



MARYLAND GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

**SYNOPSIS OF EMERGENCY REGULATIONS**

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact Kathryn Selle, John Joyce, or Kathleen Kennedy at the number below.

<b>Date Received</b>	<b>Title and Summary</b>	<b>Public Hearing Scheduled, *if any</b>	<b>Date &amp; Summary of any action</b>
March 26, 2020	<p><b>Emergency Regulation</b> <b>DLS Control No. 20-028</b> <b>Board of Elections:</b> <b>Violations: Public Notice: COMAR 33.19.02.01</b></p> <p>This action removes the requirement that the State Board send a pre-election mailing to each pre-qualified voter. The State Board had contracted with the Maryland Correctional Enterprises (MCE) to print and mail this postcard for the April 28, 2020 election. However, due to the Governor's Proclamation of March, 17, 2020, MCE notified the</p>		

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	<p>State Board on March 18, 2020 that they had reduced their workforce in response to COVID-19 and could not produce the postcards in the required timeframe.</p> <p>If this emergency change is approved, SBE will take “appropriate measures,” as required under Election Law Article, §3-306(d)(1), to notify potential registrants of where they can take advantage of the same day registration process. These measures could include posting information on SBE’s and the local boards’ websites, social media messaging, press releases, and sharing information with voter advocacy organizations and political campaigns.</p>		
<p>March 12, 2020</p>	<p><b>Emergency Regulations  DLS Control No. 20-023  Emergency Powers of Chairman of the Commission:  COMAR 14.09.17.01, .02, and .03</b></p> <p>The regulations grant, under certain circumstances, authority to the Chairman of the Workers’ Compensation Commission to exercise certain authority as part of the commission’s response to situations in which the Governor has declared an emergency under Title 14 of the Public Safety Article, or in the event of a natural or other event causing a certain significant disruption.</p>	<p>n/a</p>	<p>Emergency status beginning March 13, 2020 and expiring September 8, 2020.</p>
<p>March 6, 2020</p>	<p><b>Emergency Regulations  DLS Control No. 20-022  Maryland Insurance Administration:  General Regulations: Emergency Powers:</b></p>	<p>n/a</p>	<p>Emergency status beginning March 9, 2020 and expiring September 5, 2020.</p>

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	<p><b>COMAR 31.01.02.03 and .06</b></p> <p>A new Coronavirus (“COVID-19”) has been detected in humans, and cases have been confirmed in Maryland. In accordance with § 2-115 of the Insurance Article, the Insurance Administration is adopting changes to COMAR 31.01.02 Emergency Powers to provide safeguards to consumers with respect to their dealings with entities licensed or registered to transact insurance business in the State now that the Governor has declared a State of Emergency. The adoption of these regulatory amendments are necessary to make certain that consumers do not have barriers to obtaining testing, diagnosis, and treatment of COVID-19. Specifically, the regulatory changes would prohibit insurance carriers from passing on co-payment, coinsurance, and deductible charges to consumers for the diagnosis, testing, laboratory fees, or vaccination for COVID-19.</p>		
<p>March 4, 2020</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 20-019</b>  <b>Department of Agriculture:</b>  <b>Pesticide Use Control: Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses:</b>  <b>COMAR 15.05.01.02</b></p> <p>This regulation prohibits the aerial application of insecticides containing chlorpyrifos after the effective date of this action and generally prohibits a person from using insecticides containing chlorpyrifos or seeds that have</p>		<p>Emergency status beginning March 27, 2020 and expiring August 1, 2020</p>

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	<p>been treated with chlorpyrifos after December 31, 2020, with specified exemptions. The regulation also requires the Secretary of Agriculture to establish a committee that will determine alternatives to using insecticides that contain chlorpyrifos or seeds that have been treated with chlorpyrifos.</p>		
<p>February 10, 2020</p>	<p><b>Emergency Regulation DLS Control No. 20-007 Department of State Police: Fire Prevention Commission: Fire Prevention Code: COMAR 29.06.01.09</b></p> <p>The purpose of this action is to correct an oversight in the Fire Prevention Code to allow the enforcement of Sections 11.2 and 11.3 of NFPA 495 Explosive Materials Code (2013 edition), a national standard adopted by reference under the Fire Prevention Code. These sections deal with ground vibration and air overpressure requirements related to blasting operations. Similar requirements were previously enforced under regulations 29.06.01.10A and 29.06.01.10B which were deleted from the Fire Prevention Code effective October 7, 2019, in an effort to conform to nationally recognized industry standards.</p>		<p>Emergency status beginning February 7, 2020 and expiring August 3, 2020.</p>
<p>January 23, 2020</p>	<p><b>Emergency Regulations DLS Control No. 20-003 Board of Elections: Violations: Definitions General Provisions: COMAR 33.19.01</b></p>		<p>Emergency status beginning February 12, 2020 and expiring May 5, 2020.</p>

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	<p>The purpose of this action is to authorize same day registration and address changes during the early voting period before the special general election in the 7th Congressional District that will be held concurrently with the regularly scheduled primary election on April 28, 2020.</p>		
<p>December 23, 2019</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 19-300</b>  <b>Maryland Department of Labor:</b>  <b>Racing Commission: Thoroughbred Rules:</b>  <b>COMAR 09.10.01.17</b></p> <p>The purpose of requesting Emergency status is to enhance the safety and welfare of the thoroughbred horses competing at the Maryland tracks.</p>		<p>Emergency status beginning February 1, 2020 and expiring June 30, 2020.</p>
<p>December 23, 2019</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 19-299</b>  <b>Maryland Department of Labor:</b>  <b>Racing Commission: Prohibited Acts:</b>  <b>COMAR 09.10.03.01 and .01-1</b></p> <p>The purpose of requesting Emergency status is to enhance the safety and welfare of the thoroughbred horses competing at the Maryland tracks.</p>		<p>Emergency status beginning February 1, 2020 and expiring June 30, 2020.</p>
<p>December 5, 2019</p>	<p><b>Emergency Regulations</b>  <b>DLS Control No. 19-261</b>  <b>Board of Elections:</b></p>		<p>Emergency status beginning December 30, 2019 and expiring May 5, 2020.</p>

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	<p><b>Early Voting: Definitions; General Provisions: COMAR 33.17.01.02</b>  <b>Violations: Definitions; General Provisions: 33.19.01.01</b></p> <p>The purpose of this action is to require that early voting be conducted before the special general election in the 7th Congressional District that is being held concurrently with the regularly scheduled primary election on April 28, 2020. The regulations also require that voters be allowed to register to vote at precinct polling places on election day in the special primary election in the 7th Congressional District that is being held on February 4, 2020 and in the special general election in the 7th Congressional District that is being held on April 28, 2020.</p>		
November 21, 2019	<p><b>Emergency Regulation</b>  <b>DLS Control No. 19-238</b>  <b>Maryland Institute for Emergency Medical Services Systems: Commercial Ambulance Services: Operational Requirements: COMAR 30.09.07.02</b></p> <p>The purpose of this emergency action is to lower the minimum certification level required for a driver of a commercial ambulance from “emergency medical technician” (EMT) to “emergency medical responder” (EMR) for advanced life support, neonatal, and specialty care transports. Under § 13-515 of the Education Article, the Maryland Institute for Emergency Medical Services Systems (MIEMSS) is charged with licensing and regulating commercial ambulance services in the State.</p>		Emergency status beginning January 1, 2020 and expiring June 26, 2020.

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	<p>Commercial ambulance services transport patients from one health care facility to another.</p> <p>MIEMSS indicates the emergency status is necessary to ease staffing issues experienced by commercial ambulance companies that are facing difficulty hiring a sufficient number of EMTs to drive commercial ambulances. MIEMSS advises that patient transfers have been delayed in excess of six hours due to a lack of a driver that meets the existing certification requirement and that, in some instances, public safety ambulances have been called upon to provide inter-facility patient transport when commercial ambulances were unable to respond in a timely manner.</p>		
October 31, 2019	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 19-210</b>  <b>Maryland Department of Health:</b>  <b>Hospitals: Acute General Hospitals and Special Hospitals: COMAR 10.07.01.06</b></p> <p>The purpose of this emergency action is to revise COMAR 10.07.01.06 to allow limited flexibility in the licensure of off-campus hospital-operated services if those services are determined by the Health Services Cost Review Commission to be allowable under the hospital rate setting system.</p> <p>This emergency action is being requested due to recent hospital closures and changes in the hospital health care delivery systems which have demonstrated the need for the department to have additional authority for oversight of</p>		Emergency status beginning November 20, 2019 and expiring May 18, 2020.

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	<p>some off-campus hospital sites under a hospital's license. This expansion in regulatory authority was enabled by SB1350 during the 2016 legislative session.</p>		
<p>September 20, 2019</p>	<p><b>Emergency Regulations DLS Control No. 19-182 Department of Transportation: State Highway Administration: Permits for Oversize and Overweight Vehicles: COMAR 11.04.01.02 and .13 Heavy Weight Port Corridor Permit: COMAR 11.04.17.01 through .12</b></p> <p>This regulation implements Chapter 255 of 2019 by authorizing the State Highway Administration to issue a heavy weight port corridor permit in accordance with § 24-113.3 of the Transportation Article and COMAR 11.04.17.</p> <p>The department indicates the emergency status is necessary as heavy loads are expected at Seagirt in mid-October 2019 and must be ready to move to Trade Point Terminal by November 1, 2019.</p>		<p>Emergency status beginning October 25, 2019 and expiring April 22, 2020.</p>
<p>September 13, 2019</p>	<p><b>Emergency Regulation DLS Control No. 19-169 State Board of Education: School Personnel: State Board of Education Teacher Member Election: COMAR 13A.07.13.01 through .07</b></p>	<p>October 24, 2019, 1:30 pm, Joint Hearing Room</p>	<p>Emergency status beginning October 24, 2019 and expiring April 21, 2020.</p>



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	<p>The purpose of this emergency action is to implement the provisions of Chapters 576 and 577 of 2019, that add one certified teacher who is actively teaching to the State Board of Education and require the Maryland State Department of Education to adopt regulations that govern the election of the teacher member.</p> <p>Emergency status is being requested in order to have a procedure in place in a timely manner to govern the election of the initial teacher member of the State Board, who is to be seated by January 1, 2020. According to the department, the process must include several months of lead time to inform approximately 133,000 certified teachers in the State about the upcoming election, to allow sufficient time for nominations, to review nominations and ensure eligibility, to create ballots, and to procure a vendor to conduct the election and report the results to the department.</p>		
August 23, 2019	<p><b>Emergency Regulation DLS Control No. 19-151 Maryland Department of Health: Laboratories: Law Enforcement Laboratories - Personnel Certification and Approval of Laboratory Procedures: COMAR 10.10.09.03</b></p> <p>This emergency action is being requested because recent changes to the State cannabis laws (Md. Code Ann., Criminal law § 5-101 and Md. Code Ann., Agriculture § 14-101) now require Maryland law enforcement</p>		Emergency status beginning September 10, 2019 and expiring March 7, 2020.

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	<p>agencies to perform quantitative analyses on alleged cannabis that has been seized by law enforcement officers. Since the Maryland State Police (MSP) forensic laboratory does not currently have the appropriate equipment to perform such testing, the MSP plans to award contracts to private forensic laboratories licensed by the Maryland Department of Health to provide Controlled Dangerous Substance (CDS) testing until its forensic laboratory can acquire the necessary equipment. As a result, in order to enable Maryland law enforcement agencies to contract with private forensic laboratories to use their forensic analysts to perform CDS (i.e. cannabis) testing, COMAR 10.10.09.03 will need to be revised to add State licensed forensic laboratories as permitted employers of certified analysts.</p>		