

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/07/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/21/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 19 03 03

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

Mailing Address

201 W. Preston Street

City State Zip Code

Baltimore MD 21201

Email

michele.phinney@maryland.gov

5. Name of Person to Call About this Document

Renee Scurry

Telephone No.

443-681-3805

Email Address

renee.scurry@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: June 22, 2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:
: Md. R
(vol.) (issue) (page nos) (date)
Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Kathleen A. Ellis, Assistant Attorney General, (telephone #410-767-1867) on June 30, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

July 6, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 19 LABORATORIES

10.19.03 Controlled Dangerous Substances

Authority: Criminal Law Article, §5-302, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under COMAR 10.19.03 Controlled Dangerous Substances.

Statement of Purpose

The purpose of this action is to :

- (1) Extend the registration certification period from 2 years to 3 years pursuant to Chapter 489 of 2015;
- (2) Modify the fee for CDS registration certificates from \$60 per year for a 2 year period (\$120) to \$60 per year for a 3 year period (\$180); and
- (3) Modify the fee for change of ownership from \$72 per year for a 2 year period (\$144) to \$72 per year for a 3 year period (\$216); to be commensurate with the expanded 3 year renewal period.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2016
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
The proposed amendments will not have an economic impact on the Department of Health and Mental Hygiene, other State agencies, local government, regulated industries, trade groups or the public-at-large. Even though the proposed regulatory provisions will extend the CDS renewal period to 3 years, the cost per year for a CDS registration certificate and the cost per year for change of ownership will remain the same.
Consequently, the proposed fee modification for CDS registration certificates from \$60 per year for a 2 year period (\$120) to \$60 per year for a 3 year period (\$180) and for change of ownership from \$72 per year for a 2 year period (\$144) to \$72 per year for a 3 year period (\$216) will be commensurate with the proposed 3 year renewal period.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
See E.
- G. Small Business Worksheet:

Attached Document:

Title 10
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE
Subtitle 10 LABORATORIES
10.19.03 Controlled Dangerous Substances

10.19.03.03 (June 22, 2015)

.03 Registration; Registration Certificate.

A.—B. (text unchanged)

C. Fees.

(1) A person required to obtain and maintain a registration certificate as set forth under this chapter shall pay the appropriate fees as set in this regulation. Fees include the following:

(a) Registration every [2 years] 3 years—[\$120] \$180;

(b)—(c) (text unchanged)

(2) (text unchanged)

(3) Payment of Prorated Fees.

(a) A registrant applying for a registration certificate shall pay a prorated registration fee when a registration certificate is issued for less than [24 months] 36 months.

(b) (text unchanged)

(4)—(5) (text unchanged)

D. Issuance. The Secretary may issue a registration certificate that:

(1) Is valid for not more than [2 years] 3 years; and

(2) (text unchanged)

E. (text unchanged)

F. Assignment, Transfer, or Termination.

(1)—(3) (text unchanged)

(4) Change of Ownership.

(a) A registrant who changes ownership of the business or professional practice as stated in §C(2)(c) of this regulation, shall:

(i) (text unchanged)

(ii) Submit a registration application to change the current registration and a [\$144 2-year] \$216 3-year registration fee at least 30 days before the change in the ownership of the registrant's business or professional practice occurs; and

(iii) (text unchanged)

(b) (text unchanged)

(5) (text unchanged)

G. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene