

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Health and Mental Hygiene  
(DLS Control No. 16-208)**

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**Overview and Legal and Fiscal Impact**

The regulation amends an existing regulation regarding shellfish sanitation to update the version of a document incorporated by reference to the 2015 version.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Department of Health and Mental Hygiene:**

Food: Shellfish Sanitation: COMAR 10.15.07.01

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**Legal Analysis**

**Summary of Regulation**

The regulation amends an existing regulation regarding shellfish sanitation to update the version of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish to the 2015 Revision, as incorporated by reference in the chapter. The regulation also corrects a typographical error.

**Legal Issues**

The regulation presents no legal issues of concern.

**Statutory Authority and Legislative Intent**

The Department of Health and Mental Hygiene cites §§ 18-102, 21-211, 21-234, 21-304, 21-321, and 21-346 through 21-350 of the Health-General Article as statutory authority for the regulation. Section 21-211 requires the Secretary of Health and Mental Hygiene to adopt rules and regulations that provide for the issuance of permits to food manufacturers, processors, or packers in any locality, if the Secretary finds that the distribution in this State of any class of food manufactured, processed, or packed in that locality may be injurious to health because of contamination with microorganisms and that the danger imposed by the food normally would not

be determinable after the food has entered commerce. The remaining statutory authority is not relevant to the regulation.

The relevant cited statutory authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses because the regulated industry already complies with the standards being adopted in the regulation. Thus, the regulation is merely codifying current practice and should have no fiscal impact on small businesses. The Department of Legislative Services concurs.

## **Contact Information**

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