



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:** George H. Butler, Jr., AELR Committee Counsel  
Kathryn H. Selle, AELR Committee Counsel  
Nathan W. McCurdy, AELR Committee Counsel

**Date:** August 23, 2019

**Re:** **Synopses of Regulations received from 8/9/2019 through 8/22/2019**

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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.

/cr

cc: Jake Weissmann  
Alexandra M. Hughes

### **Comptroller of the Treasury**

#### **Proposed Regulation**

**DLS Control No. 19-147**

**Comptroller of the Treasury:**

**Online Fantasy Competitions:**

**General Provisions:** COMAR 03.11.01.

According to the office, the purpose of this action is to repeal in their entirety existing regulations 03.11.01 (Fantasy Sports Competition Regulations) under Title 03 (Comptroller of the Treasury).

### **Planning, Department of**

#### **Proposed Regulations**

**DLS Control No. 19-148**

**Department of Planning:**

**Historical and Cultural Programs:**

**Heritage Structure Rehabilitation Tax Credit Certifications:**

COMAR 34.04.07.01 through .06 and .08

According to the department, as necessary to (1) implement statutory changes made during the 2019 Session and (2) bring the regulations into conformance with current agency practices or to support better management of the Program. As required by Chapter 211 of the 2019 Laws of Maryland, these amendments:

- change the name of the program from the Heritage Structure Rehabilitation Tax Credit to the Historic Revitalization Tax Credit.
- add an additional 5% credit and 7.5% credit for a Small Commercial and Competitive Commercial project that results in, respectively, a level 1 opportunity zone project or a level 2 opportunity zone project.
- change the qualification standards for the Small Commercial Tax Credit by:
  - eliminating the requirement that a project result in a structure that is not more than 75% rental residential;
  - adding rehabilitations of residential units located within a series of similar residential units that are undertaken by a developer and then sold for residential purposes;

- adding rehabilitations of agricultural structures and post-World War II structures as defined. The amendments also add a definition for “agricultural structure” that is consistent with how the Maryland Department of Agriculture generally defines the term.

### **Criminal Sentencing Policy, Commission on**

#### **Proposed Regulations**

**DLS Control No. 19-138**

**Independent Agencies:**

**Commission on Criminal Sentencing Policy:**

**General Regulations:** COMAR 14.22.01.03, .10, and .12

According to the commission, the purpose of this action is to indicate modifications to the computation of the offender score in Regulations .03, .10, and .12 under COMAR 14.22.01 General Regulations. These modifications clarify the instructions for scoring Part A of the offender score (i.e., relationship to the criminal justice system when the instant offense occurred) when a sentencing event involves two or more criminal offenses, and the defendant was under criminal justice system supervision when one offense occurred but not under criminal justice system supervision when the other offense occurred. The revised instructions allow for Part A of the offender score to differ between offenses based on the defendant’s relationship to the criminal justice system at the time of each offense, rather than requiring that Part A of the offender score be the same for each offense in the sentencing event.

#### **Proposed Regulations**

**DLS Control No. 19-150**

**Independent Agencies:**

**Maryland Health Benefit Exchange:**

**Eligibility Standards for Enrollment in a Qualified Health Plan and a Qualified Health Plan with APTC and CSR in the Individual Exchange:**

COMAR 14.35.07.12, .13, .18, and .19

According to the exchange, the purpose of this action is to amend existing regulations for conformity with federal requirements.

### **Maryland Department of Health**

#### **Proposed Regulation**

**DLS Control No. 19-136**

**Maryland Department of Health:**

**Medical Care Programs:**

**Family Planning Program Eligibility:** COMAR 10.09.37.02 through .13

According to the department, the regulations clarify and update eligibility rules for the Maryland Medicaid Family Planning Program in order to integrate the program into the Maryland Health Connection and as required by the Centers for Medicare and Medicaid Services.

**Proposed Regulations**

**DLS Control No. 19-144**

**Maryland Department of Health:**

**Natalie Laprade Medical Cannabis Commission:**

**Medical Cannabis Grower License:** COMAR 10.62.08.06 and .10

**Medical Cannabis Processor License:** COMAR 10.62.19.05 and .09

**Medical Cannabis Dispensary License:** COMAR 10.62.25.10

**Discipline and Enforcement:** COMAR 10.62.34.08

**Fee Schedule:** COMAR 10.62.35.01

**Academic Research:** COMAR 10.62.36.01 through .06

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

- authorize the Maryland Medical Cannabis Commission (MMCC) to award up to 22 medical cannabis grower licenses;
- authorize the MMCC to award up to 28 medical cannabis processor licenses;
- establish an initial licensing period of up to 6 years for medical cannabis growers, processors, and dispensaries;
- require the MMCC to establish enforcement procedures for newly codified advertising restrictions; and
- establish a registration process for academic research institutions to obtain medical cannabis for bona fide research projects.

**Proposed Regulations**

**DLS Control No. 19-145**

**Maryland Department of Health:**

**Developmental Disabilities:**

**Fee Payment System for Licensed Residential and Day Programs:**

COMAR 10.22.17.06, .07, and .08

**Community Supported Living Arrangements Payment System:**

COMAR 10.22.18.04

According to the department, the purpose of this action is to establish the fiscal year 20 reimbursement rates for Licensed Residential and Day Programs and Personal Support services as part of Community Supported Living Arrangements (CSLA) services in accordance with Health – General Article, §7-307(d), Annotated Code of Maryland.

**Proposed Regulation**

**DLS Control No. 19-146**

**Maryland Department of Health:**

**Laboratories:**

**Law Enforcement Laboratories - Personnel Certification and Approval of**

**Laboratory Procedures: COMAR 10.10.09.03**

According to the department, the purpose of this action is to add State licensed forensic laboratories as permitted employers of certified analysts in an effort to allow these analysts to provide testing services for State law enforcement agencies.

**Institute for Emergency Medical Services Systems, Maryland**

**Proposed Regulation**

**DLS Control No. 19-143**

**Maryland Institute for Emergency Medical Services Systems:**

**General:**

**Documents Incorporated by Reference: COMAR 30.01.02.01**

According to the institute, the purpose of this action is to incorporate by reference the current Maryland Medical Protocols for Emergency Medical Services Providers.

**Education, State Board of**

**Proposed Regulation**

**DLS Control No. 19-137**

**State Board of Education:**

**State School Administration:**

**Appeals to the State Board of Education: COMAR 13A.01.05.06**

According to the board, the purpose of this action is to establish a standard of review for the State Board of Education to use when deciding student transfer appeals.

**Proposed Regulations**

**DLS Control No. 19-139**

**State Board of Education:**

**Large Family Child Care Homes:**

**Scope and Definitions:** COMAR 13A.18.01.02

**Registration Application and Maintenance:** COMAR 13A.18.02.01 through .08

**Management and Administration:** COMAR 13A.18.03.02 through .06

**Operational Requirements:** COMAR 13A.18.04.04

**Home Environment and Equipment:** COMAR 13A.18.05.05, .12 and .13

**Provider and Staff Requirements:** COMAR 13A.18.06.03 through .08 and .10

**Child Protection:** COMAR 13A.18.07.02 and .03

**Child Supervision:** COMAR 13A.18.08.01, .02, .06 and .08

**Program Requirements:** COMAR 13A.18.09.04

**Safety:** COMAR 13A.18.10.01

**Health:** COMAR 13A.18.11.02 through .04

**Nutrition:** COMAR 13A.18.12.01 and .06

**Inspections, Complaints, and Enforcement:**

COMAR 13A.18.14.02 and .05 through .09

**Administrative Hearings:** COMAR 13A.18.15.01, .03 and .04

**Public Access to Licensing Records:** COMAR 13A.18.16.03 and .04

According to the board, the purpose of this action is to clarify certain requirements pertaining to the registration and operation of large family child care homes and establish requirements for criminal background checks, swimming pool security, and length of time for taking the basic health and safety training, and medical information being provided.

**Proposed Regulations**

**DLS Control No. 19-140**

**State Board of Education:**

**Child Care-Letters of Compliance:**

**Scope and Definitions:** COMAR 13A.17.01.02

**Letter of Compliance Application and Maintenance:**

COMAR 13A.17.02.01, .02, .05 and .06

**Management and Administration:** COMAR 13A.17.03.02 through .06 and .09

**Physical Plant and Equipment:** COMAR 13A.17.05.05, .12 and .13

**Staff Requirements:** COMAR 13A.17.06.02 through .05

**Child Protection:** COMAR 13A.17.07.02, .03 and .06

**Child Supervision:** COMAR 13A.17.08.06 and .08

**Safety:** COMAR 13A.17.10.01 and .02

**Health:** COMAR 13A.17.11.02 through .04 and .06

**Nutrition:** COMAR 13A.17.12.01

**Adolescent Facilities:** COMAR 13A.17.13.01

**Educational Programs in Nonpublic Nursery Schools:**

COMAR 13A.17.14.02 and .03

**Inspections, Complaints, and Enforcement:**

COMAR 13A.17.15.01, and .03 through .07

According to the board, the purpose of this action is to clarify certain requirements pertaining to the operation of child care programs operated by tax exempt religious organizations and establish requirements for criminal background checks, swimming pool security, and length of time for taking the basic health and safety training, and medical information being provided.

**Proposed Regulations**

**DLS Control No. 19-141**

**State Board of Education: Child Care Centers:**

**Scope and Definitions:** COMAR 13A.16.01.01 and .02

**License Application and Maintenance:** COMAR 13A.16.02.01 through .04 and .06

**Management and Administration:** COMAR 13A.16.03.01 through .06 and .09

**Physical Plant and Equipment:** COMAR 13A.16.05.05, .12 and .13

**Staff Requirements:** COMAR 13A.16.06.03 through .06 and .09 through .13

**Child Protection:** COMAR 13A.16.07.02, .03 and .06

**Child Supervision:** COMAR 13A.16.08.01, .03 and .06

**Program Requirements:** COMAR 13A.16.09.04

**Safety:** COMAR 13A.16.10.02 and .05

**Health:** COMAR 13A.16.11.02 through .04 and .06

**Nutrition:** COMAR 13A.16.12.01

**Centers for Children with Acute Illness:** COMAR 13A.16.13.02

**Adolescent Centers:** COMAR 13A.16.14.01

**Drop-In Centers:** COMAR 13A.16.15.03

**Educational Programs in Nonpublic Nursery Schools:**

COMAR 13A.16.16.02 through .04

**Inspections, Complaints, and Enforcement:**

COMAR 13A.16.17.01, and .03 through .07

**Administrative Hearings:** COMAR 13A.16.18.01 through .05

**Public Access to Licensing Records:** COMAR 13A.16.19.03 and .04

According to the board, the purpose of this action is to clarify certain requirements pertaining to the registration and operation of child care centers and establish requirements for criminal background checks, swimming pool security, and length of time for taking the basic health and safety training, and medical information being provided.



**Proposed Regulations**

**DLS Control No. 19-142**

**State Board of Education:**

**Family Child Care Central Repository:**

**Scope and Definitions:** COMAR 13A.15.01.02

**Registration Application and Maintenance:**

COMAR 13A.15.02.01 through .03, .07 and .08

**Management and Administration:** COMAR 13A.15.03.02 through .05

**Operational Requirements:** COMAR 13A.15.04.04

**Home Environment and Equipment:** COMAR 13A.15.05.02, .05 and .06

**Provider Requirements:** COMAR 13A.15.06.02 through .05

**Child Protection:** COMAR 13A.15.07.04

**Child Supervision:** COMAR 13A.15.08.01, .03, .04 and .05

**Child Safety:** COMAR 13A.15.10.01 .04, and .06

**Health:** COMAR 13A.15.11.03, .04 and .06

**Nutrition:** COMAR 13A.15.12.01

**Inspections, Complaints, and Enforcement:** COMAR 13A.15.13.02, .05 and .09

**Administrative Hearings:** COMAR 13A.15.14.01, .03 and .04

**Public Access to Licensing Records:** COMAR 13A.15.15.03 and .04

According to the board, the purpose of this action is to clarify certain requirements pertaining to the registration and operation of family child care homes and establish requirements for criminal background checks, swimming pool security, and length of time for taking the basic health and safety training, and medical information being provided.