SEWAGE DISPOSAL SERVICE PROVIDER THAT IS BEING PURCHASED BY AN ACQUIRING ENTITY AS THE RESULT OF A VOLUNTARY ARM’S LENGTH TRANSACTION BETWEEN THE BUYER AND SELLER.

(J) “UTILITY VALUATION EXPERT” OR “EXPERT” MEANS A PERSON HIRED BY AN ACQUIRING PUBLIC UTILITY AND SELLING UTILITY FOR THE PURPOSE
OF CONDUCTING AN ECONOMIC VALUATION OF THE SELLING UTILITY TO DETERMINE ITS FAIR MARKET VALUE.

6–302.

THIS SUBTITLE APPLIES TO THE SALE AND ACQUISITION OF WATER COMPANIES AND SEWAGE DISPOSAL COMPANIES, INCLUDING ALL TANGIBLE ASSETS, OF PUBLIC AND PRIVATE WATER SERVICE PROVIDERS AND SEWAGE DISPOSAL SERVICE PROVIDERS WITH FEWER THAN 400,000 CUSTOMERS.

6–303.

(A) WITHOUT PRIOR AUTHORIZATION OF THE COMMISSION, A PERSON MAY NOT ACQUIRE A CONTROLLING INTEREST IN ANY STATE, COUNTY, MUNICIPAL, OR SIMILAR NOT-FOR-PROFIT WATER SERVICE OR SEWAGE DISPOSAL SERVICE PROVIDER, FOR THE PURPOSE OF CONVERTING THE PROVIDER INTO A WATER COMPANY OR SEWAGE DISPOSAL COMPANY.

(B) THE COMMISSION MAY AUTHORIZE AN ACQUISITION UNDER SUBSECTION (A) OF THIS SECTION IF THE COMMISSION FINDS THAT THE ACQUISITION IS CONSISTENT WITH THE PUBLIC CONVENIENCE AND NECESSITY.

6–304.

(A) ON AGREEMENT BY BOTH THE ACQUIRING ENTITY AND THE SELLING UTILITY, THE FAIR MARKET VALUE OF THE SELLING UTILITY SHALL BE DETERMINED IN ACCORDANCE WITH THIS SECTION.

(B) THE COMMISSION SHALL MAINTAIN A LIST OF UTILITY VALUATION EXPERTS FROM WHICH THE ACQUIRING ENTITY AND THE SELLING UTILITY SHALL EACH SELECT AN EXPERT BE RESPONSIBLE FOR HIRING A UTILITY VALUATION EXPERT TO CONDUCT AN APPRAISAL OF THE SELLING UTILITY TO DETERMINE THE FAIR MARKET VALUE OF THE SELLING UTILITY.

(C) EACH OF THE TWO UTILITY VALUATION EXPERTS SHALL PERFORM A SEPARATE APPRAISAL OF THE SELLING UTILITY FOR THE PURPOSE OF ESTABLISHING ITS FAIR MARKET VALUE.

(D) EACH UTILITY VALUATION EXPERT SHALL DETERMINE THE FAIR MARKET VALUE IN COMPLIANCE WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE, EMPLOYING THE COST, MARKET, AND INCOME APPROACHES.
(E) (D) (1) The acquiring entity and the selling utility shall engage the services of the same licensed engineer to conduct an assessment of the tangible assets of the selling utility.

(2) The assessment shall be incorporated into the appraisals under the cost approach required under subsection (D) (C) of this section.

(F) Each utility valuation expert shall provide the completed appraisal to the acquiring public entity and the selling utility within 90 days after execution of the contract for the appraisal service.

6–304. 6–305.

(A) The utility valuation experts required under § 6–303 of this subtitle shall be selected as follows:

(1) One shall be selected by the acquiring entity; and

(2) One shall be selected by the selling utility.

(B) A utility valuation expert may not:

(1) Derive any material financial benefit from the sale of the selling utility other than fees for services rendered; or

(2) Be an immediate family member of a director, an officer, or an employee of either the acquiring entity or the selling utility within 12 months before the date of hiring to perform an appraisal under this subtitle.

6–306.

(C) (A) (1) Reasonable transaction and closing costs incurred by the acquiring entity shall be included in the rate making rate base of the acquiring entity.

(2) Fees paid to utility valuation experts may be included in the transaction and closing costs associated with acquisition by the acquiring entity.

(2) (3) Fees Unless the Commission finds just cause to authorize additional fees, fees eligible for inclusion may not exceed 5% of the fair market value of the selling utility or another fee that the
Commission approves $50,000 if the actual fees paid exceed 5% of the fair market value.

6–305.

(A) The rate-making rate base of the selling utility shall be incorporated into the rate base of:

(1) The acquiring utility during the acquiring utility’s next base rate case; or

(2) In the case of an acquiring entity that is not a public service company in the State at the time of filing under this subtitle, the acquiring entity’s initial tariff filing.

(B) As of the closing date of the acquisition, the rate making rate base of the selling utility, including additions under subsection (A) of this section, shall be the lesser of:

(1) The purchase price negotiated by the acquiring entity and selling utility; or

(2) The fair market value of the selling utility.


(A) This section applies to the acquisition of a selling utility by an acquiring utility.

(B) If an acquiring utility entity and the selling utility agree to use the process outlined in § 6–303 6–304 of this subtitle, the acquiring utility entity shall include in its application for Commission approval of the acquisition filed under § 6–101 of this title:

(1) Copies of the two appraisals performed by the utility valuation experts under § 6–303 6–304 of this subtitle;

(2) The purchase price of the selling utility as agreed to by the acquiring utility entity and the selling utility;

(3) The rate making rate base of the selling utility determined in accordance with § 6–305 of this subtitle;
(4) The transaction and closing costs incurred by the acquiring utility entity that will be included in its rate base; and

(5) A tariff containing a rate equal to the existing rates of the selling utility at the time of the acquisition and a rate stabilization plan, if applicable to the schedule of rates, service charges, and any additional fees to be incurred by the customers of the selling utility at or immediately after the closing date of acquisition.

(B) (1) The subject to paragraph (2) of this subsection, the commission shall issue a final order on an application submitted under this subtitle within 180 days after the filing date of a complete application under subsection (B) (A) of this section.

(2) The commission may extend a proceeding under this subtitle for an additional 30 days if the commission finds that the proceedings cannot be completed within the initial suspension period.

(3) After the expiration of 180 days under paragraph (1) of this subsection and any extension under paragraph (2) of this subsection, if the commission has not entered a final order, the application shall be deemed approved.

(C) (D) If the commission issues an order approving the application for acquisition, the order shall include:

(1) The rate making rate base of the selling utility, as determined under § 6–305 of this subtitle; and

(2) Any conditions of approval that the commission requires.

(D) (E) (1) The tariff submitted under subsection (B) (5) (A) (5) of this section shall remain in effect until new rates are approved for the acquiring utility entity in a base rate case proceeding.

(2) The acquiring utility may collect a distribution system improvement charge during this period as approved by the commission.

(E) (F) (1) The selling utility’s cost of service shall be incorporated into the revenue requirement of the acquiring utility as part of the acquiring utility’s next base rate case proceeding.
(2) The original source of funding for any part of the water or sewer assets of the selling utility may not be relevant in determining the value of those assets.

6–307.

(A) This section applies to the acquisition of a selling utility by an acquiring entity that is not a public service company in the State at the time of filing for approval of the acquisition.

(B) The acquiring entity shall provide all the information required by § 6–306(b) of this subtitle to the Commission as an attachment to its application for a certificate of public convenience and necessity to operate as a public service company in the State.

(E) An appraisal conducted under this subtitle is presumed to be valid unless substantial evidence demonstrates a failure to adhere to the requirements of § 6–304 or § 6–305 of this subtitle.

6–308.

(A) The cost of an improvement that an acquiring utility entity places in service after the acquisition that is not included in a distribution improvement charge shall accrue a construction allowance after the date the cost was incurred until the earlier of:

(1) 43 years after the improvement is placed in service; or

(2) the date the improvement is included in the acquiring utility’s entity’s next base rate case.

(B) Depreciation on an acquiring utility’s entity’s improvements after the acquisition that have not been included in the calculation of a distribution system improvement charge shall be deferred for book and rate making purposes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 221

(House Bill 1592)

AN ACT concerning

Maryland Jockey Injury Compensation Fund, Inc. – Designation as Employer and Membership

FOR the purpose of requiring the membership of the Maryland Jockey Injury Compensation Fund, Inc. to consist of each licensed owner and trainer who is subject to a certain assessment; altering the circumstances under which a jockey is a covered employee under workers’ compensation law; altering a certain provision of law to provide that the employer of a jockey who is a covered employee under workers’ compensation law while performing a service in connection with racing or training is the Fund; making a conforming change; and generally relating to the Maryland Jockey Injury Compensation Fund, Inc.

BY repealing and reenacting, with amendments,

Article – Business Regulation
Section 11–902
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 9–212
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing

Article – Labor and Employment
Section 9–1015
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

11–902.

(A) There is a Maryland Jockey Injury Compensation Fund, Inc., established as a nonprofit corporation in the Department.
(B) The membership of the Maryland Jockey Injury Compensation Fund, Inc., shall consist of each licensed owner and trainer who is subject to assessment under this title.

Article – Labor and Employment

9–212.

(a) (1) This section applies to each jockey licensed by the State Racing Commission to ride a thoroughbred horse.

(2) This section applies only at a thoroughbred racing association or training facility under the jurisdiction of the State Racing Commission.

(b) A jockey is a covered employee while performing a service in connection with:

(1) LIVE THOROUGHBRED RACING; OR

(2) training a thoroughbred race horse, IF THE PRINCIPAL EARNINGS OF THE JOCKEY ARE BASED ON MONEY EARNED AS A JOCKEY DURING LIVE RACING AND NOT AS AN EXERCISE RIDER.

(c) (1) For the purposes of this title, the [joint employers] EMPLOYER of a jockey who is a covered employee under this section while performing a service in connection with racing OR TRAINING IS [are:]

[i] the Maryland Jockey Injury Compensation Fund, Inc.; and

(ii) each licensed owner or trainer who is subject to assessment under § 11–906 of the Business Regulation Article at the time of any occurrence for which benefits are payable to the jockey under this title.

(2) For purposes of this title, the employer of a jockey who is a covered employee under this section while performing a service in connection with training is the trainer for whom the service is performed.

[(3)] (2) This subsection does not affect any other provision of law or practice.

(d) Notwithstanding any other provision of law, this section may not be construed to bar an action by a jockey against a third party.

[9–1015.].
(a) A jockey who is a covered employee under § 9–212 of this title while performing a service in connection with training or the dependents of the jockey may apply for payment from the Maryland Jockey Injury Compensation Fund, Inc. if the employer of the jockey is in default on a claim under § 9–1002(b) of this subtitle.

(b) On receipt of an application for payment, the Maryland Jockey Injury Compensation Fund, Inc. shall pay the award.

(c) (1) If the Maryland Jockey Injury Compensation Fund, Inc. makes payment under this section to a covered employee or the dependents of the covered employee as directed by the Commission, the Maryland Jockey Injury Compensation Fund, Inc. is subrogated to the rights of the covered employee or dependents against the uninsured employer.

(2) The Maryland Jockey Injury Compensation Fund, Inc. may:

   (i) institute a civil action against the uninsured employer to recover the money paid under the award;

   (ii) refer the matter to the Maryland Racing Commission for suspension or revocation of the occupational license of the uninsured employer;

   (iii) refer the matter to the appropriate authority for prosecution under § 9–1108 of this title; or

   (iv) take action under any combination or all of items (i) through (iii) of this paragraph.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 222

(Senate Bill 851)

AN ACT concerning

Maryland Jockey Injury Compensation Fund, Inc. – Designation as Employer and Membership

FOR the purpose of requiring the membership of the Maryland Jockey Injury Compensation Fund, Inc. to consist of each licensed owner and trainer who is subject to a certain assessment; altering the circumstances under which a jockey is a covered
employee under workers' compensation law; altering a certain provision of law to provide that the employer of a jockey who is a covered employee under workers' compensation law while performing a service in connection with racing or training is the Fund; making a conforming change; and generally relating to the Maryland Jockey Injury Compensation Fund, Inc.

BY repealing and reenacting, with amendments,
 Article – Business Regulation
 Section 11–902
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section 9–212
 Annotated Code of Maryland
 (2016 Replacement Volume and 2017 Supplement)

BY repealing
 Article – Labor and Employment
 Section 9–1015
 Annotated Code of Maryland
 (2016 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

11–902.

(A) There is a Maryland Jockey Injury Compensation Fund, Inc., established as a nonprofit corporation in the Department.

(B) THE MEMBERSHIP OF THE MARYLAND JOCKEY INJURY COMPENSATION FUND, INC., SHALL CONSIST OF EACH LICENSED OWNER AND TRAINER WHO IS SUBJECT TO ASSESSMENT UNDER THIS TITLE.

Article – Labor and Employment

9–212.

(a) (1) This section applies to each jockey licensed by the State Racing Commission to ride a thoroughbred horse.

(2) This section applies only at a thoroughbred racing association or training facility under the jurisdiction of the State Racing Commission.
(b) A jockey is a covered employee while performing a service in connection with racing or:

1. **LIVE THOROUGHBRED RACING; OR**

2. training a thoroughbred race horse, **IF THE PRINCIPAL EARNINGS OF THE JOCKEY ARE BASED ON MONEY EARNED AS A JOCKEY DURING LIVE RACING AND NOT AS AN EXERCISE RIDER.**

(c) (1) For the purposes of this title, the [joint employers] **EMPLOYER** of a jockey who is a covered employee under this section while performing a service in connection with racing OR TRAINING IS [are:]

   (i) the Maryland Jockey Injury Compensation Fund, Inc.; and

   (ii) each licensed owner or trainer who is subject to assessment under § 11–906 of the Business Regulation Article at the time of any occurrence for which benefits are payable to the jockey under this title.

(2) For purposes of this title, the employer of a jockey who is a covered employee under this section while performing a service in connection with training is the trainer for whom the service is performed.

(3) This subsection does not affect any other provision of law or practice.

(d) Notwithstanding any other provision of law, this section may not be construed to bar an action by a jockey against a third party.

[9–1015.

(a) A jockey who is a covered employee under § 9–212 of this title while performing a service in connection with training or the dependents of the jockey may apply for payment from the Maryland Jockey Injury Compensation Fund, Inc. if the employer of the jockey is in default on a claim under § 9–1002(b) of this subtitle.

(b) On receipt of an application for payment, the Maryland Jockey Injury Compensation Fund, Inc. shall pay the award.

(c) (1) If the Maryland Jockey Injury Compensation Fund, Inc. makes payment under this section to a covered employee or the dependents of the covered employee as directed by the Commission, the Maryland Jockey Injury Compensation Fund, Inc. is subrogated to the rights of the covered employee or dependents against the uninsured employer.
(2) The Maryland Jockey Injury Compensation Fund, Inc. may:

(i) institute a civil action against the uninsured employer to recover the money paid under the award;

(ii) refer the matter to the Maryland Racing Commission for suspension or revocation of the occupational license of the uninsured employer;

(iii) refer the matter to the appropriate authority for prosecution under § 9–1108 of this title; or

(iv) take action under any combination or all of items (i) through (iii) of this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 223
(Senate Bill 24)

AN ACT concerning

State Highway Administration – Sale or Lease of Naming Rights for Rest Areas and Welcome Centers

FOR the purpose of authorizing the State Highway Administration to sell or lease to a private entity the naming rights for rest areas and welcome centers along State highways; requiring the term of a contract for the sale or lease of naming rights for rest areas and welcome centers to be at least a certain period of time; prohibiting the Administration from selling or leasing highway naming rights under this Act unless the Administration makes a certain determination regarding compliance of the proposed use of the naming rights with federal regulations and the distribution of certain federal funds; providing that a sale or lease of naming rights for a rest area or welcome center may not be construed to require that any official State highway sign or mailing address be altered; authorizing a private entity that purchases or leases the naming rights for a rest area or welcome center to erect certain outdoor signs along the highway; requiring a private entity that erects outdoor signs along a State highway under this Act to pay all costs associated with the signs; requiring outdoor signs erected by a private entity along a State highway to comply with certain requirements; requiring proceeds from the sale or lease of naming rights for a rest area or welcome center to be credited to the Transportation Trust Fund;
defining certain terms; and generally relating to the sale or lease of naming rights for rest areas or welcome centers along State highway rights–of–way.

BY repealing and reenacting, without amendments,
  Article – Transportation
  Section 8–204(h)
  Annotated Code of Maryland
  (2015 Replacement Volume and 2017 Supplement)

BY adding to
  Article – Transportation
  Section 8–208
  Annotated Code of Maryland
  (2015 Replacement Volume and 2017 Supplement)

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

  Article – Transportation

  8–204.

  (h) By rules or regulations consistent with the safety and welfare of the traveling public, the Administration may govern the control and use of rest areas, scenic overlooks, roadside picnic areas, and other public use areas within State highway rights–of–way.

  8–208.

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

  (2) “Erect” has the meaning stated in § 8–701 of this title.

  (3) “Outdoor sign” has the meaning stated in § 8–701 of this title.

  (4) “Private entity” includes an individual, a corporation, a general or limited partnership, a limited liability company, a joint venture, a business trust, a public benefit corporation, a nonprofit entity, or any other business entity.

  (B) (1) (i) Subject to subparagraph (ii) of this paragraph, the Administration may sell or lease to a private entity the naming rights for rest areas or welcome centers within State highway rights–of–way.
(II) **The Administration may not sell or lease to a private entity the naming rights for rest areas or welcome centers within State highway rights–of–way unless the Administration determines that the proposed use of the naming rights and signage associated with the proposed use of the naming rights is in compliance with federal regulations governing the distribution of federal highway funds to the State.**

(2) **The term of a contract that the Administration enters into under this subsection shall be at least 1 year.**

(C) **A sale or lease of naming rights under this section is solely for sponsorship purposes and may not be construed to require that any official State highway sign or mailing address be altered.**

(D) (1) **A private entity that purchases or leases naming rights for a rest area or welcome center within a State highway right–of–way under this section may erect outdoor signs along the highway for the purpose of sponsoring the designation.**

(2) **All costs associated with outdoor signs erected under this subsection shall be paid by the private entity that purchases or leases the naming rights for the rest area or welcome center, including the costs of construction, installation, operation, maintenance, and removal of the signs.**

(3) **Outdoor signs under this subsection:**

   (I) **May not be erected without prior approval by:***

   1. **The Administration; and**

   2. **The Federal Highway Administration if necessary to secure federal highway funds;**

   (II) **May not detract from the safety of the traveling public, as determined by the Administration;**

   (III) **Shall conform to all design and placement guidelines for acknowledgment signs provided in the federal Manual on Uniform Control Devices for Streets and Highways;**
(IV) May not include a name or logo that in the judgment of the administration:

1. Is profane, obscene, or vulgar;
2. Is sexually explicit or graphic;
3. Relates to excretory functions;
4. Is descriptive of the genitals or other intimate parts of a body;
5. Relates to or describes illegal activities or substances;
6. Condones or encourages violence;
7. Is socially, racially, or ethnically offensive or disparaging; or
8. Is not in the public interest of the state; and

(V) Are subject to the requirements of Subtitle 7 of this title and any other law governing outdoor signs.

(E) Proceeds from the sale or lease of naming rights under this section shall be credited to the Transportation Trust Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 224
(Senate Bill 253)

AN ACT concerning

Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

FOR the purpose of repealing a provision that provides for the termination of a prohibition on selling alcoholic beverages that are sold in a powder or crystalline form for direct
use or use in combination with water or any other substance; and generally relating to a prohibition on the sale of powdered alcohol.

BY repealing and reenacting, without amendments,
   Article – Alcoholic Beverages
   Section 6–326
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Section 3

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

   Article – Alcoholic Beverages

6–326.

   (a) A person may not sell or offer for sale alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance.

   (b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

   (2) Each violation of this section is a separate offense.

Chapter 564 of the Acts of 2016

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. [It shall remain effective for a period of 2 years and, at the end of June 30, 2018, 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 June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 225

(House Bill 1003)
AN ACT concerning

Alcoholic Beverages – Licenses Issued by Different Local Licensing Boards to Single License Holder – Authorized

FOR the purpose of authorizing a single individual to hold certain retail alcoholic beverages licenses that are issued by different local licensing boards for certain establishments; specifying that the number of licenses a single individual may hold is limited only by the cap imposed by each local licensing board on the licenses that the local licensing board issues; authorizing that the licenses may be issued for the use of certain persons; and generally relating to the issuance of alcoholic beverages licenses.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 4–203
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

4–203.

(a) Except as otherwise provided in Division II of this article [or], Title 3, Title 4, or Title 5 of this division, OR SUBSECTION (B) OF THIS SECTION, more than one license may not be issued:

(1) to an individual; or

(2) for the use of a partnership, a corporation, an unincorporated association, or a limited liability company.

(B) (1) A SINGLE INDIVIDUAL MAY HOLD CLASS B BEER, WINE, AND LIQUOR LICENSES OR CLASS BLX OR EQUIVALENT LICENSES ISSUED BY DIFFERENT LOCAL LICENSING BOARDS ONLY FOR RESTAURANTS, HOTELS, OR MOTELS.

(2) THE NUMBER OF LICENSES THAT A SINGLE INDIVIDUAL MAY HOLD IS LIMITED ONLY BY THE CAP IMPOSED BY EACH LOCAL LICENSING BOARD ON THE LICENSES THAT THE LOCAL LICENSING BOARD ISSUES.

(3) THE LICENSES MAY BE ISSUED FOR THE USE OF:

(1) THE LICENSE HOLDER; OR
(II) A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY.

[(b)] (C) Except as otherwise provided in Division II of this article or Title 3, Title 4, or Title 5 of this division, an individual may not be issued in the State more than one Class A, Class C, or Class D license for the use of:

(1) that individual; or

(2) a partnership, a corporation, an unincorporated association, or a limited liability company.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 226
(Senate Bill 676)

AN ACT concerning
Baltimore City – Community Benefits Districts

FOR the purpose of repealing the limitation on the number of community benefits district management authorities that the Mayor and City Council of Baltimore may establish; and generally relating to the authority of the Mayor and City Council of Baltimore to establish community benefits districts.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (63)(a)
(2007 Replacement Volume, as amended)

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

The Charter of Baltimore City

Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of
Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(63)

(a) (1) To establish, by ordinance, [not more than six] community benefits district management authorities, including the Charles Village Community Benefits District and the Midtown Community Benefits District, within the City to provide services consistent with paragraph (2) of this subsection to the business interests and residents of the proposed district.

(2) To establish community benefits district management authorities to promote and market districts, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions, and after an authority is established, other services and functions as requested by the authority and approved through an ordinance by the Mayor and City Council.

(3) To provide that community benefits district management authorities shall be proposed by the Board of Estimates of Baltimore City and approved through an ordinance by the Mayor and City Council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 227

(House Bill 788)

AN ACT concerning Baltimore City – Community Benefits Districts

FOR the purpose of repealing the limitation on the number of community benefits district management authorities that the Mayor and City Council of Baltimore may establish; and generally relating to the authority of the Mayor and City Council of Baltimore to establish community benefits districts.

BY repealing and reenacting, with amendments,

The Charter of Baltimore City
Article II – General Powers
Section (63)(a)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

The Charter of Baltimore City

Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(a) (1) To establish, by ordinance, [not more than six] community benefits district management authorities, including the Charles Village Community Benefits District and the Midtown Community Benefits District, within the City to provide services consistent with paragraph (2) of this subsection to the business interests and residents of the proposed district.

(2) To establish community benefits district management authorities to promote and market districts, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions, and after an authority is established, other services and functions as requested by the authority and approved through an ordinance by the Mayor and City Council.

(3) To provide that community benefits district management authorities shall be proposed by the Board of Estimates of Baltimore City and approved through an ordinance by the Mayor and City Council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
FOR the purpose of authorizing the Mayor and City Council of Baltimore City to provide, by law, a certain property tax credit against the county property tax imposed on a certain dwelling in Baltimore City that is owned by a certain public safety officer under certain circumstances; providing for the application of this Act; and generally relating to a property tax credit in Baltimore City provided to public safety officers.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 9–304(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

9–304.

(i) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Dwelling” has the meaning stated in § 9–105 of this title.

(iii) “Public safety officer” means a firefighter, an emergency medical technician, or a law enforcement officer who is a sworn member of and employed full time by:

1. the Baltimore City Fire Department;

2. the Baltimore City Police Department; [or]

3. the Baltimore City Sheriff’s Office; OR

4. THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

(2) The Mayor and City Council of Baltimore City may grant, by law, a property tax credit under this subsection against the county property tax imposed on a dwelling located in Baltimore City that is owned by a public safety officer if the public safety officer is otherwise eligible for the credit authorized under § 9–105 of this title.

(3) In any taxable year, the credit under this subsection:

(i) may not exceed $2,500 per dwelling; and
(ii) may not exceed the amount of property tax imposed on the dwelling.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, in any taxable year in which a public safety officer receives a credit under this subsection, the public safety officer may not receive any other property tax credit provided by Baltimore City.

(ii) In addition to the credit under this subsection, a public safety officer may receive:

1. the local portion of the credit authorized under § 9–105 of this title; and

2. the credit authorized under § 9–221 of this title.

(5) The Mayor and City Council of Baltimore City may establish, by law:

(i) subject to paragraph (3) of this subsection, the amount and application of the credit under this subsection;

(ii) the duration of the credit;

(iii) additional eligibility requirements for public safety officers to qualify for the credit;

(iv) regulations and procedures for the application and uniform processing of requests for the credit under this subsection; and

(v) any other provisions necessary to carry out this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.

Approved by the Governor, April 24, 2018.
FOR the purpose of authorizing the Mayor and City Council of Baltimore City to provide, by law, a certain property tax credit against the county property tax imposed on a certain dwelling in Baltimore City that is owned by a certain public safety officer under certain circumstances; providing for the application of this Act; and generally relating to a property tax credit in Baltimore City provided to public safety officers.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 9–304(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

9–304.

(i) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Dwelling” has the meaning stated in § 9–105 of this title.

(iii) “Public safety officer” means a firefighter, an emergency medical technician, or a law enforcement officer who is a sworn member of and employed full time by:

1. the Baltimore City Fire Department;
2. the Baltimore City Police Department; [or]
3. the Baltimore City Sheriff’s Office; OR
4. THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

(2) The Mayor and City Council of Baltimore City may grant, by law, a property tax credit under this subsection against the county property tax imposed on a dwelling located in Baltimore City that is owned by a public safety officer if the public safety officer is otherwise eligible for the credit authorized under § 9–105 of this title.

(3) In any taxable year, the credit under this subsection:

(i) may not exceed $2,500 per dwelling; and

(ii) may not exceed the amount of property tax imposed on the dwelling.
(4) (i) Except as provided in subparagraph (ii) of this paragraph, in any taxable year in which a public safety officer receives a credit under this subsection, the public safety officer may not receive any other property tax credit provided by Baltimore City.

(ii) In addition to the credit under this subsection, a public safety officer may receive:

1. the local portion of the credit authorized under § 9–105 of this title; and

2. the credit authorized under § 9–221 of this title.

(5) The Mayor and City Council of Baltimore City may establish, by law:

(i) subject to paragraph (3) of this subsection, the amount and application of the credit under this subsection;

(ii) the duration of the credit;

(iii) additional eligibility requirements for public safety officers to qualify for the credit;

(iv) regulations and procedures for the application and uniform processing of requests for the credit under this subsection; and

(v) any other provisions necessary to carry out this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.

Approved by the Governor, April 24, 2018.

Chapter 230

(House Bill 245)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Continuing Care Retirement Community License

FOR the purpose of establishing a continuing care retirement community license in Baltimore City; authorizing the Board of License Commissioners to issue the license
for use by a continuing care retirement community that is located in a certain area of the City and that has obtained a certain certificate of registration; specifying that the license authorizes the holder to sell beer, wine, and liquor to a community resident or the guest of a resident for on-premises consumption; allowing a resident or the guest of a resident under certain circumstances to consume beer, wine, or liquor not purchased from the community; establishing certain license fees; and generally relating to a continuing care retirement community license in Baltimore City.

BY renumbering
  Article – Alcoholic Beverages
  Section 12–1001.1
  to be Section 12–1001.2
  Annotated Code of Maryland
  (2016 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
  Article – Alcoholic Beverages
  Section 12–102
  Annotated Code of Maryland
  (2016 Volume and 2017 Supplement)

BY adding to
  Article – Alcoholic Beverages
  Section 12–1001.1
  Annotated Code of Maryland
  (2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12–1001.1 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 12–1001.2.

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

  Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–1001.1.

(A) **THERE IS A CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

(B) **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CONTINUING CARE**
RETIREEMENT COMMUNITY THAT:

(1) IS LOCATED IN THE 41ST ALCOHOLIC BEVERAGES DISTRICT; AND

(2) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE.

(c) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION TO A RESIDENT OR THE GUEST OF A RESIDENT OF THE CONTINUING CARE RETIREMENT COMMUNITY.

(d) A RESIDENT OR THE GUEST OF A RESIDENT OF THE CONTINUING CARE RETIREMENT COMMUNITY MAY CONSUME BEER, WINE, OR LIQUOR NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT COMMUNITY IF:

(1) THE BEER, WINE, OR LIQUOR IS CONSUMED WITH A MEAL IN THE DINING ROOM OR AT A BAR OPERATED BY THE CONTINUING CARE RETIREMENT COMMUNITY; AND

(2) THE CONTINUING CARE RETIREMENT COMMUNITY:

   (I) IS OPERATED BY A NONPROFIT ORGANIZATION FOR INDIVIDUALS AT LEAST 60 YEARS OLD;

   (II) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR; AND

   (III) PREPARES AND SERVES MEALS DURING REGULAR OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.

(e) (1) THE ANNUAL LICENSE FEE IS $550.

(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER SHALL PAY ANNUALLY:

   (I) $500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

   (II) $200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.
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(Laws of Maryland – 2018 Session)

1190

Approved by the Governor, April 24, 2018.

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Chapter 231

(House Bill 905)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Reissuance of Licenses
(Community Liquor Empowerment Act of 2018)

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to reissue a Class B–D–7 license as a 7–day beer, wine, and liquor (package goods) license if the licensed premises is within a certain area and meets a certain requirement; specifying the hours of sale for a 7–day beer, wine, and liquor (package goods) license authorized under this Act; providing certain penalties for a certain violation; and generally relating to alcoholic beverages licenses issued in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 12–102 and 12–905(a)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 12–905(g)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–905.

(a) There is a Class B–D–7 beer, wine, and liquor license.
(G) (1) The Board may reissue a Class B–D–7 beer, wine, and liquor license as a 7–day beer, wine, and liquor (package goods) license if the licensed premises is:

   (I) within the area specified in the Park Heights Master Plan adopted by the City in 2006 41st Legislative District; and

   (II) equipped with high–definition cameras that provide continuous, 24–hour monitoring inside and outside the licensed premises.

(2) The hours of sale for the 7–day beer, wine, and liquor (package goods) license authorized under this subsection are from 10 a.m. to 10 p.m., 9 a.m. to midnight Monday through Sunday.

(3) A holder of a 7–day beer, wine, and liquor (package goods) license authorized under this subsection that unlawfully sells or provides alcoholic beverages to an individual under the age of 21 years is subject to:

   (I) for a first offense, a fine of not less than $1,500 or more than $3,000; and

   (II) for a second or subsequent offense, a license suspension or revocation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 232
(House Bill 1192)

AN ACT concerning

Department of Housing and Community Development – Live Near Your Work Program – Report

FOR the purpose of requiring the Department of Housing and Community Development to report to the General Assembly in a certain manner on or before a certain date on the Department’s evaluation of a certain ability of existing participants under the
Chapter 232  
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Live Near Your Work Program; and generally relating to the Live Near Your Work Program.

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

Section 4–215

Annotated Code of Maryland

(2006 Volume and 2017 Supplement)

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

Article – Housing and Community Development

4–215.

(a) The Administration shall administer a home buyer assistance program that:

(1) assists home buyers to receive low–interest mortgage loans, with down payment and closing cost assistance options, for the purchase of homes near their place of employment; and

(2) coordinates with, and matches where appropriate, similar programs offered by private employers and county and municipal governments so as to maximize the total amount that home buyers can receive under the program.

(b) With reference to loans under this program, the Administration shall:

(1) allow home buyers to utilize the loans for the purchase of newly constructed or existing homes; and

(2) require a home purchased under this program to be occupied by the home buyer as a principal residence.

(c) The Administration shall facilitate the marketing of the program with private employers and county and municipal governments, and, where appropriate, other units of State government and nonprofit organizations.

(d) The Administration shall adopt regulations to implement the program established under this section.

(e) The Department shall report to the General Assembly on or before December 31 each year, in accordance with § 2–1246 of the State Government Article, on the program established under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Department of Housing and Community Development shall report to the General
Assembly, in accordance with § 2–1246 of the State Government Article, on the Department’s evaluation of the ability of the existing participants in the Live Near Your Work Program to increase their financial grants or incentives under the Program. The Department shall submit this report as a one–time component of the annual report that is required from the Department under § 4–215(e) of the Housing and Community Development Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 233
(House Bill 556)

AN ACT concerning

Estates and Trusts – Administration of Estates – Waiver of Fees

FOR the purpose of authorizing the registers of wills to waive certain fees for the administration of an estate if certain real property subject to administration in this State is to be transferred to a certain individual or is encumbered by a lien and subject to sale under certain provisions of law, and the estate is unable to pay the fees by reason of poverty, the personal representative is represented by an attorney retained through a certain program, the program provides the register with a certain statement, the attorney provides a certain certification, the personal representative submits a certain affidavit, and the estate meets certain criteria for administration and the estate is unable to pay the fees by reason of poverty; defining a certain term; providing for the prospective application of this Act; and generally relating to fees for estate administration.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–206(a)
Annotated Code of Maryland
(2017 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

2–206.
(a) (1) **IN THIS SUBSECTION, “POVERTY” MEANS:**

(I) At the time of the decedent’s death, the decedent’s family household income was less than 50% of the median family income for the State as reported in the Federal Register; or

(II) The personal representative is represented by an attorney retained through the Maryland Legal Services Corporation.

(2) The registers of wills are entitled to charge and collect for the performance of their duties the fees in this section.

(2)(3) The register of wills may waive any fees under this section for the administration of an estate if:

(I) The real property of the decedent subject to administration in the State is:

1. To be transferred to an heir as a spouse, descendant, sibling, or descendant of a sibling of the decedent who resides or intends to reside on the property; or

2. Encumbered by a lien against the property and subject to sale under Title 14, Subtitle 8 of the Tax – Property Article; and

(II) The estate is unable to pay the fees by reason of poverty. and

(II) The estate is unable to pay the fees by reason of poverty

(II) The personal representative is represented by an attorney retained through a pro bono or legal services program that is on the list of programs serving low-income individuals submitted by the Maryland Legal Services Corporation to the State Court Administrator and published on the Judiciary website;

(III) An authorized agent of the pro bono or legal services program provides the register with a statement that:

1. Includes the names of the program, attorney, and party; and
2. States that the attorney is associated with the program and that the party meets the financial eligibility criteria of the Maryland Legal Services Corporation;

(IV) The attorney certifies, to the best of the attorney's knowledge, information, and belief, that there are good grounds to support the request for the waiver and that the request is not being made for any improper purpose or to cause delay;

(V) If the real property is to be transferred to an individual described under item (I) of this paragraph, the personal representative submits an affidavit stating that the probate assets include real property on which a spouse, descendant, sibling, or descendant of a sibling resides; and

(VI) The estate meets the criteria for administration as:

1. A small estate; or

2. A regular estate:

A. With a value not exceeding $150,000; and

B. In which the only probate asset is the real property subject to transfer or sale.

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 estate opened before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 234

(Senate Bill 924)

AN ACT concerning

Public Health Local Government – Splash Pads – Regulations
FOR the purpose of defining the term “splash pad”; authorizing the Secretary of Health governing body of a county to adopt rules and regulations to govern the sanitary condition of splash pads and any sanitary feature connected to a splash pad; and generally relating to the regulation of splash pads.

BY adding to
Article – Health – General Local Government
Section 20–303.1 13–411
Annotated Code of Maryland

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

Article – Health – General Local Government


(A) IN THIS SECTION, “SPLASH PAD” MEANS AN OUTDOOR PLAY AREA:

(1) WITH SPRINKLERS, FOUNTAINS, NOZZLES, AND OR OTHER DEVICES OR STRUCTURES THAT SPRAY WATER;

(2) IN WHICH WATER IS NOT ALLOWED TO ACCUMULATE; AND

(3) THAT IS NOT USED FOR SUBMERSION OF THE HUMAN BODY.

(B) THE SECRETARY GOVERNING BODY OF A COUNTY MAY ADOPT AND ENFORCE RULES AND REGULATIONS TO GOVERN THE SANITARY CONDITION OF SPLASH PADS AND ANY SANITARY FEATURE CONNECTED TO A SPLASH PAD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 235

(House Bill 1217)

AN ACT concerning

Local Government – Splash Pads – Regulations
FOR the purpose of defining the term “splash pad”; authorizing the governing body of a county to adopt rules and regulations to govern the sanitary condition of splash pads and any sanitary feature connected to a splash pad; and generally relating to the regulation of splash pads.

BY adding to

Article – Local Government
Section 13–411
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

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

Article – Local Government

13–411.

(A) IN THIS SECTION, “SPLASH PAD” MEANS AN OUTDOOR PLAY AREA:

(1) WITH SPRINKLERS, FOUNTAINS, NOZZLES, OR OTHER DEVICES OR STRUCTURES THAT SPRAY WATER;

(2) IN WHICH WATER IS NOT ALLOWED TO ACCUMULATE; AND

(3) THAT IS NOT USED FOR SUBMERSION OF THE HUMAN BODY.

(B) THE GOVERNING BODY OF A COUNTY MAY ADOPT AND ENFORCE RULES AND REGULATIONS TO GOVERN THE SANITARY CONDITION OF SPLASH PADS AND ANY SANITARY FEATURE CONNECTED TO A SPLASH PAD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 236

(Senate Bill 675)

AN ACT concerning

Humane Adoption of Companion Animals Used in Research Act of 2018
FOR the purpose of requiring certain research facilities using dogs or cats for certain scientific research purposes to take certain steps to provide for the adoption of a certain dog or cat under certain circumstances; authorizing certain research facilities to enter into certain agreements with certain animal rescue organizations for certain purposes; requiring certain research facilities to submit certain information to the Secretary of Agriculture beginning on a certain date and each year thereafter; prohibiting, for the purposes of this Act, a research facility or an animal rescue organization from disclosing certain information; defining certain terms; providing for the application of this Act; and generally relating to research facilities that use dogs or cats.

BY adding to
Article – Agriculture
Section 15–101 to be under the new title “Title 15. Research Facilities That Use Dogs or Cats”
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Agriculture

TITLE 15. RESEARCH FACILITIES THAT USE DOGS OR CATS.

15–101.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ANIMAL RESCUE ORGANIZATION” INCLUDES:

(I) A NONPROFIT ORGANIZATION INCORPORATED FOR THE PURPOSE OF RESCUING ANIMALS IN NEED AND FINDING PERMANENT ADOPTIVE HOMES FOR THE ANIMALS; AND

(II) A GOVERNMENT–OPERATED ANIMAL CONTROL UNIT THAT PROVIDES ANIMALS FOR ADOPTION.

(3) “RESEARCH FACILITY” INCLUDES:

(I) A HIGHER EDUCATION RESEARCH FACILITY;

(II) A SCIENTIFIC RESEARCH FACILITY;
(III) A MEDICAL RESEARCH FACILITY; AND

(IV) A PRODUCT TESTING FACILITY.

(4) “SCIENTIFIC RESEARCH PURPOSES” INCLUDES:

(I) INVESTIGATION;

(II) EXPERIMENTATION;

(III) INSTRUCTION; AND

(IV) TESTING.

(B) THIS SECTION APPLIES TO A DOG OR CAT THAT, IN THE DETERMINATION OF AN ATTENDING VETERINARIAN, IS SUITABLE FOR ADOPTION.

(C) A RESEARCH FACILITY LOCATED IN THE STATE IN WHICH DOGS OR CATS ARE USED FOR SCIENTIFIC RESEARCH PURPOSES SHALL TAKE REASONABLE STEPS TO PROVIDE FOR THE ADOPTION OF A DOG OR CAT THAT, IN THE DETERMINATION OF THE RESEARCH FACILITY, IS NO LONGER NEEDED FOR SCIENTIFIC RESEARCH PURPOSES BY:

(1) ESTABLISHING A PRIVATE PLACEMENT PROCESS TO PROVIDE FOR THE ADOPTION OF A DOG OR CAT;

(2) ESTABLISHING A LIST OF ANIMAL RESCUE ORGANIZATIONS THAT ARE APPROVED BY THE RESEARCH FACILITY AND ARE WILLING TO TAKE A DOG OR CAT FROM THE RESEARCH FACILITY; AND

(2) (3) OFFERING THE DOG OR CAT TO THE ANIMAL RESCUE ORGANIZATIONS IDENTIFIED IN THE LIST ESTABLISHED UNDER ITEM (1) (2) OF THIS SUBSECTION IF THE RESEARCH FACILITY IS UNABLE TO PLACE THE DOG OR CAT THROUGH ITS PRIVATE PLACEMENT PROCESS.

(D) A RESEARCH FACILITY MAY ENTER INTO A COLLABORATIVE AGREEMENT WITH AN ANIMAL RESCUE ORGANIZATION FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION.

(E) BEGINNING DECEMBER 1, 2019, AND EACH YEAR THEREAFTER, A RESEARCH FACILITY SHALL SUBMIT TO THE SECRETARY THE FOLLOWING INFORMATION REGARDING THE PRECEDING 12-MONTH PERIOD:
(1) **The number of dogs or cats owned by the research facility;**

(2) **The number of dogs or cats used for scientific research purposes by the research facility;**

(3) **The number of dogs or cats released to an animal rescue organization;**

(4) **The name of the animal rescue organization to which a dog or cat was released; and**

(5) **The list of animal rescue organizations established by the research facility under subsection (c)(1) of this section.**

(F) **For the purposes of this section, a research facility or an animal rescue organization may not disclose the following information:**

(1) **The name of an individual who adopts a dog or cat; and**

(2) **The name of an individual who is employed by the research facility.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 237

(House Bill 1662)

AN ACT concerning

No More Puppy–Mill Pups Act of 2018
Business Regulation – Retail Pet Stores

FOR the purpose of prohibiting certain retail pet stores from offering for sale, transferring, or disposing of cats or dogs; repealing certain provisions of law that authorize the sale of certain cats and dogs and set forth the requirements for a retail pet store that offers to sell certain cats or dogs under certain circumstances; repealing certain provisions of law relating to remedies a certain purchaser is entitled to after
purchasing a certain cat or dog; providing for the construction of a certain provision of this Act; making certain conforming changes; stating the intent of the General Assembly; altering a certain definition; defining a certain term; providing for a delayed effective date; and generally relating to a prohibition on the sale, transfer, or disposal of cats and dogs by retail pet stores.

BY repealing and reenacting, with amendments,

- Article – Business Regulation
- Section 19–701, 19–706, and 19–707
- Annotated Code of Maryland
  (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

- Article – Business Regulation
- Section 19–702
- Annotated Code of Maryland
  (2015 Replacement Volume and 2017 Supplement)

BY repealing

- Article – Business Regulation
- Section 19–702.1, 19–703, 19–704, and 19–705
- Annotated Code of Maryland
  (2015 Replacement Volume and 2017 Supplement)

BY adding to

- Article – Business Regulation
- Section 19–703
- Annotated Code of Maryland
  (2015 Replacement Volume and 2017 Supplement)

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

**Article – Business Regulation**

19–701.

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

(b) “Animal control unit” has the meaning stated in § 10–617 of the Criminal Law Article.

(c) (1) “Animal welfare organization” means a nonprofit organization [established to promote animal welfare]:

- that has tax exempt status under § 501(c)(3) of the U.S. Internal Revenue Code; AND
(II) WHOSE MISSION AND PRACTICE IS THE RESCUE OF ANIMALS AND THE PLACEMENT OF THOSE ANIMALS IN PERMANENT HOMES.

(2) “ANIMAL WELFARE ORGANIZATION” DOES NOT INCLUDE AN ORGANIZATION THAT OBTAINS ANIMALS FROM A BREEDER OR BROKER IN EXCHANGE FOR PAYMENT OR COMPENSATION.

(d) “Breeder” means a person who breeds or raises dogs to sell, exchange, or otherwise transfer to the public.

[(e) “Clinically ill” means an illness that is apparent to a licensed veterinarian based on observation, examination, or testing of the dog.

(f)  (1) “Dealer” means a person who, for compensation:

(i) buys, sells, or negotiates the purchase of a dog; or

(ii) delivers for transport or transports a dog.

(2) “Dealer” does not include a person who transports a dog as a carrier only.

(g) “Nonelective surgical procedure” means a surgical procedure that is necessary to preserve or restore the health of an animal or to correct a condition that would:

(1) interfere with the animal’s ability to walk, run, jump, or otherwise function in a normal manner; or

(2) cause pain and suffering to the animal.]

(E) “BROKER” MEANS A PERSON WHO TRANSFERS DOGS FOR RESALE BY ANOTHER PERSON.

[(h)] (F) “Offer for sale” includes to sell, offer to transfer, offer for adoption, advertise for the sale, barter, auction, [giveaway] GIVE AWAY, or otherwise dispose of a domestic animal.

[(i) “Purchaser” means any person who purchases a dog from a retail pet store.]  

[(j)] (G) “Retail pet store” means a for-profit establishment open to the public that sells or offers for sale domestic animals to be kept as household pets.

19–702.
This subtitle does not apply to an animal welfare organization or animal control unit operating within a retail pet store.

[19–702.1.

(a) A retail pet store may offer a dog or cat for sale only if the dog or cat is obtained from:

(1) an animal welfare organization;

(2) an animal control unit;

(3) the original breeder of the dog or cat if the breeder meets the requirements under subsection (b) of this section; or

(4) a dealer that obtained the dog or cat from the original breeder if the dealer and original breeder meet the requirements under subsection (b) of this section.

(b) A retail pet store shall ensure that a person under subsection (a)(3) or (4) of this section from which the retail pet store obtains a dog or cat, as of the day the retail pet store receives the dog or cat:

(1) holds a current license under the Animal Welfare Act from the U.S. Department of Agriculture; and

(2) has not received from the U.S. Department of Agriculture, in accordance with an enforcement action of the laws and regulations under the federal Animal Welfare Act:

(i) a citation on a final inspection report for a direct or critical violation within the 2–year period before the day the dog or cat is received by the retail pet store;

(ii) citations on two or more consecutive final inspection reports for one or more repeat noncompliant items within the 2–year period before the day the dog or cat is received by the retail pet store;

(iii) a citation on both of the two most recent final inspection reports for a no–access violation; or

(iv) three or more citations on the most recent final inspection report for separate noncompliant items other than no–access violations.]

[19–703.

(a) A retail pet store that sells dogs shall:
(1) post conspicuously on each dog’s cage:

(i) the breed, age, and date of birth of the dog, if known;

(ii) if obtained from a breeder or dealer, the state in which the breeder and, if applicable, the dealer of the dog is located;

(iii) if obtained from a breeder or dealer, the United States Department of Agriculture license number of the breeder and, if applicable, the dealer;

(iv) if obtained from an animal control unit, the name of the animal control unit; and

(v) if obtained from an animal welfare organization, the name of the animal welfare organization and the organization’s federal tax identification number;

(2) post conspicuously on each dog’s cage or, if the posting would block viewing the dog in the cage, near the dog’s cage, if obtained from a breeder or dealer, the final inspection reports for the breeder and, if applicable, the dealer, issued by the United States Department of Agriculture from the 2 years immediately before the date the pet store received the dog;

(3) maintain a written record that includes the following information about each dog in the possession of the retail pet store:

(i) the breed, age, and date of birth of the dog, if known;

(ii) the sex, color, and any identifying markings of the dog;

(iii) documentation of all inoculations, worming treatments, and other medical treatments, if known, including the date of the medical treatment, the diagnoses, and the name and title of the treatment provider;

(iv) if obtained from a breeder or dealer, the name and address of:

1. the breeder and, if applicable, the dealer who supplied the dog;

2. the facility where the dog was born; and

3. the transporter or carrier of the dog, if any;

(v) if obtained from a breeder or dealer, the United States Department of Agriculture license number of the breeder and, if applicable, the dealer;
(vi) if obtained from a breeder or dealer, the final inspection reports issued by the United States Department of Agriculture from the 2 years immediately before the date the pet store received the dog;

(vii) if obtained from an animal control unit, the name and address of the animal control unit;

(viii) if obtained from an animal welfare organization, the name and address of the animal welfare organization;

(ix) any identifier information, including a tag, tattoo, collar number, or microchip; and

(x) if the dog is being sold as registered or registrable:

1. the names and registration numbers of the sire and dam; and

2. the litter number; and

(4) for each dog acquired by the retail pet store, maintain a written record of the health, status, and disposition of the dog, including any documents that are required at the time of sale.

(b) A retail pet store shall maintain a copy of the records required under subsection (a)(3) of this section for at least 2 years after the date of sale of the dog.

(c) A retail pet store shall make the records required under subsection (a)(3) of this section available to:

(1) the Division of Consumer Protection of the Office of the Attorney General on reasonable notice;

(2) any bona fide prospective purchaser on request;

(3) the purchaser at the time of a sale; and

(4) an animal control unit.

19–703.

(A) A RETAIL PET STORE MAY NOT OFFER FOR SALE OR OTHERWISE TRANSFER OR DISPOSE OF CATS OR DOGS.

(B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A RETAIL PET STORE FROM COLLABORATING WITH AN ANIMAL WELFARE ORGANIZATION OR
ANIMAL CONTROL UNIT TO OFFER SPACE FOR THESE ENTITIES TO SHOWCASE CATS OR DOGS FOR ADOPTION.

[19–704.

(a) A retail pet store shall provide to a purchaser at the time of a sale of a dog:

(1) a health certificate from a veterinarian licensed in the State issued within 30 days before the date of sale certifying that the dog:

(i) has no known disease, illness, or congenital or hereditary condition which is diagnosable with reasonable accuracy; and

(ii) does not appear to be clinically ill from parasitic infection at the time of the examination;

(2) the written record about the dog maintained by the retail pet store under § 19–703(a)(3) of this subtitle; and

(3) a statement notifying the purchaser of the specific rights available to the purchaser under this subtitle.

(b) It is an unfair or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article for a retail pet store to include any false or misleading statements in the health certificate or written record provided to a purchaser under subsection (a) of this section.]

[19–705.

(a) (1) A person who purchased a dog from a retail pet store is entitled to a remedy under this section if:

(i) within 7 days after the date of the sale, the person had the dog examined by a veterinarian licensed in the State and, within 14 days after the date of the sale, the licensed veterinarian states in writing that the dog suffers from or has died of a disease or illness adversely affecting the health of the dog and that existed in the dog on or before the date of delivery to the purchaser; or

(ii) within 180 days after the date of the sale, a licensed veterinarian states in writing that the dog possesses or has died of a congenital or hereditary condition adversely affecting the health of the dog or that requires hospitalization or a nonelective surgical procedure.

(2) Intestinal or external parasites may not be considered to adversely affect the health of the dog unless the presence of the parasites makes the dog clinically ill.
(b) (1) A purchaser entitled to a remedy under subsection (a) of this section may:

(i) return the dog to the retail pet store for a full refund of the purchase price;

(ii) exchange the dog for another dog of comparable value chosen by the purchaser, if available; or

(iii) retain the dog and be reimbursed by the retail pet store for reasonable and documented veterinary fees for diagnosis and treatment of the dog, not exceeding the purchase price of the dog.

(2) Unless the owner or operator of the retail pet store contests a reimbursement required under paragraph (1)(iii) of this subsection, the reimbursement shall be made to the purchaser no later than 10 business days after the retail pet store receives the veterinarian’s statement under subsection (c) of this section.

(c) To obtain a remedy under this section, a purchaser shall provide to the owner or operator of the retail pet store, within 5 business days after receipt, a written statement from a licensed veterinarian that the dog suffers from or has died of a disease, illness, or congenital or hereditary condition adversely affecting the health of the dog and that existed in the dog on or before the date of delivery to the purchaser.

(d) A purchaser is not entitled to a remedy under this section if:

(1) the illness or death resulted from:

(i) maltreatment or neglect by the purchaser;

(ii) an injury sustained after the delivery of the dog to the purchaser; or

(iii) an illness or disease contracted after the delivery of the dog to the purchaser;

(2) the purchaser does not carry out the recommended treatment prescribed by the veterinarian who made the diagnosis; or

(3) the illness, disease, or congenital or hereditary condition was disclosed at the time of purchase.


(a) [Except as provided in subsection (b) of this section, a violation of this subtitle:
(1) is an unfair or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and

(2) is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article.

(b) (1) A violation of § 19–702.1 of this subtitle:

[(i)] (1) is an unfair or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and

[(ii)] (2) except for the provisions of § 13–411 of the Commercial Law Article, is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article.

[(2)] (B) Each offer of an animal for sale in violation of § 19–702.1 of this subtitle is a separate violation.

Nothing in this subtitle limits:

(1) the rights or remedies otherwise available to a purchaser;

(2) the ability of the owner or operator of a retail pet store and purchaser to agree to additional terms and conditions that do not impair the rights granted to a purchaser under this subtitle; or

(3) the ability of the State or a local government to prosecute the owner or operator of a retail pet store for any other violation of law.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) animal welfare organizations initiate contact with retail pet stores, as provided under § 19–703(b) of the Business Regulation Article, as enacted by Section 1 of this Act, that will no longer be able to offer for sale cats and dogs, to facilitate collaboration to showcase cats and dogs for:

(i) adoption from an animal control unit or an animal welfare organization; or

(ii) purchase from local breeders; and

(2) the Senate Finance Committee and the House Economic Matters Committee monitor the implementation of this Act.
SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2020.

SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2018. 

Approved by the Governor, April 24, 2018.

Chapter 238

(Senate Bill 1038)

AN ACT concerning Criminal Law – Animal Cruelty – Sentencing Conditions and Selling Ban

FOR the purpose of authorizing a court as a condition of sentencing to prohibit a defendant convicted of certain crimes relating to cruelty against animals from owning, possessing, or residing with an animal for a specified period of time, including the life of the defendant; prohibiting a person convicted of certain crimes relating to cruelty against animals from selling, offering for sale, or trading an animal, with a certain exception; and generally relating to animal cruelty.


BY adding to Article – Criminal Law Section 10–608.1 Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement)

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

Article – Criminal Law

10–606.

(a) A person may not:
(1) intentionally:
   (i) mutilate;
   (ii) torture;
   (iii) cruelly beat; or
   (iv) cruelly kill an animal;

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self–defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(b) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

   (1) order a defendant convicted of violating this section to participate in and pay for psychological counseling; AND

   (2) As a condition of [probation] SENTENCING, the court may prohibit a defendant from owning, possessing, or residing with an animal FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.

10–607.

(a) In this section, “baiting” means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

(b) A person may not:

   (1) use or allow a dog to be used in a dogfight or for baiting;

   (2) arrange or conduct a dogfight;

   (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or

   (4) knowingly allow premises under the person’s ownership, charge, or control to be used to conduct a dogfight or for baiting.
A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(1) order a defendant convicted of violating this section to participate in and pay for psychological counseling; AND

(3) AS A CONDITION OF SENTENCING, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.

10–607.1.

(a) (1) In this section, “implement of dogfighting” means an implement, an object, a device, or a drug intended or designed:

(i) to enhance the fighting ability of a dog; or

(ii) for use in a deliberately conducted event that uses a dog to fight with another dog.

(2) “Implement of dogfighting” includes:

(i) a breaking stick designed for insertion behind the molars of a dog to break the dog’s grip on another animal or object;

(ii) a cat mill that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) a springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;

(iv) a fighting pit or other confined area designed to contain a dogfight;

(v) a breeding stand or rape stand used to immobilize female dogs for breeding purposes; and
(vi) any other instrument or device that is commonly used in the training for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or otherwise in furtherance of a dogfight.

(b) A person may not possess, with the intent to unlawfully use, an implement of dogfighting.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(1) order a defendant convicted of violating this section to participate in and pay for psychological counseling; AND

(2) As a condition of sentencing, the court may prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time, including the life of the defendant.

(3) Each implement of dogfighting possessed in violation of this section is a separate offense.

10–608.

(a) (1) In this section, “implement of cockfighting” means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) “Implement of cockfighting” includes:

(i) a gaff;

(ii) a slasher;

(iii) a postiza;

(iv) a sparring muff; and

(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.
(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;

(2) possess, with the intent to unlawfully use, an implement of cockfighting;

(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or

(5) knowingly allow premises under the person’s ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(1) order a defendant convicted of violating this section to participate in and pay for psychological counseling; AND

(2) as a condition of sentencing, the court may prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time, including the life of the defendant.

10–608.1.

(A) Except to dispose of an animal in accordance with a court order, a person may not sell, offer for sale, or trade an animal if the person has previously been convicted of violating § 10–606, § 10–607, § 10–607.1, or § 10–608 of this subtitle.

(B) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.
Approved by the Governor, April 24, 2018.

Chapter 239
(Senate Bill 172)

AN ACT concerning

Kent County – Alcoholic Beverages – Sales in Restaurants Licenses

FOR the purpose of requiring a restaurant in Kent County to have average daily receipts from the sale of food that are at least a certain percentage of the total average daily receipts of the restaurant; requiring certain restaurants in Kent County to be equipped with a certain dining area and facilities; repealing certain requirements for Sunday sales for certain license holders in Kent County; repealing in Kent County the requirement that the average daily receipts from the sale of food in a restaurant with a Class B beer, wine, and liquor license be a certain percentage of the average daily receipts of the business; applying to a restaurant in Kent County the provision requiring a restaurant to have average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages; repealing the Kent County beer or wine tasting (BWT) license and establishing a beer, wine, and liquor tasting (BWLT) license; specifying the license holder to whom the license may be issued; authorizing the tasting of certain alcoholic beverages under certain circumstances; specifying certain maximum amounts of alcoholic beverages that may be tasted under certain circumstances; establishing a certain fee; altering the hours of sale for holders of certain licenses in Kent County; and generally relating to sales of alcoholic beverages in Kent County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 1–101(a) and (x) and 24–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 24–104 and 24–1304
Annotated Code of Maryland
BY repealing
Article – Alcoholic Beverages
Section 24–1304
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

1–101.

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

(x) (1) Subject to paragraph (2) of this subsection, “restaurant” means an establishment that:

(i) accommodates the public;

(ii) is equipped with a dining room with facilities for preparing and serving regular meals; and

(iii) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(2) By regulation, a local licensing board may set a different standard as to what constitutes a restaurant.


(a) In this title:

(1) (I) the definitions in § [1–101] 1–101(B) THROUGH (W) AND (Y) THROUGH (EE) of this article apply without exception or variation; and

(II) THE DEFINITION OF “RESTAURANT” IN § 1–101(X) OF THIS ARTICLE APPLIES, SUBJECT TO § 24–104 OF THIS SUBTITLE; AND

(2) the following words have the meanings indicated.

24–102.

This title applies only in Kent County.
24–104.

TO QUALIFY AS A RESTAURANT UNDER THIS TITLE, AN ESTABLISHMENT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 25% OF THE TOTAL AVERAGE DAILY RECEIPTS OF THE ESTABLISHMENT.

24–803.

(a) There is a Class B beer and wine license.

(b) (1) The Board may issue the license for use [by] IN a restaurant approved by the Board that IS EQUIPPED WITH:

   [(i)] is fully equipped with a proper and adequate dining room;

   [(ii)] has sufficient facilities for preparing and serving meals to the public; and

   [(iii)] has average daily receipts from the sale of food totaling at least 60% of the average daily receipts of the business.]

   (I) AN INDOOR, OUTDOOR, OR COMBINATION INDOOR AND OUTDOOR DINING AREA; AND

   (II) FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC.

(2) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The annual license fee is $1,000.

24–902.

(a) There is a Class B beer, wine, and liquor license.

(b) [(1)] The Board may issue the license for use in a restaurant that APPROVED BY THE BOARD THAT IS EQUIPPED WITH:

   [(i)] (1) is fully equipped with a proper and adequate dining room;

   [(ii)] (2) has sufficient facilities for preparing and serving meals to the public; and
(iii) is approved by the Board.

(1) AN INDOOR, OUTDOOR, OR COMBINATION INDOOR AND OUTDOOR DINING AREA; AND

(2) FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC.

[(2) When operating under the license, a holder's average daily receipts from the sale of food shall be at least 60% of the average daily receipts of the business.]

(e) On Sunday, the license holder may sell:

(1) beer, wine, and liquor for consumption on–premises if:
   (i) the customer is seated at a table and not at a bar or on a bar stool;
   (ii) the alcoholic beverage is a supplement to the customer's meal; and
   (iii) the total price of the alcoholic beverages does not exceed the total price of the meal; and

(2) only beer and wine for off–premises consumption.

(d) (C) The annual license fee is $2,000.

[24–1304.

(a) There is a beer or wine tasting (BWT) license.

(b) The Board may issue a beer or wine tasting license to the holder of a Class A beer and wine license or a Class A beer, wine, and liquor license.

(c) (1) The license authorizes the holder to allow the on–premises consumption for tasting of:
   (i) wine that contains not more than 22% alcohol by volume; or
   (ii) beer.

(2) The selection of beer or wine offered at a tasting is not limited to beer or wine produced in the State.

(3) The holder of a license may offer for sale beer allowed for tasting if:
(i) the beer is sold in refillable containers that are sealed by the holder of the BWT license; and

(ii) unsold beer is returned to the provider.

(d) A holder of a license may allow consumption by an individual in 1 day in the quantity of:

(1) not more than 2 ounces of wine from each offering and not more than 4 ounces from all offerings of wine; or

(2) not more than 2 ounces of beer from each offering and not more than 6 ounces from all offerings of beer.

(e) A license holder may not conduct a wine tasting and a beer tasting on the same day.

(f) The annual license fee is $200.] 24–1304.

(A) THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLT) LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE.

(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES CONSUMPTION FOR TASTING OF:

(1) BEER, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER LICENSE;

(2) WINE, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A WINE LICENSE;

(3) BEER AND WINE, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER AND WINE LICENSE; AND

(4) BEER, WINE, AND LIQUOR, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(D) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW AN INDIVIDUAL TO TASTE IN 1 DAY NOT MORE THAN:
(1) 2 OUNCES OF BEER FROM EACH OFFERING AND 6 OUNCES FROM ALL OFFERINGS OF BEER;

(2) 2 OUNCES OF WINE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE; AND

(3) ONE–HALF OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS OF LIQUOR.

(E) IN ADDITION TO A FEE FOR ANY OTHER LICENSE HELD BY THE LICENSE HOLDER, THE ANNUAL FEE FOR A BWLT LICENSE IS $200.


(a) A holder of a Class A beer license may sell beer:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) A holder of a Class B beer license may sell beer:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) subject to paragraph (2) of this subsection, on Sunday, from 9 a.m. to midnight FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(c) Reserved.

(d) A holder of a Class D beer license may sell beer:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(a) A holder of a Class A beer and wine license may sell beer and wine:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) A holder of a Class B beer and wine license may sell beer and wine:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 9 a.m. to midnight only] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

[2] The license holder may not sell beer or wine at a bar or counter on Sunday.

(c) Reserved.

(d) Reserved.


(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.
(2) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Sunday from 9 a.m. to midnight if:

(i) the customer is seated at a table and not at a bar or on a bar stool;

(ii) the alcoholic beverage is a supplement to the customer’s meal;

(iii) the total price of the alcoholic beverage does not exceed the total price of the meal.

(3) The license holder may sell only beer and wine for off-premises consumption.

(4) A holder of a special Sunday (on-sale) beer, wine, and liquor privilege may sell beer, wine, and liquor on Sunday from noon to midnight at a restaurant that does not meet the requirements of paragraph (2) of this subsection if the restaurant:

(i) is fully equipped with a proper and adequate dining room;

(ii) has sufficient facilities for preparing and serving meals to the public; and

(iii) is approved by the Board.

(5) The annual fee for the privilege is $100, which is in addition to the annual fee for the Class B (on-sale) beer, wine, and liquor restaurant license.

(6) The privilege is part of the Class B beer, wine, and liquor license and not a separate class of license.

(c) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 11 a.m. to midnight FROM 6 A.M. TO 2 A.M.

THE FOLLOWING DAY.

(2) (i) The Board may issue a special Sunday beer, wine, and liquor license to a holder of a Class C beer, wine, and liquor license.
(ii) Not more than five special Sunday licenses may be issued to a single holder in the Class C license year.

(iii) The special Sunday license authorizes the holder to serve beer, wine, and liquor from 7 a.m. to midnight on Sunday for on–premises consumption.

(3) The license holder may not sell alcoholic beverages at a bar or counter on Sunday.

(4) The license fee is $15.

(5) The prohibition under § 4–204 of this article against the issuance of two licenses for the same premises does not apply to the license.

(6) The Board shall adopt regulations to carry out this subsection.

(d) [(1)] A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

[(2) On Sunday, the license holder may sell for off–premises consumption only beer and wine.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 240

(House Bill 300)

AN ACT concerning

Kent County – Alcoholic Beverages – Sales in Restaurants Licenses
FOR the purpose of requiring a restaurant in Kent County to have average daily receipts from the sale of food that are at least a certain percentage of the total average daily receipts of the restaurant; requiring certain restaurants in Kent County to be equipped with a certain dining area and facilities; repealing certain requirements for Sunday sales for certain license holders in Kent County; repealing in Kent County the requirement that the average daily receipts from the sale of food in a restaurant with a Class B beer, wine, and liquor license be a certain percentage of the average daily receipts of the business; applying to a restaurant in Kent County the provision requiring a restaurant to have average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages; repealing the Kent County beer or wine tasting (BWT) license and establishing a beer, wine, and liquor tasting (BWLT) license; specifying the license holder to whom the license may be issued; authorizing the tasting of certain alcoholic beverages under certain circumstances; specifying certain maximum amounts of alcoholic beverages that may be tasted under certain circumstances; establishing a certain fee; altering the hours of sale for holders of certain licenses in Kent County; and generally relating to sales of alcoholic beverages in Kent County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 1–101(a) and (x) and 24–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 24–104 and 24–1304
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing

Article – Alcoholic Beverages
Section 24–1304
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages
1–101.

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

(x) (1) Subject to paragraph (2) of this subsection, “restaurant” means an establishment that:

   (i) accommodates the public;

   (ii) is equipped with a dining room with facilities for preparing and serving regular meals; and

   (iii) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(2) By regulation, a local licensing board may set a different standard as to what constitutes a restaurant.


(a) In this title:

(1) (I) the definitions in § 1–101(B) THROUGH (W) AND (Y) THROUGH (EE) of this article apply without exception or variation; and

   (II) THE DEFINITION OF “RESTAURANT” IN § 1–101(X) OF THIS ARTICLE APPLIES, SUBJECT TO § 24–104 OF THIS SUBTITLE; AND

(2) the following words have the meanings indicated.

24–102.

This title applies only in Kent County.

24–104.

TO QUALIFY AS A RESTAURANT UNDER THIS TITLE, AN ESTABLISHMENT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 25% OF THE TOTAL AVERAGE DAILY RECEIPTS OF THE ESTABLISHMENT.

24–803.

(a) There is a Class B beer and wine license.

(b) (1) The Board may issue the license for use [by] IN a restaurant approved by the Board that IS EQUIPPED WITH:
(i) is fully equipped with a proper and adequate dining room;
(ii) has sufficient facilities for preparing and serving meals to the public; and
(iii) has average daily receipts from the sale of food totaling at least 60% of the average daily receipts of the business.

(I) AN INDOOR, OUTDOOR, OR COMBINATION INDOOR AND OUTDOOR DINING AREA; AND

(II) FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC.

(2) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The annual license fee is $1,000.

24–902.

(a) There is a Class B beer, wine, and liquor license.

(b) [(1)] The Board may issue the license for use in a restaurant that approved by the Board that is equipped with:

(i) (1) is fully equipped with a proper and adequate dining room;
(ii) (2) has sufficient facilities for preparing and serving meals to the public; and
(iii) (3) is approved by the Board.

(1) AN INDOOR, OUTDOOR, OR COMBINATION INDOOR AND OUTDOOR DINING AREA; AND

(2) FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC.

[(2) When operating under the license, a holder’s average daily receipts from the sale of food shall be at least 60% of the average daily receipts of the business.]

(e) On Sunday, the license holder may sell:

(1) beer, wine, and liquor for consumption on–premises if:
(i) the customer is seated at a table and not at a bar or on a bar stool;

(ii) the alcoholic beverage is a supplement to the customer’s meal; and

(iii) the total price of the alcoholic beverages does not exceed the total price of the meal; and

(2) only beer and wine for off–premises consumption.

(d) The annual license fee is $2,000.

24–1304.

(a) There is a beer or wine tasting (BWT) license.

(b) The Board may issue a beer or wine tasting license to the holder of a Class A beer and wine license or a Class A beer, wine, and liquor license.

(c) (1) The license authorizes the holder to allow the on–premises consumption for tasting of:

(i) wine that contains not more than 22% alcohol by volume; or

(ii) beer.

(2) The selection of beer or wine offered at a tasting is not limited to beer or wine produced in the State.

(3) The holder of a license may offer for sale beer allowed for tasting if:

(i) the beer is sold in refillable containers that are sealed by the holder of the BWT license; and

(ii) unsold beer is returned to the provider.

(d) A holder of a license may allow consumption by an individual in 1 day in the quantity of:

(1) not more than 2 ounces of wine from each offering and not more than 4 ounces from all offerings of wine; or

(2) not more than 2 ounces of beer from each offering and not more than 6 ounces from all offerings of beer.
(e) A license holder may not conduct a wine tasting and a beer tasting on the same day.

(f) The annual license fee is $200.

24–1304.

(A) THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLT) LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE.

(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES CONSUMPTION FOR TASTING OF:

(1) BEER, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER LICENSE;

(2) WINE, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A WINE LICENSE;

(3) BEER AND WINE, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER AND WINE LICENSE; AND

(4) BEER, WINE, AND LIQUOR, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(D) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW AN INDIVIDUAL TO TASTE IN 1 DAY NOT MORE THAN:

(1) 2 OUNCES OF BEER FROM EACH OFFERING AND 6 OUNCES FROM ALL OFFERINGS OF BEER;

(2) 2 OUNCES OF WINE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE; AND

(3) ONE–HALF OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS OF LIQUOR.

(E) IN ADDITION TO A FEE FOR ANY OTHER LICENSE HELD BY THE LICENSE HOLDER, THE ANNUAL FEE FOR A BWLT LICENSE IS $200.


(a) A holder of a Class A beer license may sell beer[;]
(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) A holder of a Class B beer license may sell beer:]:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) subject to paragraph (2) of this subsection, on Sunday, from 9 a.m. to midnight] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(c) Reserved.

(d) A holder of a Class D beer license may sell beer:]:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.


(a) A holder of a Class A beer and wine license may sell beer and wine:]:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) [(1)] A holder of a Class B beer and wine license may sell beer and wine:]:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and
(iii) on Sunday, from 9 a.m. to midnight only] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(c) Reserved.

(d) Reserved.


(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Sunday from 9 a.m. to midnight if:

(i) the customer is seated at a table and not at a bar or on a bar stool;

(ii) the alcoholic beverage is a supplement to the customer’s meal; and

(iii) the total price of the alcoholic beverage does not exceed the total price of the meal.

(3) The license holder may sell only beer and wine for off–premises consumption.
(4) A holder of a special Sunday (on-sale) beer, wine, and liquor privilege may sell beer, wine, and liquor on Sunday from noon to midnight at a restaurant that does not meet the requirements of paragraph (2) of this subsection if the restaurant:

(i) is fully equipped with a proper and adequate dining room;

(ii) has sufficient facilities for preparing and serving meals to the public; and

(iii) is approved by the Board.

(5) The annual fee for the privilege is $100, which is in addition to the annual fee for the Class B (on-sale) beer, wine, and liquor restaurant license.

(6) The privilege is part of the Class B beer, wine, and liquor license and not a separate class of license.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 11 a.m. to midnight]

THE FOLLOWING DAY.

[2] (i) The Board may issue a special Sunday beer, wine, and liquor license to a holder of a Class C beer, wine, and liquor license.

(ii) Not more than five special Sunday licenses may be issued to a single holder in the Class C license year.

(iii) The special Sunday license authorizes the holder to serve beer, wine, and liquor from 7 a.m. to midnight on Sunday for on-premises consumption.

(3) The license holder may not sell alcoholic beverages at a bar or counter on Sunday.

(4) The license fee is $15.

(5) The prohibition under § 4–204 of this article against the issuance of two licenses for the same premises does not apply to the license.

(6) The Board shall adopt regulations to carry out this subsection.
(d) [1] A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:[

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

[2] On Sunday, the license holder may sell for off–premises consumption only beer and wine.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 241

(House Bill 1141)

AN ACT concerning

Building Performance Standards – Agricultural Buildings Used for Agritourism – Exemption

FOR the purpose of altering the application of certain provisions of law exempting agricultural buildings used for agritourism from a certain permit requirement; and generally relating to a permit exemption for agricultural buildings used for agritourism.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 12–508
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

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

Article – Public Safety
In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

“Agricultural building” does not include a place of human residence.

This section applies only to:

1. Calvert County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Prince George’s County, St. Mary’s County, Somerset County, and Talbot County; OR

2. A COUNTY WHERE THE LOCAL LEGISLATIVE BODY HAS APPROVED THE APPLICATION OF THIS SECTION TO THE COUNTY.

The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

1. is in accordance with limitations set forth in regulations adopted by the Department;

2. occupies only levels of the building on which a ground level exit is located; and

3. [except as provided in subsection (e) of this section.] does not require more than 50 people to occupy an individual building at any one time.

In Cecil County and Garrett County, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:

1. the subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and

2. the total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.
An agricultural building used for agritourism:

(1) shall be structurally sound and in good repair; but

(2) need not comply with:

   (i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

   (ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

The Department shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

BY renumbering

Chapter 242
(House Bill 1422)

AN ACT concerning

Caroline County – Alcoholic Beverages – Bed and Breakfast License

FOR the purpose of establishing a 7-day Class B–BB (bed and breakfast) on-sale beer, wine, and liquor license in Caroline County; providing the qualifications that must be met for the issuance or renewal of the license; authorizing the license holder to sell alcoholic beverages to guests of the establishment under certain circumstances; authorizing the license holder to sell alcoholic beverages to guests of certain catered events on- and off-premises under certain circumstances; specifying the hours for sale of alcoholic beverages; specifying that, except during certain catered events or ticketed events hosted by the license holder, the license does not authorize the license holder to sell alcoholic beverages to certain individuals; authorizing the license holder to allow certain guests to consume personal alcoholic beverages on the premises under certain circumstances and subject to a certain limitation; specifying that certain restrictions do not apply to a permanent resident of the establishment or to guests of the permanent resident; specifying that a license is void under certain circumstances and must be returned to the Board; requiring the license holder to retain and make available certain records; providing for an annual fee for the license; and generally relating to a Class B–BB license in Caroline County.
Article – Alcoholic Beverages
Section 15–1001
to be Section 15–1001.1
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 15–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 15–1001
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 15–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland
be renumbered to be Section(s) 15–1001.1.

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

Article – Alcoholic Beverages

15–102.

This title applies only in Caroline County.

15–1001.

(A) THERE IS A CLASS B–BB (BED AND BREAKFAST) BEER, WINE, AND LIQUOR LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS
APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE A BED
AND BREAKFAST THAT:

(1) PROVIDES SERVICES ORDINARILY PROVIDED BY A BED AND BREAKFAST;

(2) HAS AT LEAST ONE ROOM BUT NOT MORE THAN 105 ROOMS, EACH
WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT
QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND

(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO A GUEST IF:

(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND

(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.

(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION TO A GUEST OF A CATERED EVENT AT THE BED AND BREAKFAST IF:

(I) 1. THE LICENSE HOLDER IS UNDER CONTRACT TO CATER THE EVENT;

(II) 2. THE LICENSE HOLDER CATERS THE EVENT; AND

(III) 3. FOOD IS SERVED AT THE CATERED EVENT; OR

(II) THE LICENSE HOLDER HOSTS AN EVENT FOR WHICH TICKETS ARE SOLD IN ADVANCE.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO CONTRACT TO PROVIDE ALCOHOLIC BEVERAGES AT EVENTS HELD OFF THE PREMISES IF:

(I) THE EVENT IS HELD IN THE COUNTY;

(II) THE BED AND BREAKFAST ALSO CONTRACTS TO PROVIDE FOOD AT THE CATERED EVENT; AND

(III) THE COST OF ALCOHOLIC BEVERAGES DOES NOT EXCEED 50% OF THE TOTAL INVOICE FOR THE CATERED EVENT.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW:
1. A PATRON OF A CATERED EVENT TO BRING PERSONAL ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE BED AND BREAKFAST FOR CONSUMPTION AT THE CATERED EVENT; AND

2. A GUEST OF THE BED AND BREAKFAST, WHOSE NAME AND ADDRESS APPEARS ON THE REGISTRY OF THE ESTABLISHMENT, TO BRING PERSONAL ALCOHOLIC BEVERAGES ONTO THE PREMISES FOR ON–PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT UNDER SUBSECTION (E) OF THIS SECTION.

(ii) THE LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES AT A CATERED EVENT TO WHICH A PATRON MAY BRING PERSONAL ALCOHOLIC BEVERAGES.

(E) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 15–2004 OF THIS TITLE.

(F) EXCEPT DURING CATERED EVENTS THAT MEET THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS SECTION OR TICKETED EVENTS HOSTED BY THE LICENSE HOLDER, THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR TO AN INDIVIDUAL WHO:

(1) IS NOT A GUEST OF THE BED AND BREAKFAST; OR

(2) IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST ONLY TO OBTAIN BEER, WINE, AND LIQUOR.

(G) (1) A BED AND BREAKFAST MAY NOT BE OPERATED ONLY TO SELL OR PROVIDE BEER, WINE, AND LIQUOR.

(2) IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND BREAKFAST:

(i) THE LICENSE IS VOID; AND

(ii) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.

(H) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO A PERMANENT RESIDENT ON THE PREMISES OR TO GUESTS OF THE PERMANENT RESIDENT.

(I) THE LICENSE HOLDER SHALL:
(1) Maintain records of all catered events, on–premises and off–premises, where alcoholic beverages are served; and

(2) Make the records required under paragraph (1) of this subsection available on request to the Board or to the Comptroller.

(j) The annual license fee is $500.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 243
(Senate Bill 1072)

AN ACT concerning

Caroline County – Alcoholic Beverages – Bed and Breakfast License

FOR the purpose of establishing a 7–day Class B–BB (bed and breakfast) on–sale beer, wine, and liquor license in Caroline County; providing the qualifications that must be met for the issuance or renewal of the license; authorizing the license holder to sell alcoholic beverages to guests of the establishment under certain circumstances; authorizing the license holder to sell alcoholic beverages to guests of certain catered events on– and off–premises under certain circumstances; specifying the hours for sale of alcoholic beverages; specifying that, except during certain catered events or ticketed events hosted by the license holder, the license does not authorize the license holder to sell alcoholic beverages to certain individuals; authorizing the license holder to allow certain guests to consume personal alcoholic beverages on the premises under certain circumstances and subject to a certain limitation; specifying that certain restrictions do not apply to a permanent resident of the establishment or to guests of the permanent resident; specifying that a license is void under certain circumstances and must be returned to the Board; requiring the license holder to retain and make available certain records; providing for an annual fee for the license; and generally relating to a Class B–BB license in Caroline County.

BY renumbering

Article – Alcoholic Beverages
Section 15–1001

to be Section 15–1001.1

Annotated Code of Maryland
(2016 Volume and 2017 Supplement)
BY repealing and reenacting, without amendments,

   Article – Alcoholic Beverages
   Section 15–102
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

BY adding to

   Article – Alcoholic Beverages
   Section 15–1001
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 15–1001.1.

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

   Article – Alcoholic Beverages

15–102.

This title applies only in Caroline County.

15–1001.

(A) THERE IS A CLASS B–BB (BED AND BREAKFAST) BEER, WINE, AND LIQUOR LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE A BED AND BREAKFAST THAT:

   (1) PROVIDES SERVICES ORDINARILY PROVIDED BY A BED AND BREAKFAST;

   (2) HAS AT LEAST ONE ROOM BUT NOT MORE THAN 10 5 ROOMS, EACH WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND

   (3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT.
(C) The license authorizes the license holder to sell beer, wine, and liquor to a guest if:

1. The name and address of the guest appears on the registry that the bed and breakfast maintains; and

2. The guest is an occupant of a sleeping room in the bed and breakfast.

(D) 1. The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption to a guest of a catered event at the bed and breakfast if:

   (i) The license holder is under contract to cater the event;

   (ii) The license holder caters the event; and

   (iii) Food is served at the catered event; or

2. The license authorizes the license holder to contract to provide alcoholic beverages at events held off the premises if:

   (i) The event is held in the county;

   (ii) The bed and breakfast also contracts to provide food at the catered event; and

   (iii) The cost of alcoholic beverages does not exceed 50% of the total invoice for the catered event.

3. Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to allow:

   1. A patron of a catered event to bring personal alcoholic beverages onto the premises of the bed and breakfast for consumption at the catered event; and

   2. A guest of the bed and breakfast, whose name and address appears on the registry of the establishment, to bring personal alcoholic beverages onto the premises for on-premises
CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT UNDER SUBSECTION (E) OF THIS SECTION.

(ii) The license holder may not sell alcoholic beverages at a catered event to which a patron may bring personal alcoholic beverages.

(E) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 15–2004 of this title.

(F) Except during catered events that meet the requirements under subsection (D) of this section or ticketed events hosted by the license holder, the license does not authorize the sale of beer, wine, and liquor to an individual who:

(1) is not a guest of the bed and breakfast; or

(2) is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor.

(G) (1) A bed and breakfast may not be operated only to sell or provide beer, wine, and liquor.

(2) If the bed and breakfast ends operations as a bed and breakfast:

(I) the license is void; and

(II) the license holder shall return the license to the Board.

(H) This section may not be construed to apply to a permanent resident on the premises or to guests of the permanent resident.

(I) The license holder shall:

(1) maintain records of all catered events, on–premises and off–premises, where alcoholic beverages are served; and

(2) make the records required under paragraph (1) of this subsection available on request to the Board or to the Comptroller.

(J) The annual license fee is $500.
SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 244

(House Bill 1110)

AN ACT concerning


FOR the purpose of requiring the State Department of Education, in consultation with the Maryland Department of Health, on or before a certain date, to develop health and safety guidelines and procedures best practices for the use of digital devices in public school classrooms; requiring the State Department of Education, on or before a certain date, to provide the guidelines and procedures best practices to each county board of education and nonpublic school for consideration and adoption; requiring a county board that decides not to adopt the guidelines and procedures to provide the State Department of Education an explanation of the basis for the decision; requiring the State Department of Education to convene and consult with a certain workgroup, including representatives of certain entities; requiring the State Department of Education to submit an interim report to the Governor and the General Assembly on or before a certain date; and generally relating to health and safety guidelines and procedures best practices for the use of digital devices in public schools.

BY adding to

Article – Education
Section 7–441
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–441.

(4) On or before June 1, 2019, the Department, in consultation with the Maryland Department of Health, shall develop
(2) (B) On or before July 1, 2019, the Department shall provide the guidelines and procedures best practices to each county board and nonpublic school for consideration and adoption.

(B) If a county board decides not to adopt the guidelines and procedures developed under subsection (A) of this section, the county board shall provide to the Department an explanation of the basis for the decision.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In developing the health and safety guidelines and procedures for the use of digital devices in public school classrooms required under § 7–441 of the Education Article, as enacted by this Act, the State Department of Education shall convene and consult with a workgroup of affected stakeholders, including representatives from:

(1) the Maryland State Education Association;

(2) the Public School Superintendents Association of Maryland;

(3) the Maryland Parent Teacher Association;

(4) the Maryland Association of Boards of Education;

(5) the Maryland Chapter, American Academy of Pediatrics;

(6) MedChi, the Maryland State Medical Society;

(7) the Campaign for a Commercial–Free Childhood;

(8) Parents Across America;

(9) the Environmental Influences on Child–Health Outcomes (ECHO) program of the National Institutes of Health;

(10) the Maryland Association of County Health Officers;

(11) the Mental Health Association of Maryland;

(12) the Maryland Association of School Health Nurses;

(13) the occupational safety and health profession;
(14) the medical profession; and

(15) any other entity with relevant expertise or whose members will be impacted by the guidelines and procedures.

(b) On or before December 1, 2018, the Department shall submit an interim report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the development of the guidelines and procedures for the use of digital devices in public school classrooms.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 245

(House Bill 1573)

AN ACT concerning

Solar Electric Generating Facility – Notice of Sale or Transfer

FOR the purpose of requiring that an owner of a certain solar electric generating facility provide certain notice of the sale or transfer of the facility to certain persons within a certain period of time; requiring a certain notice to include certain information; and generally relating to notice of a sale or transfer of a solar electric generating facility.

BY adding to
Article – Public Utilities
Section 7–215
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Public Utilities

7–215.

(a) This section applies to a solar electric generating facility located in the State that:
(1) HAS THE CAPACITY TO PRODUCE AT LEAST MORE THAN 2 MEGAWATTS OF ELECTRICITY; AND

(2) IS DESIGNED TO PRODUCE ELECTRICITY FOR SALE ON THE WHOLESALE MARKET.

(B) (1) AT LEAST 30 DAYS BEFORE NOT LATER THAN 30 DAYS AFTER SELLING OR OTHERWISE TRANSFERRING OWNERSHIP OF A SOLAR ELECTRIC GENERATING FACILITY THE OWNER OF THE FACILITY SHALL PROVIDE NOTICE OF THE SALE OR TRANSFER TO:

(1) THE COUNTY IN WHICH THE FACILITY IS LOCATED; AND

(2) THE COMMISSION.

(2) THE NOTICE UNDER THIS SECTION SHALL INCLUDE THE NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS OF THE NEW OWNER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 246

(House Bill 515)

AN ACT concerning

Agriculture – Noxious Weeds – Palmer Amaranth – Study

FOR the purpose of adding Palmer amaranth to the list of plants considered to be noxious weeds in the State requiring the Department of Agriculture to conduct a study to assess the adverse financial impact of Palmer amaranth on the agricultural industry in the State and to determine the necessary actions certain persons must take to reduce the impact and the costs of the actions; requiring the Department to consult with certain persons in conducting the study and to submit a certain report to the Governor and the General Assembly on or before a certain date; and generally relating to invasive weed control in the State.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 9-401

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

Article — Agriculture

9–401.

(a) The existence of growth of certain species of plants is declared to be noxious.

(b) The following plants are considered to be noxious weeds in the State:

(1) Thistles belonging to the asteraceae or compositae family, including Canada, musk, nodding, plumoseless, and bull thistle;

(2) Johnsongrass (sorghum haleopense) or hybrids that contain Johnsongrass as a parent; AND

(3) Shatter cane and wild cane (sorghum bicolor);

(4) PALMER AMARANTH (AMARANTHUS PALMERI S. WATSON).

(a) The Department of Agriculture shall conduct a study to:

(1) assess the adverse financial impact of the invasive weed Palmer amaranth on the agricultural industry in the State; and

(2) determine the necessary actions each stakeholder must take to reduce the impact of Palmer amaranth and the cost of each action.

(b) In conducting the study, the Department shall consult with representatives of:

(1) the State Highway Administration;

(2) the Maryland Farm Bureau;

(3) soil conservation districts;

(4) the Maryland Association of Counties;

(5) the Maryland Grain Producers; and

(6) any other interested stakeholder, as determined by the Department.
(c) On or before December 1, 2018, the Department shall report its findings and recommendations 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 October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 247
(House Bill 1310)

AN ACT concerning Health Insurance – Provider Panels – Procedures and Credentialing Practices

FOR the purpose of altering a certain time period after a certain date within which a carrier is required to send a certain notice; altering a certain time period after a certain date within which a carrier is required to make a certain decision and send a certain notice under certain circumstances; prohibiting a carrier from imposing a limit on the number of certain providers at a health care facility that may be credentialed to participate on a certain provider panel; and generally relating to health insurance and provider panels.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–112(g)

Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to

Article – Insurance

Section 15–112(x)

Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Insurance

15–112.
A provider that seeks to participate on a provider panel of a carrier shall submit an application to the carrier.

Subject to paragraph (3) of this subsection, the carrier, after reviewing the application, shall accept or reject the provider for participation on the carrier’s provider panel.

If the carrier rejects the provider for participation on the carrier’s provider panel, the carrier shall send to the provider at the address listed in the application written notice of the rejection.

Subject to paragraph (4) of this subsection, within 30 days after the date a carrier receives a completed application, the carrier shall send to the provider at the address listed in the application a written notice of:

1. the carrier’s intent to continue to process the provider’s application to obtain necessary credentialing information; or
2. the carrier’s rejection of the provider for participation on the carrier’s provider panel.

The failure of a carrier to provide the notice required under subparagraph (i) of this paragraph is a violation of this article and the carrier is subject to the penalties provided by § 4–113(d) of this article.

Except as provided in subsection (v) of this section, if, under subparagraph (i)1 of this paragraph, a carrier provides notice to the provider of its intent to continue to process the provider’s application to obtain necessary credentialing information, the carrier, within 120 days after the date the notice is provided, shall:

1. accept or reject the provider for participation on the carrier’s provider panel; and
2. send written notice of the acceptance or rejection to the provider at the address listed in the application.

The failure of a carrier to provide the notice required under subparagraph (iii)2 of this paragraph is a violation of this article and the carrier is subject to the provisions of and penalties provided by §§ 4–113 and 4–114 of this article.

Except as provided in subsubparagraph 4 of this subparagraph, a carrier that receives a complete application shall notify the provider that the application is complete.

If a carrier does not accept applications through the online credentialing system, notice shall be given to the provider at the address listed in the application within 10 days after the date the application is received.
3. If a carrier accepts applications through the online credentialing system, the notice from the online credentialing system to the provider that the carrier has received the provider’s application shall be considered notice that the application is complete.

4. This subparagraph does not apply to a carrier that arranges a dental provider panel until the Commissioner certifies that the online credentialing system is capable of accepting the uniform credentialing form designated by the Commissioner for dental provider panels.

(ii) 1. A carrier that receives an incomplete application shall return the application to the provider at the address listed in the application within 10 days after the date the application is received.

2. The carrier shall indicate to the provider what information is needed to make the application complete.

3. The provider may return the completed application to the carrier.

4. After the carrier receives the completed application, the carrier is subject to the time periods established in paragraph (3) of this subsection.

5. A carrier may charge a reasonable fee for an application submitted to the carrier under this section.

(X) A CARRIER MAY NOT IMPOSE A LIMIT ON THE NUMBER OF BEHAVIORAL HEALTH PROVIDERS AT A HEALTH CARE FACILITY THAT MAY BE CREDENTIALED TO PARTICIPATE ON A PROVIDER PANEL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 248

(House Bill 164)

AN ACT concerning

Judges’ Retirement System – Mandatory Retirement Age – Clarification of Eligibility for Allowance
FOR the purpose of clarifying the eligibility for a retirement allowance for certain members of the Judges’ Retirement System who reach the mandatory retirement age required by Article IV, § 3 of the Maryland Constitution and have less than a certain number of years of service; and generally relating to clarifying the eligibility for a retirement allowance from the Judges’ Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–401(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

27–401.

(b) (1) This subsection applies only to an individual who becomes a member of the Judges’ Retirement System on or after July 1, 2012.

(2) A member or former member is entitled to a retirement allowance:

(i) on termination of service, if the member is at least 60 years old and has at least 5 years of eligibility service;

(ii) on the recommendation of the medical board, if the member or former member resigns because of disability;

(iii) when retired by order of the Court of Appeals, if the member has at least 5 years of eligibility service;

(iv) [when retired by order of the Court of Appeals] AT THE MANDATORY RETIREMENT AGE REQUIRED BY ARTICLE IV, § 3 OF THE MARYLAND CONSTITUTION with less than 5 years of eligibility service, if the member has eligibility service equal to the mandatory retirement age required by Article IV, § 3 of the Maryland Constitution minus the member’s age when the member first becomes a member; or

(v) at the age of 60 years, if the former member’s termination of service occurred earlier and the former member had at least 5 years of eligibility service when the former member terminated service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 249  
(Senate Bill 176)  

AN ACT concerning  
Judges’ Retirement System – Mandatory Retirement Age – Clarification of Eligibility for Allowance  

FOR the purpose of clarifying the eligibility for a retirement allowance for certain members of the Judges’ Retirement System who reach the mandatory retirement age required by Article IV, § 3 of the Maryland Constitution and have less than a certain number of years of service; and generally relating to clarifying the eligibility for a retirement allowance from the Judges’ Retirement System.  

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 27–401(b)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2017 Supplement)  

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

Article – State Personnel and Pensions  
27–401.  
(b) (1) This subsection applies only to an individual who becomes a member of the Judges’ Retirement System on or after July 1, 2012.  

(2) A member or former member is entitled to a retirement allowance:  

(i) on termination of service, if the member is at least 60 years old and has at least 5 years of eligibility service;  

(ii) on the recommendation of the medical board, if the member or former member resigns because of disability;  

(iii) when retired by order of the Court of Appeals, if the member has at least 5 years of eligibility service;  

(iv) [when retired by order of the Court of Appeals] AT THE MANDATORY RETIREMENT AGE REQUIRED BY ARTICLE IV, § 3 OF THE MARYLAND
CONSTITUTION with less than 5 years of eligibility service, if the member has eligibility service equal to the mandatory retirement age required by Article IV, § 3 of the Maryland Constitution minus the member’s age when the member first becomes a member; or

(v) at the age of 60 years, if the former member’s termination of service occurred earlier and the former member had at least 5 years of eligibility service when the former member terminated service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 250
(House Bill 1302)

AN ACT concerning

Family Violence – Seizure of Lethal Weapons – Lethal Violence Protective Order
Public Safety – Extreme Risk Prevention Protective Orders

FOR the purpose of authorizing certain persons to seek an ex parte lethal violence protective order by filing a certain petition; specifying the contents of the petition; requiring that certain records provided in a certain petition or considered as evidence in a proceeding under this Act be protected from public disclosure under certain circumstances; requiring a court to set a certain hearing within a certain period of time under certain circumstances; requiring a certain notice to be served by a law enforcement officer or in accordance with the Maryland Rules; requiring a court to issue or deny a petition for an ex parte lethal violence protective order on the same day that the petition is filed; requiring a court to consider certain evidence in determining whether to issue an ex parte lethal violence protective order; requiring a court to issue an ex parte lethal violence protective order under certain circumstances; requiring an ex parte lethal violence protective order to contain certain information; requiring an ex parte lethal violence protective order to be served by a law enforcement officer or in accordance with the Maryland Rules; requiring a court to hold a certain hearing subsequent to the issuance of an ex parte lethal violence protective order within a certain period of time; requiring a court to consider certain information at a hearing for a 1-year lethal violence protective order; requiring a court to issue a 1-year lethal violence protective order under certain circumstances; requiring a 1-year lethal violence protective order to contain certain information; requiring a 1-year lethal violence protective order to be served by a law enforcement officer or in accordance with the Maryland Rules; authorizing a respondent to request a hearing to terminate a 1-year lethal violence protective order within a certain period of time; requiring the court to schedule a certain...
hearing in accordance with certain requirements; requiring a court to terminate a 1-year lethal violence protective order under certain circumstances; authorizing an individual to request an extension of a 1-year lethal violence protective order within a certain period of time; authorizing a court to extend a 1-year lethal violence protective order under certain circumstances; specifying the duration of a certain extended lethal violence protective order; providing procedures for the surrender, seizure, and storage of certain items in connection with a lethal violence protective order; authorizing a law enforcement officer to seize certain firearms and ammunition under certain circumstances; authorizing a court to issue a warrant to search for certain firearms and ammunition under certain circumstances; authorizing a law enforcement agency holding firearms or ammunition in connection with a lethal violence protective order to charge a certain fee; providing for the return, sale, or destruction of firearms and ammunition after the termination of a lethal violence protective order under certain circumstances; providing that filing a petition for a lethal violence protective order under certain circumstances is a misdemeanor; providing that violating a lethal violence protective order under certain circumstances is a misdemeanor and establishing a certain penalty; providing that this Act does not affect certain other authority of a law enforcement officer; providing that this Act does not impose criminal or civil liability on certain persons under certain circumstances; defining certain terms; and generally relating to lethal violence protective orders.

FOR the purpose of authorizing certain individuals to file a certain petition for an extreme risk prevention order with a certain court or law enforcement agency under certain circumstances; specifying the contents of a petition; requiring certain health records and information to be protected from public disclosure to a certain extent; establishing that a petitioner who, in good faith, files a petition under this Act is not civilly or criminally liable for filing the petition; authorizing a certain duty judge to enter a certain interim extreme risk prevention order under certain circumstances; requiring an interim extreme risk prevention order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for a certain period of time; specifying the required contents of an interim extreme risk prevention order; requiring a temporary extreme risk prevention order hearing to be held on a certain day; requiring a circuit court or District Court duty judge to take certain actions when issuing an interim extreme risk prevention order; requiring a law enforcement officer to take certain actions; specifying the effective period of an interim extreme risk prevention order; authorizing a judge to enter a temporary extreme risk prevention order under certain circumstances; requiring a temporary extreme risk prevention order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for a certain period of time; requiring a certain respondent to be served with a temporary extreme risk prevention order at a certain place or in a certain manner under certain circumstances; providing that there shall be no cost to the petitioner for service of a temporary extreme risk prevention order; providing for the effective period of a temporary extreme risk prevention order; authorizing a judge to extend a temporary extreme risk prevention order for a certain amount of time for a certain purpose; authorizing a judge to proceed with a final extreme risk prevention order...
Chapter 250

Section 2

In the case of a respondent, the judge shall have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order. The judge shall have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing. The judge shall also have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order hearing in the context of the issuance of an interim, temporary, or final extreme risk prevention order hearing.

FOR the purpose of authorizing certain individuals to file a certain petition for an extreme risk protective order with a certain court or a District Court commissioner under certain circumstances; specifying the contents of a petition; providing for the confidentiality of certain court records relating to a petition; granting certain civil and criminal immunity to a petitioner who, in good faith, files a petition; authorizing a District Court commissioner to enter a certain interim extreme risk protective order under certain circumstances; requiring a commissioner to consider certain factors when determining whether to enter an interim extreme risk protective order; specifying the required contents of an interim extreme risk protective order; requiring a commissioner to refer a respondent to law enforcement for a determination of whether the respondent should be taken for an emergency evaluation under certain circumstances; requiring a temporary extreme risk protective order hearing to be held on a certain day; requiring a commissioner to take certain actions when issuing an
interim extreme risk protective order; requiring a law enforcement officer to take
certain actions; specifying the effective period of an interim extreme risk protective
order; authorizing a judge to enter a temporary extreme risk protective order under
certain circumstances; specifying the required contents of a temporary extreme risk
protective order; requiring a judge to consider certain factors when determining
whether to enter a temporary extreme risk protective order; requiring a judge to refer
a certain respondent for emergency evaluation under certain circumstances; requiring
a certain respondent to be served with a temporary extreme risk protective order at a
certain place or in a certain manner under certain circumstances; providing that there
shall be no cost to the petitioner for service of a temporary extreme risk protective
order; providing for the effective period of a temporary extreme risk protective order;
authorizing a judge to extend a temporary extreme risk protective order for a certain
amount of time for a certain purpose; authorizing a judge to proceed with a final
extreme risk protective order hearing instead of a temporary extreme risk protective
order hearing under certain circumstances; establishing that a respondent shall have
the opportunity to be heard on the question of whether the judge should issue a final
extreme risk protective order; requiring a final extreme risk protective order hearing
to be held at a certain time with certain exceptions; authorizing a judge to proceed
with a final extreme risk protective order hearing and enter a certain final extreme
risk protective order under certain circumstances; authorizing a court to review
certain records before granting, denying, or modifying a final extreme risk protective
order; requiring a copy of a final extreme risk protective order to be served on certain
persons at a certain time or in a certain manner; specifying the effective period of a
final extreme risk protective order; establishing that a final extreme risk protective
order may be modified or rescinded at a certain time under certain circumstances;
authorizing a judge to extend the term of a final extreme risk protective order for a
certain amount of time under certain circumstances; requiring the court to hold a
hearing within a certain period of time on a certain motion to extend the term of a
final extreme risk protective order; requiring the court to keep the terms of a final
extreme risk protective order in full force and effect until a certain hearing on a certain
motion under certain circumstances; authorizing a court, on application of a certain
law enforcement officer, to issue a search warrant for the removal of certain firearms
under certain circumstances; specifying procedures for appeal of the grant or denial
of a petition for an extreme risk protective order; establishing certain requirements
and procedures for surrendering or seizing firearms and ammunition in accordance
with an extreme risk protective order; establishing certain requirements and
procedures for recovering, transferring, and disposing of firearms and ammunition
seized or surrendered in accordance with an extreme risk protective order; prohibiting
a person from failing to comply with an extreme risk protective order; establishing
certain penalties; requiring a law enforcement officer to arrest with or without a
warrant and take into custody a person who the officer has probable cause to believe
is in violation of a certain extreme risk protective order; providing that a certain
privilege does not exist in a certain extreme risk protective order proceeding under
certain circumstances; providing for the interpretation of certain provisions of this
Act; defining certain terms; making the provisions of this Act severable; and generally
relating to extreme risk protective orders.
BY adding to
Article—Family Law
Section 4–533 through 4–542 to be under the new part “Part V. Lethal Violence Protective Order”
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments.
Article—Courts and Judicial Proceedings
Section 9–109(d)(7) and (8), 9–109.1(d)(6) and (7), and 9–121(d)(6) and (7)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article—Courts and Judicial Proceedings
Section 9–109(d)(9), 9–109.1(d)(8), and 9–121(d)(8)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article—Public Safety
Section 5–601 through 5–610 to be under the new subtitle “Subtitle 6. Extreme Risk Prevention Protective Orders”
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

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

Article—Family Law

4–531. RESERVED.

4–532. RESERVED.

PART V. LETHAL VIOLENCE PROTECTIVE ORDER.

4–533.

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

(B) “EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER” MEANS AN ORDER ISSUED BY A COURT UNDER § 4–535 OF THIS SUBTITLE, PROHIBITING THE RESPONDENT FROM HAVING IN THE RESPONDENT’S CUSTODY OR CONTROL OR FROM OWNING, PURCHASING, POSSESSING, OR RECEIVING ANY FIREARMS OR
AMMUNITION UNTIL THE COURT-SCHEDULED HEARING FOR A 1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER.

(c) "FAMILY MEMBER" INCLUDES:

(1) ANY PERSON RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR ADOPTION;

(2) A CURRENT DATING PARTNER OF THE RESPONDENT;

(3) A FORMER DATING PARTNER OF THE RESPONDENT SEPARATED BY 1 YEAR OR LESS;

(4) ANY PERSON WHO RESIDES WITH THE RESPONDENT;

(5) ANY PERSON WHO HAS RESIDED WITH THE RESPONDENT WITHIN 1 YEAR BEFORE THE FILING OF A PETITION UNDER THIS SUBTITLE; OR

(6) A CURRENT OR FORMER LEGAL GUARDIAN FOR THE RESPONDENT.

(D) "1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER" MEANS AN ORDER ISSUED BY A COURT UNDER § 4-536 OF THIS SUBTITLE, PROHIBITING THE RESPONDENT FROM HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL OR FROM OWNING, PURCHASING, POSSESSING, OR RECEIVING ANY FIREARMS OR AMMUNITION FOR A PERIOD OF 1 YEAR.

(E) "PETITIONER" MEANS A LAW ENFORCEMENT OFFICER OR A FAMILY MEMBER WHO FILES A PETITION UNDER § 4-534 OF THIS SUBTITLE.

(F) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION IS FILED UNDER § 4-534 OF THIS SUBTITLE.

(A) A PETITIONER MAY SEEK AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER BY FILING WITH THE COURT A PETITION THAT ALLEGES, BASED ON PERSONAL KNOWLEDGE, THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING INJURY TO HIMSELF OR HERSELF OR TO OTHERS BY HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL OR BY OWNING, PURCHASING, POSSESSING, OR RECEIVING A FIREARM OR AMMUNITION.

(B) THE PETITION SHALL SET FORTH THE GROUNDS FOR ISSUANCE OF THE ORDER AND DESCRIBE THE NUMBER, TYPES, AND LOCATIONS OF ANY FIREARMS OR
AMMUNITION BELIEVED BY THE PETITIONER TO BE CURRENTLY POSSESSED OR CONTROLLED BY THE RESPONDENT.

(C) ALL HEALTH RECORDS AND OTHER HEALTH INFORMATION PROVIDED IN A PETITION OR CONSIDERED AS EVIDENCE IN A PROCEEDING UNDER THIS PART SHALL BE PROTECTED FROM PUBLIC DISCLOSURE TO THE EXTENT THAT THE INFORMATION IDENTIFIES A RESPONDENT OR PETITIONER.

(D) (1) A COURT SHALL SET A HEARING ON A 1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER NOT LATER THAN 14 DAYS AFTER RECEIPT OF A PETITION, REGARDLESS OF WHETHER THE COURT ISSUES AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER UNDER § 4–535 OF THIS SUBTITLE.

(2) IF THE COURT ISSUES AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER UNDER § 4–535 OF THIS SUBTITLE, NOTICE OF THE HEARING SHALL BE SERVED ON THE RESPONDENT AT THE SAME TIME AS THE EX PARTE ORDER.

(3) NOTICE OF THE HEARING SHALL BE PERSONALLY SERVED ON THE RESPONDENT BY A LAW ENFORCEMENT OFFICER OR, IF PERSONAL SERVICE BY A LAW ENFORCEMENT OFFICER IS NOT PRACTICABLE, IN ACCORDANCE WITH THE MARYLAND RULES.

4–535.

(A) A COURT SHALL ISSUE OR DENY A PETITION FOR AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER FILED UNDER § 4–534 OF THIS SUBTITLE ON THE SAME DAY THAT THE PETITION IS FILED.

(B) IN DETERMINING WHETHER TO ISSUE AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER, THE COURT SHALL CONSIDER ALL RELEVANT EVIDENCE PRESENTED BY THE PETITIONER, AND MAY ALSO CONSIDER EVIDENCE PERTAINING TO THE RESPONDENT'S:

(1) UNLAWFUL, RECKLESS, OR NEGLIGENT USE, DISPLAY, STORAGE, POSSESSION, OR BRANDISHING OF A FIREARM;

(2) ACT OR THREAT OF VIOLENCE AGAINST HIMSELF OR HERSELF OR AGAINST ANOTHER, WHETHER OR NOT THE THREAT OF VIOLENCE INVOLVED A FIREARM;

(3) VIOLATION OF ANY OTHER PROTECTIVE ORDER IN THE STATE OR IN ANOTHER STATE;
(4) ABUSE OF CONTROLLED SUBSTANCES OR ALCOHOL OR ANY CONVICTION FOR A CRIMINAL OFFENSE THAT INVOLVED CONTROLLED SUBSTANCES OR ALCOHOL; AND

(5) RECENT ACQUISITION OF A FIREARM, AMMUNITION, OR ANOTHER DEADLY WEAPON.

(c) The court shall also consider the time that has elapsed since any events described in subsection (b) of this section occurred.

(d) If the court finds reasonable cause to believe that the respondent poses an immediate and present danger of causing injury to himself or herself or to another by having in the respondent’s custody or control or by owning, purchasing, possessing, or receiving a firearm or ammunition, the court shall issue an ex parte lethal violence protective order.

(e) An ex parte lethal violence protective order shall include:

(1) A statement that the respondent may not have in the respondent’s custody or control or own, purchase, possess, receive, or attempt to purchase or receive a firearm or ammunition while the order is in effect;

(2) A description of the requirements for relinquishment of firearms and ammunition under § 4–538 of this subtitle;

(3) A statement of the grounds asserted for the order;

(4) A notice of the hearing required under § 4–534(d) of this subtitle to determine whether to issue a 1-year lethal violence protective order, including the address of the court and the date and time the hearing is scheduled;

(5) A statement that at the hearing the court may extend the order for up to 1 year; and

(6) A statement that the respondent may seek the advice of an attorney as to any matter related to the order, and that the attorney should be consulted promptly so that the attorney may assist the respondent.

(f) An ex parte lethal violence protective order shall be personally served on the respondent by a law enforcement officer or,
IF PERSONAL SERVICE BY A LAW ENFORCEMENT OFFICER IS NOT PRACTICABLE, IN ACCORDANCE WITH THE MARYLAND RULES.

(C) (1) The court shall schedule a hearing within 14 days after the issuance of an ex parte lethal violence protective order to determine whether a 1-year lethal violence protective order shall be issued.

(2) A respondent may seek to reschedule the hearing on a date not later than 30 days after the initial scheduled hearing.

(3) The court shall dismiss any ex parte lethal violence protective order in effect against the respondent at the subsequent hearing.

4–536.

(A) At a hearing to determine whether to issue a 1-year lethal violence protective order under this section, the court shall consider all relevant evidence presented by the petitioner and may also consider other relevant evidence, including the factors described in § 4–535(b) of this subtitle.

(B) If the court finds by clear and convincing evidence that the respondent poses a significant danger of injury to himself or herself or to others by having in the respondent’s custody or control or by owning, purchasing, possessing, or receiving a firearm or ammunition, the court shall issue a 1-year lethal violence protective order.

(C) A 1-year lethal violence protective order issued under this section shall include:

(1) A statement that the respondent may not have in the respondent’s custody or control or own, possess, purchase, or receive, or attempt to purchase or receive, a firearm or ammunition while the order is in effect;

(2) A description of the requirements for relinquishment of firearms and ammunition under § 4–538 of this subtitle;

(3) A statement of the grounds supporting the issuance of the order;

(4) The date and time the order expires;
(5) The address of the court that issued the order;

(6) A statement that the respondent shall have the right to request one hearing to terminate the order within the first 6 months after the order's effective date, or after the first 6 months of a renewed order's effective date; and

(7) A statement that the respondent may seek the advice of an attorney as to any matter related to the order.

(D) If the respondent fails to appear at the hearing, a 1-year lethal violence protective order issued under this section shall be personally served on the respondent by a law enforcement officer or, if personal service by a law enforcement officer is not practicable, in accordance with the Maryland Rules 4–537.

(A) (1) A respondent to a 1-year lethal violence protective order issued under § 4–536 of this subtitle may submit one written request within the first 6 months after the order's effective date for a hearing to terminate the order.

(2) (I) On receipt of the request for termination, the court shall set a date for a hearing.

(II) Notice of the request shall be served on the petitioner in accordance with the Maryland Rules.

(III) The hearing may not be scheduled earlier than 14 days after the date of service of the request on the petitioner.

(3) At the hearing, if the court finds by clear and convincing evidence that the respondent does not pose a significant danger of causing injury to himself or herself or to others by having in the respondent's custody or control or by owning, purchasing, possessing, or receiving a firearm or ammunition, the court shall terminate the order.

(4) The respondent bears the burden of proving that the respondent does not pose a danger under the provisions of paragraph (3) of this subsection.
(B) (1) A petitioner may request an extension of a 1-year lethal violence protective order at any time within 3 months before the expiration date of the order.

(2) A court may, after notice and a hearing, extend a 1-year lethal violence protective order issued under this part if the court finds, by clear and convincing evidence, that the respondent continues to pose a significant danger of causing injury to himself or herself or to another by having in the respondent’s custody or control or by owning, purchasing, possessing, or receiving a firearm or ammunition.

(3) In determining whether to extend a 1-year lethal violence protective order issued under this part, the court shall consider all relevant evidence presented by the petitioner, and may also consider other relevant evidence, including the factors described in § 4–535(b) of this subtitle.

(4) A 1-year lethal violence protective order extended in accordance with this section shall expire after 1 year, subject to termination by order of the court at a hearing held in accordance with subsection (A) of this section and further extension by order of the court in accordance with this subsection.

4–538.

(A) On the issuance of an ex parte or 1-year lethal violence protective order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned or possessed by the respondent or in the respondent’s custody or control.

(B) (1) A law enforcement officer serving a lethal violence protective order shall request that all firearms and ammunition owned or possessed by the respondent or in the respondent’s custody or control be immediately surrendered and shall take possession of all firearms and ammunition that are surrendered, in plain sight, or discovered in accordance with a lawful search.

(2) If personal service by a law enforcement officer is not practicable, and the respondent is served in accordance with the Maryland Rules, the respondent shall surrender the firearms and ammunition in a safe manner to the control of a local law enforcement officer within 48 hours after service of the order.
(c) (1) At the time of surrender or seizure of firearms, a law enforcement officer taking possession of a firearm or ammunition in accordance with a lethal violence protective order shall issue a receipt identifying all firearms and ammunition that have been surrendered or seized and provide a copy of the receipt to the respondent.

(2) Not later than 72 hours after service of the order, the law enforcement officer shall file the original receipt with the court that issued the lethal violence protective order and retain a copy of the receipt.

(d) A court that has probable cause to believe a respondent to a lethal violence protective order has in the respondent’s custody or control or owns or possesses firearms or ammunition that the respondent has failed to surrender in accordance with this section, or has received or purchased a firearm or ammunition while subject to the order, shall issue a warrant describing the firearm or ammunition and authorizing a search of any location where the firearm or ammunition is reasonably believed to be and the seizure of any firearms or ammunition discovered in accordance with such a search.

(e) A law enforcement agency may charge the respondent a fee not to exceed the reasonable and actual costs incurred by the law enforcement agency for storing a firearm or ammunition surrendered or seized under this section for the duration of the lethal violence protective order and any additional time necessary under § 4–539 of this subtitle.

4–539.

(a) (1) If a lethal violence protective order is terminated or expires and is not extended, a law enforcement agency holding any firearm or ammunition that has been surrendered or seized in accordance with the order shall notify the respondent that the respondent may request the return of the firearm or ammunition.

(2) A law enforcement agency shall return any surrendered or seized firearm or ammunition requested by a respondent only after confirming:

(i) Through a background check, that the respondent is currently eligible to own or possess firearms and ammunition; and
(II) The respondent has paid the full amount due under § 4–538(e) of this subtitle.

(B) (1) A respondent who has surrendered any firearm or ammunition to a law enforcement agency and who does not wish to have the firearm or ammunition returned or who is no longer eligible to own or possess firearms or ammunition may:

   (i) sell or transfer title of the firearm or ammunition to a licensed firearms dealer; or

   (ii) request the destruction of the firearms or ammunition.

(2) The law enforcement agency shall transfer possession of the firearm or ammunition to a licensed firearms dealer only after the dealer has displayed written proof of transfer of the firearm or ammunition from the respondent to the dealer and the law enforcement agency has verified the transfer with the respondent.

(3) On request of the respondent, a law enforcement agency may destroy any firearms or ammunition held in accordance with a lethal violence protective order under this part.

(C) If a person other than the respondent claims title to any firearm or ammunition surrendered or seized in accordance with a lethal violence protective order, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the law enforcement agency shall return the firearm or ammunition to that person.

(D) (1) A law enforcement agency holding any firearm or ammunition surrendered or seized in accordance with a lethal violence protective order may dispose of the firearm or ammunition not earlier than 6 months after the date of proper notice to the respondent of the intent to dispose of the firearm or ammunition, unless the firearm or ammunition has been claimed by the lawful owner.

(2) If the firearm or ammunition remains unclaimed after 6 months from the date of notice, no party shall have the right to assert ownership of the firearm or ammunition and the law enforcement agency may sell, transfer, or destroy the firearm or ammunition.
4–540.  

(A) A PERSON WHO FILES A PETITION FOR A LETHAL VIOLENCE PROTECTIVE ORDER, KNOWING THE INFORMATION IN THE PETITION TO BE MATERIALLY FALSE OR WITH AN INTENT TO HARASS THE RESPONDENT, IS GUILTY OF A MISDEMEANOR.

(B) A PERSON WHO HAS IN THE PERSON’S CUSTODY OR CONTROL OR WHO OWNS, PURCHASES, POSSESSES, OR RECEIVES A FIREARM OR AMMUNITION WITH KNOWLEDGE THAT THE PERSON IS PROHIBITED FROM DOING SO BY A LETHAL VIOLENCE PROTECTIVE ORDER IS GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE PROHIBITED FROM HAVING IN THE PERSON’S CUSTODY OR CONTROL OR OWNING, PURCHASING, POSSESSING, RECEIVING, OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION FOR A PERIOD OF 5 YEARS FROM THE DATE OF CONVICTION.

4–541.

THIS PART MAY NOT BE CONSTRUED TO AFFECT THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO REMOVE FIREARMS OR AMMUNITION FROM ANY PERSON IN ACCORDANCE WITH ANY OTHER LAW.

4–542.

THIS PART MAY NOT BE CONSTRUED TO IMPOSE CRIMINAL OR CIVIL LIABILITY ON ANY PERSON WHO DOES NOT PETITION FOR A LETHAL VIOLENCE PROTECTIVE ORDER UNDER THIS PART.

Article – Courts and Judicial Proceedings

9–109.

(d) There is no privilege if:

(7) In a criminal proceeding against a patient or former patient alleging that the patient or former patient has harassed or threatened or committed another criminal act against the psychiatrist or licensed psychologist, the disclosure is necessary to prove the charge; or

(8) In a peace order proceeding under Title 3, Subtitle 15 of this article in which the psychiatrist or licensed psychologist is a petitioner and a patient or former patient is a respondent, the disclosure is necessary to obtain relief; or

(9) In an extreme risk protective order proceeding under Title 5, Subtitle 6 of the Public Safety Article in which the psychiatrist
9–109.1.  
(d) There is no privilege if:  

(6) In a criminal proceeding against a client or former client alleging that the client or former client has harassed or threatened or committed another criminal act against the psychiatric–mental health nursing specialist or the professional counselor, the disclosure is necessary to prove the charge; OR  

(7) In a peace order proceeding under Title 3, Subtitle 15 of this article in which the psychiatric–mental health nursing specialist or professional counselor is a petitioner and a client or former client is a respondent, the disclosure is necessary to obtain relief; OR  

(8) In an extreme risk protective order proceeding under Title 5, Subtitle 6 of the Public Safety Article in which the psychiatric–mental health nursing specialist or professional counselor is a petitioner and a client or former client is a respondent, the disclosure is necessary to obtain relief.

9–121.  
(d) There is no privilege if:  

(6) In a criminal proceeding against a client or former client alleging that the client or former client has harassed or threatened or committed another criminal act against the licensed certified social worker, the disclosure is necessary to prove the charge; OR  

(7) In a peace order proceeding under Title 3, Subtitle 15 of this article in which the licensed certified social worker is a petitioner and a client or former client is a respondent, the disclosure is necessary to obtain relief; OR  

(8) In an extreme risk protective order proceeding under Title 5, Subtitle 6 of the Public Safety Article in which the licensed certified social worker is a petitioner and a client or former client is a respondent, the disclosure is necessary to obtain relief.

Article – Public Safety  

5–601.

(A) In this subtitle the following words have the meanings indicated.

(B) “Firearm” has the meaning stated in § 5–101 of this title.

(C) (1) “Petitioner” means an individual who files a petition for an extreme risk prevention order under this subtitle.

   (2) “Petitioner” includes:

      (i) A physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual;

      (ii) A law enforcement officer; or

      (iii) Any other interested person.

(D) “Respondent” means a person against whom a petition for an extreme risk prevention order is filed.

5–602.

(A) A petition for an extreme risk prevention order shall:

   (1) be signed and sworn to by the petitioner under the penalty of perjury;

   (2) include any information known to the petitioner that:

      (i) the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm; and

      (ii) the extreme risk prevention order is necessary to prevent personal injury to the respondent, the petitioner, or another;

   (3) set forth specific facts in support of the information described in item (2) of this subsection;
(4) Explain the basis for the petitioner’s knowledge of the supporting facts, including a description of the behavior and statements of the respondent or any other information that led the petitioner to believe that the respondent presents an immediate and present danger of causing personal injury to the respondent or others.

(5) Describe the number, types, and location of any known firearms believed to be possessed by the respondent;

(6) Include, to the extent disclosure is not otherwise prohibited, health records or other health information concerning the respondent; and

(7) Include any supporting documents or information regarding:

(I) Any unlawful, reckless, or negligent use, display, storage, possession, or brandishing of a firearm by the respondent;

(II) Any act or threat of violence the respondent made against the respondent or against another, whether or not the threat of violence involved a firearm;

(III) Any violation by the respondent of a protective order under Title 4, Subtitle 5 of the Family Law Article; and

(IV) Any abuse of a controlled dangerous substance or alcohol by the respondent, including any conviction for a criminal offense involving a controlled dangerous substance or alcohol.

(B) A petitioner seeking an extreme risk prevention order under this subtitle may file a petition with:

(1) The District Court;

(2) A circuit court; or

(3) When neither the office of the clerk of the circuit court nor the office of the District Court Clerk is open for business, a law enforcement agency for presentation to a circuit court or District Court duty judge.
(c) All health records and other health information provided in a petition or considered as evidence in a proceeding under this subtitle shall be protected from public disclosure to the extent that the information identifies a respondent or a petitioner.

(d) A petitioner who, in good faith, files a petition under this subtitle is not civilly or criminally liable for filing the petition.

5–603.

(A) (1) On review of a petition presented by a law enforcement agency under § 5–602(b)(3) of this subtitle, a circuit court or District Court duty judge may enter an interim extreme risk prevention order to prohibit the respondent from possessing a firearm if the judge finds by a preponderance of the evidence that:

(I) There are reasonable grounds to believe that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm; and

(II) An interim extreme risk prevention order is necessary to prevent personal injury to the respondent, the petitioner, or another.

(2) The interim extreme risk prevention order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent’s possession and to refrain from possession of any firearm for the duration of the interim extreme risk prevention order.

(B) (1) An interim extreme risk prevention order shall state the date, time, and location for a temporary extreme risk prevention order hearing and a tentative date, time, and location for a final extreme risk prevention order hearing.

(II) Except as provided in subsection (E) of this section, or unless the judge continues the hearing for good cause, a temporary extreme risk prevention order hearing shall be held on the first or second day on which a circuit court or District Court judge is sitting after issuance of the interim extreme risk prevention order.

(2) An interim extreme risk prevention order shall include in at least 10 point bold type:
NOTICE TO THE RESPONDENT THAT:

1. THE RESPONDENT MUST GIVE THE COURT WRITTEN NOTICE OF EACH CHANGE OF ADDRESS;

2. IF THE RESPONDENT FAILS TO APPEAR AT THE TEMPORARY EXTREME RISK PREVENTION ORDER HEARING OR ANY LATER HEARING, THE RESPONDENT MAY BE SERVED WITH ANY ORDERS OR NOTICES IN THE CASE BY FIRST-CLASS MAIL AT THE RESPONDENT’S LAST KNOWN ADDRESS;

3. THE DATE, TIME, AND LOCATION OF THE FINAL EXTREME RISK PREVENTION ORDER HEARING IS TENTATIVE ONLY AND SUBJECT TO CHANGE; AND


A STATEMENT SPECIFYING THE CONTENTS AND DURATION OF A TEMPORARY EXTREME RISK PREVENTION ORDER;

NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE HEARING, A JUDGE MAY ISSUE A TEMPORARY EXTREME RISK PREVENTION ORDER PROHIBITING THE RESPONDENT FROM POSSESSING A FIREARM OR MAY DENY THE PETITION, WHETHER OR NOT THE RESPONDENT IS IN COURT;

A WARNING TO THE RESPONDENT THAT VIOLATION OF AN INTERIM EXTREME RISK PREVENTION ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER SHALL ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT HAS VIOLATED A PROVISION OF THE INTERIM EXTREME RISK PREVENTION ORDER; AND


WHENEVER A DUTY JUDGE ISSUES AN INTERIM EXTREME RISK PREVENTION ORDER, THE JUDGE SHALL:
(1) Immediately forward a copy of the petition and interim extreme risk prevention order to the appropriate law enforcement agency for service on the respondent; and

(2) Before the hearing scheduled for the temporary extreme risk prevention order, transfer the case file to the clerk of court.

(D) A law enforcement officer shall:

(1) Immediately on receipt of an interim extreme risk prevention order, serve it on the respondent named in the order;

(2) Make a return of service to the clerk of court; and

(3) Within 2 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.

(E) (1) Except as otherwise provided in this subsection, an interim extreme risk prevention order shall be effective until the earlier of:

(I) The temporary extreme risk prevention order hearing under § 5–604 of this subtitle; or

(II) The end of the second business day the office of the clerk of the circuit court or the Office of the District Court Clerk is open following the issuance of the interim extreme risk prevention order.

(2) If the court is closed on the day on which the interim extreme risk prevention order is due to expire, the interim extreme risk prevention order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary extreme risk prevention order hearing.

5–604.

(A) (1) After a hearing on a petition, whether ex parte or otherwise, a judge may enter a temporary extreme risk prevention
ORDER TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE JUDGE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT:

(I) THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM; AND

(II) A TEMPORARY EXTREME RISK PREVENTION ORDER IS NECESSARY TO PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER.

(2) THE TEMPORARY EXTREME RISK PREVENTION ORDER SHALL ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION AND TO REFRAIN FROM POSSESSION OF ANY FIREARM FOR THE DURATION OF THE TEMPORARY EXTREME RISK PREVENTION ORDER.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LAW ENFORCEMENT OFFICER SHALL:

(I) IMMEDIATELY SERVE THE TEMPORARY EXTREME RISK PREVENTION ORDER ON THE RESPONDENT UNDER THIS SECTION; AND

(II) WITHIN 2 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.

(2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM EXTREME RISK PREVENTION ORDER UNDER § 5–603 OF THIS SUBTITLE SHALL BE SERVED WITH THE TEMPORARY EXTREME RISK PREVENTION ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT PRESENT AT THE TEMPORARY EXTREME RISK PREVENTION ORDER HEARING, BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS.

(3) THERE SHALL BE NO COST TO THE PETITIONER FOR SERVICE OF THE TEMPORARY EXTREME RISK PREVENTION ORDER.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE TEMPORARY EXTREME RISK PREVENTION ORDER SHALL BE EFFECTIVE FOR NOT MORE THAN 7 DAYS AFTER SERVICE OF THE ORDER.
(2) The judge may extend the temporary extreme risk prevention order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) If the court is closed on the day on which the temporary extreme risk prevention order is due to expire, the temporary extreme risk prevention order shall be effective until the second day on which the court is open, by which time the court shall hold a final extreme risk prevention order hearing.

(D) The judge may proceed with a final extreme risk prevention order hearing instead of a temporary extreme risk prevention order hearing if:

(1) (I) The respondent appears at the hearing;

(II) The respondent has been served with an interim extreme risk prevention order; or

(III) The court otherwise has personal jurisdiction over the respondent; and

(2) The petitioner and the respondent expressly consent to waive the temporary extreme risk prevention order hearing.

5–605.

(A) A respondent under § 5–604 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order.

(B) (1) (I) The temporary extreme risk prevention order shall state the date and time of the final extreme risk prevention order hearing.

(II) Except as provided in § 5–604(c) of this subtitle or unless continued for good cause, the final extreme risk prevention order hearing shall be held not later than 7 days after the temporary extreme risk prevention order is served on the respondent.

(2) The temporary extreme risk prevention order shall include notice to the respondent.
(I) IN AT LEAST 10 POINT BOLD TYPE, THAT IF THE RESPONDENT FAILS TO APPEAR AT THE FINAL EXTREME RISK PREVENTION ORDER HEARING, THE RESPONDENT MAY BE SERVED BY FIRST-CLASS MAIL AT THE RESPONDENT’S LAST KNOWN ADDRESS WITH THE FINAL EXTREME RISK PREVENTION ORDER AND ALL OTHER NOTICES CONCERNING THE FINAL EXTREME RISK PREVENTION ORDER;

(II) OF THE CONTENTS OF A FINAL EXTREME RISK PREVENTION ORDER;

(III) THAT THE FINAL EXTREME RISK PREVENTION ORDER SHALL BE EFFECTIVE FOR THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 1 YEAR, UNLESS THE JUDGE EXTENDS THE TERM OF THE ORDER UNDER § 5–607(A)(2) OF THIS SUBTITLE; AND

(IV) IN AT LEAST 10 POINT BOLD TYPE, THAT THE RESPONDENT MUST NOTIFY THE COURT IN WRITING OF ANY CHANGE OF ADDRESS.

(C) IF THE RESPONDENT APPEARS BEFORE THE COURT AT A FINAL EXTREME RISK PREVENTION ORDER HEARING OR HAS BEEN SERVED WITH AN INTERIM OR TEMPORARY EXTREME RISK PREVENTION ORDER OR IF THE COURT OTHERWISE HAS PERSONAL JURISDICTION OVER THE RESPONDENT, THE JUDGE:

(1) MAY PROCEED WITH THE FINAL EXTREME RISK PREVENTION ORDER HEARING; AND

(2) MAY ENTER A FINAL EXTREME RISK PREVENTION ORDER TO ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE RESPONDENT’S POSSESSION AND TO REFRAIN FROM POSSESSION OF ANY FIREARM FOR THE DURATION OF THE FINAL EXTREME RISK PREVENTION ORDER IF THE JUDGE FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM; AND

(II) A FINAL EXTREME RISK PREVENTION ORDER IS NECESSARY TO PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER.

(D) BEFORE GRANTING, DENYING, OR MODIFYING A FINAL EXTREME RISK PREVENTION ORDER UNDER THIS SECTION, THE COURT SHALL REVIEW ALL
OPEN AND SHIELDED COURT RECORDS INVOLVING THE PETITIONER AND THE
RESPONDENT, INCLUDING RECORDS OF PROCEEDINGS UNDER:

(I) THE CRIMINAL LAW ARTICLE;

(II) TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE;

(III) TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;

(IV) TITLE 10, SUBTITLE 6 OF THE HEALTH–GENERAL
ARTICLE; AND

(V) THIS ARTICLE.

(2) THE COURT'S FAILURE TO REVIEW RECORDS UNDER THIS
SUBSECTION DOES NOT AFFECT THE VALIDITY OF AN ORDER ISSUED UNDER THIS
SECTION.

(E) (1) A COPY OF THE FINAL EXTREME RISK PREVENTION ORDER SHALL
BE SERVED ON THE PETITIONER, THE RESPONDENT, THE APPROPRIATE LAW
ENFORCEMENT AGENCY, AND ANY OTHER PERSON THE JUDGE DETERMINES IS
APPROPRIATE IN OPEN COURT OR, IF THE PERSON IS NOT PRESENT AT THE FINAL
EXTREME RISK PREVENTION ORDER HEARING, BY FIRST-CLASS MAIL TO THE
PERSON'S LAST KNOWN ADDRESS.

(2) (I) A COPY OF THE FINAL EXTREME RISK PREVENTION ORDER
SERVED ON THE RESPONDENT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS
SUBSECTION CONSTITUTES ACTUAL NOTICE TO THE RESPONDENT OF THE
CONTENTS OF THE FINAL EXTREME RISK PREVENTION ORDER.

(II) SERVICE IS COMPLETE ON MAILING.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
ALL RELIEF GRANTED IN A FINAL EXTREME RISK PREVENTION ORDER SHALL BE
EFFECTIVE FOR THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 1 YEAR.

(2) A SUBSEQUENT CIRCUIT COURT ORDER PERTAINING TO ANY OF
THE PROVISIONS INCLUDED IN THE FINAL EXTREME RISK PREVENTION ORDER
SHALL SUPERSEDE THOSE PROVISIONS IN THE FINAL EXTREME RISK PREVENTION
ORDER.

5–606.
(A) If a respondent surrenders a firearm under this subtitle, a law enforcement officer shall:

(1) provide to the respondent information on the process for retaking possession of the firearm; and

(2) transport and store the firearm in a protective case if one is available and in a manner intended to prevent damage to the firearm during the time the extreme risk prevention order is in effect.

(B) The respondent may retake possession of the firearm at the expiration of an interim extreme risk prevention order unless:

(1) the respondent is ordered to surrender the firearm in a temporary extreme risk prevention order issued under § 5–604 of this subtitle or a final extreme risk prevention order issued under § 5–605 of this subtitle; or

(2) the respondent is not otherwise legally entitled to own or possess the firearm.

(C) Notwithstanding any other law, a respondent may transport a firearm if:
(1) The respondent is carrying an extreme risk prevention order requiring the surrender of the firearm;

(2) the firearm is unloaded;

(3) the respondent has notified the law enforcement unit, barracks, or station that the firearm is being transported in accordance with the protective order; and

(4) the respondent transports the firearm directly to the law enforcement unit, barracks, or station.

(D) In accordance with the provisions of § 1–203 of the Criminal Procedure Article, on application by a State’s Attorney or a law enforcement officer with probable cause to believe that a respondent who is subject to an extreme risk prevention order possesses a firearm and failed to surrender the firearm in accordance with the order, a court may issue a search warrant for the removal of the firearm at any location identified in the application for the warrant.

5–607.

(A) (1) A final extreme risk prevention order may be modified or rescinded during the term of the extreme risk prevention order after:

(i) giving notice to all affected persons and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of a final extreme risk prevention order for 6 months beyond the period specified in § 5–605(f) of this subtitle after:

(i) giving notice to all affected persons and the respondent; and

(ii) a hearing.

(3) (1) If, during the term of a final extreme risk prevention order, a petitioner files a motion to extend the term of the order under paragraph (2) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.
(II) If the hearing on the motion is scheduled after the original expiration date of the final extreme risk prevention order, the court shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion.

(B) (1) If a district court judge grants or denies a petition filed under this subtitle, a respondent or a petitioner may appeal to the circuit court for the county where the district court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court.

(3) (i) If an appeal is filed under this subsection, the district court judgment shall remain in effect until superseded by a judgment of the circuit court.

(ii) Unless the circuit court orders otherwise, modification or enforcement of the district court order shall be by the district court.

5–608.

(A) An interim extreme risk prevention order, temporary extreme risk prevention order, and final extreme risk prevention order issued under this subtitle shall state that a violation of the order may result in:

(1) criminal prosecution; and

(2) imprisonment or fine or both.

(B) A temporary extreme risk prevention order and final extreme risk prevention order issued under this subtitle shall state that a violation of the order may result in a finding of contempt.

5–609.

(A) A person who fails to comply with the provisions of an interim extreme risk prevention order, a temporary extreme risk prevention order, or a final extreme risk prevention order under this subtitle is guilty of a misdemeanor and on conviction is subject to:
(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING $1,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING $2,500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT A WARRANT AND TAKE INTO CUSTODY A PERSON WHO THE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF AN INTERIM, TEMPORARY, OR FINAL EXTREME RISK PREVENTION ORDER IN EFFECT AT THE TIME OF THE VIOLATION.

5–601.

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

(B) “AMMUNITION” HAS THE MEANING STATED IN § 5–133.1 OF THIS TITLE.

(C) “EXTREME RISK PROTECTIVE ORDER” MEANS A CIVIL INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER ISSUED IN ACCORDANCE WITH THIS SUBTITLE.

(D) “FIREARM” HAS THE MEANING STATED IN § 5–101 OF THIS TITLE.

(E) (1) “PETITIONER” MEANS AN INDIVIDUAL WHO FILES A PETITION FOR AN EXTREME RISK PROTECTIVE ORDER UNDER THIS SUBTITLE.

(2) “PETITIONER” INCLUDES:

(1) A PHYSICIAN, PSYCHOLOGIST, CLINICAL SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, CLINICAL NURSE SPECIALIST IN PSYCHIATRIC AND MENTAL HEALTH NURSING, PSYCHIATRIC NURSE PRACTITIONER, LICENSED CLINICAL MARRIAGE OR FAMILY THERAPIST, OR HEALTH OFFICER OR DESIGNEE OF A HEALTH OFFICER WHO HAS EXAMINED THE INDIVIDUAL;

(II) A LAW ENFORCEMENT OFFICER;

(III) THE SPOUSE OF THE RESPONDENT;

(IV) A COHABITANT OF THE RESPONDENT;

(V) A PERSON RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR ADOPTION:
(VI) AN INDIVIDUAL WHO HAS A CHILD IN COMMON WITH THE RESPONDENT;

(VII) A CURRENT DATING OR INTIMATE PARTNER OF THE RESPONDENT; OR

(VIII) A CURRENT OR FORMER LEGAL GUARDIAN OF THE RESPONDENT.

(F) “RESPONDENT” MEANS A PERSON AGAINST WHOM A PETITION FOR AN EXTREME RISK PROTECTIVE ORDER IS FILED.

5–602.

(A) (1) A PETITION FOR AN EXTREME RISK PROTECTIVE ORDER SHALL:

(I) BE SIGNED AND SWORN TO BY THE PETITIONER UNDER THE PENALTY OF PERJURY;

(II) INCLUDE ANY INFORMATION KNOWN TO THE PETITIONER THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM;

(III) SET FORTH SPECIFIC FACTS IN SUPPORT OF THE INFORMATION DESCRIBED IN ITEM (II) OF THIS PARAGRAPH;

(IV) EXPLAIN THE BASIS FOR THE PETITIONER’S KNOWLEDGE OF THE SUPPORTING FACTS, INCLUDING A DESCRIPTION OF THE BEHAVIOR AND STATEMENTS OF THE RESPONDENT OR ANY OTHER INFORMATION THAT LED THE PETITIONER TO BELIEVE THAT THE RESPONDENT PRESENTS AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT OR OTHERS;

(V) DESCRIBE THE NUMBER, TYPES, AND LOCATION OF ANY KNOWN FIREARMS BELIEVED TO BE POSSESSED BY THE RESPONDENT; AND

(VI) INCLUDE ANY SUPPORTING DOCUMENTS OR INFORMATION REGARDING:

1. ANY UNLAWFUL, RECKLESS, OR NEGLIGENT USE, DISPLAY, STORAGE, POSSESSION, OR BRANDISHING OF A FIREARM BY THE RESPONDENT;
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2. Any act or threat of violence the respondent made against the respondent or against another, whether or not the threat of violence involved a firearm;

3. Any violation by the respondent of a protective order under Title 4, Subtitle 5 of the Family Law Article;

4. Any violation by the respondent of a peace order under Title 3, Subtitle 15 of the Courts Article; and

5. Any abuse of a controlled dangerous substance or alcohol by the respondent, including any conviction for a criminal offense involving a controlled dangerous substance or alcohol.

(2) A petition for an extreme risk protective order may include, to the extent disclosure is not otherwise prohibited, health records or other health information concerning the respondent.

(B) A petitioner seeking an extreme risk protective order under this subtitle may file a petition with:

(1) The District Court; or

(2) When the office of the District Court Clerk is closed, a District Court Commissioner.

(C) (1) All court records relating to a petition for an extreme risk protective order 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.

(2) This subsection does not prohibit review of a court record relating to a petition by:

(1) Personnel of the court;

(II) The respondent or counsel for the respondent;

(III) Authorized personnel of the Maryland Department of Health;

(IV) Authorized personnel of a local core service agency or local behavioral health authority;
(V) A LAW ENFORCEMENT AGENCY; OR

(VI) A PERSON AUTHORIZED BY A COURT ORDER ON GOOD CAUSE SHOWN.

(D) A PETITIONER WHO, IN GOOD FAITH, FILES A PETITION UNDER THIS SUBTITLE IS NOT CIVILLY OR CRIMINALLY LIABLE FOR FILING THE PETITION.

(E) NOTHING IN THIS SUBTITLE MAY BE INTERPRETED TO REQUIRE A HEALTH CARE PROVIDER TO DISCLOSE HEALTH RECORDS OR OTHER HEALTH INFORMATION CONCERNING A RESPONDENT EXCEPT:

(1) IN ACCORDANCE WITH A SUBPOENA DIRECTING DELIVERY OF THE RECORDS OR INFORMATION TO THE COURT UNDER SEAL; OR

(2) BY ORDER OF THE COURT.

5–603.

(A) (1) WHEN A PETITION IS FILED WITH A DISTRICT COURT COMMISSIONER UNDER § 5–602(B)(2) OF THIS SUBTITLE, THE COMMISSIONER MAY ENTER AN INTERIM EXTREME RISK PROTECTIVE ORDER TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE COMMISSIONER FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM.

(2) IN DETERMINING WHETHER TO ENTER AN INTERIM EXTREME RISK PROTECTIVE ORDER UNDER THIS SECTION, THE COMMISSIONER SHALL CONSIDER:

(1) ALL RELEVANT EVIDENCE PRESENTED BY THE PETITIONER; AND

(II) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE ANY OF THE EVENTS DESCRIBED IN THE PETITION.

(3) THE INTERIM EXTREME RISK PROTECTIVE ORDER SHALL:

(1) ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM AND AMMUNITION IN THE RESPONDENT’S POSSESSION; AND
(II) PROHIBIT THE RESPONDENT FROM PURCHASING OR POSSESSING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE INTERIM EXTREME RISK PROTECTIVE ORDER.


(B) (1) (I) AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL STATE THE DATE, TIME, AND LOCATION FOR A TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING AND A TENTATIVE DATE, TIME, AND LOCATION FOR A FINAL EXTREME RISK PROTECTIVE ORDER HEARING.

(II) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, OR UNLESS THE JUDGE CONTINUES THE HEARING FOR GOOD CAUSE, A TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING SHALL BE HELD ON THE FIRST OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER ISSUANCE OF THE INTERIM EXTREME RISK PROTECTIVE ORDER.

(2) AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL INCLUDE IN AT LEAST 10 POINT BOLD TYPE:

(1) NOTICE TO THE RESPONDENT THAT:

1. THE RESPONDENT MUST GIVE THE COURT WRITTEN NOTICE OF EACH CHANGE OF ADDRESS;

2. IF THE RESPONDENT FAILS TO APPEAR AT THE TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING OR ANY LATER HEARING, THE RESPONDENT MAY BE SERVED WITH ANY ORDERS OR NOTICES IN THE CASE BY FIRST–CLASS MAIL AT THE RESPONDENT’S LAST KNOWN ADDRESS;

3. THE DATE, TIME, AND LOCATION OF THE FINAL EXTREME RISK PROTECTIVE ORDER HEARING IS TENTATIVE ONLY AND SUBJECT TO CHANGE;

4. IF THE RESPONDENT DOES NOT ATTEND THE TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING, THE RESPONDENT MAY CALL THE OFFICE OF THE DISTRICT COURT CLERK AT THE NUMBER PROVIDED IN THE ORDER TO FIND OUT THE ACTUAL DATE, TIME, AND LOCATION OF ANY FINAL EXTREME RISK PROTECTIVE ORDER HEARING; AND
5. IF THE RESPONDENT FAILS TO APPEAR AT THE FINAL EXTREME RISK PROTECTIVE ORDER HEARING, A FINAL EXTREME RISK PROTECTIVE ORDER MAY BE ENTERED IN THE RESPONDENT’S ABSENCE AND SERVED ON THE RESPONDENT BY FIRST-CLASS MAIL;

(II) A STATEMENT THAT THE RESPONDENT MAY CONSULT AN ATTORNEY REGARDING ANY MATTER RELATED TO THE ORDER, AND THAT AN ATTORNEY SHOULD BE CONTACTED PROMPTLY SO THAT THE ATTORNEY MAY ASSIST THE RESPONDENT;

(III) A STATEMENT SPECIFYING THE CONTENTS AND DURATION OF A TEMPORARY EXTREME RISK PROTECTIVE ORDER;

(IV) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE HEARING, A JUDGE MAY ISSUE A TEMPORARY EXTREME RISK PROTECTIVE ORDER PROHIBITING THE RESPONDENT FROM POSSESSING A FIREARM OR MAY DENY THE PETITION, WHETHER OR NOT THE RESPONDENT IS IN COURT;

(V) NOTICE OF:

1. THE REQUIREMENTS FOR SURRENDERING FIREARMS AND AMMUNITION IN THE RESPONDENT’S POSSESSION TO LAW ENFORCEMENT AUTHORITIES; AND

2. THE PROCESS FOR RECLAIMING FIREARMS AND AMMUNITION ON THE EXPIRATION OR TERMINATION OF THE ORDER;

(VI) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN INTERIM EXTREME RISK PROTECTIVE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER WILL ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT HAS VIOLATED A PROVISION OF THE INTERIM EXTREME RISK PROTECTIVE ORDER; AND

(VII) THE PHONE NUMBER OF THE OFFICE OF THE DISTRICT COURT CLERK.

(C) WHENEVER A COMMISSIONER ISSUES AN INTERIM EXTREME RISK PROTECTIVE ORDER, THE COMMISSIONER SHALL:

(1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM EXTREME RISK PROTECTIVE ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR SERVICE ON THE RESPONDENT; AND
(2) BEFORE THE HEARING SCHEDULED FOR THE TEMPORARY EXTREME RISK PROTECTIVE ORDER, TRANSFER THE CASE FILE TO THE CLERK OF COURT.

(D) A LAW ENFORCEMENT OFFICER SHALL:

(1) IMMEDIATELY ON RECEIPT OF AN INTERIM EXTREME RISK PROTECTIVE ORDER, SERVE IT ON THE RESPONDENT NAMED IN THE ORDER;

(2) MAKE A RETURN OF SERVICE TO THE CLERK OF COURT; AND

(3) WITHIN 2 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.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE EARLIER OF:

(I) THE TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING UNDER § 5–604 OF THIS SUBTITLE; OR


(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM EXTREME RISK PROTECTIVE ORDER IS DUE TO EXPIRE, THE INTERIM EXTREME RISK PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE COURT IS OPEN, AT WHICH TIME THE COURT SHALL HOLD A TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING.

5–604.

(A) (1) AFTER A HEARING ON A PETITION, WHETHER EX PARTE OR OTHERWISE, A JUDGE MAY ENTER A TEMPORARY EXTREME RISK PROTECTIVE ORDER TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE JUDGE FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE Respondent, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM.
(2) **In determining whether to enter a temporary extreme risk protective order under this section, the judge shall consider:**

**(I)** all relevant evidence presented by the petitioner; and

**(II)** the amount of time that has elapsed since any of the events described in the petition.

(3) The temporary extreme risk protective order shall:

**(I)** order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent’s possession; and

**(II)** prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the temporary extreme risk protective order.

(4) If the judge finds probable cause to believe that the respondent meets the requirements for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article, the judge shall refer the respondent for emergency evaluation.

(B) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer shall:

**(I)** immediately serve the temporary extreme risk protective order on the respondent under this section; and

**(II)** within 2 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.

(2) A respondent who has been served with an interim extreme risk protective order under § 5–603 of this subtitle shall be served with the temporary extreme risk protective order in open court or, if the respondent is not present at the temporary extreme risk protective order hearing, by first–class mail at the respondent’s last known address.
(3) **There shall be no cost to the petitioner for service of the temporary extreme risk protective order.**

(C) (1) **Except as otherwise provided in this subsection, the temporary extreme risk protective order shall be effective for not more than 7 days after service of the order.**

(2) **The judge may extend the temporary extreme risk protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.**

(3) **If the court is closed on the day on which the temporary extreme risk protective order is due to expire, the temporary extreme risk protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final extreme risk protective order hearing.**

(D) **The judge may proceed with a final extreme risk protective order hearing instead of a temporary extreme risk protective order hearing if:**

(1) (i) **The respondent appears at the hearing;**

(ii) **The respondent has been served with an interim extreme risk protective order; or**

(iii) **The court otherwise has personal jurisdiction over the respondent; and**

(2) **The petitioner and the respondent expressly consent to waive the temporary extreme risk protective order hearing.**

5–605.

(A) **A respondent under § 5–604 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final extreme risk protective order.**

(B) (1) (i) **The temporary extreme risk protective order shall state the date and time of the final extreme risk protective order hearing.**
(II) Except as provided in § 5–604(c) of this subtitle and subparagraph (III) of this paragraph, or unless continued for good cause, the final extreme risk protective order hearing shall be held not later than 7 days after the temporary extreme risk protective order is served on the respondent.

(III) On request of the respondent, a final extreme risk protective order hearing may be rescheduled for a date not later than 30 days after the date on which the hearing was initially scheduled.

(2) The temporary extreme risk protective order shall include notice to the respondent:

(I) In at least 10 point bold type, that if the respondent fails to appear at the final extreme risk protective order hearing, a final extreme risk protective order may be entered in the respondent’s absence and the respondent may be served by first-class mail at the respondent’s last known address with the final extreme risk protective order and all other notices concerning the final extreme risk protective order;

(II) Of the contents of a final extreme risk protective order;

(III) That the final extreme risk protective order shall be effective for the period stated in the order, not to exceed 1 year, unless the judge extends the term of the order under § 5–606(a)(2) of this subtitle;

(IV) That the respondent may consult an attorney regarding any matter related to the order, and that an attorney should be contacted promptly so that the attorney may assist the respondent;

(V) Of the requirements for surrendering firearms and ammunition in the respondent’s possession to law enforcement authorities;

(VI) Of the process for reclaiming firearms and ammunition on the expiration or termination of the order; and

(VII) In at least 10 point bold type, that the respondent must notify the court in writing of any change of address.
(C) (1) If the respondent appears before the court at a final extreme risk protective order hearing or has been served with an interim or temporary extreme risk protective order or if the court otherwise has personal jurisdiction over the respondent, the judge:

   (I) may proceed with the final extreme risk protective order hearing; and

   (II) may enter a final extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds by clear and convincing evidence that the respondent poses a danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

(2) In determining whether to enter a final extreme risk protective order under this section, the judge shall consider:

   (I) all relevant evidence presented by the petitioner and respondent; and

   (II) the amount of time that has elapsed since any of the events described in the petition.

(3) The final extreme risk protective order shall:

   (I) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent’s possession; and

   (II) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the interim extreme risk protective order.

(4) If the judge finds probable cause to believe that the respondent meets the requirements for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article, the judge may refer the respondent for emergency evaluation.

(D) (1) Before granting, denying, or modifying a final extreme risk protective order under this section, the court may review all relevant open and shielded court records involving the petitioner and the respondent, including records of proceedings under:

   (I) the Criminal Law Article;
(II) **Title 3, Subtitle 15 of the Courts Article;**

(III) **Title 4, Subtitle 5 of the Family Law Article;**

(IV) **Title 10, Subtitle 6 of the Health – General Article; and**

(V) **This Article.**

(2) The Court’s failure to review records under this subsection does not affect the validity of an order issued under this section.

(E) (1) A copy of the final extreme risk protective order shall be served on the petitioner, the respondent, the appropriate law enforcement agency, and any other person the judge determines is appropriate in open court or, if the person is not present at the final extreme risk protective order hearing, by first-class mail to the person’s last known address.

(2) (I) A copy of the final extreme risk protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final extreme risk protective order.

(II) Service is complete on mailing.

(F) (1) Except as provided in paragraph (2) of this subsection, all relief granted in a final extreme risk protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) A subsequent circuit court order pertaining to any of the provisions included in the final extreme risk protective order shall supersede those provisions in the final extreme risk protective order.

5–606.

(A) (1) A final extreme risk protective order may be modified or rescinded during the term of the extreme risk protective order after:

(1) giving notice to all affected persons and the respondent; and
(II) A HEARING.

(2) For good cause shown, a judge may extend the term of a final extreme risk protective order for 6 months beyond the period specified in § 5–605(f) of this subtitle after:

(I) giving notice to all affected persons and the respondent; and

(II) a hearing.

(3) (I) If, during the term of a final extreme risk protective order, a petitioner files a motion to extend the term of the order under paragraph (2) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(II) If the hearing on the motion is scheduled after the original expiration date of the final extreme risk protective order, the court shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion.

(B) (1) If a district court judge grants or denies a petition filed under this subtitle, a respondent or a petitioner may appeal to the circuit court for the county in which the district court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court not later than 60 days after the date the appeal is filed.

(3) (I) If an appeal is filed under this subsection, the district court judgment shall remain in effect until superseded by a judgment of the circuit court.

(II) Unless the circuit court orders otherwise, modification or enforcement of the district court order shall be by the district court.

5–607.

In accordance with the provisions of § 1–203 of the Criminal Procedure Article, on application by a state’s attorney or a law enforcement officer with probable cause to believe that a respondent who is subject to an extreme risk protective order possesses a firearm
AND FAILED TO SURRENDER THE FIREARM IN ACCORDANCE WITH THE ORDER, A COURT MAY ISSUE A SEARCH WARRANT FOR THE REMOVAL OF THE FIREARM AT ANY LOCATION IDENTIFIED IN THE APPLICATION FOR THE WARRANT.

5–608.

(A) (1) A LAW ENFORCEMENT OFFICER WHO TAKES POSSESSION OF A FIREARM OR AMMUNITION IN ACCORDANCE WITH AN EXTREME RISK PROTECTIVE ORDER SHALL, AT THE TIME THE FIREARM OR AMMUNITION IS SURRENDERED OR SEIZED:

(I) ISSUE A RECEIPT IDENTIFYING, BY MAKE, MODEL, AND SERIAL NUMBER, ALL FIREARMS AND AMMUNITION THAT HAVE BEEN SURRENDERED OR SEIZED;

(II) PROVIDE A COPY OF THE RECEIPT TO THE RESPONDENT;

(III) RETAIN A COPY OF THE RECEIPT; AND

(IV) PROVIDE INFORMATION TO THE RESPONDENT ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARMS AND AMMUNITION ON THE EXPIRATION OR TERMINATION OF THE ORDER.

(2) A LAW ENFORCEMENT AGENCY SHALL TRANSPORT AND STORE ANY FIREARM SURRENDERED OR SEIZED IN ACCORDANCE WITH AN EXTREME RISK PROTECTIVE ORDER:

(I) IN A PROTECTIVE CASE, IF ONE IS AVAILABLE; AND

(II) IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE EXTREME RISK PROTECTIVE ORDER IS IN EFFECT.

(3) A LAW ENFORCEMENT AGENCY MAY NOT PLACE ANY MARK ON A SEIZED OR SURRENDERED FIREARM FOR IDENTIFICATION OR OTHER PURPOSES.

(B) (1) ON EXPIRATION OR TERMINATION OF AN EXTREME RISK PROTECTIVE ORDER, A LAW ENFORCEMENT AGENCY THAT HOLDS ANY FIREARM OR AMMUNITION SURRENDERED OR SEIZED IN ACCORDANCE WITH THE EXPIRED OR TERMINATED ORDER SHALL NOTIFY THE RESPONDENT THAT THE RESPONDENT MAY REQUEST THE RETURN OF THE FIREARM OR AMMUNITION.

(2) A LAW ENFORCEMENT AGENCY SHALL RETURN A FIREARM OR AMMUNITION TO A RESPONDENT ONLY AFTER THE LAW ENFORCEMENT AGENCY
VERIFIES THAT THE RESPONDENT IS NOT OTHERWISE PROHIBITED FROM POSSESSING THE FIREARM OR AMMUNITION.

(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON REQUEST OF THE RESPONDENT, A LAW ENFORCEMENT AGENCY SHALL RETURN ALL FIREARMS AND AMMUNITION BELONGING TO THE RESPONDENT NOT LATER THAN:

(I) 14 DAYS AFTER THE EXPIRATION OF AN INTERIM OR TEMPORARY EXTREME RISK PROTECTIVE ORDER;

(II) 14 DAYS AFTER A COURT TERMINATES A FINAL EXTREME RISK PROTECTIVE ORDER; OR

(III) 48 HOURS AFTER THE EXPIRATION OF A FINAL EXTREME RISK PROTECTIVE ORDER.

(C) (1) A RESPONDENT WHO DOES NOT WISH TO RECOVER A FIREARM OR AMMUNITION SEIZED OR SURRENDERED IN ACCORDANCE WITH AN EXTREME RISK PROTECTIVE ORDER, OR WHO IS PROHIBITED FROM POSSESSING FIREARMS OR AMMUNITION UNDER THIS TITLE, MAY:

(I) SELL OR TRANSFER TITLE TO THE FIREARM OR AMMUNITION TO:

1. A LICENSED FIREARMS DEALER; OR

2. ANOTHER PERSON WHO IS NOT PROHIBITED FROM POSSESSING THE FIREARM OR AMMUNITION UNDER STATE OR FEDERAL LAW AND WHO DOES NOT LIVE IN THE SAME RESIDENCE AS THE RESPONDENT; OR

(II) REQUEST THE DESTRUCTION OF THE FIREARM OR AMMUNITION.

(2) A LAW ENFORCEMENT AGENCY SHALL TRANSFER POSSESSION OF A FIREARM OR AMMUNITION TO A LICENSED FIREARMS DEALER OR A PERSON DESCRIBED IN PARAGRAPH (1)(I)2 OF THIS SUBSECTION ONLY AFTER:

(I) THE LICENSED FIREARMS DEALER OR OTHER PERSON PROVIDES WRITTEN PROOF THAT THE RESPONDENT HAS AGREED TO TRANSFER THE FIREARM OR AMMUNITION TO THE DEALER OR PERSON; AND

(II) THE LAW ENFORCEMENT AGENCY VERIFIES THE AGREEMENT WITH THE RESPONDENT.
(3) On request of the respondent, a law enforcement agency may destroy firearms or ammunition seized or surrendered in accordance with an extreme risk protective order.

(D) If an individual other than the respondent claims ownership of a firearm or ammunition seized or surrendered in accordance with an extreme risk protective order, the law enforcement agency shall return the firearm or ammunition to the individual if:

(1) The individual provides proof of ownership of the firearm or ammunition; and

(2) The law enforcement agency determines that the individual is not prohibited from possessing the firearm or ammunition.

(E) If a firearm or ammunition is not reclaimed within 6 months after the provision of notice to a respondent under subsection (B) of this section:

(1) No party shall have the right to assert ownership of the firearm or ammunition; and

(2) The law enforcement agency holding the firearm or ammunition may destroy the firearm or ammunition.

5–609.

(A) An interim extreme risk protective order, temporary extreme risk protective order, and final extreme risk protective order issued under this subtitle shall state that a violation of the order may result in:

(1) Criminal prosecution; and

(2) Imprisonment or fine or both.

(B) A temporary extreme risk protective order and final extreme risk protective order issued under this subtitle shall state that a violation of the order may result in a finding of contempt.

5–610.

(A) A person who fails to comply with the provisions of an interim extreme risk protective order, a temporary extreme risk protective
ORDER, OR A FINAL EXTREME RISK PROTECTIVE ORDER UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING $1,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING $2,500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT A WARRANT AND TAKE INTO CUSTODY A PERSON WHO THE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF AN INTERIM, TEMPORARY, OR FINAL EXTREME RISK PROTECTIVE ORDER IN EFFECT AT THE TIME OF THE VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 251

(House Bill 1646)

AN ACT concerning

Criminal Procedure – Firearms – Transfer

FOR the purpose of requiring a State’s Attorney to serve a certain notice on a certain defendant, defendant’s counsel, and the court at a certain time; requiring a court to inform a defendant convicted of a certain offense that the defendant is prohibited from possessing a certain firearm under certain provisions of law and is ordered to transfer certain firearms in accordance with this Act; requiring the court to order the defendant to make a certain attestation to the court or transfer certain firearms in accordance with this Act and; requiring the defendant to provide proof to the court or the State’s Attorney that certain firearms owned by the defendant or in the defendant’s possession have been transferred in accordance with this Act; providing for the procedure to transfer certain firearms; requiring a person accepting a
transferred firearm to issue a certain proof of transfer; requiring a person who is subject to a certain order to file certain proof with the court or the State’s Attorney or attest to certain facts to the court or the State’s Attorney within a certain period; authorizing the court on a certain application or based on certain evidence to issue a certain search warrant; authorizing the court to order a search for and removal of a certain firearm under certain circumstances; requiring the court to specifically state the reasons for and scope of a certain search and seizure; authorizing law enforcement agencies to develop certain rules and procedures; requiring the Maryland Police Training and Standards Commission to develop and maintain a certain curriculum relating to certain investigations; providing exceptions for a certain person from prohibitions against carrying, transporting, or possessing certain firearms under certain circumstances; providing an exception for a certain firearms dealer from a prohibition against possessing or receiving a certain assault weapon under certain circumstances; defining certain terms; and generally relating to firearms.

BY adding to
   Article – Criminal Procedure
   Section 6–234
   Annotated Code of Maryland
   (2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Article – Criminal Law
   Section 4–303
   Annotated Code of Maryland
   (2012 Replacement Volume and 2017 Supplement)

BY adding to
   Article – Public Safety
   Section 3–207(i) and 5–133(f)
   Annotated Code of Maryland
   (2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Article – Public Safety
   Section 5–205(c)
   Annotated Code of Maryland
   (2011 Replacement Volume and 2017 Supplement)

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

   Article – Criminal Procedure

6–234.
(A) (1) In this section the following words have the meanings indicated.

(2) “Convicted of a disqualifying crime” has the meaning stated in § 5–101 of the Public Safety Article.

(3) “Disqualifying crime” has the meaning stated in § 5–101 of the Public Safety Article.

(4) “Domestically related crime” has the meaning stated in § 6–233 of this subtitle.


(6) “Law enforcement agency” has the meaning stated in § 3–201 of the Public Safety Article.

(7) “Law enforcement official” has the meaning stated in § 4–201 of the Criminal Law Article.

(8) “Regulated firearm” has the meaning stated in § 5–101 of the Public Safety Article.

(9) “Rifle” has the meaning stated in § 4–201 of the Criminal Law Article.

(10) “Shotgun” has the meaning stated in § 4–201 of the Criminal Law Article.

(B) (1) When a defendant has been charged with a disqualifying crime that is potentially a domestically related crime and the underlying facts of that crime would support a finding by the court, under § 6–233 of this subtitle; that the crime is a domestically related crime, the state’s attorney shall serve written notice on the defendant, the defendant’s counsel, and the court that:

(I) The defendant has been charged with a disqualifying crime; and

(II) Under state law, it is illegal for a person who has been convicted of a disqualifying crime to possess or own a regulated firearm, a rifle, or a shotgun.
(2) The State’s Attorney shall serve the notice required under paragraph (1) of this subsection prior to trial or the acceptance of a plea of guilty or the equivalent of a plea of guilty.

(C) On conviction of or plea of guilty at the time of sentencing for a conviction, plea of guilty, or the equivalent of a plea of guilty when a defendant is convicted of or pleads guilty to a disqualifying crime that the court determines to be a domestically related crime, the court shall inform the defendant, either both verbally or and in writing, a written notice to be signed by the defendant, that the defendant is prohibited from possessing:

(1) Prohibited from possessing a regulated firearm under § 5–133 of the Public Safety Article; and

(2) Prohibited from possessing a rifle or shotgun under § 5–205 of the Public Safety Article; and

(3) Ordered to transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant’s possession in accordance with this section.

(D) The court shall order the defendant to:

(1) Attest to the court that the person does not presently own or possess any regulated firearms, rifles, or shotguns; or

(1)(2) Transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant’s possession in accordance with this section; and

(2) (E) The defendant shall provide proof to the court or the State’s Attorney that all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant’s possession have been transferred in accordance with this section.

(E) (F) (1) A transfer of a regulated firearm, rifle, or shotgun under this section shall be made within 2 business days after the conviction sentencing conviction to a State or local law enforcement official agency or to a federally licensed firearms dealer.

(2) A person ordered to surrender a regulated firearm, rifle, or shotgun under this section may designate a representative to
TRANSFER THE FIREARM TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER.

(3) A LAW ENFORCEMENT OFFICIAL OR FEDERALLY LICENSED FIREARMS DEALER ACCEPTING A TRANSFERRED FIREARM UNDER THIS SECTION SHALL ISSUE A WRITTEN PROOF OF TRANSFER TO THE PERSON TRANSFERRING THE FIREARM.

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A WRITTEN PROOF OF TRANSFER DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION SHALL INCLUDE:

1. THE NAME OF THE PERSON TRANSFERRING THE FIREARM;
2. THE DATE THE FIREARM WAS TRANSFERRED; AND
3. THE SERIAL NUMBER, MAKE, AND MODEL OF THE FIREARM.

(II) FOR A FIREARM MANUFACTURED BEFORE 1968, IDENTIFYING MARKS MAY BE SUBSTITUTED FOR THE SERIAL NUMBER REQUIRED UNDER THIS PARAGRAPH.

(F) (G) WITHIN 5 BUSINESS DAYS AFTER BEING ORDERED TO TRANSFER A REGULATED FIREARM, RIFLE, OR SHOTGUN UNDER THIS SECTION, A PERSON SHALL:

(1) FILE A COPY OF THE PROOF OF TRANSFER WITH THE COURT OR THE STATE’S ATTORNEY AND ATTEST THAT ALL REGULATED FIREARMS, RIFLES, AND SHOTGUNS OWNED BY THE PERSON OR IN THE PERSON’S POSSESSION HAVE BEEN TRANSFERRED AND THAT THE PERSON DOES NOT OWN OR POSSESS ANY OTHER REGULATED FIREARMS, RIFLES, OR SHOTGUNS; OR

(2) ATTEST TO THE COURT OR THE STATE’S ATTORNEY THAT THE PERSON DOES NOT OWN OR POSSESS ANY REGULATED FIREARMS, RIFLES, OR SHOTGUNS AND DID NOT OWN OR POSSESS ANY REGULATED FIREARMS, RIFLES, OR SHOTGUNS AT THE TIME OF THE ORDER.

(G) (1) IF THE COURT, ON MOTION OF THE STATE’S ATTORNEY OR A LAW ENFORCEMENT OFFICIAL, FINDS PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS FAILED TO SURRENDER ONE OR MORE REGULATED FIREARMS, RIFLES, OR SHOTGUNS, THE COURT MAY ORDER A SEARCH FOR AND REMOVAL OF ANY REGULATED FIREARMS, RIFLES, OR SHOTGUNS AT ANY LOCATION WHERE THE
COURT HAS PROBABLE CAUSE TO BELIEVE THE FIREARM OR FIREARMS ARE LOCATED.

(2) THE COURT SHALL SPECIFICALLY STATE THE REASONS FOR AND SCOPE OF THE SEARCH AND SEIZURE AUTHORIZED BY THE ORDER.

(4) (F) ON APPLICATION BY THE STATE’S ATTORNEY OR A LAW ENFORCEMENT OFFICIAL BASED ON THE FAILURE TO FILE THE PROOF OF TRANSFER REQUIRED BY SUBSECTION (G) OF THIS SECTION OR BASED ON PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS FAILED TO SURRENDER ONE OR MORE REGULATED FIREARMS, RIFLES, OR SHOTGUNS IN ACCORDANCE WITH THIS SECTION, THE COURT MAY ISSUE A SEARCH WARRANT FOR THE REMOVAL OF ANY REGULATED FIREARMS, RIFLES, OR SHOTGUNS OWNED OR POSSESSED BY THE PERSON AT ANY LOCATION IDENTIFIED IN THE APPLICATION FOR THE WARRANT PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS FAILED TO SURRENDER ONE OR MORE REGULATED FIREARMS, RIFLES, OR SHOTGUNS, IN ACCORDANCE WITH THIS SECTION, THE COURT MAY AUTHORIZE THE EXECUTION OF A SEARCH WARRANT FOR THE REMOVAL OF ANY REGULATED FIREARM, RIFLE, OR SHOTGUN AT ANY LOCATION WHERE THE COURT HAS PROBABLE CAUSE TO BELIEVE A REGULATED FIREARM, RIFLE, OR SHOTGUN OWNED OR POSSESSED BY THE PERSON IS LOCATED.

(4) (G) LAW ENFORCEMENT AGENCIES MAY DEVELOP RULES AND PROCEDURES PERTAINING TO THE STORAGE AND DISPOSAL OF FIREARMS THAT ARE SURRENDERED IN ACCORDANCE WITH THIS SECTION.

Article – Criminal Law

4–303.

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport an assault weapon into the State; or

(2) possess, sell, offer to sell, transfer, purchase, or receive an assault weapon.

(b) (1) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:

(i) continue to possess and transport the assault pistol; or

(ii) while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to [the] A law enforcement unit, barracks, or station, A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL AGENCY, OR A
FEDERALLY LICENSED FIREARMS DEALER, AS APPLICABLE, if the person has notified [the] A law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.

(2) A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the licensed firearms dealer lawfully possessed on or before October 1, 2013.

(3) A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, may:

   (i) possess and transport the assault long gun or copycat weapon; or

   (ii) while carrying a court order requiring the surrender of the assault long gun or copycat weapon, transport the assault long gun or copycat weapon directly to [the] A law enforcement unit, barracks, or station, A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL AGENCY, OR A FEDERALLY LICENSED FIREARMS DEALER, AS APPLICABLE, if the person has notified [the] A law enforcement unit, barracks, or station that the person is transporting the assault long gun or copycat weapon in accordance with a court order and the assault long gun or copycat weapon is unloaded.

(4) A person may transport an assault weapon to or from:

   (i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or

   (ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

(5) A FEDERALLY LICENSED FIREARMS DEALER MAY RECEIVE AND POSSESS AN ASSAULT WEAPON RECEIVED FROM A PERSON IN ACCORDANCE WITH A COURT ORDER TO TRANSFER FIREARMS UNDER § 6–234 OF THE CRIMINAL PROCEDURE ARTICLE.

Article – Public Safety

3–207.

(i) THE COMMISSION, IN CONSULTATION WITH THE MARYLAND STATE’S ATTORNEYS’ ASSOCIATION, SHALL DEVELOP AND MAINTAIN A UNIFORM, STATEWIDE TRAINING AND CERTIFICATION CURRICULUM TO ENSURE USE OF BEST PRACTICES IN INVESTIGATING COMPLIANCE WITH COURT ORDERS TO SURRENDER REGULATED FIREARMS, RIFLES, AND SHOTGUNS UNDER § 6–234 OF THE CRIMINAL PROCEDURE ARTICLE.
(F) THIS SECTION DOES NOT APPLY TO THE CARRYING OR TRANSPORTING OF A REGULATED FIREARM BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE REGULATED FIREARM, IF:

(1) THE FIREARM IS UNLOADED;

(2) THE PERSON HAS NOTIFIED A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED IN ACCORDANCE WITH THE ORDER; AND

(3) THE PERSON TRANSPORTS THE FIREARM DIRECTLY TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL AGENCY OR A FEDERALLY LICENSED FIREARMS DEALER.

(c) This section does not apply to:

(1) a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the rifle or shotgun and:

[(1)] (I) the rifle or shotgun is unloaded;

[(2)] (II) the person has notified the law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the civil protective order; and

[(3)] (III) the person transports the rifle or shotgun directly to the law enforcement unit, barracks, or station; OR

(2) THE CARRYING OR TRANSPORTING OF A RIFLE OR SHOTGUN BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE RIFLE OR SHOTGUN, IF:

(I) THE RIFLE OR SHOTGUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE RIFLE OR SHOTGUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE ORDER; AND
(III) THE PERSON TRANSPORTS THE RIFLE OR SHOTGUN DIRECTLY TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL AGENCY OR A FEDERALLY LICENSED FIREARMS DEALER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 252

(Senate Bill 707)

AN ACT concerning

Criminal Law – Firearm Crimes – Rapid Fire Trigger Activator

FOR the purpose of prohibiting a person from transporting a certain rapid fire trigger activator into the State or manufacturing, possessing, selling, offering to sell, transferring, purchasing, or receiving a certain rapid fire trigger activator, subject to a certain exception; applying certain penalties; establishing a certain penalty for using a rapid fire trigger activator in the commission of a certain crime; defining certain terms; providing for a delayed effective date for certain provisions of this Act; and generally relating to firearm crimes.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–301 and 4–306
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Criminal Law
Section 4–305.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–305.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 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 – Criminal Law

4–301.

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

(b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the Public Safety Article.

(c) “Assault pistol” means any of the following firearms or a copy regardless of the producer or manufacturer:

1. AA Arms AP–9 semiautomatic pistol;
2. Bushmaster semiautomatic pistol;
3. Claridge HI–TEC semiautomatic pistol;
4. D Max Industries semiautomatic pistol;
5. Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;
6. Heckler and Koch semiautomatic SP–89 pistol;
7. Holmes MP–83 semiautomatic pistol;
8. Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;
9. Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;
10. P.A.W.S. type semiautomatic pistol;
11. Skorpion semiautomatic pistol;
12. Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
13. UZI semiautomatic pistol;
14. Weaver Arms semiautomatic Nighthawk pistol; or

(d) “Assault weapon” means:
(1) an assault long gun;

(2) an assault pistol; or

(3) a copycat weapon.

(E) “Binary trigger system” means a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger.

(F) “Bump stock” means a device that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

(G) “Burst trigger system” means a device that, when installed in or attached to a firearm, allows the firearm to discharge two or more shots with a single pull of the trigger by altering the trigger reset.

(H) (1) “Copycat weapon” means:

(i) a semiautomatic centerfire rifle that can accept a detachable magazine and has any two of the following:

1. a folding stock;

2. a grenade launcher or flare launcher; or

3. a flash suppressor;

(ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(iii) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;

(iv) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;

(v) a semiautomatic shotgun that has a folding stock; or

(vi) a shotgun with a revolving cylinder.

(2) “Copycat weapon” does not include an assault long gun or an assault pistol.
(f) **(I)** “Detachable magazine” means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

(g) **(J)** “Flash suppressor” means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.

(k) **(K)** “HELLFIRE TRIGGER” MEANS A DEVICE THAT, WHEN INSTALLED IN OR ATTACHED TO A FIREARM, DISENGAGES THE TRIGGER RETURN SPRING WHEN THE TRIGGER IS PULLED.

(l) **(L)** “Licensed firearms dealer” means a person who holds a dealer’s license under Title 5, Subtitle 1 of the Public Safety Article.

(i) **(I)** “MACHINE GUN” HAS THE MEANING STATED IN § 4–401 OF THIS TITLE.

(j) **(M)** (1) “RAPID FIRE TRIGGER ACTIVATOR” MEANS ANY DEVICE, PART, OR COMBINATION OF DEVICES OR PARTS THAT IS DESIGNED AND FUNCTIONS TO ACCELERATE THE RATE OF FIRE OF A FIREARM BEYOND THE STANDARD RATE OF FIRE FOR FIREARMS THAT ARE NOT EQUIPPED WITH THAT DEVICE, PART, OR COMBINATION OF DEVICES OR PARTS ANY DEVICE, INCLUDING A REMOVABLE MANUAL OR POWER–DRIVEN ACTIVATING DEVICE, CONSTRUCTED SO THAT, WHEN INSTALLED IN OR ATTACHED TO A FIREARM:

(i) THE RATE AT WHICH THE TRIGGER IS ACTIVATED INCREASES; OR

(ii) THE RATE OF FIRE INCREASES.

(2) “RAPID FIRE TRIGGER ACTIVATOR” INCLUDES A BUMP STOCK AND TRIGGER CRANK, TRIGGER CRANK, HELLFIRE TRIGGER, BINARY TRIGGER SYSTEM, BURST TRIGGER SYSTEM, OR A COPY OR A SIMILAR DEVICE, REGARDLESS OF THE PRODUCER OR MANUFACTURER.

(3) “RAPID FIRE TRIGGER ACTIVATOR” DOES NOT INCLUDE A SEMIAUTOMATIC REPLACEMENT TRIGGER THAT IMPROVES THE PERFORMANCE AND FUNCTIONALITY OVER THE STOCK TRIGGER.

(n) **(N)** “TRIGGER CRANK” MEANS A DEVICE THAT, WHEN INSTALLED IN OR ATTACHED TO A FIREARM, REPEATEDLY ACTIVATES THE TRIGGER OF THE FIREARM THROUGH THE USE OF A CRANK, A LEVER, OR ANY OTHER PART THAT IS TURNED IN A CIRCULAR MOTION.
4–305.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT:

(1) TRANSPORT A RAPID FIRE TRIGGER ACTIVATOR INTO THE STATE;

OR

(2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR RECEIVE A RAPID FIRE TRIGGER ACTIVATOR.

(B) THIS SECTION DOES NOT APPLY TO THE POSSESSION OF A RAPID FIRE TRIGGER ACTIVATOR BY A PERSON WHO:

(1) POSSESSED THE RAPID FIRE TRIGGER ACTIVATOR BEFORE OCTOBER 1, 2018;

(2) APPLIED TO THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES BEFORE OCTOBER 1, 2018, FOR AUTHORIZATION TO POSSESS A RAPID FIRE TRIGGER ACTIVATOR; AND

(3) IS IN COMPLIANCE WITH ALL FEDERAL REQUIREMENTS FOR POSSESSION OF A RAPID FIRE TRIGGER ACTIVATOR.

4–306.

(a) Except as otherwise provided in this subtitle, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(b) (1) A person who uses an assault weapon, A RAPID FIRE TRIGGER ACTIVATOR, or a magazine that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

(2) (i) For a first violation, the person shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years.

(iii) The mandatory minimum sentence of 5 years may not be suspended.
(iv) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(3) (i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 10 years.

(iii) A sentence imposed under this paragraph shall be consecutive to and not concurrent with any other sentence imposed for the felony or crime of violence.

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

**Article – Criminal Law**

4–305.1

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport a rapid fire trigger activator into the State; or

(2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire trigger activator.

(b) This section does not apply to the possession of a rapid fire trigger activator by a person who:

(1) possessed the rapid fire trigger activator before October 1, 2018;

(2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2018, for authorization to possess a rapid fire trigger activator; and

(3) RECEIVED AUTHORIZATION TO POSSESS A RAPID FIRE TRIGGER ACTIVATOR FROM THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES BEFORE OCTOBER 1, 2019; AND

(4) is in compliance with all federal requirements for possession of a rapid fire trigger activator.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2019.
SECTION 2 & 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 253
(House Bill 819)

AN ACT concerning
Public Safety – Handgun Permit Review Board – Repeal Appeals

FOR the purpose of altering the process by which a person who is denied a certain handgun permit or renewal of a permit or whose permit is revoked or limited by the Secretary of State Police or the Secretary’s designee may appeal the decision; repealing provisions of law relating to the Handgun Permit Review Board; providing that appeals from a certain decision by the Secretary or the Secretary’s designee may be made to the Office of Administrative Hearings Handgun Permit Review Board in a certain manner; providing that a person whose application for a certain permit or renewal of a permit is not acted on by the Secretary within a certain period may request a certain hearing before the Office of Administrative Hearings; making conforming changes; requiring the Board to review a certain record and hold a certain hearing within a certain period of time; requiring the Board to submit certain information to certain persons in writing within a certain period of time; providing for a de novo appeal of a certain decision by the Board to the Office of Administrative Hearings within a certain period of time; requiring the Office of Administrative Hearings to issue a certain finding of facts and a decision within a certain period of time; authorizing a certain person to appeal a certain decision to the circuit court; requiring the Board to make a certain annual report to the Governor and the General Assembly; providing that the Board is subject to a certain provision of law; and generally relating to handgun permits.

BY repealing and reenacting, with without amendments,
Article – Public Safety
Section 5–301 and 5–312, 5–302, and 5–311
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–302 5–312
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)
Section 5-311
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

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

Article – Public Safety

§ 5–301.

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

(b) “Board” means the Handgun Permit Review Board.

(c) “Handgun” has the meaning stated in § 4–201 of the Criminal Law Article.

(d) “Permit” means a permit issued by the Secretary to carry, wear, or transport a handgun.

(e) “Qualified handgun instructor” has the meaning stated in § 5–101 of this title.

(f) “Secretary” means the Secretary of State Police or the Secretary’s designee.

§ 5–302.

(a) There is a Handgun Permit Review Board in the Department of Public Safety and Correctional Services.

(b) The Board consists of five members appointed from the public by the Governor with the advice and consent of the Senate.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on October 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member of the Board is eligible for reappointment.

(d) A member of the Board is entitled to:

(1) compensation in accordance with the State budget for each day that the member actually is engaged in the discharge of the member’s official duties; and

(2) reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

5–311.

(a) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receipt of written notice of the Secretary’s initial action.

(b) An informal review:

(1) may include a personal interview of the person who requested the informal review; and

(2) is not subject to Title 10, Subtitle 2 of the State Government Article.

(c) In an informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the person who requested the informal review of the decision in writing within 30 days after receipt of the request for informal review.

(d) A person need not file a request for an informal review under this section before requesting review under § 5–312 of this subtitle.

5–312.

(a) (1) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Board to review the decision of the Secretary by filing a written request with the Board within 10 days after receipt of written notice of the Secretary’s final action.

(2) A person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submitting the application to the Secretary may request a hearing before the Office of Administrative Hearings by filing a written request with the Secretary.
(b) Within 90 days after receiving a request to review a decision of the Secretary, the Board shall:

1. review the record developed by the Secretary; or
2. conduct a hearing.

(c) The Board may receive and consider additional evidence submitted by a party in conducting a review of the decision of the Secretary.

(d) (1) Based on the Board’s consideration of the record and any additional evidence, the Board shall sustain, reverse, or modify the decision of the Secretary.

2. If the action by the Board results in the denial of a permit or renewal of a permit or the revocation or limitation of a permit, **within 60 days after the last hearing in the matter conducted by the Board**, the Board shall submit in writing to the applicant or the holder of the permit, AND THE SECRETARY the reasons for the action taken by DECISION OF the Board.

(E) (1) **The applicant, the holder of the permit, or the Secretary may appeal the decision of the Board to the Office of Administrative Hearings within 30 days after the issuance of the Board’s reasons under subsection (d)(2) of this section.**

2. **Within 60 days after the receipt of a request from the applicant, the holder of the permit, or the Secretary, the Office of Administrative Hearings shall schedule and conduct a de novo hearing on the appeal, at which witness testimony and other evidence may be provided.**

3. **Within 90 days after the conclusion of the last hearing on the matter, the Office of Administrative Hearings shall issue a finding of facts and a decision.**

4. A party that is aggrieved by the decision of the Office of Administrative Hearings may appeal the decision to the circuit court.

[(e)] (F) (1) **Subject to subsections (d) and (e) of this section, any** hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

2. Notwithstanding paragraph (1) of this subsection, a court may not order the issuance or renewal of a permit or alter a limitation on a permit pending a final determination of the proceeding.
(G) On or before December 1 each year, the Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly:

(1) The number of appeals of decisions by the Secretary that have been filed with the Board within the previous year;

(2) The number of decisions by the Secretary that have been sustained, modified, or reversed by the Board within the previous year;

(3) The number of appeals that are pending; and

(4) The number of appeals that have been withdrawn within the previous year.

(H) The Board is subject to Title 3 (Open Meetings Act) of the General Provisions Article.

Section 2. And be it further enacted, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 254

(House Bill 797)

AN ACT concerning

Correctional Services – Inmates – Menstrual Hygiene Products

For the purpose of requiring the Patuxent Institution and each local correctional facility and each correctional facility in the Division of Correction to have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a certain inmate at certain times; requiring the Director of the Patuxent Institution and the managing official of a correctional facility to ensure that the correctional facility has a sufficient supply of menstrual hygiene products to meet the needs of the inmate population at all times; requiring the Maryland Commission on Correctional Standards to establish standards regarding the proper disposal of menstrual hygiene products; requiring the Institution and each correctional facility to maintain records on the provision and availability of menstrual hygiene products to inmates; requiring the Commission to review the Institution’s and each correctional facility’s policy records relating to menstrual hygiene products at certain times.
times; defining certain terms; and generally relating to menstrual hygiene products for inmates.

BY adding to
Article – Correctional Services
Section 4–214 and 9–616
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Correctional Services

4–214.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMMISSION” MEANS THE MARYLAND COMMISSION OF CORRECTIONAL STANDARDS.

(3) “MENSTRUAL HYGIENE PRODUCTS” INCLUDES TAMPONS AND SANITARY NAPKINS FOR USE IN CONNECTION WITH THE MENSTRUAL CYCLE.

(B) (1) THE INSTITUTION SHALL HAVE A WRITTEN POLICY AND PROCEDURE IN PLACE REQUIRING MENSTRUAL HYGIENE PRODUCTS TO BE PROVIDED AT NO COST TO A FEMALE INMATE ON:

(1) ADMISSION TO THE FACILITY;

(II) A ROUTINE BASIS; AND

(III) REQUEST.

(2) THE DIRECTOR SHALL ENSURE THAT THE INSTITUTION HAS A SUFFICIENT SUPPLY OF MENSTRUAL HYGIENE PRODUCTS AVAILABLE TO MEET THE NEEDS OF THE INMATE POPULATION AT ALL TIMES.

(C) THE COMMISSION SHALL ESTABLISH STANDARDS REGARDING THE PROPER DISPOSAL OF MENSTRUAL HYGIENE PRODUCTS.

(D) THE INSTITUTION SHALL MAINTAIN RECORDS ON THE PROVISIONS AND AVAILABILITY OF MENSTRUAL HYGIENE PRODUCTS TO INMATES.
(E) The Commission shall review the institution’s policy and records relating to menstrual hygiene products during regular inspections.

9–616.

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

(2) “Commission” means the Maryland Commission on Correctional Standards.

(3) “Menstrual hygiene products” includes tampons and sanitary napkins for use in connection with the menstrual cycle.

(B) This section applies to local correctional facilities and correctional facilities in the Division of Correction.

(C) (1) Each correctional facility shall have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a female inmate on:

(I) admission to the facility;

(II) a routine basis; and

(III) request.

(2) The managing official of a correctional facility shall ensure that the facility has a sufficient supply of menstrual hygiene products available to meet the needs of the inmate population at all times.

(D) The Commission shall establish standards regarding the proper disposal of menstrual hygiene products.

(E) Each correctional facility shall maintain records on the provision and availability of menstrual hygiene products to inmates.

(F) The Commission shall review each correctional facility’s policy and records relating to menstrual hygiene products during regular inspections.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 255

(Senate Bill 598)

AN ACT concerning

Correctional Services – Inmates – Menstrual Hygiene Products

FOR the purpose of requiring the Patuxent Institution and each local correctional facility and each correctional facility in the Division of Correction to have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a certain inmate at certain times; requiring the Director of the Patuxent Institution and the managing official of a correctional facility to ensure that the correctional facility has a sufficient supply of menstrual hygiene products to meet the needs of the inmate population at all times; requiring the Maryland Commission on Correctional Standards to establish standards regarding the proper disposal of menstrual hygiene products; requiring the Institution and each correctional facility to maintain records on the provision and availability of menstrual hygiene products to inmates; requiring the Commission to review the Institution’s and each correctional facility’s policy records relating to menstrual hygiene products at certain times; defining certain terms; and generally relating to menstrual hygiene products for inmates.

BY adding to
Article – Correctional Services
Section 4–214 and 9–616
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Correctional Services

4–214.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
(2) “COMMISSION” means the Maryland Commission on Correctional Standards.

(3) “MENSTRUAL HYGIENE PRODUCTS” includes tampons and sanitary napkins for use in connection with the menstrual cycle.

(B) (1) The institution shall have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a female inmate on:

   (I) admission to the facility;
   (II) a routine basis; and
   (III) request.

(2) The director shall ensure that the institution has a sufficient supply of menstrual hygiene products available to meet the needs of the inmate population at all times.

(C) The Commission shall establish standards regarding the proper disposal of menstrual hygiene products.

(D) The institution shall maintain records on the provisions and availability of menstrual hygiene products to inmates.

(E) The Commission shall review the institution’s policy and records relating to menstrual hygiene products during regular inspections.

9–616.

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

(2) “COMMISSION” means the Maryland Commission on Correctional Standards.

(3) “MENSTRUAL HYGIENE PRODUCTS” includes tampons and sanitary napkins for use in connection with the menstrual cycle.

(B) This section applies to local correctional facilities and correctional facilities in the Division of Correction.
(C) (1) EACH CORRECTIONAL FACILITY SHALL HAVE A WRITTEN POLICY AND PROCEDURE IN PLACE REQUIRING MENSTRUAL HYGIENE PRODUCTS TO BE PROVIDED AT NO COST TO A FEMALE INMATE ON:

(I) ADMISSION TO THE FACILITY;

(II) A ROUTINE BASIS; AND

(III) REQUEST.

(2) THE MANAGING OFFICIAL OF A CORRECTIONAL FACILITY SHALL ENSURE THAT THE FACILITY HAS A SUFFICIENT SUPPLY OF MENSTRUAL HYGIENE PRODUCTS AVAILABLE TO MEET THE NEEDS OF THE INMATE POPULATION AT ALL TIMES.

(D) THE COMMISSION SHALL ESTABLISH STANDARDS REGARDING THE PROPER DISPOSAL OF MENSTRUAL HYGIENE PRODUCTS.

(E) EACH CORRECTIONAL FACILITY SHALL MAINTAIN RECORDS ON THE PROVISION AND AVAILABILITY OF MENSTRUAL HYGIENE PRODUCTS TO INMATES.

(F) THE COMMISSION SHALL REVIEW EACH CORRECTIONAL FACILITY’S POLICY AND RECORDS RELATING TO MENSTRUAL HYGIENE PRODUCTS DURING REGULAR INSPECTIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 256

(House Bill 444)

AN ACT concerning

Estates and Trusts – Contesting Validity of Revocable Trust – Limitation

FOR the purpose of requiring that a person commence a judicial proceeding to contest the validity of a trust that was revocable at the death of the settlor within a certain period; providing for the application of this Act; and generally relating to revocable trusts.
BY adding to
    Article – Estates and Trusts
    Section 14.5–605
    Annotated Code of Maryland
    (2017 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

14.5–605.

A PERSON SHALL COMMENCE A JUDICIAL PROCEEDING TO CONTEST THE
VALIDITY OF A TRUST THAT WAS REVOCABLE AT THE DEATH OF THE SETTLOR
WITHIN THE EARLIEST OF:

(1) 1 YEAR AFTER THE DEATH OF THE SETTLOR; OR

(2) 6 MONTHS AFTER THE TRUSTEE SENDS THE PERSON A COPY OF
THE TRUST INSTRUMENT AND A NOTICE INFORMING THE PERSON OF THE
TIME ALLOWED FOR COMMENCING A PROCEEDING.

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 action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 257
(Senate Bill 348)

AN ACT concerning

Estates and Trusts – Contesting Validity of Revocable Trust – Limitation

FOR the purpose of requiring that a person commence a judicial proceeding to contest the
validity of a trust that was revocable at the death of the settlor within a certain
period; providing for the application of this Act; and generally relating to revocable
trusts.

BY adding to
Article – Estates and Trusts
Section 14.5–605
Annotated Code of Maryland
(2017 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

14.5–605.

A PERSON SHALL COMMENCE A JUDICIAL PROCEEDING TO CONTEST THE VALIDITY OF A TRUST THAT WAS REVOCABLE AT THE DEATH OF THE SETTLOR WITHIN THE EARLIEST OF:

(1) 1 YEAR AFTER THE DEATH OF THE SETTLOR; OR


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 action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 258

(House Bill 491)

AN ACT concerning

FOR the purpose of providing for the determination of the jurisdictional law governing the meaning and effect of the terms of a trust under the Maryland Trust Act; and generally relating to the Maryland Trust Act.

BY adding to
   Article – Estates and Trusts
   Section 14.5–107
   Annotated Code of Maryland
   (2017 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

14.5–107.

   THE MEANING AND EFFECT OF THE TERMS OF A TRUST ARE DETERMINED BY:

   (1) THE LAW OF THE JURISDICTION DESIGNATED IN THE TERMS UNLESS THE DESIGNATION OF THAT JURISDICTION'S LAW IS CONTRARY TO A STRONG PUBLIC POLICY OF THE JURISDICTION HAVING THE MOST SIGNIFICANT RELATIONSHIP TO THE MATTER AT ISSUE; OR

   (2) IN THE ABSENCE OF A CONTROLLING DESIGNATION IN THE TERMS OF THE TRUST, THE LAW OF THE JURISDICTION HAVING THE MOST SIGNIFICANT RELATIONSHIP TO THE MATTER AT ISSUE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

AN ACT concerning


FOR the purpose of providing for the determination of the jurisdictional law governing the meaning and effect of the terms of a trust under the Maryland Trust Act; and generally relating to the Maryland Trust Act.
BY adding to
Article – Estates and Trusts
Section 14.5–107
Annotated Code of Maryland
(2017 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

14.5–107.

THE MEANING AND EFFECT OF THE TERMS OF A TRUST ARE DETERMINED BY:

(1) THE LAW OF THE JURISDICTION DESIGNATED IN THE TERMS UNLESS THE DESIGNATION OF THAT JURISDICTION’S LAW IS CONTRARY TO A STRONG PUBLIC POLICY OF THE JURISDICTION HAVING THE MOST SIGNIFICANT RELATIONSHIP TO THE MATTER AT ISSUE; OR

(2) IN THE ABSENCE OF A CONTROLLING DESIGNATION IN THE TERMS OF THE TRUST, THE LAW OF THE JURISDICTION HAVING THE MOST SIGNIFICANT RELATIONSHIP TO THE MATTER AT ISSUE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 260
(House Bill 474)

AN ACT concerning

Estates and Trusts – Breach of Trust Action – Limitation Period

FOR the purpose of establishing that the terms of a trust do not prevail over certain periods of limitation for bringing a judicial action; prohibiting a beneficiary from bringing a judicial action against a trustee for breach of trust more than a certain period of time after the date the beneficiary or the representative of the beneficiary is sent a certain report; providing that a certain report adequately discloses the existence of a potential claim for breach of trust for certain purposes; providing that this Act does
not limit the time for bringing an action against a trustee for a breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries; providing for the application of this Act; and generally relating to time limits for bringing certain actions.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–105
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to
Article – Estates and Trusts
Section 14.5–904
Annotated Code of Maryland
(2017 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

14.5–105.

The terms of a trust prevail over a provision of this title, except:

(1) The requirements for creating a trust;

(2) The duty of a trustee to act reasonably under the circumstances and in accordance with the terms and purposes of the trust and the interests of the beneficiaries;

(3) The requirement that a trust and the terms of the trust be for the benefit of the beneficiaries of the trust and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;

(4) The prohibition under § 14.5–306 of this title against a person serving as a representative of a beneficiary of a trust when that person is serving as a trustee of the same trust;

(5) The power of the court to modify or terminate a trust under §§ 14.5–410, 14.5–411, 14.5–413, and 14.5–414 of this title;

(6) The rights of certain creditors and assignees to reach a trust as provided in Subtitle 5 of this title;

(7) The power of the court under § 14.5–702 of this title to require, dispense with, modify or terminate a bond;
(8) The subject matter jurisdiction and venue for commencing a proceeding as provided by the laws of this State;

(9) The power of the court under § 14.5–708(a) of this title to increase or decrease the commissions of a trustee;

(10) The duties to provide information, copies, and notices specified under § 14.5–813(a) and (c) of this title;

(11) The duty under § 14.5–813(a) and (b) of this title to:

   (i) Notify qualified beneficiaries of an irrevocable trust who have attained 25 years of age of the existence of the trust, the identity of the trustee, and their right to request trustee’s reports and a copy of the trust; and

   (ii) Respond to the request of a qualified beneficiary of an irrevocable trust for reports by the trustee and other information reasonably related to the administration of the trust;

(12) The effect of an exculpatory term under § 14.5–906 of this title;

(13) The rights under §§ 14.5–908 through 14.5–910 of this title of a person other than a trustee or beneficiary; [and]

(14) The power of the court to take an action and exercise jurisdiction as may be necessary in the interests of justice; AND

(15) PERIODS OF LIMITATION FOR BRINGING A JUDICIAL ACTION.

14.5–904.


(B) A REPORT ADEQUATELY DISCLOSES THE EXISTENCE OF A POTENTIAL CLAIM FOR BREACH OF TRUST IF THE REPORT PROVIDES SUFFICIENT INFORMATION SO THAT THE BENEFICIARY OR REPRESENTATIVE KNOWS OF THE POTENTIAL CLAIM OR SHOULD HAVE INQUIRED INTO THE EXISTENCE OF THE CLAIM.
(C) THIS SECTION DOES NOT LIMIT THE TIME FOR BRINGING AN ACTION AGAINST A TRUSTEE FOR BREACH OF TRUST COMMITTED IN BAD FAITH OR WITH RECKLESS INDIFFERENCE TO THE PURPOSES OF THE TRUST OR THE INTERESTS OF THE BENEFICIARIES.

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 action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 261
(Senate Bill 1014)

AN ACT concerning

Estates and Trusts – Breach of Trust Action – Limitation Period

FOR the purpose of establishing that the terms of a trust do not prevail over certain periods of limitation for bringing a judicial action; prohibiting a beneficiary from bringing a judicial action against a trustee for breach of trust more than a certain period of time after the date the beneficiary or the representative of the beneficiary is sent a certain report; providing that a certain report adequately discloses the existence of a potential claim for breach of trust for certain purposes; providing that this Act does not limit the time for bringing an action against a trustee for a breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries; providing for the application of this Act; and generally relating to time limits for bringing certain actions.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–105
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to
Article – Estates and Trusts
Section 14.5–904
Annotated Code of Maryland
(2017 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

14.5–105.

The terms of a trust prevail over a provision of this title, except:

(1) The requirements for creating a trust;

(2) The duty of a trustee to act reasonably under the circumstances and in accordance with the terms and purposes of the trust and the interests of the beneficiaries;

(3) The requirement that a trust and the terms of the trust be for the benefit of the beneficiaries of the trust and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;

(4) The prohibition under § 14.5–306 of this title against a person serving as a representative of a beneficiary of a trust when that person is serving as a trustee of the same trust;

(5) The power of the court to modify or terminate a trust under §§ 14.5–410, 14.5–411, 14.5–413, and 14.5–414 of this title;

(6) The rights of certain creditors and assignees to reach a trust as provided in Subtitle 5 of this title;

(7) The power of the court under § 14.5–702 of this title to require, dispense with, modify or terminate a bond;

(8) The subject matter jurisdiction and venue for commencing a proceeding as provided by the laws of this State;

(9) The power of the court under § 14.5–708(a) of this title to increase or decrease the commissions of a trustee;

(10) The duties to provide information, copies, and notices specified under § 14.5–813(a) and (c) of this title;

(11) The duty under § 14.5–813(a) and (b) of this title to:

   (i) Notify qualified beneficiaries of an irrevocable trust who have attained 25 years of age of the existence of the trust, the identity of the trustee, and their right to request trustee’s reports and a copy of the trust; and
(ii) Respond to the request of a qualified beneficiary of an irrevocable trust for reports by the trustee and other information reasonably related to the administration of the trust;

(12) The effect of an exculpatory term under § 14.5–906 of this title;

(13) The rights under §§ 14.5–908 through 14.5–910 of this title of a person other than a trustee or beneficiary; [and]

(14) The power of the court to take an action and exercise jurisdiction as may be necessary in the interests of justice; AND

(15) **PERIODS OF LIMITATION FOR BRINGING A JUDICIAL ACTION.**

14.5–904.


(B) A REPORT ADEQUATELY DISCLOSES THE EXISTENCE OF A POTENTIAL CLAIM FOR BREACH OF TRUST IF THE REPORT PROVIDES SUFFICIENT INFORMATION SO THAT THE BENEFICIARY OR REPRESENTATIVE KNOWS OF THE POTENTIAL CLAIM OR SHOULD HAVE INQUIRED INTO THE EXISTENCE OF THE CLAIM.

(C) THIS SECTION DOES NOT LIMIT THE TIME FOR BRINGING AN ACTION AGAINST A TRUSTEE FOR BREACH OF TRUST COMMITTED IN BAD FAITH OR WITH RECKLESS INDIFFERENCE TO THE PURPOSES OF THE TRUST OR THE INTERESTS OF THE BENEFICIARIES.

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 action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 262

(House Bill 632)

AN ACT concerning

Carroll County – Unlicensed Junk Vehicles and Parts – Repeal

FOR the purpose of repealing certain provisions of law authorizing the removal and impoundment of certain unlicensed junk motor vehicles and parts in Carroll County under certain circumstances; repealing a certain prohibition and fine; and generally relating to unlicensed junk vehicles and parts in Carroll County.

BY repealing

The Public Local Laws of Carroll County
Section 7–102
Article 7 – Public Local Laws of Maryland
(2014 Edition and February 2017 Supplement, as amended)

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

Article 7 – Carroll County

[7–102.

(a) Notice of removal. It is unlawful in Carroll County as provided in this section to cause or permit an unlicensed junk motor vehicle or parts to be left on private or public property, in open view of persons on a nearby highway, road or street. The County Commissioners shall give ten days’ notice to the owner of record requesting that the owner remove automobile. If the owner does not comply with the request, the County Commissioners shall remove and dispose of the automobile and the owner may be fined not more than $100 and charged for the expense of removal and disposal. If there is no owner of record or the owner cannot be located, the County Commissioners shall remove and dispose of the automobile.

(b) Impoundment. In addition to the fine and charge for the expense of removal and disposal provided by this section, the motor vehicle may be impounded and sold under the provisions of § 7–101 of this title.

(c) Exceptions. This section does not apply or refer to vehicles in a regularly operated and duly licensed gasoline service station, garage, or motor vehicle junkyard or “graveyard.”]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.
Chapter 263
(Law of Maryland – 2018 Session)

Approved by the Governor, April 24, 2018.

Chapter 263
(Senate Bill 276)

AN ACT concerning
Carroll County – Unlicensed Junk Vehicles and Parts – Repeal

FOR the purpose of repealing certain provisions of law authorizing the removal and
impoundment of certain unlicensed junk motor vehicles and parts in Carroll County
under certain circumstances; repealing a certain prohibition and fine; and generally
relating to unlicensed junk vehicles and parts in Carroll County.

BY repealing
The Public Local Laws of Carroll County
Section 7–102
Article 7 – Public Local Laws of Maryland
(2014 Edition and February 2017 Supplement, as amended)

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

Article 7 – Carroll County

[7–102.

(a) Notice of removal. It is unlawful in Carroll County as provided in this section
to cause or permit an unlicensed junk motor vehicle or parts to be left on private or public
property, in open view of persons on a nearby highway, road or street. The County
Commissioners shall give ten days’ notice to the owner of record requesting that the owner
remove automobile. If the owner does not comply with the request, the County
Commissioners shall remove and dispose of the automobile and the owner may be fined not
more than $100 and charged for the expense of removal and disposal. If there is no owner
of record or the owner cannot be located, the County Commissioners shall remove and
dispose of the automobile.

(b) Impoundment. In addition to the fine and charge for the expense of removal
and disposal provided by this section, the motor vehicle may be impounded and sold under
the provisions of § 7–101 of this title.

(c) Exceptions. This section does not apply or refer to vehicles in a regularly
operated and duly licensed gasoline service station, garage, or motor vehicle junkyard or
“graveyard.”]
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 264
(Senate Bill 359)

AN ACT concerning Carroll County – Board of Education – Student Representative

FOR the purpose of providing a scholarship for the student representative of the Carroll County Board of Education; specifying the amount of the scholarship; requiring the scholarship to be used for certain purposes and to be paid directly to a certain institution; placing a limitation on the total amount of scholarship money that a student representative may receive; providing that the scholarship may not be considered compensation for the purpose of calculating taxable income; providing that the student representative may receive reimbursement for certain expenses under certain circumstances; providing for the application of this Act; and generally relating to the student representative of the Carroll County Board of Education.

BY repealing and reenacting, with amendments,
   Article – Education
   Section 3–403
   Annotated Code of Maryland
   (2014 Replacement Volume and 2017 Supplement)

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

Article – Education

3–403.

(a) The president of the county board is entitled to receive $7,500 annually as compensation and the other voting members are entitled to receive $6,500 each annually as compensation.

(b) The compensation of the president and the voting members described in subsection (a) of this section shall be paid in four equal quarterly installments.

(C) (1) (I) A STUDENT REPRESENTATIVE WHO COMPLETES A FULL
TERM ON THE COUNTY BOARD SHALL BE ENTITLED TO A SCHOLARSHIP OF $3,500 TO BE APPLIED TO THE STUDENT’S HIGHER EDUCATION COSTS.

(II) The scholarship shall be paid directly to the educational institution that the student attends.

(III) A student may receive not more than two scholarships of $3,500 each regardless of the number of terms the student serves as the student representative of the county board.

(IV) The scholarship may not be considered compensation for the purpose of calculating taxable income.

(2) On the submission of expense vouchers, the student representative is entitled to reimbursement for travel and other expenses incurred in the performance of official duties for the county board.

(3) The student representative is not entitled to any compensation or payment other than that specified under paragraphs (1) and (2) of this subsection for work as the student representative of the county board.

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 student representative of the Carroll County Board of Education whose term ended before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 265
(House Bill 621)

AN ACT concerning

Carroll County – Board of Education – Student Representative

FOR the purpose of providing a scholarship for the student representative of the Carroll County Board of Education; specifying the amount of the scholarship; requiring the
scholarship to be used for certain purposes and to be paid directly to a certain institution; placing a limitation on the total amount of scholarship money that a student representative may receive; providing that the scholarship may not be considered compensation for the purpose of calculating taxable income; providing that the student representative may receive reimbursement for certain expenses under certain circumstances; providing for the application of this Act; and generally relating to the student representative of the Carroll County Board of Education.

BY repealing and reenacting, with amendments, Article – Education Section 3–403 Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement)

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

Article – Education

3–403.

(a) The president of the county board is entitled to receive $7,500 annually as compensation and the other voting members are entitled to receive $6,500 each annually as compensation.

(b) The compensation of the president and the voting members described in subsection (a) of this section shall be paid in four equal quarterly installments.

(C) (1) (I) A STUDENT REPRESENTATIVE WHO COMPLETES A FULL TERM ON THE COUNTY BOARD SHALL BE ENTITLED TO A SCHOLARSHIP OF $3,500 TO BE APPLIED TO THE STUDENT’S HIGHER EDUCATION COSTS.

(II) THE SCHOLARSHIP SHALL BE PAID DIRECTLY TO THE EDUCATIONAL INSTITUTION THAT THE STUDENT ATTENDS.

(III) A STUDENT MAY RECEIVE NOT MORE THAN TWO SCHOLARSHIPS OF $3,500 EACH REGARDLESS OF THE NUMBER OF TERMS THE STUDENT SERVES AS THE STUDENT REPRESENTATIVE OF THE COUNTY BOARD.

(IV) THE SCHOLARSHIP MAY NOT BE CONSIDERED COMPENSATION FOR THE PURPOSE OF CALCULATING TAXABLE INCOME.

(2) ON THE SUBMISSION OF EXPENSE VOUCHERS, THE STUDENT REPRESENTATIVE IS ENTITLED TO REIMBURSEMENT FOR TRAVEL AND OTHER EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES FOR THE COUNTY BOARD.
(3) **THE STUDENT REPRESENTATIVE IS NOT ENTITLED TO ANY COMPENSATION OR PAYMENT OTHER THAN THAT SPECIFIED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION FOR WORK AS THE STUDENT REPRESENTATIVE OF THE COUNTY BOARD.**

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 student representative of the Carroll County Board of Education whose term ended before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

**Approved by the Governor, April 24, 2018.**

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**Chapter 266**

(**House Bill 610**)

AN ACT concerning

Carroll County – Gaming – Repeal of Sunday Prohibition

FOR the purpose of repealing the provision of law prohibiting in Carroll County the issuance of a permit authorizing the operation of a card game, card tournament, or casino event after a certain hour on Sunday; and generally relating to gaming in Carroll County.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 13–906.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

**Article – Criminal Law**

13–906.1.

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

(2) “Casino event” includes the play of card games, dice games, and
roulette.

(3) “Permit” means a permit to conduct a card game, card tournament, or casino event.

(b) Before an organization may conduct a card game, card tournament, or casino event, the organization shall obtain a permit from the Board of County Commissioners for Carroll County.

(c) To qualify for a permit, an organization shall be a bona fide:

(1) amateur athletic organization;
(2) charitable organization;
(3) civic organization;
(4) fraternal organization;
(5) hospital;
(6) religious organization;
(7) volunteer fire company; or
(8) war veterans’ organization.

(d) (1) A card game, card tournament, or casino event may be:

(i) managed and operated by the organization that is the permit holder; or

(ii) managed by the organization that is the permit holder and operated by another organization listed in subsection (c) of this section.

(2) (i) An operator of a card game, card tournament, or casino event may not receive compensation.

(ii) To volunteer as an operator of a card game, card tournament, or casino event, an individual shall be at least 18 years old.

(iii) To participate in a card game, card tournament, or casino event, an individual shall be at least 21 years old.

(e) (1) An organization that is the permit holder may receive not more than four permits in a calendar year.
(2) A card game, card tournament, or casino event may not last longer than 24 consecutive hours.

(f) A permit is not transferable.

(g) (1) Proceeds from a card game, card tournament, or casino event conducted under this section:

(i) shall be used to benefit a charity or to further the purpose of the permit holder; and

(ii) except as provided in paragraph (2) of this subsection, may not be used for the financial benefit or the personal use of an individual or a group of individuals.

(2) On approval of the Board of County Commissioners for Carroll County, proceeds may be used to benefit a family with medical needs.

(h) [A permit may not authorize the operation of a card game, card tournament, or casino event after 1 a.m. on Sunday.

(i) (1) An organization that is the permit holder may charge only a preset entrance fee for a card game, card tournament, or casino event.

(2) Participants in a card game, card tournament, or casino event shall receive tokens for wagering in exchange for the entrance fee.

(3) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a card game, card tournament, or casino event.

(4) An organization that is the permit holder may not allow cash to be used for wagering.

[j] (i) An organization that is the permit holder may not exchange tokens used in wagering for:

(1) an item of merchandise that is worth more than $10,000;

(2) money; or

(3) an item of merchandise having a value that is different from the fair market retail value of the item of merchandise that was received for the tokens.

[k] (j) Within 60 days after holding a card game, card tournament, or casino event, the organization that is the permit holder shall submit to the Board of County Commissioners for Carroll County:
(1) a financial report that lists the receipts and expenditures for the card
game, card tournament, or casino event; and

(2) the name, address, and Social Security number of a participant that is
declared the winner at a card game, card tournament, or casino event of a prize for which
issuance of Internal Revenue Service Form W–2G or a substantially equivalent form is
required.

[(l)] (K) In addition to being subject to § 13–909 of this subtitle, an organization
that is found to have violated this section is ineligible to receive a permit under this section
for a period of 5 years.

[(m)] (L) The Board of County Commissioners for Carroll County may adopt
regulations to carry out this section, including regulations to govern:

(1) the issuing of permits;

(2) permit fees; and

(3) the conduct and management of a card game, card tournament, or
casino event in a manner to prevent fraud and protect the public.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 267

(Senate Bill 275)

AN ACT concerning

Carroll County – Gaming – Repeal of Sunday Prohibition

FOR the purpose of repealing the provision of law prohibiting in Carroll County the
issuance of a permit authorizing the operation of a card game, card tournament, or
casino event after a certain hour on Sunday; and generally relating to gaming in
Carroll County.

BY repealing and reenacting, with amendments,
   Article – Criminal Law
   Section 13–906.1
   Annotated Code of Maryland
   (2012 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

**Article – Criminal Law**

13–906.1.

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

(2) “Casino event” includes the play of card games, dice games, and roulette.

(3) “Permit” means a permit to conduct a card game, card tournament, or casino event.

(b) Before an organization may conduct a card game, card tournament, or casino event, the organization shall obtain a permit from the Board of County Commissioners for Carroll County.

(c) To qualify for a permit, an organization shall be a bona fide:

(1) amateur athletic organization;

(2) charitable organization;

(3) civic organization;

(4) fraternal organization;

(5) hospital;

(6) religious organization;

(7) volunteer fire company; or

(8) war veterans’ organization.

(d) (1) A card game, card tournament, or casino event may be:

(i) managed and operated by the organization that is the permit holder; or

(ii) managed by the organization that is the permit holder and operated by another organization listed in subsection (c) of this section.

(2) (i) An operator of a card game, card tournament, or casino event
may not receive compensation.

(ii) To volunteer as an operator of a card game, card tournament, or casino event, an individual shall be at least 18 years old.

(iii) To participate in a card game, card tournament, or casino event, an individual shall be at least 21 years old.

(e) (1) An organization that is the permit holder may receive not more than four permits in a calendar year.

(2) A card game, card tournament, or casino event may not last longer than 24 consecutive hours.

(f) A permit is not transferable.

(g) (1) Proceeds from a card game, card tournament, or casino event conducted under this section:

(i) shall be used to benefit a charity or to further the purpose of the permit holder; and

(ii) except as provided in paragraph (2) of this subsection, may not be used for the financial benefit or the personal use of an individual or a group of individuals.

(2) On approval of the Board of County Commissioners for Carroll County, proceeds may be used to benefit a family with medical needs.

(h) [A permit may not authorize the operation of a card game, card tournament, or casino event after 1 a.m. on Sunday.

(i) (1) An organization that is the permit holder may charge only a preset entrance fee for a card game, card tournament, or casino event.

(2) Participants in a card game, card tournament, or casino event shall receive tokens for wagering in exchange for the entrance fee.

(3) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a card game, card tournament, or casino event.

(4) An organization that is the permit holder may not allow cash to be used for wagering.

[j] (I) An organization that is the permit holder may not exchange tokens used in wagering for:
(1) an item of merchandise that is worth more than $10,000;

(2) money; or

(3) an item of merchandise having a value that is different from the fair market retail value of the item of merchandise that was received for the tokens.

[k] (J) Within 60 days after holding a card game, card tournament, or casino event, the organization that is the permit holder shall submit to the Board of County Commissioners for Carroll County:

(1) a financial report that lists the receipts and expenditures for the card game, card tournament, or casino event; and

(2) the name, address, and Social Security number of a participant that is declared the winner at a card game, card tournament, or casino event of a prize for which issuance of Internal Revenue Service Form W–2G or a substantially equivalent form is required.

[l] (K) In addition to being subject to § 13–909 of this subtitle, an organization that is found to have violated this section is ineligible to receive a permit under this section for a period of 5 years.

[m] (L) The Board of County Commissioners for Carroll County may adopt regulations to carry out this section, including regulations to govern:

(1) the issuing of permits;

(2) permit fees; and

(3) the conduct and management of a card game, card tournament, or casino event in a manner to prevent fraud and protect the public.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 268

(House Bill 984)

AN ACT concerning

Carroll County – Volunteer Fire, Rescue, and Emergency Medical Services
FOR the purpose of authorizing the County Commissioners of Carroll County to distribute certain funds to rescue and emergency medical services companies in addition to fire companies, subject to a certain plan; authorizing the County Commissioners to award certain service award payments to members of rescue and emergency medical services companies in addition to fire companies; authorizing the County Commissioners to create an entity or body to administer certain affairs relating to volunteer fire, rescue, and emergency medical services companies; requiring the County Commissioners under certain circumstances to establish an Emergency Services Advisory Council for a certain purpose; making a technical correction; making conforming changes; defining a certain term; and generally relating to volunteer fire, rescue, and emergency medical services in Carroll County.

BY repealing and reenacting, with amendments,

The Public Local Laws of Carroll County
Section 3–206
Article 7 – Public Local Laws of Maryland
(2014 Edition and February 2017 Supplement, as amended)

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

Article 7 – Carroll County

3–206.

(a) IN THIS SECTION, “EMERGENCY RESPONDER” MEANS AN INDIVIDUAL WHO IS AN ACTIVE VOLUNTEER MEMBER OF A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES COMPANY.

(b) The County Commissioners of Carroll County shall annually levy and collect from the assessable property in Carroll County, as other taxes are levied and collected, a sum of money that is needed for the County Commissioners to distribute and pay to the volunteer fire, RESCUE, AND EMERGENCY MEDICAL SERVICES companies, except as noted in subsection [(b)] (C) of this section, in the County for the support, maintenance, equipment (including ambulances) and operation of the volunteer fire, RESCUE, AND EMERGENCY MEDICAL SERVICES companies. The sum of money authorized by this section shall be proportioned and distributed among the volunteer fire, RESCUE, AND EMERGENCY MEDICAL SERVICES companies pursuant to a plan adopted by the executive committee of the Carroll County Volunteer Emergency Services Association and approved by the County Commissioners.

[(b)] (C) The County Commissioners shall provide service award payments from a special fund to eligible volunteer [firemen] EMERGENCY RESPONDERS as certified by the Carroll County Volunteer Emergency Services Association. The special fund shall be established as an endowment. The payments shall be made to those individuals who have
met the adopted plan requirements as approved by the County Commissioners. The service award payments may be made monthly by the County directly to eligible recipients.

[(c)] (D) The provisions of [Article 95] TITLE 17 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland and any other law that limits the type of investments that may be made of County funds or that limits or places conditions on the deposit of County funds do not apply to the deposit and investment of money into the special fund under subsection [(b)] (C) of this section.

(E) (1) THE COUNTY COMMISSIONERS MAY AUTHORIZE OR CREATE AN ENTITY OR BODY WITH THE PURPOSE OF ADMINISTERING THE COUNTY’S AFFAIRS RELATING TO FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES AND ASSOCIATED ACTIVITIES WHILE MAINTAINING THE VOLUNTEER EMERGENCY SERVICES. THE COUNTY COMMISSIONERS MAY ADOPT AND IMPLEMENT ORDINANCES AND OTHER MEASURES NECESSARY TO ADEQUATELY AND APPROPRIATELY MANAGE, DIRECT, AND REGULATE FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES.

(2) IF THE COUNTY COMMISSIONERS AUTHORIZE OR CREATE AN ENTITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL ESTABLISH AN EMERGENCY SERVICES ADVISORY COUNCIL TO PROVIDE THE CARROLL COUNTY COMMISSIONERS WITH RECOMMENDATIONS REGARDING THE OPERATIONS OF FIRE SUPPRESSION, EMERGENCY MEDICAL, AND HAZ–MAT SERVICES IN CARROLL COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 269

(Senate Bill 542)

AN ACT concerning

Carroll County – Volunteer Fire, Rescue, and Emergency Medical Services

FOR the purpose of authorizing the County Commissioners of Carroll County to distribute certain funds to rescue and emergency medical services companies in addition to fire companies, subject to a certain plan; authorizing the County Commissioners to award certain service award payments to members of rescue and emergency medical services companies in addition to fire companies; authorizing the County Commissioners to create an entity or body to administer certain affairs relating to volunteer fire, rescue, and emergency medical services companies; requiring the
County Commissioners under certain circumstances to establish an Emergency Services Advisory Council for a certain purpose; making a technical correction; making conforming changes; defining a certain term; and generally relating to volunteer fire, rescue, and emergency medical services in Carroll County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Carroll County
Section 3–206
Article 7 – Public Local Laws of Maryland
(2014 Edition and February 2017 Supplement, as amended)

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

Article 7 – Carroll County

3–206.

(a) IN THIS SECTION, “EMERGENCY RESPONDER” MEANS AN INDIVIDUAL WHO IS AN ACTIVE VOLUNTEER MEMBER OF A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES COMPANY.

(B) The County Commissioners of Carroll County shall annually levy and collect from the assessable property in Carroll County, as other taxes are levied and collected, a sum of money that is needed for the County Commissioners to distribute and pay to the volunteer fire, RESCUE, AND EMERGENCY MEDICAL SERVICES companies, except as noted in subsection [(b)] [(C) of this section, in the County for the support, maintenance, equipment (including ambulances) and operation of the volunteer fire, RESCUE, AND EMERGENCY MEDICAL SERVICES companies. The sum of money authorized by this section shall be proportioned and distributed among the volunteer fire, RESCUE, AND EMERGENCY MEDICAL SERVICES companies pursuant to a plan adopted by the executive committee of the Carroll County Volunteer Emergency Services Association and approved by the County Commissioners.

[(b)] [(C) The County Commissioners shall provide service award payments from a special fund to eligible volunteer [firemen] EMERGENCY RESPONDERS as certified by the Carroll County Volunteer Emergency Services Association. The special fund shall be established as an endowment. The payments shall be made to those individuals who have met the adopted plan requirements as approved by the County Commissioners. The service award payments may be made monthly by the County directly to eligible recipients.

[(c)] [(D) The provisions of [Article 95] TITLE 17 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland and any other law that limits the type of investments that may be made of County funds or that limits or places conditions on the deposit of County funds do not apply to the deposit and investment of money into the special fund under subsection [(b)] [(C) of this section.
(E) (1) The County Commissioners may authorize or create an entity or body with the purpose of administering the County’s affairs relating to fire, rescue, and emergency medical services and associated activities while maintaining the volunteer emergency services. The County Commissioners may adopt and implement ordinances and other measures necessary to adequately and appropriately manage, direct, and regulate fire, rescue, and emergency medical services.

(2) If the County Commissioners authorize or create an entity under paragraph (1) of this subsection, the County Commissioners shall establish an Emergency Services Advisory Council to provide the Carroll County Commissioners with recommendations regarding the operations of fire suppression, emergency medical, and haz-mat services in Carroll County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 270
(Senate Bill 601)

AN ACT concerning

Carroll County – Scenic River Advisory Board – Composition

For the purpose of altering the composition of a scenic river advisory board in Carroll County if the scenic or wild river for which the board was created flows through Carroll County and one or more other counties; making stylistic changes; and generally relating to scenic river advisory boards.

BY repealing and reenacting, with amendments,
   Article – Natural Resources
   Section 8–403
   Annotated Code of Maryland
   (2012 Replacement Volume and 2017 Supplement)

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

   Article – Natural Resources
There is a Scenic and Wild Rivers Review Board.

The Board consists of the Secretaries of Natural Resources, Agriculture, and the Environment and the Director of Planning and a member of the Garrett County Commissioners, who shall be a voting member of the Board only on matters pertaining to the wild portion of the Youghiogheny River.

The members of the Board shall select the chairperson.

A member of the Board:

(i) May not receive any compensation for the member's services; but

(ii) Shall be reimbursed for necessary travel expenses and disbursements made in order to attend any meeting or perform any other official duty.

In addition to the duties set forth elsewhere in this subtitle, the Scenic and Wild Rivers Review Board shall:

Review:

(i) Any inventory, study, plan, and regulation that is prepared under this subtitle; and

(ii) The recommendations on the inventory, study, plan, and regulation of the Secretary, any local governing body, or any local advisory board;

Meet regularly; and

Appoint, with the advice and consent of the appropriate local governing body, a local scenic and wild river advisory board for each river that is included in the Scenic and Wild Rivers Program.

Each local scenic and wild river advisory board consists of at least 7 members, except for the Youghiogheny local Scenic and Wild River Advisory Board that consists of at least 8 members.

Each member of a local scenic and wild river advisory board shall reside in the county through which the scenic and wild river flows.

The Scenic and Wild Rivers Review Board shall select the members of each local advisory board as follows:
(i) At least [2] TWO members shall own land contiguous to the scenic or wild river, except for the Youghiogheny River where at least [3] THREE members shall own land contiguous to that portion of the river designated by § 8–408(a) of this subtitle as a wild river;

(ii) At least [2] TWO members who own land that is not contiguous to the scenic or wild river;

(iii) [1] ONE member shall represent the local governing body; and

(iv) [2] TWO members from the county soil conservation district.

(d) If a scenic or wild river flows through more than [1] ONE county, the local advisory board shall consist of no more than the following members:

(1) [2] TWO residents of each county through which the scenic or wild river flows who own land contiguous to the scenic or wild river;

(2) [2] TWO residents of each county through which the scenic or wild river flows who do not own land contiguous to the scenic or wild river;

(3) [2] TWO representatives of the local governing body of each county through which the scenic or wild river flows; and

(4) [1] ONE representative of each soil conservation district through which the scenic or wild river flows.

(e) Each local scenic and wild river advisory board shall:

(1) Review any inventory, study, plan, and regulation that is proposed under this subtitle and is applicable to any river in its jurisdiction;

(2) Make recommendations on the inventory, study, plan, and regulation to its local governing body and to the Scenic and Wild Rivers Review Board;

(3) Select its own chairperson; and

(4) Adopt its own administrative regulations for the operation of the local advisory board.

(f) Each member of a local advisory board may not:

(i) Receive compensation for service; or

(ii) Be reimbursed for expenses incurred in travel or for attending meetings or performing any official duty.
(2) The Secretary shall schedule meetings for each local advisory board. However, in the event of emergencies, the chairperson of a local advisory board may schedule meetings for the local advisory board.

(g) (1) Upon completion of an approved management plan, the local governing body may establish a scenic river advisory board for each designated scenic or wild river within its jurisdiction.

(2) Each board, as constituted by the local authority, may recommend policies, laws, and regulations in furtherance of the aims of this subtitle to the appropriate local governing body.

(3) (I) Except as provided in subparagraph (II) of this paragraph, if a scenic or wild river flows through more than one county, the scenic river advisory board may consist of an equal number of members from each county.

(II) If a scenic or wild river flows through Carroll County and one or more other counties, the scenic river advisory board shall consist of the following members:

1. Two residents of each county through which the scenic or wild river flows who own land contiguous to the scenic or wild river;

2. Two residents of each county through which the scenic or wild river flows who do not own land contiguous to the scenic or wild river;

3. Subject to subparagraph (III) of this paragraph, two representatives of the local governing body of each county through which the scenic or wild river flows; and

4. One representative of an organization in the county with expertise in agriculture, such as the local farm bureau, grange, or soil conservation district.

(III) The two representatives of the local governing body shall be nonvoting members of the scenic river advisory board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 271
(House Bill 696)

AN ACT concerning

Carroll County – Scenic River Advisory Board – Composition

FOR the purpose of altering the composition of a scenic river advisory board in Carroll County if the scenic or wild river for which the board was created flows through Carroll County and one or more other counties; making stylistic changes; and generally relating to scenic river advisory boards.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–403
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

8–403.

(a) (1) (I) There is a Scenic and Wild Rivers Review Board.

(II) The Board consists of the Secretaries of Natural Resources, Agriculture, and the Environment and the Director of Planning and a member of the Garrett County Commissioners, who shall be a voting member of the Board only on matters pertaining to the wild portion of the Youghiogheny River.

(2) The members of the Board shall select the chairperson.

(3) A member of the Board:

(i) May not receive any compensation for the member’s services; but

(ii) Shall be reimbursed for necessary travel expenses and disbursements made in order to attend any meeting or perform any other official duty.

(b) In addition to the duties set forth elsewhere in this subtitle, the Scenic and Wild Rivers Review Board shall:

(1) Review:
(i) Any inventory, study, plan, and regulation that is prepared under this subtitle; and

(ii) The recommendations on the inventory, study, plan, and regulation of the Secretary, any local governing body, or any local advisory board;

(2) Meet regularly; and

(3) Appoint, with the advice and consent of the appropriate local governing body, a local scenic and wild river advisory board for each river that is included in the Scenic and Wild Rivers Program.

(c) (1) Each local scenic and wild river advisory board consists of at least [7] \text{SEVEN} members, except for the Youghiogheny local Scenic and Wild River Advisory Board that consists of at least [8] \text{EIGHT} members.

(2) Each member of a local scenic and wild river advisory board shall reside in the county through which the scenic and wild river flows.

(3) The Scenic and Wild Rivers Review Board shall select the members of each local advisory board as follows:

(i) At least [2] \text{TWO} members shall own land contiguous to the scenic or wild river, except for the Youghiogheny River where at least [3] \text{THREE} members shall own land contiguous to that portion of the river designated by § 8–408(a) of this subtitle as a wild river;

(ii) At least [2] \text{TWO} members who own land that is not contiguous to the scenic or wild river;

(iii) [1] \text{ONE} member shall represent the local governing body; and

(iv) [2] \text{TWO} members from the county soil conservation district.

(d) If a scenic or wild river flows through more than [1] \text{ONE} county, the local advisory board shall consist of no more than the following members:

(1) [2] \text{TWO} residents of each county through which the scenic or wild river flows who own land contiguous to the scenic or wild river;

(2) [2] \text{TWO} residents of each county through which the scenic or wild river flows who do not own land contiguous to the scenic or wild river;

(3) [2] \text{TWO} representatives of the local governing body of each county through which the scenic or wild river flows; and
(4) [1] **ONE** representative of each soil conservation district through which the scenic or wild river flows.

(e) Each local scenic and wild river advisory board shall:

(1) Review any inventory, study, plan, and regulation that is proposed under this subtitle and is applicable to any river in its jurisdiction;

(2) Make recommendations on the inventory, study, plan, and regulation to its local governing body and to the Scenic and Wild Rivers Review Board;

(3) Select its own chairperson; and

(4) Adopt its own administrative regulations for the operation of the local advisory board.

(f) (1) Each member of a local advisory board may not:

(i) Receive compensation for service; or

(ii) Be reimbursed for expenses incurred in travel or for attending meetings or performing any official duty.

(2) The Secretary shall schedule meetings for each local advisory board. However, in the event of emergencies, the chairperson of a local advisory board may schedule meetings for the local advisory board.

(g) (1) **Upon** completion of an approved management plan, the local governing body may establish a scenic river advisory board for each designated scenic or wild river within its jurisdiction.

(2) Each board, as constituted by the local authority, may recommend policies, laws, and regulations in furtherance of the aims of this subtitle to the appropriate local governing body.

(3) (I) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF a scenic or wild river flows through more than [1] **ONE** county, the scenic river advisory board may consist of an equal number of members from each county.

(II) **IF A SCENIC OR WILD RIVER FLOWS THROUGH CARROLL COUNTY AND ONE OR MORE OTHER COUNTIES, THE SCENIC RIVER ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:**

1. **TWO RESIDENTS OF EACH COUNTY THROUGH WHICH THE SCENIC OR WILD RIVER FLOWS WHO OWN LAND CONTIGUOUS TO THE SCENIC**
OR WILD RIVER;

2. Two residents of each county through which the Scenic or Wild River flows who do not own land contiguous to the Scenic or Wild River;

3. Subject to subparagraph (iii) of this paragraph, two representatives of the local governing body of each county through which the Scenic or Wild River flows; and

4. One representative of an organization in the county with expertise in agriculture, such as the local Farm Bureau, Grange, or Soil Conservation District.

(iii) The two representatives of the local governing body shall be nonvoting members of the Scenic River Advisory Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 272

(Senate Bill 289)

AN ACT concerning
Frederick County – Ethics and Campaign Activity – Governing Body, County Board and Commission Members, and Board of License Commissioners

FOR the purpose of prohibiting an agent of a certain applicant from making a contribution to a member of the governing body of Frederick County during the pendency of a certain application; altering the circumstances under which a member of the governing body of Frederick County is prohibited from taking certain actions regarding a certain application; authorizing a certain party of record to file with the Chief Administrative Officer an affidavit of a contribution made by a certain agent in violation of a certain provision of law; providing for a certain penalty; requiring certain members of the Frederick County Board of Zoning Appeals, Ethics Commission, or Planning Commission or the Board of License Commissioners for Frederick County who establish an authorized candidate campaign committee to vacate office within a certain period of time after opening a campaign account through a campaign finance entity; defining a certain term; and generally relating to ethics and campaign activity in Frederick County.
BY repealing and reenacting, without amendments,
   Article – Alcoholic Beverages
   Section 20–201 and 20–202(a) and (d) through (f)
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

BY adding to
   Article – Alcoholic Beverages
   Section 20–202(g)
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Article – General Provisions
   Section 5–857, 5–858, 5–860, and 5–862 to be under the amended part “Part IX. Special Provisions for Frederick County – Planning and Zoning”
   Annotated Code of Maryland
   (2014 Volume and 2017 Supplement)

BY adding to
   Article – General Provisions
   Section 5–865 and 5–866 to be under the new part “Part X. Special Provisions for Frederick County – Campaign Activity Concerning County Board and Commission Members and the Board of License Commissioners”
   Annotated Code of Maryland
   (2014 Volume and 2017 Supplement)

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

   Article – Alcoholic Beverages

20–201.

   There is a Board of License Commissioners for Frederick County.

20–202.

   (a) The Governor shall appoint three members to the Board.

   (d) (1) The term of a member is 5 years.

          (2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

   (e) A member who is appointed after a term has begun serves only for the rest of
the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, or unprofessional or dishonorable conduct.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days’ notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor’s findings on the charges.

(G) NO LATER THAN 48 HOURS AFTER OPENING A CAMPAIGN ACCOUNT THROUGH A CAMPAIGN FINANCE ENTITY, AS DEFINED IN § 1–101 OF THE ELECTION LAW ARTICLE, A MEMBER WHO HAS ESTABLISHED AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE SHALL VACATE THE MEMBER’S POSITION ON THE BOARD IN ACCORDANCE WITH § 5–866 OF THE GENERAL PROVISIONS ARTICLE.

Article – General Provisions

Part IX. Special Provisions for Frederick County – PLANNING AND ZONING.

5–857.

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

(B) “AGENT” MEANS A PERSON THAT IS:

(1) HIRED OR RETAINED BY A BUSINESS ENTITY THAT IS AN APPLICANT WITH AN APPLICATION BEFORE THE GOVERNING BODY TO PROVIDE SERVICES, FOR COMPENSATION, RELATING TO THE APPLICATION; AND

(2) (I) AN ATTORNEY;

(II) AN ARCHITECT OR A LANDSCAPE ARCHITECT;

(III) A TRAFFIC CONSULTANT;

(IV) AN ENGINEER; OR

(V) A TRAFFIC ENGINEER.

[(b)] (C) “Aggrieved party” means:
(1) a property owner whose property:
   (i) adjoins, fronts, or is located near the subject property; or
   (ii) is located within sight or sound of the subject property; or

(2) an individual located within the same subdivision as the subject property or who lives up to three-quarters of a mile by road or otherwise one-half mile away from the subject property.

(c) (D) (1) “Applicant” means a person that is:
   (i) a title owner or contract purchaser of land that is the subject of an application;
   (ii) a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or
   (iii) a holder of at least a 10% interest in land that is the subject of an application.

(2) “Applicant” includes a person who is an officer or a director of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(3) “Applicant” does not include:
   (i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of or improvements on the land that is the subject of an application;
   (ii) a municipal corporation or public corporation;
   (iii) a public authority;
   (iv) an electric company or electric supplier applying for a certificate of public convenience and necessity under § 7–207 or § 7–208 of the Public Utilities Article; or
   (v) a person who is hired or retained as an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

(d) (E) “Application” means:
   (1) an application for a zoning map amendment as part of a piecemeal or floating zone rezoning proceeding;
(2) a formal application for a comprehensive map planning change or zoning change during the county comprehensive land use plan update;

(3) an application for a map amendment to the county water and sewerage plan;

(4) a request made under § 4–416 of the Local Government Article for the governing body to approve the placement of annexed land in a zoning classification that allows a land use that is substantially different from the use for the land authorized in the zoning classification of the county applicable at the time of annexation; or

(5) an application to create a district or an easement or any other interest in real property as part of an agricultural land preservation program.

[(e)] (F) “Business entity” means:

(1) a corporation;

(2) a limited liability company;

(3) a partnership; or

(4) a sole proprietorship.

[(f)] (G) “Candidate” means a candidate for County Executive or County Council who becomes an elected official.

[(g)] (H) “Contribution” means a payment or transfer of money or property worth at least $100, calculated cumulatively during the pendency of the application, to a candidate or a treasurer or political committee of a candidate.

[(h)] (I) “Governing body” means the governing body of Frederick County.

[(i)] (J) “Partnership” includes:

(1) a general partnership;

(2) a joint venture;

(3) a limited liability limited partnership;

(4) a limited liability partnership; or

(5) a limited partnership.
“Party of record” means a person that participated in a proceeding on an application before the governing body by appearing at a public hearing or filing a statement in an official record.

“Pendency of the application” means the time between the acceptance by the County Department of Planning and Zoning of a filing of an application and the earlier of:

1. 2 years after the acceptance of the application; or
2. the expiration of 30 days after:
   (i) the governing body has taken final action on the application; or
   (ii) the application is withdrawn.

“Political committee” means a committee specifically created to promote the candidacy of a member of the governing body who is running for an elective office.

“Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

An applicant OR AGENT may not make a contribution to a member of the governing body during the pendency of the application.

Except as provided in subsection (c) of this section, after an application has been filed, a member of the governing body may not vote or participate in any way in the proceedings on the application if the member or the treasurer or political committee of the member received a contribution from the applicant OR AGENT during the pendency of the application.

A member of the governing body may participate in a comprehensive zoning or rezoning proceeding.

At any time before final action on an application, a party of record may file with the Chief Administrative Officer an affidavit including competent evidence of:

1. a contribution by an applicant OR AGENT covered under § 5–858 of this subtitle; or
2. an ex parte communication covered under § 5–859 of this subtitle.
5–862.

(a) (1) The Frederick County Ethics Commission or another aggrieved party of record may assert as procedural error a violation of this part in an action for judicial review of the application.

(2) If the court finds that a violation of this part occurred, the court shall remand the case to the governing body for reconsideration.

(b) (1) A person that knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(2) If the person is a business entity OR AGENT and not an individual, each member, officer, or partner of the business entity OR AGENT who knowingly authorized or participated in the violation is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(3) An action taken in reliance on an opinion of the State Ethics Commission or the Frederick County Ethics Commission may not be considered a knowing and willful violation.

(c) (1) A person that is subject to this part shall preserve all books, papers, and other documents necessary to complete and substantiate any reports, statements, or records required to be made under this part for 3 years from the date of filing the application.

(2) The documents shall be available for inspection on request.

5–863. RESERVED.

5–864. RESERVED.

PART X. SPECIAL PROVISIONS FOR FREDERICK COUNTY – CAMPAIGN ACTIVITY CONCERNING COUNTY BOARD AND COMMISSION MEMBERS AND THE BOARD OF LICENSE COMMISSIONERS.

5–865.

THIS PART APPLIES ONLY TO AN APPOINTED MEMBER OF THE FREDERICK COUNTY BOARD OF ZONING APPEALS, THE FREDERICK COUNTY ETHICS COMMISSION, THE FREDERICK COUNTY PLANNING COMMISSION, OR THE BOARD OF LICENSE COMMISSIONERS FOR FREDERICK COUNTY.

5–866.
NOT LATER THAN 48 HOURS AFTER OPENING A CAMPAIGN ACCOUNT THROUGH A CAMPAIGN FINANCE ENTITY, AS DEFINED IN § 1–101 OF THE ELECTION LAW ARTICLE, AN APPOINTED MEMBER OF THE BOARD OF ZONING APPEALS, ETHICS COMMISSION, PLANNING COMMISSION, OR THE BOARD OF LICENSE COMMISSIONERS WHO HAS ESTABLISHED AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE SHALL VACATE THE POSITION ON THE BOARD OR COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 273
(House Bill 630)

AN ACT concerning

Frederick County – Ethics and Campaign Activity – Governing Body, County Board and Commission Members, and Board of License Commissioners

FOR the purpose of prohibiting an agent of a certain applicant from making a contribution to a member of the governing body of Frederick County during the pendency of a certain application; altering the circumstances under which a member of the governing body of Frederick County is prohibited from taking certain actions regarding a certain application; authorizing a certain party of record to file with the Chief Administrative Officer an affidavit of a contribution made by a certain agent in violation of a certain provision of law; providing for a certain penalty; requiring certain members of the Frederick County Board of Zoning Appeals, Ethics Commission, or Planning Commission or the Board of License Commissioners for Frederick County who establish an authorized candidate campaign committee to vacate office within a certain period of time after opening a campaign account through a campaign finance entity; defining a certain term; and generally relating to ethics and campaign activity in Frederick County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 20–201 and 20–202(a) and (d) through (f)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 20–202(g)  
Annotated Code of Maryland  
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,  
Article – General Provisions  
Section 5–857, 5–858, 5–860, and 5–862 to be under the amended part “Part IX. Special Provisions for Frederick County – Planning and Zoning”  
Annotated Code of Maryland  
(2014 Volume and 2017 Supplement)

BY adding to  
Article – General Provisions  
Section 5–865 and 5–866 to be under the new part “Part X. Special Provisions for Frederick County – Campaign Activity Concerning County Board and Commission Members and the Board of License Commissioners”  
Annotated Code of Maryland  
(2014 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

20–201.

There is a Board of License Commissioners for Frederick County.

20–202.

(a) The Governor shall appoint three members to the Board.

(d) (1) The term of a member is 5 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, or unprofessional or dishonorable conduct.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days’ notice, an opportunity to be heard publicly in person or by counsel.
(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor’s findings on the charges.

(G) NO LATER THAN 48 HOURS AFTER OPENING A CAMPAIGN ACCOUNT THROUGH A CAMPAIGN FINANCE ENTITY, AS DEFINED IN § 1–101 OF THE ELECTION LAW ARTICLE, A MEMBER WHO HAS ESTABLISHED AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE SHALL VACATE THE MEMBER’S POSITION ON THE BOARD IN ACCORDANCE WITH § 5–866 OF THE GENERAL PROVISIONS ARTICLE.

Article – General Provisions

Part IX. Special Provisions for Frederick County – PLANNING AND ZONING.

5–857.

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

(B) “AGENT” MEANS A PERSON THAT IS:

(1) HIRED OR RETAINED BY A BUSINESS ENTITY THAT IS AN APPLICANT WITH AN APPLICATION BEFORE THE GOVERNING BODY TO PROVIDE SERVICES, FOR COMPENSATION, RELATING TO THE APPLICATION; AND

(2) (I) AN ATTORNEY;

(II) AN ARCHITECT OR A LANDSCAPE ARCHITECT;

(III) A TRAFFIC CONSULTANT;

(IV) AN ENGINEER; OR

(V) A TRAFFIC ENGINEER.

[(b)] (C) “Aggrieved party” means:

(1) a property owner whose property:

(i) adjoins, fronts, or is located near the subject property; or

(ii) is located within sight or sound of the subject property; or

(2) an individual located within the same subdivision as the subject property or who lives up to three-quarters of a mile by road or otherwise one-half mile away from the subject property.
“Applicant” means a person that is:

(i) a title owner or contract purchaser of land that is the subject of an application;

(ii) a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or

(iii) a holder of at least a 10% interest in land that is the subject of an application.

(2) “Applicant” includes a person who is an officer or a director of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(3) “Applicant” does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of or improvements on the land that is the subject of an application;

(ii) a municipal corporation or public corporation;

(iii) a public authority;

(iv) an electric company or electric supplier applying for a certificate of public convenience and necessity under § 7–207 or § 7–208 of the Public Utilities Article; or

(v) a person who is hired or retained as an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

“Application” means:

(1) an application for a zoning map amendment as part of a piecemeal or floating zone rezoning proceeding;

(2) a formal application for a comprehensive map planning change or zoning change during the county comprehensive land use plan update;

(3) an application for a map amendment to the county water and sewerage plan;

(4) a request made under § 4–416 of the Local Government Article for the governing body to approve the placement of annexed land in a zoning classification that
allows a land use that is substantially different from the use for the land authorized in the zoning classification of the county applicable at the time of annexation; or

(5) an application to create a district or an easement or any other interest in real property as part of an agricultural land preservation program.

[(e)] (F) “Business entity” means:

(1) a corporation;
(2) a limited liability company;
(3) a partnership; or
(4) a sole proprietorship.

[(f)] (G) “Candidate” means a candidate for County Executive or County Council who becomes an elected official.

[(g)] (H) “Contribution” means a payment or transfer of money or property worth at least $100, calculated cumulatively during the pendency of the application, to a candidate or a treasurer or political committee of a candidate.

[(h)] (I) “Governing body” means the governing body of Frederick County.

[(i)] (J) “Partnership” includes:

(1) a general partnership;
(2) a joint venture;
(3) a limited liability limited partnership;
(4) a limited liability partnership; or
(5) a limited partnership.

[(j)] (K) “Party of record” means a person that participated in a proceeding on an application before the governing body by appearing at a public hearing or filing a statement in an official record.

[(k)] (L) “Pendency of the application” means the time between the acceptance by the County Department of Planning and Zoning of a filing of an application and the earlier of:

(1) 2 years after the acceptance of the application; or
the expiration of 30 days after:

(i) the governing body has taken final action on the application; or

(ii) the application is withdrawn.

“Political committee” means a committee specifically created to promote the candidacy of a member of the governing body who is running for an elective office.

“Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

(a) An applicant OR AGENT may not make a contribution to a member of the governing body during the pendency of the application.

(b) Except as provided in subsection (c) of this section, after an application has been filed, a member of the governing body may not vote or participate in any way in the proceedings on the application if the member or the treasurer or political committee of the member received a contribution from the applicant OR AGENT during the pendency of the application.

(c) A member of the governing body may participate in a comprehensive zoning or rezoning proceeding.

At any time before final action on an application, a party of record may file with the Chief Administrative Officer an affidavit including competent evidence of:

(1) a contribution by an applicant OR AGENT covered under § 5–858 of this subtitle; or

(2) an ex parte communication covered under § 5–859 of this subtitle.

(a) (1) The Frederick County Ethics Commission or another aggrieved party of record may assert as procedural error a violation of this part in an action for judicial review of the application.

(2) If the court finds that a violation of this part occurred, the court shall remand the case to the governing body for reconsideration.
(b) (1) A person that knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(2) If the person is a business entity OR AGENT and not an individual, each member, officer, or partner of the business entity OR AGENT who knowingly authorized or participated in the violation is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(3) An action taken in reliance on an opinion of the State Ethics Commission or the Frederick County Ethics Commission may not be considered a knowing and willful violation.

(c) (1) A person that is subject to this part shall preserve all books, papers, and other documents necessary to complete and substantiate any reports, statements, or records required to be made under this part for 3 years from the date of filing the application.

(2) The documents shall be available for inspection on request.

5–863. RESERVED.

5–864. RESERVED.

PART X. SPECIAL PROVISIONS FOR FREDERICK COUNTY – CAMPAIGN ACTIVITY CONCERNING COUNTY BOARD AND COMMISSION MEMBERS AND THE BOARD OF LICENSE COMMISSIONERS.

5–865.

THIS PART APPLIES ONLY TO AN APPOINTED MEMBER OF THE FREDERICK COUNTY BOARD OF ZONING APPEALS, THE FREDERICK COUNTY ETHICS COMMISSION, THE FREDERICK COUNTY PLANNING COMMISSION, OR THE BOARD OF LICENSE COMMISSIONERS FOR FREDERICK COUNTY.

5–866.

NOT LATER THAN 48 HOURS AFTER OPENING A CAMPAIGN ACCOUNT THROUGH A CAMPAIGN FINANCE ENTITY, AS DEFINED IN § 1–101 OF THE ELECTION LAW ARTICLE, AN APPOINTED MEMBER OF THE BOARD OF ZONING APPEALS, ETHICS COMMISSION, PLANNING COMMISSION, OR THE BOARD OF LICENSE COMMISSIONERS WHO HAS ESTABLISHED AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE SHALL VACATE THE POSITION ON THE BOARD OR COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
Chapter 274
(Senate Bill 1032)

AN ACT concerning
Frederick County – Scenic River Advisory Board – Composition

FOR the purpose of altering the composition of a scenic river advisory board in Frederick County if the scenic or wild river for which the board was created flows through Frederick County and one or more other counties; making stylistic changes; and generally relating to scenic river advisory boards.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–403
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

8–403.

(a) (1) (I) There is a Scenic and Wild Rivers Review Board.

(II) The Board consists of the Secretaries of Natural Resources, Agriculture, and the Environment and the Director of Planning and a member of the Garrett County Commissioners, who shall be a voting member of the Board only on matters pertaining to the wild portion of the Youghiogheny River.

(2) The members of the Board shall select the chairperson.

(3) A member of the Board:

(i) May not receive any compensation for the member’s services; but

(ii) Shall be reimbursed for necessary travel expenses and disbursements made in order to attend any meeting or perform any other official duty.
(b) In addition to the duties set forth elsewhere in this subtitle, the Scenic and Wild Rivers Review Board shall:

(1) Review:

   (i) Any inventory, study, plan, and regulation that is prepared under this subtitle; and

   (ii) The recommendations on the inventory, study, plan, and regulation of the Secretary, any local governing body, or any local advisory board;

(2) Meet regularly; and

(3) Appoint, with the advice and consent of the appropriate local governing body, a local scenic and wild river advisory board for each river that is included in the Scenic and Wild Rivers Program.

(c) (1) Each local scenic and wild river advisory board consists of at least 7 members, except for the Youghiogheny local Scenic and Wild River Advisory Board that consists of at least 8 members.

(2) Each member of a local scenic and wild river advisory board shall reside in the county through which the scenic and wild river flows.

(3) The Scenic and Wild Rivers Review Board shall select the members of each local advisory board as follows:

   (i) At least 2 members shall own land contiguous to the scenic or wild river, except for the Youghiogheny River where at least 3 members shall own land contiguous to that portion of the river designated by § 8–408(a) of this subtitle as a wild river;

   (ii) At least 2 members who own land that is not contiguous to the scenic or wild river;

   (iii) 1 member shall represent the local governing body; and

   (iv) 2 members from the county soil conservation district.

(d) If a scenic or wild river flows through more than 1 county, the local advisory board shall consist of no more than the following members:

(1) 2 residents of each county through which the scenic or wild river flows who own land contiguous to the scenic or wild river;
(2) [2] **TWO** residents of each county through which the scenic or wild river flows who do not own land contiguous to the scenic or wild river;

(3) [2] **TWO** representatives of the local governing body of each county through which the scenic or wild river flows; and

(4) [1] **ONE** representative of each soil conservation district through which the scenic or wild river flows.

(e) Each local scenic and wild river advisory board shall:

(1) Review any inventory, study, plan, and regulation that is proposed under this subtitle and is applicable to any river in its jurisdiction;

(2) Make recommendations on the inventory, study, plan, and regulation to its local governing body and to the Scenic and Wild Rivers Review Board;

(3) Select its own chairperson; and

(4) Adopt its own administrative regulations for the operation of the local advisory board.

(f) (1) Each member of a local advisory board may not:

(i) Receive compensation for service; or

(ii) Be reimbursed for expenses incurred in travel or for attending meetings or performing any official duty.

(2) The Secretary shall schedule meetings for each local advisory board. However, in the event of emergencies, the chairperson of a local advisory board may schedule meetings for the local advisory board.

(g) (1) [Upon] **ON** completion of an approved management plan, the local governing body may establish a scenic river advisory board for each designated scenic or wild river within its jurisdiction.

(2) Each board, as constituted by the local authority, may recommend policies, laws, and regulations in furtherance of the aims of this subtitle to the appropriate local governing body.

(3) (1) [If] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** a scenic or wild river flows through more than [1] **ONE** county, the scenic river advisory board may consist of an equal number of members from each county.

(II) **IF A SCENIC OR WILD RIVER FLOWS THROUGH FREDERICK**
COUNTY AND ONE OR MORE OTHER COUNTIES, THE SCENIC RIVER ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

1. TWO RESIDENTS OF EACH COUNTY THROUGH WHICH THE SCENIC OR WILD RIVER FLOWS WHO OWN LAND CONTIGUOUS TO THE SCENIC OR WILD RIVER;

2. TWO RESIDENTS OF EACH COUNTY THROUGH WHICH THE SCENIC OR WILD RIVER FLOWS WHO DO NOT OWN LAND CONTIGUOUS TO THE SCENIC OR WILD RIVER;

3. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, TWO REPRESENTATIVES OF THE LOCAL GOVERNING BODY OF EACH COUNTY THROUGH WHICH THE SCENIC OR WILD RIVER FLOWS; AND

4. ONE REPRESENTATIVE OF AN ORGANIZATION IN THE COUNTY WITH EXPERTISE IN AGRICULTURE, SUCH AS THE LOCAL FARM BUREAU, GRANGE, OR SOIL CONSERVATION DISTRICT.

(III) THE TWO REPRESENTATIVES OF THE LOCAL GOVERNING BODY SHALL BE NONVOTING MEMBERS OF THE SCENIC RIVER ADVISORY BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 275
(House Bill 917)

AN ACT concerning

Frederick County – Scenic River Advisory Board – Composition

FOR the purpose of altering the composition of a scenic river advisory board in Frederick County if the scenic or wild river for which the board was created flows through Frederick County and one or more other counties; making stylistic changes; and generally relating to scenic river advisory boards.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 8–403
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

8–403.

(a) (1) (I) There is a Scenic and Wild Rivers Review Board.

(II) The Board consists of the Secretaries of Natural Resources, Agriculture, and the Environment and the Director of Planning and a member of the Garrett County Commissioners, who shall be a voting member of the Board only on matters pertaining to the wild portion of the Youghiogheny River.

(2) The members of the Board shall select the chairperson.

(3) A member of the Board:

(i) May not receive any compensation for the member's services; but

(ii) Shall be reimbursed for necessary travel expenses and disbursements made in order to attend any meeting or perform any other official duty.

(b) In addition to the duties set forth elsewhere in this subtitle, the Scenic and Wild Rivers Review Board shall:

(1) Review:

(i) Any inventory, study, plan, and regulation that is prepared under this subtitle; and

(ii) The recommendations on the inventory, study, plan, and regulation of the Secretary, any local governing body, or any local advisory board;

(2) Meet regularly; and

(3) Appoint, with the advice and consent of the appropriate local governing body, a local scenic and wild river advisory board for each river that is included in the Scenic and Wild Rivers Program.

(c) (1) Each local scenic and wild river advisory board consists of at least [7] SEVEN members, except for the Youghiogheny local Scenic and Wild River Advisory Board that consists of at least [8] EIGHT members.
(2) Each member of a local scenic and wild river advisory board shall reside in the county through which the scenic and wild river flows.

(3) The Scenic and Wild Rivers Review Board shall select the members of each local advisory board as follows:

(i) At least [2] TWO members shall own land contiguous to the scenic or wild river, except for the Youghiogheny River where at least [3] THREE members shall own land contiguous to that portion of the river designated by § 8–408(a) of this subtitle as a wild river;

(ii) At least [2] TWO members who own land that is not contiguous to the scenic or wild river;

(iii) [1] ONE member shall represent the local governing body; and

(iv) [2] TWO members from the county soil conservation district.

(d) If a scenic or wild river flows through more than [1] ONE county, the local advisory board shall consist of no more than the following members:

(1) [2] TWO residents of each county through which the scenic or wild river flows who own land contiguous to the scenic or wild river;

(2) [2] TWO residents of each county through which the scenic or wild river flows who do not own land contiguous to the scenic or wild river;

(3) [2] TWO representatives of the local governing body of each county through which the scenic or wild river flows; and

(4) [1] ONE representative of each soil conservation district through which the scenic or wild river flows.

(e) Each local scenic and wild river advisory board shall:

(1) Review any inventory, study, plan, and regulation that is proposed under this subtitle and is applicable to any river in its jurisdiction;

(2) Make recommendations on the inventory, study, plan, and regulation to its local governing body and to the Scenic and Wild Rivers Review Board;

(3) Select its own chairperson; and

(4) Adopt its own administrative regulations for the operation of the local advisory board.
(f) (1) Each member of a local advisory board may not:

   (i) Receive compensation for service; or

   (ii) Be reimbursed for expenses incurred in travel or for attending meetings or performing any official duty.

(2) The Secretary shall schedule meetings for each local advisory board. However, in the event of emergencies, the chairperson of a local advisory board may schedule meetings for the local advisory board.

(g) (1) Upon completion of an approved management plan, the local governing body may establish a scenic river advisory board for each designated scenic or wild river within its jurisdiction.

(2) Each board, as constituted by the local authority, may recommend policies, laws, and regulations in furtherance of the aims of this subtitle to the appropriate local governing body.

(3) (I) If a scenic or wild river flows through more than one county, the scenic river advisory board may consist of an equal number of members from each county.

   (II) If a scenic or wild river flows through Frederick County and one or more other counties, the scenic river advisory board shall consist of the following members:

   1. Two residents of each county through which the scenic or wild river flows who own land contiguous to the scenic or wild river;

   2. Two residents of each county through which the scenic or wild river flows who do not own land contiguous to the scenic or wild river;

   3. Subject to subparagraph (III) of this paragraph, two representatives of the local governing body of each county through which the scenic or wild river flows; and

   4. One representative of an organization in the county with expertise in agriculture, such as the local Farm Bureau, Grange, or Soil Conservation District.

(III) The two representatives of the local governing
Chapter 276

(Senate Bill 447)

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine License Privilege – Cheese and Deli Shops

FOR the purpose of establishing a cheese and deli shop wine license privilege in Frederick County; authorizing the Board of License Commissioners to issue the license privilege for use by an establishment for which a certain license has been issued that derives a certain percentage of its total average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis; authorizing the holder of the license privilege to provide sell wine by the glass for on-premises consumption while the customer is purchasing items at the cheese and deli shop or attending a certain event; prohibiting the license from being transferred to another location; specifying that the license privilege may be exercised during certain hours; providing that an establishment for which the license privilege is issued is subject to certain alcohol awareness training requirements; specifying an annual license privilege fee; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 20–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 20–1003.1
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 20–802
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–1003.1.

(A) **There is a cheese and deli shop wine license.**

(B) **The Board may issue the license for use by an establishment that has average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment.**

(C) **The license authorizes the license holder to provide not more than 5 ounces of wine by the glass for on-premises consumption by a customer while:**

1. **Purchasing items at the cheese and deli shop; or**

2. **Attending a fund-raising event at the cheese and deli shop for which the Department of Permits and Inspections, if required, has issued a permit.**

(D) **The license may not be transferred to another location.**

(E) **The license holder may provide wine for on-premises consumption during normal business hours but not later than 9 p.m.**

(F) **The cheese and deli shop for which a cheese and deli shop wine license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903 of this title.**

(G) **The annual license fee is $100.**

20–802.
(a) There is a Class A beer and wine license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $140.

(D) (1) The Board may issue the license with a cheese and deli shop wine privilege for use in an establishment that has average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment.

(2) The privilege authorizes the license holder to sell not more than 5 ounces of wine by the glass for on-premises consumption to a customer while the customer:

(I) purchases items at the cheese and deli shop; or

(II) attends a fund-raising event at the cheese and deli shop for which the Department of Permits and Inspections, if required, has issued a permit.

(3) The holder of the privilege may sell wine for on-premises consumption during normal business hours, but not later than 9 p.m.

(4) The cheese and deli shop for which the privilege is granted is subject to the alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903 of this title.

(5) The annual fee for the privilege is $100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 277
(House Bill 762)

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine License Privilege – Cheese and Deli Shops

FOR the purpose of establishing a cheese and deli shop wine license privilege in Frederick County; authorizing the Board of License Commissioners to issue the license privilege for use by an establishment for which a certain license has been issued that derives a certain percentage of its total average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis; authorizing the holder of the license privilege to provide sell wine by the glass for on–premises consumption while the customer is purchasing items at the cheese and deli shop or attending a certain event; prohibiting the license from being transferred to another location; specifying that the license privilege may be exercised during certain hours; providing that an establishment for which the license privilege is issued is subject to certain alcohol awareness training requirements; specifying an annual license privilege fee; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 20–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 20–1003.1
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 20–802
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages
20–102.

This title applies only in Frederick County.

20–1003.1.

(A) There is a cheese and deli shop wine license.

(B) The Board may issue the license for use by an establishment that has average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment.

(C) The license authorizes the license holder to provide not more than 5 ounces of wine by the class for on-premises consumption by a customer while:

   (1) purchasing items at the cheese and deli shop; or

   (2) attending a fund-raising event at the cheese and deli shop for which the Department of Permits and Inspections, if required, has issued a permit.

(D) The license may not be transferred to another location.

(E) The license holder may provide wine for on-premises consumption during normal business hours but not later than 9 p.m.

(F) The cheese and deli shop for which a cheese and deli shop wine license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903 of this title.

(G) The annual license fee is $100.

20–802.

(a) There is a Class A beer and wine license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

   (2) [The] Except as provided in subsection (d) of this section, the license holder shall sell the beer and wine in a sealed package or container.
(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $140.

(D) (1) The Board may issue the license with a cheese and deli shop wine privilege for use in an establishment that has average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment.

(2) The privilege authorizes the license holder to sell not more than 5 ounces of wine by the glass for on-premises consumption to a customer while the customer:

   (I) purchases items at the cheese and deli shop; or

   (II) attends a fund-raising event at the cheese and deli shop for which the Department of Permits and Inspections, if required, has issued a permit.

(3) The holder of the privilege may sell wine for on-premises consumption during normal business hours, but not later than 9 p.m.

(4) The cheese and deli shop for which the privilege is granted is subject to the alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903 of this title.

(5) The annual fee for the privilege is $100.

SECTION 2. And be it further enacted, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 278

(House Bill 9)

AN ACT concerning
Transportation – Dedication of Structures

FOR the purpose of adding State residency to the eligibility requirements for dedicating a bridge or another appropriate structure to a deceased member of the armed forces; repealing the requirement that the Department of Transportation establish a process by which certain persons may request that the Department dedicate a bridge or another appropriate transportation structure to a certain emergency responder; and generally relating to the dedication of bridges and other transportation structures.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 8–656
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Transportation

8–656.

The Department shall establish a process by which a member of the General Assembly, another elected official, or any member of the general public may request that the Department dedicate a bridge or another appropriate transportation structure under the jurisdiction of the Department to:

(1) A deceased member of the armed forces:

   (1) (I) WHO WAS A RESIDENT OF WHOSE HOME OF RECORD WAS IN THE STATE; AND

  (2) (II) [whose] WHOSE surviving spouse, parent, or next of kin is a recipient of the U.S. Department of Defense Gold Star memorializing that the member was killed in action; or

 (2) A firefighter, law enforcement officer, or another emergency responder who died in the line of duty.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

State House Trust – Duties – Landscaping and Construction of Lawyer’s Mall

FOR the purpose of requiring the State House Trust to be responsible for the landscaping and construction of Lawyer’s Mall; requiring the Trust to disapprove or approve and supervise any proposed repair, improvement, nonemergency repair, or other change to Lawyer’s Mall; providing that the Trust is not required under certain provisions of this Act to be responsible for, or disapprove or approve and supervise, the coordination, security, and scheduling of rallies and other events held on Lawyer’s Mall; and generally relating to the duties of the State House Trust.

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–505
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – State Government

9–505.

(A) In addition to any duties set forth elsewhere, the Trust shall:

(1) be responsible for the restoration and preservation of the State House;

[and]

(2) BE RESPONSIBLE FOR THE LANDSCAPING AND CONSTRUCTION OF LAWYER’S MALL; AND

[(2)] (3) disapprove or approve and supervise:

(i) any proposed repair, improvement, or other change to the State House or to any other building within State Circle, including any change to the furnishings or fixtures of those buildings; [and]

(ii) any proposed landscaping of the grounds of those buildings; AND
(III) ANY PROPOSED REPAIR, IMPROVEMENT, NONEMERGENCY REPAIR, OR OTHER CHANGE TO LAWYER’S MALL.

(B) THE TRUST IS NOT REQUIRED UNDER SUBSECTION (A)(2) OR (3)(III) OF THIS SECTION TO BE RESPONSIBLE FOR, OR DISAPPROVE OR APPROVE AND SUPERVISE, THE COORDINATION, SECURITY, AND SCHEDULING OF RALLIES AND OTHER EVENTS HELD ON LAWYER’S MALL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
(A) In addition to any duties set forth elsewhere, the Trust shall:

(1) be responsible for the restoration and preservation of the State House; [and]

(2) BE RESPONSIBLE FOR THE MAINTENANCE, INCLUDING ANY RELATED LANDSCAPING AND CONSTRUCTION, OF LAWYER’S MALL; AND

[(2)] (3) disapprove or approve and supervise:

(i) any proposed repair, improvement, or other change to the State House or to any other building within State Circle, including any change to the furnishings or fixtures of those buildings; [and]

(ii) any proposed landscaping of the grounds of those buildings; AND

(III) ANY PROPOSED REPAIR, IMPROVEMENT, NONEMERGENCY REPAIR, OR OTHER CHANGE TO LAWYER’S MALL.

(B) THE TRUST IS NOT REQUIRED UNDER SUBSECTION (A)(2) OR (3)(III) OF THIS SECTION TO BE RESPONSIBLE FOR, OR DISAPPROVE OR APPROVE AND SUPERVISE, THE COORDINATION, SECURITY, AND SCHEDULING OF RALLIES AND OTHER EVENTS HELD ON LAWYER’S MALL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 281

(House Bill 874)

AN ACT concerning

General Assembly – Department of Legislative Services – Reorganization and Duties

FOR the purpose of requiring the Executive Director of the Department of Legislative Services to ensure that the responsibilities of the offices of the Department are carried out; altering the offices that comprise the Department; requiring the Executive Director, with the approval of and in consultation with certain individuals, to appoint certain office directors; altering certain duties of the Department to review
certain reporting requirements; establishing the Office of Operations and Support Services in the Department; repealing certain provisions relating to the organization and duties of the Office of the Executive Director and the Office of Legislative Information Systems; altering the scope of the ability of employees and certain representatives of the Office of Legislative Audits to access and inspect certain records under certain circumstances; providing that the Office of Policy Analysis is not required to prepare an analysis of certain enabling acts under certain circumstances; requiring a certain unit of State government to respond to a request from the Office of Policy Analysis for certain information within a certain period of time except under certain circumstances; requiring the Department, in consultation with the Department of Budget and Management, to study the effectiveness and accessibility to the public of goals developed in a certain managing for results State comprehensive plan on or before a certain date; requiring the study to include an evaluation of and recommendations on the creation of a certain performance measurement system; defining certain terms; making certain conforming changes; and generally relating to the Department of Legislative Services.

BY repealing

Article – State Government
Section 2–1206, 2–1211, 2–1213, and 2–1216; and 2–1228 through 2–1233 and the part “Part V. Office of Legislative Information Systems”
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 2–1201 through 2–1203, 2–1205, 2–1207, 2–1208, 2–1217, 2–1219, 2–1234, and 2–1235
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 2–1204, 2–1209, 2–1212, 2–1214, 2–1215, 2–1215.1, 2–1218, 2–1223(a), 2–1236, and 2–1239
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Government
Section 2–1206, 2–1211, and 2–1216
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 2–1228 through 2–1233 and the part “Part V. Office of Legislative
Information Systems” of Article – State Government of the Annotated Code of Maryland be repealed.

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

Article – State Government

2–1201.

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

(b) “Department” means the Department of Legislative Services.

(c) “Executive Director” means the Executive Director of the Department.

2–1202.

There is a Department of Legislative Services in the Legislative Branch of the State government.

2–1203.

(a) The head of the Department is the Executive Director, who shall be appointed jointly by the President and the Speaker.

(b) The Executive Director:

(1) serves without a fixed term and may be removed by the Legislative Policy Committee on the recommendation of the President and the Speaker;

(2) is entitled to the salary provided in the State budget;

(3) shall devote full time to the duties of the Office; and

(4) shall serve in a nonpartisan capacity and ensure that the activities of the Department are conducted in a nonpartisan manner.

(c) Subject to the policies and directives of the President of the Senate and the Speaker of the House and the Legislative Policy Committee, the Executive Director has general administrative control of the operation of the Department and its units.

2–1204.

The Executive Director, under the direction of the President and the Speaker, shall:
(1) oversee the activities of the Department to ensure that its functions are performed correctly, efficiently, and in a timely and nonpartisan manner;

(2) coordinate the activities of the [components] OFFICES of the Department to ENSURE THAT THE RESPONSIBILITIES OF EACH OFFICE ARE CARRIED OUT, maximize cooperation among the Department’s employees, and achieve the greatest efficiency in the use of personnel and other resources;

(3) prepare the annual budget for the Department after consultation with the office directors;

(4) conduct an annual evaluation of the performance of each office director [and the Legislative Auditor];

(5) communicate the opinions, needs, and concerns of the Department’s employees to the President and the Speaker; and

(6) perform any other function required by the President and the Speaker.

2–1205.

(a) The Department shall employ a staff and engage other staff and consultant services in accordance with the State budget.

(b) Positions in the Department are subject to the personnel guidelines established under subsection (c) of this section.

(c) The Legislative Policy Committee shall adopt guidelines that are not inconsistent with law and that, for employees of the Department, govern:

(1) hiring;

(2) probationary periods;

(3) tenure;

(4) promotion;

(5) overtime compensation;

(6) discrimination;

(7) compensatory work for absences due to religious beliefs;

(8) holidays;

(9) part–time employment;
(10) grievance procedures;

(11) removal; and

(12) political activity.

(d) The provisions of § 2–304 of the State Personnel and Pensions Article do not apply to an employee of the Department.

2–1206.

The following units are in the Department:

(1) the Office of the Executive Director;

(2) the Office of Legislative Audits;

(3) the Office of Legislative Information Systems;

(4) the Office of Policy Analysis; and

(5) any other offices as may be designated by the President and the Speaker.]

2–1206.

(A) The following units are in the Department:

(1) The Office of Legislative Audits;

(2) The Office of Policy Analysis;

(3) The Office of Operations and Support Services; and

(4) Any other offices as may be designated by the President and the Speaker.

(B) With the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, the Executive Director shall appoint the following office directors:

(1) The director of the Office of Legislative Audits;

(2) The director of the Office of Policy Analysis; and
In addition to any duties set forth elsewhere, the Department shall provide:

(1) budget and fiscal review, analysis, research, studies, and reports;

(2) legislative drafting and statutory revision services;

(3) legal research, review, analysis, studies, and reports;

(4) general research and policy analysis;

(5) fiscal/compliance, financial statement, and performance audits of units of the State government;

(6) legislative research, legislative document and material collection and preservation, and other library services;

(7) public information services about legislative activities;

(8) document preparation and publication services;
(9) legislative information systems maintenance, development, and support; and

(10) administrative support services for the Department and, where appropriate, for the General Assembly relating to finance, personnel, distribution, telecommunications, printing and copying, supplies, housekeeping, and maintenance.

2–1208.

(a) The staff and facilities of the Department shall be available to prepare fiscal, legal, and policy reports for and otherwise help:

(1) any standing committee;

(2) any statutory committee;

(3) any special committee of the Legislative Policy Committee; and

(4) with the consent of the President and the Speaker, any joint legislative and executive body that the Governor appoints.

(b) The Executive Director shall assign, to the staff of the Department or to a special research or consulting agency, the preparation of any fiscal, legal, or policy report that the Legislative Policy Committee or a standing committee requests.

2–1209.

On or before December 1 of the year immediately preceding the beginning of a term of the General Assembly, the Department of Legislative Services, IN CONSULTATION WITH AGENCIES AND INSTITUTIONS IN STATE GOVERNMENT AND ALL OTHER ENTITIES REQUIRED BY LAW TO SUBMIT REPORTS AT SPECIFIED TIMES AND ON SPECIFIED MATTERS TO THE GENERAL ASSEMBLY OR THE GOVERNOR, SHALL:

(1) [in consultation with agencies in the State government, shall] review the laws of the State that require [the agencies to submit] THE SUBMISSION OF reports at specified times and on specified matters to the General Assembly or the Governor; and

(2) make recommendations to the [presiding officers of the General Assembly] LEGISLATIVE POLICY COMMITTEE AND PREPARE LEGISLATION for [the] introduction [of legislation] to repeal or modify those [laws of the State that require the agencies] STATUTORY REQUIREMENTS to submit reports [at specified times and on specified matters to the General Assembly or the Governor, but which] IF THE reports are no longer warranted because they have become obsolete, duplicative, impractical, inefficient, or otherwise unnecessary.
2–1211.

As used in this Part III, “Office” means the Office of the Executive Director.

2–1211.

(A) In this Part the following words have the meanings indicated.

(B) “Director” means the Director of the Office of Operations and Support Services.


2–1212.

(a) There is an Office of the Executive Director [Operations and Support Services] in the Department.

(b) The head of the Office is the [Executive] Director.

2–1213.

(a) The Office shall have the staff determined by the Executive Director and as provided in the State budget.

(b) Except as otherwise provided in this subtitle, the staff of the Office is subject to the guidelines as provided in § 2–1205 of this subtitle.

2–1214.

(a) (1) The Office shall receive and analyze requests from members of the General Assembly for reimbursement and from other persons for payment of legislative expenses, including:

   (i) office rent;

   (ii) secretarial and other services;

   (iii) telephone and other communication expenses;

   (iv) equipment;

   (v) supplies; and
(vi) travel.

(2) The Office shall provide the reimbursement or make payments as provided in the State budget and account for the reimbursements and payments.

(3) The Office shall make payments and reimbursements consistent with the policies of the President and the Speaker, the Management Subcommittee, and the Legislative Policy Committee.

(b) (1) The President and the Speaker may authorize the Office to create accounts for revenues received from payment of fees or charges and to utilize the funds to provide services to individuals, organizations, or other units of State or local governments.

(2) Funds in the accounts may only be expended in accordance with the budget or by budget amendment.

(3) On directive by the President and the Speaker, unexpended revenues in the accounts may revert to the State or may be retained for expenditure in a subsequent budget.

(4) The Comptroller’s Office shall be notified of accounts created in accordance with this section.


(a) The Office shall manage all personnel activities of the Department and generally carry out the duties set forth in § 2–1205 of this subtitle.

(b) The Office shall manage the personnel activities of the General Assembly as assigned by the President and the Speaker.

[2–1215.1.] 2–1215.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide for the preparation and publication of legislation, session laws, journals of proceedings, indexes, and other documents; [and]

(2) [carry out any other function related to document preparation and publication required by the Executive Director] DIRECTLY SUPERVISE SUPPORT SERVICES TO THE GENERAL ASSEMBLY THAT ARE NOT ASSIGNED TO ONE OF THE DEPARTMENT’S OTHER OFFICES; AND

(3) PERFORM ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE DIRECTOR, THE PRESIDENT AND THE SPEAKER, OR THE LEGISLATIVE POLICY COMMITTEE.
The Office shall:

(1) directly supervise support services to the General Assembly that are not assigned to one of the Department’s other offices; and

(2) perform any other function required by the Executive Director, the President and the Speaker, or the Legislative Policy Committee.

THE OFFICE SHALL:

(1) DEVELOP, COORDINATE, SUPPORT, AND MAINTAIN THE PHYSICAL AND ONLINE SERVICES, TECHNOLOGY, APPLICATIONS, AND INFORMATION SYSTEMS THAT SUPPORT THE WORK AND MEET THE NEEDS OF THE GENERAL ASSEMBLY AND THE DEPARTMENT;

(2) EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE PHYSICAL AND ONLINE SERVICES, TECHNOLOGY, APPLICATIONS, AND INFORMATION SYSTEMS THAT SUPPORT THE WORK OF THE GENERAL ASSEMBLY TO ENSURE MAXIMUM EFFICIENCY;

(3) EVALUATE AND ENSURE THAT APPROPRIATE SYSTEMS ARE IN PLACE TO ADDRESS CYBERSECURITY THREATS TO THE WORK OF THE GENERAL ASSEMBLY AND THE DEPARTMENT;

(4) PLAN FOR THE FUTURE INFORMATION SYSTEMS NEEDS OF THE GENERAL ASSEMBLY, ITS STAFF, AND THE DEPARTMENT; AND

(5) CARRY OUT ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE DIRECTOR, THE PRESIDENT AND THE SPEAKER, OR THE LEGISLATIVE POLICY COMMITTEE.

There is an Office of Legislative Audits in the Department.

(a) The head of the Office of Legislative Audits is THE DIRECTOR OF THE OFFICE OF LEGISLATIVE AUDITS, WHO SHALL SERVE AS the Legislative Auditor, who
shall be appointed by the Executive Director, subject to the approval of the President and the Speaker].

(b) The Legislative Auditor must:

(1) be licensed as a certified public accountant in the State;

(2) at the time of appointment, have at least 3 years’ auditing experience; and

(3) while in office, be covered by a surety bond in the form and amount required by law.

[(c) The Legislative Auditor serves without a fixed term and may be removed by the Executive Director, subject to the approval of the President and the Speaker.]

(d) The Legislative Auditor is entitled to the salary provided in the State budget.]

[(e) (C) Subject to the policies and directives of the President and the Speaker, the Joint Audit Committee, and the overall supervision and control of the Executive Director, the Legislative Auditor has general administrative control of the operation of the Office of Legislative Audits.]

[(f) The Legislative Auditor shall devote full time to the duties of office and shall serve in a nonpartisan capacity.]

2–1219.

(a) With the approval of the Executive Director, the Legislative Auditor shall appoint a Deputy Legislative Auditor and other professional staff and may contract with consultants as authorized representatives.

(b) (1) The Deputy Legislative Auditor must be licensed as a certified public accountant in the State.

(2) The Deputy Legislative Auditor:

(i) has the duties delegated by the Legislative Auditor; and

(ii) may be designated by the Executive Director to act as Legislative Auditor if the office is vacant or the Legislative Auditor is unable to perform the duties of office.

(c) With the approval of the Executive Director, the Legislative Auditor shall appoint professional staff to conduct audits of local school systems in accordance with § 2–1220(e) of this subtitle.
2–1223.

(a)  (1) Except as prohibited by the federal Internal Revenue Code, [during an examination,] the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

(2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of:

(i) any local school system to perform the audits authorized under § 2–1220 of this subtitle or in accordance with a request for information as provided in § 5–114(d) of the Education Article;

(ii) the Board of Liquor License Commissioners for Baltimore City to perform the audits authorized under § 2–1220(f)(1) of this subtitle;

(iii) the board of license commissioners for a county or for the City of Annapolis to perform the audits authorized under § 2–1220(f)(2) of this subtitle; and

(iv) the Board of License Commissioners for Prince George’s County to perform the audits authorized under § 2–1220(g) of this subtitle.

2–1234.

(a) In this Part VI the following words have the meanings indicated.

(b) “Director” means the Director of the Office.

(c) “Office” means the Office of Policy Analysis.

2–1235.

There is an Office of Policy Analysis in the Department.

2–1236.

(a) The head of the Office is the Director[, who shall be appointed by the Executive Director, subject to the approval of the President and the Speaker].
[(b) The Director serves without a fixed term and may be removed by the Executive Director, subject to the approval of the President and the Speaker.]

(c) The Director is entitled to the salary provided in the State budget.]

[(d)] **(B)** Subject to the policies and directives of the President and the Speaker and the overall supervision and control of the Executive Director, the Director shall oversee the operation of the Office.

[(e) The Director shall serve in a nonpartisan capacity and conduct the affairs of the Office in a nonpartisan manner.]

(f) The Director, after consultation with the Executive Director, shall appoint an appropriate number of qualified individuals to serve in management functions in the Office.]

[(g)] **(C)** The Director shall facilitate the creation and oversee the operation of functional, subject matter, special project, and any other workgroups to achieve maximum cooperation and the greatest efficiency in the use of staff and resources in the Office.

2–1239.

(A) In addition to any other duties set forth elsewhere, the Office shall:

   (1) **SUBJECT TO SUBSECTION (B) OF THIS SECTION,** prepare analyses of the fiscal, legal, and policy impact of proposed legislation;

   (2) research and prepare comprehensive assessments and evaluations of issues of concern to the General Assembly; and

   (3) carry out any other function related to research services required by the Executive Director.

(B) **The Office is not required to prepare an analysis of an enabling act, as defined in § 8–101 of the State Finance and Procurement Article, if:**

   (1) a financial sheet, in the form that the Office requires, is submitted with the legislation; and

   (2) the Office publishes the financial sheet on the website of the Maryland General Assembly.
(C) (1) In order to facilitate the preparation of the analyses required under subsection (a)(1) of this section, a unit of State government shall respond to a request from the Office for information on the final fiscal and operational impact of proposed legislation within 3 business days after receipt of the request.

(2) The Office may waive the requirement under paragraph (1) of this subsection on a case-by-case basis.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2018 October 1, 2019, the Department of Legislative Services, in consultation with the Department of Budget and Management, shall study the effectiveness and accessibility to the public of the goals developed in the managing for results State comprehensive plan developed in accordance with Title 3, Subtitle 10 of the State Finance and Procurement Article and the plan’s objectives and performance measures.

(b) The study required under subsection (a) of this section shall include an evaluation of and recommendations on the creation of a consistent and ongoing system to measure government performance through an Open Performance Maryland System, including evaluating:

(1) how to make agency performance standards more effective in measuring performance of the mission of the agency and the services provided;

(2) the creation or inclusion of existing customer service surveys of agency performance and services as applicable, including those created under the State Customer Service and Business Development Efforts Training Program established under § 14–204 of the Economic Development Article;

(3) whether and how to include agency performance data from the StateStat process established under § 3–1003 of the State Finance and Procurement Article;

(4) whether and how to include data relevant to agency performance from open data portals developed in accordance with Title 10, Subtitle 15 of the State Government Article; and

(5) how to publish agency performance data in graphic form and in a format easily accessible to the public, in a manner that demonstrates how an agency is performing and meeting the agency’s mission and responsibilities.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.
AN ACT concerning

Construction of Transmission Lines – Landowners – Notification and Compensation

FOR the purpose of requiring a public service company or an applicant to provide certain notice to owners of land located within a certain distance of certain proposed and each owner of adjacent land over, on, or under which the applicant proposes to construct transmission lines under certain circumstances; requiring the Public Service Commission to consider, and authorizing the Commission to require, as a condition of the issuance of a certificate of public convenience and necessity, the applicant to compensate owners of land located within a certain distance of a certain proposed transmission line that are directly or indirectly impacted by the transmission line; requiring the Commission to provide certain notice to owners of land located within a certain distance of certain proposed transmission lines under certain circumstances providing for the application of this Act; and generally relating to the construction of transmission lines.

BY repealing and reenacting, with amendments,
   Article – Public Utilities
   Section 7–204, 7–207(b) and (c) 7–207(c), and 7–208(e)
   Annotated Code of Maryland
   (2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
   Article – Public Utilities
   Section 7–207(b) and 7–208(b)
   Annotated Code of Maryland
   (2010 Replacement Volume and 2017 Supplement)

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

   Article – Public Utilities

7–204.

(a) (1) Notwithstanding any other provision of this division, at least 30 days before a hearing, a public service company shall:
provide to each owner of land AND EACH OWNER OF ADJACENT LAND, by certified mail, written notice of intent to run a line or similar transmission device over, on, or under the land;

(II) PROVIDE TO EACH OWNER OF LAND LOCATED WHOLLY OR PARTLY WITHIN 2,500 FEET OF AN OVERHEAD TRANSMISSION LINE DESIGNED TO CARRY A VOLTAGE IN EXCESS OF 69,000 VOLTS, BY CERTIFIED MAIL, WRITTEN NOTICE OF INTENT TO CONSTRUCT A TRANSMISSION LINE OVER OR ON THE LAND.

(2) The public service company shall determine the property owners from the current tax assessment records of the political subdivision in which the property is located.

(b) Unless the failure is willful or deliberate, the failure of a public service company to provide notice does not invalidate a public hearing or require that another hearing take place.

7–207.

(b) (1) (i) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

(ii) If a person obtains Commission approval for construction under § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section.

(iii) Notwithstanding subparagraph (i) of this paragraph, a person may not apply to obtain a certificate of public convenience and necessity for construction of a qualified generator lead line unless:

1. at least 90 days before the filing of an application for a certificate of public convenience and necessity, the person had in good faith offered the electric company that owns that portion of the electric grid in Maryland to which the qualified generator lead line would interconnect a full and fair opportunity for the electric company to construct the qualified generator lead line; and

2. at any time at least 10 days before the filing of an application for a certificate of public convenience and necessity, the electric company:
A. did not accept from the person a proposal or a negotiated version of the proposal under which the electric company would construct the qualified generator lead line; or

B. stated in writing that the electric company did not intend to construct the qualified generator lead line.

(2) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, and the Commission has found that the capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a person may not exercise a right of condemnation in connection with the construction of a generating station.

(3) (i) Except as provided in paragraph (4) of this subsection, unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction of an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation with the construction.

(ii) For construction related to an existing overhead transmission line, the Commission may waive the requirement in subparagraph (i) of this paragraph for good cause.

(iii) Notwithstanding subparagraph (i) of this paragraph and subject to subparagraph (iv) of this paragraph, the Commission may issue a certificate of public convenience and necessity for the construction of an overhead transmission line only if the applicant for the certificate of public convenience and necessity:

1. is an electric company; or

2. is or, on the start of commercial operation of the overhead transmission line, will be subject to regulation as a public utility by an officer or an agency of the United States.

(iv) The Commission may not issue a certificate of public convenience and necessity for the construction of an overhead transmission line in the electric distribution service territory of an electric company to an applicant other than an electric company if:

1. the overhead transmission line is to be located solely within the electric distribution service territory of that electric company; and

2. the cost of the overhead transmission line is to be paid solely by that electric company and its ratepayers.
1. This subparagraph applies to the construction of an overhead transmission line for which a certificate of public convenience and necessity is required under this section.

2. On issuance of a certificate of public convenience and necessity for the construction of an overhead transmission line, a person may acquire by condemnation, in accordance with Title 12 of the Real Property Article, any property or right necessary for the construction or maintenance of the transmission line.

3. **The Commission shall consider, and may require, as a condition of the issuance of a certificate of public convenience and necessity, the applicant to compensate owners of land located wholly or partly within 2,500 feet of a proposed overhead transmission line designed to carry a voltage in excess of 69,000 volts that are directly or indirectly impacted by the transmission line.**

4. (i) Except as provided in subparagraph (ii) of this paragraph, for construction related to an existing overhead transmission line designed to carry a voltage in excess of 69,000 volts, the Commission shall waive the requirement to obtain a certificate of public convenience and necessity if the Commission finds that the construction does not:

   1. require the person to obtain new real property or additional rights-of-way through eminent domain; or

   2. require larger or higher structures to accommodate:

      A. increased voltage; or

      B. larger conductors.

(ii) 1. For construction related to an existing overhead transmission line, including repairs, that is necessary to avoid an imminent safety hazard or reliability risk, a person may undertake the necessary construction.

   2. Within 30 days after construction is completed under subsubparagraph 1 of this subparagraph, a person shall file a report with the Commission describing the work that was completed.

(c) (1) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice immediately or require the applicant to provide notice immediately of the application to:

   (i) the Department of Planning;
(ii) the governing body, and if applicable the executive, of each county or municipal corporation in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;

(iii) the governing body, and if applicable the executive, of each county or municipal corporation within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line;

(iv) each member of the General Assembly representing any part of a county in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;

(v) each member of the General Assembly representing any part of each county within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line; [and]

(vi) FOR A PROPOSED OVERHEAD TRANSMISSION LINE, EACH OWNER OF LAND LOCATED WHOLLY OR PARTLY WITHIN 2,500 FEET OF A PROPOSED OVERHEAD TRANSMISSION LINE DESIGNED TO CARRY A VOLTAGE IN EXCESS OF 69,000 VOLTS AND EACH OWNER OF ADJACENT LAND; AND

(VII) all other interested persons.

(2) The Commission, when sending the notice required under paragraph (1) of this subsection, shall forward a copy of the application to:

(i) each appropriate State unit and unit of local government for review, evaluation, and comment regarding the significance of the proposal to State, area–wide, and local plans or programs; and

(ii) each member of the General Assembly included under paragraph (1)(iv) and (v) of this subsection who requests a copy of the application.

7–208.

(b) This section applies to any person:

(1) constructing a generating station and its associated overhead transmission lines designed to carry a voltage in excess of 69,000 volts;

(2) exercising the right of condemnation in connection with the construction; or

(3) constructing a qualified submerged renewable energy line.
(e) (1) On the receipt of an application under this section, together with any additional information requested under subsection (d)(2) of this section, the Commission shall provide notice to:

(i) FOR A PROPOSED OVERHEAD TRANSMISSION LINE, EACH OWNER OF LAND LOCATED WHOLLY OR PARTLY WITHIN 2,500 FEET OF A PROPOSED OVERHEAD TRANSMISSION LINE AND EACH OWNER OF ADJACENT LAND;

(II) all interested persons;

(ii) (III) the Department of Agriculture;

(iii) (IV) the Department of Commerce;

(iv) (V) the Department of the Environment;

(v) (VI) the Department of Natural Resources;

(vi) (VII) the Department of Transportation;

(vii) (VIII) the Department of Planning; and

(viii) (IX) the Maryland Energy Administration.

(2) On receipt of an application under this section, and whenever additional information is received under subsection (d)(2) of this section, the Commission shall provide notice immediately or require the applicant to provide notice immediately to:

(i) the governing body of each county or municipal corporation in which any portion of the generating station or the associated overhead transmission lines is proposed to be constructed;

(ii) the governing body of each county or municipal corporation within 1 mile of the proposed location of the generating station or the associated overhead transmission lines;

(iii) each member of the General Assembly representing any part of a county in which any portion of the generating station or the associated overhead transmission lines is proposed to be constructed; and

(iv) each member of the General Assembly representing any part of each county within 1 mile of the proposed location of the generating station or the associated overhead transmission lines; AND

(V) EACH OWNER OF LAND LOCATED WHOLLY OR PARTLY WITHIN 2,500 FEET OF A PROPOSED OVERHEAD TRANSMISSION LINE.
(3) The Commission shall hold a public hearing on the application as required by § 7–207 of this subtitle after:

(i) the receipt of any additional information requested under subsection (d)(2) of this section that the Commission considers necessary; and

(ii) any publication of notice the Commission considers to be proper.

(4) (i) At the public hearing, the Commission shall ensure presentation of the information and recommendations of the State units specified in paragraph (1) of this subsection and shall allow the official representative of each unit to sit during hearing of all parties.

(ii) Based on the evidence relating to the unit’s areas of concern, the Commission shall allow each unit 15 days after the conclusion of the hearing to modify or affirm the unit’s initial recommendations.

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 application for a certificate of public convenience and necessity filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 283

(House Bill 1126)

AN ACT concerning

Public Service Commission – Application for Certificate of Public Convenience and Necessity – Criteria to Consider

FOR the purpose of requiring the Public Service Commission to take final action on a certain application for a certificate of public convenience and necessity only after due consideration of the effect of a generating station, an overhead transmission line, or a qualified generator lead line on air quality and water pollution, rather than the effect of the generating station, overhead transmission line, or qualified generator lead line on air and water pollution when applicable; applying the requirement that the Commission take final action on a certain application for a certificate of public convenience and necessity for construction related to a new overhead transmission
line only after due consideration of the consistency of the application with the jurisdiction’s comprehensive plan and zoning and of certain efforts to resolve certain issues to an application for an overhead transmission line or a qualified generator lead line certain alternative routes and certain information related to certain alternative routes; requiring the Commission to take final action on an application for a certificate of public convenience and necessity for a generating station, an overhead transmission line, or a qualified generator lead line only after due consideration of whether the applicant considered and is unable to use a certain easement, the greenhouse gas emissions associated with certain aspects of the generating station, overhead transmission line, or qualified generator lead line, and the impact certain greenhouse gas emissions will have on the ability of the State to meet certain greenhouse gas emissions reduction goals providing for the application of this Act; and generally relating to an application for a certificate of public convenience and necessity.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–207(a) and (b)(1)(i)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–207(e) and (f)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 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.

(a) (1) (i) In this section and § 7–208 of this subtitle, “construction” means:

1. any physical change at a site, including fabrication, erection, installation, or demolition; or

2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction in the State or to undertake a program of actual construction in the State which cannot be canceled or modified without substantial loss to the owner or operator of the proposed generating station.
(ii) “Construction” does not include a change that is needed for the temporary use of a site or route for nonutility purposes or for use in securing geological data, including any boring that is necessary to ascertain foundation conditions.

(2) In this section, “qualified generator lead line” means an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

(b) (1) (i) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

(e) The Commission shall take final action on an application for a certificate of public convenience and necessity only after due consideration of:

(1) the recommendation of the governing body of each 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;

(2) the effect of the generating station, overhead transmission line, or qualified generator lead line on:

(i) the stability and reliability of the electric system;

(ii) economics;

(iii) esthetics;

(iv) historic sites;

(v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;

(vi) when applicable, air QUALITY and water pollution; and

(vii) the availability of means for the required timely disposal of wastes produced by any generating station;

(3) for a generating station:

(i) the consistency of the application with the comprehensive plan and zoning of each county or municipal corporation where any portion of the generating
station, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE is proposed to be located; and

(ii) the efforts to resolve any issues presented by a county or municipal corporation where any portion of the generating station, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE is proposed to be located;

(5) WHETHER THE APPLICANT CONSIDERED AND IS UNABLE TO USE AN EXISTING EASEMENT; AND

(6) THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE, INCLUDING GREENHOUSE GAS EMISSIONS FROM EXISTING GENERATING STATIONS THAT WOULD INCREASE AS A RESULT OF THE OVERHEAD TRANSMISSION LINE OR QUALIFIED GENERATOR LEAD LINE, AND THE IMPACT THESE GREENHOUSE GAS EMISSIONS WILL HAVE ON THE ABILITY OF THE STATE TO MEET ITS GREENHOUSE GAS EMISSIONS REDUCTION ACT GOALS.

(f) For the construction of an overhead transmission line, in addition to the considerations listed in subsection (e) of this section, the Commission shall:

(1) take final action on an application for a certificate of public convenience and necessity only after due consideration of:

(I) the need to meet existing and future demand for electric service; AND

(II) FOR CONSTRUCTION RELATED TO A NEW OVERHEAD TRANSMISSION LINE, THE ALTERNATIVE ROUTES THAT THE APPLICANT CONSIDERED, INCLUDING THE ESTIMATED CAPITAL AND OPERATING COSTS OF EACH ALTERNATIVE ROUTE AND A STATEMENT OF THE REASON WHY THE ALTERNATIVE ROUTE WAS REJECTED; and

(2) require as an ongoing condition of the certificate of public convenience and necessity that an applicant COMPLY with:

(i) all relevant agreements with PJM Interconnection, L.L.C., or its successors, related to the ongoing operation and maintenance of the overhead transmission line; and

(ii) all obligations imposed by the North America Electric Reliability Council and the Federal Energy Regulatory Commission related to the ongoing operation and maintenance of the overhead transmission line.
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 application for a certificate of public convenience and necessity filed before the effective date of this Act.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 284

(House Bill 270)

AN ACT concerning

Alcoholic Beverages – Brewing Company Off–Site Permits and Winery Off–Site Permits – Harford County Farm Fair

FOR the purpose of adding the Harford County Farm Fair to the list of off–site events for which a holder of a brewing company off–site permit or a winery off–site permit may use the permit; altering the time period within which a holder of a brewing company off–site permit is required to notify the Comptroller of an intention to attend an off–site event; and generally relating to brewing company off–site permits and winery off–site permits.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–130 and 2–133

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

2–130.

(a) In this section, “limited permit holder” means a person who holds a brewing company off–site permit and also holds a manufacturer’s license for:

(1) a Class 5 brewery that produces less than 3,000 barrels a year;
(2) a Class 7 micro–brewery that produces less than 3,000 barrels a year; or

(3) a Class 8 farm brewery.

(b) There is a brewing company off–site permit.

(c) The Comptroller may issue the permit to:

(1) a Class 5 brewery;

(2) a Class 7 micro–brewery; or

(3) a Class 8 farm brewery.

(d) During an event listed in subsection (f) of this section, a limited permit holder may:

(1) provide to a consumer a sample of beer that has been produced by the limited permit holder and that may not exceed 1 fluid ounce for each offering;

(2) sell to a consumer up to 288 ounces of beer that has been produced by the limited permit holder for off–premises consumption; and

(3) except for farmers’ markets listed in subsection (f) of this section, sell to a consumer up to 288 ounces of beer that is produced by the limited permit holder for on– and off–premises consumption.

(e) While selling beer or providing samples of beer at a farmers’ market as provided in subsection (f) of this section, a limited permit holder shall have an agent present who is certified by an approved alcohol awareness program.

(f) Except as otherwise authorized under subsection (g) of this section, a limited permit holder may use the brewing company off–site permit only:

(1) at the Montgomery County Agricultural Fair;

(2) at the Maryland State Agricultural Fair;

(3) at the Frederick County Agricultural Fair;

(4) AT THE HARFORD COUNTY FARM FAIR;

[(4)] (5) one night each week from June through November at the North Beach Friday Night Farmers’ Market;
[(5)] (6) for up to seven events, at an event that has as its major purpose an activity:

(i) that is other than the sale and promotion of alcoholic beverages;

and

(ii) for which the participation of a brewing company is a subordinate activity; and

[(6)] (7) at other farmers’ markets that are listed on the Farmers’ Market Directory of the Maryland Department of Agriculture.

(g) A person that holds a brewing company off–site permit may use the permit at a nonprofit beer festival that:

(1) has as its primary purpose the promotion of Maryland beer; and

(2) is authorized by a local licensing board under § 2–131 of this subtitle.

(h) (1) [No later than the 20th day of the month preceding the off–site event] **WITHIN A TIME PERIOD THAT THE COMPTROLLER DETERMINES**, the permit holder shall notify the Comptroller of the permit holder's intention to attend an off–site event.

(2) The notice shall be on a form that the Comptroller provides.

(i) The permit is valid for 1 year.

(j) An applicant shall submit an application for the permit to the Comptroller on a form that the Comptroller provides.

(k) The permit fee is $100.

2–133.

(a) There is a winery off–site permit.

(b) The Comptroller may issue the permit to a Class 4 limited winery 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 a sample of wine that:

(i) has been produced by the permit holder; and

(ii) does not exceed 1 fluid ounce for each offering;
(2) sell to a consumer wine that has been produced by the permit holder for off–premises consumption; and

(3) except for a farmers’ market listed in subsection (e) of this section, sell to a consumer wine that is produced by the permit holder for on– and off–premises consumption.

(d) While selling wine or providing samples of wine at a farmers’ market as provided in subsection [(e)(4)] (E)(5) of this section, the permit holder shall have an agent present who is certified by an approved alcohol awareness program.

(e) The permit may be used only:

(1) at the Montgomery County Agricultural Fair;

(2) at the Harford County Farm Fair;

(3) 1 night each week from June through November at the North Beach Friday Night Farmers’ Market;

(4) at an event that has as its major purpose an activity:

(i) that is other than the sale and promotion of alcoholic beverages; and

(ii) for which the participation of a winery is a subordinate activity;

(5) at a farmers’ market that is listed on the Farmers’ Market Directory of the Maryland Department of Agriculture; and

(6) at a wine festival that:

(i) has as its primary purpose the promotion of Maryland wine; and

(ii) is authorized by the Comptroller under § 2–134 of this subtitle.

(f) Each calendar year, a permit holder may participate in no more than:

(1) 32 events described in subsection [(e)(3)] (E)(4) of this section or wine festivals described in § 2–134 of this subtitle statewide; and

(2) nine events at any single venue.

(g) (1) (i) The permit holder shall notify the Comptroller of the permit holder’s intention to attend an off–site 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 board of license commissioners in the county where the event is being held of the permit holder’s intention to attend an off–site event.

(h) The permit is valid for 1 year.

(i) A person shall submit the application for the permit to the Comptroller on a form the Comptroller provides.

(j) The permit fee is $100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 285
(House Bill 615)

AN ACT concerning

Municipalities – Charter Amendments – Procedures

FOR the purpose of requiring the legislative body of a municipality to hold a certain public hearing and give certain notice before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; prohibiting a proposed charter amendment that changes a municipality’s form of government from taking effect unless the amendment is submitted to referendum and approved by certain voters at the next regular municipal general election; requiring the legislative body of a municipality to hold a certain public hearing and give certain notice before voting on a proposed charter amendment initiated by a certain petition; and generally relating to procedures for amending municipal charters.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 4–304 and 4–305(a) and 4–305(c)
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Local Government
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Local Government

4–304.

(a) (1) The legislative body of a municipality may initiate a proposed
amendment to the municipal charter by a resolution that, except as otherwise provided in
this subtitle, is adopted in the same manner as other resolutions in the municipality by a
majority of all the individuals elected to the legislative body.

(2) BEFORE ADOPTING A RESOLUTION INITIATED BY THE
LEGISLATIVE BODY OF A MUNICIPALITY THAT PROPOSES AN AMENDMENT TO THE
MUNICIPAL CHARTER, THE LEGISLATIVE BODY SHALL:

(I) HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT;

AND

(II) GIVE AT LEAST 21 DAYS’ ADVANCE NOTICE OF THE PUBLIC
HEARING.

(b) The chief executive officer of the municipality shall give notice of the
resolution that proposes an amendment to the municipal charter by:

(1) posting an exact copy of the resolution at the main municipal building
or other public place for the 40 days after the resolution is adopted; and

(2) publishing a fair summary of the proposed amendment in a newspaper
of general circulation in the municipality:

(i) at least four times;

(ii) at weekly intervals; and

(iii) within the 40 days after the resolution is adopted.

(c) [Except] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,
UNLESS a petition meeting the requirements of subsection (d) of this section is presented
to the legislative body of a municipality on or before the 40th day after the legislative body
adopts a charter amendment resolution, the amendment shall take effect as a part of the
municipal charter on the 50th day after the resolution is adopted.
(d) (1) A petition for a referendum on a proposed charter amendment shall:

(i) be signed by at least 20% of the qualified voters for the municipal general election; and

(ii) request that the proposed amendment be submitted to referendum of the qualified voters of the municipality.

(2) Each individual signing the petition shall indicate on the petition the individual's name and residence address.

(3) The petition shall be delivered to the legislative body of the municipality by:

(i) presentment; or

(ii) certified mail, return receipt requested.

(4) (i) On receiving the petition, the legislative body shall verify that each individual who signed the petition is a qualified voter for the municipal general election;

(ii) The petition has no effect if it is signed by less than 20% of the qualified voters for the municipal general election.

(5) If the petition complies with this section, the legislative body shall specify by resolution adopted in accordance with its normal legislative procedure:

(i) the day and hours for the referendum; and

(ii) the exact text that is to be placed on the ballot.

(6) (i) The legislative body may schedule the referendum for the next regular municipal general election or at a special election.

(ii) If the legislative body schedules a special election, it shall be held not less than 40 days or more than 60 days after the resolution scheduling the referendum is adopted.

(E) A PROPOSED CHARTER AMENDMENT THAT CHANGES A MUNICIPALITY'S FORM OF GOVERNMENT MAY NOT TAKE EFFECT UNLESS THE AMENDMENT IS SUBMITTED TO REFERENDUM AND APPROVED BY THE QUALIFIED VOTERS OF THE MUNICIPALITY AT THE NEXT REGULAR MUNICIPAL GENERAL ELECTION.

4–305.
(a) (1) By a petition presented to the legislative body of a municipality, at least 20% of the qualified voters for the municipal general election may initiate a proposed amendment to the municipal charter.

(2) Each individual signing the petition shall indicate on the petition the individual’s name and residence address.

(b) (1) On receiving the petition, the legislative body shall verify that each individual who signed the petition is a qualified voter for the municipal general election.

(2) The petition has no effect if it is signed by less than 20% of the qualified voters for the municipal general election.

(c) (1) **BEFORE VOTING ON THE PROPOSED AMENDMENT INITIATED BY THE PETITION PRESENTED UNDER SUBSECTION (A) OF THIS SECTION, THE LEGISLATIVE BODY SHALL:**

   (I) **HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT;**

   AND

   (II) **GIVE AT LEAST 21 DAYS’ ADVANCE NOTICE OF THE PUBLIC HEARING.**

(2) If the legislative body approves of the amendment in the petition presented under subsection (a) of this section, the legislative body may adopt the proposed amendment by resolution and proceed in the same manner as if the amendment had been initiated by the legislative body and in compliance with §§ 4–303(a) and 4–304 of this subtitle.

(d) Except as provided in subsection (c) of this section, if the petition complies with this section, the legislative body, no later than 60 days after the petition is presented to the legislative body, shall specify by resolution adopted in accordance with its normal legislative procedure:

(1) the day and hours for the referendum; and

(2) the exact text that is to be placed on the ballot.

(e) (1) The legislative body may schedule the referendum for the next regular municipal general election or at a special election.

(2) If the legislative body schedules a special election, it shall be held not less than 40 days or more than 60 days after the resolution scheduling the referendum is adopted.
(f) The chief executive officer of the municipality shall give notice of a submission of a proposed charter amendment by:

(1) posting an exact copy of the proposed amendment at the main municipal building or other public place for at least 4 weeks immediately preceding the referendum at which the question is to be submitted; and

(ii) on the day of the referendum, posting a similar copy at the place for voting; and

(2) publishing notice of the referendum and a fair summary of the proposed amendment in a newspaper of general circulation in the municipality at least once in each of the 4 weeks immediately preceding the referendum.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 286

(House Bill 1588)

AN ACT concerning

Zoning Amendments – Energy Generation Generating Systems

FOR the purpose of prohibiting a local legislative body from granting an amendment to change a certain zoning classification on a certain parcel of land based on a certain finding if the primary reason for the proposed amendment is the existence of a certain energy generation generating system; providing for the application of this Act; defining a certain term; and generally relating to zoning and energy generation generating systems.

BY repealing and reenacting, with amendments,

Article – Land Use
Section 1–401 and 10–103
Annotated Code of Maryland
(2012 Volume and 2017 Supplement)

BY adding to

Article – Land Use
Section 4–211
Annotated Code of Maryland
(2012 Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

(9) § 4–104(b) (Limitations – Bicycle parking);

(10) § 4–208 (Exceptions – Maryland Accessibility Code);

(11) § 4–210 (Permits and variances – Solar panels);

(12) § 4–211 (Change in zoning classification – Energy generation systems);

(13) § 5–102(d) (Subdivision regulations – Burial sites);

[(13)] (14) § 5–104 (Major subdivision – Review);

[(14)] (15) Title 7, Subtitle 1 (Development Mechanisms);
[(15)] (16) Title 7, Subtitle 2 (Transfer of Development Rights);

[(16)] (17) except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(17)] (18) Title 7, Subtitle 4 (Inclusionary Zoning);

[(18)] (19) § 8–401 (Conversion of overhead facilities);

[(19)] (20) for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);

[(20)] (21) for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);

[(21)] (22) for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);

[(22)] (23) for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); and

[(23)] (24) Title 11, Subtitle 2 (Civil Penalty).

(c) This section supersedes any inconsistent provision of Division II of this article.

4–211.

(A) IN THIS SECTION, “ENERGY GENERATION GENERATING SYSTEM” MEANS AN ENERGY GENERATING SYSTEM:

(1) FOR WHICH A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED BY STATE LAW; OR

(2) (I) FOR WHICH A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS NOT REQUIRED BY STATE LAW; AND

(II) THAT IS NOT CONSIDERED TO BE AN ACCESSORY USE UNDER THE ZONING LAW OF THE LOCAL JURISDICTION WHERE THE SYSTEM IS LOCATED.

(B) IF THE PRIMARY REASON FOR A PROPOSED AMENDMENT TO CHANGE A ZONING CLASSIFICATION ON A PARCEL OF LAND IS THE EXISTENCE OF AN ENERGY GENERATION GENERATING SYSTEM ON THAT PARCEL OF LAND OR ON A PARCEL OF LAND THAT IS ADJACENT TO OR IN CLOSE PROXIMITY TO THAT PARCEL OF LAND, A LEGISLATIVE BODY MAY NOT GRANT AN AMENDMENT TO CHANGE THE ZONING CLASSIFICATION BASED ON A FINDING THAT THERE WAS:
(1) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED; OR

(2) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.

10–103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

(1) this title;

(2) § 1–101(m) (Definitions – “Priority funding area”);

(3) § 1–101(o) (Definitions – “Sensitive area”);

(4) § 1–201 (Visions);

(5) § 1–206 (Required education);

(6) § 1–207 (Annual report – In general);

(7) § 1–208 (Annual report – Measures and indicators);

(8) Title 1, Subtitle 3 (Consistency);

(9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);

(10) § 4–104(b) (Limitations – Bicycle parking);

(11) § 4–205 (Administrative adjustments);

(12) § 4–207 (Exceptions – Maryland Accessibility Code);

(13) § 4–210 (Permits and variances – Solar panels);

(14) § 4–211 (CHANGE IN ZONING CLASSIFICATION – ENERGY GENERATION GENERATING SYSTEMS);

(15) § 5–201(d) (Subdivision regulations – Burial sites);

[(15)] (16) Title 7, Subtitle 1 (Development Mechanisms);
[(16)] (17) Title 7, Subtitle 2 (Transfer of Development Rights); 

[(17)] (18) Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements); 

[(18)] (19) Title 7, Subtitle 4 (Inclusionary Zoning); and 

[(19)] (20) Title 11, Subtitle 2 (Civil Penalty).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 287

(House Bill 1483)

AN ACT concerning 

Duties of a Guardian of the Person – Petition for Visitation

FOR the purpose of authorizing a court to include in an order appointing a guardian of the person of a disabled person the duty to foster and preserve certain family relationships under certain circumstances; establishing the intent of the General Assembly to enforce recognize the right of every adult in the State to visit with and receive certain communication from whomever the adult chooses, with a certain exception; establishing a rebuttable presumption in an action under this Act; authorizing a certain person to petition a certain court for reasonable visitation with a certain alleged incapacitated or protected person; prohibiting a certain petition under certain circumstances; requiring the petition to be verified and to state certain facts and include a certain statement; providing for service of process for the petition; providing for a certain shift of a certain burden of proof under certain circumstances; providing for the rebuttal of a certain presumption under this Act; requiring the court to issue a ruling in a certain manner; authorizing the court to impose certain restrictions on a certain visitation; authorizing the court to assess certain costs and sanctions against certain parties; establishing a certain immunity from civil liability under certain circumstances; requiring an authorized decision maker to provide certain notifications within a certain period of time under certain circumstances; defining certain terms; and generally relating to visitation and communications between certain family members or other interested persons parties and generally relating to the duties of a guardian of the person of a disabled person.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 13–708(a)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–708(b)
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to
Article – Family Law
Section 15–101 to be under the new title “Title 15. Visitation”
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Estates and Trusts

13–708.

(a) (1) The court may grant to a guardian of a person only those powers
necessary to provide for the demonstrated need of the disabled person.

(2) (i) The court may appoint a guardian of the person of a disabled
person for the limited purpose of making one or more decisions related to the health care
of that person.

(ii) The court may appoint a guardian of the person of a disabled
person for a limited period of time if it appears probable that the disability will cease within
1 year of the appointment of the guardian.

(b) Subject to subsection (a) of this section, the rights, duties, and powers which
the court may order include, but are not limited to:

(1) The same rights, powers, and duties that a parent has with respect to
an unemancipated minor child, except that the guardian is not liable solely by reason of the
guardianship to third persons for any act of the disabled person;

(2) The right to custody of the disabled person and to establish his place of
abode within and without the State, provided there is court authorization for any change
in the classification of abode, except that no one may be committed to a mental facility
without an involuntary commitment proceeding as provided by law;
(3) The duty to provide for care, comfort, and maintenance, including social, recreational, and friendship requirements, and, if appropriate, for training and education of the disabled person;

(4) If it is in the best interest of the disabled person, the duty to foster and preserve family relationships including, as appropriate, assisting to arrange visitation and communication by telephone calls, personal mail, and electronic communications;

[(4)] (5) The duty to take reasonable care of the clothing, furniture, vehicles, and other personal effects of the disabled person, and, if other property requires protection, the power to commence protective proceedings;

[(5)] (6) If a guardian of the estate of the disabled person has not been appointed, the right to commence proceedings to compel performance by any person of his duty to support the disabled person, and to apply the estate to the support, care, and education of the disabled person, except that the guardian of the person may not obtain funds from the estate for room and board that the guardian, his spouse, parent, or child provide without a court order approving the charge, and the duty to exercise care to conserve any excess estate for the needs of the disabled person;

[(6)] (7) If a guardian of the estate has been appointed, the duty to control the custody and care of the disabled person, to receive reasonable sums for room and board provided to the disabled person, and to account to the guardian of the estate for funds expended, and the right to ask the guardian of the estate to expend the estate in payment of third persons for care and maintenance of the disabled person;

[(7)] (8) The duty to file an annual or biannual report with the court indicating the present place of residence and health status of the ward, the guardian’s plan for preserving and maintaining the future well-being of the ward, and the need for continuance or cessation of the guardianship or for any alteration in the powers of the guardian. The court shall renew the appointment of the guardian if it is satisfied that the grounds for the original appointment stated in § 13–705(b) of this subtitle continue to exist. If the court believes such grounds may not exist, it shall hold a hearing, similar to that provided for in § 13–705 of this subtitle, at which the guardian shall be required to prove that such grounds exist. If the court does not make these findings, it shall order the discontinuance of the guardianship of the person. If the guardian declines to participate in the hearing, the court may appoint another guardian to replace him pursuant to the priorities in § 13–707(a) of this subtitle; and

[(8)] (9) The power to give necessary consent or approval for:

(i) Medical or other professional care, counsel, treatment, or service, including admission to a hospital or nursing home or transfer from one medical facility to another;
(ii) Withholding medical or other professional care, counsel, treatment, or service; and

(iii) Withdrawing medical or other professional care, counsel, treatment, or service.

**Article—Family Law**

**TITLE 15. VISITATION.**

15–101.

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

(2) “ALLEGED INCAPACITATED OR PROTECTED PERSON” means the person the petitioner seeks to visit.

(3) “INTERESTED PERSON” means a person who has a significant, ongoing relationship with the alleged incapacitated or protected person that is based on or a product of strong affection.

(3) “HEALTH CARE FACILITY” means:

(I) AN ASSISTED LIVING PROGRAM;

(II) A HOSPICE;

(III) A HOSPITAL; OR

(IV) A NURSING HOME.

(4) (I) “INTERESTED PARTY” means a person who is:

1. Appointed as a guardian of the person under § 13–705 of the Estates and Trusts Article;

2. Appointed as a guardian of the property under § 13–201 of the Estates and Trusts Article;

3. An agent under an advance directive that is valid under Title 5,Subtitle 6 of the Health-General Article;

4. A surrogate decision maker under § 5–605 of the Health-General Article; or
5. AN ATTORNEY IN FACT UNDER A DURABLE POWER OF ATTORNEY THAT IS VALID UNDER TITLE 17 OF THE ESTATES AND TRUSTS ARTICLE.

(II) “INTERESTED PARTY” DOES NOT INCLUDE A PERSON DESCRIBED UNDER § 13–707(A)(10) OF THE ESTATES AND TRUSTS ARTICLE.

(5) “PETITIONER” MEANS A PERSON WHO FILES A PETITION INDIVIDUALLY OR JOINTLY WITH ANOTHER PERSON UNDER SUBSECTION (D) OF THIS SECTION SEEKING VISITATION WITH AN ALLEGED INCAPACITATED OR PROTECTED PERSON.

(4)-(6) “VISIT” OR “VISITATION” MEANS ANY IN–PERSON MEETING, OR ANY TELEPHONIC, MAIL, OR ELECTRONIC COMMUNICATION, BETWEEN THE PETITIONER AND THE ALLEGED INCAPACITATED OR PROTECTED PERSON.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENFORCE RECOGNIZE THE RIGHT OF EVERY ADULT IN THIS STATE TO VISIT WITH AND RECEIVE MAIL, TELEPHONE, AND ELECTRONIC COMMUNICATION FROM HAVE VISITATION WITH WHOMEVER THE ADULT CHOOSES, UNLESS A COURT HAS SPECIFICALLY ORDERED OTHERWISE OR THE ADULT IS INCAPACITATED AND THE VISITATION IS NOT IN THE ADULT’S BEST INTEREST.

(C) THERE IS A REBUTTABLE PRESUMPTION IN AN ACTION UNDER THIS SECTION THAT IT IS IN THE BEST INTEREST OF AN ALLEGED INCAPACITATED OR PROTECTED PERSON TO HAVE VISITATION FROM:

(1) THE SPOUSE OF THE PERSON, IF THE SPOUSE AND THE PERSON ARE NOT LEGALLY SEPARATED;

(2) THE ADULT CHILDREN OF THE PERSON;

(3) THE ADULT GRANDCHILDREN OF THE PERSON;

(4) THE PARENTS OF THE PERSON;

(5) THE ADULT SIBLINGS OF THE PERSON; AND

(6) OTHER INTERESTED PERSONS PARTIES.

(D) (1) A PERSON LISTED IN SUBSECTION (C) OF THIS SECTION MAY PETITION THE COURT, IN THE JURISDICTION IN WHICH THE ALLEGED INCAPACITATED OR PROTECTED PERSON RESIDES OR IN THE COURT THAT APPOINTED A GUARDIAN OF THE PERSON FOR THAT PERSON, FOR REASONABLE
VISITATION BY THAT PETITIONER WITH THE ALLEGED INCAPACITATED OR PROTECTED PERSON.

(2) A PETITION MAY NOT BE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE AUTHORIZED DECISION MAKER OF THE ALLEGED INCAPACITATED OR PROTECTED PERSON IS A PUBLIC GUARDIAN.

(E) A PETITION DESCRIBED IN SUBSECTION (D) OF THIS SECTION SHALL:

(1) BE VERIFIED AND STATE FACTS SHOWING:

(1) (I) THAT THE PETITIONER IS A PERSON LISTED IN SUBSECTION (C) OF THIS SECTION;

(2) (II) THAT VISITATION BY THE PETITIONER WITH THE ALLEGED INCAPACITATED OR PROTECTED PERSON HAS BEEN UNREASONABLY INTERFERED WITH OR DENIED; AND

(3) (III) THE IDENTITY OF THE PERSON OR PERSONS WHO HAVE UNREASONABLY INTERFERED WITH OR DENIED VISITATION; AND

(2) INCLUDE A STATEMENT BY THE PETITIONER THAT THE PETITIONER AGREES TO ABIDE BY ANY ORDER OF THE COURT ISSUED AS A CONDITION OF EVALUATING THE PETITION AND THE PETITIONER, INCLUDING A BACKGROUND CHECK, JUDGMENT SEARCH, OR MENTAL HEALTH SCREENING OR EVALUATION.

(F) THE PETITIONER SHALL PERSONALLY SERVE A COPY OF THE PETITION ON:

(1) THE ALLEGED INCAPACITATED OR PROTECTED PERSON;

(2) THE ATTORNEY FOR THE ALLEGED INCAPACITATED OR PROTECTED PERSON;

(3) THE GUARDIAN OF THE PERSON OF THE ALLEGED INCAPACITATED OR PROTECTED PERSON, IF ANY;

(4) THE AUTHORIZED DECISION MAKER FOR THE ALLEGED INCAPACITATED OR PROTECTED PERSON;

(5) THE ATTENDING PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT FOR THE ALLEGED INCAPACITATED OR PROTECTED PERSON;
THE PRINCIPAL ADMINISTRATOR, OR THE ADMINISTRATOR'S DESIGNEE, AND THE MEDICAL DIRECTOR OF A HEALTH CARE FACILITY PROVIDING SERVICES TO THE ALLEGED INCAPACITATED OR PROTECTED PERSON, IF ANY; AND

ANY PERSON ALLEGED TO HAVE INTERFERED WITH OR DENIED VISITATION.

(6) At the hearing on the petition, if evidence is presented that the alleged incapacitated or protected person objects to the petition or has in the past expressed an objection to visitation by the petitioner, the burden of proof described in subsection (C) of this section shall shift to the petitioner to prove, by clear and convincing evidence, that the allegation of an alleged incapacitated or protected person's current or prior objection was procured by undue influence not based on reliable evidence.

(7) The presumption described in subsection (C) of this section may be rebutted by clear and convincing evidence that the visitation would not be in the best interests of the alleged incapacitated or protected person because:

1. The petitioner has committed physical or financial elder abuse; or, or neglect or has been the subject of a protective order issued by a court that restricted or prohibited conduct by the petitioner;

2. Visitation is contrary to the wishes of the alleged incapacitated or protected person;

3. The authorized decision-maker is acting based on a recommendation of an attending physician or a protective order issued by a court;

4. The petitioner's affidavit does not qualify the petitioner as an interested party;

5. Statements, writings, or actions by the alleged incapacitated or protected person demonstrate that the alleged incapacitated or protected person:

1. Does not want visitation with the petitioner;
2. INTENDED TO VEST COMPLETE AUTHORITY OVER VISITATION WITH THE AUTHORIZED DECISION MAKER; OR

   (II) (VI) THE VISITATION WOULD BE HARMFUL TO THE HEALTH OR MENTAL WELL-BEING OF THE ALLEGED INCAPACITATED OR PROTECTED PERSON.

   (II) (1) IN RULING ON A PETITION UNDER THIS SECTION, THE COURT SHALL ISSUE A STATEMENT OF FACTS AND LAW.

   (2) THE COURT MAY IMPOSE REASONABLE RESTRICTIONS ON A VISITATION ORDERED UNDER THIS SECTION, INCLUDING TIME AND FREQUENCY LIMITATIONS AND REQUIRING THAT VISITATIONS BE MONITORED AT THE PETITIONER’S EXPENSE.

   (I) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE COURT MAY ASSESS COSTS OF THE PETITION OR VISITATION, INCLUDING THE COST OF MONITORING VISITS, TO ANY PARTY TO A PROCEEDING THE PETITIONER UNDER THIS SECTION.

   (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE COURT MAY ASSESS SANCTIONS, IN THE AMOUNT OF THE REASONABLE ATTORNEY’S FEES INCURRED, AGAINST A PETITIONER WHO FILES A PETITION UNDER THIS SECTION IN BAD FAITH OR AGAINST A PARTY THAT IS CLAIMED TO HAVE UNJUSTIFIABLY INTERFERED WITH OR DENIES DENIED VISITATION.

   (3) NO COSTS OR SANCTIONS UNDER THIS SECTION MAY BE ASSESSED AGAINST THE ALLEGED INCAPACITATED OR PROTECTED PERSON WHO IS THE SUBJECT OF THE PETITION.

   (4) AN AUTHORIZED DECISION MAKER, A HEALTH CARE FACILITY, OR AN EMPLOYEE OR AGENT OF A HEALTH CARE FACILITY WHO DENIES OR Restricts A VISIT OR VISITATION SHALL BE IMMUNE FROM CIVIL LIABILITY IF THE RESTRICTION OR DENIAL IS BASED ON:

   (1) A COURT ORDER ISSUED TO DENY OR RESTRICT VISITATION; OR

   (II) A GOOD FAITH BELIEF THAT A VISIT OR VISITATION IS NOT IN THE BEST INTEREST OF AN ALLEGED INCAPACITATED OR PROTECTED PERSON.

   (4) ON WRITTEN REQUEST BY AN INTERESTED PARTY, AN AUTHORIZED DECISION MAKER SHALL, WITHIN 72 HOURS AFTER RECEIPT OF THE REQUEST, IDENTIFY IN WRITING OR BY ELECTRONIC COMMUNICATION:
THE HEALTH CARE FACILITY OR OTHER LOCATION WHERE THE ALLEGED INCAPACITATED OR PROTECTED PERSON IS RESIDING;

ALL CURRENT FUNERAL ARRANGEMENTS; OR

THE BURIAL LOCATION OR DISPOSITION OF THE BODY OF THE DECEASED ALLEGED INCAPACITATED OR PROTECTED PERSON.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 288

(House Bill 146)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Class 7 Micro–Brewery License – Issuance

MC 9–18

FOR the purpose of adding the holder of a Class BD–BWL alcoholic beverages license to the list of license holders in Montgomery County eligible to be issued a Class 7 micro–brewery license by the Comptroller; specifying the privileges under certain licenses of license holders eligible to be issued a Class 7 micro–brewery license; prohibiting the Comptroller from issuing more than a certain number of Class 7 micro–brewery licenses in the Town of Kensington; and generally relating to the sale of alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
   Article – Alcoholic Beverages
   Section 25–102
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Article – Alcoholic Beverages
   Section 25–405
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–405.

(a) This section applies to a Class 7 micro–brewery (on– and off–sale) license in the county.

(b) The license may be issued to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county;

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, a Class D beer and wine license THAT IS ISSUED FOR THE SALE OF BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION; [or]

(3) a Class H beer and wine license THAT IS ISSUED FOR THE SALE OF BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION; OR

(4) A CLASS BD–BWL LICENSE THAT IS ISSUED FOR THE SALE OF BEER AND WINE FOR ON– AND OFF–PREMISES CONSUMPTION, AND LIQUOR FOR ON–PREMISES CONSUMPTION, AT THE PLACE DESCRIBED IN THE LICENSE.

(c) The Comptroller may not issue more than an aggregate amount of two Class 7 micro–brewery licenses to holders of Class D beer and wine licenses in the Town of Kensington.

(d) A holder of the license shall enter into a written agreement with the Department of Liquor Control for the sale and resale of malt beverages brewed under the license.

(1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro–brewery license may:

(i) brew in two locations using the same Class 7 micro–brewery license; and
(ii) obtain a Class 2 rectifying license for the premises at the two locations authorized under item (i) of this paragraph.

(2) The holder of a Class 7 micro–brewery license may brew in two locations using the same Class 7 micro–brewery license if the license holder:

(i) requests permission by submitting a written application to the Comptroller; and

(ii) obtains written approval from the Comptroller.

(3) Before authorizing a holder of a Class 7 micro–brewery license to brew in two locations using the same Class 7 micro–brewery license, the Comptroller shall:

(i) make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and

(ii) consider any other factor relevant to approval of the application.

(4) Notwithstanding any other provision of this article, a holder of a Class 7 micro–brewery license may not serve or sell malt beverages for on– or off–premises consumption at the second brewing location authorized under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 289

(House Bill 145)

AN ACT concerning

Montgomery County – Kensington – Alcoholic Beverages Licenses

MC 12–18

FOR the purpose of authorizing the Board of License Commissioners for Montgomery County to issue a local caterer’s license to a certain Class B license holder in Kensington; prohibiting the Comptroller from issuing more than a certain number of Class 7 micro–brewery licenses in the Town of Kensington; authorizing the Board of License Commissioners to issue a catering extension to a holder of a Class B–K beer and wine license; requiring certain license holders to exercise the privileges of
a catering extension during certain times; clarifying that the holder of certain licenses are not required to obtain a catering extension for catering in certain locations; altering the ratio of gross receipts between certain food and alcoholic beverages for a Class B–K license holder; authorizing the Board to issue not more than a certain number in aggregate of Class A (off–sale) beer and wine licenses, Class D beer licenses, and Class D beer and wine licenses for use in certain commercial areas in Kensington; repealing a certain provision of law that prohibits a holder of a Class A beer and wine license in Kensington from selling single bottles or cans of beer and selling refrigerated products; prohibiting a holder of a Class D beer license and a Class D beer and wine license in Kensington from placing certain alcoholic beverages advertisements in a certain location; allowing the Board to issue more than one Class B–K license as one of the licenses the same license holder may hold; altering the hours of sale for a Class A beer and wine license holder in Kensington; and generally relating to alcoholic beverages in Kensington.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 25–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–405.

(a) This section applies to a Class 7 micro–brewery (on– and off–sale) license in the county.

(b) The license may be issued to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county:
(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, a Class D beer and wine license; or

(3) a Class H beer and wine license.

(C) THE COMPTROLLER MAY NOT ISSUE MORE THAN AN AGGREGATE AMOUNT OF TWO CLASS 7 MICRO-BREWERY LICENSES TO HOLDERS OF CLASS D BEER AND WINE LICENSES IN THE TOWN OF KENSINGTON.

[(c)] (D) A holder of the license shall enter into a written agreement with the Department of Liquor Control for the sale and resale of malt beverages brewed under the license.

[(d)] (E) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro–brewery license may:

(i) brew in two locations using the same Class 7 micro–brewery license; and

(ii) obtain a Class 2 rectifying license for the premises at the two locations authorized under item (i) of this paragraph.

(2) The holder of a Class 7 micro–brewery license may brew in two locations using the same Class 7 micro–brewery license if the license holder:

(i) requests permission by submitting a written application to the Comptroller; and

(ii) obtains written approval from the Comptroller.

(3) Before authorizing a holder of a Class 7 micro–brewery license to brew in two locations using the same Class 7 micro–brewery license, the Comptroller shall:

(i) make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and

(ii) consider any other factor relevant to approval of the application.

(4) Notwithstanding any other provision of this article, a holder of a Class 7 micro–brewery license may not serve or sell malt beverages for on– or off–premises consumption at the second brewing location authorized under this subsection.

25–1201.

(a) (1) There is a local caterer’s license.
(2) The license is a separate alcoholic beverages license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a person that:

   (i) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, does not already hold a license issued by the Board;

   (ii) has facilities to prepare and deliver food to the site of a catered event; and

   (iii) meets all other requirements of this article.

(2) THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT HOLDS A CLASS B BEER AND WINE LICENSE OR A CLASS B BEER, WINE, AND LIQUOR LICENSE IN KENSINGTON.

(3) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

(4) An applicant for or holder of the license is not required to have a banquet hall.

(e) The license authorizes a holder to:

   (1) provide alcoholic beverages at an event that is held off the premises of the food preparation facilities; and

   (2) exercise the privileges of the license only during the hours and on the days authorized for a Class B beer, wine, and liquor license.

(d) The license holder may not:

   (1) hold an event that the license holder sponsors; or

   (2) provide only alcoholic beverages at an event.

(e) The license holder shall:

   (1) contract for and provide food for consumption at a catered event;

   (2) meet the same ratio of gross receipts between food and alcoholic beverage sales as a holder of a Class B beer, wine, and liquor license; and

   (2) purchase all alcoholic beverages from the Department of Liquor Control.
(f) The annual license fee is $1,250.

25–1202.

(a) There is a catering extension.

(b) The Board may grant a catering extension to the holder of:

(1) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license; [and]

(2) a Class BD–BWL license; AND

(3) **A CLASS B–K BEER, WINE, AND LIQUOR LICENSE.**

(c) The catering extension authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises for which the holder’s Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the catering extension only during the hours and on the days authorized for:

(I) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license;

(II) **A CLASS BD–BWL LICENSE; OR**

(III) **A CLASS B–K BEER, WINE, AND LIQUOR LICENSE.**

(d) The holder of a catering extension shall provide food for consumption at the catered event.

(e) This section does not require a holder of **[a Class B restaurant or hotel (on–sale) beer, wine, and liquor license]** THE FOLLOWING LICENSES to obtain a catering extension for catering on the premises for which the **[Class B]** license is issued:

(1) **A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE;**

(2) **A CLASS BD–BWL LICENSE; AND**

(3) **A CLASS B–K BEER, WINE, AND LIQUOR LICENSE.**
25–1604.

(a) This section applies only to Kensington.

(b) (1) The Board may issue:

(i) a 2–day on–sale beer and wine license or a 2–day on–sale beer, wine, and liquor license to a religious, fraternal, civic, or charitable organization holding an event on municipal property located at 3710 Mitchell Street; and

(ii) a \textit{CLASS} B–K beer and wine license or a \textit{CLASS} B–K beer, wine, and liquor license for use on the site of a restaurant in the following commercial areas:

1. the west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

2. the east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

3. the west side of University Boulevard West;

4. Dupont Avenue, west of Connecticut Avenue;

5. Plyers Mill Road, west of Metropolitan Avenue;

6. Summit Avenue between Knowles Avenue and Howard Avenue;

7. Detrick Avenue between Knowles Avenue and Howard Avenue;

8. the southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;

9. East Howard Avenue;

10. Armory Avenue between Howard Avenue and Knowles Avenue;

11. Montgomery Avenue between Howard Avenue and Kensington Parkway;

12. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or

13. the east side of Connecticut Avenue between Warner Street and Knowles Avenue.
(2) A Class B–K beer, wine, and liquor license or a Class B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for on-premises consumption.

(3) A license holder shall maintain average daily receipts from the sale of food, not including carryout food, of at least \( \frac{50}{40} \) of the overall average daily receipts.

(c) (1) The Board may issue:

(i) IN AGGREGATE, not more than three Class A–K (off-sale) beer and wine licenses, Class D Class D–K Beer Licenses, and Class D Class D–K Beer and Wine Licenses for use in the commercial areas specified in subsection (b)(1)(ii) of this section; and

(ii) subject to § 25–1306 of this title, not more than three beer and wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.

(2) A Class A Class A–K beer and wine license authorizes the holder to keep for sale and sell beer or wine for off-premises consumption 7 days a week, from 10 a.m. to 8 p.m. daily.

(3) A holder of a Class A Class A–K beer and wine license, a Class D Class D–K Beer License, and a Class D Class D–K Beer and Wine License may not:

(i) sell single bottles or cans of beer;

(ii) sell refrigerated products; or

(iii), on a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

(4) The annual license fee is $250.

25–1614.

(a) Except as provided in § 25–1615 of this subtitle, the Board may not authorize the same license holder to hold more than 10 licenses.

(b) The 10 licenses that may be held by the same license holder:

(1) may include:

(1) one or more Class H–BW licenses; AND
(II) ONE OR MORE CLASS B–K LICENSE LICENSES; and

(2) may not include more than one Class BD–BWL license.


(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B–K beer and wine license may sell beer and wine:

(i) on Monday through Saturday, from 9 a.m. to 1 a.m. the following day; and

(ii) on Sunday, from 10 a.m. to 1 a.m. the following day.

(2) The license holder may not sell beer or wine after 12 A.M. MIDNIGHT if the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii) through 13 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

AN ACT concerning
Traffic Control Signal Monitoring Systems – Duration of Yellow Signal Compliance (4–Second Act)

FOR the purpose of requiring a traffic control signal to display a yellow light for a certain minimum length of time before changing to a red signal indication at an intersection monitored by a traffic control signal monitoring system prohibiting certain law enforcement agencies from issuing a citation for a violation recorded by a traffic control signal monitoring system at a traffic control signal that does not comply with certain yellow light timing requirements; and generally relating to traffic control signal monitoring systems.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–202.1(b)
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 Supplement)  

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

Article – Transportation

21–202.1.  

(b) (1) The agency primarily responsible for traffic control at an intersection monitored by a traffic control signal monitoring system shall ensure that the length of time that a traffic control signal displays a yellow light before changing to a red signal indication is AT LEAST 4 SECONDS AND IS OTHERWISE set in accordance with regulations adopted by the State Highway Administration consistent with standards or guidelines established by the Federal Highway Administration. 

(2) AN AGENCY MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM AT A TRAFFIC CONTROL SIGNAL THAT DOES NOT COMPLY WITH THE TIMING REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 291  
(House Bill 452)

AN ACT concerning  

Northeast Interstate Dairy Compact – Repeal

FOR the purpose of repealing provisions of law relating to the Northeast Interstate Dairy Compact; repealing the State’s agreement to enter into the compact; repealing the statutory provisions reciting the compact; repealing provisions relating to the appointment, terms, and removal of members of the Maryland delegation to the Northeast Interstate Dairy Compact Commission; repealing the authority of the Secretary of Agriculture to obtain certain information in a certain manner to be used by certain persons; repealing the authority of the Secretary to adopt certain regulations; repealing a prohibition against certain violations; repealing the authority of the Secretary to impose certain civil penalties; repealing a requirement
that the Secretary adopt certain regulations; repealing certain definitions; repealing provisions of law establishing that the compact may not take effect until a certain state has passed a similar act, the United States Congress has consented to the compact, and certain conditions have been met; repealing provisions requesting certain states to concur in a certain manner and the United States Congress to provide certain consent; repealing a requirement that the Department of Legislative Services provide certain notice; repealing a requirement that the Governor issue a certain proclamation under certain circumstances; and generally relating to the Northeast Interstate Dairy Compact.

BY repealing

Article – Agriculture
Section 2–801 through 2–805 and the subtitle “Subtitle 8. Northeast Interstate Dairy Compact”

Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing

Section 2 and 4

BY repealing

Section 3

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–801 through 2–805 and the subtitle “Subtitle 8. Northeast Interstate Dairy Compact” of Article – Agriculture of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2 and 4 of Chapter 226 of the Acts of the General Assembly of 1998 be repealed.


SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

Northeast Interstate Dairy Compact – Repeal

FOR the purpose of repealing provisions of law relating to the Northeast Interstate Dairy Compact; repealing the State’s agreement to enter into the compact; repealing the statutory provisions reciting the compact; repealing provisions relating to the appointment, terms, and removal of members of the Maryland delegation to the Northeast Interstate Dairy Compact Commission; repealing the authority of the Secretary of Agriculture to obtain certain information in a certain manner to be used by certain persons; repealing the authority of the Secretary to adopt certain regulations; repealing a prohibition against certain violations; repealing the authority of the Secretary to impose certain civil penalties; repealing a requirement that the Secretary adopt certain regulations; repealing certain definitions; repealing provisions of law establishing that the compact may not take effect until a certain state has passed a similar act, the United States Congress has consented to the compact, and certain conditions have been met; repealing provisions requesting certain states to concur in a certain manner and the United States Congress to provide certain consent; repealing a requirement that the Department of Legislative Services provide certain notice; repealing a requirement that the Governor issue a certain proclamation under certain circumstances; and generally relating to the Northeast Interstate Dairy Compact.

BY repealing
Article – Agriculture
Section 2–801 through 2–805 and the subtitle “Subtitle 8. Northeast Interstate Dairy Compact”
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing
Section 2 and 4

BY repealing
Section 3

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–801 through 2–805 and the subtitle “Subtitle 8. Northeast Interstate Dairy Compact” of Article – Agriculture of the Annotated Code of Maryland be repealed.
SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2 and 4 of Chapter 226 of the Acts of the General Assembly of 1998 be repealed.


SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 293
(House Bill 198)

AN ACT concerning

Inheritance Tax – Perpetual Conservation Easement – Farming Purposes – Exemption

FOR the purpose of providing an exemption from the inheritance tax for certain real property subject to a certain perpetual conservation easement that passes from a decedent to certain individuals; requiring the recapture of certain inheritance tax under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to the inheritance tax.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 7–203(b)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 7–203(m)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General
7–203.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Child” includes a stepchild or former stepchild.

(iii) “Parent” includes a stepparent or former stepparent.

(iv) “Surviving spouse” means a surviving spouse who has not remarried.

(2) The inheritance tax does not apply to the receipt of property that passes from a decedent to or for the use of:

(i) a grandparent of the decedent;

(ii) a parent of the decedent;

(iii) a spouse of the decedent;

(iv) a child of the decedent or a lineal descendant of a child of the decedent;

(v) a spouse of a child of the decedent or a spouse of a lineal descendant of a child of the decedent;

(vi) a surviving spouse of a deceased child of the decedent or of a deceased lineal descendant of a child of the decedent who was married to the child or lineal descendant of the child at the time of the child’s or lineal descendant’s death;

(vii) a brother or sister of the decedent; or

(viii) a corporation, partnership, or limited liability company if all of its stockholders, partners, or members consist of individuals specified in items (i) through (vii) of this paragraph.

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

(II) “FARMING PURPOSES” HAS THE MEANING STATED IN § 2032A(E)(5) OF THE INTERNAL REVENUE CODE.

(III) “PERPETUAL CONSERVATION EASEMENT” MEANS AN EASEMENT ON REAL PROPERTY THAT PERPETUALLY restricts the USE OF THE REAL PROPERTY TO FARMING PURPOSES.
(2) The inheritance tax does not apply to the receipt of real property that is subject to a perpetual conservation easement and passes from a decedent to or for the use of a niece or nephew of the decedent.

(3) (I) The inheritance tax shall be recaptured as provided in this paragraph if the real property that is excluded under paragraph (2) of this subsection ceases to be used for farming purposes.

   (II) The amount of the inheritance tax imposed under this paragraph shall be the inheritance tax that would have been payable at the time of the decedent’s death but for the provisions under paragraph (2) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to decedents dying after December 31, 2017.

Approved by the Governor, April 24, 2018.

Chapter 294

(House Bill 620)

AN ACT concerning

County Agricultural Land Preservation Programs – Recertification and Remittance of Unexpended Funds – Extensions

FOR the purpose of extending for a certain number of years the certification period for certain county agricultural land preservation programs that the Department of Planning and the Maryland Agricultural Land Preservation Foundation determine are consistently effective in the achievement of certain goals; providing that requiring the Department and the Foundation shall to review a county program recertification under certain circumstances; providing that authorizing the Department and the Foundation shall to revoke a county program recertification under certain circumstances; extending for a certain number of years the length of time a county may retain certain revenue from the agricultural land transfer tax for use in certain agricultural land preservation programs; and generally relating to county agricultural land preservation programs.

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 5–408(a)
BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–408(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 13–306(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13–306(c) and (d)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – State Finance and Procurement

5–408.

(a) There is within the Department a program for certification of effective county agricultural land preservation programs.

(i) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A certification OR RECERTIFICATION under this section is effective for 3 years and the decision by the Department and the Foundation as to certification OR RECERTIFICATION is final with no right to appeal.

(2) At the request of the county, the Department and the Foundation shall recertify under this section a county agricultural land preservation program if:

(i) the county has maintained a successful program of purchase of development rights or financial enhancements related to purchase of development rights during the period of certification;

(ii) conditions in the county priority preservation area remain in accordance with the requirements of § 2–518 of the Agriculture Article;

(iii) the county provides an update on the method, evaluation,
shortcomings, and future actions that the county is using or will use to achieve preservation goals, as required under subsection (f)(6) through (8) of this section; and

(iv) the update demonstrates significant progress toward achievement of preservation goals in the priority preservation area.

(3) (I) If the Department and the Foundation determine that a program is consistently effective in the achievement of preservation goals, a program recertification under this section is effective for 5 years.

(II) The Department and the Foundation shall review a county program recertification under this section paragraph when a county:

1. Revises the boundary of a priority preservation area;

2. Subtracts land from a priority preservation area; or

3. Adopts a comprehensive rezoning or other policy that increases the allowable nonagricultural land uses, density, or intensity of development within a priority preservation area.

(III) The Department and the Foundation shall may revoke a county program recertification under this paragraph on a finding that a county action under subparagraph (II) of this paragraph is inconsistent with the requirements of § 2–518 of the Agriculture Article.

Article – Tax – Property

13–306.

(b) If a county is certified by the Department of Planning and the Maryland Agricultural Land Preservation Foundation under § 5–408 of the State Finance and Procurement Article as having established an effective county agricultural land preservation program, the collector for the county shall remit to the Comptroller:

(1) the revenue from:

(i) the agricultural land transfer tax that is attributable to the taxation of instruments of writing that transfer title to parcels of land that are entirely
woodland; and

(ii) the surcharge imposed under § 13–303(d) of this subtitle; and

(2) 25% of the balance of revenue from the agricultural land transfer tax that remains after the remittance under item (1) of this subsection.

(c) (1) In this subsection, “development rights” means the potential for improvement of a parcel of real property that is measured in dwelling units or units of commercial or industrial space and that exist because of the zoning classification of the parcel.

(2) Each county collector shall hold the remainder of the revenue in a special county account for [3] 6 years to be used for an approved agricultural land preservation program that meets the requirements of this subsection, including use for bond annuity funds or matching funds.

(3) For purposes of this subsection, an approved agricultural land preservation program is a program to purchase development rights, guarantee loans that are collateralized by development rights or provide financial enhancements related to purchase of development rights, for agricultural land that, except as provided in paragraph (4) of this subsection, meets the minimum standards set by the Maryland Agricultural Land Preservation Foundation under § 2–509(d) of the Agriculture Article.

(4) In lieu of any acreage requirement set by the Foundation under § 2–509(d) of the Agriculture Article, development rights purchased by or collateralizing loans guaranteed by a county or financial enhancements related to purchase of development rights under this subsection shall be for agricultural land of significant size to promote an agricultural operation.

(5) (i) Subject to the limitation under subparagraph (ii) of this paragraph, the funds described in paragraph (2) of this subsection may be used to pay administrative expenses.

(ii) The costs of the administrative expenses may not exceed 10% of the funds or $30,000, whichever is the greater.

(6) This subsection does not prohibit any county from accepting funds from private sources and using those private funds to purchase development rights, guarantee loans that are collateralized by development rights, or provide financial enhancements related to purchase of development rights.

(d) If any revenue in the special county account has not been expended or committed on or before [3] 6 years from the date of deposit into the county account, the county collector shall remit that revenue to the Comptroller for deposit in the Maryland Agricultural Land Preservation Fund.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 295
(House Bill 285)

AN ACT concerning

Department of Transportation – Pedestrian and Bicycle Access to Public Schools – Study

FOR the purpose of requiring the Department of Transportation to study and make certain recommendations regarding collect and consolidate available information from State and local agencies regarding an unmet need for safe pedestrian and bicycle access to public schools in the State; requiring the Department 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 a study of the collection and consolidation of information regarding pedestrian and bicycle access to public schools in the State.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) The Department of Transportation shall study pedestrian and bicycle access to public schools in the State.

(2) In conducting the study, the Department shall:

(i) examine collect and consolidate available information from State and local agencies regarding an unmet need for safe pedestrian and bicycle access to public schools throughout the State;

(ii) identify safety concerns regarding pedestrian and bicycle access to public schools throughout the State; and

(iii) make recommendations for addressing the safety concerns identified in the study.

(b) On or before January 1, 2020, the Department shall report its findings and recommendations 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 October 1, 2018. It shall remain effective for a period of 2 years and, at the end of September 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 296

(House Bill 400)

AN ACT concerning

Agriculture – Mosquito Control – Notification to Municipalities

FOR the purpose of requiring the State, a county, or a bicounty agency to provide to a municipality certain notification at least a certain amount of time before the State, county, or bicounty agency sprays a pesticide to control mosquitoes within the municipality, subject to a certain exception; and generally relating to mosquito control.

BY adding to

Article – Agriculture

Section 5–405.1
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Agriculture

5–405.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AT LEAST 24 HOURS BEFORE THE STATE, A COUNTY, OR A BICOUNTY AGENCY SPRAYS A PESTICIDE TO CONTROL MOSQUITOS WITHIN A MUNICIPALITY, THE STATE, COUNTY, OR BICOUNTY AGENCY SHALL PROVIDE TO THE MUNICIPALITY NOTIFICATION OF:

(1) THE LOCATION OF THE SPRAYING; AND

(2) THE PLANNED DATE AND TIME OF THE SPRAYING.
(B) IF THE STATE, A COUNTY, OR A BICOUNTY AGENCY DETERMINES THAT SPRAYING A PESTICIDE IS NECESSARY TO CONTROL THE OUTBREAK OF A VIRUS, CONTAGION, OR SIMILAR PUBLIC HEALTH THREAT, THE STATE, COUNTY, OR BICOUNTY AGENCY SHALL PROVIDE THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE MUNICIPALITY AS SOON AS PRACTICABLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
(f) (1) The Department shall give notice of the possible property tax credit under this section.

(2) IN ADDITION TO THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON OR BEFORE FEBRUARY 1, 2019, AND AT LEAST EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL:

(I) IDENTIFY HOMEOWNERS WHO MAY BE ELIGIBLE FOR BUT HAVE FAILED TO APPLY FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION; AND

(II) CONTACT EACH HOMEOWNER IDENTIFIED UNDER ITEM (I) OF THIS PARAGRAPH BY MAIL TO INFORM THE HOMEOWNER THAT THE HOMEOWNER MAY BE ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION AND HOW TO APPLY FOR THE CREDIT.

(2) IN ADDITION TO ANY OTHER NOTICE THE DEPARTMENT PROVIDES UNDER THIS SUBSECTION, THE DEPARTMENT SHALL:

(I) IDENTIFY HOMEOWNERS WHO MAY BE ELIGIBLE BUT HAVE FAILED TO APPLY FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION; AND

(II) INCLUDE A SEPARATE INSERT WITH EACH ASSESSMENT NOTICE SENT UNDER § 8–401 OF THIS ARTICLE TO EACH HOMEOWNER IDENTIFIED UNDER ITEM (I) OF THIS PARAGRAPH THAT INFORMS THE HOMEOWNER THAT THE HOMEOWNER MAY BE ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION AND HOW TO APPLY FOR THE CREDIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 298

(House Bill 769)

AN ACT concerning

Estates and Trusts – Maryland Uniform Transfers to Minors Act – Award of Reasonable and Necessary Expenses

FOR the purpose of authorizing, at any point in a judicial proceeding under the Maryland Uniform Transfers to Minors Act, the court to order either party to pay the other
party an amount for the reasonable and necessary expense of prosecuting or
defending the proceeding; requiring the court to consider certain issues before
ordering payment under this Act; authorizing the court to make a certain award
under certain circumstances; providing for a certain reimbursement; authorizing the
court to make a certain order and enter a certain judgment; defining a certain term;
and generally relating to the Maryland Uniform Transfers to Minors Act.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 13–301(a) and (e), 13–314, 13–317, 13–318(f), 13–319, and 13–324
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to
Article – Estates and Trusts
Section 13–323.1
Annotated Code of Maryland
(2017 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

13–301.

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

(e) “Court” means a circuit court, an orphans’ court, or a court exercising the
jurisdiction of an orphans’ court.

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.
(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.

(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.

(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.

13–317.

(a) A claim based on any of the following may be asserted against the custodial property by proceeding against the custodian in the custodial capacity, whether or not the custodian or the minor is personally liable:

(1) On a contract entered into by a custodian acting in a custodial capacity;

(2) For an obligation arising from the ownership or control of custodial property; or
(3) On a tort committed during the custodianship.

(b) A custodian is not personally liable:

(1) On a contract properly entered into in the custodial capacity unless the custodian fails to reveal that capacity and to identify the custodianship in the contract; or

(2) For an obligation arising from control of custodial property or for a tort committed during the custodianship unless the custodian is personally at fault.

(c) A minor is not personally liable for an obligation arising from ownership of custodial property or for a tort committed during the custodianship unless the minor is personally at fault.

13–318.

(f) A transferor, the legal representative of a transferor, an adult member of the minor’s family, a guardian of the person of the minor, the conservator of the minor, or the minor if the minor has attained the age of 14 years may petition the court to remove the custodian for cause and to designate a successor custodian other than a transferor under § 13–304 of this subtitle or to require the custodian to give appropriate bond.

13–319.

(a) A minor who has attained the age of 14 years, the minor’s guardian of the person or legal representative, an adult member of the minor’s family, a transferor, or a transferor’s legal representative may petition the court for:

(1) An accounting by the custodian or the custodian’s legal representative; or

(2) A determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under § 13–317 of this subtitle to which the minor or the minor’s legal representative was a party.

(b) A successor custodian may petition the court for an accounting by the predecessor custodian.

(c) The court, in a proceeding under this subtitle or in any other proceeding, may require or permit the custodian or the custodian’s legal representative to account.

(d) If a custodian is removed under § 13–318(f) of this subtitle, the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.
13–323.1.

(A) IN THIS SECTION, “REASONABLE AND NECESSARY EXPENSE” INCLUDES:

(1) SUIT MONEY;

(2) COUNSEL FEES; AND

(3) COSTS.

(B) AT ANY POINT IN A PROCEEDING UNDER THIS SUBTITLE, THE COURT MAY ORDER EITHER PARTY TO PAY TO THE OTHER PARTY AN AMOUNT FOR THE REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE PROCEEDING.

(C) BEFORE ORDERING THE PAYMENT, THE COURT SHALL CONSIDER:

(1) THE FINANCIAL RESOURCES AND FINANCIAL NEEDS OF BOTH PARTIES; AND

(2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR PROSECUTING OR DEFENDING THE PROCEEDING.

(D) ON A FINDING BY THE COURT THAT THERE WAS AN ABSENCE OF SUBSTANTIAL JUSTIFICATION OF A PARTY FOR PROSECUTING OR DEFENDING THE PROCEEDING, THE COURT MAY AWARD TO THE OTHER PARTY THE REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE PROCEEDING.

(E) THE COURT MAY AWARD REIMBURSEMENT FOR ANY REASONABLE AND NECESSARY EXPENSE THAT PREVIOUSLY HAS BEEN PAID.

(F) AS TO ANY AMOUNT AWARDED FOR COUNSEL FEES, THE COURT MAY:

(1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE LAWYER; AND

(2) ENTER JUDGMENT IN FAVOR OF THE LAWYER.

13–324.

This subtitle may be cited as the “Maryland Uniform Transfers to Minors Act”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.
Chapter 299

(House Bill 1171)

AN ACT concerning

Gaming – State Lottery and Gaming Control Commission – Regulation of Reconciliation of Proceeds

FOR the purpose of altering a certain limitation on the number of days for which a reduction may be taken in the amount of proceeds received from video lottery terminals and table games on a given day; repealing a requirement that the State Lottery and Gaming Control Commission adopt regulations establishing the length of time a video lottery operation licensee may reduce the amount of proceeds received from video lottery terminals and table games on a given day; and generally relating to the proceeds from certain video lottery terminals and table games.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–01(a) and (u) and 9–1A–26(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–01(u) and 9–1A–26(e)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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–01.

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

(u) (1) “Proceeds” means the part of the amount of money bet through video lottery terminals and table games that is not returned to successful players but is otherwise allocated under this subtitle.
“Proceeds” may be reduced consistent with regulations adopted by the Commission in accordance with subparagraph (ii) of this paragraph.

(ii) If a video lottery operation licensee returns to successful players more than the amount of money bet through video lottery terminals or table games on a given day, the video lottery licensee may subtract that amount from the proceeds of the following day UP TO 7 FOLLOWING DAYS.

(iii) After the first fiscal year of operations, the exclusion specified in subparagraph (i) of this paragraph may not exceed a percentage established by the Commission by regulation of the proceeds received from video lottery terminals and table games in the prior fiscal year by the video lottery operation licensee under § 9–1A–27(a)(2), (c)(1)(ii), and (d)(1) of this subtitle.

9–1A–26.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, all proceeds from the operation of video lottery terminals and table games shall be electronically transferred daily into the State Lottery Fund established under Subtitle 1 of this title and distributed as provided under § 9–1A–27 of this subtitle.

(2) The requirement under paragraph (1) of this subsection does not apply on a day when State government is closed.

(3) The amount from the proceeds of video lottery terminals to be paid to video lottery operation licensees under § 9–1A–27(a)(2), (7), and (8), (b), and (c)(1)(ii) and (2) of this subtitle shall be retained by the licensee.

(e) The Commission shall adopt regulations that:

(1) allow a video lottery operation licensee to reduce the amount of proceeds when a video lottery operation licensee returns to successful players more than the amount of money bet through video lottery terminals or table games on a given day THAT ARE CONSISTENT WITH § 9–1A–01(U) OF THIS SUBTITLE; and

(2) establish the length of time for which a reduction under item (1) of this subsection may continue.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 300

(House Bill 896)

AN ACT concerning

Alcoholic Beverages – Class 6 Limited Wine Wholesaler’s License – Production Amounts and Sales

FOR the purpose of increasing the amount of wine that a holder of a Class 6 limited wine wholesaler’s license may produce annually; limiting the amount of wine that a certain license holder may sell and deliver to the holder of a retail license or permit that is authorized to acquire the wine; authorizing a certain license holder to sell its wine to a holder of a wholesaler’s license; requiring a certain license holder to sell the amount of wine that exceeds a certain amount to a holder of a wholesaler’s license; and generally relating to Class 6 limited wine wholesaler’s licenses.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 2–307
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

2–307.

(a) There is a Class 6 limited wine wholesaler’s license.

(b) The license may be issued only to a wine manufacturer that:

(1) holds a Class 4 limited winery license; and

(2) produces not more than $27,500$ $150,000$ $35,000$ gallons of its own wine annually.

(c) (1) The license authorizes the license holder to sell and deliver [NOT MORE THAN $27,500$ GALLONS OF] $150,000$ $35,000$ gallons of its own brand of wine produced [at the license holder’s premises] by the license holder to:

(i) a holder of a retail license that is authorized to acquire the wine; and
(ii) a holder of a permit that is authorized to acquire the wine.

(2) (I) The license holder may [not] sell its wine to a holder of a wholesaler’s license.

(II) IF THE LICENSE HOLDER PRODUCES MORE THAN 27,500 GALLONS OF WINE IN A YEAR, THE LICENSE HOLDER SHALL SELL THE AMOUNT OF WINE THAT EXCEEDS 27,500 GALLONS TO A HOLDER OF A WHOLESALER’S LICENSE.

(d) The annual license fee is $50.

(e) The license holder may use an additional location for the warehousing, sale, and delivery of wine:

(1) if approved by the Comptroller following submission of a separate application for each location; and

(2) on the payment of a $50 fee for each additional location.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 301

(House Bill 634)

AN ACT concerning

Commission to Advance Next Generation 9–1–1 Across Maryland – Establishment

FOR the purpose of establishing the Commission to Advance Next Generation 9–1–1 Across Maryland; providing for the composition, chair, and staffing of the Commission; authorizing the Emergency Number Systems Board to contract with a third-party contractor for a certain purpose; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its preliminary findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring the Commission to report its final findings and recommendations to the Governor and the General Assembly on or before a certain date; authorizing a jurisdiction to implement NG9–1–1 services before the Commission has submitted the final report to the Governor and the General Assembly; providing for the
termination of this Act; and generally relating to the Commission to Advance Next Generation 9–1–1 Across Maryland.

Preamble

WHEREAS, Maryland citizens demand and expect 9–1–1 emergency service to be reliable and efficient; and

WHEREAS, Communications technologies available to the public and first responders have substantially outpaced the legacy communications technologies presently utilized by most public safety answering points in Maryland; and

WHEREAS, This lack of modern technology is impacting the ability of the 9–1–1 system to efficiently and effectively provide responses to emergencies; and

WHEREAS, Modernizing Maryland’s 9–1–1 system to include new and evolving capabilities of broadband voice and data communications is essential for the safety and security of the general public as well as first responders; and

WHEREAS, Accelerated implementation of Next Generation 9–1–1 will increase compatibility with emerging communications trends, enhance the flexibility and reliability of Maryland’s 9–1–1 system during major incidents, improve emergency response for the public and emergency responders, and reduce the overall cost of operating systems across Maryland; and

WHEREAS, A statewide strategy has become essential to help guide the transition and create a common framework for implementation of Next Generation 9–1–1 services; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Commission to Advance Next Generation 9–1–1 (“NG9–1–1”) Across Maryland.

(b) The Commission consists of the following members:

1. one member two members of the Senate of Maryland, appointed by the President of the Senate;

2. one member two members of the House of Delegates, appointed by the Speaker of the House;

3. the Secretary of Disabilities, or the Secretary’s designee;

4. the Emergency Numbers Systems Board Executive Director, or the Executive Director’s designee;
the Emergency Numbers Systems Board Chair, or the Chair’s
designee;

the Secretary of Information Technology, or the Secretary’s
designee;

the Maryland Public Service Commission Chair, or the Chair’s
designee;

four representatives from county public safety answering points,
appointed by the Maryland Association of Counties;

one 9–1–1 public safety telecommunicator, appointed by the
Maryland Association of Counties;

two county government representatives, with familiarity with
county purchasing and finances, appointed by the Maryland Association of Counties; and

the following members, appointed by the Governor:

(i) one representative from the Eastern Shore Communications
Alliance, familiar with emergency call and message services;

(ii) one representative from the Washington Council of
Governments, familiar with emergency call and message services;

(iii) one representative from the Baltimore Metropolitan Council of
Governments, familiar with emergency call and message services;

(iv) one representative from the Maryland chapter of the National
Emergency Numbers Association, familiar with emergency call and message services;

(v) one representative from the Association of Public–Safety
Communications Officials International Mid–Eastern Chapter, familiar with emergency
call and message services;

(vi) one nonvoting representative from the broadband industry
offering service within Maryland;

one nonvoting representative from a local exchange carrier
offering service within Maryland; and

one nonvoting representative from the wireless
communications industry offering service within Maryland.

(c) The Commission shall elect the chair of the Commission.
(d) The Frederick County Council shall provide staff for the Commission:

(1) The entities represented on the Commission under subsection (b)(3) through (6) of this section jointly shall provide staff for the Commission.

(2) The Emergency Number Systems Board may contract with a third party to provide staff for the Commission under paragraph (1) of this subsection.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall study and make recommendations regarding:

(1) the implementation, management, operation, and ongoing development of NG9–1–1 emergency communication services;

(2) the current statutory and regulatory framework for the management and funding of the 9–1–1 system within the State;

(3) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9–1–1 emergency communication services in the State;

(4) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9–1–1 emergency communication services;

(5) the costs required to plan, test, implement, manage, and operate NG9–1–1 technology and services;

(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9–1–1 emergency communication services in the State.

(g) On or before December 1, 2018, the Commission shall submit a preliminary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:
(1) the needs, both capital and operating, to bring efficient and effective NG9–1–1 technology and service across Maryland, and estimated costs required to effect this priority outcome;

(2) the current funding structure for both State and local support for 9–1–1 service and its adequacy in supporting both current service and anticipated next generation service;

(3) comparisons of the current Maryland 9–1–1 fee and additional charge mechanism under § 1–310 of the Public Safety Article and comparable systems used in other states;

(4) potential changes to the Maryland 9–1–1 fee and additional charge mechanism, and their estimated effect on the implementation of full-service NG9–1–1 across Maryland;

(5) potential statutory or administrative changes to the scope of allowable uses for grant funding approved through the Emergency Numbers Systems Board, to promote and ensure ideal support for maintenance, training, and other costs associated with both the transition to NG9–1–1 service and the continued functions of effective call centers; and

(6) other matters related to the financing and procurement of NG9–1–1 across Maryland; and

(7) the anticipation and prevention of cybersecurity threats to NG9–1–1 infrastructure.

(h) On or before December 1, 2019, the Commission shall submit a final report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the current statutory and regulatory framework for the management and funding of the 9–1–1 system within the State;

(2) the implementation, management, operation, and ongoing development of NG9–1–1 emergency communication services, during both transition to expanded service and their permanent sustenance;

(3) the ideal role and placement for the Emergency Number Systems Board within State government to best service its broad and evolving missions;

(4) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9–1–1 emergency communication services in the State;
(5) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9–1–1 emergency communication services;

(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9–1–1 emergency communication services in the State.

(i) A jurisdiction may implement NG9–1–1 services before the Commission has submitted the final report to the Governor and the General Assembly as required by subsection (h) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 302

(Senate Bill 285)

AN ACT concerning

Commission to Advance Next Generation 9–1–1 Across Maryland – Establishment

FOR the purpose of establishing the Commission to Advance Next Generation 9–1–1 Across Maryland; providing for the composition, chair, and staffing of the Commission; authorizing the Emergency Number Systems Board to contract with a third-party contractor for a certain purpose; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its preliminary findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring the Commission to report its final findings and recommendations to the Governor and the General Assembly on or before a certain date; authorizing a jurisdiction to implement NG9–1–1 services before the Commission has submitted the final report to the Governor and the General Assembly; providing for the termination of this Act; and generally relating to the Commission to Advance Next Generation 9–1–1 Across Maryland.
Preamble

WHEREAS, Maryland citizens demand and expect 9–1–1 emergency service to be reliable and efficient; and

WHEREAS, Communications technologies available to the public and first responders have substantially outpaced the legacy communications technologies presently utilized by most public safety answering points in Maryland; and

WHEREAS, This lack of modern technology is impacting the ability of the 9–1–1 system to efficiently and effectively provide responses to emergencies; and

WHEREAS, Modernizing Maryland’s 9–1–1 system to include new and evolving capabilities of broadband voice and data communications is essential for the safety and security of the general public as well as first responders; and

WHEREAS, Accelerated implementation of Next Generation 9–1–1 will increase compatibility with emerging communications trends, enhance the flexibility and reliability of Maryland’s 9–1–1 system during major incidents, improve emergency response for the public and emergency responders, and reduce the overall cost of operating systems across Maryland; and

WHEREAS, A statewide strategy has become essential to help guide the transition and create a common framework for implementation of Next Generation 9–1–1 services; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Commission to Advance Next Generation 9–1–1 (“NG9–1–1”) Across Maryland.

(b) The Commission consists of the following members:

(1) one member two members of the Senate of Maryland, appointed by the President of the Senate;

(2) one member two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Disabilities, or the Secretary’s designee;

(4) the Emergency Numbers Systems Board Executive Director, or the Executive Director’s designee;

(5) the Emergency Numbers Systems Board Chair, or the Chair’s designee;
(6) the Secretary of Information Technology, or the Secretary’s designee;

(7) the Maryland Public Service Commission Chair, or the Chair’s designee;

(8) four representatives from county public safety answering points, appointed by the Maryland Association of Counties;

(9) one 9–1–1 public safety telecommunicator, appointed by the Maryland Association of Counties;

(10) two county government representatives, with familiarity with county purchasing and finances, appointed by the Maryland Association of Counties; and

(11) the following members, appointed by the Governor:

(i) one representative from the Eastern Shore Communications Alliance, familiar with emergency call and message services;

(ii) one representative from the Washington Council of Governments, familiar with emergency call and message services;

(iii) one representative from the Baltimore Metropolitan Council of Governments, familiar with emergency call and message services;

(iv) one representative from the Maryland chapter of the National Emergency Numbers Association, familiar with emergency call and message services;

(v) one representative from the Association of Public-Safety Communications Officials International Mid-Eastern Chapter, familiar with emergency call and message services;

(vi) one nonvoting representative from the broadband industry offering service within Maryland;

(vii) one nonvoting representative from a local exchange carrier offering service within Maryland; and

(viii) one nonvoting representative from the wireless communications industry offering service within Maryland.

(c) The Commission shall elect the chair of the Commission.

(d) The Frederick County Council shall provide staff for the Commission.
(1) The entities represented on the Commission under subsection (b)(3) through (6) of this section jointly shall provide staff for the Commission.

(2) The Emergency Number Systems Board may contract with a third party to provide staff for the Commission under paragraph (1) of this subsection.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall study and make recommendations regarding:

(1) the implementation, management, operation, and ongoing development of NG9–1–1 emergency communication services;

(2) the current statutory and regulatory framework for the management and funding of the 9–1–1 system within the State;

(3) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9–1–1 emergency communication services in the State;

(4) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9–1–1 emergency communication services;

(5) the costs required to plan, test, implement, manage, and operate NG9–1–1 technology and services;

(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9–1–1 emergency communication services in the State.

(g) On or before December 1, 2018, the Commission shall submit a preliminary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the needs, both capital and operating, to bring efficient and effective NG9–1–1 technology and service across Maryland, and estimated costs required to effect this priority outcome;
(2) the current funding structure for both State and local support for 9–1–1 service and its adequacy in supporting both current service and anticipated next generation service;

(3) comparisons of the current Maryland 9–1–1 fee and additional charge mechanism under § 1–310 of the Public Safety Article and comparable systems used in other states;

(4) potential changes to the Maryland 9–1–1 fee and additional charge mechanism, and their estimated effect on the implementation of full-service NG9–1–1 across Maryland;

(5) potential statutory or administrative changes to the scope of allowable uses for grant funding approved through the Emergency Numbers Systems Board, to promote and ensure ideal support for maintenance, training, and other costs associated with both the transition to NG9–1–1 service and the continued functions of effective call centers; and

(6) other matters related to the financing and procurement of NG9–1–1 across Maryland; and

(7) the anticipation and prevention of cybersecurity threats to NG9–1–1 infrastructure.

(h) On or before December 1, 2019, the Commission shall submit a final report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the current statutory and regulatory framework for the management and funding of the 9–1–1 system within the State;

(2) the implementation, management, operation, and ongoing development of NG9–1–1 emergency communication services, during both transition to expanded service and their permanent sustenance;

(3) the ideal role and placement for the Emergency Number Systems Board within State government to best service its broad and evolving missions;

(4) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9–1–1 emergency communication services in the State;

(5) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9–1–1 emergency communication services;
(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9–1–1 emergency communication services in the State.

(i) A jurisdiction may implement NG9–1–1 services before the Commission has submitted the final report to the Governor and the General Assembly as required by subsection (h) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.
Article – Tax – General

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(GG) The subtraction under subsection (a) of this section includes the first $100,000 $50,000 of compensation received by an individual during the taxable year in exchange for the sale of a perpetual conservation easement on real property located in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.

Approved by the Governor, April 24, 2018.

Chapter 304

(House Bill 695)

AN ACT concerning

Open Meetings Act – Closed Meetings – Cybersecurity

FOR the purpose of authorizing a public body to meet in a closed session to discuss cybersecurity if the public body determines that public discussion would constitute certain risks; and generally relating to closed meetings and cybersecurity.

BY repealing and reenacting, with amendments,
   Article – General Provisions
   Section 3–305(b)(13) and (14)
   Annotated Code of Maryland
   (2014 Volume and 2017 Supplement)

BY adding to
   Article – General Provisions
   Section 3–305(b)(15)
   Annotated Code of Maryland
   (2014 Volume and 2017 Supplement)

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

3–305.

(b) Subject to subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to:

(13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; [or]

(14) discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; OR

(15) DISCUSS CYBERSECURITY, IF THE PUBLIC BODY DETERMINES THAT PUBLIC DISCUSSION WOULD CONSTITUTE A RISK TO:

(I) SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY;

(II) NETWORK SECURITY INFORMATION, INCLUDING INFORMATION THAT IS:

1. RELATED TO PASSWORDS, PERSONAL IDENTIFICATION NUMBERS, ACCESS CODES, ENCRYPTION, OR OTHER COMPONENTS OF THE SECURITY SYSTEM OF A GOVERNMENTAL ENTITY;

2. COLLECTED, ASSEMBLED, OR MAINTAINED BY OR FOR A GOVERNMENTAL ENTITY TO PREVENT, DETECT, OR INVESTIGATE CRIMINAL ACTIVITY; OR

3. RELATED TO AN ASSESSMENT, MADE BY OR FOR A GOVERNMENTAL ENTITY OR MAINTAINED BY A GOVERNMENTAL ENTITY, OF THE VULNERABILITY OF A NETWORK TO CRIMINAL ACTIVITY; OR

(III) DEPLOYMENTS OR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE, OR SECURITY DEVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 305

(Senate Bill 461)

AN ACT concerning

Selling or Providing Alcoholic Beverages to Individuals With Intellectual Disabilities and Others – Repeal of Prohibition

FOR the purpose of repealing provisions of law in Allegany, Carroll, Charles, Harford, Kent, Montgomery, Queen Anne’s, and Washington counties that prohibit a license holder or employee from knowingly selling or providing an alcoholic beverage to an individual with an intellectual disability or to an individual if a family member or guardian has given written notice to the license holder or employee under certain circumstances; and generally relating to a license holder or employee selling or providing alcoholic beverages to individuals.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 9–102, 16–102, 18–102, 22–102, 24–102, 25–102, 27–102, and 31–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 9–2704, 16–2704, 18–2704, 22–2705, 24–2704, 25–2705, 27–2704, and 31–2704
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

9–102.

This title applies only in Allegany County.

9–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.
(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

16–102.

This title applies only in Carroll County.

16–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.
18–102.

This title applies only in Charles County.

18–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

   (1) a habitual drunkard;

   (2) an individual with an intellectual disability; or

   (3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

   (1) for a first offense, a fine not exceeding $50; and

   (2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

22–102.

This title applies only in Harford County.

22–2705.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

   (1) a habitual drunkard;

   (2) an individual with an intellectual disability; or
(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

This title applies only in Kent County.

24–102.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

This title applies only in Montgomery County.
Section 25–2705.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

   (1) a habitual drunkard;
   
   (2) an individual with an intellectual disability; or
   
   (3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

Section 27–102.

This title applies only in Queen Anne’s County.

Section 27–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

   (1) a habitual drunkard;
   
   (2) an individual with an intellectual disability; or
   
   (3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.
(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

31–102.

This title applies only in Washington County.

31–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
Chapter 306

(House Bill 287)

AN ACT concerning

Selling or Providing Alcoholic Beverages to Individuals With Intellectual Disabilities and Others – Repeal of Prohibition

FOR the purpose of repealing provisions of law in Allegany, Carroll, Charles, Harford, Kent, Montgomery, Queen Anne's, and Washington counties that prohibit a license holder or employee from knowingly selling or providing an alcoholic beverage to an individual with an intellectual disability or to an individual if a family member or guardian has given written notice to the license holder or employee under certain circumstances; and generally relating to a license holder or employee selling or providing alcoholic beverages to individuals.

BY repealing and reenacting, without amendments,
  Article – Alcoholic Beverages
  Section 9–102, 16–102, 18–102, 22–102, 24–102, 25–102, 27–102, and 31–102
  Annotated Code of Maryland
  (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
  Article – Alcoholic Beverages
  Section 9–2704, 16–2704, 18–2704, 22–2705, 24–2704, 25–2705, 27–2704, and 31–2704
  Annotated Code of Maryland
  (2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

9–102.

This title applies only in Allegany County.

9–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to: 
(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

16–102.

This title applies only in Carroll County.

16–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

18–102.
This title applies only in Charles County.

18–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

1. a habitual drunkard;
2. an individual with an intellectual disability; or
3. an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

1. for a first offense, a fine not exceeding $50; and
2. for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

This title applies only in Harford County.

22–102.

22–2705.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

1. a habitual drunkard;
2. an individual with an intellectual disability; or
(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

24–102.

This title applies only in Kent County.

24–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

25–102.

This title applies only in Montgomery County.
25–2705.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

   (1) a habitual drunkard;

   (2) an individual with an intellectual disability; or

   (3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

27–102.

This title applies only in Queen Anne’s County.

27–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

   (1) a habitual drunkard;

   (2) an individual with an intellectual disability; or

   (3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:
(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

This title applies only in Washington County.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:

(1) a habitual drunkard;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 307

(House Bill 1400)
AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Employees of Qualifying Organizations County Boards Qualifying Organizations

FOR the purpose of providing that participation by certain organizations in the State Employee and Retiree Health and Welfare Benefits Program may not impede, undermine, or conflict with certain obligations or statuses; altering the definition of “qualifying nonprofit organization” to authorize certain nonprofit entities to qualify for participation in the State Employee and Retiree Health and Welfare Benefits Program; authorizing an employee of a county board to participate in the Program subject to certain authorization; establishing the Task Force to Study Cooperative Purchasing for Health Insurance; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make certain recommendations regarding cooperative purchasing of health insurance; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; establishing the Task Force to Study Cooperative Purchasing for Health Insurance; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make certain recommendations regarding cooperative purchasing of health insurance; requiring the 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 certain provisions of this Act; defining a certain term; making conforming changes; and generally relating to the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 2–501, 2–512, 2–513, and 2–513
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions
Section 2–502 and 2–503(d)(2), Section 2–502, and 2–503(d)(2), and 2–512
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions
2–501.

(a) In this subtitle the following terms have the meanings indicated.

(B) (1) “COUNTY BOARD” MEANS THE BOARD OF EDUCATION OF A COUNTY.

(2) “COUNTY BOARD” INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

[(b)] (C) “Program” means the State Employee and Retiree Health and Welfare Benefits Program.

[(c)] (D) “Satellite organization” means any organization or entity whose employees are eligible to participate in the State Employee and Retiree Health and Welfare Benefits Program as a separate account.

[(d)] (E) “Wellness program” means a program that is designed to:

(1) promote health or prevent or detect disease or illness;

(2) improve clinical outcomes;

(3) prevent or reduce acute admissions and readmissions to health care facilities;

(4) improve treatment compliance for chronic conditions;

(5) promote healthy behaviors; or

(6) prevent or control injury.

2–502.

(a) There is a State Employee and Retiree Health and Welfare Benefits Program, to be developed and administered by the Secretary.

(b) (1) The Program:

(i) subject to the regulations adopted under § 2–503 of this subtitle, shall encompass all units in the Executive, Judicial, and Legislative branches of State government, including any unit with an independent personnel system;

(ii) shall include the health insurance benefit options established by the Secretary; and
(iii) except as provided in paragraph (2) of this subsection, may include any other benefit option that the Secretary considers appropriate.

(2) The Program may not contain any of the benefits provided under Division II or Title 35 or Title 37 of this article.

2–503.

(d) (2) Employees of organizations and entities covered by this section may participate:

(i) without State subsidies; and

(ii) with payment by the organization or entity of administrative costs resulting from the participation of its employees in the Program.

2–512.

(a) In this section, “qualifying nonprofit organization” means an organization that:

(1) (i) receives State funds from the Maryland Department of Health that cover more than one-third of the organization’s operating expenses; and

(ii) is:

1. described in § 501(c)(3) of the Internal Revenue Code; and

2. exempt from income tax under § 501(a) of the Internal Revenue Code;

(2) is the Legal Aid Bureau, Inc.;

(3) is a corporation, a limited liability company, or any other entity that is wholly owned by the Legal Aid Bureau, Inc.; or

(4) is the Maryland Crime Victims’ Resource Center.

(b) The Secretary shall adopt regulations for the enrollment and participation of employees of a qualifying nonprofit organization to participate in the Program as a satellite organization.

(c) A qualifying nonprofit organization that participates in the Program as a satellite organization shall:

(1) pay to the State:
(i) a premium in the amount determined by the Secretary; and

(ii) any costs, as determined by the Secretary, for the administration of this Program; and

(2) determine the extent to which the organization will subsidize participation by its employees in the Program.

(D) The participation of a satellite organization in the Program may not impede, undermine, or conflict with the Program’s federal compliance obligations or governmental and cafeteria plan status, as defined in 26 U.S.C. § 125.

2–513.

(a) Subject to paragraph (2) of this subsection, an employee of a county [or], municipal corporation, OR COUNTY BOARD may enroll and participate in the health insurance benefit options established under the Program with the approval of the governing body of the county [or], municipal corporation, OR COUNTY BOARD.

(2) An employee of a county board may enroll and participate in the health insurance benefits options under paragraph (1) of this subsection subject to any additional authorization required under the terms and conditions of the employee’s employment.

(b) The governing body of the county [or], municipal corporation, OR COUNTY BOARD shall:

(1) pay to the State the total costs resulting from the participation of its employees in the Program; and

(2) determine the extent to which the county or municipal corporation will subsidize participation by its employees in the Program.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Cooperative Purchasing for Health Insurance.

(b) The Task Force consists of the following members:

(1) the Secretary of Budget and Management, or the Secretary’s designee;

(2) the Maryland Insurance Commissioner, or the Commissioner’s designee;
(3) the Procurement Advisor;

(4) the following members, appointed by the Governor:

(i) one representative of the Maryland Association of Counties;

(ii) one representative of the Maryland Association of Boards of Education;

(iii) one representative of the Maryland Municipal League;

(iv) one representative of the Maryland Public Purchasing Association;

(v) one representative of the supplemental benefits industry;

(vi) one representative of the Maryland Retired School Personnel Association; and

(vii) one representative of Maryland Nonprofits;

(5) one representative of the American Federation for State, County, and Municipal Employees, appointed by the President of the American Federation for State, County, and Municipal Employees Council 3;

(6) one representative of the Maryland State Education Association, appointed by the President of the Association;

(7) one representative of the American Federation for State, County, and Municipal Employees, appointed by the President of the American Federation for State, County, and Municipal Employees Council 67;

(8) one representative of the Maryland State and D.C. AFL–CIO, appointed by the President of the Maryland State and D.C. AFL–CIO; and

(9) one representative of the AFT–Maryland, appointed by the President of AFT–Maryland.

(c) The Procurement Advisor shall be the chair of the Task Force.

(d) The Department of Budget and Management and the Maryland Insurance Administration shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but
(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) In order to pool public employee health care purchasing by the State, counties, municipal corporations, and county boards to maximize value while maintaining a broad package of benefits and reasonable premiums, the Task Force shall:

(1) study models of cooperative purchasing of health insurance;

(2) recommend the health insurance benefit options that should be offered to:

(i) nonprofit organizations that qualify and elect to participate in the State health plan;

(ii) county, municipal corporation, and county board employees;

(iii) a surviving spouse, child, or dependent parent of a county, municipal corporation, or county board employee who died while employed by the State; and

(iv) a retired county, municipal corporation, or county board employee;

(3) recommend ways to:

(i) minimize and combine administrative costs; and

(ii) transition the State, counties, municipal corporations, and county boards to new plans, as applicable, without adversely affecting the health benefits of any employee;

(4) recommend whether the State should limit the number of nonprofit organizations that may participate in the State health plan; and

(5) make any other recommendations to control health costs and offer a variety of health benefit plan choices.

(g) On or before January 1, 2020, the Task Force shall report its findings and recommendations 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:

(a) There is a Task Force to Study Cooperative Purchasing for Health Insurance.

(b) The Task Force consists of the following members:
the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Budget and Management, or the Secretary's designee;

(4) the Maryland Insurance Commissioner, or the Commissioner's designee;

(5) the Procurement Advisor; and

(6) the following members, appointed by the Governor:

(i) one representative of the Maryland Association of Counties;

(ii) one representative of the Maryland Association of Boards of Education;

(iii) one representative of the Maryland Municipal League;

(iv) one representative of the Maryland Public Purchasing Association;

(v) one representative of the American Federation for State, County, and Municipal Employees;

(vi) one representative of the Maryland State Education Association; and

(viii) one representative of Maryland Nonprofits.

(c) The Procurement Advisor shall be the chair of the Task Force.

(d) The Department of Budget and Management and the Maryland Insurance Administration shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
In order to pool public employee health care purchasing by transitioning counties, municipal corporations, and county boards to the State health plan while maintaining a broad package of benefits and reasonable premiums, the Task Force shall:

(1) study models of cooperative purchasing of health insurance;

(2) recommend the health insurance benefit options that should be offered to:

(i) nonprofit organizations that qualify and elect to participate in the State health plan;

(ii) county, municipal corporation, and county board employees;

(iii) a surviving spouse, child, or dependent parent of a county, municipal corporation, or county board employee who died while employed by the State; and

(iv) a retired county, municipal corporation, or county board employee;

(3) recommend ways to:

(i) minimize and combine administrative costs; and

(ii) transition county, municipal corporation, and county boards to the State plan without adversely affecting the health benefits of any employee;

(4) recommend whether the State should limit the number of nonprofit organizations that can participate in the State health plan; and

(5) make any other recommendations to control health costs and offer a variety of health benefit plan choices.

On or before January 1, 2020, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2 § 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. Section 2 of this Act shall remain effective for a period of 4 years and, at the end of September 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of September 30, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.
Chapter 308

(House Bill 1518)

AN ACT concerning

Public Health – Maternal Mortality Review Committee Program – Report and Stakeholder Meetings

FOR the purpose of requiring the Maternal Mortality Review Committee to appoint a certain number of additional members to its membership in existence as of a certain date; requiring the members added to the Committee to include certain individuals and, to the extent practicable, reflect a certain diversity; requiring the Committee to establish a certain Action Task Force subcommittee; requiring the Action Task Force subcommittee to have a certain membership; requiring the Action Task Force subcommittee to analyze certain factors, examine the impact of certain factors on maternal deaths, review and make certain recommendations, and play a certain role in coordinating with the Committee when making certain recommendations; authorizing the Committee to interview certain individuals in carrying out certain duties; requiring the Committee to prepare a certain report for a certain year with certain recommendations; defining a certain term Secretary of Health to include a certain summary of certain meetings in a certain report; requiring the Secretary to convene certain meetings of certain stakeholders at least a certain number of times each year; requiring certain meetings to be held within certain time periods and for certain purposes; and generally relating to the Maternal Mortality Review Committee Program.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 13–1201 13–1207
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health – General
Section 13–1206 13–1208
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, Maternal deaths are a key indicator of the health of residents of the State, as well as the status of social and economic development in the State; and

WHEREAS, The United States ranks 60th in the world for maternal mortality, behind all other developed nations; and
WHEREAS, Maryland ranks 38th in the nation for maternal mortality; and

WHEREAS, Maryland established a Maternal Mortality Review Committee in 2000 to identify maternal death cases, review medical records, determine the preventability of maternal deaths, and make recommendations for the prevention of maternal deaths; and

WHEREAS, The State’s maternal mortality rate has increased 51% when comparing the review period of 2010 to 2014 with the review period of 2005 to 2009; and

WHEREAS, The Maternal Mortality Review Committee has found that most of the maternal deaths that have occurred have been preventable; and

WHEREAS, The State, with the leadership of the Maternal Mortality Review Committee and support of the Action Task Force Program, needs to identify ways to prevent maternal deaths; and

WHEREAS, The time has come for Maryland to act to save the lives of mothers; now, therefore,

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

Article – Health – General

13–1201.

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

(b) “Faculty” means the Medical and Chirurgical Faculty in the State.

(c) “Maternal child health committee” means the maternal child health committee of the Faculty that is a medical review committee, as defined under § 1–401 of the Health Occupations Article.

(d) “Maternal death” means the death of a woman during pregnancy or within 1 year after the woman ceases to be pregnant.

(e) “MATERNAL MORTALITY REVIEW COMMITTEE” means the committee hosted by the maternal child health committee of the Faculty that assists the Department by reviewing maternal deaths and developing recommendations for the prevention of maternal deaths.

13–1206.1.
(A) (1) The Maternal Mortality Review Committee shall appoint at least six additional members to its membership in existence as of July 1, 2018.

(2) The members added to the Maternal Mortality Review Committee under paragraph (1) of this subsection shall include:

(i) Individuals who are immediate family members of victims of maternal death, including mothers of victims of maternal death;

(ii) Representatives of community organizations that work with immediate family members of victims of maternal death, including mothers of victims of maternal death;

(iii) Representatives of women’s health and advocacy organizations;

(iv) A representative of a Healthy Start program; and

(v) A representative of the Maryland Patient Safety Center.

(3) To the extent practicable, the members added to the Maternal Mortality Review Committee under paragraph (1) of this subsection shall reflect the racial, ethnic, cultural, and geographic diversity of the State.

(B) (1) The Maternal Mortality Review Committee shall establish an Action Task Force subcommittee.

(2) The Action Task Force subcommittee shall have a membership that consists in equal parts of:

(i) All of the members of the Maternal Mortality Review Committee added under subsection (A) of this section; and

(ii) Existing members of the Maternal Mortality Review Committee as of July 1, 2018.

(C) (1) The Action Task Force shall:
(I) Analyze the factors causing a disproportionate maternal death rate among African American women and other women of color;

(II) Examine the impact on maternal deaths of:
   1. Behavioral and somatic health factors; and
   2. Health equity and the social determinants of health; and

(III) Review recommendations of and make recommendations to the Committee to prevent maternal deaths, including recommendations relating to:
   1. Health care access before, during, and after pregnancy;
   2. The assessment and management of risk factors associated with maternal death;
   3. Documentation and management of chronic and concurrent medical conditions; and
   4. The cultural competency of health care providers.

(2) The Action Task Force subcommittee shall play a leading role in coordinating with the Maternal Mortality Review Committee when making recommendations in the annual report of the Maternal Mortality Review Committee.

(D) In carrying out the duties of the Maternal Mortality Review Committee, the Maternal Mortality Review Committee may interview family members of victims of maternal death.

(E) The Maternal Mortality Review Committee shall prepare an annual report for 2018 with recommendations to prevent maternal deaths, including recommendations made by the Action Task Force subcommittee for immediate actions that should be taken by the General Assembly and health care providers in the State to prevent maternal deaths.
(A) On or before December 1 of each year, the Secretary shall submit a report on findings, recommendations, and Program actions to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly.

(B) The Secretary shall include in the report required under subsection (A) of this section a summary of any stakeholder meetings held under § 13–1208 of this subtitle during the immediately preceding 12–month period that includes:

1. Stakeholder responses to existing recommendations; and
2. Recommendations from stakeholders that address factors contributing to maternal mortality.

13–1208.

(A) At least twice a year, the Secretary shall convene a meeting of stakeholders, including representatives of:

1. The Maryland Office of Minority Health and Health Disparities;
2. The Maryland Patient Safety Center;
3. The Maryland Healthy Start Program;
4. Women’s health advocacy organizations;
5. Community organizations engaged in maternal health and family support issues;
6. Families that have experienced a maternal death;
7. Local health departments; and
8. Health care providers that provide maternal health services.

(B) Of the two meetings required under subsection (A) of this section:

1. One meeting shall be held within 90 days after submission of the report required under § 13–1207 of this subtitle to:
(I) REVIEW THE FINDINGS AND RECOMMENDATIONS IN THE REPORT;

(II) EXAMINE ISSUES RESULTING IN DISPARITIES IN MATERNAL DEATHS;

(III) REVIEW THE STATUS OF IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS; AND

(IV) IDENTIFY NEW RECOMMENDATIONS WITH A FOCUS ON INITIATIVES TO ADDRESS ISSUES RESULTING IN DISPARITIES IN MATERNAL DEATHS; AND

(2) ONE MEETING SHALL BE HELD WITHIN 6 MONTHS AFTER THE MEETING HELD UNDER ITEM (1) OF THIS SUBSECTION TO REVIEW THE STATUS OF IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS AND CONSIDER ANY NEW INFORMATION THAT MAY BE RELEVANT FOR THE IDENTIFICATION OF ADDITIONAL RECOMMENDATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 309

(House Bill 502)

AN ACT concerning

Property Tax Credit – Surviving Spouse of Veteran

FOR the purpose of altering eligibility for a credit authorized against the county or municipal corporation property tax for certain veterans to include certain surviving spouses of certain veterans; providing for the application of this Act; and generally relating to a property tax credit for the surviving spouses of certain veterans.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 9–258
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Tax – Property

9–258.

(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 uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard; OR

(III) A SURVIVING SPOUSE, WHO HAS NOT REMARRIED, OF AN INDIVIDUAL DESCRIBED IN ITEM (II) OF THIS PARAGRAPH.

(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
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, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.

Approved by the Governor, April 24, 2018.

Chapter 310
(Senate Bill 429)

AN ACT concerning

Property Tax Credit – Widow or Widower Surviving Spouse of Veteran

FOR the purpose of altering eligibility for a credit authorized against the county or municipal corporation property tax for certain veterans to include the widow or widower certain surviving spouses of certain veterans; providing for the application of this Act; and generally relating to a property tax credit for the widow or widower surviving spouses of certain veterans.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 9–258
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

9–258.

(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 uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard; OR

(III) THE WIDOW OR WIDOWER A SURVIVING SPOUSE, WHO HAS NOT REMARRIED, OF AN INDIVIDUAL DESCRIBED IN ITEM (II) OF THIS PARAGRAPH.

(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, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.

Approved by the Governor, April 24, 2018.
Visual Impairments – Requirements for Student Vision Screening
(Atticus Act)

FOR the purpose of requiring a vision screening provided to certain students in public schools to include the administration of a screening for certain visual impairments; requiring certain vision screenings to be given in certain years to certain students unless evidence is presented that the student has been tested by certain doctors or screened for the symptoms of certain visual impairments; requiring the results of certain screenings for vision impairments to be made part of a certain record, given to the parents or guardians of certain students with certain educational materials, and reported to certain entities; requiring that a specific notice be sent to certain additional information be provided to the parents or guardians of certain students who fail a certain vision screening; repealing a requirement that a parent or guardian report, on a certain form, to certain entities on the recommended services received by a student; requiring the county board of education or the county health department to report to the Maryland Department of Health the results of screenings for visual impairments; exempting a student whose parent or guardian objects to a certain vision screening on certain grounds from taking the screening; and generally relating to student screening requirements for visual impairments.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–404
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–404.

(a)  (I) Each county board or county health department shall provide hearing and vision screenings for all students in the public schools.

(II) 1. A VISION SCREENING SHALL INCLUDE THE ADMINISTRATION OF A SCREENING THAT IS DESIGNED TO DETECT VISUAL IMPAIRMENTS.

2. A SCREENING FOR VISUAL IMPAIRMENTS SHALL INCLUDE, AT A MINIMUM, SCREENING FOR SYMPTOMS OF THE FOLLOWING VISION DISORDERS:
A. Accommodative Dysfunction;
B. Amblyopia;
C. Anisocoria;
D. Anisometropia;
E. Astigmatism;
F. Convergence Insufficiency;
G. Hyperopia;
H. Myopia;
I. Nystagmus;
J. Oculomotor Dysfunction; and
K. Strabismus.

(2) Each county health department shall provide and fund hearing and vision screenings for all students:

(i) In any private school that has received a certificate of approval under § 2–206 of this article; and

(ii) In any nonpublic educational facility in this State approved as a special education facility by the Department.

(b) (1) Unless evidence is presented that a student has been tested by an optometrist or ophthalmologist or screened for visual impairments under subsection (a)(1)(ii) of this section within the past year, the screenings required under subsection (a) of this section shall be given in the year that a student enters a school system, enters the first grade, and enters the eighth or ninth grade.

(2) Further screening shall be done in accordance with:

(i) The bylaws adopted by the State Board; or

(ii) Policies adopted by a county board or a county health department.
(c) (1) The results of the hearing and vision screenings required by this section shall be:

[(1)] (I) Made a part of the permanent record file of each student;

[(2)] (II) Given to the parents OR GUARDIANS of [any] EACH student who fails the screenings, WITH EDUCATIONAL MATERIALS THAT INCLUDE THE FOLLOWING:

1. A DISCLAIMER THAT A VISION SCREENING IS NOT A SUBSTITUTE FOR A COMPREHENSIVE EYE EXAM PERFORMED BY AN OPTOMETRIST OR OPHTHALMOLOGIST;

2. AN OVERVIEW OF VISUAL IMPAIRMENTS AND AN EXPLANATION OF THE POTENTIAL EDUCATIONAL IMPACT OF UNTREATED VISUAL IMPAIRMENTS; AND

3. A LIST OF AT–RISK GROUPS THAT ARE ENCOURAGED TO HAVE A COMPREHENSIVE EYE EXAMINATION BY AN OPTOMETRIST OR OPHTHALMOLOGIST; and

[(3)] (III) Reported to the county board or the county health department.

(2) A SEPARATE LETTER SHALL BE SENT ADDITIONAL INFORMATION SHALL BE PROVIDED TO THE PARENTS OR GUARDIANS OF A STUDENT WHO FAILS THE VISION SCREENING FOR VISUAL IMPAIRMENTS THAT INCLUDES:

(I) NOTICE THAT THE RESULTS OF THE SCREENING INDICATE THAT THE STUDENT MAY HAVE A VISION DISORDER;

(II) A DETAILED SUMMARY OF THE POTENTIAL VISION DISORDER THAT THE STUDENT MAY HAVE AND AN EXPLANATION OF THE IMPACT THE VISION DISORDER MAY HAVE ON THE STUDENT'S EDUCATIONAL PERFORMANCE;

(III) NOTICE THAT THERE ARE TREATMENTS FOR VISION DISORDERS;

(IV) (II) A RECOMMENDATION TO THE PARENT OR GUARDIAN THAT THE STUDENT BE TESTED BY AN OPTOMETRIST OR OPHTHALMOLOGIST; AND

(V) GENERAL INSTRUCTIONS ON WHERE AND HOW PARENTS AND GUARDIANS CAN GET MORE INFORMATION.
(III) A DESCRIPTION OF THE WARNING SIGNS, SYMPTOMS, RISK FACTORS, AND BEHAVIORAL PROBLEMS ASSOCIATED WITH VISION DISORDERS OR EYE CONDITIONS;

(IV) A DESCRIPTION OF THE DIFFERENCE BETWEEN EYE EXAMINATIONS AND THE VISION SCREENINGS REQUIRED UNDER THIS SECTION;

(V) INFORMATION ON HOW TO ENROLL IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM; AND

(VI) INFORMATION ON LOCALLY AVAILABLE FREE OR LOW–COST NONPROFIT PROGRAMS THAT PROVIDE EYE EXAMINATIONS AND EYEGLASSES FOR CHILDREN, IF ANY.

(d) On a form provided by the county board or the county health department, a parent or guardian shall report to the county board or the county health department on the recommended services received by a student who failed the screenings.

(e) The county board or the county health department shall report to the Maryland Department of Health the results of the hearing and vision screenings AND SCREENINGS FOR VISUAL IMPAIRMENTS and, to the extent practicable, the number of students receiving the recommended services.

(f) In cooperation with the Maryland Department of Health, the Department of Education shall adopt standards, rules, and regulations to carry out the provisions of this section.

(g) A student whose parent or guardian objects in writing to hearing and vision screening OR A SCREENING FOR VISUAL IMPAIRMENTS on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which he is an adherent or member may not be required to take these screenings.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
Vision Disorders Visual Impairments – Requirements for Student Vision Screening – Revisions and Information
(Atticus Act)

FOR the purpose of requiring a vision screening provided to certain students in public schools to include the administration of a screening for possible symptoms of certain vision disorders; requiring certain vision screenings to be given in certain years to certain students unless evidence is presented that the student has been tested by certain doctors or screened for the symptoms of certain vision disorders; requiring the results of a certain screening for vision disorders to be made part of a certain record, certain screenings be given to the parents or guardians of certain students with certain educational materials, and reported to certain entities; requiring a specific notice be sent that certain additional information be provided to the parents or guardians of certain students who fail a certain vision screening; requiring a parent or guardian to report, on a certain form, to certain entities on the recommended services received by a student who may have possible symptoms of a vision disorder; requiring the county board of education or the county health department to report to the Maryland Department of Health the results of screenings for the symptoms of vision disorders; exempting a student whose parent or guardian objects to a certain vision screening on certain grounds from taking the screening; and generally relating to student screening requirements for vision disorders and information on visual impairments.

BY repealing and reenacting, with amendments,

Article – Education
Section 7–404
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–404.

(a)  (I) Each county board or county health department shall provide hearing and vision screenings for all students in the public schools.

(II) 1. A vision screening shall include the administration of a screening that is designed to detect possible symptoms of vision disorders.

2. A screening for vision disorders shall include, at minimum, screening for symptoms of the following vision disorders:
(2) Each county health department shall provide and fund hearing and vision screenings for all students:

   (i) In any private school that has received a certificate of approval under § 2–206 of this article; and

   (ii) In any nonpublic educational facility in this State approved as a special education facility by the Department.

(b) (1) Unless evidence is presented that a student has been tested \textbf{BY AN OPTOMETRIST OR OPHTHALMOLOGIST OR SCREENED FOR THE SYMPTOMS OF VISION DISORDERS UNDER SUBSECTION (A)(1)(II)2 OF THIS SECTION} within the past year, the screenings required under subsection (a) of this section shall be given in the year that a student enters a school system, enters the first grade, and enters the eighth or ninth grade.

(2) Further screening shall be done in accordance with:

   (i) The bylaws adopted by the State Board; or

   (ii) Policies adopted by a county board or a county health department.
(c)  (1) The results of the hearing and vision screenings required by this section shall be:

[(1)] (I) Made a part of the permanent record file of each student;

[(2)] (II) Given to the parents OR GUARDIANS of [any] EACH student [who fails the screenings], WITH EDUCATION EDUCATIONAL MATERIALS THAT INCLUDE THE FOLLOWING:

1. A DISCLAIMER THAT A VISION SCREENING IS NOT A SUBSTITUTE FOR A COMPREHENSIVE EYE EXAM PERFORMED BY AN OPTOMETRIST OR OPHTHALMOLOGIST;

2. AN OVERVIEW OF THE SYMPTOMS OF VISION DISORDERS VISUAL IMPAIRMENTS AND AN EXPLANATION OF THE POTENTIAL EDUCATIONAL IMPACT OF UNTREATED VISION DISORDERS VISUAL IMPAIRMENTS; AND

3. A LIST OF AT–RISK GROUPS THAT ARE ENCOURAGED TO HAVE A COMPREHENSIVE EYE EXAMINATION BY AN OPTOMETRIST OR OPHTHALMOLOGIST; and

[(3)] (III) Reported to the county board or the county health department.

(2) A SEPARATE NOTICE SHALL BE SENT ADDITIONAL INFORMATION SHALL BE PROVIDED TO THE PARENTS OR GUARDIANS OF A STUDENT WHO FAILS THE VISION SCREENING FOR SYMPTOMS OF A VISION DISORDER THAT INCLUDES:

(I) NOTICE THAT THE RESULTS OF THE SCREENING INDICATE THAT THE STUDENT MAY HAVE A VISION DISORDER; AND

(II) A DETAILED SUMMARY OF THE POTENTIAL VISION DISORDER THAT THE STUDENT MAY HAVE AND AN EXPLANATION OF THE IMPACT THE VISION DISORDER MAY HAVE ON THE STUDENT’S EDUCATIONAL PERFORMANCE.

(II) A RECOMMENDATION TO THE PARENT OR GUARDIAN THAT THE STUDENT BE TESTED BY AN OPTOMETRIST OR OPHTHALMOLOGIST;

(III) A DESCRIPTION OF THE WARNING SIGNS, SYMPTOMS, RISK FACTORS, AND BEHAVIORAL PROBLEMS ASSOCIATED WITH VISION DISORDERS OR EYE CONDITIONS;
(IV) A description of the difference between eye examinations and the vision screenings required under this section;

(V) Information on how to enroll in the Maryland Medical Assistance Program; and

(VI) Information on locally available free or low-cost nonprofit programs that provide eye examinations and eyeglasses for children, if any.

(d) On a form provided by the county board or the county health department, a parent or guardian shall report to the county board or the county health department on the recommended services received by a student who failed the screenings OR WHO MAY HAVE POSSIBLE SYMPTOMS OF A VISION DISORDER.

(e) The county board or the county health department shall report to the Maryland Department of Health the results of the hearing and vision screenings AND SCREENINGS FOR SYMPTOMS OF VISION DISORDERS and, to the extent practicable, the number of students receiving the recommended services.

(f) In cooperation with the Maryland Department of Health, the Department of Education shall adopt standards, rules, and regulations to carry out the provisions of this section.

(g) A student whose parent or guardian objects in writing to hearing and vision screening OR A SCREENING FOR SYMPTOMS OF VISION DISORDERS on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which he is an adherent or member may not be required to take these screenings.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
under certain circumstances, to certain property; and generally relating to the collection of property taxes on leased property.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 6–102(e)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 10–403
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

6–102.

(e) Unless exempted under § 7–211, § 7–211.1, § 7–244, or § 7–501 of this article, the interest or privilege of a person in property that is 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 subject to property tax as though the lessee or the user of the property were the owner of the property, if the property is leased or otherwise made available to that person:

(1) 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; and

(2) with the privilege to use the property in connection with a business that is conducted for profit.

10–403.

(a) The owner of property that is subject to the leasehold or other limited interest that is described in § 6–102(b) through (e) of this article is not liable for property tax on that property. However, the Department may impose the entire property tax liability due on the property to the tenant, bailee, custodian, or other party in possession of the property.

(b) [If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF the holder of a leasehold or other limited interest in property that is described in § 6–102(e) of this article fails to pay property tax that is due, a lien does not attach to the property or to
the interest of a holder in the property but is a personal debt of the holder that is recoverable by civil action in any court of competent jurisdiction.

(C) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO ANY LEASEHOLD INTEREST HELD IN ANY PROPERTY WITHIN:**

(I) A DEVELOPMENT DISTRICT DESIGNATED UNDER § 12–203 OF THE ECONOMIC DEVELOPMENT ARTICLE;

(II) A SPECIAL TAXING DISTRICT ESTABLISHED UNDER § 21–409 OR § 21–503 OF THE LOCAL GOVERNMENT ARTICLE; OR

(III) A COMMUNITY DEVELOPMENT AUTHORITY DESIGNATED UNDER § 2–7–125 OF THE CODE OF PUBLIC LOCAL LAWS OF FREDERICK COUNTY.

(2) **THIS SUBSECTION DOES NOT APPLY TO ANY REVERSIONARY INTEREST OF THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION, OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION IN PROPERTY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 314

(Senate Bill 925)

AN ACT concerning

**Property Tax – Liability for Payment of Tax on Leased Property**

FOR the purpose of providing that a lien that is the result of unpaid property tax of the lessee of certain interests in property of certain governmental entities does attach, under certain circumstances, to certain property; and generally relating to the collection of property taxes on leased property.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 6–102(e)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Tax – Property

6–102.

(e) Unless exempted under § 7–211, § 7–211.1, § 7–244, or § 7–501 of this article, the interest or privilege of a person in property that is 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 subject to property tax as though the lessee or the user of the property were the owner of the property, if the property is leased or otherwise made available to that person:

(1) 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; and

(2) with the privilege to use the property in connection with a business that is conducted for profit.

10–403.

(a) The owner of property that is subject to the leasehold or other limited interest that is described in § 6–102(b) through (e) of this article is not liable for property tax on that property. However, the Department may impose the entire property tax liability due on the property to the tenant, bailee, custodian, or other party in possession of the property.

(b) Except as provided in subsection (c) of this section, if the holder of a leasehold or other limited interest in property that is described in § 6–102(e) of this article fails to pay property tax that is due, a lien does not attach to the property or to the interest of a holder in the property but is a personal debt of the holder that is recoverable by civil action in any court of competent jurisdiction.

(C) (1) Except as provided in paragraph (2) of this subsection, subsection (b) of this section does not apply to any leasehold interest held in any property within:
(I) A DEVELOPMENT DISTRICT DESIGNATED UNDER § 12–203 OF THE ECONOMIC DEVELOPMENT ARTICLE;

(II) A SPECIAL TAXING DISTRICT ESTABLISHED UNDER § 21–409 OR § 21–503 OF THE LOCAL GOVERNMENT ARTICLE; OR

(III) A COMMUNITY DEVELOPMENT AUTHORITY DESIGNATED UNDER § 2–7–125 OF THE CODE OF PUBLIC LOCAL LAWS OF FREDERICK COUNTY.

(2) THIS SUBSECTION DOES NOT APPLY TO ANY REVERSIONARY INTEREST OF THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION, OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION IN PROPERTY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 315
(Senate Bill 372)

AN ACT concerning

Estates and Trusts – Transfer From Revocable Trust – Exemption From Taxes and Fees

FOR the purpose of exempting from certain taxes and fees certain transfers of real property and certain vehicles from a revocable trust to a beneficiary of the trust as a result of the death of the settlor of the trust; and generally relating to an exemption from taxes and fees on transfers of real property and vehicles.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–1001
Annotated Code of Maryland
(2017 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

14.5–1001.

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

(2) “Consideration” does not include the amount of any obligation under a mortgage, deed of trust, or other writing encumbering the transferred property.

(3) “Trust” does not include:

(i) A real estate investment trust as defined in § 8–101 of the Corporations and Associations Article; or

(ii) A statutory trust as defined in § 12–101 of the Corporations and Associations Article.

(4) “Vehicle” includes:

(i) A motor vehicle, a trailer, a semitrailer, a moped, a motor scooter, or an off–highway recreational vehicle for which sales and use tax is not collected at the time of purchase; or

(ii) A motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13–109(c) or (d) of the Transportation Article without a certificate of title.

(b) A recordation tax, transfer tax, or any other State or local excise tax may not be imposed on the transfer of real property or an interest in real property without consideration or on the recordation of an instrument that transfers real property or an interest in real property without consideration if:

(1) The transfer is to a trust; or

(2) The transfer is from a trust to one or more beneficiaries and:

(i) The transfer is made to a person that would be exempt from tax under Title 12 or Title 13 of the Tax – Property Article if the transfer had been made to that person directly by the grantor; [or]

(ii) The transfer is made during the life of the grantor of the trust and the trustee of the trust originally acquired the real property for adequate consideration; OR

(III) THE TRANSFER IS MADE TO A BENEFICIARY OF A REVOCABLE TRUST AS A RESULT OF THE DEATH OF THE SETTLOR OF THE TRUST.
(c) An excise tax or a certificate of title fee imposed under Title 13, Subtitle 8 of the Transportation Article may not be imposed on the issuance of an original or subsequent certificate of title issued for a vehicle that is transferred without consideration if:

(1) The transfer is to a trust and the transfer would be exempt from the excise tax under § 13–810 of the Transportation Article if the transferor transferred the vehicle directly to one or more of the beneficiaries; or

(2) The transfer is from a trust to one or more beneficiaries of the trust and:

   (i) The transfer is made to a person that would be exempt from the excise tax under § 13–810 of the Transportation Article if the transfer had been made to that person directly by the transferor of the vehicle to the trust; OR

   (ii) The transfer is made during the life of the settlor of the trust and the trustee of the trust originally acquired the vehicle for adequate consideration; OR

   (III) THE TRANSFER IS MADE TO A BENEFICIARY OF A REVOCABLE TRUST AS A RESULT OF THE DEATH OF THE SETTLOR OF THE TRUST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 316

(House Bill 948)

AN ACT concerning

Estates and Trusts – Transfer From Revocable Trust – Exemption From Tax

Taxes and Fees

FOR the purpose of exempting from certain taxes and fees certain transfers of real property and certain vehicles from a revocable trust to a beneficiary of the trust as a result of the death of the settlor of the trust; and generally relating to an exemption from taxes and fees on transfers of real property and vehicles.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–1001
Annotated Code of Maryland
(2017 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

14.5–1001.

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

(2) “Consideration” does not include the amount of any obligation under a mortgage, deed of trust, or other writing encumbering the transferred property.

(3) “Trust” does not include:

(i) A real estate investment trust as defined in § 8–101 of the Corporations and Associations Article; or

(ii) A statutory trust as defined in § 12–101 of the Corporations and Associations Article.

(4) “Vehicle” includes:

(i) A motor vehicle, a trailer, a semitrailer, a moped, a motor scooter, or an off–highway recreational vehicle for which sales and use tax is not collected at the time of purchase; or

(ii) A motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13–109(c) or (d) of the Transportation Article without a certificate of title.

(b) A recordation tax, transfer tax, or any other State or local excise tax may not be imposed on the transfer of real property or an interest in real property without consideration or on the recordation of an instrument that transfers real property or an interest in real property without consideration if:

(1) The transfer is to a trust; or

(2) The transfer is from a trust to one or more beneficiaries and:

(i) The transfer is made to a person that would be exempt from tax under Title 12 or Title 13 of the Tax – Property Article if the transfer had been made to that person directly by the grantor; [or]

(ii) The transfer is made during the life of the grantor of the trust and the trustee of the trust originally acquired the real property for adequate consideration; OR
(III) THE TRANSFER IS MADE TO A BENEFICIARY OF A REVOCABLE TRUST AS A RESULT OF THE DEATH OF THE SETTLOR OF THE TRUST.

(c) An excise tax or a certificate of title fee imposed under Title 13, Subtitle 8 of the Transportation Article may not be imposed on the issuance of an original or subsequent certificate of title issued for a vehicle that is transferred without consideration if:

(1) The transfer is to a trust and the transfer would be exempt from the excise tax under § 13–810 of the Transportation Article if the transferor transferred the vehicle directly to one or more of the beneficiaries; or

(2) The transfer is from a trust to one or more beneficiaries of the trust and:

   (i) The transfer is made to a person that would be exempt from the excise tax under § 13–810 of the Transportation Article if the transfer had been made to that person directly by the transferor of the vehicle to the trust; OR

   (ii) The transfer is made during the life of the settlor of the trust and the trustee of the trust originally acquired the vehicle for adequate consideration; OR

(III) THE TRANSFER IS MADE TO A BENEFICIARY OF A REVOCABLE TRUST AS A RESULT OF THE DEATH OF THE SETTLOR OF THE TRUST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 317

(Senate Bill 324)

AN ACT concerning

Washington County – Alcoholic Beverages – Serving Underage Individuals – Penalties

FOR the purpose of repealing in Washington County a certain requirement necessary to establish a defense against selling or providing alcoholic beverages to an individual under the age of 21 years; altering the penalties imposed on an employee of an alcoholic beverages license holder in Washington County who sells or provides alcoholic beverages to an individual under the age of 21 years; making it a misdemeanor under certain circumstances to sell or provide alcoholic beverages to
an individual under the age of 21 years in Washington County; prohibiting the Washington County Board of License Commissioners from proceeding administratively against an employee of a license holder who violates the prohibition against selling or providing alcoholic beverages to an individual under the age of 21 years until after the employee is granted probation before judgment or found guilty of the violation; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 6–304 and 31–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 31–2702
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

6–304.

A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual under the age of 21 years.

31–102.

This title applies only in Washington County.

31–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:
the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years;

(2) the individual was not a resident of the State.

(c) (1) A violation of § 6–304 of this article A VIOLATION FOR WHICH A PENALTY IS IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION is a misdemeanor.

(2) (I) If an employee of a license holder violates § 6–304 of this article, the Board may impose on the employee a fine not exceeding THE EMPLOYEE IS SUBJECT TO:

(i) for a first offense, $200; and

(ii) for each subsequent offense, $500.

1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR A FIRST OFFENSE, A FINE OF $100;

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR A SECOND OFFENSE, A FINE OF $250; AND

3. FOR EACH SUBSEQUENT OFFENSE, A TERM OF IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING $1,000 OR BOTH.

(II) IF AN EMPLOYEE DOES NOT PAY WITHIN 30 DAYS A FINE IMPOSED UNDER SUBPARAGRAPH (I)1 OR 2 OF THIS PARAGRAPH, THE EMPLOYEE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING $1,000 OR BOTH.

(3) If a license holder violates § 6–304 of this article, the Board may impose a fine not exceeding $2,500, suspend or revoke the license, or impose both a fine and suspend or revoke the license.

(d) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

(E) THE BOARD MAY NOT PROCEED ADMINISTRATIVELY AGAINST AN EMPLOYEE OF A LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE UNTIL AFTER THE EMPLOYEE IS GRANTED PROBATION BEFORE JUDGMENT OR FOUND GUILTY OF THE VIOLATION.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 318

(House Bill 1147)

AN ACT concerning

Washington County – Property Tax Credit for Disabled Veterans – Minimum Percentage of Disability

FOR the purpose of expanding eligibility for a certain property tax credit in Washington County for the dwelling house of a disabled veteran or the surviving spouse of a disabled veteran to include veterans with any service-connected disability; providing for the application of this Act; and generally relating to a property tax credit in Washington County for the dwelling house of a disabled veteran.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 9–323(g)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 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
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, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.

Approved by the Governor, April 24, 2018.

Chapter 319

(Senate Bill 887)

AN ACT concerning
Washington County – Property Tax Credit for Disabled Veterans – Minimum Percentage of Disability

FOR the purpose of expanding eligibility for a certain property tax credit in Washington County for the dwelling house of a disabled veteran or the surviving spouse of a disabled veteran to include veterans with any service–connected disability; providing for the application of this Act; and generally relating to a property tax credit in Washington County for the dwelling house of a disabled veteran.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–323(g)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 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, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.

Approved by the Governor, April 24, 2018.

Chapter 320

(House Bill 1156)

AN ACT concerning

Washington County – Alcoholic Beverages – Tasting Licenses

FOR the purpose of authorizing the Board of License Commissioners for Washington County to issue beer tasting licenses to holders of any class of beer, wine, and liquor license; providing that the beer tasting license authorizes the holder to allow the on-premises consumption of multiple varieties of beer for tasting from a single brand owner under certain circumstances; prohibiting a license holder from serving more than a certain amount of a single offering of beer to a single consumer; requiring that the license holder give notice in writing to the Board at least a certain number of days before a beer tasting event; specifying the number of bottles of beer that may be open at any one time at a beer tasting event; prohibiting the contents of a bottle from being mixed with that of any other bottle; requiring that a bottle be destroyed when empty; specifying the maximum number of days that a beer tasting license

may be used; prohibiting a tasting from lasting longer than a certain number of hours; establishing certain annual fees for a beer tasting license; authorizing the Board to issue a wine tasting license to the holder of any class of beer, wine, and liquor license; authorizing the holder of a wine tasting license to allow a wholesaler or supplier to present certain wines at a tasting; providing for a maximum number of tasting events per year for a wine tasting license; providing that a tasting event may not last more than a certain amount of time; providing certain procedures for the consumption and disposal of wines used at a tasting event; establishing certain fees for certain types of wine tasting licenses; authorizing the Board to issue a liquor tasting license to the holder of any class of beer, wine, and liquor license; authorizing the holder of a liquor tasting license to allow a wholesaler or supplier to present certain liquors at a tasting; repealing a prohibition on a license holder holding more than one tasting event on the same day; repealing a certain application requirement; altering a certain limit to the amount of liquor an individual may be served at a tasting; providing that a tasting event may not last more than a certain amount of time; and generally relating to alcohol tasting licenses in Washington County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 31–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 31–1307, 31–1308, and 31–1309
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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.

31–1307.

(a) There is a beer tasting (BT) license.

(b) The Board may issue the license to a holder of [a Class A or Class B beer and wine (BW) license or a Class A or Class B beer, wine, and liquor (BWL)] ANY CLASS OF BEER, WINE, AND LIQUOR license.

(c) The license authorizes the holder to allow the ON–PREMISES consumption OF
MULTIPLE VARIETIES of beer FROM A SINGLE BRAND OWNER for tasting if the consumer is not charged.

[(d) The Board shall regulate:

(1) the quantity of beer to be served to each individual;

(2) the number of bottles or other containers of beer from which this quantity is being served; and

(3) the size of the bottles or other containers.

(e) In addition to the BW license fee or the BWL license fee, the annual license fee is $100.]

(D) A LICENSE HOLDER MAY SERVE NOT MORE THAN 2 OUNCES OF A SINGLE OFFERING TO A SINGLE CONSUMER.

(E) THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS BEFORE A BEER TASTING EVENT.

(F) (1) A MAXIMUM OF FOUR BOTTLES OF BEER MAY BE OPEN AT ANY ONE TIME AT A BEER TASTING EVENT.

(2) AFTER A BOTTLE IS OPENED:

(I) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE; AND

(II) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.

(G) (1) THE LICENSE MAY BE USED FOR A MAXIMUM OF:

(I) 12 DAYS IN A LICENSING YEAR FOR A 12–TASTING LICENSE; AND

(II) 24 DAYS IN A LICENSING YEAR FOR A 24–TASTING LICENSE.

(2) A BEER TASTING MAY NOT LAST LONGER THAN 4 HOURS.

(H) THE ANNUAL LICENSE FEES ARE:

(1) $100 FOR A 12–TASTING LICENSE; AND
(2) $200 FOR A 24–TASTING LICENSE.

31–1308.

(a) There is a wine tasting (WTL) license.

(b) The Board may issue the license to a holder of [a Class A] ANY CLASS OF beer, wine, and liquor license.

(c) The license authorizes the holder to allow:

(1) the on–premises consumption of wine for tasting; AND

(2) A WHOLESALER OR SUPPLIER TO PRESENT VARIOUS WINES FROM A SINGLE BRAND OWNER.

(d) The license holder shall notify the Board in writing at least 10 days before a tasting event.

(e) A license holder may not serve more than 2 ounces of a single wine to a single customer.

(f) A license holder may not charge for the wine tasting.

(g) The license may be used [not more than] FOR A MAXIMUM OF:

(1) 12 days in a licensing year FOR A 12–TASTING LICENSE; AND

(2) 24 DAYS IN A LICENSING YEAR FOR A 24–TASTING LICENSE.

(h) In addition to the annual license fee of a Class A beer, wine, and liquor license, the annual license fee is $200.]

(H) A SINGLE TASTING EVENT MAY NOT EXCEED 4 HOURS.

(I) (1) A MAXIMUM OF FOUR BOTTLES MAY BE OPEN AT ANY TIME AT A WINE TASTING EVENT.

(2) AFTER A BOTTLE OF WINE IS OPENED FOR A TASTING EVENT:

(I) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE; AND

(II) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.
(J) THE ANNUAL LICENSE FEES ARE:

(1) $200 FOR A 12–TASTING LICENSE; AND

(2) $400 FOR A 24–TASTING LICENSE.

31–1309.

(a) There is a liquor tasting license (LTL).

(b) The Board may issue the license to a holder of [a Class A] ANY CLASS OF beer, wine, and liquor license.

(c) [(1)] The license authorizes the holder to allow:

(1) the on–premises consumption of liquor for tasting; AND

(2) A WHOLESALER OR SUPPLIER TO PRESENT VARIOUS LIQUORS FROM A SINGLE BRAND OWNER.

[(2) A license holder may not hold more than one liquor, beer, or wine tasting event on the same day.]

(d) [An applicant for the license shall submit an application on the form that the Board provides.

(e) The license holder shall notify the Board in writing at least 10 days before a tasting event.

[(f) (E) An individual may consume liquor covered by the license in a quantity of not more than:

(1) one–half ounce from each offering of liquor; and

(2) four offerings in 1 day] A LICENSE HOLDER MAY NOT SERVE MORE THAN 1 OUNCE OF A SINGLE LIQUOR TO A SINGLE INDIVIDUAL.

[(g) (F) (1) A maximum of four bottles may be open at any one time at a liquor tasting event.

(2) After a bottle of liquor is opened for a tasting event:

(i) the contents of the bottle may not be mixed with that of any other bottle; and
(ii) the bottle shall be destroyed when empty.

[(h)] (G) A license holder may not charge for the liquor tasting.

[(i)] (H) The license may be used for a maximum of:

(1) 12 days in a licensing year for a 12–tasting license; and

(2) 24 days in a licensing year for a 24–tasting license.

(I) A SINGLE TASTING EVENT MAY NOT EXCEED 4 HOURS.

(j) The annual license fees are:

(1) $300 for a 12–tasting license; and

(2) $500 for a 24–tasting license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

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Chapter 321

(Senate Bill 340)

AN ACT concerning

Washington County – Alcoholic Beverages – Tasting Licenses

FOR the purpose of authorizing the Board of License Commissioners for Washington County to issue beer tasting licenses to holders of any class of beer, wine, and liquor license; providing that the beer tasting license authorizes the holder to allow the on–premises consumption of multiple varieties of beer for tasting from a single brand owner under certain circumstances; prohibiting a license holder from serving more than a certain amount of a single offering of beer to a single consumer; requiring that the license holder give notice in writing to the Board at least a certain number of days before a beer tasting event; specifying the number of bottles of beer that may be open at any one time at a beer tasting event; prohibiting the contents of a bottle from being mixed with that of any other bottle; requiring that a bottle be destroyed when empty; specifying the maximum number of days that a beer tasting license may be used; prohibiting a tasting from lasting longer than a certain number of hours; establishing certain annual fees for a beer tasting license; authorizing the Board to issue a wine tasting license to the holder of any class of beer, wine, and
liqueur license; authorizing the holder of a wine tasting license to allow a wholesaler or supplier to present certain wines at a tasting; providing for a maximum number of tasting events per year for a wine tasting license; providing that a tasting event may not last more than a certain amount of time; providing certain procedures for the consumption and disposal of wines used at a tasting event; establishing certain fees for certain types of wine tasting licenses; authorizing the Board to issue a liquor tasting license to the holder of any class of beer, wine, and liquor license; authorizing the holder of a liquor tasting license to allow a wholesaler or supplier to present certain liquors at a tasting; repealing a prohibition on a license holder holding more than one tasting event on the same day; repealing a certain application requirement; altering a certain limit to the amount of liquor an individual may be served at a tasting; providing that a tasting event may not last more than a certain amount of time; and generally relating to alcohol tasting licenses in Washington County.

BY repealing and reenacting, without amendments,
   Article – Alcoholic Beverages
   Section 31–102
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Article – Alcoholic Beverages
   Section 31–1307, 31–1308, and 31–1309
   Annotated Code of Maryland
   (2016 Volume and 2017 Supplement)

   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.

31–1307.

   (a) There is a beer tasting (BT) license.

   (b) The Board may issue the license to a holder of [a Class A or Class B beer and wine (BW) license or a Class A or Class B beer, wine, and liquor (BWL)] ANY CLASS OF BEER, WINE, AND LIQUOR license.

   (c) The license authorizes the holder to allow the ON–PREMISES consumption OF MULTIPLE VARIETIES of beer FROM A SINGLE BRAND OWNER for tasting if the consumer is not charged.
[(d) The Board shall regulate:

(1) the quantity of beer to be served to each individual;

(2) the number of bottles or other containers of beer from which this quantity is being served; and

(3) the size of the bottles or other containers.

(e) In addition to the BW license fee or the BWL license fee, the annual license fee is $100.]

(D) A LICENSE HOLDER MAY SERVE NOT MORE THAN 2 OUNCES OF A SINGLE OFFERING TO A SINGLE CONSUMER.

(E) THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS BEFORE A BEER TASTING EVENT.

(F) (1) A MAXIMUM OF FOUR BOTTLES OF BEER MAY BE OPEN AT ANY ONE TIME AT A BEER TASTING EVENT.

(2) AFTER A BOTTLE IS OPENED:

(I) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE; AND

(II) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.

(G) (1) THE LICENSE MAY BE USED FOR A MAXIMUM OF:

(I) 12 DAYS IN A LICENSING YEAR FOR A 12–TASTING LICENSE;

AND

(II) 24 DAYS IN A LICENSING YEAR FOR A 24–TASTING LICENSE.

(2) A BEER TASTING MAY NOT LAST LONGER THAN 4 HOURS.

(H) THE ANNUAL LICENSE FEES ARE:

(1) $100 FOR A 12–TASTING LICENSE; AND

(2) $200 FOR A 24–TASTING LICENSE.
31–1308.

(a) There is a wine tasting (WTL) license.

(b) The Board may issue the license to a holder of [a Class A] ANY CLASS OF beer, wine, and liquor license.

(c) The license authorizes the holder to allow:

(1) the on–premises consumption of wine for tasting; AND

(2) A WHOLESALER OR SUPPLIER TO PRESENT VARIOUS WINES FROM A SINGLE BRAND OWNER.

(d) The license holder shall notify the Board in writing at least 10 days before a tasting event.

(e) A license holder may not serve more than 2 ounces of a single wine to a single customer.

(f) A license holder may not charge for the wine tasting.

(g) The license may be used [not more than] FOR A MAXIMUM OF:

(1) 12 days in a licensing year FOR A 12–TASTING LICENSE; AND

(2) 24 DAYS IN A LICENSING YEAR FOR A 24–TASTING LICENSE.

(h) In addition to the annual license fee of a Class A beer, wine, and liquor license, the annual license fee is $200.

(H) A SINGLE TASTING EVENT MAY NOT EXCEED 4 HOURS.

(I) (1) A MAXIMUM OF FOUR BOTTLES MAY BE OPEN AT ANY TIME AT A WINE TASTING EVENT.

(2) AFTER A BOTTLE OF WINE IS OPENED FOR A TASTING EVENT:

(I) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE; AND

(II) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.

(J) THE ANNUAL LICENSE FEES ARE:
(1) $200 FOR A 12–TASTING LICENSE; AND
(2) $400 FOR A 24–TASTING LICENSE.

31–1309.

(a) There is a liquor tasting license (LTL).

(b) The Board may issue the license to a holder of [a Class A] ANY CLASS OF beer, wine, and liquor license.

(c) [(1)] The license authorizes the holder to allow:
(1) the on–premises consumption of liquor for tasting; AND

(2) A WHOLESALER OR SUPPLIER TO PRESENT VARIOUS LIQUORS FROM A SINGLE BRAND OWNER.

[(2) A license holder may not hold more than one liquor, beer, or wine tasting event on the same day.]

(d) [(An applicant for the license shall submit an application on the form that the Board provides.]

(e) The license holder shall notify the Board in writing at least 10 days before a tasting event.

[(f) (E) An individual may consume liquor covered by the license in a quantity of not more than:
(1) one–half ounce from each offering of liquor; and
(2) four offerings in 1 day] A LICENSE HOLDER MAY NOT SERVE MORE THAN 1 OUNCE OF A SINGLE LIQUOR TO A SINGLE INDIVIDUAL.

[(g) (F) (1) A maximum of four bottles may be open at any one time at a liquor tasting event.
(2) After a bottle of liquor is opened for a tasting event:
(i) the contents of the bottle may not be mixed with that of any other bottle; and
(ii) the bottle shall be destroyed when empty.
[h] (G) A license holder may not charge for the liquor tasting.

[i] (H) The license may be used for a maximum of:

(1) 12 days in a licensing year for a 12–tasting license; and

(2) 24 days in a licensing year for a 24–tasting license.

(I) A SINGLE TASTING EVENT MAY NOT EXCEED 4 HOURS.

(j) The annual license fees are:

(1) $300 for a 12–tasting license; and

(2) $500 for a 24–tasting license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 322

(House Bill 1237)

AN ACT concerning

Procurement – Disposition of Property – Public Universities

FOR the purpose of specifying the type of property for which the Board of Regents of the University System of Maryland shall obtain the approval of the Board of Public Works before selling or exchanging; altering the requirement for approval by the Board of Public Works for contracts of a certain amount that dispose of certain property of certain public universities; and generally relating to the disposition of property held by public universities.

BY repealing and reenacting, with amendments,
    Article – Education
    Section 12–104(b)(6) and (g)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
    Article – State Finance and Procurement
    Section 11–203(e)(1) and (2)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(e)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

**Article – Education**

12–104.

(b) In addition to the powers set forth elsewhere in this title, the University may:

(6) Subject to the provisions of [subsection (h)] SUBSECTIONS (G) AND (H) of this section, acquire, hold, lease, use, encumber, transfer, exchange, or dispose of real and personal property;

(g) (1) With the approval of the Board of Public Works, the Board of Regents may sell or exchange any part of its REAL properties.

(2) Money received from the sale of property may be used, if approved by the Board of Public Works, only to purchase or improve property and facilities. This money may not be applied to the Annuity Bond Fund Account.

**Article – State Finance and Procurement**

11–203.

(e) (1) In this subsection, “University” means the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(3) (i) A procurement by a University shall comply with the policies and procedures developed by the University and approved by the Board of Public Works and the Administrative, Executive, and Legislative Review Committee of the General Assembly in accordance with § 12–112 of the Education Article for the University System of Maryland, § 14–109 of the Education Article for Morgan State University, or § 14–405(f) of the Education Article for St. Mary’s College of Maryland.
(ii) 1. The review and approval of the Board of Public Works shall be required for the following types of contracts with a value that exceeds $1,000,000:

   A. capital improvements; AND

   B. services;

   C. dispositions of personal property subject to § 10–305 of this article, except for dispositions of personal property that was purchased with the proceeds of a general obligation loan.

   2. In its review of a contract for services or capital improvements with a value that exceeds $1,000,000, the Board of Public Works may request the comments of the appropriate agencies, including the Department of Budget and Management and the Department of General Services.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 323

(House Bill 772)

AN ACT concerning

Maryland Medical Assistance Program Department of Health – Clinical Reimbursement for Services Provided by Certified Peer Recovery Specialists – Workgroup and Report

FOR the purpose of authorizing the Maryland Medical Assistance Program to provide, subject to certain limitations, clinical services provided by certified peer recovery specialists to individuals with substance use disorders or mental health disorders; requiring the Secretary of Health, under certain circumstances, to develop certain regulations with input from certain entities; and generally relating to Maryland Medical Assistance Program services provided by requiring the Secretary of Health to convene a stakeholder workgroup to make findings and recommendations on issues related to the reimbursement of certified peer recovery specialists; requiring the workgroup to include representatives of certain persons; requiring the Secretary to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a workgroup to study and report on the reimbursement of certified peer recovery specialists.
BY repealing and reenacting, with amendments,
Article Health General
Section 15–103(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

(a) The Secretary of Health shall convene a stakeholder workgroup to make findings and recommendations on issues related to the reimbursement of certified peer recovery specialists, including:

(1) whether statutory or regulatory changes are required; and

(2) whether an amendment to the State plan or waiver under the federal Social Security Act is required.

(b) The workgroup convened under subsection (a) of this section shall include representatives of the Maryland Department of Health, behavioral health providers, certified peer recovery specialists, advocacy organizations, and other interested stakeholders.

(c) On or before December 1, 2018, the Secretary of Health shall submit a report on the findings and recommendations of the workgroup convened under subsection (a) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

Article Health General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(i) Subject to the limitations of the State budget, shall provide medical and other health care services for indigent individuals or medically indigent individuals or both;

(ii) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all eligible pregnant women whose family income is at or below 250 percent of the poverty level, as permitted by the federal law;
(iii) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all eligible children currently under the age of 1 whose family income falls below 185 percent of the poverty level, as permitted by federal law;

(iv) Beginning on January 1, 2012, shall provide, subject to the limitations of the State budget, family planning services to all women whose family income is at or below 200 percent of the poverty level, as permitted by federal law;

(v) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all children from the age of 1 year up through and including the age of 5 years whose family income falls below 133 percent of the poverty level, as permitted by the federal law;

(vi) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all children who are at least 6 years of age but are under 19 years of age whose family income falls below 133 percent of the poverty level, as permitted by federal law;

(vii) Shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all legal immigrants who meet Program eligibility standards and who arrived in the United States before August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act, as permitted by federal law;

(viii) Shall provide, subject to the limitations of the State budget and any other requirements imposed by the State, comprehensive medical care and other health care services for all legal immigrant children under the age of 18 years and pregnant women who meet Program eligibility standards and who arrived in the United States on or after August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act;

(ix) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, and as permitted by federal law, medical care and other health care services for adults whose annual household income is at or below 133 percent of the poverty level;

(x) Subject to the limitations of the State budget, and as permitted by federal law:

1. Shall provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State and are not otherwise eligible for Program benefits;
May provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of any other state or the District of Columbia; and

3. May provide comprehensive dental care for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State;

(xi) May include bedside nursing care for eligible Program recipients;

[and]

(xii) Shall provide services in accordance with funding restrictions included in the annual State budget bill; AND

(xiii) Beginning on January 1, 2020, may provide, subject to the limitations of the State budget, and as allowed by federal law, clinical services provided by certified peer recovery specialists to individuals with substance use disorders or mental health disorders.

(2) Subject to restrictions in federal law or waivers, the Department may:

(i) Impose cost-sharing on Program recipients; and

(ii) For adults who do not meet requirements for a federal category of eligibility for Medicaid:

1. Cap enrollment; and

2. Limit the benefit package.

(4) Subject to the limitations of the State budget, the Department shall implement the provisions of Title II of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, to include:

(i) Parents and caretaker relatives who have a dependent child living in the parents’ or caretaker relatives’ home; and

(ii) Adults who do not meet requirements, such as age, disability, or parent or caretaker relative of a dependent child, for a federal category of eligibility for Medicaid and who are not enrolled in the federal Medicare program, as enacted by Title XVII of the Social Security Act.

SECTION 2. AND BE IT FURTHER ENACTED, That if the Secretary of Health adopts regulations to implement the provisions of § 15-103(a)(2)(xiii) of the Health-General Article, as enacted by Section 1 of this Act, the Secretary of Health shall
develop the regulations with input from the Behavioral Health Administration, the Health Care Financing division of the Maryland Department of Health, community-based behavioral health providers, certified peer recovery specialists, and other stakeholders.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of 6 months and, at the end of December 31, 2018, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

______________________________

Chapter 324

(Senate Bill 765)

AN ACT concerning

Maryland Medical Assistance Program Department of Health – Clinical Reimbursement for Services Provided by Certified Peer Recovery Specialists – Workgroup and Report

FOR the purpose of authorizing the Maryland Medical Assistance Program to provide, subject to certain limitations, clinical services provided by certified peer recovery specialists to individuals with substance use disorders or mental health disorders; requiring the Secretary of Health, under certain circumstances, to develop certain regulations with input from certain entities; and generally relating to Maryland Medical Assistance Program services provided by requiring the Secretary of Health to convene a stakeholder workgroup to make findings and recommendations on issues related to the reimbursement of certified peer recovery specialists; requiring the workgroup to include representatives of certain persons; requiring the Secretary to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a workgroup to study and report on the reimbursement of certified peer recovery specialists.

BY repealing and reenacting, with amendments,

Article Health – General

Section 15–103(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
(a) The Secretary of Health shall convene a stakeholder workgroup to make findings and recommendations on issues related to the reimbursement of certified peer recovery specialists, including:

(1) whether statutory or regulatory changes are required; and

(2) whether an amendment to the State plan or waiver under the federal Social Security Act is required.

(b) The workgroup convened under subsection (a) of this section shall include representatives of the Maryland Department of Health, behavioral health providers, certified peer recovery specialists, advocacy organizations, and other interested stakeholders.

(c) On or before December 1, 2018, the Secretary of Health shall submit a report on the findings and recommendations of the workgroup convened under subsection (a) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

Article—Health—General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(i) Subject to the limitations of the State budget, shall provide medical and other health care services for indigent individuals or medically indigent individuals or both;

(ii) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all eligible pregnant women whose family income is at or below 250 percent of the poverty level, as permitted by the federal law;

(iii) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all eligible children currently under the age of 1 whose family income falls below 185 percent of the poverty level, as permitted by federal law;

(iv) Beginning on January 1, 2012, shall provide, subject to the limitations of the State budget, family planning services to all women whose family income is at or below 200 percent of the poverty level, as permitted by federal law;
(v) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all children from the age of 1 year up through and including the age of 5 years whose family income falls below 133 percent of the poverty level, as permitted by the federal law;

(vi) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all children who are at least 6 years of age but are under 19 years of age whose family income falls below 133 percent of the poverty level, as permitted by federal law;

(vii) Shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all legal immigrants who meet Program eligibility standards and who arrived in the United States before August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act, as permitted by federal law;

(viii) Shall provide, subject to the limitations of the State budget and any other requirements imposed by the State, comprehensive medical care and other health care services for all legal immigrant children under the age of 18 years and pregnant women who meet Program eligibility standards and who arrived in the United States on or after August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act;

(ix) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, and as permitted by federal law, medical care and other health care services for adults whose annual household income is at or below 133 percent of the poverty level;

(x) Subject to the limitations of the State budget, and as permitted by federal law:

1. Shall provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State and are not otherwise eligible for Program benefits;

2. May provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of any other state or the District of Columbia, and

3. May provide comprehensive dental care for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State;

(xi) May include bedside nursing care for eligible Program recipients;
(xii) Shall provide services in accordance with funding restrictions included in the annual State budget bill; AND

(xiii) BEGINNING ON JANUARY 1, 2020, MAY PROVIDE, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, AND AS ALLOWED BY FEDERAL LAW, CLINICAL SERVICES PROVIDED BY CERTIFIED PEER RECOVERY SPECIALISTS TO INDIVIDUALS WITH SUBSTANCE USE DISORDERS OR MENTAL HEALTH DISORDERS.

(2) Subject to restrictions in federal law or waivers, the Department may:

(i) Impose cost-sharing on Program recipients; and

(ii) For adults who do not meet requirements for a federal category of eligibility for Medicaid:

1. Cap enrollment; and

2. Limit the benefit package.

(4) Subject to the limitations of the State budget, the Department shall implement the provisions of Title II of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, to include:

(i) Parents and caretaker relatives who have a dependent child living in the parents’ or caretaker relatives’ home; and

(ii) Adults who do not meet requirements, such as age, disability, or parent or caretaker relative of a dependent child, for a federal category of eligibility for Medicaid and who are not enrolled in the federal Medicare program, as enacted by Title XVII of the Social Security Act.

SECTION 2. AND BE IT FURTHER ENACTED, That if the Secretary of Health adopts regulations to implement the provisions of § 15–103(a)(2)(xiii) of the Health—General Article, as enacted by Section 1 of this Act, the Secretary of Health shall develop the regulations with input from the Behavioral Health Administration, the Health Care Financing division of the Maryland Department of Health, community-based behavioral health providers, certified peer recovery specialists, and other stakeholders.

SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of 6 months and, at the end of December 31, 2018, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.
Chapter 325

(Senate Bill 872)

AN ACT concerning

Vehicle Laws – Special Event Zones – Worcester County

FOR the purpose of authorizing in Worcester County the State Highway Administration, on its own initiative or at the request of a local authority, to designate an area on a State highway as a special event zone and reduce established speed limits in the special event zone after making a certain determination; authorizing a local authority to designate an area on a highway under its jurisdiction as a special event zone and reduce established speed limits in the special event zone after making a certain determination; providing that a speed limit established under this Act shall become effective when posted; prohibiting a person from driving a motor vehicle at a speed exceeding the posted speed limit within a special event zone; prohibiting a driver from committing certain violations while driving in a special event zone while pedestrians are present; prohibiting a driver from committing a certain violation that results in bodily injury or death to another person; establishing certain penalties for certain violations of this Act; providing for the application of this Act; defining certain terms; making this Act an emergency measure; and generally relating to highway special event zones.

BY repealing and reenacting, without amendments,

Article – Transportation
Section 11–130
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to

Article – Transportation
Section 21–811 and 21–906
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

11–130.

“Local authority” means a political subdivision or a local board or other body that, under the laws of this State, has authority to enact laws and adopt local police regulations relating to traffic.
21–811.

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

(2) (I) “SPECIAL EVENT” means any automotive, entertainment, amusement, recreation, sporting, marketing, or community event at which the public gathers in large numbers and in close proximity to a highway.

   (II) “SPECIAL EVENT” includes:

   1. A vehicle show, a boat show, or an outdoor recreation show;
   2. A festival, fair, or carnival;
   3. A parade;
   4. A circus;
   5. A concert;
   6. A block party; and
   7. A fireworks display or motor vehicle event occurring on or in close proximity to a highway that:

   (I) has been permitted or approved by a unit of local government; or

   (II) is expected to have 1,000 or more individuals in attendance, regardless of whether the event has been permitted or approved by a unit of local government.

(3) “SPECIAL EVENT ZONE” means an area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that a special event is in progress.

(B) This section applies only in Worcester County.

(B)(C) (1) The State Highway Administration may, on its own initiative or at the request of a local authority:
(I) **Designate an area on a State highway as a special event zone; and**

(II) **Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.**

(2) A **local authority may:**

(I) **Designate an area on a highway under its jurisdiction as a special event zone; and**

(II) **Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.**

(D) A **speed limit established under this section shall become effective when posted.**

(E) A **person may not drive a motor vehicle at a speed exceeding the posted speed limit within a special event zone established in accordance with this section.**

(F) A **person convicted of a violation of subsection (D) (E) of this section is subject to a fine not exceeding $1,000.**

21–906.

(A) A **driver may not commit any of the following violations while driving in a special event zone established under § 21–811 of this title while pedestrians are present:**

(1) § 21–901.1(a) of this subtitle (Reckless driving);

(2) § 21–901.2 of this subtitle (Aggressive driving);

(3) § 21–1116 of this title (Race or speed contest prohibited); or

(4) § 21–1117 of this title (Skidding, spinning of wheels, and excessive noise prohibited).

(B) **(1) A driver may not commit a violation of subsection (A) of this section that results in bodily injury to another person.**
(2) A driver may not commit a violation of subsection (A) of this section that results in death of another person.

(c) (1) A person convicted of a violation of subsection (A) of this section is subject to:

(I) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(II) For a second or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

(2) A person convicted of a violation of subsection (B)(1) of this section is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(3) A person convicted of a violation of subsection (B)(2) of this section is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

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 yea 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, April 24, 2018.

Chapter 326
(Senate Bill 384)

AN ACT concerning

Alcoholic Beverages – Limited Distillery License – Retail Sales

FOR the purpose of raising the annual amount of certain alcoholic beverages that a holder of a Class 9 limited distillery license may distill, rectify, bottle, or sell; increasing the annual amount of the products manufactured under a Class 9 limited distillery license that the holder of the license may sell at retail on a certain premises for on–sale or off–sale consumption; and generally relating to limited distillery licenses.

BY repealing and reenacting, without amendments,
BY repealing and reenacting, with amendments,
    Article – Alcoholic Beverages
    Section 2–203(d)
    Annotated Code of Maryland
    (2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

2–203.

(a) There is a Class 9 limited distillery license.

(d) A holder of the limited distillery license may not:

(1) apply for or possess a wholesaler’s license;

(2) sell bottles of the products manufactured at the Class 9 limited
    distillery on that part of the premises used for the distillery operation;

(3) except as provided in subsection (e) of this section, distill, rectify, bottle,
    or sell more than \{100,000\} 200,000 gallons of brandy, rum, whiskey, alcohol, and neutral
    spirits each calendar year;

(4) sell at retail on the premises of the Class D or Class B license, for
    on–sale or off–sale consumption, more than [15,500] 35,000 31,000 gallons of the products
    manufactured under the license each calendar year; and

(5) own, operate, or be affiliated in any manner with another
    manufacturer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

Somerset County – Fire Companies – Appropriations

FOR the purpose of requiring the County Commissioners of Somerset County to appropriate to certain organized volunteer fire companies in the county certain amounts for certain fiscal years; requiring that the appropriations required for a certain fiscal year remain in effect for subsequent fiscal years unless altered by a future enactment; and generally relating to appropriations for organized volunteer fire companies in Somerset County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Somerset County
Section 2–304(a)
Article 20 – Public Local Laws of Maryland
(2015 Edition, as amended)

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

Article 20 – Somerset County

2–304.

(a) (1) The County Commissioners shall appropriate and levy annually the following amounts for the use of the organized volunteer fire companies in the County:

<table>
<thead>
<tr>
<th>Fire Company</th>
<th>[FY 2010]</th>
<th>[FY 2011]</th>
<th>[FY 2012]</th>
<th>[FY 2013]</th>
<th>[FY 2014]</th>
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<td>FY 2020</td>
<td>FY 2021</td>
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<td>FY 2021</td>
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<td>FY 2023</td>
<td>FY 2024</td>
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<td>6</td>
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<td>1</td>
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<td>$63,300</td>
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<tr>
<td>Marion</td>
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<td>$38,300</td>
<td>$39,300</td>
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### Chapter 328
#### Volunteer Fire Company

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<td>of Smith Island</td>
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<tr>
<td>Mount Vernon Volunteer Fire</td>
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<td>$38,390.00</td>
<td>$39,158.5</td>
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<td>$40,740.5</td>
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(2) The required appropriation for fiscal year [2015] 2023 2024 shall remain in effect for subsequent fiscal years unless altered by future enactment.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.
AN ACT concerning

Somerset County – Fire Companies – Appropriations

FOR the purpose of requiring the County Commissioners of Somerset County to appropriate to certain organized volunteer fire companies in the county certain amounts for certain fiscal years; requiring that the appropriations required for a certain fiscal year remain in effect for subsequent fiscal years unless altered by a future enactment; and generally relating to appropriations for organized volunteer fire companies in Somerset County.

BY repealing and reenacting, with amendments,

The Public Local Laws of Somerset County

Section 2–304(a)

Article 20 – Public Local Laws of Maryland

(2015 Edition, as amended)

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

Article 20 – Somerset County

2–304.

(a) (1) The County Commissioners shall appropriate and levy annually the following amounts for the use of the organized volunteer fire companies in the County:

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<tr>
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<tr>
<td>Crisfield Volunteer Fire Company</td>
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(2) The required appropriation for fiscal year 2015 shall remain in effect for subsequent fiscal years unless altered by future enactment.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 329

(House Bill 1593)

AN ACT concerning

<table>
<thead>
<tr>
<th>Deal Island-Chance</th>
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<tbody>
<tr>
<td>$32,500</td>
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<tr>
<th>Ewell Fire Department, Inc., of Smith Island</th>
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<td>$25,900</td>
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<tr>
<th>Mount Vernon Volunteer Fire Company, Inc.</th>
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Real Property – Mobile Home Parks – Lot Rent Increases Notices to Residents

FOR the purpose of requiring a mobile home park owner to provide certain notice if the park owner enters into a contract of sale for the mobile home park; requiring a park owner who intends to offer the renewal of a certain lease agreement with an increase in rent to provide a certain notice to the resident and make available to the resident a certain option to phase in the rent increase under certain circumstances; providing for the application of this Act; and generally relating to rent increases in mobile home parks notices to residents in mobile home parks.

BY repealing and reenacting, with amendments,

Article – Real Property
Section 8A–202
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Real Property


(a) A park owner shall offer all current and prospective year–round residents a rental agreement for a period of not less than 1 year.

(b) Upon the expiration of the initial term, the resident shall be on a month–to–month term, unless a longer term is agreed to by the parties, subject to the modified provisions relating to the amount and payment of rent.

(c) (1) In this subsection, “qualified resident” means a year–round resident who:

(i) Has made rental payments on the due date or within any grace period commonly permitted in the park during the preceding year;

(ii) Within the preceding 6–month period has not committed a repeated violation of any rule or provision of the rental agreement and, at the time the term expires, no substantial violation exists; and

(iii) Owns a mobile home that meets the standards of the park.

(2) (i) Before the expiration of a 1–year term, or upon request of the resident at any time during a month–to–month term, a park owner shall offer to a qualified resident a rental agreement for a 1–year period.
(ii) An offer of a rental agreement for a 1–year term to a qualified resident shall:

1. Be delivered to the resident no later than 30 days before the expiration of the existing term;

2. Explain, in clear language, a qualified resident’s right to the 1–year term; and

3. Contain a statement that, if the resident chooses not to enter into a 1–year agreement, the lease will continue on a month–to–month term that can be discontinued by either party, upon 30 days’ notice.

(3) If the use of land is changed:

(i) All residents shall be entitled to a 1–year prior written notice of termination notwithstanding the provisions of a longer term in a rental agreement; and

(ii) The park owner shall send to the local governing body of the county or municipal corporation in which the park is located a copy of the written notice of termination sent to the residents under item (i) of this paragraph.

(4) If a resident’s rental agreement is not renewed on the basis that the resident is not a qualified resident, the park owner shall, within 5 days, provide the resident with a written statement of the specific reason for nonrenewal of the rental agreement.

(5) A resident who has been offered a 1–year rental agreement under this section, and who has selected a month–to–month term and has not requested a 1–year rental agreement under this section, is not entitled to a 1–year rental agreement after a notice to terminate is delivered by certified mail to the resident by the park owner.

(d) If any rental agreement contains a provision calling for an automatic renewal of the lease term unless prior notice is given by the party or parties seeking to terminate the rental agreement, that provision shall be distinctly set apart from any other provision of the rental agreement and provide a space for the written acknowledgment of the resident’s agreement to the automatic renewal provision. Such provision not specifically accompanied by either the resident’s initials, signature, or witnessed mark is unenforceable by the park owner.

(e) A rental agreement may not contain:

(1) A provision whereby the resident authorizes any person to confess judgment on a claim arising out of the rental agreement.

(2) A provision whereby the resident agrees to waive or to forego any right or remedy provided by applicable law.
(3) Any provision whereby the resident waives his right to a jury trial.

(4) Any provision authorizing the park owner to take possession of the leased premises, or the resident’s personal property therein unless the rental agreement has been terminated by action of the parties or by operation of law, and such personal property has been abandoned by the mobile home resident without the benefit of formal legal process.

(f) Any rental agreement offered under this section shall contain the same terms, including rent, fees, and conditions, as a rental agreement offered to a resident or prospective resident on a month–to–month term.

(g) (1) Within 30 days after obtaining ownership of a mobile home, a resident as defined under § 8A–101(j)(2) of this title shall:

   (i) Offer the mobile home for sale;

   (ii) Apply to the park owner to enter into a rental agreement; or

   (iii) Take reasonable steps to remove the mobile home from the park.

(2) A park owner may not unreasonably deny an application submitted under paragraph (1)(ii) of this subsection.

(3) Notwithstanding any other provision of law, a resident as defined under § 8A–101(j)(2) of this title shall remove the resident’s mobile home from the park:

   (i) If settlement on a sale offered under paragraph (1)(i) of this subsection has not occurred within 1 year of the resident’s obtaining ownership; or

   (ii) Within 6 months after an application submitted under paragraph (1)(ii) of this subsection is denied.

(H) A PARK OWNER THAT ENTERS INTO A CONTRACT OF SALE FOR A MOBILE HOME PARK SHALL, WITHIN 5 DAYS AFTER ENTERING INTO THE CONTRACT:

(1) PROVIDE NOTICE OF THE SALE TO:

   (I) EACH RESIDENT IN THE MOBILE HOME PARK BY HAND DELIVERY OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED; AND

   (II) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED; AND

(2) POST NOTICE OF THE SALE IN A PUBLIC AREA OF THE MOBILE HOME PARK.
(H) (1) This subsection applies only to a rental agreement that has a term of not less than 1 year that is offered for renewal for a term of not less than 1 year.

(2) If a park owner intends to offer the renewal of a lease agreement with an increase in rent, the park owner shall:

(i) Provide notice to the resident of the rent increase no later than 60 days before the expiration of the existing rental agreement; and

(ii) Make available to the resident the option to phase in the rent increase under the renewed rental agreement as follows:

1. 50% of the rent increase during the first half of the term of the renewed rental agreement; and

2. 100% of the rent increase during the remainder of the term of the renewed rental agreement.

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 rental agreement or renewal of a rental agreement between a mobile home park owner and a resident entered into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 330

(House Bill 807)

AN ACT concerning

Transportation – Highway User Revenues – Distribution

FOR the purpose of altering the percentages of amounts of and process for appropriating highway user revenues funds that are required to be distributed to Baltimore City, counties, and municipalities in certain fiscal years; requiring that certain capital highway grants may be made only under certain circumstances; altering the percentages in requiring that in certain fiscal years of highway user revenues that
are required to be used as authorized under the Transportation Trust Fund; repealing certain obsolete distributions and transfers of highway user revenues for certain fiscal years; repealing certain obsolete distributions of highway user revenues to Baltimore City, counties, and municipalities for certain fiscal years; altering a certain definition; providing for a delayed effective date for certain provisions of this Act; making certain conforming changes; and generally relating to the distribution appropriation of highway user revenues.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–401(a) and (d), 8–404, and 8–405
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–402 8–401(d), 8–402, and 8–403
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–405
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Transportation

8–401.

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

(d) (1) “Highway user revenues” means the funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(2) “HIGHWAY USER REVENUES” INCLUDES FUNDS USED FOR CAPITAL TRANSPORTATION GRANTS MADE UNDER § 8–403 OF THIS SUBTITLE.

8–402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.
(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, two-thirds of the vehicle titling tax;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this Account under § 2–614 of the Tax – General Article; and

(5) 80 percent of the funds distributed on short–term vehicle rentals under § 2–1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

(c) Except as provided in paragraph (2) of this subsection, for each fiscal year THE ACCOUNT SHALL BE DISTRIBUTED AS FOLLOWS:

(i) FOR FISCAL YEAR 2020, 88% of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

(ii) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, 86.8% OF THE REVENUE CREDITED TO THE ACCOUNT MAY BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE; AND

The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

(c) (1) Except as provided in paragraph (2) of this subsection, for each fiscal year 2019:

(i) 90.4% of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

(ii) The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

(2) For fiscal years 2010 through 2013, the Account shall be distributed as follows:
A portion to the General Fund of the State for fiscal years 2010 through 2012 as follows:

1. 19.5% for fiscal year 2010;
2. 23% for fiscal year 2011; and
3. 11.3% for fiscal year 2012;

A portion to be used as provided in § 3–216 of this article, as follows:

1. 70% for fiscal year 2010;
2. 68.5% for fiscal year 2011;
3. Subject to paragraph (3) of this subsection, 79.8% for fiscal year 2012; and
4. 90% for fiscal year 2013; and

The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

For fiscal year 2012, from the amount allocated to the Transportation Trust Fund under paragraph (2)(ii)3 of this subsection, $40,000,000 shall be transferred from the Transportation Trust Fund to the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article.

For fiscal year 2020 and each fiscal year thereafter, revenue credited to the account shall be used as provided in § 3–216 of this article.

Subject to §§ 3–307 and 3–308 of this article, and except as provided in subsection (b) of this section, for each fiscal year, from the total highway user revenues:

1. An amount equal to 7.7% of total highway user revenues shall be distributed to Baltimore City in monthly installments;

2. An amount shall be distributed to the counties at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–404 of this subtitle, equal to 1.5% of total highway user revenues; and
(3) An amount shall be distributed to the municipalities at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–405 of this subtitle, equal to 0.4% of total highway user revenues.

(b) (1) For fiscal year [2010] 2020:

(i) The amount distributed to Baltimore City under this subtitle shall equal [8.6%] 8.3% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal [0.4%] 2.2% of total highway user revenues.

(2) For fiscal year [2011] 2021 AND EACH FISCAL YEAR THEREAFTER:

(i) The amount distributed to Baltimore City under this subtitle shall equal [7.9%] 8.9% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal [0.5%] 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal [0.1%] 2.8% of total highway user revenues.

(B) (1) For Subject to paragraph (3) of this subsection, for fiscal years 2020 through 2024, the following amounts shall be appropriated from the Transportation Trust Fund as capital transportation grants:

(I) 8.3% of the amount allocated to the Transportation Trust Fund under § 8–402(c)(2) of this subtitle to Baltimore City;

(II) 3.2% of the amount allocated to the Transportation Trust Fund under § 8–402(c)(2) of this subtitle to the counties to be distributed as provided in § 8–404 of this subtitle; and

(III) 2.0% of the amount allocated to the Transportation Trust Fund under § 8–402(c)(2) of this subtitle to the municipalities to be distributed as provided in § 8–405 of this subtitle.
FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE FOLLOWING AMOUNTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS CAPITAL TRANSPORTATION GRANTS:

(I) 7.7% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO BALTIMORE CITY;

(II) 1.5% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8–404 OF THIS SUBTITLE; AND

(III) 0.4% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8–405 OF THIS SUBTITLE.

CAPITAL GRANTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS PROVIDED IN § 3–216 OF THIS ARTICLE BASED ON THE FOLLOWING CALCULATIONS:

(I) AN AMOUNT EQUAL TO 8.3% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO BALTIMORE CITY;

(II) AN AMOUNT EQUAL TO 3.2% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8–404 OF THIS SUBTITLE; AND

(III) AN AMOUNT EQUAL TO 2.0% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8–405 OF THIS SUBTITLE.

SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, CAPITAL GRANTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS PROVIDED IN § 3–216 OF THIS ARTICLE BASED ON THE FOLLOWING CALCULATIONS:

(I) AN AMOUNT EQUAL TO 7.7% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO BALTIMORE CITY;

(II) AN AMOUNT EQUAL TO 1.5% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8–404 OF THIS SUBTITLE; AND
(III) An amount equal to 0.4% of funds credited to the Gasoline and Motor Vehicle Revenue Account shall be appropriated to the municipalities to be distributed as provided in § 8–405 of this subtitle.

(3) The Capital grants made under this subtitle shall be appropriated only if all debt service requirements and departmental operating expenses have been funded and sufficient funds are available to fund the capital program.

[(3) For fiscal year 2012:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.5% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.8% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.6% of total highway user revenues.

(4) For fiscal year 2013:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.1% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.]

8–404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues to be distributed to the counties under § 8–403 of this subtitle, the county’s share, to be determined by adding:
(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county, not including the total mileage of county roads in eligible municipalities in the county, bears to the total mileage of county roads in all of the counties, not including the total mileage of county roads in eligible municipalities in the State; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county, not including motor vehicles registered to owners having addresses in eligible municipalities in the county, bears to the total number of motor vehicles registered to owners in all the counties, not including motor vehicles registered to owners having addresses in eligible municipalities in the State.

8–405.

(a) An eligible municipality may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.

(b) Highway user revenues shall be allocated to the eligible municipalities:

(1) One half on a municipal road mileage basis, as provided in subsection (c)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (c)(2) of this section.

(c) The Administration shall allocate for the account of each eligible municipality, out of the highway user revenues to be distributed to the municipalities under § 8–403 of this subtitle the eligible municipality’s share, to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the eligible municipality bears to the total mileage of county roads located in eligible municipalities in the State; and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the eligible municipality bears to the total number of motor vehicles registered to owners having addresses in eligible municipalities in the State.
(d) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George's County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

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

Article – Transportation

8–401.

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

(d) “Highway user revenues” means the funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund CAPITAL GRANTS APPROPRIATED TO BALTIMORE CITY, COUNTIES, AND MUNICIPALITIES UNDER § 8–403(B) OF THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019.

SECTION 2. 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 331

(Senate Bill 516)

AN ACT concerning

Transportation – Highway User Revenues – Distribution

FOR the purpose of altering the percentages of amounts of and process for appropriating highway user revenues funds that are required to be distributed to Baltimore City, counties, and municipalities in certain fiscal years; requiring that certain capital highway grants may be made only under certain circumstances; altering the percentages in requiring that in certain fiscal years of highway user revenues that are required to be used as authorized under the Transportation Trust Fund;
repealing certain obsolete distributions and transfers of highway user revenues for certain fiscal years; repealing certain obsolete distributions of highway user revenues to Baltimore City, counties, and municipalities for certain fiscal years; altering a certain definition; providing for a delayed effective date for certain provisions of this Act; making certain conforming changes; and generally relating to the distribution appropriation of highway user revenues.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–401(a) and (d), 8–404, and 8–405
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–402 8–401(d), 8–402, and 8–403
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–405
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Transportation

8–401.

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

(d) (1) “Highway user revenues” means the funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(2) “HIGHWAY USER REVENUES” INCLUDES FUNDS USED FOR CAPITAL TRANSPORTATION GRANTS MADE UNDER § 8–403 OF THIS SUBTITLE.

8–402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:
(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, two-thirds of the vehicle titling tax;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this Account under § 2–614 of the Tax – General Article; and

(5) 80 percent of the funds distributed on short-term vehicle rentals under § 2–1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

(e)(1) Except as provided in paragraph (2) of this subsection, for each fiscal year THE ACCOUNT SHALL BE DISTRIBUTED AS FOLLOWS:

(i) For fiscal year 2020, 88% of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

(ii) For fiscal year 2021 and each fiscal year thereafter, 86.8% of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

(ii) In each fiscal year, the balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

(c) (1) Except as provided in paragraph (2) of this subsection, for each fiscal year 2019:

(i) 90.4% of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

(ii) The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

[(2) For fiscal years 2010 through 2013, the Account shall be distributed as follows:

(i) A portion to the General Fund of the State for fiscal years 2010 through 2012 as follows:
1. 19.5% for fiscal year 2010;
2. 23% for fiscal year 2011; and
3. 11.3% for fiscal year 2012;

(ii) A portion to be used as provided in § 3–216 of this article, as follows:
1. 70% for fiscal year 2010;
2. 68.5% for fiscal year 2011;
3. Subject to paragraph (3) of this subsection, 79.8% for fiscal year 2012; and
4. 90% for fiscal year 2013; and

(iii) The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

(3) For fiscal year 2012, from the amount allocated to the Transportation Trust Fund under paragraph (2)(ii)3 of this subsection, $40,000,000 shall be transferred from the Transportation Trust Fund to the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article.

(2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, REVENUE CREDITED TO THE ACCOUNT SHALL BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE.

8–403.

(a) Subject to §§ 3–307 and 3–308 of this article, and except as provided in subsection (b) of this section, for each fiscal year FOR FISCAL YEAR 2019, from the total highway user revenues:

(1) An amount equal to 7.7% of total highway user revenues shall be distributed to Baltimore City in monthly installments;

(2) An amount shall be distributed to the counties at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–404 of this subtitle, equal to 1.5% of total highway user revenues; and

(3) An amount shall be distributed to the municipalities at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–405 of this subtitle, equal to 0.4% of total highway user revenues.
(b) (1) For fiscal year [2010] 2020:

(i) The amount distributed to Baltimore City under this subtitle shall equal [8.6%] 8.3% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal [0.4%] 2.2% of total highway user revenues.

(2) For fiscal year [2011] 2021 AND EACH FISCAL YEAR THEREAFTER:

(i) The amount distributed to Baltimore City under this subtitle shall equal [7.9%] 8.9% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal [0.5%] 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal [0.1%] 2.8% of total highway user revenues.

(B) (1) FOR SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEARS 2020 THROUGH 2024, THE FOLLOWING AMOUNTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS CAPITAL TRANSPORTATION GRANTS:

(I) 8.3% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO BALTIMORE CITY;

(II) 3.2% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8–404 OF THIS SUBTITLE; AND

(III) 2.0% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8–405 OF THIS SUBTITLE.

(2) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE FOLLOWING AMOUNTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS CAPITAL TRANSPORTATION GRANTS:
(I) 7.7% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO BALTIMORE CITY;

(II) 1.5% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8–404 OF THIS SUBTITLE; AND

(III) 0.4% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8–402(C)(2) OF THIS SUBTITLE TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8–405 OF THIS SUBTITLE.

CAPITAL GRANTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS PROVIDED IN § 3–216 OF THIS ARTICLE BASED ON THE FOLLOWING CALCULATIONS:

(I) AN AMOUNT EQUAL TO 8.3% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO BALTIMORE CITY;

(II) AN AMOUNT EQUAL TO 3.2% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8–404 OF THIS SUBTITLE; AND

(III) AN AMOUNT EQUAL TO 2.0% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8–405 OF THIS SUBTITLE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, CAPITAL GRANTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS PROVIDED IN § 3–216 OF THIS ARTICLE BASED ON THE FOLLOWING CALCULATIONS:

(I) AN AMOUNT EQUAL TO 7.7% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO BALTIMORE CITY;

(II) AN AMOUNT EQUAL TO 1.5% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8–404 OF THIS SUBTITLE; AND

(III) AN AMOUNT EQUAL TO 0.4% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO
THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8–405 OF THIS SUBTITLE.

(3) **THE CAPITAL GRANTS MADE UNDER THIS SUBTITLE SHALL BE APPROPRIATED ONLY IF ALL DEBT SERVICE REQUIREMENTS AND DEPARTMENTAL OPERATING EXPENSES HAVE BEEN FUNDED AND SUFFICIENT FUNDS ARE AVAILABLE TO FUND THE CAPITAL PROGRAM.**

[(3) For fiscal year 2012:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.5% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.8% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.6% of total highway user revenues.

(4) For fiscal year 2013:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.1% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.]

8–404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues to be distributed to the counties under § 8–403 of this subtitle, the county’s share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total
mileage of county roads in the county, not including the total mileage of county roads in eligible municipalities in the county, bears to the total mileage of county roads in all of the counties, not including the total mileage of county roads in eligible municipalities in the State; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county, not including motor vehicles registered to owners having addresses in eligible municipalities in the county, bears to the total number of motor vehicles registered to owners in all the counties, not including motor vehicles registered to owners having addresses in eligible municipalities in the State.

8–405.

(a) An eligible municipality may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.

(b) Highway user revenues shall be allocated to the eligible municipalities:

(1) One half on a municipal road mileage basis, as provided in subsection (c)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (c)(2) of this section.

(c) The Administration shall allocate for the account of each eligible municipality, out of the highway user revenues to be distributed to the municipalities under § 8–403 of this subtitle the eligible municipality’s share, to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the eligible municipality bears to the total mileage of county roads located in eligible municipalities in the State; and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the eligible municipality bears to the total number of motor vehicles registered to owners having addresses in eligible municipalities in the State.

(d) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George’s County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and
(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

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

Article – Transportation

8–401.

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

(d) “Highway user revenues” means the funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund] CAPITAL GRANTS APPROPRIATED TO BALTIMORE CITY, COUNTIES, AND MUNICIPALITIES UNDER § 8–403(B) OF THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 332

(House Bill 669)

AN ACT concerning

Real Property – Homeowners Associations – Definition of Lot Number of Declarant Votes

FOR the purpose of altering the definition of “lot” in the Maryland Homeowners Association Act; providing for the application of this Act; providing that a declarant has a certain number of votes when voting on a homeowners association matter under certain circumstances; and generally relating to homeowners associations.

BY repealing and reenacting, without amendments,

Article – Real Property
Section 11B–101(a), (c), (d), (f), and (i)

Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)
BY repealing and reenacting, with amendments,

**Article – Real Property**

Section 11B–101(j)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY adding to

**Article – Real Property**

Section 11B–111.7

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

**Article – Real Property**


(a) In this title the following words have the meanings indicated, unless the context requires otherwise.

(c) “Declarant” means any person who subjects property to a declaration.

(d) (1) “Declaration” means an instrument, however denominated, recorded among the land records of the county in which the property of the declarant is located, that creates the authority for a homeowners association to impose on lots, or on the owners or occupants of lots, or on another homeowners association, condominium, or cooperative housing corporation any mandatory fee in connection with the provision of services or otherwise for the benefit of some or all of the lots, the owners or occupants of lots, or the common areas.

(2) “Declaration” includes any amendment or supplement to the instruments described in paragraph (1) of this subsection.

(3) “Declaration” does not include a private right –of–way or similar agreement unless it requires a mandatory fee payable annually or at more frequent intervals.

(f) (1) “Development” means property subject to a declaration.

(2) “Development” includes property comprising a condominium or cooperative housing corporation to the extent that the property is part of a development.

(3) “Development” does not include a cooperative housing corporation or a condominium.
“(i) (1) “Homeowners association” means a person having the authority to enforce the provisions of a declaration.

(2) “Homeowners association” includes an incorporated or unincorporated association.

(j) (1) “Lot” means any LEGALLY SUBDIVIDED plot or parcel of land on which a dwelling is located or will be located within a development.

(2) “Lot” includes a unit within a condominium or cooperative housing corporation if the condominium or cooperative housing corporation is part of a development.

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 any development for which a declaration was recorded before the effective date of this Act.

11B–111.7.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR ANY PROVISION IN THE DECLARATION, BYLAWS, RULES, DEEDS, AGREEMENTS, OR RECORDER COVENANTS OR RESTRICTIONS OF A HOMEOWNERS ASSOCIATION, UNTIL THE TIME ALL LOTS IN A HOMEOWNERS ASSOCIATION HAVE BEEN SUBDIVIDED AND RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE HOMEOWNERS ASSOCIATION IS LOCATED, THE DECLARANT, WHEN VOTING ON A HOMEOWNERS ASSOCIATION MATTER, SHALL HAVE A NUMBER OF VOTES THAT IS EQUAL TO THE NUMBER OF LOTS THAT:

(1) HAVE BEEN SUBDIVIDED AND RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE HOMEOWNERS ASSOCIATION IS LOCATED; AND

(2) HAVE NOT BEEN SOLD TO MEMBERS OF THE PUBLIC.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 333

(House Bill 392)

AN ACT concerning
Video Lottery Terminal Revenues – Purse Dedication Account – Standardbred Racetrack Operating Loss Assistance

FOR the purpose of providing for certain calendar years the authorization to use certain Purse Dedication Account funds generated from video lottery proceeds for operating loss assistance by the Ocean Downs Race Course and Rosecroft Raceway to support a minimum number of annual live racing days at each race course; and generally relating to the use of Purse Dedication Account funds by the Ocean Downs Race Course and Rosecroft Raceway for operating loss assistance.

BY repealing and reenacting, without amendments,

Article – State Government
Section 9–1A–27(a)(4) and 9–1A–28(a) and (e)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–1A–28(g)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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–27.

(a) Except as provided in subsections (b) and (c) of this section and § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(4) 6% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

9–1A–28.

(a) There is a Purse Dedication Account under the authority of the State Racing Commission.

(e) The amount of funds allocated to standardbred purses and the Standardbred Race Fund shall be allocated as follows:

(1) 89% to standardbred purses at Rosecroft Raceway, Ocean Downs Race Course, and the racecourse in Allegany County, allocated based on the number of live racing
days at each track location; and

(g) (1) Of the amount provided from the Purse Dedication Account under subsection (e)(1) of this section:

(i) for Ocean Downs Race Course, up to $1,200,000 each year for calendar years 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, AND 2024 may be used to provide financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 annual live racing days for calendar years 2015, 2016, 2017, 2018, and 2019 unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee’s control; and

(ii) for Rosecroft Raceway, up to $1,200,000 each year for calendar years 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, AND 2024 may be used to provide financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 annual live racing days for calendar years 2015, 2016, 2017, 2018, and 2019 unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee’s control.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 334

(Senate Bill 381)

AN ACT concerning

Video Lottery Terminal Revenues – Purse Dedication Account – Standardbred Racetrack Operating Loss Assistance

FOR the purpose of providing for certain calendar years the authorization to use certain Purse Dedication Account funds generated from video lottery proceeds for operating loss assistance by the Ocean Downs Race Course and Rosecroft Raceway to support a minimum number of annual live racing days at each race course; and generally relating to the use of Purse Dedication Account funds by the Ocean Downs Race Course and Rosecroft Raceway for operating loss assistance.

BY repealing and reenacting, without amendments,

Article – State Government
Section 9–1A–27(a)(4) and 9–1A–28(a) and (e)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–28(g)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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–27.

(a) Except as provided in subsections (b) and (c) of this section and § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(4) 6% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

9–1A–28.

(a) There is a Purse Dedication Account under the authority of the State Racing Commission.

(e) The amount of funds allocated to standardbred purses and the Standardbred Race Fund shall be allocated as follows:

(1) 89% to standardbred purses at Rosecroft Raceway, Ocean Downs Race Course, and the racecourse in Allegany County, allocated based on the number of live racing days at each track location; and

(g) (1) Of the amount provided from the Purse Dedication Account under subsection (e)(1) of this section:

(i) for Ocean Downs Race Course, up to $1,200,000 each year for calendar years [2015, 2016, 2017,] 2018, [and] 2019, [2020, 2021, 2022, 2023, AND 2024] may be used to provide financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 annual live racing days [for calendar years 2015, 2016, 2017, 2018, and 2019] unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee’s control; and
(ii) for Rosecroft Raceway, up to $1,200,000 each year for calendar years [2015, 2016, 2017,] 2018, [and] 2019, 2020, 2021, 2022, 2023, AND 2024 may be used to provide financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 annual live racing days [for calendar years 2015, 2016, 2017, 2018, and 2019] unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee’s control.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 335
(House Bill 1622)

AN ACT concerning

Video Lottery Terminals – Minority Business Participation Goals – Sunset Extension

FOR the purpose of providing that a certain applicant or licensee is subject to a certain minority business participation goal established for a unit by the Special Secretary for the Office of Small, Minority, and Women Business Affairs under certain provisions of law; requiring that a certain minority business participation goal applies to certain construction and procurement related to video lottery terminals; altering the termination date for certain provisions of law concerning minority business participation for certain construction and procurement related to video lottery terminals; requiring a certain certification agency, in consultation with the General Assembly and the Office of the Attorney General, to initiate a certain study of the Minority Business Enterprise Program for certain purposes; requiring the final report of the study to be submitted to the Legislative Policy Committee on or before a certain date; and generally relating to video lottery terminals and minority business participation.

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–1A–10
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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–10.

(a) [(1) For the construction and procurement, including the procurement of equipment and ongoing services, related to the operation of video lottery terminals, the applicant or licensee shall at a minimum meet the same requirements of a designated unit for minority business participation as described under Title 14, Subtitle 3 of the State Finance and Procurement Article.]

(1) (I) An applicant or a licensee is subject to:

1. The minority business participation goal established for a unit by the Special Secretary for the Office of Small, Minority, and Women Business Affairs under § 14–302(A)(1)(II) of the State Finance and Procurement Article; and

2. Any other corresponding provisions of law under Title 14, Subtitle 3 of the State Finance and Procurement Article.

(II) The minority business participation goal shall apply to:

1. Construction related to video lottery terminals; and

2. Procurement related to the operation of video lottery terminals, including procurement of equipment and ongoing services.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in paragraph (1) of this subsection, the applicant shall meet the county’s minority business participation requirements to the extent possible.

(3) A county in which a video lottery facility will be located may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution.

(4) Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

(5) If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may
appeal the employment decision to the local human relations board in the county where the facility is located.

(6) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

(7) A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees Pension Fund.

(8) Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The Governor’s Office of Small, Minority, and Women Business Affairs shall monitor a licensee’s compliance with subsection (a)(1) and (2) of this section.

(3) The Governor’s Office of Small, Minority, and Women Business Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the Governor’s Office of Small, Minority, and Women Business Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

(c) On or after July 1, [2018] 2028 2019, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

SECTION 2. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the General
Assembly and the Office of the Attorney General, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program’s continued compliance with the requirements of the decision of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989) and any subsequent federal or constitutional requirements. In preparation for the study, the State Lottery and Gaming Control Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The study shall also evaluate race-neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. The final report on the study shall be submitted to the Legislative Policy Committee on or before December 14, 2018, so that the General Assembly may review the report before the 2019 Session.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 336

(Senate Bill 383)

AN ACT concerning

Video Lottery Terminals – Minority Business Participation Goals – Sunset Extension

FOR the purpose of providing that a certain applicant or licensee is subject to a certain minority business participation goal established for a unit by the Special Secretary for the Office of Small, Minority, and Women Business Affairs under certain provisions of law; requiring that a certain minority business participation goal applies to certain construction and procurement related to video lottery terminals; altering the termination date for certain provisions of law concerning minority business participation for certain construction and procurement related to video lottery terminals; requiring a certain certification agency, in consultation with the General Assembly and the Office of the Attorney General, to initiate a certain study of the Minority Business Enterprise Program for certain purposes; requiring the final report of the study to be submitted to the Legislative Policy Committee on or before a certain date; and generally relating to video lottery terminals and minority business participation.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–10
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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–10.

(a) [(1) For the construction and procurement, including the procurement of equipment and ongoing services, related to the operation of video lottery terminals, the applicant or licensee shall at a minimum meet the same requirements of a designated unit for minority business participation as described under Title 14, Subtitle 3 of the State Finance and Procurement Article.]

(1) (I) An applicant or a licensee is subject to:

1. THE MINORITY BUSINESS PARTICIPATION GOAL ESTABLISHED FOR A UNIT BY THE SPECIAL SECRETARY FOR THE OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS UNDER § 14–302(A)(1)(II) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

2. ANY OTHER CORRESPONDING PROVISIONS OF LAW UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(ii) The minority business participation goal shall apply to:

1. CONSTRUCTION RELATED TO VIDEO LOTTERY TERMINALS; AND

2. PROCUREMENT RELATED TO THE OPERATION OF VIDEO LOTTERY TERMINALS, INCLUDING PROCUREMENT OF EQUIPMENT AND ONGOING SERVICES.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in paragraph (1) of this subsection, the applicant shall meet the county’s minority business participation requirements to the extent possible.

(3) A county in which a video lottery facility will be located may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution.
(4) Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

(5) If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may appeal the employment decision to the local human relations board in the county where the facility is located.

(6) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

(7) A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees Pension Fund.

(8) Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) 1. The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

2. The Governor’s Office of Small, Minority, and Women Business Affairs shall monitor a licensee’s compliance with subsection (a)(1) and (2) of this section.

3. The Governor’s Office of Small, Minority, and Women Business Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

4. If the Governor’s Office of Small, Minority, and Women Business Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.
(c) On or after July 1, [2018] 2028 2019, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

SECTION 2. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the General Assembly and the Office of the Attorney General, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program’s continued compliance with the requirements of the decision of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989) and any subsequent federal or constitutional requirements. In preparation for the study, the State Lottery and Gaming Control Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The study shall also evaluate race–neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. The final report on the study shall be submitted to the Legislative Policy Committee on or before December 14, 2018, so that the General Assembly may review the report before the 2019 Session.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 337

(House Bill 1107)

AN ACT concerning

Public Safety – Elevator Inspections – Testing and Apprenticeship Program

FOR the purpose of requiring that a certain test on an elevator unit performed in connection with a certain inspection be performed by a certain licensed elevator mechanic; requiring a third–party qualified elevator inspector to be physically present during a certain test in its entirety to witness that the test has been performed correctly and to verify the proper recording of the result; clarifying that a State inspector retains certain authority under this Act; requiring, beginning on a certain date, the presence of a third–party qualified elevator inspector instead of a State inspector to witness a certain inspection; establishing certain procedures for the scheduling of a certain test; authorizing a certain licensed elevator mechanic to perform a certain test in the presence of certain inspectors under certain circumstances; requiring a certain licensed elevator mechanic to perform a certain test in the presence of certain inspectors under certain circumstances; requiring the Commissioner of Labor and Industry to adopt certain regulations; establishing a date on which a certain inspection is required to be performed by a third–party qualified elevator inspector
rather than a State inspector; requiring the Department of Labor, Licensing, and Regulation to establish, beginning on a certain date, a certain apprenticeship program; requiring the Secretary of Labor, Licensing, and Regulation to make a certain report on or before a certain date; making certain conforming changes; and generally relating to elevators.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 12–806, 12–809(a) and (c), and 12–810, and 12–812(b) and (c)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety
Section 12–812(b) and (c)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

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

Article – Public Safety

12–806.

(a) Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

(1) the Safety Code; and

(2) any other regulations adopted by the Commissioner.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, an elevator unit installed before July 1, 1955, may be used without being altered or rebuilt to comply with the requirements of the Safety Code.

(ii) Each elevator shall be equipped with standard hoistway entrance protection, and each passenger elevator of more than 100 feet per minute contract speed shall be provided with car doors or gates that meet the requirements of the Safety Code.

(2) Notwithstanding any other provision of this subsection, each elevator unit installed before July 1, 1955:

(i) shall be maintained in a safe operating condition so as not to create a substantial probability of serious physical harm or death; and
(ii) is subject to inspections and tests as required.

(c) (1) For purposes of this subsection, an alteration of an existing elevator unit is any change made to it other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation.

(2) Each alteration or relocation of an elevator unit installed after January 1, 1975, shall meet the requirements of the Safety Code.

(D) (1) A test on an elevator unit performed in connection with an inspection required by this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be performed by a licensed elevator mechanic.

(2) A third-party qualified elevator inspector required to witness a test performed on an elevator unit in accordance with this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be physically present during the entire test to witness that the test was performed correctly and to verify the proper recording of the test result.

(3) A state inspector shall oversee all third-party qualified elevator inspectors and retains authority over final acceptance of new construction, modernization, and service upgrade turnovers of elevators.

(4) subject to subsection (g) of this section, a test requiring the presence of a third-party qualified elevator inspector shall be conducted in accordance with the following:

(I) beginning October 1, 2018, a 5-year test on an elevator of a privately owned building that requires an inspector to witness the inspection test shall be performed by a third-party qualified elevator inspector when the licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector is physically present;

(II) beginning October 1, 2019, an annual test on an elevator of a privately publicly owned building that requires an inspector to witness the inspection test shall be performed by a third-party qualified elevator inspector when the licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector is physically present; and
(III) Beginning October 1, 2020, an annual test on an elevator of a publicly privately owned building that requires an inspector to witness the inspection test shall be performed by a third-party qualified elevator inspector when the licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector is physically present.

(E) (1) A third-party qualified elevator inspector or the owner or agent of the owner of the elevator shall schedule a test in accordance with subsection (d) of this section.

(2) (I) The third-party qualified elevator inspector shall contact the elevator contracting company and the property owner not less than 60 days in advance to schedule the test for a date and time that is reasonably convenient for all parties involved.

(II) The owner or agent of the owner shall contact the elevator contracting company not less than 60 days in advance to schedule the test for a date and time that is reasonably convenient for all parties involved.

(3) In the event of an unforeseen circumstance or undue hardship, any party involved in scheduling the test may reschedule the test.

(4) The third-party qualified elevator inspector shall notify the commissioner of the time, date, and location of each test.

[(d)] (F) On written request, the commissioner may grant exceptions from the literal requirements or allow the use of devices or methods other than those specified under the Safety Code and other regulations adopted by the commissioner if:

(1) it is evident that the exception is necessary to prevent undue hardship; or

(2) existing conditions prevent practical compliance and in the opinion of the commissioner reasonable safety can be secured.

(G) (1) If the commissioner determines that the number of third-party qualified elevator inspectors is insufficient to meet the requirements of subsection (d)(4)(II) of this section, a licensed elevator mechanic may perform a test in the physical presence of an available third-party qualified elevator inspector, or a state inspector to make
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UP FOR THE DEFICIENT NUMBER OF THIRD–PARTY QUALIFIED ELEVATOR INSPECTORS.

(2) IF THE COMMISSIONER SUBSEQUENTLY DETERMINES THAT THE NUMBER OF THIRD–PARTY QUALIFIED ELEVATOR INSPECTORS IS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (D)(4)(II) OF THIS SECTION, A LICENSED ELEVATOR MECHANIC SHALL PERFORM A TEST IN THE PHYSICAL PRESENCE OF A THIRD–PARTY QUALIFIED ELEVATOR INSPECTOR.

(3) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

12–809.

(a) A State inspector shall make the following inspections:

(1) final acceptance inspection of all new elevator units prior to issuance of first certificate;

(2) investigation of accidents and complaints;

(3) follow–up inspections to confirm corrective action;

(4) final acceptance inspection of the modernization or alteration of an elevator unit;

(5) FOR PRIVATELY OWNED BUILDINGS AND UNTIL OCTOBER 1, 2020, FOR PUBLICLY OWNED BUILDINGS, WHEN THE INSPECTION SHALL BE PERFORMED BY A THIRD–PARTY QUALIFIED ELEVATOR INSPECTOR, a comprehensive 5–year inspection as defined by regulation;

(6) except as provided by § 12–807(b) of this subtitle, inspections of elevator units owned by the State or a political subdivision; and

(7) quality control monitoring of inspections conducted by third–party qualified elevator inspectors.

(c) (1) For all inspections conducted by a State inspector, the contractor, owner, or lessee of an elevator unit shall pay a fee for an inspection under [§ 12–810(d) or § 12–812(d)(3)] § 12–810 of this subtitle at the following rate:

(i) half day (up to 4 hours), not to exceed $250; or

(ii) full day (up to 8 hours), not to exceed $500.
(2) Each fee collected under this subsection shall be paid into the Elevator Safety Review Board Fund established under this subtitle.

(3) A contractor, owner, or lessee who notifies the Commissioner at least 24 hours in advance of a scheduled inspection that the elevator unit does not comply with the requirements of Part II of this subtitle may not be charged a fee under paragraph (1) of this subsection.

12–810.

[(a)] The Commissioner shall conduct a final acceptance inspection on completion of the installation, modification, or alteration of an elevator unit before it is placed in service.

[(b)] The Commissioner shall provide an inspection checklist that specifies the requirements for compliance with the Safety Code and other regulations adopted by the Commissioner.

(c) At least 15 days before a scheduled final acceptance inspection for an elevator unit being installed, modified, or altered in the State, the contractor, owner, or lessee shall submit to the Commissioner a written certification that:

(1) the elevator plans and construction documents have been reviewed by a third-party qualified elevator inspector;

(2) the third-party qualified elevator inspector has certified that the elevator unit as constructed and installed complies with this subtitle, its regulations, and the Safety Code; and

(3) the elements indicated on the inspection checklist are operational, have been tested, and are functional.

(d) If a State inspector arrives to inspect an elevator unit at the designated time and the elevator unit does not meet the criteria established in subsection (c) of this section, the inspector may cancel the inspection and charge the contractor a fee in accordance with § 12–809 of this subtitle.

12–812.

(b) (1) Except as provided in paragraph (2) of this subsection, each elevator unit in the State shall have a periodic annual inspection by a State inspector as provided for in § 12–809(a)(6) of this subtitle or by a third-party qualified elevator inspector as provided for in § 12–809(d) of this subtitle.
(2) Each cliffside elevator on the property of a privately owned single-family residential dwelling shall have a periodic inspection once every 2 years by a third-party qualified inspector as provided for in § 12–809(d) of this subtitle.

(c) Before scheduling an inspection with the Commissioner or a third–party qualified elevator inspector ON OR AFTER OCTOBER 1, 2018, FOR PRIVATELY OWNED BUILDINGS AND ON OR AFTER OCTOBER 1, 2020, FOR PUBLICLY OWNED BUILDINGS, the contractor, owner, or lessee of an elevator unit shall:

(1) ensure that the elevator unit is operated, inspected, and repaired in accordance with Part II of this subtitle and the regulations adopted under Part II of this subtitle; and

(2) make inspection, maintenance, and repair records available to the inspector charged with inspecting the elevator unit.

SECTION 2. AND BE IT FURTHER ENACTED, That, beginning October 1, 2018, the Department of Labor, Licensing, and Regulation shall establish and administer, within the Maryland Apprenticeship and Training Program, an apprenticeship program for third–party qualified elevator inspectors.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2020, the Secretary of Labor, Licensing, and Regulation shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) the status of how elevator inspections are being conducted under this Act; and

(2) recommendations as to whether the date for the testing described in § 12–806(d)(4)(iii) of the Public Safety Article as enacted by Section 1 of this Act should be extended.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 338

(House Bill 1087)

AN ACT concerning

Business Regulation – Micro Markets – Licensure
FOR the purpose of providing that the owner or operator of a micro market is not required to have a person in charge present during certain hours of operation under certain circumstances; establishing the requirements for certain food sold at a micro market; requiring the owner or operator of a micro market to post a certain sign that includes certain information in a certain manner and written in a certain language; authorizing the owner or operator of a micro market to secure the product and premises of a micro market by use of video surveillance that meets certain requirements; requiring certain video surveillance recordings to be maintained for a certain number of days and to be made available for inspection by the Department of Labor, Licensing, and Regulation Comptroller or other regulatory or law enforcement agencies on request and within a certain number of hours of a certain request; requiring a person to have a micro market license to operate one or more micro markets in the State; providing for the scope of a micro market license; requiring an applicant for a micro market license to provide to a certain clerk a certain form, including certain information, and a certain fee; providing for a certain violation of law; establishing a certain penalty; defining certain terms; and generally relating to the licensing of micro markets.

BY repealing and reenacting, without amendments,

Article – Business Regulation
Section 1–101(a), (b), and (f) (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – Business Regulation
Section 17–1701 through 17–1706 to be under the new subtitle “Subtitle 17. Micro Markets”
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 21–301(h)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

1–101.

(a) In this article the following words have the meanings indicated.
(b) "Clerk" means the clerk of the circuit court for the county with appropriate jurisdiction.

(c) "Comptroller" means the Comptroller of the State.

(f) "Department" means the Department of Labor, Licensing, and Regulation.

**Subtitle 17. Micro Markets.**

17–1701.

(A) In this subtitle the following words have the meanings indicated.

(B) "Food service facility" has the meaning stated in § 21–301 of the Health–General Article.

(C) "Micro market" means an unstaffed, self-checkout retail food service facility that:

1. Includes one or more micro market displays;

2. Has an automated payment kiosk or other device designed to accept electronic payments that is operated by the consumer;

3. Is located indoors and within a separate business; and

4. Is generally accessible only to individuals within the building in which the food service facility is located.

(D) "Micro market display" means the place where the food being sold by a micro market is displayed, including:

1. An open rack;

2. A refrigerator or a refrigerated cooler;

3. A freezer;

4. A vending machine;

5. A beverage dispenser; or

"MICRO MARKET LICENSE" means a license issued by the clerk to operate a micro market.

17–1702.

(A) Notwithstanding any other provision of law, the owner or operator of a micro market may not be required to have a person in charge present during the hours of operation of the micro market if the micro market meets the requirements of this section.

(B) Food sold at a micro market shall:

   (1) be commercially prepackaged food or ready-to-eat food;

   (2) be prepackaged in tamper-evident packaging; and

   (3) contain the following information on the packaging label:

      (I) nutrition information required by the Federal Food, Drug, and Cosmetic Act;

      (II) a freshness or expiration date; and

      (III) any other information required under Title 21, Subtitle 2 of the Health–General Article.

(C) Refrigerated or frozen food sold at a micro market shall be stored and displayed in a refrigerator, refrigerated cooler, or freezer that:

   (1) maintains an internal temperature:

      (I) of 41 degrees Fahrenheit or lower; or

      (II) for food safety determined by the Maryland Department of Health;

   (2) has self-closing doors;
(3) Has doors that allow the food on display to be viewed without opening the door to the refrigerator, refrigerated cooler, or freezer; and

(4) Has an automated self-locking feature that prevents a consumer from accessing the food on the occurrence of any condition that results in the failure of the refrigerator, refrigerated cooler, or freezer to maintain the internal temperature required under item (1) of this subsection.

(D) (1) The owner or operator of a micro market shall post a sign that is clearly visible to the consumer near the micro market entryway or while using the electronic payment device that includes the following information:

(i) The name of the owner or operator of the micro market to whom complaints and comments regarding the micro market may be addressed;

(ii) The business mailing address of the owner or operator;

(iii) The business telephone number of the owner or operator; and

(iv) The e-mail address and website address of the owner or operator, if applicable.

(2) The sign posted under paragraph (1) of this subsection shall be in English and, at the discretion of the owner or operator of the micro market, in any other language of the consumers of the micro market.

17–1703.

(A) The owner or operator of a micro market may secure the product and premises of a micro market by use of video surveillance that:

(1) Operates 24 hours per day, 7 days per week;

(2) Records consumers viewing, selecting, handling, and purchasing products from the micro market; and
(3) PROVIDES SUFFICIENT RESOLUTION TO IDENTIFY CONSUMERS DESCRIBED IN ITEM (2) OF THIS SUBSECTION.

(B) (1) A VIDEO SURVEILLANCE RECORDING MADE UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MAINTAINED BY THE OWNER FOR 14 DAYS AFTER THE DATE OF THE VIDEO SURVEILLANCE RECORDING.

(2) THE OWNER OR OPERATOR OF A MICRO MARKET SHALL MAKE A VIDEO SURVEILLANCE RECORDING AVAILABLE FOR INSPECTION BY THE DEPARTMENT COMPTROLLER OR ANY OTHER REGULATORY OR LAW ENFORCEMENT AGENCY:

   (I) ON THE REQUEST OF THE DEPARTMENT COMPTROLLER OR THE REGULATORY OR LAW ENFORCEMENT AGENCY; AND

   (II) WITHIN 24 HOURS FROM THE TIME THE REQUEST IS RECEIVED BY THE OWNER OR OPERATOR.

17–1704.

(A) A PERSON MUST HAVE A MICRO MARKET LICENSE TO OPERATE ONE OR MORE MICRO MARKETS IN THE STATE.

(B) A LICENSE ISSUED TO A PERSON AUTHORIZES THE HOLDER TO OPERATE A MICRO MARKET IN THE STATE.

17–1705.

AN APPLICANT FOR A MICRO MARKET LICENSE SHALL PROVIDE TO THE CLERK:

(1) A FORM REQUIRED BY THE DEPARTMENT COMPTROLLER THAT INCLUDES THE ADDRESS OF EACH MICRO MARKET TO BE OPERATED BY THE APPLICANT; AND

(2) A LICENSE FEE OF $50.

17–1706.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT OPERATE A MICRO MARKET IN THE STATE UNLESS THE PERSON HAS A MICRO MARKET LICENSE.
(B) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING $5,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

Article – Health – General

21–301.

(h) (1) “Food service facility” means:

(i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or

(ii) Any operation where food is served to or provided for the public, with or without charge.

(2) “FOOD SERVICE FACILITY” INCLUDES A MICRO MARKET LICENSED UNDER TITLE 17, SUBTITLE 17 OF THE BUSINESS REGULATION ARTICLE.

[(2)] (3) “Food service facility” does not include:

(i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;

(ii) A food preparation or serving area where only nonpotentially hazardous food, as defined by the United States Food and Drug Administration, is prepared or served only by an excluded organization;

(iii) A location in a farmer’s market or at a public festival or event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold; or

(iv) A cottage food business.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 339

(Senate Bill 758)
AN ACT concerning

**Business Regulation – Micro Markets – Licensure**

FOR the purpose of providing that the owner or operator of a micro market is not required to have a person in charge present during certain hours of operation under certain circumstances; establishing the requirements for certain food sold at a micro market; requiring the owner or operator of a micro market to post a certain sign that includes certain information in a certain manner and written in a certain language; authorizing the owner or operator of a micro market to secure the product and premises of a micro market by use of video surveillance that meets certain requirements; requiring certain video surveillance recordings to be maintained for a certain number of days and to be made available for inspection by the Department of Labor, Licensing, and Regulation Comptroller or other regulatory or law enforcement agencies on request and within a certain number of hours of a certain request; requiring a person to have a micro market license to operate one or more micro markets in the State; providing for the scope of a micro market license; requiring an applicant for a micro market license to provide to a certain clerk a certain form, including certain information, and a certain fee; providing for a certain violation of law; establishing a certain penalty; defining certain terms; and generally relating to the licensing of micro markets.

BY repealing and reenacting, without amendments,

Article – Business Regulation
Section 1–101(a), (b), and (f) (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – Business Regulation
Section 17–1701 through 17–1706 to be under the new subtitle “Subtitle 17. Micro Markets”
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 21–301(h)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

**Article – Business Regulation**

1–101.
In this article the following words have the meanings indicated.

“Clerk” means the clerk of the circuit court for the county with appropriate jurisdiction.

“Comptroller” means the Comptroller of the State.

“Department” means the Department of Labor, Licensing, and Regulation.

**SUBTITLE 17. MICRO MARKETS.**

17–1701.

(A) In this subtitle the following words have the meanings indicated.

(B) “Food service facility” has the meaning stated in § 21–301 of the Health – General Article.

(C) “Micro market” means an unstaffed, self-checkout retail food service facility that:

1. includes one or more micro market displays;
2. has an automated payment kiosk or other device designed to accept electronic payments that is operated by the consumer;
3. is located indoors and within a separate business; and
4. is generally accessible only to individuals within the building in which the food service facility is located.

(D) “Micro market display” means the place where the food being sold by a micro market is displayed, including:

1. an open rack;
2. a refrigerator or a refrigerated cooler;
3. a freezer;
4. a vending machine;
(5) A BEVERAGE DISPENSER; OR

(6) A SINGLE–SERVE COFFEE BREWER.

(E) “MICRO MARKET LICENSE” MEANS A LICENSE ISSUED BY THE CLERK TO OPERATE A MICRO MARKET.

17–1702.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE OWNER OR OPERATOR OF A MICRO MARKET MAY NOT BE REQUIRED TO HAVE A PERSON IN CHARGE PRESENT DURING THE HOURS OF OPERATION OF THE MICRO MARKET IF THE MICRO MARKET MEETS THE REQUIREMENTS OF THIS SECTION.

(B) FOOD SOLD AT A MICRO MARKET SHALL:

(1) BE COMMERCIALLY PREPACKAGED FOOD OR READY–TO–EAT FOOD;

(2) BE PREPACKAGED IN TAMPER–EVIDENT PACKAGING; AND

(3) CONTAIN THE FOLLOWING INFORMATION ON THE PACKAGING LABEL:

(I) NUTRITION INFORMATION REQUIRED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT;

(II) A FRESHNESS OR EXPIRATION DATE; AND

(III) ANY OTHER INFORMATION REQUIRED UNDER TITLE 21, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE.

(C) REFRIGERATED OR FROZEN FOOD SOLD AT A MICRO MARKET SHALL BE STORED AND DISPLAYED IN A REFRIGERATOR, REFRIGERATED COOLER, OR FREEZER THAT:

(1) MAINTAINS AN INTERNAL TEMPERATURE:

(I) OF 41 DEGREES FAHRENHEIT OR LOWER; OR

(II) FOR FOOD SAFETY DETERMINED BY THE MARYLAND DEPARTMENT OF HEALTH;

(2) HAS SELF–CLOSING DOORS;
(3) Has doors that allow the food on display to be viewed without opening the door to the refrigerator, refrigerated cooler, or freezer; and

(4) Has an automated self-locking feature that prevents a consumer from accessing the food on the occurrence of any condition that results in the failure of the refrigerator, refrigerated cooler, or freezer to maintain the internal temperature required under item (1) of this subsection.

(D) (1) The owner or operator of a micro market shall post a sign that is clearly visible to the consumer near the micro market entryway or while using the electronic payment device that includes the following information:

(i) The name of the owner or operator of the micro market to whom complaints and comments regarding the micro market may be addressed;

(ii) The business mailing address of the owner or operator;

(iii) The business telephone number of the owner or operator; and

(iv) The e-mail address and website address of the owner or operator, if applicable.

(2) The sign posted under paragraph (1) of this subsection shall be in English and, at the discretion of the owner or operator of the micro market, in any other language of the consumers of the micro market.

17–1703.

(A) The owner or operator of a micro market may secure the product and premises of a micro market by use of video surveillance that:

(1) Operates 24 hours per day, 7 days per week;

(2) Records consumers viewing, selecting, handling, and purchasing products from the micro market; and
(3) PROVIDES SUFFICIENT RESOLUTION TO IDENTIFY CONSUMERS DESCRIBED IN ITEM (2) OF THIS SUBSECTION.

(B) (1) A VIDEO SURVEILLANCE RECORDING MADE UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MAINTAINED BY THE OWNER FOR 14 DAYS AFTER THE DATE OF THE VIDEO SURVEILLANCE RECORDING.

(2) THE OWNER OR OPERATOR OF A MICRO MARKET SHALL MAKE A VIDEO SURVEILLANCE RECORDING AVAILABLE FOR INSPECTION BY THE DEPARTMENT COMPTROLLER OR ANY OTHER REGULATORY OR LAW ENFORCEMENT AGENCY:

(I) ON THE REQUEST OF THE DEPARTMENT COMPTROLLER OR THE REGULATORY OR LAW ENFORCEMENT AGENCY; AND

(II) WITHIN 24 HOURS FROM THE TIME THE REQUEST IS RECEIVED BY THE OWNER OR OPERATOR.

17–1704.

(A) A PERSON MUST HAVE A MICRO MARKET LICENSE TO OPERATE ONE OR MORE MICRO MARKETS IN THE STATE.

(B) A LICENSE ISSUED TO A PERSON AUTHORIZES THE HOLDER TO OPERATE A MICRO MARKET IN THE STATE.

17–1705.

AN APPLICANT FOR A MICRO MARKET LICENSE SHALL PROVIDE TO THE CLERK:

(1) A FORM REQUIRED BY THE DEPARTMENT COMPTROLLER THAT INCLUDES THE ADDRESS OF EACH MICRO MARKET TO BE OPERATED BY THE APPLICANT; AND

(2) A LICENSE FEE OF $50.

17–1706.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT OPERATE A MICRO MARKET IN THE STATE UNLESS THE PERSON HAS A MICRO MARKET LICENSE.
(B) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING $5,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

Article – Health – General

21–301.

(h) (1) “Food service facility” means:

(i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or

(ii) Any operation where food is served to or provided for the public, with or without charge.

(2) “FOOD SERVICE FACILITY” INCLUDES A MICRO MARKET LICENSED UNDER TITLE 17, SUBTITLE 17 OF THE BUSINESS REGULATION ARTICLE.

[(2)] (3) “Food service facility” does not include:

(i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;

(ii) A food preparation or serving area where only nonpotentially hazardous food, as defined by the United States Food and Drug Administration, is prepared or served only by an excluded organization;

(iii) A location in a farmer’s market or at a public festival or event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold; or

(iv) A cottage food business.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 340

(Senate Bill 755)
AN ACT concerning

Credit Regulation – Escrow Accounts – Water and Sewer Facilities Assessments

FOR the purpose of requiring authorizing a certain lending institution or credit grantor that makes a certain loan secured by a certain first mortgage or first deed of trust to create a certain escrow account solely for the payment of water and sewer facilities assessments on a certain request; providing that certain provisions of law do not apply to the payment of water and sewer facilities assessments under a certain direct reduction method; providing that funds in a certain escrow account for use for certain purposes may not be used in a certain manner; requiring a servicer to make certain timely payments of certain water and sewer facilities assessments; defining a certain term; altering certain definitions; and generally relating to water and sewer facilities assessments paid under escrow accounts.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–109(a) and (c), 12–109.1(b), 12–1026(a), (b)(4), and (c)(1), and 13–316
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–109(b)(1) and (d), 12–109.1(a), and 12–1026(b)(1) and (5)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article – Commercial Law
Section 12–109(e) and 12–1026(f)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

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

Article – Commercial Law
12–109.

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

(2) “Escrow account” means an expense or escrow account which tends to protect the security of a loan by the accumulation of funds for the payment of taxes, insurance premiums, WATER AND SEWER FACILITIES ASSESSMENTS, or other expenses.
(3) “Lending institution” means a bank, savings bank, or savings and loan association doing business in Maryland.

(4) (I) “WATER AND SEWER FACILITIES ASSESSMENT” MEANS A FEE OR CHARGE ASSESSED THAT IS:

1. ASSESSED ON AN OWNER OF RESIDENTIAL REAL PROPERTY THAT IS:

   1. SERVED BY PUBLIC WATER OR WASTEWATER FACILITIES FOR WHICH DEFERRED WATER OR SEWER CHARGES HAVE BEEN ESTABLISHED BY A RECORDED COVENANT OR DECLARATION TO COVER OR DEFRAY THE COST OF INSTALLING OR MAINTAINING DURING CONSTRUCTION ALL OR PART OF THE PUBLIC WATER OR WASTEWATER FACILITIES CONSTRUCTED BY THE DEVELOPER; AND

   2. PAID TO THE LIENHOLDER OF THE LIEN RECORDED ON THE RESIDENTIAL REAL PROPERTY FOR PUBLIC WATER AND WASTEWATER FACILITIES.

   (II) “WATER AND SEWER FACILITIES ASSESSMENT” INCLUDES A FRONT FOOT BENEFIT FEE OR CHARGE.

(b) (1) A lending institution which lends money secured by a first mortgage or first deed of trust on any interest in residential real property and creates or is the assignee of an escrow account in connection with that loan shall pay interest to the borrower on the funds in the escrow account at an annual rate not less than the weekly average yield on United States Treasury securities adjusted to a constant maturity of 1 year, as published by the Federal Reserve in “Selected Interest Rates (Daily) – H.15”, as of the first business day of the calendar year.

(c) The provisions of this section do not apply to a lending institution which provides for the payment of taxes, insurance, WATER AND SEWER FACILITIES ASSESSMENTS, or other expenses under the direct reduction method by which these expenses, when paid by the lender, are added to the outstanding principal balance of the loan.

(d) This section does not apply if the loan is purchased by an out-of-state lender through the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation and the out-of-state lender as a condition of purchase elects to service the loan. However, this section shall apply if the out-of-state lender sells the loan to a Maryland lender or places the loan with a Maryland lender for servicing.
(E) On request of a borrower, a lending institution that makes a loan to the borrower lends money secured by a first mortgage or first deed of trust on any interest in residential real property shall may, at the option of the lending institution, create an escrow account in connection with that loan solely for the payment of water and sewer facilities assessments.

12–109.1.

(a) The provisions of this section do not apply to escrow accounts maintained in connection with loans described in § 12–103(e)(1) of this subtitle.

(b) Except in a foreclosure, release, or as provided in subsection (c) of this section, funds in any escrow account for use in paying taxes, insurance premiums, and water and sewer facilities assessments may not be used to:

(1) Reduce the principal; or

(2) Pay interest or other loan charges.

12–1026.

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

(2) “Escrow account” means an expense or escrow account which tends to protect the security of a loan by the accumulation of funds for the payment of taxes, insurance premiums, water and sewer facilities assessments, or other expenses.

(3) “Lending institution” means a bank, savings bank, or savings and loan association doing business in Maryland.

(4) (1) “Water and sewer facilities assessment” means a fee or charge assessed that is:

1. Assessed on an owner of residential real property that is:

2. Served by public water or wastewater facilities for which deferred water or sewer charges have been established by a recorded covenant or declaration to cover or defray the cost of installing or maintaining during construction all or part of the public water or wastewater facilities constructed by the developer; and
2. **Paid to the Liensholder of the Lien Recorded on the Residential Real Property for Public Water and Wastewater Facilities.**

(II) **"Water and Sewer Facilities Assessment" includes a Front Foot Benefit Fee or Charge.**

(b) (1) A lending institution that makes a loan to a consumer borrower secured by a first mortgage or first deed of trust on residential real property and creates or is the assignee of an escrow account in connection with that loan shall pay interest to the consumer borrower on the funds in the escrow account at an annual rate not less than the weekly average yield on United States Treasury securities adjusted to a constant maturity of 1 year, as published by the Federal Reserve in “Selected Interest Rates (Daily) – H.15”, as of the first business day of the calendar year.

(4) The provisions of this subsection do not apply to a lending institution that provides for the payment of taxes, insurance, water and sewer facilities assessments, or other expenses under the direct reduction method by which these expenses, when paid by the lending institution, are added to the outstanding principal balance of the loan.

(5) (i) This subsection does not apply if the loan:

1. Is purchased by an out-of-state lender through the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation; and
2. The out-of-state lender elects to service the loan as a condition of purchase.

(ii) Notwithstanding subparagraph (i) of this paragraph, this subsection shall apply if the out-of-state lender:

1. Sells the loan to a Maryland lender; or
2. Places the loan with a Maryland lender for servicing.

(c) (1) Except upon foreclosure, release, or as provided in paragraph (2) of this subsection, funds in any escrow account maintained by a credit grantor on behalf of a consumer borrower for use in paying taxes, insurance premiums, and ground rents, and water and sewer facilities assessments may not be used:

(i) To reduce the principal; or

(ii) To pay interest or other loan charges.
(F) On request of a consumer borrower, a credit grantor lending institution that makes a loan to the consumer borrower secured by a first mortgage or first deed of trust on residential real property or an assignee of an escrow account shall may, at the option of the lending institution, create an escrow account in connection with that loan solely for the payment of water and sewer facilities assessments.

13–316.

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

(2) “Mortgage” includes a mortgage, deed of trust, security agreement, or other lien on 1 to 4 family residential real estate located in this State.

(3) “Servicer” means a person responsible for collection and payment of principal, interest, escrow, and other moneys under an original mortgage.

(b) Within 7 days of acquiring mortgage servicing, a servicer shall send to the mortgagor a written notice containing the following information regarding the mortgage on the date of transfer:

(1) The name, address, and telephone number of the new servicer and the address where mortgage payments are to be forwarded;

(2) The principal balance and escrow balance;

(3) The telephone number of the contact designated under subsection (c) of this section;

(4) The responsibilities of the contact under subsection (c) of this section; and

(5) A statement that the servicer’s violation of this section will result in the servicer being held liable under subsection (e) of this section.

(c) (1) A servicer shall designate a contact to whom mortgagors may direct complaints and inquiries.

(2) The contact shall respond in writing to each written complaint or inquiry within 15 days if requested.

(d) (1) A servicer shall make timely payments of the taxes or insurance premiums due under the mortgage so long as the mortgagor has paid an amount sufficient to pay the tax or insurance premium due and, with regard to the taxes, so long as the servicer is in possession of either the tax bill or notice from the taxing authority.
(2) A servicer shall make timely payment of the water and sewer facilities assessments due under a lien on the residential real property for public water and wastewater facilities provided that:

   (I) The mortgagor has paid an amount sufficient to pay the assessment due; and

   (II) The servicer is in possession of the assessment bill.

(e) (1) If a servicer fails to comply with any provision of this section, the servicer is liable for any economic damages caused by the violation.

   (2) The penalties provided in this section are in addition to any other applicable remedies.

(f) A servicer shall provide a toll-free telephone number through which any borrower residing in this State may direct telephone inquiries on outstanding loans during regular business hours.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 341

(Senate Bill 1090)

AN ACT concerning

Corporate Income Tax – Single Sales Factor Apportionment

FOR the purpose of altering the formula used to apportion certain income to the State for certain corporations that carry on a trade or business within and outside the State; authorizing certain corporations to elect to use a certain formula to apportion certain income; requiring certain corporations to apportion certain income from certain intangible investments in a certain manner; requiring the Public Service Commission to report to certain committees of the General Assembly on or before a certain date; repealing obsolete provisions; making stylistic and conforming changes; providing for the application of this Act; and generally relating to the apportionment formula under the Maryland income tax for corporations.
BY repealing and reenacting, with amendments,
  Article – Tax – General
  Section 10–402
  Annotated Code of Maryland
  (2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General
10–402.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
  INDICATED:

(2) “BANKING ENTITY” MEANS:

  (i) A BANK, TRUST COMPANY, SAVINGS BANK, OR SAVINGS AND
  LOAN ASSOCIATION INCORPORATED OR CHARTED UNDER THE LAWS OF A STATE OR
  THE UNITED STATES; OR

  (ii) A COMPANY THAT CONTROLS, IS CONTROLLED BY, OR IS
  UNDER COMMON CONTROL WITH AN INSTITUTION DESCRIBED UNDER ITEM (I) OF
  THIS PARAGRAPH.

(3) “COMMUNICATION SERVICE” MEANS DISTRIBUTING,
  MONITORING, PRODUCING, ROUTING, SWITCHING, OR TRANSMITTING A SERVICE
  THAT:

  (i) IS DESCRIBED IN § 11–101(M)(4), (5), (6), (7), (8), (9), (10),
  OR (12) OF THE TAX–GENERAL ARTICLE;

  (ii) IS OR WOULD BE SUBJECT TO THE FEDERAL EXCISE TAX AS
  DESCRIBED IN § 4251 OF THE INTERNAL REVENUE CODE;

  (iii) IS AN INTERNET ACCESS SERVICE, AS DEFINED IN § 1105 OF
  THE INTERNET TAX FREEDOM ACT;

  (iv) IS PROVIDED THROUGH A FACILITY DESCRIBED IN 47 U.S.C.
  § 522(7);

  (v) IS PROVIDED BY AN ENTITY DESCRIBED IN 47 U.S.C. §
  522(13);
(VI) is provided by an entity described in 47 U.S.C. § 153(6);

(VII) is described in 47 U.S.C. § 153(1) or (7); or

(VIII) is described in 47 U.S.C. § 522(20).

(3) (4) (A) In this section, “Worldwide Headquartered Company” means a corporation included in a group of corporations including a parent corporation that:

(I) filed a Form 10–Q with the Securities and Exchange Commission for the quarterly period ending June 30, 2017;

(II) has its principal executive office in the State; and

(III) employs at all times between July 1, 2017, and June 30, 2020, at least 500 full–time employees at the parent corporation’s principal executive office that is located within the State.

(a) (B) In computing Maryland taxable income, a corporation shall allocate Maryland modified income derived from or reasonably attributable to its trade or business in this State in the following manner:

(1) if a corporation carries on its trade or business wholly within the State, the corporation shall allocate to the State all of the Maryland modified income of the corporation; and

(2) if a corporation carries on its trade or business in and out of the State, the corporation shall allocate to the State the part of the corporation’s Maryland modified income that is derived from or reasonably attributable to the part of its trade or business carried on in the State, in the manner required in subsection [(b), (c), or (d)] (C), (D), or (E) of this section.

(b) (C) (1) Except as provided in subsection [(c) or (d)] (E) of this section, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State may be determined by separate accounting if practicable.

(2) If in any taxable year a corporation is permitted or required to use the separate accounting method in determining all or a portion of its Maryland taxable income, the portion that is separately accounted for to Maryland shall be taxable whether or not the Maryland modified income of the corporation for the taxable year is zero or less.
(D) (1) Except as provided in paragraph (2) of this subsection, if the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a single sales factor apportionment formula, by multiplying its Maryland modified income by 100% of the sales factor.

(2) (i) Each year a corporation may elect to calculate the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State using the formula under subparagraph (ii) of this paragraph if:

1. The corporation is engaged in a trade or business that is subject to regulatory oversight or licensure by the Public Service Commission or the Federal Energy Regulatory Commission;

2. The corporation is engaged in providing communication services within and outside the State directly or through the corporation’s ownership of an interest in a partnership that provides communication services; or

3. The corporation or group of corporations is a worldwide headquartered company that filed a federal corporate income tax return for the taxable year; or

4. The corporation is a banking entity.

(D) (1) [Except as provided in paragraph (2) of this subsection, if the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a 3–factor apportionment fraction:

(i) the numerator of which is the sum of the property factor, the payroll factor, and twice the sales factor; and

(ii) the denominator of which is 4.

(2) (i) In this paragraph:

1. “manufacturing corporation” means a domestic or foreign corporation which is primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States
Office of Management and Budget, 1997 Edition, would be included in Sector 11, 31, 32, or 33; and

2. "manufacturing corporation" does not include a refiner, as defined in § 10–101 of the Business Regulation Article.

(ii) If a manufacturing corporation carries on its trade or business [in and out of] WITHIN AND OUTSIDE the State and the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a single sales factor apportionment formula, by multiplying its Maryland modified income by 100% of the sales factor.

(iii) In filing its tax return for each year, a manufacturing corporation shall certify that the NAICS Code reported on its Maryland return is consistent with that reported to other government agencies.

(iv) If the Comptroller determines that a corporation has submitted information that incorrectly classifies the corporation as a manufacturing corporation under subparagraph (i) of this paragraph, the Comptroller shall reclassify the corporation in an appropriate manner.

(v) The Comptroller, in consultation with the Department of Commerce, shall adopt regulations necessary to carry out the provisions of this subsection.

(vi) As part of its tax return for a taxable year beginning after December 31, 2005, but before January 1, 2011, each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using the single sales factor apportionment method under this paragraph as compared to the tax owed using the 3-factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before March 1, 2009, and March 1 of each year thereafter until March 1, 2013, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government
Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the second preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.

(2) Except as provided in paragraph (2) paragraphs (1) and (3) of this subsection:

(1) For a taxable year beginning after December 31, 2017, but before January 1, 2019, if the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a 3-factor apportionment fraction:

1. The numerator of which is the sum of the property factor, the payroll factor, and 3 times the sales factor; and

2. The denominator of which is 5;

(II) For a taxable year beginning after December 31, 2018, but before January 1, 2020, if the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a 3-factor apportionment fraction:

1. The numerator of which is the sum of the property factor, the payroll factor, and 4 times the sales factor; and

2. The denominator of which is 6;
(III) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2019, BUT BEFORE JANUARY 1, 2021, IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE SHALL BE DETERMINED USING A 3–FACTOR APPORTIONMENT FRACTION:

1. THE NUMERATOR OF WHICH IS THE SUM OF THE PROPERTY FACTOR, THE PAYROLL FACTOR, AND 5 TIMES THE SALES FACTOR; AND

2. THE DENOMINATOR OF WHICH IS 7;

(IV) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2020, BUT BEFORE JANUARY 1, 2022, IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE SHALL BE DETERMINED USING A 3–FACTOR APPORTIONMENT FRACTION:

1. THE NUMERATOR OF WHICH IS THE SUM OF THE PROPERTY FACTOR, THE PAYROLL FACTOR, AND 6 TIMES THE SALES FACTOR; AND

2. THE DENOMINATOR OF WHICH IS 8; AND

(V) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2021, IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE SHALL BE DETERMINED USING A SINGLE SALES FACTOR APPORTIONMENT FORMULA, BY MULTIPLYING ITS MARYLAND MODIFIED INCOME BY 100% OF THE SALES FACTOR.

[(e) (1)] (II) [Except as provided in paragraph (2) of this subsection, if] IF SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE MAY BE DETERMINED USING A 3–FACTOR APPORTIONMENT FRACTION.

[(2) (3)] (I) EACH YEAR A WORLDWIDE HEADQUARTERED COMPANY THAT FILED A FEDERAL CORPORATE INCOME TAX RETURN FOR THE TAXABLE YEAR MAY ELECT TO CALCULATE ITS MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE USING A 3–FACTOR APPORTIONMENT FRACTION:
the numerator of which is the sum of the property factor, the payroll factor, and twice the sales factor; and

the denominator of which is 4.


2. **THE DENOMINATOR OF WHICH IS 4.**

**III (II)** To determine under subparagraph (II) (I) of this paragraph the Maryland modified income of a corporation or group of corporations that is a worldwide headquartered company that filed a federal corporate income tax return for the taxable year, gross income from intangible investments, including dividends, interest, royalties, and capital gains from the sale of intangible property, shall be included in the calculation of the numerator based on the average of the property and payroll factors.

(i) In this paragraph:

1. “manufacturing corporation” means a domestic or foreign corporation which is primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States Office of Management and Budget, 1997 Edition, would be included in Sector 11, 31, 32, or 33; and

2. “manufacturing corporation” does not include a refiner, as defined in § 10–101 of the Business Regulation Article.

(ii) If a manufacturing corporation carries on its trade or business in and out of the State and the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a single sales factor apportionment formula, by multiplying its Maryland modified income by 100% of the sales factor.

(iii) In filing its tax return for each year, a manufacturing corporation shall certify that the NAICS Code reported on its Maryland return is consistent with that reported to other government agencies.

(iv) If the Comptroller determines that a corporation has submitted information that incorrectly classifies the corporation as a manufacturing corporation under subparagraph (i) of this paragraph, the Comptroller shall reclassify the corporation in an appropriate manner.
(v) The Comptroller, in consultation with the Department of Commerce, shall adopt regulations necessary to carry out the provisions of this subsection.

(vi) As part of its tax return for a taxable year beginning after December 31, 2005, but before January 1, 2011, each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using the single sales factor apportionment method under this paragraph as compared to the tax owed using the 3-factor double-weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before March 1, 2009, and March 1 of each year thereafter until March 1, 2013, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the second preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.

The property factor under paragraph (1) of this subsection shall include:
(i) rented and owned real property; and

(ii) tangible personal property located in the State and used in the trade or business.

[(d) (E)] To reflect clearly the income allocable to Maryland, the Comptroller may alter, if circumstances warrant, the methods under subsections [(b) and] (c) AND (D) of this section, including:

1. the use of the separate accounting method;
2. the use of the 3–factor double weighted sales factor formula method or the single sales factor formula method;
3. the weight of any factor in the 3–factor formula;
4. the valuation of rented property included in the property factor; and
5. the determination of the extent to which tangible personal property is located in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Public Service Commission shall report to the Senate Budget and Taxation Committee and the House Ways and Means Committee, in accordance with § 2–1246 of the State Government Article, on:

1. the anticipated reduction in the corporate income tax liability of a corporation described under § 10–402(d)(2)(i)1 of the Tax – General Article making the election authorized under § 10–402(d)(2) of the Tax – General Article; and
2. when and how Maryland public utility companies expect to pass the tax savings on to their customers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.

Approved by the Governor, April 24, 2018.

Chapter 342

(House Bill 1794)

AN ACT concerning
Corporate Income Tax – Single Sales Factor Apportionment

FOR the purpose of altering the formula used to apportion certain income to the State for certain corporations that carry on a trade or business within and outside the State; authorizing certain corporations to elect to use a certain formula to apportion certain income; requiring certain corporations to apportion certain income from certain intangible investments in a certain manner; repealing obsolete provisions; making stylistic and conforming changes; providing for the application of this Act; and generally relating to the apportionment formula under the Maryland income tax for corporations.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–402
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General

10–402.

(a) IN THIS SECTION, “WORLDWIDE HEADQUARTERED COMPANY” MEANS A CORPORATION INCLUDED IN A GROUP OF CORPORATIONS INCLUDING A PARENT CORPORATION THAT:

(1) FILED A FORM 10–Q WITH THE SECURITIES AND EXCHANGE COMMISSION FOR THE QUARTERLY PERIOD ENDING JUNE 30, 2017;

(2) HAS ITS PRINCIPAL EXECUTIVE OFFICE IN THE STATE; AND

(3) EMPLOYS AT ALL TIMES BETWEEN JULY 1, 2017, AND JUNE 30, 2020, AT LEAST 500 FULL–TIME EMPLOYEES AT THE PARENT CORPORATION’S PRINCIPAL EXECUTIVE OFFICE THAT IS LOCATED WITHIN THE STATE.

(B) In computing Maryland taxable income, a corporation shall allocate Maryland modified income derived from or reasonably attributable to its trade or business in this State in the following manner:

(1) if a corporation carries on its trade or business wholly within the State, the corporation shall allocate to the State all of the Maryland modified income of the corporation; and
(2) if a corporation carries on its trade or business [in and out of] WITHIN AND OUTSIDE the State, the corporation shall allocate to the State the part of the corporation’s Maryland modified income that is derived from or reasonably attributable to the part of its trade or business carried on in the State, in the manner required in subsection (b), (c), or (d) (C), (D), OR (E) of this section.

(1) Except as provided in subsection (e) or (d) (D) OR (E) of this section, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State may be determined by separate accounting if practicable.

(2) If in any taxable year a corporation is permitted or required to use the separate accounting method in determining all or a portion of its Maryland taxable income, the portion that is separately accounted for to Maryland shall be taxable whether or not the Maryland modified income of the corporation for the taxable year is zero or less.

(1) Except as provided in paragraph (2) of this subsection, if the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a 3–factor apportionment fraction:

(i) the numerator of which is the sum of the property factor, the payroll factor, and twice the sales factor; and

(ii) the denominator of which is 4.

(2) If a manufacturing corporation carries on its trade or business in and out of WITHIN AND OUTSIDE the State and the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a single sales factor apportionment formula, by multiplying its Maryland modified income by 100% of the sales factor.

(i) “manufacturing corporation” means a domestic or foreign corporation which is primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States Office of Management and Budget, 1997 Edition, would be included in Sector 11, 31, 32, or 33; and

(ii) “manufacturing corporation” does not include a refiner, as defined in § 10–101 of the Business Regulation Article.
(iii) In filing its tax return for each year, a manufacturing corporation shall certify that the NAICS Code reported on its Maryland return is consistent with that reported to other government agencies.

(iv) If the Comptroller determines that a corporation has submitted information that incorrectly classifies the corporation as a manufacturing corporation under subparagraph (i) of this paragraph, the Comptroller shall reclassify the corporation in an appropriate manner.

(1) If the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a single sales factor apportionment formula by multiplying its Maryland modified income by 100% of the sales factor.

(2) The Comptroller, in consultation with the Department of Commerce, shall adopt regulations necessary to carry out the provisions of this subsection.

(vi) As part of its tax return for a taxable year beginning after December 31, 2005, but before January 1, 2011, each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using the single sales factor apportionment method under this paragraph as compared to the tax owed using the 3-factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before March 1, 2009, and March 1 of each year thereafter until March 1, 2013, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the second preceding calendar year that use single sales
factor apportionment and the number of such corporations having a Maryland income tax
iliability for that taxable year;

2. the number of corporations paying less in Maryland
income tax for that taxable year as a result of using single sales factor apportionment and
the aggregate amount of Maryland income tax savings for all such corporations for that
taxable year as a result of using single sales factor apportionment, and

3. the number of corporations paying more in Maryland
income tax for the taxable year as a result of using single sales factor apportionment and
the aggregate amount of additional Maryland income tax owed by those corporations for
the taxable year as a result of using single sales factor apportionment.

Except as provided in paragraphs (2) paragraphs (1)
and (3) of this subsection:

(1) For a taxable year beginning after December 31,
2017, but before January 1, 2019, if the trade or business is a unitary
business, the part of the corporation’s Maryland modified income
derived from or reasonably attributable to trade or business carried
on in the State shall be determined using a 3-factor apportionment
fraction:

1. the numerator of which is the sum of the
property factor, the payroll factor, and 3 times the sales factor; and

2. the denominator of which is 5;

(II) For a taxable year beginning after December 31,
2018, but before January 1, 2020, if the trade or business is a unitary
business, the part of the corporation’s Maryland modified income
derived from or reasonably attributable to trade or business carried
on in the State shall be determined using a 3-factor apportionment
fraction:

1. the numerator of which is the sum of the
property factor, the payroll factor, and 4 times the sales factor; and

2. the denominator of which is 6;

(III) For a taxable year beginning after December 31,
2019, but before January 1, 2021, if the trade or business is a unitary
business, the part of the corporation’s Maryland modified income
derived from or reasonably attributable to trade or business carried
ON IN THE STATE SHALL BE DETERMINED USING A 3–FACTOR APPORTIONMENT FRACTION:

1. THE NUMERATOR OF WHICH IS THE SUM OF THE PROPERTY FACTOR, THE PAYROLL FACTOR, AND 5 TIMES THE SALES FACTOR; AND

2. THE DENOMINATOR OF WHICH IS 7;

(IV) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2020, BUT BEFORE JANUARY 1, 2022, IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE SHALL BE DETERMINED USING A 3–FACTOR APPORTIONMENT FRACTION:

1. THE NUMERATOR OF WHICH IS THE SUM OF THE PROPERTY FACTOR, THE PAYROLL FACTOR, AND 6 TIMES THE SALES FACTOR; AND

2. THE DENOMINATOR OF WHICH IS 8; AND

(V) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2021, IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE SHALL BE DETERMINED USING A SINGLE SALES FACTOR APPORTIONMENT FORMULA, BY MULTIPLYING ITS MARYLAND MODIFIED INCOME BY 100% OF THE SALES FACTOR.

(2) (3) (I) EACH YEAR A WORLDWIDE HEADQUARTERED COMPANY THAT FILED A FEDERAL CORPORATE INCOME TAX RETURN FOR THE TAXABLE YEAR MAY ELECT TO CALCULATE ITS MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE USING A 3–FACTOR APPORTIONMENT FRACTION:

1. THE NUMERATOR OF WHICH IS THE SUM OF THE PROPERTY FACTOR, THE PAYROLL FACTOR, AND TWICE THE SALES FACTOR; AND

2. THE DENOMINATOR OF WHICH IS 4.

(II) TO DETERMINE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THE MARYLAND MODIFIED INCOME OF A CORPORATION OR GROUP OF CORPORATIONS THAT IS A WORLDWIDE HEADQUARTERED COMPANY THAT FILED A FEDERAL CORPORATE INCOME TAX RETURN FOR THE TAXABLE YEAR, GROSS INCOME FROM INTANGIBLE INVESTMENTS, INCLUDING DIVIDENDS, INTEREST, ROYALTIES, AND CAPITAL GAINS FROM THE SALE OF INTANGIBLE PROPERTY, SHALL
(4) The property factor under paragraphs (1) and (2) of this subsection shall include:

(i) rented and owned real property; and

(ii) tangible personal property located in the State and used in the trade or business.

(E) To reflect clearly the income allocable to Maryland, the Comptroller may alter, if circumstances warrant, the methods under subsections (b) and (c) of this section, including:

(1) the use of the separate accounting method;

(2) the use of the 3–factor double weighted sales factor formula method or the single sales factor formula method;

(3) the weight of any factor in the 3–factor formula;

(4) the valuation of rented property included in the property factor; and

(5) the determination of the extent to which tangible personal property is located in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.

Approved by the Governor, April 24, 2018.

Chapter 343
(House Bill 67)

AN ACT concerning

Maryland Plumbing Act – Non–Water–Conserving Fixtures and Devices – Repeal of Criminal Penalties for Sale or Installation

FOR the purpose of repealing certain criminal penalties for a violation of certain prohibitions against selling or installing a certain plumbing–related fixture or other
device that is not water-conserving; and generally relating to the sale and installation of plumbing-related fixtures and devices.

BY repealing and reenacting, without amendments,
   Article – Business Occupations and Professions
   Section 12–101(a) and (d), 12–605, and 12–607(d)
   Annotated Code of Maryland
   (2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
   Article – Business Occupations and Professions
   Section 12–607(b)
   Annotated Code of Maryland
   (2010 Replacement Volume and 2017 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

12–101.

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

(d) “Board” means the State Board of Plumbing.

12–605.

(a) (1) A person may not install a plumbing fixture or other device that does not meet the standards for approval as set out in the State Plumbing Code or any applicable local plumbing code.

(2) A person may not sell or install a fixture or other device that does not limit water consumption in accordance with the standards adopted by the Board.

(b) Subject to subsection (c) of this section, each local plumbing inspector shall enforce the prohibition against the installation of a plumbing fixture that is not water-conserving under the State Plumbing Code or any applicable local plumbing code to ensure that the capacity for waste water treatment of municipal sewage treatment facilities and private on-site wastewater disposal systems is not exceeded.

(c) Enforcement of this section may be suspended for a specified period if a local plumbing inspector determines that:

(1) there is an inadequate supply of fixtures and devices that are required by and meet the standards for approval as set out in the State Plumbing Code or any applicable local plumbing code;
(2) the configuration of a drainage system for a building requires a greater quantity of water to flush the system adequately than is delivered by fixtures and devices that are required by and meet the standards for approval as set out in the State Plumbing Code or any applicable local plumbing code; or

(3) historic restoration would be affected adversely.

12–607.

(b) (1) A person who violates any provision of the following sections of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 6 months or both for each day or part of each day that the violation continues:

[(1) (I)] § 12–601;

[(2) (II)] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, § 12–605; and

[(3) (III)] § 12–606.

(2) THIS SUBSECTION DOES NOT APPLY TO A VIOLATION OF ANY PROHIBITION ON THE SALE OR INSTALLATION OF A FIXTURE OR OTHER DEVICE THAT IS NOT WATER–CONSERVING.

(d) (1) In addition to any other penalties under this title, the Board may impose on a person who violates any provision of this subtitle a penalty not exceeding $5,000 for each violation.

(2) In setting the amount of the penalty, the Board shall consider:

(i) the gravity of the violation;

(ii) the good faith of the violator;

(iii) the quantity and gravity of previous violations by the same violator;

(iv) the harm caused to the complainant, the public, and the plumbing profession;

(v) the assets of the violator; and

(vi) any other factors that the Board considers relevant.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 344

(House Bill 1614)

AN ACT concerning

Public Safety – Military Service Members – Civil Relief

FOR the purpose of providing that certain rights granted to members of the Maryland National Guard under this Act are in addition to the rights granted by federal law; establishing that the intent of this Act is to supplement certain rights and protections provided by a certain federal statute; authorizing a certain service member to terminate a certain contract at a certain time under certain circumstances; providing for the method by which a certain service member may terminate a certain contract; requiring a certain service provider to provide a service member with a certain notice under certain circumstances; authorizing a certain service member to reinstate the provision of a certain service in a certain manner under certain circumstances; prohibiting a certain service member from being charged certain costs under certain circumstances; providing that a certain service member is not liable for the payment for certain services after a certain date; defining certain terms; and generally relating to the rights of individuals engaged in military service.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 13–704
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY adding to

Article – Public Safety
Section 13–704.1
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

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

Article – Public Safety
The rights granted to members of the National Guard by this section and § 13–704.1 of this subtitle shall be in addition to the rights granted to them by federal law, including the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act.

(b) (1) The following provisions of federal law shall be adopted as State law and applied to members of the National Guard as described therein.

(2) The Servicemembers Civil Relief Act applies only when members of the National Guard are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for a period of 14 consecutive days or longer.

(3) The Uniformed Services Employment and Reemployment Rights Act applies to the following individuals when ordered to military duty for any period of time:

(i) members of the National Guard when ordered to military duty under this title or Title 10 or Title 32 of the United States Code, whether or not the member is a resident of or employed in this State; and

(ii) residents of this State who are members of the National Guard in another state or the District of Columbia, when ordered to military duty by the chief executive officer of that jurisdiction or under Title 10 or Title 32 of the United States Code.

(c) (1) A member of the National Guard whose employment and reemployment rights under this section have been violated may bring a civil action for economic damages, including lost wages and benefits.

(2) If the court determines that a member of the National Guard is entitled to judgment in an action filed under this subsection, the court may award the member:

(i) any damages to which the member may be entitled under subsection (a) of this section;

(ii) reasonable counsel fees and other costs; and

(iii) any other appropriate relief.

In this section the following words have the meanings indicated.

“Military service” means:
(I) IN THE CASE OF A SERVICE MEMBER WHO IS A MEMBER OR
RESERVE MEMBER OF THE ARMY, NAVY, AIR FORCE, MARINE CORPS, OR COAST
GUARD, FULL–TIME DUTY IN THE ACTIVE MILITARY SERVICE OF THE UNITED
STATES, INCLUDING:

1. FULL–TIME TRAINING DUTY;

2. ANNUAL TRAINING DUTY; AND

3. ATTENDANCE WHILE AT A SCHOOL DESIGNATED AS A
SERVICE SCHOOL BY FEDERAL LAW OR BY THE SECRETARY OF THE MILITARY
DEPARTMENT CONCERNED;

(II) IN THE CASE OF A MEMBER OR RESERVE MEMBER OF THE
MARYLAND NATIONAL GUARD, SERVICE UNDER A CALL TO:

1. ACTIVE SERVICE AUTHORIZED BY THE PRESIDENT OF
THE UNITED STATES OR THE SECRETARY OF DEFENSE FOR A PERIOD OF MORE
THAN 30 DAYS IN RESPONSE TO A NATIONAL EMERGENCY DECLARED BY THE
PRESIDENT OF THE UNITED STATES; OR

2. ACTIVE DUTY FOR A PERIOD OF MORE THAN 30
CONSECUTIVE DAYS;

(III) IN THE CASE OF A SERVICE MEMBER WHO IS A
COMMISSIONED OFFICER OF THE PUBLIC HEALTH SERVICE OR THE NATIONAL
OCEANIC AND ATMOSPHERIC ADMINISTRATION, ACTIVE SERVICE; OR

(IV) ANY PERIOD DURING WHICH A SERVICE MEMBER IS ABSENT
FROM DUTY ON ACCOUNT OF SICKNESS, WOUNDS, LEAVE, OR OTHER LAWFUL CAUSE.

(3) “SERVICE MEMBER” MEANS AN INDIVIDUAL ENGAGED IN
MILITARY SERVICE.

(B) THIS SECTION IS INTENDED TO SUPPLEMENT RIGHTS AND
PROTECTIONS PROVIDED IN THE FEDERAL SERVICEMEMBERS CIVIL RELIEF ACT

(C) (1) IN ADDITION TO THE RIGHTS AND PROTECTIONS REGARDING
CONSUMER TRANSACTIONS, CONTRACTS, AND SERVICE PROVIDERS INCLUDED IN
TITLE III OF THE FEDERAL SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP.
531 THROUGH 538), A SERVICE MEMBER MAY TERMINATE A CONTRACT DESCRIBED
IN PARAGRAPH (2) OF THIS SUBSECTION AT ANY TIME AFTER THE DATE THE
SERVICE MEMBER RECEIVES MILITARY ORDERS TO RELOCATE FOR A PERIOD OF MILITARY SERVICE OF AT LEAST 90 DAYS TO A LOCATION WHERE THE SERVICE MEMBER WOULD BE UNABLE TO USE THE SERVICES UNDER THE CONTRACT.

(2) THIS SECTION APPLIES TO A CONTRACT TO PROVIDE ANY OF THE FOLLOWING:

(I) TELECOMMUNICATION SERVICES;

(II) INTERNET SERVICES;

(III) TELEVISION SERVICES;

(IV) ATHLETIC CLUB OR GYM MEMBERSHIPS; AND

(V) SATELLITE RADIO SERVICES.

(3) (I) A SERVICE MEMBER MAY TERMINATE A CONTRACT UNDER THIS SECTION BY DELIVERING A WRITTEN OR ELECTRONIC NOTICE OF THE TERMINATION AND A COPY OF THE SERVICE MEMBER’S MILITARY ORDERS TO THE SERVICE PROVIDER.

(II) IF A SERVICE MEMBER TERMINATES A CONTRACT, THE SERVICE PROVIDER SHALL PROVIDE THE SERVICE MEMBER WITH A WRITTEN OR ELECTRONIC NOTICE OF THE SERVICE MEMBER’S RIGHTS POSTED ON THE MARYLAND NATIONAL GUARD’S INTERNET WEBSITE.

(D) (1) A SERVICE MEMBER WHO TERMINATES OR SUSPENDS THE PROVISION OF SERVICES UNDER THIS SECTION AND WHO IS NO LONGER IN ACTIVE MILITARY SERVICE MAY REINSTATE THE PROVISION OF SERVICE ON THE SAME TERMS AND CONDITIONS AS ORIGINALLY AGREED TO WITH THE SERVICE PROVIDER BEFORE THE TERMINATION OR SUSPENSION ON WRITTEN NOTICE TO THE PROVIDER THAT THE SERVICE MEMBER IS NO LONGER IN ACTIVE MILITARY SERVICE.

(2) WRITTEN NOTICE UNDER THIS SUBSECTION SHALL BE GIVEN WITHIN 90 DAYS AFTER TERMINATION OF THE SERVICE MEMBER’S ACTIVE MILITARY SERVICE.

(E) A SERVICE MEMBER WHO TERMINATES, SUSPENDS, OR REINSTATESThe PROVISION OF SERVICES UNDER THIS SECTION:

(1) MAY NOT BE CHARGED A PENALTY, FEE, LOSS OF DEPOSIT, OR ANY OTHER ADDITIONAL COST BECAUSE OF THE TERMINATION, SUSPENSION, OR
REINSTATEMENT; AND

(2) IS NOT LIABLE FOR PAYMENT FOR ANY SERVICES AFTER THE EFFECTIVE DATE OF THE TERMINATION OR SUSPENSION, UNTIL THE EFFECTIVE DATE OF ANY REINSTATEMENT OF SERVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 345

(House Bill 575)

AN ACT concerning

Condominiums – Suspension of Use of Common Elements

FOR the purpose of authorizing a declaration of a condominium to provide for the suspension of the use of parking or recreational facility common elements by a unit owner that is more than a certain number of days in arrears in the payment of any assessment due to the condominium; requiring a declaration containing a certain suspension provision to state that the provision may be repealed in a certain manner and that a suspension of the use of common elements may not be implemented until the council of unit owners provides certain notice and holds a certain hearing under certain circumstances; establishing an exception to the requirements for amending a declaration to authorize a council of unit owners to add or repeal a certain suspension provision by the affirmative vote of at least a certain percentage percent of certain eligible voters under certain voting procedures; and generally relating to the use of common elements in condominiums.

BY repealing and reenacting, without amendments,

Article – Real Property
Section 11–101(a) and (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property
Section 11–103(c)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)
BY adding to
Article – Real Property
Section 11–103(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Real Property

11–101.

(a) In this title the following words have the meanings indicated unless otherwise
apparent from context.

(c) (1) “Common elements” means all of the condominium except the units.

(2) “Limited common elements” means those common elements identified
in the declaration or on the condominium plat as reserved for the exclusive use of one or
more but less than all of the unit owners.

(3) “General common elements” means all the common elements except the
limited common elements.

11–103.

(c) (1) Except for a corrective amendment under § 11–103.1 of this title or as
provided in paragraph (2) of this subsection OR SUBSECTION (D) OF THIS SECTION,
the declaration may be amended only with the written consent of 80 percent of the unit owners
listed on the current roster. Amendments under this section are subject to the following
limitations:

(i) Except to the extent expressly permitted or expressly required
by other provisions of this title, an amendment to the declaration may not change the
boundaries of any unit, the undivided percentage interest in the common elements of any
unit, the liability for common expenses or rights to common profits of any unit, or the
number of votes in the council of unit owners of any unit without the written consent of
every unit owner and mortgagee.

(ii) An amendment to the declaration may not modify in any way
rights expressly reserved for the benefit of the developer or provisions required by any
governmental authority or for the benefit of any public utility.

(iii) Except to the extent expressly permitted by the declaration, an
amendment to the declaration may not change residential units to nonresidential units or
change nonresidential units to residential units without the written consent of every unit owner and mortgagee.

(iv) Except as otherwise expressly permitted by this title and by the declaration, an amendment to the declaration may not redesignate general common elements as limited common elements without the written consent of every unit owner and mortgagee.

(v) No provision of this title shall be construed in derogation of any requirement in the declaration or bylaws that all or a specified number of the mortgagees of the condominium units approve specified actions contemplated by the council of unit owners.

(D) (1) (I) A declaration may provide for the suspension of the use of parking or recreational facility common elements by a unit owner that is more than 60 days in arrears in the payment of any assessment due to the condominium.

(II) If a declaration contains a suspension provision authorized under subparagraph (I) of this paragraph, the declaration shall state that:

1. The suspension provision may be repealed by the affirmative vote of at least 60% of the total eligible voters of the condominium under the voting procedures contained in the declaration or bylaws; and

2. A suspension of the use of common elements may not be implemented until the council of unit owners:

   A. mails to the unit owner a demand letter specifying a time period of at least 10 days within which the unit owner may pay the delinquent assessment or request a hearing to contest the suspension; and

   B. if a unit owner requests a hearing to contest a suspension, provides notice and holds a hearing in accordance with § 11–113(B)(2) and (3) of this title subtitle.

(2) Notwithstanding the provisions of the declaration or bylaws, the council of unit owners may amend the declaration to add or repeal a suspension provision authorized under paragraph (1)(i) of this subsection by the affirmative vote of at least 60% of the total eligible voters of the condominium under the voting procedures contained in the declaration or the bylaws.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 346

(House Bill 77)

AN ACT concerning

Condominiums – Claims Against Developers and Vendors – Unenforceability of Certain Provisions

FOR the purpose of making unenforceable a provision of a declaration, a bylaw, a contract for the initial sale of a unit, or any other instrument made by a developer or vendor in accordance with certain provisions of law relating to certain claims that shortens the statute of limitations applicable to the claim, waives the application of a certain rule, requires a unit owner or the council of unit owners to assert a certain claim within a certain period of time under certain circumstances, or operates to prevent a unit owner or the council of unit owners from asserting a certain claim within a certain period of time; defining a certain term; providing for the application of this Act; and generally relating to claims against condominium developers and vendors.

BY adding to
Article – Real Property
Section 11–134.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Real Property

11–134.1.

(A) IN THIS SECTION, “VENDOR” HAS THE MEANING STATED IN § 10–201 OF THIS ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A UNIT THAT IS OCCUPIED AND USED SOLELY FOR
NONRESIDENTIAL PURPOSES;

(2) An agreement or other instrument entered into by a developer or vendor and a council of unit owners for the purpose of settling a disputed claim after the date on which the unit owners, other than the developer and its affiliates, first elect a controlling majority of the members of the board of directors for the council of unit owners; or

(3) An agreement or other instrument entered into by a developer or vendor and a unit owner for the purpose of settling a disputed claim after the date the unit is conveyed to the purchaser of the unit.

(C) (1) Any provision of a declaration, a bylaw, a contract for the initial sale of a unit to a member of the public, or any other instrument made by a developer or vendor in accordance with this title shall be unenforceable if the provision:

(I) shortens the statute of limitations applicable to any claim;

(II) waives the application of the discovery rule or other accrual date applicable to a claim;

(III) requires a unit owner or the council of unit owners to assert a claim subject to arbitration within a period of time that is shorter than the statute of limitations applicable to the claim; or

(IV) operates to prevent a unit owner or the council of unit owners from filing a lawsuit, initiating arbitration proceedings for a claim subject to arbitration, or otherwise asserting a claim within the statute of limitations applicable to the claim.

(2) Paragraph (1) of this subsection applies only to a provision relating to any right of a unit owner or council of unit owners to bring a claim under applicable law alleging the failure to comply with:

(I) applicable building codes;

(II) plans and specifications approved by a county or
MUNICIPALITY;

(III) MANUFACTURER’S INSTALLATION INSTRUCTIONS; OR

(IV) WARRANTY PROVISIONS UNDER § 10–203 OF THIS ARTICLE AND § 11–131 OF THIS TITLE.

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:

(1) any provision of a declaration or bylaws of a condominium recorded in the land records of the county where the property is located before the effective date of this Act; or

(2) any other instrument executed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 347
(Senate Bill 258)

AN ACT concerning

Condominiums – Claims Against Developers and Vendors – Unenforceability of Certain Provisions

FOR the purpose of making unenforceable a provision of a declaration, a bylaw, a contract for the initial sale of a unit, or any other instrument made by a developer or vendor in accordance with certain provisions of law relating to certain claims that shortens the statute of limitations applicable to the claim, waives the application of a certain rule, requires a unit owner or the council of unit owners to assert a certain claim within a certain period of time under certain circumstances, or operates to prevent a unit owner or the council of unit owners from asserting a certain claim within a certain period of time; defining a certain term; providing for the application of this Act; and generally relating to claims against condominium developers and vendors.

BY adding to
Article – Real Property
Section 11–134.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Real Property

11–134.1.

(A) IN THIS SECTION, “VENDOR” HAS THE MEANING STATED IN § 10–201 OF
THIS ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A UNIT THAT IS OCCUPIED AND USED SOLELY FOR
NONRESIDENTIAL PURPOSES;

(2) AN AGREEMENT OR OTHER INSTRUMENT ENTERED INTO BY A
DEVELOPER OR VENDOR AND A COUNCIL OF UNIT OWNERS FOR THE PURPOSE OF
SETTLING A DISPUTED CLAIM AFTER THE DATE ON WHICH THE UNIT OWNERS,
OTHER THAN THE DEVELOPER AND ITS AFFILIATES, FIRST ELECT A CONTROLLING
MAJORITY OF THE MEMBERS OF THE BOARD OF DIRECTORS FOR THE COUNCIL OF
UNIT OWNERS; OR

(3) AN AGREEMENT OR OTHER INSTRUMENT ENTERED INTO BY A
DEVELOPER OR VENDOR AND A UNIT OWNER FOR THE PURPOSE OF SETTLING A
DISPUTED CLAIM AFTER THE DATE THE UNIT IS CONVEYED TO THE PURCHASER OF
THE UNIT.

(C) (1) ANY PROVISION OF A DECLARATION, A BYLAW, A CONTRACT FOR
THE INITIAL SALE OF A UNIT TO A MEMBER OF THE PUBLIC, OR ANY OTHER
INSTRUMENT MADE BY A DEVELOPER OR VENDOR IN ACCORDANCE WITH THIS TITLE
SHALL BE UNENFORCEABLE IF THE PROVISION:

(1) SHORTENS THE STATUTE OF LIMITATIONS APPLICABLE TO
ANY CLAIM;

(II) WAIVES THE APPLICATION OF THE DISCOVERY RULE OR
OTHER ACCRUAL DATE APPLICABLE TO A CLAIM;

(III) REQUIRES A UNIT OWNER OR THE COUNCIL OF UNIT
OWNERS TO ASSERT A CLAIM SUBJECT TO ARBITRATION WITHIN A PERIOD OF TIME
THAT IS SHORTER THAN THE STATUTE OF LIMITATIONS APPLICABLE TO THE CLAIM;
(IV) Operates to prevent a unit owner or the council of unit owners from filing a lawsuit, initiating arbitration proceedings for a claim subject to arbitration, or otherwise asserting a claim within the statute of limitations applicable to the claim.

(2) Paragraph (1) of this subsection applies only to a provision relating to any right of a unit owner or council of unit owners to bring a claim under applicable law alleging the failure to comply with:

(I) Applicable building codes;

(II) Plans and specifications approved by a county or municipality;

(III) Manufacturer’s installation instructions; or

(IV) Warranty provisions under § 10–203 of this article and § 11–131 of this title.

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:

(1) any provision of a declaration or bylaws of a condominium recorded in the land records of the county where the property is located before the effective date of this Act; or

(2) any other instrument executed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

AN ACT concerning
Foreclosed Property Registry – Updated Information – Notice to Local Governments

FOR the purpose of requiring the Department of Labor, Licensing, and Regulation to establish procedures that require a foreclosure purchaser to submit to the Foreclosed Property Registry any change to certain information within a certain number of days after the change is known to the purchaser; requiring the Department to notify, by electronic means, certain authorized users from certain counties and municipal corporations on receipt through the Foreclosed Property Registry of an initial registration or a change to certain information; providing for a delayed effective date; and generally relating to the Foreclosed Property Registry.

BY repealing and reenacting, with amendments,
   Article – Real Property
   Section 14–126.1
   Annotated Code of Maryland
   (2015 Replacement Volume and 2017 Supplement)
   (As enacted by Chapters 348 and 349 of the Acts of the General Assembly of 2017)

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

Article – Real Property

14–126.1.

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

   (2) “Department” means the Department of Labor, Licensing, and Regulation.

   (3) “Foreclosed Property Registry” means the Foreclosed Property Registry established by the Department under subsection (b) of this section.

   (4) “Foreclosure purchaser” means the person identified as the purchaser on the report of sale required by Maryland Rule 14–305 for a foreclosure sale of residential property.

   (5) “Fund” means the Foreclosed Property Registry Fund established by the Department under subsection (i) of this section.

   (6) “Local jurisdiction” means:

       (i) A county; or

       (ii) A municipal corporation.
(7) “Residential property” means real property improved by four or fewer dwelling units that are designed principally and are intended for human habitation.

(b) The Department shall establish and maintain an Internet–based Foreclosed Property Registry for information relating to foreclosure sales of residential property.

(c) At the time of a foreclosure sale of residential property, the person responsible for conducting the foreclosure shall obtain from the foreclosure purchaser a written acknowledgment of the requirements of this section.

(d) (1) Within 30 days after a foreclosure sale of residential property, a foreclosure purchaser shall submit an initial registration to the Foreclosed Property Registry.

(2) The initial registration shall:

(i) Be in the form the Department requires; and

(ii) Contain the following information:

1. The name, telephone number, and address of the foreclosure purchaser;

2. The street address of the property that is the subject of the foreclosure sale;

3. The date of the foreclosure sale;

4. Whether the property is a single–family or multifamily property;

5. The name and address of the person, including a substitute purchaser, who is authorized to accept legal service for the foreclosure purchaser;

6. To the best of the foreclosure purchaser’s knowledge at the time of registration:

   A. Whether the residential property is vacant; and

   B. The name, telephone number, and street address of the person who is responsible for the maintenance of the property; and

7. Whether the foreclosure purchaser has possession of the property.
(3) Within 30 days after a deed transferring title to the residential property has been recorded, the foreclosure purchaser shall submit a final registration to the Foreclosed Property Registry.

(4) The final registration shall:

   (i) Be in the form the Department requires; and

   (ii) Contain the following information as of the date of final registration:

1. The name, telephone number, and address of the owner on the deed;

2. The date of the ratification of the sale; and

3. The date the deed was recorded.

(5) The Department shall establish procedures that require a foreclosure purchaser, after submitting an initial registration, to submit to the Foreclosed Property Registry any change to the information required under paragraph (2)(ii) of this subsection within 21 business days after the change is known to the purchaser.

(6) On receipt through the Foreclosed Property Registry of an initial registration or any change submitted under paragraph (5) of this subsection, the Department shall promptly notify, by electronic means, authorized users from the county and, if appropriate, the municipal corporation in which the property is located.

(e) (1) The filing fees for registering a residential property are:

   (i) $50 for an initial registration filed within the time period required under subsection (d)(1) of this section; and

   (ii) $100 for an initial registration filed after the time period required under subsection (d)(1) of this section.

   (2) There is no fee for a final registration.

   (3) A filing fee paid under paragraph (1) of this subsection is nonrefundable.
(4) A local jurisdiction may enact a local law that imposes a civil penalty for failure to register under this section in an amount not exceeding $1,000.

(f) (1) Subject to paragraph (2) of this subsection, a local jurisdiction that, in accordance with any applicable building code or local ordinance, abates a nuisance on a residential property registered under this section or takes action to maintain a residential property registered under this section may collect the cost associated with the abatement or other action as a charge included on the residential property’s property tax bill.

(2) (i) The cost associated with an abatement or other action taken under paragraph (1) of this subsection may not be included as a charge on the residential property’s property tax bill unless the local jurisdiction provides advance written notice in accordance with subparagraph (ii) of this paragraph to:

1. The person identified in the registry who is authorized to accept legal service for the foreclosure purchaser; and

2. The person identified in the registry who is responsible for the maintenance of the property.

(ii) The notice described in subparagraph (i) of this paragraph shall:

1. Describe the intended abatement or other action the local jurisdiction intends to take; and

2. Be provided:

   A. In accordance with the notice provisions of the applicable building code or local ordinance; or

   B. If the applicable building code or local ordinance does not provide for notice, at least 30 days before the local jurisdiction abates the nuisance or takes action to maintain the property.

(g) (1) The Foreclosed Property Registry:

   (i) Is not a public record as defined by § 4–101 of the General Provisions Article; and

   (ii) Is not subject to Title 4 of the General Provisions Article.

(2) The Department may authorize access to the Foreclosed Property Registry only to local jurisdictions, their agencies, and representatives and State agencies.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Department or a local jurisdiction may provide information for a specific property in the Foreclosed Property Registry to:
(i) A person who owns property on the same block; or
(ii) A homeowners association or condominium in which the property is located.

(h) Revenue collected from the filing fees required under subsection (e)(1) of this section shall be distributed to the Fund.

(i) (1) There is a Foreclosed Property Registry Fund in the Department.
(2) The purpose of the Fund is to support the development, administration, and maintenance of the Foreclosed Property Registry established under this section.
(3) The Department shall administer the Fund.
(4) (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.
(5) The Fund consists of:
(i) Revenue distributed to the Fund under subsection (h) of this section;
(ii) Investment earnings of the Fund;
(iii) Money appropriated in the State budget to the Fund; and
(iv) Any other money from any other source accepted for the benefit of the Fund.
(6) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.
(ii) Any investment earnings of the Fund shall be paid into the Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018 January 1, 2019.

Approved by the Governor, April 24, 2018.
Chapter 349
(Senate Bill 222)

AN ACT concerning

Foreclosed Property Registry – Updated Information – Notice to Local Governments

FOR the purpose of requiring the Department of Labor, Licensing, and Regulation to establish procedures that require a foreclosure purchaser to submit to the Foreclosed Property Registry any change to certain information within a certain number of days after the change is known to the purchaser; requiring the Department to notify, by electronic means, certain authorized users from certain counties and municipal corporations on receipt through the Foreclosed Property Registry of an initial registration or a change to certain information; providing for a delayed effective date; and generally relating to the Foreclosed Property Registry.

BY repealing and reenacting, with amendments, Article – Real Property
Section 14–126.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)
(As enacted by Chapters 348 and 349 of the Acts of the General Assembly of 2017)

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

Article – Real Property

14–126.1.

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

(2) “Department” means the Department of Labor, Licensing, and Regulation.

(3) “Foreclosed Property Registry” means the Foreclosed Property Registry established by the Department under subsection (b) of this section.

(4) “Foreclosure purchaser” means the person identified as the purchaser on the report of sale required by Maryland Rule 14–305 for a foreclosure sale of residential property.

(5) “Fund” means the Foreclosed Property Registry Fund established by the Department under subsection (i) of this section.
(6) “Local jurisdiction” means:

(i) A county; or

(ii) A municipal corporation.

(7) “Residential property” means real property improved by four or fewer dwelling units that are designed principally and are intended for human habitation.

(b) The Department shall establish and maintain an Internet–based Foreclosed Property Registry for information relating to foreclosure sales of residential property.

(c) At the time of a foreclosure sale of residential property, the person responsible for conducting the foreclosure shall obtain from the foreclosure purchaser a written acknowledgment of the requirements of this section.

(d) (1) Within 30 days after a foreclosure sale of residential property, a foreclosure purchaser shall submit an initial registration to the Foreclosed Property Registry.

(2) The initial registration shall:

(i) Be in the form the Department requires; and

(ii) Contain the following information:

1. The name, telephone number, and address of the foreclosure purchaser;

2. The street address of the property that is the subject of the foreclosure sale;

3. The date of the foreclosure sale;

4. Whether the property is a single–family or multifamily property;

5. The name and address of the person, including a substitute purchaser, who is authorized to accept legal service for the foreclosure purchaser;

6. To the best of the foreclosure purchaser’s knowledge at the time of registration:

A. Whether the residential property is vacant; and
B. The name, telephone number, and street address of the person who is responsible for the maintenance of the property; and

7. Whether the foreclosure purchaser has possession of the property.

(3) Within 30 days after a deed transferring title to the residential property has been recorded, the foreclosure purchaser shall submit a final registration to the Foreclosed Property Registry.

(4) The final registration shall:

(i) Be in the form the Department requires; and

(ii) Contain the following information as of the date of final registration:

1. The name, telephone number, and address of the owner on the deed;

2. The date of the ratification of the sale; and

3. The date the deed was recorded.

(5) The Department shall establish procedures that require a foreclosure purchaser, after submitting an initial registration, to submit to the Foreclosed Property Registry any change to the information required under paragraph (2)(ii)5 through 7 of this subsection within 21 business days after the change is known to the purchaser.

(6) On receipt through the Foreclosed Property Registry of an initial registration or any change submitted under paragraph (5) of this subsection, the Department shall promptly notify, by electronic means, authorized users from the county and, if appropriate, the municipal corporation in which the property is located.

(e) (1) The filing fees for registering a residential property are:

(i) $50 for an initial registration filed within the time period required under subsection (d)(1) of this section; and

(ii) $100 for an initial registration filed after the time period required under subsection (d)(1) of this section.
(2) There is no fee for a final registration.

(3) A filing fee paid under paragraph (1) of this subsection is nonrefundable.

(4) A local jurisdiction may enact a local law that imposes a civil penalty for failure to register under this section in an amount not exceeding $1,000.

(f) (1) Subject to paragraph (2) of this subsection, a local jurisdiction that, in accordance with any applicable building code or local ordinance, abates a nuisance on a residential property registered under this section or takes action to maintain a residential property registered under this section may collect the cost associated with the abatement or other action as a charge included on the residential property’s property tax bill.

(2) (i) The cost associated with an abatement or other action taken under paragraph (1) of this subsection may not be included as a charge on the residential property’s property tax bill unless the local jurisdiction provides advance written notice in accordance with subparagraph (ii) of this paragraph to:

1. The person identified in the registry who is authorized to accept legal service for the foreclosure purchaser; and
2. The person identified in the registry who is responsible for the maintenance of the property.

(ii) The notice described in subparagraph (i) of this paragraph shall:

1. Describe the intended abatement or other action the local jurisdiction intends to take; and
2. Be provided:
   A. In accordance with the notice provisions of the applicable building code or local ordinance; or
   B. If the applicable building code or local ordinance does not provide for notice, at least 30 days before the local jurisdiction abates the nuisance or takes action to maintain the property.

(g) (1) The Foreclosed Property Registry:

   (i) Is not a public record as defined by § 4–101 of the General Provisions Article; and

   (ii) Is not subject to Title 4 of the General Provisions Article.
(2) The Department may authorize access to the Foreclosed Property Registry only to local jurisdictions, their agencies, and representatives and State agencies.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Department or a local jurisdiction may provide information for a specific property in the Foreclosed Property Registry to:

(i) A person who owns property on the same block; or

(ii) A homeowners association or condominium in which the property is located.

(h) Revenue collected from the filing fees required under subsection (e)(1) of this section shall be distributed to the Fund.

(i) (1) There is a Foreclosed Property Registry Fund in the Department.

(2) The purpose of the Fund is to support the development, administration, and maintenance of the Foreclosed Property Registry established under this section.

(3) The Department shall administer the Fund.

(4) (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.

(5) The Fund consists of:

(i) Revenue distributed to the Fund under subsection (h) of this section;

(ii) Investment earnings of the Fund;

(iii) Money appropriated in the State budget to the Fund; and

(iv) Any other money from any other source accepted for the benefit of the Fund.

(6) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be paid into the Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018 January 1, 2019.
Approved by the Governor, April 24, 2018.

Chapter 350

(Senate Bill 877)

AN ACT concerning

Promoting extraordinary Innovation in Maryland’s Economy
(PRIME Act)

FOR the purpose of establishing the Promoting extraordinary Innovation in Maryland’s Economy Program within the Department of Commerce to provide certain Fortune 100 companies tax credits and benefits for a certain number of years; requiring the Department to administer the Program; establishing the application and eligibility requirements for a business entity to qualify for tax credits and benefits under the Program; authorizing certain types of businesses to receive certain credits and benefits under the Program under certain circumstances; providing for the termination of certain business entities from the Program under certain circumstances; authorizing the Secretary of Commerce to adopt any regulations necessary to implement the Program; requiring the Department to report to the General Assembly on or before a certain date; authorizing a credit against the State income tax for certain income of business entities certified under the Program; making the credit refundable; requiring certain businesses to apply for a certain tax certificate from the Department under certain circumstances; requiring the application to be in a certain form and contain certain information; requiring the Department to issue certain tax credit certificates, subject to certain limitations; requiring the Department to report to the Governor and the General Assembly certain information regarding the tax credit; requiring the Department and the Comptroller to jointly adopt certain regulations; providing for a sales and use tax exemption for certain sales of construction material or warehousing equipment under certain circumstances; requiring the Department to provide the Comptroller with a certain list each year; requiring the Comptroller to issue a certain certificate of eligibility for a certain exemption; providing for the renewal period of a certain certificate; requiring a certain governing body of a county or of a municipal corporation to grant a certain tax credit against certain property tax; providing for a certain tax credit against the State property tax; specifying the duration of certain tax credits; requiring the Department of Assessments and Taxation to submit a certain list to the Department of Commerce; requiring the State, under certain circumstances, to reimburse a certain county or a municipal corporation certain amounts; requiring the State Department of Assessments and Taxation to provide a certain notification to the Comptroller and the Comptroller to provide a certain reimbursement; altering a certain property tax credit for businesses that create new jobs to allow a business entity that is granted a certain property tax credit to be
eligible to receive the property tax credit for businesses that create new jobs; defining certain terms; providing for application of certain provisions of this Act; providing for the termination of this Act under certain circumstances; and generally relating to the Promoting ext–Raordinary Innovation in Maryland’s Economy Program.

BY adding to
Article – Economic Development
Section 6–901 through 6–909 to be under the new subtitle “Subtitle 9. Promoting ext–Raordinary Innovation in Maryland’s Economy Program”
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 10–746 and 11–234
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – Property
Section 9–111
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–230(b)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Economic Development

SUBTITLE 9. PROMOTING EXT–RAORDINARY INNOVATION IN MARYLAND’S ECONOMY PROGRAM.

6–901.

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

(B) “BENEFIT YEAR” MEANS A TAXABLE YEAR IN WHICH A QUALIFIED BUSINESS ENTITY CLAIMS A PROGRAM BENEFIT ESTABLISHED UNDER § 6–904 OF THIS SUBTITLE.
(C) "BUSINESS ENTITY" MEANS A FORTUNE 100 COMPANY.

(D) "ELIGIBLE PROJECT" MEANS A PROJECT ESTABLISHED AND OPERATED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SET FORTH UNDER § 6–903 OF THIS SUBTITLE.

(E) "PROGRAM" MEANS THE PROMOTING EXT–RAORDINARY INNOVATION IN MARYLAND’S ECONOMY PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

(F) "QUALIFIED BUSINESS ENTITY" MEANS A BUSINESS ENTITY OPERATING AN ELIGIBLE PROJECT UNDER THIS SUBTITLE.

(G) (1) "QUALIFIED POSITION" MEANS A POSITION THAT:

   (I) IS FULL–TIME AND OF INDEFINITE DURATION;

   (II) PAYS AT LEAST $60,000 BUT NOT MORE THAN $500,000 EACH YEAR;

   (III) IS NEWLY CREATED AND LOCATED AT A SINGLE ELIGIBLE PROJECT IN THE STATE; AND

   (IV) IS FILLED.

(2) "QUALIFIED POSITION" DOES NOT INCLUDE A POSITION THAT IS:

   (I) CREATED WHEN AN EMPLOYMENT FUNCTION IS SHIFTED FROM AN EXISTING FACILITY OF A BUSINESS ENTITY IN THE STATE TO ANOTHER FACILITY OF THE SAME BUSINESS ENTITY IF THE POSITION IS NOT A NET NEW JOB IN THE STATE;

   (II) CREATED THROUGH A CHANGE IN OWNERSHIP OF A TRADE OR BUSINESS;

   (III) CREATED THROUGH A CONSOLIDATION, MERGER, OR RESTRUCTURING OF A BUSINESS ENTITY IF THE POSITION IS NOT A NET NEW JOB IN THE STATE;

   (IV) CREATED WHEN AN EMPLOYMENT FUNCTION IS CONTRACTUALLY SHIFTED FROM AN EXISTING BUSINESS ENTITY TO ANOTHER BUSINESS ENTITY IN THE STATE IF THE POSITION IS NOT A NET NEW JOB IN THE STATE; OR
(V) FILLED FOR A PERIOD OF LESS THAN 12 MONTHS.

6–902.

THERE IS A PROMOTING EXTREME ORDINARY INNOVATION IN MARYLAND'S ECONOMY (PRIME) PROGRAM IN THE DEPARTMENT.

6–903.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A BUSINESS ENTITY MAY APPLY TO THE DEPARTMENT TO ENROLL AN ELIGIBLE PROJECT IN THE PROGRAM.

(2) A BUSINESS ENTITY SHALL NOTIFY THE DEPARTMENT OF ITS INTENT TO SEEK CERTIFICATION OF AN ELIGIBLE PROJECT BEFORE THE BUSINESS ENTITY ESTABLISHES THE PROJECT IN THE STATE.

(B) THE DEPARTMENT MAY CERTIFY A BUSINESS ENTITY AS A QUALIFIED BUSINESS ENTITY AFTER THE BUSINESS ENTITY:

(1) PROVIDES THE REQUIRED NOTICE UNDER SUBSECTION (A) OF THIS SECTION;

(2) APPLIES TO THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND

(3) ESTABLISHES AN ELIGIBLE PROJECT AS DESCRIBED IN SUBSECTION (D) OF THIS SECTION.

(C) A BUSINESS ENTITY SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION CONTAINING AT LEAST THE FOLLOWING INFORMATION:

(1) THE ANTICIPATED DATE OF THE ESTABLISHMENT OF THE PROJECT;

(2) THE LOCATION OF THE PROJECT;

(3) EVIDENCE THAT THE PROJECT WILL FUNCTION AS A HEADQUARTERS OF THE BUSINESS ENTITY;

(4) THE ESTIMATED NUMBER OF QUALIFIED POSITIONS TO BE CREATED BY THE PROJECT;
(5) The dates by which the qualified positions are expected to be filled;

(6) The anticipated payroll for the qualified positions; and

(7) Any other information the Department requires.

(D) (1) To establish an eligible project under this subtitle, a business entity shall:

   (I) Submit evidence that the business entity is legally committed to expending or causing to be expended a minimum of $500,000,000 in project costs; and

   (II) Submit a project plan to the Department that commits to carry out the following activities over a 17–year period:

       1. A. Fill at least 40,000 qualified positions at the facility; and

          B. Provide compensation for the qualified positions in an amount that, on average, equals at least $100,000 annually; and

       2. Expend or cause to be expended a total of $4,500,000,000, including any amounts expended under item (I) of this paragraph.

(2) Costs that may be included in the amount set forth in paragraph (1)(I) of this subsection include:

   (I) Obligations for labor and payments made to contractors, subcontractors, builders, and suppliers;

   (II) Acquiring land, rights in land, and expenses incidental to acquiring land or rights in land;

   (III) Contract bonds and insurance needed during the acquisition, construction, or installation of the project;

   (IV) Test borings, surveys, estimates, plans, specifications, preliminary investigations, environmental mitigation, supervision of construction, and any other architectural and engineering services;
(V) performing duties required by or consequent to the acquisition, construction, and installation of the project;

(VI) installing water, sewer, sewer treatment, gas, electricity, communications, railroads, and similar utilities;

(VII) bond insurance, letters of credit, and other forms of credit enhancement or liquidity facilities;

(VIII) interest expenses before and during the acquisition, construction, installation, and equipping of the project, and for up to 2 years after project completion;

(IX) computers, nonrecurring costs of fixed telecommunications equipment, furnishings, and office equipment; and

(X) moving expenses, separation expenses, and any other expenses directly related to moving from outside the State to a location in the State.

6–904.

(A) (1) Subject to the provisions of this section, the program benefits authorized under this section may be claimed by a qualified business entity for up to 10 consecutive benefit years.

(2) For the income tax credit established under § 10–746 of the Tax – General Article, a qualified business entity may claim the credit for 10 consecutive benefit years for each qualified position.

(B) On enrollment in the Program a qualified business entity is eligible for:

(1) subject to subsection (c) of this section, a credit against the State income tax, established under § 10–746 of the Tax – General Article;

(2) a credit against a portion of the county or municipal corporation property tax and of the State property tax established under § 9–111 of the Tax – Property Article; and
(3) An exemption from the sales and use tax, as provided under § 11–234 of the Tax–General Article.

(C) (1) To be eligible for the credit against the State income tax established under § 10–746 of the Tax–General Article, a business entity shall:

(I) provide compensation for the qualified positions for which the business entity seeks to claim the credit in an amount that, on average, equals at least $100,000 each year; and

(II) provide to the Department, for each benefit year, evidence of the compensation required under this subsection.

(2) To be eligible for a credit against the State income tax established under § 10–746 of the Tax–General Article for the filling of qualified positions after the first benefit year, a qualified business entity shall fill the required number of qualified positions not later than 17 years after enrollment in the Program.

(D) If the number of qualified positions at the eligible project decreases to a number less than the number of qualified positions claimed in the first benefit year, the project shall be removed from the Program and all Program benefits terminate.

6–905.

The Department shall provide to a qualified business entity a certificate that:

(1) certifies the eligibility of the project that is enrolled in the Program;

(2) provides the duration of the certification;

(3) is updated as needed to reflect an increase in the number of qualified positions for which the qualified business entity is eligible for a credit against the State income tax, as provided under § 10–746 of the Tax–General Article; and

(4) provides any additional information necessary for the qualified business entity to receive a Program benefit for which the business entity is eligible, or which the Comptroller or the Department needs to administer the Program.
(A) The Department may revoke its certification under this subtitle, in whole or in part, if:

(1) Any representation made by a qualified business entity is determined by the Department to have been false when made; or

(2) As determined by the Department, the actual expenditures and hiring of employees to fill qualified positions by the qualified business entity operating the project are significantly below the estimates in the project plan provided by the business entity under § 6–903(d)(1)(ii) of this subtitle.

(B) If the Department revokes its certification under subsection (a) of this section, the Comptroller may make an assessment against the qualified business entity to recapture any amount of a program benefit that the qualified business entity has received.

6–907.

(A) The Department may require that any information provided under this subtitle be verified by an independent certified public accountant that the qualified business entity and the Department select.

(B) (1) Acceptance by a qualified business entity of the program benefits under this subtitle shall be deemed to authorize the Comptroller to share with the Department any information received from a qualified business entity about eligibility for a program benefit allowed under this subtitle.

(2) Information that is received by the Department or the Comptroller under paragraph (1) of this subsection is subject to confidentiality requirements established by law.

6–908.

The Secretary may adopt any regulations necessary and appropriate to carry out this subtitle.
ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE QUALIFIED BUSINESS ENTITIES RECEIVING FINAL CERTIFICATION IN THE PRECEDING FISCAL YEAR.

Article – Tax – General

10–746.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BUSINESS ENTITY” HAS THE MEANING STATED IN § 6–901 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(3) “DEPARTMENT” MEANS THE DEPARTMENT OF COMMERCE.

(4) “ELIGIBLE PROJECT” HAS THE MEANING STATED IN § 6–901 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(5) “QUALIFIED BUSINESS ENTITY” HAS THE MEANING STATED IN § 6–901 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(6) “QUALIFIED POSITION” HAS THE MEANING STATED IN § 6–901 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(B) (1) TO BE ELIGIBLE FOR THE CREDIT UNDER THIS SECTION, A QUALIFIED BUSINESS ENTITY SHALL:

(I) COMPENSATE THE EMPLOYEES EMPLOYED IN THE QUALIFIED POSITIONS FOR WHICH THE BUSINESS ENTITY CLAIMS THE CREDIT UNDER THIS SECTION IN AN AMOUNT THAT, ON AVERAGE, EQUALS AT LEAST $100,000 ANNUALLY; AND

(II) FILL THE REQUIRED NUMBER OF QUALIFIED POSITIONS NOT LATER THAN 17 YEARS AFTER INITIAL ENROLLMENT IN THE PROGRAM.

(2) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AN INDIVIDUAL OR A CORPORATION THAT IS A QUALIFIED BUSINESS ENTITY THAT OPERATES AN ELIGIBLE PROJECT IN THE STATE MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX EQUAL TO THE AMOUNT STATED IN THE FINAL TAX CREDIT CERTIFICATE APPROVED BY THE DEPARTMENT FOR AN ELIGIBLE PROJECT.
(3) The amount of the credit authorized under paragraph (2) of this subsection is equal to the product of:

(I) The state employer withholding amount, which is equal to the highest tax rate listed in § 10–105(a) of this title; and

(II) Subject to paragraph (1) of this subsection, the total amount of wages paid for each qualified position at an eligible project.

(4) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the qualified business entity for that taxable year, the qualified business entity may claim a refund in the amount of the excess.

(C) (1) On enrollment in the Promoting Ext–Raordinary Innovation in Maryland’s Economy Program established under Title 6, Subtitle 9 of the Economic Development Article, a qualified business entity shall apply to the Department for a certificate of eligibility for a tax credit under this section.

(2) The application shall be in the form and shall contain the information that the Department requires.

(3) (I) Each year, subject to the limitations of this subsection, the Department shall issue an initial tax credit certificate in an amount equal to a percentage of total wages paid for each qualified position at an eligible project as calculated under subsection (b) of this section.

(II) An initial tax credit certificate issued under this subsection shall state the maximum amount of tax credit for which the qualified business entity is eligible.

(III) The Department shall issue a final tax credit certificate to the qualified business entity based on an amount equal to a percentage of the total actual wages paid for each qualified position at an eligible project as calculated under subsection (b) of this section.

(D) On or before July 1 each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the amount of tax credits issued under final tax credit certificates under the Program.
(E) The Department and the Comptroller jointly shall adopt regulations to:

(1) Carry out the provisions of this section; and

(2) Specify criteria and procedures for the application for, approval of, and monitoring of continuing eligibility for the tax credit under this section.

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

Article –Tax – General

11–234.

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

(2) “Department” means the Department of Commerce.

(3) “Eligible project” has the meaning stated in § 6–901 of the Economic Development Article.

(4) “Program” means the Promoting Extraordinary Innovation in Maryland’s Economy Program established under Title 6, Subtitle 9 of the Economic Development Article.

(5) “Qualified business entity” has the meaning stated in § 6–901 of the Economic Development Article.

(6) “Qualified personal property or services” means personal property or services purchased for use at an eligible project by a qualified business entity that is enrolled in the Program.

(B) The sales and use tax does not apply to a sale of qualified personal property or services if the buyer provides the vendor with evidence of eligibility for the exemption issued by the Comptroller.

(C) (1) Each year, the Department shall provide the Comptroller with a list of qualified business entities.

(2) Within 30 days of receiving a list of qualified business entities from the Department, the Comptroller shall issue, to each
QUALIFIED BUSINESS ENTITY, A CERTIFICATE OF ELIGIBILITY FOR THE EXEMPTION UNDER THIS SECTION.

(3) **The certificate issued under paragraph (2) of this subsection:**

   (I) **must be renewed each year; and**

   (II) **may not be renewed for more than 10 consecutive years.**

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Tax – Property**

9–111.

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

   (2) **“Eligible assessment” means the difference between the base year value of a qualified property and the actual value of a qualified property as determined by the Department for the applicable taxable year in which the tax credit under this section is to be granted.**

   (3) **“Eligible project” has the meaning stated in § 6–901 of the Economic Development Article.**

   (4) **“Qualified business entity” has the meaning stated in § 6–901 of the Economic Development Article.**

   (5) **“Qualified property” means real property where an eligible project is located.**

(B) (1) **The governing body of a county or of a municipal corporation shall grant a property tax credit under this section against the county or municipal corporation property tax that is imposed on the eligible assessment of a qualified property owned by a qualified business entity enrolled in the Promoting extraordinary innovation in Maryland’s economy program established under Title 6, Subtitle 9 of the Economic Development Article.**
(2) In addition to the property tax credit provided under paragraph (1) of this subsection, there is a credit against the State property tax that is imposed on the eligible assessment of a qualified property owned by a qualified business entity enrolled in the Promoting Extraordinary Innovation in Maryland’s Economy Program established under Title 6, Subtitle 9 of the Economic Development Article.

(3) The property tax credits required under paragraphs (1) and (2) of this subsection are equal to 50% of the State, county, or municipal corporation property tax that is imposed on the eligible assessment of a qualified property.

(4) A tax credit under this section may be claimed for a qualified property for 10 consecutive years if the property remains a qualified property owned by a qualified business entity.

(C) By June 15 each year, the Department shall submit to the Department of Commerce a list that includes:

(1) The location of each qualified property;

(2) The amount of the base year value for each qualified property; and

(3) The amount of the property tax assessed against each qualified property.

(D) As provided in the State budget, the State shall reimburse each county or municipal corporation an amount equal to one-half of the county or municipal corporation property tax revenue that would have been collected if the property tax credit under this section had not been granted.

(E) (1) For a county or municipal corporation to receive a reimbursement under subsection (d) of this section, the county or municipal corporation shall submit an annual request to the Department for the amount required by subsection (d) of this section.

(2) Within 5 working days after the Department receives the request from a county or municipal corporation, the Department shall certify to the Comptroller the reimbursement due to the county or municipal corporation.
(3) **WITHIN 5 WORKING DAYS AFTER THE COMPTROLLER RECEIVES THE CERTIFICATION FROM THE DEPARTMENT, THE COMPTROLLER SHALL REMIT THE REIMBURSEMENT TO THE COUNTY OR MUNICIPAL CORPORATION.**

9–230.

(b) (3) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A tax credit may not be granted under this section if:**

   [i] **A.** the business entity or any of its affiliates have moved their operations from one county in the State to the new or expanded premises in another; or

   [ii] **B.** the new or expanded premises has otherwise been granted a tax credit or exemption under this article for the taxable year.

   (II) **NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW, SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A BUSINESS ENTITY THAT HAS BEEN GRANTED A TAX CREDIT UNDER § 9–111 OF THE TAX – PROPERTY ARTICLE.**

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after December 31, 2017.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be applicable to all taxable years beginning after June 30, 2018.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) If the Department of Commerce fails to certify a business entity as a qualified business entity under Title 6, Subtitle 9 of the Economic Development Article, as enacted by Section 1 of this Act, before January 1, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

(b) On or before January 5, 2022, the Secretary of Commerce shall provide notice of the taking effect of the termination provision under subsection (a) of this section to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 25, 2018.
Chapter 351

(Senate Bill 277)

AN ACT concerning

Maryland Metro/Transit Funding Act

FOR the purpose of establishing the Maryland Metro Dedicated Fund Account in the Transportation Trust Fund; repealing a requirement that the Secretary of Transportation approve certain grants to the Washington Suburban Transit District; requiring the Secretary, under certain circumstances, to withhold a certain percentage of certain funds; requiring the Governor to include an appropriation in the annual State budget of at least a certain amount for the sole purpose of providing grants to the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority; providing that the Governor is not required to make a certain appropriation unless the Washington Metropolitan Area Transit Authority provides certain information to the Department of Transportation regarding capital projects; requiring the Governor to withhold or reduce a certain portion of a certain appropriation under certain circumstances; requiring the Governor to release a certain portion of a certain appropriation under certain circumstances; requiring a certain appropriation to be made from the Transportation Trust Fund; providing that the Maryland Metro Dedicated Fund Account consists of certain motor vehicle excise tax revenue and certain other funds; requiring the Governor to include a certain appropriation in the State budget for a certain purpose from the Transportation Trust Fund; requiring the Department of Transportation to provide an annual grant of at least a certain amount from the Account to the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority; providing that the Account may be used only for the purpose of a certain grant to the Washington Suburban Transit District; providing that a certain grant to the Washington Suburban Transit District is in addition to a certain appropriation; altering the distribution of motor vehicle excise tax revenue; requiring the Governor to include a certain appropriation in the State budget from the Transportation Trust Fund to the Maryland Transit Administration; requiring the Administration to prepare a Central Maryland Regional Transit Plan in consultation with the Central Maryland Regional Transit Plan Commission and the Baltimore Metropolitan Council; specifying the contents of the Plan; requiring the Plan to include certain details and be maintained and updated in a certain manner; establishing the Commission to assist the Administration with the preparation of the Plan; requiring the Administration to assess the ongoing, unconstrained capital needs of the Administration; specifying certain requirements for the assessment; requiring the Administration to submit the assessment to certain committees of the General Assembly on or before certain dates; providing for the termination of certain provisions of this Act; stating the intent of the General Assembly; providing for the application of this Act; requiring the Washington Metropolitan Area Transit Authority to undertake a certain study and report certain findings to certain entities on or before a certain date; making certain
provisions of this Act contingent on enactment of certain legislation by the Commonwealth of Virginia and the District of Columbia; requiring the Department of Transportation to notify the Department of Legislative Services when a certain contingency has been met; providing for the application of certain mandated appropriations to certain fiscal years; and generally relating to capital funding for the Maryland Transit Administration and the Washington Metropolitan Area Transit Authority.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 3–216(a), (b), (c)(2)(i), and (d)(1) and 8–402(a) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–216(c)(2)(i) and 10–205
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Transportation
Section 7–205, 7–301.1, and 7–309
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–809(b)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–814
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

3–216.

(a) There is a Transportation Trust Fund for the Department.
(b) Except as otherwise expressly provided by statute, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.

(c) (2) (i) The Gasoline and Motor Vehicle Revenue Account, the Driver Education Account, [and] the Motorcycle Safety Program Account, AND THE MARYLAND METRO DEDICATED FUND ACCOUNT shall be maintained in the Transportation Trust Fund.

(d) (1) After meeting its debt service requirements, the Department may use the funds in the Transportation Trust Fund for any lawful purpose related to the exercise of its rights, powers, duties, and obligations.

8–402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, two-thirds of the vehicle titling tax;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this Account under § 2–614 of the Tax—General Article; and

(5) 80 percent of the funds distributed on short-term vehicle rentals under § 2–1302.1 of the Tax—General Article to the Transportation Trust Fund from the sales and use tax.

10–205.

(a) In accordance with and subject to the principle that, if there is substantial State financial support for the planned rapid rail mass transit system in one metropolitan area of this State, there should be substantial State financial support for the planned rapid rail mass transit system in the other metropolitan area of this State, and subject to the
appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to the current expenditures required of the Washington Suburban Transit District in accordance with capital contributions agreements between the Washington Metropolitan Area Transit Authority, the Washington Suburban Transit District, and other participating jurisdictions. The Washington Suburban Transit District shall consult with the Secretary of Transportation prior to the execution of any capital contributions agreement. [Expenditures required of the Washington Suburban Transit District for projects and programs not included in the “Adopted Regional System – 1968” revised as of January 1, 1992, are only eligible for State funding in accordance with subsection (f) of this section.]

(b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article and upon receipt of an approval of a grant application in such form and detail as the Secretary shall reasonably require, the Department shall provide for annual grants to the Washington Suburban Transit District for a share of the operating deficits of the regional transit system for which the District is responsible. “Operating deficit” means operating costs less:

(i) The greater of operating revenues or 50 percent of the operating costs; and

(ii) All federal operating assistance.

(2) The Department’s share shall equal 100 percent of the operating deficit.

(3) (1) For any fiscal year in which the total Maryland operating assistance provided in the approved Washington Metropolitan Area Transit Authority budget increases by more than 3% over the total operating assistance provided in the prior fiscal year’s approved Washington Metropolitan Area Transit Authority budget, the Secretary shall withhold an amount equal to 35% of the funds available under paragraphs (1) and (2) of this subsection.

(ii) For purposes of calculating a budget increase under subparagraph (i) of this paragraph, the following items may not be included:

1. The cost of any service, equipment, or facility that is required by law;

2. A capital project approved by the board of directors of the Washington Metropolitan Area Transit Authority; and
3. **ANY PAYMENTS OR OBLIGATIONS ARISING FROM OR RELATED TO LEGAL DISPUTES OR PROCEEDINGS BETWEEN OR AMONG THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND ANY OTHER PERSON.**

(c) Subject to the appropriation requirements and budgetary provision of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to 75 percent of the net debt service assigned to the Washington Suburban Transit District on bonds issued by the Washington Metropolitan Area Transit Authority. In no event shall the amount of net debt service, including the refinancing of any debt, required of the Washington Suburban Transit District exceed the amount presently assigned on a year by year basis to the Washington Suburban Transit District, and payable through the year 2014. Nothing in this article shall preclude the use of bond proceeds for capital improvements and replacements of the “Adopted Regional System – 1968” revised as of January 1, 1992.

(d) (1) In accordance with and subject to the principle that, if there is substantial State financial support for rapid rail and bus transit capital replacement costs in one metropolitan area of this State, there should be substantial State financial support for the costs of similar needs in the other metropolitan area of this State, and in recognition of the fact that timely replacement of capital facilities and equipment is essential to safe and reliable transit service, the Department shall provide grants to fully fund the Washington Suburban Transit District’s share of the Washington Metropolitan Area Transit Authority’s capital equipment replacement programs.

(2) The grants under this subsection:

(i) Shall be made subject to the appropriation and budgetary provisions of § 3–216(d) of this article;

(ii) Shall be included in the State budget beginning in fiscal year 2000;

(iii) Notwithstanding any other provision of law, may be funded with revenues derived from:

1. Any State–enacted transportation fees or taxes; or

2. Federal transportation grants available to the State to fund transit capital equipment replacement; and

(iv) Shall be contingent on the receipt of a request by the District to the Department, based on annual capital improvements programs adopted by the Washington Metropolitan Area Transit Authority.

(e) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide grants from amounts derived from
the Transportation Trust Fund to the Washington Suburban Transit District for the purpose of funding Maryland’s required share of local funds for the Washington Metropolitan Area Transit Authority to match any federal funds appropriated in any given year authorized under Title VI, § 601, P.L. 110–432.

(f) [A grant by the Department to the Washington Suburban Transit District in excess of the provisions of subsection (a) of this section may be made only after approval by the Secretary.]

(1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION IN THE ANNUAL BUDGET OF AT LEAST THE AMOUNT SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION FOR THE SOLE PURPOSE OF PROVIDING GRANTS TO THE WASHINGTON SUBURBAN TRANSIT DISTRICT TO PAY THE CAPITAL COSTS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**

(2) **THE GOVERNOR IS NOT REQUIRED TO MAKE THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FISCAL YEAR UNLESS THE DEPARTMENT CERTIFIES TO THE GOVERNOR IN WRITING BEFORE THE BEGINNING OF THE IMMEDIATELY PRECEDING FISCAL YEAR THAT THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY HAS SUBMITTED TO THE DEPARTMENT A SUFFICIENTLY DETAILED DESCRIPTION OF ALL THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY CAPITAL PROJECTS TO BE FUNDED IN THE IMMEDIATELY PRECEDING FISCAL YEAR AND EACH OF THE SUBSEQUENT 5 FISCAL YEARS.**

(2)(1) **THE GOVERNOR IS NOT REQUIRED TO MAKE THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FISCAL YEAR UNLESS THE DEPARTMENT CERTIFIES TO THE GOVERNOR IN WRITING BEFORE THE BEGINNING OF THE IMMEDIATELY PRECEDING FISCAL YEAR THAT THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY HAS SUBMITTED TO THE DEPARTMENT:**

1. **PERFORMANCE AND CONDITION ASSESSMENTS AND REPORTS REGARDING:**

   A. **THE SAFETY AND RELIABILITY OF RAPID HEAVY RAIL AND BUS SYSTEMS;**

   B. **THE FINANCIAL PERFORMANCE OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AS IT RELATES TO RAIL AND BUS OPERATIONS, INCLUDING FARE BOX RECOVERY, SERVICE PER RIDER, AND COST PER SERVICE HOUR;**
C. **The monthly ridership of rail and bus systems broken down by Metrorail station, Metrorail line, bus stop, and bus line;**

D. **Strategies to reduce costs and improve the Washington Metropolitan Area Transit Authority’s operational efficiency; and**

E. **The comparison of annual capital investments and approved budgets; and**

2. **The Washington Metropolitan Area Transit Authority’s:**

   A. **Annual budget;**
   
   B. **Annual independent financial audit;**
   
   C. **Annual National Transit Database profile;**
   
   AND

D. **Individual audit reports.**

(II) If the Commonwealth of Virginia or the District of Columbia reduce the amount of dedicated capital funding for the Washington Metropolitan Area Transit Authority, the Governor may reduce the appropriation under paragraph (1) of this subsection by a proportional amount.

(III) 1. **The Governor shall withhold 35% of the appropriation under paragraph (1) of this subsection if:**

   A. **The Washington Metropolitan Area Transit Authority has received a modified audit opinion as a result of an annual independent audit conducted in accordance with Article XVI, Section 70 of the Washington Metropolitan Area Transit Authority Compact under § 10–204 of this subtitle; and**

   B. **The Department has not certified to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted in writing to the board of directors of the Washington Metropolitan Area Transit Authority and the Maryland General**
Chapter 351

ASSEMBLY A SATISFACTORY CORRECTIVE PLAN THAT ADDRESSES THE REASONS FOR THE MODIFIED AUDIT OPINION.

2. THE GOVERNOR SHALL RELEASE THE PORTION OF THE APPROPRIATION WITHHELD UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SUBMITS IN WRITING TO THE BOARD OF DIRECTORS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE MARYLAND GENERAL ASSEMBLY A SATISFACTORY CORRECTIVE ACTION PLAN THAT ADDRESSES THE REASONS FOR THE MODIFIED AUDIT OPINION.

(3) THE GOVERNOR SHALL MAKE THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM THE TRANSPORTATION TRUST FUND.

(4) (I) FOR THE FIRST FISCAL YEAR IN WHICH THE MANDATED APPROPRIATION UNDER THIS SUBSECTION APPLIES, THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL EQUAL AT LEAST THE TOTAL AMOUNT PROVIDED IN THE IMMEDIATELY PRECEDING FISCAL YEAR FOR GRANTS TO THE WASHINGTON SUBURBAN TRANSIT DISTRICT TO PAY THE CAPITAL COSTS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, INCREASED BY 3% THE AMOUNT APPROPRIATED IN THE FISCAL YEAR 2019 STATE BUDGET AS ENACTED FOR THE WASHINGTON SUBURBAN TRANSIT DISTRICT TO PAY THE CAPITAL COSTS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(II) FOR EACH FISCAL YEAR AFTER THE FIRST FISCAL YEAR IN WHICH THE MANDATED APPROPRIATION UNDER THIS SUBSECTION APPLIES, THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EQUAL TO THE AMOUNT OF THE APPROPRIATION FOR THE PRECEDING FISCAL YEAR INCREASED BY 3%.

(G) (1) THERE IS A MARYLAND METRO DEDICATED FUND ACCOUNT IN THE TRANSPORTATION TRUST FUND.

(2) THE ACCOUNT CONSISTS OF:

(i) THE MOTOR VEHICLE EXCISE TAX REVENUE DISTRIBUTED TO THE ACCOUNT UNDER § 13–814 OF THIS ARTICLE; AND

(ii) ANY OTHER MONEY APPROPRIATED IN THE STATE BUDGET TO THE ACCOUNT.

(3)
(G) (1) The Governor shall include in the State budget an appropriation for the purposes specified under paragraph (2) of this subsection of $167,000,000 from the revenues available for the State capital program in the Transportation Trust Fund.

(2) The Department shall provide an annual grant of at least $125,000,000 from the account to the Washington Suburban Transit District to be used only to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(4) (3) The grant required under paragraph (3)(2) of this subsection is in addition to the appropriation required under subsection (f)(1) of this section.

13–809.

(b) (1) Except as otherwise provided in this part, in addition to any other charge required by the Maryland Vehicle Law, an excise tax is imposed:

(i) For each original and each subsequent certificate of title issued in this State for a motor vehicle, a trailer, a semitrailer, a moped, a motor scooter, or an off-highway recreational vehicle for which sales and use tax is not collected at the time of purchase, and

(ii) Except as provided in paragraph (2) of this subsection, for each motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13–109(c) or (d) of this title without a certificate of title.

13–814.

(A) [Money] Motor vehicle excise tax revenue collected under this part shall be deposited in the State Treasury and accounted for on the records of the State Comptroller [and transferred to the Transportation Trust Fund].

(B) The Comptroller shall distribute:

(1) Two-thirds of the motor vehicle excise tax revenue to the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund;

(2) Of the motor vehicle excise tax revenue remaining after the distribution under item (1) of this subsection, at least $125,000,000 each fiscal year to the Maryland Metro Dedicated Fund Account in the Transportation Trust Fund; and
(3) All of the motor vehicle excise tax revenue remaining after the distributions under items (1) and (2) of this subsection to the Transportation Trust Fund to be used as provided in § 3–216 of this article.

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

Article – Transportation

7–205.

(A) For fiscal year 2020, the Governor shall include in the State budget an appropriation from the Transportation Trust Fund for the operation of the Administration that is equal to the appropriation for the operation of the Administration in the fiscal year 2019 State budget as introduced, increased by at least 4.4%.

(B) For each of fiscal years 2021 and 2022, the Governor shall include in the State budget an appropriation from the Transportation Trust Fund for the operation of the Administration that is equal to the appropriation for the operation of the Administration in the State budget for the immediately preceding fiscal year, increased by at least 4.4%.

(C) (1) For each of fiscal years 2020 through 2022, the Governor shall include in the State budget an appropriation for the capital needs of the Administration of at least $29,100,000 from the revenues available for the State capital program in the Transportation Trust Fund.

(2) The appropriation required under paragraph (1) of this subsection may not supplant any other capital funding otherwise available for the Administration.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

7–301.1.

(A) In this section, “Core Service Area” means:
(1) An area in Anne Arundel County, Baltimore City, Baltimore County, Harford County, and Howard County that is served by light rail, metro, or fixed bus route service; and

(2) As determined by the Department, any other area in which the population commutes to an area described in item (1) of this subsection in order to use light rail, metro, or fixed bus route service.

(B) In addition to the requirements of §§ 7–301 and 7–302 of this subtitle, on or before October 1, 2020, the Administration shall, in consultation with the Central Maryland Regional Transit Plan Commission and the Baltimore Metropolitan Council, prepare a Central Maryland Regional Transit Plan to meet the transit needs of the core service area.

(C) The Central Maryland Regional Transit Plan shall:

(1) Define goals for outcomes to be achieved through the provision of public transportation;

(2) In order to best achieve the goals defined in item (1) of this subsection, identify options for:

   (I) Improvements to existing transportation assets;

   (II) Improvements to leverage non-Administration transportation options available to public transportation; and

   (III) Corridors for new public transportation assets;

(3) Prioritize corridors for planning of new public transportation assets;

(4) Evaluate the Plan’s consistency with local land use and transportation plans and the Maryland Transportation Plan and identify opportunities for achieving greater consistency;

(5) Be reviewed, revised, and updated at least every 5 years; and

(6) Address a 30-year, 25-year time frame.

(D) (1) There is a Central Maryland Regional Transit Plan Commission.
(2) The Commission consists of the following members:

(I) The County Executive of Anne Arundel County, or the County Executive’s designee;

(II) The Mayor of Baltimore City, or the Mayor’s designee;

(III) The County Executive of Baltimore County, or the County Executive’s designee;

(IV) The County Executive of Harford County, or the County Executive’s designee;

(V) The County Executive of Howard County, or the County Executive’s designee;

(VI) One representative from a Central Maryland business or transportation organization, appointed by the President of the Senate;

(VII) One representative from a Central Maryland business or transportation organization, appointed by the Speaker of the House; and

(VIII) The following individuals appointed by the Governor:

1. One representative from a Central Maryland business organization;

2. One representative from the Citizen Advisory Council;

3. One representative from a disabled riders group; and

4. One representative from the MARC Riders Advisory Council.

(3) The Commission shall participate in the development of:
(I) **A STRATEGY FOR MEANINGFUL PUBLIC INVOLVEMENT IN THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN; AND**

(II) **THE GOALS FOR OUTCOMES OF THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN.**

7–309.

(A) **The Administration shall, at least every 3 years, assess the ongoing, unconstrained capital needs of the Administration.**

(B) **In undertaking the assessment required under subsection (A) of this section, the Administration shall:**

(1) Compile and prioritize capital needs without regard to cost;

(2) Identify the backlog of repairs and replacements needed to achieve a state of good repair for all Administration assets, including a separate analysis of these needs over the following 10 years; and

(3) Identify the needs to be met in order to enhance service and achieve system performance goals.

(C) **On or before July 1, 2019, and on or before July 1 every 3 years thereafter, the Administration shall, in accordance with § 2–1246 of the State Government Article, submit the assessment required under subsection (A) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.**

SECTION 2–4. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act is contingent on the Commonwealth of Virginia and the District of Columbia each enacting legislation providing for new dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least $125,000,000.

(a) Section 1 of this Act is contingent on:

(1) the Commonwealth of Virginia enacting legislation providing for dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least $154,000,000; and
(2) the District of Columbia enacting legislation providing for dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least $178,000,000.

(b) The Department of Transportation shall notify the Department of Legislative Services in writing within 5 days after both the Commonwealth of Virginia and the District of Columbia have enacted legislation that meets the requirements of subsection (a) of this section.

(c) Section 1 of this Act shall take effect on the date that the Department of Legislative Services receives notice under subsection (b) of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, after accounting for the capital funding dedicated to Metro by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, the federal government contribute a proportional amount to the Washington Metropolitan Area Transit Authority.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act may not be construed to limit the authority of the Governor to appropriate general funds for transfer to the Transportation Trust Fund.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) (1) The Washington Metropolitan Area Transit Authority shall study the costs and benefits of using capital funds to fund infrastructure improvements to enhance pedestrian and bicycle access to Metrorail stations and accelerate joint development at Metrorail stations in Maryland.

(2) The study required under paragraph (1) of this subsection shall include projections of increased ridership revenue derived from improved access and accelerated joint development, as well as the degree to which such infrastructure improvements would increase the value of real property owned by the Authority.

(b) (1) The Authority shall study the projected ridership of a new Metrorail station at National Harbor.

(2) The study required under paragraph (1) of this subsection shall identify the feasibility of an extension of a Metrorail line to National Harbor via the Woodrow Wilson Bridge and include the estimated operating and capital costs associated with the extension.

(c) (1) The Authority shall study the budget, powers, and limitations of its inspector general and compare the budget, powers, and limitations to those of other inspectors general in the federal government, other transit systems, and state and local governments.
(2) The report resulting from the study required under paragraph (1) of this subsection shall include:

(i) recommendations for strengthening the Authority’s office of the inspector general; and

(ii) a discussion of whether any recommended reforms must be made through the Authority’s board of directors or by amendment to the Authority Compact.

(d) The Authority shall study the opportunities at each Metrorail station in Maryland:

(1) to reduce the parking lot and bus bay footprints:

   (i) to expand pedestrian and bicycle access; and

   (ii) for the development of commercial, residential, and office uses;

(2) to develop the air rights; and

(3) to attract various public uses, such as public schools.

(e) The Authority shall, in consultation with the Maryland Transit Administration and other locally operated transit systems and bus services, study opportunities to attract ridership in partnership with public school systems and institutions of higher education.

(f) On or before June 30, 2019, the Authority shall report the findings of each of the studies required under this section to the Authority board and each of the Compact signatories.

SECTION 8. AND BE IT FURTHER ENACTED, That, subject to § 10–205(f)(2) of the Transportation Article as enacted by Section 1 of this Act, the mandated appropriations in § 10–205(f) and (g) of the Transportation Article as enacted by Section 1 of this Act shall be applicable to the fiscal year that begins on the second succeeding July 1 after Section 1 of this Act takes effect, and to each subsequent fiscal year.

SECTION 9. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect June 1, 2018. Section 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 25, 2018.
Chapter 352

(House Bill 372)

AN ACT concerning Maryland Metro/Transit Funding Act

FOR the purpose of establishing the Maryland Metro Dedicated Fund Account in the Transportation Trust Fund; repealing a requirement that the Secretary of Transportation approve certain grants to the Washington Suburban Transit District; requiring the Secretary, under certain circumstances, to withhold a certain percentage of certain funds; requiring the Governor to include an appropriation in the annual State budget of at least a certain amount for the sole purpose of providing grants to the Washington Metropolitan Area Transit Authority; providing that the Governor is not required to make a certain appropriation unless the Washington Metropolitan Area Transit Authority provides certain information to the Department of Transportation regarding capital projects; requiring the Governor to withhold or reduce a certain portion of a certain appropriation under certain circumstances; requiring the Governor to release a certain portion of a certain appropriation under certain circumstances; requiring a certain appropriation to be made from the Transportation Trust Fund; providing that the Maryland Metro Dedicated Fund Account consists of certain motor vehicle excise tax revenue and certain other funds; requiring the Governor to include a certain appropriation in the State budget for a certain purpose from the Transportation Trust Fund to the Account; requiring the Department of Transportation to provide an annual grant of at least a certain amount from the Account to the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority; providing that the Account may be used only for the purpose of a certain grant to the Washington Suburban Transit District; providing that a certain grant to the Washington Suburban Transit District is in addition to a certain appropriation; altering the distribution of motor vehicle excise tax revenue; requiring the Governor to include a certain appropriation in the State budget from the Transportation Trust Fund to the Maryland Transit Administration; requiring the Administration to prepare a Central Maryland Regional Transit Plan in consultation with the Central Maryland Regional Transit Plan Commission and the Baltimore Metropolitan Council; specifying the contents of the Plan; requiring the Plan to include certain details and be maintained and updated in a certain manner; establishing the Commission to assist the Administration with the preparation of the Plan; requiring the Administration to assess the ongoing, unconstrained capital needs of the Administration; specifying certain requirements for the assessment; requiring the Administration to submit the assessment to certain committees of the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; stating the intent of the General Assembly; providing for the application of this Act; requiring the Washington Metropolitan Area Transit Authority to undertake a certain study and report certain findings to certain entities on or before a certain date; making
certain provisions of this Act contingent on enactment of certain legislation by the Commonwealth of Virginia and the District of Columbia; requiring the Department of Transportation to notify the Department of Legislative Services when a certain contingency has been met; providing for the application of certain mandated appropriations to certain fiscal years; and generally relating to capital funding for the Maryland Transit Administration and the Washington Metropolitan Area Transit Authority.

BY repealing and reenacting, without amendments,
Article—Transportation
Section 3–216(a), (b), (c)(2)(i), and (d)(1) and 8–402(a) and (b)
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BY repealing and reenacting, with amendments,
Article—Transportation
Section 13–814
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article—Transportation
3–216.

(a) There is a Transportation Trust Fund for the Department.
(b) Except as otherwise expressly provided by statute, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.

(c) (2) (i) The Gasoline and Motor Vehicle Revenue Account, the Driver Education Account, [and] the Motorcycle Safety Program Account, AND THE MARYLAND METRO DEDICATED FUND ACCOUNT shall be maintained in the Transportation Trust Fund.

(d) (1) After meeting its debt service requirements, the Department may use the funds in the Transportation Trust Fund for any lawful purpose related to the exercise of its rights, powers, duties, and obligations.

8–402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor-vehicle fuel tax;

(2) Except as otherwise provided by law, two-thirds of the vehicle titling tax;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this Account under § 2–614 of the Tax—General Article; and

(5) 80 percent of the funds distributed on short-term vehicle rentals under § 2–1302.1 of the Tax—General Article to the Transportation Trust Fund from the sales and use tax.

10–205.

(a) In accordance with and subject to the principle that, if there is substantial State financial support for the planned rapid rail mass transit system in one metropolitan area of this State, there should be substantial State financial support for the planned rapid rail mass transit system in the other metropolitan area of this State, and subject to the
appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to the current expenditures required of the Washington Suburban Transit District in accordance with capital contributions agreements between the Washington Metropolitan Area Transit Authority, the Washington Suburban Transit District, and other participating jurisdictions. The Washington Suburban Transit District shall consult with the Secretary of Transportation prior to the execution of any capital contributions agreement. [Expenditures required of the Washington Suburban Transit District for projects and programs not included in the “Adopted Regional System – 1968” revised as of January 1, 1992, are only eligible for State funding in accordance with subsection (f) of this section.]

(b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article and upon receipt of an approval of a grant application in such form and detail as the Secretary shall reasonably require, the Department shall provide for annual grants to the Washington Suburban Transit District for a share of the operating deficits of the regional transit system for which the District is responsible. “Operating deficit” means operating costs less:

(i) The greater of operating revenues or 50 percent of the operating costs; and

(ii) All federal operating assistance.

(2) The Department’s share shall equal 100 percent of the operating deficit.

(3) (1) For any fiscal year in which the total Maryland operating assistance provided in the approved Washington Metropolitan Area Transit Authority budget increases by more than 3% over the total operating assistance provided in the prior fiscal year’s approved Washington Metropolitan Area Transit Authority budget, the Secretary shall withhold an amount equal to 35% of the funds available under paragraphs (1) and (2) of this subsection.

(II) For purposes of calculating a budget increase under subparagraph (i) of this paragraph, the following items may not be included:

1. The cost of any service, equipment, or facility that is required by law;

2. A capital project approved by the Board of Directors of the Washington Metropolitan Area Transit Authority; and
3. **ANY PAYMENTS OR OBLIGATIONS ARISING FROM OR RELATED TO LEGAL DISPUTES OR PROCEEDINGS BETWEEN OR AMONG THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND ANY OTHER PERSON.**

(c) Subject to the appropriation requirements and budgetary provision of §3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to 75 percent of the net debt service assigned to the Washington Suburban Transit District on bonds issued by the Washington Metropolitan Area Transit Authority. In no event shall the amount of net debt service, including the refinancing of any debt, required of the Washington Suburban Transit District exceed the amount presently assigned on a year by year basis to the Washington Suburban Transit District, and payable through the year 2014. Nothing in this article shall preclude the use of bond proceeds for capital improvements and replacements of the “Adopted Regional System – 1968” revised as of January 1, 1992.

(d) (1) In accordance with and subject to the principle that, if there is substantial State financial support for rapid rail and bus transit capital replacement costs in one metropolitan area of this State, there should be substantial State financial support for the costs of similar needs in the other metropolitan area of this State, and in recognition of the fact that timely replacement of capital facilities and equipment is essential to safe and reliable transit service, the Department shall provide grants to fully fund the Washington Suburban Transit District’s share of the Washington Metropolitan Area Transit Authority’s capital equipment replacement programs.

(2) The grants under this subsection:

(i) Shall be made subject to the appropriation and budgetary provisions of §3–216(d) of this article;

(ii) Shall be included in the State budget beginning in fiscal year 2000;

(iii) Notwithstanding any other provision of law, may be funded with revenues derived from:

1. Any State–enacted transportation fees or taxes; or

2. Federal transportation grants available to the State to fund transit capital equipment replacement; and

(iv) Shall be contingent on the receipt of a request by the District to the Department, based on annual capital improvements programs adopted by the Washington Metropolitan Area Transit Authority.

(e) Subject to the appropriation requirements and budgetary provisions of §3–216(d) of this article, the Department shall provide grants from amounts derived from
the Transportation Trust Fund to the Washington Suburban Transit District for the purpose of funding Maryland’s required share of local funds for the Washington Metropolitan Area Transit Authority to match any federal funds appropriated in any given year authorized under Title VI, § 601, P.L. 110–432.

(f) [A grant by the Department to the Washington Suburban Transit District in excess of the provisions of subsection (a) of this section may be made only after approval by the Secretary.]

(1) **Except as provided in paragraph (2) of this subsection, the Governor shall include an appropriation in the annual budget of at least the amount specified in paragraph (4) of this subsection for the sole purpose of providing grants to the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority.**

(2) **The Governor is not required to make the appropriation under paragraph (1) of this subsection in a fiscal year unless the Department certifies to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted to the Department a sufficiently detailed description of all the Washington Metropolitan Area Transit Authority capital projects to be funded in the immediately preceding fiscal year and each of the subsequent 5 fiscal years.**

(2) (1) **The Governor is not required to make the appropriation under paragraph (1) of this subsection in a fiscal year unless the Department certifies to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted to the Department:**

1. **Performance and condition assessments and reports regarding:**

   A. **The safety and reliability of rapid heavy rail and bus systems:**

   B. **The financial performance of the Washington Metropolitan Area Transit Authority as it relates to rail and bus operations, including fare box recovery, service per rider, and cost per service hour:**
C. **The monthly ridership of rail and bus systems broken down by Metrorail station, Metrorail line, bus stop, and bus line;**

D. **Strategies to reduce costs and improve the Washington Metropolitan Area Transit Authority’s operational efficiency; and**

E. **The comparison of annual capital investments and approved budgets; and**

2. **The Washington Metropolitan Area Transit Authority’s:**

   A. **Annual capital budget;**

   B. **Annual independent financial audit;**

   C. **Annual National Transit Database profile;**

   **AND**

   D. **Individual audit reports.**

(II) **If the Commonwealth of Virginia or the District of Columbia reduce the amount of dedicated capital funding for the Washington Metropolitan Area Transit Authority, the Governor may reduce the appropriation under paragraph (1) of this subsection by a proportional amount.**

(III) 1. **The Governor shall withhold and deposit in a special fund 5% 35% of the appropriation under paragraph (1) of this subsection if:**

   A. **The Washington Metropolitan Area Transit Authority has received a modified audit opinion as a result of an annual independent audit conducted in accordance with Article XVI, Section 70 of the Washington Metropolitan Area Transit Authority Compact under § 10–204 of this subtitle; and**

   B. **The Department has not certified to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted in writing to the Board of Directors of the Washington Metropolitan Area Transit Authority Board of Directors and the**
MARYLAND GENERAL ASSEMBLY a satisfactory corrective plan that addresses the reasons for the modified audit opinion.

2. The Governor shall release the portion of the appropriation withheld under subsubparagraph 1 of this subparagraph if the Washington Metropolitan Area Transit Authority submits in writing to the board of directors of the Washington Metropolitan Area Transit Authority board of directors and, in accordance with § 2–1246 of the State Government Article, the Maryland General Assembly a satisfactory corrective action plan that addresses the reasons for the modified audit opinion.

3. The Governor shall make the appropriation under paragraph (1) of this subsection from the Transportation Trust Fund.

4. (1) For the first fiscal year in which the mandated appropriation under this subsection applies, the appropriation under paragraph (1) of this subsection shall equal at least the total amount provided in the immediately preceding fiscal year for grants to the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority, increased by 3%.

   (II) For each fiscal year after the first fiscal year in which the mandated appropriation under this subsection applies, the appropriation under paragraph (1) of this subsection shall be equal to the amount of the appropriation for the preceding fiscal year increased by 3%.

(G) (1) There is a Maryland Metro Dedicated Fund Account in the Transportation Trust Fund.

   (2) The Account consists of:

      (I) The motor vehicle excise tax revenue distributed to the Account under § 13–814 of this Article; and

      (II) Any other money appropriated in the State budget to for the Account.
(3) (4)(G) (1) The Governor shall include in the State budget an appropriation for the account of $150,000,000 for the purposes specified under paragraph (2) of this subsection of $167,000,000 from the revenues available for the State capital program in the Transportation Trust Fund.

(II) (2) The Department shall provide an annual grant of at least $125,000,000 $150,000,000 from the account $167,000,000 to the Washington Suburban Transit District to be used only to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(4) (3) The grant required under paragraph (2) (3)(II) of this subsection is in addition to the appropriation required under subsection (F)(1) of this section.

13–809.

(b) (1) Except as otherwise provided in this part, in addition to any other charge required by the Maryland Vehicle Law, an excise tax is imposed:

(i) For each original and each subsequent certificate of title issued in this State for a motor vehicle, a trailer, a semitrailer, a moped, a motor scooter, or an off-highway recreational vehicle for which sales and use tax is not collected at the time of purchase; and

(ii) Except as provided in paragraph (2) of this subsection, for each motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13–109(c) or (d) of this title without a certificate of title.

13–814.

(A) [Money] Motor vehicle excise tax revenue collected under this part shall be deposited in the State Treasury and accounted for on the records of the State Comptroller [and transferred to the Transportation Trust Fund].

(B) The Comptroller shall distribute:

(1) Two-thirds of the motor vehicle excise tax revenue to the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund;

(2) Of the motor vehicle excise tax revenue remaining after the distribution under item (1) of this subsection, at least
$125,000,000 EACH FISCAL YEAR TO THE MARYLAND METRO DEDICATED FUND ACCOUNT IN THE TRANSPORTATION TRUST FUND; AND

(3) ALL OF THE MOTOR VEHICLE EXCISE TAX REVENUE REMAINING AFTER THE DISTRIBUTIONS UNDER ITEMS (1) AND (2) OF THIS SUBSECTION TO THE TRANSPORTATION TRUST FUND TO BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE.

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

Article – Transportation

7–205.

(A) FOR FISCAL YEAR 2020, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND FOR THE OPERATION OF THE ADMINISTRATION THAT IS EQUAL TO THE APPROPRIATION FOR THE OPERATION OF THE ADMINISTRATION IN THE FISCAL YEAR 2019 STATE BUDGET AS INTRODUCED, INCREASED BY AT LEAST 4.4%.

(B) FOR EACH OF FISCAL YEARS 2021 AND 2022, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND FOR THE OPERATION OF THE ADMINISTRATION THAT IS EQUAL TO THE APPROPRIATION FOR THE OPERATION OF THE ADMINISTRATION IN THE STATE BUDGET FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, INCREASED BY AT LEAST 4.4%.

(C) (1) FOR EACH OF FISCAL YEARS 2020 THROUGH 2022, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE CAPITAL NEEDS OF THE ADMINISTRATION OF AT LEAST $29,100,000 FROM THE REVENUES AVAILABLE FOR THE STATE CAPITAL PROGRAM IN THE TRANSPORTATION TRUST FUND.

(2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT SUPPLANT ANY OTHER CAPITAL FUNDING OTHERWISE AVAILABLE FOR THE ADMINISTRATION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

7–301.1.
(A) **IN THIS SECTION, “CORE SERVICE AREA” MEANS:**

1. **AN AREA IN ANNE ARUNDEL COUNTY, BALTIMORE CITY, AND BALTIMORE COUNTY, HARFORD COUNTY, AND HOWARD COUNTY THAT IS SERVED BY LIGHT RAIL, METRO, OR FIXED BUS ROUTE SERVICE; AND**

2. **AS DETERMINED BY THE DEPARTMENT, ANY OTHER AREA IN WHICH THE POPULATION COMMUTES TO AN AREA DESCRIBED IN ITEM (1) OF THIS SUBSECTION IN ORDER TO USE LIGHT RAIL, METRO, OR FIXED BUS ROUTE SERVICE.**

(B) **IN ADDITION TO THE REQUIREMENTS OF §§ 7–301 AND 7–302 OF THIS SUBTITLE, ON OR BEFORE OCTOBER 1, 2020, THE ADMINISTRATION SHALL, IN CONSULTATION WITH THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN COMMISSION AND THE BALTIMORE METROPOLITAN COUNCIL, PREPARE A CENTRAL MARYLAND REGIONAL TRANSIT PLAN TO MEET THE TRANSIT NEEDS OF THE CORE SERVICE AREA.**

(C) **THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN SHALL:**

1. **DEFINE GOALS FOR OUTCOMES TO BE ACHIEVED THROUGH THE PROVISION OF PUBLIC TRANSPORTATION;**

2. **IN ORDER TO BEST ACHIEVE THE GOALS DEFINED IN ITEM (1) OF THIS SUBSECTION, IDENTIFY OPTIONS FOR:**

   (1) **IMPROVEMENTS TO EXISTING TRANSPORTATION ASSETS;**

   (II) **IMPROVEMENTS TO LEVERAGE NON–ADMINISTRATION TRANSPORTATION OPTIONS AVAILABLE TO PUBLIC TRANSPORTATION; AND**

   (III) **CORRIDORS FOR NEW PUBLIC TRANSPORTATION ASSETS;**

3. **PRIORITIZE CORRIDORS FOR PLANNING OF NEW PUBLIC TRANSPORTATION ASSETS;**

4. **EVALUATE THE PLAN’S CONSISTENCY WITH LOCAL LAND USE AND TRANSPORTATION PLANS AND THE MARYLAND TRANSPORTATION PLAN AND IDENTIFY OPPORTUNITIES FOR ACHIEVING GREATER CONSISTENCY;**

5. **BE REVIEWED, REVISED, AND UPDATED AT LEAST EVERY 5 YEARS;**

   AND

6. **ADDRESS A 30–YEAR 25–YEAR TIME FRAME.**
(D) (1) There is a Central Maryland Regional Transit Plan Commission.

(2) The Commission consists of the following members:

   (i) The County Executive of Anne Arundel County, or the County Executive’s designee;

   (ii) The Mayor of Baltimore City, or the Mayor’s designee;

   (iii) The County Executive of Baltimore County, or the County Executive’s designee; and

   (iv) The County Executive of Harford County, or the County Executive’s designee;

   (v) The County Executive of Howard County, or the County Executive’s designee;

   (vi) One representative from a Central Maryland business or transportation organization, appointed by the President of the Senate;

   (vii) One representative from a Central Maryland business or transportation organization, appointed by the Speaker of the House; and

   (iv) (viii) The following individuals appointed by the Governor:

   1. Three representatives One representative from a Central Maryland business organizations organization;

   2. One representative from a Citizen Advisory Committee the Citizen Advisory Council;

   3. One representative from a disabled riders group; and

   4. One representative from the MARC Riders Advisory Council.
(3) The Commission shall participate in the development of:

(I) A strategy for meaningful public involvement in the Central Maryland Regional Transit Plan; and

(II) The goals for outcomes of the Central Maryland Regional Transit Plan.

7–309.

(A) The Administration shall, at least every 3 years, assess the ongoing, unconstrained capital needs of the Administration.

(B) In undertaking the assessment required under subsection (A) of this section, the Administration shall:

(1) Compile and prioritize capital needs without regard to cost;

(2) Identify the backlog of repairs and replacements needed to achieve a state of good repair for all Administration assets, including a separate analysis of these needs over the following 10 years; and

(3) Identify the needs to be met in order to enhance service and achieve system performance goals.

(C) On or before July 1, 2019, and on or before July 1 every 3 years thereafter, the Administration shall, in accordance with § 2–1246 of the State Government Article, submit the assessment required under subsection (A) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act is contingent on the Commonwealth of Virginia and the District of Columbia each enacting legislation providing for new dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least $125,000,000.

(a) Section 1 of this Act is contingent on:
(1) the Commonwealth of Virginia enacting legislation providing for dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least $150,000,000; and

(2) the District of Columbia enacting legislation providing for dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least $150,000,000.

(b) The Department of Transportation shall notify the Department of Legislative Services in writing within 5 days after both the Commonwealth of Virginia and the District of Columbia have enacted legislation that meets the requirements of subsection (a) of this section.

(c) Section 1 of this Act shall take effect on the date that the Department of Legislative Services receives notice under subsection (b) of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, after accounting for the capital funding dedicated to Metro by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, the remainder of the Authority’s request for $500,000,000 in additional dedicated annual capital funding be appropriated by the federal government.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act may not be construed to limit the authority of the Governor to appropriate general funds to the Dedicated Purpose Account for transfer to the Transportation Trust Fund.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) (1) The Washington Metropolitan Area Transit Authority shall study the costs and benefits of using capital funds to fund infrastructure improvements to enhance pedestrian and bicycle access to Metrorail stations and accelerate joint development at Metrorail stations in Maryland.

(2) The study required under paragraph (1) of this subsection shall include projections of increased ridership revenue derived from improved access and accelerated joint development, as well as the degree to which such infrastructure improvements would increase the value of real property owned by the Authority.

(b) (1) The Authority shall study the projected ridership of a new Metrorail station at National Harbor.

(2) The study required under paragraph (1) of this subsection shall identify the feasibility of an extension of a Metrorail line to National Harbor via the Woodrow Wilson Bridge and include the estimated operating and capital costs associated with the extension.
(c)  (1) The Authority shall study the budget, powers, and limitations of its inspector general and compare the budget, powers, and limitations to those of other inspectors general in the federal government, other transit systems, and state and local governments.

(2) The report resulting from the study required under paragraph (1) of this subsection shall include:

(i) recommendations for strengthening the Authority’s office of the inspector general; and

(ii) a discussion of whether any recommended reforms must be made through the Authority’s board of directors or by amendment to the Authority Compact.

(d) The Authority shall study the opportunities at each Metrorail station in Maryland:

(1) to reduce the parking lot and bus bay footprints:

(i) to expand pedestrian and bicycle access; and

(ii) for the development of commercial, residential, and office uses;

(2) to develop the air rights; and

(3) to attract various public uses, such as public schools.

(e) The Authority shall, in consultation with the Maryland Transit Administration and other locally operated transit systems and bus services, study opportunities to attract ridership in partnership with public school systems and institutions of higher education.

(f) On or before June 30, 2019, the Authority shall report the findings of each of the studies required under this section to the Authority board and each of the Compact signatories.

SECTION ☑ 8. AND BE IT FURTHER ENACTED, That, subject to § 10–205(f)(2) of the Transportation Article as enacted by Section 1 of this Act, the mandated appropriations in § 10–205(f) and (g) of the Transportation Article as enacted by Section 1 of this Act shall be applicable to the fiscal year that begins on the second succeeding July 1 after Section 1 of this Act takes effect, and to each subsequent fiscal year.

SECTION ☑ 9. AND BE IT FURTHER ENACTED, That, subject to Section ☑ 4 of this Act, this Act shall take effect June 1, 2018. Section 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.
Chapter 353

(House Bill 370)

AN ACT concerning

Metro Board Member Act

FOR the purpose of altering the requirement that Washington Suburban Transit Commission members appointed by the Governor serve as the Commission’s appointees to be principal members of the Washington Metropolitan Area Transit Authority Board of Directors; requiring one of the Commission’s appointees to the Authority’s board of directors to be the Secretary of Transportation or the Secretary’s designee; requiring one of the Commission’s appointees to the Authority’s board of directors to be one of the commissioners appointed by the Governor; requiring the Secretary’s designee to meet certain qualifications; specifying that the Secretary’s designee may attend meetings of the Authority’s board of directors only under certain circumstances; providing that the Commission’s appointee to the Authority’s board of directors who is appointed by the Governor may not be succeeded by a commissioner who is a resident of the same county; prohibiting the Secretary or the Secretary’s designee from receiving compensation as a member of the Authority’s board of directors; encouraging each signatory of the Washington Metropolitan Area Transit Authority Compact to support certain reforms of the Authority; making conforming changes; providing for the application of this Act; and generally relating to the appointment of Washington Suburban Transit Commission members to the Washington Metropolitan Area Transit Authority Board of Directors.

BY repealing and reenacting, with amendments,

The Public Local Laws of Montgomery County
Section 87–1(b) and 87–5(a)(4) and (5)(iv)
Article 16 – Public Local Laws of Maryland
(2004 Edition and September–October 2017 Supplement, as amended)

BY adding to

The Public Local Laws of Montgomery County
Section 87–5(a)(14) and 87–7(c)
Article 16 – Public Local Laws of Maryland
(2004 Edition and September–October 2017 Supplement, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of Prince George’s County
Part III, Section 1(b) and Section 5(a)(4) and (5)(iv)
BY adding to
The Public Local Laws of Prince George’s County
Part III, Section 5(a)(14)
Article 17 – Public Local Laws of Maryland
(2011 Edition, as amended)
(As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

BY adding to
The Public Local Laws of Prince George’s County
Part III, Section 7(c)
Article 17 – Public Local Laws of Maryland
(2011 Edition, as amended)
(As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

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

Article 16 – Montgomery County

87–1.

(b) The General Assembly finds that, due to the interest of the State in transportation facilities in the Washington Metropolitan Area, and due to the substantial level of State financial support for transportation facilities and operations provided to the Commission under §§ 10–205 and 10–207 of the Transportation Article, Annotated Code of Maryland, and the substantial level of support through the Commission to the Washington Metropolitan Area Transit Authority, it is in the State’s interest to alter the composition of the Washington Suburban Transit Commission to require that the Governor make certain appointments to the Commission and that the [Governor’s appointees] SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, AND ONE OF THE GOVERNOR’S APPOINTEES serve as the Commission’s principal representatives on the Washington Metropolitan Area Transit Authority Board of Directors and that the State’s interests are appropriately represented in Commission decisions.

87–5.

(a) (4) (i) The governor shall appoint 2 members with the advice and consent of the senate of Maryland.

(ii) One member shall be a resident of Montgomery County and one member shall be a resident of Prince George’s County.
[iii) The Governor’s appointees shall serve as the Commission’s appointees to be principal members of the Washington Metropolitan Area Transit Authority Board of Directors.]

(5) A Commissioner serving as a principal or an alternate member on the Washington Metropolitan Area Transit Authority Board of Directors:

(iv) [Shall] EXCEPT FOR THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, SHALL be a regular passenger and customer of the bus, rail, or paratransit services of the Washington Metropolitan Transit Authority; and

(14) (i) THE FOLLOWING COMMISSIONERS SHALL SERVE AS THE COMMISSION’S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:

1. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, AS AN EX OFFICIO PRINCIPAL MEMBER; AND

2. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, ONE OF THE COMMISSIONERS APPOINTED BY THE GOVERNOR UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(II) THE SECRETARY OF TRANSPORTATION’S DESIGNEE UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH:

1. SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION;

2. SHALL HAVE EXPERIENCE WITH AND POSSESS QUALIFICATIONS RELATED TO TRANSIT; AND

3. MAY ATTEND MEETINGS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS ON BEHALF OF THE SECRETARY ONLY IF A SCHEDULING CONFLICT ARISES.

(III) THE COMMISSION’S APPOINTEE UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH MAY NOT BE SUCCEEDED IN OFFICE BY A COMMISSIONER WHO IS A RESIDENT OF THE SAME COUNTY.

87–7.

(C) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A PRINCIPAL
MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS.

Article 17 – Prince George’s County

Part III

1.

(b) The General Assembly finds that, due to the interest of the State in transportation facilities in the Washington Metropolitan Area, and due to the substantial level of State financial support for transportation facilities and operations provided to the Commission under Sections 10–205 and 10–207 of the Transportation Article, Annotated Code of Maryland, and the substantial level of support through the Commission to the Washington Metropolitan Area Transit Authority, it is in the State’s interest to alter the composition of the Washington Suburban Transit Commission to require that the Governor make certain appointments to the Commission and that the Governor’s appointees serve as the Commission’s principal representatives on the Washington Metropolitan Area Transit Authority Board of Directors and that the State’s interests are appropriately represented in Commission decisions.

5.

(a) (4) (i) The Governor shall appoint 2 members with the advice and consent of the Senate of Maryland.

(ii) One member shall be a resident of Montgomery County and 1 member shall be a resident of Prince George’s County.

[(iii) The Governor’s appointees shall serve as the Commission’s appointees to be principal members of the Washington Metropolitan Area Transit Authority Board of Directors.]

(5) A commissioner serving as a principal or an alternate member on the Washington Metropolitan Area Transit Authority Board of Directors:

(iv) [Shall] EXCEPT FOR THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, SHALL be a regular passenger and customer of the bus, rail, or paratransit services of the Washington Metropolitan Transit Authority; and

(14) (i) THE FOLLOWING COMMISSIONERS SHALL SERVE AS THE COMMISSION’S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:
1. Subject to subparagraph (ii) of this paragraph, the Secretary of Transportation, or the Secretary’s designee, as an ex officio principal member; and

2. Subject to subparagraph (iii) of this paragraph, one of the commissioners appointed by the Governor under paragraph (4) of this subsection.

(ii) The Secretary of Transportation’s designee under subparagraph (i) of this paragraph:

1. Shall be an employee of the Department of Transportation;

2. Shall have experience with and possess qualifications related to transit; and

3. May attend meetings of the Washington Metropolitan Area Transit Authority Board of Directors on behalf of the Secretary only if a scheduling conflict arises.

(iii) The Commission’s appointee under subparagraph (i) of this paragraph may not be succeeded in office by a commissioner who is a resident of the same county.

(c) The Secretary of Transportation, or the Secretary’s designee, may not receive compensation for service as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors.

SECTION 2. AND BE IT FURTHER ENACTED, That a commissioner of the Washington Suburban Transit Commission appointed as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors before the effective date of this Act may continue to serve as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors until the expiration of the commissioner’s current term of appointment.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Each signatory of the Washington Metropolitan Area Transit Authority Compact is encouraged to support reform of the Washington Metropolitan Area Transit Authority’s governance structure to improve efficiency, accountability, and effectiveness of
the Authority’s performance, oversight, safety, accessibility, environmental quality, economic development, and quality of life in Maryland.

(b) Reforms of the Authority’s governance structure may include:

(1) reducing the size of the Washington Metropolitan Area Transit Authority Board of Directors;

(2) improving the independent investigation and oversight of the Authority;

(3) prohibiting elected officials from serving on the Board of Directors;

(4) removing a Compact signatory’s veto authority;

(5) requiring eligibility criteria for Board members, such as possessing qualifications in relevant fields;

(6) providing equitable compensation for each Board member;

(7) enhancing transparency; and

(8) improving stakeholder input, including input from users of the Authority’s services.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 25, 2018.

Chapter 354

(Senate Bill 279)

AN ACT concerning

Metro Board Member Act

FOR the purpose of altering the requirement that Washington Suburban Transit Commission members appointed by the Governor serve as the Commission’s appointees to be principal members of the Washington Metropolitan Area Transit Authority Board of Directors; requiring one of the Commission’s appointees to the Authority’s board of directors to be the Secretary of Transportation or the Secretary’s designee; requiring one of the Commission’s appointees to the Authority’s board of directors to be one of the commissioners appointed by the Governor; requiring the
Secretary’s designee to meet certain qualifications; specifying that the Secretary’s
designee may attend meetings of the Authority’s board of directors only under
certain circumstances; providing that the Commission’s appointee to the Authority’s
board of directors who is appointed by the Governor may not be succeeded by a
commissioner who is a resident of the same county; prohibiting the Secretary or the
Secretary’s designee from receiving compensation as a member of the Authority’s
board of directors; encouraging each signatory of the Washington Metropolitan Area
Transit Authority Compact to support certain reforms of the Authority; making
conforming changes; providing for the application of this Act; and generally relating
to the appointment of Washington Suburban Transit Commission members to the
Washington Metropolitan Area Transit Authority Board of Directors.

BY repealing and reenacting, with amendments,
The Public Local Laws of Montgomery County
Section 87–1(b) and 87–5(a)(4) and (5)(iv)
Article 16 – Public Local Laws of Maryland
(2004 Edition and September–October 2017 Supplement, as amended)

BY adding to
The Public Local Laws of Montgomery County
Section 87–5(a)(14) and 87–7(c)
Article 16 – Public Local Laws of Maryland
(2004 Edition and September–October 2017 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George’s County
Part III, Section 1(b) and Section 5(a)(4) and (5)(iv)
Article 17 – Public Local Laws of Maryland
(2011 Edition, as amended)
(As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

BY adding to
The Public Local Laws of Prince George’s County
Part III, Section 5(a)(14)
Article 17 – Public Local Laws of Maryland
(2011 Edition, as amended)
(As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

BY adding to
The Public Local Laws of Prince George’s County
Part III, Section 7(c)
Article 17 – Public Local Laws of Maryland
(2011 Edition, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:
87–1.

(b) The General Assembly finds that, due to the interest of the State in transportation facilities in the Washington Metropolitan Area, and due to the substantial level of State financial support for transportation facilities and operations provided to the Commission under §§10–205 and 10–207 of the Transportation Article, Annotated Code of Maryland, and the substantial level of support through the Commission to the Washington Metropolitan Area Transit Authority, it is in the State’s interest to alter the composition of the Washington Suburban Transit Commission to require that the Governor make certain appointments to the Commission and that the Governor’s appointees serve as the Commission’s principal representatives on the Washington Metropolitan Area Transit Authority Board of Directors and that the State’s interests are appropriately represented in Commission decisions.

87–5.

(a) (4) (i) The governor shall appoint 2 members with the advice and consent of the Senate of Maryland.

(ii) One member shall be a resident of Montgomery County and one member shall be a resident of Prince George’s County.

[(iii) The Governor’s appointees shall serve as the Commission’s appointees to be principal members of the Washington Metropolitan Area Transit Authority Board of Directors.]

(5) A Commissioner serving as a principal or an alternate member on the Washington Metropolitan Area Transit Authority Board of Directors:

(iv) [Shall] EXCEPT FOR THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, SHALL be a regular passenger and customer of the bus, rail, or paratransit services of the Washington Metropolitan Transit Authority; and

(14) (i) THE FOLLOWING COMMISSIONERS SHALL SERVE AS THE COMMISSION’S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:

1. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, AS AN EX OFFICIO PRINCIPAL MEMBER; AND
2. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, ONE OF THE COMMISSIONERS APPOINTED BY THE GOVERNOR UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(II) THE SECRETARY OF TRANSPORTATION’S DESIGNEE UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH:

1. SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION;

2. SHALL HAVE EXPERIENCE WITH AND POSSESS QUALIFICATIONS RELATED TO TRANSIT; AND

3. MAY ATTEND MEETINGS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS ON BEHALF OF THE SECRETARY ONLY IF A SCHEDULING CONFLICT ARISES.

(III) THE COMMISSION’S APPOINTEE UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH MAY NOT BE SUCCEEDED IN OFFICE BY A COMMISSIONER WHO IS A RESIDENT OF THE SAME COUNTY.

87–7.

(C) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A PRINCIPAL MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS.

Article 17 – Prince George’s County

Part III

1.

(b) The General Assembly finds that, due to the interest of the State in transportation facilities in the Washington Metropolitan Area, and due to the substantial level of State financial support for transportation facilities and operations provided to the Commission under Sections 10–205 and 10–207 of the Transportation Article, Annotated Code of Maryland, and the substantial level of support through the Commission to the Washington Metropolitan Area Transit Authority, it is in the State’s interest to alter the composition of the Washington Suburban Transit Commission to require that the Governor make certain appointments to the Commission and that the [Governor’s appointees] SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, AND ONE OF THE GOVERNOR’S APPOINTEES serve as the Commission’s principal representatives on
the Washington Metropolitan Area Transit Authority Board of Directors and that the
State's interests are appropriately represented in Commission decisions.

5.

(a) (4) (i) The Governor shall appoint 2 members with the advice and
consent of the Senate of Maryland.

(ii) One member shall be a resident of Montgomery County and 1
member shall be a resident of Prince George’s County.

[[iii] The Governor’s appointees shall serve as the Commission’s
appointees to be principal members of the Washington Metropolitan Area Transit
Authority Board of Directors.]

(5) A commissioner serving as a principal or an alternate member on the
Washington Metropolitan Area Transit Authority Board of Directors:

(iv) [Shall] EXCEPT FOR THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, SHALL be a regular passenger
and customer of the bus, rail, or paratransit services of the Washington Metropolitan
Transit Authority; and

(14) (I) THE FOLLOWING COMMISSIONERS SHALL SERVE AS THE
COMMISSION’S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON
METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:

1. SUBJECT TO SUBPARAGRAPH (II) OF THIS
PARAGRAPH, THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S
DESIGNEE, AS AN EX OFFICIO PRINCIPAL MEMBER; AND

2. SUBJECT TO SUBPARAGRAPH (III) OF THIS
PARAGRAPH, ONE OF THE COMMISSIONERS APPOINTED BY THE GOVERNOR UNDER
PARAGRAPH (4) OF THIS SUBSECTION.

(II) THE SECRETARY OF TRANSPORTATION’S DESIGNEE UNDER
SUBPARAGRAPH (I)1 OF THIS PARAGRAPH:

1. SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF
TRANSPORTATION;

2. SHALL HAVE EXPERIENCE WITH AND POSSESS
QUALIFICATIONS RELATED TO TRANSIT; AND
3.  MAY ATTEND MEETINGS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS ON BEHALF OF THE SECRETARY ONLY IF A SCHEDULING CONFLICT ARISES.

(III) THE COMMISSION’S APPOINTEE UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH MAY NOT BE SUCCEEDED IN OFFICE BY A COMMISSIONER WHO IS A RESIDENT OF THE SAME COUNTY.

7.

(C) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A PRINCIPAL MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That a commissioner of the Washington Suburban Transit Commission appointed as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors before the effective date of this Act may continue to serve as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors until the expiration of the commissioner's current term of appointment.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Each signatory of the Washington Metropolitan Area Transit Authority Compact is encouraged to support reform of the Washington Metropolitan Area Transit Authority's governance structure to improve efficiency, accountability, and effectiveness of the Authority’s performance, oversight, safety, accessibility, environmental quality, economic development, and quality of life in Maryland.

(b) Reforms of the Authority’s governance structure may include:

(1) reducing the size of the Washington Metropolitan Area Transit Authority’s Board of Directors;

(2) improving the independent investigation and oversight of the Authority;

(3) prohibiting elected officials from serving on the Board of Directors;

(4) removing a Compact signatory’s veto authority;

(5) requiring eligibility criteria for Board members, such as possessing qualifications in relevant fields;

(6) providing equitable compensation for each Board member;
(7) enhancing transparency; and

(8) improving stakeholder input, including input from users of the Authority’s services.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 25, 2018.

__________________________

Chapter 355

(House Bill 533)

AN ACT concerning

Washington Metropolitan Area Transit Authority Compact – Department of Planning – Name Correction

FOR the purpose of correcting an outdated reference to the name of the Department of Planning in the Washington Metropolitan Area Transit Authority Compact by repealing a certain contingency; and generally relating to the Washington Metropolitan Area Transit Authority Compact.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 10–204 Title III Article VI Section 14(c)(3) and 15(a)(10)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing
Section 4

BY repealing and reenacting, with amendments,
Section 7

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

Article – Transportation
Title III

Article VI

14.

(c) The Board, in the preparation, revision, alteration or amendment of a mass transit plan, shall

(3) To the extent not inconsistent with or duplicative of the planning process specified in subparagraph (2) of this paragraph (c), cooperate with the National Capital Planning Commission, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission, the highway agencies of the signatories, the Maryland–National Capital Park and Planning Commission, the Northern Virginia Regional Planning and Economic Development Commission, the Maryland Department of Planning and the Commission of Fine Arts. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel, appointed by such agencies, concerned with planning and collection and analysis of data relative to decision–making in the transportation planning process.

15.

(a) Before a mass transit plan is adopted, altered, revised or amended, the Board shall transmit such proposed plan, alteration, revision or amendment for comment to the following and to such other agencies as the Board shall determine:

(10) The Maryland Department of Planning; and

Chapter 209 of the Acts of 2000

[SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act may not take effect until similar Acts are passed by the District of Columbia and the Commonwealth of Virginia; that the District of Columbia and the Commonwealth of Virginia are requested to concur in this Act of the General Assembly by the passage of substantially similar Acts; that the Department of Legislative Services shall notify the appropriate officials of the District of Columbia, the Commonwealth of Virginia and the United States Congress of the passage of this Act; and that, upon the concurrence in this Act by the District of Columbia, the Commonwealth of Virginia and the United States, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Executive Director of the Department of Legislative Services.]

SECTION 7. AND BE IT FURTHER ENACTED, That[, subject to the provisions of Section 4 of this Act,] this Act shall take effect July 1, 2000.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 25, 2018.

Chapter 356

(Senate Bill 494)

AN ACT concerning

Washington Metropolitan Area Transit Authority Compact – Department of Planning – Name Correction

FOR the purpose of correcting an outdated reference to the name of the Department of Planning in the Washington Metropolitan Area Transit Authority Compact by repealing a certain contingency; and generally relating to the Washington Metropolitan Area Transit Authority Compact.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 10–204 Title III Article VI Section 14(c)(3) and 15(a)(10)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing
Section 4

BY repealing and reenacting, with amendments,
Section 7

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

Article – Transportation

10–204.

Title III

Article VI
14.  

(c) The Board, in the preparation, revision, alteration or amendment of a mass transit plan, shall

(3) To the extent not inconsistent with or duplicative of the planning process specified in subparagraph (2) of this paragraph (c), cooperate with the National Capital Planning Commission, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission, the highway agencies of the signatories, the Maryland–National Capital Park and Planning Commission, the Northern Virginia Regional Planning and Economic Development Commission, the Maryland Department of Planning and the Commission of Fine Arts. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel, appointed by such agencies, concerned with planning and collection and analysis of data relative to decision–making in the transportation planning process.

15.  

(a) Before a mass transit plan is adopted, altered, revised or amended, the Board shall transmit such proposed plan, alteration, revision or amendment for comment to the following and to such other agencies as the Board shall determine:

(10) The Maryland Department of Planning; and

Chapter 209 of the Acts of 2000

[SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act may not take effect until similar Acts are passed by the District of Columbia and the Commonwealth of Virginia; that the District of Columbia and the Commonwealth of Virginia are requested to concur in this Act of the General Assembly by the passage of substantially similar Acts; that the Department of Legislative Services shall notify the appropriate officials of the District of Columbia, the Commonwealth of Virginia and the United States Congress of the passage of this Act; and that, upon the concurrence in this Act by the District of Columbia, the Commonwealth of Virginia and the United States, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Executive Director of the Department of Legislative Services.]

SECTION 7. AND BE IT FURTHER ENACTED, That[, subject to the provisions of Section 4 of this Act,] this Act shall take effect July 1, 2000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 25, 2018.
Chapter 357  
(Senate Bill 1122) 

AN ACT concerning 

Education – Commercial Gaming Revenues – Constitutional Amendment

FOR the purpose of proposing an amendment to the Maryland Constitution to limit the uses of certain revenues for the education of the children of the State in certain grades in public schools to certain purposes; requiring the Governor to include in the budget submission certain amounts of certain revenues in certain fiscal years as supplemental funding for certain purposes; requiring that certain funding be in addition to certain State funding provided for certain grades in public schools in fiscal year 2020; requiring the Governor, beginning in a certain fiscal year, to identify in the annual budget as introduced how certain revenues are being used to supplement certain spending on education in certain grades in public schools; requiring a certain question to be submitted to the qualified voters of the State at a certain election; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution 
Article XIX – Video Lottery Terminals 
Section 1(c)(1) and (f)

BY proposing an addition to the Maryland Constitution 
Article XIX – Video Lottery Terminals 
Section 1(f)

Preamble

WHEREAS, Article VIII, § 1 of the Maryland Constitution requires the General Assembly to establish throughout the State a thorough and efficient system of free public schools; and

WHEREAS, Article XIX of the Maryland Constitution was ratified by the voters of Maryland in 2008 to provide State funding for public education from the revenues of video lottery facilities; and

WHEREAS, The voters of Maryland approved a referendum in the 2012 general election to expand the number of video lottery facilities to six and allow the facilities to offer table games; and
WHEREAS, The Bridge to Excellence in Public Schools Act of 2002 established funding requirements for the State and local governments in order to provide all students an opportunity to achieve State standards for academic achievement; and

WHEREAS, The Bridge to Excellence in Public Schools Act required the General Assembly to review and update the funding requirements established in the Act; and

WHEREAS, Chapters 701 and 702 of the Acts of the General Assembly of 2016 established the Commission on Innovation and Excellence in Education, which was charged with, among other responsibilities, updating the funding requirements and making recommendations that would enable Maryland students to achieve at a globally competitive level; and

WHEREAS, The Commission on Innovation and Excellence in Education has made preliminary recommendations and will make final recommendations by December 2018, including ensuring that Maryland public school students receive a world-class education that prepares them for college, careers, and the global economy of the 21st century; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (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 XIX – Video Lottery Terminals

1. 

(c) (1) Except as provided in subsection (e) of this section, the State may issue up to five video lottery operation licenses throughout the State for the primary purpose of raising revenue for:

   (i) Education for the children of the State in public schools, prekindergarten through grade 12; AND

   (ii) Public school construction and public school capital improvements]; and

   (iii) Construction of capital projects at community colleges and public senior higher education institutions].

(F) (1) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, FROM THE REVENUES RAISED UNDER SUBSECTION (C)(1) OF THIS SECTION AND ANY OTHER COMMERCIAL GAMING REVENUES DEDICATED TO PUBLIC EDUCATION, THE GOVERNOR’S BUDGET SUBMISSION SHALL INCLUDE NOT LESS THAN THE FOLLOWING AMOUNTS AS SUPPLEMENTAL FUNDING FOR PUBLIC EDUCATION:
(I) FOR FISCAL YEAR **2021 2020**, $125,000,000;

(II) FOR FISCAL YEAR **2022 2021**, $250,000,000;

(III) FOR FISCAL YEAR **2023 2022**, $375,000,000; AND

(IV) FOR FISCAL YEAR **2024 2023** AND FOR EACH FISCAL YEAR THEREAFTER, 100% OF REVENUES RAISED FOR PUBLIC EDUCATION UNDER SUBSECTION (C)(1) OF THIS SECTION AND ANY OTHER COMMERCIAL GAMING REVENUES DEDICATED TO PUBLIC EDUCATION.

(2) THE SUPPLEMENTAL FUNDING SHALL BE USED TO:

(I) ENSURE ACCESS TO PUBLIC EDUCATION THAT ALLOWS CHILDREN IN THE STATE TO COMPETE IN THE GLOBAL ECONOMY OF THE FUTURE;

(II) PROVIDE FUNDING FOR HIGH–QUALITY EARLY CHILDHOOD EDUCATION PROGRAMS;

(III) PROVIDE OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS TO PARTICIPATE IN CAREER AND TECHNICAL EDUCATION PROGRAMS THAT LEAD TO AN IDENTIFIED JOB SKILL OR CERTIFICATE;

(IV) ALLOW STUDENTS TO OBTAIN COLLEGE CREDIT AND DEGREES WHILE IN HIGH SCHOOL AT NO COST TO THE STUDENTS;

(V) SUPPORT THE ADVANCEMENT AND PROFESSIONALIZATION OF EDUCATORS IN PUBLIC SCHOOLS; AND

(VI) MAINTAIN, RENOVATE, OR CONSTRUCT PUBLIC SCHOOLS.

(3) (I) THE SUPPLEMENTAL FUNDING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE STATE FUNDING PROVIDED THROUGH THE FUNDING FORMULAS ESTABLISHED IN THE BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT OF 2002 FOR PREKINDERGARTEN THROUGH GRADE 12 IN PUBLIC SCHOOLS IN FISCAL YEAR 2020.

(II) BEGINNING IN FISCAL YEAR **2024 2023** AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL IDENTIFY IN THE ANNUAL BUDGET AS INTRODUCED HOW THE REVENUE REQUIRED UNDER THIS SECTION IS BEING USED TO SUPPLEMENT AND NOT SUPPLANT SPENDING ON PUBLIC EDUCATION FOR PREKINDERGARTEN THROUGH GRADE 12.
The General Assembly may, from time to time, enact such laws not inconsistent with this section, as may be necessary and proper to carry out its provisions.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 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 3. AND BE IT FURTHER ENACTED, That:

(a) The amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2018 for adoption or rejection pursuant to Article XIV of the Maryland Constitution.

(b) (1) At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment”, as now provided by law.

(2) At that general election, a question substantially similar to the following shall be submitted to the qualified voters of the State:

“Question ___ – Constitutional Amendment

Requiring Commercial Gaming Revenues that are for Public Education to Supplement Spending for Education in Public Schools

Requires the Governor to include in the annual State budget, as supplemental funding for prekindergarten through grade 12 in public schools, the revenues from video lottery operation licenses and any other commercial gaming dedicated to public education in an amount above the level of State funding for education in public schools in fiscal year 2020 provided by the Bridge to Excellence in Public Schools Act of 2002 (otherwise known as the Thornton legislation) in not less than the following amounts: $125 million in fiscal year 2021; $250 million in fiscal year 2022; $375 million in fiscal year 2023; and 100% of commercial gaming revenues dedicated to public education in fiscal year 2024 and each fiscal year thereafter. State law currently authorizes video lottery operation licenses for the primary purpose of raising money for public education. The amendment also requires the Governor to show in the annual budget how the revenues from video lottery operation licenses and other commercial gaming are being used in a manner that is in addition to the level of State funding for public education in fiscal year 2020 provided by the funding formulas established by the Bridge to Excellence in Public Schools Act.

(c) 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.
Approved by the Governor, assigned a chapter number, enactment subject to constitutional referendum, May 8, 2018.

Chapter 358

(House Bill 281)

AN ACT concerning

Education – Computer Science – Curriculum and Professional Development
(Securing the Future: Computer Science Education for All)

FOR the purpose of requiring county boards of education to require public high schools to offer a certain computer science course beginning in a certain school year; requiring the county board to make efforts to incorporate computer science instruction in elementary and middle schools and make efforts to increase enrollment in computer science courses of certain students; establishing the Maryland Center for Computing Education; providing for the purpose of the Center; requiring the Center, in carrying out its powers and duties, to work in consultation and collaboration with certain institutions of higher education; requiring the Center to develop a certain plan to be finalized and published on or before a certain date on a certain website; requiring the Center to provide certain professional development and programs; requiring the Center to maintain a certain clearinghouse and to communicate and promote certain activities; requiring the Center to publish an annual report on the Center’s website and to report annually to certain individuals and entities; requiring the Center to administer a certain grant program; providing for the administration of the grant program; establishing the Computing Education and Professional Development Fund; providing for the uses, purposes, sources of funding, and investment of money in the Fund; requiring the Center to administer the Fund; providing that the Fund is a special, nonlapsing fund not subject to certain provisions of law; requiring interest earnings of the Fund to be credited to the Fund; requiring the Governor to appropriate a certain amount of funding to the Fund in certain fiscal years; requiring the Center to leverage certain resources in a certain manner under certain circumstances; 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; defining certain terms; and generally relating to computer science education.

BY adding to

Article – Education
Section 4–111.4 and 12–118
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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 and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, Computer occupations are the number one source of new wages in the United States; however, thousands of computing jobs in Maryland remain unfilled, representing nearly $1.9 billion in unearned wages; and

WHEREAS, Computer science will drive innovation and create future economic growth for the State, meeting the needs of our academic institutions and businesses across all industries from agriculture to biotechnology; and

WHEREAS, Computer science is the gateway to future learning in the digital age and represents an essential form of literacy that teaches our children a systematic way to understand complex processes, solve problems, and work in teams; and

WHEREAS, Providing access to high quality computer science courses that meet rigorous standards beginning in the earliest grades possible and increasing access to high quality computer science training programs for educators will ensure that all students master the computer science skills they need to enter well–paying careers; and

WHEREAS, Access to computer science education is not available equitably, resulting in a lack of gender, ethnic, and geographic diversity in computer science fields and related opportunities; and

WHEREAS, To ensure students have equitable access to technology and computer science education, educators must also have equitable access to opportunities to obtain postsecondary training in computer science, which includes computer science degrees, industry–recognized certificates, and other training that will enable educators to teach high–quality computer science courses in public schools; now, therefore,

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

4–111.4.

(A) In this section, “computer science” means the study of computers and algorithmic processes, including their principles, hardware and software designs, implementation, and impact on society.

(B) (1) Beginning in the 2021–2022 school year, each county board shall require each public high school in the county to offer at least one computer science course.

(2) The computer science course shall be of high quality and meet or exceed the curriculum standards and requirements established by the State Board.

(C) The county board shall make efforts to:

(1) Incorporate instruction in computer science in each public elementary and middle school in the county; and

(2) Increase the enrollment in middle and high school computer science courses of:

(I) Female students;

(II) Students with disabilities; and

(III) Students of ethnic, racial, and other demographic groups that are underrepresented in the field of computer science as identified by the U.S. Equal Employment Opportunity Commission.

12–118.

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

(2) “Center” means the Maryland Center for Computing Education.

(3) “Computer science” has the meaning stated in § 4–111.4 of this article.
(4) “FUND” means the Computing Education and Professional Development Fund.

(5) “PLAN” means the Maryland State Computer Science Education Implementation Plan.

(B) (1) There is a Maryland Center for Computing Education at the University of Maryland, Baltimore County that is jointly operated by the University of Maryland, Baltimore County and the University of Maryland, College Park Campus in the University System of Maryland.

(2) The purpose of the Center is to expand access to high-quality computer science education in grades prekindergarten through 12 by strengthening the skills of educators and increasing the number of computer science teachers in elementary and secondary education.

(3) In carrying out the powers and duties granted under this section, the Center shall work in consultation and collaboration with institutions of higher education in the State, including:

   (I) Historically Black Colleges and Universities;

   (II) Other Public Senior Higher Education Institutions;

   (III) Independent Institutions of Higher Education; and

   (IV) Community Colleges.

(C) (1) The Center shall develop a Maryland State Computer Science Education Implementation Plan.

(2) In developing the Plan, the Center shall place priority on reaching school districts with high poverty and large rural areas and student populations that are underrepresented in computer science fields.

(3) The Plan shall identify:

   (I) Specific actions, resources, metrics, and benchmarks to create a long-term sustainable pipeline of computer science teachers; and
(II) Activities to obtain and sustain public and private partnerships for funding, mentoring, and internships for teachers.

(4) On or before July 1, 2019, the Center shall finalize and publish the Plan on its website.

(D) (1) The Center shall provide professional development and programs to broaden and sustain the pool of teachers needed to achieve the requirements of § 4–111.4 of this article.

(2) In providing professional development to computer science teachers, the Center shall:

   (I) Maintain a clearinghouse with computer science education curricula and resources to support professional development in computer science education;

   (II) Communicate and promote the Center’s activities to maintain transparency about upcoming opportunities and available resources; and

   (III) 1. Publish an annual report on the Center’s website on the Center’s progress in implementing the Plan described in subsection (C) of this section; and

      2. Provide a copy of the annual report to the Governor, the University System of Maryland, the State Department of Education, and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(3) (I) The Center shall administer a grant program to support professional development in computer science education.

   (II) The grant program shall:

      1. Be administered through an open and competitive process;

      2. Prioritize applications from county boards of education, and institutions of higher education, non-profit organizations, and other entities identified in the Plan; and

      3. Prioritize applications that focus on serving:
A. AREAS WITH HIGH POVERTY;

B. RURAL AREAS; OR

C. AREAS WITH LARGE MINORITY OR DIVERSE STUDENT POPULATIONS INCLUDING FEMALE STUDENTS, STUDENTS WITH DISABILITIES, AND STUDENTS OF ETHNIC, RACIAL, OR OTHER DEMOGRAPHIC GROUPS THAT ARE UNDERREPRESENTED IN THE FIELD OF COMPUTER SCIENCE AS IDENTIFIED BY THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

(E) (1) THERE IS A COMPUTING EDUCATION AND PROFESSIONAL DEVELOPMENT FUND.

(2) THE PURPOSE OF THE FUND IS TO SUPPORT THE ACTIVITIES OF THE CENTER AND PROVIDE GRANTS UNDER THIS SECTION.

(3) THE CENTER SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) 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 PURPOSES SPECIFIED IN THIS SECTION.

(III) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INTEREST EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE, INCLUDING DONATIONS, ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND MAY BE USED ONLY FOR:

(I) ANY ACTIVITY OR PROGRAM THAT FURTHERS THE PURPOSES LISTED IN SUBSECTION (B) OF THIS SECTION;

(II) GRANTS MADE BY THE CENTER; AND
(III) **Administrative Expenses of the Center.**

(7) (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 Fund.**

(8) **Expenditures from the Fund may be made only in accordance with the State budget.**

(9) **The Governor shall appropriate at least the following amounts to the Fund:**

(i) **$1,000,000 for Fiscal Year 2020; and**

(ii) **$1,000,000 for Fiscal Year 2021.**

(10) **The Center shall, when economically beneficial, leverage State resources and systems to effectively and efficiently execute the requirements of this section.**

**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:

101. the Advance Directive Program Fund; [and]

102. the Make Office Vacancies Extinct Matching Fund; AND

103. the Computing Education and Professional Development Fund.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 359

(House Bill 17)

AN ACT concerning

Higher Education – Student Loan Notification Letter – Modifications

FOR the purpose of requiring certain institutions of postsecondary education to provide certain information annually with a certain notice to students regarding their education loans; altering a certain statement; prohibiting certain institutions of postsecondary education from incurring a certain liability under certain circumstances; providing for a delayed effective date; and generally relating to notification of education loans to students by institutions of postsecondary education.

BY repealing and reenacting, without amendments,
Article – Education
Section 10–101(i)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–115
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education


(i) (1) “Institution of postsecondary education” means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(2) “Institution of postsecondary education” does not include:
Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or

Any apprenticeship or on-the-job training program subject to approval by the Apprenticeship and Training Council.

(a) (1) In this section, “education loan” means a direct loan administered by the U.S. Department of Education that is made to assist a student in obtaining a postsecondary education.

(2) “Education loan” does not include a Parent Plus loan or a private student loan.

This section applies only to an institution of higher education that receives funding from the State.

An institution of higher education that receives education loan information from the U.S. Department of Education shall provide to each undergraduate student enrolled in the institution who applies for federal student aid in the applicable award year:

(1) The information reported on the student’s Student Aid Report issued by the U.S. Department of Education from the most recent award year, including:

(i) The total amount of outstanding loans; and

(ii) The monthly payment amount for a 10–year period for every $1,000 owed by the borrower;

(2) The lifetime loan limit for undergraduate student borrowers;

(3) A statement that the actual repayment amount is dependent on the following factors:

(i) The total amount a student borrows;

(ii) The interest rate at the time the funds are borrowed and the amount of interest that accrues over the course of the loan;

(iii) The length of the repayment term of the loan; and

(iv) The decisions a student makes relating to:

1. Income–based repayment plans;
2. Deferments; and
3. Loan forgiveness;

(4) A link to the National Student Loan Data System for Students Web site and an income–driven repayment plan Web site; and

(5) The address of the financial aid office where the student may seek financial aid counseling.

[(d)] (C) An institution of [higher] POSTSECONDARY education shall provide the information required under subsection [(c)] (B) of this section to students annually with the student’s financial aid award notice.

[(e)] (D) The information provided under this section may include the following statement:

“The information provided by the institution of [higher] POSTSECONDARY education was obtained from your Student Aid Report issued by the U.S. Department of Education for the most recent award year. It is based on assumptions made by the U.S. Department of Education as reported in your Student Aid Report and is not meant as a guarantee or promise. This information does not include Parent Plus loans or private student loans.”

[(f)] (E) If an institution of [higher] POSTSECONDARY education includes the statement under subsection [(e)] (D) of this section with the information required under subsection [(c)] (B) of this section, the institution of [higher] POSTSECONDARY education does not incur liability for any inaccurate representations made under this section if the representations were:

(1) Made based on incorrect information provided by the U.S. Department of Education; and

(2) Reasonably relied on in good faith by the institution of [higher] POSTSECONDARY education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 8, 2018.
Chapter 360

(Senate Bill 69)

AN ACT concerning

Higher Education – Student Loan Notification Letter – Modifications

FOR the purpose of requiring certain institutions of postsecondary education to provide certain information annually with a certain notice to students regarding their education loans; altering a certain statement; prohibiting certain institutions of postsecondary education from incurring a certain liability under certain circumstances; providing for a delayed effective date; and generally relating to notification of education loans to students by institutions of postsecondary education.

BY repealing and reenacting, without amendments,

Article – Education
Section 10–101(i)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 18–115
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education


(i) (1) “Institution of postsecondary education” means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(2) “Institution of postsecondary education” does not include:

(i) Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or

(ii) Any apprenticeship or on-the-job training program subject to approval by the Apprenticeship and Training Council.
18–115.

(a) (1) In this section, “education loan” means a direct loan administered by the U.S. Department of Education that is made to assist a student in obtaining a postsecondary education.

(2) “Education loan” does not include a Parent Plus loan or a private student loan.

[(b) This section applies only to an institution of higher education that receives funding from the State.]

[(c) (B) An institution of higher \text{ POSTSECONDARY } \text{ education that receives} education loan information from the U.S. Department of Education shall provide to each undergraduate student enrolled in the institution who applies for federal student aid in the applicable award year:

(1) The information reported on the student’s Student Aid Report issued by the U.S. Department of Education from the most recent award year, including:

(i) The total amount of outstanding loans; and

(ii) The monthly payment amount for a 10–year period for every $1,000 owed by the borrower;

(2) The lifetime loan limit for undergraduate student borrowers;

(3) A statement that the actual repayment amount is dependent on the following factors:

(i) The total amount a student borrows;

(ii) The interest rate at the time the funds are borrowed and the amount of interest that accrues over the course of the loan;

(iii) The length of the repayment term of the loan; and

(iv) The decisions a student makes relating to:

1. Income–based repayment plans;

2. Deferments; and

3. Loan forgiveness;

(4) A link to the National Student Loan Data System for Students Web site and an income–driven repayment plan Web site; and]
(5) The address of the financial aid office where the student may seek financial aid counseling.

[(d)] (C) An institution of [higher] POSTSECONDARY education shall provide the information required under subsection [(c)] (B) of this section to students annually with the student’s financial aid award notice.

[(e)] (D) The information provided under this section may include the following statement:

“The information provided by the institution of [higher] POSTSECONDARY education was obtained from your Student Aid Report issued by the U.S. Department of Education for the most recent award year. It is based on assumptions made by the U.S. Department of Education as reported in your Student Aid Report and is not meant as a guarantee or promise. This information does not include Parent Plus loans or private student loans.”

[(f)] (E) If an institution of [higher] POSTSECONDARY education includes the statement under subsection [(e)] (D) of this section with the information required under subsection [(c)] (B) of this section, the institution of [higher] POSTSECONDARY education does not incur liability for any inaccurate representations made under this section if the representations were:

(1) Made based on incorrect information provided by the U.S. Department of Education; and

(2) Reasonably relied on in good faith by the institution of [higher] POSTSECONDARY education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 361

(House Bill 1415)

AN ACT concerning

Education – Commission on Innovation and Excellence in Education
FOR the purpose of requiring the State Department of Education, in collaboration with certain entities, to establish a certain outreach program and certain digital recruitment platform; requiring the outreach program and digital recruitment platform to make use of certain media and certain online resources to implement a certain marketing campaign; requiring the outreach program and digital recruitment platform to focus recruitment efforts on certain individuals and certain teacher shortage fields; requiring the Department to consult with establish a certain steering committee of certain colleges and universities; prohibiting the Department from implementing certain recruitment efforts until certain consultation has taken place; requiring the outreach program and digital recruitment platform to include certain marketing efforts; requiring the Governor to annually appropriate at least a certain amount for the Department to implement certain requirements; establishing the Maryland Early Literacy Initiative in the Department; establishing the purpose of the Initiative; requiring the Initiative to be established in at least a certain number of counties; requiring the Department to develop and administer the Initiative; authorizing a certain school, in collaboration with a certain entity, in certain school years to make a certain application to the Department for grants under the Initiative under certain circumstances; authorizing a certain school to coordinate and partner with certain schools to jointly apply for a grant under the Initiative; authorizing a county board to apply on behalf of certain schools; requiring an application to include certain information; requiring the Department to award grants in a certain priority in a certain circumstance; requiring a certain program to meet certain requirements; requiring the Governor to annually appropriate a certain amount to the Department for the Initiative beginning in a certain fiscal year in certain fiscal years; authorizing the Department to retain a certain portion of a certain appropriation to hire certain staff to administer the Initiative; requiring the Department to distribute up to a certain number of grants for a certain period; requiring the Department to make a certain effort in awarding grants; limiting the grant amount that may be awarded to a certain school each year; requiring a grant under the Initiative to be renewed by the Department under certain circumstances; authorizing a certain school to apply for and receive certain additional financial assistance for a certain benefit; requiring the Department to adopt certain regulations on or before a certain date; requiring the Department to submit a certain report to the Governor and certain committees of the General Assembly on or before certain dates; establishing the Commission on Innovation and Excellence in Education Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Department of Education 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; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring a certain amount of certain revenue to be distributed to a certain Fund on or before a certain date; requiring the Governor to annually appropriate a certain amount to the Prekindergarten Expansion Fund beginning in a certain fiscal year; requiring the Governor to include a certain appropriation beginning in a certain fiscal year for grants under the Public
School Opportunities Enhancement Program; requiring a certain grantee to receive a grant in a certain amount in a certain fiscal year under certain circumstances; establishing the Learning in Extended Academic Programs (LEAP) grant program; providing for the purpose of the Program; requiring the Department to notify a county board with certain information; authorizing a certain school to apply for a grant under certain circumstances; authorizing a certain school to coordinate and partner with certain schools to jointly apply for a grant; authorizing a county board to apply on behalf of certain schools; requiring the application to provide a certain plan; authorizing a certain school to partner with a certain nonprofit organization subject to a certain requirement; requiring a certain extended academic program to include certain programs targeted to certain students; providing the minimum amount of programming for certain programs; requiring the Department to review applications and establish procedures to account for certain schools in counties that participate in a certain federal program; requiring the Department to prioritize awarding grants to certain applicants and ensure geographic diversity under certain circumstances; requiring the Governor to include a certain appropriation beginning in a certain fiscal year for the Program; authorizing the Department to retain a certain portion of a certain appropriation to hire certain staff to administer the Program; requiring the Department, in collaboration with certain schools, to report to the General Assembly on or before certain dates on certain issues; altering certain eligibility requirements for the Teaching Fellows for Maryland scholarship program; specifying that certain individuals are eligible to receive a certain scholarship; altering the number of years for a certain individual to fulfill a certain service obligation; altering the circumstances for which a certain amount of an award shall be forgiven; requiring the Governor to annually include at least a certain appropriation in the State budget to award certain scholarships; establishing a Career and Technology Education Innovation Grant; specifying the purpose of the Grant; requiring the Department to administer the Grant; authorizing certain county boards or community colleges to submit a proposal to receive a grant for a certain career and technology education program pathway; providing the eligibility and application requirements for a county board to receive a grant; requiring the Department to establish certain processes and procedures for accepting and evaluating applications; requiring the Department to make awards in a timely fashion; requiring the Governor to annually appropriate at least a certain amount for a certain grant program; authorizing the Department to retain a certain portion of a certain appropriation to hire certain staff to administer the grant program; extending the termination date of the Commission on Innovation and Excellence in Education; extending the date for the Commission to submit a final report; extending the date for the Department to contract with a certain entity for a certain independent study; requiring a certain independent study to include certain issues and make certain recommendations; extending the date for the Department to submit a final report; defining certain terms; and generally relating to the Commission on Innovation and Excellence in Education.

BY adding to

Article – Education
Section 2–306 and 5–216, 5–216, and 5–219; 7–2001 through 7–2006 to be under the new subtitle “Subtitle 20. Learning in Extended Academic Programs (LEAP)”; and 21–205
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 7–101.2(a)(1), (4), and (6), (b)(1) and (2), and (e), 7–1702(a), 18–2201, 18–2202, 18–2205 through 18–2208, and 18–2210
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101.2(d), 7–1704, 18–2203, 18–2204, and 18–2209
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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 and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 2–605.1
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments.
Article – Tax – General
Section 2–606(a)
Annotated Code of Maryland
BY repealing and reenacting, without amendments,
Section 1(a)

BY repealing and reenacting, with amendments,
Section 1(h) and 4

BY repealing and reenacting, without amendments,
Section 1(a)

BY repealing and reenacting, with amendments,
Section 1(h) and 4

BY repealing and reenacting, with amendments,
Chapter 715 of the Acts of the General Assembly of 2017
Section 2

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

Article – Education

2–306.

(A) IN THIS SECTION, “OUTREACH PROGRAM” MEANS A COMPREHENSIVE
RECRUITMENT AND OUTREACH PROGRAM DESIGNED TO ENCOURAGE THE TOP 25% 
OF HIGH SCHOOL GRADUATES STUDENTS FROM EACH LOCAL SCHOOL SYSTEM TO
CONSIDER PURSUING A MARYLAND PROFESSIONAL TEACHER’S CERTIFICATE.

(B) THE DEPARTMENT, IN COLLABORATION WITH TEACHER PREPARATION
PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION, COUNTY BOARDS, TEACHERS,
AND OTHER INTERESTED STAKEHOLDERS, SHALL ESTABLISH AN:

(1) AN OUTREACH PROGRAM WITHIN THE DEPARTMENT; AND

(2) A DIGITAL RECRUITMENT PLATFORM AIMED AT ENCOURAGING
INDIVIDUALS TO ENTER THE TEACHING PROFESSION IN MARYLAND.

(C) THE OUTREACH PROGRAM AND DIGITAL RECRUITMENT PLATFORM
SHALL MAKE USE OF A COMBINATION OF FREE PUBLIC SERVICE MEDIA AND PAID
MEDIA, ONLINE RESOURCES, E-MAIL, AND SOCIAL MEDIA TO IMPLEMENT A STATEWIDE MARKETING CAMPAIGN TO:

(1) IMPROVE THE PUBLIC PERCEPTION OF THE TEACHING PROFESSION AND ENCOURAGE INDIVIDUALS TO PURSUE A MARYLAND PROFESSIONAL TEACHER’S CERTIFICATE BY:

(I) GATHERING CONTACT INFORMATION OF INTERESTED INDIVIDUALS AND PROVIDING THE INDIVIDUALS WITH INFORMATION ABOUT THE TEACHING PROFESSION;

(II) ENGAGING PROSPECTIVE TEACHERS WITH MESSAGING THAT CULTIVATES INTEREST IN THE PROFESSION;

(III) CREATING OPPORTUNITIES FOR PROSPECTIVE TEACHERS TO COMMUNICATE WITH ROLE MODEL TEACHERS THROUGH A “TALK TO A TEACHER” PROGRAM;

(IV) CONNECTING PROSPECTIVE TEACHERS WITH OPPORTUNITIES FOR HANDS-ON TEACHING EXPERIENCES;

(V) ASSISTING PROSPECTIVE TEACHERS IN LEARNING THE CERTIFICATION PROCESS FOR BECOMING A TEACHER; AND

(VI) CONNECTING PROSPECTIVE TEACHERS WITH TEACHER PREPARATION PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE; AND

(2) PROVIDE INFORMATION TO INCREASE AWARENESS OF AVAILABLE INCENTIVES FOR INDIVIDUALS WHO PURSUE A MARYLAND PROFESSIONAL TEACHER’S CERTIFICATE, INCLUDING THE TEACHING FELLOWS FOR MARYLAND SCHOLARSHIP PROGRAM ESTABLISHED UNDER TITLE 18, SUBTITLE 22 OF THIS ARTICLE; AND

(3) PROVIDE INFORMATION TO INCREASE AWARENESS OF THE OPPORTUNITY GAPS THAT EXIST IN VARIOUS SCHOOLS AND THE RACIAL DISPARITIES BETWEEN THE STUDENT DEMOGRAPHICS AND TEACHING POPULATION.

(D) (1) TO THE EXTENT POSSIBLE, THE "THE" OUTREACH PROGRAM AND DIGITAL RECRUITMENT PLATFORM SHALL FOCUS RECRUITMENT EFFORTS ON:

(1) INDIVIDUALS FROM ETHNIC, RACIAL, GENDER, AND OTHER DEMOGRAPHIC GROUPS THAT ARE UNDERREPRESENTED IN THE TEACHING PROFESSION IN MARYLAND AND WITHIN TEACHER SHORTAGE FIELDS; AND
(2) (ii) Teacher shortage fields identified by the department.

(2) (i) The department shall consult with and establish a steering committee that includes individuals from ethnic, racial, gender, and other demographic groups and that includes both faculty and student representatives of historically black colleges and universities in implementing and other institutions of higher education.

(ii) The department may not implement the requirements of this subsection until full consultation with the steering committee has taken place.

(3) The outreach program and digital recruitment platform shall include marketing efforts to counselors and career centers at high schools and institutions of higher education in the state.

(E) The governor shall appropriate at least $250,000 in the annual state budget for the department to implement the requirements of this section.

5–216.

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

(2) “Initiative” means the Maryland Early Literacy Initiative.

(3) “Interventionist” means a full-time, trained professional whose primary responsibility is to deliver evidence–based early literacy intervention.

(4) “Literacy program” means a literacy program implemented by an interventionist.

(5) “Nonprofit organization” means a nonprofit organization that:

(1) is based in the state;
(II) Is incorporated or registered under the laws of the State;

(III) Is exempt from federal income tax under § 501(c)(3), (4), or (6) of the Internal Revenue Code;

(IV) Is current in the payment of all tax obligations to the State or any unit or subdivision of the State; and

(V) 1. Has been in active business for 3 years or more at the time of the application submitted under this section; OR

2. Has a fiscal sponsor who can meet the requirements of this section.

(6) “Participating student” means a student:

(i) In prekindergarten through eighth grade; or

(ii) A student who performs below a certain score, as determined by the Department, on the assessment the Department uses to assess reading level.

(7) “Qualifying school” means a public school categorized by the local school system as a Title I school.

(B) (1) There is a Maryland Early Literacy Initiative in the Department.

(2) The purpose of the Initiative is to assist up to 50 qualifying schools, in collaboration with a nonprofit organization, to implement an evidence-based literacy program in the school to work with participating students to meet literacy proficiency targets by the end of eighth grade or other literacy targets as determined by the Department.

(3) The Initiative shall be established in at least three counties.

(4) The Initiative shall be developed and administered by the Department.

(C) (1) Beginning in the 2018–2019 school year For the 2018–2019 school year through the 2021–2022 school year, a qualifying
SCHOOL, IN COLLABORATION WITH A NONPROFIT ORGANIZATION, MAY APPLY TO THE DEPARTMENT TO RECEIVE A GRANT FOR THE QUALIFYING SCHOOL TO DEVELOP A LITERACY PROGRAM THAT IS IN FURTHERANCE OF THE PURPOSE OF THE INITIATIVE.

(II) A QUALIFYING SCHOOL MAY APPLY FOR A GRANT ONLY IF THE COUNTY SUPERINTENDENT ENDORSES THE SCHOOL’S GRANT APPLICATION.

(III) A QUALIFYING SCHOOL MAY COORDINATE AND PARTNER WITH OTHER QUALIFYING SCHOOLS IN THE COUNTY TO JOINTLY APPLY FOR A GRANT TO DEVELOP A LITERACY PROGRAM AMONG THE PARTNERING QUALIFYING SCHOOLS.

(IV) A COUNTY BOARD MAY APPLY ON BEHALF OF ONE OR MORE QUALIFYING SCHOOLS IN THE COUNTY.

(2) An application shall:

(I) Identify the nonprofit organization that will work in collaboration with the qualifying school; whether the qualifying school will work in collaboration with a nonprofit organization or the county board to implement the literacy program;

(II) Provide the name and qualifications of the nonprofit organization, if the qualifying school will work in collaboration with a nonprofit organization;

(III) Include a description of:

1. The literacy program to be implemented at the qualifying school; and

2. The training that will be provided to the interventionist to provide the services under this section; and

3. How the literacy program will meet the requirements under subsection (D) of this section; and

(IV) Include any other information required by the Department.

(3) If the number of applications exceeds the number of available grants, the Department shall give priority in awarding grants to a literarcy program qualifying school with participating
STUDENTS SERVING A SCHOOL WITH A HIGH CONCENTRATION OF STUDENTS LIVING IN POVERTY IN PREKINDERGARTEN THROUGH THIRD GRADE.

(D) A LITERACY PROGRAM DEVELOPED UNDER THE INITIATIVE SHALL:

(1) PROVIDE A FULL RANGE OF EARLY LITERACY INTERVENTION SERVICES FOR PARTICIPATING STUDENTS;

(2) REQUIRE PARTICIPATING STUDENTS TO RECEIVE DIRECT SERVICES AT LEAST TWICE A WEEK;

(3) HAVE CLEAR LITERACY TARGETS AT EACH GRADE LEVEL FOR PARTICIPATING STUDENTS;

(4) HAVE BENCHMARK ASSESSMENTS THREE TIMES A YEAR TO IDENTIFY STUDENTS WHO NEED ONE–ON–ONE INTERVENTIONS; AND

(5) COLLECT DATA ON STUDENT PROGRESS AT LEAST MONTHLY.

(E) THE LITERACY PROGRAM DEVELOPED AT A QUALIFYING SCHOOL UNDER THE INITIATIVE SHALL BE IMPLEMENTED BY STAFF HIRED AND SUPERVISED BY THE COLLABORATING NONPROFIT ORGANIZATION OR THE COUNTY BOARD.

(F) (1) FOR FISCAL YEARS 2019 AND EACH FISCAL YEAR THEREAFTER THROUGH 2022, THE GOVERNOR SHALL APPROPRIATE IN THE ANNUAL STATE BUDGET $2,500,000 TO THE DEPARTMENT FOR THE INITIATIVE.

(II) THE DEPARTMENT MAY RETAIN UP TO 3% OF THE APPROPRIATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO HIRE STAFF NECESSARY TO ADMINISTER THE INITIATIVE.

(2) THE DEPARTMENT SHALL DISTRIBUTE UP TO 50 GRANTS FOR A 2–YEAR PERIOD.

(II) IN AWARDING GRANTS UNDER THE INITIATIVE, THE DEPARTMENT SHALL MAKE EVERY EFFORT TO ENSURE THAT QUALIFYING SCHOOLS USE LITERACY PROGRAMS THAT UTILIZE VARIOUS EVIDENCE–BASED APPROACHES AND METHODOLOGIES FOR:

1. COMPARISON PURPOSES; AND

2. THE COLLECTION OF MULTIPLE DATA POINTS FOR LONG–TERM REVIEW.
(3) A GRANT MADE TO EACH QUALIFYING SCHOOL MAY NOT EXCEED $50,000 $75,000 EACH YEAR.

(4) A GRANT MADE UNDER THIS SECTION SHALL BE RENEWED BY THE DEPARTMENT AFTER A 2–YEAR PERIOD IF THE QUALIFYING SCHOOL PRESENTS EVIDENCE THAT THE QUALIFYING SCHOOL IS:

(I) IN COMPLIANCE WITH THIS SECTION; AND

(II) MEETING IDENTIFIED TARGETS AND BENCHMARKS.

(5) EACH QUALIFYING SCHOOL MAY APPLY FOR AND ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL ASSISTANCE FROM A GOVERNMENTAL ENTITY, A NONPROFIT ORGANIZATION, OR ANY OTHER PRIVATE ORGANIZATION TO BENEFIT THE LITERACY PROGRAM.

(G) ON OR BEFORE JULY 1, 2018, THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.


5–219.

(A) IN THIS SECTION, “FUND” MEANS THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION FUND.

(B) THERE IS A COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION FUND.

(C) THE PURPOSE OF THE FUND IS TO ASSIST IN PROVIDING ADEQUATE FUNDING FOR EARLY CHILDHOOD EDUCATION AND PRIMARY AND SECONDARY EDUCATION TO PROVIDE A WORLD–CLASS EDUCATION TO STUDENTS SO THEY ARE PREPARED FOR COLLEGE AND A CAREER IN THE GLOBAL ECONOMY OF THE 21ST CENTURY, BASED ON THE FINAL RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.
(E) (1) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(2) **THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

(F) **THE FUND CONSISTS OF:**

(1) **REVENUE DISTRIBUTED TO THE FUND UNDER § 2–605.1 OF THE TAX–GENERAL ARTICLE;**

(2) **MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND;**

AND

(3) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

(G) **THE FUND MAY BE USED ONLY TO ASSIST IN PROVIDING ADEQUATE FUNDING FOR EARLY CHILDHOOD EDUCATION AND PRIMARY AND SECONDARY EDUCATION THROUGH REVISED EDUCATION FUNDING FORMULAS BASED ON THE FINAL RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION.**

(H) (1) **THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

(2) **ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.**

(I) **EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

7–101.2.

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

(4) “Fund” means the Prekindergarten Expansion Fund.

(6) “Program” means the Prekindergarten Expansion Grant Program.

(b) (1) There is a grant program known as the Prekindergarten Expansion Grant Program in the State.
(2) The purpose of the Program is to broaden the availability of prekindergarten and school readiness services throughout the State for children and their families in coordination with the following programs:

(i) The publicly funded prekindergarten program established under § 7–101.1 of this article; and

(ii) The Judith P. Hoyer Early Childhood Education Enhancement Program established under § 5–217 of this subtitle.

[(d) (1) Funds for the Program shall be as provided in the State budget.]

(D) (1) BEGINNING IN FISCAL YEAR 2020 AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL ANNUALLY APPROPRIATE TO THE FUND AN AMOUNT THAT IS AT LEAST EQUAL TO THE TOTAL AMOUNT OF ALL FUNDS RECEIVED BY THE PROGRAM IN THE PRIOR FISCAL YEAR.

(2) The amount of State funds provided for the Program each fiscal year shall be at least as much as was appropriated in the prior fiscal year.

(3) The Governor may provide funds to the Department to administer the Program.

(e) Grants awarded under this section may not be used:

(1) To supplant existing funding for prekindergarten services; or

(2) For capital improvements.

7–1702.

(a) There is a Public School Opportunities Enhancement Program.

7–1704.

(a) For fiscal year 2018, the Governor shall include in the annual budget bill an appropriation of $2,500,000 to the Program.

(b) (1) For fiscal [years] YEAR 2019 [through 2021, the Governor shall include in the annual budget bill an appropriation of $7,500,000 to the Program] AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AN AMOUNT EQUAL TO THE AMOUNT OF GRANT AWARDS IN THE PRIOR FISCAL YEAR $3,000,000 TO THE PROGRAM.
(2) A grantee that remains eligible for the Program shall receive a grant in the next fiscal year in an amount equal to the grant amount in the current fiscal year.

SUBTITLE 20. LEARNING IN EXTENDED ACADEMIC PROGRAMS (LEAP).


(A) In this subtitle the following words have the meanings indicated.

(B) “Eligible school” means a public school in which at least 90% of students qualify for the federal free or reduced price meal program.

(C) “Extended academic programming” means an academic program offered before the school day, after the school day, on the weekend, or in the summer for a school with a high concentration of students in kindergarten through eighth grade living in poverty and at risk of falling behind academic requirements.

(D) “Program” means the Learning in Extended Academic Programs (LEAP) grant program.

7–2002.

(A) There is a Learning in Extended Academic Programs (LEAP) grant program.

(B) The purpose of the Program is to provide a grant to an eligible school to provide extended academic programming that has a positive measurable impact on or enriches the academic performance and overall well-being of students who are at risk of falling behind academic requirements.

(C) The Department shall notify a county board with the names of schools that are eligible to receive a grant under the Program.

(D) (1) (I) An eligible school may apply to the Department to receive a grant to develop extended academic programming that is in furtherance of the purpose of the Program.

(II) An eligible school may apply for a grant only if the county superintendent endorses the school’s grant application.
(III) An eligible school may coordinate and partner with other eligible schools in the county to jointly apply for a grant to develop extended academic programming among the partnering eligible schools.

(IV) A county board may apply on behalf of one or more eligible schools in the county.

(2) The application shall provide a detailed plan for providing extended academic programming.

(3) (I) An eligible school may partner with a nonprofit organization to provide extended academic programming.

   (II) If an eligible school partners with a nonprofit organization, the application shall provide the name of the organization and the qualifications of the organization to provide the extended academic programming.

7–2003.

(A) An extended academic program shall include before or after school, weekend, or summer programs targeted to students who are at risk of falling behind on academic requirements.

(B) (1) If an eligible school proposes a summer program, the length of the daily program shall be at least 4 hours for a minimum of 30 days.

   (2) If an eligible school proposes a weekend program, the length of the program shall be at least 4 hours during the weekend.

   (3) If an eligible school proposes a before or after school program, the program shall provide at least 8 hours of academic programming each full week that school is in session.


(A) (1) The department shall review applications to ensure that the eligibility criteria for the program are met.
(2) **The Department shall establish procedures to account for eligible schools in counties that participate in the United States Department of Agriculture community eligibility provision.**

(B) **If sufficient funds are not available to fund all qualifying applications, the Department shall prioritize awarding grants to applicants that provide extended academic programming to students in kindergarten through third grade with the highest concentration of students living in poverty in kindergarten through third grade, and ensure geographic diversity among the grantees.**

7–2005.

(A) **Beginning in fiscal year 2019 and for each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of at least $5,000,000 $4,500,000 to the Program.**

(B) **The Department may retain up to 3% of the appropriation required under this section to hire staff necessary to administer the Program.**

7–2006.

**On or before December 1, 2018, and each year thereafter, the Department, in collaboration with eligible schools that receive a grant under the Program, shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means on the implementation of the Program, including an evaluation of the effectiveness of the programs and services funded under this subtitle.**

18–2201.

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

(b) “Eligible institution” means a:

(1) Public senior higher education institution in the State that possesses a certificate of approval from the Commission and has a department, school, or college of education; or

(2) Private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission, has a department, school, or college of education, and agrees to provide a matching grant to an undergraduate or
graduate student, as appropriate, who receives a Teaching Fellows for Maryland scholarship in the lesser of:

(i) 100% of the annual cost of tuition and mandatory fees at the University of Maryland, College Park Campus; or

(ii) 50% of the cost of tuition and mandatory fees at the private nonprofit institution of higher education.

(c) “Office” means the Office of Student Financial Assistance as defined in § 18–101(c) of this title.

(d) (1) “Service obligation” means to teach full time in the State as a teacher in a Maryland public school or a public prekindergarten program that has at least 50% of its students eligible for free or reduced price meals (FRPM).

(2) “Service obligation” does not mean employment as teaching assistants, volunteer service, paid fellowships, or internships.

There is a program of Teaching Fellows for Maryland scholarships that are awarded under this subtitle for students who pledge to work as public school or public prekindergarten teachers in the State upon completion of their studies at schools that have at least 50% of the students in the school eligible for free or reduced price meals (FRPM).

(a) The Office shall annually select eligible students and offer a scholarship to each student selected to be used at an eligible institution of their choice.

(b) (1) Subject to paragraph (2) of this subsection, a recipient of the Teaching Fellows for Maryland scholarship shall:

(i) Be a Maryland resident or have graduated from a Maryland high school;

(ii) Except as provided in subsection (c) of this section, be accepted for admission or currently enrolled at an eligible institution as a full–time or part–time undergraduate or graduate student pursuing a course of study or program in an academic discipline leading to a Maryland professional teacher’s certificate;

(iii) 1. HAVE ACHIEVED AT LEAST:

[1.] A. For a student currently enrolled in high school, [have earned] an overall grade point average of [at least] 3.3 on a 4.0 scale or its equivalent after completion of the first semester of the senior year; [or]
[2.] B. For a student currently enrolled as a full–time undergraduate student, [have maintained] a CUMULATIVE grade point average of [at least] 3.3 on a 4.0 scale and [have been making] satisfactory progress toward a degree in an academic discipline leading to a Maryland professional teacher’s certificate;

[(iv) Have achieved a score of at least:]

[1.] C. A SCORE OF 500 on the reading and math portions of the SAT, with a combined score of at least 1100 on the reading and math portions of the SAT;

[2.] D. A composite ACT score of 25; or

[3.] E. A SCORE OF 50% on the GRE; AND

2. HAVE DEMONSTRATED AN EXCEPTIONAL DEDICATION TO OR APTITUDE FOR TEACHING;

[(v)] (IV) Sign a letter of intent to perform the service obligation upon completion of the recipient’s required studies;

[(vi)] (V) Accept any other conditions attached to the award; and

[(vii)] (VI) Satisfy any additional criteria the Commission may establish.

(2) Notwithstanding paragraph (1) of this subsection, an individual who, at the time the individual is scheduled to matriculate at an eligible institution, will have been employed as a teaching assistant at a public school or public prekindergarten program in the State for at least 2 years:

(i) May apply for a Teaching Fellows for Maryland scholarship under this subtitle; and

(ii) Is eligible to hold a Teaching Fellows for Maryland scholarship as a full–time or part–time undergraduate or graduate student.

(3) A RECIPIENT OF THE TEACHING FELLOWS FOR MARYLAND SCHOLARSHIP MAY BE AN INDIVIDUAL WHO IS ENROLLED OR PLANS TO ENROLL AT AN ELIGIBLE INSTITUTION AS A FULL–TIME OR PART–TIME UNDERGRADUATE OR GRADUATE STUDENT WHO:
(I) Changes majors to pursue a course of study or program in an academic discipline leading to a Maryland professional teacher’s certificate; or

(II) Seeks to change careers to pursue a course of study or program in an academic discipline leading to a Maryland professional teacher’s certificate.

(c) A recipient of the Teaching Fellows for Maryland scholarship may not hold a Maryland professional teacher’s certificate.

(d) (1) Applicants who are secondary school students shall provide a high school transcript after completion of the first semester of their senior year.

(2) Applicants who are currently enrolled in an eligible institution shall provide the most recent college transcript, or if not applicable, the applicant may submit a final high school transcript.

(3) Applicants who are not currently enrolled in an eligible institution, but who are high school graduates, shall provide a final high school transcript.

(4) Applicants who are high school graduates and are not currently enrolled in an eligible institution, but have completed some courses at an eligible institution, shall provide the most recent college transcript.

(5) Applicants who are not currently enrolled in an eligible institution, but who are college graduates, shall provide a final college transcript.

18–2204.

(a) Except as provided in subsection (b) of this section, the recipient of a Teaching Fellows for Maryland scholarship shall repay the Commission the funds received as set forth in § 18–112 of this title if the recipient does not:

(1) Satisfy the degree requirements of the eligible course of study or program or fulfill other requirements as provided in this subtitle;

(2) Subject to subsection (b) of this section, perform the service obligation to teach in a public school or a public prekindergarten program that has at least 50% of its students eligible for free or reduced price meals (FRPM) for a period of:

(I) For a recipient who received a scholarship as an undergraduate student, 1 year for each year that the recipient has a scholarship awarded under this subtitle; and
(II) FOR A RECIPIENT WHO RECEIVED A SCHOLARSHIP AS A
GRADUATE STUDENT, AT LEAST 2 YEARS; AND

(3) Become professionally certified to teach in the State of Maryland within
the time period specified by the Commission in consultation with the Maryland Department
of Education.

(b) If a recipient is unable to perform the service obligation required under this
subtitle because there are no available positions in a public school or public
prekindergarten program that has at least 50% of its students eligible for free or reduced
price meals (FRPM), the recipient may work in any public school or public prekindergarten
program in the State.

(c) The Office shall forgive a recipient of a Teaching Fellows for Maryland
scholarship for 2 years of an award if:

(1) (I) The recipient has taken the teacher certification examination,
approved by the State Board of Education, in 2 consecutive years; and

(II) The recipient fails to pass the teacher certification examination
within the time period specified by the Commission in accordance with subsection (a)(3) of
this section; OR

(2) THE RECIPIENT PROVIDES TO THE OFFICE SATISFACTORY
EVIDENCE OF EXTENUATING CIRCUMSTANCES THAT PREVENT THE RECIPIENT FROM
BECOMING PROFESSIONALLY CERTIFIED TO TEACH IN THE STATE.

(a) The annual scholarship award shall be:

(1) At a public senior higher education institution in the State that has a
department, school, or college of education, 100% of the equivalent annual tuition,
mandatory fees, and room and board of a resident undergraduate student or graduate
student, as appropriate, at the public senior higher education institution; or

(2) Subject to subsection (b) of this section, at a private nonprofit
institution of higher education in the State that has a department, school, or college of
education, an amount equal to:

(i) The lesser of:

1. 100% of the equivalent annual tuition and mandatory fees
of a resident undergraduate student or graduate student, as appropriate, at the University
of Maryland, College Park Campus; or
2. 50% of the equivalent annual tuition and mandatory fees of a resident undergraduate or graduate student, as appropriate, at the eligible private nonprofit institution of higher education; and

(ii) 100% of the room and board of a resident undergraduate student or graduate student, as appropriate, at the eligible private nonprofit institution of higher education in the State.

(b) A private nonprofit institution of higher education shall provide a matching scholarship award in an amount equal to the award calculated in subsection (a)(2)(i) of this section.

18–2206.

(a) Except as provided in subsection (b) of this section, each recipient of a Teaching Fellows for Maryland scholarship may renew the award three times if the recipient:

(1) Continues to be a resident of the State or graduated from a high school in the State;

(2) Continues to be a full–time or part–time undergraduate or graduate student at an eligible institution as determined by the Office;

(3) Has achieved a cumulative grade point average of at least 3.3 on a 4.0 scale and maintains this minimum cumulative grade point average throughout the remainder of this award, or failing to do so, provides evidence of extenuating circumstances;

(4) In the judgment of the institution, is making satisfactory progress toward a degree; and

(5) Maintains the standards of the institution.

(b) Each recipient of the Teaching Fellows for Maryland scholarship may renew the annual award four times if the recipient is enrolled in a course of study that, as determined by the institution, requires 5 years to complete.

18–2207.

A Teaching Fellows for Maryland scholarship may be used for tuition, mandatory fees, and room and board at any eligible institution.

18–2208.

If an eligible institution has enrolled at least 15 recipients of a Teaching Fellows for Maryland scholarship, the eligible institution shall develop and implement an enriched
honors program of education that is responsive to exceptional dedication and merit–based accomplishment in the study of education and preparation for the teaching profession.

18–2209.

The Governor annually shall include [funds] AT LEAST $2,000,000 in the State budget for the Commission to award scholarships under this subtitle.

18–2210.

The Office of Student Financial Assistance shall:

(1) Publicize the availability of Teaching Fellows for Maryland scholarships; and

(2) To the extent practicable, award scholarships under this subtitle in a manner that reflects ethnic, gender, racial, and geographic diversity.

21–205.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CTE” MEANS CAREER AND TECHNOLOGY EDUCATION.

(3) “GRANT” MEANS THE CAREER AND TECHNOLOGY EDUCATION INNOVATION GRANT.

(B) (1) THERE IS A CAREER AND TECHNOLOGY EDUCATION INNOVATION GRANT.

(2) THE PURPOSE OF THE GRANT IS TO PROVIDE FUNDS TO COUNTY BOARDS TO DEVELOP AND IMPLEMENT A CTE CURRICULUM FRAMEWORK AND PATHWAY THAT IS INNOVATIVE AND INCLUDES BEST PRACTICES THAT ARE USED BY THE BEST CTE PROGRAMS AROUND THE WORLD.

(3) THE DEPARTMENT SHALL ADMINISTER THE GRANT.

(C) (1) (I) A COUNTY BOARD OR A COMMUNITY COLLEGE MAY SUBMIT A PROPOSAL TO THE DEPARTMENT TO RECEIVE A GRANT FOR A CTE PROGRAM PATHWAY THAT IS IN FURTHERANCE OF THE PURPOSE OF THE GRANT.

(II) TO BE ELIGIBLE FOR A GRANT, A COUNTY BOARD AN APPLICATION SHALL FORM IDENTIFY A PARTNERSHIP WITH A COMMUNITY COLLEGE AND AN INDUSTRY PARTNER IN DEVELOPING AN INNOVATIVE CTE PROGRAM TO
ENSURE THAT THE PROGRAM AT LEAST ONE COUNTY BOARD, ONE COMMUNITY COLLEGE, AND ONE INDUSTRY PARTNER TO DEVELOP AN INNOVATIVE CTE PATHWAY THAT:

1. IS OF HIGH QUALITY;
2. IS ALIGNED WITH THE SKILLS NEEDED BY EMPLOYERS;
3. WILL LEAD TO AN INDUSTRY-RECOGNIZED LICENSE OR CERTIFICATE;
4. CREATES INTERNSHIP OR APPRENTICESHIP OPPORTUNITIES; AND
5. PREPARES STUDENTS TO SUCCESSFULLY COMPETE IN A GLOBAL ECONOMY.

(2) AN APPLICATION SHALL INCLUDE:

(I) A DESCRIPTION OF THE PROPOSED CURRICULUM FRAMEWORK AND PATHWAY THAT IS ARTICULATED BETWEEN SECONDARY AND POSTSECONDARY EDUCATION OR TRAINING;

(II) A BUSINESS PLAN THAT INCLUDES THE ESTIMATED TOTAL COST, INCLUDING ANY ONE-TIME OR CAPITAL EQUIPPING COSTS, OF IMPLEMENTING THE PROPOSED CURRICULUM FRAMEWORK AND PATHWAY; AND

(III) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(3) THE DEPARTMENT SHALL ESTABLISH PROCESSES AND PROCEDURES FOR ACCEPTING AND EVALUATING APPLICATIONS.

(4) THE DEPARTMENT SHALL MAKE AWARDS IN A TIMELY FASHION.

(D) (1) THE GOVERNOR SHALL ANNUALLY APPROPRIATE AT LEAST $2,000,000 IN THE OPERATING BUDGET OF THE DEPARTMENT FOR THE GRANT PROGRAM.

(2) THE DEPARTMENT MAY RETAIN UP TO 3% OF THE APPROPRIATION REQUIRED UNDER THIS SUBSECTION TO HIRE STAFF NECESSARY TO ADMINISTER THE GRANT PROGRAM.
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:

101. the Advance Directive Program Fund; [and]  
102. the Make Office Vacancies Extinct Matching Fund; AND
103. THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION FUND.

Article – Tax – General

2–605.1.

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–604 AND 2–605 OF THIS SUBTITLE, ON OR BEFORE JUNE 30, 2019, THE COMPTROLLER SHALL DISTRIBUTE $200,000,000 OF THE INCOME TAX REVENUE FROM INDIVIDUALS TO THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION FUND ESTABLISHED UNDER § 5–219 OF THE EDUCATION ARTICLE.

2–606.

(a) After making the distributions required under §§ 2–604, 2–605, AND 2–605.1 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.
Chapter 701 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) There is a Commission on Innovation and Excellence in Education.

(2) The Commission shall review the findings of the Study on Adequacy of Funding for Education in the State of Maryland that is to be completed on or before December 1, 2016, and provide recommendations on preparing students in the State to meet the challenges of a changing global economy, to meet the State’s workforce needs, to be prepared for postsecondary education and the workforce, and to be successful citizens in the 21st century.

(h) (1) On or before December 31, 2016, the Commission shall provide a preliminary report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

(2) On or before December 31, 2017, the Commission shall provide a final report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of 2 years and, at the end of May 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 702 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) There is a Commission on Innovation and Excellence in Education.

(2) The Commission shall review the findings of the Study on Adequacy of Funding for Education in the State of Maryland that is to be completed on or before December 1, 2016, and provide recommendations on preparing students in the State to meet the challenges of a changing global economy, to meet the State’s workforce needs, to be prepared for postsecondary education and the workforce, and to be successful citizens in the 21st century.
(h) (1) On or before December 31, 2016, the Commission shall provide a preliminary report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

(2) On or before December 31, 2017, the Commission shall provide a final report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of 2 years and, at the end of May 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 715 of the Acts of 2017

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before [July] September 1, 2018, the State Department of Education, in consultation with the Department of Budget and Management and the Department of Legislative Services, shall contract with a public or private entity to conduct an independent study of the individualized education program (IEP) process in the State, including the procedures relating to the identification, evaluation, and educational placement of a child, the provision of a free and appropriate education, and the dispute resolution procedures provided under § 8–413 of the Education Article.

(2) The entity that conducts the study shall seek input from special education teachers, special education advocates, and special education organizations.

(b) At a minimum, the study shall:

(1) review and assess how local school systems spend their special education funds and allocate their teaching and family support services staff;

(2) review and assess the effectiveness of special education family support services provided by local school system staff members;

(3) review and assess how local school systems utilize technical assistance provided by the State Department of Education to local school systems to assist parents in understanding their rights and responsibilities in the IEP process;

(4) identify best practices for retaining special education teachers;
(5) identify and highlight the best practices currently utilized by the State Department of Education staff, local system staff, and other State agency staff as part of the IEP process in the State; [and]

(6) REVIEW AND ASSESS METHODOLOGIES USED BY TOP–PERFORMING COUNTRIES TO ESTIMATE THE COSTS OF PROVIDING AN ADEQUATE EDUCATION TO STUDENTS IN SPECIAL EDUCATION;

(7) REVIEW AND ASSESS METHODOLOGIES USED AND CONSIDERED BY STATES THAT USE A SPECIAL EDUCATION WEIGHT FOR ESTIMATING THE COSTS OF AN ADEQUATE EDUCATION FOR STUDENTS IN SPECIAL EDUCATION, INCLUDING WHETHER THE STATES USE:

(I) SINGLE OR MULTIPLE WEIGHTS;

(II) A WEIGHT BASED ON INDIVIDUAL OR CLUSTERS OF DISABILITIES; OR

(III) A WEIGHT BASED ON LEVELS OF SEVERITY AMONG DISABILITIES;

(8) REVIEW AND ASSESS AVAILABLE INTERNATIONAL AND NATIONAL DATA AND STUDIES ON THE CURRENT COSTS OF SPECIAL EDUCATION ACROSS THE SPECTRUM OF DISABILITIES AND LEVELS OF SEVERITY; AND

(9) make recommendations for:

(i) ensuring that special education funds are being spent cost effectively;

(ii) ensuring that local school systems are effectively allocating their teaching and family support services staff to improve the education achievement of special education students;

(iii) clarifying and simplifying the IEP process to enable parents and guardians to more easily understand their rights and responsibilities in the process; [and]

(iv) modifying the administrative goals, objectives, and strategies of teachers and IEP teams to make them more efficient and cost effective in their delivery of services to special education students, including potential reductions in caseloads and recordkeeping;

(V) THE APPROPRIATE LEVEL OF FUNDING THAT IS ADEQUATE FOR STUDENTS WITH DISABILITIES IN MARYLAND IN THE CONTEXT OF THE PRIMARY AND SECONDARY STATE EDUCATION FORMULAS; AND
(VI) ANY WEIGHTS THAT MAY CORRESPOND WITH THE RECOMMENDED LEVEL OF FUNDING THAT SHOULD BE USED FOR STUDENTS IN SPECIAL EDUCATION IN THE FORMULAS AND THE RATIONALES FOR SELECTING A SPECIFIC WEIGHT.

(c) The Governor shall include sufficient funds in the State budget for the appropriate fiscal years for the State Department of Education to cover the costs of conducting the study.

(d) On or before [July] SEPTEMBER 1, 2019, the State Department of Education shall report the findings and recommendations of the study, in accordance with § 2–1246 of the State Government Article, to the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 362
(House Bill 301)

AN ACT concerning

Courts – Evidence of Sexually Assaultive Behavior – Admissibility
(Repeat Sexual Predator Prevention Act of 2018)

FOR the purpose of providing that, in a prosecution for certain sexual offenses, evidence that the defendant committed sexually assaultive behavior at a certain time may be admissible for certain reasons; requiring that the State file a certain motion to introduce evidence of certain sexually assaultive behavior at a certain time; requiring a certain motion to include certain information; requiring the State to provide a copy of a certain motion to the defendant; requiring a court to hold a hearing on a certain motion outside the presence of a jury; authorizing the court to admit certain evidence if the court makes certain findings; prohibiting a court from making a certain finding based solely on certain information; requiring a court to consider certain factors at a certain time; providing that this Act does not limit the admission or consideration of certain evidence; defining a certain term; and generally relating to the admissibility of evidence.

BY adding to
Article – Courts and Judicial Proceedings
Section 10–923
Annotated Code of Maryland
(2013 Replacement Volume and 2017 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

10–923.

(A) IN THIS SECTION, “SEXUALLY ASSAULTIVE BEHAVIOR” MEANS AN ACT THAT WOULD CONSTITUTE:

(1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

(2) SEXUAL ABUSE OF A MINOR UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE;

(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3–604 OF THE CRIMINAL LAW ARTICLE;

(4) A VIOLATION OF 18 U.S.C. CHAPTER 109A; OR

(5) A VIOLATION OF A LAW OF ANOTHER STATE, THE UNITED STATES, OR A FOREIGN COUNTRY THAT IS EQUIVALENT TO AN OFFENSE UNDER ITEM (1), (2), (3), OR (4) OF THIS SUBSECTION.

(B) IN A CRIMINAL TRIAL FOR A SEXUAL OFFENSE LISTED IN SUBSECTION (A)(1), (2), OR (3) OF THIS SECTION, EVIDENCE OF OTHER SEXUALLY ASSAULTIVE BEHAVIOR BY THE DEFENDANT OCCURRING BEFORE OR AFTER THE OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL MAY BE ADMISSIBLE, IN ACCORDANCE WITH THIS SECTION.

(C) (1) THE STATE SHALL FILE A MOTION OF INTENT TO INTRODUCE EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR AT LEAST 90 DAYS BEFORE TRIAL OR AT A LATER TIME IF AUTHORIZED BY THE COURT FOR GOOD CAUSE.

(2) A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A DESCRIPTION OF THE EVIDENCE.

(3) THE STATE SHALL PROVIDE A COPY OF A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE DEFENDANT AND INCLUDE ANY OTHER INFORMATION REQUIRED TO BE DISCLOSED UNDER MARYLAND RULE 4–262 OR 4–263.
(D) The court shall hold a hearing outside the presence of a jury to determine the admissibility of evidence of sexually assaultive behavior.

(E) The court may admit evidence of sexually assaultive behavior if the court finds and states on the record that:

(1) The evidence is being offered to:

(I) Prove lack of consent; or

(II) Rebut an express or implied allegation that a minor victim fabricated the sexual offense;

(2) The defendant had an opportunity to confront and cross–examine the witness or witnesses testifying to the sexually assaultive behavior;

(3) The sexually assaultive behavior was proven by clear and convincing evidence; and

(4) The probative value of the evidence is not substantially outweighed by the danger of unfair prejudice.

(F) A court may not find that evidence of sexually assaultive behavior is unfairly prejudicial based solely on the fact that it involves a prior sexual offense.

(G) Before making the findings under subsection (E) of this section, the court shall consider:

(1) Whether the issue for which the evidence of the sexually assaultive behavior is being offered is in dispute;

(2) The similarity between the sexually assaultive behavior and the sexual offense for which the defendant is on trial;

(3) The closeness in time of the sexually assaultive behavior and the sexual offense for which the defendant is on trial; and

(4) The independence of the sexually assaultive behavior from the sexual offense for which the defendant is on trial.
(H) THIS SECTION DOES NOT LIMIT THE ADMISSION OR CONSIDERATION OF EVIDENCE UNDER ANY MARYLAND RULE OR OTHER PROVISION OF LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 363
(Senate Bill 270)

AN ACT concerning

Courts – Evidence of Sexually Assaultive Behavior – Admissibility
(Repeat Sexual Predator Prevention Act of 2018)

FOR the purpose of providing that, in a prosecution for certain sexual offenses, evidence that the defendant committed sexually assaultive behavior at a certain time may be admissible for certain reasons; requiring that the State file a certain motion to introduce evidence of certain sexually assaultive behavior at a certain time; requiring a certain motion to include certain information; requiring the State to provide a copy of a certain motion to the defendant; requiring a court to hold a hearing on a certain motion outside the presence of a jury at a certain time outside the presence of a jury; authorizing the court to admit certain evidence if the court makes certain findings; prohibiting a court from making a certain finding based solely on certain information; requiring a court to consider certain factors at a certain time; providing that this Act does not limit the admission or consideration of certain evidence; defining a certain term; and generally relating to the admissibility of evidence.

BY adding to
Article – Courts and Judicial Proceedings
Section 10–923
Annotated Code of Maryland
(2013 Replacement Volume and 2017 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

10–923.
(A) In this section, “sexually assaultive behavior” means an act that would constitute:

1. A sexual crime under Title 3, Subtitle 3 of the Criminal Law Article;

2. Sexual abuse of a minor under § 3–602 of the Criminal Law Article;

3. Sexual abuse of a vulnerable adult under § 3–604 of the Criminal Law Article;

4. A violation of 18 U.S.C. Chapter 109A; or

5. A violation of a law of another state, the United States, or a foreign country that is equivalent to an offense under item (1), (2), (3), or (4) of this subsection.

(B) In a criminal trial for a sexual offense listed in subsection (A)(1), (2), or (3) of this section, evidence of other sexually assaultive behavior by the defendant occurring before or after the offense for which the defendant is on trial may be admissible, in accordance with this section.

(C) (1) The state shall file a motion of intent to introduce evidence of sexually assaultive behavior at least 90 days before trial or at a later time if authorized by the court for good cause.

   (2) A motion filed under paragraph (1) of this subsection shall include a description of the evidence.

   (3) The state shall provide a copy of a motion filed under paragraph (1) of this subsection to the defendant and include any other information required to be disclosed under Maryland Rule 4–262 or 4–263.

(D) The at least 30 days before trial, the The court shall hold an evidentiary hearing outside the presence of a jury to determine the admissibility of evidence of sexually assaultive behavior.

(E) The court may admit evidence of sexually assaultive behavior if the court finds and states on the record that:
(1) The evidence is being offered to:

   (I) Prove lack of consent; or

   (II) Rebut an express or implied allegation that a minor victim fabricated the sexual offense;

(2) The defendant had an opportunity to confront and cross-examine the witness or witnesses testifying to the sexually assaultive behavior;

(3) The sexually assaultive behavior was proven by clear and convincing evidence; and

(3) The probative value of the evidence is not substantially outweighed by the danger of unfair prejudice. Evidence meets the requirements of Maryland Rule 5-403 probative value of the evidence is not substantially outweighed by the danger of unfair prejudice.

(F) A court may not find that evidence of sexually assaultive behavior is unfairly prejudicial based solely on the fact that it involves a prior sexual offense.

(G) Before making the findings under subsection (E) of this section, the court shall consider:

   (1) Whether the issue for which the evidence of the sexually assaultive behavior is being offered is in dispute;

   (2) The similarity between the sexually assaultive behavior and the sexual offense for which the defendant is on trial;

   (3) The closeness in time of the sexually assaultive behavior and the sexual offense for which the defendant is on trial; and

   (4) The independence of the sexually assaultive behavior from the sexual offense for which the defendant is on trial; and

   (5) The objective improbability that the defendant would be accused of sexually assaultive behavior on more than one occasion based on the circumstances.
(H)(G) THIS SECTION DOES NOT LIMIT THE ADMISSION OR CONSIDERATION OF EVIDENCE UNDER ANY MARYLAND RULE OR OTHER PROVISION OF LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 364

(House Bill 527)

AN ACT concerning

Higher Education – Maryland Technology Internship Program – Alterations

FOR the purpose of altering the Maryland Technology Internship Program to include certain technology–based internships with units of State and local governments; requiring the University of Maryland Baltimore County, in collaboration with the Department of Commerce, to alter the information and activities provided through a certain Internet site and provide certain recruitment and training opportunities and support for units of State and local government; repealing a requirement that a business have not more than a certain number of employees to qualify for participation in the Program; establishing certain requirements for a unit of State or local government to qualify for participation in the Program; altering the tracked and assessed Program outcomes; authorizing the use of certain awards to reimburse certain businesses or units of State or local government for up to a certain percentage of the amount paid to an intern up to a certain amount; authorizing certain maximum reimbursement amounts to be increased in accordance with changes in employment market conditions in a certain manner; requiring at least a certain percentage of the internships supported by the Program each year to be with certain businesses; and generally relating to the Maryland Technology Internship Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–3001
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–3004, 18–3006, 18–3007(a), and 18–3008
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

18–3001.

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

(b) “Program” means the Maryland Technology Internship Program.

(c) “Technology–based business” means a commercial or an industrial enterprise engaged in the application of scientific knowledge to practical purposes in a particular field.

(d) “UMBC” means the University of Maryland Baltimore County.

18–3004.

(a) UMBC shall administer the Program.

(b) To carry out the purposes of the Program, UMBC, in collaboration with the Department of Commerce, shall:

(1) Establish UTILIZE an Internet site through which:

(i) Students may learn about technology–based businesses, TECHNOLOGY–BASED POSITIONS IN UNITS OF STATE AND LOCAL GOVERNMENTS, and internship opportunities; [and]

(ii) Technology–based businesses may register, post information about internship opportunities, and apply for reimbursement of internship stipends as provided under this subtitle; AND

(III) UNITS OF STATE AND LOCAL GOVERNMENTS MAY REGISTER, POST INFORMATION ABOUT TECHNOLOGY–BASED INTERNSHIP OPPORTUNITIES, AND APPLY FOR REIMBURSEMENT OF INTERNSHIP STIPENDS AS PROVIDED UNDER THIS SUBTITLE;

(2) Develop application and registration requirements;

(3) Develop orientation and training programs for participants in the Program;

(4) Review applications and award reimbursements of internship stipends under this subtitle;
(5) Provide opportunities for students to meet entrepreneurs and visit technology–related industry incubators, and learn about starting a business in the State;

(6) Provide recruitment and training opportunities and support for participating businesses AND UNITS OF STATE AND LOCAL GOVERNMENT; and

(7) Track and assess Program outcomes.

18–3006.

(A) To qualify for participation in the Program, a business shall:

(1) Be located in the State;

(2) Be a technology–based business;

(3) Have not more than 150 employees;

(4) Commit to hosting an intern for a minimum of 120 hours during a spring, fall, or summer semester;

(5) Provide a detailed description of an intern position with the business; and

(6) Provide proof that a representative has attended an orientation or training program provided or approved by UMBC.

(B) TO QUALIFY FOR PARTICIPATION IN THE PROGRAM, A UNIT OF STATE OR LOCAL GOVERNMENT SHALL:

(1) COMMIT TO HOSTING AN INTERN FOR A MINIMUM OF 120 HOURS DURING A SPRING, FALL, OR SUMMER SEMESTER;

(2) PROVIDE A DETAILED DESCRIPTION OF A TECHNOLOGY–BASED INTERN POSITION WITH THE UNIT; AND

(3) PROVIDE PROOF THAT A REPRESENTATIVE HAS ATTENDED AN ORIENTATION OR TRAINING PROGRAM PROVIDED OR APPROVED BY UMBC.

18–3007.

(a) UMBC shall develop a process for tracking and assessing the outcomes of the Program, including:
(1) The total number of individuals, businesses, and units of state and local governments participating in the Program;

(2) The locations and sizes of participating businesses and units of state and local governments;

(3) The number of participating students remaining in the State after graduation;

(4) The number of employee hires resulting from internships;

(5) The effect of the Program on student understanding of opportunities for entrepreneurs and small businesses in the State;

(6) Student skill growth resulting from internship experiences;

(7) Business growth or improvement resulting from internships; and

(8) The effect of the Program on relationships between businesses and institutions of higher education in the State.

18–3008.

(A) Money subject to subsections (b) and (c) of this section, money awarded under this subtitle:

(1) May be used to reimburse a technology–based business or a unit of state or local government up to 50% of a stipend paid to an intern, but not more than:

   (i) $1,800 for the first semester; and

   (ii) $1,200 for the second semester; and

(2) May total not more than $3,000 each year for each intern.

(B) The maximum reimbursement amounts established in subsection (a) of this section may be increased in accordance with changes in employment market conditions as jointly determined by UMBC and the Department of Commerce.

(C) At least 50% of the internships supported by the Program each year shall be with businesses that have not more than 150 employees.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 365

(Senate Bill 769)

AN ACT concerning

Criminal Law – Sextortion and Revenge Porn

FOR the purpose of prohibiting a person from causing another to engage in certain sexual contact activity by making certain threats; prohibiting a person from causing another to engage as the subject in the production of a certain visual representation or performance by making certain threats; repealing a provision of law prohibiting a person from intentionally causing serious emotional distress to another by intentionally placing on the Internet a certain reproduction of the image of the other under certain circumstances; prohibiting a person from knowingly distributing a certain visual representation of a certain other person under certain circumstances; establishing and applying certain penalties for a violation of this Act; authorizing a sentence imposed under this Act to be separate from and consecutive to or concurrent with a sentence for any other crime based on the action establishing a violation of this Act; prohibiting a certain visual representation from being made available for public inspection in certain cases; providing that a certain visual representation may be made available to certain persons under certain circumstances; defining certain terms; and generally relating to sextortion and revenge porn.

BY adding to
Article – Criminal Law
Section 3–709
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–809
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Criminal Law
3–709.

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

(2) “Intimate parts” has the meaning stated in § 3–809 of this title.

(3) “Sexual contact activity” has the meaning stated in § 3–809 of this title.

(B) A person may not cause another to:

(1) Engage in an act of sexual contact activity by threatening to:

   (I) Accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;

   (II) Cause physical injury to a person;

   (III) Inflict emotional distress on a person;

   (IV) Cause economic damage to a person; or

   (V) Cause damage to the property of a person; or

(2) Engage as a subject in the production of a visual representation or performance that depicts the other with the other’s intimate parts exposed or engaging in or simulating an act of sexual contact activity by threatening to:

   (I) Accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;

   (II) Cause physical injury to a person;

   (III) Inflict emotional distress on a person;

   (IV) Cause economic damage to a person; or

   (V) Cause damage to the property of a person.
(C) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(D) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

(E) A visual representation depicting a victim which that is part of a court record for a case arising from a prosecution under this section:

(1) subject to item (2) of this subsection, may not be made available for public inspection; and

(2) except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge under this section to:

(i) court personnel;

(ii) a jury in a criminal case brought under this section;

(iii) the state’s attorney or the state’s attorney’s designee;

(iv) the attorney general or the attorney general’s designee;

(v) a law enforcement officer;

(vi) the defendant or the defendant’s attorney; or

(vii) the victim or the victim’s attorney.

3–809.

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

(2) “Distribute” means to give, sell, transfer, disseminate, publish, upload, circulate, broadcast, make available, allow access to, or engage in any other form of transmission, electronic or otherwise.
(3) “HARM” MEANS:

(I) PHYSICAL INJURY;

(II) SERIOUS EMOTIONAL DISTRESS; OR

(III) ECONOMIC DAMAGES.

(4) “Intimate parts” means the naked genitals, pubic area, buttocks, or female nipple.

(5) “[‘Sexual contact’] “SEXUAL ACTIVITY” means:

(I) sexual intercourse, including genital–genital, oral–genital, anal–genital, or oral–anal, whether between persons of the same or opposite sex;

(II) SODOMY UNDER § 3–321 OF THIS TITLE OR AN UNNATURAL OR PERVERTED SEXUAL PRACTICE UNDER § 3–322 OF THIS TITLE;

(III) MASTURBATION; OR

(IV) SADOMASOCHISTIC ABUSE.

(b) (1) This section does not apply to:

(i) lawful and common practices of law enforcement, the reporting of unlawful conduct, or legal proceedings; or

(ii) situations involving voluntary exposure in public or commercial settings.

(2) An interactive computer service, as defined in 47 U.S.C. § 230(f)(2), is not liable under this section for content provided by another person.

(c) A person may not intentionally cause serious emotional distress to another by intentionally placing on the Internet a photograph, film, videotape, recording, or any other reproduction of the image of the other person that reveals the identity of the other person with his or her intimate parts exposed or while engaged in an act of sexual contact:

(1) knowing that the other person did not consent to the placement of the image on the Internet; and

(2) under circumstances in which the other person had a reasonable expectation that the image would be kept private.]
(C) A person may not knowingly distribute a visual representation of another identifiable person that displays the other person with his or her intimate parts exposed or while engaged in an act of sexual contact activity:

(1) (I) With the intent to harm, harass, intimidate, threaten, or coerce the other person; or

(II) With reckless disregard for the likelihood that the other person will suffer harm; and

(2) (I) Under circumstances in which the person knew or should have known that the other person did not consent to the distribution; or

(II) With reckless disregard as to whether the person consented to the distribution; and

(3) Under circumstances in which the other person had a reasonable expectation that the image would remain private.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $5,000 or both.

(E) A visual representation of a victim which is part of a court record for a case arising from a prosecution under this section:

(1) Subject to item (2) of this subsection, may not be made available for public inspection; and

(2) Except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge under this section to:

(I) Court personnel;

(II) A jury in a criminal case brought under this section;

(III) The State’s attorney or the State’s attorney’s designee;

(IV) The Attorney General or the Attorney General’s designee;
(V) A LAW ENFORCEMENT OFFICER;

(VI) THE DEFENDANT OR THE DEFENDANT’S ATTORNEY;

OR

(VII) THE VICTIM OR THE VICTIM’S ATTORNEY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 366

(Senate Bill 725)

AN ACT concerning

Bullying, Cyberbullying, Harassment, and Intimidation – Civil Relief and School Response

FOR the purpose of authorizing a victim of cyberbullying or a parent or guardian of a victim of cyberbullying to bring a certain action for injunctive relief against a certain individual; authorizing a court to grant certain injunctive relief under certain circumstances; establishing the conditions under which a certain plaintiff is entitled to a certain temporary restraining order, preliminary injunction, or final injunction; providing that a certain plaintiff is not required to plead or prove certain facts; providing that a certain temporary restraining order is not required to include certain information; authorizing a court that grants a certain temporary restraining order to order the preservation of certain electronic communications, under certain circumstances; authorizing a school principal to make a certain report if, after an investigation is completed, the school principal has reason to believe that a student has engaged in conduct that constitutes a certain criminal offense; establishing civil and criminal immunity for a school principal who in good faith makes a certain report or participates in a certain investigation or judicial proceeding; establishing civil and criminal immunity for a certain school employee who in good faith participates in a certain investigation or judicial proceeding; prohibiting certain provisions of this Act from being interpreted to create a certain cause of action or a certain obligation, duty, or standard of care; authorizing the expulsion of a student or the placement of a student in a certain special program if the student engages in certain behavior, incites violence against a student through certain behavior, or releases or threatens to release intimate visual material of a student without the student’s consent; requiring certain school policies prohibiting bullying, harassment, or intimidation to include model procedures for providing notice of an act of bullying,
BY adding to
Article – Courts and Judicial Proceedings
Section 3–2101 through 3–2104 to be under the new subtitle “Subtitle 21. Relief for Victims of Cyberbullying”; and 5–643
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article – Education
Section 7–303.1 and 7–305.2
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–424(a), 7–424.1, and 7–424.3
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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


3–2101.

(A) In this subtitle the following words have the meanings indicated.

(B) “Adult” means an individual who is at least 18 years old.

(C) “Child” means an individual under the age of 18 years.

(D) “Cyberbullying” means behavior directed at a child that constitutes an offense under § 3–805 or § 3–809 of the Criminal Law Article.

(E) “Injunction” means an order mandating or prohibiting a specified act.
(F) "PRELIMINARY INJUNCTION" MEANS AN INJUNCTION GRANTED AFTER OPPORTUNITY FOR A FULL ADVERSARY HEARING ON THE PROPRIETY OF ITS ISSUANCE BUT BEFORE A FINAL DETERMINATION OF THE MERITS OF THE ACTION.

(G) "TEMPORARY RESTRAINING ORDER" MEANS AN INJUNCTION GRANTED WITHOUT OPPORTUNITY FOR A FULL ADVERSARY HEARING ON THE PROPRIETY OF ITS ISSUANCE.

(H) "VICTIM OF CYBERBULLYING" MEANS A CHILD AGAINST WHOM AN ACT OF CYBERBULLYING IS COMMITTED OR ALLEGED TO HAVE BEEN COMMITTED.

3–2102.

(A) A VICTIM OF CYBERBULLYING OR A PARENT OR GUARDIAN OF A VICTIM OF CYBERBULLYING MAY BRING AN ACTION FOR INJUNCTIVE RELIEF UNDER THIS SUBTITLE AGAINST:

(1) THE INDIVIDUAL ALLEGED TO HAVE COMMITTED AN ACT OF CYBERBULLYING AGAINST THE VICTIM, IF THE INDIVIDUAL IS AN ADULT; OR

(2) A PARENT OR GUARDIAN OF THE INDIVIDUAL ALLEGED TO HAVE COMMITTED AN ACT OF CYBERBULLYING AGAINST THE VICTIM, IF THE INDIVIDUAL IS A CHILD.

(B) A COURT MAY GRANT ANY INJUNCTIVE RELIEF APPROPRIATE UNDER THE CIRCUMSTANCES TO PREVENT FURTHER CYBERBULLYING OF A VICTIM, INCLUDING A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR FINAL INJUNCTION:

(1) ENJOINING THE INDIVIDUAL ALLEGED TO HAVE COMMITTED AN ACT OF CYBERBULLYING FROM ENGAGING IN CYBERBULLYING; OR

(2) COMPELLING THE PARENT OR GUARDIAN OF THE INDIVIDUAL ALLEGED TO HAVE COMMITTED AN ACT OF CYBERBULLYING TO TAKE REASONABLE ACTIONS TO CAUSE THE INDIVIDUAL TO CEASE ENGAGING IN CYBERBULLYING.

3–2103.

(A) A PLAINTIFF IN AN ACTION FOR INJUNCTIVE RELIEF BROUGHT UNDER THIS SUBTITLE IS ENTITLED TO A TEMPORARY RESTRAINING ORDER ON A SHOWING THAT THE PLAINTIFF IS LIKELY TO SUCCEED IN ESTABLISHING THAT THE DEFENDANT:
(1) Engaged in cyberbullying of the victim; or

(2) Is the parent or guardian of an individual who engaged in cyberbullying of the victim.

(b) The plaintiff is not required to plead or prove that immediate, substantial, and irreparable harm will result to the victim before a full adversary hearing can be held on the propriety of a preliminary or final injunction.

(c) A temporary restraining order issued under this section is not required to:

(1) Define the harm that the court finds will result if the temporary restraining order is not issued; or

(2) State the basis for the court’s decision to grant the temporary restraining order without written or oral notice.

(d) A court that grants a temporary restraining order under this section may, on its own motion or on the motion of either party, order the preservation of any relevant electronic communication.

3–2104.

A plaintiff in an action for injunctive relief brought under this subtitle is entitled to a preliminary injunction or final injunction on a showing that the defendant:

(1) Engaged in cyberbullying of the victim; or

(2) Is the parent or guardian of an individual who engaged in cyberbullying of the victim.

5–643.

(A) In this section, “school principal” has the meaning stated in § 7–303.1 of the Education Article.

(B) A school principal who in good faith makes a report under § 7–303.1 of the Education Article or participates in a resulting investigation or judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making the
REPORT OR PARTICIPATING IN THE RESULTING INVESTIGATION OR JUDICIAL
PROCEEDING.

(C) AN EMPLOYEE OF A PUBLIC OR NONPUBLIC SCHOOL WHO IN GOOD
FAITH PARTICIPATES IN AN INVESTIGATION OR JUDICIAL PROCEEDING RESULTING
FROM A REPORT MADE UNDER § 7–303.1 OF THE EDUCATION ARTICLE IS IMMUNE
FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY THAT WOULD OTHERWISE
RESULT FROM PARTICIPATING IN THE INVESTIGATION OR JUDICIAL PROCEEDING.

Article – Education

7–303.1.

(A) IN THIS SECTION, “SCHOOL PRINCIPAL” MEANS THE PRINCIPAL OF A
PUBLIC OR NONPUBLIC SCHOOL, OR A DESIGNEE OF THE PRINCIPAL WHO IS AN
ADMINISTRATOR.

(B) A SCHOOL PRINCIPAL MAY MAKE A REPORT TO ANY RELEVANT LAW
ENFORCEMENT AGENCY IF, AFTER AN INVESTIGATION IS COMPLETED, THE SCHOOL
PRINCIPAL HAS REASON TO BELIEVE THAT A STUDENT HAS ENGAGED IN CONDUCT
THAT CONSTITUTES AN OFFENSE UNDER:

(1) § 3–201 OF THE CRIMINAL LAW ARTICLE (ASSAULT IN THE FIRST
DEGREE);

(2) § 3–202 OF THE CRIMINAL LAW ARTICLE (ASSAULT IN THE
SECOND DEGREE);

(3) § 3–805 OF THE CRIMINAL LAW ARTICLE (MISUSE OF
ELECTRONIC COMMUNICATION OR INTERACTIVE COMPUTER SERVICE); OR

(4) § 3–809 OF THE CRIMINAL LAW ARTICLE (REVENGE PORN).

(C) A SCHOOL PRINCIPAL WHO MAKES A REPORT UNDER THIS SECTION AND
ANY EMPLOYEE OF THE SCHOOL WHO PARTICIPATES IN A RESULTING
INVESTIGATION OR JUDICIAL PROCEEDING SHALL HAVE THE IMMUNITY DESCRIBED
IN § 5–643 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

(D) THIS SECTION MAY NOT BE INTERPRETED TO CREATE:

(1) A CIVIL, CRIMINAL, OR ADMINISTRATIVE CAUSE OF ACTION
BASED ON ANY ACT OR OMISSION UNDER THIS SECTION; OR
(2) A OBLIGATION, DUTY, OR STANDARD OF CARE THAT WOULD PROVIDE A BASIS FOR ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE CAUSE OF ACTION.

7–305.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BULLYING, HARASSMENT, OR INTIMIDATION” HAS THE MEANING INDICATED IN § 7–424 OF THIS TITLE.

(3) “INTIMATE PARTS” MEANS THE NAKED GENITALS, PUBIC AREA, BUTTOCKS, OR FEMALE NIPPLE.

(4) “INTIMATE VISUAL MATERIAL” MEANS A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF THE IMAGE OF A STUDENT WITH THE STUDENT’S INTIMATE PARTS EXPOSED OR WHILE ENGAGED IN AN ACT OF SEXUAL CONTACT.


(B) A STUDENT MAY BE EXPELLED OR PLACED IN A SPECIAL PROGRAM FOR DISRUPTIVE STUDENTS ESTABLISHED UNDER § 7–304 OF THIS SUBTITLE IF THE STUDENT:

(1) ENGAGES IN BULLYING, HARASSMENT, OR INTIMIDATION THAT ENCOURAGES A STUDENT TO COMMIT OR ATTEMPT TO COMMIT SUICIDE;

(2) INCITES VIOLENCE AGAINST A STUDENT THROUGH GROUP BULLYING, HARASSMENT, OR INTIMIDATION; OR

(3) RELEASES OR THREATENS TO RELEASE INTIMATE VISUAL MATERIAL OF A STUDENT WITHOUT THE STUDENT’S CONSENT.

7–424.

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

(2) “Bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:
(i) Creates a hostile educational environment by \{substantially\} interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well–being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; \[or\]

2. SEXUAL IN NATURE, INCLUDING DESCRIPTIONS OR DEPICTIONS OF A STUDENT WITH THE STUDENT’S INTIMATE PARTS EXPOSED OR WHILE ENGAGED IN AN ACT OF SEXUAL CONTACT; OR

3. Threatening, HARASSING, or \{seriously\} intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. \{Substantially disrupts\} DISRUPTS the orderly operation of a school.

(3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(4) “INTIMATE PARTS” MEANS THE NAKED GENITALS, PUBIC AREA, BUTTOCKS, OR FEMALE NIPPLE.


7–424.1.

(a) [(1)] In this section [the following words have the meanings indicated], “BULLYING, HARASSMENT, OR INTIMIDATION” HAS THE MEANING STATED IN § 7–424 OF THIS SUBTITLE.

[(2) “Bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well–being and is:
1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) (i) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(ii) “Electronic communication” includes a social media communication.

(b) (1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

(i) A statement prohibiting bullying, harassment, and intimidation in schools;

(ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;

(iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection [(a)(2)] (A) of this section or a definition that is not less inclusive than that definition;

(iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;

(v) Standard consequences and remedial actions for persons found to have made false accusations;

(vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
(vii) **MODEL PROCEDURES FOR PROVIDING NOTICE OF AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION TO:**

1. **A PARENT OR GUARDIAN OF THE ALLEGED VICTIM, WITHIN 3 BUSINESS DAYS AFTER THE DATE THE ACT IS REPORTED; AND**

2. **A PARENT OR GUARDIAN OF THE ALLEGED PERPETRATOR, WITHIN A REASONABLE AMOUNT OF TIME 5 BUSINESS DAYS AFTER THE DATE THE ACT IS REPORTED;**

(VIII) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;

[(viii)] (IX) Information about the types of support services available to the student bully, victim, and any bystanders;

[(ix)] (X) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7–424 of this subtitle; and

[(x)] (XI) Information regarding the availability and use of an anonymous two–way electronic tip program established under § 7–424 of this subtitle.

(3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.

(c) (1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students; and

(v) Members of the community.
(4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board’s update of the model policy under subsection (b)(3) of this section.

(d) Each county board shall publicize its policy in student handbooks, school system Web sites, and any other location or venue the county board determines is necessary or appropriate.

(e) Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:

(1) A chain of command in the reporting process; and

(2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.

(f) (1) By July 1, 2009, each county board shall submit its policy to the State Superintendent.

(2) By January 1, 2017, and every 5 years thereafter, each county board shall submit its updated policy to the State Superintendent.

(g) Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:

(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h) (1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board’s policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7–424.3.

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

(2) “Bullying, harassment, and intimidation” means any intentional written, verbal, or physical act, including an electronic communication, that:
(i) 1. Physically harms an individual;
2. Damages an individual’s property;
3. Substantially interferes with an individual’s education or learning environment; or
4. Places an individual in reasonable fear of harm to the individual’s person or property; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
2. Substantially disrupts the orderly operation of a school.

(3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager] HAS THE MEANING STATED IN § 7–424 OF THIS SUBTITLE.

[(4)] (3) “Nonpublic school” means a nonpublic school that participates in State–funded education programs.

(b) By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.

(c) The policy adopted under subsection (b) of this section shall include:

(1) A statement prohibiting bullying, harassment, and intimidation in the school;

(2) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;

(3) A definition of bullying, harassment, and intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;

(4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:

(i) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and

(ii) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;
(5) Standard consequences and remedial actions for persons found to have made false accusations;

(6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;

(7) **STANDARD PROCEDURES FOR PROVIDING NOTICE OF AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION TO:**

   (I) **A PARENT OR GUARDIAN OF THE ALLEGED VICTIM, WITHIN 3 BUSINESS DAYS AFTER THE DATE THE ACT IS REPORTED; AND**

   (II) **A PARENT OR GUARDIAN OF THE ALLEGED PERPETRATOR, WITHIN A REASONABLE AMOUNT OF TIME 5 BUSINESS DAYS AFTER THE DATE THE ACT IS REPORTED;**

(8) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;

[(8)] (9) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from retaliation; and

[(9)] (10) Information about the types of support services available to a student bully or victim and any bystanders.

(d) A nonpublic school is encouraged to develop the policy adopted under subsection (b) of this section in consultation with the following groups:

(1) Parents or guardians of students;

(2) School employees and administrators;

(3) School volunteers; and

(4) Students.

(e) A nonpublic school is encouraged to publicize the policy adopted under subsection (b) of this section in student handbooks, on the school’s Web site, and any other location or venue the school determines is necessary or appropriate.

(f) A nonpublic school is encouraged to develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation:
(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy adopted under subsection (b) of this section.

(g) An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with the nonpublic school's policy adopted under subsection (b) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

(h) The provisions of this section may not be construed to:

(1) Limit the legal rights of a victim of bullying, harassment, or intimidation; or

(2) Require a statewide policy in nonpublic schools relating to bullying, harassment, and intimidation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

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Chapter 367
(House Bill 74)

AN ACT concerning

Education – Career Exploration and Development Activities – Coffee
(Java Act)

FOR the purpose of authorizing an Executive Branch agency to ban or regulate the sale of coffee in conjunction with a career exploration and development activity in a public high school in Baltimore County; providing a certain exception; repealing a certain termination provision relating to prohibiting an Executive Branch agency from banning or regulating the sale of coffee in conjunction with a career exploration and development activity in certain public high schools; and generally relating to the sale of coffee in conjunction with a career exploration and development activity in public high schools in Baltimore County.

BY repealing and reenacting, without with amendments,

Article – Education
BY repealing and reenacting, with amendments,
Section 2

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

Article – Education

7–423.1.

(a) This section applies only in Baltimore County.

(b) An EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN
Executive Branch agency may not ban or regulate the sale of coffee in conjunction with a
career exploration and development activity in a public high school.

(c) An EXECUTIVE BRANCH AGENCY MAY NOT BAN OR REGULATE THE SALE
OF COFFEE IN CONJUNCTION WITH A CAREER EXPLORATION AND DEVELOPMENT
ACTIVITY IN A PUBLIC HIGH SCHOOL THAT SOLD COFFEE ON OR BEFORE JUNE 30,
2018.

Chapter 717 of the Acts of 2016

SECTION 2. 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.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 368
(House Bill 76)

AN ACT concerning
Baltimore County Board of Education – Education Transparency Act

FOR the purpose of requiring actions of the Baltimore County Board of Education to be taken at a public meeting, subject to a certain exception; requiring that a record of a certain meeting and certain actions be made public; requiring any action of the county board to be recorded by a verbal voice vote or a roll call vote of certain members of the county board; requiring the county board to keep a formal record of certain public meetings and make the record available for review by members of the public on request; requiring any final action of the county board to be made publicly available on a certain website within a certain time; requiring certain actions on the county board’s website to include a certain description and a certain link to a video recording, under certain circumstances; authorizing the county board to take certain actions in a closed session in accordance with a certain provision of law; and generally relating to meetings of the Baltimore County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education
Section 3–2B–09
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

3–2B–09.

(A) At the first meeting of the county board in December of each year, the county board shall elect a chair and vice chair from among the members.

(B) (1) EXCEPT FOR THE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE PUBLIC.

(2) (I) ANY ACTION OF THE COUNTY BOARD SHALL BE RECORDED BY A VERBAL VOICE VOTE OR A ROLL CALL VOTE OF EACH INDIVIDUAL MEMBER OF THE COUNTY BOARD WHO IS PRESENT AT THE PUBLIC MEETING.

(II) THE COUNTY BOARD SHALL KEEP:

1. KEEP A FORMAL RECORD OF EACH PUBLIC MEETING; AND
2. Make the record available for review by members of the public on request.

   (3) (I) Any final action of the county board shall be made publicly available on the county board’s website within 1272 hours of the time the action was taken.

   (II) On the county board’s website, each action shall include:

   1. A full and accurate description of the action to inform the public of the motion or question; and

   2. A link or reference to the related video recording of the county board meeting, if available.

(C) The county board may take actions in a closed session in accordance with § 3–305 of the General Provisions Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 369
(Senate Bill 85)

AN ACT concerning

Tuition Waivers – Foster Care Recipients – Eligibility

FOR the purpose of altering the eligibility requirements for tuition waivers for certain individuals in foster care; altering the length of time during which certain individuals continue to be exempt from certain tuition; making this Act an emergency measure; and generally relating to tuition waivers for foster care recipients.

BY repealing and reenacting, with amendments,
   Article – Education
   Section 15–106.1
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

15–106.1.

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

(2) (i) “Foster care recipient” means an individual who:

1. Was placed in an out–of–home placement by the Department of Human Services; and

2. A. Resided in an out–of–home placement on the individual’s 18th birthday or at the time the individual graduated from high school or successfully completed a GED; OR

B. Resided in an out–of–home placement on OR AFTER the individual’s 13th birthday FOR AT LEAST 1 YEAR and was placed into guardianship [or], adopted [out of an out–of–home placement after the individual’s 13th birthday; or

C. Resided in an out–of–home placement in the State for at least 1 year on or after the individual’s 13th birthday and returned to live with the individual’s parents after the out–of–home placement ended], OR REUNITED WITH AT LEAST ONE OF THE INDIVIDUAL’S PARENTS.

(ii) “Foster care recipient” includes a younger sibling of an individual described in subparagraph (i) of this paragraph if the younger sibling is concurrently placed into guardianship or adopted out of an out–of–home placement by the same guardianship or adoptive family.

(3) “Out–of–home placement” has the meaning stated in § 5–501 of the Family Law Article.

(4) (i) “Tuition” means the charges imposed by a public institution of higher education for enrollment at the institution.

(ii) “Tuition” includes charges for registration and all fees for credit–bearing and noncredit courses required as a condition of enrollment.

(5) “Unaccompanied homeless youth” means a child or youth who:

(i) Has had a consistent presence in the State for at least 1 year before enrollment in a public institution of higher education that is documented by school, employment, or other records;
Paraphrase: This is a detailed description of the legal requirements for access to higher education for unaccompanied homeless youths. It outlines the criteria for determining eligibility, including whether the youth is in the physical custody of a parent or guardian, whether they are homeless, and what documentation is required to establish eligibility. It also specifies that a youth must meet certain requirements to be considered an independent student under federal law.

(b) When determining whether a youth is an unaccompanied homeless youth, a financial aid administrator shall verify annually that the youth qualifies as an independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. § 1087vv(d)(1)(H).

(c) (1) A foster care recipient or an unaccompanied homeless youth is exempt from paying any tuition at a public institution of higher education, regardless of that foster care recipient’s or unaccompanied homeless youth’s receipt of any scholarship or grant if:

   (i) The foster care recipient or unaccompanied homeless youth is enrolled at the institution on or before the date that the foster care recipient or unaccompanied homeless youth reaches the age of 25 years;

   (ii) The foster care recipient or unaccompanied homeless youth is enrolled as a candidate for a vocational certificate, an associate’s degree, or a bachelor’s degree; and

   (iii) The foster care recipient or unaccompanied homeless youth has filed for federal and State financial aid.

(2) If a foster care recipient or an unaccompanied homeless youth receives a scholarship or grant for postsecondary study and is enrolled before the recipient’s 25th
birthday as a candidate for a vocational certificate, an associate’s degree, or bachelor’s degree at a public institution of higher education, the scholarship or grant may not be applied to the tuition for the foster care recipient or unaccompanied homeless youth.

(3) A foster care recipient or an unaccompanied homeless youth who is exempt from tuition under this section continues to be exempt until the earlier of:

(i) 5 years after first enrolling as a candidate for an associate’s degree or a bachelor’s degree at a public institution of higher education in the State; or

(ii) The date that the foster care recipient or unaccompanied homeless youth is awarded a bachelor’s degree.

(d) (1) On or before June 1 of each year, each public institution of higher education in the State shall report to the Commission on the aggregate and disaggregate number of foster care recipients and unaccompanied homeless youth who:

(i) Received a tuition exemption under this section during the prior academic year;

(ii) Received a tuition exemption under this section at any point during their enrollment at the institution; and

(iii) Earned a bachelor’s degree, an associate’s degree, or a vocational certificate from the institution during the prior academic year.

(2) On or before September 1 of each year, the Commission shall:

(i) Compile the reports received in accordance with paragraph (1) of this subsection; and

(ii) Submit the compilation of reports to the General Assembly in accordance with § 2–1246 of the State Government Article.

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 yea 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 8, 2018.

Chapter 370

(Senate Bill 1259)
AN ACT concerning

Harford County District Courthouse – Renaming H. Wayne Norman, Jr. Memorial Plaza

FOR the purpose of renaming the District Courthouse located in Bel Air, Harford County, to be the Mary E. W. Risteau and H. Wayne Norman, Jr. District Courts and Multi-Service Center; naming a certain plaza of the Mary E. W. Risteau District Courts and Multi-Service Center in Harford County to be the H. Wayne Norman, Jr. Memorial Plaza; providing for certain funding for the implementation of this Act; requiring a certain administrative officer to change certain signs to reflect the renaming of the Courthouse; add appropriate signage to reflect the naming of the plaza; making this Act an emergency measure; and generally relating to the renaming of the District Courthouse located in Bel Air, Harford County H. Wayne Norman, Jr. Memorial Plaza.

BY adding to
Article – Courts and Judicial Proceedings
Section 1–603.2
Annotated Code of Maryland
(2013 Replacement Volume and 2017 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

1–603.2.


SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Funding for the implementation of this Act shall be as provided to the extent funds are available in the budget of the Judicial Branch appropriated in the State Budget for fiscal 2019.

(b) The Chief Administrative Clerk of District 9 – Harford County shall ensure the changing of the existing signs in the Courthouse to reflect the renaming of the District Courthouse located in Bel Air, Harford County, as the Mary E. W. Risteau and H. Wayne
Norman, Jr. District Courts and Multi-Service Center addition of appropriate signage to reflect the naming of the plaza located on the south side of the Mary E. W. Risteau District Courts and Multi-Service Center in Harford County as the H. Wayne Norman, Jr. Memorial Plaza.

SECTION 3. 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 yea 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 8, 2018.

Chapter 371
(House Bill 156)

AN ACT concerning

Talbot County Board of Education – Start Date of Term for Members

FOR the purpose of altering the date for the start of the term for a member elected to serve on the Talbot County Board of Education; and generally relating to the date for the start of the term for members elected to the Talbot County Board of Education.

BY repealing and reenacting, without amendments,

Article – Education
Section 3–12A–01(a) and (b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 3–12A–01(e)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

3–12A–01.

(a) The Talbot County Board consists of:
(1) Seven voting members, one member elected from each of the seven election districts for the county board established in accordance with this subtitle; and

(2) Two nonvoting student members from the public high schools in the county.

(b) The elected members of the county board shall be elected:

(1) At the general election; and

(2) In accordance with Title 8, Subtitle 8 of the Election Law Article.

(e) (1) Each voting member serves for a term of 4 years beginning on [January] DECEMBER 1 after the member’s election and until a successor is elected and qualifies.

(2) A voting member may not serve for more than three consecutive terms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 372

(Senate Bill 171)

AN ACT concerning

Talbot County Board of Education – Start Date of Term for Members

FOR the purpose of altering the date for the start of the term for a member elected to serve on the Talbot County Board of Education; and generally relating to the date for the start of the term for members elected to the Talbot County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–12A–01(a) and (b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–12A–01(e)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

3–12A–01.

(a) The Talbot County Board consists of:

(1) Seven voting members, one member elected from each of the seven election districts for the county board established in accordance with this subtitle; and

(2) Two nonvoting student members from the public high schools in the county.

(b) The elected members of the county board shall be elected:

(1) At the general election; and

(2) In accordance with Title 8, Subtitle 8 of the Election Law Article.

(e) (1) Each voting member serves for a term of 4 years beginning on December 1 after the member’s election and until a successor is elected and qualifies.

(2) A voting member may not serve for more than three consecutive terms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 373
(Senate Bill 43)

AN ACT concerning

High School Diploma by Examination – Eligibility Requirements – Exemption

FOR the purpose of exempting certain individuals from certain eligibility requirements to obtain a high school diploma by examination if the individual participates in a
certain program; and generally relating to the eligibility requirements to obtain a high school diploma by examination.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–808
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Labor and Employment

11–808.

(a) An individual may obtain a high school diploma by examination as provided in this section if the individual:

(1) has not obtained a high school diploma;

(2) resides in this State; AND

(3) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:

(I) is not subject to compulsory school attendance under § 7–301 of the Education Article; and

((4)) (II) has withdrawn from a regular full–time public or private school program.

(B) AN INDIVIDUAL IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION (A)(3) OF THIS SECTION IF THE INDIVIDUAL PARTICIPATES IN A GED OPTION PROGRAM ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION THAT CREATES A PATHWAY TO A HIGH SCHOOL DIPLOMA BY EXAMINATION FOR CURRENTLY ENROLLED HIGH SCHOOL ENGLISH LANGUAGE LEARNER STUDENTS UNDER THE AGE OF 21 YEARS WHO HAVE EXPERIENCED INTERRUPTED EDUCATION AND HAVE A LOWER LEVEL OF ENGLISH PROFICIENCY THAN THEIR PEERS.

((b)) (C) The Department shall offer examinations to individuals who are pursuing a high school diploma under this subtitle at least twice each year at places throughout the State that are reasonably convenient for the applicants.

((c)) (D) The examination shall:

(1) be offered in appropriate high school subject areas; and
be of a comprehensive nature as determined by the State Board of Education.

[(d)] (E) An individual who fails an examination may repeat taking the examination.

[(e)] (F) A current member of the armed forces is exempt from the residency requirement in subsection (a)(2) of this section and may earn a Maryland high school diploma by achieving a passing score on the examination offered under subsection [(b)] (C) of this section.

[(f)] (G) The diploma shall be awarded in accordance with the regulations adopted by the Secretary and the State Board of Education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 374

(House Bill 193)

AN ACT concerning

High School Diploma by Examination – Eligibility Requirements – Exemption

FOR the purpose of exempting certain individuals from certain eligibility requirements to obtain a high school diploma by examination if the individual participates in a certain program; and generally relating to the eligibility requirements to obtain a high school diploma by examination.

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 11–808
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Labor and Employment

11–808.
(a) An individual may obtain a high school diploma by examination as provided in this section if the individual:

(1) has not obtained a high school diploma;

(2) resides in this State; AND

(3) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:

(I) is not subject to compulsory school attendance under § 7–301 of the Education Article; and

[(4)] (II) has withdrawn from a regular full–time public or private school program.

(B) An individual is not subject to the requirements of subsection (a)(3) of this section if the individual participates in a GED Option Program administered by the State Department of Education that creates a pathway to a high school diploma by examination for currently enrolled high school English language learner students under the age of 21 years who have experienced interrupted education and have a lower level of English proficiency than their peers.

[(b)] (C) The Department shall offer examinations to individuals who are pursuing a high school diploma under this subtitle at least twice each year at places throughout the State that are reasonably convenient for the applicants.

[(c)] (D) The examination shall:

(1) be offered in appropriate high school subject areas; and

(2) be of a comprehensive nature as determined by the State Board of Education.

[(d)] (E) An individual who fails an examination may repeat taking the examination.

[(e)] (F) A current member of the armed forces is exempt from the residency requirement in subsection (a)(2) of this section and may earn a Maryland high school diploma by achieving a passing score on the examination offered under subsection [(b)] (C) of this section.

[(f)] (G) The diploma shall be awarded in accordance with the regulations adopted by the Secretary and the State Board of Education.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

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Chapter 375

(House Bill 203)

AN ACT concerning

Higher Education – Senatorial and Delegate Scholarships – Reimbursement of Certificate and License Programs Expenses for Community College Certification and Licensure

FOR the purpose of authorizing certain recipients of a senatorial scholarship to use the scholarship to reimburse certain expenses for certificate or license programs or for certain courses or sequences of courses at community colleges; exempting certain applicants from the requirement that certain senatorial scholarship recipients take a certain examination and be enrolled in certain institutions; authorizing certain students to use a delegate scholarship to reimburse certain expenses for certificate or license programs or for certain courses or sequences of courses at community colleges; making certain stylistic changes; and generally relating to the use of senatorial and delegate scholarships for the reimbursement of expenses for certificate and license programs, courses, or sequences of courses at community colleges that lead to certification or licensure.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–401, 18–405(b)(2), and 18–501(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–402(a), 18–405(a), 18–406, and 18–506
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education
18–401.

There is a program of senatorial scholarships in this State that are awarded under this subtitle.

18–402.

(a) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, each applicant for a senatorial scholarship shall:

(i) Take a competitive examination administered by the Office; and

(ii) 1. Be accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution; or

2. Be enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

(2) An applicant is exempt from the examination if the applicant:

(i) Is attending an eligible institution and has completed at least 1 year in good academic standing at the institution;

(ii) Graduated from high school at least 5 years before application for a senatorial scholarship;

(iii) Is accepted for admission to a private career institution, if the institution’s curriculum is approved by the Commission, and the institution is accredited by a national accrediting association approved by the United States Department of Education; or

(iv) Is planning to attend or is attending a Maryland community college.

(3) AN APPLICANT IS EXEMPT FROM THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION IF THE APPLICANT IS OR WAS ENROLLED IN A CERTIFICATE OR LICENSE PROGRAM, COURSE, OR SEQUENCE OF COURSES AT A COMMUNITY COLLEGE THAT LEADS TO CERTIFICATION OR LICENSURE.

18–405.

(a) Except as provided in subsection (d) of this section, a senatorial scholarship may be used only at any COMMUNITY COLLEGE OR undergraduate, graduate, or professional school in the State.
(b) A senatorial scholarship may be used:

(2) For educational expenses as defined by the Office, including:

(i) Tuition and mandatory fees; and

(ii) Room and board.

18–406.

(a) Except as otherwise provided in this section, each recipient of a senatorial scholarship may hold the scholarship for 4 undergraduate academic years, subject to §18–406.1 of this subtitle, and 4 graduate academic years if the recipient:

(1) Is a full–time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 12 semester hours of courses as an undergraduate or 9 semester hours of courses as a graduate student each semester leading to a degree.

(b) A recipient of an undergraduate or graduate senatorial scholarship may hold the scholarship, appropriately prorated, for 8 academic years if the recipient:

(1) Is a part–time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 6 semester hours of courses each semester leading to a degree.

(c) Any recipient of a senatorial scholarship may use up to one–half of the yearly award for summer school.

(d) A recipient of a senatorial scholarship who is enrolled in a terminal certificate program as provided in §18–402(a) of this subtitle may hold the scholarship for 2 years if the recipient is a full–time student and otherwise meets the conditions of subsection (a) of this section, or may hold the scholarship for 4 years if the recipient is a part–time student and otherwise meets the conditions of subsection (b) of this section.

(E) A recipient of a senatorial scholarship who is currently enrolled, or was enrolled within the last 2 years, in a certificate or license program, course, or sequence of courses at a community college that leads to certification or licensure, as provided in §
18–402(A)(3) OF THIS SUBTITLE, MAY USE THE SCHOLARSHIP TO REIMBURSE EDUCATIONAL EXPENSES AS DEFINED BY THE OFFICE UNDER § 18–405(B)(2) OF THIS SUBTITLE.

[(e)] (F) Each recipient of a senatorial scholarship who is enrolled in a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education:

(1) May hold the scholarship for the completion of one program if the student otherwise meets the conditions of subsection (a)(1) and (2) of this section; and

(2) Shall complete the program within the length of time prescribed by the institution for the completion of the program.

[(f)] (G) A recipient of a senatorial scholarship who is an individual who is on active duty with the United States military and otherwise meets the conditions of subsection (a) or (b) of this section may be domiciled in this State rather than a resident of this State.

18–501.

(a) There is a program of Delegate Scholarships in this State that are awarded under this subtitle.

18–506.

(a) As an alternative to the scholarship awards authorized by §§ 18–503 through 18–505 of this subtitle, and subject to the provisions of subsection (b) of this section, during each year in office each Delegate may award scholarships in a total amount equal to four times the tuition and mandatory fees for a full–time undergraduate student enrolled at the University of Maryland, College Park Campus for the academic year commencing in that year.

(b) A scholarship award under subsection (a) of this section:

(1) May not be for an amount less than $200 or more than one–half of the total amount of scholarships authorized by subsection (a) of this section for that year;

(2) Shall be used at an eligible institution;

(3) May be used by:

(i) A graduate, undergraduate, or professional student; [or]

(ii) A student at a private career school within the State that is approved by the Maryland Higher Education Commission under § 11–202 of this article
and that is accredited by a national accrediting association that is approved by the United States Department of Education; [and] OR

(III) A STUDENT WHO IS CURRENTLY ENROLLED OR WAS ENROLLED IN THE LAST 2 YEARS IN A CERTIFICATE OR LICENSE PROGRAM, COURSE, OR SEQUENCE OF COURSES AT A COMMUNITY COLLEGE THAT LEADS TO CERTIFICATION OR LICENSURE AND IS APPROVED BY THE COMMISSION AS REIMBURSEMENT FOR EDUCATIONAL EXPENSES THAT ARE DEFINED BY THE OFFICE AND INCLUDE TUITION, MANDATORY FEES, AND ROOM AND BOARD; AND

(4) To the extent it is not used by the student, shall be recredited to the Delegate’s scholarship account and may be awarded in the next 12 months by that Delegate to another student pursuant to this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 376

(Senate Bill 470)

AN ACT concerning

Higher Education – Senatorial and Delegate Scholarships – Reimbursement of Certificate and License Programs Expenses for Community College Certification and Licensure

FOR the purpose of authorizing certain recipients of a senatorial scholarship to use the scholarship to reimburse certain expenses for certificate or license programs or for certain courses or sequences of courses at community colleges; exempting certain applicants from the requirement that certain senatorial scholarship recipients take a certain examination and be enrolled in certain institutions; authorizing certain students to use a delegate scholarship to reimburse certain expenses for certificate or license programs or for certain courses or sequences of courses at community colleges; making certain stylistic changes; and generally relating to the use of senatorial and delegate scholarships for the reimbursement of expenses for certificate and license programs, courses, or sequences of courses at community colleges that lead to certification or licensure.

BY repealing and reenacting, without amendments, Article – Education
Section 18–401, 18–405(b), and 18–501(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–402(a), 18–405(a), 18–406, and 18–506
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

18–401.

There is a program of senatorial scholarships in this State that are awarded under
this subtitle.

18–402.

(a) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this
subsection, each applicant for a senatorial scholarship shall:

(i) Take a competitive examination administered by the Office; and

(ii) 1. Be accepted for admission in the regular undergraduate,
graduate, or professional program at an eligible institution; or

2. Be enrolled in a 2–year terminal certificate program in
which the course work is acceptable for transfer credit for an accredited baccalaureate
program in an eligible institution.

(2) An applicant is exempt from the examination if the applicant:

(i) Is attending an eligible institution and has completed at least 1
year in good academic standing at the institution;

(ii) Graduated from high school at least 5 years before application
for a senatorial scholarship;

(iii) Is accepted for admission to a private career institution, if the
institution’s curriculum is approved by the Commission, and the institution is accredited
by a national accrediting association approved by the United States Department of
Education; or
(iv) Is planning to attend or is attending a Maryland community college.

(3) An applicant is exempt from the requirements of paragraph (1) of this subsection if the applicant is or was enrolled in a certificate or license program, course, or sequence of courses at a community college that leads to certification or licensure.

18–405.

(a) Except as provided in subsection (d) of this section, a senatorial scholarship may be used only at any community college or undergraduate, graduate, or professional school in the State.

(b) A senatorial scholarship may be used:

(1) If the curriculum is approved by the Commission, at a degree granting institution of higher education, a hospital diploma school for training registered nurses, or to attend a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education as a full–time student; and

(2) For educational expenses as defined by the Office, including:

(i) Tuition and mandatory fees; and

(ii) Room and board.

18–406.

(a) Except as otherwise provided in this section, each recipient of a senatorial scholarship may hold the scholarship for 4 undergraduate academic years, subject to §18–406.1 of this subtitle, and 4 graduate academic years if the recipient:

(1) Is a full–time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 12 semester hours of courses as an undergraduate or 9 semester hours of courses as a graduate student each semester leading to a degree.

(b) A recipient of an undergraduate or graduate senatorial scholarship may hold the scholarship, appropriately prorated, for 8 academic years if the recipient:

(1) Is a part–time student;
(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 6 semester hours of courses each semester leading to a degree.

(c) Any recipient of a senatorial scholarship may use up to one-half of the yearly award for summer school.

(d) A recipient of a senatorial scholarship who is enrolled in a terminal certificate program as provided in § 18–402(a) of this subtitle may hold the scholarship for 2 years if [he] THE RECIPIENT is a full–time student and otherwise meets the conditions of subsection (a) of this section, or may hold the scholarship for 4 years if [he] THE RECIPIENT is a part–time student and otherwise meets the conditions of subsection (b) of this section.

(E) A RECIPIENT OF A SENATORIAL SCHOLARSHIP WHO IS CURRENTLY ENROLLED, OR WAS ENROLLED WITHIN THE LAST 2 YEARS, IN A CERTIFICATE OR LICENSE PROGRAM, COURSE, OR SEQUENCE OF COURSES AT A COMMUNITY COLLEGE THAT LEADS TO CERTIFICATION OR LICENSURE, AS PROVIDED IN § 18–402(A)(3) OF THIS SUBTITLE, MAY USE THE SCHOLARSHIP TO REIMBURSE EDUCATIONAL EXPENSES AS DEFINED BY THE OFFICE UNDER § 18–405(B)(2) OF THIS SUBTITLE.

[(e)] (F) Each recipient of a senatorial scholarship who is enrolled in a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education:

(1) May hold the scholarship for the completion of one program if the student otherwise meets the conditions of subsection (a)(1) and (2) of this section; and

(2) Shall complete the program within the length of time prescribed by the institution for the completion of the program.

[(f)] (G) A recipient of a senatorial scholarship who is an individual who is on active duty with the United States military and otherwise meets the conditions of subsection (a) or (b) of this section may be domiciled in this State rather than a resident of this State.

18–501.

(a) There is a program of Delegate Scholarships in this State that are awarded under this subtitle.

18–506.
(a) As an alternative to the scholarship awards authorized by §§ 18–503 through 18–505 of this subtitle, and subject to the provisions of subsection (b) of this section, during each year in office each Delegate may award scholarships in a total amount equal to four times the tuition and mandatory fees for a full–time undergraduate student enrolled at the University of Maryland, College Park Campus for the academic year commencing in that year.

(b) A scholarship award under subsection (a) of this section:

(1) May not be for an amount less than $200 or more than one–half of the total amount of scholarships authorized by subsection (a) of this section for that year;

(2) Shall be used at an eligible institution;

(3) May be used by:

(i) A graduate, undergraduate, or professional student; [or]

(ii) A student at a private career school within the State that is approved by the Maryland Higher Education Commission under § 11–202 of this article and that is accredited by a national accrediting association that is approved by the United States Department of Education; [and] OR

(III) A student who is currently enrolled or was enrolled in the last 2 years in a certificate or license program, course, or sequence of courses at a community college that leads to certification or licensure and is, approved by the Commission, as reimbursement for educational expenses that are defined by the Office and include tuition, mandatory fees, and room and board; AND

(4) To the extent it is not used by the student, shall be recredited to the Delegate’s scholarship account and may be awarded in the next 12 months by that Delegate to another student pursuant to this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

AN ACT concerning

Chapter 377

(House Bill 376)
Morgan State University – Board of Regents – Terms of Members

FOR the purpose of providing that certain members of the Board of Regents of Morgan State University whose terms are scheduled to expire on a certain date may serve up to a certain number of consecutive terms; making a stylistic change; and generally relating to the terms of members of the Board of Regents of Morgan State University.

BY repealing and reenacting, with amendments,
   Article – Education
   Section 14–102
   Annotated Code of Maryland
   (2014 Replacement Volume and 2017 Supplement)

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

Article – Education

14–102.

(a) The government of the University is vested in the Board of Regents.

(b) The Board of Regents consists of 15 members appointed by the Governor with the advice and consent of the Senate.

(c) (1) One member of the Board of Regents shall be a student in good academic standing at the University who:

   (i) Is at least 18 years old; and

   (ii) Has the qualifications required to be student body president.

   (2) The student member serves for a term of 1 year and until a successor is appointed and qualifies.

   (3) The student may be a resident of a state other than Maryland, but the residency status of the student may not be considered in determining the number of resident or nonresident regents as provided for in subsection (d)(2) of this section.

   (d) (1) (i) Except for the student member, each member serves for a term of 5 years and until a successor is appointed and qualifies. The terms are staggered as required by the terms of the members serving on December 31, 2012.
1795 Lawrence J. Hogan, Jr., Governor

Chapter 378

(ii) 1. [A] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A member may not serve more than two consecutive terms of 5 years.

2. A MEMBER WHOSE TERM IS SCHEDULED TO EXPIRE ON JUNE 30, 2019, MAY SERVE UP TO THREE CONSECUTIVE TERMS OF 5 YEARS.

   (2) Except for the student member, no more than 3 THREE members of the Board of Regents who are not alumni of Morgan State University may be residents of other states.

   (3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

   (e) Each member of the Board of Regents:

   (1) Serves without compensation; and

   (2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 378

(Senate Bill 342)

AN ACT concerning

Morgan State University – Board of Regents – Terms of Members

FOR the purpose of providing that certain members of the Board of Regents of Morgan State University whose terms are scheduled to expire on a certain date may serve up to a certain number of consecutive terms; making a stylistic change; and generally relating to the terms of members of the Board of Regents of Morgan State University.

BY repealing and reenacting, with amendments,

Article – Education
Section 14–102
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Education**

14–102.

(a) The government of the University is vested in the Board of Regents.

(b) The Board of Regents consists of 15 members appointed by the Governor with the advice and consent of the Senate.

(c) (1) One member of the Board of Regents shall be a student in good academic standing at the University who:

   (i) Is at least 18 years old; and

   (ii) Has the qualifications required to be student body president.

(2) The student member serves for a term of 1 year and until a successor is appointed and qualifies.

(3) The student may be a resident of a state other than Maryland, but the residency status of the student may not be considered in determining the number of resident or nonresident regents as provided for in subsection (d)(2) of this section.

(d) (1) (i) Except for the student member, each member serves for a term of 5 years and until a successor is appointed and qualifies. The terms are staggered as required by the terms of the members serving on December 31, 2012.

(ii) 1. **[A] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A member may not serve more than two consecutive terms of 5 years.**

2. **A MEMBER Whose TERM IS SCHEDULED TO EXPIRE ON JUNE 30, 2019, MAY SERVE UP TO THREE CONSECUTIVE TERMS OF 5 YEARS.**

(2) Except for the student member, no more than [3] THREE members of the Board of Regents who are not alumni of Morgan State University may be residents of other states.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.
(e) Each member of the Board of Regents:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 379

(House Bill 431)

AN ACT concerning

Foster Care Recipients and Unaccompanied Homeless Youth – Employment Program
(Fostering Employment Act of 2018)

FOR the purpose of establishing the Fostering Employment Program to provide employment opportunities for certain foster care recipients and unaccompanied homeless youth through training leading to certain credentials; requiring the Department of Human Services and the Department of Labor, Licensing, and Regulation jointly to supervise the Program; requiring the Department of Human Services, in coordination with the Department of Labor, Licensing, and Regulation, to develop and implement the Program and coordinate with local departments of social services and local workforce development boards; requiring the Program to provide certain foster care recipients and unaccompanied homeless youth with opportunities to obtain certain credentials through certain registered apprenticeship programs or certain job readiness training; establishing that a certain foster care recipient or unaccompanied homeless youth who meets certain requirements is eligible to receive funding under the Program; authorizing the Department of Human Services and the Department of Labor, Licensing, and Regulation jointly to adopt certain regulations; defining certain terms; and generally relating to the Fostering Employment Program.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 4–101(a) and (c)
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)
BY adding to
   Article – Human Services
   Section 4–305
   Annotated Code of Maryland
   (2007 Volume and 2017 Supplement)

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

   Article – Human Services

4–101.

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

   (c) “Department” means the Department of Human Services.

4–305.

   (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
       INDICATED.

       (2) “CREDENTIAL” MEANS A RECOGNIZED:

           (I) EDUCATIONAL DIPLOMA;

           (II) CERTIFICATE OR DEGREE;

           (III) OCCUPATIONAL LICENSE;

           (IV) APPRENTICESHIP CERTIFICATE;

           (V) INDUSTRY–RECOGNIZED CERTIFICATION; OR

           (VI) AWARD FOR SKILLS ATTAINMENT AND COMPLETION,
                ISSUED BY AN APPROVED TRAINING PROVIDER IN THE STATE OR
                THIRD–PARTY CREDENTIAL PROVIDER.

       (3) “FOSTER CARE RECIPIENT” HAS THE MEANING STATED IN §
            15–106.1 OF THE EDUCATION ARTICLE.

       (4) (I) “JOB READINESS TRAINING” MEANS TRAINING FOR THE
            PURPOSE OF ASSISTING AND SUPPORTING JOBSEEKERS IN
            OVERCOMING INDIVIDUAL BARRIERS TO EMPLOYMENT AND
            DEVELOPING THE SKILLS NECESSARY
TO MAINTAIN EMPLOYMENT AND TO QUALIFY FOR SKILLS TRAINING OPPORTUNITIES.

(II) "JOB READINESS TRAINING" INCLUDES:

1. OCCUPATIONAL SKILLS DEVELOPMENT;
2. GED PREPARATION;
3. LITERACY ADVANCEMENT;
4. FINANCIAL STABILITY SERVICES, INCLUDING FINANCIAL COACHING;
5. CREDIT COUNSELING; AND
6. ASSISTANCE IN MEETING TRAINING–RELATED TRANSPORTATION AND CHILD CARE NEEDS.

(5) "PROGRAM" MEANS THE FOSTERING EMPLOYMENT PROGRAM ESTABLISHED UNDER THIS SECTION.

(6) "REGISTERED APPRENTICESHIP PROGRAM" MEANS A FORMAL TRAINING PROGRAM APPROVED AND REGISTERED BY THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, OR BY THE UNITED STATES DEPARTMENT OF LABOR’S OFFICE OF APPRENTICESHIP.

(7) "TRAINING PROVIDER" MEANS AN ENTITY THAT:

(I) PROVIDES TRAINING AND EMPLOYMENT SERVICES TO INDIVIDUALS DESCRIBED IN § 11–504(B) OF THE LABOR AND EMPLOYMENT ARTICLE; OR

(II) IS AWARDED A STRATEGIC INDUSTRY PARTNERSHIP GRANT UNDER § 11–703 OF THE LABOR AND EMPLOYMENT ARTICLE.

(8) "UNACCOMPANIED HOMELESS YOUTH" HAS THE MEANING STATED IN § 15–106.1 OF THE EDUCATION ARTICLE MEANS A CHILD OR YOUTH WHO:

(I) HAS HAD A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE ENROLLMENT IN A JOB READINESS TRAINING PROGRAM OR REGISTERED APPRENTICESHIP PROGRAM THAT IS DOCUMENTED BY SCHOOL, EMPLOYMENT, OR OTHER RECORDS;
(II) is not in the physical custody of a parent or guardian;

(III) is a homeless child or youth, as defined by the McKinney–Vent Olivia Homeless Assistance Act; and

(IV) was determined to be a homeless child or youth by:

1. a Maryland local school system homeless liaison, as defined by the McKinney–Vent Olivia Homeless Assistance Act;

2. a director or a designee of the director of a Maryland–based program funded under the Runaway and Homeless Youth Act; or

3. a director or a designee of the director of a Maryland–based program funded under Title IV, Subtitle B of the McKinney–Vent Olivia Homeless Assistance Act.

(9) "Workforce development area" means a geographic area designated by the Governor in accordance with § 106 of the federal Workforce Innovation and Opportunity Act.

(B) there is a fostering employment program.

(C) the department and the Department of Labor, Licensing, and Regulation shall jointly supervise the program.

(D) the purpose of the program is to provide employment opportunities for foster care recipients and unaccompanied homeless youth through training that leads to industry–recognized credentials.

(E) the Department, in coordination with the Department of Labor, Licensing, and Regulation, shall:

1. develop and implement the program; and

2. coordinate with:

(i) the local departments of social services; and

(ii) the local workforce development boards in the state workforce development areas.
(F) THE PROGRAM SHALL PROVIDE FOSTER CARE RECIPIENTS AND UNACCOMPANIED HOMELESS YOUTH WITH OPPORTUNITIES TO OBTAIN CREDENTIALS THROUGH:

(1) A REGISTERED APPRENTICESHIP PROGRAM; OR

(2) JOB READINESS TRAINING.

(G) A FOSTER CARE RECIPIENT OR AN UNACCOMPANIED HOMELESS YOUTH WHO IS NOT OTHERWISE ELIGIBLE TO RECEIVE A TUITION EXEMPTION EXEMPT FROM PAYING TUITION UNDER § 15–106.1 OF THE EDUCATION ARTICLE IS ELIGIBLE TO RECEIVE FUNDING UNDER THE PROGRAM IF THE INDIVIDUAL IS:

(1) AT LEAST 16 YEARS OF AGE; AND

(2) ENROLLED IN:

(I) A REGISTERED APPRENTICESHIP PROGRAM; OR

(II) JOB READINESS TRAINING THROUGH A TRAINING PROVIDER FUNDED BY THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

(H) THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION JOINTLY MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 380
(Senate Bill 308)

AN ACT concerning

Foster Care Recipients and Unaccompanied Homeless Youth – Employment Program
(Fostering Employment Act of 2018)
FOR the purpose of establishing the Fostering Employment Program to provide employment opportunities for certain foster care recipients and unaccompanied homeless youth through training leading to certain credentials; requiring the Department of Human Services and the Department of Labor, Licensing, and Regulation jointly to supervise the Program; requiring the Department of Human Services, in coordination with the Department of Labor, Licensing, and Regulation, to develop and implement the Program and coordinate with local departments of social services and local workforce development boards; requiring the Program to provide certain foster care recipients and unaccompanied homeless youth with opportunities to obtain certain credentials through certain registered apprenticeship programs or certain job readiness training; establishing that a certain foster care recipient or unaccompanied homeless youth who meets certain requirements is eligible to receive funding under the Program; authorizing the Department of Human Services and the Department of Labor, Licensing, and Regulation jointly to adopt certain regulations; defining certain terms; and generally relating to the Fostering Employment Program.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 4–101(a) and (c)
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)

BY adding to
Article – Human Services
Section 4–305
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)

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

Article – Human Services

4–101.

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

(c) “Department” means the Department of Human Services.

4–305.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CREDENTIAL” MEANS A RECOGNIZED:
(I) EDUCATIONAL DIPLOMA;

(II) CERTIFICATE OR DEGREE;

(III) OCCUPATIONAL LICENSE;

(IV) APPRENTICESHIP CERTIFICATE;

(V) INDUSTRY–RECOGNIZED CERTIFICATION; OR

(VI) AWARD FOR SKILLS ATTAINMENT AND COMPLETION, ISSUED BY AN APPROVED TRAINING PROVIDER IN THE STATE OR THIRD–PARTY CREDENTIAL PROVIDER.

(3) “FOSTER CARE RECIPIENT” HAS THE MEANING STATED IN § 15–106.1 OF THE EDUCATION ARTICLE.

(4) (I) “JOB READINESS TRAINING” MEANS TRAINING FOR THE PURPOSE OF ASSISTING AND SUPPORTING JOBSEEKERS IN OVERCOMING INDIVIDUAL BARRIERS TO EMPLOYMENT AND DEVELOPING THE SKILLS NECESSARY TO MAINTAIN EMPLOYMENT AND TO QUALIFY FOR SKILLS TRAINING OPPORTUNITIES.

(II) “JOB READINESS TRAINING” INCLUDES:

1. OCCUPATIONAL SKILLS DEVELOPMENT;

2. GED PREPARATION;

3. LITERACY ADVANCEMENT;

4. FINANCIAL STABILITY SERVICES, INCLUDING FINANCIAL COACHING;

5. CREDIT COUNSELING; AND

6. ASSISTANCE IN MEETING TRAINING–RELATED TRANSPORTATION AND CHILD CARE NEEDS.

(5) “PROGRAM” MEANS THE FOSTERING EMPLOYMENT PROGRAM ESTABLISHED UNDER THIS SECTION.

(6) “REGISTERED APPRENTICESHIP PROGRAM” MEANS A FORMAL TRAINING PROGRAM APPROVED AND REGISTERED BY THE DEPARTMENT OF LABOR,
LICENSING, AND REGULATION, OR BY THE UNITED STATES DEPARTMENT OF LABOR’S OFFICE OF APPRENTICESHIP.

(7) “TRAINING PROVIDER” MEANS AN ENTITY THAT:

(I) PROVIDES TRAINING AND EMPLOYMENT SERVICES TO INDIVIDUALS DESCRIBED IN § 11–504(B) OF THE LABOR AND EMPLOYMENT ARTICLE; OR

(II) IS AWARDED A STRATEGIC INDUSTRY PARTNERSHIP GRANT UNDER § 11–703 OF THE LABOR AND EMPLOYMENT ARTICLE.

(8) “UNACCOMPANIED HOMELESS YOUTH” HAS THE MEANING STATED IN § 15–106.1 OF THE EDUCATION ARTICLE MEANS A CHILD OR YOUTH WHO:

(I) HAS HAD A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE ENROLLMENT IN A JOB READINESS TRAINING PROGRAM OR REGISTERED APPRENTICESHIP PROGRAM THAT IS DOCUMENTED BY SCHOOL, EMPLOYMENT, OR OTHER RECORDS;

(II) IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR-guardian;

(III) IS A HOMELESS CHILD OR YOUTH, AS DEFINED BY THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT; AND

(IV) WAS DETERMINED TO BE A HOMELESS CHILD OR YOUTH BY:

1. A MARYLAND LOCAL SCHOOL SYSTEM HOMELESS LIAISON, AS DEFINED BY THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT;

2. A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A MARYLAND–BASED PROGRAM FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT; OR


(9) “WORKFORCE DEVELOPMENT AREA” MEANS A GEOGRAPHIC AREA DESIGNATED BY THE GOVERNOR IN ACCORDANCE WITH § 106 OF THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT.

(B) THERE IS A FOSTERING EMPLOYMENT PROGRAM.
(C) The Department and the Department of Labor, Licensing, and Regulation shall jointly supervise the Program.

(D) The purpose of the Program is to provide employment opportunities for foster care recipients and unaccompanied homeless youth through training that leads to industry-recognized credentials.

(E) The Department, in coordination with the Department of Labor, Licensing, and Regulation, shall:

(1) Develop and implement the Program; and

(2) Coordinate with:

(1) The local departments of social services; and

(II) The local workforce development boards in the State workforce development areas.

(F) The Program shall provide foster care recipients and unaccompanied homeless youth with opportunities to obtain credentials through:

(1) A registered apprenticeship program; or

(2) Job readiness training.

(G) A foster care recipient or an unaccompanied homeless youth who is not otherwise eligible to receive a tuition exemption exempt from paying tuition under § 15–106.1 of the Education Article is eligible to receive funding under the Program if the individual is:

(1) At least 16 years of age; and

(2) Enrolled in:

(1) A registered apprenticeship program; or

(II) Job readiness training through a training provider funded by the Department of Labor, Licensing, and Regulation.
(H) **THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION JOINTLY MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

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**Chapter 381**

(House Bill 568)

AN ACT concerning

**Education – Student Data Governance**

FOR the purpose of requiring the State Department of Education, in consultation with the Department of Information Technology and county boards of education, to develop and update certain best practices for certain county boards on data governance policies and procedures and for certain professional development; authorizing a county board to implement certain professional development; requiring the State Department of Education to develop certain strategies to coordinate and assist certain data governance staff to implement certain best practices; authorizing a county board to designate a certain employee to manage and maintain a certain data governance program; requiring the State Department of Education to adopt certain regulations; requiring the State Department of Education to report certain information to certain committees of the General Assembly on or before certain dates; defining a certain **terms**; and generally relating to student data governance.

BY repealing and reenacting, without amendments,

Article – Education
Section 1–101(a), (d), and (f)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education
Section 7–2001 through 7–2005 to be under the new subtitle “Subtitle 20. Student Data Governance”
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

1–101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(d) “County board” means the board of education of a county and includes the Baltimore City Board of School Commissioners.

(f) “Department” means the State Department of Education.

SUBTITLE 20. STUDENT DATA GOVERNANCE.


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

(B) “PERSONALLY IDENTIFIABLE INFORMATION” MEANS INFORMATION:

(1) THAT, ALONE OR IN COMBINATION, PERSONALLY IDENTIFIES OR MAKES IT POSSIBLE TO PERSONALLY IDENTIFY AN INDIVIDUAL STUDENT WITH REASONABLE CERTAINTY.

(C) “STUDENT DATA” MEANS ANY PERSONALLY IDENTIFIABLE INFORMATION RELATING TO AN IDENTIFIED OR IDENTIFIABLE STUDENT IN THE STATE, OR THAT IS LINKED TO INFORMATION OR MATERIAL THAT PERSONALLY IDENTIFIES AN INDIVIDUAL IN THE STATE; AND

(2) IS COLLECTED, MAINTAINED, OR GENERATED BY A COUNTY BOARD, EITHER DIRECTLY OR INDIRECTLY THROUGH A SCHOOL SERVICE OR BY A SCHOOL SERVICE CONTRACT PROVIDER.

7–2002.

THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY AND COUNTY BOARDS, SHALL DEVELOP AND UPDATE BEST PRACTICES FOR COUNTY BOARDS TO:

(1) MANAGE AND MAINTAIN DATA PRIVACY AND SECURITY PRACTICES IN THE PROCESSING OF STUDENT DATA AND PERSONALLY
IDENTIFIABLE INFORMATION ACROSS THE COUNTY BOARD’S INFORMATION TECHNOLOGY AND RECORDS MANAGEMENT SYSTEMS;

(2) DEVELOP AND IMPLEMENT:

(I) A DATA PRIVACY AND SECURITY INCIDENT RESPONSE PLAN;

(II) A BREACH NOTIFICATION PLAN; AND

(III) PROCEDURES AND REQUIREMENTS FOR ALLOWING ACCESS TO STUDENT DATA AND PERSONALLY IDENTIFIABLE INFORMATION FOR A LEGITIMATE RESEARCH PURPOSE; AND

(3) PUBLISH INFORMATION ANNUALLY ON:

(I) TYPES OF STUDENT DATA AND PERSONALLY IDENTIFIABLE INFORMATION PROCESSED BY THE COUNTY BOARD, THE PROTOCOLS FOR PROCESSING STUDENT DATA, AND THE RATIONALES FOR SELECTING PROCESSING PROTOCOLS;

(II) CONTRACTED SERVICES THAT INVOLVE SHARING STUDENT DATA BETWEEN A COUNTY BOARD AND A SCHOOL SERVICE CONTRACT PROVIDER; AND

(III) PROCEDURES AND RATIONALES FOR VETTING AND SELECTING INTERNET SITES, SERVICES, AND APPLICATIONS.

7–2003.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY AND COUNTY BOARDS, SHALL DEVELOP AND UPDATE BEST PRACTICES FOR PROFESSIONAL DEVELOPMENT ON DATA GOVERNANCE POLICIES AND PROCEDURES.

(B) A COUNTY BOARD MAY IMPLEMENT THE BEST PRACTICES FOR PROFESSIONAL DEVELOPMENT ON DATA GOVERNANCE POLICIES AND PROCEDURES DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.


(A) THE DEPARTMENT SHALL DEVELOP STRATEGIES TO COORDINATE AND ASSIST LOCAL DATA GOVERNANCE STAFF IN THE COUNTIES TO IMPLEMENT BEST PRACTICES DEVELOPED UNDER § 7–2002 OF THIS SUBTITLE.
(B) A COUNTY BOARD MAY DESIGNATE AN EMPLOYEE TO MANAGE AND MAINTAIN A DATA GOVERNANCE PROGRAM IN THE COUNTY THAT MEETS THE REQUIREMENTS OF § 7–2002 OF THIS SUBTITLE.

§ 7–2005.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2019, and July 1, 2020, the State Department of Education shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article, on the status of the following:

(1) development and implementation of best practices in the areas of data governance, transparency, and professional development;

(2) levels of engagement by county boards;

(3) barriers to engagement, if any, including fiscal, statutory, or workplace obstacles; and

(4) any recommended statutory changes.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 382

(House Bill 593)

AN ACT concerning

Income Tax – Student Loan Tax Credit

FOR the purpose of expanding the student loan tax credit that allows certain individuals with certain student loan debt amounts to claim a credit against the State income tax to include graduate student loan debt; altering a certain definition; providing for the application of this Act; and generally relating to a student loan tax credit.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–740
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General

10–740.

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

(2) “Commission” means the Maryland Higher Education Commission.

(3) “Qualified taxpayer” means an individual who has:

(i) incurred at least $20,000 in undergraduate OR GRADUATE student loan debt OR BOTH; and

(ii) has at least $5,000 in outstanding undergraduate OR GRADUATE student loan debt OR BOTH when submitting an application under subsection (c) of this section.

(b) Subject to the limitations of this section, a qualified taxpayer may claim a credit against the State income tax for the taxable year in which the Commission certifies a tax credit under this section.

(c) (1) (i) By September 15 of each year, an individual shall submit an application to the Commission for the credit allowed under this section.

(ii) The individual shall submit with the application an assurance that the individual will use any credit approved under this section for the repayment of the individual’s undergraduate OR GRADUATE student loan debt OR BOTH as soon as practicable.

(iii) 1. The total amount of the credit claimed under this section shall be recaptured if the individual does not use the credit approved under this section for the repayment of the individual’s undergraduate OR GRADUATE student loan debt OR BOTH within 2 years from the close of the taxable year for which the credit is claimed.

2. The individual who claimed the credit shall pay the total amount of the credit claimed as taxes payable to the State for the taxable year in which the event requiring recapture of the credit occurs.
(2) By December 15 of each year the Commission shall certify to the individual the amount of any tax credit approved by the Commission under this section, not to exceed $5,000.

(3) For any taxable year, the total amount of credits approved by the Commission under this section may not exceed $5,000,000.

(4) To claim the tax credit allowed under this section, an individual shall attach a copy of the Commission’s certification of the approved credit amount to the income tax return.

(d) The Commission shall prioritize tax credit recipients and amounts based on qualified taxpayers who:

(1) have higher debt burden to income ratios;
(2) graduated from an institution of higher education located in the State;
(3) did not receive a tax credit in a prior year; or
(4) were eligible for in-State tuition.

(e) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the qualified taxpayer for that taxable year, the qualified taxpayer may claim a refund in the amount of the excess.

(f) The Commission shall establish and implement by September 1, 2016, an outreach and marketing plan to make eligible taxpayers aware of the availability of the tax credit provided under this section.

(g) The Commission shall adopt regulations to carry out the provisions of this section.

(h) The tax credit under this section shall be referred to as the Student Loan Debt Relief Tax Credit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.

Approved by the Governor, May 8, 2018.
AN ACT concerning

Education – Assessments – Administration by Public School Employees

FOR the purpose of authorizing certain principals to select certain employees to administer certain assessments under certain circumstances; requiring a local superintendent to review and approve a principal’s employee selection for administering a certain assessment before the assessment is administered; making a certain stylistic change; and generally relating to the administration of assessments in public schools.

BY repealing and reenacting, with amendments,

Article – Education
Section 7–203.3
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–203.3.

(a) (1) In this section, “assessment” means a locally, State, or federally mandated test that is intended to measure a student’s academic readiness, learning progress, and skill acquisition.

(2) “Assessment” does not include a teacher–developed quiz or test.

(b) This section does not apply to an assessment or test given to a student relating to:

(1) A student’s 504 plan;

(2) The federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400; or

(3) Federal law relating to English language learners.

(c) The (1) Subject to paragraph (2) of this subsection, unless a multistate assessment consortium in which the State participates requires certificated education professionals to administer an assessment, the principal of a public school may select any employee to administer an assessment.
THE LOCAL SUPERINTENDENT SHALL REVIEW AND APPROVE THE PRINCIPAL’S SELECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE THE ASSESSMENT IS ADMINISTERED.

For each assessment administered in a local school system, each county board shall provide the following information:

1. The title of the assessment;
2. The purpose of the assessment;
3. Whether the assessment is mandated by a local, State, or federal entity;
4. The grade level or subject area, as appropriate, to which the test is administered;
5. The testing window of the assessment; and
6. Whether accommodations are available for students with special needs and what the accommodations are.

On or before October 15 of each year, the information required under subsection [(c)] (D) of this section shall be:

1. Updated;
2. Posted on the [Web site] WEBSITE of the county board; and
3. Included in the annual update of the county board’s master plan required under § 5–401 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 384
(Senate Bill 562)

AN ACT concerning

Education – Assessments – Administration by Public School Employees
FOR the purpose of authorizing certain principals to select certain employees to administer certain assessments under certain circumstances; requiring a local superintendent to review and approve a principal’s employee selection for administering a certain assessment before the assessment is administered; making a certain stylistic change; and generally relating to the administration of assessments in public schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–203.3
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–203.3.

(a) (1) In this section, “assessment” means a locally, State, or federally mandated test that is intended to measure a student’s academic readiness, learning progress, and skill acquisition.

(2) “Assessment” does not include a teacher–developed quiz or test.

(b) This section does not apply to an assessment or test given to a student relating to:

(1) A student’s 504 plan;

(2) The federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400; or

(3) Federal law relating to English language learners.

(C) (1) The subject to paragraph (2) of this subsection, unless a multistate assessment consortium in which the State participates requires certificated education professionals to administer an assessment, the principal of a public school may select any employee to administer an assessment.

(2) The local superintendent shall review and approve the principal’s selection under paragraph (1) of this subsection before the assessment is administered.
For each assessment administered in a local school system, each county board shall provide the following information:

1. The title of the assessment;
2. The purpose of the assessment;
3. Whether the assessment is mandated by a local, State, or federal entity;
4. The grade level or subject area, as appropriate, to which the test is administered;
5. The testing window of the assessment; and
6. Whether accommodations are available for students with special needs and what the accommodations are.

On or before October 15 of each year, the information required under subsection [(c) (D)] of this section shall be:

1. Updated;
2. Posted on the [Web site] WEBSITE of the county board; and
3. Included in the annual update of the county board’s master plan required under § 5–401 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 385
(Senate Bill 161)

AN ACT concerning
Public and Nonpublic Schools – Student Students With Sickle Cell Disease Management Programs – Guidelines

FOR the purpose of requiring the State Department of Education and the Maryland Department of Health, in collaboration with certain individuals, to establish certain guidelines for certain employees to utilize in the management of a student’s sickle cell disease while the student is on the premises of a public or nonpublic school.
during certain hours and at school-sponsored activities; requiring a county board of education, on or before a certain date, to establish a policy for public schools within its jurisdiction to utilize certain guidelines; requiring a county board to require certain public schools to establish a sickle cell disease management program in the schools; requiring a nonpublic school, on or before a certain date, to utilize certain guidelines to establish a certain sickle cell disease management program in the school; specifying the purpose and requirements of a sickle cell disease management program; authorizing certain employees to volunteer in a certain program; prohibiting a school from compelling certain employees to participate in a certain program; requiring a parent or a guardian of a certain student who receives sickle cell disease care at a school to submit a certain sickle cell disease school management plan to the school; requiring a public school to conduct a sickle cell disease school management plan review meeting within a certain time frame; authorizing a certain student to perform certain tasks under certain circumstances; providing that the provision of certain sickle cell disease care services by certain employees may not be construed as the performance of certain acts of practical nursing or registered nursing; granting certain immunity to certain employees for certain acts or omissions in the course of providing certain health care services, except under certain circumstances; defining certain terms; and generally relating to the establishment of student sickle cell disease management programs in public and nonpublic schools, public schools regarding the administration of health care services to students with sickle cell disease; requiring the guidelines to include certain items; requiring the State Department of Education and the Maryland Department of Health to provide certain technical assistance and develop a process to monitor the implementation of the guidelines; requiring the State Department of Education and the Maryland Department of Health to, in consultation with certain stakeholders, establish a certain plan for public school health services programs in the State; requiring the State Department of Education and the Maryland Department of Health to report on or before a certain date on the implementation of this Act to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means; and generally relating to the establishment of guidelines for public schools on students with sickle cell disease.

BY adding to
Article – Education
Section 7–441
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–441.
(A) (1) In this section the following words have the meanings indicated.

(2) "Employee" means an individual who is employed by a county board, including part-time employees, certified and noncertified substitute teachers employed by the county board for at least 7 days each school year, and administrative staff.

(3) "Program" means a student sickle cell disease management program.

(4) "School-sponsored activities" includes field trips and extracurricular activities.

(5) "Sickle cell disease school management plan" means a plan developed by a student’s physician that describes the health care services needed by the student for the management of the student’s sickle cell disease at school.

(6) "Trained sickle cell disease management employee" means an employee trained in the recognition of the symptoms of sickle cell disease.

(B) (1) On or before December 1, 2018, the Department and the Maryland Department of Health shall develop guidelines for employees to utilize in the management of a student’s sickle cell disease while the student is on the premises of a public or nonpublic school during school hours and at school-sponsored activities, in collaboration with the following individuals who have expertise, special skill, or knowledge derived from training or experience in the care and management of sickle cell disease:

(i) Two pediatric hematologists with specific training and practice in sickle cell disease;

(ii) A parent of a public school student with sickle cell disease;

(iii) A parent of a nonpublic school student with sickle cell disease;

(iv) A public school student with sickle cell disease;
(v) A nonpublic school student with sickle cell disease;
(vi) A school nurse employed by a county board;
(vii) A school nurse employed by a nonpublic school;
(viii) A representative of a public school system; and
(ix) A representative of nonpublic schools. Public schools regarding the administration of health care services to students with sickle cell disease.

(2) (B) The guidelines shall include instruction on:

(i) Appropriate actions to take when a student’s sickle cell disease symptoms are at emergency alert levels as detailed in the student’s sickle cell disease school management plan; and

(ii) Methods to communicate with the parent or guardian of the student, a physician, and emergency personnel.

(C) On or before July 1, 2019, a county board shall establish a policy for public schools within its jurisdiction to utilize the guidelines established under subsection (b) of this section in the management of a student’s sickle cell disease while the student is on the premises of a public school during school hours and at school-sponsored activities.

(D) (1) A county board shall require each public school in the local school system to establish a student sickle cell disease management program in the school.

(2) On or before July 1, 2019, each nonpublic school shall utilize the guidelines established in subsection (b) of this section to establish a student sickle cell disease management program in the school.

(3) The purpose of the sickle cell disease school management program is to have employees available to take appropriate action as described in the student’s sickle cell disease school management plan while the student is on the premises of a public or a nonpublic school during school hours and at school-sponsored activities.
(E) (1) The program shall:

(i) Provide training for employees to become knowledgeable in sickle cell disease emergency care procedures before the start of a school year or when required by the enrollment in the school of a student with sickle cell disease;

(ii) Require a trained sickle cell disease management employee to be on-site and available to provide sickle cell disease care services to a student with a sickle cell disease school management plan during school hours and, if possible, at school-sponsored activities;

(iii) Require school employees to discuss, with the student and the parent or guardian of the student, appropriate accommodations for a student with sickle cell disease;

(iv) Establish a system of communication between school administrators and the school faculty, a school nurse, a trained sickle cell disease management employee, a parent or guardian of a student with a sickle cell disease school management plan, and a student with a sickle cell disease school management plan;

(v) Facilitate the access of an authorized school employee to student sickle cell disease school management plans; and

(vi) Establish procedures for the response to and management of sickle cell disease-related emergencies.

(2) (i) Any employee may volunteer to participate in the program and be trained to become a trained sickle cell disease management employee.

(ii) A public or nonpublic school may not compel any employee to participate in the program.

(3) A trained sickle cell disease management employee who participates in the program shall agree to monitor sickle cell disease symptoms, including:

(i) Complaints of pain, including chest pain;

(ii) Complaints of difficulty breathing;
(III) Fever (101 degrees Fahrenheit/38 degrees Celsius or greater);

(IV) Jaundice or paleness;

(V) Extreme fatigue;

(VI) Swelling of hands and feet;

(VII) Severe headaches;

(VIII) Seizures; and

(IX) Other neurologic symptoms, including sudden vision changes, slurred speech, weakness or inability to move any part of the body, or loss of consciousness.

(f) (1) The parent or guardian of a student with sickle cell disease who receives sickle cell disease care at school shall submit a sickle cell disease school management plan to the school.

(2) Each student’s sickle cell disease school management plan shall be reviewed in a meeting of the following individuals:

(i) A parent or guardian of the student;

(ii) A parent advocate, if requested by the parent or guardian;

(iii) The student;

(iv) The school nurse;

(v) The student’s classroom teacher;

(vi) Each trained sickle cell disease management employee at the school who may be required to provide care to the student; and

(vii) Any other individuals determined to be necessary by the school.
A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN REVIEW MEETING SHALL BE HELD WITHIN 30 DAYS AFTER THE DATE THE SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN IS SUBMITTED TO THE SCHOOL.

(4) If a student’s sickle cell disease school management plan states that the student may perform specified sickle cell disease care tasks independently, the student may independently perform the specified tasks.

(G) Notwithstanding any other provision of law, the provision of sickle cell disease care services by a trained sickle cell disease management employee in accordance with this section may not be construed as performing acts of practical nursing or registered nursing under Title 8 of the Health Occupations Article.

(H) Except for any willful or grossly negligent act, an employee who responds in good faith to provide health care services to a student as provided in the student’s sickle cell disease school management plan in accordance with this section may not be held personally liable for any act or omission in the course of providing the health care services.

(1) Procedures for educating clinical and nonclinical school personnel and individuals who work with students who are participating in school-related activities about symptoms of distress related to sickle cell disease;

(2) Protocols to ensure students with sickle cell disease receive care as determined by orders from the student’s provider and the school nurse’s assessment during school and school-sponsored after-school activities; and

(3) Any other issue pertaining to the administration of health care services to students with sickle cell disease.

(C) On or before December 1, 2018, the Department and the Maryland Department of Health shall:

(1) Provide technical assistance to schools to:

(1) Implement the guidelines established under this section; and

(II) Instruct school personnel at the local level regarding the guidelines established under this section; and
(2) DEVELOP A PROCESS TO MONITOR THE IMPLEMENTATION OF THE GUIDELINES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of the Education and the Maryland Department of Health, in consultation with local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school health services programs in the State to provide sickle cell disease management services through implementation of policies and programs so students with sickle cell disease management can:

(1) remain safe in school;

(2) be supported for optimal academic achievement; and

(3) fully participate in all aspects of school programming, including after–school activities and other school–sponsored events.

(b) On or before December 1, 2018, the State Department of Education and the Maryland Department of Health shall report on the implementation of 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 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 386
(House Bill 622)

AN ACT concerning Public and Nonpublic Schools – Student Students With Sickle Cell Disease Management Programs – Guidelines

FOR the purpose of requiring the State Department of Education and the Maryland Department of Health, in collaboration with certain individuals, to establish certain guidelines for certain employees to utilize in the management of a student’s sickle cell disease while the student is on the premises of a public or nonpublic school during certain hours and at school–sponsored activities; requiring a county board of education, on or before a certain date, to establish a policy for public schools within
its jurisdiction to utilize certain guidelines; requiring a county board to require certain public schools to establish a sickle cell disease management program in the schools; requiring a nonpublic school, on or before a certain date, to utilize certain guidelines to establish a certain sickle cell disease management program in the school; specifying the purpose and requirements of a sickle cell disease management program; authorizing certain employees to volunteer in a certain program; prohibiting a school from compelling certain employees to participate in a certain program; requiring a parent or a guardian of a certain student who receives sickle cell disease care at a school to submit a certain sickle cell disease school management plan to the school; requiring a public school to conduct a sickle cell disease school management plan review meeting within a certain time frame; authorizing a certain student to perform certain tasks under certain circumstances; providing that the provision of certain sickle cell disease care services by certain employees may not be construed as the performance of certain acts of practical nursing or registered nursing; granting certain immunity to certain employees for certain acts or omissions in the course of providing certain health care services, except under certain circumstances; defining certain terms; and generally relating to the establishment of student sickle cell disease management programs in public and nonpublic schools.

BY adding to
Article – Education
Section 7–441
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–441.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
(2) “EMPLOYEE” means an individual who is employed by a county board, including part-time employees, certified and noncertified substitute teachers employed by the county board for at least 7 days each school year, and administrative staff.

(3) “Program” means a student sickle cell disease management program.

(4) “School-sponsored activities” includes field trips and extracurricular activities.

(5) “Sickle cell disease school management plan” means a plan developed by a student’s physician that describes the health care services needed by the student for the management of the student’s sickle cell disease at school.

(6) “Trained sickle cell disease management employee” means an employee trained in the recognition of the symptoms of sickle cell disease.

(B) ON OR BEFORE DECEMBER 1, 2018, THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH SHALL DEVELOP GUIDELINES FOR EMPLOYEES TO UTILIZE IN THE MANAGEMENT OF A STUDENT'S SICKLE CELL DISEASE WHILE THE STUDENT IS ON THE PREMISES OF A PUBLIC OR NONPUBLIC SCHOOL DURING SCHOOL HOURS AND AT SCHOOL-SPONSORED ACTIVITIES, IN COLLABORATION WITH THE FOLLOWING INDIVIDUALS WHO HAVE EXPERTISE, SPECIAL SKILL, OR KNOWLEDGE DERIVED FROM TRAINING OR EXPERIENCE IN THE CARE AND MANAGEMENT OF SICKLE CELL DISEASE:

(I) TWO PEDIATRIC HEMATOLOGISTS WITH SPECIFIC TRAINING AND PRACTICE IN SICKLE CELL DISEASE;

(II) A PARENT OF A PUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;

(III) A PARENT OF A NONPUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;

(IV) A PUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;

(V) A NONPUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;

(VI) A SCHOOL NURSE EMPLOYED BY A COUNTY BOARD;
(VII) A school nurse employed by a nonpublic school;

(VIII) A representative of a public school system; and

(IX) A representative of nonpublic schools.

Public schools regarding the administration of health care services to students with sickle cell disease.

(2) (B) The guidelines shall include instruction on:

(i) Appropriate actions to take when a student’s sickle cell disease symptoms are at emergency alert levels as detailed in the student’s sickle cell disease school management plan; and

(ii) Methods to communicate with the parent or guardian of the student, a physician, and emergency personnel.

(C) On or before July 1, 2019, a county board shall establish a policy for public schools within its jurisdiction to utilize the guidelines established under subsection (B) of this section in the management of a student’s sickle cell disease while the student is on the premises of a public school during school hours and at school-sponsored activities.

(D) (1) A county board shall require each public school in the local school system to establish a student sickle cell disease management program in the school.

(2) On or before July 1, 2019, each nonpublic school shall utilize the guidelines established in subsection (B) of this section to establish a student sickle cell disease management program in the school.

(3) The purpose of the sickle cell disease school management program is to have employees available to take appropriate action as described in the student’s sickle cell disease school management plan while the student is on the premises of a public or a nonpublic school during school hours and at school-sponsored activities.

(E) (1) The program shall:
(I) Provide training for employees to become knowledgeable in sickle cell disease emergency care procedures before the start of a school year or when required by the enrollment in the school of a student with sickle cell disease;

(II) Require a trained sickle cell disease management employee to be on-site and available to provide sickle cell disease care services to a student with a sickle cell disease school management plan during school hours and, if possible, at school-sponsored activities;

(III) Require school employees to discuss, with the student and the parent or guardian of the student, appropriate accommodations for a student with sickle cell disease;

(IV) Establish a system of communication between school administrators and the school faculty, a school nurse, a trained sickle cell disease management employee, a parent or guardian of a student with a sickle cell disease school management plan, and a student with a sickle cell disease school management plan;

(V) Facilitate the access of an authorized school employee to student sickle cell disease school management plans; and

(VI) Establish procedures for the response to and management of sickle cell disease-related emergencies.

(2) (I) Any employee may volunteer to participate in the program and be trained to become a trained sickle cell disease management employee.

(II) A public or nonpublic school may not compel any employee to participate in the program.

(3) A trained sickle cell disease management employee who participates in the program shall agree to monitor sickle cell disease symptoms, including:

(I) Complaints of pain, including chest pain;

(II) Complaints of difficulty breathing;

(III) Fever (101 degrees Fahrenheit/38 degrees Celsius or greater);
(IV) JAUNDICE OR PALENESS;

(V) EXTREME FATIGUE;

(VI) SWELLING OF HANDS AND FEET;

(VII) SEVERE HEADACHES;

(VIII) SEIZURES; AND

(IX) OTHER NEUROLOGIC SYMPTOMS, INCLUDING SUDDEN VISION CHANGES, SLURRED SPEECH, WEAKNESS OR INABILITY TO MOVE ANY PART OF THE BODY, OR LOSS OF CONSCIOUSNESS.

(F) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH SICKLE CELL DISEASE WHO RECEIVES SICKLE CELL DISEASE CARE AT SCHOOL SHALL SUBMIT A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN TO THE SCHOOL.

(2) EACH STUDENT’S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN SHALL BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:

(i) A PARENT OR GUARDIAN OF THE STUDENT;

(ii) A PARENT ADVOCATE, IF REQUESTED BY THE PARENT OR GUARDIAN;

(iii) THE STUDENT;

(iv) THE SCHOOL NURSE;

(v) THE STUDENT’S CLASSROOM TEACHER;

(vi) EACH TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE AT THE SCHOOL WHO MAY BE REQUIRED TO PROVIDE CARE TO THE STUDENT; AND

(vii) ANY OTHER INDIVIDUALS DETERMINED TO BE NECESSARY BY THE SCHOOL.

(3) A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN REVIEW MEETING SHALL BE HELD WITHIN 30 DAYS AFTER THE DATE THE SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN IS SUBMITTED TO THE SCHOOL.
(4) If a student’s sickle cell disease school management plan states that the student may perform specified sickle cell disease care tasks independently, the student may independently perform the specified tasks.

(G) Notwithstanding any other provision of law, the provision of sickle cell disease care services by a trained sickle cell disease management employee in accordance with this section may not be construed as performing acts of practical nursing or registered nursing under Title 8 of the Health Occupations Article.

(H) Except for any willful or grossly negligent act, an employee who responds in good faith to provide health care services to a student as provided in the student's sickle cell disease school management plan in accordance with this section may not be held personally liable for any act or omission in the course of providing the health care services.

(1) Procedures for educating clinical and nonclinical school personnel and individuals who work with students who are participating in school–related activities about symptoms of distress related to sickle cell disease;

(2) Protocols to ensure students with sickle cell disease receive care as determined by orders from the student’s provider and the school nurse’s assessment during school and school–sponsored after–school activities; and

(3) Any other issue pertaining to the administration of health care services to students with sickle cell disease.

(C) On or before December 1, 2018, the Department and the Maryland Department of Health shall:

(1) Provide technical assistance to schools to:

   (1) Implement the guidelines established under this section; and

   (II) Instruct school personnel at the local level regarding the guidelines established under this section; and

(2) Develop a process to monitor the implementation of the guidelines.
SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of the Education and the Maryland Department of Health, in consultation with local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school health services programs in the State to provide sickle cell disease management services through implementation of policies and programs so students with sickle cell disease management can:

(1) remain safe in school;

(2) be supported for optimal academic achievement; and

(3) fully participate in all aspects of school programming, including after-school activities and other school-sponsored events.

(b) On or before December 1, 2018, the State Department of Education and the Maryland Department of Health shall report on the implementation of 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 this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 387

(House Bill 693)

AN ACT concerning

State Education Aid – Tax Increment Financing Development Districts – Repeal of Sunset Provision

FOR the purpose of repealing the termination provision of a certain provision of law relating to the annual certification of the amount of assessable base for certain real property for the purposes of calculating certain State education aid; and generally relating to the calculation of education aid for primary and secondary education.

BY repealing and reenacting, with amendments,
Section 4

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

Chapter 258 of the Acts of 2016

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. [It shall remain effective for a period of 3 years and 1 month 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.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 388

(House Bill 781)

AN ACT concerning

Higher Education – Educational Excellence Award Eligibility – High School Diploma by Examination

FOR the purpose of specifying that a certain requirement to obtain a high school diploma shall be satisfied if a certain individual has obtained a high school diploma by examination exempting certain individuals from certain requirements relating to the Guaranteed Access Grant, subject to certain qualifications; requiring certain individuals to meet certain qualifications under certain circumstances; altering a certain age for eligibility for the Guaranteed Access Grant under certain circumstances; providing for a delayed effective date for a certain provision of this Act; and generally relating to the eligibility for a Delegate Howard P. Rawlings Educational Excellence Award.

BY repealing and reenacting, without amendments,

Article – Education
Section 18–301(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education
Section 18–303.2
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)
BY repealing and reenacting, with amendments,
Article – Education
Section 18–303
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–303(c)
Annotated Code of Maryland
(2018 Replacement Volume)
(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 – Education

18–301.

(a) There is a Delegate Howard P. Rawlings Program of Educational Excellence Awards in this State that are awarded under this subtitle.

18–303.2.

A REQUIREMENT UNDER THIS SUBTITLE TO OBTAIN A HIGH SCHOOL DIPLOMA
SHALL BE SATISFIED IF THE INDIVIDUAL HAS SUCCESSFULLY OBTAINED A HIGH
SCHOOL DIPLOMA BY EXAMINATION UNDER § 11–808 OF THE LABOR AND
EMPLOYMENT ARTICLE.

18–303.

(a) Subject to subsection [(d)] (E) of this section, each recipient of a Delegate Howard P. Rawlings Educational Excellence Award shall:

(1) Be accepted for admission in the regular undergraduate program at an eligible institution or be enrolled in a 2–year associate degree program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution;

(2) Be a resident of this State;

(3) Demonstrate to the Office a definite financial need; and

(4) Accept any other conditions attached to the award.
(b) Each recipient of a Guaranteed Access Grant shall:

   (1) Have attained a grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school and have completed high school or, failing to do so, on the recommendation of the recipient’s high school principal, provide evidence satisfactory to the Office of extenuating circumstances;

   (2) Begin college within 1 year of completing high school or, failing to do so, provide evidence satisfactory to the Office of extenuating circumstances;

   (3) Be under the age of 22 years at the time of receiving the first award;

   (4) Have successfully completed a college preparatory program in high school;

   (5) Enroll in college as a full–time student;

   (6) Subject to subsection [(c) (D)] of this section, have an annual family income below a poverty index determined by the Commission; and

   (7) Satisfy any additional criteria the Commission may establish.

(C) (1) Subject to paragraph (2) of this subsection, an individual who has successfully obtained a high school diploma by examination under § 11–808 of the Labor and Employment Article is exempt from the requirements of subsection (b) of this section.

(2) An individual described under paragraph (1) of this subsection is eligible for a Guaranteed Access Grant if the individual:

   (I) Has scored a passing score of at least 165 per module on the diploma by examination;

   (II) Begins college within 1 year of achieving the score described under item (I) of this paragraph or, failing to do so, provides evidence satisfactory to the Office of extenuating circumstances;

   (III) Is under the age of 26 years at the time of receiving the first award;

   (IV) Enrolls in college as a full–time student; and
Subject to subsection (D) of this section, has an annual family income below a poverty index determined by the Commission.

To determine the annual family income eligibility of an applicant for a Guaranteed Access Grant, the Office may not consider an amount received by the applicant as an earned income credit under § 32 of the Internal Revenue Code.

Except as provided in paragraph (2) of this subsection, a student in grade 7 or grade 8 who applies and qualifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall prequalify for a Guaranteed Access Grant to be used at the time of enrollment in an institution of higher education by agreeing in writing, as a secondary and undergraduate student, to:

(i) Satisfy the attendance policy of the applicable school;

(ii) Refrain from substance abuse;

(iii) Provide information required by the Commission or the State Board of Education;

(iv) Apply for admission to an institution of higher education during the student’s senior year of high school;

(v) Complete and file on a timely basis applications for federal student aid for each year that the student plans to enroll in postsecondary education;

(vi) Participate in the Next Generation Scholars of Maryland Program established in § 18–303.1 of this subtitle until the student graduates from high school and matriculates at an institution of higher education;

(vii) Maintain a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent; and

(viii) Satisfy any other program requirements set by the Office, the Commission, the State Board of Education, or the State Department of Education.

For academic years 2017–2018 and 2018–2019, a student in grade 9 who applies and qualifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall prequalify for a Guaranteed Access Grant to be used at the time of enrollment in an institution of higher education if the student otherwise meets the conditions of paragraph (1) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:
Article – Education

18–303.

(c)(1) Subject to paragraph (2) of this subsection, an individual who has successfully obtained a high school diploma by examination under § 11–808 of the Labor and Employment Article is exempt from the requirements of subsection (b) of this section.

(2) An individual described under paragraph (1) of this subsection is eligible for a Guaranteed Access Grant if the individual:

(i) Has scored a passing score of at least 165 per module on the diploma by examination;

(ii) Begins college within 1 year of achieving the score described under item (i) of this paragraph or, failing to do so, provides evidence satisfactory to the Office of extenuating circumstances;

(iii) Is under the age of 22 years at the time of receiving the first award;

(iv) Enrolls in college as a full–time student; and

(v) Subject to subsection (d) of this section, has an annual family income below a poverty index determined by the Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2022.

SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.
examination exempting certain individuals from certain requirements relating to the Guaranteed Access Grant, subject to certain qualifications; requiring certain individuals to meet certain qualifications under certain circumstances; altering a certain age for eligibility for the Guaranteed Access Grant under certain circumstances; providing for a delayed effective date for a certain provision of this Act; and generally relating to the eligibility for a Delegate Howard P. Rawlings Educational Excellence Award.

BY repealing and reenacting, without amendments,

Article – Education
Section 18–301(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education
Section 18–303.2
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BY repealing and reenacting, with amendments,

Article – Education
Section 18–303
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education
Section 18–303(c)
Annotated Code of Maryland
(2018 Replacement Volume)
(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 – Education

18–301.

(a) There is a Delegate Howard P. Rawlings Program of Educational Excellence Awards in this State that are awarded under this subtitle.

18–303.2.

A REQUIREMENT UNDER THIS SUBTITLE TO OBTAIN A HIGH SCHOOL DIPLOMA SHALL BE SATISFIED IF THE INDIVIDUAL HAS SUCCESSFULLY OBTAINED A HIGH
(a) Subject to subsection [(d)] (E) of this section, each recipient of a Delegate Howard P. Rawlings Educational Excellence Award shall:

1. Be accepted for admission in the regular undergraduate program at an eligible institution or be enrolled in a 2-year associate degree program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution;
2. Be a resident of this State;
3. Demonstrate to the Office a definite financial need; and
4. Accept any other conditions attached to the award.

(b) Each recipient of a Guaranteed Access Grant shall:

1. Have attained a grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school and have completed high school or, failing to do so, on the recommendation of the recipient’s high school principal, provide evidence satisfactory to the Office of extenuating circumstances;
2. Begin college within 1 year of completing high school or, failing to do so, provide evidence satisfactory to the Office of extenuating circumstances;
3. Be under the age of 22 years at the time of receiving the first award;
4. Have successfully completed a college preparatory program in high school;
5. Enroll in college as a full-time student;
6. Subject to subsection [(c)] (D) of this section, have an annual family income below a poverty index determined by the Commission; and
7. Satisfy any additional criteria the Commission may establish.

(C) Subject to paragraph (2) of this subsection, an individual who has successfully obtained a high school diploma by examination under § 11–808 of the Labor and Employment Article is exempt from the requirements of subsection (b) of this section.
AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ELIGIBLE FOR A GUARANTEED ACCESS GRANT IF THE INDIVIDUAL:

(I) HAS SCORED A PASSING SCORE OF AT LEAST 165 PER MODULE ON THE DIPLOMA BY EXAMINATION;

(II) BEGINS COLLEGE WITHIN 1 YEAR OF ACHIEVING THE SCORE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH OR, FAILING TO DO SO, PROVIDES EVIDENCE SATISFACTORY TO THE OFFICE OF EXTENUATING CIRCUMSTANCES;

(III) IS UNDER THE AGE OF 26 YEARS AT THE TIME OF RECEIVING THE FIRST AWARD;

(IV) ENROLLS IN COLLEGE AS A FULL-TIME STUDENT; AND

(V) SUBJECT TO SUBSECTION (D) OF THIS SECTION, HAS AN ANNUAL FAMILY INCOME BELOW A POVERTY INDEX DETERMINED BY THE COMMISSION.

To determine the annual family income eligibility of an applicant for a Guaranteed Access Grant, the Office may not consider an amount received by the applicant as an earned income credit under § 32 of the Internal Revenue Code.

Except as provided in paragraph (2) of this subsection, a student in grade 7 or grade 8 who applies and qualifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall prequalify for a Guaranteed Access Grant to be used at the time of enrollment in an institution of higher education by agreeing in writing, as a secondary and undergraduate student, to:

(i) Satisfy the attendance policy of the applicable school;

(ii) Refrain from substance abuse;

(iii) Provide information required by the Commission or the State Board of Education;

(iv) Apply for admission to an institution of higher education during the student’s senior year of high school;

(v) Complete and file on a timely basis applications for federal student aid for each year that the student plans to enroll in postsecondary education;

(vi) Participate in the Next Generation Scholars of Maryland Program established in § 18–303.1 of this subtitle until the student graduates from high school and matriculates at an institution of higher education;
(vii) Maintain a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent; and

(viii) Satisfy any other program requirements set by the Office, the Commission, the State Board of Education, or the State Department of Education.

(2) For academic years 2017–2018 and 2018–2019, a student in grade 9 who applies and qualifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall prequalify for a Guaranteed Access Grant to be used at the time of enrollment in an institution of higher education if the student otherwise meets the conditions of paragraph (1) of this subsection.

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

Article – Education

18–303.

(c) (1) Subject to paragraph (2) of this subsection, an individual who has successfully obtained a high school diploma by examination under § 11–808 of the Labor and Employment Article is exempt from the requirements of subsection (b) of this section.

(2) An individual described under paragraph (1) of this subsection is eligible for a Guaranteed Access Grant if the individual:

(i) Has scored a passing score of at least 165 per module on the diploma by examination;

(ii) Begins college within 1 year of achieving the score described under item (i) of this paragraph or, failing to do so, provides evidence satisfactory to the Office of extenuating circumstances;

(iii) Is under the age of 22 years at the time of receiving the first award;

(iv) Enrolls in college as a full–time student; and

(v) Subject to subsection (d) of this section, has an annual family income below a poverty index determined by the Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2022.

SECTION 2. 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.