



THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

**Memorandum**

**To:** Members of the AELR Committee  
Standing Committee Chairs

**From:** Marie H. Razulis, AELR Committee Counsel  
George H. Butler, Jr., AELR Committee Counsel  
Crystal L. Lemieux, AELR Committee Counsel

**Date:** August 12, 2016

**Re:** **Synopses of Regulations received from 7/29/2016 through 8/11/2016**

---

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

catz

cc: Victoria L. Gruber  
Alexandra Hughes

**Agriculture, Department of**

**Emergency/Proposed Regulations**

**DLS Control No. 16-180**

**Department of Agriculture:**

**Pesticide Use Control:**

**Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses: COMAR 15.05.01.02**

According to the department, the Secretary of the Department of Agriculture request emergency status so that current marijuana growers recently licensed by the State Medical Cannabis Commission will be aware of the Department's new pesticide use restrictions.

The purpose of this action is to prohibit the use and registration of a pesticide to control plant pests when growing Cannabis, but to allow limited pesticide use for the unrelated purpose of disinfection or sanitation before growth. The Secretary of Agriculture has determined that the application of pesticide to Cannabis may pose a health risk for human consumption because no pesticides have been registered for this use by the U.S. Environmental Protection Agency and no risk assessment to human health has been performed. This action also establishes a procedure to be followed by a person who seeks the Secretary's approval for the use of a pesticide on Cannabis.

**Health and Mental Hygiene, Department of**

**Proposed Regulation**

**DLS Control No. 16-170**

**Department of Health and Mental Hygiene:**

**Cancer Control:**

**Cigarette Restitution Fund Program: COMAR 10.14.06.02 through .06**

According to the department, the purpose of this action is to (1) amend the definition of "uninsured individuals" to include an individual who has health insurance that covers cancer treatment services, but has unmet copay, coinsurance, or deductible costs; (2) create a clear set of financial guidelines for local health departments and Statewide academic health centers to follow when determining an applicant's eligibility for cancer treatment services; (3) remove a provision that local health departments or Statewide academic health centers may establish additional financial requirements for eligibility of cancer treatment services; and (4) broaden the scope of individuals who may receive tobacco treatment products.

**Proposed Regulations**

**DLS Control No. 16-172**

**Department of Health and Mental Hygiene:**

**Board of Dental Examiners:**

**Practice of Dental Hygiene:**

COMAR 10.44.04.02 through .06, .08, .11, .13, .15 and .17 through .28

**Fees:** COMAR 10.44.20.02

According to the department, the purpose of this action is to (1) permit Maryland licensed dental hygienists to administer nitrous oxide to dental patients under certain prescribed circumstances, in accordance with House Bill 470, Chapter 106 of 2016 and (2) permit dental hygienists to administer local anesthesia by infiltration and local anesthesia by inferior alveolar nerve block to facilitate the performance of either dental or dental hygiene procedures, in accordance with House Bill 680, Chapter 111 of 2016.

**Proposed Regulation**

**DLS Control No. 16-174**

**Department of Health and Mental Hygiene:**

**Special Supplemental Nutrition Program for Women, Infants, and Children (WIC):**

**Local Agency:** COMAR 10.54.02.18

According to the department, the purpose of this action is to reflect changes in funding being awarded that affect the amounts local agencies will be paid for providing WIC Program services.

**Proposed Regulations**

**DLS Control No. 16-181**

**Department of Health and Mental Hygiene:**

**Mental Hygiene Regulations:**

**Involuntary Admission to Inpatient Mental Health Facilities:**

COMAR 10.21.01.02, .04, .08, and .09

According to the department, the purpose of this action is to update existing requirements for involuntary admission signed by physicians and psychologists to certificates for involuntary admission signed by psychiatric nurse practitioners in accordance with Chapter 241 of 2016 (Senate Bill 1081).

**Natural Resources, Department of**

**Proposed Regulations**

**DLS Control No. 16-171**

**Department of Natural Resources:**

**Fisheries Service:**

**Shellfish Aquaculture and Leasing:** COMAR 08.02.23.03 and .04

According to the department, the purpose of this action is to clarify that a person needs an authorization from the department prior to engaging in certain shellfish aquaculture activities in Maryland waters and to liberalize the Shellfish Aquaculture Harvester Permit registration requirement. These changes were discussed with and supported by the Aquaculture Coordinating Council.

**Proposed Regulations**

**DLS Control No. 16-178**

**Department of Natural Resources:**

**Wildlife:**

**General:** COMAR 08.03.01.01

**Forest Wildlife:** COMAR 08.03.04.05 and .06

**Upland Game Birds and Mammals:** COMAR 08.03.05.02

**Furbearer Wildlife:** COMAR 08.03.06.05

According to the department, the purpose of this action is to authorize the use of air guns as legal hunting weapons for certain game species during certain hunting seasons. The purpose of the proposed amendments are to address the legal status of a new type of weapon known as modern air guns. Air gun technology has changed immensely and some of these weapons are now capable of effectively taking deer and larger game animals. Amendments to COMAR 08.03.01.01 define the term air gun to allow the department to better inform citizens on when an air gun may be used for hunting and for which species and in which seasons. Amendments to the other regulations are intended to establish that certain air guns are legal to use when hunting deer, black bears, wild turkeys, certain upland game birds, and furbearers in Maryland. Amendments to COMAR 08.03.04.05 also clarify what aiming devices may be used, what projectile types are legal and what type of gun powder may be used in muzzle loading firearms used for deer or black bear hunting.

**Public Safety and Correctional Services, Department of**

**Proposed Regulations**

**DLS Control No. 16-177**

**Department of Public Safety and Correctional Services:**

**Commission on Correctional Standards:**

**Minimum Standards for Adult Detention Centers:**

COMAR 12.14.03.02, .03, .06, and .09

**Minimum Standards for Adult Correctional Institutions:**

COMAR 12.14.04.01, .02, .05, and .08

**Minimum Standards for Adult Community Correctional Facilities:**

COMAR 12.14.05.01, .02, .05, and .08

According to the department, the purpose of this action is to add new text to clarify existing standards; changes requirements for conducting searches; and adds provisions for a zero tolerance policy for sexual harassment and record keeping related to compliance with Correctional Training Commission requirements for background checks and training.

**Education, State Board of**

**Proposed Regulations**

**DLS Control No. 16-173**

**State Board of Education:**

**General Instruction Programs:**

**Graduation Requirements for Public High Schools in Maryland:**

COMAR 13A.03.02.02, .06, and .09

According to the board, the purpose of this action is to incorporate an incremental scoring implementation plan for PARCC Algebra I and English 10 and establish graduation requirements for students in certain school years. This action also provides exemptions to graduation assessment requirements in English 10, Algebra I and biology to certain students in certain school years.

**Proposed Regulations**

**DLS Control No. 16-176**

**State Board of Education:**

**Specific Subjects:**

**Program of Instruction in the World of Work Competencies:**

COMAR 13A.04.10.01 and .02

According to the board, the purpose of this action is to change the name of the chapter; reference the Framework that was updated in 2012; and reference the last date in which local superintendents certified the program, which was 2014.

**Proposed Regulation**

**DLS Control No. 16-179**

**State Board of Education:**

**Special Instructional Programs:**

**Hearing Aid Loan Bank: COMAR 13A.05.12.01 through .03**

According to the board, the purpose of this action is to lend hearing aids on a temporary basis to a parent or legal guardian of an eligible child (under age 18) to ensure he or she will have maximum auditory input during the critical period of language learning.

**Procurement Regulations, State**

**Proposed Regulations**

**DLS Control No. 16-175**

**State Procurement Regulations:**

**Procurement of Architectural Services and Engineering Services:**

**Department of General Services; A/E Services Exceeding \$200,000:**

COMAR 21.12.04.02, .09, .10, .10-1, .12, and .13-2

**Department of General Services A/E Services \$100,000 or Less: COMAR 21.12.05.01**

According to the department, the purpose of this action is to make corrections, eliminate unnecessary regulations and achieve similarity with Maryland Department of Transportation's (MDOT) Architecture and Engineering procurement regulations. The proposed action makes corrections to the title of the division responsible for work. The proposed action eliminates unnecessary steps in the procurement process for Architects and Engineers including elimination of the Letter of Intent and elimination of physical mailing. The proposed action creates similarity with MDOT's Architecture and Engineering procurement by combining the approval of the technical and price proposals by the General Purchasing Services Selection Board into one meeting instead of two.