



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:** Kathryn H. Selle, AELR Committee Counsel  
John J. Joyce, AELR Committee Counsel  
Kathleen P. Kennedy, AELR Committee Counsel

**Date:** December 27, 2019

**Re:** **Synopses of Regulations received from 12/13/2019 through 12/26/2019**

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Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) 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.

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cc: Jake Weissmann  
Alexandra M. Hughes

**Agriculture, Department of**

**Proposed Regulation**

**DLS Control No. 19-296**

**Department of Agriculture:**

**Soil and Water Conservation:**

**Agricultural Operation Nutrient Management Plan Requirements:**

COMAR 15.20.07.01 through .08

According to the department, the purpose of this action is to:

- add a new definition under Regulation .03 defining the term “Annual Implementation Report”;
- require a farm operator that uses or produces animal manure to file, by March 1 each year, the Annual Implementation Report that contains certain information;
- require the department to prioritize certain enforcement actions;
- impose certain administrative penalties against a farm operator who fails to implement or otherwise comply with a nutrient management plan that meets the requirements of this chapter;
- impose a certain administrative penalty against a farm operator who knowingly applies phosphorus to a field or management unit when such application is prohibited under department regulation;
- impose certain administrative penalties against a farm operator who fails to file the Annual Implementation Report in a timely manner after certain notification from the department; and
- generally relating to agricultural operator nutrient management plan requirements.

**Proposed Regulations**

**DLS Control No. 19-297**

**Department of Agriculture:**

**Soil and Water Conservation:**

**Nutrient Management Certification and Licensing:** COMAR 15.20.04.05.13, and .14

According to the department, the purpose of this action is to:

- authorize the Maryland Department of Agriculture to impose an administrative penalty, not exceeding \$250, against a person who holds a license or certificate to write nutrient management plans, if that person fails to meet certain reporting requirements and deadlines established by the department related to phosphorus; and
- correct a punctuation error in Regulations .05.

**Labor, Maryland Department of**

**Emergency/Proposed Regulations**

**DLS Control No. 19-299**

**Maryland Department of Labor:**

**Racing Commission:**

**Prohibited Acts:** COMAR 09.10.03.01 and .01-1

According to the department, the purpose of requesting emergency status is to enhance the safety and welfare of the thoroughbred horses competing at the Maryland tracks.

**Emergency/Proposed Regulations**

**DLS Control No. 19-300**

**Maryland Department of Labor:**

**Racing Commission:**

**Thoroughbred Rules:** COMAR 09.10.01.17

According to the department, the purpose of requesting emergency status is to enhance the safety and welfare of the thoroughbred horses competing at the Maryland tracks.

**Attorney General, Office of the**

**Proposed Regulations**

**DLS Control No. 19-298**

**Office of the Attorney General:**

**Sexual Assault Evidence Kits:**

**Sexual Assault Victims' Rights – Disposal of Rape Kit Evidence and Notification:**

COMAR 02.08.01.03 through .05

**Sexual Assault Evidence Collection Kits – Analysis:** COMAR 02.08.02.01 through .05

**Review of Law Enforcement Decisions Not to Test a Kit:**

COMAR 02.08.03.01 through .05

**Reporting:** COMAR 02.08.04.01 through .02

According to the office, the purpose of this action is to:

- clarify the process for transferring sexual assault evidence collection kits from hospitals to law enforcement agencies and require that victims are notified of a law enforcement agency's decision not to test a kit should they request such a notification;
- identify the criteria for testing sexual assault evidence collection kits;
- establish procedures under which a person may request an independent review of a law enforcement agency's decision not to test a sexual assault evidence collection kit; and
- expand the reporting requirements for law enforcement agencies and forensic laboratories to ensure consistent statewide implementation of Ch. 33 (2019).