

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 16-184)**

Overview and Legal and Fiscal Impact

The regulations repeal COMAR 10.52.16.01 through .15, the chapter regarding the Insect Sting Emergency Treatment Program.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Preventive Medicine: Insect Sting Emergency Treatment Program:
COMAR 10.52.16.01 through .15

Legal Analysis

Background

During the 2015 legislation session, the General Assembly passed Senate Bill 344, Public Health – Emergency and Allergy Treatment Program (Chapter 342 of 2015). Chapter 342 modified the Insect Sting Emergency Treatment Program to establish instead the Emergency and Allergy Treatment Program and limit the program to operators of youth camps and auto-injectable epinephrine. The Act authorized certificate holders or their agents to administer auto-injectable epinephrine to an individual determined to be, or believed to be, experiencing anaphylaxis.

In December 2015, the Department of Health and Mental Hygiene submitted to the committee a reorganization of health and safety protocols to better clarify medication administration for youth camps by establishing a new chapter entitled Health and Medication for Youth Camps under COMAR 10.16.07 and moving provisions regarding the administration of nonprescription and prescription medications, at youth camps from COMAR 10.16.06.23 through .33 to the new chapter. The regulations established a process and requirements for issuing certificates for emergency epinephrine, established requirements for an emergency epinephrine educational training program to receive approval from the department, and established appeal rights for the denial, suspension, or revocation of a certificate for emergency epinephrine. For an analysis of these regulations, see DLS Control No. 15-386.

Summary of Regulations

The regulations repeal COMAR 10.52.16.01 through .15, the chapter regarding the Insect Sting Emergency Treatment Program.

Statutory Authority and Legislative Intent

The department cites §§ 13-701 through 13-709 of the Health – General Article as statutory authority for the regulations. The cited authority is not relevant to the repeal of the regulations.

Although not cited by the department, § 2-104 of the Health – General Article authorizes the Secretary of Health and Mental Hygiene to adopt regulations to carry out the provisions of law that are within the jurisdiction of the Secretary. The general authority to adopt regulations includes the authority to repeal obsolete provisions. COMAR 10.52.16.01 through .15 became obsolete with the enactment of Chapter 342 of 2015 and the adoption of COMAR 10.16.07.

With the addition of § 2-104, the authority is correct and complete. The regulations comply 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 regulations have no impact on State or local governments because the Insect Sting Emergency Treatment Program has not been funded for a number of years. The Department of Legislative Services concurs and adds that the program, established by Chapter 551 of 1995 has never been funded and, thus, was never established.

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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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