Laws

of the

State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Tenth Day of January 2018
and Ending on the Ninth Day of April 2018

Bills vetoed by the Governor appear after the Laws

VOLUME III

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Chapter 390

(House Bill 782)

AN ACT concerning

Maryland Achieving a Better Life Experience (ABLE) Program – ~~Death of a Designated Beneficiary~~ Modifications

FOR the purpose of providing that certain money in the Maryland Prepaid College Trust may not be considered money of or be commingled with the Maryland Broker–Dealer College Investment Plan or the Maryland ABLE Program; altering the title of a certain savings plan under the authority of the Maryland 529 Board; requiring the Board to allow the transfer of funds from certain trusts and plans to a certain program; altering the limit on money and assets that a certain account holder can contribute to an ABLE account during a certain period of time; altering the circumstances under which the Board shall issue a refund to an ABLE account contributor; authorizing money and assets in an ABLE account to be transferred, on the death of a designated beneficiary, to a certain estate or a certain ABLE account for an eligible individual, unless prohibited by federal law; prohibiting the State, unless required by federal law, from seeking payment from an ABLE account or its proceeds for certain medical benefits paid for the designated beneficiary; altering certain definitions; and generally relating to the Maryland ABLE Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–1903(a), 18–19A–01(a), 18–19A–02(a), 18–19B–01(a), 18–19B–02(a), 18–19C–01(b), and 18–19C–02(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

~~BY repealing~~
~~Article – Education~~
~~Section 18–19C–10~~
~~Annotated Code of Maryland~~
~~(2014 Replacement Volume and 2017 Supplement)~~

BY adding to
Article – Education
Section 18–1903(h) and (i), 18–1909(h), and 18–19C–10
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education

Section 18–1903(h) and (i), 18–1905.1(a), 18–1909(h), 18–19A–01(c), 18–19A–02(e), 18–19B–01(c), 18–19B–02(d), 18–19C–03(c), and 18–19C–09(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing
Article – Education
Section 18–19C–10
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

18–1903.

(a) There is a Maryland Prepaid College Trust.

(H) MONEY OF THE TRUST MAY NOT BE CONSIDERED MONEY OF OR BE COMMINGLED WITH THE MARYLAND BROKER–DEALER COLLEGE INVESTMENT PLAN.

(I) MONEY OF THE TRUST MAY NOT BE CONSIDERED MONEY OF OR BE COMMINGLED WITH THE MARYLAND ABLE PROGRAM.

[(h)**] (J)** (1) The debts, contracts, and obligations of the Trust are not the contracts, debts, or obligations of the State and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.

(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Trust or to make any appropriation for the payment of the debts and obligations of the Trust.

[(i)**] (K)** Neither the State nor any eligible institution of higher education shall be liable for any losses or shortage of funds in the event that the Maryland Prepaid College Trust is insufficient to meet the tuition requirements of an institution attended by the qualified beneficiary.

18–1905.1.

(a) (1) The Board shall develop and implement a marketing plan to increase participation in **[**the College Savings Plans of**]** Maryland **529**.

(2) (i) The marketing plan shall identify methods to increase general participation in **[**the College Savings Plans of**]** Maryland **529**.

(ii) The Board shall coordinate with the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans and local school systems, respectively, to identify methods to increase participation in **[**the College Savings Plans of**]** Maryland **529** among:

1. State employees that participate in other State tax savings programs; and

2. Families of students in local school systems with lower rates of participation in **[**the College Savings Plans of**]** Maryland **529** than the State population.

18–1909.

(H) THE BOARD SHALL ALLOW THE TRANSFER OF FUNDS FROM THE TRUST TO ANY QUALIFIED ABLE PROGRAM ESTABLISHED IN ACCORDANCE WITH § 529A OF THE INTERNAL REVENUE CODE.

[(h)**] (I)** The Board shall set procedures to ensure that contributions to the Trust plus contributions or payments to other qualified State tuition programs do not exceed a total maximum amount determined by § 529 of the Internal Revenue Code for contributions to multiple qualified State tuition programs.

18–19A–01.

(a) In this subtitle the following words have the meanings indicated.

(c) "Board" means the **[**College Savings Plans of**]** Maryland **529** Board established under § 18–1904 of this title.

18–19A–02.

(a) There is a Maryland College Investment Plan.

(e) The Board shall adopt procedures relating to:

(1) Application procedures for participation in the Plan;

(2) Start–up costs incurred by the State for the development of the Plan with these costs to be reimbursed to the State by the Plan;

(3) Early withdrawals, so that there will be no major detriment to the remaining account holders in the Plan;

(4) The State contribution program; **[**and**]**

(5) Transfer of funds from the Plan to other qualified State tuition programs and from other qualified State tuition programs to the Plan in accordance with federal law**; AND**

(6) TRANSFER OF FUNDS FROM THE PLAN TO A QUALIFIED ABLE PROGRAM ESTABLISHED IN ACCORDANCE WITH § 529A OF THE INTERNAL REVENUE CODE.

18–19B–01.

(a) In this subtitle the following words have the meanings indicated.

(c) "Board" means the **[**College Savings Plans of**]** Maryland **529** Board established under § 18–1904 of this title.

18–19B–02.

(a) The Board may establish a Maryland Broker–Dealer College Investment Plan.

(d) (1) The Board shall adopt procedures relating to:

(i) Enrollment procedures for participation in the Broker–Dealer Plan;

(ii) Start–up costs incurred by the State for the development of the Broker–Dealer Plan with these costs to be reimbursed to the State by the Broker–Dealer Plan;

(iii) Early withdrawals so that there will be no major detriment to the remaining account holders in the Broker–Dealer Plan; **[**and**]**

(iv) Transfer of funds from the Broker–Dealer Plan to other qualified State tuition programs and from other qualified State tuition programs to the Broker–Dealer Plan in accordance with federal law; and

(V) TRANSFER OF FUNDS FROM THE BROKER–DEALER PLAN TO A QUALIFIED ABLE PROGRAM ESTABLISHED IN ACCORDANCE WITH § 529A OF THE INTERNAL REVENUE CODE.

(2) The Board shall adopt any other procedures that the Board considers necessary to carry out the provisions of this subtitle.

18–19C–01.

(b) "ABLE account" means an account described under § 529A(e) of the Internal Revenue Code.

18–19C–02.

(b) The purpose of the Maryland ABLE Program is to:

(1) Encourage and assist individuals and families in saving private funds to support individuals with disabilities to maintain health, independence, and quality of life; and

(2) Provide secure funding for disability–related expenses on behalf of designated beneficiaries with disabilities that will supplement, not supplant, benefits provided through private insurance, the Medicaid program under Title XIX of the Social Security Act, the Supplemental Security Income program under Title XVI of the Social Security Act, the beneficiary's employment, and any other source.

18–19C–03.

(c) (1) The Maryland ABLE Program is subject to the provisions of § 529A of the Internal Revenue Code.

(2) The Maryland ABLE Program shall include provisions for automatic contributions.

(3) Money and assets in the accounts established under the Maryland ABLE Program or an ABLE program in any other state may not be considered for the purpose of determining eligibility to receive, or the amount of, any assistance or benefits from local or State means–tested programs.

(4) Money and assets contributed in each calendar year to the account of each ABLE account holder may not exceed the amount specified in § **[**2503(b)**] 529A(B)(2)** of the Internal Revenue Code for each calendar year in which the taxable year begins.

(5) Contributions to the account of each ABLE account holder may not exceed the maximum amount determined by the Board to be in accordance with § 529A(b)(6) of the Internal Revenue Code.

18–19C–09.

(b) If the contribution of an ABLE account contributor under the Maryland ABLE Program would result in aggregate contributions from all contributors to the ABLE account

for the taxable year exceeding the amount specified in § **[**2503(b)**] 529A(B)(2)** of the Internal Revenue Code for each calendar year in which the taxable year begins, the Board shall issue a refund to the ABLE account contributor.

[18–19C–10.

In accordance with § 529A(f) of the Internal Revenue Code, on the death of a designated beneficiary, any state may file a claim for the amount of the total medical assistance paid for the designated beneficiary under the state's Medicaid plan after the establishment of an ABLE account.**]**

18–19C–10.

(A) UNLESS PROHIBITED BY FEDERAL LAW, ON THE DEATH OF A DESIGNATED BENEFICIARY, MONEY AND ASSETS IN AN ABLE ACCOUNT MAY BE TRANSFERRED TO:

(1) THE ESTATE OF THE DESIGNATED BENEFICIARY; OR

(2) AN ABLE ACCOUNT FOR ANOTHER ELIGIBLE INDIVIDUAL SPECIFIED BY THE DESIGNATED BENEFICIARY OR THE ESTATE OF THE DESIGNATED BENEFICIARY.

(B) UNLESS REQUIRED BY FEDERAL LAW, AN AGENCY OR INSTRUMENTALITY OF THE STATE MAY NOT SEEK PAYMENT UNDER § 529A(F) OF THE INTERNAL REVENUE CODE FROM AN ABLE ACCOUNT OR ITS PROCEEDS FOR ANY AMOUNT OF MEDICAL ASSISTANCE PAID FOR THE DESIGNATED BENEFICIARY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 391

(Senate Bill 550)

AN ACT concerning

Maryland Achieving a Better Life Experience (ABLE) Program – ~~Death of a Designated Beneficiary~~ Modifications

FOR the purpose of providing that certain money in the Maryland Prepaid College Trust may not be considered money of or be commingled with the Maryland Broker–Dealer

College Investment Plan or the Maryland ABLE Program; altering the title of a certain savings plan under the authority of the Maryland 529 Board; requiring the Board to allow the transfer of funds from certain trusts and plans to a certain program; altering the limit on money and assets that a certain account holder can contribute to an ABLE account during a certain period of time; altering the circumstances under which the Board shall issue a refund to an ABLE account contributor; authorizing money and assets in an ABLE account to be transferred, on the death of a designated beneficiary, to a certain estate or a certain ABLE account for an eligible individual, unless prohibited by federal law; prohibiting the State, unless required by federal law, from seeking payment from an ABLE account or its proceeds for certain medical benefits paid for the designated beneficiary; altering certain definitions; and generally relating to the Maryland ABLE Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–1903(a), 18–19A–01(a), 18–19A–02(a), 18–19B–01(a), 18–19B–02(a), 18–19C–01(b), and 18–19C–02(b)
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(2014 Replacement Volume and 2017 Supplement)

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BY adding to
Article – Education
Section 18–1903(h) and (i), 18–1909(h), and 18–19C–10
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BY repealing and reenacting, with amendments,
Article – Education
Section 18–1903(h) and (i), 18–1905.1(a), 18–1909(h), 18–19A–01(c), 18–19A–02(e), 18–19B–01(c), 18–19B–02(d), 18–19C–03(c), and 18–19C–09(b)
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(2014 Replacement Volume and 2017 Supplement)

BY repealing
Article – Education
Section 18–19C–10
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

18–1903.

(a) There is a Maryland Prepaid College Trust.

(H) MONEY OF THE TRUST MAY NOT BE CONSIDERED MONEY OF OR BE COMMINGLED WITH THE MARYLAND BROKER–DEALER COLLEGE INVESTMENT PLAN.

(I) MONEY OF THE TRUST MAY NOT BE CONSIDERED MONEY OF OR BE COMMINGLED WITH THE MARYLAND ABLE PROGRAM.

[(h)**] (J)** (1) The debts, contracts, and obligations of the Trust are not the contracts, debts, or obligations of the State and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.

(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Trust or to make any appropriation for the payment of the debts and obligations of the Trust.

[(i)**] (K)** Neither the State nor any eligible institution of higher education shall be liable for any losses or shortage of funds in the event that the Maryland Prepaid College Trust is insufficient to meet the tuition requirements of an institution attended by the qualified beneficiary.

18–1905.1.

(a) (1) The Board shall develop and implement a marketing plan to increase participation in **[**the College Savings Plans of**]** Maryland **529**.

(2) (i) The marketing plan shall identify methods to increase general participation in **[**the College Savings Plans of**]** Maryland **529**.

(ii) The Board shall coordinate with the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans and local school systems, respectively, to identify methods to increase participation in **[**the College Savings Plans of**]** Maryland **529** among:

1. State employees that participate in other State tax savings programs; and

2. Families of students in local school systems with lower rates of participation in [the College Savings Plans of] Maryland **529** than the State population.

18–1909.

(H) THE BOARD SHALL ALLOW THE TRANSFER OF FUNDS FROM THE TRUST TO ANY QUALIFIED ABLE PROGRAM ESTABLISHED IN ACCORDANCE WITH § 529A OF THE INTERNAL REVENUE CODE.

[(h)] **(I)** The Board shall set procedures to ensure that contributions to the Trust plus contributions or payments to other qualified State tuition programs do not exceed a total maximum amount determined by § 529 of the Internal Revenue Code for contributions to multiple qualified State tuition programs.

18–19A–01.

(a) In this subtitle the following words have the meanings indicated.

(c) "Board" means the [College Savings Plans of] Maryland **529** Board established under § 18–1904 of this title.

18–19A–02.

(a) There is a Maryland College Investment Plan.

(e) The Board shall adopt procedures relating to:

(1) Application procedures for participation in the Plan;

(2) Start–up costs incurred by the State for the development of the Plan with these costs to be reimbursed to the State by the Plan;

(3) Early withdrawals, so that there will be no major detriment to the remaining account holders in the Plan;

(4) The State contribution program; [and]

(5) Transfer of funds from the Plan to other qualified State tuition programs and from other qualified State tuition programs to the Plan in accordance with federal law**; AND**

(6) TRANSFER OF FUNDS FROM THE PLAN TO A QUALIFIED ABLE PROGRAM ESTABLISHED IN ACCORDANCE WITH § 529A OF THE INTERNAL REVENUE CODE.

18–19B–01.

(a) In this subtitle the following words have the meanings indicated.

(c) "Board" means the **[**College Savings Plans of**]** Maryland **529** Board established under § 18–1904 of this title.

18–19B–02.

(a) The Board may establish a Maryland Broker–Dealer College Investment Plan.

(d) (1) The Board shall adopt procedures relating to:

(i) Enrollment procedures for participation in the Broker–Dealer Plan;

(ii) Start–up costs incurred by the State for the development of the Broker–Dealer Plan with these costs to be reimbursed to the State by the Broker–Dealer Plan;

(iii) Early withdrawals so that there will be no major detriment to the remaining account holders in the Broker–Dealer Plan; **[**and**]**

(iv) Transfer of funds from the Broker–Dealer Plan to other qualified State tuition programs and from other qualified State tuition programs to the Broker–Dealer Plan in accordance with federal law; and

(V) TRANSFER OF FUNDS FROM THE BROKER–DEALER PLAN TO A QUALIFIED ABLE PROGRAM ESTABLISHED IN ACCORDANCE WITH § 529A OF THE INTERNAL REVENUE CODE.

(2) The Board shall adopt any other procedures that the Board considers necessary to carry out the provisions of this subtitle.

18–19C–01.

(b) "ABLE account" means an account described under § 529A(e) of the Internal Revenue Code.

18–19C–02.

(b) The purpose of the Maryland ABLE Program is to:

(1) Encourage and assist individuals and families in saving private funds to support individuals with disabilities to maintain health, independence, and quality of life; and

(2) Provide secure funding for disability–related expenses on behalf of designated beneficiaries with disabilities that will supplement, not supplant, benefits provided through private insurance, the Medicaid program under Title XIX of the Social Security Act, the Supplemental Security Income program under Title XVI of the Social Security Act, the beneficiary's employment, and any other source.

18–19C–03.

(c) (1) The Maryland ABLE Program is subject to the provisions of § 529A of the Internal Revenue Code.

(2) The Maryland ABLE Program shall include provisions for automatic contributions.

(3) Money and assets in the accounts established under the Maryland ABLE Program or an ABLE program in any other state may not be considered for the purpose of determining eligibility to receive, or the amount of, any assistance or benefits from local or State means–tested programs.

(4) Money and assets contributed in each calendar year to the account of each ABLE account holder may not exceed the amount specified in § **[**2503(b)**] 529A(B)(2)** of the Internal Revenue Code for each calendar year in which the taxable year begins.

(5) Contributions to the account of each ABLE account holder may not exceed the maximum amount determined by the Board to be in accordance with § 529A(b)(6) of the Internal Revenue Code.

18–19C–09.

(b) If the contribution of an ABLE account contributor under the Maryland ABLE Program would result in aggregate contributions from all contributors to the ABLE account for the taxable year exceeding the amount specified in § **[**2503(b)**] 529A(B)(2)** of the Internal Revenue Code for each calendar year in which the taxable year begins, the Board shall issue a refund to the ABLE account contributor.

[18–19C–10.

In accordance with § 529A(f) of the Internal Revenue Code, on the death of a designated beneficiary, any state may file a claim for the amount of the total medical assistance paid for the designated beneficiary under the state's Medicaid plan after the establishment of an ABLE account.**]**

18–19C–10.

(A) UNLESS PROHIBITED BY FEDERAL LAW, ON THE DEATH OF A DESIGNATED BENEFICIARY, MONEY AND ASSETS IN AN ABLE ACCOUNT MAY BE TRANSFERRED TO:

(1) THE ESTATE OF THE DESIGNATED BENEFICIARY; OR

(2) AN ABLE ACCOUNT FOR ANOTHER ELIGIBLE INDIVIDUAL SPECIFIED BY THE DESIGNATED BENEFICIARY OR THE ESTATE OF THE DESIGNATED BENEFICIARY.

(B) UNLESS REQUIRED BY FEDERAL LAW, AN AGENCY OR INSTRUMENTALITY OF THE STATE MAY NOT SEEK PAYMENT UNDER § 529A(F) OF THE INTERNAL REVENUE CODE FROM AN ABLE ACCOUNT OR ITS PROCEEDS FOR ANY AMOUNT OF MEDICAL ASSISTANCE PAID FOR THE DESIGNATED BENEFICIARY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ *June* 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 392

(House Bill 871)

AN ACT concerning

Higher Education – University System of Maryland – Quasi–Endowment Funds

FOR the purpose of authorizing the Board of Regents of the University System of Maryland to transfer up to a certain amount of funds from the non–State supported fund balance to a quasi–endowment fund; limiting the use of certain proceeds to certain purposes; stating the intent of the General Assembly for the source of a certain transfer; and generally relating to quasi–endowment funds of the University System of Maryland.

BY repealing and reenacting, with amendments,
Article – Education
Section 12–104(e)(2)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, In Chapter 266 of the Acts of 2013, the General Assembly authorized the University System of Maryland to create a quasi–endowment fund to help fund–raising and other related activities at the constituent institutions of the University System of Maryland; and

WHEREAS, The General Assembly has encouraged its institutions of higher education to raise supplemental funds from the private sector through innovative fund–raising to support Maryland citizens; and

WHEREAS, In 2017 the A. James & Alice B. Clark Foundation made an unprecedented investment of ~~$219,000,000~~ $219,500,000 to the State's flagship institution, the University of Maryland, College Park Campus, for the purpose of, among other initiatives, increasing college access and affordability through need–based scholarships; and

WHEREAS, This private donation was one of the largest ever given to a public university in the nation's history; and

WHEREAS, The Clark Challenge for Maryland Promise offers the opportunity to create a scholarship fund of ~~at least~~ up to $100,000,000 with supplemental matching funds to support Maryland students at the University of Maryland, College Park Campus and students transferring from community college with financial need–based scholarships; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

12–104.

(e) (2) (i) Subject to subparagraphs (ii) **[**and**]**, (iii)**, AND (IV)** of this paragraph, the Board may maintain and manage quasi–endowment funds.

(ii) The Board may only make a one–time transfer of no more than $50,000,000 from the non–State supported fund balance held and invested by the State Treasurer to the quasi–endowment fund.

(iii) 1. Subject to the limitation under subsubparagraph 2 of this subparagraph, the Board may make only a one–time transfer of no more than $50,000,000 from the State–supported fund balance held and invested by the State Treasurer to the quasi–endowment fund.

2. The Board may use the investment proceeds for facility renewal projects relating only to capital facilities used for State–supported activities.

(IV) 1. SUBJECT TO THE LIMITATION UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE BOARD MAY MAKE ONLY A ONE–TIME TRANSFER OF NO MORE THAN $25,000,000 FROM THE NON–STATE SUPPORTED FUND BALANCE HELD AND INVESTED BY THE STATE TREASURER TO THE QUASI–ENDOWMENT FUND.

2. THE BOARD MAY USE THE INVESTMENT PROCEEDS ONLY TO MATCH A PRIVATELY FUNDED SCHOLARSHIP PROGRAM AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, in transferring the funds authorized to be transferred under this Act, the Board of Regents of the University System of Maryland make a transfer from the fund balance held on account of and attributable to the University of Maryland, College Park Campus.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 393

(Senate Bill 502)

AN ACT concerning

~~Higher Education –~~ University System of Maryland – *Board of Regents and* Quasi–Endowment Funds

FOR the purpose of *providing that the unexpired or partial term of a member of the Board of Regents of the University System of Maryland appointed to fill a vacancy does not qualify as a full term for the purposes of the prohibition against a member serving a certain number of consecutive full terms;* authorizing the Board of Regents ~~of the University System of Maryland~~ to transfer up to a certain amount of funds from the non–State supported fund balance to a quasi–endowment fund; limiting the use of certain proceeds to certain purposes; stating the intent of the General Assembly for the source of a certain transfer; *providing for the application of a certain provision of this Act;* and generally relating to ~~quasi–endowment funds of~~ the University System of Maryland.

BY repealing and reenacting, without amendments,
Article – Education
Section 12–102(a) and (b)

Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section *12–102(g) and* 12–104(e)(2)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, In Chapter 266 of the Acts of 2013, the General Assembly authorized the University System of Maryland to create a quasi–endowment fund to help fund–raising and other related activities at the constituent institutions of the University System of Maryland; and

WHEREAS, The General Assembly has encouraged its institutions of higher education to raise supplemental funds from the private sector through innovative fund–raising to support Maryland citizens; and

WHEREAS, In 2017 the A. James & Alice B. Clark Foundation made an unprecedented investment of ~~$219,000,000~~ $219,500,000 to the State's flagship institution, the University of Maryland, College Park Campus, for the purpose of, among other initiatives, increasing college access and affordability through need–based scholarships; and

WHEREAS, This private donation was one of the largest ever given to a public university in the nation's history; and

WHEREAS, The Clark Challenge for Maryland Promise offers the opportunity to create a scholarship fund of ~~at least~~ up to $100,000,000 with supplemental matching funds to support Maryland students at the University of Maryland, College Park Campus and students transferring from community college with financial need–based scholarships; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

12–102.

(a) (1) There is a body corporate and politic known as the University System of Maryland.

(2) The University is an instrumentality of the State and a public corporation.

(3) The University is an independent unit of State government.

(4) The exercise by the University of the powers conferred by this subtitle is the performance of an essential public function.

(b) The government of the University System of Maryland is vested in the Board of Regents of the University System of Maryland.

(g) ***(1)*** *Except for the Secretary of Agriculture* ***AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION****, a member may not serve more than 2 consecutive full terms.*

(2) THE UNEXPIRED OR PARTIAL TERM OF A MEMBER APPOINTED TO FILL A VACANCY OCCURRING DURING A 5–YEAR TERM DOES NOT QUALIFY AS A FULL TERM FOR THE NEWLY APPOINTED MEMBER.

12–104.

(e) (2) (i) Subject to subparagraphs (ii) **[**and**]**, (iii)**, AND (IV)** of this paragraph, the Board may maintain and manage quasi–endowment funds.

(ii) The Board may only make a one–time transfer of no more than $50,000,000 from the non–State supported fund balance held and invested by the State Treasurer to the quasi–endowment fund.

(iii) 1. Subject to the limitation under subsubparagraph 2 of this subparagraph, the Board may make only a one–time transfer of no more than $50,000,000 from the State–supported fund balance held and invested by the State Treasurer to the quasi–endowment fund.

2. The Board may use the investment proceeds for facility renewal projects relating only to capital facilities used for State–supported activities.

(IV) 1. SUBJECT TO THE LIMITATION UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE BOARD MAY MAKE ONLY A ONE–TIME TRANSFER OF NO MORE THAN $25,000,000 FROM THE NON–STATE SUPPORTED FUND BALANCE HELD AND INVESTED BY THE STATE TREASURER TO THE QUASI–ENDOWMENT FUND.

2. THE BOARD MAY USE THE INVESTMENT PROCEEDS ONLY TO MATCH A PRIVATELY FUNDED SCHOLARSHIP PROGRAM AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS.

SECTION 2. AND BE IT FURTHER ENACTED, That § 12–102(g) of the Education Article, as enacted by Section 1 of this Act, applies to a member of the Board of Regents of the University System of Maryland serving on or after July 1, ~~2018~~ 2008.

SECTION ~~2.~~ *3.* AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, in transferring the funds authorized to be transferred under this Act, the Board of Regents of the University System of Maryland make a transfer from the fund balance held on account of and attributable to the University of Maryland, College Park Campus.

SECTION ~~3.~~ *4.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 394

(Senate Bill 607)

AN ACT concerning

Higher Education – Sexual Assault Policy – Disciplinary Proceedings ~~Policy~~ Provisions

FOR the purpose of requiring the governing body of each institution of higher education, on or before a certain date, to adopt and submit to the Maryland Higher Education Commission a revised written policy on sexual assault that includes certain disciplinary proceedings provisions; requiring the disciplinary proceedings ~~policy~~ provisions to include a description of the rights for certain students and to include certain provisions; requiring the disciplinary proceedings ~~policy~~ provisions to require an institution of higher education to provide certain students with a certain notice, to use a certain standard of proof in certain disciplinary proceedings, to prohibit the use of mediation to resolve certain allegations except under certain circumstances, to prohibit a certain adjudicating official or body from considering certain types of evidence~~,~~ except in certain circumstances, ~~to prohibit an adjudicating officer or body from making certain findings except in certain circumstances,~~ to ~~require~~ *authorize* counsel to be provided to certain students under certain circumstances, ~~and~~ to authorize certain institutions to use mediation under certain circumstances, to require the Commission to pay certain costs and fees except under certain circumstances, and to provide for the construction of this Act; *specifying that an institution may not discourage a student from retaining an attorney; specifying that the Commission is not required to pay a student's attorney's fees for representation in a criminal or civil matter;* and generally relating to sexual assault and disciplinary proceedings ~~policies~~ provisions at institutions of higher education.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–601

Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

11–601.

(a) (1) By August 1, 1993, the governing body of each institution of higher education shall adopt and submit to the Commission a written policy on sexual assault.

(2) The policy adopted under paragraph (1) of this subsection shall apply to each student, faculty member, and employee of the institution and inform the students, faculty members, and employees of their rights and duties under the policy.

(b) (1) Each institution of higher education shall post at appropriate locations on each campus and distribute to its students, faculty members, and employees a copy of the policy adopted under subsection (a) of this section.

(2) Each institution of higher education shall implement the policy adopted under subsection (a) of this section.

(c) The sexual assault policy required under subsection (a) of this section shall conform with § 485(f) of the Higher Education Act of 1965 as amended **[**and**],** Title IX of the Education Amendments of 1972**,** and **ANY ADDITIONAL REQUIREMENTS UNDER THIS SECTION AND** shall include procedures for reporting an incident of sexual assault and for taking disciplinary actions against a violator of the policy, including provisions for:

(1) Informing a victim of a sexual assault of the right to file criminal charges with the appropriate law enforcement official;

(2) The prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of an incident of sexual assault;

(3) Designation of the nearest hospitals equipped with the Department of State Police Sexual Assault Evidence Collection Kit;

(4) Full and prompt cooperation from campus personnel in obtaining appropriate medical attention, including transporting the victim to the nearest designated hospital;

(5) Offering counseling to a victim of sexual assault from mental health services provided by the institution, other victim service entities, or the nearest State designated rape crisis program;

(6) After a campus sexual assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible;

(7) Prohibiting the imposition of a campus conduct action, except for a mandatory intervention for substance abuse, for a violation of the alcohol or drug use policies of the institution of higher education for a student who reports to the institution or a law enforcement officer an incidence of sexual assault or who participates in an investigation of a sexual assault as a witness if:

(i) The institution of higher education determines the violation occurred during or near the time of the alleged sexual assault;

(ii) The student is determined to have made the report of sexual assault or is participating in an investigation as a witness in good faith; and

(iii) The institution of higher education determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk;

(8) Prohibiting the institution of higher education from retaliating against a student who files a complaint for sexual assault or who participates as a witness in an investigation of a sexual assault; and

(9) Pursuing formalized agreements with:

(i) The local law enforcement agency that complies with the relevant provisions of Title IX of the Education Amendments of 1972 and clearly states when a school will refer a matter to local law enforcement; and

(ii) A State designated rape crisis program, federally recognized sexual assault coalition, or both that formalizes a commitment to provide trauma–informed services to victims of sexual assault and improve the overall response to sexual assault by the institution of higher education.

(D) (1) THE GOVERNING BODY OF EACH INSTITUTION OF HIGHER EDUCATION SHALL INCLUDE IN THE SEXUAL ASSAULT POLICY REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ~~A~~ PROVISIONS FOR DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS FOR ALLEGED VIOLATIONS OF THE SEXUAL ASSAULT POLICY.

(2) ON OR BEFORE AUGUST 1, 2019, THE GOVERNING BODY OF EACH INSTITUTION OF HIGHER EDUCATION SHALL ADOPT AND SUBMIT A REVISED SEXUAL ASSAULT POLICY THAT INCLUDES THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A DESCRIPTION OF THE RIGHTS OF A STUDENT WHO ALLEGES A VIOLATION OF OR A STUDENT WHO RESPONDS TO AN ALLEGATION OF A VIOLATION OF THE INSTITUTION'S SEXUAL ASSAULT POLICY, INCLUDING:

(I) TREATMENT WITH DIGNITY, RESPECT, AND SENSITIVITY BY OFFICIALS OF THE INSTITUTION OF HIGHER EDUCATION DURING ALL PHASES OF THE DISCIPLINARY PROCEEDINGS;

(II) A ~~TIMELY~~ FAIR AND IMPARTIAL INVESTIGATION;

(III) DISCIPLINARY PROCEEDINGS AND RESOLUTIONS THAT ARE ~~FAIR AND IMPARTIAL~~ PROMPT AND EQUITABLE AND PROVIDE ~~A MEANINGFUL~~ AN OPPORTUNITY FOR THE ALLEGED VICTIM AND THE ALLEGED VIOLATOR TO BE HEARD;

(IV) TIMELY WRITTEN NOTICE OF:

1. THE REPORTED VIOLATION ~~OF THE INSTITUTION'S SEXUAL ASSAULT POLICY~~, INCLUDING THE DATE, TIME, AND LOCATION OF THE ALLEGED VIOLATION, AND THE RANGE OF POTENTIAL SANCTIONS ASSOCIATED WITH THE ALLEGED VIOLATION;

2. THE STUDENT'S RIGHTS AND RESPONSIBILITIES UNDER THE SEXUAL ASSAULT POLICY AND ~~APPLICABLE LAW~~ INFORMATION REGARDING OTHER CIVIL AND CRIMINAL OPTIONS;

3. THE DATE, TIME, AND LOCATION OF EACH HEARING, MEETING, OR INTERVIEW THAT THE STUDENT IS REQUIRED OR PERMITTED TO ATTEND;

4. ~~ANY~~ A FINAL DETERMINATION MADE BY THE ADJUDICATING OFFICIAL OR BODY REGARDING WHETHER A SEXUAL ASSAULT POLICY VIOLATION OCCURRED AND THE BASIS FOR THE DETERMINATION;

5. ANY SANCTION IMPOSED; AND

6. THE STUDENT'S RIGHTS TO APPEAL AND A DESCRIPTION OF THE APPEAL PROCESS;

(V) PARTICIPATION IN THE DISCIPLINARY PROCEEDINGS, INCLUDING:

1. ACCESS TO THE CASE FILE AND EVIDENCE REGARDING THE INCIDENT OBTAINED BY THE INSTITUTION OF HIGHER EDUCATION DURING THE INVESTIGATION OR CONSIDERED BY THE ADJUDICATING OFFICIAL OR BODY, WITH PERSONALLY IDENTIFIABLE OR OTHER INFORMATION REDACTED ~~IF REQUIRED BY LAW~~ AS REQUIRED BY APPLICABLE LAW;

2. OFFERING TESTIMONY AT A HEARING OR, IF THE INSTITUTION'S PROCESS DOES NOT INCLUDE A HEARING, TO THE ADJUDICATING OFFICIAL;

3. SUBMITTING EVIDENCE, WITNESS LISTS, AND SUGGESTED SPECIFIC QUESTIONS TO BE POSED TO THE OTHER STUDENT INVOLVED IN THE DISCIPLINARY PROCEEDINGS BY INVESTIGATORS OR THE ADJUDICATING OFFICIAL OR BODY;

4. PROVIDING AND REVIEWING TESTIMONY ELECTRONICALLY OR IN A WAY IN WHICH THE STUDENTS ARE NOT REQUIRED TO BE IN THE PHYSICAL PRESENCE OF THE OTHER;

5. REVIEWING AND PROVIDING WRITTEN RESPONSES TO REPORTS AND PROPOSED FINDINGS; AND

6. APPEALING A DETERMINATION OR A SANCTION;

(VI) ASSISTANCE BY A LICENSED ATTORNEY, AN ADVOCATE SUPERVISED BY AN ATTORNEY, OR ~~AN ADVOCATE CERTIFIED BY THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION~~ A TRAINED ADVOCATE THROUGHOUT THE DISCIPLINARY PROCEEDINGS, INCLUDING BY THE ATTORNEY OR ADVOCATE'S:

1. ATTENDANCE AT HEARINGS, MEETINGS, AND INTERVIEWS WITH THE STUDENT;

2. PRIVATE CONSULTATIONS WITH THE STUDENT DURING HEARINGS, MEETINGS, AND INTERVIEWS, EXCEPT DURING QUESTIONING OF THE STUDENT AT A HEARING; AND

3. ASSISTANCE WITH THE STUDENT'S EXERCISE OF ANY RIGHT DURING THE DISCIPLINARY PROCEEDINGS; AND

(VII) ~~THE~~ NOTWITHSTANDING THE CHOICE THAT A STUDENT MAKES UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, THE PRESENCE OF NO MORE THAN TWO PEOPLE, INCLUDING A PERSONAL SUPPORTER OF THE STUDENT'S

CHOICE, ~~IN ADDITION TO~~ AN ATTORNEY, OR AN ADVOCATE, AT ANY HEARING, MEETING, OR INTERVIEW DURING THE DISCIPLINARY PROCEEDINGS.

(4) THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) REQUIRE THE INSTITUTION OF HIGHER EDUCATION TO PROVIDE EACH STUDENT INVOLVED IN DISCIPLINARY PROCEEDINGS WITH NOTICE, ~~AT LEAST 10 DAYS~~ PRESENTED IN ~~A CULTURALLY~~ *AN* APPROPRIATE AND SENSITIVE FORMAT, BEFORE THE START OF THE DISCIPLINARY PROCEEDINGS, OF:

1. THE STUDENT'S RIGHT TO THE ASSISTANCE OF AN ATTORNEY OR AN ADVOCATE;

2. THE LEGAL SERVICE ORGANIZATIONS AND REFERRAL SERVICES AVAILABLE TO THE STUDENT; AND

3. THE STUDENT'S RIGHT TO HAVE A PERSONAL SUPPORTER OF THE STUDENT'S CHOICE AT ANY HEARING, MEETING, OR INTERVIEW DURING THE DISCIPLINARY PROCEEDINGS;

(II) REQUIRE THE USE OF THE SAME STANDARD OF PROOF USED IN OTHER DISCIPLINARY PROCEEDINGS AT THE INSTITUTION OF HIGHER EDUCATION FOR ALLEGATIONS OF CODE OF CONDUCT VIOLATIONS INVOLVING DISCRIMINATION OR HARM TO ANOTHER INDIVIDUAL;

(III) ~~PROHIBIT~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, PROHIBIT THE INSTITUTION OF HIGHER EDUCATION FROM USING MEDIATION TO RESOLVE AN ALLEGATION OF A VIOLATION OF THE INSTITUTION'S SEXUAL ASSAULT POLICY;

(IV) PROHIBIT THE ADJUDICATING OFFICIAL OR BODY FROM CONSIDERING CERTAIN EVIDENCE, INCLUDING:

1. ~~AN ALLEGED VICTIM'S~~ A STUDENT'S PRIOR SEXUAL HISTORY WITH AN INDIVIDUAL OTHER THAN ~~THE STUDENT ALLEGED TO HAVE COMMITTED THE VIOLATION~~ A PARTY TO THE PROCEEDINGS, EXCEPT TO:

A. ~~PROVE~~ PROVE THE SOURCE OF INJURY ~~OR~~;

B. PROVE PRIOR SEXUAL MISCONDUCT;

C. SUPPORT A CLAIM THAT A STUDENT HAS AN ULTERIOR MOTIVE; OR

D. IMPEACH A STUDENT'S CREDIBILITY *AFTER THAT STUDENT HAS PUT HIS OR HER OWN PRIOR SEXUAL CONDUCT AT ISSUE*; AND

2. A STUDENT'S HISTORY OF MENTAL HEALTH COUNSELING, TREATMENT, OR DIAGNOSIS, UNLESS THE STUDENT CONSENTS; AND

~~(V) PROHIBIT THE ADJUDICATING OFFICIAL OR BODY FROM FINDING THAT ALL STUDENTS INVOLVED IN THE DISCIPLINARY PROCEEDINGS VIOLATED THE SEXUAL ASSAULT POLICY, UNLESS THE ADJUDICATING OFFICER OR BODY FINDS THAT:~~

~~1. NO STUDENT ACTED TO DOMINATE ANY OTHER INDIVIDUAL; AND~~

~~2. EVERY STUDENT INTENTIONALLY DISREGARDED THE OTHER STUDENTS' LACK OF CONSENT; AND~~

~~(VI) UNLESS AN ADJUDICATING OFFICIAL OR BODY MAKES WRITTEN FINDINGS AND A DETERMINATION THAT THE DISCIPLINARY PROCEEDINGS UNDER THIS SECTION WILL NOT RESULT IN THE EXPULSION OF A STUDENT, REQUIRE THAT:~~

~~1. COUNSEL SHALL BE PROVIDED FOR EACH STUDENT ALLEGING A VIOLATION AND EACH STUDENT RESPONDING TO AN ALLEGATION OF THE SEXUAL ASSAULT POLICY; AND~~

(V) ~~REQUIRE THAT COUNSEL BE PROVIDED AND~~ *AUTHORIZE STUDENTS TO ACCESS COUNSEL* PAID FOR BY THE COMMISSION, AS DESCRIBED UNDER PARAGRAPH (6) OF THIS SUBSECTION, FOR:

~~1. A STUDENT WHO MAKES A COMPLAINT ON WHICH A FORMAL A TITLE IX INVESTIGATION IS INITIATED, UNLESS THE STUDENT KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL; AND~~

~~2. A STUDENT WHO RESPONDS TO A COMPLAINT, UNLESS THE STUDENT KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL.~~

1. A CURRENT OR FORMER STUDENT WHO MAKES A COMPLAINT ON WHICH A FORMAL TITLE IX INVESTIGATION IS INITIATED AND WHO WAS ENROLLED AS A STUDENT AT THE INSTITUTION AT THE TIME OF THE INCIDENT THAT IS THE BASIS OF THE COMPLAINT, UNLESS THE STUDENT KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL; AND

2. A CURRENT OR FORMER STUDENT WHO RESPONDS TO A COMPLAINT ON WHICH A FORMAL TITLE IX INVESTIGATION IS INITIATED AND WHO WAS ENROLLED AS A STUDENT AT THE INSTITUTION AT THE TIME OF THE INCIDENT THAT IS THE BASIS OF THE COMPLAINT, UNLESS THE STUDENT KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL.

~~2. THE COMMISSION SHALL PAY REASONABLE COSTS AND ATTORNEY'S FEES FOR A STUDENT THAT:~~

~~A. IS ENTITLED TO COUNSEL UNDER THIS SUBSECTION; AND~~

~~B. IS INDIGENT AND UNABLE TO RETAIN COUNSEL.~~

(5) THE DISCIPLINARY PROCEEDINGS PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL AUTHORIZE AN INSTITUTION TO USE MEDIATION OR OTHER INFORMAL MECHANISMS FOR RESOLVING A COMPLAINT RELATING TO THE INSTITUTION'S SEXUAL ASSAULT POLICY IF:

(I) THE COMPLAINING STUDENT REQUESTS AN INFORMAL MECHANISM;

(II) ALL PARTIES TO THE COMPLAINT, AND THE INSTITUTION, AGREE TO THE USE OF THE INFORMAL MECHANISM;

(III) THE INSTITUTION PARTICIPATES IN THE INFORMAL MECHANISM BY PROVIDING TRAINED STAFF;

(IV) ANY PARTY MAY END THE INFORMAL MECHANISM AT ANY TIME IN FAVOR OF A FORMAL RESOLUTION PROCEEDING; AND

(V) THE ALLEGED MISCONDUCT DOES NOT INVOLVE SEXUAL ASSAULT OR SEXUAL COERCION.

(6) (I) THE DISCIPLINARY PROCEEDINGS PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL, UNLESS A STUDENT WAIVES COUNSEL UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, REQUIRE THE COMMISSION TO PAY REASONABLE COSTS AND ATTORNEY'S FEES FOR STUDENTS PROVIDED COUNSEL UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, AS PROVIDED UNDER THIS PARAGRAPH.

(II) IN CONSULTATION WITH STATE AND LOCAL BAR ASSOCIATIONS AND LEGAL SERVICES PROVIDERS WITH EXPERTISE ABOUT SEXUAL

MISCONDUCT, THE COMMISSION SHALL DEVELOP A LIST OF ATTORNEYS AND LEGAL SERVICES PROGRAMS WILLING TO REPRESENT STUDENTS ON A PRO BONO BASIS OR AT FEES EQUIVALENT TO THOSE PAID TO ATTORNEYS UNDER CIVIL LEGAL SERVICES PROGRAMS ADMINISTERED BY THE MARYLAND LEGAL SERVICES CORPORATION, ESTABLISHED UNDER TITLE 11 OF THE HUMAN SERVICES ARTICLE.

(III) A STUDENT MAY SELECT AN ATTORNEY FROM THE LIST DEVELOPED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

~~**(IV) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A STUDENT SHALL SELECT AND RETAIN AN ATTORNEY WITHIN 30 DAYS OF THE NOTICE PROVIDED TO THE STUDENT OF THE STUDENT'S RIGHT TO COUNSEL.**~~

~~**2. IF A STUDENT DOES NOT SELECT AND RETAIN AN ATTORNEY WITHIN 30 DAYS, THE COMMISSION SHALL SELECT AND RETAIN AN ATTORNEY FOR THE STUDENT.**~~

(IV) 1. A STUDENT MAY SELECT AND RETAIN AN ATTORNEY BEFORE THE CONCLUSION OF THE FORMAL TITLE IX PROCEEDINGS.

2. AN INSTITUTION MAY NOT DISCOURAGE A STUDENT FROM RETAINING AN ATTORNEY.

(V) IF A STUDENT SELECTS AND RETAINS AN ATTORNEY WHO IS NOT ON THE LIST DEVELOPED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL PAY FEES TO THE ATTORNEY SELECTED BY THE STUDENT THAT ARE EQUIVALENT TO THOSE PAID TO ATTORNEYS UNDER CIVIL LEGAL SERVICES PROGRAMS ADMINISTERED BY THE MARYLAND LEGAL SERVICES CORPORATION.

(7) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT AN INSTITUTION OF HIGHER EDUCATION FROM IMPOSING INTERIM SAFETY MEASURES.

(8) THE COMMISSION IS NOT REQUIRED TO PAY A STUDENT'S ATTORNEY'S FEES FOR REPRESENTATION IN A CRIMINAL OR CIVIL MATTER.

[(d)**] (E)** The Commission shall:

(1) Coordinate the development of the sexual assault policies; and

(2) Periodically review and make recommendations for changes in these policies.

[(e)**] (F)** (1) The Commission, in consultation with institutions of higher education, shall establish procedures for the administration of a sexual assault campus climate survey by each institution of higher education.

(2) The procedures shall require each institution of higher education to provide for the completion of the survey by various methods, including online.

[(f)**] (G)** On or before March 1, 2016, and at least every 2 years thereafter, each institution of higher education shall:

(1) Develop an appropriate sexual assault campus climate survey using nationally recognized best practices for research and climate surveys; and

(2) Administer the sexual assault campus climate survey to students in accordance with the procedures established under subsection **[**(e)**] (F)** of this section.

[(g)**] (H)** (1) On or before June 1, 2016, and every 2 years thereafter, each institution of higher education shall submit to the Commission:

(i) A report on school specific results of the sexual assault survey; and

(ii) A report aggregating the data collected by the institution regarding sexual assault complaints made to the institution, including the:

1. Types of misconduct;

2. Outcome of each complaint;

3. Disciplinary actions taken by the institution;

4. Accommodations made to students in accordance with the sexual assault policy established under subsection (c) of this section; and

5. Number of reports involving alleged nonstudent perpetrators.

(2) In reporting the data under paragraph (1) of this subsection, the institution of higher education shall make reasonable efforts to protect student privacy.

(3) An institution of higher education shall submit the data required under paragraph (1) of this subsection together with the reporting requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.

[(h)**] (I)** On or before October 1, 2016, and every 2 years thereafter, the Commission shall:

(1) Report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee on the reports required under subsection **[**(g)**] (H)** of this section; and

(2) Publish the reports required under subsection **[**(g)**] (H)** of this section on the Commission's Web site and in any other location or venue the Commission determines is necessary or appropriate.

[(i)**] (J)** Nothing in this subtitle shall be construed to confer a private cause of action upon any person to enforce the provisions of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 395

(House Bill 913)

AN ACT concerning

Higher Education – Sexual Assault Policy – Disciplinary Proceedings ~~Policy~~ Provisions

FOR the purpose of requiring the governing body of each institution of higher education, on or before a certain date, to adopt and submit to the Maryland Higher Education Commission a revised written policy on sexual assault that includes certain disciplinary proceedings provisions; requiring the disciplinary proceedings ~~policy~~ provisions to include a description of the rights for certain students and to include certain provisions; requiring the disciplinary proceedings ~~policy~~ provisions to require an institution of higher education to provide certain students with a certain notice, to use a certain standard of proof in certain disciplinary proceedings, to prohibit the use of mediation to resolve certain allegations except under certain circumstances, to prohibit a certain adjudicating official or body from considering certain types of evidence~~,~~ except in certain circumstances, ~~to prohibit an adjudicating officer or body from making certain findings except in certain circumstances,~~ to ~~require~~ permit counsel to be provided to certain students under certain circumstances, ~~and~~ to authorize certain institutions to use mediation under certain circumstances, to require the Commission to pay certain costs and fees except under certain

circumstances, and to provide for the construction of this Act; specifying that an institution may not discourage a student from retaining an attorney; specifying that the Commission is not required to pay a student's attorney's fees for representation in a criminal or civil matter; and generally relating to sexual assault and disciplinary proceedings ~~policies~~ provisions at institutions of higher education.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–601
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

11–601.

(a) (1) By August 1, 1993, the governing body of each institution of higher education shall adopt and submit to the Commission a written policy on sexual assault.

(2) The policy adopted under paragraph (1) of this subsection shall apply to each student, faculty member, and employee of the institution and inform the students, faculty members, and employees of their rights and duties under the policy.

(b) (1) Each institution of higher education shall post at appropriate locations on each campus and distribute to its students, faculty members, and employees a copy of the policy adopted under subsection (a) of this section.

(2) Each institution of higher education shall implement the policy adopted under subsection (a) of this section.

(c) The sexual assault policy required under subsection (a) of this section shall conform with § 485(f) of the Higher Education Act of 1965 as amended **[**and**]**, Title IX of the Education Amendments of 1972**,** and **ANY ADDITIONAL REQUIREMENTS UNDER THIS SECTION AND** shall include procedures for reporting an incident of sexual assault and for taking disciplinary actions against a violator of the policy, including provisions for:

(1) Informing a victim of a sexual assault of the right to file criminal charges with the appropriate law enforcement official;

(2) The prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of an incident of sexual assault;

(3) Designation of the nearest hospitals equipped with the Department of State Police Sexual Assault Evidence Collection Kit;

(4) Full and prompt cooperation from campus personnel in obtaining appropriate medical attention, including transporting the victim to the nearest designated hospital;

(5) Offering counseling to a victim of sexual assault from mental health services provided by the institution, other victim service entities, or the nearest State designated rape crisis program;

(6) After a campus sexual assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible;

(7) Prohibiting the imposition of a campus conduct action, except for a mandatory intervention for substance abuse, for a violation of the alcohol or drug use policies of the institution of higher education for a student who reports to the institution or a law enforcement officer an incidence of sexual assault or who participates in an investigation of a sexual assault as a witness if:

(i) The institution of higher education determines the violation occurred during or near the time of the alleged sexual assault;

(ii) The student is determined to have made the report of sexual assault or is participating in an investigation as a witness in good faith; and

(iii) The institution of higher education determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk;

(8) Prohibiting the institution of higher education from retaliating against a student who files a complaint for sexual assault or who participates as a witness in an investigation of a sexual assault; and

(9) Pursuing formalized agreements with:

(i) The local law enforcement agency that complies with the relevant provisions of Title IX of the Education Amendments of 1972 and clearly states when a school will refer a matter to local law enforcement; and

(ii) A State designated rape crisis program, federally recognized sexual assault coalition, or both that formalizes a commitment to provide trauma–informed services to victims of sexual assault and improve the overall response to sexual assault by the institution of higher education.

(D) (1) THE GOVERNING BODY OF EACH INSTITUTION OF HIGHER EDUCATION SHALL INCLUDE IN THE SEXUAL ASSAULT POLICY REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ~~A~~ PROVISIONS FOR DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS FOR ALLEGED VIOLATIONS OF THE SEXUAL ASSAULT POLICY.

(2) ON OR BEFORE AUGUST 1, 2019, THE GOVERNING BODY OF EACH INSTITUTION OF HIGHER EDUCATION SHALL ADOPT AND SUBMIT A REVISED SEXUAL ASSAULT POLICY THAT INCLUDES THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A DESCRIPTION OF THE RIGHTS OF A STUDENT WHO ALLEGES A VIOLATION OF OR A STUDENT WHO RESPONDS TO AN ALLEGATION OF A VIOLATION OF THE INSTITUTION'S SEXUAL ASSAULT POLICY, INCLUDING:

(I) TREATMENT WITH DIGNITY, RESPECT, AND SENSITIVITY BY OFFICIALS OF THE INSTITUTION OF HIGHER EDUCATION DURING ALL PHASES OF THE DISCIPLINARY PROCEEDINGS;

(II) A ~~TIMELY~~ FAIR AND IMPARTIAL INVESTIGATION;

(III) DISCIPLINARY PROCEEDINGS AND RESOLUTIONS THAT ARE ~~FAIR AND~~ ~~IMPARTIAL~~ PROMPT AND EQUITABLE AND PROVIDE ~~A MEANINGFUL~~ AN OPPORTUNITY FOR THE ALLEGED VICTIM AND THE ALLEGED VIOLATOR TO BE HEARD;

(IV) TIMELY WRITTEN NOTICE OF:

1. THE REPORTED VIOLATION ~~OF THE INSTITUTION'S SEXUAL ASSAULT POLICY~~, INCLUDING THE DATE, TIME, AND LOCATION OF THE ALLEGED VIOLATION, AND THE RANGE OF POTENTIAL SANCTIONS ASSOCIATED WITH THE ALLEGED VIOLATION;

2. THE STUDENT'S RIGHTS AND RESPONSIBILITIES UNDER THE SEXUAL ASSAULT POLICY AND ~~APPLICABLE LAW~~ INFORMATION REGARDING OTHER CIVIL AND CRIMINAL OPTIONS;

3. THE DATE, TIME, AND LOCATION OF EACH HEARING, MEETING, OR INTERVIEW THAT THE STUDENT IS REQUIRED OR PERMITTED TO ATTEND;

4. ~~ANY~~ A FINAL DETERMINATION MADE BY THE ADJUDICATING OFFICIAL OR BODY REGARDING WHETHER A SEXUAL ASSAULT POLICY VIOLATION OCCURRED AND THE BASIS FOR THE DETERMINATION;

5. ANY SANCTION IMPOSED; AND

6. THE STUDENT'S RIGHTS TO APPEAL AND A DESCRIPTION OF THE APPEAL PROCESS;

(V) PARTICIPATION IN THE DISCIPLINARY PROCEEDINGS, INCLUDING:

1. ACCESS TO THE CASE FILE AND EVIDENCE REGARDING THE INCIDENT OBTAINED BY THE INSTITUTION OF HIGHER EDUCATION DURING THE INVESTIGATION OR CONSIDERED BY THE ADJUDICATING OFFICIAL OR BODY, WITH PERSONALLY IDENTIFIABLE OR OTHER INFORMATION REDACTED ~~IF REQUIRED BY LAW~~ AS REQUIRED BY APPLICABLE LAW;

2. OFFERING TESTIMONY AT A HEARING OR, IF THE INSTITUTION'S PROCESS DOES NOT INCLUDE A HEARING, TO THE ADJUDICATING OFFICIAL;

3. SUBMITTING EVIDENCE, WITNESS LISTS, AND SUGGESTED SPECIFIC QUESTIONS TO BE POSED TO THE OTHER STUDENT INVOLVED IN THE DISCIPLINARY PROCEEDINGS BY INVESTIGATORS OR THE ADJUDICATING OFFICIAL OR BODY;

4. PROVIDING AND REVIEWING TESTIMONY ELECTRONICALLY OR IN A WAY IN WHICH THE STUDENTS ARE NOT REQUIRED TO BE IN THE PHYSICAL PRESENCE OF THE OTHER;

5. REVIEWING AND PROVIDING WRITTEN RESPONSES TO REPORTS AND PROPOSED FINDINGS; AND

6. APPEALING A DETERMINATION OR A SANCTION;

(VI) ASSISTANCE BY A LICENSED ATTORNEY, AN ADVOCATE SUPERVISED BY AN ATTORNEY, OR ~~AN ADVOCATE CERTIFIED BY THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION~~ A TRAINED ADVOCATE THROUGHOUT THE DISCIPLINARY PROCEEDINGS, INCLUDING BY THE ATTORNEY OR ADVOCATE'S:

1. ATTENDANCE AT HEARINGS, MEETINGS, AND INTERVIEWS WITH THE STUDENT;

2. PRIVATE CONSULTATIONS WITH THE STUDENT DURING HEARINGS, MEETINGS, AND INTERVIEWS, EXCEPT DURING QUESTIONING OF THE STUDENT AT A HEARING; AND

3. ASSISTANCE WITH THE STUDENT'S EXERCISE OF ANY RIGHT DURING THE DISCIPLINARY PROCEEDINGS; AND

(VII) ~~THE~~ NOTWITHSTANDING THE CHOICE THAT A STUDENT MAKES UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, THE PRESENCE OF NO MORE THAN TWO PEOPLE, INCLUDING A PERSONAL SUPPORTER OF THE STUDENT'S CHOICE, ~~IN ADDITION TO~~ AN ATTORNEY, OR AN ADVOCATE, AT ANY HEARING, MEETING, OR INTERVIEW DURING THE DISCIPLINARY PROCEEDINGS.

(4) THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) REQUIRE THE INSTITUTION OF HIGHER EDUCATION TO PROVIDE EACH STUDENT INVOLVED IN DISCIPLINARY PROCEEDINGS WITH NOTICE, ~~AT LEAST 10 DAYS~~ PRESENTED IN AN APPROPRIATE AND SENSITIVE FORMAT, BEFORE THE START OF THE DISCIPLINARY PROCEEDINGS, OF:

1. THE STUDENT'S RIGHT TO THE ASSISTANCE OF AN ATTORNEY OR AN ADVOCATE;

2. THE LEGAL SERVICE ORGANIZATIONS AND REFERRAL SERVICES AVAILABLE TO THE STUDENT; AND

3. THE STUDENT'S RIGHT TO HAVE A PERSONAL SUPPORTER OF THE STUDENT'S CHOICE AT ANY HEARING, MEETING, OR INTERVIEW DURING THE DISCIPLINARY PROCEEDINGS;

(II) REQUIRE THE USE OF THE SAME STANDARD OF PROOF USED IN OTHER DISCIPLINARY PROCEEDINGS AT THE INSTITUTION OF HIGHER EDUCATION FOR ALLEGATIONS OF CODE OF CONDUCT VIOLATIONS INVOLVING DISCRIMINATION OR HARM TO ANOTHER INDIVIDUAL;

(III) ~~PROHIBIT~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, PROHIBIT THE INSTITUTION OF HIGHER EDUCATION FROM USING MEDIATION TO RESOLVE AN ALLEGATION OF A VIOLATION OF THE INSTITUTION'S SEXUAL ASSAULT POLICY;

(IV) PROHIBIT THE ADJUDICATING OFFICIAL OR BODY FROM CONSIDERING CERTAIN EVIDENCE, INCLUDING:

1. ~~AN ALLEGED VICTIM'S~~ A STUDENT'S PRIOR SEXUAL HISTORY WITH AN INDIVIDUAL OTHER THAN ~~THE STUDENT ALLEGED TO HAVE COMMITTED THE VIOLATION~~ A PARTY TO THE PROCEEDINGS, EXCEPT TO:

A. ~~PROVE~~ PROVE THE SOURCE OF INJURY;

B. PROVE PRIOR SEXUAL MISCONDUCT;

C. SUPPORT A CLAIM THAT A STUDENT HAS AN ULTERIOR MOTIVE; OR

D. IMPEACH A STUDENT'S CREDIBILITY AFTER THAT STUDENT HAS PUT HIS OR HER OWN PRIOR SEXUAL CONDUCT AT ISSUE; AND

2. A STUDENT'S HISTORY OF MENTAL HEALTH COUNSELING, TREATMENT, OR DIAGNOSIS, UNLESS THE STUDENT CONSENTS; AND

~~(V) PROHIBIT THE ADJUDICATING OFFICIAL OR BODY FROM FINDING THAT ALL STUDENTS INVOLVED IN THE DISCIPLINARY PROCEEDINGS VIOLATED THE SEXUAL ASSAULT POLICY, UNLESS THE ADJUDICATING OFFICER OR BODY FINDS THAT:~~

~~1. NO STUDENT ACTED TO DOMINATE ANY OTHER INDIVIDUAL; AND~~

~~2. EVERY STUDENT INTENTIONALLY DISREGARDED THE OTHER STUDENTS' LACK OF CONSENT; AND~~

~~(VI) UNLESS AN ADJUDICATING OFFICIAL OR BODY MAKES WRITTEN FINDINGS AND A DETERMINATION THAT THE DISCIPLINARY PROCEEDINGS UNDER THIS SECTION WILL NOT RESULT IN THE EXPULSION OF A STUDENT, REQUIRE THAT:~~

~~1. COUNSEL SHALL BE PROVIDED FOR EACH STUDENT ALLEGING A VIOLATION AND EACH STUDENT RESPONDING TO AN ALLEGATION OF THE SEXUAL ASSAULT POLICY; AND~~

~~2. THE COMMISSION SHALL PAY REASONABLE COSTS AND ATTORNEY'S FEES FOR A STUDENT THAT:~~

~~A. IS ENTITLED TO COUNSEL UNDER THIS SUBSECTION; AND~~

~~B. IS INDIGENT AND UNABLE TO RETAIN COUNSEL.~~

(V) PERMIT STUDENTS TO ACCESS COUNSEL PAID FOR BY THE COMMISSION, AS DESCRIBED UNDER PARAGRAPH (6) OF THIS SUBSECTION, FOR:

1. A CURRENT OR FORMER STUDENT WHO MAKES A COMPLAINT ON WHICH A FORMAL TITLE IX INVESTIGATION IS INITIATED AND WHO WAS ENROLLED AS A STUDENT AT THE INSTITUTION AT THE TIME OF THE INCIDENT THAT IS THE BASIS OF THE COMPLAINT, UNLESS THE STUDENT KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL; AND

2. A CURRENT OR FORMER STUDENT WHO RESPONDS TO A COMPLAINT ON WHICH A FORMAL TITLE IX INVESTIGATION IS INITIATED AND WHO WAS ENROLLED AS A STUDENT AT THE INSTITUTION AT THE TIME OF THE INCIDENT THAT IS THE BASIS OF THE COMPLAINT, UNLESS THE STUDENT KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL.

(5) THE DISCIPLINARY PROCEEDINGS PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL AUTHORIZE AN INSTITUTION TO USE MEDIATION OR OTHER INFORMAL MECHANISMS FOR RESOLVING A COMPLAINT RELATING TO THE INSTITUTION'S SEXUAL ASSAULT POLICY IF:

(I) THE COMPLAINING STUDENT REQUESTS AN INFORMAL MECHANISM;

(II) ALL PARTIES TO THE COMPLAINT, AND THE INSTITUTION, AGREE TO THE USE OF THE INFORMAL MECHANISM;

(III) THE INSTITUTION PARTICIPATES IN THE INFORMAL MECHANISM BY PROVIDING TRAINED STAFF;

(IV) ANY PARTY MAY END THE INFORMAL MECHANISM AT ANY TIME IN FAVOR OF A FORMAL RESOLUTION PROCEEDING; AND

(V) THE ALLEGED MISCONDUCT DOES NOT INVOLVE SEXUAL ASSAULT OR SEXUAL COERCION.

(6) (I) THE DISCIPLINARY PROCEEDINGS PROVISIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL, UNLESS A STUDENT WAIVES COUNSEL UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, REQUIRE THE COMMISSION TO PAY REASONABLE COSTS AND ATTORNEY'S FEES FOR STUDENTS PROVIDED COUNSEL UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, AS PROVIDED UNDER THIS PARAGRAPH.

(II) IN CONSULTATION WITH STATE AND LOCAL BAR ASSOCIATIONS AND LEGAL SERVICES PROVIDERS WITH EXPERTISE ABOUT SEXUAL MISCONDUCT, THE COMMISSION SHALL DEVELOP A LIST OF ATTORNEYS AND LEGAL SERVICES PROGRAMS WILLING TO REPRESENT STUDENTS ON A PRO BONO BASIS OR AT FEES EQUIVALENT TO THOSE PAID TO ATTORNEYS UNDER CIVIL LEGAL SERVICES PROGRAMS ADMINISTERED BY THE MARYLAND LEGAL SERVICES CORPORATION, ESTABLISHED UNDER TITLE 11 OF THE HUMAN SERVICES ARTICLE.

(III) A STUDENT MAY SELECT AN ATTORNEY FROM THE LIST DEVELOPED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(IV) 1. A STUDENT MAY SELECT AND RETAIN AN ATTORNEY PRIOR TO THE CONCLUSION OF THE FORMAL TITLE IX PROCEEDINGS.

2. AN INSTITUTION MAY NOT DISCOURAGE A STUDENT FROM RETAINING AN ATTORNEY.

(V) IF A STUDENT SELECTS AND RETAINS AN ATTORNEY WHO IS NOT ON THE LIST DEVELOPED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL PAY FEES TO THE ATTORNEY SELECTED BY THE STUDENT THAT ARE EQUIVALENT TO THOSE PAID TO ATTORNEYS UNDER CIVIL LEGAL SERVICES PROGRAMS ADMINISTERED BY THE MARYLAND LEGAL SERVICES CORPORATION.

(7) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT AN INSTITUTION OF HIGHER EDUCATION FROM IMPOSING INTERIM SAFETY MEASURES.

(8) THE COMMISSION IS NOT REQUIRED TO PAY A STUDENT'S ATTORNEY'S FEES FOR REPRESENTATION IN A CRIMINAL OR CIVIL MATTER.

[(d)**] (E)** The Commission shall:

(1) Coordinate the development of the sexual assault policies; and

(2) Periodically review and make recommendations for changes in these policies.

[(e)**] (F)** (1) The Commission, in consultation with institutions of higher education, shall establish procedures for the administration of a sexual assault campus climate survey by each institution of higher education.

(2) The procedures shall require each institution of higher education to provide for the completion of the survey by various methods, including online.

[(f)**] (G)** On or before March 1, 2016, and at least every 2 years thereafter, each institution of higher education shall:

(1) Develop an appropriate sexual assault campus climate survey using nationally recognized best practices for research and climate surveys; and

(2) Administer the sexual assault campus climate survey to students in accordance with the procedures established under subsection **[**(e)**] (F)** of this section.

[(g)**] (H)** (1) On or before June 1, 2016, and every 2 years thereafter, each institution of higher education shall submit to the Commission:

(i) A report on school specific results of the sexual assault survey; and

(ii) A report aggregating the data collected by the institution regarding sexual assault complaints made to the institution, including the:

1. Types of misconduct;

2. Outcome of each complaint;

3. Disciplinary actions taken by the institution;

4. Accommodations made to students in accordance with the sexual assault policy established under subsection (c) of this section; and

5. Number of reports involving alleged nonstudent perpetrators.

(2) In reporting the data under paragraph (1) of this subsection, the institution of higher education shall make reasonable efforts to protect student privacy.

(3) An institution of higher education shall submit the data required under paragraph (1) of this subsection together with the reporting requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.

[(h)**] (I)** On or before October 1, 2016, and every 2 years thereafter, the Commission shall:

(1) Report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee on the reports required under subsection **[**(g)**] (H)** of this section; and

(2) Publish the reports required under subsection **[**(g)**] (H)** of this section on the Commission's Web site and in any other location or venue the Commission determines is necessary or appropriate.

[(i)**] (J)** Nothing in this subtitle shall be construed to confer a private cause of action upon any person to enforce the provisions of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 396

(House Bill 941)

AN ACT concerning

Child Care Subsidy Program – Unemployment – Eligibility

FOR the purpose of requiring the State Department of Education to administer the Child Care Subsidy Program in accordance with federal law; establishing eligibility criteria to continue to receive a certain subsidy under certain circumstances; requiring the Department to adopt certain regulations; defining a certain term; and generally relating to the Child Care Subsidy Program.

BY adding to
Article – Education
Section 9.5–901 to be under the new subtitle "Subtitle 9. Child Care Subsidy Program"
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

SUBTITLE 9. CHILD CARE SUBSIDY PROGRAM.

9.5–901.

(A) IN THIS SECTION, "PROGRAM" MEANS THE CHILD CARE SUBSIDY PROGRAM.

(B) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN ACCORDANCE WITH FEDERAL LAW.

(C) AN INDIVIDUAL IS ELIGIBLE TO CONTINUE TO RECEIVE A SUBSIDY UNDER THE PROGRAM:

(1) FOR ~~UP TO~~ *AT LEAST* 90 DAYS IN A YEAR IF THE INDIVIDUAL IS UNEMPLOYED AND SEEKING EMPLOYMENT; AND

(2) IF THE INDIVIDUAL MEETS ANY OTHER ELIGIBILITY CRITERIA DETERMINED BY THE DEPARTMENT.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 397

(House Bill 968)

AN ACT concerning

Maryland School Overcrowding Reduction Act of 2018

FOR the purpose of ~~authorizing certain exceptions to the requirement that certain public school property must be held in trust by a county board of education; authorizing a county board of education to contract with a county in a public–private partnership agreement; establishing a design–construct–operate–maintain–finance arrangement as an alternative financing method available for use by a county or a county board; authorizing a county or a county board to solicit certain proposals and lease certain property; authorizing certain alternative financing methods to include certain reserves; repealing certain requirements relating to regulations for alternative financing methods; repealing the requirement for the use of certain standards and procedures for qualifying and approving certain alternative financing methods; providing that certain provisions of law and regulations that govern the Public School Construction Program do not apply to alternative financing methods; prohibiting a certain construction of certain provisions of this Act; requiring projects~~

~~that use alternative financing methods to comply with certain requirements;~~ establishing the Public School Facility Construction Innovation Incentive Pilot Program; specifying the purpose of the Incentive Program; declaring the intent of the General Assembly regarding the Incentive Program; requiring the Interagency Committee on School Construction to implement, administer, and promote the Incentive Program; requiring the Interagency Committee to establish an application process for the Incentive Program; requiring the Interagency Committee to calculate a certain rolling State average of public school construction costs for certain schools; requiring the Interagency Committee to approve a project for participation in the Incentive Program if the project meets a certain cost threshold; specifying a certain percentage increase in the State share of eligible costs for a certain project that is approved to participate in the Incentive Program on or before a certain date; specifying a certain smaller percentage increase in the State share of eligible costs for a certain project that is approved to participate in the Incentive Program on or after a certain date; specifying that, if actual public school construction costs for a certain project are not a certain percentage below ~~the~~ a certain rolling State average, the project is not eligible for a certain higher State share of eligible costs; exempting a certain project from certain requirements; requiring a certain project to comply with certain requirements; providing that certain provisions of law do not prohibit public school systems from utilizing a certain source of financing or system of bidding to fund a certain project; providing for the application of ~~certain provisions of~~ this Act; ~~altering certain definitions;~~ defining certain terms; providing for the termination of this Act; and generally relating to ~~alterations to the~~ a pilot program for public school construction ~~process~~ to address overcrowding in public schools in the State.

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 4–114 and 4–126~~
~~Annotated Code of Maryland~~
~~(2014 Replacement Volume and 2017 Supplement)~~

BY adding to
Article – Education
Section 5–314
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

~~4–114.~~

~~(a) All property granted, conveyed, devised, or bequeathed for the use of a particular public school or school system:~~

~~(1) Except as provided in [subsection] SUBSECTIONS (c) THROUGH (E) of this section, shall be held in trust for the benefit of the school or school system by the appropriate county board or, for real property in Baltimore City, by the Mayor and City Council of Baltimore; and~~

~~(2) Is exempt from all State and local taxes.~~

~~(b) Money invested in trust for the benefit of the public schools for any county or city is exempt from all State and local taxes.~~

~~(c) (1) A private entity OR A COUNTY may hold title to property used for a particular public school or local school system if the private entity OR COUNTY is contractually obligated to transfer title to the appropriate county board on a specified date.~~

~~(2) The conveyance of title of school property to a private entity OR A COUNTY for a specified term under this subsection may not be construed to prohibit the allocation of construction funds to an approved school construction project under the Public School Construction Program.~~

~~(3) A county or county board may convey or dispose of surplus land under the jurisdiction of the county or county board in exchange for public school construction or development services.~~

~~(D) (1) THIS SUBSECTION APPLIES ONLY TO A PROJECT THAT USES AN ALTERNATIVE FINANCING METHOD UNDER § 4–126 OF THIS SUBTITLE.~~

~~(2) A COUNTY BOARD MAY TRANSFER TITLE TO PROPERTY USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM TO A COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IF THE COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IS CONTRACTUALLY OBLIGATED TO OPERATE AND MAINTAIN THE PROPERTY UNTIL:~~

~~(I) THE PROPERTY OUTLIVES ITS USEFUL LIFE;~~

~~(II) THE PROPERTY IS NO LONGER NEEDED FOR SCHOOL PURPOSES; OR~~

~~(III) AS OTHERWISE AGREED TO BY THE PARTIES.~~

~~(E) A COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY MAY HOLD TITLE TO PROPERTY LEASED BY A COUNTY BOARD TO BE USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM UNDER TERMS AGREED TO BY THE PARTIES.~~

~~4–126.~~

~~(a)~~ ~~(1)~~ ~~In this section~~[~~, "alternative~~] ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2)~~ ~~"ALTERNATIVE financing methods" includes ONE OR MORE OF THE FOLLOWING METHODS:~~

[~~(1)~~] ~~(I)~~ ~~Sale–leaseback arrangements, in which a county board agrees to transfer title to a property, including improvements, to a private entity that simultaneously agrees to lease the property back to the county board and, on a specified date, transfer title back to the county board;~~

[~~(2)~~] ~~(II)~~ ~~Lease–leaseback arrangements, in which a county board leases a property to a private entity that improves the property and leases the property, with the improvements, back to the county board;~~

[~~(3)~~] ~~(III)~~ ~~Public–private partnership agreements, in which a county board contracts with a COUNTY OR A private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, or financing of a public school, and may include provisions for cooperative use of the school or an adjacent property and generation of revenue to offset the cost of construction or use of the school;~~

[~~(4)~~] ~~(IV)~~ ~~Performance–based contracting, in which a county board enters into an energy performance contract to obtain funding for a project with guaranteed energy savings over a specified time period;~~

[~~(5)~~] ~~(V)~~ ~~Preference–based arrangements, by which a local governing body gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article;~~ [~~and~~]

[~~(6)~~] ~~(VI)~~ ~~Design–build arrangements, that permit a county board to contract with a design–build business entity for the combined design and construction of qualified education facilities, including financing mechanisms where the business entity assists the local governing body in obtaining project financing~~**;** ~~AND~~

~~(VII)~~ ~~DESIGN–CONSTRUCT–OPERATE–MAINTAIN–FINANCE ARRANGEMENTS, THAT PERMIT A COUNTY BOARD TO CONTRACT WITH A COUNTY OR A PRIVATE ENTITY FOR THE DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE OF A PUBLIC SCHOOL UNDER TERMS AGREED TO BY THE PARTIES.~~

~~(3)~~ ~~"COUNTY" INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE, A COUNTY REVENUE AUTHORITY.~~

~~(b)~~ ~~**(1)**~~ ~~Except when prohibited by local law, in order to finance or to speed delivery of, transfer risks of, or otherwise enhance the delivery of public school construction, a county **OR COUNTY BOARD** may:~~

~~**[**(1)**]**~~ ~~**(I)**~~ ~~Use alternative financing methods;~~

~~**[**(2)**]**~~ ~~**(II)**~~ ~~Engage in competitive negotiation, rather than competitive bidding, in limited circumstances, including construction management at-risk arrangements and other alternative project delivery arrangements, as provided in regulations adopted by the Board of Public Works;~~

~~**[**(3)**]**~~ ~~**(III)**~~ ~~Accept unsolicited proposals for the development of public schools in limited circumstances, as provided in regulations adopted by the Board of Public Works; **[**and**]**~~

~~**(IV)**~~ ~~**SOLICIT PROPOSALS FOR THE DEVELOPMENT OF PUBLIC SCHOOLS;**~~

~~**(V)**~~ ~~**LEASE PROPERTY FROM A COUNTY OR A PRIVATE ENTITY FOR USE AS A PUBLIC SCHOOL FACILITY; AND**~~

~~**[**(4)**]**~~ ~~**(VI)**~~ ~~Use quality-based selection, in which selection is based on a combination of qualifications and cost factors, to select developers and builders, as provided in regulations adopted by the Board of Public Works.~~

~~**(2)**~~ ~~**THE ALTERNATIVE FINANCING METHODS DESCRIBED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY INCLUDE RESERVES SUFFICIENT TO COVER OPERATION, FACILITY RENEWAL, MAINTENANCE, AND ENERGY COSTS AS PART OF A CONTRACT.**~~

~~**[**(c)~~ ~~The Board of Public Works shall adopt regulations requiring a project that qualifies for alternative financing methods under this section to meet requirements regarding the advantages of the project to the public that include provisions addressing:~~

~~(1)~~ ~~The probable scope, complexity, or urgency of the project;~~

~~(2)~~ ~~Any risk sharing, added value, education enhancements, increase in funding, or economic benefit from the project that would not otherwise be available;~~

~~(3)~~ ~~The public need for the project; and~~

~~(4)~~ ~~The estimated cost or timeliness of executing the project.~~

~~(d)~~ ~~Projects that qualify for alternative financing methods under this subsection:~~

~~(1) Shall meet the educational standards, design standards, and procedural requirements under this article and under regulations adopted by the Board of Public Works; and~~

~~(2) Consistent with the requirements of this article, shall be approved by:~~

~~(i) The county governing body;~~

~~(ii) The State Superintendent of Schools; or~~

~~(iii) The Interagency Committee on School Construction and the Board of Public Works.~~**]**

[~~(e)~~**] (C)** ~~Use of alternative financing methods under this section may not be construed to prohibit the allocation of State funds for public school construction to a project under the Public School Construction Program.~~

[~~(f)~~**] (D)** ~~A county board may not use alternative financing methods under this section without the approval of the county governing body.~~

[~~(g) The Board of Public Works shall adopt regulations recommended by the Interagency Committee on School Construction to implement the provisions of this section, including:~~

~~(1) Guidelines for the content of proposals, for the acceptance and evaluation of unsolicited proposals, and for accepting competing unsolicited proposals;~~

~~(2) Requirements for the content and execution of a comprehensive agreement governing an arrangement authorized under this section;~~

~~(3) Guidelines for content and issuance of solicitations;~~

~~(4) Requirements for the prequalification of bidders or offerors;~~

~~(5) Requirements for public notice of solicited and unsolicited proposals and proposed execution of a comprehensive agreement;~~

~~(6) Regulations that require compliance with requirements applicable to qualified projects that would otherwise be in effect under the State procurement law if the procurement were competitively bid; and~~

~~(7) (i) Regulations that require that contracts and subcontracts adhere to the requirements of Title 17, Subtitle 2 and Title 14 of the State Finance and Procurement Article if the requirements would otherwise be applicable; and~~

~~(ii) Regulations that specify elements to be included in any preference-based arrangement adopted by a local governing body that gives preference first~~

~~to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article.]~~

~~(E) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, § 5–301 OF THIS ARTICLE AND THE REGULATIONS THAT GOVERN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM DO NOT APPLY TO PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION.~~

~~(II) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE OR REQUIRE STATE APPROVAL BEFORE AN ALTERNATIVE FINANCING METHOD MAY BE USED BY A LOCAL SCHOOL SYSTEM.~~

~~(2) PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:~~

~~(I) THE STATE AND LOCAL COST–SHARE ESTABLISHED FOR EACH COUNTY IN REGULATIONS;~~

~~(II) THE MAXIMUM STATE CONSTRUCTION ALLOCATION FOR EACH PROJECT APPROVED FOR STATE FUNDING;~~

~~(III) THE RECOMMENDATION OF THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION TO THE BOARD OF PUBLIC WORKS REGARDING PROJECT FUNDING;~~

~~(IV) THE APPROVAL OF PROJECT FUNDING BY THE BOARD OF PUBLIC WORKS;~~

~~(V) SMART GROWTH REQUIREMENTS;~~

~~(VI) MINORITY BUSINESS ENTERPRISE REQUIREMENTS;~~

~~(VII) PREVAILING WAGE REQUIREMENTS;~~

~~(VIII) ENVIRONMENTAL REQUIREMENTS; AND~~

~~(IX) A REQUIREMENT FOR A PROCUREMENT PROCESS THAT INCLUDES PUBLIC NOTICE AND RESULTS IN THE MOST ADVANTAGEOUS PROPOSAL.~~

5–314.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "CONSTRUCTION" MEANS NEW CONSTRUCTION OR MAJOR RENOVATION OR REPLACEMENT OF A PUBLIC SCHOOL FACILITY.

(II) "CONSTRUCTION" DOES NOT INCLUDE SYSTEM RENOVATION PROJECTS AS DEFINED IN COMAR 23.03.02.15.

(3) "INCENTIVE PROGRAM" MEANS THE PUBLIC SCHOOL FACILITY CONSTRUCTION INNOVATION INCENTIVE PILOT PROGRAM.

(4) "PUBLIC SCHOOL FACILITY" MEANS A PROPERTY PRIMARILY USED FOR EDUCATIONAL INSTRUCTION.

(5) "ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS" MEANS THE AVERAGE STATE COST PER STUDENT FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS AND CAPITAL IMPROVEMENTS OVER THE PREVIOUS 3 FISCAL YEARS.

(B) THIS SECTION APPLIES ONLY IN:

(1) HARFORD COUNTY;

(2) PRINCE GEORGE'S COUNTY; AND

(3) WASHINGTON COUNTY.

~~(B)~~ (C) (1) THERE IS A PUBLIC SCHOOL FACILITY CONSTRUCTION INNOVATION INCENTIVE PILOT PROGRAM IN THE STATE.

(2) THE PURPOSE OF THE INCENTIVE PROGRAM IS TO PROVIDE INCENTIVES TO ENCOURAGE PUBLIC SCHOOL SYSTEMS TO PURSUE INNOVATIVE PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECTS BY:

(I) PROVIDING ADDITIONAL STATE FUNDING FOR THE PROJECTS; AND

(II) EXEMPTING THE PROJECTS FROM THE STATUTORY AND REGULATORY REQUIREMENTS SPECIFIED IN SUBSECTION ~~(I)~~ (J) OF THIS SECTION.

(3) THROUGH THE ESTABLISHMENT OF THE INCENTIVE PROGRAM, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

(I) ENCOURAGE PUBLIC SCHOOL SYSTEMS TO USE THE INCENTIVE PROGRAM; AND

(II) ACCELERATE PUBLIC SCHOOL CONSTRUCTION AND RENOVATION BY PROVIDING INCENTIVES TO REDUCE THE COSTS OF CONSTRUCTION AND RENOVATION.

~~(C)~~ (D) (1) THE INTERAGENCY COMMITTEE SHALL IMPLEMENT AND ADMINISTER THE INCENTIVE PROGRAM AS PROVIDED IN THIS SECTION.

(2) THE INTERAGENCY COMMITTEE SHALL PROMOTE THE INCENTIVE PROGRAM.

~~(D)~~ (E) THE INTERAGENCY COMMITTEE SHALL ESTABLISH AN APPLICATION PROCESS FOR THE INCENTIVE PROGRAM.

~~(E)~~ (F) FOR EACH FISCAL YEAR, THE INTERAGENCY COMMITTEE SHALL CALCULATE THE ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS FOR ELEMENTARY SCHOOLS, PREKINDERGARTEN THROUGH EIGHTH GRADE SCHOOLS, MIDDLE SCHOOLS, AND HIGH SCHOOLS IN THE STATE.

~~(F)~~ (G) IF A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT HAS AN ESTIMATED PUBLIC SCHOOL CONSTRUCTION COST THAT IS 30% OR MORE BELOW THE ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS FOR THE APPROPRIATE TYPE OF SCHOOL, THE INTERAGENCY COMMITTEE SHALL APPROVE THAT PROJECT FOR PARTICIPATION IN THE INCENTIVE PROGRAM.

~~(G)~~ (H) (1) FOR A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM ON OR BEFORE DECEMBER 31, 2019, THE STATE SHARE OF ELIGIBLE COSTS FOR THAT PROJECT SHALL INCREASE BY 20% FOR THAT PROJECT.

(2) FOR A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM ON OR AFTER JANUARY 1, 2020, THE STATE SHARE OF ELIGIBLE COSTS FOR THAT PROJECT SHALL INCREASE BY 10% FOR THAT PROJECT.

~~(H)~~ (I) IF THE ACTUAL PUBLIC SCHOOL CONSTRUCTION COSTS FOR A PROJECT ARE NOT 30% OR MORE BELOW THE ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS FOR THE APPROPRIATE TYPE OF SCHOOL, THE PROJECT IS NOT ELIGIBLE FOR THE HIGHER STATE SHARE PROVIDED IN SUBSECTION ~~(G)~~ (H) OF THIS SECTION FOR THE STATE SHARE OF ELIGIBLE COSTS THAT EXCEED THE REQUIREMENT IN SUBSECTION ~~(F)~~ (G) OF THIS SECTION.

~~(I)~~ (J) EXCEPT AS PROVIDED IN SUBSECTION ~~(J)~~ (K) OF THIS SECTION, § 2–303(F) OF THIS ARTICLE, § 5–301 OF THIS SUBTITLE, AND THE REGULATIONS THAT GOVERN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM DO NOT APPLY TO

A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM.

~~(J)~~ (K) A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM SHALL COMPLY WITH:

(1) EXCEPT AS PROVIDED IN SUBSECTION ~~(H)~~ (I) OF THIS SECTION, THE STATE AND LOCAL COST–SHARE ESTABLISHED FOR EACH COUNTY IN REGULATIONS;

(2) THE MAXIMUM STATE CONSTRUCTION ALLOCATION FOR EACH PROJECT APPROVED FOR STATE FUNDING;

(3) THE RECOMMENDATIONS OF THE INTERAGENCY COMMITTEE TO THE BOARD OF PUBLIC WORKS REGARDING PROJECT FUNDING;

(4) THE APPROVAL OF PROJECT FUNDING BY THE BOARD OF PUBLIC WORKS;

(5) SMART GROWTH REQUIREMENTS;

(6) MINORITY BUSINESS ENTERPRISE REQUIREMENTS;

(7) PREVAILING WAGE REQUIREMENTS;

(8) ENVIRONMENTAL REQUIREMENTS; AND

(9) A REQUIREMENT FOR A PROCUREMENT PROCESS THAT INCLUDES PUBLIC NOTICE AND RESULTS IN THE MOST ADVANTAGEOUS PROPOSAL.

~~(K)~~ (L) IF A PUBLIC SCHOOL SYSTEM PARTICIPATES IN THE INCENTIVE PROGRAM, NOTHING IN THIS SECTION PROHIBITS THE PUBLIC SCHOOL SYSTEM FROM UTILIZING ANY OTHER SOURCE OF FINANCING OR SYSTEM OF BIDDING UNDER CURRENT LAW TO FUND A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of 5 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 398

(Senate Bill 92)

AN ACT concerning

~~Maryland School Overcrowding Reduction Act of 2018~~
Public School Construction – Innovation Incentive Pilot Program

FOR the purpose of ~~authorizing certain exceptions to the requirement that certain public school property must be held in trust by a county board of education; authorizing a county board of education to contract with a county in a public–private partnership agreement; establishing a design–construct–operate–maintain–finance arrangement as an alternative financing method available for use by a county or a county board; authorizing a county or a county board to solicit certain proposals and lease certain property; authorizing certain alternative financing methods to include certain reserves; repealing certain requirements relating to regulations for alternative financing methods; repealing the requirement for the use of certain standards and procedures for qualifying and approving certain alternative financing methods; providing that certain provisions of law and regulations that govern the Public School Construction Program do not apply to alternative financing methods; prohibiting a certain construction of certain provisions of this Act; requiring projects that use alternative financing methods to comply with certain requirements;~~ establishing the Public School Facility Construction Innovation Incentive Pilot Program; specifying the purpose of the Incentive Program; declaring the intent of the General Assembly regarding the Incentive Program; requiring the Interagency ~~Committee~~ *Commission* on School Construction to implement, administer, and promote the Incentive Program; requiring the Interagency ~~Committee~~ *Commission* to establish an application process for the Incentive Program; requiring the Interagency ~~Committee~~ *Commission* to calculate a certain rolling State average of public school construction costs for certain schools; requiring the Interagency ~~Committee~~ *Commission* to approve a project for participation in the Incentive Program if the project meets a certain cost threshold; specifying a certain percentage increase in the State share of eligible costs for a certain project that is approved to participate in the Incentive Program on or before a certain date; specifying a certain smaller percentage increase in the State share of eligible costs for a certain project that is approved to participate in the Incentive Program on or after a certain date; specifying that, if actual public school construction costs for a certain project are not a certain percentage below ~~the~~ a certain rolling State average, the project is not eligible for a certain higher State share of eligible costs; exempting a certain project from certain requirements; requiring a certain project to comply with certain requirements; providing that certain provisions of law do not prohibit public school systems from utilizing a certain source of financing or system of bidding to fund a certain project; providing for the application of ~~certain provisions of~~ this Act; ~~altering certain definitions;~~ defining certain terms; providing for the termination of this Act; and generally relating to ~~alterations to the~~ a pilot program for public school construction ~~process to address overcrowding in public schools in the State~~.

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 4–114 and 4–126~~
~~Annotated Code of Maryland~~
~~(2014 Replacement Volume and 2017 Supplement)~~

BY adding to
Article – Education
Section 5–314
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

~~4–114.~~

~~(a) All property granted, conveyed, devised, or bequeathed for the use of a particular public school or school system:~~

~~(1) Except as provided in~~ **[**~~subsection~~**]** ~~**SUBSECTIONS** (c)~~ ~~**THROUGH (E)**~~ ~~of this section, shall be held in trust for the benefit of the school or school system by the appropriate county board or, for real property in Baltimore City, by the Mayor and City Council of Baltimore; and~~

~~(2) Is exempt from all State and local taxes.~~

~~(b) Money invested in trust for the benefit of the public schools for any county or city is exempt from all State and local taxes.~~

~~(c) (1) A private entity~~ ~~**OR A COUNTY**~~ ~~may hold title to property used for a particular public school or local school system if the private entity~~ ~~**OR COUNTY**~~ ~~is contractually obligated to transfer title to the appropriate county board on a specified date.~~

~~(2) The conveyance of title of school property to a private entity~~ ~~**OR A COUNTY**~~ ~~for a specified term under this subsection may not be construed to prohibit the allocation of construction funds to an approved school construction project under the Public School Construction Program.~~

~~(3) A county or county board may convey or dispose of surplus land under the jurisdiction of the county or county board in exchange for public school construction or development services.~~

~~(D) (1) THIS SUBSECTION APPLIES ONLY TO A PROJECT THAT USES AN ALTERNATIVE FINANCING METHOD UNDER § 4–126 OF THIS SUBTITLE.~~

~~(2) A COUNTY BOARD MAY TRANSFER TITLE TO PROPERTY USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM TO A COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IF THE COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IS CONTRACTUALLY OBLIGATED TO OPERATE AND MAINTAIN THE PROPERTY UNTIL:~~

~~(I) THE PROPERTY OUTLIVES ITS USEFUL LIFE;~~

~~(II) THE PROPERTY IS NO LONGER NEEDED FOR SCHOOL PURPOSES; OR~~

~~(III) AS OTHERWISE AGREED TO BY THE PARTIES.~~

~~(E) A COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY MAY HOLD TITLE TO PROPERTY LEASED BY A COUNTY BOARD TO BE USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM UNDER TERMS AGREED TO BY THE PARTIES.~~

~~4–126.~~

~~(a) (1) In this section[, "alternative] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "ALTERNATIVE financing methods" includes ONE OR MORE OF THE FOLLOWING METHODS:~~

~~[(1)] (I) Sale–leaseback arrangements, in which a county board agrees to transfer title to a property, including improvements, to a private entity that simultaneously agrees to lease the property back to the county board and, on a specified date, transfer title back to the county board;~~

~~[(2)] (II) Lease–leaseback arrangements, in which a county board leases a property to a private entity that improves the property and leases the property, with the improvements, back to the county board;~~

~~[(3)] (III) Public–private partnership agreements, in which a county board contracts with a COUNTY OR A private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, or financing of a public school, and may include provisions for cooperative use of the school or an adjacent property and generation of revenue to offset the cost of construction or use of the school;~~

~~[(4)]~~ ~~(IV)~~ ~~Performance–based contracting, in which a county board enters into an energy performance contract to obtain funding for a project with guaranteed energy savings over a specified time period;~~

~~[(5)]~~ ~~(V)~~ ~~Preference–based arrangements, by which a local governing body gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article; [and]~~

~~[(6)]~~ ~~(VI)~~ ~~Design–build arrangements, that permit a county board to contract with a design–build business entity for the combined design and construction of qualified education facilities, including financing mechanisms where the business entity assists the local governing body in obtaining project financing; AND~~

~~(VII)~~ ~~DESIGN–CONSTRUCT–OPERATE–MAINTAIN–FINANCE ARRANGEMENTS, THAT PERMIT A COUNTY BOARD TO CONTRACT WITH A COUNTY OR A PRIVATE ENTITY FOR THE DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE OF A PUBLIC SCHOOL UNDER TERMS AGREED TO BY THE PARTIES.~~

~~(3)~~ ~~"COUNTY" INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE, A COUNTY REVENUE AUTHORITY.~~

~~(b)~~ ~~(1)~~ ~~Except when prohibited by local law, in order to finance or to speed delivery of, transfer risks of, or otherwise enhance the delivery of public school construction, a county OR COUNTY BOARD may:~~

~~[(1)]~~ ~~(I)~~ ~~Use alternative financing methods;~~

~~[(2)]~~ ~~(II)~~ ~~Engage in competitive negotiation, rather than competitive bidding, in limited circumstances, including construction management–at–risk arrangements and other alternative project delivery arrangements, as provided in regulations adopted by the Board of Public Works;~~

~~[(3)]~~ ~~(III)~~ ~~Accept unsolicited proposals for the development of public schools in limited circumstances, as provided in regulations adopted by the Board of Public Works; [and]~~

~~(IV)~~ ~~SOLICIT PROPOSALS FOR THE DEVELOPMENT OF PUBLIC SCHOOLS;~~

~~(V)~~ ~~LEASE PROPERTY FROM A COUNTY OR A PRIVATE ENTITY FOR USE AS A PUBLIC SCHOOL FACILITY; AND~~

~~[(4)]~~ ~~(VI)~~ ~~Use quality-based selection, in which selection is based on a combination of qualifications and cost factors, to select developers and builders, as provided in regulations adopted by the Board of Public Works.~~

~~(2)~~ ~~THE ALTERNATIVE FINANCING METHODS DESCRIBED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY INCLUDE RESERVES SUFFICIENT TO COVER OPERATION, FACILITY RENEWAL, MAINTENANCE, AND ENERGY COSTS AS PART OF A CONTRACT.~~

~~[(c) The Board of Public Works shall adopt regulations requiring a project that qualifies for alternative financing methods under this section to meet requirements regarding the advantages of the project to the public that include provisions addressing:~~

~~(1) The probable scope, complexity, or urgency of the project;~~

~~(2) Any risk sharing, added value, education enhancements, increase in funding, or economic benefit from the project that would not otherwise be available;~~

~~(3) The public need for the project; and~~

~~(4) The estimated cost or timeliness of executing the project.~~

~~(d) Projects that qualify for alternative financing methods under this subsection:~~

~~(1) Shall meet the educational standards, design standards, and procedural requirements under this article and under regulations adopted by the Board of Public Works; and~~

~~(2) Consistent with the requirements of this article, shall be approved by:~~

~~(i) The county governing body;~~

~~(ii) The State Superintendent of Schools; or~~

~~(iii) The Interagency Committee on School Construction and the Board of Public Works.]~~

~~[(e)]~~ ~~(C)~~ ~~Use of alternative financing methods under this section may not be construed to prohibit the allocation of State funds for public school construction to a project under the Public School Construction Program.~~

~~[(f)]~~ ~~(D)~~ ~~A county board may not use alternative financing methods under this section without the approval of the county governing body.~~

~~[(g) The Board of Public Works shall adopt regulations recommended by the Interagency Committee on School Construction to implement the provisions of this section, including:~~

~~(1) Guidelines for the content of proposals, for the acceptance and evaluation of unsolicited proposals, and for accepting competing unsolicited proposals;~~

~~(2) Requirements for the content and execution of a comprehensive agreement governing an arrangement authorized under this section;~~

~~(3) Guidelines for content and issuance of solicitations;~~

~~(4) Requirements for the prequalification of bidders or offerors;~~

~~(5) Requirements for public notice of solicited and unsolicited proposals and proposed execution of a comprehensive agreement;~~

~~(6) Regulations that require compliance with requirements applicable to qualified projects that would otherwise be in effect under the State procurement law if the procurement were competitively bid; and~~

~~(7) (i) Regulations that require that contracts and subcontracts adhere to the requirements of Title 17, Subtitle 2 and Title 14 of the State Finance and Procurement Article if the requirements would otherwise be applicable; and~~

~~(ii) Regulations that specify elements to be included in any preference–based arrangement adopted by a local governing body that gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article.]~~

~~**(E) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, § 5–301 OF THIS ARTICLE AND THE REGULATIONS THAT GOVERN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM DO NOT APPLY TO PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION.**~~

~~**(II) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE OR REQUIRE STATE APPROVAL BEFORE AN ALTERNATIVE FINANCING METHOD MAY BE USED BY A LOCAL SCHOOL SYSTEM.**~~

~~**(2) PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:**~~

~~**(I) THE STATE AND LOCAL COST–SHARE ESTABLISHED FOR EACH COUNTY IN REGULATIONS;**~~

~~(II) THE MAXIMUM STATE CONSTRUCTION ALLOCATION FOR EACH PROJECT APPROVED FOR STATE FUNDING;~~

~~(III) THE RECOMMENDATION OF THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION TO THE BOARD OF PUBLIC WORKS REGARDING PROJECT FUNDING;~~

~~(IV) THE APPROVAL OF PROJECT FUNDING BY THE BOARD OF PUBLIC WORKS;~~

~~(V) SMART GROWTH REQUIREMENTS;~~

~~(VI) MINORITY BUSINESS ENTERPRISE REQUIREMENTS;~~

~~(VII) PREVAILING WAGE REQUIREMENTS;~~

~~(VIII) ENVIRONMENTAL REQUIREMENTS; AND~~

~~(IX) A REQUIREMENT FOR A PROCUREMENT PROCESS THAT INCLUDES PUBLIC NOTICE AND RESULTS IN THE MOST ADVANTAGEOUS PROPOSAL.~~

5–314.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "CONSTRUCTION" MEANS NEW CONSTRUCTION OR MAJOR RENOVATION OR REPLACEMENT OF A PUBLIC SCHOOL FACILITY.

(II) "CONSTRUCTION" DOES NOT INCLUDE SYSTEM RENOVATION PROJECTS AS DEFINED IN COMAR 23.03.02.15.

(3) "INCENTIVE PROGRAM" MEANS THE PUBLIC SCHOOL FACILITY CONSTRUCTION INNOVATION INCENTIVE <u>PILOT</u> PROGRAM.

(4) "PUBLIC SCHOOL FACILITY" MEANS A PROPERTY PRIMARILY USED FOR EDUCATIONAL INSTRUCTION.

(5) "ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS" MEANS THE AVERAGE STATE COST PER STUDENT FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS AND CAPITAL IMPROVEMENTS OVER THE PREVIOUS 3 FISCAL YEARS.

<u>(B) THIS SECTION APPLIES ONLY IN:</u>

(1) HARFORD COUNTY;

(2) PRINCE GEORGE'S COUNTY; AND

(3) WASHINGTON COUNTY.

~~(B)~~ (C) (1) THERE IS A PUBLIC SCHOOL FACILITY CONSTRUCTION INNOVATION INCENTIVE PILOT PROGRAM IN THE STATE.

(2) THE PURPOSE OF THE INCENTIVE PROGRAM IS TO PROVIDE INCENTIVES TO ENCOURAGE PUBLIC SCHOOL SYSTEMS TO PURSUE INNOVATIVE PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECTS BY:

(I) PROVIDING ADDITIONAL STATE FUNDING FOR THE PROJECTS; AND

(II) EXEMPTING THE PROJECTS FROM THE STATUTORY AND REGULATORY REQUIREMENTS SPECIFIED IN SUBSECTION ~~(I)~~ (J) OF THIS SECTION.

(3) THROUGH THE ESTABLISHMENT OF THE INCENTIVE PROGRAM, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

(I) ENCOURAGE PUBLIC SCHOOL SYSTEMS TO USE THE INCENTIVE PROGRAM; AND

(II) ACCELERATE PUBLIC SCHOOL CONSTRUCTION AND RENOVATION BY PROVIDING INCENTIVES TO REDUCE THE COSTS OF CONSTRUCTION AND RENOVATION.

~~(C)~~ (D) (1) THE INTERAGENCY ~~COMMITTEE~~ *COMMISSION* SHALL IMPLEMENT AND ADMINISTER THE INCENTIVE PROGRAM AS PROVIDED IN THIS SECTION.

(2) THE INTERAGENCY ~~COMMITTEE~~ *COMMISSION* SHALL PROMOTE THE INCENTIVE PROGRAM.

~~(D)~~ (E) THE INTERAGENCY ~~COMMITTEE~~ *COMMISSION* SHALL ESTABLISH AN APPLICATION PROCESS FOR THE INCENTIVE PROGRAM.

~~(E)~~ (F) FOR EACH FISCAL YEAR, THE INTERAGENCY ~~COMMITTEE~~ *COMMISSION* SHALL CALCULATE THE ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS FOR ELEMENTARY SCHOOLS, PREKINDERGARTEN THROUGH EIGHTH GRADE SCHOOLS, MIDDLE SCHOOLS, AND HIGH SCHOOLS IN THE STATE.

~~(F)~~ (G) IF A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT HAS AN ESTIMATED PUBLIC SCHOOL CONSTRUCTION COST THAT IS 30% OR MORE BELOW THE ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS FOR THE APPROPRIATE TYPE OF SCHOOL, THE INTERAGENCY ~~COMMITTEE~~ *COMMISSION* SHALL APPROVE THAT PROJECT FOR PARTICIPATION IN THE INCENTIVE PROGRAM.

~~(G)~~ (H) (1) FOR A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM ON OR BEFORE DECEMBER 31, 2019, THE STATE SHARE OF ELIGIBLE COSTS FOR THAT PROJECT SHALL INCREASE BY 20% FOR THAT PROJECT.

(2) FOR A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM ON OR AFTER JANUARY 1, 2020, THE STATE SHARE OF ELIGIBLE COSTS FOR THAT PROJECT SHALL INCREASE BY 10% FOR THAT PROJECT.

~~(H)~~ (I) IF THE ACTUAL PUBLIC SCHOOL CONSTRUCTION COSTS FOR A PROJECT ARE NOT 30% OR MORE BELOW THE ROLLING STATE AVERAGE OF PUBLIC SCHOOL CONSTRUCTION COSTS FOR THE APPROPRIATE TYPE OF SCHOOL, THE PROJECT IS NOT ELIGIBLE FOR THE HIGHER STATE SHARE PROVIDED IN SUBSECTION ~~(G)~~ (H) OF THIS SECTION FOR THE STATE SHARE OF ELIGIBLE COSTS THAT EXCEED THE REQUIREMENT IN SUBSECTION ~~(F)~~ (G) OF THIS SECTION.

~~(I)~~ (J) EXCEPT AS PROVIDED IN SUBSECTION ~~(J)~~ (K) OF THIS SECTION, § 2–303(F) OF THIS ARTICLE, ~~§ 5–301~~ *§ 5–303* OF THIS SUBTITLE, AND THE REGULATIONS THAT GOVERN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM DO NOT APPLY TO A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM.

~~(J)~~ (K) A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT THAT IS APPROVED TO PARTICIPATE IN THE INCENTIVE PROGRAM SHALL COMPLY WITH:

(1) EXCEPT AS PROVIDED IN SUBSECTION ~~(H)~~ (I) OF THIS SECTION, THE STATE AND LOCAL COST–SHARE ESTABLISHED FOR EACH COUNTY IN REGULATIONS;

(2) THE MAXIMUM STATE CONSTRUCTION ALLOCATION FOR EACH PROJECT APPROVED FOR STATE FUNDING;

~~(3) THE RECOMMENDATIONS OF THE INTERAGENCY COMMITTEE TO THE BOARD OF PUBLIC WORKS REGARDING PROJECT FUNDING;~~

~~(4)~~ *(3)* **THE APPROVAL OF PROJECT FUNDING BY THE ~~BOARD OF PUBLIC WORKS~~ *INTERAGENCY COMMISSION*;**

~~(5)~~ *(4)* **SMART GROWTH REQUIREMENTS;**

~~(6)~~ *(5)* **MINORITY BUSINESS ENTERPRISE REQUIREMENTS;**

~~(7)~~ *(6)* **PREVAILING WAGE REQUIREMENTS;**

~~(8)~~ *(7)* **ENVIRONMENTAL REQUIREMENTS; AND**

~~(9)~~ *(8)* **A REQUIREMENT FOR A PROCUREMENT PROCESS THAT INCLUDES PUBLIC NOTICE AND RESULTS IN THE MOST ADVANTAGEOUS PROPOSAL.**

~~(K)~~ (L) **IF A PUBLIC SCHOOL SYSTEM PARTICIPATES IN THE INCENTIVE PROGRAM, NOTHING IN THIS SECTION PROHIBITS THE PUBLIC SCHOOL SYSTEM FROM UTILIZING ANY OTHER SOURCE OF FINANCING OR SYSTEM OF BIDDING UNDER CURRENT LAW TO FUND A PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of 5 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 399

(House Bill 982)

AN ACT concerning

Higher Education Outreach and College Access Pilot Program – Alterations and ~~Repeal~~ Extension of Sunset

FOR the purpose of ~~repealing~~ extending the termination date of certain provisions of law relating to the Maryland Higher Education Outreach and College Access Pilot Program; ~~altering the name of the Program;~~ altering the provisions related to a certain report on the Program; and generally relating to the Maryland Higher Education Outreach and College Access Pilot Program.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Education
Section 11–1101 ~~through 11–1103 and 11–1106~~, 11–1102, 11–1104, and 11–1105

Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article – Education
Section ~~11–1104 and 11–1105~~ 11–1103 and 11–1106
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Chapter 200 of the Acts of the General Assembly of 2015
Section 2

BY repealing and reenacting, with amendments,
Chapter 201 of the Acts of the General Assembly of 2015
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

11–1101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Nonprofit organization" means an organization that is exempt or eligible for exemption from taxation under § 501(c)(3) of the Internal Revenue Code.

(c) "Program" means the Maryland Higher Education Outreach and College Access ~~[~~Pilot~~]~~ Program.

11–1102.

There is a Maryland Higher Education Outreach and College Access ~~[~~Pilot~~]~~ Program.

11–1103.

The purposes of the Program are to:

(1) Encourage low–income Maryland high school students to attend and complete college;

(2) Connect potential college and university students with nonprofit organizations that have a history of successful higher education outcomes for targeted youth;

(3) Create an equal matching fund for nonprofit organizations to access in order to increase college outreach services to low–income students; ~~AND~~

(4) Provide funding for nonprofit organizations that are already established in communities to provide targeted outreach to encourage low–income students to enroll in college~~]~~; and

(5) Establish a ~~2–year~~ **5–YEAR** pilot program to determine if the Program can lead to an increase in low–income students attending and succeeding in college~~]~~.

11–1104.

(a) The Commission shall administer the Program.

(b) To carry out the purposes of the Program, the Commission shall:

(1) Establish a grant program to be published on the Commission's Web site through which nonprofit organizations may learn about eligibility, application, and compliance requirements and apply for funding as provided under this subtitle;

(2) Develop application requirements and review and approve applications;

(3) Develop a process for verifying that matching funds are available; and

(4) Allocate funding to approved nonprofit organizations on a competitive basis.

11–1105.

(a) To be eligible for participation in the Program, a nonprofit organization shall:

(1) Be located in the State;

(2) Have a contract or memorandum of understanding with a local school system or an institution of higher education or must establish one if one does not exist; and

(3) Demonstrate an equal match for funds requested.

(b) A nonprofit organization that receives funding through the Program shall:

(1) Submit data on outreach programs;

(2) Track student progress through the higher education system; and

(3) Submit annual reports to the Commission on or before October 1 following the fiscal year in which funds were received.

11–1106.

(a) The Commission shall prepare **[**a**]** ~~AN ANNUAL~~ report on the Program that includes:

(1) A summary of the reports received **FROM THE PARTICIPATING NONPROFIT ORGANIZATIONS** regarding the Program;

(2) The amount of funds distributed each fiscal year; ~~and~~

(3) INFORMATION REGARDING THE EFFECTIVENESS OF THE PROGRAM, INCLUDING WHETHER STUDENTS MATRICULATE AND REMAIN CONTINUOUSLY ENROLLED IN HIGHER EDUCATION AS A RESULT OF THE PROGRAM; AND

~~(3)~~ **(4)** If an eligible wait list exists, the number of nonprofit organizations on the wait list.

(b) On or before December 1**[**, 2017, and December 1, 2018**]** ~~EACH YEAR~~ **IN 2017 THROUGH 2021**, the Commission shall submit a copy of the report required under subsection (a) of this section to the General Assembly, in accordance with § 2–1246 of the State Government Article.

Chapter 200 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. **[**It shall remain effective for a period of ~~4~~ 7 years and, at the end of September 30, ~~2019~~ 2022, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

Chapter 201 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. **[**It shall remain effective for a period of ~~4~~ 7 years and, at the end of September 30, ~~2019~~ 2022, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 400

(House Bill 1074)

AN ACT concerning

Public Institutions of Higher Education – Priority Registration for Members of the Armed Forces

FOR the purpose of requiring public institutions of higher education to grant priority registration for courses to certain currently serving members and veterans of the armed forces of the United States; providing that a certain course registration priority applies only within a certain period of time after an eligible service member was on active duty; providing that a certain course registration priority does not apply to an eligible service member after a certain number of academic years; requiring public institutions of higher education to adopt certain policies; defining a certain term; and generally relating to currently serving members and veterans of the armed forces of the United States and course registration in public institutions of higher education.

BY adding to
Article – Education
Section 15–123
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

15–123.

(A) IN THIS SECTION, "ELIGIBLE SERVICE MEMBER" MEANS:

(1) A CURRENTLY SERVING MEMBER OF ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES, INCLUDING THE NATIONAL GUARD AND THE MILITARY RESERVES; AND

(2) A VETERAN OF ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES, INCLUDING THE NATIONAL GUARD AND THE MILITARY RESERVES, WHO HAS RECEIVED AN HONORABLE DISCHARGE OR A CERTIFICATE OF SATISFACTORY COMPLETION OF MILITARY SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL GRANT PRIORITY REGISTRATION FOR COURSES TO AN ELIGIBLE SERVICE MEMBER.

(C) THE PRIORITY REGISTRATION REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION:

(1) APPLIES ONLY WITHIN 15 YEARS AFTER THE ELIGIBLE SERVICE MEMBER WAS LAST ON ACTIVE DUTY; AND

(2) DOES NOT APPLY AFTER AN ELIGIBLE SERVICE MEMBER'S FOURTH ACADEMIC YEAR.

(D) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ADOPT POLICIES NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 401

(House Bill 1136)

AN ACT concerning

~~County Boards of Education –~~ Student Hearing and Vision Screenings – Reporting Requirements

FOR the purpose of ~~requiring each county board of education to report to the Maryland Department of Health the number of students who did not receive recommended services after failing a hearing or vision screening and the reason why certain students did not receive certain services; requiring each county board to develop a certain strategy to increase the number of students receiving recommended services after failing a hearing or vision screening; requiring the county board to report on its progress in meeting certain goals to the General Assembly each year;~~ requiring the Maryland Department of Health to review certain reports and, in certain counties, to coordinate with the county board or the county health department to implement measures to improve the number of students receiving certain services; and generally relating to reports on hearing and vision screenings for students ~~by county boards of education~~.

BY repealing and reenacting, with amendments,

Article – Education
Section 7–404
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–404.

(a) (1) Each county board or county health department shall provide hearing and vision screenings for all students in the public schools.

(2) Each county health department shall provide and fund hearing and vision screenings for all students:

(i) In any private school that has received a certificate of approval under § 2–206 of this article; and

(ii) In any nonpublic educational facility in this State approved as a special education facility by the Department.

(b) (1) Unless evidence is presented that a student has been tested within the past year, the screenings required under subsection (a) of this section shall be given in the year that a student enters a school system, enters the first grade, and enters the eighth or ninth grade.

(2) Further screening shall be done in accordance with:

(i) The bylaws adopted by the State Board; or

(ii) Policies adopted by a county board or a county health department.

(c) The results of the hearing and vision screenings required by this section shall be:

(1) Made a part of the permanent record file of each student;

(2) Given to the parents of any student who fails the screenings; and

(3) Reported to the county board or the county health department.

(d) On a form provided by the county board or the county health department, a parent or guardian shall report to the county board or the county health department on the recommended services received by a student who failed the screenings.

(e) **(1)** The county board or the county health department shall report to the Maryland Department of Health **[**the**]:**

~~(1)~~ **(I)** **THE** results of the hearing and vision screenings **[**and, to**]; AND**

~~(2)~~ **(II)** **TO** the extent practicable, the number of students receiving the recommended services~~; AND~~**.**

~~(3) (I) THE NUMBER OF STUDENTS WHO DID NOT RECEIVE THE RECOMMENDED SERVICES AFTER FAILING A HEARING OR VISION SCREENING; AND~~

~~(II) THE REASON EACH STUDENT UNDER ITEM (I) OF THIS ITEM DID NOT RECEIVE THE RECOMMENDED SERVICES.~~

(2) THE MARYLAND DEPARTMENT OF HEALTH SHALL:

(I) REVIEW THE REPORTS SUBMITTED UNDER THIS SUBSECTION; AND

(II) IN COUNTIES WHERE FEWER THAN 50% OF STUDENTS WHO HAVE FAILED THE SCREENINGS ARE RECEIVING THE RECOMMENDED SERVICES, COORDINATE WITH THE COUNTY BOARD OR THE COUNTY HEALTH DEPARTMENT TO IMPLEMENT MEASURES TO IMPROVE THE NUMBER OF STUDENTS RECEIVING THE RECOMMENDED SERVICES.

~~(F) (1) EACH COUNTY BOARD SHALL DEVELOP A WRITTEN STRATEGY WITH QUANTIFIABLE GOALS TO INCREASE THE NUMBER OF STUDENTS RECEIVING RECOMMENDED SERVICES AFTER FAILING A HEARING OR VISION SCREENING.~~

~~(2) EACH COUNTY BOARD SHALL REPORT ANNUALLY ON ITS PROGRESS IN MEETING THE GOALS DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.~~

~~[~~(f)~~]~~ ~~(G)~~ In cooperation with the Maryland Department of Health, the Department of Education shall adopt standards, rules, and regulations to carry out the provisions of this section.

~~[~~(g)~~]~~ ~~(H)~~ A student whose parent or guardian objects in writing to hearing and vision screening on the ground that it conflicts with the tenets and practice of a recognized

church or religious denomination of which he is an adherent or member may not be required to take these screenings.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 402

(House Bill 1143)

AN ACT concerning

Southern Maryland – University System of Maryland Partnership Act of 2018

FOR the purpose of repealing provisions that establish the Southern Maryland Higher Education Center and its governance; ~~providing that, on a certain date, the operations, facilities, and resources of the Southern Maryland Higher Education Center shall become part of a certain regional higher education center established by the Board of Regents of the University System of Maryland;~~ *making this Act subject to certain contingencies; providing for a delayed effective date;* and generally relating to the Southern Maryland Higher Education Center.

BY repealing
Article – Education
Section 24–301 through 24–309 and the subtitle "Subtitle 3. Southern Maryland Higher Education Center"
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, The Board of Regents of the University System of Maryland and the Board of Governors of the Southern Maryland Higher Education Center have entered into an agreement to design and construct on the campus of the Southern Maryland Higher Education Center an 84,000–gross–square–foot education classroom and research facility that, under the auspices of the University System of Maryland, will attract and execute basic and applied research into the vitally important and growing field of unmanned and autonomous systems and technologies, as well as provide space for general and technical education and instruction to the residents and businesses of the Southern Maryland region; and

WHEREAS, University System of Maryland institutions have an established presence at the Southern Maryland Higher Education Center, with five universities

offering degree programs, at both the graduate and undergraduate levels in engineering, information technology, K–12 education, nursing, criminal justice, and social work; and

WHEREAS, The Board of Governors and other stakeholders of the Southern Maryland Higher Education Center have engaged closely with the leadership of the University System of Maryland to develop a shared vision for a more fully integrated partnership combining the strength of the University System of Maryland's education, research, technology transfer, and student service programs with the strong array of advanced education and professional development services currently offered through the Southern Maryland Higher Education Center in order to address the workforce and economic needs and improve the quality of life enjoyed by the people and businesses of the Southern Maryland region; and

WHEREAS, To advance this shared vision, and create an unparalleled resource that promises to have a transformational impact on the further development of the advanced technology and innovation economy of the Southern Maryland region—and the concomitant highly skilled, highly educated workforce needed to drive such an economy—the Board of Governors of the Southern Maryland Higher Education Center and the University System of Maryland will soon have agreed through a memorandum of understanding to merge the Southern Maryland Higher Education Center and all its assets with the University System of Maryland to become the newest regional higher education center; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

[Subtitle 3. Southern Maryland Higher Education Center.**]**

[24–301.

(a) In this subtitle the following terms have the meanings indicated.

(b) "Board" means the Board of Governors of the Southern Maryland Higher Education Center.

(c) "Center" means the Southern Maryland Higher Education Center.

(d) "Commission" means the Maryland Higher Education Commission.**]**

[24–302.

There is a Southern Maryland Higher Education Center that is governed by a Board of Governors.**]**

[24–303.

(a) The Board consists of 13 voting members appointed by the Governor.

(b) The Governor shall appoint at least two members each from St. Mary's, Charles, and Calvert counties.

(c) (1) Each member serves for a term of 4 years and until a successor is appointed and qualifies.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1994.

(3) A member may not serve more than two full consecutive terms.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(d) (1) The Governor shall appoint one of the voting members to act as chair.

(2) The voting members may elect other officers and establish committees, including advisory committees, as needed.

(e) In addition to the 13 voting members, the following individuals shall serve as ex officio, nonvoting members:

(1) The commanding officer of the Naval Air Warfare Center – Aircraft Division at Patuxent River, or the commanding officer's designee;

(2) A member of the St. Mary's County Building Authority recommended by the St. Mary's County Board of County Commissioners; and

(3) A representative of the Tri–County Council for Southern Maryland.

(f) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.**]**

[24–304.

(a) In addition to the other powers expressly granted and duties imposed by this title, and subject to the authority of the Commission, the Board has only the powers and duties set forth in this section.

(b) The Board shall:

(1) Exercise general control over the Center;

(2) Keep separate records and minutes; and

(3) Adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(c) The Board may fix the salaries and terms of employment of the Director and other employees of the Center.

(d) The Board may purchase, lease, or otherwise acquire any property it considers necessary for the operation of the Center, with the approval of the St. Mary's County Board of County Commissioners.

(e) (1) The Board may sell, lease, or otherwise dispose of Center assets or property, with the approval of the St. Mary's County Board of County Commissioners.

(2) The Director of the Center or the chair of the Board may execute a conveyance or other legal document under an appropriate resolution of the Board.

(f) The Board shall ensure that all academic programs and policies of the Center are in compliance with the policies of and approved by the Commission.

(g) The Board shall submit an adopted mission statement to the Commission subject to the policies and guidelines of the Commission.

(h) The Board may enter into contracts or other agreements with any institution of higher education for the provision of upper division undergraduate and graduate programs to meet the higher education needs of Southern Maryland, subject to the approval of the Commission.

(i) The Board may apply, accept, and expend any gift, appropriation, or grant from the State, county, or federal government or any other person.

(j) (1) The Board shall ensure that the tuition and fees charged to students by any participating institutions are reasonable.

(2) The Board may also charge reasonable fees to cover the overhead costs associated with providing these programs.

(k) The Board may sue and be sued.

(l) The Board may make agreements with the federal, State, or county governments or any other person, if it considers the agreement advisable for the operation of the Center.

(m) The Board may adopt a corporate seal.

(n) In addition to other reports that may be required by the Commission, the Board shall:

(1) Keep records that are consistent with sound business practices and accounting records using generally accepted accounting principles;

(2) Cause an audit by an independent certified public accountant to be made of the accounts and transactions of the Center at the conclusion of each fiscal year; and

(3) For any State moneys, be subject to an audit by the Office of Legislative Audits, in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

(o) The Board shall enter into an agreement with St. Mary's County to establish guidelines for the use and operation of the Center.**]**

[24–305.

(a) The Board shall appoint a Director of the Center.

(b) The Director shall:

(1) Report directly to the Board;

(2) Recommend the appointment by the Board of employees necessary for the efficient administration of the Center;

(3) Recommend the discharge of employees for good cause and in accordance with applicable laws and policies;

(4) Be responsible to the Board for the conduct of the Center and for its administration and supervision;

(5) Attend all meetings of the Board, except those involving the Director's personal position;

(6) Subject to the policies and guidelines of the Commission:

(i) Develop a mission statement;

(ii) Submit the mission statement to the Board of Governors of the Center; and

(iii) Upon the direction of the Board of Governors, update the mission statement every 4 years; and

(7) Perform other duties as assigned by the Board.**]**

[24–306.

(a) The budget of the Center, as developed by the Board, shall:

(1) Be submitted to the Commission for informational purposes; and

(2) Include personnel detail.

(b) Requests for appropriations for operating expenses from St. Mary's, Calvert, or Charles counties shall be made to the appropriate Board of County Commissioners in accordance with:

(1) Applicable county procedures and requirements; or

(2) An agreement with the Board of County Commissioners.

(c) Requests for State appropriations for specific projects shall be submitted to the Commission.

(d) Proposals for capital projects, either new or substantial changes to existing projects, shall be submitted to the State Department of Budget and Management through the Commission.

(e) The major functions established by the Commission shall generally conform to those contained in the current College and University Industry Audit Guide issued by the American Institute of Certified Public Accountants.**]**

[24–307.

(a) The Boards of County Commissioners of St. Mary's, Calvert, and Charles counties may appropriate money to pay the cost of establishing and operating the Center, including the establishment of a reserve fund for maintenance and repair.

(b) The expenditure of appropriated funds shall be consistent with all relevant State laws.**]**

[24–308.

(a) If the Board of Governors of the Center conveys any real property in whole or in part, the proceeds of the disposition shall be shared between St. Mary's County and the State in such proportions as each has contributed to the capital investment in the property.

(b) That disposition shall be in accordance with all terms and conditions of the original conveyance of the property to St. Mary's County Board of County Commissioners and the Board of Public Works shall enter into an agreement providing for the calculation of the amount due to each party under this section.

(c) The payment to the State shall be made by the county within 90 days of the date of receipt of any proceeds.**]**

[24–309.

(a) (1) The Board may carry comprehensive liability insurance to protect the Board, its agents, and employees.

(2) The purchase of the insurance is for an educational purpose and is a valid educational expense.

(b) (1) The Board may adopt standards for the policies, including a minimum liability coverage that may not be less than $100,000 per occurrence.

(2) Any policy purchased after the adoption of these standards shall conform to them.

(c) The Board complies with this section if it is self–insured, for at least $100,000 and not more than $500,000 per occurrence, under the rules and regulations of the State Insurance Commissioner.

(d) This section does not prevent the Board, on its own behalf, from raising the defense of sovereign immunity to any amount of a claim in excess of the limit of an insurance policy or in excess of $100,000 in the case of self–insurance.**]**

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Southern Maryland Higher Education Center, as set forth in Title 24, Subtitle 3 of the Education Article, will cease to exist on the effective date of this Act and its operations, facilities, and resources shall become part of a regional higher education center established by the Board of Regents of the University System of Maryland in accordance with § 12–104(f) of the Education Article.~~

~~SECTION 2.~~ ~~3.~~ ~~AND BE IT FURTHER ENACTED, That this Act shall take effect October~~ ~~July~~ ~~1, 2018.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act is contingent on:

(1) (i) the Chancellor of the University System of Maryland appointing the University of Maryland, College Park Campus to oversee the administration and research of the Southern Maryland Higher Education Center; and

(ii) the Chancellor of the University System of Maryland soliciting advice from the University of Maryland, College Park Campus before the Chancellor appoints an Executive Director of the Southern Maryland Higher Education Center; and

(2) the University System of Maryland and the Department of Budget and Management jointly submitting a report to the Senate Budget and Taxation Committee and the House Appropriations Committee on the capital needs of the Southern Maryland Higher Education Center.

(b) The University of Maryland, College Park Campus shall notify the Department of Legislative Services within 5 days after the conditions described under subsection (a)(1) of this section are met.

(c) Section 1 of this Act may not take effect before all the conditions described under subsection (a) of this section are satisfied.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect March 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 403

(House Bill 1234)

AN ACT concerning

Career Youth *and Public Sector* Apprenticeship ~~and Apprenticeship in State Employment Opportunity~~ Act

FOR the purpose of *authorizing a county board of education award credit to a high school student toward a high school diploma or a postsecondary credential, or both, for work–based training or classroom instruction completed under a registered apprenticeship program; authorizing a county board to count toward high school attendance the time an apprentice or youth apprentice spends during certain work–based training;* ~~requiring the State Board of Education to require that a county board of education award credit to a high school student toward a high school diploma or a postsecondary credential, or both, for work–based training or classroom instruction completed under a registered apprenticeship program; requiring the State Board to require that a county board count toward high school attendance the time an apprentice or youth apprentice spends during certain work–based training;~~ prohibiting institutions of higher education from referring to certain courses in a certain manner unless the course is part of a certain registered apprenticeship training program; *requiring the State Board of Education to report on progress, by*

high school and community college, toward the attainment of certain goals; requiring the Division of Workforce Development and Adult Learning to partner with certain State departments to create certain registered apprenticeship programs to address workforce shortages; requiring the Division and the Department of Budget and Management to develop certain position classifications for certain employees selected to participate in the registered apprenticeship programs created under a certain provision of law; requiring the Division to make a certain report to the General Assembly on or before a certain date each year; *altering a certain reporting requirement by the State Board;* ~~altering a certain reporting requirement by the State Board;~~ repealing obsolete language; and generally relating to apprenticeship in the State.

BY adding to
Article – Education
Section *7–205.4, 7–301.2, and* ~~7–205.4, 7–301.2, and~~ 15–123
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, ~~with~~ ~~without~~ *with* amendments,
Article – Education
Section 21–204
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–103
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–205.4.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY BOARD MAY AWARD CREDIT TO A HIGH SCHOOL STUDENT TOWARD A HIGH SCHOOL DIPLOMA OR A POSTSECONDARY CREDENTIAL, OR BOTH, FOR THE WORK–BASED TRAINING AND CLASSROOM INSTRUCTION COMPLETED UNDER A REGISTERED APPRENTICESHIP PROGRAM.

7–301.2.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY BOARD MAY COUNT TOWARD HIGH SCHOOL ATTENDANCE THE TIME AN APPRENTICE OR YOUTH APPRENTICE SPENDS DURING WORK–BASED TRAINING WITH AN EMPLOYER UNDER A REGISTERED APPRENTICESHIP PROGRAM.

~~**7–205.4.**~~

~~**NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE BOARD SHALL REQUIRE THAT A COUNTY BOARD AWARD CREDIT TO A HIGH SCHOOL STUDENT TOWARD A HIGH SCHOOL DIPLOMA OR A POSTSECONDARY CREDENTIAL, OR BOTH, FOR THE WORK–BASED TRAINING AND CLASSROOM INSTRUCTION COMPLETED UNDER A REGISTERED APPRENTICESHIP PROGRAM.**~~

~~**7–301.2.**~~

~~**NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE BOARD SHALL REQUIRE THAT A COUNTY BOARD COUNT TOWARD HIGH SCHOOL ATTENDANCE THE TIME AN APPRENTICE OR YOUTH APPRENTICE SPENDS DURING WORK–BASED TRAINING WITH AN EMPLOYER UNDER A REGISTERED APPRENTICESHIP PROGRAM.**~~

15–123.

AN INSTITUTION OF HIGHER EDUCATION MAY NOT REFER TO A NONCREDIT OR CREDIT COURSE AS AN APPRENTICESHIP OR APPRENTICESHIP TRAINING COURSE UNLESS THE COURSE IS PART OF A REGISTERED APPRENTICESHIP TRAINING PROGRAM THAT HAS BEEN APPROVED BY THE APPRENTICESHIP AND TRAINING COUNCIL OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION OR THE U.S. DEPARTMENT OF LABOR.

21–204.

(a) On or before December 1, 2017, the State Board, in consultation with the Department of Labor, Licensing, and Regulation and the Governor's Workforce Development Board, shall establish, for each year for 2018 through 2024, inclusive, statewide goals that reach 45% by January 1, 2025, for the percentages of high school students who, prior to graduation:

(1) Complete a career and technical education (CTE) program;

(2) Earn industry–recognized occupational or skill credentials; or

(3) Complete a registered youth or other apprenticeship.

(b) On or before December 1, 2017, the Maryland Longitudinal Data System Center and the Governor's Workforce Development Board shall develop annual income earnings goals for high school graduates who have not earned at least a 2–year college degree by age 25.

(c) On or before December 1, 2017, the State Board shall develop a method to consider a student's attainment of a State–approved industry credential or completion of an apprenticeship program as equivalent to earning a score of 3 or better on an Advanced Placement examination for purposes of the Maryland Accountability Program established by the Department if the student:

(1) (i) Was enrolled in the State–approved CTE program at the concentrator level or higher; and

(ii) Successfully earned the credential aligned with the State–approved CTE program; or

(2) Successfully completed a youth or other apprenticeship training program approved by the Maryland Apprenticeship Training Council in accordance with § 11–405 of the Labor and Employment Article.

(d) On or before December 1, 2017, and December 1 of each year thereafter, the State Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the progress***, BY HIGH SCHOOL AND COMMUNITY COLLEGE***~~, BY HIGH SCHOOL AND COMMUNITY COLLEGE,~~ toward attaining the goals established by the State Board in accordance with subsection (a) of this section and the goals established under subsection (b) of this section.

Article – Labor and Employment

11–103.

(a) The Division shall:

(1) promote apprenticeship and training programs;

(2) administer job training, placement, and service programs;

(3) implement the provisions of the federal Workforce Innovation and Opportunity Act;

(4) administer adult education and literacy services programs;

(5) conduct educational and job skills training programs in adult correctional facilities;

(6) oversee any other units established pursuant to State or federal employment, training, or manpower statutes;

(7) administer those programs assigned to the Division by law or designated by the Secretary;

(8) administer any community service employment programs delegated to the State under Title V of the federal Older Americans Act of 1965; and

(9) adopt regulations to carry out Subtitle 4 of this title.

(b) The Division shall meet and confer on a regular basis with representatives of the State's community colleges, appointed by the Maryland Association of Community Colleges, and the adult education community, appointed by the Maryland Association for Adult Continuing and Community Education, to assure that adult education and literacy services and job training activities and resources are effectively coordinated.

(c) **(1)** The Division shall partner with State departments and their exclusive representatives to identify**[**, before January 1, 2018,**]** opportunities to create registered apprenticeship programs to help address **WORKFORCE SHORTAGES AND** the career workforce needs of those departments.

(2) THE DIVISION AND DEPARTMENT OF BUDGET AND MANAGEMENT SHALL DEVELOP POSITION CLASSIFICATIONS, WHICH WOULD INCLUDE INCREMENTAL SALARY ADJUSTMENTS, FOR EMPLOYEES WHO ARE SELECTED TO PARTICIPATE IN THE REGISTERED APPRENTICESHIP PROGRAMS CREATED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(d) In accordance with the identification of apprenticeship programs under subsection (c) of this section, the Division shall identify opportunities to create registered apprenticeship programs, including goals for the number of apprenticeships registered each year, to help address the career workforce needs of the State.

(E) ON OR BEFORE JUNE 30 EACH YEAR, THE DIVISION SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR:

(1) A LIST OF AGENCIES THAT THE DIVISION PARTNERED WITH TO:

(I) IDENTIFY WORKFORCE SHORTAGES; AND

(II) CREATE REGISTERED APPRENTICESHIP PROGRAMS;

(2) THE NUMBER AND TYPE OF REGISTERED APPRENTICESHIP PROGRAMS THAT EXIST FOR STATE POSITIONS; AND

(3) THE PROGRESS IN REACHING THE GOALS ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 404

(House Bill 1532)

AN ACT concerning

Higher Education – Maryland Loan Assistance Repayment Program – Farmers

FOR the purpose of establishing the Maryland Loan Assistance Repayment Program for Farmers; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to assist in the repayment of a certain loan owed by certain farmers; requiring the Office, in consultation with the Department of Agriculture, to adopt certain regulations; specifying that funds for the Program shall be as provided in the State budget; requiring a certain annual report to include certain information about the Program; altering the requirements of a certain annual report; making a stylistic change; defining certain terms; and generally relating to the Maryland Loan Assistance Repayment Program for Farmers.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–1505
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Education
Section 18–28A–01 through 18–28A–05 to be under the new subtitle "Subtitle 28A. Maryland Loan Assistance Repayment Program for Farmers"
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

18–1505.

Subject to § 2–1246 of the State Government Article, the Office **[**of Student Financial Assistance**]** shall report to the General Assembly by January 1 of each year on the implementation of the Janet L. Hoffman Loan Assistance Repayment Program **AND THE REQUIREMENTS OF § 18–28A–05 OF THIS TITLE**.

SUBTITLE 28A. MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR FARMERS.

18–28A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

(C) "HIGHER EDUCATION LOAN" MEANS A LOAN THAT IS OBTAINED FOR TUITION, EDUCATION EXPENSES, OR LIVING EXPENSES FOR UNDERGRADUATE OR GRADUATE STUDY LEADING TO A DEGREE IN AGRICULTURE OR AN AGRICULTURE–RELATED FIELD, INCLUDING FARMING.

(D) "PROGRAM" MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR FARMERS.

18–28A–02.

(A) THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR FARMERS IN THE STATE.

(B) THE OFFICE SHALL ASSIST IN THE REPAYMENT OF A HIGHER EDUCATION LOAN OWED BY A FARMER WHO:

(1) HAS RECEIVED AN UNDERGRADUATE OR GRADUATE DEGREE IN AGRICULTURE OR AN AGRICULTURE–RELATED FIELD FROM A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION LOCATED IN THE STATE;

(2) HAS BEEN A FARMER FOR AT LEAST 5 YEARS BUT NOT MORE THAN 10 YEARS SINCE OBTAINING THE DEGREE;

(3) RECEIVES AN INCOME THAT IS LESS THAN THE MAXIMUM ELIGIBLE TOTAL INCOME LEVELS ESTABLISHED BY THE OFFICE, IN CONSULTATION WITH THE DEPARTMENT, INCLUDING ANY ADDITIONAL SOURCES OF INCOME; AND

(4) SATISFIES ANY OTHER CRITERIA ESTABLISHED BY THE OFFICE.

18–28A–03.

THE OFFICE, IN CONSULTATION WITH THE DEPARTMENT, SHALL ADOPT REGULATIONS TO ESTABLISH:

(1) THE MAXIMUM STARTING INCOME FOR ELIGIBILITY IN THE PROGRAM;

(2) THE MAXIMUM TOTAL INCOME FOR ELIGIBILITY IN THE PROGRAM, INCLUDING ANY ADDITIONAL SOURCES OF INCOME;

(3) THAT PRIORITY FOR PARTICIPATION IN THE PROGRAM SHALL BE GIVEN TO A FARMER WHO:

(I) GRADUATED FROM AN INSTITUTION OF HIGHER EDUCATION IN THE STATE IN THE LAST 10 YEARS;

(II) IS EMPLOYED AS A FARMER ON A FULL–TIME BASIS; AND

(III) AS DETERMINED BY THE DEPARTMENT <u>IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT</u>, USES SUSTAINABLE AGRICULTURAL TECHNIQUES AND DEMONSTRATES ENVIRONMENTAL STEWARDSHIP;

(4) A LIMIT ON THE TOTAL AMOUNT OF ASSISTANCE PROVIDED BY THE OFFICE IN REPAYING THE HIGHER EDUCATION LOAN OF A FARMER, BASED ON THE FARMER'S TOTAL INCOME AND OUTSTANDING HIGHER EDUCATION LOAN BALANCE;

(5) A PROCEDURE AND SCHEDULE FOR THE PAYMENT OF THE AMOUNT OF LOAN ASSISTANCE PROVIDED BY THE OFFICE TO THE FARMER; AND

(6) AN ANNUAL REVIEW OF THE ELIGIBILITY OF EACH FARMER PARTICIPATING IN THE PROGRAM.

18–28A–04.

FUNDS FOR THE PROGRAM SHALL BE PROVIDED ON AN ANNUAL BASIS IN THE STATE BUDGET.

18–28A–05.

AS PART OF THE ANNUAL REPORT REQUIRED UNDER § 18–1505 OF THIS TITLE, THE OFFICE SHALL INCLUDE INFORMATION REGARDING IMPLEMENTATION OF THE PROGRAM, INCLUDING:

(1) THE AMOUNT OF MONEY ALLOCATED FOR THE PROGRAM;

(2) THE NUMBER OF AWARDS MADE AND AMOUNTS OF THE AWARDS; AND

(3) THE NUMBER OF APPLICANTS DENIED AN AWARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 405

(Senate Bill 991)

AN ACT concerning

Higher Education – Maryland Loan Assistance Repayment Program – Farmers

FOR the purpose of establishing the Maryland Loan Assistance Repayment Program for Farmers; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to assist in the repayment of a certain loan owed by certain farmers; requiring the Office, in consultation with the Department of Agriculture, to adopt certain regulations; specifying that funds for the Program shall be as provided in the State budget; requiring a certain annual report to include certain information about the Program; altering the requirements of a certain annual report; making a stylistic change; defining certain terms; and generally relating to the Maryland Loan Assistance Repayment Program for Farmers.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–1505
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Education
Section 18–28A–01 through 18–28A–05 to be under the new subtitle "Subtitle 28A. Maryland Loan Assistance Repayment Program for Farmers"
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

18–1505.

Subject to § 2–1246 of the State Government Article, the Office **[**of Student Financial Assistance**]** shall report to the General Assembly by January 1 of each year on the implementation of the Janet L. Hoffman Loan Assistance Repayment Program **AND THE REQUIREMENTS OF § 18–28A–05 OF THIS TITLE**.

SUBTITLE 28A. MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR FARMERS.

18–28A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

(C) "HIGHER EDUCATION LOAN" MEANS A LOAN THAT IS OBTAINED FOR TUITION, EDUCATION EXPENSES, OR LIVING EXPENSES FOR UNDERGRADUATE OR GRADUATE STUDY LEADING TO A DEGREE IN AGRICULTURE OR AN AGRICULTURE–RELATED FIELD, INCLUDING FARMING.

(D) "PROGRAM" MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR FARMERS.

18–28A–02.

(A) THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR FARMERS IN THE STATE.

(B) THE OFFICE SHALL ASSIST IN THE REPAYMENT OF A HIGHER EDUCATION LOAN OWED BY A FARMER WHO:

(1) HAS RECEIVED AN UNDERGRADUATE OR GRADUATE DEGREE IN AGRICULTURE OR AN AGRICULTURE–RELATED FIELD FROM A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION LOCATED IN THE STATE;

(2) HAS BEEN A FARMER FOR AT LEAST 5 YEARS BUT NOT MORE THAN 10 YEARS SINCE OBTAINING THE DEGREE;

(3) RECEIVES AN INCOME THAT IS LESS THAN THE MAXIMUM ELIGIBLE TOTAL INCOME LEVELS ESTABLISHED BY THE OFFICE, IN CONSULTATION WITH THE DEPARTMENT, INCLUDING ANY ADDITIONAL SOURCES OF INCOME; AND

(4) SATISFIES ANY OTHER CRITERIA ESTABLISHED BY THE OFFICE.

18–28A–03.

THE OFFICE, IN CONSULTATION WITH THE DEPARTMENT, SHALL ADOPT REGULATIONS TO ESTABLISH:

(1) THE MAXIMUM STARTING INCOME FOR ELIGIBILITY IN THE PROGRAM;

(2) THE MAXIMUM TOTAL INCOME FOR ELIGIBILITY IN THE PROGRAM, INCLUDING ANY ADDITIONAL SOURCES OF INCOME;

(3) THAT PRIORITY FOR PARTICIPATION IN THE PROGRAM SHALL BE GIVEN TO A FARMER WHO:

(I) GRADUATED FROM AN INSTITUTION OF HIGHER EDUCATION IN THE STATE IN THE LAST 10 YEARS;

(II) IS EMPLOYED AS A FARMER ON A FULL–TIME BASIS; AND

(III) AS DETERMINED BY THE DEPARTMENT *IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT*, USES SUSTAINABLE AGRICULTURAL TECHNIQUES AND DEMONSTRATES ENVIRONMENTAL STEWARDSHIP;

(4) A LIMIT ON THE TOTAL AMOUNT OF ASSISTANCE PROVIDED BY THE OFFICE IN REPAYING THE HIGHER EDUCATION LOAN OF A FARMER, BASED ON THE FARMER'S TOTAL INCOME AND OUTSTANDING HIGHER EDUCATION LOAN BALANCE;

(5) A PROCEDURE AND SCHEDULE FOR THE PAYMENT OF THE AMOUNT OF LOAN ASSISTANCE PROVIDED BY THE OFFICE TO THE FARMER; AND

(6) AN ANNUAL REVIEW OF THE ELIGIBILITY OF EACH FARMER PARTICIPATING IN THE PROGRAM.

18–28A–04.

FUNDS FOR THE PROGRAM SHALL BE PROVIDED ON AN ANNUAL BASIS IN THE STATE BUDGET.

18–28A–05.

AS PART OF THE ANNUAL REPORT REQUIRED UNDER § 18–1505 OF THIS TITLE, THE OFFICE SHALL INCLUDE INFORMATION REGARDING IMPLEMENTATION OF THE PROGRAM, INCLUDING:

(1) THE AMOUNT OF MONEY ALLOCATED FOR THE PROGRAM;

(2) THE NUMBER OF AWARDS MADE AND AMOUNTS OF THE AWARDS; AND

(3) THE NUMBER OF APPLICANTS DENIED AN AWARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 406

(House Bill 1554)

AN ACT concerning

Child Support – Payment Incentive Program Expansion Act of 2018

FOR the purpose of requiring the Child Support Administration to develop an electronic application process for participation in the Child Support Payment Incentive Program; requiring the Administration to include certain payments made by a child support obligor when calculating certain uninterrupted payments made under the Program; authorizing the Administration to develop an alternative schedule for a certain obligor; requiring the Administration to provide an obligor who has become unemployed through no fault of the obligor with certain employment information;

prohibiting the Administration from penalizing the obligor for a certain period of time under certain circumstances; providing for the calculation of uninterrupted court–ordered payments on reemployment of an obligor; requiring the Administration to update public awareness programs for the Program and focus outreach efforts on jurisdictions with low participation in the Program; requiring the Administration to develop, maintain, and update an internal training program to ensure that staff at the State and local level are aware of the Program and its benefits; and generally relating to the Child Support Payment Incentive Program.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–112.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

10–112.1.

(a) In this section, "Program" means the Child Support Payment Incentive Program.

(b) **(1)** By June 1, 2008, the Administration shall develop a statewide Child Support Payment Incentive Program to encourage payment of child support in cases in which an assignment has been made under § 5–312(b)(2) of the Human Services Article by entering into agreements with child support obligors in exchange for reductions in the amount of arrearages as authorized under § 10–112 of this subtitle.

(2) THE ADMINISTRATION SHALL DEVELOP AN ELECTRONIC APPLICATION PROCESS FOR PARTICIPATION IN THE PROGRAM.

(c) (1) (i) To participate in the Program, the obligor's income shall meet the criteria described in § 10–112(b)(1)(iii) of this subtitle.

(ii) For purposes of determining the applicable federal poverty level for a Program applicant, the obligor's household shall include the children for whom the obligor is required to pay child support under a child support order that is the subject of the application to the Program.

(2) (i) In determining whether to authorize an obligor to participate in the Program, the Administration shall consider the following factors:

1. whether the obligor has a current ability to pay;

2. whether the reduction of arrearages will encourage the obligor's economic stability; and

3. whether the agreement serves the best interests of the children whom the obligor is required to support.

(ii) If any of the factors specified in subparagraph (i) of this paragraph are met, there is a presumption that it is in the best interest of the State to authorize an obligor to participate in the Program.

(d) **(1)** **[**Under**]** **EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, UNDER** the Program, the Administration shall agree to reduce the arrearages in accordance with the following schedule:

[(1)**]** **(I)** after 12 months of uninterrupted court–ordered payments, the arrearages shall be reduced by 50% of the amount of arrearages owed before the agreement; and

[(2)**]** **(II)** after 24 months of uninterrupted court–ordered payments, the arrearages balance shall be reduced to zero in full settlement of the arrearages.

(2) IN DETERMINING THE PERIOD OF UNINTERRUPTED PAYMENTS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL INCLUDE ANY UNINTERRUPTED COURT–ORDERED PAYMENTS MADE IMMEDIATELY BEFORE THE OBLIGOR'S PARTICIPATION IN THE PROGRAM.

(3) THE ADMINISTRATION MAY DEVELOP AN ALTERNATIVE SCHEDULE FOR OBLIGORS WHO ARE EMPLOYED SEASONALLY.

(e) The Administration shall distribute any child support arrearages received under this section in accordance with federal law.

(f) (1) Except as provided in paragraph (2) of this subsection, for the duration of an agreement under subsection (d) of this section, all child support enforcement actions shall be suspended, unless the suspension would be in conflict with federal law.

(2) For the duration of an agreement under subsection (d) of this section, any earnings withholding shall continue in an amount consistent with the agreement.

(g) (1) When the Administration enters into a Program agreement with an obligor, the Administration shall file a copy of the agreement with the court within 30 days after the agreement is executed.

(2) If an obligor satisfies the requirements for a reduction in arrearages under the schedule specified in subsection (d) of this section, the Administration shall:

(i) file a notice of reduction of arrearages with the court; and

(ii) provide a copy of the notice to the obligor that reflects the adjusted amount of any arrearages that the obligor owes.

(h) A Program agreement is effective without the necessity of judicial approval.

(i) (1) An agreement under this section shall be terminated if the obligor fails to make payments equal to two times the monthly support obligation amount.

(2) An obligor who has been terminated from a Program agreement more than two times is not eligible for future participation in the Program.

(j) (1) The Administration shall develop an application form for obligors to request participation in the Program.

(2) Within 60 days after receipt of a request from an obligor, the Administration shall provide a written decision to the obligor.

(3) (i) If the Administration does not authorize participation of an obligor in the Program, the Administration shall notify the obligor of the decision and of the obligor's right to appeal the decision to the Office of Administrative Hearings.

(ii) An appeal under this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(k) **(1)** If an unemployed obligor applies to participate in the Program, the Administration shall give the obligor a list of referrals to programs that prepare individuals for entry into the workforce.

(2) IF AN OBLIGOR BECOMES UNEMPLOYED THROUGH NO FAULT OF THE OBLIGOR, THE ADMINISTRATION:

(I) SHALL GIVE THE OBLIGOR A LIST OF REFERRALS FOR SECURING REEMPLOYMENT; AND

(II) FOR UP TO 6 MONTHS OF UNEMPLOYMENT, MAY NOT PENALIZE THE OBLIGOR FOR PAYMENTS MISSED DUE TO UNEMPLOYMENT AND ON REEMPLOYMENT, UNINTERRUPTED PAYMENTS SHALL BE ADDED TO THE PAYMENTS MADE BEFORE THE OBLIGOR'S UNEMPLOYMENT FOR PURPOSES OF DETERMINING THE PERIOD OF UNINTERRUPTED PAYMENTS UNDER SUBSECTION (D)(1) OF THIS SECTION.

(l) The Administration and each local support enforcement office shall jointly develop **AND CONTINUE TO UPDATE** a public awareness campaign to publicize statewide the availability of the Program and the manner of applying to participate in the Program**,**

WITH A FOCUS ON THOSE JURISDICTIONS WITH A LOW RATE OF PARTICIPATION IN THE PROGRAM.

(M) THE ADMINISTRATION SHALL DEVELOP, MAINTAIN, AND CONTINUOUSLY UPDATE TRAINING AND AWARENESS MATERIALS FOR USE WITHIN THE ADMINISTRATION AND LOCAL SUPPORT ENFORCEMENT OFFICES TO ENSURE THAT STAFF MEMBERS ARE AWARE OF THE PROGRAM AND ITS BENEFITS.

[(m)**] (N)** The Secretary of Human Services may adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 407

(House Bill 1582)

AN ACT concerning

Human Services – Children ~~in Out-of-Home Placement~~ Receiving Child Welfare Services – Centralized Comprehensive Health Care Monitoring Program

FOR the purpose of establishing a State Medical Director for Children ~~in Out-of-Home Placement~~ Receiving Child Welfare Services in the Department of Human Services; providing for the appointment of the State Medical Director; establishing certain qualifications for the State Medical Director; establishing certain responsibilities of the State Medical Director; requiring the State Medical Director and all personnel ~~supervised by~~ *under the direct supervision of* the State Medical Director to have access to certain confidential information and records, *subject to a certain condition*; ~~requiring the State Medical Director to appoint Regional Medical Directors for Children in Out-of-Home Placement; establishing certain qualifications for Regional Medical Directors; establishing certain regions in the State and requiring that there be at least one Regional Medical Director in each region; establishing certain responsibilities of a Regional Medical Director; establishing that a Regional Medical Director and all personnel supervised by a Regional Medical Director shall have access to certain confidential information and records;~~ requiring the State Medical Director ~~and the Regional Medical Directors~~ to establish a Centralized Comprehensive Health Care Monitoring Program *for certain children in out–of–home placement* in consultation with local departments of social services; requiring that the Program comply with a certain standard; declaring the intent of the General Assembly; requiring the Department to report to the General Assembly on or before

a certain date; and generally relating to comprehensive health care monitoring for children in out–of–home placement.

BY adding to
Article – Human Services
Section 8–1101 through ~~8–1104~~ 8–1103 to be under the new subtitle "Subtitle 11. Children ~~in Out-of-Home Placement~~ Receiving Child Welfare Services – Centralized Comprehensive Health Care Monitoring Program"
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)

Preamble

WHEREAS, Numerous studies have determined that children in foster care have more serious physical and mental health problems and risks than nearly any other population group in the nation; and

WHEREAS, Adverse childhood experiences, including experiencing child abuse and neglect, may have serious long–term, negative outcomes on physical and mental health without adequate intervention; and

WHEREAS, The State of Maryland has a legal and moral responsibility to provide appropriate health care services to meet the needs of children in foster care in the State; and

WHEREAS, The Department of Legislative Services has audited the foster care agencies of the Department of Human Services and found significant deficiencies in the record keeping and monitoring of the health of children in foster care; and

WHEREAS, Data from the Children's Review Board for Children has revealed significant problems and difficulties in the identification of health problems, the provision of health care, and the monitoring of the health needs of foster children and the health care provided to them; and

WHEREAS, The Department of Human Services has no effective system for tracking the health care needs of, or services received by, children committed to its care through local departments of social services; and

WHEREAS, Child welfare agencies in other states have imported Medicaid data into their State Automated Child Welfare Information System databases, known in Maryland as the Maryland Children's Electronic Social Services Information Exchange; and

WHEREAS, Without evaluations by experts in child abuse, children with abusive injuries may be incorrectly diagnosed as having accidental injuries and children with accidental injuries may be incorrectly diagnosed as having abusive injuries; and

WHEREAS, The Baltimore City Department of Social Services has contracted for the operation of a centralized comprehensive health care monitoring program, the Making All the Children Healthy (MATCH) program, that serves all of the foster children in its custody; and

WHEREAS, One of the most important features of the MATCH program is the required hiring of a medical director to oversee the operations of the MATCH program and ensure the provision of timely quality health care to Baltimore foster children; and

WHEREAS, Health oversight programs in other states have improved the health care services and health care outcomes of foster youth, including better asthma outcomes than other Medicaid recipients; and

WHEREAS, Baltimore City is the only jurisdiction in the State with a program comparable to health oversight programs that serve foster children in other states and the only jurisdiction in the State with a medical director responsible for overseeing the provision of health care to foster children; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Human Services

SUBTITLE 11. CHILDREN ~~IN OUT-OF-HOME PLACEMENT~~ RECEIVING CHILD WELFARE SERVICES – CENTRALIZED COMPREHENSIVE HEALTH CARE MONITORING PROGRAM.

8–1101.

(A) THERE IS A STATE MEDICAL DIRECTOR FOR CHILDREN RECEIVING CHILD WELFARE SERVICES IN THE DEPARTMENT ~~FOR CHILDREN IN OUT-OF-HOME PLACEMENT~~.

(B) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH, SHALL APPOINT THE STATE MEDICAL DIRECTOR FOR CHILDREN ~~IN OUT-OF-HOME PLACEMENT~~ RECEIVING CHILD WELFARE SERVICES.

(C) THE STATE MEDICAL DIRECTOR FOR CHILDREN ~~IN OUT-OF-HOME PLACEMENT~~ RECEIVING CHILD WELFARE SERVICES SHALL:

(1) BE A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE;

(2) HAVE EXPERIENCE IN PROVIDING MEDICAL CARE TO CHILDREN; AND

(3) BE KNOWLEDGEABLE ABOUT THE UNIQUE HEALTH NEEDS OF CHILDREN IN OUT–OF–HOME PLACEMENT AND CHILDREN WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT.

8–1102.

(A) THE STATE MEDICAL DIRECTOR FOR CHILDREN ~~IN OUT–OF–HOME PLACEMENT~~ RECEIVING CHILD WELFARE SERVICES SHALL:

(1) COLLECT DATA ON THE TIMELINESS AND EFFECTIVENESS OF THE PROVISION OR PROCUREMENT OF HEALTH CARE SERVICES FOR CHILDREN IN THE CUSTODY OF THE LOCAL DEPARTMENTS;

(2) TRACK HEALTH OUTCOMES FOR CHILDREN IN OUT–OF–HOME PLACEMENT USING THE MOST RECENT HEALTHCARE EFFECTIVENESS DATA AND INFORMATION SET (HEDIS) MEASURES RELEVANT TO CHILDREN INCLUDING:

(I) IMMUNIZATION STATUS;

(II) LEAD SCREENING;

(III) MEDICAL MANAGEMENT OF ASTHMA;

(IV) FOLLOW–UP CARE FOR CHILDREN PRESCRIBED ADHD MEDICATIONS;

(V) DEPRESSION SCREENING AND FOLLOW–UP FOR ADOLESCENTS;

(VI) ANTIDEPRESSANT MEDICATION MANAGEMENT;

(VII) FOLLOW–UP AFTER AN EMERGENCY DEPARTMENT VISIT OR HOSPITALIZATION FOR MENTAL ILLNESS;

(VIII) METABOLIC MONITORING AND USE OF FIRST–LINE PSYCHOSOCIAL CARE FOR ADOLESCENTS ON ANTIPSYCHOTIC MEDICATIONS;

(IX) APPROPRIATE TREATMENT FOR CHILDREN WITH UPPER RESPIRATORY INFECTIONS; AND

(X) PROVISION OF COMPREHENSIVE DIABETES CARE;

(3) ASSESS THE COMPETENCY, INCLUDING THE CULTURAL COMPETENCY, OF HEALTH CARE PROVIDERS WHO EVALUATE AND TREAT ABUSED AND NEGLECTED CHILDREN IN THE CUSTODY OF A LOCAL DEPARTMENT;

(4) (I) PERIODICALLY ASSESS THE SUPPLY AND DIVERSITY OF HEALTH CARE SERVICES THAT EVALUATE AND TREAT CHILDREN IN OUT–OF–HOME PLACEMENT, IDENTIFY SHORTFALLS, IF ANY, AND REPORT THEM TO THE RELEVANT LOCAL DEPARTMENT, THE DEPARTMENT, AND THE MARYLAND DEPARTMENT OF HEALTH; AND

(II) WORK WITH STATE AND LOCAL HEALTH AND CHILD WELFARE OFFICIALS, PROVIDER AGENCIES, AND ADVOCATES TO EXPAND THE SUPPLY AND DIVERSITY OF HEALTH CARE SERVICES; ~~AND~~

(5) WORK WITH STATE AND LOCAL HEALTH AND CHILD WELFARE OFFICIALS, PROVIDER AGENCIES, AND ADVOCATES TO IDENTIFY SYSTEMIC PROBLEMS AFFECTING HEALTH CARE FOR CHILDREN IN OUT–OF–HOME PLACEMENT AND DEVELOP SOLUTIONS; AND

(6) USING PRACTICE GUIDELINES DEVELOPED BY ~~CHILD ABUSE MEDICAL PROVIDERS (MARYLAND CHAMP),~~ THE AMERICAN ACADEMY OF PEDIATRICS, THE HELFER SOCIETY, AND OTHER EXPERT ORGANIZATIONS, ENSURE BEST–PRACTICE MEDICAL REVIEW AND EVALUATION OF CASES OF SUSPECTED CHILD ABUSE OR NEGLECT.

(B) *(1)* ~~THE~~ *SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE* STATE MEDICAL DIRECTOR FOR CHILDREN RECEIVING CHILD WELFARE SERVICES AND ALL PERSONNEL ~~SUPERVISED BY~~ *UNDER THE DIRECT SUPERVISION OF* THE STATE MEDICAL DIRECTOR FOR CHILDREN RECEIVING CHILD WELFARE SERVICES SHALL HAVE ACCESS TO ALL CONFIDENTIAL INFORMATION AND RECORDS AVAILABLE TO, OR IN THE POSSESSION OF, A LOCAL DEPARTMENT.

(2) IF WRITTEN CONSENT IS REQUIRED BY LAW, THE STATE MEDICAL DIRECTOR FOR CHILDREN RECEIVING CHILD WELFARE SERVICES AND PERSONNEL UNDER THE DIRECT SUPERVISION OF THE STATE MEDICAL DIRECTOR FOR CHILDREN RECEIVING CHILD WELFARE SERVICES MAY HAVE ACCESS TO THE INFORMATION OR RECORDS ONLY AFTER THE LOCAL DEPARTMENT HAS OBTAINED WRITTEN CONSENT UNDER § 1–212 OF THIS ARTICLE.

(C) (1) THE STATE MEDICAL DIRECTOR FOR CHILDREN ~~IN OUT–OF–HOME PLACEMENT~~ RECEIVING CHILD WELFARE SERVICES SHALL REPORT ANNUALLY TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE CURRENT STATUS OF HEALTH CARE SERVICES FOR CHILDREN IN OUT–OF–HOME PLACEMENT IN THE STATE.

(2) A REPORT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.

8–1103.

~~(A) THE STATE MEDICAL DIRECTOR FOR CHILDREN IN OUT–OF–HOME PLACEMENT SHALL APPOINT REGIONAL MEDICAL DIRECTORS FOR CHILDREN IN OUT–OF–HOME PLACEMENT.~~

~~(B) A REGIONAL MEDICAL DIRECTOR SHALL BE:~~

~~(1) A PHYSICIAN LICENSED TO PRACTICE IN THE STATE OR AN ADVANCED PRACTICE REGISTERED NURSE; AND~~

~~(2) EXPERIENCED IN PROVIDING MEDICAL CARE TO CHILDREN AND KNOWLEDGEABLE ABOUT THE UNIQUE HEALTH NEEDS OF CHILDREN IN OUT–OF–HOME PLACEMENT AND CHILDREN WHO MAY BE VICTIMS OF CHILD ABUSE OR NEGLECT.~~

~~(C) THERE SHALL BE AT LEAST ONE REGIONAL MEDICAL DIRECTOR FOR THE FOLLOWING REGIONS:~~

~~(1) BALTIMORE CITY;~~

~~(2) CENTRAL REGION (ANNE ARUNDEL, CARROLL, FREDERICK, AND HOWARD COUNTIES);~~

~~(3) EAST REGION (CAROLINE, DORCHESTER, KENT, QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, AND WORCESTER COUNTIES);~~

~~(4) MONTGOMERY COUNTY;~~

~~(5) NORTH REGION (BALTIMORE, CECIL, AND HARFORD COUNTIES);~~

~~(6) PRINCE GEORGE'S COUNTY;~~

~~(7) SOUTH REGION (CALVERT, CHARLES, AND ST. MARY'S COUNTIES); AND~~

~~(8) WEST REGION (ALLEGANY, GARRETT, AND WASHINGTON COUNTIES).~~

~~(D) A REGIONAL MEDICAL DIRECTOR SHALL:~~

~~(1) REVIEW MEDICAL RECORDS AND OTHER DATA CONCERNING CHILDREN IN OUT–OF–HOME PLACEMENT IN THE REGION AND COMMUNICATE WITH LOCAL HEALTH CARE PROVIDERS TO:~~

~~(I) EVALUATE THE NEED FOR ASSESSMENTS, SCREENINGS, EVALUATIONS, TESTS, AND EXAMINATIONS; AND~~

~~(II) ENSURE THAT REPORTS OF ANY ASSESSMENTS, SCREENINGS, EVALUATIONS, TESTS, OR EXAMINATIONS ARE DISTRIBUTED TO CAREGIVERS, PARENTS, GUARDIANS, ATTORNEYS, COURT–APPOINTED SPECIAL ADVOCATES, JUVENILE COURTS, AND OTHER PARTIES AS REQUIRED OR APPROPRIATE;~~

~~(2) ENSURE THAT A LOCAL DEPARTMENT MAINTAINS CURRENT AND COMPLETE HEALTH RECORDS FOR ALL CHILDREN IN OUT–OF–HOME PLACEMENT, INCLUDING CURRENT AND COMPLETE HEALTH PASSPORTS, AND THAT RECORDS ARE PROVIDED EXPEDIENTLY TO A CHILD'S CAREGIVER;~~

~~(3) ENSURE THAT COMPREHENSIVE, CURRENT HEALTH PLANS ARE MAINTAINED IN A CHILD'S CASE RECORDS AND AVAILABLE TO THE CHILD'S CAREGIVERS;~~

~~(4) ENSURE THAT:~~

~~(I) HEALTH CARE APPOINTMENTS FOR A CHILD IN OUT–OF–HOME PLACEMENT ARE SCHEDULED EXPEDITIOUSLY;~~

~~(II) CAREGIVERS ARE QUICKLY NOTIFIED AND REMINDED OF SCHEDULED HEALTH CARE APPOINTMENTS;~~

~~(III) TRANSPORTATION ARRANGEMENTS FOR HEALTH CARE APPOINTMENTS ARE MADE IN A TIMELY MANNER;~~

~~(IV) HEALTH CARE APPOINTMENTS WERE KEPT; AND~~

~~(V) ANY FOLLOW–UP HEALTH CARE APPOINTMENTS ARE SCHEDULED;~~

~~(5) USING PRACTICE GUIDELINES DEVELOPED BY CHILD ABUSE MEDICAL PROVIDERS (MARYLAND CHAMP), THE AMERICAN ACADEMY OF PEDIATRICS, THE HELFER SOCIETY, AND OTHER EXPERT ORGANIZATIONS, ENSURE BEST–PRACTICE MEDICAL REVIEW AND EVALUATION OF CASES OF SUSPECTED CHILD ABUSE OR NEGLECT; AND~~

~~(6) ENSURE THAT CHILDREN IN OUT–OF–HOME PLACEMENT RECEIVE APPROPRIATE AND PROPER HEALTH CARE, INCLUDING:~~

~~(I) LOCATING A MEDICAL HOME FOR EACH CHILD TO PROVIDE CONSISTENT AND APPROPRIATE HEALTH CARE SERVICES;~~

~~(II) ENSURING THAT A CHILD IN OUT–OF–HOME PLACEMENT RECEIVES APPROPRIATE MENTAL HEALTH TREATMENT INCLUDING ENSURING THAT UNNECESSARY PSYCHOTROPIC MEDICATIONS ARE NOT PRESCRIBED OR ADMINISTERED;~~

~~(III) IDENTIFYING APPROPRIATE SPECIALISTS WHEN NEEDED;~~

~~(IV) ADDRESSING HEALTH EMERGENCIES;~~

~~(V) PROVIDING ADVICE REGARDING CONSENT FOR MEDICAL TREATMENT TO A LOCAL DEPARTMENT;~~

~~(VI) ENSURING THAT ALL CHILDREN HAVE CURRENT ELIGIBILITY FOR AND ACCESS TO THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND OTHER PUBLIC BENEFITS AND SERVICES, SUCH AS DISABILITY CARE AND SUPPORT;~~

~~(VII) ENSURING THAT ALL AGE–APPROPRIATE PERIODIC ASSESSMENTS, SCREENINGS, EVALUATIONS, TESTS, AND EXAMINATIONS ARE CONDUCTED AT THE APPROPRIATE TIME AS RECOMMENDED OR REQUIRED;~~

~~(VIII) ENSURING THAT ALL CHILDREN UNDER THE AGE OF 4 YEARS HAVE PROMPT ASSESSMENTS FOR LEARNING, LANGUAGE, MOTOR, AND OTHER DEVELOPMENTAL DELAYS OR CONCERNS AND THAT THESE CHILDREN ARE PROMPTLY REFERRED FOR SERVICES AS NEEDED;~~

~~(IX) ENSURING THAT HEALTH ISSUES ARE DISCUSSED AT FAMILY INVOLVEMENT MEETINGS;~~

~~(X) ADDRESSING THE SPECIFIC HEALTH CARE NEEDS OF ADOLESCENTS, INCLUDING FAMILY PLANNING, OBSTETRICS AND GYNECOLOGICAL CARE, BIRTH CONTROL, SUBSTANCE ABUSE, PRENATAL CARE, CHILDBIRTH, POSTPARTUM CARE, AND ISSUES OF SEXUAL ORIENTATION AND GENDER IDENTITY;~~

~~(XI) MONITORING MEDICATION MANAGEMENT;~~

~~(XII) ASSISTING LOCAL DEPARTMENTS IN FINDING APPROPRIATE, LEAST–RESTRICTIVE, NONINSTITUTIONALIZED CARE, PLACEMENTS, AND SUPPORTIVE SERVICES FOR CHILDREN IN OUT–OF–HOME PLACEMENT;~~

~~(XIII) MONITORING AND ASSESSING THE PROVISION OF MENTAL HEALTH OR BEHAVIORAL HEALTH SERVICES FOR CHILDREN IN GROUP CARE PLACEMENTS;~~

~~(XIV) DIRECTING PLACEMENT AGENCIES AS NECESSARY AND AS REQUIRED BY APPLICABLE LAW OR REGULATIONS TO ADDRESS THE SPECIFIC HEALTH CARE NEEDS OF CHILDREN PLACED IN THEIR CARE; AND~~

~~(XV) INTERVENING WHEN NECESSARY TO ENSURE SOUND DECISION MAKING BY THE LOCAL DEPARTMENT ON HEALTH ISSUES FOR A CHILD IN THE CUSTODY OF THE LOCAL DEPARTMENT.~~

~~(E) A REGIONAL MEDICAL DIRECTOR AND ALL PERSONNEL SUPERVISED BY THE REGIONAL MEDICAL DIRECTOR SHALL HAVE ACCESS TO ALL CONFIDENTIAL INFORMATION AND RECORDS AVAILABLE TO, OR IN THE POSSESSION OF, THE LOCAL DEPARTMENT.~~

~~8–1104.~~

(A) THE STATE MEDICAL DIRECTOR FOR CHILDREN ~~IN OUT–OF–HOME PLACEMENT~~ RECEIVING CHILD WELFARE SERVICES ~~AND THE REGIONAL MEDICAL DIRECTORS FOR CHILDREN IN OUT–OF–HOME PLACEMENT~~, IN CONSULTATION WITH THE LOCAL DEPARTMENTS, SHALL DEVELOP A CENTRALIZED COMPREHENSIVE HEALTH CARE MONITORING PROGRAM *FOR CHILDREN IN OUT–OF–HOME PLACEMENT* THAT WILL ENSURE THE REPLICATION OF CENTRALIZED HEALTH CARE COORDINATION AND MONITORING OF SERVICES ACROSS ~~REGIONS~~ THE STATE.

(B) THE PROGRAM SHALL COMPLY WITH THE STANDARD OF EXCELLENCE FOR HEALTH CARE SERVICES FOR CHILDREN IN OUT–OF–HOME CARE PUBLISHED BY THE CHILD WELFARE LEAGUE OF AMERICA.

(C) THE PROGRAM SHALL PROVIDE THE SAME LEVEL OF SERVICES FOR MENTAL HEALTH, BEHAVIORAL HEALTH, DISABILITY–RELATED HEALTH ISSUES, PHYSICAL HEALTH, AND DENTAL HEALTH.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Human Services:

(1) establish a centralized data portal ~~for medical data for children receiving child welfare services by integrating into the Maryland Total Human Services Information Network, also known as MD THINK, health care information~~ *in partnership with the Chesapeake Regional Information System for the purpose of providing the Department access to integrated health information on children in out–of–home placement* from:

(i) the Chesapeake Regional Information Systems for Our Patients, also known as CRISP;

(ii) Immunet; and

(iii) Medicaid databases; and

(2) create an electronic health passport for children ~~receiving child welfare services~~ *in out–of–home placement.*

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2019, the Department of Human Services, in consultation with the Maryland Department of Health, *the Maryland Chapter of the Academy of Pediatrics, the Citizens Review Board for Children, Maryland Legal Aid, Advocates for Children and Youth, the Mental Health Association of Maryland, the Maryland Dental Action Coalition, and other interested stakeholders,* shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(1) the number of children ~~receiving child welfare services~~ *in out–of–home placement* identified by managed care organizations and provided additional levels of case management;

(2) barriers and challenges that prevent children ~~receiving child welfare services~~ *in out–of–home placement* from receiving optimal health care services;

(3) the benefits and challenges of implementing regional health care monitoring programs;

(4) the feasibility of linking a centralized data portal for medical data for children ~~receiving child welfare services~~ *in out–of–home placement* with clinical practice–based electronic health records used by federally qualified health centers, medical practices designated as patient–centered medical homes, and primary care medical practices with 10 or more care providers; and

(5) any other recommendations to improve the delivery of health care services to children ~~receiving child welfare services~~ *in out–of–home placement.*

SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 408

(House Bill 1615)

AN ACT concerning

Human Services – Temporary Disability Assistance Program

FOR the purpose of establishing the Temporary Disability Assistance Program in the Department of Human Services; requiring the Family Investment Administration to be the central coordinating and directing agency of the Program; establishing the primary purpose of the Program; requiring the Program to be administered by the local departments of social services in a certain manner; specifying the requirements for ~~eligibility for~~ entitlement to assistance under the Program; requiring an application for assistance under the Program to be made in a certain manner and include a certain medical ~~report~~ form; requiring a local department to verify that certain requirements are met~~,~~ and notify applicants of certain determinations~~, and record certain information~~; requiring local departments to determine eligibility periods for recipients based on certain information; establishing certain restrictions on the length of eligibility periods under certain circumstances; authorizing a local department to establish certain additional eligibility periods under certain circumstances; requiring a local department to adjust the eligibility period under certain circumstances; providing for the automatic end of a recipient's eligibility for assistance; ~~requiring local departments to determine the amount and timing of assistance in accordance with certain regulations;~~ requiring assistance to be paid to an applicant in a certain manner; requiring the monthly allowable assistance under the Program to equal a certain amount in a certain fiscal year; requiring the monthly allowable assistance under the Program to equal at least certain percentages of a certain benefit in certain fiscal years; ~~authorizing an applicant or recipient to appeal certain actions of local departments to the Administration in certain circumstances; requiring the Administration to provide certain notice and an opportunity for a hearing in certain circumstances; authorizing the Administration to initiate certain reviews and make certain investigations; requiring the Administration to make certain decisions; requiring a local department to comply with a certain decision;~~ requiring the Administration to supervise the administration of the Program~~,~~ and adopt certain regulations~~, prescribe certain forms, and take certain other actions~~; stating the intent of the General Assembly; defining certain terms; and generally relating to the Temporary Disability Assistance Program.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 5–201
Annotated Code of Maryland

(2007 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–205(a)
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)

BY adding to
Article – Human Services
Section 5–5B–01 through ~~5–5B–12~~ 5–5B–09 to be under the new subtitle "Subtitle 5B. Temporary Disability Assistance Program"
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Human Services

5–201.

There is a Family Investment Administration in the Department.

5–205.

(a) The Administration shall be the central coordinating and directing agency of all public assistance programs in the State, including:

(1) the Family Investment Program and related cash benefit programs;

(2) public assistance to adults;

(3) emergency assistance;

(4) food stamps;

(5) medical assistance eligibility determinations;

(6) the Energy Assistance Program; **[**and**]**

(7) THE TEMPORARY DISABILITY ASSISTANCE PROGRAM; AND

[(7)**] (8)** any other public assistance activities financed wholly or partly by the Administration.

SUBTITLE 5B. TEMPORARY DISABILITY ASSISTANCE PROGRAM.

5–5B–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "APPLICANT" MEANS AN INDIVIDUAL WHO APPLIES FOR ASSISTANCE UNDER THIS SUBTITLE.

(C) "ASSISTANCE" MEANS CASH PAYMENTS MADE TO A RECIPIENT.

(D) "ELIGIBILITY PERIOD" MEANS THE PERIOD OF TIME AN INDIVIDUAL IS ELIGIBLE FOR ASSISTANCE UNDER THIS SUBTITLE.

(E) "IMPAIRMENT" MEANS A MEDICALLY VERIFIED MENTAL OR PHYSICAL CONDITION THAT RENDERS AN INDIVIDUAL UNABLE TO WORK AT ANY OCCUPATION.

(F) "PROGRAM" MEANS THE TEMPORARY DISABILITY ASSISTANCE PROGRAM.

(G) "RECIPIENT" MEANS AN INDIVIDUAL WHO RECEIVES, OR HAS RECEIVED, ASSISTANCE UNDER THIS SUBTITLE.

5–5B–02.

(A) THERE IS A STATE–FUNDED TEMPORARY DISABILITY ASSISTANCE PROGRAM IN THE DEPARTMENT.

(B) THE PRIMARY PURPOSE OF THE PROGRAM IS TO PROVIDE ASSISTANCE TO LOW–INCOME DISABLED ADULTS WHO ARE INELIGIBLE FOR OTHER CATEGORIES OF ASSISTANCE.

(C) THE PROGRAM SHALL BE:

(1) IN EFFECT IN EACH COUNTY; AND

(2) ADMINISTERED BY THE LOCAL DEPARTMENTS IN ACCORDANCE WITH REGULATIONS THAT THE ADMINISTRATION ADOPTS.

5–5B–03.

~~(A)~~ SUBJECT TO § 5–5B–04 OF THIS SUBTITLE, AN APPLICANT IS ~~ELIGIBLE FOR~~ <u>ENTITLED TO</u> ASSISTANCE UNDER THIS SUBTITLE IF THE APPLICANT IS:

(1) A CITIZEN OF THE UNITED STATES OR A QUALIFIED ALIEN AS DETERMINED BY THE ADMINISTRATION;

(2) A RESIDENT OF THE STATE AND THE JURISDICTION SERVED BY THE LOCAL DEPARTMENT AT THE TIME OF APPLICATION;

(3) UNEMPLOYED;

(4) NOT RECEIVING ANY OTHER MEANS–TESTED CASH ASSISTANCE; AND

(5) DETERMINED, BASED ON THE MEDICAL ~~FINDINGS~~ FORM REQUIRED UNDER § 5–5B–05 OF THIS SUBTITLE, TO HAVE AN IMPAIRMENT ~~THAT RENDERS THE APPLICANT UNABLE TO WORK FOR~~ THAT IS EXPECTED TO LAST AT LEAST 3 MONTHS.

~~(B) AN APPLICANT MAY BE ELIGIBLE FOR ASSISTANCE UNDER THIS SUBTITLE IF THE APPLICANT HAS APPLIED FOR SOCIAL SECURITY DISABILITY INSURANCE OR SUPPLEMENTAL SECURITY INSURANCE DURING THE PERIOD WHEN THE APPLICATION IS BEING PROCESSED.~~

5–5B–04.

(A) IF AN APPLICANT HAS AN IMPAIRMENT THAT IS EXPECTED TO ~~RENDER THE APPLICANT UNABLE TO WORK FOR~~ LAST AT LEAST 12 MONTHS, THE APPLICANT SHALL:

(1) PURSUE SUPPLEMENTAL SECURITY ~~INSURANCE~~ INCOME; AND

(2) SIGN AN INTERIM PAYMENT REIMBURSEMENT AUTHORIZATION THAT:

~~1.~~ (I) GIVES THE SOCIAL SECURITY ADMINISTRATION AUTHORITY TO MAIL THE APPLICANT'S PAYMENTS TO THE DEPARTMENT OR THE LOCAL DEPARTMENT; AND

~~2.~~ (II) AUTHORIZES THE DEPARTMENT OR LOCAL DEPARTMENT TO DEDUCT FROM THE PAYMENTS AN AMOUNT EQUAL TO THE ASSISTANCE GRANTED THE APPLICANT UNDER THIS SUBTITLE.

(B) A RECIPIENT WHO IS OTHERWISE ELIGIBLE UNDER THIS SUBTITLE MAY NOT RECEIVE ASSISTANCE FOR MORE THAN 9 MONTHS IN A 36–MONTH PERIOD, UNLESS THE RECIPIENT:

(1) HAS BEEN CERTIFIED AS MEDICALLY DISABLED BY A LICENSED HEALTH CARE PROVIDER ~~IN A MANNER PRESCRIBED BY THE ADMINISTRATION~~ ON THE MEDICAL FORM REQUIRED UNDER § 5–5B–05 OF THIS SUBTITLE; AND

(2) HAS A PENDING APPLICATION FOR SUPPLEMENTAL SECURITY ~~INSURANCE~~ INCOME THAT HAS NOT BEEN WITHDRAWN OR FINALLY DENIED.

5–5B–05.

(A) AN APPLICATION FOR ASSISTANCE UNDER THIS SUBTITLE SHALL BE MADE:

(1) TO THE LOCAL DEPARTMENT OF THE COUNTY WHERE THE APPLICANT RESIDES; AND

(2) IN THE FORM AND MANNER THAT THE ADMINISTRATION REQUIRES.

(B) AN APPLICATION FOR ASSISTANCE UNDER THIS SUBTITLE SHALL INCLUDE A MEDICAL ~~REPORT~~ FORM THAT:

(1) CONTAINS ~~A STATEMENT ON THE NATURE~~ THE NAME AND ESTIMATED DURATION OF THE APPLICANT'S IMPAIRMENT; AND

(2) IS SIGNED BY ~~AN EXAMINING PHYSICIAN~~ A LICENSED HEALTH CARE PROVIDER.

5–5B–06.

(A) IN DETERMINING ~~THAT~~ WHETHER AN APPLICANT QUALIFIES FOR ASSISTANCE UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL ~~VERIFY THAT:~~

~~(1) THE APPLICANT'S MEDICAL REPORT INDICATES THE APPLICANT HAS AN IMPAIRMENT PREVENTING THE APPLICANT FROM WORKING FOR AT LEAST 3 MONTHS; AND~~

~~(2)~~ EVALUATE WHETHER THE APPLICANT MEETS THE ~~OTHER~~ CRITERIA LISTED UNDER § 5–5B–03 OF THIS SUBTITLE.

(B) THE LOCAL DEPARTMENT SHALL NOTIFY THE APPLICANT OF ITS DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION.

~~(C) ON RECEIPT OF AN APPLICATION FOR ASSISTANCE UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL MAKE A RECORD OF:~~

~~(1) THE CIRCUMSTANCES OF THE APPLICANT;~~

~~(2) THE FACTS SUPPORTING THE APPLICATION; AND~~

~~(3) ANY OTHER INFORMATION THAT THE ADMINISTRATION REQUIRES BY REGULATION.~~

5–5B–07.

(A) THE LOCAL DEPARTMENT SHALL DETERMINE AN ELIGIBILITY PERIOD FOR A RECIPIENT BASED ON THE ESTIMATED DURATION OF THE IMPAIRMENT INDICATED IN THE MEDICAL ~~REPORT PROVIDED~~ FORM REQUIRED UNDER § 5–5B–05 OF THIS SUBTITLE.

(B) THE ELIGIBILITY PERIOD DETERMINED BY THE LOCAL DEPARTMENT:

(1) MAY BE LESS THAN THE ESTIMATED RECOVERY TIME INDICATED ~~IN~~ ON THE MEDICAL ~~REPORT~~ FORM; AND

(2) MAY NOT EXCEED THE ESTIMATED RECOVERY TIME INDICATED ~~IN~~ ON THE MEDICAL ~~REPORT~~ FORM.

(C) IF A LOCAL DEPARTMENT DETERMINES THAT A RECIPIENT'S ELIGIBILITY PERIOD IS AT LEAST 3 MONTHS, BUT LESS THAN 12 MONTHS, THE RECIPIENT SHALL BE ELIGIBLE FOR ASSISTANCE FOR NOT MORE THAN 9 MONTHS IN A 36–MONTH PERIOD.

(D) (1) IF THE LOCAL DEPARTMENT DETERMINES THAT A RECIPIENT IS UNLIKELY TO RECOVER IN LESS THAN 12 MONTHS, THE RECIPIENT SHALL BE ELIGIBLE FOR ASSISTANCE FOR NOT MORE THAN 12 MONTHS IF THE RECIPIENT:

(I) PURSUES SUPPLEMENTAL SECURITY ~~INSURANCE~~ INCOME; AND

(II) OTHERWISE REMAINS ELIGIBLE FOR ASSISTANCE UNDER THIS SUBTITLE.

(2) THE LOCAL DEPARTMENT MAY ESTABLISH ADDITIONAL ELIGIBILITY PERIODS, EACH NOT EXCEEDING12 MONTHS, IF THE RECIPIENT:

(I) REAPPLIES FOR ASSISTANCE UNDER THIS SUBTITLE;

(II) MAINTAINS ELIGIBILITY; AND

(III) CONTINUES TO PURSUE A SUPPLEMENTAL SECURITY ~~INSURANCE~~ INCOME CLAIM.

(3) THE LOCAL DEPARTMENT SHALL ADJUST THE ELIGIBILITY PERIOD FOR A RECIPIENT TO BE NOT MORE THAN 9 MONTHS IN A 36–MONTH PERIOD IF THE RECIPIENT:

(I) WITHDRAWS THE RECIPIENT'S APPLICATION FOR SUPPLEMENTAL SECURITY ~~INSURANCE~~ INCOME; OR

(II) IS DENIED THE SUPPLEMENTAL SECURITY ~~INSURANCE~~ INCOME CLAIM.

(E) UNLESS A RECIPIENT REAPPLIES FOR ASSISTANCE AND THE LOCAL DEPARTMENT ESTABLISHES AN ADDITIONAL ELIGIBILITY PERIOD, A RECIPIENT'S ELIGIBILITY FOR ASSISTANCE UNDER THIS SUBTITLE WILL AUTOMATICALLY END AT THE END OF THE ELIGIBILITY PERIOD ESTABLISHED BY THE LOCAL DEPARTMENT.

(F) IF A RECIPIENT IS ELIGIBLE FOR ANY PORTION OF A MONTH, THE RECIPIENT SHALL BE ELIGIBLE FOR THE ENTIRE MONTH.

5–5B–08.

~~(A) THE LOCAL DEPARTMENT SHALL, IN ACCORDANCE WITH REGULATIONS THAT THE ADMINISTRATION ADOPTS, DETERMINE THE AMOUNT OF ASSISTANCE AND THE DATE ON WHICH THE ASSISTANCE WILL BEGIN.~~

~~(B) ASSISTANCE SHALL BE PAID TO THE APPLICANT MONTHLY OR AS THE ADMINISTRATION OTHERWISE DETERMINES.~~

~~5–5B–09.~~

(A) THE GOVERNOR SHALL PROVIDE SUFFICIENT FUNDS IN THE BUDGET TO ENSURE THAT THE VALUE OF THE MAXIMUM MONTHLY ALLOWABLE ASSISTANCE UNDER THE PROGRAM IS EQUAL TO AT LEAST:

(1) FOR FISCAL YEAR 2020, ~~EQUAL TO 75% OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2020~~ $215;

(2) FOR FISCAL YEAR 2021, ~~EQUAL TO 85%~~ ~~72%~~ *74%* OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING

TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2021; ~~AND~~

(3) FOR FISCAL YEAR 2022 ~~AND EACH FISCAL YEAR THEREAFTER, EQUAL TO~~, ~~75%~~ *78%* OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN ~~THAT FISCAL YEAR~~ FISCAL YEAR 2022;

(4) FOR FISCAL YEAR 2023, ~~78%~~ *82%* OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2023;

(5) FOR FISCAL YEAR 2024, ~~81%~~ *86%* OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2024;

(6) FOR FISCAL YEAR 2025, ~~84%~~ *90%* OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2025;

(7) FOR FISCAL YEAR 2026, ~~87%~~ *94%* OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2026; *AND*

(8) FOR FISCAL YEAR 2027 *AND EACH YEAR THEREAFTER*, ~~90%~~ *100%* OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM ~~IN FISCAL YEAR 2027;~~ *FOR THAT FISCAL YEAR.*

~~(9) FOR FISCAL YEAR 2028, 93% OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2028;~~

~~(10) FOR FISCAL YEAR 2029, 96% OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2029; AND~~

~~(11) FOR FISCAL YEAR 2030 AND EACH YEAR THEREAFTER, 100% OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE–PERSON HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM FOR THAT FISCAL YEAR.~~

(B) ASSISTANCE SHALL BE PAID TO THE APPLICANT MONTHLY.

~~5–5B–10.~~

~~(A) AN APPLICANT OR A RECIPIENT MAY APPEAL TO THE ADMINISTRATION IF THE LOCAL DEPARTMENT:~~

~~(1) DOES NOT ACT ON AN APPLICATION WITHIN A REASONABLE TIME;~~

~~(2) DENIES AN APPLICATION WHOLLY OR PARTLY; OR~~

~~(3) MODIFIES OR CANCELS A GRANT OF ASSISTANCE.~~

~~(B) (1) THE APPEAL SHALL BE FILED IN THE MANNER AND FORM THAT THE ADMINISTRATION REQUIRES.~~

~~(2) THE ADMINISTRATION SHALL GIVE THE APPLICANT OR RECIPIENT REASONABLE NOTICE AND AN OPPORTUNITY FOR A HEARING ON THE APPEAL.~~

~~(C) (1) ON ITS OWN MOTION, THE ADMINISTRATION MAY:~~

~~(I) REVIEW ANY DECISION OF A LOCAL DEPARTMENT; AND~~

~~(II) CONSIDER AN APPLICATION ON WHICH THE LOCAL DEPARTMENT HAS NOT MADE A DECISION WITHIN A REASONABLE TIME.~~

~~(2) THE ADMINISTRATION:~~

~~(I) MAY MAKE ANY ADDITIONAL INVESTIGATION IT CONSIDERS NECESSARY; AND~~

~~(II) SHALL MAKE ANY DECISION ON THE GRANTING OF ASSISTANCE AND THE AMOUNT OF ASSISTANCE IT CONSIDERS JUSTIFIED IN ACCORDANCE WITH THIS SUBTITLE.~~

~~(3) ON REQUEST, THE ADMINISTRATION SHALL GIVE AN APPLICANT OR RECIPIENT AFFECTED BY A DECISION MADE UNDER PARAGRAPH (2) OF THIS SUBSECTION REASONABLE NOTICE AND AN OPPORTUNITY FOR A HEARING.~~

~~(D) (1) A DECISION OF THE ADMINISTRATION UNDER THIS SECTION IS FINAL AND BINDING ON THE LOCAL DEPARTMENT.~~

~~(2) THE LOCAL DEPARTMENT SHALL COMPLY WITH A DECISION OF THE ADMINISTRATION UNDER THIS SECTION.~~

~~5–5B–11.~~ **5–5B–09.**

THE ADMINISTRATION SHALL:

(1) SUPERVISE THE ADMINISTRATION OF THE PROGRAM UNDER THIS SUBTITLE BY THE LOCAL DEPARTMENTS; AND

(2) ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS SUBTITLE~~, INCLUDING REGULATIONS TO ESTABLISH ELIGIBILITY REQUIREMENTS AND ANY OTHER REQUIREMENTS NOT SET FORTH IN THIS SUBTITLE;~~

~~(3) PRESCRIBE THE FORM OF AND SUPPLY TO THE LOCAL DEPARTMENTS ANY FORMS THE ADMINISTRATION CONSIDERS NECESSARY OR DESIRABLE; AND~~

~~(4) TAKE ANY OTHER ACTION NECESSARY OR DESIRABLE TO CARRY OUT THIS SUBTITLE.~~

~~5–5B–12.~~

~~EACH LOCAL DEPARTMENT SHALL:~~

~~(1) ADMINISTER THIS SUBTITLE IN ITS COUNTY IN ACCORDANCE WITH THE REGULATIONS THE ADMINISTRATION ADOPTS; AND~~

~~(2) REPORT TO THE ADMINISTRATION AS THE ADMINISTRATION DIRECTS~~**.**

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the eligibility requirements for the Temporary Disability Assistance Program, codified under Section 1 of this Act and previously established under COMAR 07.03.05, are not made more restrictive than at the time this Act is enacted.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 409

(House Bill 1630)

AN ACT concerning

Higher Education – James Proctor Scholarship Program – Established

FOR the purpose of establishing the James Proctor Scholarship Program at historically black colleges and universities; establishing the purpose of the Program; requiring each historically black college or university to apply funding from the Program to the tuition and fees of certain students; requiring certain financial aid to be applied first to certain tuition and fees; requiring each historically black college or university to administer the Program and to adopt certain policies; ~~requiring~~ authorizing the Governor to include in the State budget an appropriation ~~of at least a certain amount~~ for scholarships under the Program; requiring that certain funds be divided and distributed equally to each historically black college or university; defining certain terms; and generally relating to the James Proctor Scholarship Program.

BY adding to
Article – Education
Section 18–2101 through 18–2106 to be under the new subtitle "Subtitle 21. James Proctor Scholarship Program"
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

SUBTITLE 21. JAMES PROCTOR SCHOLARSHIP PROGRAM.

18–2101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "HBCU" MEANS THE FOLLOWING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES:

(1) BOWIE STATE UNIVERSITY;

(2) COPPIN STATE UNIVERSITY;

(3) MORGAN STATE UNIVERSITY; AND

(4) UNIVERSITY OF MARYLAND EASTERN SHORE.

(C) "PROGRAM" MEANS THE JAMES PROCTOR SCHOLARSHIP PROGRAM.

18–2102.

THERE IS A JAMES PROCTOR SCHOLARSHIP PROGRAM IN THE STATE.

18–2103.

THE PURPOSE OF THE PROGRAM IS TO AWARD SCHOLARSHIPS TO STUDENTS WHO ATTEND AN HBCU.

18–2104.

(A) EACH HBCU SHALL APPLY FUNDING FROM THE PROGRAM TO THE TUITION AND FEES OF AN ENROLLED STUDENT WHO IS A RESIDENT OF THE STATE.

(B) ANY STUDENT FINANCIAL AID, OTHER THAN A STUDENT LOAN, RECEIVED BY A STUDENT WHO RECEIVES A SCHOLARSHIP UNDER THE PROGRAM SHALL BE APPLIED FIRST TO PAY THE STUDENT'S TUITION AND FEES.

18–2105.

EACH HBCU SHALL ADMINISTER THE PROGRAM ON ITS CAMPUS AND SHALL ADOPT POLICIES, SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE, TO ESTABLISH:

(1) ELIGIBILITY REQUIREMENTS FOR A STUDENT RECEIVING A SCHOLARSHIP UNDER THE PROGRAM;

(2) AWARD AMOUNTS TO BE GIVEN TO ELIGIBLE STUDENTS;

(3) A PROCEDURE AND SCHEDULE FOR THE PAYMENT OF THE SCHOLARSHIP AWARD PROVIDED TO AN ELIGIBLE STUDENT; AND

(4) ANY OTHER POLICIES NECESSARY FOR THE IMPLEMENTATION OF THE PROGRAM.

18–2106.

(A) ~~BEGINNING IN FISCAL YEAR 2020 AND IN EACH FISCAL YEAR THEREAFTER, THE~~ THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE STATE BUDGET AN APPROPRIATION ~~OF AT LEAST $400,000~~ FOR SCHOLARSHIPS UNDER THE PROGRAM.

(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE DIVIDED AND DISTRIBUTED EQUALLY TO EACH HBCU.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 410

(House Bill 1744)

AN ACT concerning

Child Abuse and Neglect – Substance–Exposed Newborns – Reporting

FOR the purpose of altering the conditions under which a newborn is considered to be substance–exposed; ~~repealing~~ altering certain conditions under which a health care practitioner is not required to make a certain report concerning a substance–exposed newborn to a local department of social services; ~~requiring that a report made by a health care practitioner to a local department include certain information; requiring a local department to provide a copy of a report made by a health care practitioner to a certain local health department under certain circumstances; requiring a local department and local health department to take certain actions after receiving a report; requiring the Maryland Department of Health to report certain information to the Secretary of Human Services annually; requiring the Secretary of Health to adopt certain regulations;~~ and generally relating to substance–exposed newborns.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–704.2(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section ~~5–704.2~~ 5–704.2(b), (c), and (e)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

5–704.2.

(a) (1) In this section the following words have the meanings indicated.

(2) "Controlled drug" means a controlled dangerous substance included in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V under Title 5, Subtitle 4 of the Criminal Law Article.

(3) "Health care practitioner" has the meaning stated in § 1–301 of the Health Occupations Article.

(4) "Newborn" means a child under the age of 30 days who is born or who receives care in the State.

(b) For purposes of this section, a newborn is "substance–exposed" if**[**:

(1)**]** the newborn:

[(i)**] (1)** displays a positive toxicology screen for a controlled drug as evidenced by any appropriate test after birth;

[(ii)**] (2)** displays the effects of controlled drug use or symptoms of withdrawal resulting from prenatal controlled drug exposure as determined by medical personnel; or

[(iii)**] (3)** displays the effects of a fetal alcohol spectrum disorder**[**; or

(2) the newborn's mother had a positive toxicology screen for a controlled drug at the time of delivery**]**.

(c) Except as provided in **[**subsections (d) and**] SUBSECTION** (e) of this section, a health care practitioner involved in the delivery or care of a substance–exposed newborn shall:

(1) make an oral report to the local department as soon as possible; and

(2) make a written report to the local department not later than 48 hours after the contact, examination, attention, treatment, or testing that prompted the report.

~~(d) In the case of a substance–exposed newborn in a hospital or birthing center, a health care practitioner shall notify and provide the information required under this section to the head of the institution or the designee of the head.~~

(e) A health care practitioner is not required to make a report under this section if the health care practitioner[:

(1)] has knowledge that the head of an institution or the designee of the head or another individual at that institution has made a report regarding the substance–exposed newborn[; **OR**

(2) has verified that, at the time of delivery,**:**

(I) the mother was using a controlled substance as currently prescribed for the mother by a licensed health care practitioner; ~~or~~

~~(3) has verified that, at the time of delivery, the presence of the controlled substance was consistent with a prescribed medical or drug treatment administered to the mother or the newborn]~~

(II) THE NEWBORN DOES NOT DISPLAY THE EFFECTS OF WITHDRAWAL FROM CONTROLLED SUBSTANCE EXPOSURE AS DETERMINED BY MEDICAL PERSONNEL;

(III) THE NEWBORN DOES NOT DISPLAY THE EFFECTS OF FETAL ALCOHOL SPECTRUM DISORDER; AND

(IV) THE NEWBORN IS NOT AFFECTED BY SUBSTANCE ABUSE.

~~(f) To the extent known, an individual who makes a report under this section shall include in the report the following information:~~

~~(1) the name, date of birth, and home address of the newborn;~~

~~(2) the names and home addresses of the newborn's parents;~~

~~(3) the nature and extent of the effects of the prenatal alcohol or drug exposure on the newborn;~~

~~(4) the nature and extent of the impact of the prenatal alcohol or drug exposure on the mother's ability to provide proper care and attention to the newborn;~~

~~(5) the nature and extent of the risk of harm to the newborn; [and]~~

~~(6) **WHETHER, AT THE TIME OF DELIVERY, THE HEALTH CARE PRACTITIONER VERIFIED THAT THE MOTHER WAS USING A CONTROLLED DRUG AS PRESCRIBED FOR THE MOTHER BY A LICENSED HEALTH CARE PRACTITIONER; AND**~~

~~**(7)** any other information that would support a conclusion that the needs of the newborn require a prompt assessment of risk and safety, the development of a plan of safe care for the newborn, and referral of the family for appropriate services.~~

~~**(G) IF A REPORT UNDER THIS SECTION PROVIDES THAT, AT THE TIME OF DELIVERY, A HEALTH CARE PRACTITIONER VERIFIED THAT THE MOTHER WAS USING A CONTROLLED DRUG PRESCRIBED FOR THE MOTHER BY A LICENSED HEALTH CARE PRACTITIONER, THE LOCAL DEPARTMENT SHALL IMMEDIATELY FORWARD A COMPLETE COPY OF THE REPORT TO THE LOCAL HEALTH DEPARTMENT IN THE JURISDICTION IN WHICH THE MOTHER RESIDES.**~~

[(g)**]** ~~**(H)** Within 48 hours after receiving **[**the notification pursuant to**]** **A REPORT UNDER** subsection (c) **OR (G)** of this section, the local department **OR LOCAL HEALTH DEPARTMENT** shall:~~

~~(1) see the newborn in person;~~

~~(2) consult with a health care practitioner with knowledge of the newborn's condition and the effects of any prenatal alcohol or drug exposure; and~~

~~(3) attempt to interview the newborn's mother and any other individual responsible for care of the newborn.~~

[(h)**]** ~~**(I)** (1) Promptly after receiving a report under subsection (c) **OR (G)** of this section, the local department **OR THE LOCAL HEALTH DEPARTMENT** shall assess the risk of harm to and the safety of the newborn to determine whether any further intervention is necessary.~~

~~(2) If the local department **OR THE LOCAL HEALTH DEPARTMENT** determines that further intervention is necessary, the local department **OR THE LOCAL HEALTH DEPARTMENT** shall **DEVELOP A PLAN TO ENSURE THE SAFETY AND WELL–BEING OF THE NEWBORN FOLLOWING RELEASE FROM THE CARE OF A HEALTH CARE PRACTITIONER THAT:**~~

~~(i) **[**develop a plan of safe care for the newborn**]** **ADDRESSES THE HEALTH AND SUBSTANCE USE DISORDER TREATMENT NEEDS OF THE NEWBORN AND AFFECTED FAMILY OR CAREGIVER; AND**~~

~~(ii) **[**assess and refer the family for appropriate services, including alcohol or drug treatment; and**]** **INCLUDES THE DEVELOPMENT AND IMPLEMENTATION OF A SYSTEM TO MONITOR AND DETERMINE WHETHER AND IN WHAT MANNER THE INFANT AND AFFECTED FAMILY OR CAREGIVER HAVE BEEN REFERRED TO AND RECEIVED APPROPRIATE SERVICES.**~~

~~[(iii) as necessary, develop a plan to monitor the safety of the newborn and the family's participation in appropriate services.]~~

~~[(i)] (J) A report made under this section does not create a presumption that a child has been or will be abused or neglected.~~

~~(K) DURING THE COURSE OF AN ASSESSMENT UNDER THIS SECTION, IF A UNIT WITHIN A LOCAL DEPARTMENT OR A LOCAL HEALTH DEPARTMENT SUSPECTS THAT A CHILD HAS BEEN ABUSED OR NEGLECTED, THE UNIT OR THE LOCAL HEALTH DEPARTMENT SHALL REPORT THE SUSPECTED ABUSE OR NEGLECT TO CHILD PROTECTIVE SERVICES WITHIN THE LOCAL DEPARTMENT.~~

~~(L) THE MARYLAND DEPARTMENT OF HEALTH SHALL REPORT ANNUALLY TO THE SECRETARY OF HUMAN SERVICES THE FOLLOWING DATA:~~

~~(1) THE NUMBER OF NEWBORNS REFERRED TO A LOCAL HEALTH DEPARTMENT;~~

~~(2) THE NUMBER OF NEWBORNS FOR WHOM A PLAN OF SAFE CARE WAS DEVELOPED; AND~~

~~(3) THE NUMBER OF NEWBORNS REFERRED TO APPROPRIATE SERVICES, INCLUDING SERVICES FOR AN AFFECTED FAMILY MEMBER OR CAREGIVER.~~

~~[(j)] (M) (1) The Secretary of Human Services shall adopt regulations to implement the provisions of this section.~~

~~(2) THE SECRETARY OF HEALTH SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 411

(Senate Bill 58)

AN ACT concerning

State Board for Certification of Residential Child Care Program Professionals – Revisions

FOR the purpose of repealing an erroneous provision of law regarding immunity from liability for participating in the activities of the State Board for Certification of Residential Child Care Program Professionals; repealing the requirement that the Board adopt certain regulations for approved training programs for residential child and youth care practitioners; repealing the requirement that the Board post a list of approved residential child care training programs on its website; making a conforming change; and generally relating to the State Board for Certification of Residential Child Care Program Professionals.

BY repealing
Article – Health Occupations
Section 20–207 and 20–302.2
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–208 and 20–302.1(f)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

[20–207.

A person shall have the immunity from liability described under § 5–710 of the Courts Article for giving information to the Board or otherwise participating in its activities.**]**

[20–208.**] 20–207.**

A person shall have immunity from the liability described under § 5–723 of the Courts Article for giving information to the Board or otherwise participating in its activities.

20–302.1.

(f) (1) Except as provided in paragraph (2) of this subsection, the applicant shall have successfully completed a training program approved **[**under § 20–302.2 of this subtitle**]** **BY THE BOARD**.

(2) (i) An applicant who has an associate's or bachelor's degree from an accredited college or university may be waived from the training program requirement, if the applicant passes an examination and meets other requirements established by the Board under this subtitle.

(ii) The Board shall establish requirements and procedures for waiving the training program requirement for an applicant under subparagraph (i) of this paragraph.

[20–302.2.

(a) The Board shall adopt regulations for approved training programs for residential child and youth care practitioners.

(b) Successful completion of an approved training program shall prepare an individual for certification as a residential child and youth care practitioner.

(c) The regulations shall:

(1) Require an approved training program to provide a fundamental working knowledge of the varied aspects of performing the direct responsibilities related to activities of daily living, self–help, and socialization to children and youth in residential child care programs;

(2) Establish a process for approving residential child and youth care practitioner training programs; and

(3) Establish the contact hours, curriculum, format, and fees for approved training programs.

(d) The Board shall post a list of approved training programs on its Web site.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 412

(Senate Bill 61)

AN ACT concerning

Child Support – Noncustodial Parent Employment Assistance Pilot Program – Documentation and Reporting

FOR the purpose of altering a requirement relating to the documentation of employment plan compliance for a participant in the Noncustodial Parent Employment Assistance Pilot Program; altering certain of the Program's evaluation reporting requirements; and generally relating to the Noncustodial Parent Employment Assistance Pilot Program.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–112.2(d)(3)(vi) and (h)(1)(iii) and (vii)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

10–112.2.

(d) The Program shall include:

(3) for a noncustodial parent who chooses to participate in employment services under the Program:

(vi) intensive case management that includes:

1. close monitoring of the noncustodial parent's compliance with Program requirements and continuing payment of child support; and

2. documentation of the noncustodial parent's compliance status at **[**14,**]** 30, 60, 90, and 180 days after the effective date of the consent agreement; and

(h) (1) The Secretary shall conduct evaluations of the Program using the following measures:

(iii) the number of participants who **[**attend the meetings, classes, or workshops specified in**]** **ARE IN COMPLIANCE WITH** their employment plans;

(vii) for each employed participant, the job type and location, **[**whether the job is full–time,**]** wage or salary amount, and length of time the job is retained;

SECTION 2. AND BE IT FURTHER ENACTED, This Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 413

(Senate Bill 79)

AN ACT concerning

Child Support – Employment Program Participation – Reinstatement of Driver's License and Expungement of Suspension

FOR the purpose of requiring the Motor Vehicle Administration, on request of the Child Support Administration, to expunge a record of a suspension for failure to pay child support under certain circumstances; prohibiting a request by the Child Support Administration to expunge a certain record from affecting any suspension unrelated to child support; requiring the Motor Vehicle Administration to reinstate a certain obligor's license or privilege to drive under certain circumstances; authorizing the Child Support Administration to request that the Motor Vehicle Administration expunge a record of a suspension for failure to pay child support under certain circumstances; authorizing the Secretary of Transportation, in cooperation with the Secretary of Human Services, to adopt regulations to implement certain provisions of this Act; defining a certain term; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to child support.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–117.1 and 16–203
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–119
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–119(d)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)
(As enacted by Chapter 312 of the Acts of the General Assembly of 2016)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

16–117.1.

(a) **(1)** In this section**[**, "criminal**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "CHILD SUPPORT ADMINISTRATION" MEANS THE CHILD SUPPORT ADMINISTRATION OF THE DEPARTMENT OF HUMAN SERVICES.

(3) "CRIMINAL offense" does not include any violation of the Maryland Vehicle Law.

(b) The Administration shall expunge the public driving record of a licensee if:

(1) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and the licensee's license never has been suspended for reasons related to driver safety, as defined by the Administration, or revoked;

(2) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and the licensee's record shows not more than one suspension for reasons related to driver safety, as defined by the Administration, and no revocations; or

(3) Within the preceding 10 years:

(i) The licensee has not been granted probation before judgment for a violation of § 20–102 or § 21–902 of this article; and

(ii) The licensee has not been convicted of any moving violation or criminal offense involving a motor vehicle, regardless of the number of suspensions or revocations.

(C) (1) ON REQUEST OF THE CHILD SUPPORT ADMINISTRATION, THE ADMINISTRATION SHALL EXPUNGE A RECORD OF A SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT:

(I) FOR A LICENSEE WHO IS ENROLLED IN AND COMPLIANT WITH AN EMPLOYMENT PROGRAM APPROVED BY THE CHILD SUPPORT ADMINISTRATION, IF THE LICENSEE:

1. HAS NOT BEEN CONVICTED OF DRIVING ON A LICENSE

THAT WAS SUSPENDED FOR FAILURE TO PAY CHILD SUPPORT; AND

2. DOES NOT HAVE CHARGES RELATED TO THE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT PENDING AGAINST THE LICENSEE; OR

(II) IF THE CHILD SUPPORT ADMINISTRATION NOTIFIES THE ADMINISTRATION THAT THE INFORMATION REPORTED BY THE CHILD SUPPORT ADMINISTRATION THAT LED TO THE SUSPENSION WAS INACCURATE.

(2) A REQUEST BY THE CHILD SUPPORT ADMINISTRATION TO EXPUNGE A RECORD UNDER THIS SUBSECTION MAY NOT AFFECT ANY SUSPENSION UNRELATED TO CHILD SUPPORT.

[(c)**] (D)** The Administration may refuse to expunge a driving record if it determines that the licensee has not driven a motor vehicle on the highways during the particular conviction–free period on which the expungement is based.

[(d)**] (E)** Notwithstanding any other provision of this section, the Administration may not expunge:

(1) Any driving records before the expiration of the time they are required to be retained under § 16–819 of this title;

(2) Any driving record entries required for assessment of subsequent offender penalties; and

(3) Any driving record entries related to a moving violation or an accident that resulted in the death of another person.

[(e)**] (F) (1) [**The**] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** Administration shall adopt regulations to carry out this section.

(2) THE SECRETARY, IN COOPERATION WITH THE SECRETARY OF HUMAN SERVICES, MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION.

16–203.

(a) In this section, "Child Support Administration" means the Child Support Administration of the Department of Human Services.

(b) On notification by the Child Support Administration in accordance with § 10–119 of the Family Law Article that an obligor is 60 days or more out of compliance with the most recent order of the court in making child support payments, the Administration:

(1) Shall suspend an obligor's license or privilege to drive in the State; and

(2) May issue a work–restricted license or work–restricted privilege to drive.

(c) (1) Prior to the suspension of a license or the privilege to drive in the State and the issuance of a work–restricted license or work–restricted privilege to drive under subsection (b) of this section, the Administration shall send written notice of the proposed action to the obligor, including notice of the obligor's right to contest the accuracy of the information.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(d) (1) An obligor may appeal a decision of the Administration to suspend the obligor's license or privilege to drive.

(2) At a hearing under this subsection, the issue shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(e) The Administration shall reinstate an obligor's license or privilege to drive in the State if:

(1) The Administration receives a court order to reinstate the license or privilege to drive; or

(2) The Child Support Administration notifies the Administration that:

(i) The individual whose license or privilege to drive was suspended is not in arrears in making child support payments;

(ii) The obligor has paid the support arrearage in full; **[**or**]**

(iii) The obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months**;**

(IV) THE OBLIGOR IS A PARTICIPANT IN FULL COMPLIANCE IN AN EMPLOYMENT PROGRAM APPROVED BY THE CHILD SUPPORT ADMINISTRATION; OR

(V) ONE OF THE GROUNDS UNDER § 10–119(C)(1)(I) OF THE FAMILY LAW ARTICLE EXISTS.

(f) The Secretary of Transportation, in cooperation with the Secretary of Human Services and the Office of Administrative Hearings, shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

10–119.

(a) (1) In this section the following words have the meanings indicated.

(2) "License" has the meaning stated in § 11–128 of the Transportation Article.

(3) "Motor Vehicle Administration" means the Motor Vehicle Administration of the Department of Transportation.

(b) (1) Subject to the provisions of subsection (c) of this section, the Administration may notify the Motor Vehicle Administration of an obligor with a noncommercial license who is 60 days or more out of compliance, or an obligor with a commercial license who is 120 days or more out of compliance, with the most recent order of the court in making child support payments if:

(i) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(ii) the recipient of support payments has filed an application for support enforcement services with the Administration.

(2) Upon notification by the Administration under this subsection, the Motor Vehicle Administration:

(i) shall suspend the obligor's license or privilege to drive in the State; and

(ii) may issue a work–restricted license or work–restricted privilege to drive in the State in accordance with § 16–203 of the Transportation Article.

(c) (1) Before supplying any information to the Motor Vehicle Administration under this section, the Administration shall:

(i) send written notice of the proposed action to the obligor, including notice of the obligor's right to request an investigation on any of the following grounds:

1. the information regarding the reported arrearage is inaccurate;

2. suspension of the obligor's license or privilege to drive would be an impediment to the obligor's current or potential employment; or

3. suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor because of the obligor's:

A. documented disability resulting in a verified inability to work; or

B. inability to comply with the court order; and

(ii) give the obligor a reasonable opportunity to request an investigation of the proposed action of the Administration.

(2) (i) Upon receipt of a request for investigation from the obligor, the Administration shall conduct an investigation to determine if any of the grounds under paragraph (1)(i) of this subsection exist.

(ii) The Administration shall:

1. send a copy of the obligor's request for an investigation to the obligee by first–class mail;

2. give the obligee a reasonable opportunity to respond; and

3. consider the obligee's response.

(iii) Upon completion of the investigation, the Administration shall notify the obligor of the results of the investigation and the obligor's right to appeal to the Office of Administrative Hearings.

(3) (i) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within 20 days after the notice to the obligor of the results of the investigation.

(4) If, after the investigation or appeal to the Office of Administrative Hearings, the Administration finds that one of the grounds under paragraph (1)(i) of this subsection exists, the Administration may not send any information about the obligor to the Motor Vehicle Administration.

(5) The Administration may not send any information about an obligor to

the Motor Vehicle Administration if:

(i) the Administration reaches an agreement with the obligor regarding a scheduled payment of the obligor's child support arrearage or a court issues an order for a scheduled payment of the child support arrearage; and

(ii) the obligor is complying with the agreement or court order.

(d) **(1)** If, after information about an obligor is supplied to the Motor Vehicle Administration, the obligor's arrearage is paid in full, the obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months, the obligor is a participant in full compliance in the Noncustodial Parent Employment Assistance Pilot Program established under § 10–112.2 of this title **OR ANOTHER EMPLOYMENT PROGRAM APPROVED BY THE ADMINISTRATION**, or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section exists, the Administration shall notify the Motor Vehicle Administration to reinstate the obligor's license or privilege to drive.

(2) THE ADMINISTRATION MAY REQUEST THAT THE MOTOR VEHICLE ADMINISTRATION EXPUNGE A RECORD OF A SUSPENSION OF A LICENSE OR PRIVILEGE TO DRIVE FOR FAILURE TO PAY CHILD SUPPORT:

(I) FOR AN OBLIGOR WHO IS ENROLLED IN AND COMPLIANT WITH AN EMPLOYMENT PROGRAM APPROVED BY THE ADMINISTRATION; OR

(II) IF THE INFORMATION REPORTED BY THE ADMINISTRATION THAT LED TO THE SUSPENSION WAS INACCURATE.

(e) The Secretary of Human Services, in cooperation with the Secretary of Transportation and the Office of Administrative Hearings, shall adopt regulations to implement this section.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

10–119.

(d) **(1)** If, after information about an obligor is supplied to the Motor Vehicle Administration, the obligor's arrearage is paid in full, the obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months, **THE OBLIGOR IS A PARTICIPANT IN FULL COMPLIANCE IN AN EMPLOYMENT PROGRAM APPROVED BY THE ADMINISTRATION,** or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section exists, the Administration shall notify the Motor Vehicle Administration to reinstate the obligor's license or privilege to drive.

(2) THE ADMINISTRATION MAY REQUEST THAT THE MOTOR VEHICLE ADMINISTRATION EXPUNGE A RECORD OF A SUSPENSION OF A LICENSE OR PRIVILEGE TO DRIVE FOR FAILURE TO PAY CHILD SUPPORT:

(I) FOR AN OBLIGOR WHO IS ENROLLED IN AND COMPLIANT WITH AN EMPLOYMENT PROGRAM APPROVED BY THE ADMINISTRATION; OR

(II) IF THE INFORMATION REPORTED BY THE ADMINISTRATION THAT LED TO THE SUSPENSION WAS INACCURATE.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 312 of the Acts of the General Assembly of 2016. If that termination provision takes effect, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 4 of this Act, this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 414

(Senate Bill 139)

AN ACT concerning

Higher Education – Heroin and Opioid Addiction and Prevention Policies – Exceptions and Revisions

FOR the purpose of exempting certain institutions of higher education and certain locations of certain institutions from certain requirements relating to heroin and opioid addiction and prevention policies; requiring certain institutions to provide certain students with certain resources; and generally relating to policies that address heroin and opioid addiction and prevention.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–1201 and 11–1202
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 11–1203
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

11–1201.

(A) **[**This**]** **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS** subtitle applies only to institutions of higher education in the State that receive operating or capital funding from the State.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE DOES NOT APPLY TO:

(I) THE UNIVERSITY OF MARYLAND, UNIVERSITY COLLEGE;

(II) THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE; OR

(III) AN OFF–CAMPUS NONRESIDENTIAL LOCATION OF AN INSTITUTION OF HIGHER EDUCATION.

(2) EACH INSTITUTION DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE ALL STUDENTS WITH RESOURCES THAT ALERT AND EDUCATE THE STUDENTS REGARDING HEROIN AND OPIOID ADDICTION AND PREVENTION.

11–1202.

(a) Each institution of higher education shall establish a policy that addresses heroin and opioid addiction and prevention.

(b) **[**(1)**]** The policy established under this subtitle shall require **EACH INSTITUTION TO**:

[(i)**]** **(1)** **[**Except as provided in paragraph (2) of this subsection, incoming**]** **REQUIRE INCOMING** full–time students to participate in an in–person heroin and opioid addiction and prevention awareness training, unless in–person training is impracticable, then to participate in an electronic heroin and opioid addiction and prevention awareness training;

[(ii)**] (2)** **[**Each institution to provide**]** **PROVIDE** incoming part–time students with resources that alert and educate the students regarding heroin and opioid addiction and prevention; and

[(iii)**] (3)** **[**Except as provided in paragraph (2) of this subsection, each institution to obtain**]** **OBTAIN** and store at the institution naloxone or other overdose–reversing medication to be used in an emergency situation.

[(2) The requirements of paragraph (1)(i) and (iii) of this subsection do not apply to:

(i) The University of Maryland, University College;

(ii) The University of Maryland Center for Environmental Science; or

(iii) An off–campus location of an institution of higher education.**]**

11–1203.

(a) The policy established under this subtitle shall include:

(1) Training for campus police or other designated personnel on how to recognize the symptoms of an opioid overdose;

(2) Procedures for the administration of naloxone or other overdose–reversing medications; and

(3) The proper follow–up emergency procedures.

(b) Except for any willful or grossly negligent act, campus police or other designated personnel who have been trained under subsection (a)(1) of this section and who respond in good faith to the overdose emergency of a student in accordance with this section may not be held personally liable for any act or omission in the course of responding to the emergency.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 415

(Senate Bill 204)

AN ACT concerning

Higher Education – Cybersecurity Public Service Scholarship Program

FOR the purpose of establishing the Cybersecurity Public Service Scholarship Program; specifying the purpose of the Program; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to administer the Program; specifying certain eligibility requirements for an applicant to the Program; authorizing a certain scholarship award to be used at any eligible institution to pay for certain education expenses; requiring a scholarship recipient to maintain a certain grade point average; specifying a certain amount of time a recipient may hold a certain scholarship; requiring a scholarship recipient to work for a unit of State government in the cybersecurity field or teach in a public high school in the State in a certain education program for a certain amount of time; requiring a scholarship recipient to repay the Commission certain funds under certain circumstances; authorizing the Office to waive repayment of certain funds under certain circumstances; requiring funds for the Program to be as provided in the annual budget by the Governor; requiring the Office to adopt certain regulations; defining certain terms; and generally relating to the Cybersecurity Public Service Scholarship Program.

BY adding to
Article – Education
Section 18–3401 through 18–3406 to be under the new subtitle "Subtitle 34. Cybersecurity Public Service Scholarship Program"
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

SUBTITLE 34. CYBERSECURITY PUBLIC SERVICE SCHOLARSHIP PROGRAM.

18–3401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ELIGIBLE INSTITUTION" MEANS A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION IN THE STATE THAT:

(1) POSSESSES ~~POSSESSES~~ A CERTIFICATE OF APPROVAL FROM THE COMMISSION; OR

(2) IS APPROVED UNDER OPERATION OF LAW.

(C) "PROGRAM" MEANS THE CYBERSECURITY PUBLIC SERVICE SCHOLARSHIP PROGRAM.

18–3402.

(A) THERE IS A SCHOLARSHIP PROGRAM KNOWN AS THE CYBERSECURITY PUBLIC SERVICE SCHOLARSHIP PROGRAM IN THE STATE.

(B) THE PURPOSE OF THE PROGRAM IS TO SUPPORT STUDENTS WHO ARE PURSUING AN EDUCATION IN PROGRAMS THAT ARE DIRECTLY RELEVANT TO CYBERSECURITY.

18–3403.

(A) THE OFFICE SHALL ADMINISTER THE PROGRAM.

(B) AN INDIVIDUAL MAY APPLY TO THE OFFICE FOR A SCHOLARSHIP UNDER THIS SUBTITLE IF THE INDIVIDUAL:

~~(1) IS A RESIDENT OF THE STATE;~~

(1) IS ELIGIBLE FOR IN–STATE TUITION;

(2) IS A ~~JUNIOR, SENIOR, OR GRADUATE~~ STUDENT WHO IS ENROLLED FULL–TIME AT AN ELIGIBLE INSTITUTION IN AN ~~ACCREDITED~~ APPROVED DEGREE OR CERTIFICATE PROGRAM THAT IS DIRECTLY RELEVANT TO CYBERSECURITY;

(3) IS WITHIN 2 YEARS OF GRADUATION FROM THE INDIVIDUAL'S DEGREE OR CERTIFICATE PROGRAM;

(4) HAS MAINTAINED A CUMULATIVE GRADE POINT AVERAGE OF AT LEAST 3.0 ON A 4.0 SCALE; AND

(5) (I) HAS NOT RECEIVED~~, AND HAS NO PLANS TO RECEIVE,~~ A FEDERAL CYBERCORPS SCHOLARSHIP FOR SERVICE; OR

(II) HAS APPLIED FOR BUT HAS NOT RECEIVED A FEDERAL CYBERCORPS SCHOLARSHIP FOR SERVICE.

(C) A SCHOLARSHIP AWARD UNDER THIS SUBTITLE MAY BE USED AT ANY ELIGIBLE INSTITUTION TO PAY FOR EDUCATION EXPENSES AS DEFINED BY THE OFFICE, INCLUDING:

(1) TUITION AND MANDATORY FEES; AND

(2) ROOM AND BOARD.

(D) A SCHOLARSHIP RECIPIENT SHALL MAINTAIN A GRADE POINT AVERAGE OF AT LEAST 3.0 ON A 4.0 SCALE.

(E) EACH RECIPIENT OF A SCHOLARSHIP UNDER THIS SUBTITLE MAY HOLD THE AWARD FOR 2 YEARS OF FULL–TIME STUDY.

18–3404.

(A) FOR 1 YEAR FOR EACH YEAR THAT THE RECIPIENT RECEIVES A SCHOLARSHIP UNDER THIS SUBTITLE, A SCHOLARSHIP RECIPIENT SHALL:

(1) WORK FOR A UNIT OF STATE GOVERNMENT IN THE CYBERSECURITY FIELD; OR

(2) TEACH IN A PUBLIC HIGH SCHOOL IN THE STATE IN AN EDUCATION PROGRAM THAT IS DIRECTLY RELEVANT TO CYBERSECURITY.

(B) IN ACCORDANCE WITH § 18–112 OF THIS TITLE, A SCHOLARSHIP RECIPIENT SHALL REPAY THE COMMISSION THE FUNDS RECEIVED UNDER THIS SUBTITLE IF THE RECIPIENT DOES NOT:

(1) EARN CREDIT AS A FULL–TIME STUDENT AS DEFINED IN REGULATIONS ADOPTED BY THE OFFICE FOR THE PROGRAM;

(2) COMPLETE AN ~~ACCREDITED~~ APPROVED DEGREE PROGRAM THAT IS DIRECTLY RELEVANT TO CYBERSECURITY AT AN ELIGIBLE INSTITUTION; AND

(3) PERFORM THE WORK OBLIGATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A RECIPIENT SHALL BEGIN REPAYMENT AT ANY TIME DURING THE PERIOD THAT THE RECIPIENT IS NO LONGER PERFORMING THE WORK OBLIGATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, REPAYMENT SHALL BE MADE TO THE STATE WITHIN 6 YEARS AFTER THE REPAYMENT PERIOD BEGINS AND SHALL FOLLOW A REPAYMENT SCHEDULE ESTABLISHED BY THE OFFICE.

(E) THE OFFICE MAY WAIVE OR DEFER REPAYMENT IN THE EVENT OF DISABILITY OR EXTENDED SICKNESS THAT PREVENTS THE RECIPIENT FROM FULFILLING THE WORK OBLIGATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

18–3405.

FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED IN THE ANNUAL BUDGET OF THE COMMISSION BY THE GOVERNOR.

18–3406.

(A) THE OFFICE SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) IDENTIFY THE PROGRAMS THAT MEET THE REQUIREMENTS OF § 18–3403(B)(2) OF THIS SUBTITLE; AND

(2) DEFINE THE NUMBER OF CREDITS A SCHOLARSHIP RECIPIENT MUST EARN AS A FULL–TIME STUDENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 416

(Senate Bill 332)

AN ACT concerning

Prince George's County – School Construction Master Plan Workgroup

FOR the purpose of establishing the Prince George's County School Construction Master Plan Workgroup; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to the Prince George's County Executive, the Prince George's County Council, the Prince George's County Board of Education, the Interagency Committee on School Construction, and the Prince George's County House and Senate Delegations on or before a certain date; providing for the termination of this Act; and generally relating to the Prince George's County School Construction Master Plan Workgroup.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Prince George's County School Construction Master Plan Workgroup.

(b) The Workgroup consists of the following members:

(1) two Senators appointed by the President of the Senate, based on the recommendation of the chair of the Prince George's County Senate Delegation;

(2) two Delegates appointed by the Speaker of the House, based on the recommendation of the chair of the Prince George's County House Delegation;

(3) the County Executive of Prince George's County, or the County Executive's designee;

(4) two members of the Prince George's County Council, appointed by the chair of the County Council; and

(5) two members of the Prince George's County Board of Education, appointed by the chair of the County Board of Education.

(c) The members of the Workgroup shall elect the chair of the Workgroup.

(d) The Prince George's County Board of Education shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) Based on its review of the FY2017 Educational Facilities Master Plan, the Workgroup shall make recommendations regarding:

(i) options to meet the identified needs at lower costs;

(ii) methods to improve the maintenance and rehabilitation of public schools in Prince George's County; and

(iii) options to increase cost sharing.

(g) On or before December 31, 2018, the Workgroup shall report its findings and recommendations to the Prince George's County Executive, the Prince George's County Council, the Prince George's County Board of Education, the Interagency Committee on School Construction, and, in accordance with § 2–1246 of the State Government Article, the Prince George's County House and Senate Delegations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 417

(Senate Bill 350)

AN ACT concerning

Morgan State University – Task Force on Reconciliation and Equity

FOR the purpose of requiring the Institute for Urban Research at Morgan State University to convene a task force to foster reconciliation and inclusionary justice and work toward achieving racial equity by taking certain actions; requiring the task force to include certain members; requiring, to the extent practicable, the members of the task force to have expertise in certain matters and reflect a certain diversity; prohibiting a member of the task force from receiving certain compensation, but authorizing the reimbursement of certain expenses; providing for the chair and staffing of the task force; authorizing the task force to establish certain subcommittees; requiring the task force to consult with certain units of State government; authorizing the task force to consult with certain units of State or local government; requiring, on request of the task force, a unit of State government to provide information or staff support in a certain manner or to designate a representative to serve as a member or attend a meeting or hearing of the task force; requiring the task force to hold certain hearings and invite certain persons to testify

at the hearings, to study and make recommendations regarding certain matters, and to monitor and evaluate the implementation of certain recommendations using certain criteria; prohibiting a certain person from retaliating against an individual for giving testimony at a hearing held by the task force; requiring, on or before certain dates, the Institute for Urban Research at Morgan State University to submit certain preliminary and full reports to the Governor and the General Assembly; providing for the termination of this Act; and generally relating to a task force on reconciliation and equity convened by the Institute for Urban Research at Morgan State University.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The Institute for Urban Research at Morgan State University shall convene a task force to foster reconciliation and inclusionary justice and work toward achieving racial equity by:

(1) increasing awareness through public discussions about the nature, extent, causes, and consequences of racial inequities;

(2) involving individuals and public and private entities, including African American and other minority groups, in every sector throughout the State in a collective process;

(3) fostering racial equity through recognition, understanding, adjustment, compromise, and repair; and

(4) recommending strategies, changes, and actions in institutions, policies, and laws to eliminate systemic racism and promote equity, access, and opportunity that can lead to healing and foster reconciliation.

(b) (1) The members of the task force required to be convened under this section shall include:

(i) one member of the Senate of Maryland, appointed by the President of the Senate;

(ii) one member of the House of Delegates, appointed by the Speaker of the House;

(iii) the Director of the Office of Minority Health and Health Disparities, or the Director's designee;

(iv) one representative of the National Association for the Advancement of Colored People;

(v) one representative of the Maryland Public Health Association;

(vi) two representatives, one each from two different social justice organizations that focus on racial issues via use of a racial equity lens;

(vii) three representatives, one each from three different interfaith organizations;

(viii) one sociologist with expertise concerning historical and current impacts of systemic and structural racism;

(ix) one representative of a historically black college or university;

(x) one representative of a traditionally white college or university;

(xi) one representative of the National Great Blacks in Wax Museum;

(xii) one representative of a business sector coalition; and

(xiii) one member with expertise in law enforcement.

(2) To the extent practicable, the members of the task force shall:

(i) have expertise in the historical and current impacts of institutional and structural racism, as well as racial equity issues; and

(ii) reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

(3) A member of the task force:

(i) may not receive compensation as a member of the task force; but

(ii) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(4) The Institute for Urban Research at Morgan State University shall:

(i) select a chair from among the members of the task force; and

(ii) provide staff for the task force.

(5) The task force may establish subcommittees as necessary to fulfill its duties.

(c) (1) The task force shall consult with the following units of State government:

(i) the Commission on Civil Rights;

(ii) the Office of the Attorney General, Division of Civil Rights;

(iii) the Department of Human Services;

(iv) the Department of Housing and Community Development;

(v) the Department of Labor, Licensing, and Regulation;

(vi) the Department of Public Safety and Correctional Services;

(vii) the Department of Transportation; and

(viii) the State Department of Education.

(2) The task force may consult with any other unit of State or local government as determined appropriate by the task force.

(3) On request of the task force, a unit of State government shall:

(i) provide information or staff support in a timely manner; or

(ii) designate a representative to:

1. serve as a member of the task force; or

2. attend a meeting or a hearing held by the task force.

(d) The task force shall:

(1) (i) hold hearings at various locations throughout the State and receive testimony from individuals, units of State and local government, community–based organizations, and other public and private organizations; and

(ii) invite representatives from stakeholder groups to testify at the hearings;

(2) study:

(i) the nature of racism, sexism in the experience of racial inequities, and institutional bias throughout the State;

(ii) manifestations of institutional and structural racism;

(iii) the impact of institutional and structural racism, including the effects on health, employment and economic stability, access to safe and affordable housing,

income inequality, educational opportunities, and achievement gaps;

(iv) past and ongoing efforts to promote human rights and social and inclusionary justice; and

(v) best practices throughout the United States regarding policies, laws, and systems designed to eliminate institutional and structural racism and sexism and foster repair for those impacted;

(3) identify criteria to be used in monitoring and evaluating the implementation of the strategies and changes in institutions, policies, and laws recommended by the task force;

(4) make recommendations regarding strategies, changes, and actions in State institutions, policies, and laws to improve race relations, eliminate institutional and structural racism and gender inequities, and support repair and justice, including measures to:

(i) increase awareness of conscious and unconscious bias and structural inequities and their consequences;

(ii) eliminate implicit and explicit institutional bias;

(iii) improve structural support of inclusionary justice, promote repair that can lead to healing, and foster reconciliation between various groups; and

(iv) promote the overall health and success of individuals throughout the State, including improving access to employment opportunities, safe and affordable housing, adequate medical services and treatment, and a quality education; and

(5) using the criteria identified under item (3) of this subsection, monitor and evaluate the implementation of the recommended strategies and changes in State institutions, policies, and laws.

(e) A person, including an employer, may not retaliate against an individual for giving testimony at a hearing held by the task force.

(f) (1) On or before January 31, 2019, the Institute for Urban Research at Morgan State University shall submit a preliminary report on the activities of the task force to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before January 31, 2020, the Institute for Urban Research at Morgan State University shall submit a full report on the activities, findings, and recommendations of the task force to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of 2 years and, at the end of May 31, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 418

(Senate Bill 787)

AN ACT concerning

Children in Out–of–Home Placement – Rights

FOR the purpose of requiring the Department of Human Services to develop a certain Foster Youth Bill of Rights; requiring the Social Services Administration of the Department of Human Services to provide to a child in an out–of–home placement who is at least a certain age information regarding the rights of a child in an out–of–home placement; making certain stylistic changes; and generally relating to the rights of children in out–of–home placements.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–525(k)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Family Law
Section 5–525(l)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

5–525.

(k) (1) At least one time each year, the Administration shall provide **TO** a child in an out–of–home placement who is at least 13 years old information regarding benefits available to the child on leaving out–of–home care.

(2) The information provided under paragraph (1) of this subsection shall include information regarding tuition assistance, health care benefits, housing, job training and internship opportunities, and the right to reenter care and procedures for reentering care under subsection (b)(3) of this section.

(3) The Administration may provide **TO** the child the information required under paragraph (1) of this subsection:

(i) at a permanency planning hearing or review hearing held in accordance with § 3–823 of the Courts Article; or

(ii) by certified mail.

(L) (1) THE DEPARTMENT SHALL DEVELOP A FOSTER YOUTH BILL OF RIGHTS DELINEATING THE RIGHTS OF CHILDREN IN OUT–OF–HOME PLACEMENTS.

(2) AT LEAST ONE TIME EACH YEAR, THE ADMINISTRATION SHALL PROVIDE TO ~~A~~ EACH CHILD IN AN OUT–OF–HOME PLACEMENT WHO IS AT LEAST 13 YEARS OLD ~~INFORMATION REGARDING THE RIGHTS OF A CHILD IN AN OUT–OF–HOME PLACEMENT~~ A COPY OF THE FOSTER YOUTH BILL OF RIGHTS DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 419

(Senate Bill 933)

AN ACT concerning

~~Maryland College Investment Plan – State Match Requirement~~
College Affordability – Maryland 529 Plans and Student Loan Debt Relief Tax Credit – Revisions

FOR the purpose of requiring the Maryland 529 Board to develop an application form for a certain State contribution program that includes certain information; altering the ~~date by which~~ time period during which a certain contribution must be made to receive a certain State matching contribution; altering a certain State contribution amount; altering a certain appropriation for certain fiscal years; altering the date by which the Board is required to develop and implement a certain outreach and marketing plan; requiring the outreach and marketing plan to include certain

elements; requiring the Board to submit a certain report to the General Assembly by a certain date; making conforming changes; altering the total amount of a certain credit; *altering the name of the Maryland College Investment Plan and Prepaid College Trust;* requiring certain plans to be referred to by a certain name; ~~providing for the application of this Act;~~ *requiring a certain State contribution to be made by a certain date for certain account holders; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct cross–references and terminology in the Code rendered incorrect by this Act and to describe any corrections made in an editor's note following the sections affected;* and generally relating to ~~the Maryland College Investment Plan~~ college affordability.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–1901(a), 18–1904(a), and 18–19A–01(a)
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to
Article – Education
Section 18–1909(i) and 18–19A–03(f)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section ~~18–19A–04.1~~ *18–1901(j) and (p), 18–1902.1, 18–1903(a), (g), and (i), 18–1904(b), 18–19A–01(f), 18–19A–02(a), 18–19A–04.1, 18–19A–05(d), 18–19A–06, 18–19B–05(d) and (e), and 18–19C–05(d) and (e)*
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–740(b) and (h)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–740(c)(3)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

18–1901.

(a) In this subtitle the following words have the meanings indicated.

(j) "Plan" means the Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan established under Subtitle 19A of this title.*

(p) "Trust" means the Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust established under this subtitle.*

18–1902.1.

(a) There is a Program entitled Maryland 529.

(b) The purpose of the Program is to provide for the administration by the Board of the Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust, the Maryland* ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan, the Maryland Broker–Dealer College Investment Plan, and the Maryland ABLE Program.*

18–1903.

(a) There is a Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust.*

(g) Money of the Trust may not be considered money of the Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan and may not be commingled with the Plan.*

(i) Neither the State nor any eligible institution of higher education shall be liable for any losses or shortage of funds in the event that the Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust is insufficient to meet the tuition requirements of an institution attended by the qualified beneficiary.*

18–1904.

(a) There is a Maryland 529 Board.

(b) The Board shall administer:

(1) The Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust established under this subtitle;*

(2) The Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan established under Subtitle 19A of this title;*

(3) The Maryland Broker–Dealer College Investment Plan established under Subtitle 19B of this title; and

(4) The Maryland ABLE Program established under Subtitle 19C of this title.

18–1909.

(I) THE MARYLAND PREPAID CONTRACT PLAN SHALL BE REFERRED TO AS THE SENATOR EDWARD J. KASEMEYER PREPAID CONTRACT PLAN.

18–19A–01.

(a) In this subtitle the following words have the meanings indicated.

(f) "Plan" means the Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan established under this subtitle.*

18–19A–02.

(a) There is a Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan.*

18–19A–03.

(F) THE MARYLAND COLLEGE INVESTMENT PLAN SHALL BE REFERRED TO AS THE SENATOR EDWARD J. KASEMEYER COLLEGE INVESTMENT PLAN.

18–19A–04.1.

(a) For investment accounts established after December 31, 2016, a State contribution may be made to an investment account as provided in this section if:

(1) The qualified beneficiary of the investment account is a Maryland resident;

(2) The account holder submits an application to the Board or its designee between January 1 and June 1 of each year; and

(3) The account holder has Maryland taxable income **IN THE PREVIOUS TAXABLE YEAR** no greater than $112,500 for an individual or $175,000 for a married couple filing a joint return **[**in the previous taxable year**]**.

(b) (1) An application may be made in person, online, or by mail.

(2) The Board shall **DEVELOP**:

(i) **[**Establish a list of documentation that must be submitted with the application, including documents that establish Maryland taxable income and Maryland residency**] AN APPLICATION FORM THAT:**

1. INCLUDES PERMISSION FOR CONFIRMING MARYLAND TAXABLE INCOME WITH THE COMPTROLLER; AND

2. ALLOWS FOR CERTIFICATION OF MARYLAND RESIDENCY;

(ii) A procedure to certify the date and time of receipt of an application; and

(iii) Any other necessary procedures for the submittal of applications.

(c) (1) For an account holder with Maryland taxable income of less than $50,000 for an individual or $75,000 for a married couple filing a joint return who **[**makes an annual contribution of**] CONTRIBUTES** at least $25 per beneficiary **DURING THE CONTRIBUTION PERIOD IN SUBSECTION (E) OF THIS SECTION**, the State shall provide an additional ~~$250~~ **$500** per beneficiary.

(2) For an account holder with Maryland taxable income of at least $50,000 but less than $87,500 for an individual or at least $75,000 but less than $125,000 for a married couple filing a joint return who **[**makes an annual contribution of**] CONTRIBUTES** at least $100 per beneficiary **DURING THE CONTRIBUTION PERIOD IN SUBSECTION (E) OF THIS SECTION**, the State shall provide an additional ~~$250~~ **$500** per beneficiary.

(3) For an account holder with Maryland taxable income of at least $87,500 but no greater than $112,500 for an individual or at least $125,000 but no greater than $175,000 for a married couple filing a joint return who **[**makes an annual contribution of**] CONTRIBUTES** at least $250 per beneficiary **DURING THE CONTRIBUTION PERIOD IN SUBSECTION (E) OF THIS SECTION**, the State shall provide an additional $250 per beneficiary.

(d) (1) The Governor shall appropriate in the budget bill at least the following amounts for State contributions:

(i) $5,000,000 in fiscal year 2018; **AND**

(ii) ~~$7,000,000~~ **$3,000,000** in fiscal year 2019~~; and~~

~~(iii)~~ ~~$10,000,000 in fiscal year 2020~~ and each fiscal year thereafter.

(2) If the funding provided in a fiscal year is not sufficient to fully fund all State contributions authorized under this section, the Board shall:

(i) Provide contributions in the order in which applications are received; and

(ii) Give priority to applications of account holders who did not receive a contribution in any prior year.

(e) (1) An account holder **[**who has been approved to receive a State contribution**]** shall **[**make a contribution between July 1 and**] CONTRIBUTE AT LEAST THE AMOUNT SPECIFIED UNDER SUBSECTION (C) OF THIS SECTION ON OR BEFORE** November 1 of each year in order to qualify for the State contribution.

(2) A State contribution shall be made by December 31 of the calendar year in which the account holder made the contribution.

(f) An account holder is not eligible for the subtraction modification under § 10–208 of the Tax – General Article for any taxable year in which the account holder receives a State contribution.

(g) **(1)** The Board shall develop and implement by September 1, **[**2016**] 2018**, an outreach and marketing plan to provide notification to individuals about the availability of a State contribution.

(2) THE OUTREACH AND MARKETING PLAN SHALL:

(I) MAKE USE OF A VARIETY OF MARKETING MEDIA, INCLUDING BILLBOARDS, BROCHURES, AND ELECTRONIC RESOURCES; AND

(II) PROVIDE A CENTRALIZED CONTACT POINT FOR INDIVIDUALS TO OBTAIN INFORMATION ABOUT OPENING AN ACCOUNT AND THE AVAILABILITY OF A STATE CONTRIBUTION.

(3) BY DECEMBER 1, 2018, THE BOARD SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE GENERAL ASSEMBLY ON THE DETAILS OF THE OUTREACH AND MARKETING PLAN.

18–19A–05.

(d) Money of the Plan may not be considered money of or commingled with the Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust.*

18–19A–06.

The assets and income of the Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan are exempt from State and local taxation.*

18–19B–05.

(d) Money of the Broker–Dealer Plan may not be considered money of or commingled with the Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust.*

(e) Money of the Broker–Dealer Plan may not be considered money of or commingled with the Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan.*

18–19C–05.

(d) Money of the Maryland ABLE Program may not be considered money of or commingled with the Maryland ***SENATOR EDWARD J. KASEMEYER*** *Prepaid College Trust.*

(e) Money of the Maryland ABLE Program may not be considered money of or commingled with the Maryland ***SENATOR EDWARD J. KASEMEYER*** *College Investment Plan.*

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–740.

(b) Subject to the limitations of this section, a qualified taxpayer may claim a credit against the State income tax for the taxable year in which the Commission certifies a tax credit under this section.

(c) (3) For any taxable year, the total amount of credits approved by the Commission under this section may not exceed **[**$5,000,000**] $9,000,000**.

(h) The tax credit under this section shall be referred to as the Student Loan Debt Relief Tax Credit.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That ~~Section 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect investment accounts established after December 31, 2016~~ *for an account holder who made a contribution to an account in calendar year 2017 but failed to make the contribution in accordance with § 18–19A–04.1(e)(1) of the Education Article as enacted by Chapters 689*

and 690 of the Acts of the General Assembly of 2016 and was otherwise eligible for a State contribution, a State contribution equal to $250 shall be made by June 30, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding § 18–19A–04.1(f) of the Education Article, an account holder who receives a State match under Section 3 of this Act is also eligible for the subtraction modification under § 10–208 of the Tax – General Article for taxable year 2017.

SECTION 5. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.

SECTION ~~3.~~ ~~5.~~ *6.* AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018, and Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2017.

Approved by the Governor, May 8, 2018.

Chapter 420

(Senate Bill 961)

AN ACT concerning

Calvert County – Youth Recreational Opportunities Fund and Distribution From Admissions and Amusement Tax Revenues

FOR the purpose of requiring funds in the Calvert County Youth Recreational Opportunities Fund first to be used for a certain purpose; requiring the Calvert County Board of County Commissioners to adopt a certain plan after the development of Ward Farm Recreation and Nature Park is complete; altering certain distributions of revenue from the State's admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County; requiring the Calvert County Board of County Commissioners, on or before a certain date and each year thereafter, to report to the Calvert County Delegation to the General Assembly; and generally relating to the uses of and funding for the Calvert County Youth Recreational Opportunities Fund and distributions from the State's admissions and amusement tax revenues in Calvert County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1901
Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(b)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

5–1901.

(a) In this section, "Fund" means the Calvert County Youth Recreational Opportunities Fund.

(b) There is a Calvert County Youth Recreational Opportunities Fund.

(c) The purpose of the Fund is to increase youth recreational opportunities in Calvert County.

(d) The Secretary shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under **[**§ 2–202(b)(1)(iii)**]** **§ 2–202(B)(3)** of the Tax – General Article;

(2) Money appropriated in the State budget to the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only for projects that are approved by the Secretary to advance youth recreational opportunities in Calvert County and that receive contributions from the county for the projects.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

(j) **[**Money**]** **SUBJECT TO SUBSECTION (K) OF THIS SECTION, MONEY** expended from the Fund for youth recreational opportunities in Calvert County is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for youth recreational opportunities in Calvert County.

(K) (1) MONEY FROM THE FUND FIRST SHALL BE USED FOR THE SOLE PURPOSE OF COMPLETING THE DEVELOPMENT OF WARD FARM RECREATION AND NATURE PARK UNTIL THE DEVELOPMENT OF THE PARK IS COMPLETE.

(2) AFTER COMPLETION OF THE DEVELOPMENT OF WARD FARM RECREATION AND NATURE PARK, THE CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS SHALL ADOPT A PLAN TO EXPAND YOUTH RECREATIONAL OPPORTUNITIES AT ADDITIONAL LOCATIONS.

Article – Tax – General

2–202.

(b) From the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County under § 4–102(e) of this article, the Comptroller shall distribute **FROM**:

(1) **[**for fiscal years 2014 through 2019, from:

(i)**]** the revenue attributable to a tax rate of 1.5%:

[1.**]** **(I)** $50,000 to the Boys and Girls Club of the Town of North Beach; and

[2.**]** **(II)** the remainder to the Town of North Beach;

[(ii)**]** **(2)** the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and

[(iii)**]** **(3)** the revenue attributable to a tax rate of 4% to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article**[**; and

(2) for fiscal year 2020 and each fiscal year thereafter, from:

(i) the revenue attributable to a tax rate of 1.5%:

1. $50,000 to the Boys and Girls Club of the Town of North Beach; and

2. the remainder to the Town of North Beach;

(ii) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and

(iii) the revenue attributable to a tax rate of 4% to the Calvert County Board of Education for school renovation and renewal projects that may not be used to supplant county funds for public school construction**]**.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before July 1, 2019, and each year thereafter, the Calvert County Board of County Commissioners shall report to the Calvert County Delegation to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(1) the distribution of funds from the Calvert County Youth Recreational Opportunities Fund;

(2) the annual progress of activities and plans related to the development of Ward Farm Recreation and Nature Park; and

(3) plans to expand youth recreational opportunities at additional locations after completion of Ward Farm Recreation and Nature Park.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 421

(Senate Bill 1162)

AN ACT concerning

Washington County – Superintendent of Schools – Appointment and Reappointment

FOR the purpose of repealing the exemption of the Washington County Superintendent of

Schools and the Washington County Board of Education from certain requirements that relate to the appointment and reappointment of the Superintendent; and generally relating to the Washington County Superintendent of Schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–201(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 4–201(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

4–201.

(a) (1) This section does not apply to Baltimore City.

(2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince George's County.

[(3) Subsections (b)(2) and (3) of this section do not apply in Washington County.**]**

(b) (1) The term of a county superintendent is 4 years beginning on July 1. A county superintendent continues to serve until a successor is appointed and qualifies.

(2) By February 1 of the year in which a term ends, the county superintendent shall notify the county board whether the superintendent is a candidate for reappointment.

(3) In the year in which a term begins, the county board shall appoint a county superintendent between February 1 and June 30. However, if the county board decides to reappoint the incumbent superintendent, the county board shall take final action at a public meeting no later than March 1 of that year.

(4) If a county board is unable to appoint a county superintendent by July 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July

1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 422

(House Bill 247)

AN ACT concerning

Criminal Procedure – Victim Services Unit – Victims' Compensation

FOR the purpose of establishing a Victim Services Unit in the Governor's Office of Crime Control and Prevention; transferring the Criminal Injuries Compensation Board from the Department of Public Safety and Correctional Services to the Victim Services Unit; requiring the office for the Criminal Injuries Compensation Board to remain at a certain location *for a certain period of time and for certain purposes*; transferring the program for sexual assault forensic examinations from the Maryland Department of Health to the Victim Services Unit; transferring certain duties and rights regarding the Criminal Injuries Compensation Board from the Secretary of Public Safety and Correctional Services to the Executive Director of the Governor's Office of Crime Control and Prevention; providing the Executive Director with certain authority over the Criminal Injuries Compensation Board; transferring and altering provisions of law to require the Criminal Injuries Compensation Board to pay certain claims related to forensic examinations for certain sexually related crimes under certain circumstances; providing for the appointment and salary of a Director of the Victim Services Unit; requiring the Director to take certain actions; requiring the Victim Services Unit to perform certain duties; providing that certain employees transferred to the Victim Services Unit under this Act be transferred without diminution of certain rights, benefits, or employment or retirement status; providing that certain new hires be classified in a certain service; ~~requiring certain transferred employees to be allowed to maintain a certain work location;~~ providing for the continuity of certain transactions affected by or flowing from this Act; providing for the continuity of certain laws, rules and regulations, standards and guidelines, policies, orders, and other directives, permits and licenses, applications, forms, plans, memberships, contracts, property, investigations, and administrative and judicial responsibilities; defining certain terms; providing for the transfer of certain services, appropriations, funding, and grants to the Victim Services Unit on a certain date; providing for the transfer of certain property, records, fixtures, appropriations, credits, assets, liabilities, obligations, rights, and privileges to the Victim Services Unit; providing for appropriate transitional provisions relating to the continuity of certain boards and other units; providing for the continuity of certain persons that are licensed, registered, permitted, and certified under certain departments, offices, and units; providing for the continuity of certain contracts, agreements, grants, or other obligations; requiring the adoption of certain

regulations under certain circumstances; requiring the Justice Reinvestment Oversight Board to report by a certain date on certain issues relating to restitution; requiring the Governor's Office of Crime Control and Prevention to provide a certain report to the Governor and the General Assembly; and generally relating to a Victim Services Unit in the Governor's Office of Crime Control and Prevention.

BY repealing
Article – Correctional Services
Section 2–201(10)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 2–201(11) through (14)
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to
Article – Criminal Procedure
Section 11–801(f), 11–816.1, and 11–1007; and 11–1101 through 11–1105 to be under the new subtitle "Subtitle 11. Victim Services Unit"
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–801(f), 11–803, 11–804(a), (b)(3), and (d), 11–805(a), 11–814, and 11–815(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY repealing
Article – Health – General
Section 15–127
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Correctional Services

2–201.

The following units are in the Department:

[(10) the Criminal Injuries Compensation Board;**]**

[(11)**] (10)** the Emergency Number Systems Board;

[(12)**] (11)** the Sundry Claims Board;

[(13)**] (12)** the Inmate Grievance Office; and

[(14)**] (13)** any other unit that by law is declared to be part of the Department.

Article – Criminal Procedure

11–801.

(F) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

[(f)**] (G)** "Victim" means a person:

(1) who suffers physical injury or death as a result of a crime or delinquent act;

(2) who suffers psychological injury as a direct result of:

(i) a fourth degree sexual offense or a delinquent act that would be a fourth degree sexual offense if committed by an adult;

(ii) a felony or a delinquent act that would be a felony if committed by an adult; or

(iii) physical injury or death directly resulting from a crime or delinquent act; or

(3) who suffers physical injury or death as a direct result of:

(i) trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the person's presence;

(ii) trying to apprehend an offender who had committed a crime or delinquent act in the person's presence or had committed a felony or a delinquent act that would be a felony if committed by an adult; or

(iii) helping a law enforcement officer in the performance of the officer's duties or helping a member of a fire department who is being obstructed from performing the member's duties.

11–803.

The **[**Secretary**]** **EXECUTIVE DIRECTOR** may designate a person to carry out the duties of the **[**Secretary**]** **EXECUTIVE DIRECTOR**.

11–804.

(a) There is a Criminal Injuries Compensation Board in the **[**Department**]** **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**.

(b) (3) The **[**Secretary**]** **EXECUTIVE DIRECTOR** shall appoint the members of the Board, with the approval of the Governor and the advice and consent of the Senate.

(d) (1) With the approval of the Governor, the **[**Secretary**]** **EXECUTIVE DIRECTOR** shall designate one member of the Board as chairman.

(2) The chairman serves at the pleasure of the **[**Secretary**]** **EXECUTIVE DIRECTOR**.

11–805.

(a) Subject to the authority of the **[**Secretary as set forth in Title 2, Subtitle 1 of the Correctional Services Article**]** **EXECUTIVE DIRECTOR**, the Board has the following powers and duties:

(1) to establish and maintain an office and to appoint and prescribe the duties of a claims examiner, a secretary, clerks, and any other employees and agents as may be necessary;

(2) to adopt regulations to carry out the provisions and purposes of this subtitle, including procedures for the review and evaluation of claims and regulations for the approval of attorneys' fees for representation before the Board or before the court on judicial review;

(3) to request from the State's Attorney, the Department of State Police, or county or municipal police departments any investigation and information that will help the Board to determine:

(i) whether a crime or a delinquent act was committed or attempted; and

(ii) whether and to what extent the victim or claimant was responsible for the victim's or claimant's own injury;

(4) to hear and determine each claim for an award filed with the Board under this subtitle and to reinvestigate or reopen a case as the Board determines to be necessary;

(5) to direct medical examination of victims;

(6) to hold hearings, administer oaths, examine any person under oath, and issue subpoenas requiring the attendance and testimony of witnesses or requiring the production of documents or other evidence;

(7) to take or cause to be taken affidavits or depositions within or outside the State; and

(8) to submit each year to the Governor, to the **[**Secretary**] EXECUTIVE DIRECTOR**, and, subject to § 2–1246 of the State Government Article, to the General Assembly a written report of the activities of the Board.

11–814.

(a) Within 30 days after the receipt of a claim, the Board shall notify the claimant if additional material is required.

(b) (1) Except as provided in paragraph (2) of this subsection, within 90 days after the receipt of a claim and all necessary supporting material, the Board shall:

(i) complete the review and evaluation of each claim; and

(ii) file with the **[**Secretary**] EXECUTIVE DIRECTOR** a written report setting forth the decision and the reasons in support of the decision.

(2) For good cause shown, for a period not to exceed 1 year the Board may extend the time to file its report with the **[**Secretary**] EXECUTIVE DIRECTOR** after receipt of the claim and all necessary supporting material until the first to occur of the following events:

(i) the claimant no longer has expenses related to the crime; or

(ii) the claimant has been awarded the maximum amount authorized under §§ 11–811(b) and 11–812 of this subtitle.

(c) Within 30 days after the receipt of a written report from the Board, the **[**Secretary**] EXECUTIVE DIRECTOR** shall modify, affirm, or reverse the decision of the Board.

(d) The decision of the **[**Secretary**] EXECUTIVE DIRECTOR** to affirm, modify, or reverse the decision of the Board is final.

(e) The claimant shall be given a copy of the final report on request.

11–815.

(c) Within 30 days after the final decision of the **[**Secretary**]** **EXECUTIVE DIRECTOR**, a claimant aggrieved by that decision may appeal the decision under §§ 10–222 and 10–223 of the State Government Article.

11–816.1.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, ONLY THE PROVISIONS OF § 11–1007 OF THIS TITLE AND ANY APPLICABLE REGULATIONS ADOPTED TO CARRY OUT THE PROVISIONS OF THAT SECTION APPLY TO REIMBURSEMENT FOR FORENSIC EXAMINATIONS AND OTHER ELIGIBLE EXPENSES FOR CASES INVOLVING RAPE, SEXUAL OFFENSES, OR CHILD SEXUAL ABUSE.

(B) AS REQUIRED UNDER § 11–1007 OF THIS TITLE, THE BOARD SHALL PAY FOR FORENSIC EXAMINATIONS AND OTHER ELIGIBLE EXPENSES FOR CASES INVOLVING RAPE, SEXUAL OFFENSES, OR CHILD SEXUAL ABUSE.

11–1007.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CHILD" MEANS ANY INDIVIDUAL UNDER THE AGE OF 18 YEARS.

(3) "INITIAL ASSESSMENT" INCLUDES:

(I) A PSYCHOLOGICAL EVALUATION;

(II) A PARENTAL INTERVIEW; AND

(III) A MEDICAL EVALUATION.

(4) "PHYSICIAN" MEANS AN INDIVIDUAL WHO IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE.

(5) "QUALIFIED HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL WHO IS LICENSED BY A HEALTH OCCUPATIONS BOARD ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE.

~~(5)~~ ***(6)*** **(I) "SEXUAL ABUSE" MEANS ANY ACT THAT INVOLVES SEXUAL MOLESTATION OR EXPLOITATION OF A CHILD WHETHER OR NOT THE**

SEXUAL MOLESTATION OR EXPLOITATION OF THE CHILD IS BY A PARENT OR OTHER INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY ANY HOUSEHOLD OR FAMILY MEMBER.

(II) "SEXUAL ABUSE" INCLUDES:

1. INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE;

2. SODOMY; AND

3. UNNATURAL OR PERVERTED SEXUAL PRACTICES.

(B) IF A PHYSICIAN, *A QUALIFIED HEALTH CARE PROVIDER*, OR A HOSPITAL PROVIDES A SERVICE DESCRIBED IN SUBSECTION (C) OF THIS SECTION TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL ABUSE:

(1) THE SERVICES SHALL BE PROVIDED WITHOUT CHARGE TO THE INDIVIDUAL; AND

(2) THE PHYSICIAN, *QUALIFIED HEALTH CARE PROVIDER*, OR HOSPITAL IS ENTITLED TO BE PAID BY THE CRIMINAL INJURIES COMPENSATION BOARD AS PROVIDED UNDER SUBTITLE 8 OF THIS TITLE FOR THE COSTS OF PROVIDING THE SERVICES.

(C) THIS SECTION APPLIES TO THE FOLLOWING SERVICES:

(1) A PHYSICAL EXAMINATION TO GATHER INFORMATION AND EVIDENCE AS TO AN ALLEGED CRIME;

(2) EMERGENCY HOSPITAL TREATMENT AND FOLLOW–UP MEDICAL TESTING FOR UP TO 90 DAYS AFTER THE INITIAL PHYSICAL EXAMINATION; AND

(3) FOR UP TO 5 HOURS OF PROFESSIONAL TIME TO GATHER INFORMATION AND EVIDENCE OF THE ALLEGED SEXUAL ABUSE, AN INITIAL ASSESSMENT OF A VICTIM OF ALLEGED CHILD SEXUAL ABUSE BY:

(I) A PHYSICIAN;

(II) QUALIFIED HOSPITAL HEALTH CARE PERSONNEL;

(III) A QUALIFIED HEALTH CARE PROVIDER;

~~(III)~~ *(IV)* A MENTAL HEALTH PROFESSIONAL; OR

~~(IV)~~ *(V)* AN INTERDISCIPLINARY TEAM EXPERT IN THE FIELD OF CHILD ABUSE.

(D) (1) A PHYSICIAN *OR A QUALIFIED HEALTH CARE PROVIDER* WHO EXAMINES A VICTIM OF ALLEGED CHILD SEXUAL ABUSE UNDER THE PROVISIONS OF THIS SECTION IS IMMUNE FROM CIVIL LIABILITY THAT MAY RESULT FROM THE FAILURE OF THE PHYSICIAN *OR QUALIFIED HEALTH CARE PROVIDER* TO OBTAIN CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE EXAMINATION OR TREATMENT OF THE CHILD.

(2) THE IMMUNITY EXTENDS TO:

(I) ANY HOSPITAL WITH WHICH THE PHYSICIAN *OR QUALIFIED HEALTH CARE PROVIDER* IS AFFILIATED OR TO WHICH THE CHILD IS BROUGHT; AND

(II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR SUPERVISION OF THE HOSPITAL.

SUBTITLE 11. VICTIM SERVICES UNIT.

11–1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DIRECTOR" MEANS THE DIRECTOR OF THE VICTIM SERVICES UNIT.

(C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(D) "UNIT" MEANS THE VICTIM SERVICES UNIT.

11–1102.

(A) THERE IS A VICTIM SERVICES UNIT IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(B) THE UNIT CONSISTS OF:

(1) THE CRIMINAL INJURIES COMPENSATION BOARD UNDER SUBTITLE 8 OF THIS TITLE;

(2) THE PROGRAM FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS UNDER § 11–1007 OF THIS TITLE;

(3) A RESTITUTION SECTION; AND

(4) ANY OTHER PROGRAM THAT PROVIDES VICTIM SERVICES UNDER THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION THAT THE EXECUTIVE DIRECTOR DETERMINES WOULD BENEFIT FROM INCLUSION UNDER THE UNIT.

11–1103.

(A) THE HEAD OF THE UNIT IS THE DIRECTOR, WHO SHALL BE APPOINTED BY AND SERVES AT THE PLEASURE OF THE EXECUTIVE DIRECTOR.

(B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE STATE BUDGET.

(C) THE DIRECTOR SHALL REGULARLY CONSULT WITH, COLLABORATE WITH, AND CONSIDER THE RECOMMENDATIONS OF THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION REGARDING SEXUAL ASSAULT CRISIS PROGRAMS AND POLICIES, PRACTICES, AND PROCEDURES THAT IMPACT VICTIMS OF SEXUAL ASSAULT, INCLUDING ADMINISTRATION OF THE PROGRAM FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS UNDER § 11–1007 OF THIS TITLE.

11–1104.

THE UNIT SHALL COORDINATE WITH THE JUDICIARY, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT OF JUVENILE SERVICES, THE CENTRAL COLLECTION UNIT, STATE'S ATTORNEY'S OFFICES, AND LOCAL CORRECTIONAL FACILITIES TO:

(1) COLLECT DATA;

(2) DEVELOP BEST PRACTICES, USING DATA AND OTHER EVIDENCE TO THE EXTENT AVAILABLE, FOR RESTITUTION COLLECTION;

(3) COORDINATE AND IMPROVE EFFORTS OF STATE AND LOCAL ENTITIES REGARDING RESTITUTION;

(4) ENSURE THE INTEROPERABILITY OF JUSTICE SYSTEM DATABASES;

(5) REQUIRE THAT EACH OF THE DATABASES HAS A DATA FIELD TO INDICATE THAT THERE ARE OUTSTANDING RESTITUTION ORDERS; AND

(6) COORDINATE EFFORTS TO IMPROVE RESTITUTION COLLECTION.

11–1105.

(A) THE UNIT SHALL:

(1) MONITOR AND PROVIDE GUIDANCE TO THE SECRETARY ON THE ADOPTION OF REGULATIONS ESTABLISHING MINIMUM MANDATORY STANDARDS FOR STATE AND LOCAL CORRECTIONAL FACILITIES REGARDING VICTIM NOTIFICATION, RESTITUTION, AND ADMINISTRATIVE RECORD KEEPING;

(2) ENCOURAGE THE USE OF EARNINGS WITHHOLDING ORDERS TO COLLECT RESTITUTION;

(3) COORDINATE WITH THE CENTRAL COLLECTION UNIT TO IMPROVE RESTITUTION COLLECTION;

(4) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION TO MODERNIZE AND IMPROVE COLLECTIONS AND COLLABORATE ON COMMUNICATING WITH PAROLE AND PROBATION AGENTS ON THEIR ROLE IN RESTITUTION COLLECTION;

(5) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION AND THE CENTRAL COLLECTION UNIT ON WAYS TO EXPEDITE THE REFERRAL OF CASES TO THE CENTRAL COLLECTION UNIT;

(6) DEVELOP PROGRAMS TO BE PRESENTED TO THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION TO EMPHASIZE STATUTORY OBLIGATIONS REGARDING RESTITUTION;

(7) PROMOTE NOTIFICATION TO VICTIMS; AND

(8) EXAMINE THE CURRENT REMEDIES AVAILABLE TO ENFORCE RESTITUTION ORDERS TO DETERMINE WHETHER THE REMEDIES ARE BEING EFFECTIVELY USED AND MAKE RECOMMENDATIONS REGARDING THE NEED FOR ADDITIONAL REMEDIES.

(B) EXCEPT AS PROVIDED IN § 11–805(A)(2) OF THIS TITLE AND SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE UNIT MAY ADOPT REGULATIONS TO CARRY OUT THE DUTIES OF THE UNIT.

Article – Health – General

[15–127.

(a) (1) In this section the following words have the meanings indicated.

(2) "Child" means any individual under the age of 18 years.

(3) "Initial assessment" includes:

(i) A psychological evaluation;

(ii) Parental interview; and

(iii) Medical evaluation.

(4) (i) For purposes of this section, "sexual abuse" means any act that involves sexual molestation or exploitation of a child whether or not the sexual molestation or exploitation of the child is by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

(ii) "Sexual abuse" includes:

1. Incest, rape, or sexual offense in any degree;

2. Sodomy; and

3. Unnatural or perverted sexual practices.

(b) If a physician or a hospital provides any of the services described in subsection (c) of this section to a victim of an alleged rape or sexual offense or a victim of alleged child sexual abuse, the services shall be provided without charge to the individual and the physician or hospital is entitled to be paid by the Department for the costs of providing the services.

(c) The services to which this section applies are:

(1) A physical examination to gather information and evidence as to the alleged crime;

(2) Emergency hospital treatment and follow–up medical testing for up to 90 days after the initial physical examination in paragraph (1) of this subsection; and

(3) For up to 5 hours of professional time to gather information and evidence as to the alleged sexual abuse, an initial assessment of a victim of alleged child sexual abuse by:

(i) A physician;

(ii) Qualified hospital health care personnel;

(iii) A mental health professional; or

(iv) An interdisciplinary team expert in the field of child abuse.

(d) (1) A physician who examines a victim of alleged child sexual abuse under the provisions of this section is immune from any civil liability that may result from the failure of the physician to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) Any hospital with which the physician is affiliated or to which the child is brought; and

(ii) Any individual working under the control or supervision of the hospital.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The responsibility for carrying out the State's Criminal Injuries Compensation Program currently in the Department of Public Safety and Correctional Services and the program for sexual assault forensic examinations currently under the Maryland Department of Health shall be transferred to the Governor's Office of Crime Control and Prevention on ~~January 1, 2019~~ July 1, 2018~~; however, the office of the Criminal Injuries Compensation Board shall remain at its current location in Baltimore City~~. *The Criminal Injuries Compensation Board shall maintain an office at its current location in Baltimore City until at least July 1, 2020, for the purpose of accepting claims, providing assistance on filing claims, and holding hearings*.

(b) (1) All appropriations, including State and federal funds, held by the agencies and units of the State to carry out the functions, programs, and services transferred under this Act shall be transferred to the Governor's Office of Crime Control and Prevention *and deposited in the Criminal Injuries Compensation Fund* on ~~January 1, 2019~~ July 1, 2018, provided that all payments for the sexual assault forensic examination program under § 11–1007 of the Criminal Procedure Article, as enacted by Section 1 of this Act, shall be dedicated to the sexual assault forensic examination program.

(2) Funding for the services and programs under the Governor's Office of Crime Control and Prevention shall be as provided in the ~~fiscal year 2020~~ State budget.

(3) Federal Victim of Crime Act funds directed to the Criminal Injuries Compensation Board or the sexual assault forensic examination program under §

11–1007 of the Criminal Procedure Article, as enacted by Section 1 of this Act, shall be transferred to the Governor's Office of Crime Control and Prevention on ~~January 1, 2019~~ July 1, 2018.

(c) On ~~January 1, 2019~~ July 1, 2018, all of the functions, powers, duties, books and records (including electronic records), real and personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges of the agencies, units, and entities that are transferred under this Act shall be transferred to the Governor's Office of Crime Control and Prevention.

SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Victim Services Unit of the Governor's Office of Crime Control and Prevention as a result of this Act shall be transferred without diminution of their rights, benefits, or employment or retirement status. New hires performing the same or similar duties as transferred employees who are classified in the skilled or professional service under the State personnel management system shall also be classified in the skilled or professional service.

~~SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Victim Services Unit of the Governor's Office of Crime Control and Prevention as a result of this Act shall be allowed to maintain their current work location.~~

SECTION ~~4.~~ ~~5.~~ *4.* AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute added, amended, repealed, or transferred under this Act and validly entered into before the effective date of this Act, and every right, duty, or interest flowing from it remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced under the law.

SECTION ~~5.~~ ~~6.~~ *5.* AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the agencies and units that are the subject of this Act prior to the effective date of this Act shall continue under and, as appropriate, are legal and binding on the Victim Services Unit until completed, withdrawn, canceled, modified, or otherwise changed under the law.

SECTION ~~6.~~ ~~7.~~ *6.* AND BE IT FURTHER ENACTED, That nothing in this Act shall affect the terms of office of a member of any division, board, council, commission, authority, office, unit, or other entity that is transferred by this Act to the Governor's Office of Crime Control and Prevention. An individual who is a member of any such entity on the effective date of this Act shall remain a member for the balance of the term to which the member is appointed, unless the member sooner dies, resigns, or is removed under appropriate provisions of law.

SECTION ~~7.~~ ~~8.~~ *7.* AND BE IT FURTHER ENACTED, That any person licensed, registered, permitted, or certified under any department, agency, office, or unit transferred by this Act is considered for all purposes to be licensed, registered, permitted, or certified for the duration of the term for which the license, registration, permit, or certification was issued, and may renew that authorization in accordance with the appropriate renewal provisions provided under this Act. Any person that was originally licensed, registered, permitted, or certified under a provision of law that has been repealed by this Act as obsolete or inconsistent continues to meet the requirements of the license, registration, permit, or certification to the same extent as though that provision had not been repealed.

SECTION ~~8.~~ ~~9.~~ *8.* AND BE IT FURTHER ENACTED, That the Victim Services Unit, after consultation with the Maryland Department of Health, shall adopt regulations to fulfill the requirements of § 11–1007 of the Criminal Procedure Article, as enacted by Section 1 of this Act, including provisions that will ensure the confidentiality of victims' information. On the date the regulations adopted under this section become effective, COMAR regulations 10.12.02.01 through 10.12.02.05 are repealed.

SECTION ~~9.~~ ~~10.~~ *9.* AND BE IT FURTHER ENACTED, That the Justice Reinvestment Oversight Board shall:

(1) monitor the formation of the Victim Services Unit and provide oversight and guidance to the Victim Services Unit;

(2) ensure that data systems developed and used by the Victim Services Unit enhance victim services and are user–friendly for persons responsible for the data systems;

(3) ensure the Victim Services Unit adopts appropriate outcome measures, reviews outcomes, and recommends any appropriate actions based on the outcomes;

(4) assess whether the current system of collecting restitution should remain within the existing State and local entities; and

(5) report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly by December 31, 2019, on any recommendations to improve the process of restitution, including whether the Victim Services Unit can take over restitution collections without impacting its ability to serve victims. In considering whether the Victim Services Unit should assume the duties of collecting restitution, the following matters should be included in the report:

(i) the needs of the Victim Services Unit, including personnel requirements;

(ii) whether, in order to avoid duplication of effort and resources, the Victim Services Unit should take over the duties of collecting other money in addition to restitution; and

(iii) ways to avoid confusion and to streamline the payment system for persons owing restitution as well as other payments.

SECTION ~~10.~~ ~~11.~~ *10.* AND BE IT FURTHER ENACTED, That, on or before December 31, 2020, the Governor's Office of Crime Control and Prevention shall provide a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly that provides an update on issues relating to the implementation of this Act, including the office locations of the Victim Services Unit, the number of employees at each location, any budgetary concerns, improvements to the restitution collection process, and any significant changes planned for the Victim Services Unit.

SECTION ~~11.~~ ~~12.~~ *11.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 423

(House Bill 633)

AN ACT concerning

Secretary of State – Address Confidentiality Programs – Shielding of Real Property Records

FOR the purpose of enabling ~~certain~~ private entities to accept the use of a certain substitute address by a participant in a certain address confidentiality program; enabling a participant in a certain address confidentiality program to use a certain substitute address ~~for all purposes~~; requiring the Secretary of State to give written notice to the clerk of the circuit court within a certain number of days after a certain individual ceases to be a participant in a certain address confidentiality program, under certain circumstances; requiring any person to accept a certain address of a participant in a certain address confidentiality program as the address of the participant; prohibiting a person from requiring a participant in a certain address confidentiality program to submit a certain other address except under certain circumstances; authorizing a financial institution to require a certain request made by a participant in a certain address confidentiality program to be in a certain form; authorizing an individual who acquires an ownership interest in real property while participating in a certain address confidentiality program to request the shielding of real property records concerning the property in accordance with certain provisions of law; prohibiting a person from knowingly and intentionally obtaining the actual address or telephone number of a participant in a certain address confidentiality program from the clerk of the circuit court ~~or any private entity~~ without authorization to obtain the information; prohibiting a person from knowingly and intentionally seeking and obtaining the actual address or telephone number of a participant in a certain

address confidentiality program from any other person if the person has certain specific knowledge; prohibiting a certain person from knowingly and intentionally disclosing the actual address or telephone number of a participant in a certain address confidentiality program except under certain circumstances; prohibiting a person from knowingly disclosing the name, home address, work address, or school address of a participant in a certain address confidentiality program after receiving a certain notice under certain circumstances; authorizing the person to whom a certain consent is provided to require the consent to be in a certain form; establishing certain rules for service of process and service by publication on a participant in a certain address confidentiality program; requiring a participant in a certain address confidentiality program, or any agent of a program participant, to present a certain notice to the clerk of the circuit court and the appropriate county finance office in order to request the shielding of certain real property records; specifying the contents of the notice; requiring a participant in a certain address confidentiality program to submit a copy of the notice to the Secretary of State; specifying the instruments to which the notice applies; requiring a participant in a certain address confidentiality program to use a separate certain notice for each property in which the participant acquires an ownership interest; requiring the clerk of the circuit court to provide a copy of the notice to certain agencies; providing that the notice is not a public record within the meaning of certain provisions of law; prohibiting a clerk of the circuit court or any State or local agency that receives the notice from disclosing certain information in conjunction with the property identified in the notice, except under certain circumstances; providing that the prohibition on disclosure shall continue until a certain occurrence; requiring the clerks of the circuit courts, in conjunction with the Administrative Office of the Courts, to establish certain uniform statewide procedures for recording deeds and other instruments to comply with this Act; requiring certain agencies to establish procedures for maintaining tax records in accordance with this Act; authorizing the Secretary of State to authorize the disclosure of real property records that have been shielded under certain provisions of law for the purpose of performing a bona fide title examination, under certain circumstances; providing that nothing in this Act may be interpreted to require the Secretary of State to identify other agencies that may possess information on a participant in a certain address confidentiality program or a clerk of the circuit court or other State or local agency to independently determine whether the clerk or agency maintains information on a participant in a certain address confidentiality program; providing that nothing in this Act may be interpreted to prohibit the clerk of the circuit court or any State or local agency from sharing certain information with the Secretary of State for the purpose of facilitating compliance with this Act; requiring the Secretary of State to adopt regulations to carry out certain provisions of law; defining certain terms; providing that compliance with Maryland law in effect immediately preceding the effective date of this Act shall be deemed compliance with this Act until the effective date of certain regulations that the Secretary of State is required to adopt under this Act; providing for a delayed effective date; and generally relating to address confidentiality programs administered by the Secretary of State.

BY repealing and reenacting, without amendments,
Article – Family Law

Section 4–519, 4–521 through 4–524, 4–527, and 4–528
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–520, 4–525, 4–526, 4–529, and 4–530
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Family Law
Section 4–530
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Real Property
New part designation "Part I. General Provisions" to immediately precede Section 3–101; and Section 3–114 through 3–120 to be under the new part "Part II. Recordation of Instruments for Address Confidentiality Program Participants"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 7–301, 7–303 through 7–306, 7–309, and 7–310
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 7–302, 7–307, 7–308, 7–311, and 7–312
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Government
Section 7–312
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the new part designation "Part I. General Provisions" be added to immediately precede Section 3–101 of Article – Real Property of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

4–519.

(a) In this Part IV of this subtitle the following words have the meanings indicated.

(b) "Actual address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a Program participant under this part.

(c) "Disabled person" has the meaning stated in § 13–101 of the Estates and Trusts Article.

(d) "Program" means the Address Confidentiality Program.

(e) "Program participant" means a person designated as a Program participant under this part.

4–520.

The purpose of this part is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence;

(2) interagency cooperation in providing address confidentiality for victims of domestic violence; **[**and**]**

(3) State and local agencies **AND PRIVATE ENTITIES** to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address**; AND**

(4) A PROGRAM PARTICIPANT TO USE AN ADDRESS DESIGNATED BY THE OFFICE OF THE SECRETARY OF STATE AS A SUBSTITUTE ADDRESS ~~FOR ALL PURPOSES~~.

4–521.

The Secretary of State shall establish and administer an Address Confidentiality Program for victims of domestic violence.

4–522.

(a) Any of the following individuals may apply to participate in the Program:

(1) an individual acting on the individual's own behalf;

(2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or

(3) a guardian acting on behalf of a disabled person.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

(1) a statement that:

(i) the applicant is a victim of domestic violence; and

(ii) the applicant fears for the applicant's safety or the safety of the applicant's child;

(2) evidence that the applicant is a victim of domestic violence, including:

(i) certified law enforcement, court, or other federal or State agency records or files;

(ii) documentation from a domestic violence program; or

(iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of domestic violence;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first–class, certified, or registered mail;

(5) the mailing address and telephone number where the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence;

(7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the court that issued the order or has jurisdiction over the action;

(8) a sworn statement by the applicant that to the best of the applicant's knowledge all of the information contained in the application is true;

(9) the signature of the applicant and the date on which the applicant signed the application; and

(10) a voluntary release and waiver of all future claims against the State for any claim that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4–year period.

(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

4–523.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

4–524.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

4–525.

(a) The Secretary of State shall cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 4–524 of this part;

(2) the Program participant files a request for withdrawal of participation under § 4–522(c)(2) of this part;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 4–523 of this part; or

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) **(1)** An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

(2) IF AN INDIVIDUAL HAS REQUESTED THE SHIELDING OF PROPERTY RECORDS IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE, THE SECRETARY OF STATE SHALL GIVE WRITTEN NOTICE TO THE CLERK OF THE APPROPRIATE CIRCUIT COURT WITHIN 30 DAYS AFTER THE INDIVIDUAL CEASES TO BE A PROGRAM PARTICIPANT.

4–526.

(a) **(1)** A Program participant may make a request to any **PERSON OR** State or local agency to use the substitute address designated by the Secretary of State as the Program participant's address.

[(b)] **(2)** Subject to ~~subsection (c)~~ **SUBSECTIONS (B) AND (D)** of this section, when a Program participant has made a request to a **PERSON OR** State or local agency under [subsection (a) of this section] **THIS SUBSECTION**, the [State or local] **PERSON OR** agency shall use the substitute address designated by the Secretary of State as [a] **THE** Program participant's address.

(B) (1) (I) WHEN A PROGRAM PARTICIPANT PRESENTS THE ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO ANY PERSON, THAT ADDRESS MUST BE ACCEPTED AS THE ADDRESS OF THE PROGRAM PARTICIPANT.

(II) A PERSON MAY NOT REQUIRE A PROGRAM PARTICIPANT TO SUBMIT ANY ADDRESS THAT COULD BE USED TO PHYSICALLY LOCATE THE PROGRAM PARTICIPANT EITHER AS A SUBSTITUTE OR IN ADDITION TO THE DESIGNATED ADDRESS, OR AS A CONDITION OF RECEIVING A SERVICE OR BENEFIT, UNLESS THE SERVICE OR BENEFIT WOULD BE IMPOSSIBLE TO PROVIDE WITHOUT KNOWLEDGE OF THE PROGRAM PARTICIPANT'S PHYSICAL LOCATION.

(2) A BANK, A CREDIT UNION, ANY OTHER DEPOSITORY INSTITUTION, OR ANY OTHER FINANCIAL INSTITUTION WITHIN THE MEANING OF § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE MAY REQUIRE A REQUEST MADE UNDER SUBSECTION (A) OF THIS SECTION TO BE IN WRITING AND ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

~~(B)~~ **(C) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN REAL PROPERTY WHILE PARTICIPATING IN THE PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE.**

~~(c)~~ **(D)** (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

4–527.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election–related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying, except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

4–528.

(a) Except as otherwise provided by this part, a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4–101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address, except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 4–526 of this part.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

(1) is subject to a court order or administrative order;

(2) is involved in a court action or administrative action; or

(3) is a witness or a party in a civil or criminal proceeding.

4–529.

(a) **(1)** A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State **[**or**], THE CLERK OF A CIRCUIT COURT, OR** any agency~~, OR ANY PRIVATE ENTITY~~ without authorization to obtain the information.

(2) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY SEEK AND OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM ANY OTHER PERSON IF, AT THE TIME OF OBTAINING THE INFORMATION, THE PERSON HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER BELONGS TO A PROGRAM PARTICIPANT.

(b) (1) This subsection applies only when **[**an employee of the Secretary of State**] A PERSON**:

(i) obtains a Program participant's actual address or telephone number during the course of the **[**employee's**] PERSON'S** ~~official duties~~ **EMPLOYMENT**; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) **[**An employee of the Secretary of State or any agency**] A PERSON** may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law**, INCLUDING AS AUTHORIZED BY SUBSECTION (C) OF THIS SECTION.**

(c) **(1) IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS UNLESS:**

(I) THE PERSON TO WHOM THE ADDRESS IS DISCLOSED ALSO LIVES, WORKS, OR GOES TO SCHOOL AT THE DISCLOSED ADDRESS; OR

(II) THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH THE DISCLOSURE WILL BE MADE.

(2) THE PERSON TO WHOM WRITTEN CONSENT IS PROVIDED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) MAY REQUIRE THE CONSENT TO BE IN A PARTICULAR FORM ACCEPTABLE TO THE PERSON AND THE PROGRAM PARTICIPANT; AND

(II) SHALL LIMIT ANY DISCLOSURE TO ONLY THOSE DISCLOSURES THAT ARE NECESSARY FOR THE PURPOSE FOR WHICH THE CONSENT IS PROVIDED.

(3) A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS BELONGS TO THE PROGRAM PARTICIPANT.

(D) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

4–530.

(A) (1) IN THIS SECTION, "NOTICE" MEANS, FOR A PERSON DESCRIBED IN § 4–526(B)(2) OF THIS SUBTITLE, RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(2) "NOTICE" INCLUDES RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN ACCORDANCE WITH THIS SECTION.

~~(B)~~ (C) SERVICE OF PROCESS SHALL BE MADE:

(1) IN PERSON ON THE PROGRAM PARTICIPANT; OR

(2) BY MAIL ON THE SECRETARY OF STATE.

~~(C)~~ (D) IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:

(1) THE PUBLICATION OMITS THE NAME OF THE PROGRAM PARTICIPANT; AND

(2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE WITH SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION.

[4–530.**] 4–531.**

The Secretary of State shall adopt regulations to carry out the provisions of this part.

Article – Real Property

3–112. RESERVED.

3–113. RESERVED.

PART II. RECORDATION OF INSTRUMENTS FOR ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANTS.

3–114.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ACP NUMBER" MEANS THE UNIQUE IDENTIFICATION NUMBER ASSIGNED TO EACH PROGRAM PARTICIPANT BY THE SECRETARY.

(C) "ACTUAL ADDRESS" MEANS A RESIDENTIAL STREET ADDRESS, SCHOOL ADDRESS, OR WORK ADDRESS OF AN INDIVIDUAL, AS SPECIFIED ON THE INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT UNDER TITLE 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE OR TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.

(D) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS:

(1) THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE ADMINISTERED BY THE SECRETARY OF STATE UNDER TITLE 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE; OR

(2) THE HUMAN TRAFFICKING ADDRESS CONFIDENTIALITY PROGRAM ADMINISTERED BY THE SECRETARY UNDER TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.

(E) (1) "IDENTITY INFORMATION" MEANS INFORMATION THAT MAY BE USED TO IDENTIFY A PROGRAM PARTICIPANT.

(2) "IDENTITY INFORMATION" INCLUDES A PROGRAM PARTICIPANT'S:

(I) NAME;

(II) PHONE NUMBER;

(III) E–MAIL ADDRESS;

(IV) SOCIAL SECURITY NUMBER; AND

(V) DRIVER'S LICENSE NUMBER.

(F) "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL DESIGNATED BY THE SECRETARY AS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM.

(G) "REAL PROPERTY ACP NOTICE" MEANS THE NOTICE REQUIRED UNDER THIS PART FOR A PROGRAM PARTICIPANT TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS.

(H) "REAL PROPERTY RECORD" MEANS ANY RECORD OR DATA MAINTAINED BY A CLERK OF THE CIRCUIT COURT OR A STATE OR LOCAL AGENCY AS PART OF THE LAND OR TAX RECORDS.

(I) "SECRETARY" MEANS THE SECRETARY OF STATE.

(J) "SHIELD" MEANS TO REMOVE REAL PROPERTY RECORDS FROM PUBLIC INSPECTION IN ACCORDANCE WITH THIS PART.

(K) "SHIELDING" MEANS, WITH RESPECT TO A REAL PROPERTY RECORD ACCEPTED FOR RECORDING BY A CLERK OF THE CIRCUIT COURT OR A STATE OR LOCAL AGENCY, REMOVING THE RECORD TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS.

3–115.

(A) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN REAL PROPERTY WHILE PARTICIPATING IN AN ADDRESS CONFIDENTIALITY PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN ACCORDANCE WITH THIS SECTION.

(B) (1) TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS, A PROGRAM PARTICIPANT, OR ANY AGENT OF A PROGRAM PARTICIPANT, SHALL SUBMIT TO THE CLERK OF THE CIRCUIT COURT AND THE APPROPRIATE COUNTY FINANCE OFFICE:

(I) A REAL PROPERTY ACP NOTICE;

(II) THE DEED OR OTHER INSTRUMENT TO BE RECORDED; AND

(III) THE INTAKE SHEET REQUIRED UNDER § 3–104 OF THIS SUBTITLE.

(2) THE REAL PROPERTY ACP NOTICE SHALL BE ON THE FORM THAT THE SECRETARY PROVIDES AND SHALL INCLUDE:

(I) THE FULL LEGAL NAME OF THE PROGRAM PARTICIPANT, INCLUDING MIDDLE NAME;

(II) THE PROGRAM PARTICIPANT'S ACP NUMBER;

(III) THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY AS THE PROGRAM PARTICIPANT'S ADDRESS;

(IV) A DESCRIPTION OF THE PROPERTY IDENTICAL TO THE DESCRIPTION GIVEN ON THE INTAKE SHEET REQUIRED UNDER § 3–104 OF THIS SUBTITLE; AND

(V) THE SIGNATURE OF THE PROGRAM PARTICIPANT.

(3) THE PROGRAM PARTICIPANT SHALL SUBMIT TO THE SECRETARY A COPY OF ANY REAL PROPERTY ACP NOTICE SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) A REAL PROPERTY ACP NOTICE APPLIES TO:

(1) THE INSTRUMENT SUBMITTED FOR RECORDATION AT THE SAME TIME AS THE REAL PROPERTY ACP NOTICE; AND

(2) ANY OTHER INSTRUMENT CONCERNING THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE THAT IS SUBSEQUENTLY PRESENTED FOR RECORDATION <u>DURING THE PERIOD OF TIME THAT THE PROGRAM PARTICIPANT HOLDS A RECORD INTEREST IN THE PROPERTY AND IS A PROGRAM PARTICIPANT</u>.

(D) A PROGRAM PARTICIPANT SHALL USE A SEPARATE REAL PROPERTY ACP NOTICE FOR EACH PROPERTY IN WHICH THE PROGRAM PARTICIPANT ACQUIRES AN OWNERSHIP INTEREST.

(E) THE CLERK OF THE CIRCUIT COURT SHALL PROVIDE A COPY OF ANY REAL PROPERTY ACP NOTICE RECEIVED UNDER THIS SECTION TO THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AND THE STATE ARCHIVES.

(F) A REAL PROPERTY ACP NOTICE IS NOT A PUBLIC RECORD WITHIN THE MEANING OF § 4–101 OF THE GENERAL PROVISIONS ARTICLE.

(G) IF A PROGRAM PARTICIPANT INTENDS TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS UNDER THIS SECTION, THE PROGRAM PARTICIPANT MAY NOT SUBMIT ANY INSTRUMENT FOR RECORDATION ELECTRONICALLY.

3–116.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A CLERK OF THE CIRCUIT COURT AND ANY STATE OR LOCAL AGENCY THAT RECEIVES A REAL PROPERTY ACP NOTICE UNDER § 3–115 OF THIS SUBTITLE MAY NOT DISCLOSE THE PROGRAM PARTICIPANT'S IDENTITY INFORMATION IN CONJUNCTION WITH THE PROPERTY IDENTIFIED IN THE NOTICE.

(B) A PROGRAM PARTICIPANT'S IDENTITY INFORMATION MAY BE DISCLOSED IN CONJUNCTION WITH A PROPERTY IDENTIFIED IN A REAL PROPERTY ACP NOTICE IF:

(1) THE PROGRAM PARTICIPANT CONSENTS TO THE DISCLOSURE FOR A SPECIFIC PURPOSE IDENTIFIED IN A WRITING ACKNOWLEDGED BY THE PROGRAM PARTICIPANT;

(2) THE INFORMATION IS SUBJECT TO DISCLOSURE IN ACCORDANCE WITH A COURT ORDER; OR

(3) THE SECRETARY AUTHORIZES THE DISCLOSURE IN ACCORDANCE WITH § 3–118 OF THIS SUBTITLE.

(C) THE PROHIBITION ON DISCLOSURE SHALL CONTINUE UNTIL:

(1) THE PROGRAM PARTICIPANT CONSENTS TO THE TERMINATION OF THE REAL PROPERTY ACP NOTICE IN A WRITING ACKNOWLEDGED BY THE PROGRAM PARTICIPANT;

(2) THE REAL PROPERTY ACP NOTICE IS TERMINATED IN ACCORDANCE WITH A COURT ORDER;

(3) THE PROGRAM PARTICIPANT NO LONGER HOLDS A RECORD INTEREST IN THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE; OR

(4) THE SECRETARY GIVES WRITTEN NOTICE TO THE CLERK OF THE CIRCUIT COURT THAT THE INDIVIDUAL NAMED IN THE REAL PROPERTY ACP NOTICE IS NO LONGER A PROGRAM PARTICIPANT.

3–117.

(A) (1) THE CLERKS OF THE CIRCUIT COURTS, IN CONJUNCTION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL ESTABLISH UNIFORM STATEWIDE PROCEDURES FOR RECORDING DEEDS AND OTHER INSTRUMENTS TO COMPLY WITH THIS PART.

(2) THE PROCEDURES SHALL, AT A MINIMUM, INCLUDE PROVISIONS FOR:

(I) SHIELDING RECORDED INSTRUMENTS THAT CONTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR IDENTITY INFORMATION; AND

(II) PROVIDING NOTICE TO THE PUBLIC OF THE EXISTENCE OF A SHIELDED INSTRUMENT AND INSTRUCTIONS FOR REQUESTING ACCESS TO THE SHIELDED INSTRUMENT IN ACCORDANCE WITH § 3–118 OF THIS SUBTITLE.

(3) NOTHING IN THIS SECTION MAY BE INTERPRETED TO PROHIBIT A CLERK OF THE CIRCUIT COURT FROM RETURNING AN ORIGINAL DEED OR ANY OTHER INSTRUMENT TO THE ~~INDIVIDUAL~~ PERSON WHO SUBMITTED THE INSTRUMENT FOR RECORDATION.

(B) ALL STATE AND LOCAL AGENCIES, INCLUDING THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AND ALL COUNTY, BICOUNTY, MUNICIPAL, AND SPECIAL TAXING DISTRICT FINANCE OFFICES, SHALL ESTABLISH UNIFORM PROCEDURES FOR MAINTAINING RECORDS, INCLUDING TAX, UTILITY, AND ZONING RECORDS, IN ACCORDANCE WITH THIS PART.

3–118.

(A) ON REQUEST, THE SECRETARY MAY AUTHORIZE THE DISCLOSURE OF REAL PROPERTY RECORDS THAT HAVE BEEN SHIELDED UNDER § 3–116 OF THIS SUBTITLE FOR THE PURPOSE OF PERFORMING A BONA FIDE TITLE EXAMINATION.

(B) A REQUEST UNDER THIS SECTION SHALL INCLUDE:

(1) THE NAME, TITLE, ADDRESS, AND AFFILIATED ORGANIZATION, IF APPLICABLE, OF THE INDIVIDUAL REQUESTING THE DISCLOSURE;

(2) THE INDIVIDUAL'S PURPOSE FOR REQUESTING THE DISCLOSURE;

(3) THE INDIVIDUAL'S RELATIONSHIP, IF ANY, TO THE PROGRAM PARTICIPANT;

(4) A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE TITLE EXAMINATION;

(5) A STATEMENT THAT ANY INFORMATION DISCLOSED TO THE INDIVIDUAL SHALL BE TREATED AS CONFIDENTIAL AND SHALL BE USED AND DISCLOSED ONLY FOR THE PURPOSE IDENTIFIED IN THE REQUEST;

(6) THE INDIVIDUAL'S SIGNATURE; AND

(7) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY TO RESPOND TO THE REQUEST.

(C) (1) WITHIN 2 BUSINESS DAYS AFTER RECEIVING A REQUEST UNDER THIS SECTION, THE SECRETARY SHALL PROVIDE A WRITTEN RESPONSE APPROVING OR DENYING THE REQUEST.

(2) THE SECRETARY SHALL APPROVE THE REQUEST ONLY IF THE SECRETARY CONFIRMS THAT THE PROPERTY SUBJECT TO THE TITLE EXAMINATION IS THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE OF A CURRENT PROGRAM PARTICIPANT.

(3) IF THE PROPERTY BELONGS TO AN INDIVIDUAL WHO IS NO LONGER A PROGRAM PARTICIPANT:

(I) THE SECRETARY SHALL GIVE WRITTEN NOTICE TO THE CLERK OF THE APPROPRIATE CIRCUIT COURT AND THE STATE ARCHIVES; AND

(II) THE CLERK AND THE STATE ARCHIVES SHALL CEASE SHIELDING ALL REAL PROPERTY RECORDS RELATING TO THE PROPERTY.

3–119.

(A) NOTHING IN THIS PART MAY BE INTERPRETED TO REQUIRE:

(1) THE SECRETARY TO IDENTIFY OTHER AGENCIES THAT MAY POSSESS INFORMATION ON A PROGRAM PARTICIPANT; OR

(2) THE CLERK OF A CIRCUIT COURT OR ANY STATE OR LOCAL AGENCY TO INDEPENDENTLY DETERMINE WHETHER THE CLERK OR AGENCY MAINTAINS INFORMATION ON A PROGRAM PARTICIPANT.

(B) NOTHING IN THIS PART MAY BE INTERPRETED TO PROHIBIT THE CLERK OF A CIRCUIT COURT OR ANY STATE OR LOCAL AGENCY FROM SHARING A PROGRAM PARTICIPANT'S INFORMATION WITH THE SECRETARY FOR THE PURPOSE OF FACILITATING COMPLIANCE WITH THIS PART.

3–120.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.

Article – State Government

7–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Actual address" means a residential street address, school address, or work address of an individual as specified on the individual's application to be a Program participant under this subtitle.

(c) "Disabled person" has the meaning stated in § 13–101 of the Estates and Trusts Article.

(d) "Program" means the Human Trafficking Address Confidentiality Program.

(e) "Program participant" means an individual designated as a Program participant under this subtitle.

(f) "Victim of human trafficking" means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

7–302.

The purpose of this subtitle is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a victim of human trafficking;

(2) interagency cooperation in providing address confidentiality for victims of human trafficking; **[**and**]**

(3) State and local agencies **AND PRIVATE ENTITIES** to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address**; AND**

(4) A PROGRAM PARTICIPANT TO USE AN ADDRESS DESIGNATED BY THE OFFICE OF THE SECRETARY OF STATE AS A SUBSTITUTE ADDRESS ~~**FOR ALL PURPOSES**~~.

7–303.

The Secretary of State shall establish and administer a Human Trafficking Address Confidentiality Program for victims of human trafficking.

7–304.

(a) The following individuals may apply to participate in the Program:

(1) an individual acting on the individual's own behalf;

(2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or

(3) a guardian acting on behalf of a disabled person.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

(1) a statement that:

(i) the applicant is a victim of human trafficking; and

(ii) the applicant fears for the applicant's safety or the safety of the applicant's child;

(2) evidence that the applicant is a victim of human trafficking, including:

(i) certified law enforcement, court, or other federal or State agency records or files;

(ii) documentation from a human trafficking prevention or assistance program; or

(iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first–class, certified, or registered mail;

(5) the mailing address and telephone number at which the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of human trafficking or other crimes;

(7) a sworn statement by the applicant that, to the best of the applicant's knowledge, all the information contained in the application is true;

(8) the signature of the applicant and the date on which the applicant signed the application; and

(9) a voluntary release and waiver of all future claims against the State that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4–year period.

(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

7–305.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

7–306.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or a telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

7–307.

(a) The Secretary of State shall cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 7–306 of this subtitle;

(2) the Program participant files a request for withdrawal of participation under § 7–304(c)(2) of this subtitle;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 7–305 of this subtitle; or

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) **(1)** An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

(2) IF AN INDIVIDUAL HAS REQUESTED THE SHIELDING OF PROPERTY RECORDS IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE, THE SECRETARY OF STATE SHALL GIVE WRITTEN NOTICE TO THE CLERK OF THE CIRCUIT COURT WITHIN 30 DAYS AFTER THE INDIVIDUAL CEASES TO BE A PROGRAM PARTICIPANT.

7–308.

(a) **(1)** A Program participant may make a request to any **PERSON OR** State or local agency to use a substitute address designated by the Secretary of State as the Program participant's address.

[(b)**]** **(2)** Subject to ~~subsection (c)~~ **SUBSECTIONS (B) AND (D)** of this section, when a Program participant has made a request to a **PERSON OR** State or local agency under **[**subsection (a) of this section**]** **THIS SUBSECTION**, the **[**State or local**]** **PERSON OR** agency shall use the substitute address designated by the Secretary of State as **[**a**]** **THE** Program participant's address.

(B) (1) (I) WHEN A PROGRAM PARTICIPANT PRESENTS THE ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO ANY PERSON, THAT ADDRESS MUST BE ACCEPTED AS THE ADDRESS OF THE PROGRAM PARTICIPANT.

(II) A PERSON MAY NOT REQUIRE A PROGRAM PARTICIPANT TO SUBMIT ANY ADDRESS THAT COULD BE USED TO PHYSICALLY LOCATE THE PROGRAM PARTICIPANT EITHER AS A SUBSTITUTE OR IN ADDITION TO THE DESIGNATED ADDRESS, OR AS A CONDITION OF RECEIVING A SERVICE OR BENEFIT, UNLESS THE SERVICE OR BENEFIT WOULD BE IMPOSSIBLE TO PROVIDE WITHOUT KNOWLEDGE OF THE PROGRAM PARTICIPANT'S PHYSICAL LOCATION.

(2) A BANK, A CREDIT UNION, ANY OTHER DEPOSITORY INSTITUTION, OR ANY OTHER FINANCIAL INSTITUTION WITHIN THE MEANING OF § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE MAY REQUIRE A REQUEST MADE UNDER SUBSECTION (A) OF THIS SECTION TO BE IN WRITING AND ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

~~(B)~~ **(C) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN REAL PROPERTY WHILE PARTICIPATING IN THE PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE.**

~~(c)~~ **(D)** (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

7–309.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election–related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

7–310.

(a) Except as otherwise provided by this subtitle, a record of a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4–101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 7–308 of this subtitle.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

(1) is subject to a court order or an administrative order;

(2) is involved in a court action or an administrative action; or

(3) is a witness or a party in a civil or criminal proceeding.

7–311.

(a) **(1)** A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State **[**or**], THE CLERK OF A CIRCUIT COURT, OR** any agency~~**, OR ANY PRIVATE ENTITY**~~ without authorization to obtain the information.

(2) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY SEEK AND OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM ANY OTHER PERSON IF, AT THE TIME OF OBTAINING THE INFORMATION, THE PERSON HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER BELONGS TO A PROGRAM PARTICIPANT.

(b) (1) This subsection applies only when **[**an employee of the Secretary of State**] A PERSON**:

(i) obtains a Program participant's actual address or telephone number during the course of the **[**employee's**] PERSON'S** ~~official duties~~ **EMPLOYMENT**; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) **[**An employee of the Secretary of State or any State or local agency**] A PERSON** may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law**, INCLUDING AS AUTHORIZED BY SUBSECTION (C) OF THIS SECTION.**

(c) **(1) IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS UNLESS:**

(I) THE PERSON TO WHOM THE ADDRESS IS DISCLOSED ALSO LIVES, WORKS, OR GOES TO SCHOOL AT THE DISCLOSED ADDRESS; OR

(II) THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH THE DISCLOSURE WILL BE MADE.

(2) THE PERSON TO WHOM WRITTEN CONSENT IS PROVIDED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) MAY REQUIRE THE CONSENT TO BE IN A PARTICULAR FORM ACCEPTABLE TO THE PERSON AND THE PROGRAM PARTICIPANT; AND

(II) SHALL LIMIT ANY DISCLOSURE TO ONLY THOSE DISCLOSURES THAT ARE NECESSARY FOR THE PURPOSE FOR WHICH THE CONSENT IS PROVIDED.

(3) A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS BELONGS TO THE PROGRAM PARTICIPANT.

(D) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

7–312.

(A) (1) IN THIS SECTION, "NOTICE" MEANS, FOR A PERSON DESCRIBED IN § 7–308(B)(2) OF THIS SUBTITLE, RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(2) "NOTICE" INCLUDES RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN ACCORDANCE WITH THIS SECTION.

~~(B)~~ (C) SERVICE OF PROCESS SHALL BE MADE:

(1) IN PERSON ON THE PROGRAM PARTICIPANT; OR

(2) BY MAIL ON THE SECRETARY OF STATE.

~~(C)~~ (D) IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:

(1) THE PUBLICATION OMITS THE NAME OF THE PROGRAM PARTICIPANT; AND

(2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE WITH SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION.

[7–312.**] 7–313.**

The Secretary of State shall adopt regulations to carry out the provisions of this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That, until the effective date of the regulations that the Secretary of State is required to adopt under § 4–531 of the Family Law Article, § 3–120 of the Real Property Article, and § 7–313 of the State Government Article, as enacted under Section 2 of this Act, compliance with Maryland law in effect immediately preceding the effective date of this Act shall be deemed to be compliance with this Act.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2018~~ January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 424

(Senate Bill 578)

AN ACT concerning

Secretary of State – Address Confidentiality Programs – Shielding of Real Property Records

FOR the purpose of enabling ~~certain~~ private entities to accept the use of a certain substitute address by a participant in a certain address confidentiality program; enabling a participant in a certain address confidentiality program to use a certain substitute address ~~for all purposes~~; requiring the Secretary of State to give written notice to the clerk of the circuit court within a certain number of days after a certain individual ceases to be a participant in a certain address confidentiality program, under certain circumstances; requiring any person to accept a certain address of a participant in a certain address confidentiality program as the address of the participant; prohibiting a person from requiring a participant in a certain address confidentiality program to submit a certain other address except under certain circumstances; authorizing a financial institution to require a certain request made by a participant in a certain address confidentiality program to be in a certain form; authorizing an individual who acquires an ownership interest in real property while participating in a certain address confidentiality program to request the shielding of real property records concerning the property in accordance with certain provisions of law; prohibiting a person from knowingly and intentionally obtaining the actual address or telephone number of a participant in a certain address confidentiality program from the clerk of the circuit court ~~or any private entity~~ without authorization to obtain the

information; prohibiting a person from knowingly and intentionally seeking and obtaining the actual address or telephone number of a participant in a certain address confidentiality program from any other person if the person has certain specific knowledge; prohibiting a certain person from knowingly and intentionally disclosing the actual address or telephone number of a participant in a certain address confidentiality program except under certain circumstances; prohibiting a person from knowingly disclosing the name, home address, work address, or school address of a participant in a certain address confidentiality program after receiving a certain notice under certain circumstances; authorizing the person to whom a certain consent is provided to require the consent to be in a certain form; establishing certain rules for service of process and service by publication on a participant in a certain address confidentiality program; requiring a participant in a certain address confidentiality program, or any agent of a program participant, to present a certain notice to the clerk of the circuit court and the appropriate county finance office in order to request the shielding of certain real property records; specifying the contents of the notice; requiring a participant in a certain address confidentiality program to submit a copy of the notice to the Secretary of State; specifying the instruments to which the notice applies; requiring a participant in a certain address confidentiality program to use a separate certain notice for each property in which the participant acquires an ownership interest; requiring the clerk of the circuit court to provide a copy of the notice to certain agencies; providing that the notice is not a public record within the meaning of certain provisions of law; prohibiting a clerk of the circuit court or any State or local agency that receives the notice from disclosing certain information in conjunction with the property identified in the notice, except under certain circumstances; providing that the prohibition on disclosure shall continue until a certain occurrence; requiring the clerks of the circuit courts, in conjunction with the Administrative Office of the Courts, to establish certain uniform statewide procedures for recording deeds and other instruments to comply with this Act; requiring certain agencies to establish procedures for maintaining tax records in accordance with this Act; authorizing the Secretary of State to authorize the disclosure of real property records that have been shielded under certain provisions of law for the purpose of performing a bona fide title examination, under certain circumstances; providing that nothing in this Act may be interpreted to require the Secretary of State to identify other agencies that may possess information on a participant in a certain address confidentiality program or a clerk of the circuit court or other State or local agency to independently determine whether the clerk or agency maintains information on a participant in a certain address confidentiality program; providing that nothing in this Act may be interpreted to prohibit the clerk of the circuit court or any State or local agency from sharing certain information with the Secretary of State for the purpose of facilitating compliance with this Act; requiring the Secretary of State to adopt regulations to carry out certain provisions of law; defining certain terms; providing that compliance with Maryland law in effect immediately preceding the effective date of this Act shall be deemed compliance with this Act until the effective date of certain regulations that the Secretary of State is required to adopt under this Act; providing for a delayed effective date; and generally relating to address confidentiality programs administered by the Secretary of State.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–519, 4–521 through 4–524, 4–527, and 4–528
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–520, 4–525, 4–526, 4–529, and 4–530
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Family Law
Section 4–530
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Real Property
New part designation "Part I. General Provisions" to immediately precede Section 3–101; and Section 3–114 through 3–120 to be under the new part "Part II. Recordation of Instruments for Address Confidentiality Program Participants"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 7–301, 7–303 through 7–306, 7–309, and 7–310
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 7–302, 7–307, 7–308, 7–311, and 7–312
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Government
Section 7–312
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the new part designation "Part I. General Provisions" be added to immediately precede Section 3–101 of Article – Real Property of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

4–519.

(a) In this Part IV of this subtitle the following words have the meanings indicated.

(b) "Actual address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a Program participant under this part.

(c) "Disabled person" has the meaning stated in § 13–101 of the Estates and Trusts Article.

(d) "Program" means the Address Confidentiality Program.

(e) "Program participant" means a person designated as a Program participant under this part.

4–520.

The purpose of this part is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence;

(2) interagency cooperation in providing address confidentiality for victims of domestic violence; **[**and**]**

(3) State and local agencies **AND PRIVATE ENTITIES** to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address**; AND**

(4) A PROGRAM PARTICIPANT TO USE AN ADDRESS DESIGNATED BY THE OFFICE OF THE SECRETARY OF STATE AS A SUBSTITUTE ADDRESS ~~FOR ALL PURPOSES~~.

4–521.

The Secretary of State shall establish and administer an Address Confidentiality Program for victims of domestic violence.

4–522.

(a) Any of the following individuals may apply to participate in the Program:

(1) an individual acting on the individual's own behalf;

(2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or

(3) a guardian acting on behalf of a disabled person.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

(1) a statement that:

(i) the applicant is a victim of domestic violence; and

(ii) the applicant fears for the applicant's safety or the safety of the applicant's child;

(2) evidence that the applicant is a victim of domestic violence, including:

(i) certified law enforcement, court, or other federal or State agency records or files;

(ii) documentation from a domestic violence program; or

(iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of domestic violence;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first–class, certified, or registered mail;

(5) the mailing address and telephone number where the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence;

(7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the court that issued the order or has jurisdiction over the action;

(8) a sworn statement by the applicant that to the best of the applicant's knowledge all of the information contained in the application is true;

(9) the signature of the applicant and the date on which the applicant signed the application; and

(10) a voluntary release and waiver of all future claims against the State for any claim that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4–year period.

(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

4–523.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

4–524.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

4–525.

(a) The Secretary of State shall cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 4–524 of this part;

(2) the Program participant files a request for withdrawal of participation under § 4–522(c)(2) of this part;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 4–523 of this part; or

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) **(1)** An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

(2) IF AN INDIVIDUAL HAS REQUESTED THE SHIELDING OF PROPERTY RECORDS IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE, THE SECRETARY OF STATE SHALL GIVE WRITTEN NOTICE TO THE CLERK OF THE APPROPRIATE CIRCUIT COURT WITHIN 30 DAYS AFTER THE INDIVIDUAL CEASES TO BE A PROGRAM PARTICIPANT.

4–526.

(a) **(1)** A Program participant may make a request to any **PERSON OR** State or local agency to use the substitute address designated by the Secretary of State as the Program participant's address.

[(b)**]** **(2)** Subject to ~~subsection (c)~~ **SUBSECTIONS (B) AND (D)** of this section, when a Program participant has made a request to a **PERSON OR** State or local agency under **[**subsection (a) of this section**]** **THIS SUBSECTION**, the **[**State or local**]** **PERSON OR** agency shall use the substitute address designated by the Secretary of State as **[**a**]** **THE** Program participant's address.

(B) (1) (I) WHEN A PROGRAM PARTICIPANT PRESENTS THE ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO ANY PERSON, THAT ADDRESS MUST BE ACCEPTED AS THE ADDRESS OF THE PROGRAM PARTICIPANT.

(II) A PERSON MAY NOT REQUIRE A PROGRAM PARTICIPANT TO SUBMIT ANY ADDRESS THAT COULD BE USED TO PHYSICALLY LOCATE THE PROGRAM PARTICIPANT EITHER AS A SUBSTITUTE OR IN ADDITION TO THE DESIGNATED ADDRESS, OR AS A CONDITION OF RECEIVING A SERVICE OR BENEFIT, UNLESS THE SERVICE OR BENEFIT WOULD BE IMPOSSIBLE TO PROVIDE WITHOUT KNOWLEDGE OF THE PROGRAM PARTICIPANT'S PHYSICAL LOCATION.

(2) A BANK, A CREDIT UNION, ANY OTHER DEPOSITORY INSTITUTION, OR ANY OTHER FINANCIAL INSTITUTION WITHIN THE MEANING OF § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE MAY REQUIRE A REQUEST MADE UNDER SUBSECTION (A) OF THIS SECTION TO BE IN WRITING AND ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

~~(B)~~ **(C) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN REAL PROPERTY WHILE PARTICIPATING IN THE PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE.**

~~(c)~~ **(D)** (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

4–527.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election–related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying, except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

4–528.

(a) Except as otherwise provided by this part, a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4–101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address, except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 4–526 of this part.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

(1) is subject to a court order or administrative order;

(2) is involved in a court action or administrative action; or

(3) is a witness or a party in a civil or criminal proceeding.

4–529.

(a) **(1)** A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State **[**or**], THE CLERK OF A CIRCUIT COURT, OR** any agency~~**, OR ANY PRIVATE ENTITY**~~ without authorization to obtain the information.

(2) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY SEEK AND OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM ANY OTHER PERSON IF, AT THE TIME OF OBTAINING THE INFORMATION, THE PERSON HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER BELONGS TO A PROGRAM PARTICIPANT.

(b) (1) This subsection applies only when **[**an employee of the Secretary of State**] A PERSON**:

(i) obtains a Program participant's actual address or telephone number during the course of the **[**employee's**] PERSON'S** ~~official duties~~ **EMPLOYMENT**; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) **[**An employee of the Secretary of State or any agency**] A PERSON** may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law**, INCLUDING AS AUTHORIZED BY SUBSECTION (C) OF THIS SECTION**.

(c) **(1) IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS UNLESS:**

(I) THE PERSON TO WHOM THE ADDRESS IS DISCLOSED ALSO LIVES, WORKS, OR GOES TO SCHOOL AT THE DISCLOSED ADDRESS; OR

(II) THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH THE DISCLOSURE WILL BE MADE.

(2) THE PERSON TO WHOM WRITTEN CONSENT IS PROVIDED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) MAY REQUIRE THE CONSENT TO BE IN A PARTICULAR FORM ACCEPTABLE TO THE PERSON AND THE PROGRAM PARTICIPANT; AND

(II) SHALL LIMIT ANY DISCLOSURE TO ONLY THOSE DISCLOSURES THAT ARE NECESSARY FOR THE PURPOSE FOR WHICH THE CONSENT IS PROVIDED.

(3) A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS BELONGS TO THE PROGRAM PARTICIPANT.

(D) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

4–530.

(A) (1) IN THIS SECTION, "NOTICE" MEANS, FOR A PERSON DESCRIBED IN § 4–526(B)(2) OF THIS SUBTITLE, RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(2) "NOTICE" INCLUDES RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN ACCORDANCE WITH THIS SECTION.

~~(B)~~ (C) SERVICE OF PROCESS SHALL BE MADE:

(1) IN PERSON ON THE PROGRAM PARTICIPANT; OR

(2) BY MAIL ON THE SECRETARY OF STATE.

~~(C)~~ (D) IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:

(1) THE PUBLICATION OMITS THE NAME OF THE PROGRAM PARTICIPANT; AND

(2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE WITH SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION.

[4–530.**] 4–531.**

The Secretary of State shall adopt regulations to carry out the provisions of this part.

Article – Real Property

3–112. RESERVED.

3–113. RESERVED.

PART II. RECORDATION OF INSTRUMENTS FOR ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANTS.

3–114.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ACP NUMBER" MEANS THE UNIQUE IDENTIFICATION NUMBER ASSIGNED TO EACH PROGRAM PARTICIPANT BY THE SECRETARY.

(C) "ACTUAL ADDRESS" MEANS A RESIDENTIAL STREET ADDRESS, SCHOOL ADDRESS, OR WORK ADDRESS OF AN INDIVIDUAL, AS SPECIFIED ON THE INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT UNDER TITLE 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE OR TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.

(D) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS:

(1) THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE ADMINISTERED BY THE SECRETARY OF STATE UNDER TITLE 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE; OR

(2) THE HUMAN TRAFFICKING ADDRESS CONFIDENTIALITY PROGRAM ADMINISTERED BY THE SECRETARY UNDER TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.

(E) (1) "IDENTITY INFORMATION" MEANS INFORMATION THAT MAY BE USED TO IDENTIFY A PROGRAM PARTICIPANT.

(2) "IDENTITY INFORMATION" INCLUDES A PROGRAM PARTICIPANT'S:

(I) NAME;

(II) PHONE NUMBER;

(III) E–MAIL ADDRESS;

(IV) SOCIAL SECURITY NUMBER; AND

(V) DRIVER'S LICENSE NUMBER.

(F) "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL DESIGNATED BY THE SECRETARY AS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM.

(G) "REAL PROPERTY ACP NOTICE" MEANS THE NOTICE REQUIRED UNDER THIS PART FOR A PROGRAM PARTICIPANT TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS.

(H) "REAL PROPERTY RECORD" MEANS ANY RECORD OR DATA MAINTAINED BY A CLERK OF THE CIRCUIT COURT OR A STATE OR LOCAL AGENCY AS PART OF THE LAND OR TAX RECORDS.

(I) "SECRETARY" MEANS THE SECRETARY OF STATE.

(J) "SHIELD" MEANS TO REMOVE REAL PROPERTY RECORDS FROM PUBLIC INSPECTION IN ACCORDANCE WITH THIS PART.

(K) "SHIELDING" MEANS, WITH RESPECT TO A REAL PROPERTY RECORD ACCEPTED FOR RECORDING BY A CLERK OF THE CIRCUIT COURT OR A STATE OR LOCAL AGENCY, REMOVING THE RECORD TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS.

3–115.

(A) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN REAL PROPERTY WHILE PARTICIPATING IN AN ADDRESS CONFIDENTIALITY PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN ACCORDANCE WITH THIS SECTION.

(B) (1) TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS, A PROGRAM PARTICIPANT, OR ANY AGENT OF A PROGRAM PARTICIPANT, SHALL SUBMIT TO THE CLERK OF THE CIRCUIT COURT AND THE APPROPRIATE COUNTY FINANCE OFFICE:

(I) A REAL PROPERTY ACP NOTICE;

(II) THE DEED OR OTHER INSTRUMENT TO BE RECORDED; AND

(III) THE INTAKE SHEET REQUIRED UNDER § 3–104 OF THIS SUBTITLE.

(2) THE REAL PROPERTY ACP NOTICE SHALL BE ON THE FORM THAT THE SECRETARY PROVIDES AND SHALL INCLUDE:

(I) THE FULL LEGAL NAME OF THE PROGRAM PARTICIPANT, INCLUDING MIDDLE NAME;

(II) THE PROGRAM PARTICIPANT'S ACP NUMBER;

(III) THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY AS THE PROGRAM PARTICIPANT'S ADDRESS;

(IV) A DESCRIPTION OF THE PROPERTY IDENTICAL TO THE DESCRIPTION GIVEN ON THE INTAKE SHEET REQUIRED UNDER § 3–104 OF THIS SUBTITLE; AND

(V) THE SIGNATURE OF THE PROGRAM PARTICIPANT.

(3) THE PROGRAM PARTICIPANT SHALL SUBMIT TO THE SECRETARY A COPY OF ANY REAL PROPERTY ACP NOTICE SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) A REAL PROPERTY ACP NOTICE APPLIES TO:

(1) THE INSTRUMENT SUBMITTED FOR RECORDATION AT THE SAME TIME AS THE REAL PROPERTY ACP NOTICE; AND

(2) ANY OTHER INSTRUMENT CONCERNING THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE THAT IS SUBSEQUENTLY PRESENTED FOR RECORDATION <u>DURING THE PERIOD OF TIME THAT THE PROGRAM PARTICIPANT HOLDS A RECORD INTEREST IN THE PROPERTY AND IS A PROGRAM PARTICIPANT</u>.

(D) A PROGRAM PARTICIPANT SHALL USE A SEPARATE REAL PROPERTY ACP NOTICE FOR EACH PROPERTY IN WHICH THE PROGRAM PARTICIPANT ACQUIRES AN OWNERSHIP INTEREST.

(E) THE CLERK OF THE CIRCUIT COURT SHALL PROVIDE A COPY OF ANY REAL PROPERTY ACP NOTICE RECEIVED UNDER THIS SECTION TO THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AND THE STATE ARCHIVES.

(F) A REAL PROPERTY ACP NOTICE IS NOT A PUBLIC RECORD WITHIN THE MEANING OF § 4–101 OF THE GENERAL PROVISIONS ARTICLE.

(G) IF A PROGRAM PARTICIPANT INTENDS TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS UNDER THIS SECTION, THE PROGRAM PARTICIPANT MAY NOT SUBMIT ANY INSTRUMENT FOR RECORDATION ELECTRONICALLY.

3–116.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A CLERK OF THE CIRCUIT COURT AND ANY STATE OR LOCAL AGENCY THAT RECEIVES A REAL PROPERTY ACP NOTICE UNDER § 3–115 OF THIS SUBTITLE MAY NOT DISCLOSE THE PROGRAM PARTICIPANT'S IDENTITY INFORMATION IN CONJUNCTION WITH THE PROPERTY IDENTIFIED IN THE NOTICE.

(B) A PROGRAM PARTICIPANT'S IDENTITY INFORMATION MAY BE DISCLOSED IN CONJUNCTION WITH A PROPERTY IDENTIFIED IN A REAL PROPERTY ACP NOTICE IF:

(1) THE PROGRAM PARTICIPANT CONSENTS TO THE DISCLOSURE FOR A SPECIFIC PURPOSE IDENTIFIED IN A WRITING ACKNOWLEDGED BY THE PROGRAM PARTICIPANT;

(2) THE INFORMATION IS SUBJECT TO DISCLOSURE IN ACCORDANCE WITH A COURT ORDER; OR

(3) THE SECRETARY AUTHORIZES THE DISCLOSURE IN ACCORDANCE WITH § 3–118 OF THIS SUBTITLE.

(C) THE PROHIBITION ON DISCLOSURE SHALL CONTINUE UNTIL:

(1) THE PROGRAM PARTICIPANT CONSENTS TO THE TERMINATION OF THE REAL PROPERTY ACP NOTICE IN A WRITING ACKNOWLEDGED BY THE PROGRAM PARTICIPANT;

(2) THE REAL PROPERTY ACP NOTICE IS TERMINATED IN ACCORDANCE WITH A COURT ORDER;

(3) THE PROGRAM PARTICIPANT NO LONGER HOLDS A RECORD INTEREST IN THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE; OR

(4) THE SECRETARY GIVES WRITTEN NOTICE TO THE CLERK OF THE CIRCUIT COURT THAT THE INDIVIDUAL NAMED IN THE REAL PROPERTY ACP NOTICE IS NO LONGER A PROGRAM PARTICIPANT.

3–117.

(A) (1) THE CLERKS OF THE CIRCUIT COURTS, IN CONJUNCTION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL ESTABLISH UNIFORM STATEWIDE PROCEDURES FOR RECORDING DEEDS AND OTHER INSTRUMENTS TO COMPLY WITH THIS PART.

(2) THE PROCEDURES SHALL, AT A MINIMUM, INCLUDE PROVISIONS FOR:

(I) SHIELDING RECORDED INSTRUMENTS THAT CONTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR IDENTITY INFORMATION; AND

(II) PROVIDING NOTICE TO THE PUBLIC OF THE EXISTENCE OF A SHIELDED INSTRUMENT AND INSTRUCTIONS FOR REQUESTING ACCESS TO THE SHIELDED INSTRUMENT IN ACCORDANCE WITH § 3–118 OF THIS SUBTITLE.

(3) NOTHING IN THIS SECTION MAY BE INTERPRETED TO PROHIBIT A CLERK OF THE CIRCUIT COURT FROM RETURNING AN ORIGINAL DEED OR ANY OTHER INSTRUMENT TO THE ~~INDIVIDUAL~~ PERSON WHO SUBMITTED THE INSTRUMENT FOR RECORDATION.

(B) ALL STATE AND LOCAL AGENCIES, INCLUDING THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AND ALL COUNTY, BICOUNTY, MUNICIPAL, AND SPECIAL TAXING DISTRICT FINANCE OFFICES, SHALL ESTABLISH UNIFORM PROCEDURES FOR MAINTAINING RECORDS, INCLUDING TAX, UTILITY, AND ZONING RECORDS, IN ACCORDANCE WITH THIS PART.

3–118.

(A) ON REQUEST, THE SECRETARY MAY AUTHORIZE THE DISCLOSURE OF REAL PROPERTY RECORDS THAT HAVE BEEN SHIELDED UNDER § 3–116 OF THIS SUBTITLE FOR THE PURPOSE OF PERFORMING A BONA FIDE TITLE EXAMINATION.

(B) A REQUEST UNDER THIS SECTION SHALL INCLUDE:

(1) THE NAME, TITLE, ADDRESS, AND AFFILIATED ORGANIZATION, IF APPLICABLE, OF THE INDIVIDUAL REQUESTING THE DISCLOSURE;

(2) THE INDIVIDUAL'S PURPOSE FOR REQUESTING THE DISCLOSURE;

(3) THE INDIVIDUAL'S RELATIONSHIP, IF ANY, TO THE PROGRAM PARTICIPANT;

(4) A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE TITLE EXAMINATION;

(5) A STATEMENT THAT ANY INFORMATION DISCLOSED TO THE INDIVIDUAL SHALL BE TREATED AS CONFIDENTIAL AND SHALL BE USED AND DISCLOSED ONLY FOR THE PURPOSE IDENTIFIED IN THE REQUEST;

(6) THE INDIVIDUAL'S SIGNATURE; AND

(7) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY TO RESPOND TO THE REQUEST.

(C) (1) WITHIN 2 BUSINESS DAYS AFTER RECEIVING A REQUEST UNDER THIS SECTION, THE SECRETARY SHALL PROVIDE A WRITTEN RESPONSE APPROVING OR DENYING THE REQUEST.

(2) THE SECRETARY SHALL APPROVE THE REQUEST ONLY IF THE SECRETARY CONFIRMS THAT THE PROPERTY SUBJECT TO THE TITLE EXAMINATION IS THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE OF A CURRENT PROGRAM PARTICIPANT.

(3) IF THE PROPERTY BELONGS TO AN INDIVIDUAL WHO IS NO LONGER A PROGRAM PARTICIPANT:

(I) THE SECRETARY SHALL GIVE WRITTEN NOTICE TO THE CLERK OF THE APPROPRIATE CIRCUIT COURT AND THE STATE ARCHIVES; AND

(II) THE CLERK AND THE STATE ARCHIVES SHALL CEASE SHIELDING ALL REAL PROPERTY RECORDS RELATING TO THE PROPERTY.

3–119.

(A) NOTHING IN THIS PART MAY BE INTERPRETED TO REQUIRE:

(1) THE SECRETARY TO IDENTIFY OTHER AGENCIES THAT MAY POSSESS INFORMATION ON A PROGRAM PARTICIPANT; OR

(2) THE CLERK OF A CIRCUIT COURT OR ANY STATE OR LOCAL AGENCY TO INDEPENDENTLY DETERMINE WHETHER THE CLERK OR AGENCY MAINTAINS INFORMATION ON A PROGRAM PARTICIPANT.

(B) NOTHING IN THIS PART MAY BE INTERPRETED TO PROHIBIT THE CLERK OF A CIRCUIT COURT OR ANY STATE OR LOCAL AGENCY FROM SHARING A PROGRAM PARTICIPANT'S INFORMATION WITH THE SECRETARY FOR THE PURPOSE OF FACILITATING COMPLIANCE WITH THIS PART.

3–120.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.

Article – State Government

7–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Actual address" means a residential street address, school address, or work address of an individual as specified on the individual's application to be a Program participant under this subtitle.

(c) "Disabled person" has the meaning stated in § 13–101 of the Estates and Trusts Article.

(d) "Program" means the Human Trafficking Address Confidentiality Program.

(e) "Program participant" means an individual designated as a Program participant under this subtitle.

(f) "Victim of human trafficking" means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

7–302.

The purpose of this subtitle is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a victim of human trafficking;

(2) interagency cooperation in providing address confidentiality for victims of human trafficking; **[**and**]**

(3) State and local agencies **AND PRIVATE ENTITIES** to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address**; AND**

(4) A PROGRAM PARTICIPANT TO USE AN ADDRESS DESIGNATED BY THE OFFICE OF THE SECRETARY OF STATE AS A SUBSTITUTE ADDRESS ~~**FOR ALL PURPOSES**~~.

7–303.

The Secretary of State shall establish and administer a Human Trafficking Address Confidentiality Program for victims of human trafficking.

7–304.

(a) The following individuals may apply to participate in the Program:

(1) an individual acting on the individual's own behalf;

(2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or

(3) a guardian acting on behalf of a disabled person.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

(1) a statement that:

(i) the applicant is a victim of human trafficking; and

(ii) the applicant fears for the applicant's safety or the safety of the applicant's child;

(2) evidence that the applicant is a victim of human trafficking, including:

(i) certified law enforcement, court, or other federal or State agency records or files;

(ii) documentation from a human trafficking prevention or assistance program; or

(iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first–class, certified, or registered mail;

(5) the mailing address and telephone number at which the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of human trafficking or other crimes;

(7) a sworn statement by the applicant that, to the best of the applicant's knowledge, all the information contained in the application is true;

(8) the signature of the applicant and the date on which the applicant signed the application; and

(9) a voluntary release and waiver of all future claims against the State that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4–year period.

(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

7–305.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

7–306.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or a telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

7–307.

(a) The Secretary of State shall cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 7–306 of this subtitle;

(2) the Program participant files a request for withdrawal of participation under § 7–304(c)(2) of this subtitle;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 7–305 of this subtitle; or

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) **(1)** An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

(2) IF AN INDIVIDUAL HAS REQUESTED THE SHIELDING OF PROPERTY RECORDS IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE, THE SECRETARY OF STATE SHALL GIVE WRITTEN NOTICE TO THE CLERK OF THE CIRCUIT COURT WITHIN 30 DAYS AFTER THE INDIVIDUAL CEASES TO BE A PROGRAM PARTICIPANT.

7–308.

(a) **(1)** A Program participant may make a request to any **PERSON OR** State or local agency to use a substitute address designated by the Secretary of State as the Program participant's address.

[(b)**]** **(2)** Subject to ~~subsection (c)~~ **SUBSECTIONS (B) AND (D)** of this section, when a Program participant has made a request to a **PERSON OR** State or local agency under **[**subsection (a) of this section**]** **THIS SUBSECTION**, the **[**State or local**]** **PERSON OR** agency shall use the substitute address designated by the Secretary of State as **[**a**]** **THE** Program participant's address.

(B) (1) (I) WHEN A PROGRAM PARTICIPANT PRESENTS THE ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO ANY PERSON, THAT ADDRESS MUST BE ACCEPTED AS THE ADDRESS OF THE PROGRAM PARTICIPANT.

(II) A PERSON MAY NOT REQUIRE A PROGRAM PARTICIPANT TO SUBMIT ANY ADDRESS THAT COULD BE USED TO PHYSICALLY LOCATE THE PROGRAM PARTICIPANT EITHER AS A SUBSTITUTE OR IN ADDITION TO THE DESIGNATED ADDRESS, OR AS A CONDITION OF RECEIVING A SERVICE OR BENEFIT, UNLESS THE SERVICE OR BENEFIT WOULD BE IMPOSSIBLE TO PROVIDE WITHOUT KNOWLEDGE OF THE PROGRAM PARTICIPANT'S PHYSICAL LOCATION.

(2) A BANK, A CREDIT UNION, ANY OTHER DEPOSITORY INSTITUTION, OR ANY OTHER FINANCIAL INSTITUTION WITHIN THE MEANING OF § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE MAY REQUIRE A REQUEST MADE UNDER SUBSECTION (A) OF THIS SECTION TO BE IN WRITING AND ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

~~(B)~~ **(C) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN REAL PROPERTY WHILE PARTICIPATING IN THE PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY ARTICLE.**

~~(c)~~ **(D)** (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

7–309.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election–related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

7–310.

(a) Except as otherwise provided by this subtitle, a record of a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4–101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 7–308 of this subtitle.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

(1) is subject to a court order or an administrative order;

(2) is involved in a court action or an administrative action; or

(3) is a witness or a party in a civil or criminal proceeding.

7–311.

(a) **(1)** A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State **[**or**], THE CLERK OF A CIRCUIT COURT, OR** any agency~~**, OR ANY PRIVATE ENTITY**~~ without authorization to obtain the information.

(2) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY SEEK AND OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM ANY OTHER PERSON IF, AT THE TIME OF OBTAINING THE INFORMATION, THE PERSON HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER BELONGS TO A PROGRAM PARTICIPANT.

(b) (1) This subsection applies only when **[**an employee of the Secretary of State**] A PERSON**:

(i) obtains a Program participant's actual address or telephone number during the course of the **[**employee's**] PERSON'S** ~~official duties~~ **EMPLOYMENT**; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) **[**An employee of the Secretary of State or any State or local agency**] A PERSON** may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law**, INCLUDING AS AUTHORIZED BY SUBSECTION (C) OF THIS SECTION**.

(c) **(1) IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS UNLESS:**

(I) THE PERSON TO WHOM THE ADDRESS IS DISCLOSED ALSO LIVES, WORKS, OR GOES TO SCHOOL AT THE DISCLOSED ADDRESS; OR

(II) THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH THE DISCLOSURE WILL BE MADE.

(2) THE PERSON TO WHOM WRITTEN CONSENT IS PROVIDED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) MAY REQUIRE THE CONSENT TO BE IN A PARTICULAR FORM ACCEPTABLE TO THE PERSON AND THE PROGRAM PARTICIPANT; AND

(II) SHALL LIMIT ANY DISCLOSURE TO ONLY THOSE DISCLOSURES THAT ARE NECESSARY FOR THE PURPOSE FOR WHICH THE CONSENT IS PROVIDED.

(3) A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS BELONGS TO THE PROGRAM PARTICIPANT.

(D) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

7–312.

(A) (1) IN THIS SECTION, "NOTICE" MEANS, FOR A PERSON DESCRIBED IN § 7–308(B)(2) OF THIS SUBTITLE, RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(2) "NOTICE" INCLUDES RECEIPT OF WRITTEN NOTIFICATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM PARTICIPANT.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN ACCORDANCE WITH THIS SECTION.

~~(B)~~ (C) SERVICE OF PROCESS SHALL BE MADE:

(1) IN PERSON ON THE PROGRAM PARTICIPANT; OR

(2) BY MAIL ON THE SECRETARY OF STATE.

~~(C)~~ (D) IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:

(1) THE PUBLICATION OMITS THE NAME OF THE PROGRAM PARTICIPANT; AND

(2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE WITH SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION.

[7–312.**] 7–313.**

The Secretary of State shall adopt regulations to carry out the provisions of this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That, until the effective date of the regulations that the Secretary of State is required to adopt under § 4–531 of the Family Law Article, § 3–120 of the Real Property Article, and § 7–313 of the State Government Article, as enacted under Section 2 of this Act, compliance with Maryland law in effect immediately preceding the effective date of this Act shall be deemed to be compliance with this Act.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2018~~ January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 425

(House Bill 1303)

AN ACT concerning

Family Law – Domestic Violence – Permanent Protective Orders

FOR the purpose of expanding the circumstances under which the court is required to issue a certain permanent protective order; requiring the court to issue a permanent protective order against a certain individual if, during the term of a certain protective order, the individual committed an act of abuse against a certain person eligible for relief under certain circumstances; making certain conforming changes; altering certain terminology; and generally relating to domestic violence.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(k)

Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

4–506.

(k) (1) Notwithstanding any other provision of this section, the court shall issue a **[**new final**]** **PERMANENT** protective order **UNDER THIS SUBSECTION** against an individual if:

(i) **[**the individual was previously a respondent under this subtitle against whom a final**]** **AN INTERIM, TEMPORARY, OR FINAL** protective order **[**was**]** **HAS BEEN** issued **UNDER THIS SUBTITLE AGAINST THE INDIVIDUAL**;

(ii) **1.** **[**for the act of abuse that led to the issuance of the final protective order,**]** the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years **[**under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303, § 3–304, § 3–309, or § 3–310 of the Criminal Law Article, § 3–305, § 3–306, § 3–311, or § 3–312 of the Criminal Law Article as the sections existed before October 1, 2017, or for conspiracy or solicitation to commit murder**]** **FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER** and the individual has served at least 12 months of the sentence; **[**and**]** **OR**

2. A. DURING THE TERM OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER, THE INDIVIDUAL COMMITTED AN ACT OF ABUSE AGAINST THE PERSON ELIGIBLE FOR RELIEF; AND

B. THE INDIVIDUAL WAS CONVICTED AND SENTENCED TO SERVE A TERM OF IMPRISONMENT OF AT LEAST 5 YEARS FOR THE ACT AND HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE; AND

(iii) the victim of the **ACT OF** abuse **DESCRIBED IN ITEM (II)1 OR 2 OF THIS PARAGRAPH,** who was the person eligible for relief in the **[**original final**]** **INTERIM, TEMPORARY, OR FINAL** protective order**,** requests the issuance of a **[**new final**]** **PERMANENT** protective order **UNDER THIS SUBSECTION**.

(2) In a **[**final**]** **PERMANENT** protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under **§ 4–504.1(C)(1) OR (2) OR § 4–505(A)(2)(I) OR (II) OF THIS SUBTITLE OR** subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a **[**final**]** protective order issued under this subsection shall be permanent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 426

(Senate Bill 491)

AN ACT concerning

Family Law – Domestic Violence – Permanent Protective Orders

FOR the purpose of expanding the circumstances under which the court is required to issue a certain permanent protective order; requiring the court to issue a permanent protective order against a certain individual if, during the term of a certain protective order, the individual committed an act of abuse against a certain person eligible for relief under certain circumstances; making certain conforming changes; altering certain terminology; and generally relating to domestic violence.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(k)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

4–506.

(k) (1) Notwithstanding any other provision of this section, the court shall issue a **[**new final**]** **PERMANENT** protective order **UNDER THIS SUBSECTION** against an individual if:

(i) **[**the individual was previously a respondent under this subtitle against whom a final**]** **AN INTERIM, TEMPORARY, OR FINAL** protective order **[**was**]** **HAS BEEN** issued **UNDER THIS SUBTITLE AGAINST THE INDIVIDUAL**;

(ii) **1.** **[**for the act of abuse that led to the issuance of the final protective order,**]** the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years **[**under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303, § 3–304, § 3–309, or § 3–310 of the Criminal Law Article, § 3–305, § 3–306, § 3–311, or § 3–312 of the Criminal Law Article as the sections existed before October 1, 2017, or for conspiracy or solicitation to commit murder**]** **FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER** and the individual has served at least 12 months of the sentence; **[**and**]** **OR**

2. A. DURING THE TERM OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER, THE INDIVIDUAL COMMITTED AN ACT OF ABUSE AGAINST THE PERSON ELIGIBLE FOR RELIEF; AND

B. THE INDIVIDUAL WAS CONVICTED AND SENTENCED TO SERVE A TERM OF IMPRISONMENT OF AT LEAST 5 YEARS FOR THE ACT AND HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE; AND

(iii) the victim of the **ACT OF** abuse **DESCRIBED IN ITEM (II)1 OR 2 OF THIS PARAGRAPH,** who was the person eligible for relief in the **[**original final**]** **INTERIM, TEMPORARY, OR FINAL** protective order**,** requests the issuance of a **[**new final**]** **PERMANENT** protective order **UNDER THIS SUBSECTION**.

(2) In a **[**final**]** **PERMANENT** protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under **§ 4–504.1(C)(1) OR (2) OR § 4–505(A)(2)(I) OR (II) OF THIS SUBTITLE OR** subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a **[**final**]** protective order issued under this subsection shall be permanent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 427

(House Bill 388)

AN ACT concerning

Criminal Procedure – Violation of Conditions of Release

FOR the purpose of expanding the list of charges to which a certain prohibition against violating a certain condition of pretrial or posttrial release is applicable; and generally relating to pretrial and posttrial release.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Procedure

5–213.1.

(a) A person **[**charged with committing a violation of Title 3, Subtitle 3 of the Criminal Law Article against a victim who is a minor**]** may not violate a condition of pretrial or posttrial release prohibiting the person from contacting, harassing, or abusing **[**the**] AN** alleged victim or going in or near **[**the**] AN** alleged victim's residence or place of employment **IF THE PERSON IS CHARGED WITH COMMITTING:**

(1) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AGAINST A VICTIM WHO IS A MINOR;

(2) A CRIME OF VIOLENCE AS DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE; OR

(3) A CRIME AGAINST A VICTIM WHO IS A PERSON ELIGIBLE FOR RELIEF AS DEFINED IN § 4–501 OF THE FAMILY LAW ARTICLE.

(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 428

(Senate Bill 170)

AN ACT concerning

Criminal Procedure – Violation of Conditions of Release

FOR the purpose of expanding the list of charges to which a certain prohibition against violating a certain condition of pretrial or posttrial release is applicable; and generally relating to pretrial and posttrial release.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Procedure

5–213.1.

(a) A person **[**charged with committing a violation of Title 3, Subtitle 3 of the Criminal Law Article against a victim who is a minor**]** may not violate a condition of pretrial or posttrial release prohibiting the person from contacting, harassing, or abusing **[**the**]** **AN** alleged victim or going in or near **[**the**]** **AN** alleged victim's residence or place of employment **IF THE PERSON IS CHARGED WITH COMMITTING:**

(1) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AGAINST A VICTIM WHO IS A MINOR;

(2) A CRIME OF VIOLENCE AS DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE; OR

(3) A CRIME AGAINST A VICTIM WHO IS A PERSON ELIGIBLE FOR RELIEF AS DEFINED IN § 4–501 OF THE FAMILY LAW ARTICLE.

(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 429

(House Bill 1124)

AN ACT concerning

Criminal Procedure – Statewide Sexual Assault Evidence Collection Kit Tracking System – ~~Requirements~~ Recommendations

FOR the purpose of ~~requiring the Department of State Police, in consultation with the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, to create and operate a certain statewide sexual assault evidence collection kit tracking system; authorizing the Department to contract with certain entities for the creation, operation, and maintenance of a certain system; providing requirements for a certain tracking system; providing that certain records and information are exempt from public inspection and copying; requiring the Department to submit a certain report to the General Assembly on or before a certain date each year; requiring the Department to submit a certain request~~ requiring the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to develop recommendations regarding the creation and operation of a statewide sexual assault evidence collection kit tracking system that is accessible to victims of sexual assault and law enforcement; requiring the Committee to submit a certain application for a grant for funding to the federal government on or before a certain date; ~~defining certain terms;~~ and generally relating to sexual assault evidence.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section ~~11–926(b) and (c)~~ 11–927(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Criminal Procedure
Section ~~11–928~~ 11–927(e)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Procedure

~~11–926.~~

~~(b) A health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault shall provide the victim with:~~

~~(1) contact information for the investigating law enforcement agency that the victim may contact about the status and results of the kit analysis; and~~

~~(2) written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit.~~

~~(c) An investigating law enforcement agency that receives a sexual assault evidence collection kit, within 30 days after a request by the victim from whom the evidence was collected, shall provide the victim with:~~

~~(1) information about the status of the kit analysis; and~~

~~(2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation.~~

~~**11–928.**~~

~~**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

~~**(2) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.**~~

~~**(3) "STATE POLICE CRIME LABORATORY" MEANS THE FORENSIC SCIENCES DIVISION OF THE DEPARTMENT.**~~

~~**(4) "SYSTEM" MEANS THE STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM.**~~

~~**(B) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE, SHALL CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM.**~~

~~**(2) THE DEPARTMENT MAY CONTRACT WITH STATE, LOCAL, OR PRIVATE ENTITIES, INCLUDING SOFTWARE AND TECHNOLOGY PROVIDERS, FOR THE CREATION, OPERATION, AND MAINTENANCE OF THE SYSTEM.**~~

~~**(C) THE SYSTEM SHALL:**~~

~~**(1) TRACK THE LOCATION AND STATUS OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS THROUGHOUT THE CRIMINAL JUSTICE PROCESS, INCLUDING THE INITIAL COLLECTION IN EXAMINATIONS PERFORMED AT MEDICAL FACILITIES, RECEIPT AND STORAGE AT LAW ENFORCEMENT AGENCIES, RECEIPT**~~

~~AND ANALYSIS AT FORENSIC LABORATORIES, AND STORAGE AND ANY DESTRUCTION AFTER COMPLETION OF ANALYSIS;~~

~~(2) ALLOW MEDICAL FACILITIES PERFORMING SEXUAL ASSAULT FORENSIC EXAMINATIONS, LAW ENFORCEMENT AGENCIES, PROSECUTORS, THE STATE POLICE CRIME LABORATORY, AND OTHER ENTITIES THAT HAVE CUSTODY OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS TO UPDATE AND TRACK THE STATUS AND LOCATION OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS;~~

~~(3) ALLOW VICTIMS OF SEXUAL ASSAULT TO ANONYMOUSLY TRACK OR RECEIVE UPDATES REGARDING THE STATUS OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT; AND~~

~~(4) ALLOW CONTINUOUS ELECTRONIC ACCESS.~~

~~(D) ANY RECORDS AND INFORMATION CONTAINED IN THE SYSTEM ARE EXEMPT FROM PUBLIC INSPECTION AND COPYING.~~

~~(E) THE DEPARTMENT SHALL SUBMIT A REPORT ON THE STATUS AND PLAN FOR LAUNCHING THE SYSTEM TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JANUARY 1 OF EACH YEAR.~~

11–927.

(a) In this section, "Committee" means the Maryland Sexual Assault Evidence Kit Policy and Funding Committee.

(e) (1) The Committee shall develop and disseminate best practices information and recommendations regarding:

(i) the testing and retention of sexual assault evidence collection kits;

(ii) coordination between State agencies, victim services providers, local law enforcement, and local sexual assault response teams;

(iii) payment for sexual assault evidence collection kits;

(iv) increasing the availability of sexual assault evidence collection exams for alleged victims of sexual assault;

(v) reducing the shortage of forensic nurse examiners; **[**and**]**

(vi) increasing the availability of information to sexual assault victims regarding:

1. criminal prosecutions of sexual assault crimes;

2. civil law remedies available to victims of sexual assault;

3. sexual assault evidence collection kits; and

4. victim rights**; AND**

(VII) CREATING AND OPERATING A STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM THAT IS ACCESSIBLE TO VICTIMS OF SEXUAL ASSAULT AND LAW ENFORCEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That the ~~Department of State Police~~ Maryland Sexual Assault Evidence Kit Policy and Funding Committee shall submit ~~a request for~~ an application for a grant of funding, as appropriate, to support the implementation of the Committee's recommendations to the federal government, including the Department of Justice, on or before January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019~~ June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 430

(House Bill 27)

AN ACT concerning

Life Insurance – Life of a Minor – Underwriting Standards and Procedures

FOR the purpose of authorizing a life insurer to refuse an application for a policy of life insurance on the life of a minor only under certain circumstances; requiring that an application for a policy of life insurance on the life of a minor include a certain consent and certain signatures; requiring a life insurer to include on a certain application or endorsement a certain statement; ~~requiring a life insurer to have justification for underwriting and issuing a life insurance policy on the life of a minor;~~ requiring a life insurer to take certain actions as part of ~~the life insurer's underwriting process and standards~~ certain standards and procedures for policy application and acceptance for policies of life insurance on the life of a minor; ~~requiring a life insurer to provide to the Maryland Insurance Commissioner on request certain documentation to support a certain justification;~~ requiring a life

insurer to take certain actions if an application for a policy of life insurance on the life of a minor is for a policy with a benefit of a certain amount and issued in a certain manner; requiring a life insurer, for certain applications rejected by the insurer, to maintain for a certain period of time a file containing certain information; requiring a life insurer to obtain and keep certain records demonstrating that the applicant for a policy of life insurance on a minor has a certain insurable interest; ~~requiring a certain antifraud plan instituted and maintained by a life insurer under certain provisions of law to include certain underwriting standards and procedures;~~ providing for the application of this Act; providing for a delayed effective date; and generally relating to policies of life insurance on the lives of minors.

BY adding to
Article – Insurance
Section 16–119 ~~and 27–803.1~~
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

16–119.

(A) (1) A LIFE INSURER MAY REFUSE AN APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR ONLY IF THE ~~COMBINED LIFE INSURANCE IN FORCE UNDER POLICIES ISSUED BY THE LIFE INSURER AND THE LIFE INSURER'S AFFILIATES WOULD EXCEED THE LIFE INSURER'S MAXIMUM ALLOWABLE COVERAGE FOR A MINOR~~ REFUSAL IS CONSISTENT WITH § 27–501(A)(2) OF THIS ARTICLE.

(2) AN APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR THAT IS SUBMITTED FOR UNDERWRITING SHALL INCLUDE:

(I) THE SIGNATURE OF THE APPLICANT; AND

(II) UNLESS THE MINOR IS EMANCIPATED OR MARRIED, THE CONSENT AND SIGNATURE OF THE PARENT OR LEGAL GUARDIAN WITH WHOM THE MINOR RESIDES~~; AND~~

~~(III) IF THE MINOR IS AT LEAST 15 YEARS OLD AND NOT INCAPACITATED, THE SIGNATURE OF THE MINOR~~.

(3) THE LIFE INSURER SHALL INCLUDE ON THE FIRST PAGE OF THE APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR OR ON AN

ENDORSEMENT TO THE POLICY THE FOLLOWING STATEMENT IN 12 POINT BOLD TYPE:

"A PERSON WHO FELONIOUSLY AND INTENTIONALLY KILLS, CONSPIRES TO KILL, OR PROCURES THE KILLING OF THE INSURED AND WHO IS A NAMED BENEFICIARY OF A LIFE INSURANCE POLICY ON THE INSURED IS NOT ENTITLED TO A BENEFIT UNDER THE POLICY.".

~~(B) (1) A LIFE INSURER SHALL HAVE JUSTIFICATION FOR UNDERWRITING AND ISSUING A LIFE INSURANCE POLICY ON THE LIFE OF A MINOR.~~

~~(2)~~ (B) AS PART OF THE LIFE INSURER'S ~~UNDERWRITING PROCESS AND STANDARDS~~ WRITTEN STANDARDS AND PROCEDURES FOR POLICY APPLICATION AND ACCEPTANCE, THE LIFE INSURER SHALL:

~~(I)~~ (1) REQUEST THAT THE APPLICANT FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR IDENTIFY THE AMOUNT OF OTHER LIFE INSURANCE COVERAGE ON THE LIFE OF THE MINOR THAT IS IN FORCE OR PENDING AT THE TIME OF THE APPLICATION;

~~(II)~~ (2) DOCUMENT THE APPLICANT'S RESPONSE ON THE APPLICATION; AND

~~(III)~~ (3) TAKE REASONABLE STEPS TO VERIFY THE AMOUNT OF OTHER LIFE INSURANCE IN FORCE OR PENDING.

~~(3) ON REQUEST, THE LIFE INSURER SHALL PROVIDE TO THE COMMISSIONER DOCUMENTATION FROM THE LIFE INSURER'S RECORDS AND FILES TO SUPPORT THE LIFE INSURER'S UNDERWRITING JUSTIFICATION.~~

(C) IF AN APPLICATION FOR A LIFE INSURANCE POLICY ON THE LIFE OF A MINOR IS FOR A POLICY THAT HAS A BENEFIT OF $50,000 OR LESS AND IS ISSUED WITHOUT UNDERWRITING, THE LIFE INSURER SHALL:

(1) REQUEST THAT THE APPLICANT FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR IDENTIFY THE AMOUNT, IF ANY, OF OTHER LIFE INSURANCE COVERAGE ON THE LIFE OF THE MINOR THAT IS IN FORCE OR PENDING AT THE TIME OF THE APPLICATION;

(2) DOCUMENT THE APPLICANT'S RESPONSE ON THE APPLICATION;

(3) TAKE REASONABLE STEPS TO VERIFY THE TOTAL AMOUNT OF LIFE INSURANCE IN FORCE OR PENDING; AND

(4) DOCUMENT THE STEPS TAKEN ON A PARTICULAR APPLICATION TO VERIFY THE TOTAL AMOUNT OF LIFE INSURANCE IN FORCE OR PENDING~~; AND~~

~~(5) MAKE THE DOCUMENTATION REQUIRED UNDER THIS SUBSECTION AVAILABLE TO THE COMMISSIONER ON REQUEST~~.

(D) (1) FOR EACH APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR THAT IS REJECTED BY A LIFE INSURER, THE LIFE INSURER SHALL MAINTAIN AT THE LIFE INSURER'S HOME OR PRINCIPAL OFFICE, FOR AT LEAST 3 YEARS AFTER THE DATE THE APPLICATION WAS SIGNED BY THE APPLICANT, A COMPLETE FILE CONTAINING:

(I) THE ORIGINAL SIGNED APPLICATION;

(II) THE LIFE INSURER'S UNDERWRITING ANALYSIS;

(III) ANY CORRESPONDENCE WITH THE APPLICANT; AND

(IV) ANY OTHER DOCUMENTS PERTINENT TO THE DECISION TO REJECT THE APPLICATION.

(2) THE LIFE INSURER SHALL OBTAIN AND KEEP RECORDS SUFFICIENT TO DEMONSTRATE THAT THE APPLICANT FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR HAS AN INSURABLE INTEREST IN THE LIFE OF THE MINOR IN ACCORDANCE WITH § 12–201 OF THIS ARTICLE.

~~27–803.1.~~

~~AN ANTIFRAUD PLAN INSTITUTED AND MAINTAINED BY A LIFE INSURER UNDER § 27–803 OF THIS SUBTITLE SHALL INCLUDE UNDERWRITING STANDARDS AND PROCEDURES FOR DETECTING AND PREVENTING THE PURCHASE OF LIFE INSURANCE ON THE LIVES OF MINORS FOR FRAUDULENT PURPOSES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of life insurance on the life of a minor issued or delivered in the State on or after January 1, 2019.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2018~~ January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 431

(Senate Bill 168)

AN ACT concerning

Life Insurance – Life of a Minor – Underwriting Standards and Procedures

FOR the purpose of authorizing a life insurer to refuse an application for a policy of life insurance on the life of a minor only under certain circumstances; requiring that an application for a policy of life insurance on the life of a minor include a certain consent and certain signatures; requiring a life insurer to include on a certain application or endorsement a certain statement; ~~requiring a life insurer to have justification for underwriting and issuing a life insurance policy on the life of a minor;~~ requiring a life insurer to take certain actions as part of ~~the life insurer's underwriting process and standards~~ certain standards and procedures for policy application and acceptance for policies of life insurance on the life of a minor; ~~requiring a life insurer to provide to the Maryland Insurance Commissioner on request certain documentation to support a certain justification;~~ requiring a life insurer to take certain actions if an application for a policy of life insurance on the life of a minor is for a policy with a benefit of a certain amount and issued in a certain manner; requiring a life insurer, for certain applications rejected by the insurer, to maintain for a certain period of time a file containing certain information; requiring a life insurer to obtain and keep certain records demonstrating that the applicant for a policy of life insurance on a minor has a certain insurable interest; ~~requiring a certain antifraud plan instituted and maintained by a life insurer under certain provisions of law to include certain underwriting standards and procedures;~~ providing for the application of this Act; providing for a delayed effective date; and generally relating to policies of life insurance on the lives of minors.

BY adding to
Article – Insurance
Section 16–119 ~~and 27–803.1~~
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

16–119.

(A) (1) A LIFE INSURER MAY REFUSE AN APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR ONLY IF THE ~~COMBINED LIFE INSURANCE IN FORCE UNDER POLICIES ISSUED BY THE LIFE INSURER AND THE LIFE INSURER'S~~

~~AFFILIATES WOULD EXCEED THE LIFE INSURER'S MAXIMUM ALLOWABLE COVERAGE FOR A MINOR~~ REFUSAL IS CONSISTENT WITH § 27–501(A)(2) OF THIS ARTICLE.

(2) AN APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR THAT IS SUBMITTED FOR UNDERWRITING SHALL INCLUDE:

(I) THE SIGNATURE OF THE APPLICANT; AND

(II) UNLESS THE MINOR IS EMANCIPATED OR MARRIED, THE CONSENT AND SIGNATURE OF THE PARENT OR LEGAL GUARDIAN WITH WHOM THE MINOR RESIDES~~; AND~~

~~(III) IF THE MINOR IS AT LEAST 15 YEARS OLD AND NOT INCAPACITATED, THE SIGNATURE OF THE MINOR~~.

(3) THE LIFE INSURER SHALL INCLUDE ON THE FIRST PAGE OF THE APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR OR ON AN ENDORSEMENT TO THE POLICY THE FOLLOWING STATEMENT IN 12 POINT BOLD TYPE:

"A PERSON WHO FELONIOUSLY AND INTENTIONALLY KILLS, CONSPIRES TO KILL, OR PROCURES THE KILLING OF THE INSURED AND WHO IS A NAMED BENEFICIARY OF A LIFE INSURANCE POLICY ON THE INSURED IS NOT ENTITLED TO A BENEFIT UNDER THE POLICY.".

~~(B) (1) A LIFE INSURER SHALL HAVE JUSTIFICATION FOR UNDERWRITING AND ISSUING A LIFE INSURANCE POLICY ON THE LIFE OF A MINOR.~~

~~(2)~~ (B) AS PART OF THE LIFE INSURER'S ~~UNDERWRITING PROCESS AND STANDARDS~~ WRITTEN STANDARDS AND PROCEDURES FOR POLICY APPLICATION AND ACCEPTANCE, THE LIFE INSURER SHALL:

~~(I)~~ (1) REQUEST THAT THE APPLICANT FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR IDENTIFY THE AMOUNT OF OTHER LIFE INSURANCE COVERAGE ON THE LIFE OF THE MINOR THAT IS IN FORCE OR PENDING AT THE TIME OF THE APPLICATION;

~~(II)~~ (2) DOCUMENT THE APPLICANT'S RESPONSE ON THE APPLICATION; AND

~~(III)~~ (3) TAKE REASONABLE STEPS TO VERIFY THE AMOUNT OF OTHER LIFE INSURANCE IN FORCE OR PENDING.

~~(3) ON REQUEST, THE LIFE INSURER SHALL PROVIDE TO THE COMMISSIONER DOCUMENTATION FROM THE LIFE INSURER'S RECORDS AND FILES TO SUPPORT THE LIFE INSURER'S UNDERWRITING JUSTIFICATION.~~

(C) IF AN APPLICATION FOR A LIFE INSURANCE POLICY ON THE LIFE OF A MINOR IS FOR A POLICY THAT HAS A BENEFIT OF $50,000 OR LESS AND IS ISSUED WITHOUT UNDERWRITING, THE LIFE INSURER SHALL:

(1) REQUEST THAT THE APPLICANT FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR IDENTIFY THE AMOUNT, IF ANY, OF OTHER LIFE INSURANCE COVERAGE ON THE LIFE OF THE MINOR THAT IS IN FORCE OR PENDING AT THE TIME OF THE APPLICATION;

(2) DOCUMENT THE APPLICANT'S RESPONSE ON THE APPLICATION;

(3) TAKE REASONABLE STEPS TO VERIFY THE TOTAL AMOUNT OF LIFE INSURANCE IN FORCE OR PENDING; AND

(4) DOCUMENT THE STEPS TAKEN ON A PARTICULAR APPLICATION TO VERIFY THE TOTAL AMOUNT OF LIFE INSURANCE IN FORCE OR PENDING~~; AND~~

~~(5) MAKE THE DOCUMENTATION REQUIRED UNDER THIS SUBSECTION AVAILABLE TO THE COMMISSIONER ON REQUEST~~**.**

(D) (1) FOR EACH APPLICATION FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR THAT IS REJECTED BY A LIFE INSURER, THE LIFE INSURER SHALL MAINTAIN AT THE LIFE INSURER'S HOME OR PRINCIPAL OFFICE, FOR AT LEAST 3 YEARS AFTER THE DATE THE APPLICATION WAS SIGNED BY THE APPLICANT, A COMPLETE FILE CONTAINING:

(I) THE ORIGINAL SIGNED APPLICATION;

(II) THE LIFE INSURER'S UNDERWRITING ANALYSIS;

(III) ANY CORRESPONDENCE WITH THE APPLICANT; AND

(IV) ANY OTHER DOCUMENTS PERTINENT TO THE DECISION TO REJECT THE APPLICATION.

(2) THE LIFE INSURER SHALL OBTAIN AND KEEP RECORDS SUFFICIENT TO DEMONSTRATE THAT THE APPLICANT FOR A POLICY OF LIFE INSURANCE ON THE LIFE OF A MINOR HAS AN INSURABLE INTEREST IN THE LIFE OF THE MINOR IN ACCORDANCE WITH § 12–201 OF THIS ARTICLE.

~~27–803.1.~~

~~AN ANTIFRAUD PLAN INSTITUTED AND MAINTAINED BY A LIFE INSURER UNDER § 27–803 OF THIS SUBTITLE SHALL INCLUDE UNDERWRITING STANDARDS AND PROCEDURES FOR DETECTING AND PREVENTING THE PURCHASE OF LIFE INSURANCE ON THE LIVES OF MINORS FOR FRAUDULENT PURPOSES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of life insurance on the life of a minor issued or delivered in the State on or after January 1, 2019.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2018~~ January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 432

(House Bill 86)

AN ACT concerning

Health Insurance – Coverage for Elevated or Impaired Blood Glucose Levels ~~and~~, Prediabetes, and Obesity Treatment

FOR the purpose of authorizing certain insurers, nonprofit health service plans, and health maintenance organizations to provide reimbursement for certain services for the treatment of prediabetes and obesity; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for certain equipment, supplies, training, and services for the treatment of certain blood glucose levels induced by pregnancy or prediabetes; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for the treatment of elevated or impaired blood glucose levels ~~and~~, prediabetes, and obesity.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–706 and 15–822
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–706.

(a) (1) Subject to subsection (c) of this section, a policy, contract, or certificate described in § 15–701(a) of this subtitle may provide for reimbursement under § 15–701(a) of this subtitle for usual, customary, and reasonable charges for services rendered by a dietitian or nutritionist licensed under the Health Occupations Article if a licensed physician determines that the services are medically necessary for the treatment of cardiovascular disease, diabetes, **PREDIABETES, OBESITY,** malnutrition, cancer, cerebral vascular disease, or kidney disease.

(2) Application of this subsection is limited to six visits with a dietitian or nutritionist during a 12–month period for each condition described in paragraph (1) of this subsection and to services for the treatment of obesity only if provided in conjunction with the treatment of a condition described in paragraph (1) of this subsection.

(b) This section does not require a policy, contract, or certificate described in § 15–701(a) of this subtitle to provide coverage for services rendered by a nutritionist or dietitian.

(c) If a service covered under a policy, contract, or certificate described in § 15–701(a) of this subtitle is provided to a hospital patient by a dietitian or nutritionist:

(1) the usual, customary, and reasonable charges of the dietitian or nutritionist shall be included in the patient's hospital charges; and

(2) the dietitian or nutritionist may not bill the patient separately for the service.

15–822.

(a) This section applies to:

(1) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense–incurred basis under health insurance policies that are issued or delivered in the State; and

(2) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

(b) An entity subject to this section shall provide coverage for all medically appropriate and necessary diabetes equipment, diabetes supplies, and diabetes outpatient self–management training and educational services, including medical nutrition therapy, that the insured's or enrollee's treating physician or other appropriately licensed health

care provider, or a physician who specializes in the treatment of diabetes, certifies are necessary for the treatment of:

(1) insulin–using diabetes;

(2) noninsulin–using diabetes; **[**or**]**

(3) elevated **OR IMPAIRED** blood glucose levels induced by pregnancy**; OR**

(4) CONSISTENT WITH THE AMERICAN DIABETES ASSOCIATION'S STANDARDS, ELEVATED OR IMPAIRED BLOOD GLUCOSE LEVELS INDUCED BY PREDIABETES.

(c) If certified as necessary under subsection (b) of this section, the diabetes outpatient self–management training and educational services, including medical nutrition therapy, to be provided to the insured or enrollee shall be provided through a program supervised by an appropriately licensed, registered, or certified health care provider whose scope of practice includes diabetes education or management.

(d) (1) Subject to paragraph (2) of this subsection, and except as provided in paragraph (3) of this subsection, the coverage required under this section may be subject to the annual deductibles or coinsurance requirements imposed by an entity subject to this section for similar coverages under the same health insurance policy or contract.

(2) Except as provided in paragraph (3) of this subsection, the annual deductibles or coinsurance requirements imposed under paragraph (1) of this subsection for the coverage required under this section may not be greater than the annual deductibles or coinsurance requirements imposed by the entity for similar coverages.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, an entity subject to this section may not impose a deductible, copayment, or coinsurance requirement on diabetes test strips.

(ii) If an insured or enrollee is covered under a high–deductible health plan, as defined in 26 U.S.C. § 223, an entity subject to this section may subject diabetes test strips to the deductible requirement of the high–deductible health plan.

(e) An entity subject to this section may not reduce or eliminate coverages in its health insurance policies or contracts due to the requirements of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 433

(Senate Bill 656)

AN ACT concerning

Health Insurance – Coverage for Elevated or Impaired Blood Glucose Levels ~~and~~, Prediabetes, and Obesity Treatment

FOR the purpose of authorizing certain insurers, nonprofit health service plans, and health maintenance organizations to provide reimbursement for certain services for the treatment of prediabetes and obesity; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for certain equipment, supplies, training, and services for the treatment of certain blood glucose levels induced by pregnancy or prediabetes; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for the treatment of elevated or impaired blood glucose levels ~~and~~, prediabetes, and obesity.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–706 and 15–822
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–706.

(a) (1) Subject to subsection (c) of this section, a policy, contract, or certificate described in § 15–701(a) of this subtitle may provide for reimbursement under § 15–701(a) of this subtitle for usual, customary, and reasonable charges for services rendered by a dietitian or nutritionist licensed under the Health Occupations Article if a licensed physician determines that the services are medically necessary for the treatment of cardiovascular disease, diabetes, **PREDIABETES, OBESITY,** malnutrition, cancer, cerebral vascular disease, or kidney disease.

(2) Application of this subsection is limited to six visits with a dietitian or nutritionist during a 12–month period for each condition described in paragraph (1) of this

subsection and to services for the treatment of obesity only if provided in conjunction with the treatment of a condition described in paragraph (1) of this subsection.

(b) This section does not require a policy, contract, or certificate described in § 15–701(a) of this subtitle to provide coverage for services rendered by a nutritionist or dietitian.

(c) If a service covered under a policy, contract, or certificate described in § 15–701(a) of this subtitle is provided to a hospital patient by a dietitian or nutritionist:

(1) the usual, customary, and reasonable charges of the dietitian or nutritionist shall be included in the patient's hospital charges; and

(2) the dietitian or nutritionist may not bill the patient separately for the service.

15–822.

(a) This section applies to:

(1) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense–incurred basis under health insurance policies that are issued or delivered in the State; and

(2) health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in the State.

(b) An entity subject to this section shall provide coverage for all medically appropriate and necessary diabetes equipment, diabetes supplies, and diabetes outpatient self–management training and educational services, including medical nutrition therapy, that the insured's or enrollee's treating physician or other appropriately licensed health care provider, or a physician who specializes in the treatment of diabetes, certifies are necessary for the treatment of:

(1) insulin–using diabetes;

(2) noninsulin–using diabetes; **[**or**]**

(3) elevated **OR IMPAIRED** blood glucose levels induced by pregnancy**; OR**

(4) <u>CONSISTENT WITH THE AMERICAN DIABETES ASSOCIATION'S STANDARDS,</u> ELEVATED OR IMPAIRED BLOOD GLUCOSE LEVELS INDUCED BY PREDIABETES.

(c) If certified as necessary under subsection (b) of this section, the diabetes outpatient self–management training and educational services, including medical nutrition therapy, to be provided to the insured or enrollee shall be provided through a program supervised by an appropriately licensed, registered, or certified health care provider whose scope of practice includes diabetes education or management.

(d) (1) Subject to paragraph (2) of this subsection, and except as provided in paragraph (3) of this subsection, the coverage required under this section may be subject to the annual deductibles or coinsurance requirements imposed by an entity subject to this section for similar coverages under the same health insurance policy or contract.

(2) Except as provided in paragraph (3) of this subsection, the annual deductibles or coinsurance requirements imposed under paragraph (1) of this subsection for the coverage required under this section may not be greater than the annual deductibles or coinsurance requirements imposed by the entity for similar coverages.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, an entity subject to this section may not impose a deductible, copayment, or coinsurance requirement on diabetes test strips.

(ii) If an insured or enrollee is covered under a high–deductible health plan, as defined in 26 U.S.C. § 223, an entity subject to this section may subject diabetes test strips to the deductible requirement of the high–deductible health plan.

(e) An entity subject to this section may not reduce or eliminate coverages in its health insurance policies or contracts due to the requirements of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 434

(Senate Bill 149)

AN ACT concerning

Natural Resources – Electronic Licensing – Voluntary Donations

FOR the purpose of requiring the Department of Natural Resources to establish a process through which an individual who ~~obtains~~ purchases a license, permit, or registration through the electronic licensing system may make a voluntary monetary donation to the Chesapeake Bay Trust and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund at the time the license, permit, or registration is ~~obtained~~ purchased in accordance with certain requirements; requiring the Department to collect the donations made under this Act and distribute the proceeds in a certain manner; establishing authorized uses of funds donated under this Act; establishing a certain annual reporting requirement; and generally relating to the establishment of a voluntary donation process through the electronic licensing system of the Department of Natural Resources.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–403
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

1–403.

(a) Notwithstanding any other provision of this article, the Department may develop and implement an electronic system for the sale and issuance of licenses, permits, and registrations and the recording and releasing of security interests.

(b) The electronic system may include provisions for:

(1) Recording titling and registration data;

(2) Recording and releasing liens without the issuance of a security interest filing; and

(3) Recording information relating to an application for a license, permit, or registration.

(c) The Department shall develop the electronic system consistent with the statewide information technology master plan developed under Title 3A, Subtitle 3 of the State Finance and Procurement Article.

(d) The Department may adopt regulations to:

(1) Implement the electronic system authorized under this section; and

(2) Determine the appropriate fee levels that may be charged by a vendor and by the Department for the electronic transmission service.

(E) (1) (I) THE DEPARTMENT SHALL ESTABLISH A PROCESS THROUGH WHICH AN INDIVIDUAL WHO ~~OBTAINS~~ PURCHASES A LICENSE, PERMIT, OR REGISTRATION THROUGH THE ELECTRONIC SYSTEM MAY MAKE A VOLUNTARY MONETARY DONATION TO THE CHESAPEAKE BAY TRUST AND THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND AT THE TIME THE LICENSE, PERMIT, OR REGISTRATION IS ~~OBTAINED~~ PURCHASED.

(II) THE DONATION PROCESS ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. SHALL BE MADE AVAILABLE ONLY TO AN INDIVIDUAL PURCHASING DIRECTLY THROUGH THE ELECTRONIC SYSTEM; AND

2. MAY NOT BE MADE AVAILABLE TO AN INDIVIDUAL PURCHASING THROUGH AN AUTHORIZED VENDOR.

(2) THE DEPARTMENT SHALL:

(I) COLLECT ANY DONATIONS MADE UNDER THIS SUBSECTION; AND

(II) DISTRIBUTE THE PROCEEDS OF THE DONATIONS AS FOLLOWS:

1. 50% TO THE CHESAPEAKE BAY TRUST ESTABLISHED UNDER § 8–1902 OF THIS ARTICLE; AND

2. 50% TO THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND ESTABLISHED UNDER § 8–2A–02 OF THIS ARTICLE.

(3) (I) THE CHESAPEAKE BAY TRUST MAY USE THE FUNDS IT RECEIVES UNDER THIS SUBSECTION ONLY TO PROVIDE GRANTS AND OTHER RESOURCES TO NONPROFIT ORGANIZATIONS, COMMUNITY ASSOCIATIONS, CIVIC GROUPS, SCHOOLS, OR PUBLIC AGENCIES FOR PROJECTS TO ENHANCE OR PROMOTE:

1. PUBLIC EDUCATION, INCLUDING THE PUBLICATION OR PRODUCTION OF EDUCATIONAL MATERIALS, CONCERNING THE CHESAPEAKE BAY, THE MARYLAND COASTAL BAYS, THE YOUGHIOGHENY WATERSHED, AND OTHER NATURAL RESOURCES;

2. THE PRESERVATION OR ENHANCEMENT OF WATER QUALITY AND FISH OR WILDLIFE HABITAT;

3. THE RESTORATION OF AQUATIC OR LAND RESOURCES;

4. REFORESTATION; AND

5. TRAINING IN ENVIRONMENTAL STUDIES OR ENHANCEMENT.

(II) FUNDS DISTRIBUTED TO THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND MAY BE USED TO PROVIDE FINANCIAL ASSISTANCE NECESSARY TO ADVANCE MARYLAND'S PROGRESS IN MEETING THE GOALS ESTABLISHED IN THE 2014 CHESAPEAKE BAY WATERSHED AGREEMENT AND TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS BY FOCUSING ON NONPOINT SOURCE POLLUTION CONTROL PROJECTS, AS AUTHORIZED UNDER TITLE 8, SUBTITLE 2A OF THIS ARTICLE.

(4) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE COLLECTION, DISTRIBUTION, AND EXPENDITURE OF ANY VOLUNTARY MONETARY DONATIONS MADE UNDER THIS SUBSECTION IN THE PREVIOUS FISCAL YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 435

(House Bill 115)

AN ACT concerning

Maryland Health Care Commission – Electronic Prescription Records ~~Cost Saving Act of 2018~~ System – Assessment and Report

FOR the purpose of requiring ~~a dispenser of a prescription drug to submit certain prescription information to a certain health information exchange; requiring certain prescription information to be submitted in a certain manner; prohibiting a certain health information exchange from imposing certain fees or assessments; requiring a~~

~~certain health information exchange to make certain prescription information available to a health care provider for certain purposes; requiring the Maryland Health Care Commission to adopt certain regulations; requiring that certain regulations include certain provisions; stating the purpose of this Act; defining certain terms~~ the Maryland Health Care Commission, in consultation with interested stakeholders, to assess the benefits and feasibility of developing an electronic system to allow health care providers to access a patient's prescription medication history; requiring the Commission to report its findings to the Governor and the General Assembly on or before a certain date; specifying the intent of the General Assembly; providing for the termination of this Act; and generally relating to an assessment and report by the Maryland Health Care Commission regarding an electronic prescription information ~~and the health information exchange~~ system.

~~BY adding to~~
~~Article – Health – General~~
~~Section 19–145~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows~~:

~~**Article – Health – General**~~

~~**19–145.**~~

~~**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

~~**(2) (I) "DISPENSE" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.**~~

~~**(II) "DISPENSE" DOES NOT INCLUDE:**~~

~~**1. DIRECTLY ADMINISTERING A PRESCRIPTION DRUG TO A PATIENT; OR**~~

~~**2. GIVING OUT PRESCRIPTION DRUG SAMPLES.**~~

~~**(3) (I) "DISPENSER" MEANS A PERSON AUTHORIZED BY LAW TO DISPENSE A PRESCRIPTION DRUG TO A PATIENT OR THE PATIENT'S AGENT IN THE STATE.**~~

~~**(II) "DISPENSER" INCLUDES A NONRESIDENT PHARMACY.**~~

~~(III) "DISPENSER" DOES NOT INCLUDE A PERSON DESCRIBED IN § 21–2A–01(D)(3) OF THIS ARTICLE.~~

~~(4) "PRESCRIPTION DRUG" HAS THE MEANING STATED IN § 21–201 OF THIS ARTICLE.~~

~~(B) THE PURPOSE OF THIS SECTION IS TO ALLOW A HEALTH CARE PROVIDER TO ACCESS A PATIENT'S MEDICATION HISTORY, INCLUDING MEDICATIONS PRESCRIBED FOR THE PATIENT BY ANOTHER HEALTH CARE PROVIDER.~~

~~(C) (1) AFTER DISPENSING A PRESCRIPTION DRUG, A DISPENSER SHALL SUBMIT PRESCRIPTION INFORMATION TO THE HEALTH INFORMATION EXCHANGE DESIGNATED FOR THE STATE UNDER § 19–143(A) OF THIS SUBTITLE.~~

~~(2) THE PRESCRIPTION INFORMATION SHALL BE SUBMITTED:~~

~~(I) BY ELECTRONIC MEANS;~~

~~(II) WITHOUT UNDULY INCREASING THE WORKLOAD AND EXPENSE ON A DISPENSER;~~

~~(III) IN A MANNER AS COMPATIBLE AS POSSIBLE WITH EXISTING DATA SUBMISSION PRACTICES OF DISPENSERS;~~

~~(IV) USING INFORMATION TECHNOLOGY SOFTWARE PROVIDED TO THE DISPENSER BY THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE; AND~~

~~(V) AS OTHERWISE REQUIRED THROUGH REGULATIONS ADOPTED BY THE COMMISSION.~~

~~(3) THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE MAY NOT IMPOSE ANY FEES OR OTHER ASSESSMENTS TO SUPPORT THE OPERATION OF THE EXCHANGE ON PRESCRIBERS OR DISPENSERS.~~

~~(D) THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE SHALL MAKE PRESCRIPTION INFORMATION SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION AVAILABLE TO A HEALTH CARE PROVIDER FOR PURPOSES OF TREATMENT AND CARE COORDINATION OF A PATIENT.~~

~~(E) THE COMMISSION, IN CONSULTATION WITH STAKEHOLDERS, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

~~(F) THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (E) OF THIS SECTION SHALL INCLUDE:~~

~~(1) THE SPECIFIC PRESCRIPTION INFORMATION REQUIRED TO BE SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(2) THE TIME FRAME FOR SUBMITTING PRESCRIPTION INFORMATION UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(3) THE ELECTRONIC MEANS AND MANNER BY WHICH PRESCRIPTION INFORMATION IS TO BE SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(4) WHO MAY ACCESS PRESCRIPTION INFORMATION AFTER IT IS SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(5) PERMISSIBLE USES OF PRESCRIPTION INFORMATION SUBMITTED UNDER THIS SECTION; AND~~

~~(6) PRESCRIPTION INFORMATION SUBMISSION REQUIREMENTS THAT ALIGN WITH THE DATA SUBMISSION REQUIREMENTS ON DISPENSERS OF MONITORED PRESCRIPTION DRUGS UNDER TITLE 21, SUBTITLE 2A OF THIS ARTICLE.~~

(a) The Maryland Health Care Commission shall convene interested stakeholders to assess the benefits and feasibility of developing an electronic system to allow health care providers to access a patient's prescription medication history, including assessing:

(1) whether the health information exchange designated for the State under § 19–143 of the Health – General Article is capable of including a patient's prescription medication history;

(2) the enhancements to the State–designated health information exchange required to ensure that the exchange is able to continue to meet other State mandates, including operating an effective Prescription Drug Monitoring Program;

(3) the resources required for individual health care practitioners, health care facilities, prescription drug dispensers, and pharmacies to provide the information collected in a statewide repository of prescription medication information;

(4) the cost to the State to develop and maintain an electronic prescription medication system and the cost to prescribers to access the system;

(5) the resources required to ensure that health care practitioners and prescription drug dispensers can maximize the benefit of using the system to improve patient care;

(6) the scope of prescription medication information that should be collected in the system, including any specific exemptions;

(7) the scope of health care providers that would report prescription medication information in the system, including any specific exemptions;

(8) the potential for development or use of systems other than the State–designated health information exchange for access to patients' prescription medication history;

(9) the privacy protections required for the system, including the ability of consumers to choose not to share prescription data, to ensure the prescription data is used in a manner that is compliant with State and federal privacy requirements, including 42 U.S.C. § 290dd–2 and 42 C.F.R Part 2;

(10) the feasibility of ensuring that the data in the system is used only by health care practitioners to coordinate the care and treatment of patients;

(11) the standards for prohibiting the use of the data in the system by a person or an entity other than a health care practitioner, including any exceptions for the use of data with identifying information removed for bona fide research; and

(12) any other matters of interest identified by the Commission or the stakeholders.

(b) On or before January 1, 2020, the Maryland Health Care Commission, in consultation with interested stakeholders, shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Health Care Commission work toward the development of an electronic system within the health information exchange designated for the State under § 19–143 of the Health – General Article for the purpose of providing a health care provider access to a patient's medication history, including medications prescribed to a patient by another health care provider, to coordinate the care of or provide treatment to the patient.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2018~~ July 1, 2018. It shall remain effective for a period of 2 years and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 436

(Senate Bill 13)

AN ACT concerning

Maryland Health Care Commission – Electronic Prescription Records ~~Cost Saving Act of 2018~~ System – Assessment and Report

FOR the purpose of requiring ~~a dispenser of a prescription drug to submit certain prescription information to a certain health information exchange; requiring certain prescription information to be submitted in a certain manner; prohibiting a certain health information exchange from imposing certain fees or assessments; requiring a certain health information exchange to make certain prescription information available to a health care provider for certain purposes; requiring the Maryland Health Care Commission to adopt certain regulations; requiring that certain regulations include certain provisions; stating the purpose of this Act; defining certain terms~~ the Maryland Health Care Commission, in consultation with interested stakeholders, to assess the benefits and feasibility of developing an electronic system to allow health care providers to access a patient's prescription medication history; requiring the Commission to report its findings to the Governor and the General Assembly on or before a certain date; specifying the intent of the General Assembly; providing for the termination of this Act; and generally relating to an assessment and report by the Maryland Health Care Commission regarding an electronic prescription information ~~and the health information exchange~~ system.

~~BY adding to~~
~~Article – Health – General~~
~~Section 19–145~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows~~:

~~**Article – Health – General**~~

~~**19–145.**~~

~~**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

~~**(2) (I) "DISPENSE" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.**~~

~~**(II) "DISPENSE" DOES NOT INCLUDE:**~~

~~1. DIRECTLY ADMINISTERING A PRESCRIPTION DRUG TO A PATIENT; OR~~

~~2. GIVING OUT PRESCRIPTION DRUG SAMPLES.~~

~~(3) (I) "DISPENSER" MEANS A PERSON AUTHORIZED BY LAW TO DISPENSE A PRESCRIPTION DRUG TO A PATIENT OR THE PATIENT'S AGENT IN THE STATE.~~

~~(II) "DISPENSER" INCLUDES A NONRESIDENT PHARMACY.~~

~~(III) "DISPENSER" DOES NOT INCLUDE A PERSON DESCRIBED IN § 21–2A–01(D)(3) OF THIS ARTICLE.~~

~~(4) "PRESCRIPTION DRUG" HAS THE MEANING STATED IN § 21–201 OF THIS ARTICLE.~~

~~(B) THE PURPOSE OF THIS SECTION IS TO ALLOW A HEALTH CARE PROVIDER TO ACCESS A PATIENT'S MEDICATION HISTORY, INCLUDING MEDICATIONS PRESCRIBED FOR THE PATIENT BY ANOTHER HEALTH CARE PROVIDER.~~

~~(C) (1) AFTER DISPENSING A PRESCRIPTION DRUG, A DISPENSER SHALL SUBMIT PRESCRIPTION INFORMATION TO THE HEALTH INFORMATION EXCHANGE DESIGNATED FOR THE STATE UNDER § 19–143(A) OF THIS SUBTITLE.~~

~~(2) THE PRESCRIPTION INFORMATION SHALL BE SUBMITTED:~~

~~(I) BY ELECTRONIC MEANS;~~

~~(II) WITHOUT UNDULY INCREASING THE WORKLOAD AND EXPENSE ON A DISPENSER;~~

~~(III) IN A MANNER AS COMPATIBLE AS POSSIBLE WITH EXISTING DATA SUBMISSION PRACTICES OF DISPENSERS;~~

~~(IV) USING INFORMATION TECHNOLOGY SOFTWARE PROVIDED TO THE DISPENSER BY THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE; AND~~

~~(V) AS OTHERWISE REQUIRED THROUGH REGULATIONS ADOPTED BY THE COMMISSION.~~

~~(3) THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE MAY NOT IMPOSE ANY FEES OR OTHER ASSESSMENTS TO SUPPORT THE OPERATION OF THE EXCHANGE ON PRESCRIBERS OR DISPENSERS.~~

~~(D) THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE SHALL MAKE PRESCRIPTION INFORMATION SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION AVAILABLE TO A HEALTH CARE PROVIDER FOR PURPOSES OF TREATMENT AND CARE COORDINATION OF A PATIENT.~~

~~(E) THE COMMISSION, IN CONSULTATION WITH STAKEHOLDERS, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

~~(F) THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (E) OF THIS SECTION SHALL INCLUDE:~~

~~(1) THE SPECIFIC PRESCRIPTION INFORMATION REQUIRED TO BE SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(2) THE TIME FRAME FOR SUBMITTING PRESCRIPTION INFORMATION UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(3) THE ELECTRONIC MEANS AND MANNER BY WHICH PRESCRIPTION INFORMATION IS TO BE SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(4) WHO MAY ACCESS PRESCRIPTION INFORMATION AFTER IT IS SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(5) PERMISSIBLE USES OF PRESCRIPTION INFORMATION SUBMITTED UNDER THIS SECTION; AND~~

~~(6) PRESCRIPTION INFORMATION SUBMISSION REQUIREMENTS THAT ALIGN WITH THE DATA SUBMISSION REQUIREMENTS ON DISPENSERS OF MONITORED PRESCRIPTION DRUGS UNDER TITLE 21, SUBTITLE 2A OF THIS ARTICLE.~~

(a) The Maryland Health Care Commission shall convene interested stakeholders to assess the benefits and feasibility of developing an electronic system to allow health care providers to access a patient's prescription medication history, including assessing:

(1) whether the health information exchange designated for the State under § 19–143 of the Health – General Article is capable of including a patient's prescription medication history;

(2) the enhancements to the State–designated health information exchange required to ensure that the exchange is able to continue to meet other State mandates, including operating an effective Prescription Drug Monitoring Program;

(3) the resources required for individual health care practitioners, health care facilities, prescription drug dispensers, and pharmacies to provide the information collected in a statewide repository of prescription medication information;

(4) the cost to the State to develop and maintain an electronic prescription medication system and the cost to prescribers to access the system;

(5) the resources required to ensure that health care practitioners and prescription drug dispensers can maximize the benefit of using the system to improve patient care;

(6) the scope of prescription medication information that should be collected in the system, including any specific exemptions;

(7) the scope of health care providers that would report prescription medication information in the system, including any specific exemptions;

(8) the potential for development or use of systems other than the State–designated health information exchange for access to patients' prescription medication history;

(9) the privacy protections required for the system, including the ability of consumers to choose not to share prescription data, to ensure the prescription data is used in a manner that is compliant with State and federal privacy requirements, including 42 U.S.C. § 290dd–2 and 42 C.F.R. Part 2;

(10) the feasibility of ensuring that the data in the system is used only by health care practitioners to coordinate the care and treatment of patients;

(11) the standards for prohibiting the use of the data in the system by a person or an entity other than a health care practitioner, including any exceptions for the use of data with identifying information removed for bona fide research; and

(12) any other matters of interest identified by the Commission or the stakeholders.

(b) On or before January 1, 2020, the Maryland Health Care Commission, in consultation with interested stakeholders, shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Health Care Commission work toward the development of an

electronic system within the health information exchange designated for the State under § 19–143 of the Health – General Article for the purpose of providing a health care provider access to a patient's medication history, including medications prescribed to a patient by another health care provider, to coordinate the care of or provide treatment to the patient.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2018~~ July 1, 2018. It shall remain effective for a period of 2 years and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 437

(House Bill 249)

AN ACT concerning

Health Insurance – Coverage for Fertility Awareness–Based Methods

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide certain coverage for certain instruction on certain fertility awareness–based methods; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance requirement, or deductible to coverage for certain instruction on certain fertility awareness–based methods, except with respect to a certain health benefit plan; defining a certain term; providing for the application of this Act; providing for a delayed effective date; and generally relating to coverage for services relating to fertility awareness–based methods under health insurance.

BY adding to
Article – Insurance
Section 15–826.3
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–826.3.

(A) IN THIS SECTION, "FERTILITY AWARENESS–BASED METHODS" MEANS METHODS OF IDENTIFYING TIMES OF FERTILITY AND INFERTILITY BY AN INDIVIDUAL TO AVOID ~~OR ACHIEVE~~ PREGNANCY, INCLUDING:

(1) CERVICAL MUCUS METHODS;

(2) SYMPTO–THERMAL OR SYMPTO–HORMONAL METHODS;

(3) THE STANDARD DAYS METHOD; AND

(4) THE LACTATIONAL AMENORRHEA METHOD.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR INSTRUCTION BY A LICENSED HEALTH CARE PROVIDER ON FERTILITY AWARENESS–BASED METHODS.

(D) EXCEPT WITH RESPECT TO A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A COPAYMENT, COINSURANCE REQUIREMENT, OR DEDUCTIBLE TO THE COVERAGE REQUIRED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 438

(Senate Bill 33)

AN ACT concerning

Health Insurance – Coverage for Fertility Awareness–Based Methods

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide certain coverage for certain instruction on certain fertility awareness–based methods; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance requirement, or deductible to coverage for certain instruction on certain fertility awareness–based methods, except with respect to a certain health benefit plan; defining a certain term; providing for the application of this Act; providing for a delayed effective date; and generally relating to coverage for services relating to fertility awareness–based methods under health insurance.

BY adding to
Article – Insurance
Section 15–826.3
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–826.3.

(A) IN THIS SECTION, "FERTILITY AWARENESS–BASED METHODS" MEANS METHODS OF IDENTIFYING TIMES OF FERTILITY AND INFERTILITY BY AN INDIVIDUAL TO AVOID ~~OR ACHIEVE~~ PREGNANCY, INCLUDING:

(1) CERVICAL MUCUS METHODS;

(2) SYMPTO–THERMAL OR SYMPTO–HORMONAL METHODS;

(3) THE STANDARD DAYS METHOD; AND

(4) THE LACTATIONAL AMENORRHEA METHOD.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR INSTRUCTION BY A LICENSED HEALTH CARE PROVIDER ON FERTILITY AWARENESS–BASED METHODS.

(D) EXCEPT WITH RESPECT TO A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A COPAYMENT, COINSURANCE REQUIREMENT, OR DEDUCTIBLE TO THE COVERAGE REQUIRED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 439

(House Bill 407)

AN ACT concerning

Public Health – General Hospice Care Programs – Collection and Disposal of Unused Prescription Medication

FOR the purpose of requiring a general hospice care program to establish a written unused prescription medication collection and disposal policy that includes certain provisions; requiring an employee of a general hospice care program to ~~immediately~~, as soon as practicable, collect and dispose of a certain patient's unused prescription medication under certain circumstances; requiring a certain employee to provide to the patient or patient's family member or personal representative a certain written request for authorizing the collection and disposal of certain

medication; prohibiting an employee of a general hospice care program from collecting or disposing of certain medication without a certain written authorization; requiring a certain employee to urge a certain patient or the patient's family member or personal representative to dispose of certain medication in a certain manner under certain circumstances; requiring a certain employee, under certain circumstances, to ~~immediately~~, as soon as practicable, dispose of certain medication in accordance with certain guidelines and under the witness of certain individuals; requiring that the collection and disposal of certain medication be documented in a patient's medical record; requiring that the medical record include certain information; requiring a certain general hospice program employee to document a certain refusal and certain other information in a certain patient's medical record under certain circumstances; prohibiting a general hospice care program from being held liable in a civil or criminal action under certain circumstances; providing for the application of this Act; and generally relating to the collection and disposal of unused prescription medication by general hospice care programs.

BY adding to
Article – Health – General
Section 19–914
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–914.

(A) (1) THIS SECTION APPLIES TO A GENERAL HOSPICE CARE PROGRAM ONLY WHEN PROVIDING HOSPICE SERVICES IN AN IN–HOME SETTING.

(2) THIS SECTION DOES NOT APPLY TO A GENERAL HOSPICE CARE PROGRAM WHEN PROVIDING HOSPICE SERVICES IN A NURSING HOME, ASSISTED LIVING FACILITY, OR A GENERAL HOSPICE CARE PROGRAM FACILITY.

~~(A)~~ (B) A GENERAL HOSPICE CARE PROGRAM SHALL ESTABLISH A WRITTEN POLICY THAT OUTLINES THE PROCEDURES FOR THE COLLECTION AND DISPOSAL OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION, INCLUDING A PROCEDURE THAT REQUIRES A GENERAL HOSPICE CARE EMPLOYEE, AT THE TIME THAT A PATIENT IS ENROLLED IN THE GENERAL HOSPICE CARE PROGRAM, TO:

(1) DISCUSS WITH THE PATIENT AND THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE THE REQUIREMENTS UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION; AND

(2) PROVIDE A WRITTEN COPY OF THE UNUSED PRESCRIPTION MEDICATION COLLECTION AND DISPOSAL POLICY TO THE PATIENT AND THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE.

~~(B)~~ (C) (1) IN ACCORDANCE WITH A GENERAL HOSPICE CARE PROGRAM'S POLICY AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL ~~IMMEDIATELY~~, AS SOON AS PRACTICABLE, COLLECT AND DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION ON:

(I) THE DEATH OF THE PATIENT; OR

(II) THE TERMINATION OF A PRESCRIPTION MEDICATION BY THE PATIENT'S PRESCRIBER.

(2) BEFORE A GENERAL HOSPICE CARE PROGRAM EMPLOYEE COLLECTS OR DISPOSES OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EMPLOYEE SHALL PROVIDE TO THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE A WRITTEN REQUEST FOR AUTHORIZATION TO COLLECT AND DISPOSE OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION IN ACCORDANCE WITH THE PATIENT'S CARE PLAN.

(3) A GENERAL HOSPICE CARE PROGRAM EMPLOYEE MAY NOT COLLECT OR DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION UNLESS THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR REPRESENTATIVE PROVIDES WRITTEN AUTHORIZATION TO THE GENERAL HOSPICE CARE PROGRAM.

(4) IF A PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE REFUSES TO AUTHORIZE THE COLLECTION OR DISPOSAL OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION, THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL URGE THAT THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE DISPOSE OF ANY UNUSED PRESCRIPTION MEDICATION IN A SAFE AND LEGAL MANNER IN ACCORDANCE WITH FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND FEDERAL DRUG ENFORCEMENT ADMINISTRATION GUIDELINES FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.

~~(C)~~ (D) IF AUTHORIZED, A GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL ~~IMMEDIATELY~~, AS SOON AS PRACTICABLE, DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION AT THE SITE WHERE HOSPICE CARE WAS PROVIDED:

(1) IN ACCORDANCE WITH FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND FEDERAL DRUG ENFORCEMENT ADMINISTRATION GUIDELINES FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS; AND

(2) UNDER THE WITNESS OF:

(I) THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE;

(II) ANOTHER GENERAL HOSPICE CARE PROGRAM EMPLOYEE; OR

(III) IF NONE OF THE INDIVIDUALS UNDER ITEMS (I) OR (II) OF THIS ITEM ARE AVAILABLE, A LOCAL LAW ENFORCEMENT OFFICER.

~~(D)~~ (E) (1) THE COLLECTION AND DISPOSAL OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION BY THE GENERAL HOSPICE CARE PROGRAM SHALL BE DOCUMENTED IN THE PATIENT'S MEDICAL RECORD BY THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE WHO CONDUCTED THE COLLECTION AND DISPOSAL.

(2) THE MEDICAL RECORD SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE NAME AND QUANTITY OF EACH UNUSED PRESCRIPTION MEDICATION;

(II) THE NAME OF THE INDIVIDUAL WHO AUTHORIZED THE COLLECTION AND DISPOSAL OF THE UNUSED PRESCRIPTION MEDICATION AND THE INDIVIDUAL'S RELATIONSHIP TO THE PATIENT;

(III) THE DATE OF DISPOSAL FOR EACH UNUSED PRESCRIPTION MEDICATION;

(IV) THE NAME OF THE INDIVIDUAL WHO CONDUCTED THE COLLECTION AND DISPOSAL; AND

(V) THE NAME OF THE INDIVIDUAL WHO WITNESSED THE DISPOSAL OF UNUSED PRESCRIPTION MEDICATION BY THE EMPLOYEE AS REQUIRED UNDER SUBSECTION ~~(C)(2)~~ (D)(2) OF THIS SECTION.

(3) IF A PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE REFUSES TO AUTHORIZE THE COLLECTION AND DISPOSAL OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION BY THE GENERAL HOSPICE CARE PROGRAM, THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL DOCUMENT IN THE PATIENT'S MEDICAL RECORD:

(I) THE REFUSAL TO AUTHORIZE THE COLLECTION AND DISPOSAL OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION; AND

(II) THE NAME AND QUANTITY OF EACH UNUSED PRESCRIPTION MEDICATION NOT SURRENDERED.

~~(E)~~ (F) A GENERAL HOSPICE CARE PROGRAM MAY NOT BE HELD LIABLE IN A CIVIL OR CRIMINAL ACTION FOR ANY GOOD FAITH ACT OR OMISSION TAKEN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 440

(Senate Bill 232)

AN ACT concerning

Public Health – General Hospice Care Programs – Collection and Disposal of Unused Prescription Medication

FOR the purpose of requiring a general hospice care program to establish a written unused prescription medication collection and disposal policy that includes certain provisions; requiring an employee of a general hospice care program to ~~immediately~~, as soon as practicable, collect and dispose of a certain patient's unused prescription medication under certain circumstances; requiring a certain employee to provide to the patient or patient's family member or personal representative a certain written request for authorizing the collection and disposal of certain medication; prohibiting an employee of a general hospice care program from collecting or disposing of certain medication without a certain written authorization; requiring a certain employee to urge a certain patient or the patient's family member or personal representative to dispose of certain medication in a certain manner under certain circumstances; requiring a certain employee, under certain circumstances, to ~~immediately~~, as soon as practicable, dispose of certain medication in accordance with certain guidelines and under the witness of certain individuals; requiring that the collection and disposal of certain medication be documented in a patient's medical record; requiring that the medical record include certain information; requiring a certain general hospice program employee to document a certain refusal and certain other information in a certain patient's medical record under certain circumstances; prohibiting a general hospice care program from being held liable in a civil or criminal action under certain circumstances; providing for the application of this Act;

and generally relating to the collection and disposal of unused prescription medication by general hospice care programs.

BY adding to
Article – Health – General
Section 19–914
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–914.

(A) (1) THIS SECTION APPLIES TO A GENERAL HOSPICE CARE PROGRAM ONLY WHEN PROVIDING HOSPICE SERVICES IN AN IN–HOME SETTING.

(2) THIS SECTION DOES NOT APPLY TO A GENERAL HOSPICE CARE PROGRAM WHEN PROVIDING HOSPICE SERVICES IN A NURSING HOME, ASSISTED LIVING FACILITY, OR A GENERAL HOSPICE CARE PROGRAM FACILITY.

~~(A)~~ (B) A GENERAL HOSPICE CARE PROGRAM SHALL ESTABLISH A WRITTEN POLICY THAT OUTLINES THE PROCEDURES FOR THE COLLECTION AND DISPOSAL OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION, INCLUDING A PROCEDURE THAT REQUIRES A GENERAL HOSPICE CARE EMPLOYEE, AT THE TIME THAT A PATIENT IS ENROLLED IN THE GENERAL HOSPICE CARE PROGRAM, TO:

(1) DISCUSS WITH THE PATIENT AND THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE THE REQUIREMENTS UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION; AND

(2) PROVIDE A WRITTEN COPY OF THE UNUSED PRESCRIPTION MEDICATION COLLECTION AND DISPOSAL POLICY TO THE PATIENT AND THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE.

~~(B)~~ (C) (1) IN ACCORDANCE WITH A GENERAL HOSPICE CARE PROGRAM'S POLICY AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL ~~IMMEDIATELY~~, AS SOON AS PRACTICABLE, COLLECT AND DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION ON:

(I) THE DEATH OF THE PATIENT; OR

(II) THE TERMINATION OF A PRESCRIPTION MEDICATION BY THE PATIENT'S PRESCRIBER.

(2) BEFORE A GENERAL HOSPICE CARE PROGRAM EMPLOYEE COLLECTS OR DISPOSES OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EMPLOYEE SHALL PROVIDE TO THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE A WRITTEN REQUEST FOR AUTHORIZATION TO COLLECT AND DISPOSE OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION IN ACCORDANCE WITH THE PATIENT'S CARE PLAN.

(3) A GENERAL HOSPICE CARE PROGRAM EMPLOYEE MAY NOT COLLECT OR DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION UNLESS THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR REPRESENTATIVE PROVIDES WRITTEN AUTHORIZATION TO THE GENERAL HOSPICE CARE PROGRAM.

(4) IF A PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE REFUSES TO AUTHORIZE THE COLLECTION OR DISPOSAL OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION, THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL URGE THAT THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE DISPOSE OF ANY UNUSED PRESCRIPTION MEDICATION IN A SAFE AND LEGAL MANNER IN ACCORDANCE WITH FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND FEDERAL DRUG ENFORCEMENT ADMINISTRATION GUIDELINES FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.

~~(C)~~ (D) IF AUTHORIZED, A GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL ~~IMMEDIATELY~~, AS SOON AS PRACTICABLE, DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION AT THE SITE WHERE HOSPICE CARE WAS PROVIDED:

(1) IN ACCORDANCE WITH FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND FEDERAL DRUG ENFORCEMENT ADMINISTRATION GUIDELINES FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS; AND

(2) UNDER THE WITNESS OF:

(I) THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE;

(II) ANOTHER GENERAL HOSPICE CARE PROGRAM EMPLOYEE; OR

(III) IF NONE OF THE INDIVIDUALS UNDER ITEMS (I) OR (II) OF THIS ITEM ARE AVAILABLE, A LOCAL LAW ENFORCEMENT OFFICER.

~~(D)~~ (E) (1) THE COLLECTION AND DISPOSAL OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION BY THE GENERAL HOSPICE CARE PROGRAM SHALL BE DOCUMENTED IN THE PATIENT'S MEDICAL RECORD BY THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE WHO CONDUCTED THE COLLECTION AND DISPOSAL.

(2) THE MEDICAL RECORD SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE NAME AND QUANTITY OF EACH UNUSED PRESCRIPTION MEDICATION;

(II) THE NAME OF THE INDIVIDUAL WHO AUTHORIZED THE COLLECTION AND DISPOSAL OF THE UNUSED PRESCRIPTION MEDICATION AND THE INDIVIDUAL'S RELATIONSHIP TO THE PATIENT;

(III) THE DATE OF DISPOSAL FOR EACH UNUSED PRESCRIPTION MEDICATION;

(IV) THE NAME OF THE INDIVIDUAL WHO CONDUCTED THE COLLECTION AND DISPOSAL; AND

(V) THE NAME OF THE INDIVIDUAL WHO WITNESSED THE DISPOSAL OF UNUSED PRESCRIPTION MEDICATION BY THE EMPLOYEE AS REQUIRED UNDER SUBSECTION ~~(C)(2)~~ (D)(2) OF THIS SECTION.

(3) IF A PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE REFUSES TO AUTHORIZE THE COLLECTION AND DISPOSAL OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION BY THE GENERAL HOSPICE CARE PROGRAM, THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL DOCUMENT IN THE PATIENT'S MEDICAL RECORD:

(I) THE REFUSAL TO AUTHORIZE THE COLLECTION AND DISPOSAL OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION; AND

(II) THE NAME AND QUANTITY OF EACH UNUSED PRESCRIPTION MEDICATION NOT SURRENDERED.

~~(E)~~ (F) A GENERAL HOSPICE CARE PROGRAM MAY NOT BE HELD LIABLE IN A CIVIL OR CRIMINAL ACTION FOR ANY GOOD FAITH ACT OR OMISSION TAKEN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 441

(Senate Bill 163)

AN ACT concerning

Public Health – Community Health Workers – Advisory Committee and Certification

FOR the purpose of establishing the State Community Health Worker Advisory Committee; providing for the composition of the Advisory Committee; providing for the qualifications, terms, and removal of certain members of the Advisory Committee; providing for the chair and officers of the Advisory Committee; specifying that a majority of the members then serving on the Advisory Committee is a quorum; requiring the Advisory Committee to meet at least a certain number of times each year at certain times and places to make certain recommendations; requiring the Maryland Department of Health to provide certain support and technical assistance to the Advisory Committee; requiring that certain written materials be provided in the preferred language of the Advisory Committee members, as necessary; requiring that training or educational opportunities be made available to Advisory Committee members on certain processes; specifying that an Advisory Committee member is entitled to certain reimbursement for certain expenses; requiring the Advisory Committee to advise the Department on certain matters relating to the certification and training of community health workers; providing that, subject to a certain exception, a certified community health worker training program must be approved by the Department before operating in the State; providing that certain apprenticeship programs may be accredited by the Department as community health worker training programs; requiring the Department to adopt certain regulations for accrediting certified community health worker training programs; requiring the Department to adopt regulations relating to the certification of community health workers; authorizing the Department to adopt certain regulations related to the certification of community health workers; authorizing the Department to adopt certain regulations recommended by the Advisory Committee; specifying the duties of the Department regarding the certification of community health workers; authorizing the Department to certify an individual to practice as a community health worker in the State; establishing qualifications for a certain certification; ~~establishing certain certification application, issuance, and renewal procedures; establishing procedures for placing a certificate on inactive status, reactivating a certificate, and providing notice for nonrenewal of a certificate;~~ requiring the Department to establish a deadline after which an individual must be certified under this Act to make certain representations; prohibiting a certain individual from making a certain representation to the public after a certain date; providing that an individual who violates a certain provision of this Act is subject to a certain penalty;

establishing the State Community Health Workers Fund; authorizing the Department to set certain fees for a certain purpose; providing for the purpose, operation, and uses of the Fund; specifying that the Fund is a special, nonlapsing fund not subject to a certain provision of law; prohibiting unspent portions of the Fund from reverting to the General Fund; specifying that a person who gives certain information to the Department or Advisory Committee or otherwise participates in certain activities has a certain immunity from liability; providing for the terms of the initial appointed members of the Advisory Committee; requiring the Advisory Committee to hold its first meeting within a certain time period after the Governor has appointed the last initial member of the Advisory Committee; declaring the intent of the General Assembly regarding the initial funding of certain Department activities and reimbursement of the General Fund under certain circumstances; defining certain terms; and generally relating to the State Community Health Worker Advisory Committee and the certification of community health workers.

BY adding to
Article – Health – General
Section 13–3601 through 13–3609 to be under the new subtitle "Subtitle 36. Community Health Workers"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

SUBTITLE 36. COMMUNITY HEALTH WORKERS.

13–3601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ADVISORY COMMITTEE" MEANS THE STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE.

(C) "COMMUNITY HEALTH WORKER" MEANS A FRONTLINE PUBLIC HEALTH WORKER WHO:

(1) IS A TRUSTED MEMBER OF, OR HAS AN UNUSUALLY CLOSE UNDERSTANDING OF, THE COMMUNITY BEING SERVED;

(2) SERVES AS A LIAISON TO, LINK TO, OR INTERMEDIARY BETWEEN HEALTH AND SOCIAL SERVICES AND THE COMMUNITY TO:

(I) FACILITATE ACCESS TO SERVICES; AND

(II) IMPROVE THE QUALITY AND CULTURAL COMPETENCE OF SERVICE DELIVERY; AND

(3) BUILDS INDIVIDUAL AND COMMUNITY CAPACITY BY INCREASING HEALTH KNOWLEDGE AND SELF–SUFFICIENCY THROUGH A RANGE OF ACTIVITIES, INCLUDING:

(I) OUTREACH;

(II) COMMUNITY EDUCATION;

(III) ~~INFORMAL COUNSELING~~ THE PROVISION OF INFORMATION TO SUPPORT INDIVIDUALS IN THE COMMUNITY;

(IV) SOCIAL SUPPORT; AND

(V) ADVOCACY.

(D) "FUND" MEANS THE STATE COMMUNITY HEALTH WORKERS FUND ESTABLISHED UNDER § 13–3607 OF THIS SUBTITLE.

13–3602.

(A) THERE IS A STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE.

(B) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE; AND

(2) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE:

(I) ~~SEVEN~~ NINE COMMUNITY HEALTH WORKERS;

(II) ONE REGISTERED NURSE WITH EXPERIENCE IN COMMUNITY HEALTH;

(III) ONE LICENSED SOCIAL WORKER WITH EXPERIENCE IN COMMUNITY HEALTH;

(IV) ONE REPRESENTATIVE OF A COMMUNITY HEALTH WORKER TRAINING ORGANIZATION;

(V) ONE REPRESENTATIVE OF THE MARYLAND PUBLIC HEALTH ASSOCIATION;

(VI) ONE REPRESENTATIVE OF A COMMUNITY–BASED EMPLOYER OF COMMUNITY HEALTH WORKERS;

(VII) ONE MEMBER OF THE PUBLIC WHO IS FAMILIAR WITH THE SERVICES OF COMMUNITY HEALTH WORKERS; ~~AND~~

(VIII) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS;

(IX) ONE REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION; AND

(X) ONE REPRESENTATIVE OF THE COMMUNITY BEHAVIORAL HEALTH ASSOCIATION OF MARYLAND.

(C) EACH ADVISORY COMMITTEE MEMBER MUST BE A RESIDENT OF THE STATE.

(D) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE APPOINTED MEMBERS OF THE ADVISORY COMMITTEE ON OCTOBER 1, 2018.

(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(6) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY VACANCY ON THE ADVISORY COMMITTEE WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY.

(E) (1) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, INCAPACITY, OR NEGLECT OF DUTY.

(2) ON THE RECOMMENDATION OF THE SECRETARY, THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT FROM TWO SUCCESSIVE ADVISORY COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.

13–3603.

(A) (1) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE, SHALL SERVE AS THE CHAIR OF THE ADVISORY COMMITTEE.

(2) (I) FROM AMONG ITS APPOINTED MEMBERS, THE ADVISORY COMMITTEE ANNUALLY SHALL ELECT A VICE CHAIR AND A SECRETARY.

(II) THE ADVISORY COMMITTEE SHALL DETERMINE:

1. THE MANNER OF ELECTION OF THE VICE CHAIR AND THE SECRETARY; AND

2. THE DUTIES OF EACH OFFICER.

(B) A MAJORITY OF THE MEMBERS THEN SERVING ON THE ADVISORY COMMITTEE IS A QUORUM.

(C) THE ADVISORY COMMITTEE SHALL MEET AT LEAST TWO TIMES EACH YEAR, AT THE TIMES AND PLACES THAT THE ADVISORY COMMITTEE DETERMINES, TO MAKE RECOMMENDATIONS REGARDING THE ITEMS LISTED UNDER § 13–3604 OF THIS SUBTITLE.

(D) A MEMBER OF THE ADVISORY COMMITTEE IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT AND TECHNICAL ASSISTANCE FOR THE ADVISORY COMMITTEE.

(F) WRITTEN MATERIALS USED TO CONDUCT THE BUSINESS OF THE ADVISORY COMMITTEE SHALL BE PROVIDED IN THE PREFERRED LANGUAGE OF THE ADVISORY COMMITTEE MEMBERS, AS NECESSARY.

(G) TRAINING OR EDUCATIONAL OPPORTUNITIES SHALL BE MADE AVAILABLE TO ADVISORY COMMITTEE MEMBERS ON THE FORMAL AND INFORMAL

PROCESSES THAT WILL BE USED TO CONDUCT THE BUSINESS OF THE ADVISORY COMMITTEE.

13–3604.

~~THE~~ AFTER SEEKING INPUT FROM THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE MARYLAND HIGHER EDUCATION COMMISSION, THE MARYLAND RURAL HEALTH ASSOCIATION, THE MARYLAND ACADEMY OF NUTRITION AND DIETETICS, THE MARYLAND STATE DENTAL ASSOCIATION, COMMUNITY AND HOSPITAL EMPLOYERS OF COMMUNITY HEALTH WORKERS, AND INSTITUTIONS OF POSTSECONDARY EDUCATION WITH PROGRAMS IN NURSING, SOCIAL WORK, AND DIETETICS, THE ADVISORY COMMITTEE SHALL ADVISE THE DEPARTMENT ON:

(1) COMMUNITY HEALTH WORKER TRAINING PROGRAMS, INCLUDING TIERS OF TRAINING;

(2) FEES FOR THE ISSUANCE AND RENEWAL OF CERTIFICATES AND OTHER SERVICES;

(3) GRANDFATHERING PROVISIONS;

(4) ~~CRIMINAL BACKGROUND CHECKS REQUIRED FOR CERTIFICATION;~~

~~(5)~~ CRITERIA FOR THE DENIAL OF A CERTIFICATION APPLICATION, REPRIMAND OF A CERTIFICATE HOLDER, PLACING A CERTIFICATE HOLDER ON PROBATION, OR SUSPENSION OR REVOCATION OF A CERTIFICATE;

~~(6)~~ (5) HEARING PROCEDURES BEFORE THE DEPARTMENT TAKES ANY DISCIPLINARY ACTION LISTED UNDER ITEM ~~(5)~~ (4) OF THIS SECTION;

~~(7)~~ (6) APPEAL PROCEDURES FOR A PERSON AGGRIEVED BY A DECISION OF THE DEPARTMENT;

~~(8)~~ (7) CRITERIA FOR THE REINSTATEMENT OF A SUSPENDED OR REVOKED CERTIFICATE; ~~AND~~

~~(9)~~ (8) PENALTIES FOR VIOLATIONS OF THIS SUBTITLE; AND

(9) THE APPROPRIATE TERM OF A CERTIFICATE AND RENEWAL PROCEDURES.

13–3605.

(A) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM MUST BE ACCREDITED BY THE DEPARTMENT BEFORE OPERATING IN THE STATE.

(II) A CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM IN OPERATION ON OCTOBER 1, 2018, MAY CONTINUE TO OPERATE UNTIL THE DEADLINE ESTABLISHED BY THE DEPARTMENT UNDER PARAGRAPH (3)(I)2 OF THIS SUBSECTION.

(III) AN APPRENTICESHIP PROGRAM REGISTERED WITH THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION MAY BE ACCREDITED BY THE DEPARTMENT AS A CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM.

(2) THE DEPARTMENT, WORKING IN COLLABORATION WITH THE ADVISORY COMMITTEE, SHALL ADOPT REGULATIONS ESTABLISHING A PROCEDURE FOR ACCREDITING COMMUNITY HEALTH WORKER TRAINING PROGRAMS.

(3) (I) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL INCLUDE:

1. A DEADLINE BEFORE WHICH CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAMS IN OPERATION ON OCTOBER 1, 2018, MUST APPLY FOR ACCREDITATION; AND

2. A DEADLINE BEFORE WHICH THE DEPARTMENT WILL MAKE A DECISION REGARDING ACCREDITATION APPLICATIONS.

(II) THE DEPARTMENT SHALL CONSULT WITH COMMUNITY HEALTH WORKER TRAINING PROGRAMS IN ESTABLISHING THE TIME FRAMES REQUIRED UNDER THIS PARAGRAPH.

(4) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) A PROCEDURE FOR REVIEWING A CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM'S APPLICATION;

(II) CURRICULUM REQUIREMENTS;

(III) A PROCESS THROUGH WHICH AN INDIVIDUAL WORKING AS A COMMUNITY HEALTH WORKER ON OCTOBER 1, 2018, AND WHO ALREADY POSSESSES THE KNOWLEDGE TAUGHT IN A COMMUNITY HEALTH WORKER TRAINING

PROGRAM ACCREDITED BY THE DEPARTMENT UNDER THIS SECTION, MAY BE EXEMPTED FROM THE TRAINING REQUIRED UNDER § 13–3606(B)(1) OF THIS SUBTITLE;

(IV) REQUIREMENTS FOR PERIODIC REVIEW OF AN ACCREDITED CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM;

(V) A PROCESS BY WHICH THE DEPARTMENT SHALL NOTIFY A CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM IN OPERATION ON OCTOBER 1, 2018, OF ANY CHANGES NEEDED TO COMPLY WITH THE DEPARTMENT'S ACCREDITATION REQUIREMENTS;

(VI) A REASONABLE DEADLINE BEFORE WHICH A CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM IN OPERATION ON OCTOBER 1, 2018, IS REQUIRED TO COMPLY WITH THE DEPARTMENT'S ACCREDITATION REQUIREMENTS; AND

(VII) A PROCESS BY WHICH THE DEPARTMENT MAY REVOKE A CERTIFIED COMMUNITY HEALTH WORKER TRAINING PROGRAM'S ACCREDITATION THAT ALLOWS FOR AN ADEQUATE HEARING AND CHANCE FOR APPEAL.

(B) THE DEPARTMENT, WORKING IN COLLABORATION WITH THE ADVISORY COMMITTEE, SHALL:

(1) ADOPT INITIAL REGULATIONS FOR THE CERTIFICATION OF COMMUNITY HEALTH WORKERS THAT ESTABLISH:

(I) THAT ANY INDIVIDUAL WHO COMPLETES A COMMUNITY HEALTH WORKER TRAINING PROGRAM ACCREDITED BY THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION IS A QUALIFIED COMMUNITY HEALTH WORKER APPLICANT; AND

(II) AN INITIAL FEE FOR THE CERTIFICATION OF COMMUNITY HEALTH WORKERS, NOT TO EXCEED $75, WHICH SHALL BE ADJUSTED AS ADVISED BY THE ADVISORY COMMITTEE;

~~(2) ADOPT ANY ADDITIONAL REGULATIONS RECOMMENDED BY THE ADVISORY COMMITTEE FOR THE CERTIFICATION OF COMMUNITY HEALTH WORKERS;~~

~~(3)~~ (2) KEEP A CURRENT RECORD OF ALL CERTIFIED COMMUNITY HEALTH WORKERS;

~~(4)~~ (3) COLLECT AND ACCOUNT FOR FEES PROVIDED FOR UNDER THIS SUBTITLE;

~~(5)~~ (4) PAY ALL NECESSARY EXPENSES ASSOCIATED WITH CERTIFYING COMMUNITY HEALTH WORKERS IN ACCORDANCE WITH THE STATE BUDGET;

~~(6)~~ (5) KEEP A COMPLETE RECORD OF PROCEEDINGS RELATING TO CERTIFIED COMMUNITY HEALTH WORKERS; AND

~~(7) SUBMIT TO THE GOVERNOR AN ANNUAL REPORT OF ITS ACTIVITIES RELATING TO COMMUNITY HEALTH WORKERS THAT INCLUDES:~~

~~(I) A FINANCIAL STATEMENT; AND~~

~~(II) A PLAN FOR SPECIAL FUND REVENUES.~~

(6) MAINTAIN A LIST OF CERTIFIED COMMUNITY HEALTH WORKERS ON ITS WEBSITE TO ALLOW EMPLOYERS AND CONSUMERS TO VERIFY THE CERTIFICATION STATUS OF COMMUNITY HEALTH WORKERS.

(C) THE DEPARTMENT MAY ADOPT REGULATIONS ON THE PROCEDURES FOR:

(1) DENYING A CERTIFICATION APPLICATION;

(2) SUSPENDING AND REVOKING CERTIFICATES;

(3) RENEWING CERTIFICATES; AND

(4) OTHERWISE REGULATING THE CERTIFICATION OF COMMUNITY HEALTH WORKERS.

(D) THE DEPARTMENT MAY ADOPT ANY ADDITIONAL REGULATIONS RECOMMENDED BY THE ADVISORY COMMITTEE FOR THE CERTIFICATION OF COMMUNITY HEALTH WORKERS.

13–3606.

(A) THE DEPARTMENT MAY CERTIFY AN INDIVIDUAL TO PRACTICE AS A COMMUNITY HEALTH WORKER IN THE STATE.

(B) TO QUALIFY FOR CERTIFICATION, AN APPLICANT SHALL:

(1) (I) HAVE COMPLETED A COMMUNITY HEALTH WORKER TRAINING PROGRAM ACCREDITED BY THE DEPARTMENT UNDER § 13–3605 OF THIS SUBTITLE; OR

(II) BE EXEMPTED BY THE DEPARTMENT FROM THE TRAINING REQUIRED UNDER ITEM (I) OF THIS ITEM; AND

(2) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

(C) TO APPLY FOR CERTIFICATION AS A COMMUNITY HEALTH WORKER, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM THAT THE DEPARTMENT REQUIRES; AND

(2) PAY ANY FEE AND SUBMIT ANY ADDITIONAL MATERIALS REQUIRED BY THE DEPARTMENT.

(D) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(E) THE DEPARTMENT SHALL INCLUDE ON EACH CERTIFICATE THAT THE DEPARTMENT ISSUES:

(1) THE FULL NAME OF THE CERTIFICATE HOLDER;

(2) THE DATES OF ISSUANCE AND EXPIRATION;

(3) A SERIAL NUMBER; AND

(4) THE SIGNATURE OF THE DEPARTMENT'S REPRESENTATIVE.

(F) (1) THE DEPARTMENT SHALL ESTABLISH A DEADLINE AFTER WHICH AN INDIVIDUAL MUST BE CERTIFIED UNDER THIS SUBTITLE TO MAKE REPRESENTATIONS TO THE PUBLIC THAT THE INDIVIDUAL IS A CERTIFIED COMMUNITY HEALTH WORKER.

(2) ON OR AFTER THE DATE SET UNDER PARAGRAPH (1) OF THIS SUBSECTION, UNLESS CERTIFIED AS A COMMUNITY HEALTH WORKER UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE THAT THE INDIVIDUAL IS CERTIFIED AS A COMMUNITY HEALTH WORKER.

(3) AN INDIVIDUAL WHO VIOLATES PARAGRAPH (2) OF THIS SUBSECTION IS SUBJECT TO A PENALTY DETERMINED AND COLLECTED BY THE DEPARTMENT.

~~(F) (1) A CERTIFICATE EXPIRES ON THE DATE SPECIFIED ON THE CERTIFICATE, UNLESS IT IS RENEWED FOR A 2–YEAR TERM AS PROVIDED IN THIS SUBSECTION.~~

~~(2) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE DEPARTMENT SHALL SEND TO THE CERTIFICATE HOLDER, BY ELECTRONIC MEANS OR BY FIRST–CLASS MAIL, A RENEWAL NOTICE THAT STATES:~~

~~(I) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;~~

~~(II) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE DEPARTMENT FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE CERTIFICATE EXPIRES;~~

~~(III) THE AMOUNT OF THE RENEWAL FEE; AND~~

~~(IV) THE HOURS OF CONTINUING EDUCATION REQUIRED FOR RENEWAL OF THE CERTIFICATION.~~

~~(3) BEFORE THE CERTIFICATE EXPIRES, THE CERTIFICATE HOLDER MAY RENEW THE CERTIFICATE FOR AN ADDITIONAL 2–YEAR TERM IF THE CERTIFICATE HOLDER:~~

~~(I) OTHERWISE IS ENTITLED TO BE CERTIFIED;~~

~~(II) PAYS THE RENEWAL FEE SET BY THE DEPARTMENT;~~

~~(III) SUBMITS A RENEWAL APPLICATION ON THE FORM THAT THE DEPARTMENT REQUIRES; AND~~

~~(IV) SUBMITS PROOF THAT DURING THE PREVIOUS 2–YEAR PERIOD, THE CERTIFICATE HOLDER HAS COMPLETED ANY CONTINUING EDUCATION REQUIRED BY THE DEPARTMENT.~~

~~(4) (I) THE DEPARTMENT SHALL RENEW THE CERTIFICATE OF EACH CERTIFICATE HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.~~

~~(II) THE RENEWAL CERTIFICATE SHALL USE THE SAME SERIAL NUMBER ASSIGNED TO THE CERTIFICATE HOLDER AT THE TIME OF THE ORIGINAL CERTIFICATION.~~

~~(G) A CERTIFICATE HOLDER SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN THE ADDRESS OF THE CERTIFICATE HOLDER WITHIN 60 DAYS AFTER THE CHANGE OCCURS.~~

~~(H) (1) (I) THE DEPARTMENT SHALL PLACE A CERTIFIED COMMUNITY HEALTH WORKER ON INACTIVE STATUS FOR A PERIOD NOT TO EXCEED 4 YEARS IF THE CERTIFIED COMMUNITY HEALTH WORKER:~~

~~1. SUBMITS A WRITTEN APPLICATION FOR INACTIVE STATUS ON A FORM THE DEPARTMENT REQUIRES; AND~~

~~2. PAYS THE INACTIVE STATUS FEE SET BY THE DEPARTMENT.~~

~~(II) THE DEPARTMENT SHALL PROVIDE TO A CERTIFIED COMMUNITY HEALTH WORKER WHO IS PLACED ON INACTIVE STATUS WRITTEN NOTIFICATION OF:~~

~~1. THE DATE THE CERTIFICATE HAS EXPIRED OR WILL EXPIRE;~~

~~2. THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S INACTIVE STATUS BECAME EFFECTIVE;~~

~~3. THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S INACTIVE STATUS EXPIRES; AND~~

~~4. THE CONSEQUENCES OF NOT REACTIVATING THE CERTIFICATE BEFORE THE INACTIVE STATUS EXPIRES.~~

~~(III) THE DEPARTMENT SHALL REACTIVATE THE CERTIFICATE OF A CERTIFIED COMMUNITY HEALTH WORKER WHO IS ON INACTIVE STATUS IF THE CERTIFIED COMMUNITY HEALTH WORKER:~~

~~1. APPLIES TO THE DEPARTMENT FOR REACTIVATION OF THE CERTIFICATE BEFORE THE INACTIVE STATUS EXPIRES;~~

~~2. COMPLIES WITH THE CERTIFICATE RENEWAL REQUIREMENTS THAT ARE IN EFFECT WHEN THE CERTIFIED COMMUNITY HEALTH WORKER APPLIES FOR REACTIVATION;~~

~~3. HAS COMPLETED THE NUMBER OF CREDIT HOURS OF APPROVED CONTINUING EDUCATION SET BY THE DEPARTMENT; AND~~

~~4. PAYS THE REACTIVATION PROCESSING FEE SET BY THE DEPARTMENT.~~

~~(2) (I) THE DEPARTMENT SHALL PLACE A CERTIFIED COMMUNITY HEALTH WORKER ON NONRENEWED STATUS FOR A PERIOD NOT TO EXCEED 4 YEARS IF THE CERTIFIED COMMUNITY HEALTH WORKER FAILED TO RENEW THE CERTIFICATE FOR ANY REASON.~~

~~(II) THE DEPARTMENT SHALL PROVIDE TO A CERTIFIED COMMUNITY HEALTH WORKER WHO IS PLACED ON NONRENEWED STATUS WRITTEN NOTIFICATION OF:~~

~~1. THE DATE THE CERTIFICATE EXPIRED;~~

~~2. THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S NONRENEWED STATUS BECAME EFFECTIVE;~~

~~3. THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S NONRENEWED STATUS EXPIRES; AND~~

~~4. THE CONSEQUENCES OF NOT REACTIVATING THE CERTIFICATE BEFORE THE NONRENEWED STATUS EXPIRES.~~

~~(III) THE DEPARTMENT SHALL REACTIVATE THE CERTIFICATE OF A CERTIFIED COMMUNITY HEALTH WORKER WHO IS PLACED ON NONRENEWED STATUS IF THE CERTIFIED COMMUNITY HEALTH WORKER:~~

~~1. APPLIES TO THE DEPARTMENT FOR REACTIVATION OF THE CERTIFICATE BEFORE THE NONRENEWED STATUS EXPIRES;~~

~~2. COMPLIES WITH THE CERTIFICATE RENEWAL REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL APPLIES FOR REACTIVATION;~~

~~3. HAS COMPLETED THE NUMBER OF CREDIT HOURS OF APPROVED CONTINUING EDUCATION SET BY THE DEPARTMENT; AND~~

~~4. PAYS THE REACTIVATION PROCESSING FEE SET BY THE DEPARTMENT.~~

~~(3) NOTWITHSTANDING PARAGRAPH (1) OR (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL REACTIVATE THE CERTIFICATE OF A CERTIFIED~~

~~COMMUNITY HEALTH WORKER WHO WAS PLACED ON INACTIVE OR NONRENEWED STATUS IF THE CERTIFIED COMMUNITY HEALTH WORKER:~~

~~(I) APPLIES TO THE DEPARTMENT FOR REACTIVATION AFTER THE INACTIVE OR NONRENEWED STATUS HAS EXPIRED;~~

~~(II) PAYS THE REACTIVATION PROCESSING FEE SET BY THE DEPARTMENT AND ANY OTHER FEES REQUIRED BY THE DEPARTMENT; AND~~

~~(III) PROVIDES ANY DOCUMENTATION REQUIRED BY THE DEPARTMENT ON THE FORM THE DEPARTMENT REQUIRES.~~

13–3607.

(A) THERE IS A STATE COMMUNITY HEALTH WORKERS FUND.

(B) (1) THE DEPARTMENT MAY SET FEES AS ADVISED BY THE ADVISORY COMMITTEE.

(2) FUNDS TO COVER THE EXPENSES OF THE DEPARTMENT RELATING TO THE CERTIFICATION OF COMMUNITY HEALTH WORKERS SHALL BE GENERATED BY FEES SET UNDER THIS SUBTITLE.

(C) (1) THE DEPARTMENT SHALL REMIT ALL FEES COLLECTED UNDER THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.

(D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE DEPARTMENT AS PROVIDED UNDER THIS SUBTITLE.

(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) ANY UNSPENT PORTION OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SUBTITLE.

(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.

(E) (1) A DESIGNEE OF THE DEPARTMENT SHALL ADMINISTER THE FUND.

(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS SUBTITLE.

13–3608.

A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED IN § 5–702 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE DEPARTMENT OR THE ADVISORY COMMITTEE OR OTHERWISE PARTICIPATING IN ACTIVITIES OF THE DEPARTMENT OR THE ADVISORY COMMITTEE RELATING TO COMMUNITY HEALTH WORKERS.

13–3609.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND COMMUNITY HEALTH WORKERS ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the State Community Health Worker Advisory Committee shall expire as follows:

(1) three members in 2020;

(2) three members in 2021;

(3) four members in 2022; and

(4) four members in 2023.

SECTION 3. AND BE IT FURTHER ENACTED, That the State Community Health Worker Advisory Committee shall hold its first meeting within 30 days after the Governor has appointed the last of the initial appointed members of the Advisory Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funds in the fiscal year 2019 State budget at a level sufficient to allow the Maryland Department of Health to begin accrediting community health worker training programs and certifying community health workers, and that when special funds become available for the certification of community health workers, the special funds be used to reimburse the General Fund for the cost of starting up the Department's activities related to community health workers.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 442

(House Bill 591)

AN ACT concerning

Health Occupations – Physician Assistants – Dispensing of Drugs Under a Delegation Agreement

FOR the purpose of altering the required contents of a certain delegation agreement in order for a primary supervising physician to delegate to a certain physician assistant the dispensing of certain substances, drugs, and devices; prohibiting a primary supervising physician from delegating the dispensing of certain controlled dangerous substances identified as Schedule I under a certain provision of law; authorizing a primary supervising physician to delegate the dispensing of certain controlled dangerous substances to a physician assistant who holds certain registrations; repealing a provision of law that authorizes a physician assistant to personally dispense a starter dose or drug samples under certain circumstances; authorizing a ~~physicians~~ physician assistant, under certain circumstances, to personally prepare and dispense a drug that the ~~physicians~~ physician assistant is authorized to prescribe under a delegation agreement; making conforming changes; altering a certain definition; and generally relating to the dispensing of drugs by physician assistants.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–101(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 15–101(j) and 15–302.2
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

15–101.

(a) In this title the following words have the meanings indicated.

(j) "Dispense" **OR "DISPENSING" [**means to dispense drug samples or starter dosages**] HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE**.

15–302.2.

(a) A primary supervising physician may not delegate prescribing, dispensing, and administering of controlled dangerous substances, prescription drugs, or medical devices unless the primary supervising physician and physician assistant include in the delegation agreement:

(1) A notice of intent to delegate prescribing **AND, IF APPLICABLE, DISPENSING** of controlled dangerous substances, prescription drugs, or medical devices;

(2) An attestation that all prescribing **AND, IF APPLICABLE, DISPENSING** activities of the physician assistant will comply with applicable federal and State regulations;

(3) An attestation that all medical charts or records will contain a notation of any prescriptions written **OR DISPENSED** by a physician assistant in accordance with this section;

(4) An attestation that all prescriptions written **OR DISPENSED** under this section will include the physician assistant's name and the supervising physician's name, business address, and business telephone number legibly written or printed;

(5) An attestation that the physician assistant has:

(i) Passed the physician assistant national certification exam administered by the National Commission on the Certification of Physician Assistants within the previous 2 years; or

(ii) Successfully completed 8 category 1 hours of pharmacology education within the previous 2 years; and

(6) An attestation that the physician assistant has:

(i) A bachelor's degree or its equivalent; or

(ii) Successfully completed 2 years of work experience as a physician assistant.

(b) (1) A primary supervising physician may not delegate the prescribing **OR DISPENSING** of substances that are identified as Schedule I controlled dangerous substances under § 5–402 of the Criminal Law Article.

(2) A primary supervising physician may delegate the prescribing **OR DISPENSING** of substances that are identified as Schedules II through V controlled dangerous substances under § 5–402 of the Criminal Law Article, including legend drugs as defined under § 503(b) of the Federal Food, Drug, and Cosmetic Act.

(3) A primary supervising physician may not delegate the prescribing **OR DISPENSING** of controlled dangerous substances to a physician assistant unless the physician assistant has a valid:

(i) State controlled dangerous substance registration; and

(ii) Federal Drug Enforcement Agency (DEA) registration.

[(c) A physician assistant personally may dispense a starter dosage or dispense drug samples of any drug the physician assistant is authorized to prescribe to a patient of the physician assistant if:

(1) The starter dosage or drug sample complies with the labeling requirements of § 12–505 of this article;

(2) No charge is made for the starter dosage; and

(3) The physician assistant enters an appropriate record in the patient's medical record.**]**

~~(D)~~ **(C) A PHYSICIAN ASSISTANT PERSONALLY MAY PREPARE AND DISPENSE A DRUG THAT THE PHYSICIAN ASSISTANT IS AUTHORIZED TO PRESCRIBE UNDER A DELEGATION AGREEMENT IF:**

(1) EXCEPT AS OTHERWISE PROVIDED UNDER § 12–102(G) OF THIS ARTICLE, THE SUPERVISING PHYSICIAN POSSESSES A DISPENSING PERMIT; AND

(2) THE PHYSICIAN ASSISTANT DISPENSES DRUGS ONLY WITHIN:

(I) THE SUPERVISING PHYSICIAN'S SCOPE OF PRACTICE; AND

(II) THE SCOPE OF THE DELEGATION AGREEMENT.

~~**[**(d)**]** (E)~~ A physician assistant who personally dispenses a drug **[**sample or starter dosage**]** in the course of treating a patient as authorized under ~~subsection (c)~~ **SUBSECTIONS (B) AND** ~~(D)~~ **(C)** of this section shall comply with the requirements under Titles 12 and 14 of this article and applicable federal law and regulations.

~~**[**(e)**]** (F)~~ Before a physician assistant may renew a license for an additional 2–year term under § 15–307 of this subtitle, the physician assistant shall submit evidence

to the Board of successful completion of 8 category 1 hours of pharmacology education within the previous 2 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 443

(Senate Bill 549)

AN ACT concerning

Health Occupations – Physician Assistants – Dispensing of Drugs Under a Delegation Agreement

FOR the purpose of altering the required contents of a certain delegation agreement in order for a primary supervising physician to delegate to a certain physician assistant the dispensing of certain substances, drugs, and devices; prohibiting a primary supervising physician from delegating the dispensing of certain controlled dangerous substances identified as Schedule I under a certain provision of law; authorizing a primary supervising physician to delegate the dispensing of certain controlled dangerous substances to a physician assistant who holds certain registrations; repealing a provision of law that authorizes a physician assistant to personally dispense a starter dose or drug samples under certain circumstances; <u>authorizing a physician assistant, under certain circumstances, to personally prepare and dispense a drug that the physician assistant is authorized to prescribe under a delegation agreement;</u> making conforming changes; altering a certain definition; and generally relating to the dispensing of drugs by physician assistants.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–101(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 15–101(j) and 15–302.2
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

15–101.

(a) In this title the following words have the meanings indicated.

(j) "Dispense" **OR "DISPENSING" [**means to dispense drug samples or starter dosages**] HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE**.

15–302.2.

(a) A primary supervising physician may not delegate prescribing, dispensing, and administering of controlled dangerous substances, prescription drugs, or medical devices unless the primary supervising physician and physician assistant include in the delegation agreement:

(1) A notice of intent to delegate prescribing **AND, IF APPLICABLE, DISPENSING** of controlled dangerous substances, prescription drugs, or medical devices;

(2) An attestation that all prescribing **AND, IF APPLICABLE, DISPENSING** activities of the physician assistant will comply with applicable federal and State regulations;

(3) An attestation that all medical charts or records will contain a notation of any prescriptions written **OR DISPENSED** by a physician assistant in accordance with this section;

(4) An attestation that all prescriptions written **OR DISPENSED** under this section will include the physician assistant's name and the supervising physician's name, business address, and business telephone number legibly written or printed;

(5) An attestation that the physician assistant has:

(i) Passed the physician assistant national certification exam administered by the National Commission on the Certification of Physician Assistants within the previous 2 years; or

(ii) Successfully completed 8 category 1 hours of pharmacology education within the previous 2 years; and

(6) An attestation that the physician assistant has:

(i) A bachelor's degree or its equivalent; or

(ii) Successfully completed 2 years of work experience as a physician assistant.

(b) (1) A primary supervising physician may not delegate the prescribing **OR DISPENSING** of substances that are identified as Schedule I controlled dangerous substances under § 5–402 of the Criminal Law Article.

(2) A primary supervising physician may delegate the prescribing **OR DISPENSING** of substances that are identified as Schedules II through V controlled dangerous substances under § 5–402 of the Criminal Law Article, including legend drugs as defined under § 503(b) of the Federal Food, Drug, and Cosmetic Act.

(3) A primary supervising physician may not delegate the prescribing **OR DISPENSING** of controlled dangerous substances to a physician assistant unless the physician assistant has a valid:

(i) State controlled dangerous substance registration; and

(ii) Federal Drug Enforcement Agency (DEA) registration.

[(c) A physician assistant personally may dispense a starter dosage or dispense drug samples of any drug the physician assistant is authorized to prescribe to a patient of the physician assistant if:

(1) The starter dosage or drug sample complies with the labeling requirements of § 12–505 of this article;

(2) No charge is made for the starter dosage; and

(3) The physician assistant enters an appropriate record in the patient's medical record.**]**

(C) A PHYSICIAN ASSISTANT PERSONALLY MAY PREPARE AND DISPENSE A DRUG THAT THE PHYSICIAN ASSISTANT IS AUTHORIZED TO PRESCRIBE UNDER A DELEGATION AGREEMENT IF:

(1) EXCEPT AS OTHERWISE PROVIDED UNDER § 12–102(G) OF THIS ARTICLE, THE SUPERVISING PHYSICIAN POSSESSES A DISPENSING PERMIT; AND

(2) THE PHYSICIAN ASSISTANT DISPENSES DRUGS ONLY WITHIN:

(I) THE SUPERVISING PHYSICIAN'S SCOPE OF PRACTICE; AND

(II) THE SCOPE OF THE DELEGATION AGREEMENT.

(d) A physician assistant who personally dispenses a drug ~~sample or starter dosage~~ in the course of treating a patient as authorized under ~~subsection (c)~~ **SUBSECTIONS (B) AND (C)** of this section shall comply with the requirements under Titles 12 and 14 of this article and applicable federal law and regulations.**]**

[(e)**]** ~~**(C)**~~ **(E)** Before a physician assistant may renew a license for an additional 2–year term under § 15–307 of this subtitle, the physician assistant shall submit evidence to the Board of successful completion of 8 category 1 hours of pharmacology education within the previous 2 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 444

(House Bill 691)

AN ACT concerning

Organ and Tissue Donation Awareness Fund – Donor Registry – Annual Funding

FOR the purpose of requiring the Secretary of Health to use funds from the Organ and Tissue Donation Awareness Fund and certain other funds to compensate a certain entity for certain costs; requiring the Secretary of Health to distribute a certain minimum amount of funds annually from the Organ and Tissue Donation Awareness Fund to a certain entity; requiring that any unused funds distributed to a certain entity revert to the Organ and Tissue Donation Awareness Fund at the end of each fiscal year; providing for the termination of this Act; and generally relating to the Organ and Tissue Donation Awareness Fund and a certain donor registry.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 4–516(a)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 4–516(b)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–901
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Estates and Trusts

4–516.

(a) In this section, "qualified nonprofit entity" means a procurement organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or an entity exempt from taxation under § 501(c)(3) of the Internal Revenue Code that actively functions in a supporting relationship to one or more procurement organizations if the procurement organization or other entity has a board of directors whose members are experienced in:

(1) Organ, tissue, and eye donation;

(2) Working with donors and donor families; and

(3) Educating the public about the importance of the process of organ, tissue, and eye donation.

(b) (1) The Secretary of Health shall contract with a qualified nonprofit entity for the establishment, maintenance, and operation of a donor registry.

(2) The Secretary of Health shall use funds from the Organ and Tissue Donation Awareness Fund **[**established under Title 13, Subtitle 9**]** **AS REQUIRED UNDER § 13–901** of the Health – General Article **[**or**]** **AND** any other funds as may be appropriate to compensate the nonprofit entity contracted with under paragraph (1) of this subsection for the reasonable cost of establishing, maintaining, and operating the donor registry, including the reasonable cost of public education programs to increase public awareness about the existence and purpose of the registry and organ, tissue, and eye donation.

Article – Health – General

13–901.

(a) (1) There is an Organ and Tissue Donation Awareness Fund.

(2) The Fund consists of money collected under § 16–111.2(f) of the Transportation Article.

(3) The Fund is a special, **[**continuing,**]** nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The **STATE** Treasurer shall separately hold and the **STATE** Comptroller shall account for the Fund.

(5) The Fund shall be invested and reinvested in the same manner as other State funds.

(6) Any investment earnings shall be retained to the credit of the Fund.

(b) (1) The Fund shall be managed and supervised by the Secretary or the Secretary's designee.

(2) **(I)** The Fund shall be used to promote public education and awareness about organ, tissue, and eye donations and to fund the establishment, operation, and maintenance of a donor registry as provided in § 4–516 of the Estates and Trusts Article.

(II) 1. AT LEAST $400,000 SHALL BE DISTRIBUTED ANNUALLY FROM THE FUND TO THE QUALIFIED NONPROFIT ENTITY DESCRIBED IN § 4–516 OF THE ESTATES AND TRUSTS ARTICLE.

2. ANY UNUSED FUNDS DISTRIBUTED TO THE QUALIFIED NONPROFIT ENTITY UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL REVERT TO THE FUND AT THE END OF EACH FISCAL YEAR.

(3) The Fund shall be subject to audit by the Office of Legislative Audits under Title 2, Subtitle 12 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of 5 years and, at the end of September 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 445

(House Bill 1215)

AN ACT concerning

Nursing Homes – Partial Payment for Services Provided

FOR the purpose of requiring the Maryland Department of Health to make a certain advance payment to a nursing home at the request of the nursing home under certain circumstances; providing that the advance payment may not exceed a certain amount; requiring the Department to pay the balance due to a nursing home under certain circumstances; requiring the Department to recover certain advance payments in a certain manner under certain circumstances; defining a certain term; *providing for the termination of this Act;* and generally relating to the Maryland Medical Assistance Program and advance payments to nursing homes.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–101(a) and (h)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health – General
Section 15–149
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

15–101.

(a) In this title the following words have the meanings indicated.

(h) "Program" means the Maryland Medical Assistance Program.

15–149.

(A) IN THIS SECTION, "NURSING HOME" HAS THE MEANING STATED IN § 19–1401 OF THIS ARTICLE.

(B) AT THE REQUEST OF A NURSING HOME, THE DEPARTMENT SHALL MAKE AN ADVANCE PAYMENT TO THE NURSING HOME FOR UNCOMPENSATED PROGRAM SERVICES PROVIDED TO A RESIDENT OF THE NURSING HOME WHO HAS FILED AN APPLICATION FOR PROGRAM SERVICES IF THE ELIGIBILITY OF THE RESIDENT FOR PROGRAM SERVICES HAS NOT BEEN DETERMINED WITHIN 90 DAYS AFTER THE APPLICATION WAS FILED.

(C) AN ADVANCE PAYMENT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT EXCEED 50% OF THE ESTIMATED AMOUNT DUE FOR THE UNCOMPENSATED SERVICES.

(D) (1) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND AN APPLICATION FOR PROGRAM SERVICES IS GRANTED, THE DEPARTMENT SHALL PAY THE BALANCE DUE TO THE NURSING HOME.

(2) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND AN APPLICATION FOR PROGRAM SERVICES IS DENIED, THE DEPARTMENT SHALL RECOVER ANY ADVANCE PAYMENTS MADE ON BEHALF OF THE APPLICANT BY REDUCING PAYMENTS DUE TO THE NURSING HOME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. *It shall remain effective for a period of 2 years and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.*

Approved by the Governor, May 8, 2018.

Chapter 446

(House Bill 1280)

AN ACT concerning

Maryland ~~Medical Assistance Program~~ Department of Health – ~~Rare and Expensive Case Management Program~~ Enrollees in the Employed Individuals with Disabilities Program – ~~Waiver Amendment~~ Demonstration Program

FOR the purpose of requiring the Maryland Department of Health to ~~apply to the Centers for Medicare and Medicaid Services for an amendment to the Rare and Expensive Case Management Program under a certain waiver; requiring the application to authorize enrollment in the Program for certain individuals; and generally relating to the Rare and Expensive Case Management Program~~ establish a demonstration program supported by certain funds to cover certain health care services that are provided to certain individuals and not covered under the Maryland Medical Assistance Program; authorizing the Department to establish certain eligibility criteria for and a certain cap on enrollment in the demonstration program; authorizing the Department to establish certain criteria for administration of and services covered by the demonstration program; requiring the Department to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally

relating to the establishment of a demonstration program for individuals enrolled in the Employed Individuals with Disabilities Program.

~~BY adding to~~
~~Article – Health – General~~
~~Section 15–140~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows~~:

~~**Article – Health – General**~~

~~**15–140.**~~

~~**(A) THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR AN AMENDMENT TO THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM UNDER THE STATE'S 1115 HEALTHCHOICE DEMONSTRATION WAIVER.**~~

~~**(B) THE APPLICATION FOR THE AMENDMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL AUTHORIZE ENROLLMENT IN THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM FOR INDIVIDUALS AT LEAST 21 YEARS OLD AND UNDER THE AGE OF 65 YEARS WHO HAVE A QUALIFYING RARE AND EXPENSIVE CASE MANAGEMENT DIAGNOSIS, BUT WHO ARE INELIGIBLE FOR THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM DUE TO ENROLLMENT IN THE EMPLOYED INDIVIDUALS WITH DISABILITIES PROGRAM OR ELIGIBILITY FOR THE MEDICAL ASSISTANCE PROGRAM THROUGH SPENDDOWN.**~~

(a) The Maryland Department of Health shall establish a demonstration program supported by State general funds to cover health care services that are:

(1) provided to individuals who:

(i) are at least 21 years old and under the age of 65 years;

(ii) are enrolled in the Employed Individuals with Disabilities Program operated under the Maryland Medical Assistance Program; and

(iii) have a qualifying condition as determined by the Secretary of Health; and

(2) not covered under the Maryland Medical Assistance Program.

(b) The Department may establish:

(1) eligibility criteria for enrollment in the demonstration program;

(2) criteria for services to be covered under the demonstration program;

(3) a cap on the number of individuals enrolled in the demonstration program; and

(4) criteria for administration of the demonstration program.

(c) (1) On or before December 1, 2020, the Department shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee a report on the demonstration program established under this section.

(2) The report required under paragraph (1) of this subsection shall include the findings and recommendations of the Department relating to the demonstration program, including:

(i) the number and characteristics of individuals enrolled in the demonstration program;

(ii) the health care services covered under the demonstration program;

(iii) the impact of the demonstration program on individuals enrolled in the demonstration program; and

(iv) whether to extend the demonstration program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2018. It shall remain effective for a period of 3 years and, at the end of May 31, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 447

(Senate Bill 660)

AN ACT concerning

Maryland ~~Medical Assistance Program~~ Department of Health – ~~Rare and Expensive Case Management Program~~ Enrollees in the Employed Individuals With Disabilities Program – ~~Waiver Amendment~~ Demonstration Program

FOR the purpose of requiring the Maryland Department of Health to ~~apply to the Centers for Medicare and Medicaid Services for an amendment to the Rare and Expensive Case Management Program under a certain waiver; requiring the application to authorize enrollment in the Program for certain individuals; and generally relating to the Rare and Expensive Case Management Program~~ establish a demonstration program supported by certain funds to cover certain health care services that are provided to certain individuals and not covered under the Maryland Medical Assistance Program; authorizing the Department to establish certain eligibility criteria for and a certain cap on enrollment in the demonstration program; authorizing the Department to establish certain criteria for administration of and services covered by the demonstration program; requiring the Department to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the establishment of a demonstration program for individuals enrolled in the Employed Individuals with Disabilities Program.

~~BY adding to~~
~~Article – Health – General~~
~~Section 15–140~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows~~:

~~**Article – Health – General**~~

~~**15–140.**~~

~~**(A) THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR AN AMENDMENT TO THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM UNDER THE STATE'S 1115 HEALTHCHOICE DEMONSTRATION WAIVER.**~~

~~**(B) THE APPLICATION FOR THE AMENDMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL AUTHORIZE ENROLLMENT IN THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM FOR INDIVIDUALS AT LEAST 21 YEARS OLD AND UNDER THE AGE OF 65 YEARS WHO HAVE A QUALIFYING RARE AND EXPENSIVE CASE MANAGEMENT DIAGNOSIS, BUT WHO ARE INELIGIBLE FOR THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM DUE TO ENROLLMENT IN THE EMPLOYED INDIVIDUALS WITH DISABILITIES PROGRAM OR ELIGIBILITY FOR THE MEDICAL ASSISTANCE PROGRAM THROUGH SPENDDOWN.**~~

(a) The Maryland Department of Health shall establish a demonstration program supported by State general funds to cover health care services that are:

(1) provided to individuals who:

(i) are at least 21 years old and under the age of 65 years;

(ii) are enrolled in the Employed Individuals with Disabilities Program operated under the Maryland Medical Assistance Program; and

(iii) have a qualifying condition as determined by the Secretary of Health; and

(2) not covered under the Maryland Medical Assistance Program.

(b) The Department may establish:

(1) eligibility criteria for enrollment in the demonstration program;

(2) criteria for services to be covered under the demonstration program;

(3) a cap on the number of individuals enrolled in the demonstration program; and

(4) criteria for administration of the demonstration program.

(c) (1) On or before December 1, 2020, the Department shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee a report on the demonstration program established under this section.

(2) The report required under paragraph (1) of this subsection shall include the findings and recommendations of the Department relating to the demonstration program, including:

(i) the number and characteristics of individuals enrolled in the demonstration program;

(ii) the health care services covered under the demonstration program;

(iii) the impact of the demonstration program on individuals enrolled in the demonstration program; and

(iv) whether to extend the demonstration program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2018. It shall remain effective for a period of 3 years and, at the end of May 31, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 448

(House Bill 1282)

AN ACT concerning

Health Maintenance Organizations – Certificate of Need Requirements – Modification

FOR the purpose of repealing a certain requirement that a health maintenance organization or a certain health care facility have a certificate of need before taking certain actions to establish a certain ambulatory surgical facility or center; altering the conditions under which a health maintenance organization or a certain health care facility is required to have a certificate of need before taking certain actions to establish a certain health care project; authorizing a health maintenance organization or a health care facility to purchase a certain ambulatory surgical facility or center without a certificate of need under certain circumstances; and generally relating to certificates of need requirements for health maintenance organizations.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–121
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–121.

(a) In this section, "health maintenance organization" means a health maintenance organization under Subtitle 7 of this title.

(b) (1) A health maintenance organization or a health care facility that either controls, directly or indirectly, or is controlled by a health maintenance organization shall

have a certificate of need before the health maintenance organization or health care facility builds, develops, operates, purchases, or participates in building, developing, operating, or establishing:

(i) A hospital, as defined in § 19–301 of this title**[**, or an ambulatory surgical facility or center, as defined in § 19–114(b) of this subtitle**]**; and

(ii) Any other health care project for which a certificate of need is required under § 19–120 of this subtitle **[**if that health care project is planned for or used by any nonsubscribers of that health maintenance organization**] UNLESS AT LEAST 90% OF THE PATIENTS WHO ~~CAN REASONABLY BE EXPECTED TO~~ WILL RECEIVE HEALTH CARE SERVICES FROM THE PROJECT WILL BE INDIVIDUALS ENROLLED IN THAT HEALTH MAINTENANCE ORGANIZATION**.

(2) Notwithstanding paragraph **[**(1)(i)**] (1)(II)** of this subsection, a health maintenance organization or a health care facility that either controls, directly or indirectly, or is controlled by a health maintenance organization is not required to obtain a certificate of need before purchasing an existing ambulatory surgical facility or center, as defined in § 19–114(b) of this subtitle.

(c) An application for a certificate of need by a health maintenance organization or by a health care facility that either controls, directly or indirectly, or is controlled by, a health maintenance organization shall be approved if the Commission finds that the application:

(1) Documents that the project is necessary to meet the needs of enrolled members and reasonably anticipated new members for the services proposed to be provided by the applicant; and

(2) Is not inconsistent with those sections of the State health plan or those sections of the institution–specific plan that govern hospitals, as defined in § 19–301 of this title, and ambulatory surgical facilities or centers, as defined in § 19–114(b) of this subtitle, or health care projects for which a certificate of need is required under subsection (b)(1)(ii) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 449

(Senate Bill 619)

AN ACT concerning

Health Maintenance Organizations – Certificate of Need Requirements – Modification

FOR the purpose of repealing a certain requirement that a health maintenance organization or a certain health care facility have a certificate of need before taking certain actions to establish a certain ambulatory surgical facility or center; altering the conditions under which a health maintenance organization or a certain health care facility is required to have a certificate of need before taking certain actions to establish a certain health care project; authorizing a health maintenance organization or a health care facility to purchase a certain ambulatory surgical facility or center without a certificate of need under certain circumstances; and generally relating to certificates of need requirements for health maintenance organizations.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–121
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–121.

(a) In this section, "health maintenance organization" means a health maintenance organization under Subtitle 7 of this title.

(b) (1) A health maintenance organization or a health care facility that either controls, directly or indirectly, or is controlled by a health maintenance organization shall have a certificate of need before the health maintenance organization or health care facility builds, develops, operates, purchases, or participates in building, developing, operating, or establishing:

(i) A hospital, as defined in § 19–301 of this title**[**, or an ambulatory surgical facility or center, as defined in § 19–114(b) of this subtitle**]**; and

(ii) Any other health care project for which a certificate of need is required under § 19–120 of this subtitle **[**if that health care project is planned for or used by any nonsubscribers of that health maintenance organization**]** **UNLESS AT LEAST 90% OF THE PATIENTS WHO ~~CAN REASONABLY BE EXPECTED TO~~ WILL RECEIVE HEALTH**

CARE SERVICES FROM THE PROJECT WILL BE INDIVIDUALS ENROLLED IN THAT HEALTH MAINTENANCE ORGANIZATION.

(2) Notwithstanding paragraph **[**(1)(i)**] (1)(II)** of this subsection, a health maintenance organization or a health care facility that either controls, directly or indirectly, or is controlled by a health maintenance organization is not required to obtain a certificate of need before purchasing an existing ambulatory surgical facility or center, as defined in § 19–114(b) of this subtitle.

(c) An application for a certificate of need by a health maintenance organization or by a health care facility that either controls, directly or indirectly, or is controlled by, a health maintenance organization shall be approved if the Commission finds that the application:

(1) Documents that the project is necessary to meet the needs of enrolled members and reasonably anticipated new members for the services proposed to be provided by the applicant; and

(2) Is not inconsistent with those sections of the State health plan or those sections of the institution–specific plan that govern hospitals, as defined in § 19–301 of this title, and ambulatory surgical facilities or centers, as defined in § 19–114(b) of this subtitle, or health care projects for which a certificate of need is required under subsection (b)(1)(ii) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 450

(House Bill 1283)

AN ACT concerning

Health Insurance – Prescription Contraceptives – Coverage for Single Dispensing

FOR the purpose of altering the length of the period for which a certain insurer, nonprofit health service plan, and health maintenance organization is required to provide coverage for a single dispensing of a supply of prescription contraceptives; repealing a certain provision of law authorizing a certain insurer, nonprofit health service plan, and health maintenance organization to provide coverage for a supply of prescription contraceptives that is for less than a certain period; providing that a certain provision of this Act may not be construed to require a provider to prescribe,

furnish, or dispense contraceptives for a certain number of months at a certain time; making conforming changes; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for prescription contraceptives.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–826.1(a) and (b)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–826.1(d)
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–826.1.

(a) In this section, "authorized prescriber" has the meaning stated in § 12–101 of the Health Occupations Article.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for contraceptive drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for contraceptive drugs and devices under individual or group contracts that are issued or delivered in the State.

(d) (1) **[**Except as provided in paragraphs (2) and (3) of this subsection, an**] AN** entity subject to this section shall provide coverage for a single dispensing to an insured or an enrollee of a supply of prescription contraceptives for **UP TO** a **[**6–month**] 12–MONTH** period.

[(2) Subject to § 15–824 of this subtitle, an entity subject to this section may provide coverage for a supply of prescription contraceptives that is for less than a 6–month period, if a 6–month supply would extend beyond the plan year.

(3) Paragraph (1) of this subsection does not apply to the first 2–month supply of prescription contraceptives dispensed to an insured or an enrollee under:

(i) the initial prescription for the contraceptives; or

(ii) any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the insured or the enrollee.**]**

[(4)**] (2)** Whenever an entity subject to this section increases the copayment for a single dispensing of a supply of prescription contraceptives for **UP TO** a **[**6–month**] 12–MONTH** period, the entity shall also increase proportionately the dispensing fee paid to the pharmacist.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE A PROVIDER TO PRESCRIBE, FURNISH, OR DISPENSE 12 MONTHS OF CONTRACEPTIVES AT ONE TIME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after January 1, ~~2019~~ 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, ~~2019~~ 2020.

Approved by the Governor, May 8, 2018.

Chapter 451

(House Bill 1349)

AN ACT concerning

Pharmacy Benefits Managers – Revisions

FOR the purpose of ~~altering the application fee for a pharmacy benefits manager to register with the Maryland Insurance Commissioner; requiring a pharmacy benefits manager applying to register to file a certain financial statement with the Commissioner;~~ authorizing the Maryland Insurance Commissioner to require certain additional information from a pharmacy benefits manager in a certain application; ~~altering the date on which the registration of a pharmacy benefits manager expires unless the registration is renewed; altering the length of the term for which a pharmacy benefits manager may renew a certain registration; altering the circumstances under which a pharmacy benefits manager may renew a registration; authorizing the Commissioner to impose certain fees under certain~~

~~circumstances;~~ authorizing the Commissioner to require certain information or certain submissions from a pharmacy benefits manager for a certain purpose; ~~authorizing a pharmacy benefits manager to pay a certain fee in lieu of a certain suspension under certain circumstances; authorizing a pharmacy benefits manager to reapply for a registration under certain circumstances;~~ clarifying that certain actions of the Commissioner are subject to certain hearing provisions; providing that a certain provision prohibiting reimbursements in a certain amount does not apply to reimbursement for certain drugs or to certain chain pharmacies; prohibiting ~~certain reimbursement from~~ a pharmacy benefits manager ~~to~~ from reimbursing a pharmacy or pharmacist for a certain product or certain service in a certain amount; ~~prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from providing a beneficiary with certain information regarding a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from discussing with a beneficiary a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from selling a certain alternative prescription drug under certain circumstances; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from offering and providing store direct delivery services as an ancillary service of the pharmacy; requiring each contract between a pharmacy benefits manager and a contracted pharmacy to include the methodology used to determine maximum allowable cost pricing; requiring a pharmacy benefits manager to disclose certain information to a contracted pharmacy under certain circumstances; requiring a pharmacy benefits manager to provide a certain means on its website by which certain contracted pharmacies may promptly review certain pricing updates, to use certain pricing information to calculate certain payments, and to disclose certain information in certain contracts; requiring a pharmacy benefits manager to disclose a certain maximum allowable cost list under certain circumstances;~~ requiring a pharmacy benefits manager to establish a certain process by which a certain pharmacy has access to certain maximum allowable cost price lists in a certain format as updated in accordance with certain requirements; requiring a pharmacy benefits manager to use updated pricing information in calculating certain payments immediately after a certain update; altering a certain procedure that a pharmacy benefits manager is required to maintain; altering certain requirements that a pharmacy benefits manager must meet before placing a prescription drug on a certain list; ~~prohibiting a pharmacy benefits manager from setting a maximum allowable cost for certain drugs, products, and devices that are placed on a certain list that is below a certain amount;~~ altering a certain process that must be included in each contract between a pharmacy benefits manager and a contracted pharmacy; ~~authorizing a contracted pharmacy to file a certain complaint with the Commissioner; requiring a contracted pharmacy to exhaust a certain appeal process before filing a certain complaint; requiring the Commissioner to hold a certain hearing and issue a certain order in accordance with certain procedures; providing that an appeal of a certain order may be taken in accordance with certain statutory provisions;~~ prohibiting a pharmacy benefits manager from retaliating against a contracted pharmacy for exercising a certain right to appeal or filing a certain complaint; prohibiting a pharmacy benefits manager from charging a

contracted pharmacy a certain fee; ~~establishing a certain civil penalty for a violation of certain provisions of this Act;~~ requiring the Commission to review a certain compensation program for a certain purpose and take certain action on appeal and order a pharmacy benefits manager to pay a certain claim under certain circumstances; providing that certain information is considered to be confidential and proprietary information and is not subject to disclosure under certain provisions of law; authorizing the Commissioner, under certain circumstances, to issue an order that requires a pharmacy benefits manager to pay a certain fine; authorizing the Commissioner to adopt certain regulations and establish a certain complaint process; defining a certain term; altering a certain definition; providing for the construction of certain provisions of this Act; providing for the application of this Act; ~~providing for a delayed effective date;~~ and generally relating to pharmacy benefits managers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1604, 15–1605, 15–1607, 15–1628.1, and ~~15–1642(c)~~ 15–1642
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to
Article – Insurance
Section 15–1611~~, 15–1612, and 15–1613~~
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–1604.

(a) A pharmacy benefits manager shall register with the Commissioner as a pharmacy benefits manager before providing pharmacy benefits management services in the State to purchasers.

(b) An applicant for registration shall:

(1) file with the Commissioner an application on the form that the Commissioner provides; **[**and**]**

(2) pay to the Commissioner a registration fee **[**set by the Commissioner**]** ~~**OF $1,000; AND**~~

~~**(3) FILE WITH THE COMMISSIONER A FINANCIAL STATEMENT, CERTIFIED BY A CERTIFIED PUBLIC ACCOUNTANT WITHIN THE IMMEDIATELY**~~

~~PRECEDING 6 MONTHS, THAT PRESENTS, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, THE FINANCIAL POSITION OF THE APPLICANT AND CONTAINS THE INFORMATION THAT THE COMMISSIONER REQUIRES~~.

(C) THE COMMISSIONER MAY REQUIRE ANY ADDITIONAL INFORMATION OR SUBMISSIONS FROM A PHARMACY BENEFITS MANAGER THAT MAY BE REASONABLY NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THE APPLICATION.

[(c)**] (D)** Subject to the provisions of § 15–1607 of this part, the Commissioner shall register each pharmacy benefits manager that meets the requirements of this section.

15–1605.

(a) A pharmacy benefits manager registration expires on ~~[~~the second~~]~~ September 30 after its effective date unless it is renewed as provided under this section.

(b) A pharmacy benefits manager may renew its registration for an additional ~~[~~2–year~~]~~ ~~1–YEAR~~ term, if the pharmacy benefits manager:

(1) otherwise is entitled to be registered;

(2) files with the Commissioner a renewal application on the form that the Commissioner requires; ~~[~~and~~]~~

(3) pays to the Commissioner a renewal fee ~~[~~set by the Commissioner~~]~~ ~~OF $1,000; AND~~

~~(4) FILES WITH THE COMMISSIONER A FINANCIAL STATEMENT CERTIFIED BY A CERTIFIED PUBLIC ACCOUNTANT WITHIN THE IMMEDIATELY PRECEDING 6 MONTHS, THAT PRESENTS, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, THE FINANCIAL POSITION OF THE APPLICANT AND CONTAINS THE INFORMATION THAT THE COMMISSIONER REQUIRES~~.

(c) An application for renewal of a pharmacy benefits manager registration shall be considered made in a timely manner if it is postmarked on or before the date the pharmacy benefits manager's registration expires.

~~(D) IF A PHARMACY BENEFITS MANAGER FAILS TO PAY THE RENEWAL FEE REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION WHEN THE PHARMACY BENEFITS MANAGER SUBMITS AN APPLICATION FOR RENEWAL, THE COMMISSIONER MAY IMPOSE AN ADDITIONAL APPLICATION FEE OF $500.~~

~~[~~(d)~~]~~ ~~(E)~~ Subject to the provisions of § 15–1607 of this part, the Commissioner shall renew the registration of each pharmacy benefits manager that meets the requirements of this section.

~~(F)~~ **(E)** **THE COMMISSIONER MAY REQUIRE ANY ADDITIONAL INFORMATION OR SUBMISSIONS FROM A PHARMACY BENEFITS MANAGER THAT MAY BE REASONABLY NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THE APPLICATION.**

15–1607.

(a) ~~(1)~~ Subject to ~~PARAGRAPH (2) OF THIS SUBSECTION AND~~ the **APPLICABLE** hearing provisions of Title 2 of this article, the Commissioner may deny a registration to a pharmacy benefits manager applicant or refuse to renew, suspend, or revoke the registration of a pharmacy benefits manager if the pharmacy benefits manager, or an officer, director, or employee of the pharmacy benefits manager:

~~[~~(1)~~]~~ ~~(I)~~ makes a material misstatement or misrepresentation in an application for registration;

~~[~~(2)~~]~~ ~~(II)~~ fraudulently or deceptively obtains or attempts to obtain a registration;

~~[~~(3)~~]~~ ~~(III)~~ in connection with the administration of pharmacy benefits management services, commits fraud or engages in illegal or dishonest activities; or

~~[~~(4)~~]~~ ~~(IV)~~ violates any provision of this part or a regulation adopted under this part.

~~(2) SUBJECT TO THE APPROVAL OF THE COMMISSIONER, A PHARMACY BENEFITS MANAGER MAY, IN LIEU OF PART OR ALL OF THE DAYS OF ANY SUSPENSION PERIOD IMPOSED BY THE COMMISSIONER, PAY A FEE OF $1,000 PER DAY OF THE SUSPENSION PERIOD.~~

~~(B) IF THE COMMISSIONER'S DENIAL OR REVOCATION OF A PHARMACY BENEFITS MANAGER'S REGISTRATION IS SUSTAINED BY THE COMMISSIONER AFTER A HEARING IN ACCORDANCE WITH TITLE 2 OF THIS ARTICLE, A PHARMACY BENEFITS MANAGER MAY REAPPLY FOR A REGISTRATION NO EARLIER THAN 1 YEAR AFTER THE DATE ON WHICH A DENIAL OR REVOCATION WAS SUSTAINED BY THE COMMISSIONER.~~

~~[~~(b)~~]~~ ~~(C)~~ This section does not limit any other regulatory authority of the Commissioner under this article.

15–1611.

(A) THIS SECTION DOES NOT APPLY TO REIMBURSEMENT:

(1) FOR SPECIALTY DRUGS;

(2) FOR MAIL ORDER DRUGS; OR

(3) TO A CHAIN PHARMACY WITH MORE THAN 15 STORES OR A PHARMACIST WHO IS AN EMPLOYEE OF THE CHAIN PHARMACY.

(B) A PHARMACY BENEFITS MANAGER MAY NOT REIMBURSE A PHARMACY OR PHARMACIST FOR A PHARMACEUTICAL PRODUCT OR PHARMACIST SERVICE IN AN AMOUNT LESS THAN THE AMOUNT THAT THE PHARMACY BENEFITS MANAGER REIMBURSES ITSELF OR AN AFFILIATE FOR PROVIDING THE SAME PRODUCT OR SERVICE.

~~**15–1612.**~~

~~**IN ADDITION TO THE REGISTRATION AND RENEWAL FEES ESTABLISHED UNDER §§ 15–1604 AND 15–1605 OF THIS SUBTITLE, THE COMMISSIONER MAY REQUIRE A PHARMACY BENEFITS MANAGER TO PAY A FEE SET BY THE COMMISSIONER TO COVER THE COSTS OF IMPLEMENTATION AND ENFORCEMENT OF THIS SUBTITLE, INCLUDING FEES TO COVER THE COSTS OF:**~~

~~**(1) SALARIES AND BENEFITS PAID TO PERSONNEL ENGAGED IN THE IMPLEMENTATION AND ENFORCEMENT OF THIS SUBTITLE;**~~

~~**(2) REASONABLE TECHNOLOGY COSTS RELATING TO THE ENFORCEMENT OF THIS SUBTITLE, INCLUDING THE COSTS OF:**~~

~~**(I) SOFTWARE AND HARDWARE USED IN THE ENFORCEMENT PROCESS; AND**~~

~~**(II) TRAINING PERSONNEL IN THE PROPER USE OF THE SOFTWARE OR HARDWARE; AND**~~

~~**(3) EDUCATION AND TRAINING FOR PERSONNEL ENGAGED IN THE ENFORCEMENT OF THIS SUBTITLE TO MAINTAIN PROFICIENCY AND COMPETENCE.**~~

~~**15–1613.**~~

~~**(A) A PHARMACY BENEFITS MANAGER MAY NOT PROHIBIT A PHARMACY OR PHARMACIST FROM:**~~

~~**(1) PROVIDING A BENEFICIARY WITH INFORMATION REGARDING THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;**~~

~~(2) DISCUSSING WITH A BENEFICIARY INFORMATION REGARDING THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;~~

~~(3) IF A MORE AFFORDABLE DRUG IS AVAILABLE THAN ONE ON THE PURCHASER'S FORMULARY AND THE REQUIREMENTS FOR A THERAPEUTIC INTERCHANGE UNDER §§ 15–1633 THROUGH 15–1639 OF THIS SUBTITLE ARE MET, SELLING THE MORE AFFORDABLE ALTERNATIVE TO THE BENEFICIARY; OR~~

~~(4) OFFERING AND PROVIDING STORE DIRECT DELIVERY SERVICES TO AN ENROLLEE AS AN ANCILLARY SERVICE OF THE PHARMACY.~~

~~(B) THIS SECTION MAY NOT BE CONSTRUCTED TO ALTER THE REQUIREMENTS FOR A THERAPEUTIC INTERCHANGE UNDER §§ 15–1633 THROUGH 15–1639 OF THIS SUBTITLE.~~

15–1628.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Contracted pharmacy" means a pharmacy that participates in the network of a pharmacy benefits manager through a contract with:

(i) the pharmacy benefits manager; or

(ii) a pharmacy services administration organization or a group purchasing organization.

(3) "DRUG SHORTAGE LIST" MEANS A LIST OF DRUG PRODUCTS ~~SOLD AT A DISCOUNT WITH AN EXPIRATION DATE OF LESS THAN 1 YEAR FROM THE DATE OF PURCHASE BY THE CONTRACTED PHARMACY~~ LISTED ON THE FEDERAL FOOD AND DRUG ADMINISTRATION'S DRUG SHORTAGES WEBSITE.

[(3)**] (4) (I)** "Maximum allowable cost" means the maximum amount that a pharmacy benefits manager or a purchaser will reimburse a contracted pharmacy for the cost of a multisource generic drug, a medical product, or a device.

(II) "MAXIMUM ALLOWABLE COST" DOES NOT INCLUDE DISPENSING FEES.

[(4)**] (5)** "Maximum allowable cost list" means a list of multisource generic drugs, medical products, and devices for which a maximum allowable cost has been established by a pharmacy benefits manager or a purchaser.

(b) In each contract between a pharmacy benefits manager and a contracted pharmacy, the pharmacy benefits manager shall include the ~~METHODOLOGY AND~~ sources used to determine maximum allowable cost pricing.

~~(C) (1) A PHARMACY BENEFITS MANAGER SHALL DISCLOSE TO THE CONTRACTED PHARMACY WHETHER THE PHARMACY BENEFITS MANAGER IS USING AN IDENTICAL MAXIMUM ALLOWABLE COST LIST WITH ANY OTHER CONTRACTED PHARMACY.~~

~~(2) IF A PHARMACY BENEFITS MANAGER USES A DIFFERENT MAXIMUM ALLOWABLE COST LIST WITH ANOTHER CONTRACTED PHARMACY, THE PHARMACY BENEFITS MANAGER SHALL DISCLOSE TO THE CONTRACT PHARMACY ANY DIFFERENCES BETWEEN THE AMOUNT PAID TO ANY CONTRACTED PHARMACY AND THE AMOUNT CHARGED TO THE PURCHASER.~~

~~[~~(c)~~]~~ ~~(D)~~ A pharmacy benefits manager shall**:**

(1) update its pricing information at least every 7 days ~~and provide a means ON THE PHARMACY BENEFITS MANAGER'S WEBSITE by which ALL contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible AT THE TIME THE PHARMACY BENEFITS MANAGER UPDATES THE LIST FOR ITS OWN USE~~**;**

(2) ESTABLISH A REASONABLE PROCESS BY WHICH A CONTRACTED PHARMACY HAS ACCESS TO THE CURRENT AND APPLICABLE MAXIMUM ALLOWABLE COST PRICE LISTS IN AN ELECTRONIC FORMAT AS UPDATED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION; AND

~~(2)~~ **(3) IMMEDIATELY AFTER A PRICING INFORMATION UPDATE UNDER ITEM (1) OF THIS SUBSECTION, USE THE UPDATED PRICING INFORMATION IN CALCULATING THE PAYMENTS MADE TO ALL CONTRACTED PHARMACIES**~~; AND~~**.**

~~(3) DISCLOSE IN EACH CONTRACT BETWEEN THE PHARMACY BENEFITS MANAGER AND A CONTRACTED PHARMACY WHETHER THE PHARMACY BENEFITS MANAGER USES A DIFFERENT MAXIMUM ALLOWABLE COST LIST FOR DRUGS, PRODUCTS, OR DEVICES DISPENSED AT RETAIL PHARMACIES THAN FOR DRUGS, PRODUCTS, OR DEVICES DISPENSED BY MAIL.~~

~~(E) A PHARMACY BENEFITS MANAGER SHALL DISCLOSE TO A CONTRACTED PHARMACY A MAXIMUM ALLOWABLE COST LIST USED BY THE PHARMACY BENEFITS MANAGER FOR DRUGS, PRODUCTS, OR DEVICES DISPENSED BY MAIL IF THE MAXIMUM ALLOWABLE COST LIST IS:~~

~~(1) DIFFERENT THAN THE MAXIMUM ALLOWABLE COST LIST USED BY THE PHARMACY BENEFITS MANAGER FOR DRUGS, PRODUCTS, OR DEVICES DISPENSED AT RETAIL PHARMACIES; AND~~

~~(2) ADOPTED BY THE PHARMACY BENEFITS MANAGER AFTER EXECUTING A CONTRACT WITH THE CONTRACTED PHARMACY.~~

~~[~~(d)~~]~~ ~~(F)~~ **(1)** A pharmacy benefits manager shall maintain a procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing **[**in a timely manner**]** **AS NECESSARY** to**:**

(I) remain consistent with pricing changes**;**

(II) REMOVE FROM THE LIST DRUGS THAT NO LONGER MEET THE REQUIREMENTS OF SUBSECTION ~~(G)~~ **(E) OF THIS SECTION; AND**

(III) ~~ENSURE THE~~ **REFLECT THE CURRENT AVAILABILITY OF DRUGS** in the marketplace.

(2) A PRODUCT ON THE MAXIMUM ALLOWABLE COST LIST SHALL BE ELIMINATED FROM THE LIST BY THE PHARMACY BENEFITS MANAGER WITHIN ~~24 HOURS~~ **7 DAYS AFTER THE PHARMACY BENEFITS MANAGER KNOWS** ~~OR SHOULD HAVE KNOWN~~ **OF A CHANGE IN THE** ~~PRICING OR~~ **AVAILABILITY OF THE PRODUCT.**

~~[~~(e)~~]~~ ~~(G)~~ Before placing a prescription drug on a maximum allowable cost list, a pharmacy benefits manager shall ensure that:

(1) the drug is listed as "A" or "B" rated in the most recent version of the U.S. Food and Drug Administration's approved drug products with therapeutic equivalence evaluations, also known as the Orange Book, or has an "NR" or "NA" rating or similar rating by a nationally recognized reference; **[**and**]**

(2) **(I) IF A DRUG IS MANUFACTURED BY MORE THAN ONE MANUFACTURER,** the drug is ~~[~~generally~~]~~ available ~~IN AT LEAST THREE GENERICALLY EQUIVALENT OR BIOEQUIVALENT VERSIONS~~ for purchase by contracted pharmacies**, INCLUDING CONTRACTED RETAIL PHARMACIES,** in the State from a **[**national or regional**]** wholesale distributor **[**and is not obsolete**]** **WITH A PERMIT IN THE STATE; OR**

(II) IF A DRUG IS MANUFACTURED BY ONLY ONE MANUFACTURER, THE DRUG IS GENERALLY AVAILABLE FOR PURCHASE BY CONTRACTED PHARMACIES, INCLUDING CONTRACTED RETAIL PHARMACIES, IN THE STATE FROM AT LEAST TWO WHOLESALE DISTRIBUTORS WITH A PERMIT IN THE STATE; AND

(3) THE DRUG IS NOT OBSOLETE, TEMPORARILY UNAVAILABLE, OR LISTED ON A DRUG SHORTAGE LIST AS CURRENTLY IN SHORTAGE.

~~**(II) A PHARMACY BENEFITS MANAGER MAY NOT SET THE MAXIMUM ALLOWABLE COST FOR ANY DRUG, PRODUCT, OR DEVICE IT PLACES ON A MAXIMUM ALLOWABLE COST LIST IN AN AMOUNT THAT IS BELOW THE AMOUNT ESTABLISHED IN THE SOURCE USED BY THE PHARMACY BENEFITS MANAGER TO SET THE MAXIMUM ALLOWABLE COST FOR THE DRUG, PRODUCT, OR DEVICE.**~~

~~**[**(f)**] (I)**~~ Each contract between a pharmacy benefits manager and a contracted pharmacy must include a process to appeal, investigate, and resolve disputes regarding maximum allowable cost pricing that includes:

(1) a requirement that an appeal be filed **BY THE CONTRACT PHARMACY** no later than 21 days after the date of the initial **ADJUDICATED** claim;

(2) a requirement that **[**an appeal be investigated and resolved**],** within ~~**[**21**]**~~ ~~**7**~~ days after the date the appeal is filed**, THE PHARMACY BENEFITS MANAGER INVESTIGATE AND RESOLVE THE APPEAL AND REPORT TO THE CONTRACTED PHARMACY ON THE PHARMACY BENEFITS MANAGER'S DETERMINATION ON THE APPEAL**;

(3) **A REQUIREMENT THAT A PHARMACY BENEFITS MANAGER MAKE AVAILABLE ON ITS WEBSITE INFORMATION ABOUT THE APPEAL PROCESS, INCLUDING:**

(I) a ~~**DIRECT**~~ telephone number at which the contracted pharmacy may **DIRECTLY** contact the **DEPARTMENT OR OFFICE RESPONSIBLE FOR PROCESSING APPEALS FOR *THE*** pharmacy benefits manager to speak to an individual ~~**SPECIFICALLY**~~ **OR LEAVE A MESSAGE FOR AN INDIVIDUAL WHO IS** responsible for processing appeals**;**

(II) AN E–MAIL ADDRESS OF THE DEPARTMENT OR OFFICE RESPONSIBLE FOR PROCESSING APPEALS TO WHICH AN INDIVIDUAL WHO IS RESPONSIBLE FOR PROCESSING APPEALS HAS ACCESS; **AND**

~~**(II)**~~ **(III) A NOTICE INDICATING THAT THE INDIVIDUAL** ~~**SPECIFICALLY**~~ **RESPONSIBLE FOR PROCESSING APPEALS SHALL RETURN** ~~**CALLS**~~ **A CALL OR AN E–MAIL MADE BY A CONTRACTED PHARMACY TO THE INDIVIDUAL WITHIN 3 BUSINESS DAYS OR LESS OF RECEIVING THE CALL OR E–MAIL;**

(4) a requirement that a pharmacy benefits manager provide:

(i) a reason for any appeal denial; and

(ii) the national drug code of a drug ~~that IS READILY AVAILABLE FOR PURCHASE~~ **AND THE NAME OF THE WHOLESALE DISTRIBUTOR FROM WHICH THE DRUG** ~~may be purchased by the contracted pharmacy~~ **WAS AVAILABLE ON THE DATE THE CLAIM WAS ADJUDICATED** at a price at or below the **[**benchmark price**]** **MAXIMUM ALLOWABLE COST** determined by the pharmacy benefits manager; and

(5) if an appeal is upheld, a requirement that a pharmacy benefits manager:

~~(i) make the change in the maximum allowable cost no later than 1 business day after the date of determination on the appeal; and~~

~~(ii) permit the appealing contracting pharmacy to reverse and rebill the claim, and any subsequent similar claims.~~

(I) FOR THE APPEALING PHARMACY:

1. ADJUST THE MAXIMUM ALLOWABLE COST FOR THE DRUG AS OF THE DATE OF THE ORIGINAL CLAIM FOR PAYMENT; AND

2. WITHOUT REQUIRING THE APPEALING PHARMACY TO REVERSE AND REBILL THE CLAIMS, PROVIDE REIMBURSEMENT FOR THE CLAIM AND ANY SUBSEQUENT AND SIMILAR CLAIMS UNDER SIMILARLY APPLICABLE CONTRACTS WITH THE PHARMACY BENEFITS MANAGER:

A. FOR THE ORIGINAL CLAIM, IN THE FIRST REMITTANCE TO THE PHARMACY AFTER THE DATE THE APPEAL WAS DETERMINED; AND

B. FOR SUBSEQUENT AND SIMILAR CLAIMS UNDER SIMILARLY APPLICABLE CONTRACTS, IN THE SECOND REMITTANCE TO THE PHARMACY AFTER THE DATE THE APPEAL WAS DETERMINED; AND

(II) FOR A SIMILARLY SITUATED CONTRACTED PHARMACY IN THE STATE:

1. ADJUST THE MAXIMUM ALLOWABLE COST FOR THE DRUG AS OF THE DATE THE APPEAL WAS DETERMINED; AND

2. PROVIDE NOTICE TO THE PHARMACY OR PHARMACY'S CONTRACTED AGENT THAT:

A. AN APPEAL HAS BEEN UPHELD; AND

B. WITHOUT FILING A SEPARATE APPEAL, THE PHARMACY OR THE PHARMACY'S CONTRACTED AGENT MAY REVERSE AND REBILL A SIMILAR CLAIM.

~~(J) (1) WITHIN 30 CALENDAR DAYS AFTER A PHARMACY BENEFITS MANAGER DENIES AN APPEAL BY A CONTRACTED PHARMACY UNDER SUBSECTION (I) OF THIS SECTION, THE CONTRACTED PHARMACY MAY FILE A COMPLAINT WITH THE COMMISSIONER FOR REVIEW OF THE DECISION BY THE PHARMACY BENEFITS MANAGER.~~

~~(2) A CONTRACTED PHARMACY SHALL EXHAUST THE APPEAL PROCESS ESTABLISHED BY THE PHARMACY BENEFITS MANAGER UNDER SUBSECTION (I) OF THIS SECTION BEFORE FILING A COMPLAINT WITH THE COMMISSIONER UNDER THIS SUBSECTION.~~

~~(3) THE COMMISSIONER SHALL HOLD A HEARING ON THE COMPLAINT AND ISSUE AN ORDER IN ACCORDANCE WITH THE HEARING AND REVIEW PROCEDURES ESTABLISHED UNDER §§ 2–210 THROUGH 2–214 OF THIS ARTICLE.~~

~~(4) AN APPEAL OF AN ORDER OF THE COMMISSIONER UNDER THIS SUBSECTION MAY BE TAKEN IN ACCORDANCE WITH § 2–215 OF THIS ARTICLE.~~

~~(5)~~ (G) A PHARMACY BENEFITS MANAGER MAY NOT RETALIATE AGAINST A CONTRACTED PHARMACY FOR EXERCISING ITS RIGHT TO APPEAL UNDER THIS SECTION OR FILING A COMPLAINT WITH THE COMMISSIONER UNDER THIS SUBSECTION.

~~(K)~~ (H) A PHARMACY BENEFITS MANAGER MAY NOT CHARGE A CONTRACTED PHARMACY A FEE RELATED TO ~~AN ADJUDICATION OF A CLAIM UNDER~~ THE READJUDICATION OF A CLAIM OR CLAIMS RESULTING FROM CARRYING OUT THE REQUIREMENT OF A CONTRACT SPECIFIED IN SUBSECTION (F)(5) OF THIS SECTION OR THE UPHOLDING OF AN APPEAL UNDER SUBSECTION (I) OF THIS SECTION.

~~(L) (1) A PHARMACY BENEFITS MANAGER THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN $1,000 FOR EACH VIOLATION.~~

~~(2) EACH DAY THAT A VIOLATION CONTINUES SHALL BE A SEPARATE VIOLATION.~~

(I) (1) IF A PHARMACY BENEFITS MANAGER DENIES AN APPEAL AND A CONTRACTED PHARMACY FILES A COMPLAINT WITH THE COMMISSIONER, THE COMMISSIONER SHALL:

(I) REVIEW THE COMPENSATION PROGRAM OF THE PHARMACY BENEFITS MANAGER TO ENSURE THAT THE REIMBURSEMENT FOR PHARMACY BENEFITS MANAGEMENT SERVICES PAID TO THE PHARMACIST OR A PHARMACY COMPLIES WITH THIS SUBTITLE AND THE TERMS OF THE CONTRACT; AND

(II) BASED ON A DETERMINATION MADE BY THE COMMISSIONER UNDER ITEM (I) OF THIS PARAGRAPH, DISMISS THE APPEAL OR UPHOLD THE APPEAL AND ORDER THE PHARMACY BENEFITS MANAGER TO PAY THE CLAIM OR CLAIMS IN ACCORDANCE WITH THE COMMISSIONER'S FINDINGS.

(2) ALL PRICING INFORMATION AND DATA COLLECTED BY THE COMMISSIONER DURING A REVIEW REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION:

(I) IS CONSIDERED TO BE CONFIDENTIAL AND PROPRIETARY INFORMATION; AND

(II) IS NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.

15–1642.

(a) If the Commissioner determines that a pharmacy benefits manager has violated any provision of this subtitle or any regulation adopted under this subtitle, the Commissioner may issue an order that requires the pharmacy benefits manager to:

(1) cease and desist from the identified violation and further similar violations;

(2) take specific affirmative action to correct the violation; **[**or**]**

(3) make restitution of money, property, or other assets to a person that has suffered financial injury because of the violation**; OR**

(4) PAY A FINE IN AN AMOUNT DETERMINED BY THE COMMISSIONER.

(b) (1) An order of the Commissioner issued under this section may be served on a pharmacy benefits manager that is registered under Part II of this subtitle in the manner provided in § 2–204 of this article.

(2) An order of the Commissioner issued under this section may be served on a pharmacy benefits manager that is not registered under Part II of this subtitle in the manner provided in § 4–206 or § 4–207 of this article for service on an unauthorized insurer that does an act of insurance business in the State.

(3) A request for a hearing on any order issued under this section does not stay that portion of the order that requires the pharmacy benefits manager to cease and desist from conduct identified in the order.

(4) The Commissioner may file a petition in the circuit court of any county to enforce an order issued under this section, whether or not a hearing has been requested or, if requested, whether or not a hearing has been held.

(5) If the Commissioner prevails in an action brought under this section, the Commissioner may recover, for the use of the State, reasonable attorney's fees and the costs of the action.

(c) In addition to any other enforcement action taken by the Commissioner under this section ~~AND SUBJECT TO § 15–1628.1(L) OF THIS SUBTITLE~~, the Commissioner may impose a civil penalty not exceeding $10,000 for each violation of this subtitle.

(D) THE COMMISSIONER MAY ADOPT REGULATIONS:

(1) TO CARRY OUT THIS SUBTITLE; AND

(2) TO ESTABLISH A COMPLAINT PROCESS TO ADDRESS GRIEVANCES AND APPEALS BROUGHT IN ACCORDANCE WITH THIS SUBTITLE.

[(d)**] (E)** This section does not limit any other regulatory authority of the Commissioner under this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all contracts between a pharmacy benefits manager and a pharmacy entered into~~, modified, amended, or renewed~~ *or in effect* on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~January~~ *June* 1, ~~2019~~ *2018*.

Approved by the Governor, May 8, 2018.

Chapter 452

(Senate Bill 896)

AN ACT concerning

~~Public Health~~ Maryland Health Care Commission – Health Record and Payment ~~Clearinghouse – Pilot~~ Integration Program Advisory Committee

FOR the purpose of requiring the Maryland Health Care Commission~~, subject to certain limitations,~~ to establish ~~and implement a certain health record and payment clearinghouse pilot program on or before a certain date; requiring the Commission, on or before a certain date, to develop certain standards and determine certain information; authorizing the Commission to contract with an outside entity to establish and maintain the health record and payment clearinghouse; specifying the capabilities the health record and payment clearinghouse must have; requiring the Commission to solicit feedback from certain users of the health record and payment clearinghouse; requiring the Commission to report on the status and implementation of the pilot program to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before a certain date each year; requiring the Commission, on or before a certain date, to research and evaluate existing public and private health record and payment clearinghouses; requiring the Commission, on or before a certain date, to make certain recommendations for financing the establishment and maintenance of a health record and payment clearinghouse pilot program;~~ a Maryland Health Record and Payment Integration Program Advisory Committee; requiring the Commission to select members of the Advisory Committee from certain persons; requiring the Advisory Committee to study the feasibility of creating a health record and payment integration program, certain approaches, and certain other issues; authorizing the Advisory Committee, to the extent allowed by law, to use certain information in carrying out its duties; requiring the Commission to submit a certain report to the Governor and the General Assembly on or before a certain date; ~~defining a certain term;~~ providing for the termination of this Act; and generally relating to the ~~health record and payment clearinghouse~~ Health Record and Payment Integration Program Advisory Committee.

~~BY adding to~~
~~Article – Health – General~~
~~Section 19–150 and 19–151 to be under the new part "Part VI. Health Record and Payment Clearinghouse"~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

~~Preamble~~

~~WHEREAS, Maryland has been a leader in health care financing, research, and treatment; and~~

~~WHEREAS, The cost of health care continues to rise, resulting in many individuals not being able to afford health care; and~~

~~WHEREAS, The cost of health care in the United States is among the highest in the world, yet the measures of the effectiveness of our health care system are well below those of other advanced countries; and~~

~~WHEREAS, The high administrative cost of our current health care system is approximately between 3.1% and 31% of every dollar spent on health care expenditures; and~~

~~WHEREAS, Health care billing, and reimbursement, and record–sharing methods are still largely old–fashioned, despite advances in computer technology; and~~

~~WHEREAS, Technologies are available and are already in place in other countries to make a significant impact on health care and the economics of delivering health care services if standards are implemented to allow interoperability and compatibility of systems for immediate online record keeping, billing, payment, and reporting; and~~

~~WHEREAS, A card with a credit card–like magnetic strip and password protections can provide secure access to a patient's health insurance and health history information by accessing secure servers over the Internet; and~~

~~WHEREAS, The implementation of such a system in the State, and ultimately in the entire United States, could reduce the cost of health care by up to 15% or more, with an estimated yearly savings for Maryland exceeding $6,200,000,000 and for the United States exceeding $350,000,000,000 per year; and~~

~~WHEREAS, Health care is approximately 16% to 18% of the cost of most products and services purchased; and~~

~~WHEREAS, A savings of 10% in the cost of health care could reduce the cost of many products by up to 1.8%, providing benefits well beyond the field of health care; and~~

~~WHEREAS, The benefits of streamlining the administration of health care extend well beyond the field of health care; and~~

~~WHEREAS, The introduction of rapid and secure electronic access to patient records can improve the timeliness of the provision of health care and reduce the cost of health care while improving the quality of and access to health care; and~~

~~WHEREAS, Reductions in the cost of health care will improve access to health care; and~~

~~WHEREAS, Patients can decide individually if they wish to allow their electronic health records, without any personal identifying information, to be used for health care research to help others; and~~

~~WHEREAS, Reporting matters of public health interest can be accomplished rapidly and accurately with electronic systems, leading to improvements in public health; and~~

~~WHEREAS, The many benefits of modern electronic payment and health care records systems will improve the quality of life for Maryland residents; and~~

~~WHEREAS, State government will benefit from an estimated $70,000,000 reduction in reducing the cost of health care for its employees once implemented as well as from and reduced cost of goods produced in Maryland; and~~

~~WHEREAS, Maryland can serve as a test state for all of the United States and can seek federal grants to assist with the project; and~~

~~WHEREAS, Government must set the standards for an electronic payment and health care records system and lead the way for participation by private industry; and~~

~~WHEREAS, Initial participation by health care providers and payers shall can be voluntary; and~~

~~WHEREAS, The Maryland State Medical Society (MedChi) and the Maryland Psychiatric Society have already passed resolutions endorsing the concept of an electronic payment and health care records system; and~~

~~WHEREAS, It is in the public interest that the State government provide grants and incentives to set up an electronic system for providing health care to State employees and for the benefit of all Marylanders; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows~~:

(a) The Maryland Health Care Commission shall establish a Health Record and Payment Integration Program Advisory Committee.

(b) The Commission shall select the members of the Health Record and Payment Integration Program Advisory Committee from:

(1) managed care organizations, as defined in § 15–101 of the Health – General Article;

(2) individuals licensed, certified, or registered under the Health Occupations Article to provide health care;

(3) facilities that provide health care to individuals; ~~and~~

(4) persons that provide health care supplies or medications*; and*

(5) health insurers and carriers.

(c) The Health Record and Payment Integration Program Advisory Committee shall study:

(1) the feasibility of creating a health record and payment integration program, including:

(i) the feasibility of incorporating administrative health care claim transactions into the State–designated health information exchange established under § 19–143 of the Health – General Article for the purpose of improving health care coordination and encounter notification;

(ii) the feasibility of establishing a free and secure web–based portal that providers can use, regardless of the method of payment being used for health care services, to:

1. create and maintain health records; and

2. file for payment for health care services provided; and

(iii) the feasibility of incorporating prescription drug monitoring program data into the State–designated health information exchange so that prescription drug data can be entered and retrieved;

(2) approaches for accelerating the adjudication of clean claims; and

(3) any other issue that the Commission considers appropriate to study to further health and payment record integration.

(d) The Health Record and Payment Integration Program Advisory Committee, to the extent allowed under law, may use the information collected by the State–designated health information exchange established under § 19–143(b) of the Health – General Article in carrying out its duties under subsection (c) of this section.

(e) (1) On or before November 1, 2019, the Commission shall submit the findings and recommendations of the Health Record and Payment Integration Program Advisory Committee to report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) If the Health Record and Payment Integration Program Advisory Committee recommends the creation of a health record and payment integration program, the report submitted under paragraph (1) of this subsection shall include:

(i) recommendations regarding statutory language to establish and maintain the health record and payment integration program; and

(ii) an estimate of the funding required to support the health record and payment integration program.

~~**Article – Health – General**~~

~~**PART VI. HEALTH RECORD AND PAYMENT CLEARINGHOUSE.**~~

~~19–150.~~

~~IN THIS PART, "HEALTH RECORD AND PAYMENT CLEARINGHOUSE" MEANS A HEALTH RECORD AND PAYMENT CLEARINGHOUSE THAT:~~

~~(1) BUILDS ON THE WORK OF THE CHESAPEAKE REGIONAL INFORMATION SYSTEM FOR OUR PATIENTS;~~

~~(2) ALLOWS AUTHORIZED USERS TO ACCESS PATIENT MEDICAL RECORDS REMOTELY;~~

~~(3) ALLOWS THE EXCHANGE OF DATA BETWEEN SYSTEMS USED BY PROVIDERS AND CARRIERS FOR THE PAYMENT OF HEALTH CARE CLAIMS;~~

~~(4) INTERACTS WITH THE PRESCRIPTION DRUG MONITORING PROGRAM SO THAT PRESCRIPTION DRUG DATA CAN BE RETRIEVED THROUGH THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE;~~

~~(5) MEETS FEDERAL AND STATE REQUIREMENTS REGARDING THE CONFIDENTIALITY OF MEDICAL RECORDS; AND~~

~~(6) IS AVAILABLE SECURELY ONLINE.~~

~~19–151.~~

~~(A) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND ANY OTHER DESIGNATED FUNDING, ON OR BEFORE JULY 1, 2020, THE COMMISSION SHALL ESTABLISH AND IMPLEMENT FOR USE IN A PILOT PROGRAM FOR VOLUNTEER COMPANIES, MUNICIPALITIES, COUNTY EMPLOYEE ORGANIZATIONS, AND EDUCATION EMPLOYEE ORGANIZATIONS AND FOR HEALTH BENEFITS AND SERVICES FOR STATE GOVERNMENT EMPLOYEES A HEALTH RECORD AND PAYMENT CLEARINGHOUSE.~~

~~(B) ON OR BEFORE JULY 1, 2019, THE COMMISSION SHALL:~~

~~(1) DEVELOP STANDARDS THAT HEALTH CARE RECORDS AND REQUESTS FOR HEALTH CARE PAYMENTS MUST MEET TO BE ACCESSED OR FILED AND MADE THROUGH THE HEALTH CARE RECORD AND PAYMENT CLEARINGHOUSE;~~

~~(2) DETERMINE WHETHER THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE SHOULD MAINTAIN DATA ABOUT EACH PATIENT, INCLUDING INFORMATION ON THE PATIENT'S:~~

~~(I) DEMOGRAPHICS;~~

~~(II) INSURANCE COVERAGE;~~

~~(III) DIAGNOSES;~~

~~(IV) MEDICATIONS;~~

~~(V) ALLERGIES;~~

~~(VI) ADVERSE REACTIONS;~~

~~(VII) HOSPITALIZATIONS;~~

~~(VIII) TREATMENTS;~~

~~(IX) HEALTH CARE PROVIDERS;~~

~~(X) VACCINATIONS;~~

~~(XI) LABORATORY TESTS AND RESULTS;~~

~~(XII) ELECTROCARDIOGRAPHY TESTS AND RESULTS; AND~~

~~(XIII) RADIOLOGY STUDIES AND REPORTS.~~

~~(C) THE COMMISSION MAY CONTRACT WITH AN OUTSIDE ENTITY, OR CHESAPEAKE REGIONAL INFORMATION SYSTEM FOR OUR PATIENTS, TO ESTABLISH AND MAINTAIN THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE FOR THE PILOT PROGRAM.~~

~~(D) THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE SHALL:~~

~~(1) CREATE AND MAINTAIN ACCESS SECURITY LOGS;~~

~~(2) INCLUDE SECURITY AND BACKUP SAFEGUARDS;~~

~~(3) INDICATE WHEN A PORTION OF A HEALTH RECORD MAINTAINED ELSEWHERE IS OFFLINE AND PROVIDE MINIMAL DATA, AS DETERMINED BY THE COMMISSION, REGARDING THE RECORD;~~

~~(4) INCLUDE A FREE AND SECURE WEB–BASED PORTAL THAT PROVIDERS CAN USE WITHOUT REGARD TO THE METHOD OF PAYMENT BEING USED FOR A HEALTH CARE SERVICE TO:~~

~~(I) CREATE, MAINTAIN, AND PROVIDE ACCESS BY AUTHORIZED INDIVIDUALS TO HEALTH RECORDS; AND~~

~~(II) FILE FOR PAYMENT FOR HEALTH CARE SERVICES PROVIDED;~~

~~(5) PROVIDE FOR THE DETERMINATION AND COLLECTION OF ALL BENEFITS, COPAYS, AND DEDUCTIBLES AT THE POINT OF SERVICE WITH CLAIM ADJUDICATION WITHIN 24 HOURS;~~

~~(6) PROVIDE FOR THE IMMEDIATE ANSWERING OF QUESTIONS REGARDING COVERED SERVICES AND BENEFITS AT THE POINT OF SERVICE;~~

~~(7) PROVIDE FOR THE SUBMISSION OF AN ELECTRONIC RECORD OF HEALTH CARE SERVICES, SUPPLIES, AND MEDICATIONS PROVIDED OR PRESCRIBED IN ORDER FOR PAYMENT TO BE RECEIVED;~~

~~(8) PROVIDE FOR THE FORMAT AND CONTENT OF THE MINIMUM MEDICAL RECORD DATA SET REQUIRED FOR PAYMENT THROUGH THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE;~~

~~(9) INCLUDE THE ABILITY TO PROVIDE REQUIRED DATA SECURELY OVER THE INTERNET WITHOUT REQUIRING PROVIDERS OR SUPPLIERS TO PAY FOR PROPRIETARY SOFTWARE, OTHER THAN PAYING ANY USER FEE TO COVER THE COST OF STARTUP AND OPERATIONS OF THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE;~~

~~(10) ALLOW THE USE OF PROPRIETARY SOFTWARE THAT CAN OFFER EXPANDED FUNCTIONALITY FOR PROVIDERS TO INTERACT WITH THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE TO PROVIDE AND OBTAIN ALL INFORMATION AND PAYMENTS NEEDED FOR HEALTH CARE SERVICES;~~

~~(11) ENSURE THAT EACH PATIENT HAS A UNIQUE IDENTIFIER ASSIGNED AND MAINTAINED CENTRALLY BY THE DEPARTMENT;~~

~~(12) DIRECT DATA REQUESTS TO THE CORRECT SERVER OR RECORD HOLDER AND ALLOW FOR MULTIPLE SERVERS OR RECORD HOLDERS TO HOUSE SOME OR ALL OF THE INFORMATION FOR EACH PATIENT;~~

~~(13) ALLOW EACH PATIENT TO INDICATE WHETHER OR NOT THE PATIENT WANTS TO ALLOW RESEARCHERS TO ANONYMOUSLY ACCESS THE PATIENT'S HEALTH CARE RECORDS AND TO WITHDRAW PERMISSION ONCE GIVEN;~~

~~(14) ALLOW FOR SECURE ACCESS THROUGH SPECIFIC TERMINALS BY EMERGENCY ROOM PERSONNEL WHEN A PATIENT IS UNABLE TO PROVIDE INFORMATION THAT WOULD BE REQUIRED TO ACCESS THE PATIENT'S INFORMATION THROUGH THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE;~~

~~(15) INCLUDE THE OPTION AFTER THE FIRST YEAR OF THE PILOT PROGRAM TO USE HEALTH CARDS THAT:~~

~~(I) INCLUDE A COMBINATION OF CREDIT CARDS, DEBIT CARDS, AND HEALTH SAVINGS CARDS; AND~~

~~(II) PROVIDE INFORMATION, LINKAGES, AND PAYMENTS SO THAT ONLY ONE CARD IS REQUIRED TO COMPLETE ALL ASPECTS OF A HEALTH CARE PAYMENT;~~

~~(16) ALLOW FOR ONLINE AND OFFLINE APPEAL OF DENIED SERVICES, BENEFITS, OR PAYMENTS;~~

~~(17) SUPPORT A HIGH VOLUME OF SIMULTANEOUS USERS, BASED ON THE TOTAL NUMBER OF PROVIDERS IN THE STATE;~~

~~(18) BE COMPATIBLE WITH BOTH THE WINDOWS AND THE MACINTOSH OPERATING SYSTEMS; AND~~

~~(19) MEET ANY OTHER STANDARDS DEVELOPED AND REQUIRED BY THE COMMISSION.~~

~~(E) THE COMMISSION SHALL SOLICIT FEEDBACK ON THE HEALTH RECORD AND PAYMENT CLEARINGHOUSE FROM THE USERS WHO PARTICIPATE IN THE PILOT PROGRAM, INCLUDING:~~

~~(1) HEALTH INSURERS AND CARRIERS;~~

~~(2) NONPROFIT HEALTH SERVICE PLANS;~~

~~(3) HEALTH MAINTENANCE ORGANIZATIONS;~~

~~(4) DENTAL PLAN ORGANIZATIONS;~~

~~(5) MANAGED CARE ORGANIZATIONS AS DEFINED IN § 15–101 OF THIS ARTICLE;~~

~~(6) INDIVIDUALS LICENSED, CERTIFIED, OR REGISTERED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE;~~

~~(7) FACILITIES THAT PROVIDE HEALTH CARE TO INDIVIDUALS; AND~~

~~(8) PERSONS THAT PROVIDE HEALTH CARE SUPPLIES OR MEDICATIONS.~~

~~(F) ON OR BEFORE DECEMBER 21, 2022, AND DECEMBER 21 EACH YEAR THEREAFTER, THE COMMISSION SHALL SUBMIT A STATUS REPORT ON THE IMPLEMENTATION OF THE PILOT PROGRAM TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) On or before December 31, 2018, the Maryland Health Care Commission shall research and evaluate existing public and private health record and payment clearinghouses.~~

~~(b) (1) On or before March 15, 2019, the Commission shall make recommendations for financing the establishment and maintenance of a health record and payment clearinghouse pilot program beginning with fiscal year 2020.~~

~~(2) The recommendations:~~

~~(i) may include provisions, if federal grants may not be available in time to pay for startup costs, for:~~

~~1. nonprofit user fees; and~~

~~2. a state bond to be repaid by nonprofit user fees over the course of up to 20 years;~~

~~(ii) shall include adjustments to the ceiling for user fees to accommodate the health record and payment clearinghouse and any required bonds or other funding; and~~

~~(iii) 1. may include up to $10,000,000 in grants for up to five health insurance carriers or health insurance providers; and~~

~~2. if the recommendations specify that grants should be provided under item 1 of this item, shall specify that the recipient shall agree to provide health plans with the same benefits as in the immediately preceding year with at least a 5% discount in the cost.~~

~~(3) On or before March 15, 2019, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on its recommendations regarding and funding requests for a health record and payment clearinghouse pilot program.~~

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. ~~Section 1 of this~~ This Act shall remain effective for a period of ~~6~~ 2 years and, at the end of June 30, ~~2024~~ 2020, ~~Section 1 of~~ this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. ~~Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2019, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Approved by the Governor, May 8, 2018.

Chapter 453

(Senate Bill 944)

AN ACT concerning

Public Health – Subcutaneous Implanting of Identification Device – Prohibition

FOR the purpose of prohibiting a person or an agent, a representative, or a designee of the State or a local government from requiring, coercing, or compelling an individual to undergo a certain implanting of a certain identification device; authorizing an individual who is implanted with a subcutaneous identification device in violation of a certain provision of this Act to file a civil action in a certain court within a certain time period; authorizing a court to assess certain civil penalties and award certain damages, fees, expenses, and relief under certain circumstances; providing that the remedies under this Act are in addition to and not exclusive of or a prerequisite to certain other remedies; prohibiting the assertion of a certain limitation under certain circumstances; defining certain terms; providing for the construction of this Act; providing for the application of this Act; and generally relating to the subcutaneous implanting of identification devices.

BY adding to
Article – Health – General
Section 20–1901 and 20–1902 to be under the new subtitle "Subtitle 19. Subcutaneous Implanting of Identification Device"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

SUBTITLE 19. SUBCUTANEOUS IMPLANTING OF IDENTIFICATION DEVICE.

20–1901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "IDENTIFICATION DEVICE" MEANS AN ITEM, AN APPLICATION, OR A PRODUCT THAT IS PASSIVELY OR ACTIVELY CAPABLE OF TRANSMITTING PERSONAL INFORMATION, INCLUDING DEVICES USING RADIO FREQUENCY TECHNOLOGY.

(2) "IDENTIFICATION DEVICE" DOES NOT INCLUDE AN ITEM, AN APPLICATION, OR A PRODUCT THAT IS USED IN THE DIAGNOSIS, MONITORING, TREATMENT, OR PREVENTION OF A HEALTH CONDITION.

(C) "PERSONAL INFORMATION" INCLUDES THE FOLLOWING DATA ELEMENTS TO THE EXTENT THAT THE DATA ELEMENTS ARE USED ALONE OR IN CONJUNCTION WITH OTHER INFORMATION USED TO IDENTIFY AN INDIVIDUAL:

(1) FIRST OR LAST NAME;

(2) ADDRESS;

(3) TELEPHONE NUMBER;

(4) E–MAIL, INTERNET PROTOCOL, OR WEBSITE ADDRESS;

(5) DATE OF BIRTH;

(6) DRIVER'S LICENSE NUMBER OR IDENTIFICATION CARD NUMBER;

(7) BANK, CREDIT CARD, OR OTHER FINANCIAL ACCOUNT NUMBER;

(8) ANY UNIQUE PERSONAL IDENTIFIER CONTAINED OR ENCODED ON A HEALTH INSURANCE, HEALTH BENEFIT, OR BENEFIT CARD OR RECORD ISSUED IN CONJUNCTION WITH A GOVERNMENT–SUPPORTED AID PROGRAM;

(9) RELIGION;

(10) ETHNICITY OR NATIONALITY;

(11) PHOTOGRAPH;

(12) FINGERPRINT OR OTHER BIOMETRIC IDENTIFIER;

(13) SOCIAL SECURITY NUMBER; AND

(14) ANY OTHER UNIQUE PERSONAL IDENTIFIER.

(D) "REQUIRE, COERCE, OR COMPEL" INCLUDES THE USE OF PHYSICAL VIOLENCE, THREAT, INTIMIDATION, RETALIATION, THE CONDITIONING OF ANY PRIVATE OR PUBLIC BENEFIT, INCLUDING EMPLOYMENT, PROMOTION, OR OTHER EMPLOYMENT BENEFIT, AND ANY OTHER MEANS TO CAUSE A REASONABLE INDIVIDUAL OF ORDINARY SUSCEPTIBILITIES TO ACQUIESCE WHEN THE INDIVIDUAL OTHERWISE WOULD NOT.

(E) "SUBCUTANEOUS" MEANS EXISTING, PERFORMED, OR INTRODUCED UNDER OR ON THE SKIN.

20–1902.

(A) ~~EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A~~ A PERSON OR AN AGENT, A REPRESENTATIVE, OR A DESIGNEE OF THE STATE OR A LOCAL GOVERNMENT MAY NOT REQUIRE, COERCE, OR COMPEL AN INDIVIDUAL TO UNDERGO THE SUBCUTANEOUS IMPLANTING OF AN IDENTIFICATION DEVICE.

(B) (1) AN INDIVIDUAL WHO IS IMPLANTED WITH A SUBCUTANEOUS IDENTIFICATION DEVICE IN VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY FILE A CIVIL ACTION IN THE CIRCUIT COURT IN THE COUNTY WHERE THE VIOLATION OCCURRED.

(2) IF THE COURT FINDS THAT THE PERSON OR AGENT, REPRESENTATIVE, OR DESIGNEE OF THE STATE OR A LOCAL GOVERNMENT VIOLATED SUBSECTION (A) OF THIS SECTION, THE COURT MAY:

(I) ASSESS AGAINST THE DEFENDANT:

1. A CIVIL PENALTY NOT EXCEEDING $10,000; AND

2. AN ADDITIONAL CIVIL PENALTY NOT EXCEEDING $1,000 FOR EACH DAY AFTER THE DAY OF IMPLANTATION THAT THE VIOLATION CONTINUES UNTIL CORRECTED; AND

(II) AWARD THE PLAINTIFF:

1. COMPENSATORY DAMAGES;

2. INJUNCTIVE RELIEF;

3. REASONABLE ATTORNEY'S FEES AND LITIGATION EXPENSES, INCLUDING EXPERT WITNESS FEES AND EXPENSES; OR

4. ANY OTHER APPROPRIATE RELIEF.

(3) IN ADDITION TO THE DAMAGES OR RELIEF AWARDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT MAY AWARD THE PLAINTIFF PUNITIVE DAMAGES ON A FINDING OF PROOF OF THE DEFENDANT'S MALICE, OPPRESSION, FRAUD, OR DURESS INFLICTED IN REQUIRING, COERCING, OR COMPELLING THE PLAINTIFF TO UNDERGO THE SUBCUTANEOUS IMPLANTING OF AN IDENTIFICATION DEVICE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION BROUGHT UNDER SUBSECTION (B) OF THIS SECTION SHALL BE FILED WITHIN 3 YEARS AFTER THE DATE ON WHICH THE IDENTIFICATION DEVICE WAS IMPLANTED.

(2) IF A DEFENDANT INDUCES THE PLAINTIFF TO DELAY THE FILING OF THE ACTION OR THE PLAINTIFF DELAYS THE FILING DUE TO THREATS MADE BY THE DEFENDANT THAT CAUSED THE PLAINTIFF DURESS, THE DEFENDANT MAY NOT ASSERT THE LIMITATION SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) THE REMEDIES PROVIDED BY THIS SECTION ARE IN ADDITION TO ANY OTHER STATUTORY, LEGAL, OR EQUITABLE REMEDIES THAT MAY BE AVAILABLE AND ARE NOT INTENDED TO BE PREREQUISITE TO OR EXCLUSIVE OF ANY OTHER REMEDIES.

(E) ~~EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE~~ THE PROVISIONS OF THIS SECTION SHALL BE LIBERALLY CONSTRUED IN THE PROTECTION OF PRIVACY AND BODILY INTEGRITY.

~~(F) THIS SECTION MAY NOT BE CONSTRUED TO MODIFY THE LAWS GOVERNING THE RIGHTS OF:~~

~~(1) PARENTS OR GUARDIANS;~~

~~(2) CHILDREN OR MINORS; OR~~

~~(3) DEPENDENT ADULTS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 454

(Senate Bill 386)

AN ACT concerning

Maryland Nursing Home Resident Protection Act of 2018

FOR the purpose of requiring the Maryland Department of Health to ~~investigate~~ initiate an investigation of certain nursing home complaints ~~against certain nursing homes~~ within a certain number of days of receiving the complaints; requiring the Maryland Department of Health to make every effort to investigate within a certain number of hours complaints alleging immediate jeopardy to residents of certain nursing homes; requiring the Maryland Department of Health to investigate a certain complaint within a certain period of time after receiving the complaint; providing that certain surveys may be unannounced under certain circumstances; requiring the Maryland Department of Health to develop a certain data dashboard that includes certain information; requiring that the data dashboard be updated at certain intervals; requiring the Maryland Department of Health to post a certain data dashboard on its website in a certain manner; ~~requiring the Maryland Department of Health to provide a certain data dashboard to the Department of Legislative Services; requiring the Department of Legislative Services to post the data dashboard on the Maryland General Assembly website;~~ requiring that the Maryland Department of Health ~~to hire~~ receive a certain number of ~~long–term care surveyors or to fill certain vacancies for a certain purpose on or before a certain date~~ full–time merit positions for certain purposes in the Office of Health Care Quality in certain fiscal years; and generally relating to the regulation of nursing homes.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–1408
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health – General

Section 19–1408.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, A 2017 report of the U.S. Department of Health and Human Services Inspector General shows that the State is 7th worst in the nation for on–time investigations of nursing home complaints; and

WHEREAS, The U.S. Department of Health and Human Services Inspector General report shows that the State did not investigate 74% of high–level nursing home complaints within the federal deadline of 10 days; and

WHEREAS, Almost 19 years ago, the U.S. General Accounting Office found that the State did not investigate 79% of high priority nursing home complaints within the federal deadline of 10 days, including investigations not occurring for months despite an urgency in the nature of the complaints; and

WHEREAS, The Maryland Department of Health reported in 2016 that it takes 47 days to initiate an on–site investigation, which demonstrates a lack of commitment to investigating complaints about nursing homes and other facilities; and

WHEREAS, The lack of commitment to investigating complaints regarding nursing homes and other facilities by the State is evident in the longstanding understaffing of nurse surveyors in the Maryland Office of Health Care Quality; and

WHEREAS, There appears to be no commitment to change the deficient and dangerous conditions in terms of the timeliness of investigating nursing home complaints, which affects the health and well–being of vulnerable Marylanders who reside in nursing homes; and

WHEREAS, These conditions cannot be permitted to continue; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–1408.

(a) **(1)** The Department shall make a site visit and conduct a full survey of each licensed nursing home at least once per calendar year.

[(b)**]** **(2)** ~~All~~ **UNLESS OTHERWISE REQUIRED BY FEDERAL LAW, ALL** surveys shall be unannounced.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL ~~INVESTIGATE A COMPLAINT AGAINST A NURSING HOME~~ INITIATE AN INVESTIGATION OF A NURSING HOME COMPLAINT ALLEGING ACTUAL HARM WITHIN 10 BUSINESS DAYS AFTER RECEIVING THE COMPLAINT.

(2) IF THE DEPARTMENT RECEIVES A COMPLAINT AGAINST A NURSING HOME ALLEGING IMMEDIATE JEOPARDY TO A RESIDENT, THE DEPARTMENT:

(I) SHALL MAKE EVERY EFFORT TO INVESTIGATE THE COMPLAINT WITHIN 24 HOURS AFTER RECEIVING THE COMPLAINT; AND

(II) SHALL INVESTIGATE THE COMPLAINT NOT LATER THAN 48 HOURS AFTER RECEIVING THE COMPLAINT.

19–1408.1.

(A) THE DEPARTMENT SHALL DEVELOP A CLEAR AND EASY–TO–UNDERSTAND GRAPHIC DATA DASHBOARD THAT INCLUDES:

(1) THE NUMBER OF ~~LONG–TERM CARE SURVEYORS~~ STAFF HIRED BY THE ~~DEPARTMENT~~ AGENCY IN EACH UNIT IN THE FISCAL YEAR TO DATE;

(2) THE NUMBER OF ~~LONG–TERM CARE~~ SURVEYORS EMPLOYED BY THE ~~DEPARTMENT~~ AGENCY IN EACH UNIT IN THE FISCAL YEAR TO DATE; AND

(3) THE NUMBER OF VACANCIES WITHIN THE AGENCY IN EACH UNIT IN THE FISCAL YEAR TO DATE.

~~(3) THE NUMBER OF COMPLAINTS AGAINST NURSING HOMES FILED WITH THE DEPARTMENT DURING THE FISCAL YEAR TO DATE;~~

~~(4) THE NUMBER OF IMMEDIATE JEOPARDY COMPLAINTS AGAINST NURSING HOMES FILED WITH THE DEPARTMENT DURING THE FISCAL YEAR TO DATE;~~

~~(5) THE NUMBER OF NEW COMPLAINTS AGAINST NURSING HOMES FILED WITH THE DEPARTMENT IN THE IMMEDIATELY PRECEDING 2 WEEKS;~~

~~(6) THE NUMBER OF NEW IMMEDIATE JEOPARDY COMPLAINTS AGAINST NURSING HOMES FILED WITH THE DEPARTMENT IN THE IMMEDIATELY PRECEDING 2 WEEKS;~~

~~(7) THE AVERAGE LENGTH OF TIME FOR THE DEPARTMENT TO CONDUCT AN ON–SITE INVESTIGATION OF ALL COMPLAINTS, EXCEPT FOR IMMEDIATE JEOPARDY COMPLAINTS, AGAINST NURSING HOMES DURING THE FISCAL YEAR TO DATE;~~

~~(8) THE AVERAGE LENGTH OF TIME FOR THE DEPARTMENT TO CONDUCT AN ON–SITE INVESTIGATION OF IMMEDIATE JEOPARDY COMPLAINTS AGAINST NURSING HOMES DURING THE FISCAL YEAR TO DATE;~~

~~(9) THE PERCENTAGE OF COMPLAINTS AGAINST NURSING HOMES IN WHICH AN ON–SITE INVESTIGATION WAS CONDUCTED BY THE DEPARTMENT WITHIN 10 DAYS AFTER THE RECEIPT OF THE COMPLAINT; AND~~

~~(10) THE PERCENTAGE OF IMMEDIATE JEOPARDY COMPLAINTS AGAINST NURSING HOMES IN WHICH AN ON–SITE INVESTIGATION WAS CONDUCTED BY THE DEPARTMENT WITHIN 24 HOURS AFTER THE RECEIPT OF THE COMPLIANT AND WITHIN 48 HOURS AFTER THE RECEIPT OF THE COMPLAINT.~~

(B) THE DEPARTMENT SHALL:

(1) UPDATE THE DATA DASHBOARD DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION AT LEAST EVERY 2 WEEKS; AND

(2) POST THE MOST RECENT UPDATED DATA DASHBOARD PROMINENTLY ON ITS WEBSITE~~; AND~~

~~**(3) PROVIDE THE UPDATED DATA DASHBOARD TO THE DEPARTMENT OF LEGISLATIVE SERVICES.**~~

~~**(C) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL POST THE MOST RECENT DATA DASHBOARD PROVIDED UNDER SUBSECTION (B)(3) OF THIS SECTION ON THE MARYLAND GENERAL ASSEMBLY WEBSITE.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That~~, on or before September 1, 2018,~~ the Maryland Department of Health shall~~:~~

~~(1)~~ ~~hire 20~~ annually receive 10 new full–time~~, long–term care surveyors in~~ merit positions related to the survey, licensure, discipline, or regulation of related institutions, including assisted living programs, to protect vulnerable residents served by the related institutions, which positions will be received by the Office of Health Care Quality for each fiscal year beginning in fiscal year 2020 and ending in fiscal year 2024 for a total of 50 new full–time merit positions~~; or~~

~~(2) fill existing vacancies in order to have a minimum of 50 full–time, long–term care surveyors in the Office of Health Care Quality~~.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 455

(Senate Bill 414)

AN ACT concerning

Governor's Office of Small, Minority, and Women Business Affairs – ~~Coordination of~~ Small Business Resources and Data Collection

FOR the purpose of requiring the Governor's Office of Small, Minority, and Women Business Affairs to collaborate with certain State entities to identify certain resources available to small businesses and develop a plan to coordinate certain resources with the Office; requiring the Office to report to certain committees of the General Assembly on or before a certain date; requiring the Office to convene a certain workgroup to study and make recommendations regarding the collection of data by State agencies that may be used to assist small businesses in a certain manner; requiring the workgroup to focus on the types of data that may be collected by certain State agencies; requiring the workgroup to include certain representatives and business owners; requiring the Office to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Governor's Office of Small, Minority, and Women Business Affairs and small businesses.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Governor's Office of Small, Minority, and Women Business Affairs shall:

(1) collaborate with the Department of Commerce, the Department of General Services, the Department of Budget and Management, the Department of Transportation, and any other appropriate State entities to identify all State resources available to small businesses and develop a plan to coordinate the resources with the Office; and

(2) on or before December 1, 2018, report on the available resources and the plan to coordinate the resources to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee in accordance with § 2–1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Governor's Office of Small, Minority, and Women Business Affairs shall convene a workgroup of interested stakeholders to study and make recommendations regarding the collection of data by State agencies that may be used to assist small businesses in accessing State resources and bidding on State contracts.

(b) The workgroup convened under subsection (a) of this section shall focus on the types of data that may be collected by the following agencies:

(1) Department of Human Services;

(2) Department of Labor, Licensing and Regulation;

(3) State Lottery and Gaming Control Agency;

(4) Maryland Higher Education Commission;

(5) Maryland Stadium Authority;

(6) Interagency Committee on School Construction;

(7) local departments of social services; and

(8) any agency exempt from monitoring by the Governor's Office of Small, Minority, and Women Business Affairs.

(c) The workgroup convened under subsection (a) of this section shall include at least:

(1) one representative from the Greater Baltimore Black Chamber of Commerce;

(2) three representatives from minority–owned businesses;

(3) three representatives from women–owned businesses; and

(4) three African American women business owners.

(d) On or before December 1, 2018, the Governor's Office of Small, Minority, and Women Business Affairs shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee that includes its findings, recommendations, and any proposed legislation to implement its recommendations.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of 1 year and, at the end of June 30, 2019,

this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 456

(Senate Bill 433)

AN ACT concerning

Public Service Commission – Renewable Energy Portfolio Standard – Reporting

FOR the purpose of altering the date by which the Public Service Commission is required to report to the General Assembly on the status of implementation of the renewable energy portfolio standard; and generally relating to the renewable energy portfolio standard.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–712
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Utilities

7–712.

Subject to § 2–1246 of the State Government Article, on or before **[**February 1**]** **DECEMBER 1** of each year the Commission shall report to the General Assembly on the status of implementation of this subtitle, including the availability of Tier 1 renewable sources, projects supported by the Fund, and other pertinent information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 457

(Senate Bill 474)

AN ACT concerning

Ethics – Local Public Ethics Commissions and Entities – Meeting and Reporting Requirements

FOR the purpose of requiring each local ethics commission or a certain entity to meet ~~a certain number of times~~ each year; requiring each local ethics commission or a certain entity to submit to the local governing body ~~and to certain members of the General Assembly~~ a certain report on or before a certain date each year; and generally relating to meeting and reporting requirements for local public ethics commissions and entities.

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–807
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – General Provisions

5–807.

(a) Subject to § 5–209 of this title, each county and each municipal corporation shall enact provisions to govern the public ethics of local officials relating to:

(1) conflicts of interest;

(2) financial disclosure; and

(3) lobbying.

(B) EACH LOCAL ETHICS COMMISSION OR APPROPRIATE ENTITY SHALL MEET AT LEAST ~~THREE TIMES~~ <u>ONE TIME</u> EACH YEAR.

[(b)**] (C)** On or before October 1 of each year, each local ethics commission or appropriate entity shall**:**

(1) certify to the Ethics Commission that the county or municipal corporation is in compliance with the requirements of this part for elected local officials**; AND**

(2) SUBMIT TO THE LOCAL GOVERNING BODY ~~AND EACH MEMBER OF THE GENERAL ASSEMBLY WHO REPRESENTS THAT JURISDICTION~~ A REPORT ON THE ADMINISTRATION OF THE LOCAL PUBLIC ETHICS LAWS BY THE LOCAL ETHICS COMMISSION OR APPROPRIATE ENTITY THAT INCLUDES:

(I) THE NUMBER OF MEETINGS HELD DURING THE PAST YEAR;

(II) WRITTEN COPIES OF MEETING AGENDAS AND MINUTES FROM EACH MEETING HELD;

(III) A COPY OF THE SIGNED AND DATED ATTENDANCE SHEET FROM EACH MEETING HELD; AND

(IV) ANY OTHER DOCUMENTS OR INFORMATION DETERMINED BY THE LOCAL ETHICS COMMISSION OR APPROPRIATE ENTITY TO SHOW THE WORK PERFORMED DURING THE PREVIOUS YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 458

(House Bill 1451)

AN ACT concerning

Criminal Injuries Compensation – Acts Involving Operation of Vessel or Motor Vehicle

FOR the purpose of making victims of certain crimes involving the operation of a vessel or motor vehicle eligible for payment of a claim through the Criminal Injuries Compensation Board; providing for the prospective application of this Act; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–801(a)
Annotated Code of Maryland

(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–801(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–801.

(a) In this subtitle the following words have the meanings indicated.

(d) (1) "Crime" means:

(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:

1. this State; or

2. another state against a resident of this State; or

(ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

(2) "Crime" does not include an act involving the operation of a vessel or motor vehicle unless the act is:

(i) a violation of § 20–102, § 20–104, § 21–902, or § 21–904 of the Transportation Article;

(ii) a violation of § 8–738 of the Natural Resources Article; **[**or**]**

(iii) **A VIOLATION OF THE CRIMINAL LAW ARTICLE;**

(IV) operating a motor vehicle or vessel that results in an intentional injury**; OR**

(V) A VIOLATION OF FEDERAL LAW OR THE LAW OF ANOTHER STATE THAT IS SUBSTANTIALLY EQUIVALENT TO A VIOLATION UNDER THIS PARAGRAPH, AS REQUIRED UNDER 34 U.S.C. § 20102(B)(5) AND (6).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any final decision of the Secretary of Public Safety and Correctional Services, for which the time for appeal of the decision has expired, made before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 459

(Senate Bill 767)

AN ACT concerning

Criminal Injuries Compensation – Acts Involving Operation of Vessel or Motor Vehicle

FOR the purpose of making victims of certain crimes involving the operation of a vessel or motor vehicle eligible for payment of a claim through the Criminal Injuries Compensation Board; providing for the prospective application of this Act; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–801(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–801(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–801.

(a) In this subtitle the following words have the meanings indicated.

(d) (1) "Crime" means:

(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:

1. this State; or

2. another state against a resident of this State; or

(ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

(2) "Crime" does not include an act involving the operation of a vessel or motor vehicle unless the act is:

(i) a violation of § 20–102, § 20–104, § 21–902, or § 21–904 of the Transportation Article;

(ii) a violation of § 8–738 of the Natural Resources Article; **[**or**]**

(iii) **A VIOLATION OF THE CRIMINAL LAW ARTICLE;**

(IV) operating a motor vehicle or vessel that results in an intentional injury**; OR**

(V) A VIOLATION OF FEDERAL LAW OR THE LAW OF ANOTHER STATE THAT IS SUBSTANTIALLY EQUIVALENT TO A VIOLATION UNDER THIS PARAGRAPH, AS REQUIRED UNDER 34 U.S.C. § 20102(B)(5) AND (6).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any final decision of the Secretary of Public Safety and Correctional Services, for which the time for appeal of the decision has expired, made before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 460

(House Bill 755)

AN ACT concerning

Campaign Finance – ~~Illegal Contributions~~ Contributions in Name of Another – Fair Campaign Financing Fund

FOR the purpose of prohibiting a campaign finance entity that receives a contribution in violation of ~~certain provisions of law~~ a certain prohibition on contributions in the name of another person from using the contribution; requiring the campaign finance entity to remit the illegal contribution to the Fair Campaign Financing Fund; requiring the Comptroller to credit ~~an~~ the illegal contribution to the Fund; providing for a delayed effective date; and generally relating to illegal campaign contributions made in the name of another.

~~BY repealing and reenacting, with amendments,~~
~~Article – Election Law~~
~~Section 13–239 and 15–103(c)~~
~~Annotated Code of Maryland~~
~~(2017 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Election Law~~
~~Section 15–103(a) and (b)~~
~~Annotated Code of Maryland~~
~~(2017 Replacement Volume and 2017 Supplement)~~

BY adding to
Article – Election Law
Section 13–239.1
Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–602(a)(5), (b), and (c) and 15–103(a) and (b)
Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 15–103(c)
Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

~~13–239.~~

~~[Except] **IF A CAMPAIGN FINANCE ENTITY RECEIVES A CONTRIBUTION IN VIOLATION OF THIS ARTICLE, OR, EXCEPT** as provided in § 13–240 of this subtitle, if a campaign finance entity receives a contribution from an anonymous source, the campaign finance entity:~~

~~(1) may not use the contribution for any purpose; and~~

~~(2) shall remit the contribution to the Fair Campaign Financing Fund established under § 15–103 of this article.~~

~~15–103.~~

~~(a) There is a Fair Campaign Financing Fund.~~

~~(b) The Comptroller shall administer the Fund in accordance with this section.~~

~~(c) In accordance with this title, the Comptroller shall:~~

~~(1) credit to the Fund:~~

~~(i) all money collected under this title;~~

~~(ii) voluntary contributions to the Fund made electronically through the State Board's Web site;~~

~~(iii) fees, fines, and penalties assessed under this article or the General Provisions Article that are expressly allocated to the Fund by law;~~

~~(iv) an anonymous **OR ILLEGAL** contribution paid to the Fund under § 13–239 of this article;~~

~~(v) surplus campaign funds paid to the Fund under § 13–247 of this article; and~~

~~(vi) contributions to the Fund made through the checkoff on the individual income tax return established under § 2–113.1 of the Tax – General Article;~~

~~(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and~~

~~(3) make distributions from the Fund promptly on authorization by the State Board.~~

13–239.1.

IF A CAMPAIGN FINANCE ENTITY RECEIVES A CONTRIBUTION AS A RESULT OF A VIOLATION OF § 13–602(A)(5) OF THIS TITLE FOR WHICH THE CONTRIBUTOR HAS BEEN CONVICTED, THE CAMPAIGN FINANCE ENTITY:

(1) MAY NOT USE THE CONTRIBUTION FOR ANY PURPOSE; AND

(2) SHALL REMIT THE CONTRIBUTION TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15–103 OF THIS ARTICLE.

13–602.

(a) (5) A person may not directly or indirectly pay or promise to pay a campaign finance entity in a name other than the person's name.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is:

(1) subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both; and

(2) ineligible to hold any public or party office for 4 years after the date of the offense.

(c) (1) The State Prosecutor may prosecute, in any jurisdiction of the State, a person that the State Prosecutor believes to be guilty of a willful violation of this section.

(2) A State's Attorney may prosecute a person that the State's Attorney believes to be guilty of a willful violation of this section in the county in which the State's Attorney serves.

15–103.

(a) There is a Fair Campaign Financing Fund.

(b) The Comptroller shall administer the Fund in accordance with this section.

(c) In accordance with this title, the Comptroller shall:

(1) credit to the Fund:

(i) all money collected under this title;

(ii) voluntary contributions to the Fund made electronically through the State Board's Web site;

(iii) fees, fines, and penalties assessed under this article or the General Provisions Article that are expressly allocated to the Fund by law;

(iv) an anonymous contribution paid to the Fund under § 13–239 of this article;

(V) AN ILLEGAL CONTRIBUTION PAID TO THE FUND UNDER § 13–239.1 OF THIS ARTICLE;

[(v)**] (VI)** surplus campaign funds paid to the Fund under § 13–247 of this article; and

[(vi)**] (VII)** contributions to the Fund made through the checkoff on the individual income tax return established under § 2–113.1 of the Tax – General Article;

(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and

(3) make distributions from the Fund promptly on authorization by the State Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 461

(House Bill 1558)

AN ACT concerning

Pharmacists – Dispensing of Prescription Drugs – Single Dispensing of Dosage Units

FOR the purpose of authorizing, with a certain exception, a pharmacist to dispense, in a single dispensing and exercising the pharmacist's professional judgment, a quantity of a prescription drug that is up to a certain number of authorized dosage units and does not exceed a certain supply of the prescription drug; providing that this Act does not apply to a certain controlled dangerous substance~~,~~ or certain prescriptions that an authorized prescriber prescribes for a patient~~, or a certain supply of prescription~~

~~contraceptives~~; defining a certain term; and generally relating to pharmacists and dispensing of prescription drugs.

BY adding to
Article – Health Occupations
Section 12–512
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

12–512.

(A) IN THIS SECTION, "AUTHORIZED PRESCRIBER" HAS THE MEANING STATED IN § 12–101 OF THIS TITLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE; OR

(2) THE FIRST PRESCRIPTION OR CHANGE IN A PRESCRIPTION FOR A DRUG THAT AN AUTHORIZED PRESCRIBER PRESCRIBES FOR A PATIENT~~; OR~~

~~(3) THE FIRST 2–MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED UNDER:~~

~~(I) THE INITIAL PRESCRIPTION FOR THE CONTRACEPTIVES; OR~~

~~(II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT FROM THE LAST CONTRACEPTIVE DISPENSED TO THE PATIENT~~.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PHARMACIST MAY DISPENSE, IN A SINGLE DISPENSING AND EXERCISING THE PROFESSIONAL JUDGMENT OF THE PHARMACIST, A QUANTITY OF A PRESCRIPTION DRUG THAT:

(1) IS UP TO THE TOTAL NUMBER OF DOSAGE UNITS AUTHORIZED BY THE PRESCRIBER ON THE ORIGINAL PRESCRIPTION AND ANY REFILLS OF THE PRESCRIPTION;

(2) EXCEPT FOR A CONTRACEPTIVE DISPENSED ON OR AFTER JANUARY 1, ~~2019~~ 2020, DOES NOT EXCEED A 90–DAY SUPPLY OF THE PRESCRIPTION DRUG; AND

(3) FOR A CONTRACEPTIVE DISPENSED ON OR AFTER JANUARY 1, ~~2019~~ 2020, DOES NOT EXCEED A ~~6–MONTH~~ 12–MONTH SUPPLY OF THE PRESCRIPTION DRUG.

(D) A PHARMACIST MAY NOT DISPENSE, IN A SINGLE DOSE, A QUANTITY OF A PRESCRIPTION DRUG THAT EXCEEDS THE LIMIT PRESCRIBED BY A PRESCRIBER WHEN THE PRESCRIBER HAS INDICATED THAT THE PRESCRIPTION BE DISPENSED ONLY AS PRESCRIBED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 462

(House Bill 1766)

AN ACT concerning

Senior Prescription Drug Assistance Program – Sunset Extension and Repeal of Subsidy for Medicare Part D Coverage Gap

FOR the purpose of extending the termination date of the Senior Prescription Drug Assistance Program; altering the period of time during which the subsidy required under the Program may not exceed a certain amount; repealing the requirement that the Program annually provide a certain subsidy of up to the full amount of the Medicare Part D coverage gap; repealing certain provisions of law requiring and governing the transfer of certain funds to the Senior Prescription Drug Assistance Program Fund by certain corporations under certain circumstances; making conforming changes; providing for a delayed effective date for certain provisions of this Act; and generally relating to the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–102(h) and 14–106(e)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, Chapter 509 of the Acts of the General Assembly of 2007, Chapter 558 of the Acts of the General Assembly of 2008, Chapter 119 of the Acts of the General Assembly of 2010, Chapter 27 of the Acts of the General Assembly of 2012, Chapter 84 of the Acts of the General Assembly of 2014, and Chapter 321 of the Acts of the General Assembly of 2016
Section 13

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–1003(c) and (e) and 15–1004(e)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing
Article – Insurance
Section 14–106.2
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

14–106.

(e) The subsidy that a nonprofit health service plan is required to provide to the Senior Prescription Drug Assistance Program under subsection (d)(1)(iii) of this section may not exceed:

(1) for the period of January 1, 2006 through June 30, 2006, $8,000,000;

(2) for fiscal years 2008 through **[**2020**] 2025**, $14,000,000; and

(3) for any year, the value of the nonprofit health service plan's premium tax exemption under § 6–101(b) of this article.

Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005, Chapter 345 of the Acts of 2006, Chapter 509 of the Acts of 2007, Chapter 558 of the Acts of 2008, Chapter 119 of the Acts of 2010, Chapter 27 of the Acts of 2012, Chapter 84 of the Acts of 2014, and Chapter 321 of the Acts of 2016

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health and Mental Hygiene and the carrier that is required to offer the Short–Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short–Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary premiums and copayments, be automatically enrolled in the Senior Prescription Drug Program established under this Act.

(3) It is the intent of the General Assembly that the transition of enrollees from the Short–Term Prescription Drug Subsidy Plan to the Senior Prescription Drug Program be accomplished without interruption of benefits for enrollees.

(4) Subsidies shall be offered to enrollees through the Senior Prescription Drug Assistance Program established under Title 15, Subtitle 10 of the Health – General Article. At the end of December 31, **[**2019**]** **2024**, the Senior Prescription Drug Assistance Program established under Title 15, Subtitle 10 of the Health – General Article shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

15–1003.

(c) The Program**[**:

(1) May**]** **MAY** annually provide an additional subsidy, up to the full amount of the Medicare Part D Prescription Drug Plan premium, for individuals who qualify for a partial federal low–income subsidy**[**; and

(2) Shall annually provide an additional subsidy up to the full amount of the Medicare Part D coverage gap, subject to the availability of:

(i) Funds provided under § 14–106.2 of the Insurance Article; and

(ii) Any other funds available for this purpose**]**.

(e) The Department shall determine annually:

(1) The number of individuals to be enrolled in the Program;

(2) The amount of subsidy to be provided under **[**subsections (a) and (c)(2)**]** **SUBSECTION (A)** of this section; and

(3) The amount of any additional subsidy provided under subsection **[**(c)(1)**]** **(C)** of this section.

15–1004.

(e) The Fund consists of:

(1) Money transferred to the Fund by a nonprofit health service plan under **[**§§ 14–106(d) and 14–106.2**]** **§ 14–106(D)** of the Insurance Article;

Article – Insurance

14–102.

(h) The provisions of subsections (d) and (e) of this section and §§ 14–106, 14–106.1, **[**14–106.2,**]** 14–115(d), (e), (f), and (g), and 14–139(d) and (e) of this subtitle do not apply to a nonprofit health service plan that insures between 1 and 10,000 covered lives in Maryland or issues contracts for only one of the following services:

(1) podiatric;

(2) chiropractic;

(3) pharmaceutical;

(4) dental;

(5) psychological; or

(6) optometric.

[14–106.2.

(a) This section applies to a corporation that is:

(1) issued a certificate of authority as a nonprofit health service plan; and

(2) the sole member of a corporation issued a certificate of authority as a nonprofit health service plan.

(b) Except as provided under subsection (c) of this section, beginning with the calendar year that starts on January 1, 2009, and each calendar year thereafter, a

corporation subject to this section shall transfer $4,000,000 to the Senior Prescription Drug Assistance Program Fund established under § 15–1004 of the Health – General Article if the corporation has a surplus that exceeds 800% of the consolidated risk–based capital requirements applicable to the corporation based on the corporation's annual required statutory filing due March 1 of the most recent preceding calendar year for which:

(1) the corporation has filed an annual statement with the Administration; and

(2) the filing of the annual statement preceded the start of the calendar year for which payment is to be made.

(c) A corporation is not required to make the transfer under subsection (b) of this section if:

(1) the surplus of the corporation does not exceed 800% of the consolidated risk–based capital requirements applicable to the corporation in the most recent preceding calendar year for which:

(i) the corporation has filed an annual statement with the Administration; and

(ii) the filing of the annual statement preceded the start of the calendar year for which payment is to be made; or

(2) the federal government eliminates the coverage gap in the Medicare Part D prescription drug benefit.

(d) (1) On or before September 1 of each year, a corporation that is subject to this section shall notify the Maryland Department of Health whether the corporation will transfer $4,000,000 to the Senior Prescription Drug Assistance Program Fund under this section during the calendar year that starts on the immediately following January 1.

(2) The corporation's determination on the transfer of funds shall be based on the risk–based capital calculation that is due on March 1 of the same calendar year in which the corporation gives the notice required under paragraph (1) of this subsection.

(e) A corporation that is subject to this section shall pay the $4,000,000 to the Senior Prescription Drug Assistance Program Fund in quarterly installments of $1,000,000, beginning not later than October 1 for the calendar year that starts on the immediately following January 1.

(f) The transfer of funds that a corporation is required to make to the Senior Prescription Drug Assistance Program Fund under subsection (b) of this section:

(1) is in addition to the subsidy that a nonprofit health service plan is required to provide to the Senior Prescription Drug Assistance Program under § 14–106(d)(1)(iii) of this subtitle; and

(2) is not subject to the limitation on the amount of the subsidy to the Senior Prescription Drug Assistance Program imposed by § 14–106(e) of this subtitle.**]**

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 463

(Senate Bill 1208)

AN ACT concerning

Senior Prescription Drug Assistance Program – Sunset Extension and Repeal of Subsidy for Medicare Part D Coverage Gap

FOR the purpose of extending the termination date of the Senior Prescription Drug Assistance Program; altering the period of time during which the subsidy required under the Program may not exceed a certain amount; repealing the requirement that the Program annually provide a certain subsidy of up to the full amount of the Medicare Part D coverage gap; repealing certain provisions of law requiring and governing the transfer of certain funds to the Senior Prescription Drug Assistance Program Fund by certain corporations under certain circumstances; making conforming changes; providing for a delayed effective date for certain provisions of this Act; and generally relating to the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–102(h) and 14–106(e)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, Chapter 509 of the Acts of the General Assembly of 2007, Chapter 558 of the Acts of the General Assembly of 2008,

Chapter 119 of the Acts of the General Assembly of 2010, Chapter 27 of the Acts of the General Assembly of 2012, Chapter 84 of the Acts of the General Assembly of 2014, and Chapter 321 of the Acts of the General Assembly of 2016
Section 13

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–1003(c) and (e) and 15–1004(e)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing
Article – Insurance
Section 14–106.2
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

14–106.

(e) The subsidy that a nonprofit health service plan is required to provide to the Senior Prescription Drug Assistance Program under subsection (d)(1)(iii) of this section may not exceed:

(1) for the period of January 1, 2006 through June 30, 2006, $8,000,000;

(2) for fiscal years 2008 through **[**2020**] 2025**, $14,000,000; and

(3) for any year, the value of the nonprofit health service plan's premium tax exemption under § 6–101(b) of this article.

Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005, Chapter 345 of the Acts of 2006, Chapter 509 of the Acts of 2007, Chapter 558 of the Acts of 2008, Chapter 119 of the Acts of 2010, Chapter 27 of the Acts of 2012, Chapter 84 of the Acts of 2014, and Chapter 321 of the Acts of 2016

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health and Mental Hygiene and the carrier that is required to offer the Short–Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription

Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short–Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary premiums and copayments, be automatically enrolled in the Senior Prescription Drug Program established under this Act.

(3) It is the intent of the General Assembly that the transition of enrollees from the Short–Term Prescription Drug Subsidy Plan to the Senior Prescription Drug Program be accomplished without interruption of benefits for enrollees.

(4) Subsidies shall be offered to enrollees through the Senior Prescription Drug Assistance Program established under Title 15, Subtitle 10 of the Health – General Article. At the end of December 31, **[**2019**] 2024**, the Senior Prescription Drug Assistance Program established under Title 15, Subtitle 10 of the Health – General Article shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

15–1003.

(c) The Program**[**:

(1) May**]** **MAY** annually provide an additional subsidy, up to the full amount of the Medicare Part D Prescription Drug Plan premium, for individuals who qualify for a partial federal low–income subsidy**[**; and

(2) Shall annually provide an additional subsidy up to the full amount of the Medicare Part D coverage gap, subject to the availability of:

(i) Funds provided under § 14–106.2 of the Insurance Article; and

(ii) Any other funds available for this purpose**]**.

(e) The Department shall determine annually:

(1) The number of individuals to be enrolled in the Program;

(2) The amount of subsidy to be provided under **[**subsections (a) and (c)(2)**]** **SUBSECTION (A)** of this section; and

(3) The amount of any additional subsidy provided under subsection **[**(c)(1)**] (C)** of this section.

15–1004.

(e) The Fund consists of:

(1) Money transferred to the Fund by a nonprofit health service plan under **[**§§ 14–106(d) and 14–106.2**] § 14–106(D)** of the Insurance Article;

Article – Insurance

14–102.

(h) The provisions of subsections (d) and (e) of this section and §§ 14–106, 14–106.1, **[**14–106.2,**]** 14–115(d), (e), (f), and (g), and 14–139(d) and (e) of this subtitle do not apply to a nonprofit health service plan that insures between 1 and 10,000 covered lives in Maryland or issues contracts for only one of the following services:

(1) podiatric;

(2) chiropractic;

(3) pharmaceutical;

(4) dental;

(5) psychological; or

(6) optometric.

[14–106.2.

(a) This section applies to a corporation that is:

(1) issued a certificate of authority as a nonprofit health service plan; and

(2) the sole member of a corporation issued a certificate of authority as a nonprofit health service plan.

(b) Except as provided under subsection (c) of this section, beginning with the calendar year that starts on January 1, 2009, and each calendar year thereafter, a corporation subject to this section shall transfer $4,000,000 to the Senior Prescription Drug Assistance Program Fund established under § 15–1004 of the Health – General Article if the corporation has a surplus that exceeds 800% of the consolidated risk–based capital requirements applicable to the corporation based on the corporation's annual required statutory filing due March 1 of the most recent preceding calendar year for which:

(1) the corporation has filed an annual statement with the Administration; and

(2) the filing of the annual statement preceded the start of the calendar year for which payment is to be made.

(c) A corporation is not required to make the transfer under subsection (b) of this section if:

(1) the surplus of the corporation does not exceed 800% of the consolidated risk–based capital requirements applicable to the corporation in the most recent preceding calendar year for which:

(i) the corporation has filed an annual statement with the Administration; and

(ii) the filing of the annual statement preceded the start of the calendar year for which payment is to be made; or

(2) the federal government eliminates the coverage gap in the Medicare Part D prescription drug benefit.

(d) (1) On or before September 1 of each year, a corporation that is subject to this section shall notify the Maryland Department of Health whether the corporation will transfer $4,000,000 to the Senior Prescription Drug Assistance Program Fund under this section during the calendar year that starts on the immediately following January 1.

(2) The corporation's determination on the transfer of funds shall be based on the risk–based capital calculation that is due on March 1 of the same calendar year in which the corporation gives the notice required under paragraph (1) of this subsection.

(e) A corporation that is subject to this section shall pay the $4,000,000 to the Senior Prescription Drug Assistance Program Fund in quarterly installments of $1,000,000, beginning not later than October 1 for the calendar year that starts on the immediately following January 1.

(f) The transfer of funds that a corporation is required to make to the Senior Prescription Drug Assistance Program Fund under subsection (b) of this section:

(1) is in addition to the subsidy that a nonprofit health service plan is required to provide to the Senior Prescription Drug Assistance Program under § 14–106(d)(1)(iii) of this subtitle; and

(2) is not subject to the limitation on the amount of the subsidy to the Senior Prescription Drug Assistance Program imposed by § 14–106(e) of this subtitle.**]**

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 464

(House Bill 994)

AN ACT concerning

Maryland Medical Assistance Program – Family Planning Services

FOR the purpose of requiring the Maryland Department of Health to apply to the Centers for Medicare and Medicaid Services for a certain State plan amendment to the Family Planning Program; altering the length of the period for which the Maryland Medical Assistance Program and the Maryland Children's Health Program is required to provide coverage to enrollees for a single dispensing of a supply of prescription contraceptives; repealing a provision of law providing for an exemption of a certain supply of prescription contraceptives from certain coverage requirements; requiring the Department to establish a certain workgroup; requiring the Department to report to the General Assembly on or before a certain date; requiring, on or before a certain date, the Department, in collaboration with the Maryland Health Benefit Exchange, to establish a presumptive eligibility process and integrate an eligibility and enrollment process for the Family Planning Program into the Maryland Health Connection; and generally relating to the Maryland Medical Assistance Program and family planning.

BY adding to
Article – Health – General
Section 15–140
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–148
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

15–140.

THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR A STATE PLAN AMENDMENT TO THE FAMILY PLANNING PROGRAM THAT:

(1) PROVIDES, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, FAMILY PLANNING SERVICES TO AN INDIVIDUAL WHOSE INDIVIDUAL INCOME IS AT OR BELOW 250% OF THE POVERTY LEVEL, AS ALLOWED BY FEDERAL LAW;

(2) DOES NOT IMPOSE AGE LIMITATIONS ON INDIVIDUALS WHO ARE ABLE TO RECEIVE FAMILY PLANNING SERVICES;

(3) ESTABLISHES A PRESUMPTIVE ELIGIBILITY PROCESS FOR ENROLLMENT IN THE FAMILY PLANNING PROGRAM; AND

(4) EXEMPTS THE FAMILY PLANNING PROGRAM FROM FEDERAL COORDINATION OF BENEFITS REQUIREMENTS IF AUTHORIZED UNDER FEDERAL LAW.

15–148.

(a) Except for a drug or device for which the U.S. Food and Drug Administration has issued a black box warning, the Program and the Maryland Children's Health Program may not apply a prior authorization requirement for a contraceptive drug or device that is:

(1) (i) An intrauterine device; or

(ii) An implantable rod;

(2) Approved by the U.S. Food and Drug Administration; and

(3) Obtained under a prescription written by an authorized prescriber.

(b) **[**(1) Except as provided in paragraph (2) of this subsection, the**]** **THE** Program and the Maryland Children's Health Program shall provide coverage for a single dispensing to an enrollee of a supply of prescription contraceptives for a **[**6–month**]** **12–MONTH** period.

[(2) Paragraph (1) of this subsection does not apply to the first 2–month supply of prescription contraceptives dispensed to an enrollee under:

(i) The initial prescription for the contraceptives; or

(ii) Any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the enrollee.**]**

(c) The Program and the Maryland Children's Health Program shall provide coverage for services rendered to an enrollee by a licensed pharmacist under § 12–511 of the Health Occupations Article, to the same extent as services rendered by any other licensed health care practitioner, in screening an enrollee and prescribing contraceptives for the enrollee.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall establish a workgroup of interested stakeholders to:

(1) advise the Department on the Medicaid Family Planning Program regarding methods for:

(i) streamlining the enrollment process through presumptive eligibility; and

(ii) using the Medicaid Family Planning Program to encourage eligible individuals to enroll for full health insurance coverage through the Maryland Medical Assistance Program or through a Qualified Health Plan; and

(2) make recommendations to ensure that all participants in the Medicaid Family Planning Program have access to the full range of contraceptive options appropriate for the participant.

(b) On or before December 1, 2018, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the recommendations of the workgroup.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2020, the Maryland Department of Health, in collaboration with the Maryland Health Benefit Exchange, shall:

(1) establish a presumptive eligibility process for the Family Planning Program established under Section 1 of this Act; and

(2) integrate the eligibility and enrollment process for the Family Planning Program into the Maryland Health Connection.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 465

(Senate Bill 774)

AN ACT concerning

Maryland Medical Assistance Program – Family Planning Services

FOR the purpose of requiring the Maryland Department of Health to apply to the Centers for Medicare and Medicaid Services for a certain State plan amendment to the Family Planning Program; altering the length of the period for which the Maryland Medical Assistance Program and the Maryland Children's Health Program is required to provide coverage to enrollees for a single dispensing of a supply of prescription contraceptives; repealing a provision of law providing for an exemption of a certain supply of prescription contraceptives from certain coverage requirements; requiring the Department to establish a certain workgroup; requiring the Department to report to the General Assembly on or before a certain date; requiring, on or before a certain date, the Department, in collaboration with the Maryland Health Benefit Exchange, to establish a presumptive eligibility process and integrate an eligibility and enrollment process for the Family Planning Program into the Maryland Health Connection; and generally relating to the Maryland Medical Assistance Program and family planning.

BY adding to
Article – Health – General
Section 15–140
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–148
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

15–140.

THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR A STATE PLAN AMENDMENT TO THE FAMILY PLANNING PROGRAM THAT:

(1) PROVIDES, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, FAMILY PLANNING SERVICES TO AN INDIVIDUAL WHOSE INDIVIDUAL INCOME IS AT OR BELOW 250% OF THE POVERTY LEVEL, AS ALLOWED BY FEDERAL LAW;

(2) DOES NOT IMPOSE AGE LIMITATIONS ON INDIVIDUALS WHO ARE ABLE TO RECEIVE FAMILY PLANNING SERVICES;

(3) ESTABLISHES A PRESUMPTIVE ELIGIBILITY PROCESS FOR ENROLLMENT IN THE FAMILY PLANNING PROGRAM; AND

(4) EXEMPTS THE FAMILY PLANNING PROGRAM FROM FEDERAL COORDINATION OF BENEFITS REQUIREMENTS IF AUTHORIZED UNDER FEDERAL LAW.

15–148.

(a) Except for a drug or device for which the U.S. Food and Drug Administration has issued a black box warning, the Program and the Maryland Children's Health Program may not apply a prior authorization requirement for a contraceptive drug or device that is:

(1) (i) An intrauterine device; or

(ii) An implantable rod;

(2) Approved by the U.S. Food and Drug Administration; and

(3) Obtained under a prescription written by an authorized prescriber.

(b) **[**(1) Except as provided in paragraph (2) of this subsection, the**]** **THE** Program and the Maryland Children's Health Program shall provide coverage for a single dispensing to an enrollee of a supply of prescription contraceptives for a **[**6–month**]** **12–MONTH** period.

[(2) Paragraph (1) of this subsection does not apply to the first 2–month supply of prescription contraceptives dispensed to an enrollee under:

(i) The initial prescription for the contraceptives; or

(ii) Any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the enrollee.**]**

(c) The Program and the Maryland Children's Health Program shall provide coverage for services rendered to an enrollee by a licensed pharmacist under § 12–511 of the Health Occupations Article, to the same extent as services rendered by any other licensed health care practitioner, in screening an enrollee and prescribing contraceptives for the enrollee.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall establish a workgroup of interested stakeholders to:

(1) advise the Department on the Medicaid Family Planning Program regarding methods for:

(i) streamlining the enrollment process through presumptive eligibility; and

(ii) using the Medicaid Family Planning Program to encourage eligible individuals to enroll for full health insurance coverage through the Maryland Medical Assistance Program or through a Qualified Health Plan; and

(2) make recommendations to ensure that all participants in the Medicaid Family Planning Program have access to the full range of contraceptive options appropriate for the participant.

(b) On or before December 1, 2018, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the recommendations of the workgroup.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2020, the Maryland Department of Health, in collaboration with the Maryland Health Benefit Exchange, shall:

(1) establish a presumptive eligibility process for the Family Planning Program established under Section 1 of this Act; and

(2) integrate the eligibility and enrollment process for the Family Planning Program into the Maryland Health Connection.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 466

(House Bill 671)

AN ACT concerning

~~Sales and Use Tax – Tax-Free Period for Back-to-School Shopping – School Supplies~~
Income Tax – Subtraction Modification – Classroom Supplies Purchased by Teachers

FOR the purpose of ~~altering a certain sales and use tax exemption to include certain school supplies; defining a certain term; and generally relating to the annual sales tax–free period for back–to–school shopping in the State.~~ allowing a subtraction modification under the Maryland income tax for up to a certain amount of expenses paid or incurred by certain teachers during a taxable year for certain classroom supplies; defining a certain term; providing for the application of this Act; and generally relating to a Maryland income tax subtraction modification for certain classroom supplies.

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – General~~
~~Section 11–228~~
~~Annotated Code of Maryland~~
~~(2016 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 10–208(w)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Tax – General

~~11–228.~~

~~(a) (1) In this section[, "accessory items"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "ACCESSORY ITEMS" includes jewelry, watches, watchbands, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, and belt buckles.~~

~~(3) "SCHOOL SUPPLIES" MEANS PENS, PENCILS, CRAYONS, BINDERS, FOLDERS, NOTEBOOKS, AND LOOSE–LEAF PAPER.~~

~~(b) (1) Beginning in calendar year 2010, the 7–day period from the second Sunday in August through the following Saturday shall be a tax–free period for back–to–school shopping in Maryland during which the exemption under paragraph (2) of this subsection shall apply.~~

~~(2) During the tax–free period for back–to–school shopping established under paragraph (1) of this subsection, the sales and use tax does not apply to:~~

~~(i) the sale of any item of clothing or footwear, excluding accessory items, if the taxable price of the item of clothing or footwear is $100 or less; [or]~~

~~(ii) the first $40 of the taxable price of any backpack or bookbag; OR~~

~~(III) THE SALE OF ANY SCHOOL SUPPLIES.~~

10–208.

(a) In addition to the modification under § 10–207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(W) (1) IN THIS SUBSECTION, "ELIGIBLE TEACHER" MEANS AN INDIVIDUAL WHO IS A KINDERGARTEN THROUGH GRADE 12 CLASSROOM TEACHER IN AN ELEMENTARY OR SECONDARY SCHOOL IN THE STATE ON A FULL–TIME BASIS FOR AN ACADEMIC YEAR ENDING DURING THE TAXABLE YEAR.

(2) ~~TO THE EXTENT THAT AN EXPENSE IS NOT ALLOWED AS AN EDUCATOR EXPENSE UNDER § 62 OF THE INTERNAL REVENUE CODE,~~ *SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION*, THE SUBTRACTION ALLOWED UNDER SUBSECTION (A) OF THIS SECTION INCLUDES UP TO $250 OF THE UNREIMBURSED EXPENSES PAID OR INCURRED BY AN ELIGIBLE TEACHER DURING A TAXABLE YEAR FOR THE PURCHASE OF CLASSROOM SUPPLIES IF THE SUPPLIES ARE USED BY:

(I) STUDENTS IN THE CLASSROOM; OR

(II) THE ELIGIBLE TEACHER TO PREPARE FOR OR DURING CLASSROOM TEACHING.

(3) THE AMOUNT ALLOWED AS A SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION DOES NOT INCLUDE AN EXPENSE THAT IS SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME UNDER § 62 OF THE INTERNAL REVENUE CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.

Approved by the Governor, May 8, 2018.

Chapter 467

(Senate Bill 553)

AN ACT concerning

State Government – Security Training – Protection of Security–Sensitive Data

FOR the purpose of altering the aspects of State information technology that are to be included in the statewide information technology master plan developed and maintained by the Secretary of Information Technology; ~~requiring the Secretary to develop, maintain, and revise certain security training material;~~ requiring each unit of State government to develop a plan to identify unit personnel who handle security–sensitive data and establish certain security training for each employee who handles security–sensitive data as part of the employee's duties; defining a certain term; requiring each unit of State government to submit a certain plan to ~~the Governor and~~ the Department of Information Technology on or before a certain date; requiring the Department to develop a certain plan and report certain information to the Governor and certain committees of the General Assembly on or before a certain date; and generally relating to security training for employees of units of State government.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3A–303 to be under the amended subtitle "Subtitle 3. Information Processing and Security"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 3A–314
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

Subtitle 3. Information Processing **AND SECURITY**.

3A–303.

The Secretary is responsible for carrying out the following duties:

(1) developing, maintaining, revising, and enforcing information technology policies, procedures, and standards;

(2) providing technical assistance, advice, and recommendations to the Governor and any unit of State government concerning information technology matters;

(3) reviewing the annual project plan for each unit of State government to make information and services available to the public over the Internet;

(4) developing and maintaining a statewide information technology master plan that will:

(i) be the basis for the management and direction of information technology within the Executive Branch of State government;

(ii) include all aspects of State information technology including telecommunications, **SECURITY,** data processing, and information management;

(iii) consider interstate transfers as a result of federal legislation and regulation;

(iv) work jointly with the Secretary of Budget and Management to ensure that information technology plans and budgets are consistent;

(v) ensure that State information technology plans, policies, and standards are consistent with State goals, objectives, and resources, and represent a long–range vision for using information technology to improve the overall effectiveness of State government; and

(vi) include standards to assure nonvisual access to the information and services made available to the public over the Internet; ~~[~~and~~]~~

(5) adopting by regulation and enforcing nonvisual access standards to be used in the procurement of information technology services by or on behalf of units of State government~~; AND~~

~~(6) DEVELOPING, MAINTAINING, AND REVISING SECURITY TRAINING MATERIAL THAT:~~

~~(I) FOCUSES ON ENSURING DATA PROTECTION AND INTEGRITY; AND~~

~~(II) CAN BE USED BY THE GOVERNOR AND ANY UNIT OF STATE GOVERNMENT~~.

3A–314.

(A) IN THIS SECTION, "SECURITY–SENSITIVE DATA" MEANS INFORMATION THAT IS PROTECTED AGAINST UNWARRANTED DISCLOSURE.

(B) IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE SECRETARY, EACH UNIT OF STATE GOVERNMENT SHALL DEVELOP A PLAN TO:

(1) IDENTIFY UNIT PERSONNEL WHO HANDLE SECURITY–SENSITIVE DATA; AND

(2) ESTABLISH ANNUAL SECURITY OVERVIEW TRAINING OR REFRESHER SECURITY TRAINING FOR EACH EMPLOYEE WHO HANDLES SECURITY–SENSITIVE DATA AS PART OF THE EMPLOYEE'S DUTIES.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, each unit of State government shall submit the plan developed under § 3A–314 of the State Finance and Procurement Article, as enacted by Section 1 of this Act, to ~~the Governor and~~ the Department of Information Technology.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 31, 2019, the Department of Information Technology shall:

(1) develop a plan to develop, maintain, and revise security training material that:

(i) focuses on ensuring data protection and integrity; and

(ii) can be used by the Governor and any unit of State government; and

(2) report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on:

(i) the number of personnel who handle security–sensitive data identified by each unit of State government; and

(ii) the total additional number of identified training licenses required to implement the plan developed under item (1) of this section beyond the Department's existing training license growth projections.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 468

(Senate Bill 492)

AN ACT concerning

Procurement – ~~Responsible Workforce Development Percentage Price Preference Act~~ Board of Public Works – Workforce Health Care Study

FOR the purpose of requiring the Board of Public Works to ~~adopt regulations to require certain units to establish a certain responsible workforce development percentage price preference; requiring a procurement officer to apply a certain responsible workforce development percentage price preference if a certain certification is submitted; requiring certain responsible bidders and subcontractors to certify on a certain form that certain health care expenses were at least a certain percentage of certain wages paid for during a certain period of time before the submission of a certain bid; requiring the Department of General Services to collaborate with the Department of Labor, Licensing, and Regulation to develop a certain form; authorizing a procurement officer to require a responsible bidder or subcontractor to submit certain records under certain circumstances; prohibiting a certain responsible workforce development percentage price preference from being applied under certain circumstances; requiring certain health care expenses paid by a certain bidder or subcontractor to be at least a certain percentage of certain wages paid during a certain period of time after the award of a certain contract; authorizing a procurement officer to void a certain contract under certain circumstances; requiring a certain bidder or subcontractor that fails to comply with a certain provision of law to pay a certain unit a certain amount; prohibiting a certain person or entity from providing certain false information; establishing certain civil penalties under certain circumstances; authorizing certain action to be brought by certain persons; defining certain terms; and generally relating to percentage price preferences and procurement~~ collect certain information related to health care for certain bidders; requiring the Board to direct certain agencies to collect certain information under certain circumstances; requiring the Board to report certain information to certain committees of the General Assembly on or before a certain date; and generally relating to the Board of Public Works.

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 14–701 through 14–705 to be under the new subtitle "Subtitle 7. Responsible Workforce Development Percentage Price Preference"~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

~~Preamble~~

~~WHEREAS, The Maryland General Assembly finds that the State and the State's political subdivisions incur substantial direct and indirect expenses when employers do not pay for employee health care expenses and that it makes economic sense for State agencies to offer a bid preference to contractors that pay for employee health care expenses for employees in Maryland; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows~~:

~~Article – State Finance and Procurement~~

~~SUBTITLE 7. RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE.~~

~~14–701.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "AGGREGATE EMPLOYEE HEALTH CARE EXPENSES" MEANS ALL EMPLOYEE HEALTH CARE EXPENSES PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR.~~

~~(C) (1) "AGGREGATE SOCIAL SECURITY WAGES" MEANS ALL WAGES PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO AN EMPLOYEE FOR THE PERIOD OF TIME IN WHICH THE WAGES ARE PAID.~~

~~(2) "AGGREGATE SOCIAL SECURITY WAGES" DOES NOT INCLUDE WAGES THAT ARE ABOVE THE FEDERAL SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE.~~

~~(D) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED TO WORK IN THE STATE BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR.~~

~~(E) (1) "EMPLOYEE HEALTH CARE EXPENSES" MEANS ANY COSTS FOR HEALTH CARE SERVICES THAT ARE PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO AN EMPLOYEE.~~

~~(2) "EMPLOYEE HEALTH CARE EXPENSES" INCLUDES:~~

~~(I) CONTRIBUTIONS MADE ON BEHALF OF AN EMPLOYEE TO A HEALTH SAVINGS ACCOUNT AS DEFINED UNDER § 223 OF THE INTERNAL REVENUE CODE OR TO ANY OTHER ACCOUNT HAVING A SUBSTANTIALLY EQUIVALENT PURPOSE OR EFFECT WITHOUT REGARD TO WHETHER THE CONTRIBUTIONS QUALIFY FOR A TAX DEDUCTION OR ARE EXCLUDABLE FROM EMPLOYEE INCOME;~~

~~(II) REIMBURSEMENTS TO AN EMPLOYEE FOR EXPENSES INCURRED IN THE PURCHASE OF HEALTH CARE SERVICES;~~

~~(III) PAYMENTS TO A THIRD PARTY FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES FOR AN EMPLOYEE;~~

~~(IV) PAYMENTS UNDER A COLLECTIVE BARGAINING AGREEMENT FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES FOR AN EMPLOYEE; AND~~

~~(V) COSTS INCURRED IN THE DIRECT DELIVERY OF HEALTH CARE SERVICES TO AN EMPLOYEE.~~

~~(F) "HEALTH CARE SERVICES" MEANS MEDICAL CARE, SERVICES, OR GOODS THAT:~~

~~(1) QUALIFY AS A TAX DEDUCTIBLE EXPENSE UNDER § 213 OF THE INTERNAL REVENUE CODE; OR~~

~~(2) HAVE A SUBSTANTIALLY EQUIVALENT PURPOSE TO MEDICAL CARE, SERVICES, OR GOODS THAT QUALIFY AS A TAX DEDUCTIBLE EXPENSE UNDER § 213 OF THE INTERNAL REVENUE CODE.~~

~~(G) "RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE" MEANS THE PERCENT BY WHICH A RESPONSIVE BID SUBMITTED WITH THE CERTIFICATION OF EMPLOYEE HEALTH CARE EXPENSES REQUIRED UNDER § 14–703(A) AND (B) OF THIS SUBTITLE MAY EXCEED THE LOWEST RESPONSIVE BID THAT WAS NOT SUBMITTED WITH THE CERTIFICATION OF EMPLOYEE HEALTH CARE EXPENSES REQUIRED UNDER § 14–703(A) AND (B) OF THIS SUBTITLE.~~

~~(H) "SUBCONTRACTOR" MEANS A PERSON LISTED ON A RESPONSIVE BID TO PROVIDE GOODS OR SERVICES UNDER A PORTION OF A CONTRACT WITH THE STATE.~~

~~14–702.~~

~~THE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE EACH UNIT TO ESTABLISH A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE OF AT LEAST 4%.~~

~~14–703.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PROCUREMENT OFFICER SHALL APPLY A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE TO A RESPONSIVE BID IF THE RESPONSIBLE BIDDER AND EACH SUBCONTRACTOR SUBMIT TO THE PROCUREMENT OFFICER THE CERTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(B) THE RESPONSIBLE BIDDER AND EACH SUBCONTRACTOR SHALL CERTIFY ON A FORM REQUIRED BY THE DEPARTMENT OF GENERAL SERVICES THAT THE AGGREGATE EMPLOYEE HEALTH CARE EXPENSES PAID BY THE BIDDER OR SUBCONTRACTOR WERE AT LEAST 6.5% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER OR SUBCONTRACTOR DURING:~~

~~(1) THE 12–MONTH PERIOD IMMEDIATELY BEFORE THE SUBMISSION OF THE BID; OR~~

~~(2) IF THE BIDDER OR A SUBCONTRACTOR DID NOT HAVE AN EMPLOYEE IN THE STATE FOR THE ENTIRE 12–MONTH PERIOD IMMEDIATELY BEFORE SUBMISSION OF THE BID, FOR THE PERIOD OF TIME BETWEEN 3 MONTHS AND 12 MONTHS IMMEDIATELY BEFORE SUBMISSION OF THE BID IN WHICH THE BIDDER OR SUBCONTRACTOR HAD AN EMPLOYEE IN THE STATE.~~

~~(C) THE DEPARTMENT OF GENERAL SERVICES SHALL COLLABORATE WITH THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP THE FORM REQUIRED FOR CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(D) A PROCUREMENT OFFICER MAY REQUIRE A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO SUBMIT RECORDS TO THE PROCUREMENT OFFICER THAT ARE SUFFICIENT TO SUPPORT THE CERTIFICATION THAT THE BIDDER OR SUBCONTRACTOR SUBMITTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.~~

~~(E) A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE MAY NOT BE APPLIED TO A BID IF:~~

~~(1) A BIDDER OR SUBCONTRACTOR FAILS TO SUBMIT THE RECORDS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION WITHIN A REASONABLE PERIOD OF TIME; OR~~

~~(2) A BIDDER OR SUBCONTRACTOR HAS NOT EMPLOYED AN INDIVIDUAL IN THE STATE FOR AT LEAST 3 MONTHS IMMEDIATELY BEFORE THE SUBMISSION OF THE BID.~~

~~14–704.~~

~~(A) FOR AT LEAST 1 YEAR AFTER THE AWARD OF A CONTRACT FOR A RESPONSIVE BID TO WHICH A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE WAS APPLIED, THE AGGREGATE EMPLOYEE HEALTH CARE EXPENSES PAID BY THE RESPONSIBLE BIDDER AWARDED THE CONTRACT AND EACH SUBCONTRACTOR SHALL BE AT LEAST 6.5% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER OR SUBCONTRACTOR.~~

~~(B) A PROCUREMENT OFFICER MAY REQUIRE THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR TO SUBMIT RECORDS TO THE PROCUREMENT OFFICER THAT ARE SUFFICIENT TO SHOW COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION.~~

~~(C) (1) IF THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR FAILS TO SUBMIT THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION WITHIN A REASONABLE PERIOD OF TIME, THE PROCUREMENT OFFICER MAY VOID THE CONTRACT.~~

~~(2) IF THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR OTHERWISE FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION, THE BIDDER OR SUBCONTRACTOR SHALL PAY THE UNIT THAT AWARDED THE CONTRACT AN AMOUNT EQUAL TO TWICE THE AMOUNT THAT THE BIDDER OR SUBCONTRACTOR WOULD HAVE PAID FOR HEALTH CARE EXPENSES IF THE BIDDER OR SUBCONTRACTOR HAD COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

~~14–705.~~

~~(A) A PERSON OR AN ENTITY MAY NOT PROVIDE FALSE INFORMATION UNDER THIS SUBTITLE.~~

~~(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN $2,500 AND NOT EXCEEDING $25,000, FOR EACH VIOLATION.~~

~~(C) AN ACTION FOR A CIVIL PENALTY UNDER THIS SECTION MAY BE BROUGHT BY:~~

~~(1) THE UNIT THAT AWARDED THE CONTRACT, IN ITS OWN NAME;~~

~~(2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR~~

~~(3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.~~

(a) The Board of Public Works shall collect the following information for all construction–related, ~~nonsealed competitive~~ competitive sealed bids for projects for a period of 3 months following the enactment of this Act:

(1) whether the bidding company and any subcontractor provide employee health care coverage on projects that require a prevailing wage;

(2) for the year preceding the bid, what the percentage of total Social Security wages was, as well as the total amount spent on employee health care;

(3) what percentage of total health insurance coverage costs are paid by the insurance company, versus an employee, what the type and scope of the coverage are, and what the average percentage of the monthly premium paid by the bidder or subcontractor is; and

(4) what the average percentage of monthly premium paid by the bidder's employee or subcontractor's employee was, and the average per employee deductible for each health care plan offered.

(b) The Board of Public Works shall direct any relevant agency to include in any request for construction–related, ~~nonsealed competitive~~ competitive sealed bids the information required under subsection (a) of this section.

(c) On or before November 1, 2018, the Board of Public Works shall report the information required under this Act to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 469

(Senate Bill 1252)

AN ACT concerning

Employees' and Teachers' Retirement and Pension Systems – Reemployment Earnings Limitation

FOR the purpose of correcting certain requirements pertaining to a certain earnings limitation for certain retirees of the Employees' and Teachers' Retirement and Pension Systems; exempting certain retirees of the Employees' and Teachers' Retirement and Pension Systems from a certain earnings limitation under certain circumstances; requiring certain participating employers to submit certain reports to the Board of Trustees for the State Retirement and Pension System in a certain manner for a certain period of time; requiring the Board of Trustees to notify certain participating employers under certain circumstances; requiring certain participating employers to pay a certain offset under certain circumstances; requiring the State Retirement Agency to provide certain notice to certain retirees of the Employees' and Teachers' Retirement and Pension Systems; providing that certain retirees of the Employees' and Teachers' Retirement and Pension Systems are entitled to certain reimbursement for a certain reemployment earnings offset under certain circumstances; providing a process for certain retirees to seek a certain reimbursement for a certain reemployment earnings offset; providing for the application of this Act; and generally relating to a reemployment earnings limitation in the Employees' and Teachers' Retirement and Pension Systems.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(1) and (4) and 23–407(c)(1) and (4)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(2) and (3) and 23–407(c)(2) and (3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 22–406(c)(11) and 23–407(c)(11)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

22–406.

(c) (1) Except as provided in § 22–407 of this subtitle, the Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (b) of this section if:

(i) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance or vested allowance;

(ii) **1.** the individual's current employer is any unit of State government **[**and**];**

2. the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government; **AND**

3. ANY PORTION OF THE INDIVIDUAL'S COMPENSATION FOR THE INDIVIDUAL'S CURRENT EMPLOYMENT COMES FROM STATE FUNDS; or

(iii) the individual becomes reemployed within 12 months of receiving an early service retirement allowance under § 22–402 of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to subparagraph (iii) of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(ii) 1. This subparagraph applies to a retiree of the Teachers' Retirement System who as faculty received a 10–month salary and retired directly from:

A. the University System of Maryland;

B. Morgan State University;

C. St. Mary's College; or

D. a community college established or operating under Title 16 of the Education Article.

2. The reduction required under paragraph (1) of this subsection shall equal the amount by which the sum of the retiree's initial annual basic allowance and the retiree's annual compensation, as calculated in subsubparagraph 3 of this subparagraph, exceeds the average final compensation of the retiree used to compute the basic allowance.

3. The calculation of the retiree's annual compensation in subsubparagraph 2 of this subparagraph does not include any of the following earnings the retiree received during the previous calendar year from the employer with whom the retiree is reemployed:

A. bonuses;

B. overtime;

C. summer school salaries;

D. adult education salary;

E. additional temporary payments from special research projects;

F. honorariums; and

G. vehicle stipends.

(iii) 1. Any reduction taken to a retiree's allowance under this subsection may not exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted for:

A. if the retiree retired from any unit of State government, the retiree's monthly State–approved medical insurance premiums; or

B. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

2. If a reduction for a calendar year taken under

subsubparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subsubparagraph 1 of this subparagraph.

(3) A reduction of an early service retirement allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(i) an individual who has been retired for 5 years, beginning on January 1 after the date the individual retires;

(ii) an individual whose average final compensation was less than $25,000 and who is reemployed on a permanent, temporary, or contractual basis;

(iii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;

(iv) a retiree of the Teachers' Retirement System:

1. who retired and was reemployed by a participating employer other than the State on or before September 30, 1994; and

2. whose employment compensation does not derive, in whole or in part, from State funds;

(v) a retiree of the Teachers' Retirement System who:

1. is or has been certified to teach in the State;

2. has verification of satisfactory or better performance in the last assignment prior to retirement;

3. based on the retired teacher's qualifications, has been appointed in accordance with § 4–103 of the Education Article; and

4. receives verification of satisfactory or better performance each year the teacher is employed under paragraph (5) of this subsection;

(vi) a retiree of the Teachers' Retirement System who:

1. A. was employed as a principal within 5 years of

retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree's last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree's qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

(vii) a former employee of the Domestic Relations Division of Anne Arundel County Circuit Court who transfers into the State Employees' Personnel System under § 2–510 of the Courts Article;

(viii) a retiree of the Employees' Retirement System who is reemployed on a contractual basis by the Maryland Department of Health as a health care practitioner, as defined in § 1–301 of the Health Occupations Article, in:

1. a State residential center as defined in § 7–101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10–101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article;

(ix) a retiree of the Employees' Retirement System and the Judges' Retirement System who is temporarily assigned to sit in a court of this State under the authority of Article IV, § 3A of the Maryland Constitution;

(x) a retiree of the Employees' Retirement System who is reemployed on a contractual basis for not more than 4 years as a parole and probation employee in a position authorized under Title 6, Subtitle 1 of the Correctional Services Article; **[**or**]**

(xi) a retiree of the Teachers' Retirement System who is reemployed by a local school system or the Maryland School for the Deaf and is rehired in accordance with paragraph (8) of this subsection**; OR**

(XII) A RETIREE WHOSE:

1. CURRENT EMPLOYER IS ANY UNIT OF STATE GOVERNMENT; AND

2. COMPENSATION FROM THE RETIREE'S CURRENT EMPLOYER DOES NOT INCLUDE ANY STATE FUNDS.

(11) (I) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(XII) OF THIS SUBSECTION, AND ON OR BEFORE JANUARY 31 EACH YEAR FOR THE 5 CALENDAR YEARS IMMEDIATELY FOLLOWING THE INDIVIDUAL'S DATE OF RETIREMENT, THE APPOINTING AUTHORITY OF THE UNIT OF STATE GOVERNMENT EMPLOYING THE INDIVIDUAL SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES A FORM PROVIDED BY THE BOARD OF TRUSTEES THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE INDIVIDUAL'S CURRENT EMPLOYER UNDER PARAGRAPH (4)(XII) OF THIS SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(XII) OF THIS SUBSECTION.

(II) IF THE BOARD OF TRUSTEES FINDS THAT AN APPOINTING AUTHORITY HAS REHIRED AN INDIVIDUAL THAT DOES NOT SATISFY THE CRITERIA PROVIDED IN PARAGRAPH (4)(XII) OF THIS SUBSECTION:

1. ON OR BEFORE JULY 1 OF THE YEAR OF THE FINDING, THE BOARD OF TRUSTEES SHALL NOTIFY THE APPOINTING AUTHORITY FOR THE UNIT OF STATE GOVERNMENT EMPLOYING THIS INDIVIDUAL; AND

2. THE UNIT OF STATE GOVERNMENT EMPLOYING THE INDIVIDUAL UNDER PARAGRAPH (4)(XII) OF THIS SUBSECTION SHALL REIMBURSE THE BOARD OF TRUSTEES THE AMOUNT EQUAL TO THE REDUCTION TO THE INDIVIDUAL'S RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN MADE IN PARAGRAPH (2) OF THIS SUBSECTION.

23–407.

(c) (1) Except as provided in § 23–408 of this subtitle, the Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (b) of this section if:

(i) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance or vested allowance;

(ii) **1.** the individual's current employer is any unit of State government **[**and**];**

2. the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government; **AND**

3. ANY PORTION OF THE INDIVIDUAL'S COMPENSATION FOR THE INDIVIDUAL'S CURRENT EMPLOYMENT COMES FROM STATE FUNDS; or

(iii) the individual becomes reemployed within 12 months of receiving an early service retirement allowance or an early vested allowance computed under § 23–402 of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to subparagraph (iii) of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(ii) 1. This subparagraph applies to a retiree of the Teachers' Pension System who as faculty receiving a 10–month salary, retired directly from:

A. the University System of Maryland;

B. Morgan State University;

C. St. Mary's College; or

D. a community college established or operating under Title 16 of the Education Article.

2. The reduction required under paragraph (1) of this subsection shall equal the amount by which the sum of the retiree's initial annual basic allowance and the retiree's annual compensation, as calculated in subsubparagraph 3 of this subparagraph, exceeds the average final compensation of the retiree used to compute

the basic allowance.

3. The calculation of the retiree's annual compensation in subsubparagraph 2 of this subparagraph does not include any of the following earnings the retiree received during the previous calendar year from the employer with whom the retiree is reemployed:

A. bonuses;

B. overtime;

C. summer school salaries;

D. adult education salary;

E. additional temporary payments from special research projects;

F. honorariums; and

G. vehicle stipends.

(iii) 1. Any reduction taken to a retiree's allowance under this subsection may not exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted for:

A. if the retiree retired from any unit of State government, the retiree's monthly State–approved medical insurance premiums; or

B. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

2. If a reduction for a calendar year taken under subsubparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subsubparagraph 1 of this subparagraph.

(3) A reduction of an early service retirement allowance or an early vested allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(i) an individual whose average final compensation was less than $25,000 and who is reemployed on a permanent, temporary, or contractual basis;

(ii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;

(iii) an individual who has been retired for 5 years, beginning on January 1 after the date the individual retires;

(iv) a retiree of the Teachers' Pension System who:

1. is or has been certified to teach in the State;

2. has verification of satisfactory or better performance in the last assignment prior to retirement;

3. based on the retired teacher's qualifications, has been appointed in accordance with § 4–103 of the Education Article; and

4. receives verification of satisfactory or better performance each year the teacher is employed under paragraph (5) of this subsection;

(v) a retiree of the Teachers' Pension System who:

1. A. was employed as a principal within 5 years of retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree's last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree's qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

(vi) a retiree of the Employees' Pension System who is reemployed on a contractual basis by the Maryland Department of Health as a health care practitioner, as defined in § 1–301 of the Health Occupations Article in:

1. a State residential center as defined in § 7–101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10–101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article;

(vii) a retiree of the Employees' Pension System and the Judges' Retirement System who is temporarily assigned to sit in a court of this State under the authority of Article IV, § 3A of the Maryland Constitution;

(viii) a retiree of the Employees' Pension System who is reemployed on a contractual basis for not more than 4 years as a parole and probation employee in a position authorized under Title 6, Subtitle 1 of the Correctional Services Article; **[**or**]**

(ix) a retiree of the Teachers' Pension System who is reemployed by a local school system or the Maryland School for the Deaf and is rehired in accordance with paragraph (8) of this subsection**; OR**

(X) A RETIREE WHOSE:

1. CURRENT EMPLOYER IS ANY UNIT OF STATE GOVERNMENT; AND

2. COMPENSATION FROM THE RETIREE'S CURRENT EMPLOYER DOES NOT INCLUDE ANY STATE FUNDS.

(11) (I) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(X) OF THIS SUBSECTION, AND ON OR BEFORE JANUARY 31 EACH YEAR FOR THE 5 CALENDAR YEARS IMMEDIATELY FOLLOWING THE INDIVIDUAL'S DATE OF RETIREMENT, THE APPOINTING AUTHORITY OF THE UNIT OF STATE GOVERNMENT EMPLOYING THE INDIVIDUAL SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES A FORM PROVIDED BY THE BOARD OF TRUSTEES THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE INDIVIDUAL'S CURRENT EMPLOYER UNDER PARAGRAPH (4)(X) OF THIS SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(X) OF THIS SUBSECTION.

(II) IF THE BOARD OF TRUSTEES FINDS THAT AN APPOINTING AUTHORITY HAS REHIRED AN INDIVIDUAL THAT DOES NOT SATISFY THE CRITERIA PROVIDED IN PARAGRAPH (4)(X) OF THIS SUBSECTION:

1. ON OR BEFORE JULY 1 OF THE YEAR OF THE FINDING,

THE BOARD OF TRUSTEES SHALL NOTIFY THE APPOINTING AUTHORITY FOR THE UNIT OF STATE GOVERNMENT EMPLOYING THIS INDIVIDUAL; AND

2. THE UNIT OF STATE GOVERNMENT EMPLOYING THE INDIVIDUAL UNDER PARAGRAPH (4)(X) OF THIS SUBSECTION SHALL REIMBURSE THE BOARD OF TRUSTEES THE AMOUNT EQUAL TO THE REDUCTION TO THE INDIVIDUAL'S RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN MADE IN PARAGRAPH (2) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act shall apply to any retiree who:

(1) retired from the Employees' Retirement System, the Employees' Pension System, the Teachers' Retirement System, or the Teachers' Pension System under Title 22 or 23 of the State Personnel and Pensions Article on or after October 1, 1994;

(2) (i) at the time of retirement was employed by any unit of State government and after the retiree's date of retirement was employed by any unit of State government; and

(ii) as a retiree, received an earnings limit reduction to the retiree's service retirement allowance as a result of the retiree's employment with a unit of State government; and

(3) did not receive any compensation that came from State funds as an employed retiree under paragraph (2)(i) of this subsection.

(b) (1) A retiree described under subsection (a) of this section is not subject to an earnings limit and is entitled to a return of any reemployment earnings offset that was taken from the retiree's service retirement allowance by the Board of Trustees for the State Retirement and Pension System.

(2) The State Retirement Agency shall notify potential retirees who may be eligible to receive a reimbursement of their reemployment earnings offset through postings on the Agency's website and notice in the Agency's retiree newsletter.

(3) (i) Any retiree seeking a reimbursement under subsection (b)(1) of this section shall complete and submit a request for the reimbursement to the Board of Trustees for the State Retirement and Pension System on or before June 30, 2019, on a form provided by the State Retirement Agency.

(ii) It is the responsibility of any retiree seeking a reimbursement under subsection (b)(1) of this section to contact the retiree's former employer who employed the retiree while the reemployment earnings offset occurred in order to provide confirmation to the State Retirement Agency that the retiree's compensation with the

former employer did not include any State funds.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 470

(Senate Bill 234)

AN ACT concerning

Physicians – Licensure – Grounds for Discipline and **Interstate Medical Licensure Compact**

FOR the purpose of entering into the Interstate Medical Licensure Compact; stating the purpose of the Compact; requiring a physician to meet certain eligibility requirements to receive certain licensure; requiring physicians to designate a certain state as the state of principal license for purposes of registration for certain expedited licensure; authorizing a physician to redesignate a state of principal licensure under certain circumstances; authorizing the Interstate Medical Licensure Compact Commission to develop rules to facilitate redesignation; establishing requirements for application, issuance, fees, and renewal of certain expedited licenses; establishing the Interstate Commission to administer the Compact; requiring the Interstate Commission to establish a database of certain physicians and applicants; requiring member boards to report certain information relating to certain public action or complaints against certain licensed physicians to the Interstate Commission; authorizing certain joint investigations; establishing requirements for certain disciplinary action; establishing the duties and finance powers of the Interstate Commission; providing for the organization and operation of the Interstate Commission; requiring the Interstate Commission to establish certain rules; providing for certain executive, legislative, and judicial oversight of the Compact; requiring the Interstate Commission to enforce certain provisions and rules of the Compact; establishing certain default procedures and requirements for dispute resolution; providing that certain states are eligible to become member states of the Compact; establishing procedures for amending the Compact; establishing certain requirements for withdrawal by member states from the Compact; providing for the dissolution of the Compact under certain circumstances; making the provisions of the Compact severable and providing for the application of the Compact; providing for the binding effect of the Compact and other laws; defining certain terms; *requiring the State Board of Physicians to set fees for the issuance and renewal of licenses under the Compact; requiring that the fees be set in a certain manner; requiring that any annual assessment levied by the Commission be funded through a certain surcharge; requiring a compact physician to provide certain requested*

verification to the Board within a certain period of time; prohibiting refusal by a compact physician to provide certain verification from being considered a basis for denial of a certain compact license; requiring a compact physician to submit certain information to the Board within a certain period of time; altering the grounds for discipline of certain licensees of the ~~State Board of Physicians~~ *Board*, subject to a certain exception; providing for the construction of this Act; *establishing that a certain termination provision constitutes certain withdrawal notice; providing for a delayed effective date;* providing for the termination of this Act; and generally relating to the ~~Interstate Medical Licensure Compact~~ *licensure of physicians*.

BY renumbering
Article – Health Occupations
Section 14–404(a)(43)
to be Section ~~14–404(a)(44)~~ *14–404(a)(45)*
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health Occupations
Section *14–101(d–1) and 14–313.1;* 14–3A–01 *and 14–3A–02* to be under the new subtitle "Subtitle 3A. Interstate Medical Licensure Compact"; and 14–404(a)(43) *and (44)*
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section *14–316(c) and* 14–404(a)(42)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 14–404(a)(43) of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) ~~14–404(a)(44)~~ *14–404(a)(45).*

SECTION ~~1.~~ 2. AND BE IT FURTHER ENACTED ~~BY THE GENERAL ASSEMBLY OF MARYLAND~~, That the Laws of Maryland read as follows:

Article – Health Occupations

14–101.

(D–1) "COMPACT PHYSICIAN" MEANS A PHYSICIAN LICENSED UNDER THE INTERSTATE MEDICAL LICENSURE COMPACT ESTABLISHED UNDER § 14–3A–01 OF THIS TITLE.

14–313.1.

(A) WITHIN 30 DAYS AFTER RECEIVING A REQUEST FROM THE BOARD, A COMPACT PHYSICIAN SHALL PROVIDE TO THE BOARD VERIFICATION, ON A FORM PROVIDED BY THE BOARD, THAT THE COMPACT PHYSICIAN SATISFIES THE REQUIREMENTS FOR LICENSURE UNDER THIS SUBTITLE.

(B) REFUSAL BY A COMPACT PHYSICIAN TO PROVIDE THE VERIFICATION REQUESTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE CONSIDERED A BASIS FOR DENIAL OF A LICENSE UNDER THE INTERSTATE MEDICAL LICENSURE COMPACT ESTABLISHED UNDER § 14–3A–01 OF THIS TITLE.

14–316.

(c) ***(1)*** *Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:*

[*(1)****]*** ***(I)*** *Otherwise is entitled to be licensed;*

[*(2)****]*** ***(II)*** *Pays to the Board a renewal fee set by the Board; and*

[*(3)****]*** ***(III)*** *Submits to the Board:*

[*(i)****]*** ***1.*** *A renewal application on the form that the Board requires; and*

[*(ii)****]*** ***2.*** *Satisfactory evidence of compliance with any continuing education requirements set under this section for license renewal.*

(2) WITHIN 30 DAYS AFTER A LICENSE RENEWAL UNDER SECTION 7 OF THE INTERSTATE MEDICAL LICENSURE COMPACT ESTABLISHED UNDER § 14–3A–01 OF THIS TITLE, A COMPACT PHYSICIAN SHALL SUBMIT TO THE BOARD THE INFORMATION REQUIRED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION.

SUBTITLE 3A. INTERSTATE MEDICAL LICENSURE COMPACT.

14–3A–01.

THE INTERSTATE MEDICAL LICENSURE COMPACT IS ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER STATES LEGALLY JOINING IN IT IN THE FORM SUBSTANTIALLY AS IT APPEARS IN THIS SECTION AS FOLLOWS:

SECTION 1. PURPOSE

IN ORDER TO STRENGTHEN ACCESS TO HEALTH CARE, AND IN RECOGNITION OF THE ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER STATES OF THE

INTERSTATE MEDICAL LICENSURE COMPACT HAVE ALLIED IN COMMON PURPOSE TO DEVELOP A COMPREHENSIVE PROCESS THAT COMPLEMENTS THE EXISTING LICENSING AND REGULATORY AUTHORITY OF STATE MEDICAL BOARDS, AND PROVIDES A STREAMLINED PROCESS THAT ALLOWS PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES, THEREBY ENHANCING THE PORTABILITY OF A MEDICAL LICENSE AND ENSURING THE SAFETY OF PATIENTS. THE COMPACT CREATES ANOTHER PATHWAY FOR LICENSURE AND DOES NOT OTHERWISE CHANGE A STATE'S EXISTING MEDICAL PRACTICE ACT. THE COMPACT ALSO ADOPTS THE PREVAILING STANDARD FOR LICENSURE AND AFFIRMS THAT THE PRACTICE OF MEDICINE OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE PHYSICIAN–PATIENT ENCOUNTER, AND THEREFORE REQUIRES THE PHYSICIAN TO BE UNDER THE JURISDICTION OF THE STATE MEDICAL BOARD WHERE THE PATIENT IS LOCATED. STATE MEDICAL BOARDS THAT PARTICIPATE IN THE COMPACT RETAIN THE JURISDICTION TO IMPOSE AN ADVERSE ACTION AGAINST A LICENSE TO PRACTICE MEDICINE IN THAT STATE ISSUED TO A PHYSICIAN THROUGH THE PROCEDURES IN THE COMPACT.

SECTION 2. DEFINITIONS

IN THIS COMPACT:

(A) "BYLAWS" MEANS THOSE BYLAWS ESTABLISHED BY THE INTERSTATE COMMISSION PURSUANT TO SECTION 11 FOR ITS GOVERNANCE, OR FOR DIRECTING AND CONTROLLING ITS ACTIONS AND CONDUCT.

(B) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE APPOINTED BY EACH MEMBER BOARD PURSUANT TO SECTION 11.

(C) "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL IS GUILTY OF A CRIMINAL OFFENSE THROUGH ADJUDICATION, OR ENTRY OF A PLEA OF GUILT OR NO CONTEST TO THE CHARGE BY THE OFFENDER. EVIDENCE OF AN ENTRY OF A CONVICTION OF A CRIMINAL OFFENSE BY THE COURT SHALL BE CONSIDERED FINAL FOR PURPOSES OF DISCIPLINARY ACTION BY A MEMBER BOARD.

(D) "EXPEDITED LICENSE" MEANS A FULL AND UNRESTRICTED MEDICAL LICENSE GRANTED BY A MEMBER STATE TO AN ELIGIBLE PHYSICIAN THROUGH THE PROCESS SET FORTH IN THE COMPACT.

(E) "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION CREATED PURSUANT TO SECTION 11.

(F) "LICENSE" MEANS AUTHORIZATION BY A STATE FOR A PHYSICIAN TO ENGAGE IN THE PRACTICE OF MEDICINE, WHICH WOULD BE UNLAWFUL WITHOUT THE AUTHORIZATION.

(G) "MEDICAL PRACTICE ACT" MEANS THE LAWS AND REGULATIONS GOVERNING THE PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE WITHIN A MEMBER STATE.

(H) "MEMBER BOARD" MEANS A STATE AGENCY IN A MEMBER STATE THAT ACTS IN THE SOVEREIGN INTERESTS OF THE STATE BY PROTECTING THE PUBLIC THROUGH LICENSURE, REGULATION, AND EDUCATION OF PHYSICIANS AS DIRECTED BY THE STATE GOVERNMENT.

(I) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

(J) "OFFENSE" MEANS A FELONY, GROSS MISDEMEANOR, OR CRIME OF MORAL TURPITUDE.

(K) "PHYSICIAN" MEANS ANY PERSON WHO:

(1) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE LIAISON COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON OSTEOPATHIC COLLEGE ACCREDITATION, OR A MEDICAL SCHOOL LISTED IN THE INTERNATIONAL MEDICAL EDUCATION DIRECTORY OR ITS EQUIVALENT;

(2) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL LICENSING EXAMINATION (USMLE) OR THE COMPREHENSIVE OSTEOPATHIC MEDICAL LICENSING EXAMINATION (COMLEX–USA) WITHIN THREE ATTEMPTS, OR ANY OF ITS PREDECESSOR EXAMINATIONS ACCEPTED BY A STATE MEDICAL BOARD AS AN EQUIVALENT EXAMINATION FOR LICENSURE PURPOSES;

(3) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION APPROVED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;

~~(4) HOLDS SPECIALTY CERTIFICATION OR A TIME-UNLIMITED SPECIALTY CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION'S BUREAU OF OSTEOPATHIC SPECIALISTS;~~

~~(5)~~ (4) POSSESSES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN THE PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD;

~~(6)~~ (5) HAS NEVER BEEN CONVICTED OF OR RECEIVED ADJUDICATION, DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION FOR ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;

~~(7)~~ (6) HAS NEVER HELD A LICENSE AUTHORIZING THE PRACTICE OF MEDICINE SUBJECTED TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE, FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION RELATED TO NONPAYMENT OF FEES RELATED TO A LICENSE;

~~(8)~~ (7) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION; AND

~~(9)~~ (8) IS NOT UNDER ACTIVE INVESTIGATION BY A LICENSING AGENCY OR LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN JURISDICTION.

(L) "PRACTICE OF MEDICINE" MEANS THE CLINICAL PREVENTION, DIAGNOSIS, OR TREATMENT OF HUMAN DISEASE, INJURY, OR CONDITION REQUIRING A PHYSICIAN TO OBTAIN AND MAINTAIN A LICENSE IN COMPLIANCE WITH THE MEDICAL PRACTICE ACT OF A MEMBER STATE.

(M) "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION PROMULGATED PURSUANT TO SECTION 12 THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS, OR PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF THE INTERSTATE COMMISSION, AND HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL, OR SUSPENSION OF AN EXISTING RULE.

(N) "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR TERRITORY OF THE UNITED STATES.

(O) "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE WHERE A PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND THAT HAS BEEN DESIGNATED AS SUCH BY THE PHYSICIAN FOR PURPOSES OF REGISTRATION AND PARTICIPATION IN THE COMPACT.

SECTION 3. ELIGIBILITY

(A) (1) ~~A PHYSICIAN MUST MEET THE ELIGIBILITY REQUIREMENTS AS DEFINED IN SECTION 2(K)~~ IN ORDER TO RECEIVE AN INITIAL EXPEDITED LICENSE UNDER THE TERMS AND PROVISIONS OF THE COMPACT, A PHYSICIAN MUST:

(I) MEET THE ELIGIBILITY REQUIREMENTS AS DEFINED IN SECTION 2(K); AND

(II) HOLD SPECIALTY CERTIFICATION OR A TIME–UNLIMITED SPECIALTY CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION'S BUREAU OF OSTEOPATHIC SPECIALISTS.

(2) A PHYSICIAN IS NOT REQUIRED TO MAINTAIN SPECIALTY CERTIFICATION DESCRIBED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IN ORDER TO RENEW AN EXPEDITED LICENSE UNDER SECTION 6.

(B) A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF SECTION 2(K) MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A MEMBER STATE IF THE INDIVIDUAL COMPLIES WITH ALL LAWS AND REQUIREMENTS, OTHER THAN THE COMPACT, RELATING TO THE ISSUANCE OF A LICENSE TO PRACTICE MEDICINE IN THAT STATE.

SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

(A) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE STATE OF PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR EXPEDITED LICENSURE THROUGH THE COMPACT IF THE PHYSICIAN POSSESSES A FULL AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN THAT STATE, AND THE STATE IS:

(1) THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN;

(2) THE STATE WHERE AT LEAST 25% OF THE PRACTICE OF MEDICINE OCCURS;

(3) THE LOCATION OF THE PHYSICIAN'S EMPLOYER; OR

(4) IF NO STATE QUALIFIES UNDER ITEMS (1), (2), OR (3), THE STATE DESIGNATED AS STATE OF RESIDENCE FOR PURPOSE OF FEDERAL INCOME TAX.

(B) A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS STATE OF PRINCIPAL LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE REQUIREMENTS IN SUBSECTION (A).

(C) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF PRINCIPAL LICENSE.

SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

(A) A PHYSICIAN SEEKING LICENSURE THROUGH THE COMPACT SHALL FILE AN APPLICATION FOR AN EXPEDITED LICENSE WITH THE MEMBER BOARD OF THE STATE SELECTED BY THE PHYSICIAN AS THE STATE OF PRINCIPAL LICENSE.

(B) (1) ON RECEIPT OF AN APPLICATION FOR AN EXPEDITED LICENSE, THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF PRINCIPAL LICENSE SHALL EVALUATE WHETHER THE PHYSICIAN IS ELIGIBLE FOR EXPEDITED LICENSURE AND ISSUE A LETTER OF QUALIFICATION, VERIFYING OR DENYING THE PHYSICIAN'S ELIGIBILITY, TO THE INTERSTATE COMMISSION.

(2) STATIC QUALIFICATIONS, WHICH INCLUDE VERIFICATION OF MEDICAL EDUCATION, GRADUATE MEDICAL EDUCATION, RESULTS OF ANY MEDICAL OR LICENSING EXAMINATION, AND OTHER QUALIFICATIONS AS DETERMINED BY THE INTERSTATE COMMISSION THROUGH RULE, MAY NOT BE SUBJECT TO ADDITIONAL PRIMARY SOURCE VERIFICATION WHERE ALREADY PRIMARY SOURCE VERIFIED BY THE STATE OF PRINCIPAL LICENSE.

(3) (I) THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF PRINCIPAL LICENSE SHALL, IN THE COURSE OF VERIFYING ELIGIBILITY, ~~PERFORM~~ REQUIRE THE APPLICANT TO OBTAIN A CRIMINAL BACKGROUND CHECK ~~OF AN APPLICANT~~ AS REQUIRED UNDER § 14–308.1 OF THIS TITLE, INCLUDING THE USE OF THE RESULTS OF FINGERPRINT OR OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL BUREAU OF INVESTIGATION, WITH THE EXCEPTION OF FEDERAL EMPLOYEES WHO HAVE SUITABILITY DETERMINATION IN ACCORDANCE WITH U.S. C.F.R. § 731.202.

(II) THE MEMBER BOARD MAY NOT DISCLOSE TO THE INTERSTATE COMMISSION ANY INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION THAT IS PROVIDED IN A BACKGROUND CHECK OF AN APPLICANT PERFORMED UNDER THIS PARAGRAPH.

(4) AN APPEAL ON THE DETERMINATION OF ELIGIBILITY SHALL BE MADE TO THE MEMBER STATE, IF AN APPEAL IS ALLOWED UNDER THE LAWS OF THAT STATE, WHERE THE APPLICATION WAS FILED AND SHALL BE SUBJECT TO THE LAW OF THAT STATE.

(C) ON VERIFICATION IN SUBSECTION (B), PHYSICIANS ELIGIBLE FOR AN EXPEDITED LICENSE SHALL COMPLETE THE REGISTRATION PROCESS ESTABLISHED BY THE INTERSTATE COMMISSION TO RECEIVE A LICENSE IN A MEMBER STATE SELECTED PURSUANT TO SUBSECTION (A), INCLUDING THE PAYMENT OF ANY APPLICABLE FEES.

(D) AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER SUBSECTION (B) AND ANY FEES UNDER SUBSECTION (C), A MEMBER BOARD SHALL ISSUE AN

EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE SHALL AUTHORIZE THE PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING STATE CONSISTENT WITH THE MEDICAL PRACTICE ACT AND ALL APPLICABLE LAWS AND REGULATIONS OF THE ISSUING MEMBER BOARD AND MEMBER STATE.

(E) AN EXPEDITED LICENSE SHALL BE VALID FOR A PERIOD CONSISTENT WITH THE LICENSURE PERIOD IN THE MEMBER STATE AND IN THE SAME MANNER AS REQUIRED FOR OTHER PHYSICIANS HOLDING A FULL AND UNRESTRICTED LICENSE WITHIN THE MEMBER STATE.

(F) AN EXPEDITED LICENSE OBTAINED THOUGH THE COMPACT SHALL BE TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN THE STATE OF PRINCIPAL LICENSE FOR A NONDISCIPLINARY REASON, WITHOUT REDESIGNATION OF A NEW STATE OF PRINCIPAL LICENSE.

(G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES REGARDING THE APPLICATION PROCESS, INCLUDING PAYMENT OF ANY APPLICABLE FEES, AND THE ISSUANCE OF AN EXPEDITED LICENSE.

SECTION 6. FEES FOR EXPEDITED LICENSURE

(A) A MEMBER STATE ISSUING AN EXPEDITED LICENSE AUTHORIZING THE PRACTICE OF MEDICINE IN THAT STATE MAY IMPOSE A FEE FOR A LICENSE ISSUED OR RENEWED THROUGH THE COMPACT.

(B) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES REGARDING FEES FOR EXPEDITED LICENSES.

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

(A) A PHYSICIAN SEEKING TO RENEW AN EXPEDITED LICENSE GRANTED IN A MEMBER STATE SHALL COMPLETE A RENEWAL PROCESS WITH THE INTERSTATE COMMISSION IF THE PHYSICIAN:

(1) MAINTAINS A FULL AND UNRESTRICTED LICENSE IN A STATE OF PRINCIPAL LICENSE;

(2) HAS NOT BEEN CONVICTED OF OR RECEIVED ADJUDICATION, DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION FOR ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;

(3) HAS NOT HAD A LICENSE AUTHORIZING THE PRACTICE OF MEDICINE SUBJECT TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE,

FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION RELATED TO NONPAYMENT OF FEES RELATED TO A LICENSE; AND

(4) HAS NOT HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION.

(B) PHYSICIANS SHALL COMPLY WITH ALL CONTINUING PROFESSIONAL DEVELOPMENT OR CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR RENEWAL OF A LICENSE ISSUED BY A MEMBER STATE AND SHALL ATTEST TO THE MEMBER BOARD ABOUT THE PHYSICIAN'S COMPLIANCE.

(C) THE INTERSTATE COMMISSION SHALL COLLECT ANY RENEWAL FEES CHARGED FOR THE RENEWAL OF A LICENSE AND DISTRIBUTE THE FEES TO THE APPLICABLE MEMBER BOARD.

(D) ON RECEIPT OF ANY RENEWAL FEES COLLECTED IN SUBSECTION (C), A MEMBER BOARD SHALL RENEW THE PHYSICIAN'S LICENSE.

(E) PHYSICIAN INFORMATION COLLECTED BY THE INTERSTATE COMMISSION DURING THE RENEWAL PROCESS WILL BE DISTRIBUTED TO ALL MEMBER BOARDS.

(F) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO ADDRESS RENEWAL OF LICENSES OBTAINED THROUGH THE COMPACT.

SECTION 8. COORDINATED INFORMATION SYSTEM

(A) THE INTERSTATE COMMISSION SHALL ESTABLISH A DATABASE OF ALL PHYSICIANS LICENSED, OR WHO HAVE APPLIED FOR LICENSURE, UNDER SECTION 5.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MEMBER BOARDS SHALL REPORT TO THE INTERSTATE COMMISSION ANY PUBLIC ACTION OR COMPLAINTS AGAINST A LICENSED PHYSICIAN WHO HAS APPLIED OR RECEIVED AN EXPEDITED LICENSE THROUGH THE COMPACT.

(C) MEMBER BOARDS SHALL REPORT DISCIPLINARY OR INVESTIGATORY INFORMATION DETERMINED AS NECESSARY AND PROPER BY RULE OF THE INTERSTATE COMMISSION.

(D) MEMBER BOARDS MAY REPORT ANY NONPUBLIC COMPLAINT, DISCIPLINARY, OR INVESTIGATORY INFORMATION NOT REQUIRED BY SUBSECTION (C) TO THE INTERSTATE COMMISSION.

(E) MEMBER BOARDS SHALL SHARE COMPLAINT OR DISCIPLINARY INFORMATION ABOUT A PHYSICIAN ON REQUEST OF ANOTHER MEMBER BOARD.

(F) ALL INFORMATION PROVIDED TO THE INTERSTATE COMMISSION OR DISTRIBUTED BY MEMBER BOARDS SHALL BE CONFIDENTIAL, FILED UNDER SEAL, AND USED ONLY FOR INVESTIGATORY OR DISCIPLINARY MATTERS.

(G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES FOR MANDATED OR DISCRETIONARY SHARING OF INFORMATION BY MEMBER BOARDS.

SECTION 9. JOINT INVESTIGATIONS

(A) LICENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE DEEMED INVESTIGATIVE.

(B) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER BOARD BY ITS RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE STATE LAW, A MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER BOARDS IN JOINT INVESTIGATIONS OF PHYSICIANS LICENSED BY THE MEMBER BOARDS.

(C) A SUBPOENA ISSUED BY A MEMBER STATE SHALL BE ENFORCEABLE IN OTHER MEMBER STATES.

(D) MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE, LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

(E) ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED VIOLATIONS OF THE STATUTES AUTHORIZING THE PRACTICE OF MEDICINE IN ANY OTHER MEMBER STATE IN WHICH A PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE.

SECTION 10. DISCIPLINARY ACTIONS

(A) ANY DISCIPLINARY ACTION TAKEN BY ANY MEMBER BOARD AGAINST A PHYSICIAN LICENSED THROUGH THE COMPACT SHALL BE DEEMED UNPROFESSIONAL CONDUCT THAT MAY BE SUBJECT TO DISCIPLINE BY OTHER MEMBER BOARDS, IN ADDITION TO ANY VIOLATION OF THE MEDICAL PRACTICE ACT OR REGULATIONS IN THAT STATE.

(B) IF A LICENSE GRANTED TO A PHYSICIAN BY THE MEMBER BOARD IN THE STATE OF PRINCIPAL LICENSE IS REVOKED, SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR SUSPENDED, THEN ALL LICENSES ISSUED TO THE

PHYSICIAN BY MEMBER BOARDS SHALL AUTOMATICALLY BE PLACED, WITHOUT FURTHER ACTION NECESSARY BY ANY MEMBER BOARD, ON THE SAME STATUS. IF THE MEMBER BOARD IN THE STATE OF PRINCIPAL LICENSE SUBSEQUENTLY REINSTATES THE PHYSICIAN'S LICENSE, A LICENSE ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD SHALL REMAIN ENCUMBERED UNTIL THAT RESPECTIVE MEMBER BOARD TAKES ACTION TO REINSTATE THE LICENSE IN A MANNER CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE.

(C) IF DISCIPLINARY ACTION IS TAKEN AGAINST A PHYSICIAN BY A MEMBER BOARD NOT IN THE STATE OF PRINCIPAL LICENSE, ANY OTHER MEMBER BOARD MAY DEEM THE ACTION CONCLUSIVE AS TO MATTER OF LAW AND FACT DECIDED, AND:

(1) IMPOSE THE SAME OR LESSER SANCTION(S) AGAINST THE PHYSICIAN SO LONG AS SUCH SANCTIONS ARE CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE; OR

(2) PURSUE SEPARATE DISCIPLINARY ACTION AGAINST THE PHYSICIAN UNDER ITS RESPECTIVE MEDICAL PRACTICE ACT, REGARDLESS OF THE ACTION TAKEN IN OTHER MEMBER STATES.

(D) IF A LICENSE GRANTED TO A PHYSICIAN BY A MEMBER BOARD IS REVOKED, SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR SUSPENDED, THEN ANY LICENSE(S) ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD(S) SHALL BE SUSPENDED, AUTOMATICALLY AND IMMEDIATELY WITHOUT FURTHER ACTION NECESSARY BY THE OTHER MEMBER BOARD(S), FOR NINETY (90) DAYS ON ENTRY OF THE ORDER BY THE DISCIPLINING BOARD, TO PERMIT THE MEMBER BOARD(S) TO INVESTIGATE THE BASIS FOR THE ACTION UNDER THE MEDICAL PRACTICE ACT OF THAT STATE. A MEMBER BOARD SHALL WAIVE THE AUTOMATIC SUSPENSION OF THE LICENSE IT ISSUED UNLESS THE MEMBER BOARD:

(1) FINDS THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE IMPERATIVELY REQUIRES EMERGENCY ACTION; AND

(2) PROMPTLY GIVES THE LICENSEE:

(I) WRITTEN NOTICE OF THE SUSPENSION, THE FINDING, AND THE REASONS THAT SUPPORT THE FINDING; AND

(II) AN OPPORTUNITY TO BE HEARD.

SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

(A) THE MEMBER STATES HEREBY CREATE THE "INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION".

(B) THE PURPOSE OF THE INTERSTATE COMMISSION IS THE ADMINISTRATION OF THE INTERSTATE MEDICAL LICENSURE COMPACT, WHICH IS A DISCRETIONARY STATE FUNCTION.

(C) THE INTERSTATE COMMISSION SHALL BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND DUTIES SET FORTH IN THE COMPACT, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED ON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF THE COMPACT.

(D) THE INTERSTATE COMMISSION SHALL CONSIST OF TWO VOTING REPRESENTATIVES APPOINTED BY EACH MEMBER STATE WHO SHALL SERVE AS COMMISSIONERS. IN STATES WHERE ALLOPATHIC AND OSTEOPATHIC PHYSICIANS ARE REGULATED BY SEPARATE MEMBER BOARDS, OR IF THE LICENSING AND DISCIPLINARY AUTHORITY IS SPLIT BETWEEN MULTIPLE MEMBER BOARDS WITHIN A MEMBER STATE, THE MEMBER STATE SHALL APPOINT ONE REPRESENTATIVE FROM EACH MEMBER BOARD. A COMMISSIONER SHALL BE:

(1) AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO A MEMBER BOARD;

(2) AN EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY, OR SIMILAR EXECUTIVE OF A MEMBER BOARD; OR

(3) A MEMBER OF THE PUBLIC APPOINTED TO A MEMBER BOARD.

(E) THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS MEETING TO ADDRESS SUCH MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION, INCLUDING THE ELECTION OF OFFICERS. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL FOR A MEETING ON THE REQUEST OF A MAJORITY OF THE MEMBER STATES.

(F) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

(G) EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF

BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION. A COMMISSIONER SHALL NOT DELEGATE A VOTE TO ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS COMMISSIONER, A MEMBER STATE MAY DELEGATE VOTING AUTHORITY FOR A SPECIFIED MEETING TO ANOTHER PERSON FROM THAT STATE WHO SHALL MEET THE REQUIREMENTS OF SUBSECTION (D).

(H) THE INTERSTATE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE INTERSTATE COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PORTION, WHERE IT DETERMINES BY A TWO–THIRDS VOTE OF THE COMMISSIONERS PRESENT THAT AN OPEN MEETING WOULD BE LIKELY TO:

(1) RELATE SOLELY TO THE INTERNAL PERSONNEL PRACTICES AND PROCEDURES OF THE INTERSTATE COMMISSION;

(2) DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL STATUTE;

(3) DISCUSS TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

(4) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY CENSURING A PERSON;

(5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;

(6) DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES; OR

(7) SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL PROCEEDING.

(I) THE INTERSTATE COMMISSION SHALL KEEP MINUTES THAT SHALL FULLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, INCLUDING RECORD OF ANY ROLL CALL VOTES.

(J) THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN THE COMPACT OR BY ITS RULES, AVAILABLE TO THE PUBLIC FOR INSPECTION.

(K) THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE COMMITTEE, WHICH SHALL INCLUDE OFFICERS, MEMBERS, AND OTHERS AS DETERMINED BY THE BYLAWS. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION, WITH THE EXCEPTION OF RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT IN SESSION. WHEN ACTING ON BEHALF OF THE INTERSTATE COMMISSION, THE EXECUTIVE COMMITTEE SHALL OVERSEE THE ADMINISTRATION OF THE COMPACT INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS BYLAWS AND RULES, AND OTHER SUCH DUTIES AS NECESSARY.

(L) THE INTERSTATE COMMISSION MAY ESTABLISH OTHER COMMITTEES FOR GOVERNANCE AND ADMINISTRATION OF THE COMPACT.

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

(1) OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT;

(2) PROMULGATE RULES THAT SHALL BE BINDING TO THE EXTENT AND IN THE MANNER PROVIDED FOR IN THE COMPACT;

(3) ISSUE, ON THE REQUEST OF A MEMBER STATE OR MEMBER BOARD, ADVISORY OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;

(4) ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS, USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO THE USE OF JUDICIAL PROCESS;

(5) ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY SECTION 11, WHICH SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES;

(6) PAY, OR PROVIDE FOR THE PAYMENT OF THE EXPENSES RELATED TO THE ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES OF THE INTERSTATE COMMISSION;

(7) ESTABLISH AND MAINTAIN ONE OR MORE OFFICES;

(8) BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF PERSONNEL;

(9) PURCHASE AND MAINTAIN INSURANCE AND BONDS;

(10) EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL HAVE SUCH POWERS TO EMPLOY, SELECT OR APPOINT EMPLOYEES, AGENTS, OR CONSULTANTS, AND TO DETERMINE THEIR QUALIFICATIONS, DEFINE THEIR DUTIES, AND FIX THEIR COMPENSATION;

(11) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS OF PERSONNEL;

(12) ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE OF IT IN A MANNER CONSISTENT WITH THE CONFLICT OF INTEREST POLICIES ESTABLISHED BY THE INTERSTATE COMMISSION;

(13) LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL, OR MIXED;

(14) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED;

(15) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

(16) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION OF THE INTERSTATE COMMISSION;

(17) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE REPORTS OF FINANCIAL AUDITS AND ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;

(18) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;

(19) MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS;

(20) SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS, AND PATENTS; AND

(21) PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THE COMPACT.

SECTION 13. FINANCE POWERS

(A) THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF. THE TOTAL ASSESSMENT MUST BE SUFFICIENT TO COVER THE ANNUAL BUDGET APPROVED EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED ON A FORMULA TO BE DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL MEMBER STATES.

(B) THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME.

(C) THE INTERSTATE COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, THE MEMBER STATE.

(D) THE INTERSTATE COMMISSION SHALL BE SUBJECT TO A YEARLY FINANCIAL AUDIT CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL REPORT OF THE INTERSTATE COMMISSION.

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(A) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF COMMISSIONERS PRESENT AND VOTING, ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT WITHIN TWELVE (12) MONTHS OF THE FIRST INTERSTATE COMMISSION MEETING.

(B) THE INTERSTATE COMMISSION SHALL ELECT OR APPOINT ANNUALLY FROM AMONG ITS COMMISSIONERS A CHAIRPERSON, A VICE–CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE CHAIRPERSON, OR IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE VICE–CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE COMMISSION.

(C) OFFICERS SELECTED IN SUBSECTION (B) SHALL SERVE WITHOUT REMUNERATION FROM THE INTERSTATE COMMISSION.

(D) (1) THE OFFICERS AND EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF, OR RELATING TO, AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

(2) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND EMPLOYEES OF THE INTERSTATE COMMISSION OR REPRESENTATIVES OF THE INTERSTATE COMMISSION, ACTING WITHIN THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING WITHIN SUCH PERSON'S STATE, MAY NOT EXCEED THE LIMITS OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

(3) THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR, ITS EMPLOYEES, AND SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY AN INTERSTATE COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE COMMISSION REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.

(4) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A

SETTLEMENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSONS.

SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(A) THE INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT. NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE INTERSTATE COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE PURPOSES OF THE COMPACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

(B) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE INTERSTATE COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT SUBSTANTIALLY CONFORMS TO THE "MODEL STATE ADMINISTRATIVE PROCEDURE ACT" OF 2010, AND SUBSEQUENT AMENDMENTS THERETO.

(C) NOT LATER THAN THIRTY (30) DAYS AFTER A RULE IS PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES, PROVIDED THAT THE FILING OF SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND SHALL NOT FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE AUTHORITY GRANTED TO THE INTERSTATE COMMISSION.

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

(A) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THE COMPACT AND THE

RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS STATUTORY LAW BUT SHALL NOT OVERRIDE EXISTING STATE AUTHORITY TO REGULATE THE PRACTICE OF MEDICINE.

(B) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THE COMPACT THAT MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE INTERSTATE COMMISSION.

(C) THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE COMMISSION SHALL RENDER A JUDGMENT OR AN ORDER VOID AS TO THE INTERSTATE COMMISSION, THE COMPACT, OR PROMULGATED RULES.

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

(A) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THE COMPACT.

(B) THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF THE COMMISSIONERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, AND ITS PROMULGATED RULES AND BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.

(C) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFESSION.

SECTION 18. DEFAULT PROCEDURES

(A) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED TO, FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR RESPONSIBILITIES IMPOSED ON IT BY THE COMPACT, OR THE RULES AND BYLAWS OF THE INTERSTATE COMMISSION PROMULGATED UNDER THE COMPACT.

(B) IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THE COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:

(1) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER STATES, OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING THE DEFAULT, AND ANY ACTION TAKEN BY THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT; AND

(2) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING THE DEFAULT.

(C) IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS AND ALL RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THE COMPACT SHALL TERMINATE ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.

(D) TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO TERMINATE SHALL BE GIVEN BY THE INTERSTATE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE MEMBER STATES.

(E) THE INTERSTATE COMMISSION SHALL ESTABLISH RULES AND PROCEDURES TO ADDRESS LICENSES AND PHYSICIANS THAT ARE MATERIALLY IMPACTED BY THE TERMINATION OF A MEMBER STATE, OR THE WITHDRAWAL OF A MEMBER STATE.

(F) THE MEMBER STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF TERMINATION.

(G) THE INTERSTATE COMMISSION MAY NOT BEAR ANY COSTS RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED ON IN WRITING BETWEEN THE INTERSTATE COMMISSION AND THE DEFAULTING STATE.

(H) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE INTERSTATE COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.

SECTION 19. DISPUTE RESOLUTION

(A) THE INTERSTATE COMMISSION SHALL ATTEMPT, ON THE REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO THE COMPACT AND THAT MAY ARISE AMONG MEMBER STATES OR MEMBER BOARDS.

(B) THE INTERSTATE COMMISSION SHALL PROMULGATE RULES PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION AS APPROPRIATE.

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

(A) ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE OF THE COMPACT.

(B) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING ON LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN SEVEN (7) STATES. THEREAFTER, IT SHALL BECOME EFFECTIVE AND BINDING ON A STATE ON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE.

(C) THE GOVERNORS OF NONMEMBER STATES, OR THEIR DESIGNEES, SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

(D) THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND BINDING ON THE INTERSTATE COMMISSION AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

SECTION 21. WITHDRAWAL

(A) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING ON EACH AND EVERY MEMBER STATE; PROVIDED THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY REPEALING THE STATUTE THAT ENACTED THE COMPACT INTO LAW.

(B) WITHDRAWAL FROM THE COMPACT SHALL BE BY THE ENACTMENT OF A STATUTE REPEALING THE SAME, BUT MAY NOT TAKE EFFECT UNTIL ONE (1) YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER STATE.

(C) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING ON THE INTRODUCTION OF LEGISLATION REPEALING THE COMPACT IN THE WITHDRAWING STATE.

(D) THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW WITHIN SIXTY (60) DAYS OF ITS RECEIPT OF NOTICE PROVIDED UNDER SUBSECTION (C).

(E) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

(F) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL OCCUR ON THE WITHDRAWING STATE REENACTING THE COMPACT OR ON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE COMMISSION.

(G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO ADDRESS THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE ON LICENSES GRANTED IN OTHER MEMBER STATES TO PHYSICIANS WHO DESIGNATED THE WITHDRAWING MEMBER STATE AS THE STATE OF PRINCIPAL LICENSE.

SECTION 22. DISSOLUTION

(A) THE COMPACT SHALL DISSOLVE EFFECTIVE ON THE DATE OF THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE THAT REDUCES THE MEMBERSHIP IN THE COMPACT TO ONE (1) MEMBER STATE.

(B) ON THE DISSOLUTION OF THE COMPACT, THE COMPACT BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

SECTION 23. SEVERABILITY AND CONSTRUCTION

(A) THE PROVISIONS OF THE COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

(B) THE PROVISIONS OF THE COMPACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSES.

(C) NOTHING IN THE COMPACT SHALL BE CONSTRUED TO PROHIBIT THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE MEMBERS.

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

(A) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

(B) ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

(C) ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING ON THE MEMBER STATES.

(D) ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

(E) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.

14–3A–02.

(A) (1) THE BOARD SHALL SET FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES UNDER THE INTERSTATE MEDICAL LICENSURE COMPACT ESTABLISHED UNDER § 14–3A–01 OF THIS SUBTITLE.

(2) THE FEES CHARGED TO A COMPACT PHYSICIAN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SET SO AS TO PRODUCE FUNDS ADEQUATE TO COVER THE COST OF MAINTAINING THE LICENSURE PROGRAM.

(B) ANY ANNUAL ASSESSMENT LEVIED BY THE INTERSTATE COMMISSION UNDER SECTION 13(A) OF THE INTERSTATE MEDICAL LICENSURE COMPACT

ESTABLISHED UNDER § 14–3A–01 OF THIS SUBTITLE SHALL BE FUNDED THROUGH AN ADDITIONAL SURCHARGE ON:

(1) EACH COMPACT PHYSICIAN LICENSED UNDER SECTION 3 OF THE INTERSTATE MEDICAL LICENSURE COMPACT ESTABLISHED UNDER § 14–3A–01 OF THIS SUBTITLE; AND

(2) PHYSICIANS WHO DESIGNATE MARYLAND AS THE PHYSICIAN'S STATE OF PRINCIPAL LICENSE UNDER SECTION 4 OF THE INTERSTATE MEDICAL LICENSURE COMPACT ESTABLISHED UNDER § 14–3A–01 OF THIS SUBTITLE.

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(42) Fails to submit to a criminal history records check under § 14–308.1 of this title; **[**or**]**

(43) EXCEPT FOR THE LICENSURE PROCESS DESCRIBED UNDER SUBTITLE 3A OF THIS TITLE, VIOLATES ANY PROVISION OF THIS TITLE, ANY RULE OR REGULATION ADOPTED BY THE BOARD, OR ANY STATE OR FEDERAL LAW PERTAINING TO THE PRACTICE OF MEDICINE; ~~OR~~

(44) FAILS TO MEET THE QUALIFICATIONS FOR LICENSURE UNDER SUBTITLE 3 OF THIS TITLE; OR

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to alter the ability of the State Board of Physicians to license physicians or regulate the practice of medicine in the State.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the requirements of Section 21 of the Interstate Medical Licensure Compact established under § 14–3A–01 of the Health Occupations Article, the termination date of this Act, as specified in Section 5 of this Act, shall constitute notice of withdrawal from the Compact by the enactment of a statute repealing the same, as required by Section 21(b) of the Interstate Medical Licensure Compact established under § 14–3A–01 of the Health Occupations Article.

SECTION ~~2.~~ ~~4.~~ *5.* AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July 1, 2018~~ ~~January~~ *July* 1, 2019. It shall remain effective for a period of 3 years and ~~6~~ *3* months and, at the end of ~~June~~ *September* 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 471

(House Bill 847)

AN ACT concerning

Health Insurance – Coverage for Lymphedema Diagnosis, Evaluation, and Treatment

FOR the purpose of requiring insurers, nonprofit health service plans, and health maintenance organizations that provide certain health insurance benefits under certain insurance policies or contracts to provide coverage for certain diagnosis, evaluation, and treatment of lymphedema; providing that the required coverage may be subject to certain deductibles, copayments, and coinsurance; providing for the application of this Act; defining a certain term; providing for a delayed effective date; and generally relating to coverage for lymphedema diagnosis, evaluation, and treatment under health insurance.

BY adding to
Article – Insurance
Section 15–853
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–853.

(A) (1) IN THIS SECTION, "GRADIENT COMPRESSION GARMENT" MEANS A GARMENT THAT:

(I) IS USED FOR THE TREATMENT OF LYMPHEDEMA;

(II) REQUIRES A PRESCRIPTION; AND

(III) IS CUSTOM FIT FOR THE INDIVIDUAL FOR WHOM THE GARMENT IS PRESCRIBED.

(2) "GRADIENT COMPRESSION GARMENT" DOES NOT INCLUDE DISPOSABLE MEDICAL SUPPLIES, INCLUDING OVER–THE–COUNTER COMPRESSION OR ELASTIC KNEE–HIGH OR OTHER STOCKING PRODUCTS.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR THE MEDICALLY NECESSARY DIAGNOSIS, EVALUATION, AND TREATMENT OF LYMPHEDEMA, INCLUDING EQUIPMENT, SUPPLIES, COMPLEX DECONGESTIVE THERAPY, GRADIENT COMPRESSION GARMENTS, AND SELF–MANAGEMENT TRAINING AND EDUCATION.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COVERAGE REQUIRED UNDER THIS SECTION MAY BE SUBJECT TO THE ANNUAL DEDUCTIBLES, COPAYMENTS, OR COINSURANCE REQUIREMENTS IMPOSED BY AN ENTITY SUBJECT TO THIS SECTION FOR SIMILAR COVERAGES UNDER THE SAME HEALTH INSURANCE POLICY OR CONTRACT.

(2) THE ANNUAL DEDUCTIBLES, COPAYMENTS, OR COINSURANCE REQUIREMENTS IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE COVERAGE REQUIRED UNDER THIS SECTION MAY NOT BE GREATER THAN THE ANNUAL DEDUCTIBLES, COPAYMENTS, OR COINSURANCE REQUIREMENTS IMPOSED BY THE ENTITY FOR SIMILAR COVERAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 472

(Senate Bill 764)

AN ACT concerning

Local Governments – Income Tax Disparity Grants – Amounts

FOR the purpose of altering the calculation of certain income tax disparity grants to counties and Baltimore City under certain circumstances and for certain fiscal years; extending a certain termination provision; and generally relating to income tax disparity grants to counties and Baltimore City.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 16–501
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Chapter 738 of the Acts of the General Assembly of 2016
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Local Government

16–501.

(a) Subject to subsection (e) of this section, for each fiscal year, the Comptroller shall pay to an eligible county a grant in the amount determined under subsection (c)(3) of this section.

(b) A county may not receive a grant under subsection (a) of this section if the county's income tax rate was less than 2.6%:

(1) for the taxable year that ended in the second prior fiscal year; or

(2) for any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) (1) For each fiscal year, the Comptroller shall determine for each county:

(i) the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, based on tax returns filed through November 1 of the year following the applicable taxable year; and

(ii) the amount of county income tax that the county would have received if the county income tax rate was 2.54%.

(2) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:

(i) the per capita yield of the county income tax for each county, based on:

1. the population of the county as last projected by the Maryland Department of Health for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

2. the amount specified in paragraph (1)(ii) of this subsection; and

(ii) the per capita statewide yield of the county income tax, based on:

1. the State population as last projected by the Maryland Department of Health for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

2. the amount of county income tax specified in paragraph (1)(ii) of this subsection for all counties.

(3) If the per capita yield of the county income tax for a county determined under paragraph (2)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (2)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(d) The Comptroller shall pay to an eligible county the amount determined under subsection (c)(3) of this section in quarterly payments during each fiscal year.

(e) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010.

(2) (i) If a county or Baltimore City has a county income tax rate of at least 2.8% but less than 3%, the county or Baltimore City may receive a minimum of 20% of the amount determined under subsection (c)(3) of this section.

(ii) If a county or Baltimore City has a county income tax rate of at least 3% but less than 3.2%, the county or Baltimore City may receive a minimum of 40% of the amount determined under subsection (c)(3) of this section.

(iii) If a county or Baltimore City has a county income tax rate of at least 3.2%:

1. on or before June 30, 2017, the county or Baltimore City may receive a minimum of 60% of the amount determined under subsection (c)(3) of this section;

2. in fiscal year 2018, the county or Baltimore City may receive a minimum of 63.75% of the amount determined under subsection (c)(3) of this section; and

3. in fiscal **[**year**]** **YEARS** 2019, **2020, AND 2021,** the county or Baltimore City may receive a minimum of 67.5% of the amount determined under subsection (c)(3) of this section.

Chapter 738 of the Acts of 2016

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. It shall remain effective for a period **[**3**]** **5** years and, at the end of June 30, **[**2019**]** **2021**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 473

(Senate Bill 4)

AN ACT concerning

~~Department of Aging – Study of Nursing Home Quality of Care~~
Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities – Revisions

FOR the purpose of ~~requiring the Department of Aging to study the quality of care in nursing homes in Maryland; requiring the Department to review, assess, and examine certain matters related to the quality of care in nursing homes; requiring the Department to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; and generally relating to the study of quality of care in nursing homes in Maryland~~ altering the membership, powers, and duties of the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities; providing that the designee of the Secretary of Aging may chair the Oversight Committee; requiring the Oversight Committee to review changes to the membership and duties of the Oversight Committee enacted by this Act and make certain recommendations to the Senate Finance Committee and the

House Health and Government Operations Committee on or before a certain date; providing for the construction of this Act; and generally relating to the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–1409
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:~~

~~(a) The Department of Aging shall study the quality of care in nursing homes in Maryland.~~

~~(b) As part of the study required under subsection (a) of this section, the Department shall:~~

~~(1) examine and assess the number and types of complaints made to the Office of Health Care Quality regarding patient care in nursing homes;~~

~~(2) examine and assess the results of scheduled and unscheduled nursing home inspections by the Office of Health Care Quality;~~

~~(3) review the number and the level of compensation of inspectors employed by the Office of Health Care Quality; and~~

~~(4) examine the efforts of nursing homes to address complaints and to comply with findings of the Office of Health Care Quality.~~

~~(c) On or before December 1, 2018, the Department of Aging shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–1409.

(a) There is an Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.

(b) The Oversight Committee shall consist of the following members:

(1) One member of the Senate Finance Committee, appointed by the President of the Senate;

(2) One member of the Senate Education, Health, and Environmental Affairs Committee, appointed by the President of the Senate;

(3) Two members of the House Health and Government Operations Committee, appointed by the Speaker of the House;

(4) The Secretary **[**of the Department**]** of Aging**, OR THE SECRETARY'S DESIGNEE**;

(5) The Secretary of Health, or the Secretary's designee;

(6) THE DIRECTOR OF THE OFFICE OF HEALTH CARE QUALITY, OR THE DIRECTOR'S DESIGNEE;

[(6)**] (7)** ~~One representative from the Maryland Department of Health's Behavioral Health Administration, APPOINTED BY THE~~ ***THE*** **DEPUTY SECRETARY FOR BEHAVIORAL HEALTH,** ***OR THE DEPUTY SECRETARY'S DESIGNEE***;

[(7)**] (8)** The Secretary of Human Services, or the Secretary's designee;

(9) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;

(10) THE STATE LONG–TERM CARE OMBUDSMAN;

[(8)**] (11) [**Three**] TWO** representatives of area agencies on aging, one of which shall be a member of a local long–term care ombudsman program established under Title 10, Subtitle 9 of the Human Services Article, **[**appointed by the Secretary of Aging**] SELECTED BY THE PRESIDENT OF THE MARYLAND ASSOCIATION OF AREA AGENCIES ON AGING**;

(12) ONE REPRESENTATIVE OF A LOCAL LONG–TERM CARE OMBUDSMAN ENTITY, SELECTED BY THE STATE LONG–TERM CARE OMBUDSMAN;

(13) THREE CONSUMER MEMBERS, SELECTED BY THE STATE LONG–TERM CARE OMBUDSMAN, ALL OF WHOM SHALL BE CONSUMERS LIVING IN AN ASSISTED LIVING FACILITY OR A NURSING HOME OR HAVE A FAMILY MEMBER LIVING IN AN ASSISTED LIVING FACILITY OR A NURSING HOME; ~~AND~~

(14) THE FOLLOWING REPRESENTATIVES, SELECTED BY THE ORGANIZATIONS THE INDIVIDUAL REPRESENTS:

[(9)] **(I)** One representative from the Health Facilities Association of Maryland;

[(10)] **(II)** One representative from the Mid–Atlantic LifeSpan;

[(11)] **(III)** One representative of the Hospice Network of Maryland;

[(12)] **(IV)** One representative of the Maryland Hospital Association;

[(13)] **(V)** One representative of [the Service Employees International Union] **1199SEIU UNITED HEALTH WORKERS EAST**;

[(14)] **(VI)** One representative of the Maryland Chapter of AARP;

[(15)] **(VII)** One representative of United Seniors of Maryland;

[(16)] **(VIII)** One representative of Voices for Quality Care;

[(17)] **(IX)** One representative of the Mental Health Association **OF MARYLAND** knowledgeable in [elderly] issues **OF AGING**;

[(18)] **(X)** One representative of the Greater Maryland Chapter of the Alzheimer's Association; ***AND***

(XI) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF ADULT DAY SERVICES; AND

~~[(19)~~ ***(15)*** Three representatives from the assisted living industry, of which one shall represent a program that cares for one to four residents, one shall represent a program that cares for five to nine residents, and one shall represent a program that cares for more than 10 residents~~; and~~

~~(20) Three consumer members appointed by the Governor, one of whom shall be a consumer living in an assisted living facility] AND~~

~~**(XI) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF ADULT DAY SERVICES**~~.

(c) The Secretary of Aging, **OR THE SECRETARY'S DESIGNEE,** shall chair the Oversight Committee.

(d) The Oversight Committee shall evaluate the progress in improving nursing home care quality and assisted living facility quality statewide, [including] **WHICH MAY INCLUDE** consideration of:

(1) Quality of care standards for nursing homes and assisted living facilities;

(2) Standards for the identification of the onset of dementia and Alzheimer's disease;

(3) Standards for the identification of conditions appropriate for hospice services;

(4) Staffing patterns and staffing standards;

(5) Policies and procedures for inspecting nursing homes and assisted living facilities, and responding to quality of care complaints;

(6) A comparison of Maryland standards, policies, and procedures to those in other states;

(7) The labor pool available to fill nursing and nursing aide jobs;

(8) State funding mechanisms for nursing homes and assisted living facilities, including the Medicaid Nursing Home Reimbursement System, **POTENTIAL BARRIERS TO ELIGIBILITY IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM, POTENTIAL BARRIERS TO THE TIMELY PAYMENT OF CLAIMS SUBMITTED TO THE MARYLAND MEDICAL ASSISTANCE PROGRAM,** and regulation of nursing homes; **[**and**]**

(9) The provision and quality of **[**mental**] DEMENTIA CARE** and behavioral health **[**care**] SUPPORTS AND** services to meet the needs of nursing home and assisted living facility residents**;**

(10) STAFF TRAINING AND DEVELOPMENT;

(11) THE RIGHTS OF RESIDENTS;

(12) DATA ON RESIDENT SATISFACTION;

(13) RESIDENT ASSESSMENTS;

(14) RESIDENT CARE PLANNING;

(15) THE MONITORING OF RESIDENTS; AND

(16) THE CHANGE OF RESIDENT STATUS.

(e) The Office of Health Care Quality in the Maryland Department of Health shall submit a report to the Oversight Committee annually on the status of quality of care in nursing homes and assisted living facilities.

(f) The Deputy Secretary of Health Care Financing, or the Deputy Secretary's designee, shall report annually to the Oversight Committee on the status of the Medicaid Nursing Home Reimbursement System, which shall include but not be limited to:

(1) Elements of the existing methodology that are no longer relevant;

(2) Elements of the existing methodology that can be revised;

(3) The appropriateness of redesigning the system given changing demographics of the target population; and

(4) General Fund and federal fund savings from a system redesign that may be redirected to nursing home staff development in the nursing cost center.

(g) The Oversight Committee shall review the reports of the Office of Health Care Quality and the Deputy Secretary of Health Care Financing and develop recommendations to continue improvement in nursing home and assisted living facility care.

(H) THE OVERSIGHT COMMITTEE MAY:

(1) REVIEW LEGISLATION INTRODUCED IN THE GENERAL ASSEMBLY THAT MAY AFFECT NURSING HOME AND ASSISTED LIVING FACILITY CARE; AND

(2) MAKE RECOMMENDATIONS ABOUT THE LEGISLATION TO THE GENERAL ASSEMBLY.

(I) THE OVERSIGHT COMMITTEE MAY:

(1) REVIEW PROPOSED REGULATIONS THAT MAY AFFECT NURSING HOME AND ASSISTED LIVING FACILITY CARE; AND

(2) MAKE RECOMMENDATIONS ABOUT THE REGULATIONS TO THE DEPARTMENTS PROPOSING THE REGULATIONS AND TO THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

[(h)**] (J)** The Oversight Committee shall report its findings and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly on or before December 1 of each year.

[(i)**] (K)** The Department of Aging, with assistance from the Maryland Department of Health, the Department of Human Services, and the Department of Legislative Services, shall provide staff support for the Oversight Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1, 2018, the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living

Facilities shall review the changes to the membership and duties of the Oversight Committee enacted by this Act and, subject to § 2–1246 of the State Government Article, make recommendations on any additional legislative changes that may be necessary to the Senate Finance Committee and the House Health and Government Operations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That § 19–1409(b) of the Health – General Article, as enacted by Section 1 of this Act, may not be construed to require the resignation or replacement of any members currently serving on the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities solely on the basis of who selected or appointed the individual to serve on the Oversight Committee.

SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 474

(House Bill 689)

AN ACT concerning

~~**Community Colleges – Veterans Advisors and Veterans Resource Centers – Established**~~
Colonel Todd J. Hixson Memorial Resource Center Act

FOR the purpose of requiring certain community colleges to ensure certain advisors are trained on certain needs and resources available to certain students, to employ a ~~veterans advisor~~ certain employee to provide enrollment and advising services to certain students, and to establish a veterans resource center; and generally relating to ~~veterans~~ advisors and veterans resource centers at community colleges.

BY adding to
Article – Education
Section 16–109
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

16–109.

EACH COMMUNITY COLLEGE SHALL:

(1) ENSURE ALL STUDENT ADVISORS ARE TRAINED ON THE UNIQUE NEEDS AND RESOURCES AVAILABLE FOR STUDENTS WHO ARE VETERANS;

(2) EMPLOY AT LEAST ONE ~~FULL-TIME VETERANS ADVISOR TO PROVIDE~~ EMPLOYEE WHO, AS A COMPONENT OF THE EMPLOYEE'S JOB DUTIES AND RESPONSIBILITIES, PROVIDES COMPREHENSIVE AND INTENSIVE ENROLLMENT AND ADVISING SERVICES TO CURRENT AND PROSPECTIVE STUDENTS WHO ARE VETERANS; AND

~~(2)~~ (3) ESTABLISH A VETERANS RESOURCE CENTER ON CAMPUS TO:

(I) PROVIDE ACCESS TO FEDERAL AND STATE VETERANS RESOURCES;

(II) SERVE AS A QUIET PLACE FOR VETERANS TO STUDY;

(III) ENABLE VETERANS TO CONNECT TO OTHER VETERANS, HELPING THEM RENEW THE BONDS OF MILITARY SERVICE; AND

(IV) BE THE CENTRAL HUB FOR ALL ACTIVITIES ON CAMPUS RELATED TO VETERANS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 475

(House Bill 698)

AN ACT concerning

Agriculture – Industrial Hemp Pilot Program – Establishment

FOR the purpose of repealing certain provisions of law that authorize, under certain circumstances, a person to plant, grow, harvest, possess, process, sell, or buy industrial hemp in the State; repealing a certain contingency on certain provisions of law relating to the legalization of industrial hemp in the State; repealing certain provisions of law that authorize, under certain circumstances, the Department of

Agriculture or an institution of higher education to grow or cultivate industrial hemp; establishing an Industrial Hemp Pilot Program; establishing the purpose of the Program; authorizing the ~~State~~ Department ~~of Agriculture~~ or a certain institution of higher education to grow, cultivate, harvest, process, manufacture, transport, market, or sell industrial hemp under the Program under certain circumstances; requiring the Department to certify and register a site that will be used to grow or cultivate industrial hemp under the Program; authorizing the Department to charge a certain fee to certify and register a site that will be used to grow or cultivate industrial hemp; authorizing the Department or an institution of higher education to contract with a person to grow or cultivate industrial hemp for certain purposes; authorizing a certain person to purchase or obtain certain seeds; requiring a certain person to verify in a certain manner that plants grown or cultivated by the person meet a certain definition of "industrial hemp"; requiring a certain person to maintain certain records of verification in a certain manner; requiring a certain person to make certain records available for certain inspection by the Department or a certain institution of higher education; authorizing industrial hemp grown or cultivated under the Program to be possessed in the State; authorizing industrial hemp grown or cultivated under the Program to be sold, distributed, transported, marketed, or processed in the State or outside the State; authorizing certain industrial hemp grown, cultivated, and harvested in a certain state to be processed, manufactured, transported, marketed, or sold in the State under the Program; authorizing the Department or an institution of higher education to publish certain data and research on industrial hemp; defining certain terms; requiring the Department to adopt certain regulations; making conforming changes; and generally relating to industrial hemp.

BY repealing
Article – Agriculture
Section 14–101
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)
(As enacted by Chapter 456 of the Acts of the General Assembly of 2015)

BY repealing
Chapter 456 of the Acts of the General Assembly of 2015
Section 2 and 3

BY repealing and reenacting, with amendments,
Chapter 456 of the Acts of the General Assembly of 2015
Section 4

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 14–101
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing
Article – Agriculture
Section 14–102
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Agriculture
Section 14–102
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Chapter 105 of the Acts of the General Assembly of 2016
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, ~~That Chapter 456 of the Acts of the General Assembly of 2015 be repealed.~~

~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland read as follows:

Article – Agriculture

[14–101.

(a) In this section, "industrial hemp" means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(b) Subject to subsection (c) of this section, a person may plant, grow, harvest, possess, process, sell, or buy industrial hemp in the State.

(c) Before planting or growing industrial hemp, a person shall register with the Department.**]**

Chapter 456 of the Acts of 2015

[SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the taking effect of the federal Industrial Hemp Farming Act of 2015 or another federal law that delegates authority over industrial hemp to the states or authorizes a person to plant, grow, harvest, possess, process, sell, and buy industrial hemp. The Maryland Department of Agriculture shall notify the Department of Legislative Services within 5 days after the effective date of a federal law delegating authority to the states or authorizing the farming, possession, processing, and sale of industrial hemp. If a federal law does not take effect on or before October 1, 2030, this Act shall be null and void without the necessity of further action by the General Assembly.**]**

[SECTION 3. AND BE IT FURTHER ENACTED, That at the end of October 1, 2030, with no further action required by the General Assembly, § 14–101(c) of the Agriculture Article, as enacted by this Act, shall be abrogated and of no further force and effect.**]**

SECTION 4. AND BE IT FURTHER ENACTED, That**[**, subject to Section 2 of this Act,**]** this Act shall take effect October 1, 2015.

Article – Agriculture

14–101.

(a) In this subtitle the following words have the meanings indicated.

(B) "INDEPENDENT TESTING LABORATORY" HAS THE MEANING STATED IN § 13–3301 OF THE HEALTH – GENERAL ARTICLE.

[(b)**] (C)** (1) "Industrial hemp" means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(2) "Industrial hemp" does not include any plant or part of a plant intended for a use that is regulated under Title 13, Subtitle 33 of the Health – General Article.

[(c)**] (D)** "Institution of higher education" has the meaning stated in **[**§ 10–101 of the Education Article**] THE FEDERAL HIGHER EDUCATION ACT OF 1965**.

(E) "PROGRAM" MEANS THE INDUSTRIAL HEMP PILOT PROGRAM ESTABLISHED UNDER § 14–102 OF THIS SUBTITLE.

[14–102.

(a) Subject to subsection (b) of this section, the Department or an institution of higher education may grow or cultivate industrial hemp if the industrial hemp is grown or cultivated for agricultural research or academic research purposes.

(b) A site used by the Department or an institution of higher education to grow or cultivate industrial hemp shall be certified by and registered with the Department.

(c) The Department may adopt regulations to carry out the provisions of this subtitle.**]**

14–102.

(A) THERE IS AN INDUSTRIAL HEMP PILOT PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO AUTHORIZE AND FACILITATE THE RESEARCH OF INDUSTRIAL HEMP AND ANY ASPECT OF GROWING, CULTIVATING, HARVESTING, PROCESSING, MANUFACTURING, TRANSPORTING, MARKETING, OR SELLING INDUSTRIAL HEMP FOR AGRICULTURAL, INDUSTRIAL, OR COMMERCIAL PURPOSES.

(C) THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION THAT SUBMITS AN APPLICATION TO THE DEPARTMENT IN A MANNER DETERMINED BY THE DEPARTMENT MAY GROW, CULTIVATE, HARVEST, PROCESS, MANUFACTURE, TRANSPORT, MARKET, OR SELL INDUSTRIAL HEMP UNDER THE PROGRAM IF THE INDUSTRIAL HEMP IS GROWN OR CULTIVATED TO FURTHER AGRICULTURAL RESEARCH OR ACADEMIC RESEARCH PURPOSES.

(D) (1) THE DEPARTMENT SHALL CERTIFY AND REGISTER A SITE THAT WILL BE USED TO GROW OR CULTIVATE INDUSTRIAL HEMP UNDER THE PROGRAM.

(2) THE DEPARTMENT MAY CHARGE A FEE OF UP TO $250 TO CERTIFY AND REGISTER A SITE THAT WILL BE USED TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(E) IN ORDER TO CARRY OUT THE PURPOSE OF THE PROGRAM:

(1) TO THE EXTENT NECESSARY, THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION MAY CONTRACT WITH A PERSON TO GROW OR CULTIVATE INDUSTRIAL HEMP; AND

(2) A PERSON THAT GROWS OR CULTIVATES INDUSTRIAL HEMP UNDER THE PROGRAM MAY PURCHASE OR OTHERWISE OBTAIN SEEDS THAT PRODUCE PLANTS THAT MEET THE DEFINITION OF "INDUSTRIAL HEMP" UNDER § 14–101 OF THIS SUBTITLE.

(F) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A PERSON THAT GROWS OR CULTIVATES INDUSTRIAL HEMP UNDER THE PROGRAM SHALL:

(I) VERIFY THAT THE PLANTS GROWN OR CULTIVATED BY THE PERSON MEET THE DEFINITION OF "INDUSTRIAL HEMP" UNDER § 14–101 OF THIS SUBTITLE;

(II) MAINTAIN ALL RECORDS OF VERIFICATION AT THE SITE THAT IS USED TO GROW OR CULTIVATE INDUSTRIAL HEMP; AND

(III) MAKE ALL RECORDS AVAILABLE FOR INSPECTION BY:

1. THE DEPARTMENT; OR

2. THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH THE PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(2) THE VERIFICATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) DOCUMENTATION FROM AN INDEPENDENT TESTING LABORATORY REGISTERED UNDER § 13–3311 OF THE HEALTH – GENERAL ARTICLE; OR

(II) DOCUMENTATION FROM THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH THE PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(3) AN INDEPENDENT TESTING LABORATORY OR AN INSTITUTION OF HIGHER EDUCATION THAT PROVIDES VERIFICATION DOCUMENTATION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL CONDUCT ON–SITE INSPECTIONS TO PERFORM THE TESTING NECESSARY FOR THE VERIFICATION.

(4) THE FREQUENCY OF THE VERIFICATION REQUIRED UNDER THIS SUBSECTION SHALL BE DETERMINED BY:

(I) THE DEPARTMENT; OR

(II) THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH A PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(1) INDUSTRIAL HEMP GROWN OR CULTIVATED UNDER THE PROGRAM IS AN AGRICULTURAL PRODUCT THAT MAY BE:

(I) POSSESSED IN THE STATE; AND

(II) SOLD, DISTRIBUTED, TRANSPORTED, MARKETED, OR PROCESSED IN THE STATE OR OUTSIDE THE STATE; AND

(2) INDUSTRIAL HEMP GROWN, CULTIVATED, AND HARVESTED IN A STATE THAT AUTHORIZES THE GROWTH, CULTIVATION, AND HARVESTING OF

INDUSTRIAL HEMP MAY BE PROCESSED, MANUFACTURED, TRANSPORTED, MARKETED, OR SOLD IN THE STATE UNDER THE PROGRAM.

(H) THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION MAY COLLECT AND PUBLISH DATA AND RESEARCH ON INDUSTRIAL HEMP, INCLUDING DATA AND RESEARCH ON THE GROWTH, CULTIVATION, PRODUCTION, AND PROCESSING OF INDUSTRIAL HEMP AND PRODUCTS DERIVED FROM INDUSTRIAL HEMP.

(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

Chapter 105 of the Acts of 2016

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. **[**It shall remain effective until the taking effect of Chapter 456 of the Acts of the General Assembly of 2015. If Chapter 456 takes effect, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 476

(Senate Bill 1201)

AN ACT concerning

Agriculture – Industrial Hemp Pilot Program – Establishment

FOR the purpose of repealing certain provisions of law that authorize, under certain circumstances, a person to plant, grow, harvest, possess, process, sell, or buy industrial hemp in the State; repealing a certain contingency on certain provisions of law relating to the legalization of industrial hemp in the State; repealing certain provisions of law that authorize, under certain circumstances, the Department of Agriculture or an institution of higher education to grow or cultivate industrial hemp; establishing an Industrial Hemp Pilot Program; establishing the purpose of the Program; authorizing the Department or a certain institution of higher education to grow, cultivate, harvest, process, manufacture, transport, market, or sell industrial hemp under the Program under certain circumstances; requiring the Department to certify and register a site that will be used to grow or cultivate

industrial hemp under the Program; authorizing the Department to charge a certain fee to certify and register a site that will be used to grow or cultivate industrial hemp; authorizing the Department or an institution of higher education to contract with a person to grow or cultivate industrial hemp for certain purposes; authorizing a certain person to purchase or obtain certain seeds; requiring a certain person to verify in a certain manner that plants grown or cultivated by the person meet a certain definition of "industrial hemp"; requiring a certain person to maintain certain records of verification in a certain manner; requiring a certain person to make certain records available for certain inspection by the Department or a certain institution of higher education; authorizing industrial hemp grown or cultivated under the Program to be possessed in the State; authorizing industrial hemp grown or cultivated under the Program to be sold, distributed, transported, marketed, or processed in the State or outside the State; authorizing certain industrial hemp grown, cultivated, and harvested in a certain state to be processed, manufactured, transported, marketed, or sold in the State under the Program; authorizing the Department or an institution of higher education to publish certain data and research on industrial hemp; defining certain terms; requiring the Department to adopt certain regulations; making conforming changes; and generally relating to industrial hemp.

BY repealing
Article – Agriculture
Section 14–101
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)
(As enacted by Chapter 456 of the Acts of the General Assembly of 2015)

BY repealing
Chapter 456 of the Acts of the General Assembly of 2015
Section 2 and 3

BY repealing and reenacting, with amendments,
Chapter 456 of the Acts of the General Assembly of 2015
Section 4

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 14–101
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing
Article – Agriculture
Section 14–102
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Agriculture
Section 14–102
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Chapter 105 of the Acts of the General Assembly of 2016
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Agriculture

[14–101.

(a) In this section, "industrial hemp" means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(b) Subject to subsection (c) of this section, a person may plant, grow, harvest, possess, process, sell, or buy industrial hemp in the State.

(c) Before planting or growing industrial hemp, a person shall register with the Department.**]**

Chapter 456 of the Acts of 2015

[SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the taking effect of the federal Industrial Hemp Farming Act of 2015 or another federal law that delegates authority over industrial hemp to the states or authorizes a person to plant, grow, harvest, possess, process, sell, and buy industrial hemp. The Maryland Department of Agriculture shall notify the Department of Legislative Services within 5 days after the effective date of a federal law delegating authority to the states or authorizing the farming, possession, processing, and sale of industrial hemp. If a federal law does not take effect on or before October 1, 2030, this Act shall be null and void without the necessity of further action by the General Assembly.**]**

[SECTION 3. AND BE IT FURTHER ENACTED, That at the end of October 1, 2030, with no further action required by the General Assembly, § 14–101(c) of the Agriculture Article, as enacted by this Act, shall be abrogated and of no further force and effect.**]**

SECTION 4. AND BE IT FURTHER ENACTED, That**[**, subject to Section 2 of this Act,**]** this Act shall take effect October 1, 2015.

Article – Agriculture

14–101.

(a) In this subtitle the following words have the meanings indicated.

(B) "INDEPENDENT TESTING LABORATORY" HAS THE MEANING STATED IN § 13–3301 OF THE HEALTH – GENERAL ARTICLE.

[(b)**] (C)** (1) "Industrial hemp" means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(2) "Industrial hemp" does not include any plant or part of a plant intended for a use that is regulated under Title 13, Subtitle 33 of the Health – General Article.

[(c)**] (D)** "Institution of higher education" has the meaning stated in **[**§ 10–101 of the Education Article**] THE FEDERAL HIGHER EDUCATION ACT OF 1965**.

(E) "PROGRAM" MEANS THE INDUSTRIAL HEMP PILOT PROGRAM ESTABLISHED UNDER § 14–102 OF THIS SUBTITLE.

[14–102.

(a) Subject to subsection (b) of this section, the Department or an institution of higher education may grow or cultivate industrial hemp if the industrial hemp is grown or cultivated for agricultural research or academic research purposes.

(b) A site used by the Department or an institution of higher education to grow or cultivate industrial hemp shall be certified by and registered with the Department.

(c) The Department may adopt regulations to carry out the provisions of this subtitle.**]**

14–102.

(A) THERE IS AN INDUSTRIAL HEMP PILOT PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO AUTHORIZE AND FACILITATE THE RESEARCH OF INDUSTRIAL HEMP AND ANY ASPECT OF GROWING, CULTIVATING, HARVESTING, PROCESSING, MANUFACTURING, TRANSPORTING, MARKETING, OR SELLING INDUSTRIAL HEMP FOR AGRICULTURAL, INDUSTRIAL, OR COMMERCIAL PURPOSES.

(C) THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION THAT

SUBMITS AN APPLICATION TO THE DEPARTMENT IN A MANNER DETERMINED BY THE DEPARTMENT MAY GROW, CULTIVATE, HARVEST, PROCESS, MANUFACTURE, TRANSPORT, MARKET, OR SELL INDUSTRIAL HEMP UNDER THE PROGRAM IF THE INDUSTRIAL HEMP IS GROWN OR CULTIVATED TO FURTHER AGRICULTURAL RESEARCH OR ACADEMIC RESEARCH PURPOSES.

(D) (1) THE DEPARTMENT SHALL CERTIFY AND REGISTER A SITE THAT WILL BE USED TO GROW OR CULTIVATE INDUSTRIAL HEMP UNDER THE PROGRAM.

(2) THE DEPARTMENT MAY CHARGE A FEE OF UP TO $250 TO CERTIFY AND REGISTER A SITE THAT WILL BE USED TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(E) TO CARRY OUT THE PURPOSE OF THE PROGRAM:

(1) TO THE EXTENT NECESSARY, THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION MAY CONTRACT WITH A PERSON TO GROW OR CULTIVATE INDUSTRIAL HEMP; AND

(2) A PERSON THAT GROWS OR CULTIVATES INDUSTRIAL HEMP UNDER THE PROGRAM MAY PURCHASE OR OTHERWISE OBTAIN SEEDS THAT PRODUCE PLANTS THAT MEET THE DEFINITION OF "INDUSTRIAL HEMP" UNDER § 14–101 OF THIS SUBTITLE.

(F) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A PERSON THAT GROWS OR CULTIVATES INDUSTRIAL HEMP UNDER THE PROGRAM SHALL:

(I) VERIFY THAT THE PLANTS GROWN OR CULTIVATED BY THE PERSON MEET THE DEFINITION OF "INDUSTRIAL HEMP" UNDER § 14–101 OF THIS SUBTITLE;

(II) MAINTAIN ALL RECORDS OF VERIFICATION AT THE SITE THAT IS USED TO GROW OR CULTIVATE INDUSTRIAL HEMP; AND

(III) MAKE ALL RECORDS AVAILABLE FOR INSPECTION BY:

1. THE DEPARTMENT; OR

2. THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH THE PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(2) THE VERIFICATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) DOCUMENTATION FROM AN INDEPENDENT TESTING LABORATORY REGISTERED UNDER § 13–3311 OF THE HEALTH – GENERAL ARTICLE; OR

(II) DOCUMENTATION FROM THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH THE PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(3) AN INDEPENDENT TESTING LABORATORY OR AN INSTITUTION OF HIGHER EDUCATION THAT PROVIDES VERIFICATION DOCUMENTATION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL CONDUCT ON–SITE INSPECTIONS TO PERFORM THE TESTING NECESSARY FOR THE VERIFICATION.

(4) THE FREQUENCY OF THE VERIFICATION REQUIRED UNDER THIS SUBSECTION SHALL BE DETERMINED BY:

(I) THE DEPARTMENT; OR

(II) THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH A PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(1) INDUSTRIAL HEMP GROWN OR CULTIVATED UNDER THE PROGRAM IS AN AGRICULTURAL PRODUCT THAT MAY BE:

(I) POSSESSED IN THE STATE; AND

(II) SOLD, DISTRIBUTED, TRANSPORTED, MARKETED, OR PROCESSED IN THE STATE OR OUTSIDE THE STATE; AND

(2) INDUSTRIAL HEMP GROWN, CULTIVATED, AND HARVESTED IN A STATE THAT AUTHORIZES THE GROWTH, CULTIVATION, AND HARVESTING OF INDUSTRIAL HEMP MAY BE PROCESSED, MANUFACTURED, TRANSPORTED, MARKETED, OR SOLD IN THE STATE UNDER THE PROGRAM.

(H) THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION MAY COLLECT AND PUBLISH DATA AND RESEARCH ON INDUSTRIAL HEMP, INCLUDING DATA AND RESEARCH ON THE GROWTH, CULTIVATION, PRODUCTION, AND

PROCESSING OF INDUSTRIAL HEMP AND PRODUCTS DERIVED FROM INDUSTRIAL HEMP.

(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

Chapter 105 of the Acts of 2016

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. **[**It shall remain effective until the taking effect of Chapter 456 of the Acts of the General Assembly of 2015. If Chapter 456 takes effect, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 477

(House Bill 1117)

AN ACT concerning

Alarm Systems – Registration and Renewal – Penalties

FOR the purpose of authorizing a county and a municipality to impose a penalty against an alarm system contractor for the alarm system contractor's ~~or the alarm user's~~ failure to register an alarm system under certain circumstances; authorizing a county and a municipality to impose a penalty against an alarm system contractor for the alarm system contractor's ~~or the alarm user's~~ failure to renew an alarm system's registration ~~within a certain number of days after a certain request for service~~ under certain circumstances; defining certain terms; and generally relating to alarm system registration and renewal.

BY adding to
Article – Local Government
Section 1–1312
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Local Government

Section 12–806(a)(1) through (3)
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Local Government

1–1312.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ALARM SYSTEM CONTRACTOR" HAS THE MEANING STATED IN § 12–806 OF THIS ARTICLE.

(3) "ALARM USER" HAS THE MEANING STATED IN § 12–806 OF THIS ARTICLE.

(B) THIS SECTION APPLIES TO ALL COUNTIES AND MUNICIPALITIES.

(C) IF A COUNTY OR MUNICIPALITY REQUIRES AN ALARM USER OR AN ALARM SYSTEM CONTRACTOR TO REGISTER AN ALARM SYSTEM, THE COUNTY OR MUNICIPALITY MAY IMPOSE A PENALTY AGAINST AN ALARM SYSTEM CONTRACTOR FOR FAILURE TO REGISTER AN ALARM SYSTEM ONLY IF:

(1) THE ALARM SYSTEM CONTRACTOR REQUESTED ~~AN EMERGENCY~~ A DISPATCH TO AN ALARM USER; AND

(2) ~~THE ALARM USER OR~~ THE ALARM SYSTEM CONTRACTOR FAILED TO REGISTER THE ALARM SYSTEM~~; AND~~

~~(3) THE ALARM SYSTEM CONTRACTOR OR ALARM USER DOES NOT REGISTER THE ALARM SYSTEM WITHIN 10 CALENDAR DAYS OF THE REQUESTED EMERGENCY DISPATCH~~.

(D) IF A COUNTY OR MUNICIPALITY REQUIRES AN ALARM USER OR AN ALARM SYSTEM CONTRACTOR TO RENEW AN ALARM SYSTEM'S REGISTRATION, THE COUNTY OR MUNICIPALITY MAY IMPOSE A PENALTY AGAINST AN ALARM SYSTEM CONTRACTOR FOR FAILURE TO RENEW AN ALARM SYSTEM'S REGISTRATION ONLY IF:

(1) THE ALARM SYSTEM CONTRACTOR REQUESTED ~~AN EMERGENCY~~ A DISPATCH TO AN ALARM USER;

(2) ~~THE ALARM USER OR~~ THE ALARM SYSTEM CONTRACTOR FAILED TO RENEW THE ALARM SYSTEM'S REGISTRATION; AND

(3) ~~THE ALARM SYSTEM CONTRACTOR OR ALARM USER DOES NOT RENEW THE ALARM SYSTEM'S REGISTRATION WITHIN 10 CALENDAR DAYS OF THE REQUESTED EMERGENCY DISPATCH~~ THE COUNTY OR MUNICIPALITY PROVIDED THE ALARM SYSTEM CONTRACTOR NOTICE THAT:

(I) THE ALARM SYSTEM'S REGISTRATION EXPIRED;

(II) THE ALARM USER OR THE ALARM SYSTEM CONTRACTOR DID NOT RENEW THE ALARM SYSTEM'S REGISTRATION; OR

(III) THE ALARM SYSTEM'S REGISTRATION HAS BEEN SUSPENDED.

12–806.

(a) (1) In this section the following words have the meanings indicated.

(2) "Alarm system contractor" means a person who installs, maintains, monitors, alters, or services an alarm system.

(3) (i) "Alarm user" means a person in control of an alarm system in, on, or around any building, structure, facility, or site.

(ii) "Alarm user" includes the owner or lessee of an alarm system.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 478

(Senate Bill 927)

AN ACT concerning

Alarm Systems – Registration and Renewal – Penalties

FOR the purpose of authorizing a county and a municipality to impose a penalty against an alarm system contractor for the alarm system contractor's ~~or the alarm user's~~ failure to register an alarm system under certain circumstances; authorizing a

county and a municipality to impose a penalty against an alarm system contractor for the alarm system contractor's ~~or the alarm user's~~ failure to renew an alarm system's registration ~~within a certain number of days after a certain request for service~~ under certain circumstances; defining certain terms; and generally relating to alarm system registration and renewal.

BY adding to
Article – Local Government
Section 1–1312
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Local Government
Section 12–806(a)(1) through (3)
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Local Government

1–1312.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ALARM SYSTEM CONTRACTOR" HAS THE MEANING STATED IN § 12–806 OF THIS ARTICLE.

(3) "ALARM USER" HAS THE MEANING STATED IN § 12–806 OF THIS ARTICLE.

(B) THIS SECTION APPLIES TO ALL COUNTIES AND MUNICIPALITIES.

(C) IF A COUNTY OR MUNICIPALITY REQUIRES AN ALARM USER OR AN ALARM SYSTEM CONTRACTOR TO REGISTER AN ALARM SYSTEM, THE COUNTY OR MUNICIPALITY MAY IMPOSE A PENALTY AGAINST AN ALARM SYSTEM CONTRACTOR FOR FAILURE TO REGISTER AN ALARM SYSTEM ONLY IF:

(1) THE ALARM SYSTEM CONTRACTOR REQUESTED ~~AN EMERGENCY~~ A DISPATCH TO AN ALARM USER; AND

(2) ~~THE ALARM USER OR~~ THE ALARM SYSTEM CONTRACTOR FAILED TO REGISTER THE ALARM SYSTEM~~; AND~~

~~(3) THE ALARM SYSTEM CONTRACTOR OR ALARM USER DOES NOT REGISTER THE ALARM SYSTEM WITHIN 10 CALENDAR DAYS OF THE REQUESTED EMERGENCY DISPATCH~~.

(D) IF A COUNTY OR MUNICIPALITY REQUIRES AN ALARM USER OR AN ALARM SYSTEM CONTRACTOR TO RENEW AN ALARM SYSTEM'S REGISTRATION, THE COUNTY OR MUNICIPALITY MAY IMPOSE A PENALTY AGAINST AN ALARM SYSTEM CONTRACTOR FOR FAILURE TO RENEW AN ALARM SYSTEM'S REGISTRATION ONLY IF:

(1) THE ALARM SYSTEM CONTRACTOR REQUESTED ~~AN EMERGENCY~~ A DISPATCH TO AN ALARM USER;

(2) ~~THE ALARM USER OR~~ THE ALARM SYSTEM CONTRACTOR FAILED TO RENEW THE ALARM SYSTEM'S REGISTRATION; AND

(3) ~~THE ALARM SYSTEM CONTRACTOR OR ALARM USER DOES NOT RENEW THE ALARM SYSTEM'S REGISTRATION WITHIN 10 CALENDAR DAYS OF THE REQUESTED EMERGENCY DISPATCH~~ THE COUNTY OR MUNICIPALITY PROVIDED THE ALARM SYSTEM CONTRACTOR NOTICE THAT:

(I) THE ALARM SYSTEM'S REGISTRATION EXPIRED;

(II) THE ALARM USER OR THE ALARM SYSTEM CONTRACTOR DID NOT RENEW THE ALARM SYSTEM'S REGISTRATION; OR

(III) THE ALARM SYSTEM'S REGISTRATION HAS BEEN SUSPENDED.

12–806.

(a) (1) In this section the following words have the meanings indicated.

(2) "Alarm system contractor" means a person who installs, maintains, monitors, alters, or services an alarm system.

(3) (i) "Alarm user" means a person in control of an alarm system in, on, or around any building, structure, facility, or site.

(ii) "Alarm user" includes the owner or lessee of an alarm system.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 479

(House Bill 187)

AN ACT concerning

Financial Institutions – Nondepository Special Fund – Expansion

FOR the purpose of requiring certain revenue, fees, and examination and investigation fees and assessments relating to the licensure of collection agencies, consumer lenders, installment lenders, sales finance companies, mortgage lenders, check cashing services, and credit services businesses to be credited to the Nondepository Special Fund; altering the composition and the purpose of the Fund; making conforming and stylistic changes; and generally relating to financial regulation and the Nondepository Special Fund.

BY adding to
Article – Business Regulation
Section 7–302.2
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Financial Institutions
Section 11–203.3, 11–402.1, and 12–104.1
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 11–503.2 and 11–610
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Business Regulation

7–302.2.

(A) ALL REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER THIS TITLE AND ANY OTHER FEE OR REVENUE RECEIVED BY THE BOARD UNDER THIS TITLE SHALL BE:

(1) CREDITED TO THE NONDEPOSITORY SPECIAL FUND ESTABLISHED UNDER § 11–610 OF THE FINANCIAL INSTITUTIONS ARTICLE; AND

(2) USED IN ACCORDANCE WITH § 11–610(C) OF THE FINANCIAL INSTITUTIONS ARTICLE.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE BOARD UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.

Article – Financial Institutions

11–203.3.

(A) ALL REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE AND ANY OTHER FEE OR REVENUE RECEIVED BY THE COMMISSIONER UNDER THIS SUBTITLE SHALL BE:

(1) CREDITED TO THE NONDEPOSITORY SPECIAL FUND ESTABLISHED UNDER § 11–610 OF THIS TITLE; AND

(2) USED IN ACCORDANCE WITH § 11–610(C) OF THIS TITLE.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE COMMISSIONER UNDER THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE INTO THE GENERAL FUND OF THE STATE.

11–402.1.

(A) ALL REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER THIS SUBTITLE AND ANY OTHER FEE, INVESTIGATION FEE OR ASSESSMENT, OR REVENUE RECEIVED BY THE COMMISSIONER UNDER THIS SUBTITLE SHALL BE:

(1) CREDITED TO THE NONDEPOSITORY SPECIAL FUND ESTABLISHED UNDER § 11–610 OF THIS TITLE; AND

(2) USED IN ACCORDANCE WITH § 11–610(C) OF THIS TITLE.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE COMMISSIONER UNDER THIS SUBTITLE INTO THE GENERAL FUND OF THE STATE.

11–503.2.

(a) All revenue received for the licensing of persons under this subtitle and any other fee, examination **OR INVESTIGATION FEE OR** assessment, or revenue received by the Commissioner under this subtitle shall be:

(1) Credited to the Nondepository Special Fund established under § 11–610 of this title; and

(2) Used in accordance with § 11–610(c) of this title.

(b) Notwithstanding subsection (a) of this section, the Commissioner shall pay all fines and penalties collected by the Commissioner under this subtitle into the General Fund of the State.

11–610.

(a) There is a Nondepository Special Fund that consists of:

(1) Revenue received for the licensing of individuals under this subtitle;

(2) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER SUBTITLE 2 OF THIS TITLE;

(3) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER SUBTITLE 3 OF THIS TITLE;

(4) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER SUBTITLE 4 OF THIS TITLE;

[(2)**] (5)** Revenue received for the licensing of persons under Subtitle 5 of this title;

(6) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER TITLE 12, SUBTITLE 1 OF THIS ARTICLE;

[(3)**] (7)** Revenue received for the licensing of persons under Title 12, Subtitle 4 of this article;

[(4)**] (8)** Revenue received for the licensing of persons under Title 12, Subtitle 9 of this article;

[(5)**] (9)** Revenue received for the registration of persons under Title 12, Subtitle 10 of this article;

(10) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER TITLE 7 OF THE BUSINESS REGULATION ARTICLE;

(11) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER TITLE 14, SUBTITLE 19 OF THE COMMERCIAL LAW ARTICLE;

[(6)**] (12)** Income from the investments that the State Treasurer makes for the Fund; and

[(7)**] (13) (I)** Any other fee, examination **OR INVESTIGATION FEE OR** assessment, or revenue received by the Commissioner under this subtitle, **[**Subtitle**] SUBTITLES 2, 3, 4, AND** 5 of this title, **[**and**]** Title 12, Subtitles **1,** 4, 9, and 10 of this article**, AND TITLE 14, SUBTITLE 19 OF THE COMMERCIAL LAW ARTICLE; AND**

(II) ANY OTHER FEE OR REVENUE RECEIVED BY THE STATE COLLECTION AGENCY LICENSING BOARD UNDER TITLE 7 OF THE BUSINESS REGULATION ARTICLE.

(b) Notwithstanding subsection (a) of this section**[**, the**]:**

(1) THE Commissioner shall pay all fines and penalties collected by the Commissioner under ***TITLE 2, SUBTITLE 1 OF THIS ARTICLE,*** this subtitle, **[**Subtitle**] SUBTITLES 2, 3, 4, AND** 5 of this title, **[**and**]** Title 12, Subtitles **1,** 4, 9, and 10 of this article**, AND TITLE 14, SUBTITLE 19 OF THE COMMERCIAL LAW ARTICLE** into the General Fund of the State**; AND**

(2) THE COLLECTION AGENCY LICENSING BOARD SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE BOARD UNDER TITLE 7 OF THE BUSINESS REGULATION ARTICLE INTO THE GENERAL FUND OF THE STATE.

(c) The purpose of the Fund is to cover the direct and indirect costs of fulfilling the statutory and regulatory duties of the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD*** related to:

(1) ***TITLE 2, SUBTITLE 1 OF THIS ARTICLE;***

(2) This subtitle;

~~(2)~~ ***(3)*** **SUBTITLE 2 OF THIS TITLE;**

~~(3)~~ ***(4)*** **SUBTITLE 3 OF THIS TITLE;**

~~(4)~~ ***(5)*** **SUBTITLE 4 OF THIS TITLE;**

[(2)**]** ~~(5)~~ ***(6)*** Subtitle 5 of this title;

~~(6)~~ ***(7)*** **TITLE 12, SUBTITLE 1 OF THIS ARTICLE;**

[(3)**]** ~~**(7)**~~ ***(8)*** Title 12, Subtitle 4 of this article;

[(4)**]** ~~**(8)**~~ ***(9)*** Title 12, Subtitle 9 of this article;

[(5)**]** ~~**(9)**~~ ***(10)*** Title 12, Subtitle 10 of this article; **[**and**]**

~~**(10)**~~ ***(11)*** **TITLE 7 OF THE BUSINESS REGULATION ARTICLE;**

~~**(11)**~~ ***(12)*** ***TITLE 12, SUBTITLES 5, 6, 9, AND 10 OF THE COMMERCIAL LAW ARTICLE;***

(13) **TITLE 14, SUBTITLE 19 OF THE COMMERCIAL LAW ARTICLE;** ~~**AND**~~

(14) ***TITLE 7, SUBTITLES 1, 3, 4, AND 5 OF THE REAL PROPERTY ARTICLE; AND***

[(6)**]** ~~**(12)**~~ ***(15)*** Any other expense authorized in the State budget.

(d) (1) The annual State budget shall include the costs and expenses of the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD*** relating to ***SUBSECTION (C) OF THIS SECTION*** ~~the regulation of mortgage lending, mortgage origination, money transmission, debt management services, and debt settlement services~~.

(2) Any expenditures from the Fund to cover costs and expenses of the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD RELATING TO SUBSECTION (C) OF THIS SECTION*** may be made only:

(i) With an appropriation from the Fund approved by the General Assembly in the annual State budget; or

(ii) By the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article.

(3) If, in any fiscal year, the amount of the revenue collected by the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD*** and deposited into the Fund exceeds the actual appropriation for the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION,*** ~~to regulate **CONSUMER LOANS UNDER SUBTITLE 2 OF THIS TITLE; INSTALLMENT LOANS UNDER SUBTITLE 3 OF THIS TITLE; SALES FINANCE COMPANIES UNDER SUBTITLE 4 OF THIS TITLE;** mortgage lending under Subtitle 5 of this title; mortgage origination under this subtitle; **CHECK CASHING SERVICES UNDER TITLE 12, SUBTITLE 1 OF THIS ARTICLE;** money transmission under Title 12, Subtitle 4 of this article; debt management services under Title 12, Subtitle 9 of this article;~~ **[**and**]** ~~debt settlement services under Title 12, Subtitle 10 of this article**; COLLECTION AGENCIES UNDER TITLE 7 OF THE BUSINESS REGULATION ARTICLE; AND CREDIT SERVICES**~~

~~BUSINESSES UNDER TITLE 14, SUBTITLE 19 OF THE COMMERCIAL LAW ARTICLE,~~ the excess amount shall be carried forward within the Fund.

(e) (1) The State Treasurer is the custodian of the Fund.

(2) The State Treasurer shall deposit payments received from the Commissioner into the Fund.

(f) (1) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The Fund may not be deemed a part of the General Fund of the State.

(2) Unless otherwise provided by law, no part of the Fund may revert or be credited to:

(i) The General Fund of the State; or

(ii) Any other special fund of the State.

12–104.1.

(A) ALL REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER THIS SUBTITLE AND ANY OTHER FEE OR REVENUE RECEIVED BY THE COMMISSIONER UNDER THIS SUBTITLE SHALL BE:

(1) CREDITED TO THE NONDEPOSITORY SPECIAL FUND ESTABLISHED UNDER § 11–610 OF THIS ARTICLE; AND

(2) USED IN ACCORDANCE WITH § 11–610(C) OF THIS ARTICLE.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE COMMISSIONER UNDER THIS SUBTITLE INTO THE GENERAL FUND OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 480

(House Bill 848)

AN ACT concerning

Commissioner of Financial Regulation – Consumer Reporting Agencies

FOR the purpose of ~~altering the number of consumer reports that a consumer reporting agency must provide without imposing a fee;~~ altering a certain prohibition on a consumer bringing a certain action or proceeding against a consumer reporting agency; altering the manner in which a consumer may place, temporarily lift, or remove a security freeze on the consumer's report; requiring a consumer reporting agency to develop certain procedures involving the use of certain secure connections to receive and process certain requests to place or remove a security freeze; authorizing a consumer reporting agency to develop certain electronic methods under certain circumstances; altering the requirement that a consumer reporting agency comply with a certain request; requiring, rather than authorizing, a consumer reporting agency to develop certain procedures for the temporary lift and removal of a security freeze and altering the type of procedures required; ~~prohibiting a consumer reporting agency from charging a consumer or a protected consumer for any service relating to a security freeze; altering a certain notice that must be included with a certain summary of rights provided to a consumer; altering the requirement that a consumer reporting agency place a security freeze for a certain protected consumer and the time period in which a consumer reporting agency must place a security freeze for a protected consumer; requiring a consumer reporting agency to establish certain procedures to facilitate the prompt identification of certain protected consumers; altering the manner in which a protected consumer or a protected consumer's representative must remove a security freeze for the protected consumer; requiring the Department of Human Services and the Department of Public Safety and Correctional Services to transmit certain information to a consumer reporting agency in a certain time period; authorizing each department to enter into certain agreements with a consumer reporting agency; requiring a consumer reporting agency to notify certain protected consumers who lose their status as protected consumers of certain provisions relating to security freezes; prohibiting a person from operating as a consumer reporting agency unless the person is registered as~~ requiring a consumer reporting agency to register each year with the Commissioner of Financial Regulation; requiring a consumer reporting agency to take certain actions and include certain information in order to submit a registration with the Commissioner; providing that a registration is not complete unless it meets certain requirements; requiring certain fees and other revenues collected to be deposited in a certain fund under certain circumstances; ~~requiring a consumer reporting agency to obtain and maintain a certain unique identifier and transfer registration information to a certain nationwide licensing system within a certain time period; requiring the Commissioner to establish a certain time period and provide a certain notification regarding a certain transfer; requiring a consumer reporting agency to submit an initial registration or registration renewal through a certain nationwide licensing system under certain circumstances; establishing a certain registration term and certain requirements and procedures related to a registration renewal for a consumer reporting agency;~~ authorizing the Commissioner

to require a consumer reporting agency to register through a certain nationwide licensing system or through certain other means; requiring a registrant to file a certain surety bond with the Commissioner under certain circumstances and requiring the bond to meet certain requirements; providing for the liability of a certain surety and the manner in which certain claims and penalties must be processed; authorizing the cancellation of a certain bond and specifying the manner in which the bond must be canceled; authorizing certain claims to be filed against a certain bond; altering the authority of the Commissioner to take certain enforcement actions and impose certain penalties; requiring the Commissioner to pay certain fines and penalties into certain funds; requiring and authorizing the Commissioner to adopt certain regulations; requiring a registrant to pay a certain fee for certain investigations; providing that certain requirements regarding the privacy or confidentiality of certain information or material provided to a certain nationwide licensing system continue to apply after disclosure of the information or material to the system; authorizing certain information and materials to be shared with certain officials under certain circumstances; authorizing the Commissioner to enter into certain information–sharing agreements and exchange certain information; providing that certain provisions of this Act supersede certain provisions of law under certain circumstances; authorizing the Commissioner to participate in a certain nationwide licensing system for consumer reporting agencies; altering the composition and purpose of the Nondepository Special Fund; requiring the annual State budget to include certain costs and expenses ~~relating to the regulation of consumer reporting agencies~~; requiring certain excess revenue to be carried forward within the Fund; providing that the powers and authority conferred by this Act are supplemental to other powers of the Commissioner; providing for the application of certain provisions of this Act; defining certain terms; altering certain definitions; making conforming changes; making stylistic changes; and generally relating to the Commissioner of Financial Regulation and consumer reporting agencies.

~~BY repealing~~
~~Article – Commercial Law~~
~~Section 14–1212.3~~
~~Annotated Code of Maryland~~
~~(2013 Replacement Volume and 2017 Supplement)~~

BY renumbering
Article – Commercial Law
Section 14–1213 through 14–1218, respectively
to be Section ~~14–1222~~ 14–1221 through ~~14–1227~~ 14–1226, respectively
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article – Commercial Law
New part designation "Part I. General Provisions" to immediately precede Section 14–1201; Section 14–1215 through ~~14–1219~~ 14–1218 to be under the new part "Part II. Registration and Bond Requirements"; the new part designation

"Part III. Enforcement, Penalties, and Miscellaneous Provisions" to immediately precede Section ~~14–1222~~ 14–1221; and ~~14–1228~~ 14–1227
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
~~Section 14–1201, 14–1207(e), 14–1209, 14–1212.1(c), (e), (h), (i), (j), and (l), and 14–1212.2~~ Section 14–1201, 14–1207(e), 14–1212.1(c), (e), (h), and (l), and 14–1212.2(a) and (k)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 14–1212.1(g)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section ~~14–1222(a)~~ 14–1221(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)
(As enacted by Section ~~2~~ 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section ~~14–1227~~ 14–1226
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)
(As enacted by Section ~~2~~ 1 of this Act)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–101(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 1–101(q), 2–105.1, and 11–610(a) through (d)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) ~~14–1212.3 of Article – Commercial Law of the Annotated Code of Maryland be repealed.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s)~~ 14–1213 through 14–1218, respectively, of Article – Commercial Law of the Annotated Code of Maryland be renumbered to be Section(s) ~~14–1222 through 14–1227~~ 14–1221 through 14–1226, respectively.

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Commercial Law

PART I. GENERAL PROVISIONS.

14–1201.

(a) In this subtitle the following words have the meanings indicated.

(B) "BREACH OF THE SECURITY OF A SYSTEM" HAS THE MEANING STATED IN § 14–3504 OF THIS TITLE.

[(b)**] (C)** "Commissioner" means the Commissioner of Financial Regulation of the Department of Labor, Licensing, and Regulation.

[(c)**] (D)** "Consumer" means an individual.

[(d)**] (E)** (1) "Consumer report" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for:

(i) Credit or insurance to be used primarily for personal, family, or household purposes;

(ii) Employment purposes; or

(iii) Other purposes authorized under § 14–1202 of this subtitle.

(2) The term does not include:

(i) Any report containing information solely as to transactions or experiences between the consumer and the person making the report;

(ii) Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or

(iii) Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to the request, if the third party advises the consumer of the name and address of the person to whom the request was made and the person makes the disclosures to the consumer required under § 14–1212 of this subtitle.

[(e)**] (F)** (1) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of commerce for the purpose of preparing or furnishing consumer reports.

(2) "Consumer reporting agency" does not include:

(i) A person licensed as a private detective agency or certified as a private detective under the Maryland Private Detectives Act; or

(ii) A person who assembles and exchanges consumer credit information with an affiliated person or a person who is owned or controlled by the same entity, provided that, in the event of an adverse credit decision against a consumer based on that information, the entity making the decision shall comply with the notice requirements of § 14–1212(b) of this subtitle.

~~**(G) (1) "CONTROL PERSON" MEANS A PERSON THAT HAS THE POWER, DIRECTLY OR INDIRECTLY, TO DIRECT THE MANAGEMENT OR POLICIES OF A REGISTRANT, WHETHER THROUGH OWNERSHIP OF SECURITIES, BY CONTRACT, OR OTHERWISE.**~~

~~**(2) "CONTROL PERSON" INCLUDES A PERSON THAT:**~~

~~**(I) IS A GENERAL PARTNER, AN OFFICER, A DIRECTOR, OR A MEMBER, OR OCCUPIES A SIMILAR POSITION OR PERFORMS A SIMILAR FUNCTION;**~~

~~**(II) 1. DIRECTLY OR INDIRECTLY HAS THE RIGHT TO VOTE 5% OR MORE OF A CLASS OF VOTING SECURITIES OF A REGISTRANT; OR**~~

~~**2. HAS THE POWER TO SELL OR DIRECT THE SALE OF 5% OR MORE OF A CLASS OF VOTING SECURITIES OF A REGISTRANT; OR**~~

~~(III) IN THE CASE OF A PARTNERSHIP, A LIMITED PARTNERSHIP, A LIMITED LIABILITY PARTNERSHIP, A LIMITED LIABILITY COMPANY, OR ANY OTHER BUSINESS ENTITY:~~

~~1. HAS THE RIGHT TO RECEIVE ON LIQUIDATION OR DISSOLUTION OF A REGISTRANT 5% OR MORE OF THE CAPITAL OF THE REGISTRANT; OR~~

~~2. HAS CONTRIBUTED 5% OR MORE OF THE CAPITAL OF A REGISTRANT.~~

[(f)**]** ~~(II)~~ **(G)** "Employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.

[(g)**]** ~~(I)~~ **(H)** "File", when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

~~(J) "FOSTER CARE" HAS THE MEANING STATED IN § 5–501 OF THE FAMILY LAW ARTICLE.~~

~~(K) "INMATE" HAS THE MEANING STATED~~

(I) "INCARCERATED PERSON" MEANS AN INMATE AS DEFINED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE WHO HAS BEEN SENTENCED TO A CORRECTIONAL FACILITY FOR A PERIOD OF 1 YEAR OR MORE.

[(h)**]** ~~(L)~~ **(J)** "Investigative consumer report" means a consumer report or portion of it in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any items of information. However, the information does not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when the information was obtained directly from a creditor of the consumer or from the consumer.

~~(M) "LOCAL DEPARTMENT" MEANS:~~

~~(1) A LOCAL DEPARTMENT OF SOCIAL SERVICES CREATED OR CONTINUED IN A COUNTY OF THE STATE OR IN BALTIMORE CITY UNDER § 3–201 OF THE HUMAN SERVICES ARTICLE; OR~~

~~(2) IN MONTGOMERY COUNTY, THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.~~

[(i)] ~~(N)~~ (K) "Medical information" means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

~~(O)~~ (L) **"NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY" OR "NMLS" HAS THE MEANING STATED IN § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE.**

~~(P) "PERIOD OF MILITARY SERVICE" MEANS THE PERIOD BEGINNING ON THE DATE ON WHICH A SERVICE MEMBER ENTERS MILITARY SERVICE AND ENDING ON THE DATE ON WHICH THE SERVICE MEMBER IS RELEASED FROM MILITARY SERVICE OR DIES WHILE IN MILITARY SERVICE.~~

[(j)] ~~(Q)~~ (M) "Person" includes an individual, corporation, government or governmental subdivision or agency, business trust, statutory trust, estate, trust, partnership, association, two or more persons having a joint or common interest, and any other legal or commercial entity.

~~(R) "REGISTRANT" MEANS A PERSON REGISTERED WITH THE COMMISSIONER UNDER THIS SUBTITLE AS A CONSUMER REPORTING AGENCY.~~

~~(S)~~ (N) **"SERVICE MEMBER" MEANS AN INDIVIDUAL** ~~WHO IS AN ACTIVE DUTY MEMBER OF:~~

~~(1) THE ARMED FORCES OF THE UNITED STATES;~~

~~(2) A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES; OR~~

~~(3) THE NATIONAL GUARD OF ANY STATE~~ IN MILITARY SERVICE WHO:

(1) (I) **IS ON ACTIVE DUTY AS DEFINED IN SECTION 101(D)(1) OF TITLE 10 OF THE UNITED STATES CODE; OR**

(II) **IS A RESERVIST PERFORMING DUTY UNDER A CALL OR ORDER TO ACTIVE DUTY UNDER SECTION 101(A)(13) OF TITLE 10 OF THE UNITED STATES CODE; AND**

(2) **IS ASSIGNED TO SERVICE AWAY FROM THE USUAL DUTY STATION OF THE INDIVIDUAL.**

~~(T)~~ (O) **"STATE CORRECTIONAL FACILITY" HAS THE MEANING STATED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE.**

14–1207.

(e) Except as provided in **[**§ 14–1213**]** ~~**§ 14–1222**~~ **§ 14–1221** of this subtitle, no consumer may**:**

(1) EXCEPT AS TO FALSE INFORMATION FURNISHED WITH MALICE OR WILLFUL INTENT TO INJURE THE CONSUMER, bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, based on information disclosed pursuant to this section or § 14–1206 or § 14–1212 of this subtitle**[**, except as to false information furnished with malice or willful intent to injure the consumer. Except as provided in § 14–1213 of this subtitle, no consumer may bring**]; OR**

(2) BRING any action or proceeding against a person who furnishes information to a consumer reporting agency in the nature of defamation, invasion of privacy, or negligence for unintentional error.

~~14–1209.~~

~~(a) Notwithstanding the provisions of subsection (b) of this section, a consumer reporting agency may not impose a fee for:~~

~~(1) A consumer report provided under § 14–1206(a) of this subtitle **[**one time**]** **TWO TIMES** during a 12–month period;~~

~~(2) A consumer report or disclosure provided under §§ 14–1206(a) and 14–1208(e) of this subtitle if the consumer makes a request for the report within 30 days after receipt by the consumer of a notification under § 14–1212 of this subtitle or notification from a debt collection agency affiliated with a consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected; or~~

~~(3) A disclosure made under § 14–1208(e) of this subtitle to a person designated by the consumer of the deletion from the consumer report of information that is found to be inaccurate or can no longer be verified.~~

~~(b) (1) A consumer reporting agency may charge a consumer a reasonable fee:~~

~~(i) For a **[**second**]** **THIRD** or subsequent report made during a 12–month period under § 14–1206(a) of this subtitle, not exceeding $5; and~~

~~(ii) For furnishing information under § 14–1208(e) of this subtitle, not exceeding the fee that the consumer reporting agency would impose on each designated recipient for a consumer report.~~

~~(2) The consumer reporting agency shall indicate the amount of the fee to the consumer before providing the report or furnishing the information.~~

14–1212.1.

(c) (1) A consumer may elect to place a security freeze on the consumer's consumer report by:

(i) Written request sent by certified mail;

(ii) Subject to paragraph (6) of this subsection, telephone, by providing certain personal information that the consumer reporting agency may require to verify the identity of the consumer; **OR**

(iii) **[**Electronic mail using an electronic postmark if a secure electronic mail connection is made available by the consumer reporting agency; or

(iv) If the consumer reporting agency makes a secure connection available on its Web site, an**] AN** electronic request **TRANSMITTED** through **[**that**] A** secure connection **MADE AVAILABLE BY THE CONSUMER REPORTING AGENCY ON THE WEBSITE OF THE CONSUMER REPORTING AGENCY**.

(2) A consumer reporting agency shall require a consumer to provide proper identifying information when requesting a security freeze.

(3) Except as provided in paragraph (5) of this subsection, a consumer reporting agency shall place a security freeze on a consumer's consumer report within 3 business days after receiving a request under paragraph (1) of this subsection.

(4) Within 5 business days after placing a security freeze on a consumer's consumer report, the consumer reporting agency shall:

(i) Send a written confirmation of the security freeze to the consumer;

(ii) Provide the consumer with a unique personal identification number or password to be used by the consumer when authorizing the release of the consumer's consumer report to a specific person or for a specific period of time; and

(iii) Provide the consumer with a written statement of the procedures for requesting the consumer reporting agency to remove or temporarily lift a security freeze.

(5) (i) Subject to subparagraph (ii) of this paragraph, a consumer reporting agency is not required to place a security freeze on a consumer report if the consumer reporting agency:

1. Acts only as a reseller of credit information by assembling and merging information contained in a database of another consumer reporting agency or multiple consumer reporting agencies; and

2. Does not maintain a permanent database of credit information from which new consumer reports are produced.

(ii) A consumer reporting agency that acts as a reseller of credit information shall honor a security freeze placed on a consumer report by another consumer reporting agency.

(6) (i) If a consumer requests placement of a security freeze by telephone under paragraph (1)(ii) of this subsection, the consumer reporting agency may require the consumer to confirm the request in writing on a form that the consumer reporting agency provides to the consumer with the materials sent in accordance with paragraph (4) of this subsection.

(ii) If the consumer fails to return written confirmation that the consumer reporting agency requires under subparagraph (i) of this paragraph, the consumer reporting agency may remove the security freeze in accordance with subsection (g)(2) of this section.

(7) (I) A CONSUMER REPORTING AGENCY SHALL DEVELOP PROCEDURES INVOLVING THE USE OF SECURE CONNECTIONS TO RECEIVE AND PROCESS, IN AN EXPEDITED MANNER, AN ELECTRONIC REQUEST FROM A CONSUMER TO PLACE A SECURITY FREEZE ON THE CONSUMER'S CONSUMER REPORT.

(II) A CONSUMER REPORTING AGENCY MAY DEVELOP ADDITIONAL SECURE ELECTRONIC METHODS TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION.

(e) (1) If a consumer wants to temporarily lift a security freeze to allow the consumer's consumer report to be accessed by a specific person or for a specific period of time while a security freeze is in place, the consumer shall:

(i) Contact the consumer reporting agency by:

1. Mail in the manner prescribed by the consumer reporting agency;

2. Telephone in the manner prescribed by the consumer reporting agency; **OR**

3. **[**Electronic mail using an electronic postmark if a secure electronic mail connection is made available to the consumer by the consumer reporting agency; or

4. Electronic**]** **AN ELECTRONIC** request **[**if**]** **TRANSMITTED THROUGH** a secure connection **[**is**]** made available **BY THE CONSUMER REPORTING AGENCY** on the **[**Web site**]** **WEBSITE** of the consumer reporting agency;

(ii) Request that the security freeze be temporarily lifted; and

(iii) Provide the following to the consumer reporting agency:

1. Proper identifying information;

2. The unique personal identification number or password provided to the consumer under subsection (c)(4)(ii) of this section; and

3. The proper information regarding the person that is to receive the consumer report or the time period during which the consumer report is to be available to users of the consumer report.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a consumer reporting agency shall comply with a request made under paragraph (1) of this subsection within 3 business days after receiving the request.

(ii) 1. A consumer reporting agency shall comply with a request made under paragraph (1) of this subsection within 15 minutes after the consumer's request is received by the consumer reporting agency if the request is made by telephone**[**, by electronic mail,**]** or by **ELECTRONIC REQUEST TRANSMITTED THROUGH A** secure connection **MADE AVAILABLE BY THE CONSUMER REPORTING AGENCY** on the **[**Web site**]** **WEBSITE** of the consumer reporting agency.

2. A consumer reporting agency that is unable to temporarily lift a security freeze under subsubparagraph 1 of this subparagraph shall lift the security freeze as soon as it is reasonably capable of doing so.

(3) A consumer reporting agency **[**may**]** **SHALL** develop procedures involving the use of **[**facsimile or other electronic media**]** **SECURE CONNECTIONS** to receive and process, in an expedited manner, **[**a**]** **AN ELECTRONIC** request from a consumer to temporarily lift or remove a security freeze on the consumer's consumer report.

(g) (1) Except as provided in paragraph (2) of this subsection, a consumer reporting agency may remove or temporarily lift a security freeze placed on a consumer's consumer report only on request of the consumer made under subsection (e) or (h) of this section.

(2) (i) A consumer reporting agency may remove a security freeze placed on a consumer's consumer report if:

1. Placement of the security freeze was based on a material misrepresentation of fact by the consumer; or

2. The consumer:

A. Made the request to place the security freeze by telephone under subsection (c)(1)(ii) of this section; and

B. Failed to confirm the request in writing if required in accordance with subsection (c)(6) of this section.

(ii) If a consumer reporting agency intends to remove a security freeze under subparagraph (i) of this paragraph, the consumer reporting agency shall notify the consumer in writing of its intent at least 5 business days before removing the security freeze.

(h) (1) Subject to subsection (g)(2) of this section, a security freeze shall remain in place until the consumer requests that the security freeze be removed.

(2) If a consumer wants to remove a security freeze from the consumer's consumer report, the consumer shall:

(i) Contact the consumer reporting agency by:

1. Mail in the manner prescribed by the consumer reporting agency;

2. Telephone in the manner prescribed by the consumer reporting agency; **OR**

3. **[**Electronic mail using an electronic postmark if a secure electronic mail connection is made available to the consumer by the consumer reporting agency; or

4. Electronic**]** **AN ELECTRONIC** request **[**if**]** **TRANSMITTED THROUGH** a secure connection **[**is**]** made available **BY THE CONSUMER REPORTING AGENCY** on the **[**Web site**]** **WEBSITE** of the consumer reporting agency;

(ii) Request that the security freeze be removed; and

(iii) Provide the following to the consumer reporting agency:

1. Proper identifying information; and

2. The unique personal identification number or password provided by the consumer reporting agency under subsection (c)(4)(ii) of this section.

(3) A consumer reporting agency shall remove a security freeze within 3 business days after receiving a request for removal.

(4) A CONSUMER REPORTING AGENCY SHALL DEVELOP PROCEDURES INVOLVING THE USE OF SECURE CONNECTIONS TO RECEIVE AND PROCESS, IN AN EXPEDITED MANNER, AN ELECTRONIC REQUEST FROM A CONSUMER TO REMOVE A SECURITY FREEZE ON THE CONSUMER'S CONSUMER REPORT.

~~(i)~~ **[**~~(1) Except as provided in paragraph (2) of this subsection, a~~**]** ~~**A**~~ ~~consumer may not be charged for any service relating to a security freeze.~~

[~~(2) A consumer reporting agency may charge a reasonable fee, not exceeding $5, for each placement, temporary lift, or removal of a security freeze.~~

~~(3) Notwithstanding paragraph (2) of this subsection, a consumer reporting agency may not charge any fee under this section to a consumer who:~~

~~(i) 1. Has obtained a report of alleged identity fraud against the consumer under § 8–304 of the Criminal Law Article or an identity theft passport under § 8–305 of the Criminal Law Article; and~~

~~2. Provides a copy of the report or passport to the consumer reporting agency; or~~

~~(ii) Requests the placement of a security freeze if the consumer has not previously requested the placement of a security freeze from the consumer reporting agency.~~**]**

~~(j) At any time that a consumer is entitled to receive a summary of rights under § 609 of the federal Fair Credit Reporting Act or § 14–1206 of this subtitle, the following notice shall be included:~~

~~"NOTICE~~

~~You have a right, under § 14–1212.1 of the Commercial Law Article of the Annotated Code of Maryland, to place a security freeze on your credit report. The security freeze will prohibit a consumer reporting agency from releasing your credit report or any information derived from your credit report without your express authorization. The purpose of a security freeze is to prevent credit, loans, and services from being approved in your name without your consent.~~ ~~**A CONSUMER REPORTING AGENCY MAY NOT CHARGE YOU A FEE FOR ANY SERVICE RELATING TO A SECURITY FREEZE, INCLUDING FOR ANY PLACEMENT, TEMPORARY LIFT, OR REMOVAL OF A SECURITY FREEZE.**~~

~~You may elect to have a consumer reporting agency place a security freeze on your credit report by written request sent by certified mail~~ **[**~~or by electronic mail or the Internet~~

~~if the consumer reporting agency provides a secure electronic connection~~**] OR BY USING A SECURE CONNECTION ON THE WEBSITE OF A CONSUMER REPORTING AGENCY**~~. The consumer reporting agency must place a security freeze on your credit report within 3 business days after your request is received. Within 5 business days after a security freeze is placed on your credit report, you will be provided with a unique personal identification number or password to use if you want to remove the security freeze or temporarily lift the security freeze to release your credit report to a specific person or for a specific period of time. You also will receive information on the procedures for removing or temporarily lifting a security freeze.~~

~~If you want to temporarily lift the security freeze on your credit report, you must contact the consumer reporting agency and provide all of the following:~~

~~(1) The unique personal identification number or password provided by the consumer reporting agency;~~

~~(2) The proper identifying information to verify your identity; and~~

~~(3) The proper information regarding the person who is to receive the credit report or the period of time for which the credit report is to be available to users of the credit report.~~

~~A consumer reporting agency must comply with a request to temporarily lift a security freeze on a credit report within 3 business days after the request is received, or within 15 minutes for certain requests. A consumer reporting agency must comply with a request to remove a security freeze on a credit report within 3 business days after the request is received.~~

~~If you are actively seeking credit, you should be aware that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a security freeze, either completely if you are seeking credit from a number of sources, or just for a specific creditor if you are applying only to that creditor, a few days before actually applying for new credit.~~

[~~A consumer reporting agency may charge a reasonable fee not exceeding $5 for each placement, temporary lift, or removal of a security freeze. However, a consumer reporting agency may not charge any fee to a consumer who, at the time of a request to place, temporarily lift, or remove a security freeze, presents to the consumer reporting agency a police report of alleged identity fraud against the consumer or an identity theft passport. A consumer reporting agency also may not charge any fee to a consumer for the first placement of a security freeze with the consumer reporting agency.~~**]**

~~A security freeze does not apply if you have an existing account relationship and a copy of your credit report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.”~~

(l) The exclusive remedy for a violation of subsection (e)(2)(ii) of this section shall be a complaint filed with the Commissioner under **[**§ 14–1217**]** ~~**§ 14–1226**~~ **§ 14–1225** of this subtitle.

14–1212.2.

(a) (1) In this section the following words have the meanings indicated.

(2) "Protected consumer" means an individual who is:

(i) Under the age of 16 years **[**at the time a request for the placement of a security freeze is made**]**; **[**or**]**

(ii) An incapacitated person or a protected person for whom a guardian or conservator has been appointed in accordance with Title 13 of the Estates and Trusts Article**;**

(III) 85 YEARS OLD OR OLDER;

(IV) A SERVICE MEMBER ~~**DURING A PERIOD OF MILITARY SERVICE**~~**; OR**

(V) AN ~~**INMATE**~~ **INCARCERATED PERSON IN A STATE CORRECTIONAL FACILITY**~~**; OR**~~

~~**(VI) AN INDIVIDUAL WHO IS IN THE CUSTODY OF A LOCAL DEPARTMENT AND HAS BEEN PLACED IN A FOSTER CARE SETTING**~~.

(3) "Record" means a compilation of information that:

(i) Identifies a protected consumer;

(ii) Is created by a consumer reporting agency solely for the purpose of complying with this section; and

(iii) May not be created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for any purpose listed in **[**§ 14–1201(d)(1)**]** **§ 14–1201(E)(1)** of this subtitle.

(4) ~~**(I)**~~ "Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

~~**(II) "REPRESENTATIVE" INCLUDES A LOCAL DEPARTMENT.**~~

(5) "Security freeze" means:

(i) If a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that:

1. Is placed on the protected consumer's record in accordance with this section; and

2. Prohibits the consumer reporting agency from releasing the protected consumer's record except as provided in this section; or

(ii) If a consumer reporting agency has a file pertaining to the protected consumer, a restriction that:

1. Is placed on the protected consumer's consumer report in accordance with this section; and

2. Prohibits the consumer reporting agency from releasing the protected consumer's consumer report or any information derived from the protected consumer's consumer report except as provided in this section.

(6) (i) "Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer.

(ii) "Sufficient proof of authority" includes:

1. An order issued by a court of law;

2. A lawfully executed and valid power of attorney; and

3. A written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.

(7) (i) "Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer.

(ii) "Sufficient proof of identification" includes:

1. A Social Security number or a copy of a Social Security card issued by the Social Security Administration;

2. A certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate;

3. A copy of a driver's license, an identification card issued by the Motor Vehicle Administration, or any other government–issued identification; or

4. A copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

~~(b) This section does not apply to the use of a protected consumer's consumer report or record by:~~

~~(1) A person administering a credit file monitoring subscription service to which:~~

~~(i) The protected consumer has subscribed; or~~

~~(ii) The representative of the protected consumer has subscribed on behalf of the protected consumer;~~

~~(2) A person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's consumer report on request of the protected consumer or the protected consumer's representative; or~~

~~(3) An entity listed in § 14–1212.1(b)(2)(i) or (ii) or (c)(5) of this subtitle.~~

~~(c) (1) A consumer reporting agency shall place a security freeze for a protected consumer~~ **[**~~if:~~

~~(i) The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and~~

~~(ii) The protected consumer's representative:~~

~~1. Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;~~

~~2. Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;~~

~~3. Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and~~

~~4. Pays to the consumer reporting agency a fee as provided in subsection (i) of this section~~**] IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

~~(2) If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a~~ **[**~~request under~~

~~paragraph (1) of this subsection~~**]** ~~**LIST OF PROTECTED CONSUMERS UNDER SUBSECTION (L) OF THIS SECTION OR INFORMATION ESTABLISHING THE BASIS FOR PROTECTION UNDER SUBSECTION (D)(4) OF THIS SECTION**, the consumer reporting agency shall create a record for the protected consumer.~~

~~(d)~~ ~~**(1)**~~ ~~Within 30 days after receiving~~ **[**~~a request that meets the requirements of subsection (c)(1) of this section~~**]** ~~**A LIST OF PROTECTED CONSUMERS UNDER SUBSECTION (L) OF THIS SECTION**, a consumer reporting agency shall place a security freeze for~~ **[**~~the~~**]** ~~**EACH** protected consumer **ON THE LIST**.~~

~~**(2) A CONSUMER REPORTING AGENCY SHALL AUTOMATICALLY PLACE A SECURITY FREEZE FOR A PROTECTED CONSUMER ONCE THE INDIVIDUAL REACHES THE AGE OF 85 YEARS.**~~

~~**(3) A CONSUMER REPORTING AGENCY SHALL AUTOMATICALLY PLACE A SECURITY FREEZE FOR A PROTECTED CONSUMER ONCE THE CONSUMER REPORTING AGENCY CREATES A FILE PERTAINING TO AN INDIVIDUAL UNDER THE AGE OF 16 YEARS.**~~

~~**(4) FOR ALL OTHER PROTECTED CONSUMERS, A CONSUMER REPORTING AGENCY SHALL PLACE A SECURITY FREEZE FOR THE PROTECTED CONSUMER WITHIN 30 DAYS AFTER RECEIVING INFORMATION ESTABLISHING THE BASIS FOR THE PROTECTION.**~~

~~**(5) A CONSUMER REPORTING AGENCY SHALL ESTABLISH PROCEDURES TO FACILITATE THE PROMPT IDENTIFICATION BY THE CONSUMER REPORTING AGENCY OF:**~~

~~**(I) AN INCAPACITATED PERSON OR A PROTECTED PERSON FOR WHOM A GUARDIAN OR CONSERVATOR HAS BEEN APPOINTED IN ACCORDANCE WITH TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE; AND**~~

~~**(II) A SERVICE MEMBER DURING A PERIOD OF MILITARY SERVICE.**~~

~~(e) Unless a security freeze for a protected consumer is removed in accordance with subsection (g) or (j) of this section, a consumer reporting agency may not release the protected consumer's consumer report, any information derived from the protected consumer's consumer report, or any record created for the protected consumer.~~

~~(f) A security freeze for a protected consumer placed under subsection (d) of this section shall remain in effect until:~~

~~(1) The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection (g) of this section; or~~

~~(2) The security freeze is removed in accordance with subsection (j) of this section.~~

~~(g) If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:~~

~~(1) Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency; **AND**~~

~~(2) Provide to the consumer reporting agency:~~

~~(i) In the case of a request by the protected consumer:~~

~~1. Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and~~

~~2. Sufficient proof of identification of the protected consumer; **[**or**]**~~

~~(ii) In the case of a request by the representative of a protected consumer:~~

~~1. Sufficient proof of identification of the protected consumer and the representative; and~~

~~2. Sufficient proof of authority to act on behalf of the protected consumer; **[**and~~

~~(3) Pay to the consumer reporting agency a fee as provided in subsection (i) of this section**]** **OR**~~

~~**(III) IN THE CASE OF A REQUEST BY THE DEPARTMENT OF HUMAN SERVICES, SUFFICIENT PROOF OF IDENTIFICATION OF THE PROTECTED CONSUMER.**~~

~~(h) Within 30 days after receiving a request that meets the requirements of subsection (g) of this section, the consumer reporting agency shall remove the security freeze for the protected consumer.~~

~~(i)~~ **[**~~(1) Except as provided in paragraph (2) of this subsection, a~~**] A** ~~consumer reporting agency may not charge a fee for any service performed under this section.~~

[~~(2) A consumer reporting agency may charge a reasonable fee, not exceeding $5, for each placement or removal of a security freeze for a protected consumer.~~

~~(3) Notwithstanding paragraph (2) of this subsection, a consumer reporting agency may not charge any fee under this section if:~~

~~(i) The protected consumer's representative:~~

~~1. Has obtained a report of alleged identity fraud against the protected consumer under § 8–304 of the Criminal Law Article or an identity theft passport under § 8–305 of the Criminal Law Article; and~~

~~2. Provides a copy of the report or passport to the consumer reporting agency; or~~

~~(ii) 1. A request for the placement or removal of a security freeze is for a protected consumer who is under the age of 16 years at the time of the request; and~~

~~2. The consumer reporting agency has a consumer report pertaining to the protected consumer.~~**]**

~~(j) A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.~~

(k) Notwithstanding any other provision of law, the exclusive remedy for a violation of this section shall be a complaint filed with the Commissioner under **[**§ 14–1217**]** ~~**§ 14–1226**~~ **§ 14–1225** of this subtitle.

~~**(L) (1) AT LEAST ONCE EACH YEAR, THE DEPARTMENT OF HUMAN SERVICES SHALL SEND TO EACH CONSUMER REPORTING AGENCY BY ELECTRONIC TRANSMISSION A LIST OF CHILDREN WHO ARE IN THE CUSTODY OF A LOCAL DEPARTMENT AND HAVE BEEN PLACED IN A FOSTER CARE SETTING FOR THE FIRST TIME.**~~

~~**(2) AT LEAST ONCE EACH YEAR, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SEND TO EACH CONSUMER REPORTING AGENCY BY ELECTRONIC TRANSMISSION A LIST OF INMATES WHO ARE IN STATE CORRECTIONAL FACILITIES.**~~

~~**(3) THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY ENTER INTO AGREEMENTS**~~

~~WITH A CONSUMER REPORTING AGENCY CONCERNING THE TRANSMISSION OF INFORMATION BETWEEN THE DEPARTMENTS AND A CONSUMER REPORTING AGENCY TO FACILITATE THE IMPLEMENTATION OF THIS SUBSECTION.~~

~~(M) A CONSUMER REPORTING AGENCY SHALL NOTIFY A PROTECTED CONSUMER WHO LOSES STATUS AS A PROTECTED CONSUMER UNDER THIS SECTION OF THE PROVISIONS OF § 14–1212.1 OF THIS SUBTITLE RELATING TO REMOVAL OF A SECURITY FREEZE.~~

14–1213. RESERVED.

14–1214. RESERVED.

PART II. REGISTRATION AND BOND REQUIREMENTS.

14–1215.

A ~~PERSON MAY NOT OPERATE AS A~~ CONSUMER REPORTING AGENCY ~~UNLESS THE PERSON IS REGISTERED~~ SHALL REGISTER EACH YEAR WITH THE COMMISSIONER UNDER THIS SUBTITLE.

14–1216.

(A) TO SUBMIT A REGISTRATION, A CONSUMER REPORTING AGENCY SHALL:

(1) SUBMIT TO THE COMMISSIONER A REGISTRATION ON THE FORM THAT THE COMMISSIONER PROVIDES;

(2) ~~FILE~~ UNLESS GRANTED AN EXEMPTION BY THE COMMISSIONER, FILE WITH THE COMMISSIONER A BOND OR BOND ALTERNATIVE AS REQUIRED UNDER § ~~14–1219~~ § 14–1217 OF THIS SUBTITLE; AND

(3) FULFILL ANY OTHER REQUIREMENTS FOR REGISTRATION ~~UNDER THIS SUBTITLE~~.

(B) THE REGISTRATION SHALL INCLUDE ANY INFORMATION THAT THE COMMISSIONER REQUIRES BY REGULATION.

(C) A REGISTRATION IS NOT COMPLETE UNLESS IT MEETS THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION.

(D) EXCEPT AS PROVIDED IN ~~§ 14–1227~~ § 14–1226 OF THIS SUBTITLE, ALL FEES AND OTHER REVENUES COLLECTED UNDER THIS SUBTITLE SHALL BE

DEPOSITED INTO THE NONDEPOSITORY SPECIAL FUND ESTABLISHED UNDER § 11–610 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(E) THE COMMISSIONER MAY REQUIRE A CONSUMER REPORTING AGENCY TO REGISTER THROUGH THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY OR THROUGH OTHER MEANS SPECIFIED BY THE COMMISSIONER BY REGULATION.

14–1217.

~~(A) WITHIN THE TIME PERIOD ESTABLISHED BY THE COMMISSIONER UNDER SUBSECTION (B) OF THIS SECTION, EACH REGISTRANT SHALL:~~

~~(1) OBTAIN AND MAINTAIN A VALID UNIQUE IDENTIFIER ISSUED BY NMLS WHEN AN ACCOUNT IS CREATED WITH NMLS; AND~~

~~(2) TRANSFER REGISTRATION INFORMATION TO NMLS.~~

~~(B) (1) THE COMMISSIONER SHALL ESTABLISH A TIME PERIOD THAT IS NOT LESS THAN 2 MONTHS WITHIN WHICH A REGISTRANT MUST TRANSFER REGISTRATION INFORMATION TO NMLS.~~

~~(2) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, THE TIME PERIOD THAT THE COMMISSIONER ESTABLISHES UNDER THIS SUBSECTION SHALL BEGIN ON OR AFTER OCTOBER 1, 2018.~~

~~(3) AT LEAST 30 DAYS BEFORE THE TRANSFER PERIOD, THE COMMISSIONER SHALL:~~

~~(I) NOTIFY ALL REGISTRANTS OF THE TRANSFER PERIOD; AND~~

~~(II) PROVIDE INSTRUCTIONS FOR THE TRANSFER OF REGISTRATION INFORMATION TO NMLS.~~

~~(C) SUBJECT TO SUBSECTIONS (A) AND (B) OF THIS SECTION, A CONSUMER REPORTING AGENCY SHALL SUBMIT THE INITIAL REGISTRATION OR REGISTRATION RENEWAL THROUGH NMLS:~~

~~(1) ON OR AFTER OCTOBER 1, 2018; OR~~

~~(2) IF THE COMMISSIONER HAS NOT JOINED NMLS WITH RESPECT TO PERSONS REQUIRED TO BE REGISTERED UNDER THIS SUBTITLE AS OF OCTOBER 1, 2018, ON OR AFTER THE DATE THAT THE COMMISSIONER JOINS, AS SPECIFIED BY THE COMMISSIONER BY PUBLIC NOTICE.~~

~~14–1218.~~

~~(A) SUBJECT TO § 14–1217 OF THIS SUBTITLE AND ANY REGULATIONS PROMULGATED IN CONNECTION WITH THE TRANSITION TO NMLS, AN INITIAL REGISTRATION TERM SHALL:~~

~~(1) BEGIN ON THE DAY THE REGISTRATION IS ISSUED; AND~~

~~(2) EXPIRE ON DECEMBER 31 OF THE YEAR THE REGISTRATION IS ISSUED.~~

~~(B) A REGISTRATION MAY BE RENEWED IF THE REGISTRANT:~~

~~(1) OTHERWISE IS ENTITLED TO BE REGISTERED; AND~~

~~(2) SUBMITS TO THE COMMISSIONER A RENEWAL REGISTRATION ON THE FORM THAT THE COMMISSIONER REQUIRES.~~

~~(C) THE RENEWAL REGISTRATION SHALL INCLUDE ANY INFORMATION THAT THE COMMISSIONER REQUIRES BY REGULATION.~~

~~(D) A RENEWAL REGISTRATION IS NOT COMPLETE UNLESS IT MEETS THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION.~~

~~(E) A REGISTRANT MAY NOT RENEW A REGISTRATION UNLESS PRIOR TO THE SUBMISSION OF THE REGISTRATION RENEWAL, THE REGISTRANT HAS TRANSFERRED THE REGISTRANT'S REGISTRATION INFORMATION TO NMLS.~~

~~14–1219.~~

(A) ~~WITH~~ UNLESS THE COMMISSIONER GRANTS AN EXEMPTION IN ACCORDANCE WITH SUBSECTION (B)(9) OF THIS SECTION AND EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, WITH A NEW OR RENEWAL REGISTRATION FILED ON OR AFTER JUNE 1, 2019, A ~~REGISTRANT~~ CONSUMER REPORTING AGENCY SHALL FILE A SURETY BOND OR IRREVOCABLE LETTER OF CREDIT WITH THE COMMISSIONER.

(B) (1) THE BOND SHALL RUN TO THE COMMISSIONER, AS OBLIGEE, FOR THE BENEFIT OF:

(I) THE STATE;

(II) ANY CONSUMER WHO IS INJURED BY A VIOLATION OF THIS SUBTITLE COMMITTED BY A ~~REGISTRANT~~ CONSUMER REPORTING AGENCY; AND

(III) ANY CONSUMER WHO SUFFERS ACTUAL DAMAGES AS A RESULT OF THE BREACH OF THE SECURITY OF A SYSTEM EXPERIENCED BY A ~~REGISTRANT~~ CONSUMER REPORTING AGENCY.

(2) THE BOND SHALL BE:

(I) IN AN AMOUNT NOT EXCEEDING $1,000,000, AS DETERMINED BY THE COMMISSIONER BY REGULATION;

(II) ISSUED BY A SURETY COMPANY THAT:

1. IS AUTHORIZED TO DO BUSINESS IN THE STATE; AND

2. HOLDS A CERTIFICATE OF AUTHORITY ISSUED BY THE MARYLAND INSURANCE COMMISSIONER; AND

(III) CONDITIONED THAT THE ~~REGISTRANT~~ CONSUMER REPORTING AGENCY SHALL COMPLY WITH ALL STATE AND FEDERAL LAWS AND REGULATIONS GOVERNING CONSUMER REPORTING AGENCIES.

(3) THE LIABILITY OF THE SURETY:

(I) SHALL BE CONTINUOUS;

(II) MAY NOT BE AGGREGATED OR CUMULATIVE, WHETHER OR NOT THE BOND IS RENEWED, CONTINUED, REPLACED, OR MODIFIED;

(III) MAY NOT BE DETERMINED BY ADDING TOGETHER THE PENAL SUM OF THE BOND, OR ANY PART OF THE PENAL SUM OF THE BOND, IN EXISTENCE AT ANY TWO OR MORE POINTS IN TIME;

(IV) SHALL BE CONSIDERED TO BE ONE CONTINUOUS OBLIGATION, REGARDLESS OF INCREASES OR DECREASES IN THE PENAL SUM OF THE BOND;

(V) MAY NOT BE AFFECTED BY:

1. THE INSOLVENCY OR BANKRUPTCY OF THE ~~REGISTRANT~~ CONSUMER REPORTING AGENCY;

2. ANY MISREPRESENTATION, BREACH OF WARRANTY, FAILURE TO PAY A PREMIUM, OR ANY OTHER ACT OR OMISSION OF THE ~~REGISTRANT~~ CONSUMER REPORTING AGENCY OR AN AGENT OF THE ~~REGISTRANT~~ CONSUMER REPORTING AGENCY; OR

3. THE SUSPENSION OF THE ~~REGISTRANT'S~~ CONSUMER REPORTING AGENCY'S REGISTRATION;

(VI) MAY NOT REQUIRE AN ADMINISTRATIVE ENFORCEMENT ACTION BY THE COMMISSIONER AS A PREREQUISITE TO LIABILITY; AND

(VII) SHALL CONTINUE FOR 3 YEARS AFTER THE LATER OF THE DATE ON WHICH:

1. THE BOND IS CANCELED; OR

2. THE ~~REGISTRANT~~ CONSUMER REPORTING AGENCY, FOR ANY REASON, CEASES TO BE REGISTERED.

(4) (I) A BOND MAY BE CANCELED BY THE SURETY OR THE ~~REGISTRANT~~ CONSUMER REPORTING AGENCY BY GIVING NOTICE OF CANCELLATION TO THE COMMISSIONER.

(II) NOTICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

1. BE IN WRITING; AND

2. BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(III) A CANCELLATION OF A BOND UNDER THIS PARAGRAPH IS NOT EFFECTIVE UNTIL 90 DAYS AFTER RECEIPT OF A NOTICE OF CANCELLATION BY THE COMMISSIONER.

(5) A CLAIM AGAINST THE BOND MAY BE FILED WITH THE SURETY BY:

(I) A CLAIMANT; OR

(II) THE COMMISSIONER FOR THE BENEFIT OF A CLAIMANT OR THE STATE.

(6) IF THE AMOUNT OF CLAIMS AGAINST A BOND EXCEEDS THE AMOUNT OF THE BOND, THE SURETY:

(I) SHALL PAY THE AMOUNT OF THE BOND TO THE COMMISSIONER FOR PRO RATA DISTRIBUTION TO CLAIMANTS; AND

(II) IS RELIEVED OF LIABILITY UNDER THE BOND.

(7) IF THE PENAL AMOUNT OF A BOND IS REDUCED BY PAYMENT OF A CLAIM OR JUDGMENT, THE ~~REGISTRANT~~ CONSUMER REPORTING AGENCY SHALL FILE A NEW OR ADDITIONAL BOND WITH THE COMMISSIONER.

(8) A PENALTY IMPOSED AGAINST A ~~REGISTRANT~~ CONSUMER REPORTING AGENCY UNDER ~~§ 14–1227~~ § 14–1226 OF THIS SUBTITLE MAY BE COLLECTED AND PAID FROM THE PROCEEDS OF A BOND REQUIRED UNDER THIS SECTION.

(9) IN GRANTING AN EXEMPTION FROM THE BONDING REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER THE CONDITIONS THE COMMISSIONER ESTABLISHES BY REGULATION.

(10) IN DETERMINING THE AMOUNT OF THE BOND UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, THE COMMISSIONER SHALL CONSIDER THE FACTORS THE COMMISSIONER ESTABLISHES BY REGULATION.

(C) (1) IN LIEU OF THE BONDING REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION, A CONSUMER REPORTING AGENCY MAY FILE AN IRREVOCABLE LETTER OF CREDIT FROM A FINANCIAL INSTITUTION INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION WITH THE COMMISSIONER.

(2) THE IRREVOCABLE LETTER OF CREDIT SHALL BE IN AN AMOUNT EQUAL TO THE BOND REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(D) THE COMMISSIONER SHALL ADOPT REGULATIONS ESTABLISHING:

(1) THE CONDITIONS UNDER WHICH THE COMMISSIONER MAY GRANT TO A CONSUMER REPORTING AGENCY AN EXEMPTION FROM THE BONDING REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) THE FACTORS THE COMMISSIONER SHALL CONSIDER IN DETERMINING THE AMOUNT OF THE BOND UNDER SUBSECTION (B)(2)(I) OF THIS SECTION.

14–1218.

(A) (1) A CONSUMER WHO HAS REASON TO BELIEVE THAT THIS SUBTITLE, OR ANY OTHER LAW REGULATING CONSUMER CREDIT REPORTING, HAS BEEN VIOLATED BY A PERSON MAY FILE WITH THE COMMISSIONER A WRITTEN COMPLAINT SETTING FORTH THE DETAILS OF THE ALLEGED VIOLATION.

(2) THE COMMISSIONER MAY INITIATE AN INVESTIGATION IF THE COMMISSIONER HAS REASON TO BELIEVE THAT THIS SUBTITLE, OR ANY OTHER LAW REGULATING CONSUMER CREDIT REPORTING, HAS BEEN VIOLATED.

(B) AFTER RECEIPT OF A WRITTEN COMPLAINT OR INITIATING AN INVESTIGATION UNDER THIS SECTION, THE COMMISSIONER MAY INSPECT THE BOOKS, RECORDS, LETTERS, AND CONTRACTS OF A CONSUMER REPORTING AGENCY, AND OF EACH PERSON WHO HAS FURNISHED INFORMATION TO THE CONSUMER REPORTING AGENCY RELATING TO THE SPECIFIC WRITTEN COMPLAINT.

~~14–1220~~ 14–1219. RESERVED.

~~14–1221~~ 14–1220. RESERVED.

PART III. ENFORCEMENT, PENALTIES, AND MISCELLANEOUS PROVISIONS.

~~14–1222~~ 14–1221.

(a) Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this subtitle with respect to any consumer is liable to that consumer in an amount equal to the sum of:

(1) Any actual damages sustained by the consumer as a result of the failure;

(2) Such amount of punitive damages as the court may allow; and

(3) In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

~~14–1227~~ 14–1226.

(a) The Commissioner**, IN ADDITION TO TAKING ANY OTHER ACTION AUTHORIZED BY LAW,** may:

(1) Hold a hearing on the complaint at a time and place in this State reasonably convenient to the parties involved;

(2) Subpoena **AND TAKE DEPOSITIONS OF** witnesses;

[(3) Take depositions of witnesses residing without the State, in the manner provided for witnesses in civil actions in courts of record;**]**

(3) CONDUCT INVESTIGATIONS THAT THE COMMISSIONER CONSIDERS NECESSARY;

(4) Administer oaths;

(5) Issue orders for compliance with this subtitle; **AND**

(6) Issue cease and desist orders, if after a hearing the Commissioner finds a **[**pattern and practice of**]** violation of this subtitle~~; and~~**.**

[(7) If a consumer reporting agency that has violated any law regulating consumer credit reporting fails to comply with a lawful order of the Commissioner, impose a civil penalty of up to $100 for each violation from which the violator failed to cease and desist or for which the violator failed to take action ordered by the Commissioner for compliance with the law. In determining the amount of civil penalty to be imposed under this paragraph, the Commissioner shall consider:

(i) The seriousness of the violation;

(ii) The good faith of the violator;

(iii) The violator's history of previous violations;

(iv) The deleterious effect of the violation upon the public and the credit granting industry;

(v) The assets and financial status of the violator; and

(vi) Any other factors relevant to the determination of the financial penalty.**]**

~~**(7) ISSUE AN ORDER SUSPENDING OR REVOKING THE REGISTRATION OF THE PERSON.**~~

~~**(B) THE COMMISSIONER MAY REFUSE TO RENEW, SUSPEND, OR REVOKE THE REGISTRATION OF ANY CREDIT REPORTING AGENCY IF THE REGISTRANT OR ANY CONTROL PERSON OF THE REGISTRANT:**~~

~~**(1) MAKES ANY MATERIAL MISSTATEMENT IN THE INFORMATION REQUIRED IN A SUBMISSION FOR A REGISTRATION;**~~

~~(2) IN THE CONDUCT OF BUSINESS OF THE REGISTRANT IN THIS STATE:~~

~~(I) COMMITS ANY FRAUD;~~

~~(II) ENGAGES IN ANY ILLEGAL OR DISHONEST ACTIVITIES; OR~~

~~(III) MISREPRESENTS OR FAILS TO DISCLOSE ANY MATERIAL FACTS TO ANYONE ENTITLED TO THAT INFORMATION;~~

~~(3) VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY RULE OR REGULATION ADOPTED UNDER IT OR ANY OTHER LAW REGULATING CONSUMER CREDIT REPORTING; OR~~

~~(4) OTHERWISE DEMONSTRATES UNWORTHINESS, BAD FAITH, DISHONESTY, OR ANY OTHER QUALITY THAT INDICATES THAT THE BUSINESS OF THE REGISTRANT HAS NOT BEEN OR WILL NOT BE CONDUCTED HONESTLY, FAIRLY, EQUITABLY, AND EFFICIENTLY.~~

~~(C)~~ (B) (1) INSTEAD OF OR IN ADDITION TO ANY OTHER ACTION THE COMMISSIONER MAY TAKE UNDER THIS SECTION OR ANY OTHER PROVISION OF LAW, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING:

(I) $1,000 FOR A FIRST VIOLATION; AND ~~$5,000~~

(II) $2,500 FOR EACH SUBSEQUENT VIOLATION.

(2) IN DETERMINING THE AMOUNT OF CIVIL PENALTY TO BE IMPOSED UNDER THIS SUBSECTION, THE COMMISSIONER SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE GOOD FAITH OF THE VIOLATOR;

(III) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;

(IV) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE PUBLIC AND THE CREDIT GRANTING INDUSTRY;

(V) THE ASSETS AND FINANCIAL STATUS OF THE VIOLATOR; AND

(VI) ANY OTHER FACTORS RELEVANT TO THE DETERMINATION OF THE FINANCIAL PENALTY.

(3) THE COMMISSIONER SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE COMMISSIONER UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

[(b)**]** ~~(D)~~ **(C)** If a person fails to comply with any lawful order of the Commissioner **[**pursuant to this subtitle**]** or if any witness fails to appear and testify to any matter regarding which the witness may be lawfully interrogated, on petition of the Commissioner setting forth the facts, the circuit court of any county shall:

(1) Compel obedience to the requirements of the subpoena or order;

(2) Compel the production of contracts, forms, files, and other evidence; and

(3) Order compliance with any lawful order issued by the Commissioner **[**under the provisions of subsection (a)(5) or subsection (a)(6) of this section**]**.

[(c)**]** ~~(E)~~ **(D)** If a person fails, refuses, or neglects to comply with the order of the court, the court may punish that person for contempt of court.

[(d)**]** ~~(F)~~ **(E)** The Administrative Procedure Act, including its provisions for judicial review of a final decision in a contested case, applies to proceedings before the Commissioner pursuant to this subtitle.

[(e)**]** ~~(G)~~ **(F)** (1) The Commissioner shall adopt regulations necessary to administer the provisions of this subtitle.

(2) The regulations shall include procedures for:

(i) Achieving accuracy in information collected and maintained in consumer files;

(ii) Developing a system to facilitate correction of information in a consumer file at each credit reporting agency on correction at one consumer reporting agency; **[**and**]**

(iii) Periodically distributing to the public a current listing of the names, addresses, and telephone numbers of consumer reporting agencies that maintain information or provide consumer reports on residents of the State**; AND**

(IV) CALCULATING THE REQUIRED BOND AMOUNTS UNDER THIS SUBTITLE.

~~(H)~~ **(G) A** ~~REGISTRANT~~ **CONSUMER REPORTING AGENCY SHALL PAY TO THE COMMISSIONER A PER–DAY FEE SET BY THE COMMISSIONER FOR EACH OF THE COMMISSIONER'S EMPLOYEES ENGAGED IN ANY INVESTIGATION OF THE**

~~REGISTRANT~~ CONSUMER REPORTING AGENCY CONDUCTED UNDER THIS SECTION THAT THE COMMISSIONER CONSIDERS NECESSARY.

~~14–1228.~~ 14–1227.

(A) (1) THE REQUIREMENTS UNDER ANY FEDERAL LAW AND TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE REGARDING THE PRIVACY OR CONFIDENTIALITY OF INFORMATION OR MATERIAL PROVIDED TO NMLS, AND ANY PRIVILEGE ARISING UNDER FEDERAL OR STATE LAW, INCLUDING THE RULES OF ANY FEDERAL OR STATE COURT WITH RESPECT TO THAT INFORMATION OR MATERIAL, SHALL CONTINUE TO APPLY TO THAT INFORMATION OR MATERIAL AFTER THE INFORMATION OR MATERIAL HAS BEEN DISCLOSED TO NMLS.

(2) THE INFORMATION AND MATERIAL MAY BE SHARED WITH ALL STATE AND FEDERAL REGULATORY OFFICIALS HAVING AUTHORITY OVER PERSONS REQUIRED TO BE REGISTERED UNDER THIS SUBTITLE, INCLUDING THE FINANCIAL CRIMES ENFORCEMENT NETWORK AND THE OFFICE OF FOREIGN ASSETS CONTROL, WITHOUT THE LOSS OF PRIVILEGE OR THE LOSS OF CONFIDENTIALITY PROTECTIONS PROVIDED BY FEDERAL LAW OR TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE.

(B) THE COMMISSIONER MAY:

(1) ENTER INTO INFORMATION–SHARING AGREEMENTS WITH ANY FEDERAL OR STATE REGULATORY AGENCY HAVING AUTHORITY OVER CONSUMER REPORTING AGENCIES OR WITH ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY, INCLUDING THE FINANCIAL CRIMES ENFORCEMENT NETWORK AND THE OFFICE OF FOREIGN ASSETS CONTROL, AND ANY SUCCESSOR TO THESE AGENCIES IF THE AGREEMENTS PROHIBIT THE AGENCIES FROM DISCLOSING ANY SHARED INFORMATION WITHOUT PRIOR WRITTEN CONSENT FROM THE COMMISSIONER REGARDING DISCLOSURE OF THE PARTICULAR INFORMATION; AND

(2) EXCHANGE INFORMATION ABOUT A CONSUMER REPORTING AGENCY, INCLUDING INFORMATION OBTAINED OR GENERATED DURING AN INVESTIGATION, WITH:

(I) ANY FEDERAL OR STATE REGULATORY AGENCY HAVING AUTHORITY OVER CONSUMER REPORTING AGENCIES; OR

(II) ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY.

(C) INFORMATION OR MATERIAL THAT IS SUBJECT TO A PRIVILEGE OR CONFIDENTIALITY UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE SUBJECT TO:

(1) DISCLOSURE UNDER ANY FEDERAL OR STATE LAW GOVERNING THE DISCLOSURE TO THE PUBLIC OF INFORMATION HELD BY AN OFFICER OR AGENCY OF THE FEDERAL GOVERNMENT OR A STATE THAT HAS RECEIVED THE INFORMATION OR MATERIAL; OR

(2) SUBPOENA, DISCOVERY, OR ADMISSION INTO EVIDENCE, IN ANY PRIVATE CIVIL LITIGATION OR ADMINISTRATIVE PROCESS, UNLESS, WITH RESPECT TO ANY PRIVILEGE HELD BY NMLS, THE PERSON TO WHOM THE INFORMATION OR MATERIAL PERTAINS WAIVES, IN WHOLE OR IN PART, THAT PRIVILEGE.

(D) ANY PROVISIONS OF TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE RELATING TO THE DISCLOSURE OF ANY INFORMATION OR MATERIAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION THAT ARE INCONSISTENT WITH SUBSECTION (A) OF THIS SECTION SHALL BE SUPERSEDED BY THE REQUIREMENTS OF THIS SECTION.

(E) THIS SECTION DOES NOT APPLY TO INFORMATION OR MATERIAL RELATING TO PUBLICLY ADJUDICATED DISCIPLINARY AND ENFORCEMENT ACTIONS AGAINST A CONSUMER REPORTING AGENCY THAT IS INCLUDED IN NMLS AND DESIGNATED FOR ACCESS BY THE PUBLIC.

Article – Financial Institutions

1–101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(q) "Nationwide Mortgage Licensing System and Registry" or "NMLS" means a multistate uniform licensing system developed and maintained by the Conference of State Bank Supervisors, or by a subsidiary or an affiliate of the Conference of State Bank Supervisors, that may be used for the licensing **AND REGISTRATION** of persons required to be licensed **OR REGISTERED** under this article **OR THE COMMERCIAL LAW ARTICLE**.

2–105.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Collection agency" has the meaning stated in § 7–101 of the Business Regulation Article.

(3) "CONSUMER REPORTING AGENCY" HAS THE MEANING STATED IN § 14–1201 OF THE COMMERCIAL LAW ARTICLE.

[(3)**] (4)** "Credit services business" has the meaning stated in § 14–1901 of the Commercial Law Article.

[(4)**] (5)** "Debt management services provider" has the meaning stated in § 12–901 of this article.

[(5)**] (6)** "Money transmission" has the meaning stated in § 12–401 of this article.

[(6)**] (7)** "Mortgage lender" has the meaning stated in § 11–501 of this article.

[(7)**] (8)** "Mortgage originator" has the meaning stated in § 11–601 of this article.

[(8)**] (9)** "Provide check cashing services" has the meaning stated in § 12–101 of this article.

[(9)**] (10)** "Sales finance company" has the meaning stated in § 11–401 of this article.

(b) The Commissioner may adopt and enforce regulations reasonably necessary to carry out the authority and responsibility of the office of Commissioner.

(c) (1) The Commissioner may participate in NMLS for:

(i) Collection agencies;

(ii) Debt management services providers;

(iii) Mortgage lenders;

(iv) Mortgage originators;

(v) Persons who engage in money transmission;

(vi) Persons who are required to be licensed under Title 11, Subtitle 2 of this article;

(vii) Persons who are required to be licensed under Title 11, Subtitle 3 of this article;

(viii) Persons who are required to be licensed under Title 12, Subtitle 1 of this article;

(ix) Persons who are required to be licensed under Title 14, Subtitle 19 of the Commercial Law Article; **[**and**]**

(x) Sales finance companies**; AND**

(XI) CONSUMER REPORTING AGENCIES.

(2) To facilitate participation in NMLS, the Commissioner may adopt regulations that waive or modify the requirements of:

(i) Title 11, Subtitles 4, 5, and 6 of this article with respect to sales finance companies, mortgage lenders, and mortgage originators;

(ii) Title 12, Subtitles 1, 4, and 9 of this article with respect to providers of check cashing services, persons who engage in money transmission, and providers of debt management services;

(iii) Title 11, Subtitle 2 of this article;

(iv) Title 11, Subtitle 3 of this article;

(v) Title 7 of the Business Regulation Article with respect to collection agencies; **[**and**]**

(vi) Title 14, Subtitle 19 of the Commercial Law Article**; AND**

(VII) TITLE 14, SUBTITLE 12 OF THE COMMERCIAL LAW ARTICLE.

11–610.

~~(a) There is a Nondepository Special Fund that consists of:~~

~~(1) Revenue received for the licensing of individuals under this subtitle;~~

~~(2) Revenue received for the licensing of persons under Subtitle 5 of this title;~~

~~(3) Revenue received for the licensing of persons under Title 12, Subtitle 4 of this article;~~

~~(4) Revenue received for the licensing of persons under Title 12, Subtitle 9 of this article;~~

~~(5) Revenue received for the registration of persons under Title 12, Subtitle 10 of this article;~~

~~(6) Income from the investments that the State Treasurer makes for the Fund; and~~

~~(7) Any other fee, examination assessment, or revenue received by the Commissioner under this subtitle, Subtitle 5 of this title, [and] Title 12, Subtitles 4, 9, and 10 of this article, AND TITLE 14, SUBTITLE 12 OF THE COMMERCIAL LAW ARTICLE.~~

~~(b) Notwithstanding subsection (a) of this section, the Commissioner shall pay all fines and penalties collected by the Commissioner under this subtitle, Subtitle 5 of this title, [and] Title 12, Subtitles 4, 9, and 10 of this article, AND TITLE 14, SUBTITLE 12 OF THE COMMERCIAL LAW ARTICLE into the General Fund of the State.~~

~~(c) The purpose of the Fund is to cover the direct and indirect costs of fulfilling the statutory and regulatory duties of the Commissioner related to:~~

~~(1) This subtitle;~~

~~(2) Subtitle 5 of this title;~~

~~(3) Title 12, Subtitle 4 of this article;~~

~~(4) Title 12, Subtitle 9 of this article;~~

~~(5) Title 12, Subtitle 10 of this article; [and]~~

~~**(6) TITLE 14, SUBTITLE 12 OF THE COMMERCIAL LAW ARTICLE; AND**~~

~~[(6)] **(7)** Any other expense authorized in the State budget.~~

~~(d) (1) The annual State budget shall include the costs and expenses of the Commissioner relating to the regulation of mortgage lending, mortgage origination, money transmission, debt management services, [and] debt settlement services, AND CONSUMER REPORTING AGENCIES.~~

~~(2) Any expenditures from the Fund to cover costs and expenses of the Commissioner may be made only:~~

~~(i) With an appropriation from the Fund approved by the General Assembly in the annual State budget; or~~

~~(ii) By the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article.~~

~~(3) If, in any fiscal year, the amount of the revenue collected by the Commissioner and deposited into the Fund exceeds the actual appropriation for the Commissioner to regulate mortgage lending under Subtitle 5 of this title; mortgage origination under this subtitle; money transmission under Title 12, Subtitle 4 of this article; debt management services under Title 12, Subtitle 9 of this article; [and] debt settlement services under Title 12, Subtitle 10 of this article; AND CONSUMER REPORTING AGENCIES UNDER TITLE 14, SUBTITLE 12 OF THE COMMERCIAL LAW ARTICLE, the excess amount shall be carried forward within the Fund.~~

(a) There is a Nondepository Special Fund that consists of:

(1) Revenue received for the licensing of individuals under this subtitle;

(2) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER SUBTITLE 2 OF THIS TITLE;

(3) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER SUBTITLE 3 OF THIS TITLE;

(4) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER SUBTITLE 4 OF THIS TITLE;

[(2)] (5) *Revenue received for the licensing of persons under Subtitle 5 of this title;*

(6) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER TITLE 12, SUBTITLE 1 OF THIS ARTICLE;

[(3)] (7) *Revenue received for the licensing of persons under Title 12, Subtitle 4 of this article;*

[(4)] (8) *Revenue received for the licensing of persons under Title 12, Subtitle 9 of this article;*

[(5)] (9) *Revenue received for the registration of persons under Title 12, Subtitle 10 of this article;*

(10) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER TITLE 7 OF THE BUSINESS REGULATION ARTICLE;

(11) REVENUE RECEIVED FOR THE LICENSING OF PERSONS UNDER TITLE 14, SUBTITLE 19 OF THE COMMERCIAL LAW ARTICLE;

[(6)] (12) *Income from the investments that the State Treasurer makes for the Fund; and*

[(7)] (13) ***(I)*** *Any other fee, examination* ***OR INVESTIGATION FEE OR*** *assessment, or revenue received by the Commissioner under this subtitle,* ***[****Subtitle****] SUBTITLES 2, 3, 4, AND*** *5 of this title,* ***[****and****]*** *Title 12, Subtitles* ***1,*** *4, 9, and 10 of this article,* ***AND TITLE 14, SUBTITLES 12 AND 19 OF THE COMMERCIAL LAW ARTICLE; AND***

(II) ANY OTHER FEE OR REVENUE RECEIVED BY THE STATE COLLECTION AGENCY LICENSING BOARD UNDER TITLE 7 OF THE BUSINESS REGULATION ARTICLE.

*(b) Notwithstanding subsection (a) of this section****[****, the****]:***

(1) THE *Commissioner shall pay all fines and penalties collected by the Commissioner under* ***TITLE 2, SUBTITLE 1 OF THIS ARTICLE,*** *this subtitle,* ***[****Subtitle****] SUBTITLES 2, 3, 4, AND*** *5 of this title,* ***[****and****]*** *Title 12, Subtitles* ***1,*** *4, 9, and 10 of this article,* ***AND TITLE 14, SUBTITLES 12 AND 19 OF THE COMMERCIAL LAW ARTICLE*** *into the General Fund of the State****; AND***

(2) THE STATE COLLECTION AGENCY LICENSING BOARD SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE BOARD UNDER TITLE 7 OF THE BUSINESS REGULATION ARTICLE INTO THE GENERAL FUND OF THE STATE.

(c) The purpose of the Fund is to cover the direct and indirect costs of fulfilling the statutory and regulatory duties of the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD*** *related to:*

(1) ***TITLE 2, SUBTITLE 1 OF THIS ARTICLE;***

(2) *This subtitle;*

(3) SUBTITLE 2 OF THIS TITLE;

(4) SUBTITLE 3 OF THIS TITLE;

(5) SUBTITLE 4 OF THIS TITLE;

[(2)] (6) *Subtitle 5 of this title;*

(7) TITLE 12, SUBTITLE 1 OF THIS ARTICLE;

[(3)] (8) *Title 12, Subtitle 4 of this article;*

[(4)] (9) *Title 12, Subtitle 9 of this article;*

[(5)] (10) *Title 12, Subtitle 10 of this article;* ***[****and****]***

(11) TITLE 7 OF THE BUSINESS REGULATION ARTICLE;

(12) TITLE 12, SUBTITLES 5, 6, 9, AND 10 OF THE COMMERCIAL LAW ARTICLE;

(13) TITLE 14, SUBTITLES 12 AND 19 OF THE COMMERCIAL LAW ARTICLE;

(14) TITLE 7, SUBTITLES 1, 3, 4, AND 5 OF THE REAL PROPERTY ARTICLE; AND

[(6)] (15) *Any other expense authorized in the State budget.*

(d) (1) The annual State budget shall include the costs and expenses of the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD*** *relating to* ***[****the regulation of mortgage lending, mortgage origination, money transmission, debt management services, and debt settlement services****]*** ***SUBSECTION (C) OF THIS SECTION****.*

(2) Any expenditures from the Fund to cover costs and expenses of the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD RELATING TO SUBSECTION (C) OF THIS SECTION*** *may be made only:*

(i) With an appropriation from the Fund approved by the General Assembly in the annual State budget; or

(ii) By the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article.

(3) If, in any fiscal year, the amount of the revenue collected by the Commissioner ***AND THE STATE COLLECTION AGENCY LICENSING BOARD*** *and deposited into the Fund exceeds the actual appropriation for the Commissioner* ***[****to regulate mortgage lending under Subtitle 5 of this title; mortgage origination under this subtitle; money transmission under Title 12, Subtitle 4 of this article; debt management services under Title 12, Subtitle 9 of this article; and debt settlement services under Title 12, Subtitle 10 of this article,****]*** ***AND THE STATE COLLECTION AGENCY LICENSING BOARD UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION,*** *the excess amount shall be carried forward within the Fund.*

SECTION ~~4.~~ 3. AND BE IT FURTHER ENACTED, That the powers and authority conferred by Section ~~14–1227~~ 14–1226 of the Commercial Law Article, as enacted by Section ~~3~~ 2 of this Act, shall be regarded as supplemental and additional to the powers and authority conferred by other laws on the Commissioner of Financial Regulation and may

not be regarded as in derogation of any powers now existing in the Office of the Commissioner of Financial Regulation.

SECTION ~~5.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 481

(House Bill 858)

AN ACT concerning

Minority Business Enterprises – Required Regulations – Liquidated Damages Prohibition

FOR the purpose of requiring regulations adopted by the Board of Public Works to include a certain provision prohibiting a unit from assessing liquidated damages for certain contracts for which a certain minority business enterprise was named on a certain schedule or named on a certain schedule and qualified based on a certain code; providing that existing obligations or contract rights may not be impaired by this Act; and generally relating to minority business enterprises and liquidated damages.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 14–303(a)(1)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–303(b)(6)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

14–303.

(a) (1) (i) In accordance with Title 10, Subtitle 1 of the State Government Article, the Board shall adopt regulations consistent with the purposes of this Division II

to carry out the requirements of this subtitle.

(b) These regulations shall include:

(6) **(I)** a requirement that all contracts containing minority business enterprise participation goals shall contain a liquidated damages provision that applies in the event that the contractor fails to comply in good faith with the provisions of this subtitle or the pertinent terms of the applicable contract**; AND**

(II) A PROVISION THAT PROHIBITS A UNIT FROM ASSESSING LIQUIDATED DAMAGES FOR AN INDEFINITE DELIVERY CONTRACT OR AN INDEFINITE PERFORMANCE CONTRACT IF A UNIT FAILS TO REQUEST THE PERFORMANCE OR DELIVERY OF A TASK FOR WHICH:

1. A MINORITY BUSINESS ENTERPRISE SUBCONTRACTOR WAS NAMED ON THE PARTICIPATION SCHEDULE; OR

2. A MINORITY BUSINESS ENTERPRISE SUBCONTRACTOR WAS NAMED ON THE PARTICIPATION SCHEDULE AND QUALIFIED BASED ON THE SUBCONTRACTOR'S EXISTING NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE;

SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 482

(Senate Bill 251)

AN ACT concerning

Minority Business Enterprises – Required Regulations – Liquidated Damages Prohibition

FOR the purpose of requiring regulations adopted by the Board of Public Works to include a certain provision prohibiting a unit from assessing liquidated damages for certain contracts for which a certain minority business enterprise was named on a certain schedule or named on a certain schedule and qualified based on a certain code; providing that existing obligations or contract rights may not be impaired by this

Act; and generally relating to minority business enterprises and liquidated damages.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 14–303(a)(1)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–303(b)(6)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

14–303.

(a) (1) (i) In accordance with Title 10, Subtitle 1 of the State Government Article, the Board shall adopt regulations consistent with the purposes of this Division II to carry out the requirements of this subtitle.

(b) These regulations shall include:

(6) **(I)** a requirement that all contracts containing minority business enterprise participation goals shall contain a liquidated damages provision that applies in the event that the contractor fails to comply in good faith with the provisions of this subtitle or the pertinent terms of the applicable contract**; AND**

(II) A PROVISION THAT PROHIBITS A UNIT FROM ASSESSING LIQUIDATED DAMAGES FOR AN INDEFINITE DELIVERY CONTRACT OR AN INDEFINITE PERFORMANCE CONTRACT IF A UNIT FAILS TO REQUEST THE PERFORMANCE OR DELIVERY OF A TASK FOR WHICH:

1. A MINORITY BUSINESS ENTERPRISE SUBCONTRACTOR WAS NAMED ON THE PARTICIPATION SCHEDULE; OR

2. A MINORITY BUSINESS ENTERPRISE SUBCONTRACTOR WAS NAMED ON THE PARTICIPATION SCHEDULE AND QUALIFIED BASED ON THE SUBCONTRACTOR'S EXISTING NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE;

SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation

or contract right may not be impaired in any way by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 483

(House Bill 863)

AN ACT concerning

State Board of Nursing – Advanced Practice Registered Nurses – Certification and Practice

FOR the purpose of requiring an advanced practice registered nurse who qualifies for certain certification by having a certain privilege under the Nurse Licensure Compact to, at all times, ensure that the State Board of Nursing has certain documentation; providing that an advanced practice registered nurse's certification expires on the same date as a certain license; establishing the term of and expiration date for certification for certain advanced practice registered nurses; authorizing an advanced practice registered nurse to renew a certain certification for an additional time period under certain circumstances; prohibiting the ~~State~~ Board ~~of Nursing~~ from renewing the certification of an advanced practice registered nurse under certain circumstances; authorizing a nurse anesthetist to ~~provide certain care, administer certain drugs, manage certain therapy, order and evaluate certain tests and studies, perform certain tests, and perform certain other acts;~~ perform certain functions; providing that a certified nurse anesthetist has a certain right and obligation to refuse to perform a delegated act under certain circumstances; providing that certain provisions of this Act may not be construed to authorize a nurse anesthetist to diagnose a medical condition or provide certain care; requiring a nurse anesthetist to ~~administer anesthesia in collaboration~~ collaborate with certain health care practitioners in a certain manner; requiring a nurse anesthetist to ensure that a certain anesthesia provider performs a certain assessment, obtains certain consent, and formulates a certain plan; requiring a nurse anesthetist as part of the standards of practice to take certain actions; providing that ~~a certain provision~~ certain provisions of this Act may not be construed to require a certain collaboration agreement between a nurse anesthetist and certain health care practitioners; defining certain terms; providing for the construction of this Act; and generally relating to the certification and practice of advanced practice registered nurses.

BY renumbering
Article – Health Occupations
Section 8–101(l) through (p), respectively

to be Section ~~8–101(n) through (r)~~ 8–101(m) through (q), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 8–101(a), (b), and (c) ~~and 8–312(a)~~
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health Occupations
Section ~~8–101(k) and (m), 8–312(h)~~ 8–101(k), 8–302.1(e) and (f), and 8–513
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–101(k)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–101(l) through (p), respectively, of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) ~~8–101(n) through (r)~~ 8–101(m) through (q), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

8–101.

(a) In this title the following words have the meanings indicated.

(b) "Advanced practice registered nurse" means an individual who:

(1) (i) Is licensed by the Board to practice registered nursing; or

(ii) Has a multistate licensure privilege to practice registered nursing under the Nurse Licensure Compact; and

(2) Is certified by the Board to practice as:

(i) A nurse practitioner;

(ii) A nurse anesthetist;

(iii) A nurse midwife; or

(iv) A clinical nurse specialist.

(c) "Applicant" means, unless the context requires otherwise:

(1) An individual applying for an initial license by examination or endorsement;

(2) A licensee applying for renewal of a license;

(3) An individual applying for an initial advanced practice registered nurse certification;

(4) A licensee applying for renewal of an advanced practice registered nurse certification; or

(5) An individual applying for reinstatement of a license in accordance with § 8–319 of this title.

(K) "NURSE ANESTHETIST" MEANS AN INDIVIDUAL WHO:

(1) IS LICENSED BY THE BOARD TO PRACTICE REGISTERED NURSING; AND

(2) IS CERTIFIED BY THE BOARD TO PRACTICE AS A NURSE ANESTHETIST.

[(k)**] (L)** "Practice advanced practice registered nursing" means to practice registered nursing within the scope of practice in the area of specialty for which the individual holds a certification from a nationally recognized certifying body recognized by the Board.

~~**(M) "PRACTICE AS A NURSE ANESTHETIST" MEANS TO PERFORM ACTS RELATED TO THE ADMINISTRATION OF ANESTHESIA AS PROVIDED UNDER § 8–513 OF THIS TITLE.**~~

~~8–312.~~

~~(a) A license expires on the 28th day of the birth month of the licensee and may not be renewed for a term longer than 2 years.~~

8–302.1.

(E) AN ADVANCED PRACTICE REGISTERED NURSE WHO QUALIFIES FOR CERTIFICATION BY THE BOARD BY HAVING A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT SHALL ENSURE, AT ALL TIMES, THAT THE BOARD HAS CURRENT DOCUMENTATION OF CERTIFICATION AS AN ADVANCED PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY AS REQUIRED UNDER SUBSECTION (B)(3)(IV) OF THIS SECTION FOR THE AREA OF SPECIALTY FOR WHICH THE ADVANCED PRACTICE REGISTERED NURSE IS CERTIFIED BY THE BOARD.

~~(II)~~ (F) (1) (I) ~~AN~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN ADVANCED PRACTICE REGISTERED NURSE'S CERTIFICATION EXPIRES ON THE SAME DATE AS THE ADVANCED PRACTICE REGISTERED NURSE'S LICENSE TO PRACTICE REGISTERED NURSING.

(II) THE TERM OF CERTIFICATION FOR AN ADVANCED PRACTICE REGISTERED NURSE WHO QUALIFIES FOR CERTIFICATION BY THE BOARD BY HAVING A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT:

1. IS 2 YEARS; AND

2. EXPIRES ON THE 28TH DAY OF THE BIRTH MONTH OF THE ADVANCED PRACTICE REGISTERED NURSE IN AN ODD–NUMBERED YEAR FOR A BIRTH DATE ENDING IN AN ODD–NUMBERED YEAR OR IN AN EVEN–NUMBERED YEAR FOR A BIRTH DATE ENDING IN AN EVEN–NUMBERED YEAR.

(2) BEFORE AN ADVANCED PRACTICE REGISTERED NURSE'S CERTIFICATION EXPIRES, THE ADVANCED PRACTICE REGISTERED NURSE MAY RENEW THE CERTIFICATION FOR AN ADDITIONAL 2–YEAR TERM IF THE ADVANCED PRACTICE REGISTERED NURSE IS OTHERWISE ENTITLED TO BE LICENSED.

(3) THE BOARD MAY NOT RENEW THE CERTIFICATION OF AN ADVANCED PRACTICE REGISTERED NURSE IF THE BOARD DOES NOT HAVE DOCUMENTATION OF THE LICENSEE'S CURRENT CERTIFICATION AS AN ADVANCED PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD AS REQUIRED UNDER ~~§ 8–302.1(B)(3)(IV) OF THIS SUBTITLE~~ SUBSECTION (B)(3)(IV) OF THIS SECTION FOR THE AREA OF SPECIALTY FOR WHICH THE ADVANCED PRACTICE REGISTERED NURSE IS CERTIFIED BY THE BOARD.

8–513.

(A) ~~(1)~~ IN THIS SECTION, "PERIOPERATIVE ~~CARE~~ ASSESSMENT AND MANAGEMENT" MEANS~~:~~

~~(I) THE ASSESSMENT AND MANAGEMENT OF A PATIENT REQUIRING ANESTHESIA BEFORE AND AFTER A SURGICAL PROCEDURE; AND~~

~~(II) THE MONITORING OF A PATIENT DURING THE ADMINISTRATION OF ANESTHESIA.~~

~~(2) "PERIOPERATIVE CARE" INCLUDES ORDERING DRUGS AND MEDICATIONS TO BE ADMINISTERED TO A PATIENT BY A LICENSED, CERTIFIED, OR REGISTERED HEALTH CARE PRACTITIONER BEFORE A SURGICAL PROCEDURE TAKES PLACE AND UNTIL THE PATIENT IS DISCHARGED FROM POSTANESTHESIA CARE~~ THE ASSESSMENT AND MANAGEMENT OF A PATIENT PREOPERATIVELY, INTRAOPERATIVELY, AND POSTOPERATIVELY.

(B) (1) A NURSE ANESTHETIST MAY PERFORM THE FOLLOWING FUNCTIONS:

~~(1) PROVIDE PERIOPERATIVE CARE;~~

~~(2) ADMINISTER ANESTHETICS;~~

~~(3) MANAGE FLUID IN INTRAVENOUS THERAPY;~~

~~(4) PROVIDE RESPIRATORY CARE;~~

~~(5) ORDER AND EVALUATE LABORATORY AND DIAGNOSTIC TESTS;~~

~~(6) PERFORM POINT-OF-CARE TESTING THAT THE NURSE ANESTHETIST IS QUALIFIED TO PERFORM;~~

~~(7) ORDER AND EVALUATE RADIOGRAPHIC IMAGING STUDIES THAT THE NURSE ANESTHETIST IS QUALIFIED TO ORDER AND INTERPRET; AND~~

~~(8) PERFORM ANY OTHER ACT THAT THE NURSE ANESTHETIST IS AUTHORIZED TO PERFORM UNDER THIS ARTICLE OR THE HEALTH – GENERAL ARTICLE.~~

(I) PERIOPERATIVE ASSESSMENT AND MANAGEMENT OF PATIENTS REQUIRING ANESTHESIA SERVICES;

(II) ADMINISTRATION OF ANESTHETIC AGENTS;

(III) MANAGEMENT OF FLUIDS IN INTRAVENOUS THERAPY; AND

(IV) RESPIRATORY CARE.

(2) A NURSE ANESTHETIST HAS THE RIGHT AND OBLIGATION TO REFUSE TO PERFORM A DELEGATED ACT IF IN THE NURSE ANESTHETIST'S JUDGMENT, THE ACT IS:

(I) UNSAFE;

(II) AN INVALIDLY PRESCRIBED MEDICAL ACT; OR

(III) BEYOND THE CLINICAL SKILLS OF THE NURSE ANESTHETIST.

(3) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AUTHORIZE A NURSE ANESTHETIST TO:

(I) DIAGNOSE A MEDICAL CONDITION;

(II) PROVIDE CARE THAT IS NOT CONSISTENT WITH THE SCOPE OF PRACTICE OF NURSE ANESTHETISTS; OR

(III) PROVIDE CARE FOR WHICH THE NURSE ANESTHETIST DOES NOT HAVE PROPER EDUCATION AND EXPERIENCE.

~~(C) (1) A NURSE ANESTHETIST SHALL ADMINISTER ANESTHESIA IN COLLABORATION WITH AN ANESTHESIOLOGIST, A PHYSICIAN, OR A DENTIST.~~

(C) A NURSE ANESTHETIST SHALL COLLABORATE WITH AN ANESTHESIOLOGIST, A LICENSED PHYSICIAN, OR A DENTIST IN THE FOLLOWING MANNER:

(1) AN ANESTHESIOLOGIST, A LICENSED PHYSICIAN, OR A DENTIST SHALL BE PHYSICALLY AVAILABLE TO THE NURSE ANESTHETIST FOR CONSULTATION AT ALL TIMES DURING THE ADMINISTRATION OF, AND RECOVERY FROM, ANESTHESIA;

(2) AN ANESTHESIOLOGIST SHALL BE AVAILABLE FOR CONSULTATION TO THE NURSE ANESTHETIST FOR OTHER ASPECTS OF THE PRACTICE OF NURSE ANESTHESIA; AND

(3) IF AN ANESTHESIOLOGIST IS NOT AVAILABLE, A LICENSED PHYSICIAN OR DENTIST SHALL BE AVAILABLE TO PROVIDE THIS TYPE OF CONSULTATION.

(D) THE NURSE ANESTHETIST SHALL ENSURE THAT A QUALIFIED ANESTHESIA PROVIDER:

(1) PERFORMS A THOROUGH AND COMPLETE PREANESTHETIC ASSESSMENT;

(2) OBTAINS INFORMED CONSENT FOR THE PLANNED ANESTHETIC INTERVENTION FROM THE PATIENT OR AN INDIVIDUAL RESPONSIBLE FOR THE PATIENT; AND

(3) FORMULATES A PATIENT–SPECIFIC PLAN FOR ANESTHESIA CARE.

(E) THE NURSE ANESTHETIST AS PART OF THE STANDARDS OF PRACTICE SHALL:

(1) IMPLEMENT AND ADJUST AN ANESTHESIA CARE PLAN AS NEEDED TO ADAPT TO THE PATIENT'S RESPONSE TO THE ANESTHESIA;

(2) MONITOR A PATIENT'S PHYSIOLOGIC CONDITION FOR UNTOWARD IDENTIFIABLE REACTIONS AND INITIATE APPROPRIATE CORRECTIVE ACTIONS AS REQUIRED;

(3) ENTER PROMPT, COMPLETE, AND ACCURATE DOCUMENTATION OF PERTINENT INFORMATION ON A PATIENT'S RECORD;

(4) TRANSFER RESPONSIBILITY FOR CARE OF A PATIENT TO OTHER QUALIFIED PROVIDERS IN A MANNER THAT ENSURES CONTINUITY OF CARE AND PATIENT SAFETY;

(5) ENSURE THAT APPROPRIATE SAFETY PRECAUTIONS ARE TAKEN TO MINIMIZE THE RISKS OF FIRE, EXPLOSION, ELECTRICAL SHOCK, AND EQUIPMENT MALFUNCTION;

(6) MAINTAIN APPROPRIATE INFECTION CONTROL STANDARDS;

(7) EVALUATE ANESTHESIA CARE TO ENSURE ITS QUALITY;

(8) MAINTAIN CONTINUAL COMPETENCE IN ANESTHESIA PRACTICE; AND

(9) RESPECT AND MAINTAIN THE BASIC RIGHTS OF PATIENTS.

~~(2)~~ (F) ~~PARAGRAPH (1) OF THIS SUBSECTION~~ THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A WRITTEN COLLABORATION AGREEMENT

BETWEEN A NURSE ANESTHETIST AND AN ANESTHESIOLOGIST, A PHYSICIAN, ~~A PODIATRIST,~~ OR A DENTIST.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to expand the current scope of practice of a certified registered nurse anesthetist.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 484

(Senate Bill 728)

AN ACT concerning

Public Safety – Battery Operated Smoke Alarms

FOR the purpose of prohibiting a person from selling a battery operated smoke alarm in the State ~~or transporting a battery operated smoke alarm into the State~~ for a certain ~~use~~ *purpose* on or after a certain date unless the smoke alarm meets certain requirements; exempting certain alarms and detectors from a certain prohibition; *imposing a certain penalty for a violation of this Act;* defining a certain term; and generally relating to smoke alarms.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 9–101 *and 9–109*
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 9–104(d) and 9–106(f)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY adding to
Article – Public Safety
Section 9–106.1
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Safety

9–101.

(a) In this subtitle the following words have the meanings indicated.

(B) "LONG–LIFE BATTERY" MEANS A NONRECHARGEABLE, NONREPLACEABLE PRIMARY BATTERY THAT IS CAPABLE OF OPERATING A SMOKE ALARM FOR AT LEAST 10 YEARS IN THE NORMAL CONDITION.

[(b)**] (C)** "Sleeping area" means a space that includes one or more sleeping rooms and a hall or common area immediately adjacent to any sleeping room.

[(c)**] (D)** "Sleeping room" means an enclosed room with a bed arranged to be used as a bedroom.

[(d)**] (E)** "Smoke alarm" means a single or multiple station device that detects visible or invisible products of combustion and includes a built–in internal alarm signal.

[(e)**] (F)** "Smoke detector" means a system–connected smoke sensing device tied to a fire alarm control panel or a household fire warning panel.

9–104.

(d) (1) Subject to paragraph (2) of this subsection, smoke alarm placement in a one– or two–family dwelling shall be upgraded to comply with paragraph (3) of this subsection in existing residential occupancies when any one of the following occurs:

(i) the existing smoke alarms exceed 10 years from the date of manufacture;

(ii) the existing smoke alarms fail to respond to operability tests or otherwise malfunction;

(iii) there is a change of tenant in a residential unit and the residential unit has not previously been equipped in accordance with this subtitle with sealed long–life battery smoke alarms with silence/hush button features within the 10 years preceding the change of tenant; or

(iv) a building permit is issued for an additional residential unit or alteration to a residential unit.

(2) Smoke alarm placement shall be upgraded to comply with paragraph (3) of this subsection in all existing residential occupancies on or before January 1, 2018.

(3) Upgraded smoke alarm placement shall include the following:

(i) a minimum of one smoke alarm on each level of the residential unit, including basements and excluding unoccupied attics, garages, and crawl spaces;

(ii) smoke alarms shall be alternating current (AC) primary powered units with battery backup, except as follows:

1. smoke alarms in one– and two–family dwellings constructed before July 1, 1975, may be battery operated; and

2. smoke alarms required in new locations by this section, if smoke alarms did not previously exist, may be battery operated; and

(iii) if battery operated smoke alarms are permitted, only sealed, tamper resistant units incorporating a silence/hush button and using long–life batteries may be used.

9–106.

(f) (1) If a residential unit does not contain alternating current (AC) primary electric power, battery operated smoke alarms or smoke alarm operation on an approved alternate source of power may be permitted.

(2) Battery operated smoke alarms shall be sealed, tamper resistant units incorporating a silence/hush button and using long–life batteries.

9–106.1.

(A) THIS SECTION DOES NOT APPLY TO:

(1) A FIRE ALARM, A SMOKE DETECTOR, A SMOKE ALARM, OR AN ANCILLARY COMPONENT THAT IS:

(I) ELECTRONICALLY CONNECTED AS A PART OF A LISTED CENTRALLY MONITORED OR SUPERVISED ALARM SYSTEM; OR

(II) CAPABLE OF SENDING AND RECEIVING NOTIFICATIONS BY:

1. A LOW–POWER RADIO FREQUENCY WIRELESS COMMUNICATION SIGNAL; OR

2. A WIRELESS LOCAL AREA NETWORKING CAPABILITY; OR

(2) ANY OTHER DEVICE THAT THE STATE FIRE MARSHAL DESIGNATES AS EXEMPT THROUGH THE REGULATORY PROCESS.

(B) ON OR AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL A BATTERY OPERATED SMOKE ALARM IN THE STATE ~~OR TRANSPORT A BATTERY OPERATED SMOKE ALARM INTO THE STATE~~ FOR ~~CONSUMER USE~~ *COMPLIANCE WITH THIS SUBTITLE* UNLESS THE SMOKE ALARM IS A SEALED, TAMPER RESISTANT UNIT INCORPORATING A SILENCE/HUSH BUTTON AND USING ONE OR MORE LONG–LIFE BATTERIES.

9–109.

(a) A person may not knowingly violate this subtitle.

(b) ***(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A*** *person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding $1,000 or both.*

(2) A PERSON WHO VIOLATES § 9–106.1 OF THIS SUBTITLE IS SUBJECT TO A FINE NOT EXCEEDING $1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 485

(House Bill 1083)

AN ACT concerning

Insurance – Contracts and Policies – Educational and Promotional Materials and Articles of Merchandise

FOR the purpose of increasing the maximum cost of educational and promotional materials and articles of merchandise that a person may offer, promise, or give as valuable consideration not specified in a contract of life insurance or health insurance or in an annuity contract; increasing the maximum cost of educational and promotional materials and articles of merchandise that a person may offer, promise, or give as

valuable consideration not specified in an insurance policy that is not life insurance, health insurance, or an annuity; prohibiting a person from making receipt of any educational materials, promotional materials, or articles of merchandise under certain provisions of law contingent on the sale or purchase of insurance; and generally relating to providing educational and promotional materials and articles of merchandise not specified in an insurance contract or policy.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–209 and 27–212
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

27–209.

(A) Except as otherwise expressly provided by law, a person, including a health maintenance organization, may not knowingly:

(1) allow, make, or offer to make a contract of life insurance or health insurance or an annuity contract or an agreement as to the contract other than as plainly expressed in the contract;

(2) pay, allow, give, or offer to pay, allow, or give directly or indirectly as an inducement to the insurance or annuity:

(i) a rebate of premiums payable on the contract;

(ii) a special favor or advantage in the dividends or other benefits under the contract;

(iii) paid employment or a contract for services of any kind; or

(iv) any valuable consideration or other inducement not specified in the contract;

(3) directly or indirectly give, sell, purchase, offer or agree to give, sell, or purchase, or allow as inducement to the insurance or annuity or in connection with the insurance or annuity, regardless of whether specified in the policy or contract, an agreement that promises returns and profits, or stocks, bonds, or other securities, or a present or contingent interest in or measured by stocks, bonds, or other securities, of an insurer or other corporation, association, or partnership, or dividends or profits accrued or to accrue on stocks, bonds, or other securities; or

(4) offer, promise, or give any valuable consideration not specified in the contract, except for educational materials, promotional materials, or articles of merchandise that cost no more than **[**$25**]** ~~**$100**, regardless of whether a policy is purchased~~ **$50.**

(B) A PERSON MAY NOT MAKE RECEIPT OF ANY EDUCATIONAL MATERIALS, PROMOTIONAL MATERIALS, OR ARTICLES OF MERCHANDISE UNDER SUBSECTION (A)(4) OF THIS SECTION CONTINGENT ON THE SALE OR PURCHASE OF INSURANCE.

27–212.

(a) This section does not apply to life insurance, health insurance, and annuities.

(b) Except to the extent provided for in an applicable filing with the Commissioner as provided by law, an insurer, employee or representative of an insurer or insurance producer may not pay, allow, give, or offer to pay, allow, or give directly or indirectly as an inducement to insurance or after insurance has become effective:

(1) a rebate, discount, abatement, credit, or reduction of the premium stated in the policy;

(2) a special favor or advantage in the dividends or other benefits to accrue on the policy; or

(3) any valuable consideration or other inducement not specified in the policy.

(c) An insured named in a policy or an employee of the insured may not knowingly receive or accept directly or indirectly a rebate, discount, abatement, credit, reduction of premium, special favor, advantage, valuable consideration, or inducement described in subsection (b) of this section.

(d) **(1)** Except as otherwise provided by law, a person may not knowingly offer, promise, or give any valuable consideration not specified in the policy, except for educational materials, promotional materials, or articles of merchandise that cost no more than **[**$25**]** ~~**$100**, regardless of whether a policy is purchased~~ **$50.**

(2) A PERSON MAY NOT MAKE RECEIPT OF ANY EDUCATIONAL MATERIALS, PROMOTIONAL MATERIALS, OR ARTICLES OF MERCHANDISE UNDER THIS SUBSECTION CONTINGENT ON THE SALE OR PURCHASE OF INSURANCE.

(e) (1) An insurer may not make or allow unfair discrimination between insureds or properties having like insuring or risk characteristics in:

(i) the premium or rates charged for insurance;

(ii) the dividends or other benefits payable on the insurance; or

(iii) any of the other terms or conditions of the insurance.

(2) Notwithstanding any other provision of this section, an insurer may not make or allow a differential in ratings, premium payments, or dividends for a reason based on the sex, physical handicap, or disability of an applicant or policyholder unless there is actuarial justification for the differential.

(f) This section does not prohibit an insurer from:

(1) paying commissions or other compensation to licensed insurance producers; or

(2) allowing or returning to its participating policyholders, members, or subscribers lawful dividends, savings, or unabsorbed premium deposits.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 486

(Senate Bill 673)

AN ACT concerning

Insurance – Contracts and Policies – Educational and Promotional Materials and Articles of Merchandise

FOR the purpose of increasing the maximum cost of educational and promotional materials and articles of merchandise that a person may offer, promise, or give as valuable consideration not specified in a contract of life insurance or health insurance or in an annuity contract; increasing the maximum cost of educational and promotional materials and articles of merchandise that a person may offer, promise, or give as valuable consideration not specified in an insurance policy that is not life insurance, health insurance, or an annuity; prohibiting a person from making receipt of any educational materials, promotional materials, or articles of merchandise under certain provisions of law contingent on the sale or purchase of insurance; and generally relating to providing educational and promotional materials and articles of merchandise not specified in an insurance contract or policy.

BY repealing and reenacting, with amendments,

Article – Insurance
Section 27–209 and 27–212
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

27–209.

(A) Except as otherwise expressly provided by law, a person, including a health maintenance organization, may not knowingly:

(1) allow, make, or offer to make a contract of life insurance or health insurance or an annuity contract or an agreement as to the contract other than as plainly expressed in the contract;

(2) pay, allow, give, or offer to pay, allow, or give directly or indirectly as an inducement to the insurance or annuity:

(i) a rebate of premiums payable on the contract;

(ii) a special favor or advantage in the dividends or other benefits under the contract;

(iii) paid employment or a contract for services of any kind; or

(iv) any valuable consideration or other inducement not specified in the contract;

(3) directly or indirectly give, sell, purchase, offer or agree to give, sell, or purchase, or allow as inducement to the insurance or annuity or in connection with the insurance or annuity, regardless of whether specified in the policy or contract, an agreement that promises returns and profits, or stocks, bonds, or other securities, or a present or contingent interest in or measured by stocks, bonds, or other securities, of an insurer or other corporation, association, or partnership, or dividends or profits accrued or to accrue on stocks, bonds, or other securities; or

(4) offer, promise, or give any valuable consideration not specified in the contract, except for educational materials, promotional materials, or articles of merchandise that cost no more than **[**$25**]** ~~**$100**, regardless of whether a policy is purchased~~ **$50.**

(B) A PERSON MAY NOT MAKE RECEIPT OF ANY EDUCATIONAL MATERIALS, PROMOTIONAL MATERIALS, OR ARTICLES OF MERCHANDISE UNDER SUBSECTION (A)(4) OF THIS SECTION CONTINGENT ON THE SALE OR PURCHASE OF INSURANCE.

27–212.

(a) This section does not apply to life insurance, health insurance, and annuities.

(b) Except to the extent provided for in an applicable filing with the Commissioner as provided by law, an insurer, employee or representative of an insurer or insurance producer may not pay, allow, give, or offer to pay, allow, or give directly or indirectly as an inducement to insurance or after insurance has become effective:

(1) a rebate, discount, abatement, credit, or reduction of the premium stated in the policy;

(2) a special favor or advantage in the dividends or other benefits to accrue on the policy; or

(3) any valuable consideration or other inducement not specified in the policy.

(c) An insured named in a policy or an employee of the insured may not knowingly receive or accept directly or indirectly a rebate, discount, abatement, credit, reduction of premium, special favor, advantage, valuable consideration, or inducement described in subsection (b) of this section.

(d) **(1)** Except as otherwise provided by law, a person may not knowingly offer, promise, or give any valuable consideration not specified in the policy, except for educational materials, promotional materials, or articles of merchandise that cost no more than **[**$25**]** ~~**$100**, regardless of whether a policy is purchased~~ **$50.**

(2) A PERSON MAY NOT MAKE RECEIPT OF ANY EDUCATIONAL MATERIALS, PROMOTIONAL MATERIALS, OR ARTICLES OF MERCHANDISE UNDER THIS SUBSECTION CONTINGENT ON THE SALE OR PURCHASE OF INSURANCE.

(e) (1) An insurer may not make or allow unfair discrimination between insureds or properties having like insuring or risk characteristics in:

(i) the premium or rates charged for insurance;

(ii) the dividends or other benefits payable on the insurance; or

(iii) any of the other terms or conditions of the insurance.

(2) Notwithstanding any other provision of this section, an insurer may not make or allow a differential in ratings, premium payments, or dividends for a reason based on the sex, physical handicap, or disability of an applicant or policyholder unless there is actuarial justification for the differential.

(f) This section does not prohibit an insurer from:

(1) paying commissions or other compensation to licensed insurance producers; or

(2) allowing or returning to its participating policyholders, members, or subscribers lawful dividends, savings, or unabsorbed premium deposits.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 487

(House Bill 1132)

AN ACT concerning

Health Insurance – Access to Local Health Departments

FOR the purpose of requiring a carrier that is an insurer, a nonprofit health service plan, or a health maintenance organization, except for a group model health maintenance organization, to ensure in certain standards that certain enrollees have access to local health departments and certain services provided through local health departments to the extent that local health departments are willing to participate on a carrier's provider panel; requiring that a certain access plan filed by a carrier, except for an access plan filed by a group model health maintenance organization, include a description of the carrier's efforts to include local health departments in the carrier's network; defining a certain term; providing for the application of this Act; providing for a delayed effective date; and generally relating to access to health care services provided through local health departments.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(a), (b), and (c)(4)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Insurance
Section 15–112(c)(1) and (2)
Annotated Code of Maryland
(2017 Replacement Volume)

~~BY adding to~~
~~Article – Insurance~~
~~Section 31–115(b)(9)~~
~~Annotated Code of Maryland~~
~~(2017 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–112.

(a) (1) In this section the following words have the meanings indicated.

(2) "Accredited hospital" has the meaning stated in § 19–301 of the Health – General Article.

(3) "Ambulatory surgical facility" has the meaning stated in § 19–3B–01 of the Health – General Article.

(4) "BEHAVIORAL HEALTH CARE SERVICES" HAS THE MEANING STATED IN § 15–127 OF THIS SUBTITLE.

[(4)**] (5)** (i) "Carrier" means:

1. an insurer;

2. a nonprofit health service plan;

3. a health maintenance organization;

4. a dental plan organization; or

5. any other person that provides health benefit plans subject to regulation by the State.

(ii) "Carrier" includes an entity that arranges a provider panel for a carrier.

[(5)**] (6)** "Credentialing intermediary" means a person to whom a carrier has delegated credentialing or recredentialing authority and responsibility.

[(6)**] (7)** "Enrollee" means a person entitled to health care benefits from a carrier.

[(7)**] (8)** **"GROUP MODEL HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 19–713.6(A) OF THE HEALTH – GENERAL ARTICLE.**

(9) "Health benefit plan":

(i) for a group or blanket plan in the large group market, has the meaning stated in § 15–1401 of this title;

(ii) for a group in the small group market, has the meaning stated in § 31–101 of this article; and

(iii) for an individual plan, has the meaning stated in § 15–1301 of this title.

[(8)**] ~~(9)~~ (10)** (i) "Health care facility" means a health care setting or institution providing physical, mental, or substance use disorder health care services.

(ii) "Health care facility" includes:

1. a hospital;

2. an ambulatory surgical or treatment center;

3. a skilled nursing facility;

4. a residential treatment center;

5. an urgent care center;

6. a diagnostic, laboratory, or imaging center;

7. a rehabilitation facility; and

8. any other therapeutic health care setting.

[(9)**] ~~(10)~~ (11)** "Hospital" has the meaning stated in § 19–301 of the Health – General Article.

[(10)**] ~~(11)~~ (12)** "Network" means a carrier's participating providers and the health care facilities with which a carrier contracts to provide health care services to the carrier's enrollees under the carrier's health benefit plan.

[(11)**]** ~~**(12)**~~ **(13)** "Network directory" means a list of a carrier's participating providers and participating health care facilities.

[(12)**]** ~~**(13)**~~ **(14)** "Online credentialing system" means the system through which a provider may access an online provider credentialing application that the Commissioner has designated as the uniform credentialing form under § 15–112.1(e) of this subtitle.

[(13)**]** ~~**(14)**~~ **(15)** "Participating provider" means a provider on a carrier's provider panel.

[(14)**]** ~~**(15)**~~ **(16)** "Provider" means a health care practitioner or group of health care practitioners licensed, certified, or otherwise authorized by law to provide health care services.

[(15)**]** ~~**(16)**~~ **(17)** (i) "Provider panel" means the providers that contract either directly or through a subcontracting entity with a carrier to provide health care services to the carrier's enrollees under the carrier's health benefit plan.

(ii) "Provider panel" does not include an arrangement in which any provider may participate solely by contracting with the carrier to provide health care services at a discounted fee–for–service rate.

(b) (1) Subject to paragraph (3) of this subsection, a carrier that uses a provider panel shall:

(i) if the carrier is an insurer, nonprofit health service plan, health maintenance organization, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees; and

(ii) establish procedures to:

1. review applications for participation on the carrier's provider panel in accordance with this section;

2. notify an enrollee of:

A. the termination from the carrier's provider panel of the primary care provider that was furnishing health care services to the enrollee; and

B. the right of the enrollee, on request, to continue to receive health care services from the enrollee's primary care provider for up to 90 days after the date of the notice of termination of the enrollee's primary care provider from the carrier's provider panel, if the termination was for reasons unrelated to fraud, patient abuse, incompetency, or loss of licensure status;

3. notify primary care providers on the carrier's provider panel of the termination of a specialty referral services provider;

4. verify with each provider on the carrier's provider panel, at the time of credentialing and recredentialing, whether the provider is accepting new patients and update the information on participating providers that the carrier is required to provide under subsection (n) of this section; and

5. notify a provider at least 90 days before the date of the termination of the provider from the carrier's provider panel, if the termination is for reasons unrelated to fraud, patient abuse, incompetency, or loss of licensure status.

(2) The provisions of paragraph (1)(ii)4 of this subsection may not be construed to require a carrier to allow a provider to refuse to accept new patients covered by the carrier.

(3) For a carrier that is an insurer, a nonprofit health service plan, or a health maintenance organization, the standards required under paragraph (1)(i) if this subsection shall:

(i) ensure that all enrollees, including adults and children, have access to providers and covered services without unreasonable travel or delay; **[**and**]**

(ii) 1. include standards that ensure access to providers, including essential community providers, that serve predominantly low–income and medically underserved individuals; or

2. for a carrier that provides a majority of covered professional services through physicians employed by a single contracted medical group and through health care providers employed by the carrier, include alternative standards for addressing the needs of low–income, medically underserved individuals**; AND**

(III) <u>EXCEPT FOR A CARRIER THAT IS A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION,</u> ENSURE THAT ALL ENROLLEES HAVE ACCESS TO LOCAL HEALTH DEPARTMENTS AND COVERED SERVICES PROVIDED THROUGH LOCAL HEALTH DEPARTMENTS, INCLUDING BEHAVIORAL HEALTH CARE SERVICES<u>, TO THE EXTENT THAT LOCAL HEALTH DEPARTMENTS ARE WILLING TO PARTICIPATE ON A CARRIER'S PROVIDER PANEL</u>.

(c) (1) This subsection applies to a carrier that:

(i) is an insurer, a nonprofit health service plan, or a health maintenance organization; and

(ii) uses a provider panel for a health benefit plan offered by the carrier.

(2) (i) On or before July 1, 2018, and annually thereafter, a carrier shall file with the Commissioner for review by the Commissioner an access plan that meets the requirements of subsection (b) of this section and any regulations adopted by the Commissioner under subsections (b) and (d) of this section.

(ii) If the carrier makes a material change to the access plan, the carrier shall:

1. notify the Commissioner of the change within 15 business days after the change occurs; and

2. include in the notice required under item 1 of this subparagraph a reasonable timeframe within which the carrier will file with the Commissioner an update to the existing access plan for review by the Commissioner.

(iii) The Commissioner may order corrective action if, after review, the access plan is determined not to meet the requirements of this subsection.

(4) An access plan filed under this subsection shall include a description of:

(i) the carrier's network, including how telemedicine, telehealth, or other technology may be used to meet network access standards required under subsection (b) of this section;

(ii) the carrier's process for monitoring and ensuring, on an ongoing basis, the sufficiency of the network to meet the health care needs of enrollees;

(iii) the factors used by the carrier to build its provider network, including the criteria used to select providers for participation in the network and, if applicable, place providers in network tiers;

(iv) the carrier's efforts to address the needs of both adult and child enrollees, including adults and children with:

1. limited English proficiency or illiteracy;

2. diverse cultural or ethnic backgrounds;

3. physical or mental disabilities; and

4. serious, chronic, or complex health conditions;

(v) 1. the carrier's efforts to include providers, including essential community providers, in its network who serve predominantly low–income, medically underserved individuals; or

2. for a carrier that provides a majority of covered professional services through physicians employed by a single contracted medical group and through health care providers employed by the carrier, the carrier's efforts to address the needs of low–income, medically underserved individuals; **[**and**]**

(vi) **EXCEPT FOR AN ACCESS PLAN FILED BY A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION, THE CARRIER'S EFFORTS TO INCLUDE LOCAL HEALTH DEPARTMENTS IN ITS NETWORK; AND**

(VII) the carrier's methods for assessing the health care needs of enrollees and enrollee satisfaction with health care services provided to them.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies and contracts issued, delivered, or renewed in the State on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 488

(Senate Bill 858)

AN ACT concerning

Health Insurance – Access to Local Health Departments

FOR the purpose of requiring a carrier that is an insurer, a nonprofit health service plan, or a health maintenance organization, except for a group model health maintenance organization, to ensure in certain standards that certain enrollees have access to local health departments and certain services provided through local health departments to the extent that local health departments are willing to participate on a carrier's provider panel; requiring that a certain access plan filed by a carrier, except for an access plan filed by a group model health maintenance organization, include a description of the carrier's efforts to include local health departments in the carrier's network; defining a certain term; providing for the application of this Act; providing for a delayed effective date; and generally relating to access to health care services provided through local health departments.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(a), (b), and (c)(4)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112(c)(1) and (2)
Annotated Code of Maryland
(2017 Replacement Volume)

~~BY adding to~~
~~Article – Insurance~~
~~Section 31–115(b)(9)~~
~~Annotated Code of Maryland~~
~~(2017 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–112.

(a) (1) In this section the following words have the meanings indicated.

(2) "Accredited hospital" has the meaning stated in § 19–301 of the Health – General Article.

(3) "Ambulatory surgical facility" has the meaning stated in § 19–3B–01 of the Health – General Article.

(4) "BEHAVIORAL HEALTH CARE SERVICES" HAS THE MEANING STATED IN § 15–127 OF THIS SUBTITLE.

[(4)**] (5)** (i) "Carrier" means:

1. an insurer;

2. a nonprofit health service plan;

3. a health maintenance organization;

4. a dental plan organization; or

5. any other person that provides health benefit plans subject to regulation by the State.

(ii) "Carrier" includes an entity that arranges a provider panel for a carrier.

[(5)**] (6)** "Credentialing intermediary" means a person to whom a carrier has delegated credentialing or recredentialing authority and responsibility.

[(6)**] (7)** "Enrollee" means a person entitled to health care benefits from a carrier.

[(7)**] (8)** **"GROUP MODEL HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 19–713.6(A) OF THE HEALTH – GENERAL ARTICLE.**

(9) "Health benefit plan":

(i) for a group or blanket plan in the large group market, has the meaning stated in § 15–1401 of this title;

(ii) for a group in the small group market, has the meaning stated in § 31–101 of this article; and

(iii) for an individual plan, has the meaning stated in § 15–1301 of this title.

[(8)**] ~~(9)~~ (10)** (i) "Health care facility" means a health care setting or institution providing physical, mental, or substance use disorder health care services.

(ii) "Health care facility" includes:

1. a hospital;

2. an ambulatory surgical or treatment center;

3. a skilled nursing facility;

4. a residential treatment center;

5. an urgent care center;

6. a diagnostic, laboratory, or imaging center;

7. a rehabilitation facility; and

8. any other therapeutic health care setting.

[(9)**]** ~~**(10)**~~ **(11)** "Hospital" has the meaning stated in § 19–301 of the Health – General Article.

[(10)**]** ~~**(11)**~~ **(12)** "Network" means a carrier's participating providers and the health care facilities with which a carrier contracts to provide health care services to the carrier's enrollees under the carrier's health benefit plan.

[(11)**]** ~~**(12)**~~ **(13)** "Network directory" means a list of a carrier's participating providers and participating health care facilities.

[(12)**]** ~~**(13)**~~ **(14)** "Online credentialing system" means the system through which a provider may access an online provider credentialing application that the Commissioner has designated as the uniform credentialing form under § 15–112.1(e) of this subtitle.

[(13)**]** ~~**(14)**~~ **(15)** "Participating provider" means a provider on a carrier's provider panel.

[(14)**]** ~~**(15)**~~ **(16)** "Provider" means a health care practitioner or group of health care practitioners licensed, certified, or otherwise authorized by law to provide health care services.

[(15)**]** ~~**(16)**~~ **(17)** (i) "Provider panel" means the providers that contract either directly or through a subcontracting entity with a carrier to provide health care services to the carrier's enrollees under the carrier's health benefit plan.

(ii) "Provider panel" does not include an arrangement in which any provider may participate solely by contracting with the carrier to provide health care services at a discounted fee–for–service rate.

(b) (1) Subject to paragraph (3) of this subsection, a carrier that uses a provider panel shall:

(i) if the carrier is an insurer, nonprofit health service plan, health maintenance organization, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees; and

(ii) establish procedures to:

1. review applications for participation on the carrier's provider panel in accordance with this section;

2. notify an enrollee of:

A. the termination from the carrier's provider panel of the primary care provider that was furnishing health care services to the enrollee; and

B. the right of the enrollee, on request, to continue to receive health care services from the enrollee's primary care provider for up to 90 days after the date of the notice of termination of the enrollee's primary care provider from the carrier's provider panel, if the termination was for reasons unrelated to fraud, patient abuse, incompetency, or loss of licensure status;

3. notify primary care providers on the carrier's provider panel of the termination of a specialty referral services provider;

4. verify with each provider on the carrier's provider panel, at the time of credentialing and recredentialing, whether the provider is accepting new patients and update the information on participating providers that the carrier is required to provide under subsection (n) of this section; and

5. notify a provider at least 90 days before the date of the termination of the provider from the carrier's provider panel, if the termination is for reasons unrelated to fraud, patient abuse, incompetency, or loss of licensure status.

(2) The provisions of paragraph (1)(ii)4 of this subsection may not be construed to require a carrier to allow a provider to refuse to accept new patients covered by the carrier.

(3) For a carrier that is an insurer, a nonprofit health service plan, or a health maintenance organization, the standards required under paragraph (1)(i) if this subsection shall:

(i) ensure that all enrollees, including adults and children, have access to providers and covered services without unreasonable travel or delay; **[**and**]**

(ii) 1. include standards that ensure access to providers, including essential community providers, that serve predominantly low–income and medically underserved individuals; or

2. for a carrier that provides a majority of covered professional services through physicians employed by a single contracted medical group and through health care providers employed by the carrier, include alternative standards for addressing the needs of low–income, medically underserved individuals**; AND**

(III) <u>EXCEPT FOR A CARRIER THAT IS A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION,</u> ENSURE THAT ALL ENROLLEES HAVE ACCESS TO LOCAL HEALTH DEPARTMENTS AND COVERED SERVICES PROVIDED THROUGH LOCAL HEALTH DEPARTMENTS, INCLUDING BEHAVIORAL HEALTH CARE SERVICES<u>,</u>

TO THE EXTENT THAT LOCAL HEALTH DEPARTMENTS ARE WILLING TO PARTICIPATE ON A CARRIER'S PROVIDER PANEL.

(c) (1) This subsection applies to a carrier that:

(i) is an insurer, a nonprofit health service plan, or a health maintenance organization; and

(ii) uses a provider panel for a health benefit plan offered by the carrier.

(2) (i) On or before July 1, 2018, and annually thereafter, a carrier shall file with the Commissioner for review by the Commissioner an access plan that meets the requirements of subsection (b) of this section and any regulations adopted by the Commissioner under subsections (b) and (d) of this section.

(ii) If the carrier makes a material change to the access plan, the carrier shall:

1. notify the Commissioner of the change within 15 business days after the change occurs; and

2. include in the notice required under item 1 of this subparagraph a reasonable timeframe within which the carrier will file with the Commissioner an update to the existing access plan for review by the Commissioner.

(iii) The Commissioner may order corrective action if, after review, the access plan is determined not to meet the requirements of this subsection.

(4) An access plan filed under this subsection shall include a description of:

(i) the carrier's network, including how telemedicine, telehealth, or other technology may be used to meet network access standards required under subsection (b) of this section;

(ii) the carrier's process for monitoring and ensuring, on an ongoing basis, the sufficiency of the network to meet the health care needs of enrollees;

(iii) the factors used by the carrier to build its provider network, including the criteria used to select providers for participation in the network and, if applicable, place providers in network tiers;

(iv) the carrier's efforts to address the needs of both adult and child enrollees, including adults and children with:

1. limited English proficiency or illiteracy;

2. diverse cultural or ethnic backgrounds;

3. physical or mental disabilities; and

4. serious, chronic, or complex health conditions;

(v) 1. the carrier's efforts to include providers, including essential community providers, in its network who serve predominantly low–income, medically underserved individuals; or

2. for a carrier that provides a majority of covered professional services through physicians employed by a single contracted medical group and through health care providers employed by the carrier, the carrier's efforts to address the needs of low–income, medically underserved individuals; **[**and**]**

(vi) **EXCEPT FOR AN ACCESS PLAN FILED BY A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION, THE CARRIER'S EFFORTS TO INCLUDE LOCAL HEALTH DEPARTMENTS IN ITS NETWORK; AND**

(VII) the carrier's methods for assessing the health care needs of enrollees and enrollee satisfaction with health care services provided to them.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies and contracts issued, delivered, or renewed in the State on or after January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

Approved by the Governor, May 8, 2018.

Chapter 489

(House Bill 1467)

AN ACT concerning

Public Health – Sepsis Public Awareness Campaign Workgroup

FOR the purpose of requiring the Secretary of Health to establish a Sepsis Public Awareness Campaign Workgroup; providing for the membership of the Workgroup; requiring the Workgroup to develop a certain public awareness campaign, identify, review, and evaluate certain resources, and identify cost–effective methods for disseminating certain information; requiring the Workgroup to report to certain committees of the General Assembly on or before a certain date; and generally

relating to a Sepsis Public Awareness Campaign Workgroup.

Preamble

WHEREAS, Sepsis is a serious and often fatal clinical syndrome, resulting from infection; and

WHEREAS, Sepsis is a leading cause of deaths in hospitals and a leading cause of preventable deaths in children; and

WHEREAS, Sepsis affects more than 1 million Americans each year at an annual cost of over $20 billion; and

WHEREAS, Early recognition and intensive treatment are critical to decreasing morbidity and mortality from sepsis; and

WHEREAS, Public education about sepsis symptoms, diagnosis, treatment, and preventive measures is lacking because sepsis is a clinical syndrome with many causes that requires diagnosis by a physician; and

WHEREAS, Many different types of infections can lead to sepsis and a majority of patients develop infections leading to sepsis outside a hospital; and

WHEREAS, Maryland needs a coordinated and comprehensive campaign to educate the public on the need to prevent infections, the symptoms of sepsis, and the need for immediate treatment if sepsis is suspected or for an infection that is not improving or is getting worse; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) The Secretary of Health shall establish a Sepsis Public Awareness Campaign Workgroup.

(2) The Workgroup shall include the following members:

(i) two individuals who have had sepsis or have a family member who has had sepsis;

(ii) two representatives of hospitals;

(iii) one licensed emergency medicine physician;

(iv) one licensed primary care physician;

(v) one licensed pediatrician;

(vi) one representative of a local health department;

(vii) one representative of the Maryland Patient Safety Center;

(viii) one representative of the Maryland Nurses Association;

(ix) one representative from the Maryland State Department of Education;

(x) one representative from the Maryland Department of Health;

(xi) one infection control professional; and

(xii) one individual with expertise in public communication.

(b) The Workgroup shall:

(1) develop a public awareness campaign on sepsis awareness and prevention that includes:

(i) a definition of sepsis;

(ii) the risks associated with sepsis;

(iii) how sepsis may occur;

(iv) the signs and symptoms of sepsis;

(v) what to do if symptoms of sepsis are present; and

(vi) methods for prevention of sepsis;

(2) identify, review, and evaluate resources that could be used to educate the public on sepsis; and

(3) identify cost–effective methods for disseminating information to the public about sepsis.

(c) On or before December 1, 2018, the Workgroup shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the public awareness campaign developed under subsection (b) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 490

(Senate Bill 574)

AN ACT concerning

Public Health – Sepsis Public Awareness Campaign Workgroup

FOR the purpose of requiring the Secretary of Health to establish a Sepsis Public Awareness Campaign Workgroup; providing for the membership of the Workgroup; requiring the Workgroup to develop a certain public awareness campaign, identify, review, and evaluate certain resources, and identify cost–effective methods for disseminating certain information; requiring the Workgroup to report to certain committees of the General Assembly on or before a certain date; and generally relating to a Sepsis Public Awareness Campaign Workgroup.

Preamble

WHEREAS, Sepsis is a serious and often fatal clinical syndrome, resulting from infection; and

WHEREAS, Sepsis is a leading cause of deaths in hospitals and a leading cause of preventable deaths in children; and

WHEREAS, Sepsis affects more than 1 million Americans each year at an annual cost of over $20 billion; and

WHEREAS, Early recognition and intensive treatment are critical to decreasing morbidity and mortality from sepsis; and

WHEREAS, Public education about sepsis symptoms, diagnosis, treatment, and preventive measures is lacking because sepsis is a clinical syndrome with many causes that requires diagnosis by a physician; and

WHEREAS, Many different types of infections can lead to sepsis and a majority of patients develop infections leading to sepsis outside a hospital; and

WHEREAS, Maryland needs a coordinated and comprehensive campaign to educate the public on the need to prevent infections, the symptoms of sepsis, and the need for immediate treatment if sepsis is suspected or for an infection that is not improving or is getting worse; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) The Secretary of Health shall establish a Sepsis Public Awareness Campaign Workgroup.

(2) The Workgroup shall include the following members:

(i) two individuals who have had sepsis or have a family member who has had sepsis;

(ii) two representatives of hospitals;

(iii) one licensed emergency medicine physician;

(iv) one licensed primary care physician;

(v) one licensed pediatrician;

(vi) one representative of a local health department;

(vii) one representative of the Maryland Patient Safety Center;

(viii) one representative of the Maryland Nurses Association;

(ix) one representative from the Maryland State Department of Education;

(x) one representative from the Maryland Department of Health;

(xi) one infection control professional; and

(xii) one individual with expertise in public communication.

(b) The Workgroup shall:

(1) develop a public awareness campaign on sepsis awareness and prevention that includes:

(i) a definition of sepsis;

(ii) the risks associated with sepsis;

(iii) how sepsis may occur;

(iv) the signs and symptoms of sepsis;

(v) what to do if symptoms of sepsis are present; and

(vi) methods for prevention of sepsis;

(2) identify, review, and evaluate resources that could be used to educate the public on sepsis; and

(3) identify cost–effective methods for disseminating information to the public about sepsis.

(c) On or before December 1, 2018, the Workgroup shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the public awareness campaign developed under subsection (b) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 491

(House Bill 1106)

AN ACT concerning

Public Health – Cottage Food Products – Definition

FOR the purpose of altering the definition of "cottage food product" to include certain food sold in the State directly to a consumer from a residence, by personal delivery, or by mail delivery in accordance with certain provisions of law; and generally relating to cottage food products.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(a) and (b–1)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–301(b–2)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

21–301.

(a) In this subtitle the following words have the meanings indicated.

(b–1) "Cottage food business" means a business that:

(1) Produces or packages cottage food products in a residential kitchen;

(2) Sells the cottage food products in accordance with § 21–330.1 of this subtitle and regulations adopted by the Department; and

(3) Has annual revenues from the sale of cottage food products in an amount not exceeding $25,000.

(b–2) "Cottage food product" means a nonhazardous food, as specified in regulations adopted by the Department, that is sold **IN THE STATE DIRECTLY TO A CONSUMER FROM A RESIDENCE,** at a farmer's market**, [**or**] AT A** public event**, BY PERSONAL DELIVERY, OR BY MAIL DELIVERY** in accordance with § 21–330.1 of this subtitle and regulations adopted by the Department.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 492

(House Bill 1351)

AN ACT concerning

Agriculture – Easements – Special Occasion Events

FOR the purpose of authorizing a landowner to use a portion of the land subject to an easement to hold ~~a~~ certain special occasion ~~event~~ events for commercial purposes under certain circumstances; specifying that a certain approval granted by the Maryland Agricultural Land Preservation Foundation to a landowner to use the land subject to an easement to hold ~~a~~ certain special occasion ~~event~~ events for commercial purposes automatically terminates on the sale or transfer of the land subject to the easement; providing for the application of this Act; and generally relating to the use of land under an easement held by the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, without amendments,

Article – Agriculture
Section 2–513(a) and (b)(1)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Agriculture
Section 2–513(d)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–513(d) and (e)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Agriculture

2–513.

(a) Agricultural land preservation easements may be purchased under this subtitle for any land in agricultural use which meets the minimum criteria established under § 2–509 of this subtitle if the easement and county regulations governing the use of the land include the following provisions:

(1) Any farm use of land is permitted.

(2) Operation at any time of any machinery used in farm production or the primary processing of agricultural products is permitted.

(3) All normal agricultural operations performed in accordance with good husbandry practices which do not cause bodily injury or directly endanger human health are permitted including, but not limited to, sale of farm products produced on the farm where such sales are made.

(b) (1) A landowner whose land is subject to an easement may not use the land for any commercial, industrial, or residential purpose except:

(i) As determined by the Foundation, for farm– and forest–related uses and home occupations; or

(ii) As otherwise provided under this section.

(D) (1) IN THIS SUBSECTION, "SPECIAL OCCASION EVENT" MEANS A WEDDING, LIFETIME MILESTONE EVENT, OR OTHER CULTURAL OR SOCIAL EVENT.

(2) SUBJECT TO THE FOUNDATION'S APPROVAL AND ANY APPLICABLE REGULATIONS, AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LANDOWNER MAY USE A PORTION OF THE LAND SUBJECT TO AN EASEMENT TO HOLD ~~A~~ SPECIAL OCCASION ~~EVENT~~ EVENTS FOR COMMERCIAL PURPOSES IF:

(I) MORE THAN 10 YEARS HAVE ELAPSED SINCE THE EASEMENT WAS RECORDED IN THE LAND RECORDS;

(II) THE LOCAL AGRICULTURAL ADVISORY BOARD PROVIDES A WRITTEN FAVORABLE RECOMMENDATION FOR THE PROPOSED SPECIAL OCCASION EVENT AREA;

(III) THE PROPOSED SPECIAL OCCASION ~~EVENT IS~~ EVENTS ARE NOT PROHIBITED BY ANY FEDERAL, STATE, ~~AND LOCAL LAWS AND REGULATIONS~~ OR LOCAL LAW OR REGULATION;

(IV) THE PROPOSED SPECIAL OCCASION ~~EVENT~~ EVENTS WILL NOT INTERFERE WITH ~~STATE, LOCAL, OR FEDERAL RESTRICTIONS~~ ANY FEDERAL, STATE, OR LOCAL RESTRICTION PLACED ON FUNDS USED BY THE FOUNDATION TO PURCHASE THE EASEMENT;

(V) THE PROPOSED SPECIAL OCCASION EVENT AREA, INCLUDING PARKING FOR THE SPECIAL OCCASION ~~EVENT~~ EVENTS, DOES NOT EXCEED 2 ACRES, AS SHOWN ON A MAP PREPARED AND CERTIFIED BY A PROFESSIONAL LAND SURVEYOR LICENSED UNDER TITLE 15 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

(VI) THE FOUNDATION APPROVES IN WRITING THE LOCATION OF THE PROPOSED SPECIAL OCCASION EVENT AREA;

(VII) THE FOUNDATION DETERMINES IN WRITING THAT THE PROPOSED SPECIAL OCCASION ~~EVENT~~ EVENTS WILL NOT INTERFERE WITH THE AGRICULTURAL USE OF THE LAND SUBJECT TO THE EASEMENT;

(VIII) THE PROPOSED SPECIAL OCCASION ~~EVENT TAKES~~ EVENTS WILL TAKE PLACE IN:

1. A TEMPORARY STRUCTURE, INCLUDING AN ENCLOSED OR OPEN CANOPY OR TENT, OR OTHER PORTABLE STRUCTURE ERECTED FOR A REASONABLE AMOUNT OF TIME TO ACCOMMODATE THE SPECIAL OCCASION EVENT;

2. AN EXISTING BUILDING ON THE LAND SUBJECT TO THE EASEMENT;

3. A FARM OR OPEN AIR PAVILION; OR

4. ANY OTHER EXISTING STRUCTURE LOCATED ON THE LAND SUBJECT TO THE EASEMENT; AND

(IX) UNLESS REQUIRED BY LAW, THE SPECIAL OCCASION EVENT AREA DOES NOT ADD ANY NEW IMPERVIOUS SURFACES TO THE LAND SUBJECT TO THE EASEMENT.

(3) AN APPROVAL GRANTED BY THE FOUNDATION UNDER THIS SUBSECTION TO A LANDOWNER TO USE A PORTION OF THE LAND SUBJECT TO AN EASEMENT TO HOLD ~~A~~ SPECIAL OCCASION ~~EVENT~~ EVENTS FOR COMMERCIAL PURPOSES AUTOMATICALLY TERMINATES ON THE SALE OR TRANSFER OF THE LAND SUBJECT TO THE EASEMENT.

[(d)**] (E)** Purchase of an easement by the Foundation does not grant the public any right of access or right of use of the subject property.

[(e)**] (F)** An agricultural land preservation easement purchased under this subtitle shall be included as part of a partnership under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a if:

(1) The land that is subject to an easement is in the vicinity of, or ecologically related to, the Atlantic Test Range;

(2) The landowner whose land is subject to an easement agrees to any restrictions imposed on the easement under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a; and

(3) Funding is available to the Foundation to enter into an agreement under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect agricultural preservation easements purchased or acquired by the Maryland Agricultural Land Preservation Foundation before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 493

(House Bill 1116)

AN ACT concerning

Public Safety – Agritourism – Permit Exemption

FOR the purpose of adding Carroll County and Howard County to the list of counties that exempt agricultural buildings engaged in agritourism from a certain permit requirement; providing for the number of people allowed to occupy a building engaged in agritourism in Carroll County and Howard County under certain circumstances; making a technical correction; and generally relating to a permit exemption for certain buildings engaged in agritourism.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–508
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Safety

12–508.

(a) (1) In this section, "agricultural building" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

(2) "Agricultural building" does not include a place of human residence.

(b) This section applies only to Calvert County, **CARROLL COUNTY,** Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, **HOWARD COUNTY,** Prince George's County, St. Mary's County, Somerset County, and Talbot County.

(c) The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

(d) An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

(1) is in accordance with limitations set forth in regulations adopted by the Department;

(2) occupies only levels of the building on which a ground level exit is located; and

(3) except as provided in subsection (e) **OF THIS SECTION**, does not require more than 50 people to occupy an individual building at any one time.

(e) In **CARROLL COUNTY,** Cecil County**,** ~~and~~ Garrett County, **AND HOWARD COUNTY,** an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:

(1) the subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and

(2) the total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

(f) An agricultural building used for agritourism:

(1) shall be structurally sound and in good repair; but

(2) need not comply with:

(i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

(ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

(g) The Department shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 494

(House Bill 646)

AN ACT concerning

Motor Vehicles – Gross Vehicle Weight – Agricultural Products

FOR the purpose of establishing a certain tolerance from the gross vehicle weight limits for certain vehicles used in certain agricultural activities during harvest time under certain circumstances; limiting the distance within which a certain vehicle operating under a certain tolerance from a certain gross vehicle weight limit may travel; making stylistic changes; and generally relating to gross vehicle weight.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–109
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

24–109.

(a) (1) In this section the following words have the meanings indicated.

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) An over–the–road bus or any vehicle that is regularly and exclusively used as an intrastate public agency passenger bus:

(1) Is exempt from tandem axle weight limits provided in this section; but

(2) Shall comply with the vehicle and combination of vehicles weight limits provided in this section that are not tandem axle weight limits.

(c) Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N - 1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(d) The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8 and less	34,000	34,000				
More than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000

27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
36	Exception: See subsection (c), this section		(66,000)	70,500	75,500	
37			(66,500)	71,000	76,000	
38			(67,500)	72,000	77,000	
39			68,000	72,500	77,500	
40			68,500	73,000	78,000	
41			69,500	73,500	78,500	
42			70,000	74,000	79,000	
43			70,500	75,000	80,000	
44			71,500	75,500		
45			72,000	76,000		
46			72,500	76,500		
47			73,500	77,500		
48			74,000	78,000		
49			74,500	78,500		
50			75,500	79,000		
51			76,000	80,000		
52			76,500			
53			77,500			
54			78,000			
55			78,500			
56			79,500			
57			80,000			

(e) The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Number of axles	Gross weight (in pounds)
Three or less	55,000
Four	66,000
Five as provided for in § 13–916 or § 13–923 of this article	80,000

(f) A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(g) (1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under § 10–601 of the Agriculture Article that were loaded in fields or other off–highway locations, is permitted an axle load limit tolerance of **[**5 percent**] 5%** from subsections (c) and (d) of this section, except during harvest time when an axle load limit tolerance of **[**15 percent**] 15% OR, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A GROSS VEHICLE WEIGHT TOLERANCE OF 5%** from subsections (c) and (d) of this section is permitted for a vehicle carrying the following agricultural products:

(i) Wheat, for the period from June 1 to August 15;

(ii) Corn, for the period from July 1 to December 1;

(iii) Soybeans, for the period from September 1 to December 31; and

(iv) Vegetable crops, for the period from June 1 to October 31.

(2) **THE HARVEST TIME GROSS VEHICLE WEIGHT LIMIT TOLERANCE OF 5% UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A VEHICLE TRAVELING WITHIN 100 MILES OF THE FIELD OR OTHER OFF–HIGHWAY LOCATION WHERE THE VEHICLE WAS LOADED.**

(3) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off–highway locations is permitted an axle load limit tolerance of **[**10 percent**] 10%** from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of **[**15 percent**] 15%** from subsections (c) and (d) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off–highway locations is permitted an axle load limit tolerance of **[**5 percent**] 5%** from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of **[**15 percent**] 15%** from subsections (c) and (d) of this section is permitted.

(h) (1) Any vehicle that uses an auxiliary power unit or an idle–reduction technology unit in order to promote reduction of fuel use and emissions from engine idling shall be allowed up to an additional 550 pounds total in gross, axle, tandem, or bridge formula weight limits.

(2) To be eligible for the additional weight limit allowed under paragraph (1) of this subsection, the vehicle operator must:

(i) Obtain and make available to law enforcement officers written certification of the weight of the auxiliary power unit or idle–reduction technology unit; and

(ii) By demonstration or certification, prove that the idle–reduction technology unit is fully functional at all times.

(3) The additional weight limit allowed under paragraph (1) of this subsection may not exceed the certified weight of the auxiliary power unit or idle–reduction technology unit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 495

(Senate Bill 1069)

AN ACT concerning

Motor Vehicles – Gross Vehicle Weight – Agricultural Products

FOR the purpose of establishing a certain tolerance from the gross vehicle weight limits for certain vehicles used in certain agricultural activities during harvest time under certain circumstances; limiting the distance within which a certain vehicle operating under a certain tolerance from a certain gross vehicle weight limit may travel; making stylistic changes; and generally relating to gross vehicle weight.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–109
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

24–109.

(a) (1) In this section the following words have the meanings indicated.

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) An over–the–road bus or any vehicle that is regularly and exclusively used as an intrastate public agency passenger bus:

(1) Is exempt from tandem axle weight limits provided in this section; but

(2) Shall comply with the vehicle and combination of vehicles weight limits provided in this section that are not tandem axle weight limits.

(c) Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N - 1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(d) The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					

5	34,000					
6	34,000					
7	34,000					
8 and less	34,000	34,000				
More than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
36	Exception: See subsection (c), this section		(66,000)	70,500	75,500	
37			(66,500)	71,000	76,000	
38			(67,500)	72,000	77,000	
39			68,000	72,500	77,500	
40			68,500	73,000	78,000	
41			69,500	73,500	78,500	
42			70,000	74,000	79,000	

43	70,500	75,000	80,000
44	71,500	75,500	
45	72,000	76,000	
46	72,500	76,500	
47	73,500	77,500	
48	74,000	78,000	
49	74,500	78,500	
50	75,500	79,000	
51	76,000	80,000	
52	76,500		
53	77,500		
54	78,000		
55	78,500		
56	79,500		
57	80,000		

(e) The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Number of axles	Gross weight (in pounds)
Three or less	55,000
Four	66,000
Five as provided for in § 13–916 or § 13–923 of this article	80,000

(f) A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(g) (1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under § 10–601 of the Agriculture Article that were loaded in fields or other off–highway locations, is permitted an axle load limit tolerance of **[**5 percent**] 5%** from subsections (c) and (d) of this section, except during harvest time when an axle load limit tolerance of **[**15 percent**] 15% OR, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A GROSS VEHICLE WEIGHT TOLERANCE OF 5%** from subsections (c) and (d) of this section is permitted for a vehicle carrying the following agricultural products:

(i) Wheat, for the period from June 1 to August 15;

(ii) Corn, for the period from July 1 to December 1;

(iii) Soybeans, for the period from September 1 to December 31; and

(iv) Vegetable crops, for the period from June 1 to October 31.

(2) **THE HARVEST TIME GROSS VEHICLE WEIGHT LIMIT TOLERANCE OF 5% UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A VEHICLE TRAVELING WITHIN 100 MILES OF THE FIELD OR OTHER OFF–HIGHWAY LOCATION WHERE THE VEHICLE WAS LOADED.**

(3) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off–highway locations is permitted an axle load limit tolerance of **[**10 percent**] 10%** from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of **[**15 percent**] 15%** from subsections (c) and (d) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off–highway locations is permitted an axle load limit tolerance of **[**5 percent**] 5%** from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of **[**15 percent**] 15%** from subsections (c) and (d) of this section is permitted.

(h) (1) Any vehicle that uses an auxiliary power unit or an idle–reduction technology unit in order to promote reduction of fuel use and emissions from engine idling shall be allowed up to an additional 550 pounds total in gross, axle, tandem, or bridge formula weight limits.

(2) To be eligible for the additional weight limit allowed under paragraph (1) of this subsection, the vehicle operator must:

(i) Obtain and make available to law enforcement officers written certification of the weight of the auxiliary power unit or idle–reduction technology unit; and

(ii) By demonstration or certification, prove that the idle–reduction technology unit is fully functional at all times.

(3) The additional weight limit allowed under paragraph (1) of this subsection may not exceed the certified weight of the auxiliary power unit or idle–reduction technology unit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 496

(House Bill 1600)

AN ACT concerning

Baltimore County Anti–Bullying Task Force

FOR the purpose of establishing the Baltimore County Anti–Bullying Task Force; providing for the composition, chairs, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to compile data, study, and make recommendations regarding certain matters; requiring the Task Force to submit preliminary and final reports of its findings and recommendations to the Governor, the members of the Baltimore County delegation to the General Assembly, and certain other entities on or before certain dates; providing for the termination of this Act; and generally relating to the Baltimore County Anti–Bullying Task Force.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Baltimore County Anti–Bullying Task Force.

(b) The Task Force consists of the following members:

~~(1) two members of the Senate of Maryland who represent Baltimore County, one representing each of the principal political parties, appointed by the President of the Senate;~~

~~(2) two members of the House of Delegates who represent Baltimore County, one representing each of the principal political parties, appointed by the Speaker of the House;~~

~~(3)~~ (1) ~~two members~~ one member of the Baltimore County Board of Education, appointed by the chair of the Baltimore County Board of Education;

(2) the student member of the Baltimore County Board of Education;

~~(4)~~ (3) the Baltimore County Superintendent of Schools, or the Superintendent's designee;

~~(5)~~ (4) the Executive Director of the Baltimore County Public Schools Department of School Safety, or the Executive Director's designee;

~~(6)~~ (5) the Director of the Office of School Climate in the Baltimore County Public Schools Department of Academic Services, or the Director's designee; ~~and~~

~~(7) the following members appointed by the Governor on or before August 1, 2018:~~

~~(i) two representatives from the Teachers Association of Baltimore County;~~

~~(ii) one principal from a Baltimore County public high school, or the principal's designee;~~

~~(iii) one principal from a Baltimore County public middle school, or the principal's designee;~~

~~(iv) two representatives from the PTA Council of Baltimore County; and~~

~~(v) one Baltimore County Public Schools school resource officer.~~

~~(c) The Governor shall designate two members of the General Assembly, one representing each of the two principal political parties, as cochairs of the Task Force.~~

(6) one representative of the Teachers Association of Baltimore County, appointed by the Teachers Association;

(7) one elementary school principal, appointed by the Council of Administrative and Supervisory Employees;

(8) one middle school principal, appointed by the Council of Administrative and Supervisory Employees;

(9) one high school principal, appointed by the Council of Administrative and Supervisory Employees;

(10) one member of the Baltimore County Student Councils, appointed by the Baltimore County Student Councils;

(11) one school counselor from a Baltimore County elementary school, appointed by the Maryland School Counselor Association;

(12) one school counselor from a Baltimore County middle school, appointed by the Maryland School Counselor Association;

(13) one school counselor from a Baltimore County high school, appointed by the Maryland School Counselor Association;

(14) one representative from the PTA Council of Baltimore County, appointed by the PTA Council; and

(15) two Baltimore County Public Schools school resource officers, appointed by the Executive Director of the Baltimore County Public Schools Department of School Safety.

(c) The Baltimore County Board of Education member shall chair the Task Force.

(d) Baltimore County Public Schools shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) for the 2018–2019 school year, to the extent consistent with State and federal law, compile data on the number of incidents of bullying, cyberbullying, harassment, and intimidation in each public school in Baltimore County and the disposition of each incident;

(2) for the 2019–2020 school year, to the extent consistent with State and federal law, compile data on the number of incidents of bullying, cyberbullying, harassment, and intimidation in each public school in Baltimore County and the disposition of each incident;

(3) study current disciplinary actions for students found responsible for violations of the Baltimore County Public Schools' bullying policy ~~at the middle school and high school levels~~;

(4) study the range of possible disciplinary actions for students found responsible for violations of the Baltimore County Public Schools' bullying policy ~~at the middle school and high school levels~~; and

(5) make recommendations regarding:

(i) whether Baltimore County Public Schools should prescribe a countywide disciplinary action for violations of the Baltimore County Public Schools' bullying policy;

(ii) whether community service should be prescribed as a possible disciplinary action for students found responsible for violations of the Baltimore County Public Schools' bullying policy;

~~(ii)~~ (iii) anti–bullying strategies and anti–bullying programming, including the development of a countywide anti–bullying campaign;

~~(iii)~~ (iv) options for victims of bullying who feel that their safety is threatened if they continue to attend their current school;

~~(iv)~~ (v) a procedure for providing immediate notification, consistent with State and federal law, to the parent of a victim of bullying or harassment and the parent of a perpetrator of an act of bullying or harassment in Baltimore County Public Schools;

~~(v)~~ (vi) a procedure for reporting to the parent of a victim of bullying the actions taken to protect the victim in Baltimore County Public Schools;

~~(vi)~~ (vii) a process for anonymous reporting by students to protect students from retaliation;

~~(vii)~~ (viii) resources that Baltimore County Public Schools should make available to students who have been the target of bullying and to parents of those students;

~~(viii)~~ (ix) electronic learning as an option for students found responsible for violations of the Baltimore County Public Schools' bullying policy and whose presence in school would be disruptive; and

~~(ix)~~ (x) any other findings of the Task Force.

(g) (1) On or before July 1, 2019, the Task Force shall submit a preliminary report of its findings on the matters listed in subsection (f)(1) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the members of the Baltimore County delegation to the General Assembly.

(2) On or before December 1, 2020, the Task Force shall submit a final report of its findings and recommendations on the matters listed in subsection (f)(2) through (5) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the members of the Baltimore County delegation to the General Assembly.

(3) The Task Force additionally shall submit the reports required under paragraphs (1) and (2) of this subsection to the following local entities:

(i) the Baltimore County Executive;

(ii) the Baltimore County Council;

(iii) the Baltimore County Superintendent of Schools;

(iv) the Baltimore County Board of Education;

(v) the Teachers Association of Baltimore County; and

(vi) the PTA Council of Baltimore County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of 2 years and 6 months and, at the end of December 31, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 497

(Senate Bill 490)

AN ACT concerning

Child Abuse and Neglect – Disclosure of Identifying Information ~~and Investigations~~

FOR the purpose of requiring a court to provide the Secretary of Health with identifying information regarding an individual who has been convicted under certain provisions of law of the murder, attempted murder, or manslaughter of a child; ~~requiring a local department to open an investigation of child abuse or neglect if the local department is prevented from accessing a child born to an individual whose identifying information has been provided to the Secretary under certain provisions of law while providing a certain assessment;~~ altering the period of time for which the Secretary must provide certain birth record information to the Executive Director of the Social Services Administration; requiring the Department of Human Services, in coordination with the Vital Statistics Administration of the Maryland Department of Health, to contract with an independent organization to develop a data collection process in order to assess, using certain criteria, the effectiveness of certain required record sharing in predicting and preventing various forms of child abuse and neglect, to explore other predictors of child abuse and neglect, and to make certain recommendations; making stylistic changes; and generally relating to child abuse and neglect.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–715
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General

Section 4–222
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

5–715.

(a) **(1)** The Executive Director of the Administration shall provide the Secretary of Health with identifying information regarding **[**individuals**] AN INDIVIDUAL** who, as to any child, **[**have**] HAS** had **[**their**] THE INDIVIDUAL'S** parental rights terminated under § 5–322 or § 5–323 of this title and **[**have**] HAS** been identified as responsible for abuse or neglect in a central registry as described in § 5–714(d) of this subtitle.

(2) A COURT SHALL PROVIDE THE SECRETARY OF HEALTH WITH IDENTIFYING INFORMATION REGARDING AN INDIVIDUAL WHO HAS BEEN CONVICTED UNDER TITLE 2, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE OF THE MURDER, ATTEMPTED MURDER, OR MANSLAUGHTER OF A CHILD.

(b) If in accordance with § 4–222 of the Health – General Article, the Secretary provides to the Executive Director birth record information for a child born to an individual whose identifying information has been provided under subsection (a) of this section, the Executive Director shall:

(1) verify that the parent of the child is the same individual described in subsection (a) of this section; and

(2) immediately notify the local department in the jurisdiction in which the child resides so that the local department may review its records and**[**, when appropriate,**]** provide an assessment of the family and offer services if needed.

~~**(C) A LOCAL DEPARTMENT SHALL OPEN AN INVESTIGATION IF THE LOCAL DEPARTMENT IS PREVENTED FROM ACCESSING THE CHILD WHILE PROVIDING AN ASSESSMENT UNDER SUBSECTION (B) OF THIS SECTION.**~~

Article – Health – General

4–222.

The Secretary shall provide to the Executive Director of the Social Services Administration in the Department of Human Services birth record information for a child born to an individual whose identifying information has been provided to the Secretary

within the previous **[**5**]** ~~**20**~~ ***10*** years by the Executive Director **OR A COURT** under § 5–715 of the Family Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Human Services, in coordination with the Vital Statistics Administration of the Maryland Department of Health, shall contract with an independent entity to develop a data collection process to assess the effectiveness of current procedures requiring the sharing of certain records between the Social Services Administration and the Maryland Department of Health in predicting and preventing child abuse and neglect by calculating the sensitivity, specificity, and the positive or negative predictive value of current procedures, exploring other predictors of child abuse and neglect, and making recommendations on how to better target record–sharing activities.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 498

(House Bill 700)

AN ACT concerning

Criminal Law – Hate Crimes – Group Victim

FOR the purpose of prohibiting a person from committing certain acts against a group because of the group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because the group is homeless; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–304
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

10–304.

Because of **[**another's**]** **ANOTHER PERSON'S OR GROUP'S** race, color, religious

beliefs, sexual orientation, gender, disability, or national origin, or because another **PERSON OR GROUP** is homeless, a person may not:

(1) (i) commit a crime or attempt to commit a crime against that person **OR GROUP**;

(ii) damage the real or personal property of that person **OR GROUP**;

(iii) deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person **OR GROUP**; or

(iv) burn or attempt to burn an object on the real or personal property of that person **OR GROUP**; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of **[**the**]** **A** victim.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 499

(Senate Bill 528)

AN ACT concerning

Criminal Law – Hate Crimes Group Victim

FOR the purpose of prohibiting a person from committing certain acts against a group because of the group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because the group is homeless; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–304
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

10–304.

Because of **[**another's**]** **ANOTHER PERSON'S OR GROUP'S** race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another **PERSON OR GROUP** is homeless, a person may not:

(1) (i) commit a crime or attempt to commit a crime against that person **OR GROUP**;

(ii) damage the real or personal property of that person **OR GROUP**;

(iii) deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person **OR GROUP**; or

(iv) burn or attempt to burn an object on the real or personal property of that person **OR GROUP**; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of **[**the**]** **A** victim.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 500

(House Bill 1292)

AN ACT concerning

~~Public Safety~~ Criminal Law – Law Enforcement – Prohibition on Sexual Activity ~~During Investigations~~

FOR the purpose of ~~requiring each law enforcement agency to adopt a written policy that prohibits~~ prohibiting a law enforcement officer from engaging in a certain sexual act, sexual contact, or vaginal intercourse with a certain person ~~during the course of an investigation~~; defining a certain ~~terms~~ term; and generally relating to law enforcement.

~~BY adding to~~
~~Article – Public Safety~~
~~Section 3–520~~
~~Annotated Code of Maryland~~
~~(2011 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–314
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – ~~Public Safety~~ Criminal Law

~~**3–520.**~~

~~**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

~~**(2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 2–101 OF THIS ARTICLE.**~~

~~**(3) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3–101 OF THIS TITLE.**~~

~~**(4) "SEXUAL ACT" HAS THE MEANING STATED IN § 3–301 OF THE CRIMINAL LAW ARTICLE.**~~

~~**(5) "SEXUAL CONTACT" HAS THE MEANING STATED IN § 3–301 OF THE CRIMINAL LAW ARTICLE.**~~

~~**(6) "VAGINAL INTERCOURSE" HAS THE MEANING STATED IN § 3–301 OF THE CRIMINAL LAW ARTICLE.**~~

~~**(B) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL ADOPT A WRITTEN POLICY THAT PROHIBITS A LAW ENFORCEMENT OFFICER, DURING THE COURSE OF AN INVESTIGATION, FROM ENGAGING IN A SEXUAL ACT, SEXUAL**~~

~~CONTACT, OR VAGINAL INTERCOURSE WITH A VICTIM, A WITNESS, OR A SUSPECT IN THAT INVESTIGATION.~~

3–314.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Correctional employee" means a:

1. correctional officer, as defined in § 8–201 of the Correctional Services Article; or

2. managing official or deputy managing official of a correctional facility.

(ii) "Correctional employee" includes a sheriff, warden, or other official who is appointed or employed to supervise a correctional facility.

(3) "Court–ordered services provider" means a person who provides services to an individual who has been ordered by the court, the Division of Parole and Probation, or the Department of Juvenile Services to obtain those services.

(4) (i) "Inmate" has the meaning stated in § 1–101 of this article.

(ii) "Inmate" includes an individual confined in a community adult rehabilitation center.

(5) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE.

(b) (1) This subsection applies to:

(i) a correctional employee;

(ii) any other employee of the Department of Public Safety and Correctional Services or a correctional facility;

(iii) an employee of a contractor providing goods or services to the Department of Public Safety and Correctional Services or a correctional facility; and

(iv) any other individual working in a correctional facility, whether on a paid or volunteer basis.

(2) A person described in paragraph (1) of this subsection may not engage in sexual contact, vaginal intercourse, or a sexual act with an inmate.

(c) A person may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual confined in a child care institution licensed by the Department of Juvenile Services, a detention center for juveniles, or a facility for juveniles listed in § 9–226(b) of the Human Services Article.

(d) A court–ordered services provider may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual ordered to obtain services while the order is in effect.

(e) **A LAW ENFORCEMENT OFFICER MAY NOT ENGAGE IN SEXUAL CONTACT, VAGINAL INTERCOURSE, OR A SEXUAL ACT WITH A PERSON IN THE CUSTODY OF THE LAW ENFORCEMENT OFFICER.**

(F) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $3,000 or both.

[(f)**] (G)** A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under § 3–303, § 3–304, or §§ 3–307 through 3–310 of this subtitle, or § 3–305, § 3–306, § 3–311, or § 3–312 of this subtitle as the sections existed before October 1, 2017.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 501

(Senate Bill 121)

AN ACT concerning

Family Law – Domestic Violence – Definition of Abuse

FOR the purpose of altering the definition of "abuse" for purposes of certain provisions of law relating to domestic violence to include ~~misuse of telephone facilities and equipment, misuse of electronic communication or interactive computer service,~~ revenge porn~~, and visual surveillance~~; making a stylistic change; and generally relating to domestic violence.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–501(a)
Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–501(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

4–501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Abuse" means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(iii) assault in any degree;

(iv) rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

(v) false imprisonment; **[**or**]**

(vi) stalking under § 3–802 of the Criminal Law Article**; OR**

(VII) ~~**MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;**~~

~~**(VIII) MISUSE OF ELECTRONIC COMMUNICATION OR INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;**~~

~~**(IX)**~~ **REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW ARTICLE**~~**; OR**~~

~~**(X) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903 OF THE CRIMINAL LAW ARTICLE**~~.

(2) **(I)** If the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

(II) Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, "abuse" may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 502

(House Bill 1209)

AN ACT concerning

Public Safety – ~~Silver Alert Program – Pedestrians and Case Status (Eula's Law)~~ Missing Persons – Information (Eula and Danny's Law)

FOR the purpose of ~~clarifying that the Silver Alert Program applies to an individual who is believed to be either traveling in a vehicle or on foot; requiring the Department of State Police to establish and maintain a certain online system that reflects a certain case status;~~ requiring a law enforcement agency to enter certain information into the National Crime Information Center computer network at a certain time under certain circumstances; requiring the Department of State Police to place a certain link to a certain Internet site on the home page of the Department's website; and generally relating to ~~the Silver Alert Program~~ missing persons.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section ~~3–604~~ 3–601
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY adding to
Article – Public Safety
Section 3–607
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Safety

~~3–604.~~

~~(a) (1) In this section the following words have the meanings indicated.~~

~~(2) "Caregiver" means a parent, spouse, guardian, legal custodian, or person responsible for the supervision of another adult.~~

~~(3) "Law enforcement agency" means a State, county, or municipal police department or agency, or a sheriff's department.~~

~~(4) "Missing person" means an individual:~~

~~(i) whose whereabouts are unknown;~~

~~(ii) **WHO IS BELIEVED TO BE EITHER TRAVELING IN A VEHICLE OR ON FOOT;**~~

~~**(III)** who suffers a cognitive impairment including a diagnosis of Alzheimer's disease or dementia to the extent that the individual requires assistance from a caregiver; and~~

~~**[**(iii)**] (IV)** whose disappearance poses a credible threat to the health and safety of the individual due to age, health, mental or physical disability, environment, or weather conditions, as determined by a law enforcement agency.~~

~~(b) (1) The Department of State Police shall establish a Silver Alert Program to provide a system for rapid dissemination of information to assist in locating a missing person.~~

~~(2) The Department of State Police shall:~~

~~(i) adopt guidelines and develop procedures for issuing a Silver Alert for a missing person;~~

~~(ii) provide training to local law enforcement agencies on the guidelines and procedures to be used to handle a report of a missing person;~~

~~(iii) provide assistance to a local law enforcement agency, as necessary, to assist in the safe recovery of a missing person;~~

~~(iv) recruit public and commercial television and radio broadcasters, local volunteer groups, and other members of the public to assist in developing and implementing a Silver Alert;~~

~~(v) consult with the State Highway Administration to establish a plan for providing information relevant to a Silver Alert to the public through the dynamic message sign system located across the State; [and]~~

~~**(VI) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE ONLINE SYSTEM THAT REFLECTS, ON A CONTINUOUSLY UPDATED BASIS, THE STATUS OF EACH ACTIVE SILVER ALERT CASE; AND**~~

~~[(vi)] (VII) consult with the State Department of Education to develop a program that:~~

~~1. allows high school students to assist in the search for a missing person under this section;~~

~~2. complies with COMAR 13A.03.02.06; and~~

~~3. is consistent with the student service–learning guidelines developed by the State Department of Education.~~

~~(c) A caregiver or person filing a report regarding a missing person immediately shall notify the local law enforcement agency with which the report was filed and the Department of State Police if:~~

~~(1) the missing person who was the subject of the report is located; and~~

~~(2) it is unlikely that the local law enforcement agency or the Department of State Police has knowledge that the missing person has been located.~~

3–601.

(a) (1) A law enforcement agency may not establish a mandatory waiting period before taking a missing person report.

(2) A law enforcement agency shall make every effort to inform the general public and the family of a missing person that the agency does not impose a mandatory waiting period before taking a missing person report.

(b) In accordance with subsection (a) of this section, a law enforcement agency:

(1) shall accept without delay a report of a missing person provided in person; and

(2) may accept a report of a missing person by phone or other electronic means if:

(i) that form of reporting is consistent with the policy of the law enforcement agency; and

(ii) the reporting person completes the report in person as soon as possible.

(C) WITH REGARD TO A MISSING PERSON AS DEFINED IN § 3–604 OF THIS SUBTITLE, A LAW ENFORCEMENT AGENCY SHALL ENTER ALL NECESSARY AND AVAILABLE INFORMATION INTO THE NATIONAL CRIME INFORMATION CENTER COMPUTER NETWORK WITHIN 2 HOURS AFTER RECEIPT OF THE MINIMUM INFORMATION NECESSARY TO MAKE THE ENTRY.

3–607.

THE DEPARTMENT OF STATE POLICE SHALL PLACE A DIRECT LINK TO THE INTERNET SITE OF THE MARYLAND CENTER FOR MISSING AND UNIDENTIFIED PERSONS ON THE HOME PAGE OF THE DEPARTMENT'S WEBSITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 503

(House Bill 1130)

AN ACT concerning

Residential Treatment Centers – Mandatory Reporting of Inappropriate Sexual Behavior

FOR the purpose of requiring that certain residential treatment centers be subject to certain reporting requirements regarding inappropriate sexual behavior established by the Maryland Department of Health under certain regulations; defining a certain term; and generally relating to the reporting of inappropriate sexual behavior.

BY adding to
Article – Health – General
Section 19–347.1
Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–347.1.

(A) IN THIS SECTION, "INAPPROPRIATE SEXUAL BEHAVIOR" HAS THE MEANING STATED IN COMAR 10.01.18.02.

(B) A PRIVATELY OWNED AND OPERATED RESIDENTIAL TREATMENT CENTER SHALL BE SUBJECT TO THE REPORTING REQUIREMENTS ESTABLISHED BY THE DEPARTMENT UNDER COMAR 10.01.18.05 THAT APPLY WHEN A STAFF MEMBER OBSERVES, RECEIVES A COMPLAINT REGARDING, OR OTHERWISE HAS REASON TO BELIEVE THAT AN INDIVIDUAL HAS BEEN SUBJECTED TO INAPPROPRIATE SEXUAL BEHAVIOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 504

(Senate Bill 230)

AN ACT concerning

Disclosure of Medical Records – Compulsory Process – Timeline

FOR the purpose of requiring a health care provider to disclose a certain medical record in accordance with compulsory process not later than a certain number of days after receiving certain documentation <u>and certain fees; authorizing a health care provider, on a showing of good cause, to request up to a certain number of additional days beyond a certain date to disclose a certain medical record</u>; and generally relating to the disclosure of medical records by health care providers.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 4–306(a) and (b)(6)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health – General
Section 4–306(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

4–306.

(a) In this section, "compulsory process" includes a subpoena, summons, warrant, or court order that appears on its face to have been issued on lawful authority.

(b) A health care provider shall disclose a medical record without the authorization of a person in interest:

(6) Subject to the additional limitations for a medical record developed primarily in connection with the provision of mental health services in § 4–307 of this subtitle and except as otherwise provided in items (2), (7), and (8) of this subsection, in accordance with compulsory process, if the health care provider receives:

(i) 1. A written assurance from the party or the attorney representing the party seeking the medical records that:

A. In a Child in Need of Assistance proceeding pursuant to Title 3, Subtitle 8 of the Courts and Judicial Proceedings Article, a person in interest has not objected to the disclosure of the designated medical records and 15 days have elapsed since the notice was sent;

B. In all other proceedings, a person in interest has not objected to the disclosure of the designated medical records within 30 days after the notice was sent; or

C. The objections of a person in interest have been resolved and the request for disclosure is in accordance with the resolution;

2. Proof that service of the subpoena, summons, warrant, or court order has been waived by the court for good cause; or

3. A copy of an order entered by a court expressly authorizing disclosure of the designated medical records; and

(ii) For disclosures made under item (i)1A of this paragraph, copies of the following items that were mailed by certified mail to the person in interest by the person requesting the disclosure at least 15 days before the records are to be disclosed:

1. The subpoena, summons, warrant, or court order seeking the disclosure or production of the records;

2. This section; and

3. A notice in the following form or a substantially similar form:

_____	In the
Plaintiffs	_____
v.	For
	_____
_____	
Defendants	
	Case No.: _____

NOTICE TO (Patient Name)
IN COMPLIANCE WITH § 4–306 OF THE HEALTH – GENERAL ARTICLE,
ANNOTATED CODE OF MARYLAND

TAKE NOTE that medical records regarding (Patient Name), have been subpoenaed from the (Name and address of Health Care Provider) pursuant to the attached subpoena and § 4–306 of the Health – General Article, Annotated Code of Maryland. This subpoena ____ does ____ does not (mark one) seek production of mental health records.

Please examine these papers carefully. IF YOU HAVE ANY OBJECTION TO THE PRODUCTION OF THESE DOCUMENTS, YOU MUST FILE A MOTION FOR A PROTECTIVE ORDER OR A MOTION TO QUASH THE SUBPOENA ISSUED FOR THESE DOCUMENTS UNDER MARYLAND RULES 2–403 AND 2–510 NO LATER THAN FIFTEEN (15) DAYS FROM THE DATE THIS NOTICE IS MAILED. For example, a protective order may be granted if the records are not relevant to the issues in this case, the request unduly invades your privacy, or causes you specific harm.

Also attached to this form is a copy of the subpoena duces tecum issued for these records.

If you believe you need further legal advice about this matter, you should consult your attorney.

_____
Attorney
(Firm Name
Attorney address

Attorney phone number)

Attorneys for (Name of
Party Represented)

Certificate of Service

I hereby certify that a copy of the foregoing notice was mailed, first–class postage prepaid, this ___ day of _____, 20_____ to

_____
Patient

_____
Each Counsel in Case

_____
Attorney

(iii) For disclosures made under item (i)1B of this paragraph, copies of the following items that were mailed by certified mail and by mail sent first–class postage prepaid to the person in interest and, if applicable, by mail sent first–class postage prepaid to the court and parties in a criminal or juvenile delinquency case by the person requesting the disclosure at least 30 days before the records are to be disclosed:

1. The subpoena, summons, warrant, or court order seeking the disclosure or production of the records;

2. This section; and

3. A notice in the following form or a substantially similar form:

_____ In the
Plaintiffs _____
v. For
_____
_____
Defendants

Case No.: _____

NOTICE TO (Patient Name)
IN COMPLIANCE WITH § 4–306 OF THE HEALTH – GENERAL ARTICLE,
ANNOTATED CODE OF MARYLAND

TAKE NOTE that medical records regarding (Patient Name), have been subpoenaed from the (Name and address of Health Care Provider) pursuant to the attached subpoena and § 4–306 of the Health – General Article, Annotated Code of Maryland. This subpoena ____ does ____ does not (mark one) seek production of mental health records.

Please examine these papers carefully. IF YOU HAVE ANY OBJECTION TO THE PRODUCTION OF THESE DOCUMENTS, YOU MUST FILE A MOTION FOR A PROTECTIVE ORDER OR A MOTION TO QUASH THE SUBPOENA ISSUED FOR THESE DOCUMENTS UNDER MARYLAND RULES 2–403, 2–510, or 4–266 NO LATER THAN THIRTY (30) DAYS FROM THE DATE THIS NOTICE IS MAILED. For example, a protective order may be granted if the records are not relevant to the issues in this case, the request unduly invades your privacy, or causes you specific harm.

Also attached to this form is a copy of the subpoena duces tecum issued for these records.

If you believe you need further legal advice about this matter, you should consult your attorney.

_____
Attorney
(Firm Name
Attorney address
Attorney phone number)

Attorneys for (Name of
Party Represented)

Certificate of Service

I hereby certify that a copy of the foregoing notice was mailed, first–class postage prepaid, this ___ day of _____, 20_____ to

_____
Patient

_____
Each Counsel in Case

_____
Attorney

(D) (1) ~~A~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HEALTH CARE PROVIDER SHALL DISCLOSE A MEDICAL RECORD IN ACCORDANCE WITH COMPULSORY PROCESS NOT LATER THAN 30 DAYS AFTER RECEIVING ~~THE~~:

(I) THE DOCUMENTATION REQUIRED UNDER SUBSECTION (B)(6) OF THIS SECTION; AND

(II) ANY FEES OWED TO THE HEALTH CARE PROVIDER BY THE PARTY OR THE ATTORNEY REPRESENTING THE PARTY SEEKING THE MEDICAL RECORD FOR THE RETRIEVAL, COPYING, PREPARATION, MAILING, AND ACTUAL

COST OF POSTAGE AND HANDLING OF THE MEDICAL RECORD UNDER § 4–304(C) OF THIS SUBTITLE.

(2) ON A SHOWING OF GOOD CAUSE, A HEALTH CARE PROVIDER MAY REQUEST UP TO 30 ADDITIONAL DAYS BEYOND THE DATE BY WHICH DISCLOSURE IS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO DISCLOSE A MEDICAL RECORD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 505

(Senate Bill 424)

AN ACT concerning

Driver's Licenses – Learner's Permits – Minimum Duration

FOR the purpose of reducing the period of time that certain individuals who are at least a certain age and who hold a learner's instructional permit are required to wait before taking certain examinations for a provisional driver's license; making a stylistic change; and generally relating to requirements for obtaining a provisional driver's license.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–105(d) and 16–111(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

16–105.

(d) (1) This subsection applies to an individual who:

(i) Seeks to obtain an original driver's license under this subtitle; and

(ii) Does not qualify for a learner's instructional permit under subsection (e) of this section.

(2) **[**An**]** **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN** individual under the age of **[**25**] 19** years who holds a learner's instructional permit may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 9 months following the later of:

1. The date that the individual first obtains the learner's instructional permit; or

2. The **MOST RECENT** date the individual was convicted of, or granted probation before judgment under § 6–220 of the Criminal Procedure Article for, a moving violation;

(ii) Until after successful completion of:

1. The driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and

2. At least 60 hours, 10 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind–the–wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by:

1. Each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements of item (ii)2 of this paragraph; and

2. If a signature of a parent, guardian, or other person is required under § 16–107 of this subtitle, the parent, guardian, or other person who signs the individual's application under that section.

(3) AN INDIVIDUAL WHO HOLDS A LEARNER'S INSTRUCTIONAL

PERMIT AND WHO IS 18 YEARS OLD AND HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT OR IS AT LEAST 19 YEARS OLD BUT UNDER THE AGE OF 25 YEARS MAY NOT TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR A PROVISIONAL LICENSE:

(I) SOONER THAN THE LATER OF:

1. 3 MONTHS FOLLOWING THE DATE THAT THE INDIVIDUAL FIRST OBTAINS THE LEARNER'S INSTRUCTIONAL PERMIT; OR

2. 9 MONTHS FOLLOWING THE MOST RECENT DATE THE INDIVIDUAL WAS CONVICTED OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, A MOVING VIOLATION;

(II) UNTIL AFTER SUCCESSFUL COMPLETION OF:

1. A STANDARD DRIVER EDUCATION PROGRAM APPROVED UNDER SUBTITLE 5 OF THIS TITLE, CONSISTING OF AT LEAST 30 HOURS OF CLASSROOM INSTRUCTION AND AT LEAST 6 HOURS OF HIGHWAY DRIVING INSTRUCTION; AND

2. AT LEAST 60 HOURS, 10 HOURS OF WHICH MUST OCCUR DURING THE PERIOD BEGINNING 30 MINUTES BEFORE SUNSET AND ENDING 30 MINUTES AFTER SUNRISE, OF BEHIND–THE–WHEEL DRIVING PRACTICE SUPERVISED BY AN INDIVIDUAL WHO:

A. HOLDS A VALID DRIVER'S LICENSE;

B. IS AT LEAST 21 YEARS OLD; AND

C. HAS BEEN LICENSED TO DRIVE FOR AT LEAST 3 YEARS; AND

(III) UNLESS THE INDIVIDUAL SUBMITS, IN ACCORDANCE WITH THE ADMINISTRATION'S REGULATIONS, A COMPLETED SKILLS LOG BOOK SIGNED BY EACH SUPERVISING DRIVER WHO CERTIFIES THAT THE INDIVIDUAL HAS SATISFACTORILY DEMONSTRATED A REQUIRED SKILL AND HAS COMPLETED THE DRIVING PRACTICE REQUIREMENTS UNDER THIS PARAGRAPH.

[(3)**] (4)** An individual at least 25 years old who holds a learner's instructional permit and has not been convicted of, or granted probation before judgment for, a moving violation may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 45 days following the date that the individual first obtains the learner's instructional permit;

(ii) Until after successful completion of:

1. A standard driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and

2. At least 14 hours, 3 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind–the–wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements under this paragraph.

[(4)**] (5)** An individual at least 25 years old who holds a learner's instructional permit and has been convicted of, or granted probation before judgment for, at least one moving violation may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 9 months following the most recent date the individual was convicted of, or granted probation before judgment for, a moving violation;

(ii) Until after successful completion of:

1. A standard driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and

2. At least 14 hours, 3 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind–the–wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements under this paragraph.

[(5)**] (6)** A learner's instructional permit issued to an individual described in paragraph (1) of this subsection expires 2 years after the date of issuance.

16–111.

(b) An applicant is entitled to receive a provisional license if the applicant:

(1) Meets the minimum age required under § 16–103(c)(2) of this subtitle;

(2) Satisfies the learner's instructional permit requirements under § 16–105(d)(2), (3), **[**or**]** (4)**, OR (5)** of this subtitle;

(3) Passes a driver skills or driver road examination administered under this subtitle;

(4) Surrenders any learner's instructional permit issued to the applicant; and

(5) Pays the fee established under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 506

(House Bill 877)

AN ACT concerning

Burial Sites – Access, ~~Disinterment, Criminal Penalties~~ <u>Required Consultation</u>, and Tax Credit

FOR the purpose of ~~requiring a person who brings a certain action for sale of a burial ground to conduct a certain genealogical and historical search; authorizing a court to reject the sale of a burial ground under certain circumstances; prohibiting a person from desecrating human remains; authorizing the Office of Cemetery Oversight, rather than a certain State's Attorney, to authorize the removal or relocation of~~

~~human remains under certain circumstances; authorizing the Office of Cemetery Oversight, rather than a certain State's Attorney, to determine that a person has a public interest in a burial site; requiring a person requesting authorization to remove human remains to conduct a certain genealogical and historical study of the burial site~~ requiring certain owners to grant access to certain burial sites under certain circumstances; establishing that a person who enters land for certain purposes is responsible for ensuring that the person's conduct does not cause certain damage and that the person is liable to the property owner for any damage caused as a result of the person's access; requiring the owner of a certain burial site to consult with the Director of the Maryland Historical Trust on certain issues; establishing that certain advice provided by the Maryland Historical Trust is not binding on the owner; ~~authorizing a county or municipal corporation to require the owner of a certain burial site to make arrangements for the repair or maintenance of the burial site under certain circumstances; requiring a county or municipal corporation to provide a certain notice to the owner of a certain burial site under certain circumstances; establishing that a certain notice may be satisfied in a certain manner under certain circumstances; authorizing a county or municipal corporation to maintain and preserve a certain burial site under certain circumstances; authorizing a county or municipal corporation to charge the owner of a burial site or impose a lien on a certain property to cover the cost of certain repairs;~~ authorizing the Mayor and City Council of Baltimore City and the governing body of a county or municipal corporation to provide a property tax credit against the county or municipal corporation property tax imposed on certain improvements to real property related to burial sites and provide for the amount and duration of, additional eligibility criteria for, certain regulations and procedures for, and certain other provisions relating to the property tax credit; defining certain terms; providing for the application of a certain provision of this Act; and generally relating to burial sites.

~~BY repealing and reenacting, with amendments,~~
~~Article – Business Regulation~~
~~Section 5–505~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Law~~
~~Section 10–401 and 10–402~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–121 ~~and 14–122~~
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – Real Property
Section 14–121.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – Property
Section 9–261
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~Article – Business Regulation~~

~~5–505.~~

~~(a) An action may be brought in accordance with the Maryland Rules and a court may pass a judgment for sale of a burial ground for another purpose if:~~

~~(1) the ground has been dedicated and used for burial;~~

~~(2) burial lots have been sold in the burial ground and deeds executed or certificates issued to buyers of the lots;~~

~~**(3) BASED ON A GENEALOGICAL AND HISTORICAL SEARCH FOR LOT OWNERS AND THEIR RELATIVES, ALL LOT OWNERS, THE LOT OWNERS' ASSIGNEES, IF ANY, AND DESCENDANTS OF THE LOT OWNERS HAVE BEEN NOTIFIED OF THE SALE;**~~

~~**[**(3)**]** **(4)** the ground has ceased to be used for burial; and~~

~~**[**(4)**]** **(5)** it is desirable to dispose of the burial ground for another purpose.~~

~~(b) If the court is satisfied that it is expedient or would be in the interest of the parties to sell the burial ground, the court:~~

~~(1) may pass a judgment for the sale of the burial ground on the terms and notice the court sets;~~

~~(2) shall order that as much of the proceeds of the sale as necessary be used to pay the expenses of removing any human remains in the burial ground, buying burial lots in another burial ground, and reburying the remains; and~~

~~(3) shall distribute the remaining proceeds of the sale among the parties according to their interests.~~

~~(c) A judgment for the sale of a burial ground passes to the buyer of the burial ground the title to the burial ground free of the claims of:~~

~~(1) the owners of the burial ground; and~~

~~(2) the holders of burial lots.~~

~~**(D) THE COURT MAY REJECT THE SALE OF A BURIAL GROUND IF:**~~

~~**(1) A PARTY LISTED IN SUBSECTION (A)(3) OF THIS SECTION OBJECTS TO THE SALE; OR**~~

~~**(2) THE OFFICE OF CEMETERY OVERSIGHT HAS PROPOSED AN ALTERNATIVE USE FOR THE PROPERTY, SUCH AS A PARK, AN OPEN SPACE, OR A HISTORIC PROPERTY.**~~

~~**Article – Criminal Law**~~

~~10–401.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) (1) "Associated funerary object" means an item **[**of human manufacture or use**]** that is intentionally placed:~~

~~(i) with human remains at the time of interment in a burial site; or~~

~~(ii) after interment, as a part of a death ceremony of a culture, religion, or group.~~

~~(2) "Associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.~~

~~(c) (1) "Burial site" means a natural or prepared physical location, whether originally located below, on, or above the surface of the earth, into which human remains or associated funerary objects are deposited as a part of a death ceremony of a culture, religion, or group.~~

~~(2) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.~~

~~**(D) "DESECRATE" MEANS TO VANDALIZE, DAMAGE, DIG UP, OR DESTROY WITHOUT AUTHORIZATION UNDER § 10–402 OF THIS SUBTITLE.**~~

~~**(E) "DISINTERMENT AUTHORITY" MEANS:**~~

~~**(1) IN CRIMINAL MATTERS, THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH THE BURIAL SITE IS LOCATED; OR**~~

~~**(2) IN ALL OTHER CASES, THE OFFICE OF CEMETERY OVERSIGHT.**~~

~~**[**(d)**] (F)** "Permanent cemetery" means a cemetery that is owned by:~~

~~(1) a cemetery company regulated under Title 5 of the Business Regulation Article;~~

~~(2) a nonprofit organization; or~~

~~(3) the State.~~

~~10–402.~~

~~(a) Except as provided in subsections (b) and (f) of this section, a person may not:~~

~~**(1)** remove or attempt to remove human remains from a burial site**; OR**~~

~~**(2) DESECRATE HUMAN REMAINS.**~~

~~(b) Subject to subsection (c) of this section, the **[**State's Attorney for a county**] DISINTERMENT AUTHORITY** may authorize in writing the removal of human remains from a burial site in the **[**State's Attorney's**] DISINTERMENT AUTHORITY'S** jurisdiction:~~

~~(1) to ascertain the cause of death of the person whose remains are to be removed;~~

~~(2) to determine whether the human remains were interred erroneously;~~

~~(3) for the purpose of reburial; or~~

~~(4) for medical or scientific examination or study allowed by law.~~

~~(c) (1) Except as provided in paragraph (4) of this subsection, the **[**State's Attorney for a county**] DISINTERMENT AUTHORITY** shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.~~

~~(2) The notice shall be published in the newspaper one time.~~

~~(3) The notice shall contain:~~

~~(i) a statement that authorization from the [State's Attorney] DISINTERMENT AUTHORITY is being requested to remove human remains from a burial site;~~

~~(ii) the purpose for which the authorization is being requested;~~

~~(iii) the location of the burial site, including the tax map and parcel number or liber and folio number; and~~

~~(iv) all known pertinent information concerning the burial site, including the names of the persons whose human remains are interred in the burial site, if known.~~

~~(4) (i) The [State's Attorney] DISINTERMENT AUTHORITY may authorize the temporary relocation of human remains from a burial site for good cause, notwithstanding the notice requirements of this subsection.~~

~~(ii) If the person requesting the authorization subsequently intends to relocate the remains permanently, the person promptly shall publish notice as required under this subsection.~~

~~(5) The person requesting the authorization from the [State's Attorney] DISINTERMENT AUTHORITY shall pay the cost of publishing the notice.~~

~~(6) The [State's Attorney] DISINTERMENT AUTHORITY may authorize the removal of the human remains from the burial site after:~~

~~(i) receiving proof of the publication required under paragraph (1) of this subsection; and~~

~~(ii) 15 days after the date of publication.~~

~~(7) This subsection may not be construed to delay, prohibit, or otherwise limit the [State's Attorney's] DISINTERMENT AUTHORITY'S authorization for the removal of human remains from a burial site.~~

~~(8) For a known, but not necessarily documented, unmarked burial site, the person requesting authorization for the removal of human remains from the burial site:~~

~~(I) has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the burial site; AND~~

~~(II) SHALL CONDUCT A GENEALOGICAL AND HISTORICAL STUDY OF THE BURIAL SITE.~~

~~(d) (1) Any human remains that are removed from a burial site under this section shall be reinterred in:~~

~~(i) 1. a permanent cemetery that provides perpetual care; or~~

~~2. a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14–121(a)(4) of the Real Property Article; and~~

~~(ii) in the presence of:~~

~~1. a mortician, professional cemeterian, or other individual qualified in the interment of human remains;~~

~~2. a minister, priest, or other religious leader; or~~

~~3. a trained anthropologist or archaeologist.~~

~~(2) The location of the final disposition and treatment of human remains that are removed from a burial site under this section shall be entered into the local burial sites inventory or, if no local burial sites inventory exists, into a record or inventory deemed appropriate by the [State's Attorney] DISINTERMENT AUTHORITY or the Maryland Historical Trust.~~

~~(e) This section may not be construed to:~~

~~(1) preempt the need for a permit required by the Maryland Department of Health under § 4–215 of the Health – General Article to remove human remains from a burial site; or~~

~~(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.~~

~~(f) (1) Subject to paragraphs (2) and (3) of this subsection, human remains or the remains of a decedent after cremation, as defined in § 5–508 of the Health – General Article, may be removed from a burial site within a permanent cemetery and reinterred in:~~

~~(i) the same burial site; or~~

~~(ii) another burial site within the boundary of the same permanent cemetery.~~

~~(2) The following persons, in the order of priority stated, may arrange for a reinterment of remains under paragraph (1) of this section:~~

~~(i) the surviving spouse or domestic partner of the decedent;~~

~~(ii) an adult child of the decedent;~~

~~(iii) a parent of the decedent;~~

~~(iv) an adult brother or sister of the decedent;~~

~~(v) a person acting as a representative of the decedent under a signed authorization of the decedent; or~~

~~(vi) the guardian of the person of the decedent at the time of the decedent's death, if one has been appointed.~~

~~(3) (i) The reinterment under paragraph (1) of this subsection may be done without the need for obtaining the authorization of the~~ **[**~~State's Attorney~~**]** ~~**DISINTERMENT AUTHORITY** under subsection (b) of this section or providing the notice required under subsection (e) of this section.~~

~~(ii) 1. A person who arranges for the reinterment of remains within a permanent cemetery under paragraph (1)(ii) of this subsection, within 30 days after the reinterment, shall publish a notice of the reinterment in a newspaper of general circulation in the county where the permanent cemetery is located.~~

~~2. The notice shall be published in the newspaper one time.~~

~~3. The notice shall contain:~~

~~A. a statement that the reinterment took place;~~

~~B. the reason for the reinterment;~~

~~C. the location of the burial site from which remains have been removed, including the tax map and parcel number or liber and folio number;~~

~~D. the location of the burial site in which the remains have been reinterred, including the tax map and parcel number or liber and folio number; and~~

~~E. all known pertinent information concerning the burial sites, including the names of the persons whose cremated remains or human remains are interred in the burial sites, if known.~~

~~(iii) Within 45 days after the reinterment, a person who arranges for a reinterment of remains under paragraph (1)(ii) of this subsection shall provide a copy of the notice required under this paragraph to the Office of Cemetery Oversight.~~

~~(4) The location of a reinterment of remains under paragraph (1) of this subsection shall be entered into the inventory of the local burial sites or, if no inventory exists, into a record or inventory deemed appropriate by the Maryland Historical Trust.~~

~~(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.~~

~~(h) A person who violates this section is subject to § 5–106(b) of the Courts Article.~~

Article – Real Property

14–121.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Burial site" means any natural or prepared physical location, whether originally located below, on, or above the surface of the earth into which human remains or associated funerary objects are deposited as a part of a death rite or ceremony of any culture, religion, or group.

(ii) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are intentionally left to remain at the site.

(3) "Cultural affiliation" means a relationship of shared group identity that can be reasonably traced historically between a present–day group, tribe, band, or clan and an identifiable earlier group.

(4) "Person in interest" means a person who:

(i) Is related by blood or marriage to the person interred in a burial site;

(ii) Is a domestic partner, as defined in § 1–101 of the Health – General Article, of a person interred in a burial site;

(iii) Has a cultural affiliation with the person interred in a burial site; or

(iv) Has an interest in a burial site that the **[**Office of the State's Attorney for the county where the burial site is located**]** ~~**OFFICE OF CEMETERY OVERSIGHT**~~ recognizes is in the public interest after consultation with a local burial sites advisory board or, if such a board does not exist, the Maryland Historical Trust.

(b) Any person in interest may request the owner of a burial site or of the land encompassing a burial site that has been documented or recognized as a burial site by the

public or any person in interest to grant reasonable access to the burial site for the purpose of restoring, maintaining, or viewing the burial site.

(c) (1) A person requesting access to a burial site under subsection (b) or (d) of this section may execute an agreement with the owner of the burial site or of the land encompassing the burial site using a form similar to the form below:

"Permission to Enter

I hereby grant the person named below permission to enter my property, subject to the terms of the agreement, on the following dates:

Signed.....

(Landowner)

Agreement

In return for the privilege of entering on the private property for the purpose of restoring, maintaining, or viewing the burial site or transporting human remains to the burial site, I agree to adhere to every law, observe every safety precaution and practice, take every precaution against fire, and assume all responsibility and liability for my person and my property, while on the landowner's property.

Signed"

(2) ~~The~~ **IF THE** owner of the burial site or of the land encompassing the burial site **ENTERS INTO AN AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER** **[**may**]** **SHALL** grant access to the burial site in accordance with the terms of the agreement signed under paragraph (1) of this subsection.

(d) In addition to the provisions of subsection (b) of this section, if burials are still taking place at a burial site, any person who is related by blood or marriage, heir, appointed representative, or any other person in interest may request the owner of the land encompassing the burial site to grant reasonable access to the burial site for the purpose of transporting human remains to the burial site to inter the remains of a person for whose burial the site is dedicated, if access has not been provided in a covenant or deed of record describing the metes and bounds of the burial site.

(e) Except for willful or malicious acts or omissions, the owner of a burial site or of the land encompassing a burial site who allows persons to enter or go on the land for the purposes provided in subsections (b) and (d) of this section is not liable for damages in a civil action to a person who enters on the land for injury to person or property.

(F) A PERSON WHO ENTERS LAND FOR THE PURPOSES PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION SHALL BE RESPONSIBLE FOR ENSURING

THAT THE PERSON'S CONDUCT DOES NOT DAMAGE THE LAND, THE CEMETERY, OR THE GRAVESITES, AND SHALL BE LIABLE TO THE PROPERTY OWNER FOR ANY DAMAGE CAUSED AS A RESULT OF THE PERSON'S ACCESS.

[(f)**] (G)** (1) An owner of a burial site, a person who is related by blood or marriage to the person interred in a burial site, heir, appointed representative, or any other person in interest, or any other person **[**may**]** ~~**SHALL**~~ report the location of a burial site to the supervisor of assessments for a county, together with supporting documentation concerning the location and nature of the burial site.

(2) The supervisor of assessments for a county **[**may**]** ~~**SHALL**~~ note the presence of a burial site on a parcel on the county tax maps maintained under § 2–213 of the Tax – Property Article.

[(g)**] (H)** Nothing in this section may be construed to interfere with the normal operation and maintenance of a public or private cemetery being operated in accordance with State law.

14–121.1.

(A) IN THIS SECTION, "BURIAL SITE" HAS THE MEANING STATED IN § 14–121 OF THIS SUBTITLE.

(B) AN OWNER OF A BURIAL SITE OR OF THE LAND ENCOMPASSING A BURIAL SITE THAT HAS BEEN IN EXISTENCE FOR MORE THAN 50 YEARS AND IN WHICH THE MAJORITY OF THE PERSONS INTERRED IN THE BURIAL SITE HAVE BEEN INTERRED FOR MORE THAN 50 YEARS SHALL CONSULT WITH THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST ABOUT THE PROPER TREATMENT OF MARKERS, HUMAN REMAINS, AND THE ENVIRONMENT SURROUNDING THE BURIAL SITE.

(C) ADVICE PROVIDED BY THE MARYLAND HISTORICAL TRUST UNDER THIS SECTION IS NOT BINDING ON THE OWNER OF THE BURIAL SITE.

~~14–122.~~

~~(a) In this section, "burial site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth into which human remains are deposited as a part of a death rite or ceremony of any culture, religion, or group.~~

~~(b) **(1)** Any county or municipal corporation that has within its jurisdiction a burial site in need of repair or maintenance **[**may, upon**]** **MAY:**~~

~~**(I) AT** the request of the owner or with permission of the owner of the burial site in need of repair or maintenance, maintain and preserve the burial site for the owner**; OR**~~

~~(II) REQUIRE THE OWNER OF THE BURIAL SITE TO MAKE ARRANGEMENTS FOR THE REPAIR OR MAINTENANCE OF THE BURIAL SITE, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(2) (I) A COUNTY OR MUNICIPAL CORPORATION THAT REQUIRES THE OWNER OF A BURIAL SITE TO MAKE ARRANGEMENTS FOR THE REPAIR OR MAINTENANCE OF THE BURIAL SITE SHALL SEND NOTICE TO THE OWNER STATING THAT:~~

~~1. THE COUNTY OR MUNICIPAL CORPORATION HAS DETERMINED THAT THE BURIAL SITE IS IN NEED OF REPAIR OR MAINTENANCE;~~

~~2. THE OWNER IS REQUIRED TO NOTIFY THE COUNTY OR MUNICIPAL CORPORATION OF THE OWNER'S ARRANGEMENTS FOR THE REPAIR OR MAINTENANCE OF THE BURIAL SITE; AND~~

~~3. IF THE OWNER DOES NOT RESPOND AFTER TWO NOTICES, THE COUNTY OR MUNICIPAL CORPORATION MAY:~~

~~A. PERFORM THE REPAIR OR MAINTENANCE; AND~~

~~B. CHARGE THE OWNER OF THE BURIAL SITE OR IMPOSE A LIEN ON THE PROPERTY TO COVER THE COST OF THE REPAIR OR MAINTENANCE.~~

~~(II) IF A BURIAL SITE IS ABANDONED OR THE OWNER OF A BURIAL SITE IS UNKNOWN OR CANNOT BE LOCATED, THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE SATISFIED BY AFFIXING THE NOTICE CONSPICUOUSLY ON THE PROPERTY.~~

~~(c) In order to maintain and preserve a burial site or to repair or restore fences, tombs, monuments, or other structures located in a burial site, a county or municipal corporation may:~~

~~(1) Appropriate money and solicit donations from individuals or public or private corporations;~~

~~(2) Provide incentives for charitable organizations or community groups to donate their services; [and]~~

~~(3) Develop a community service program through which individuals required to perform community service hours under a sentence of a court or students may satisfy community service requirements or volunteer their services; AND~~

~~**(4) IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION, CHARGE THE OWNER OF THE BURIAL SITE OR IMPOSE A LIEN ON THE PROPERTY TO COVER THE COST OF THE REPAIRS.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – Property

9–261.

(A) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON AN IMPROVEMENT OF REAL PROPERTY THAT SUBSTANTIATES, DEMARCATES, COMMEMORATES, OR CELEBRATES A BURIAL GROUND.

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT AND DURATION OF THE PROPERTY TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after June 30, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 507

(Senate Bill 1242)

AN ACT concerning

Burial Sites – Access, ~~Disinterment, Criminal Penalties~~ Required Consultation, and Tax Credit

FOR the purpose of ~~requiring a person who brings a certain action for sale of a burial ground to conduct a certain genealogical and historical search; authorizing a court to reject the sale of a burial ground under certain circumstances; prohibiting a person from desecrating human remains; authorizing the Office of Cemetery Oversight, rather than a certain State's Attorney, to authorize the removal or relocation of human remains under certain circumstances; authorizing the Office of Cemetery Oversight, rather than a certain State's Attorney, to determine that a person has a public interest in a burial site; requiring a person requesting authorization to remove human remains to conduct a certain genealogical and historical study of the burial site~~ requiring certain owners to grant access to certain burial sites under certain circumstances; establishing that a person who enters land for certain purposes is responsible for ensuring that the person's conduct does not cause certain damage and that the person is liable to the property owner for any damage caused as a result of the person's access; requiring the owner of a certain burial site to consult with the Director of the Maryland Historical Trust on certain issues; establishing that certain advice provided by the Maryland Historical Trust is not binding on the owner; ~~authorizing a county or municipal corporation to require the owner of a certain burial site to make arrangements for the repair or maintenance of the burial site under certain circumstances; requiring a county or municipal corporation to provide a certain notice to the owner of a certain burial site under certain circumstances; establishing that a certain notice may be satisfied in a certain manner under certain circumstances; authorizing a county or municipal corporation to maintain and preserve a certain burial site under certain circumstances; authorizing a county or municipal corporation to charge the owner of a burial site or impose a lien on a certain property to cover the cost of certain repairs;~~ authorizing the Mayor and City Council of Baltimore City and the governing body of a county or municipal corporation to provide a property tax credit against the county or municipal corporation property tax imposed on certain improvements to real property related to burial sites and provide for the amount and duration of, additional eligibility criteria for, certain regulations and procedures for, and certain other provisions relating to the property tax credit; defining certain terms; providing for the application of a certain provision of this Act; and generally relating to burial sites.

~~BY repealing and reenacting, with amendments,~~
~~Article – Business Regulation~~
~~Section 5–505~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Law~~
~~Section 10–401 and 10–402~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–121 ~~and 14–122~~
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Real Property
Section 14–121.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – Property
Section 9–261
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~Article – Business Regulation~~

~~5–505.~~

~~(a) An action may be brought in accordance with the Maryland Rules and a court may pass a judgment for sale of a burial ground for another purpose if:~~

~~(1) the ground has been dedicated and used for burial;~~

~~(2) burial lots have been sold in the burial ground and deeds executed or certificates issued to buyers of the lots;~~

~~**(3) BASED ON A GENEALOGICAL AND HISTORICAL SEARCH FOR LOT OWNERS AND THEIR RELATIVES, ALL LOT OWNERS, THE LOT OWNERS' ASSIGNEES, IF ANY, AND DESCENDANTS OF THE LOT OWNERS HAVE BEEN NOTIFIED OF THE SALE;**~~

~~**[**(3)**] (4)** the ground has ceased to be used for burial; and~~

~~[(4)] (5) it is desirable to dispose of the burial ground for another purpose.~~

~~(b) If the court is satisfied that it is expedient or would be in the interest of the parties to sell the burial ground, the court:~~

~~(1) may pass a judgment for the sale of the burial ground on the terms and notice the court sets;~~

~~(2) shall order that as much of the proceeds of the sale as necessary be used to pay the expenses of removing any human remains in the burial ground, buying burial lots in another burial ground, and reburying the remains; and~~

~~(3) shall distribute the remaining proceeds of the sale among the parties according to their interests.~~

~~(c) A judgment for the sale of a burial ground passes to the buyer of the burial ground the title to the burial ground free of the claims of:~~

~~(1) the owners of the burial ground; and~~

~~(2) the holders of burial lots.~~

~~**(D) THE COURT MAY REJECT THE SALE OF A BURIAL GROUND IF:**~~

~~**(1) A PARTY LISTED IN SUBSECTION (A)(3) OF THIS SECTION OBJECTS TO THE SALE; OR**~~

~~**(2) THE OFFICE OF CEMETERY OVERSIGHT HAS PROPOSED AN ALTERNATIVE USE FOR THE PROPERTY, SUCH AS A PARK, AN OPEN SPACE, OR A HISTORIC PROPERTY.**~~

~~**Article – Criminal Law**~~

~~10–401.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) (1) "Associated funerary object" means an item [of human manufacture or use] that is intentionally placed:~~

~~(i) with human remains at the time of interment in a burial site; or~~

~~(ii) after interment, as a part of a death ceremony of a culture, religion, or group.~~

~~(2) "Associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.~~

~~(c) (1) "Burial site" means a natural or prepared physical location, whether originally located below, on, or above the surface of the earth, into which human remains or associated funerary objects are deposited as a part of a death ceremony of a culture, religion, or group.~~

~~(2) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.~~

~~**(D) "DESECRATE" MEANS TO VANDALIZE, DAMAGE, DIG UP, OR DESTROY WITHOUT AUTHORIZATION UNDER § 10–402 OF THIS SUBTITLE.**~~

~~**(E) "DISINTERMENT AUTHORITY" MEANS:**~~

~~**(1) IN CRIMINAL MATTERS, THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH THE BURIAL SITE IS LOCATED; OR**~~

~~**(2) IN ALL OTHER CASES, THE OFFICE OF CEMETERY OVERSIGHT.**~~

[~~(d)~~**] (F)** ~~"Permanent cemetery" means a cemetery that is owned by:~~

~~(1) a cemetery company regulated under Title 5 of the Business Regulation Article;~~

~~(2) a nonprofit organization; or~~

~~(3) the State.~~

~~10–402.~~

~~(a) Except as provided in subsections (b) and (f) of this section, a person may not:~~

~~**(1)** remove or attempt to remove human remains from a burial site~~**; OR**

~~**(2) DESECRATE HUMAN REMAINS.**~~

~~(b) Subject to subsection (c) of this section, the~~ **[**~~State's Attorney for a county~~**] DISINTERMENT AUTHORITY** ~~may authorize in writing the removal of human remains from a burial site in the~~ **[**~~State's Attorney's~~**] DISINTERMENT AUTHORITY'S** ~~jurisdiction:~~

~~(1) to ascertain the cause of death of the person whose remains are to be removed;~~

~~(2) to determine whether the human remains were interred erroneously;~~

~~(3) for the purpose of reburial; or~~

~~(4) for medical or scientific examination or study allowed by law.~~

~~(c) (1) Except as provided in paragraph (4) of this subsection, the~~ **[**~~State's Attorney for a county~~**]** ~~**DISINTERMENT AUTHORITY** shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.~~

~~(2) The notice shall be published in the newspaper one time.~~

~~(3) The notice shall contain:~~

~~(i) a statement that authorization from the~~ **[**~~State's Attorney~~**]** ~~**DISINTERMENT AUTHORITY** is being requested to remove human remains from a burial site;~~

~~(ii) the purpose for which the authorization is being requested;~~

~~(iii) the location of the burial site, including the tax map and parcel number or liber and folio number; and~~

~~(iv) all known pertinent information concerning the burial site, including the names of the persons whose human remains are interred in the burial site, if known.~~

~~(4) (i) The~~ **[**~~State's Attorney~~**]** ~~**DISINTERMENT AUTHORITY** may authorize the temporary relocation of human remains from a burial site for good cause, notwithstanding the notice requirements of this subsection.~~

~~(ii) If the person requesting the authorization subsequently intends to relocate the remains permanently, the person promptly shall publish notice as required under this subsection.~~

~~(5) The person requesting the authorization from the~~ **[**~~State's Attorney~~**]** ~~**DISINTERMENT AUTHORITY** shall pay the cost of publishing the notice.~~

~~(6) The~~ **[**~~State's Attorney~~**]** ~~**DISINTERMENT AUTHORITY** may authorize the removal of the human remains from the burial site after:~~

~~(i) receiving proof of the publication required under paragraph (1) of this subsection; and~~

~~(ii) 15 days after the date of publication.~~

~~(7) This subsection may not be construed to delay, prohibit, or otherwise limit the~~ **[**~~State's Attorney's~~**] DISINTERMENT AUTHORITY'S** ~~authorization for the removal of human remains from a burial site.~~

~~(8) For a known, but not necessarily documented, unmarked burial site, the person requesting authorization for the removal of human remains from the burial site~~**:**

~~**(I)** has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the burial site~~**; AND**

~~**(II) SHALL CONDUCT A GENEALOGICAL AND HISTORICAL STUDY OF THE BURIAL SITE.**~~

~~(d) (1) Any human remains that are removed from a burial site under this section shall be reinterred in:~~

~~(i) 1. a permanent cemetery that provides perpetual care; or~~

~~2. a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14–121(a)(4) of the Real Property Article; and~~

~~(ii) in the presence of:~~

~~1. a mortician, professional cemeterian, or other individual qualified in the interment of human remains;~~

~~2. a minister, priest, or other religious leader; or~~

~~3. a trained anthropologist or archaeologist.~~

~~(2) The location of the final disposition and treatment of human remains that are removed from a burial site under this section shall be entered into the local burial sites inventory or, if no local burial sites inventory exists, into a record or inventory deemed appropriate by the~~ **[**~~State's Attorney~~**] DISINTERMENT AUTHORITY** ~~or the Maryland Historical Trust.~~

~~(e) This section may not be construed to:~~

~~(1) preempt the need for a permit required by the Maryland Department of Health under § 4–215 of the Health – General Article to remove human remains from a burial site; or~~

~~(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.~~

~~(f) (1) Subject to paragraphs (2) and (3) of this subsection, human remains or the remains of a decedent after cremation, as defined in § 5–508 of the Health – General Article, may be removed from a burial site within a permanent cemetery and reinterred in:~~

~~(i) the same burial site; or~~

~~(ii) another burial site within the boundary of the same permanent cemetery.~~

~~(2) The following persons, in the order of priority stated, may arrange for a reinterment of remains under paragraph (1) of this section:~~

~~(i) the surviving spouse or domestic partner of the decedent;~~

~~(ii) an adult child of the decedent;~~

~~(iii) a parent of the decedent;~~

~~(iv) an adult brother or sister of the decedent;~~

~~(v) a person acting as a representative of the decedent under a signed authorization of the decedent; or~~

~~(vi) the guardian of the person of the decedent at the time of the decedent's death, if one has been appointed.~~

~~(3) (i) The reinterment under paragraph (1) of this subsection may be done without the need for obtaining the authorization of the [State's Attorney] DISINTERMENT AUTHORITY under subsection (b) of this section or providing the notice required under subsection (c) of this section.~~

~~(ii) 1. A person who arranges for the reinterment of remains within a permanent cemetery under paragraph (1)(ii) of this subsection, within 30 days after the reinterment, shall publish a notice of the reinterment in a newspaper of general circulation in the county where the permanent cemetery is located.~~

~~2. The notice shall be published in the newspaper one time.~~

~~3. The notice shall contain:~~

~~A. a statement that the reinterment took place;~~

~~B. the reason for the reinterment;~~

~~C. the location of the burial site from which remains have been removed, including the tax map and parcel number or liber and folio number;~~

~~D. the location of the burial site in which the remains have been reinterred, including the tax map and parcel number or liber and folio number; and~~

~~E. all known pertinent information concerning the burial sites, including the names of the persons whose cremated remains or human remains are interred in the burial sites, if known.~~

~~(iii) Within 45 days after the reinterment, a person who arranges for a reinterment of remains under paragraph (1)(ii) of this subsection shall provide a copy of the notice required under this paragraph to the Office of Cemetery Oversight.~~

~~(4) The location of a reinterment of remains under paragraph (1) of this subsection shall be entered into the inventory of the local burial sites or, if no inventory exists, into a record or inventory deemed appropriate by the Maryland Historical Trust.~~

~~(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.~~

~~(h) A person who violates this section is subject to § 5–106(b) of the Courts Article.~~

Article – Real Property

14–121.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Burial site" means any natural or prepared physical location, whether originally located below, on, or above the surface of the earth into which human remains or associated funerary objects are deposited as a part of a death rite or ceremony of any culture, religion, or group.

(ii) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are intentionally left to remain at the site.

(3) "Cultural affiliation" means a relationship of shared group identity that can be reasonably traced historically between a present–day group, tribe, band, or clan and an identifiable earlier group.

(4) "Person in interest" means a person who:

(i) Is related by blood or marriage to the person interred in a burial site;

(ii) Is a domestic partner, as defined in § 1–101 of the Health – General Article, of a person interred in a burial site;

(iii) Has a cultural affiliation with the person interred in a burial site; or

(iv) Has an interest in a burial site that the [Office of the State's Attorney for the county where the burial site is located] ~~OFFICE OF CEMETERY OVERSIGHT~~ recognizes is in the public interest after consultation with a local burial sites advisory board or, if such a board does not exist, the Maryland Historical Trust.

(b) Any person in interest may request the owner of a burial site or of the land encompassing a burial site that has been documented or recognized as a burial site by the public or any person in interest to grant reasonable access to the burial site for the purpose of restoring, maintaining, or viewing the burial site.

(c) (1) A person requesting access to a burial site under subsection (b) or (d) of this section may execute an agreement with the owner of the burial site or of the land encompassing the burial site using a form similar to the form below:

"Permission to Enter

I hereby grant the person named below permission to enter my property, subject to the terms of the agreement, on the following dates:

Signed.....

(Landowner)

Agreement

In return for the privilege of entering on the private property for the purpose of restoring, maintaining, or viewing the burial site or transporting human remains to the burial site, I agree to adhere to every law, observe every safety precaution and practice, take every precaution against fire, and assume all responsibility and liability for my person and my property, while on the landowner's property.

Signed"

(2) ~~The~~ **IF THE** owner of the burial site or of the land encompassing the burial site **ENTERS INTO AN AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER** [may] **SHALL** grant access to the burial site in accordance with the terms of the agreement signed under paragraph (1) of this subsection.

(d) In addition to the provisions of subsection (b) of this section, if burials are still taking place at a burial site, any person who is related by blood or marriage, heir, appointed representative, or any other person in interest may request the owner of the land encompassing the burial site to grant reasonable access to the burial site for the purpose of transporting human remains to the burial site to inter the remains of a person for whose burial the site is dedicated, if access has not been provided in a covenant or deed of record describing the metes and bounds of the burial site.

(e) Except for willful or malicious acts or omissions, the owner of a burial site or of the land encompassing a burial site who allows persons to enter or go on the land for the purposes provided in subsections (b) and (d) of this section is not liable for damages in a civil action to a person who enters on the land for injury to person or property.

(F) A PERSON WHO ENTERS LAND FOR THE PURPOSES PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION SHALL BE RESPONSIBLE FOR ENSURING THAT THE PERSON'S CONDUCT DOES NOT DAMAGE THE LAND, THE CEMETERY, OR THE GRAVESITES, AND SHALL BE LIABLE TO THE PROPERTY OWNER FOR ANY DAMAGE CAUSED AS A RESULT OF THE PERSON'S ACCESS.

[(f)**] (G)** (1) An owner of a burial site, a person who is related by blood or marriage to the person interred in a burial site, heir, appointed representative, or any other person in interest, or any other person **[**may**]** ~~SHALL~~ report the location of a burial site to the supervisor of assessments for a county, together with supporting documentation concerning the location and nature of the burial site.

(2) The supervisor of assessments for a county **[**may**]** ~~SHALL~~ note the presence of a burial site on a parcel on the county tax maps maintained under § 2–213 of the Tax – Property Article.

[(g)**] (H)** Nothing in this section may be construed to interfere with the normal operation and maintenance of a public or private cemetery being operated in accordance with State law.

14–121.1.

(A) IN THIS SECTION, "BURIAL SITE" HAS THE MEANING STATED IN § 14–121 OF THIS SUBTITLE.

(B) AN OWNER OF A BURIAL SITE OR OF THE LAND ENCOMPASSING A BURIAL SITE THAT HAS BEEN IN EXISTENCE FOR MORE THAN 50 YEARS AND IN WHICH THE MAJORITY OF THE PERSONS INTERRED IN THE BURIAL SITE HAVE BEEN INTERRED FOR MORE THAN 50 YEARS SHALL CONSULT WITH THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST ABOUT THE PROPER TREATMENT OF MARKERS, HUMAN REMAINS, AND THE ENVIRONMENT SURROUNDING THE BURIAL SITE.

(C) ADVICE PROVIDED BY THE MARYLAND HISTORICAL TRUST UNDER THIS SECTION IS NOT BINDING ON THE OWNER OF THE BURIAL SITE.

~~14–122.~~

~~(a) In this section, "burial site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth into which human remains are deposited as a part of a death rite or ceremony of any culture, religion, or group.~~

~~(b)~~ **(1)** ~~Any county or municipal corporation that has within its jurisdiction a burial site in need of repair or maintenance~~ **[**~~may, upon~~**]** ~~**MAY:**~~

~~**(I)**~~ ~~**AT** the request of the owner or with permission of the owner of the burial site in need of repair or maintenance, maintain and preserve the burial site for the owner**; OR**~~

~~**(II) REQUIRE THE OWNER OF THE BURIAL SITE TO MAKE ARRANGEMENTS FOR THE REPAIR OR MAINTENANCE OF THE BURIAL SITE, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**~~

~~**(2) (I) A COUNTY OR MUNICIPAL CORPORATION THAT REQUIRES THE OWNER OF A BURIAL SITE TO MAKE ARRANGEMENTS FOR THE REPAIR OR MAINTENANCE OF THE BURIAL SITE SHALL SEND NOTICE TO THE OWNER STATING THAT:**~~

~~**1. THE COUNTY OR MUNICIPAL CORPORATION HAS DETERMINED THAT THE BURIAL SITE IS IN NEED OF REPAIR OR MAINTENANCE;**~~

~~**2. THE OWNER IS REQUIRED TO NOTIFY THE COUNTY OR MUNICIPAL CORPORATION OF THE OWNER'S ARRANGEMENTS FOR THE REPAIR OR MAINTENANCE OF THE BURIAL SITE; AND**~~

~~**3. IF THE OWNER DOES NOT RESPOND AFTER TWO NOTICES, THE COUNTY OR MUNICIPAL CORPORATION MAY:**~~

~~**A. PERFORM THE REPAIR OR MAINTENANCE; AND**~~

~~**B. CHARGE THE OWNER OF THE BURIAL SITE OR IMPOSE A LIEN ON THE PROPERTY TO COVER THE COST OF THE REPAIR OR MAINTENANCE.**~~

~~**(II) IF A BURIAL SITE IS ABANDONED OR THE OWNER OF A BURIAL SITE IS UNKNOWN OR CANNOT BE LOCATED, THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE SATISFIED BY AFFIXING THE NOTICE CONSPICUOUSLY ON THE PROPERTY.**~~

~~(c) In order to maintain and preserve a burial site or to repair or restore fences, tombs, monuments, or other structures located in a burial site, a county or municipal corporation may:~~

~~(1) Appropriate money and solicit donations from individuals or public or private corporations;~~

~~(2) Provide incentives for charitable organizations or community groups to donate their services;~~ **[**~~and~~**]**

~~(3) Develop a community service program through which individuals required to perform community service hours under a sentence of a court or students may satisfy community service requirements or volunteer their services~~**;** ~~**AND**~~

~~**(4) IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION, CHARGE THE OWNER OF THE BURIAL SITE OR IMPOSE A LIEN ON THE PROPERTY TO COVER THE COST OF THE REPAIRS.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – Property

9–261.

(A) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON AN IMPROVEMENT OF REAL PROPERTY THAT SUBSTANTIATES, DEMARCATES, COMMEMORATES, OR CELEBRATES A BURIAL GROUND.

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT AND DURATION OF THE PROPERTY TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after June 30, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 508

(House Bill 946)

AN ACT concerning

Long–Term Care Insurance – ~~Nonforfeiture Benefits~~ Contingent Benefit Upon Lapse

FOR the purpose of requiring a carrier to provide to an insured under a policy or contract of long–term care insurance a certain ~~nonforfeiture benefit~~ contingent benefit upon lapse under certain circumstances; providing that certain benefits of a certain policy or contract of long–term care insurance shall remain unchanged and may not be increased after a certain date; providing for the application of this Act; and generally relating to long–term care insurance.

BY adding to
Article – Insurance
Section 18–116.1
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

18–116.1.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CARRIER SHALL PROVIDE TO AN INSURED UNDER A POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE A ~~NONFORFEITURE BENEFIT~~ CONTINGENT BENEFIT UPON LAPSE IF:

(1) THE CARRIER INCREASES THE PREMIUM RATE FOR THE INSURED;

~~(1)~~ (2) THE INSURED HAS MAINTAINED THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE THROUGH THE CARRIER FOR AT LEAST ~~10~~ 20 YEARS; AND

~~(2) THE INSURED HAS PAID IN FULL ALL PREMIUMS FOR THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE; AND~~

(3) ~~THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE IS TERMINATED BY THE INSURED WITHIN 12 MONTHS AFTER RECEIVING NOTICE OF AN INCREASE OF THE INSURED'S PREMIUM UNDER THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE~~ THE INSURED TERMINATES THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE WITHIN 120 DAYS AFTER THE DATE THE PREMIUM RATE INCREASE BECOMES EFFECTIVE FOR THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE MAINTAINED BY THE INSURED.

(B) (1) THE ~~NONFORFEITURE BENEFIT~~ CONTINGENT BENEFIT UPON LAPSE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE A PAID–UP COVERAGE:

~~(1) EQUIVALENT TO AT LEAST THE ACCUMULATED VALUE OF ALL PREMIUMS PAID BY THE INSURED UNDER THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE; AND~~

~~(2) ADJUSTED FOR INFLATION BASED ON THE CONSUMER PRICE INDEX FOR THE WASHINGTON–BALTIMORE METROPOLITAN AREA, AS COMPUTED BY THE U.S. DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS.~~

(I) WITH NO ADDITIONAL PREMIUMS DUE; AND

(II) WITH A REDUCED LIFETIME MAXIMUM BENEFIT EQUAL TO THE SUM OF ALL PREMIUMS PAID MINUS ANY CLAIMS PAID.

(2) EXCEPT FOR THE MAXIMUM LIFETIME BENEFIT CALCULATED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, ALL OTHER BENEFITS OF THE POLICY OR CONTRACT OF LONG–TERM CARE INSURANCE IN EFFECT ON THE DATE OF THE LAPSE OF THE POLICY OR CONTRACT SHALL REMAIN UNCHANGED AND MAY NOT BE INCREASED AFTER THE DATE OF THE LAPSE OF THE POLICY OR CONTRACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all:

(1) policies, contracts, or certificates of long–term care insurance issued~~,~~ or delivered~~, or in effect~~ in the State on or after the effective date of this Act; and

(2) rate increase filings ~~submitted to~~ approved by the Maryland Insurance Commissioner on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 509

(Senate Bill 699)

AN ACT concerning

Alternate Contributory Pension Selection – Former Members – Member Contributions

FOR the purpose of requiring that certain members of the Employees' Pension System or the Teachers' Pension System who are subject to the Reformed Contributory Pension Benefit earn a certain rate of interest on certain former member contributions in the Alternate Contributory Pension Selection of the Employees' Pension System or the Teachers' Pension System under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to interest earned on former member contributions in the Alternate Contributory Pension Selection of the Employees' Pension System or the Teachers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–213
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

23–213.

(a) Except as provided in subsection (b) of this section, regular interest is payable on member contributions at the rate of 5% per year compounded annually until retirement or withdrawal of contributions and interest.

(b) [No] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, NO** further interest shall be paid on member contributions after membership ends if the former member is not eligible to receive a vested allowance under Title 29, Subtitle 3 of this article.

(C) (1) IN THIS SUBSECTION, "ACTIVE MEMBER" MEANS A MEMBER WHO IS NOT SEPARATED FROM EMPLOYMENT WITH THE STATE OR A PARTICIPATING EMPLOYER OF THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM.

(2) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO:

(I) IS A FORMER MEMBER OF THE ALTERNATE CONTRIBUTORY PENSION SELECTION;

(II) IS NOT ELIGIBLE TO RECEIVE A VESTED ALLOWANCE FROM THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE;

(III) HAS NOT WITHDRAWN THE INDIVIDUAL'S MEMBER CONTRIBUTIONS FROM THE ALTERNATE CONTRIBUTORY PENSION SELECTION; AND

(IV) IS AN ACTIVE MEMBER SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT.

(3) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL RECEIVE REGULAR INTEREST AT THE RATE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION ON THE INDIVIDUAL'S MEMBER CONTRIBUTIONS IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION WHILE THE INDIVIDUAL IS AN ACTIVE MEMBER SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to provide payment of interest on an individual's contributions as a former member in the Alternate Contributory Pension Selection beginning on the date the individual became a member subject to the Reformed Contributory Pension Benefit if the individual is an active member on the effective date of this Act.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 510

(House Bill 1024)

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Contraceptive Drugs and Devices and Male Sterilization

FOR the purpose of requiring the Secretary of Budget and Management to ensure that the State Employee and Retiree Health and Welfare Benefits Program complies with certain provisions of the Insurance Article relating to the coverage of contraceptive drugs and devices and male sterilization; and generally relating to the coverage of contraceptive drugs and devices and male sterilization under the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–826, 15–826.1, 15–826.2, and 15–831(a) through (d)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 2–501(a) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–503(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–826.

(a) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for prescription drugs under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for prescription drugs under contracts that are issued or delivered in the State.

(b) An entity subject to this section:

(1) shall provide coverage for any contraceptive drug or device that is approved by the United States Food and Drug Administration for use as a contraceptive and that is obtained under a prescription written by an authorized prescriber as defined in § 12–101 of the Health Occupations Article;

(2) shall provide coverage for the insertion or removal, and any medically necessary examination associated with the use, of such contraceptive drug or device; and

(3) may not impose a different copayment or coinsurance for a contraceptive drug or device than is imposed for any other prescription.

(c) (1) A religious organization may request and an entity subject to this section shall grant the request for an exclusion from coverage under the policy, plan, or contract for the coverage required under subsection (b) of this section if the required coverage conflicts with the religious organization's bona fide religious beliefs and practices.

(2) A religious organization that obtains an exclusion under paragraph (1) of this subsection shall provide its employees reasonable and timely notice of the exclusion.

15–826.1.

(a) In this section, "authorized prescriber" has the meaning stated in § 12–101 of the Health Occupations Article.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for contraceptive drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for contraceptive drugs and devices under individual or group contracts that are issued or delivered in the State.

(c) (1) This subsection does not apply to a health benefit plan that is a grandfathered health plan, as defined in § 1251 of the Affordable Care Act.

(2) An entity subject to this section:

(i) except for a drug or device for which the U.S. Food and Drug Administration has issued a black box warning, may not apply a prior authorization requirement for a contraceptive drug or device that is:

1. A. an intrauterine device; or

B. an implantable rod;

2. approved by the U.S. Food and Drug Administration; and

3. obtained under a prescription written by an authorized prescriber; and

(ii) except as provided in paragraph (3) of this subsection, may not apply a copayment or coinsurance requirement for a contraceptive drug or device that is:

1. approved by the U.S. Food and Drug Administration; and

2. obtained under a prescription written by an authorized prescriber.

(3) An entity subject to this section may apply a copayment or coinsurance requirement for a contraceptive drug or device that, according to the U.S. Food and Drug Administration, is therapeutically equivalent to another contraceptive drug or device that is available under the same policy or contract without a copayment or coinsurance requirement.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an entity subject to this section shall provide coverage for a single dispensing to an insured or an enrollee of a supply of prescription contraceptives for a 6–month period.

(2) Subject to § 15–824 of this subtitle, an entity subject to this section may provide coverage for a supply of prescription contraceptives that is for less than a 6–month period, if a 6–month supply would extend beyond the plan year.

(3) Paragraph (1) of this subsection does not apply to the first 2–month supply of prescription contraceptives dispensed to an insured or an enrollee under:

(i) the initial prescription for the contraceptives; or

(ii) any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the insured or the enrollee.

(4) Whenever an entity subject to this section increases the copayment for a single dispensing of a supply of prescription contraceptives for a 6–month period, the entity shall also increase proportionately the dispensing fee paid to the pharmacist.

(e) (1) Subject to paragraph (2) of this subsection, an entity subject to this section:

(i) shall provide coverage without a prescription for all contraceptive drugs approved by the U.S. Food and Drug Administration and available by prescription and over the counter; and

(ii) may not apply a copayment or coinsurance requirement for a contraceptive drug dispensed without a prescription under item (i) of this paragraph that exceeds the copayment or coinsurance requirement for the contraceptive drug dispensed under a prescription.

(2) An entity subject to this section:

(i) may only be required to provide point–of–sale coverage under paragraph (1)(i) of this subsection at in–network pharmacies; and

(ii) may limit the frequency with which the coverage required under paragraph (1)(i) of this subsection is provided.

15–826.2.

(a) (1) In this subsection, "group" means a group that is not a group covered under a health insurance policy or contract or under a health maintenance organization contract issued or delivered to a small employer, as defined in § 31–101 of this article.

(2) This subsection applies to:

(i) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to groups on an expense–incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide hospital, medical, or surgical benefits to groups under contracts that are issued or delivered in the State.

(3) This subsection does not apply to an organization that requests and receives an exclusion from coverage under § 15–826(c) of this subtitle.

(4) An entity subject to this subsection shall provide coverage for male sterilization.

(b) (1) This subsection applies to:

(i) insurers and nonprofit health service plans that provide coverage for male sterilization under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for male sterilization under individual or group contracts that are issued or delivered in the State.

(2) Except with respect to a health benefit plan that is a grandfathered health plan, as defined in § 1251 of the Affordable Care Act, an entity subject to this subsection may not apply a copayment, coinsurance requirement, or deductible to coverage for male sterilization.

15–831.

(a) (1) In this section the following words have the meanings indicated.

(2) "Authorized prescriber" has the meaning stated in § 12–101 of the Health Occupations Article.

(3) "Formulary" means a list of prescription drugs or devices that are covered by an entity subject to this section.

(4) (i) "Member" means an individual entitled to health care benefits for prescription drugs or devices under a policy issued or delivered in the State by an entity subject to this section.

(ii) "Member" includes a subscriber.

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for prescription drugs and devices under individual or group contracts that are issued or delivered in the State.

(2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy benefit manager is subject to the requirements of this section.

(3) This section does not apply to a managed care organization as defined in § 15–101 of the Health – General Article.

(c) Each entity subject to this section that limits its coverage of prescription drugs or devices to those in a formulary shall establish and implement a procedure by which a member may receive a prescription drug or device that is not in the entity's formulary in accordance with this section.

(d) The procedure shall provide for coverage for a prescription drug or device that is not in the formulary if, in the judgment of the authorized prescriber:

(1) there is no equivalent prescription drug or device in the entity's formulary;

(2) an equivalent prescription drug or device in the entity's formulary:

(i) has been ineffective in treating the disease or condition of the member; or

(ii) has caused or is likely to cause an adverse reaction or other harm to the member; or

(3) for a contraceptive prescription drug or device, the prescription drug or device that is not on the formulary is medically necessary for the member to adhere to the appropriate use of the prescription drug or device.

Article – State Personnel and Pensions

2–501.

(a) In this subtitle the following terms have the meanings indicated.

(b) "Program" means the State Employee and Retiree Health and Welfare Benefits Program.

2–503.

(a) The Secretary shall:

(1) adopt regulations for the administration of the Program;

(2) ensure that the Program complies with**:**

(I) all federal and State laws governing employee benefit plans; **AND**

(II) §§ <u>15–826,</u> 15–826.1, 15–826.2, AND, AS APPLICABLE TO CONTRACEPTIVE DRUGS AND DEVICES, 15–831(A) THROUGH (D) OF THE INSURANCE ARTICLE; and

(3) each year, recommend to the Governor the State share of the costs of the Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 511

(Senate Bill 986)

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Contraceptive Drugs and Devices and Male Sterilization

FOR the purpose of requiring the Secretary of Budget and Management to ensure that the State Employee and Retiree Health and Welfare Benefits Program complies with certain provisions of the Insurance Article relating to the coverage of contraceptive drugs and devices and male sterilization; and generally relating to the coverage of contraceptive drugs and devices and male sterilization under the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–826, 15–826.1, 15–826.2, and 15–831(a) through (d)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 2–501(a) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–503(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–826.

(a) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for prescription drugs under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for prescription drugs under contracts that are issued or delivered in the State.

(b) An entity subject to this section:

(1) shall provide coverage for any contraceptive drug or device that is approved by the United States Food and Drug Administration for use as a contraceptive and that is obtained under a prescription written by an authorized prescriber as defined in § 12–101 of the Health Occupations Article;

(2) shall provide coverage for the insertion or removal, and any medically necessary examination associated with the use, of such contraceptive drug or device; and

(3) may not impose a different copayment or coinsurance for a contraceptive drug or device than is imposed for any other prescription.

(c) (1) A religious organization may request and an entity subject to this section shall grant the request for an exclusion from coverage under the policy, plan, or contract for the coverage required under subsection (b) of this section if the required coverage conflicts with the religious organization's bona fide religious beliefs and practices.

(2) A religious organization that obtains an exclusion under paragraph (1) of this subsection shall provide its employees reasonable and timely notice of the exclusion.

15–826.1.

(a) In this section, "authorized prescriber" has the meaning stated in § 12–101 of the Health Occupations Article.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for contraceptive drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for contraceptive drugs and devices under individual or group contracts that are issued or delivered in the State.

(c) (1) This subsection does not apply to a health benefit plan that is a grandfathered health plan, as defined in § 1251 of the Affordable Care Act.

(2) An entity subject to this section:

(i) except for a drug or device for which the U.S. Food and Drug Administration has issued a black box warning, may not apply a prior authorization requirement for a contraceptive drug or device that is:

1. A. an intrauterine device; or

B. an implantable rod;

2. approved by the U.S. Food and Drug Administration; and

3. obtained under a prescription written by an authorized prescriber; and

(ii) except as provided in paragraph (3) of this subsection, may not apply a copayment or coinsurance requirement for a contraceptive drug or device that is:

1. approved by the U.S. Food and Drug Administration; and

2. obtained under a prescription written by an authorized prescriber.

(3) An entity subject to this section may apply a copayment or coinsurance requirement for a contraceptive drug or device that, according to the U.S. Food and Drug Administration, is therapeutically equivalent to another contraceptive drug or device that is available under the same policy or contract without a copayment or coinsurance requirement.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an entity subject to this section shall provide coverage for a single dispensing to an insured or an enrollee of a supply of prescription contraceptives for a 6–month period.

(2) Subject to § 15–824 of this subtitle, an entity subject to this section may provide coverage for a supply of prescription contraceptives that is for less than a 6–month period, if a 6–month supply would extend beyond the plan year.

(3) Paragraph (1) of this subsection does not apply to the first 2–month supply of prescription contraceptives dispensed to an insured or an enrollee under:

(i) the initial prescription for the contraceptives; or

(ii) any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the insured or the enrollee.

(4) Whenever an entity subject to this section increases the copayment for a single dispensing of a supply of prescription contraceptives for a 6–month period, the entity shall also increase proportionately the dispensing fee paid to the pharmacist.

(e) (1) Subject to paragraph (2) of this subsection, an entity subject to this section:

(i) shall provide coverage without a prescription for all contraceptive drugs approved by the U.S. Food and Drug Administration and available by prescription and over the counter; and

(ii) may not apply a copayment or coinsurance requirement for a contraceptive drug dispensed without a prescription under item (i) of this paragraph that exceeds the copayment or coinsurance requirement for the contraceptive drug dispensed under a prescription.

(2) An entity subject to this section:

(i) may only be required to provide point–of–sale coverage under paragraph (1)(i) of this subsection at in–network pharmacies; and

(ii) may limit the frequency with which the coverage required under paragraph (1)(i) of this subsection is provided.

15–826.2.

(a) (1) In this subsection, "group" means a group that is not a group covered under a health insurance policy or contract or under a health maintenance organization contract issued or delivered to a small employer, as defined in § 31–101 of this article.

(2) This subsection applies to:

(i) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to groups on an expense–incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide hospital, medical, or surgical benefits to groups under contracts that are issued or delivered in the State.

(3) This subsection does not apply to an organization that requests and receives an exclusion from coverage under § 15–826(c) of this subtitle.

(4) An entity subject to this subsection shall provide coverage for male sterilization.

(b) (1) This subsection applies to:

(i) insurers and nonprofit health service plans that provide coverage for male sterilization under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for male sterilization under individual or group contracts that are issued or delivered in the State.

(2) Except with respect to a health benefit plan that is a grandfathered health plan, as defined in § 1251 of the Affordable Care Act, an entity subject to this subsection may not apply a copayment, coinsurance requirement, or deductible to coverage for male sterilization.

15–831.

(a) (1) In this section the following words have the meanings indicated.

(2) "Authorized prescriber" has the meaning stated in § 12–101 of the Health Occupations Article.

(3) "Formulary" means a list of prescription drugs or devices that are covered by an entity subject to this section.

(4) (i) "Member" means an individual entitled to health care benefits for prescription drugs or devices under a policy issued or delivered in the State by an entity subject to this section.

(ii) "Member" includes a subscriber.

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for prescription drugs and devices under individual or group contracts that are issued or delivered in the State.

(2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy benefit manager is subject to the requirements of this section.

(3) This section does not apply to a managed care organization as defined in § 15–101 of the Health – General Article.

(c) Each entity subject to this section that limits its coverage of prescription drugs or devices to those in a formulary shall establish and implement a procedure by which a member may receive a prescription drug or device that is not in the entity's formulary in accordance with this section.

(d) The procedure shall provide for coverage for a prescription drug or device that is not in the formulary if, in the judgment of the authorized prescriber:

(1) there is no equivalent prescription drug or device in the entity's formulary;

(2) an equivalent prescription drug or device in the entity's formulary:

(i) has been ineffective in treating the disease or condition of the member; or

(ii) has caused or is likely to cause an adverse reaction or other harm to the member; or

(3) for a contraceptive prescription drug or device, the prescription drug or device that is not on the formulary is medically necessary for the member to adhere to the appropriate use of the prescription drug or device.

Article – State Personnel and Pensions

2–501.

(a) In this subtitle the following terms have the meanings indicated.

(b) "Program" means the State Employee and Retiree Health and Welfare Benefits Program.

2–503.

(a) The Secretary shall:

(1) adopt regulations for the administration of the Program;

(2) ensure that the Program complies with**:**

(I) all federal and State laws governing employee benefit plans; **AND**

(II) §§ <u>15–826,</u> 15–826.1, 15–826.2, AND, AS APPLICABLE TO CONTRACEPTIVE DRUGS AND DEVICES, 15–831(A) THROUGH (D) OF THE INSURANCE ARTICLE; and

(3) each year, recommend to the Governor the State share of the costs of the Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 512

(House Bill 1065)

AN ACT concerning

Vehicle Laws – Title Service Agents

FOR the purpose of authorizing a title service agent that collects and remits vehicle excise taxes on behalf of the Motor Vehicle Administration to keep the lesser of certain amounts of the gross vehicle excise taxes collected by the title service agent; requiring a title service agent that collects any vehicle titling taxes or fees to keep certain records related to the vehicle sales, preserve the records in a certain manner, and make the records available to the Administration and law enforcement in a certain manner; requiring the Administration to follow certain procedures and impose certain assessments under certain circumstances on a title service agent if the Administration finds that the records of the title service agent are inadequate or incorrect; authorizing the Administration to compute the collected tax due from a title service agent in a certain manner if the title service agent fails to keep any records of vehicle sales; requiring the Administration to credit funds received from a title service agent in a certain manner; increasing to a certain amount the required surety bond that a title service agent is required to file with the Administration; clarifying that a title service agent may transport certain documents to or from the Administration physically or electronically; altering a certain definition; and generally relating to title service agents.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–601 and 15–604
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–602
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Transportation
Section 15–608
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

15–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "License" means a title service agent's license issued by the Administration under this subtitle.

(c) (1) "Title service agent" means any person in the business of **PHYSICALLY OR ELECTRONICALLY** transporting to and from the Administration certificates of title, registrations, drivers' licenses, certified copies of records, and other related documents.

(2) "Title service agent" does not include a licensed dealer or employee of a licensed dealer who conducts the activities described in paragraph (1) of this subsection only on behalf of the business of that dealer.

15–602.

A person may not conduct the business of a title service agent unless the person is licensed by the Administration under this subtitle.

15–604.

(a) This section does not apply to:

(1) A licensed dealer who is in compliance with the surety bond requirement of Subtitle 3 of this title; or

(2) A motor club that is in compliance with the surety bond requirement of § 26–204 of the Insurance Article.

(b) After the Administration notifies an applicant of the approval of an application and before the Administration issues a license, the applicant shall file with the Administration a surety bond in the form and with the surety that the Administration approves.

(c) The amount of the surety bond shall be **[**$25,000**] $50,000**.

15–608.

(A) A TITLE SERVICE AGENT THAT, ON BEHALF OF THE ADMINISTRATION, COLLECTS AND REMITS THE VEHICLE EXCISE TAX IMPOSED UNDER TITLE 13, SUBTITLE 8 OF THIS ARTICLE MAY KEEP THE LESSER OF $12 PER VEHICLE OR 0.6% OF THE GROSS EXCISE TAX THAT THE TITLE SERVICE AGENT COLLECTS.

(B) EACH TITLE SERVICE AGENT THAT COLLECTS ANY TAX OR FEE REQUIRED FOR TITLING A VEHICLE SHALL:

(1) KEEP COMPLETE AND ACCURATE RECORDS OF EACH TAXABLE SALE, TOGETHER WITH A RECORD OF THE TAX COLLECTED ON THE SALE;

(2) KEEP COPIES OF EVERY INVOICE, BILL OF SALE, AND OTHER PERTINENT DOCUMENTS AND RECORDS, IN THE FORM THAT THE ADMINISTRATION REQUIRES; AND

(3) PRESERVE THESE RECORDS IN ORIGINAL FORM FOR AT LEAST 3 YEARS, UNLESS THE ADMINISTRATION CONSENTS IN WRITING TO THEIR EARLIER DESTRUCTION OR, BY ORDER, REQUIRES THAT THEY BE KEPT FOR A LONGER PERIOD.

(C) EACH TITLE SERVICE AGENT THAT COLLECTS ANY TAX OR FEE REQUIRED FOR TITLING A VEHICLE SHALL, DURING BUSINESS HOURS, ALLOW ANY REPRESENTATIVE OF THE ADMINISTRATION AND ANY POLICE OFFICER FULL ACCESS TO THE DOCUMENTS AND RECORDS REQUIRED TO BE KEPT UNDER SUBSECTION (B) OF THIS SECTION.

(D) IF THE ADMINISTRATION FINDS THAT THE RECORDS OF A TITLE SERVICE AGENT ARE INADEQUATE OR INCORRECT AND THAT THE AMOUNT OF EXCISE TAX COLLECTED FOR THE ADMINISTRATION ON THESE SALES CANNOT BE DETERMINED ACCURATELY FROM THE RECORDS:

(1) THE ADMINISTRATION SHALL DETERMINE THE TAXABLE SALES FACILITATED BY THE TITLE SERVICE AGENT FOR THE PERIOD INVOLVED AND COMPUTE THE TAX FROM THE BEST INFORMATION AVAILABLE; AND

(2) THE DETERMINATION AND COMPUTATION OF THE ADMINISTRATION ARE PRIMA FACIE CORRECT.

(E) (1) IF, UNDER SUBSECTION (D) OF THIS SECTION, THE ADMINISTRATION DETERMINES THE TAXABLE SALES OF VEHICLES FACILITATED BY THE TITLE SERVICE AGENT AND COMPUTES THE TAX DUE, THE ADMINISTRATION SHALL:

(I) LEVY AN ASSESSMENT AGAINST THE TITLE SERVICE AGENT FOR THE DEFICIENCY, INTEREST, AND PENALTIES IN THE MANNER AUTHORIZED IN §§ 13–401, 13–601, AND 13–701 OF THE TAX – GENERAL ARTICLE; AND

(II) NOTIFY THE TITLE SERVICE AGENT OF THE TAX DUE AND THE AMOUNT OF THE DEFICIENCY ASSESSMENT.

(2) IF THE TITLE SERVICE AGENT FAILS TO PAY THE TAX AND ASSESSMENT WITHIN 10 DAYS AFTER RECEIVING THE NOTICE FROM THE ADMINISTRATION, THE ADMINISTRATION MAY LEVY, IN ADDITION TO THE TAX AND ASSESSMENT, A PENALTY EQUAL TO 25% OF THE TAX DUE.

(F) IF A TITLE SERVICE AGENT FAILS TO KEEP ANY RECORDS OF SALES OF VEHICLES, THE ADMINISTRATION MAY COMPUTE THE TAX DUE AS PROVIDED IN § 13–407 OF THE TAX – GENERAL ARTICLE.

(G) ALL AMOUNTS RECEIVED FROM A TITLE SERVICE AGENT UNDER THIS SECTION SHALL BE CREDITED:

(1) FIRST, TO ANY PENALTY AND INTEREST ACCRUED UNDER THIS SECTION; AND

(2) THEN, TO THE TAX DUE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 513

(House Bill 1078)

AN ACT concerning

Commercial Insurance – Insurance Producers – Commissions

FOR the purpose of providing that an insurer is not prohibited from paying certain commissions ~~under commercial insurance policies~~ to licensed insurance producers under commercial insurance policies issued to certain exempt commercial policyholders in a certain manner under certain circumstances; making a technical change; providing for the application of this Act; and generally relating to commissions paid to insurance producers under commercial insurance policies.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–212(e), 27–216(a) and (b)(1), and 27–601(a) and (b)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–212(f) and 27–216(b)(2)
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

27–212.

(e) (1) An insurer may not make or allow unfair discrimination between insureds or properties having like insuring or risk characteristics in:

(i) the premium or rates charged for insurance;

(ii) the dividends or other benefits payable on the insurance; or

(iii) any of the other terms or conditions of the insurance.

(2) Notwithstanding any other provision of this section, an insurer may not make or allow a differential in ratings, premium payments, or dividends for a reason based on the sex, physical handicap, or disability of an applicant or policyholder unless there is actuarial justification for the differential.

(f) This section does not prohibit an insurer from:

(1) paying commissions or other compensation to licensed insurance producers;

~~(2) PAYING COMMISSIONS UNDER POLICIES OF COMMERCIAL INSURANCE, AS DEFINED IN § 27–601 OF THIS TITLE, TO LICENSED INSURANCE PRODUCERS ON A VARIABLE BASIS IF:~~

~~(I) THE PAYMENT IS MADE UNDER THE TERMS OF A COMMISSION EXPENSE REDUCTION PLAN FILED WITH AND APPROVED BY THE COMMISSIONER UNDER THE APPLICABLE RATING MANUAL; AND~~

~~(II) THE INSURANCE PRODUCER HAS AGREED TO THE PARTICULAR LEVEL OF COMMISSION TO BE PAID UNDER THE POLICY; or~~

(2) PAYING COMMISSIONS TO LICENSED INSURANCE PRODUCERS ON A VARIABLE BASIS ON POLICIES ISSUED TO QUALIFIED EXEMPT COMMERCIAL POLICYHOLDERS, AS DEFINED IN § 11–206 OF THIS ARTICLE, IF:

(I) THE PAYMENT OF THE COMMISSION TO THE INSURANCE PRODUCER ON A VARIABLE BASIS RESULTS IN A LOWER TOTAL COST OF THE POLICY TO THE QUALIFIED EXEMPT COMMERCIAL POLICYHOLDER; AND

(II) THE INSURANCE PRODUCER RECEIVING THE COMMISSION HAS AGREED TO THE SPECIFIC LEVEL OF COMMISSION TO BE PAID ON THE POLICY; or

[(2)**] (3)** allowing or returning to its participating policyholders, members, or subscribers lawful dividends, savings, or unabsorbed premium deposits.

27–216.

(a) A person may not willfully collect a premium or charge for insurance if the insurance is not then provided, or is not in due course to be provided subject to acceptance of the risk by the insurer, in a policy issued by an insurer as authorized by this article.

(b) (1) A person may not willfully collect a premium or charge for insurance that:

(i) exceeds or is less than the premium or charge applicable to that insurance under the applicable classifications and rates as filed with and approved by the Commissioner; or

(ii) if classifications, premiums, or rates are not required by this article to be filed with and approved by the Commissioner, exceeds or is less than the premium or charge specified in the policy and set by the insurer.

(2) Paragraph (1) of this subsection does not prohibit:

(i) a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article from charging and collecting applicable State and federal taxes in addition to the required premium;

(ii) a life insurer from charging and collecting the amount actually expended for a medical examination of an applicant for life insurance or reinstatement of a policy of life insurance;

(iii) an insurance producer from charging a fee, not exceeding 15% of the premium, for services rendered in **[**replacing**]** **PLACING** insurance in an insurer if commissions are not payable by the insurer;

~~**(IV)** **AN INSURER FROM PAYING COMMISSIONS UNDER POLICIES OF COMMERCIAL INSURANCE, AS DEFINED IN § 27–601 OF THIS TITLE, TO LICENSED INSURANCE PRODUCERS ON A VARIABLE BASIS IF:**~~

~~**1.** **THE PAYMENT IS MADE UNDER THE TERMS OF A COMMISSION EXPENSE REDUCTION PLAN FILED WITH AND APPROVED BY THE COMMISSIONER UNDER THE APPLICABLE RATING MANUAL; AND**~~

~~**2.** **THE INSURANCE PRODUCER HAS AGREED TO THE PARTICULAR LEVEL OF COMMISSION TO BE PAID UNDER THE POLICY;** or~~

(IV) **AN INSURER FROM PAYING COMMISSIONS TO LICENSED INSURANCE PRODUCERS ON A VARIABLE BASIS ON POLICIES ISSUED TO QUALIFIED EXEMPT COMMERCIAL POLICYHOLDERS, AS DEFINED IN § 11–206 OF THIS ARTICLE, IF:**

1. **THE PAYMENT OF THE COMMISSION TO THE INSURANCE PRODUCER ON A VARIABLE BASIS RESULTS IN A LOWER TOTAL COST OF THE POLICY TO THE QUALIFIED EXEMPT POLICYHOLDER; AND**

2. **THE INSURANCE PRODUCER RECEIVING THE COMMISSION HAS AGREED TO THE SPECIFIC LEVEL OF COMMISSION TO BE PAID ON THE POLICY;** or

[(iv)**]** **(V)** a fund producer from charging and collecting, as actual expenses incurred in placing automobile insurance with the Maryland Automobile Insurance Fund:

1. a maximum charge of $25 plus $1 more than the actual charge by the Motor Vehicle Administration for a driving record required to be presented with the application, unless otherwise provided by the Fund; or

2. the amount provided in subsection (e) of this section.

27–601.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Commercial insurance" means property insurance or casualty insurance issued to an individual, a sole proprietor, partnership, corporation, limited liability company, or similar entity and intended to insure against loss arising from the business pursuits of the insured entity.

(2) "Commercial insurance" does not include:

(i) policies issued by the Maryland Automobile Insurance Fund;

(ii) policies issued by the Joint Insurance Association;

(iii) workers' compensation insurance; or

(iv) title insurance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of commercial insurance offered, sold, or issued in the State on or after October 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 514

(Senate Bill 468)

AN ACT concerning

Landlord and Tenant – Residential Leases – Water and Sewer Bills

FOR the purpose of requiring a certain landlord to use a written lease that includes a certain notice and to provide a copy of a certain water or sewer bill to a tenant under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to residential leases.

BY adding to
Article – Real Property
Section 8–205.1

Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Real Property

8–205.1.

(A) IN THIS SECTION, "UTILITY SERVICE PROVIDER" MEANS A PUBLIC SERVICE COMPANY OR A UNIT OF STATE OR LOCAL GOVERNMENT THAT PROVIDES WATER OR SEWER UTILITY SERVICES.

(B) (1) THIS SECTION APPLIES ONLY TO A LANDLORD OF A BUILDING THAT CONTAINS ONE OR TWO RESIDENTIAL DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO A LANDLORD THAT REQUIRES A TENANT, UNDER AN ORAL OR WRITTEN LEASE, TO PAY WATER OR SEWER BILLS DIRECTLY TO THE UTILITY SERVICE PROVIDER.

(C) A LANDLORD THAT REQUIRES A TENANT TO MAKE PAYMENTS FOR WATER OR SEWER UTILITY SERVICES TO THE LANDLORD SHALL:

(1) USE A WRITTEN LEASE THAT PROVIDES NOTICE THAT THE TENANT IS RESPONSIBLE FOR MAKING PAYMENTS FOR WATER OR SEWER UTILITY SERVICES TO THE LANDLORD; AND

(2) ~~ON THE REQUEST OF THE TENANT, PROVIDE~~ PROVIDE A COPY OF THE WATER OR SEWER BILL TO THE TENANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 515

(House Bill 1090)

AN ACT concerning

Consumer Protection – Caller ID Spoofing Ban of 2018

FOR the purpose of prohibiting an individual or a person from taking certain actions to provide false location information when placing a telephone call with the intent to defraud, harass, cause harm, or *wrongfully* obtain anything of value; providing for the application of this Act; establishing a certain penalty; defining ~~a certain term~~ *certain terms*; and generally relating to caller ID spoofing.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(1), (14)(xxx), and (15), 13–401, and 13–408(a) and (b)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxix)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxxi) and 14–1326
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(1) False, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers;

(14) Violation of a provision of:

(xxix) Title 19, Subtitle 7 of the Business Regulation Article; **[**or**]**

(xxx) Section 15–311.3 of the Transportation Article; or

(XXXI) SECTION 14–1326 OF THIS ARTICLE; OR

(15) Act or omission that relates to a residential building and that is chargeable as a misdemeanor under or otherwise violates a provision of the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

13–401.

(a) A consumer who is subjected to a violation of this title may file with the Division a written complaint which states:

(1) The name and address of the person alleged to have committed the violation complained of;

(2) The particulars of the violation; and

(3) Any other information required by the Division.

(b) After the filing of a complaint, the Division shall investigate the allegations to ascertain issues and facts. If appropriate, the Division shall refer a complaint to the Federal Trade Commission.

(c) The Division may seek the cooperation of the licensing authorities and contracting departments of the State in connection with its investigation of a person who is licensed to do business in the State or who has a contractual relationship with the State.

(d) If the Division determines that the complaint lacks reasonable grounds on which to base a violation of this subtitle, it may:

(1) Dismiss the complaint; or

(2) Conduct any further investigation it considers necessary.

(e) This section does not prevent a consumer from:

(1) Exercising any right or seeking any remedy to which he might otherwise be entitled; or

(2) Filing a complaint with any other agency or court.

13–408.

(a) In addition to any action by the Division or Attorney General authorized by this title and any other action otherwise authorized by law, any person may bring an action to recover for injury or loss sustained by him as the result of a practice prohibited by this title.

(b) Any person who brings an action to recover for injury or loss under this section and who is awarded damages may also seek, and the court may award, reasonable attorney's fees.

14–1326.

(A) ~~**IN THIS SECTION, "CALLER ID SPOOFING" MEANS THE PRACTICE OF USING AN APPLICATION OR OTHER TECHNOLOGY FOR A TELEPHONE TO BLOCK THE CALLER'S TRUE LOCATION AND INSTEAD SHOW A FALSE LOCATION THAT APPEARS TO BE LOCAL TO THE INDIVIDUAL RECEIVING THE CALL**~~ ***(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.***

(2) "CALLER IDENTIFICATION INFORMATION" MEANS INFORMATION PROVIDED BY A CALLER IDENTIFICATION SERVICE REGARDING THE TELEPHONE NUMBER OF, OR OTHER INFORMATION REGARDING THE ORIGIN OF, A CALL MADE USING A COMMUNICATIONS SERVICE, INCLUDING A TELECOMMUNICATIONS, BROADBAND, OR INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE.

***(3) "CALLER ID SPOOFING" MEANS THE PRACTICE OF USING AN APPLICATION OR OTHER TECHNOLOGY IN CONNECTION WITH A COMMUNICATIONS SERVICE, INCLUDING A TELECOMMUNICATIONS, BROADBAND, OR INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE, TO KNOWINGLY CAUSE ANY CALLER IDENTIFICATION SERVICE TO TRANSMIT FALSE OR MISLEADING CALLER IDENTIFICATION INFORMATION TO AN INDIVIDUAL RECEIVING A CALL*.**

(B) AN INDIVIDUAL OR PERSON MAY NOT PERFORM CALLER ID SPOOFING WHEN CONTACTING ANOTHER INDIVIDUAL ~~**OR PERSON**~~ **IN THE STATE WITH THE INTENT TO DEFRAUD, HARASS, CAUSE HARM TO, OR *WRONGFULLY* OBTAIN ANYTHING OF VALUE FROM ANOTHER.**

(C) THIS SECTION DOES NOT APPLY TO:

(1) THE BLOCKING OF CALLER IDENTIFICATION INFORMATION;

(2) A FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY;

(3) A FEDERAL INTELLIGENCE OR SECURITY AGENCY; OR

(4) A *COMMUNICATIONS SERVICE PROVIDER, INCLUDING A* TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL SERVICE PROVIDER, THAT IS:

(I) ACTING IN THE ~~TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL~~ *COMMUNICATIONS* SERVICE PROVIDER'S CAPACITY AS AN INTERMEDIARY FOR THE TRANSMISSION OF TELEPHONE SERVICE BETWEEN THE CALLER AND THE RECIPIENT;

(II) PROVIDING OR CONFIGURING A SERVICE OR SERVICE FEATURE AS REQUESTED BY THE CUSTOMER;

(III) ACTING IN A MANNER THAT IS AUTHORIZED OR REQUIRED BY APPLICABLE LAW; OR

(IV) ENGAGING IN OTHER CONDUCT THAT IS NECESSARY TO PROVIDE SERVICE.

(D) A VIOLATION OF THIS SECTION IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 516

(House Bill 1093)

AN ACT concerning

Maryland Uniform Real Property Electronic Recording Act

FOR the purpose of establishing that the requirements of certain laws that specify a certain document be in a certain form or signed as a condition for recording are met by an electronic document or electronic signature under certain circumstances; authorizing the clerk of a circuit court, in compliance with any standards established by the Administrative Office of the Courts, to perform certain acts relating to electronic documents, provide for certain activities by electronic means, convert certain documents and information into electronic form, and agree with certain other officials on certain procedures or processes; requiring the clerk of a circuit court to continue to accept paper documents and place entries for electronic and paper

documents in the same index under certain circumstances, and transmit documents in a certain manner to the State Archives for a certain purpose; authorizing the State Department of Assessments and Taxation and counties to accept certain fees and taxes by electronic means under certain circumstances and to agree with certain other officials on certain procedures or processes; authorizing the Administrative Office of the Courts, in collaboration with other members of the oversight committee of the Circuit Court Real Property Records Improvement Fund, to establish standards to implement this Act; requiring that certain factors be considered in applying and construing this Act; providing that this Act modifies, limits, and supersedes a certain federal law to a certain extent except as provided in a certain provision of this Act; establishing a certain short title; providing for the application of this Act; defining certain terms; and generally relating to the Maryland Uniform Real Property Electronic Recording Act.

BY adding to
Article – Real Property
Section 3–701 through 3–707 to be under the new subtitle "Subtitle 7. Maryland Uniform Real Property Electronic Recording Act"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Real Property

SUBTITLE 7. MARYLAND UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.

3–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DOCUMENT" MEANS INFORMATION THAT IS:

(1) INSCRIBED ON A TANGIBLE MEDIUM OR STORED IN AN ELECTRONIC OR OTHER MEDIUM AND RETRIEVABLE IN PERCEIVABLE FORM; AND

(2) ELIGIBLE TO BE RECORDED IN THE LAND RECORDS MAINTAINED BY THE CLERK OF A CIRCUIT COURT.

(C) "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

(D) "ELECTRONIC DOCUMENT" MEANS A DOCUMENT THAT IS RECEIVED BY THE CLERK OF A CIRCUIT COURT IN ELECTRONIC FORM.

(E) "ELECTRONIC SIGNATURE" MEANS AN ELECTRONIC SOUND, SYMBOL, OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH A DOCUMENT AND EXECUTED OR ADOPTED BY A PERSON WITH THE INTENT TO SIGN THE DOCUMENT.

(F) "PERSON" MEANS AN INDIVIDUAL, A CORPORATION, A STATUTORY TRUST, A PERSONAL REPRESENTATIVE OF AN ESTATE, A TRUSTEE, A PARTNERSHIP, A LIMITED LIABILITY COMPANY, AN ASSOCIATION, A JOINT VENTURE, A PUBLIC CORPORATION, A GOVERNMENT, A GOVERNMENTAL SUBDIVISION, AN AGENCY, AN INSTRUMENTALITY, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

(G) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

3–702.

(A) IF A LAW REQUIRES, AS A CONDITION FOR RECORDING, THAT A DOCUMENT BE AN ORIGINAL, IN WRITING, OR ON PAPER OR ANOTHER TANGIBLE MEDIUM, AN ELECTRONIC DOCUMENT SATISFYING THE REQUIREMENTS OF THIS SUBTITLE SATISFIES THE LAW.

(B) IF A LAW REQUIRES, AS A CONDITION FOR RECORDING, THAT A DOCUMENT BE SIGNED, AN ELECTRONIC SIGNATURE SATISFIES THE LAW.

(C) A REQUIREMENT THAT A DOCUMENT OR SIGNATURE ASSOCIATED WITH A DOCUMENT BE NOTARIZED, ACKNOWLEDGED, VERIFIED, WITNESSED, OR MADE UNDER OATH IS SATISFIED IF THE ELECTRONIC SIGNATURE OF THE PERSON AUTHORIZED TO PERFORM THAT ACT AND ALL OTHER REQUIRED INFORMATION IS ATTACHED TO OR LOGICALLY ASSOCIATED WITH THE DOCUMENT OR SIGNATURE.

3–703.

(A) IN THIS SECTION, "PAPER DOCUMENT" MEANS A DOCUMENT RECEIVED BY THE CLERK OF A CIRCUIT COURT IN A FORM THAT IS NOT ELECTRONIC.

(B) IN COMPLIANCE WITH ANY STANDARDS ESTABLISHED BY THE ADMINISTRATIVE OFFICE OF THE COURTS, THE CLERK OF A CIRCUIT COURT:

(1) MAY RECEIVE, INDEX, STORE, ARCHIVE, AND TRANSMIT ELECTRONIC DOCUMENTS;

(2) MAY PROVIDE FOR ACCESS TO, AND SEARCH AND RETRIEVAL OF, DOCUMENTS AND INFORMATION BY ELECTRONIC MEANS;

(3) SHALL, IF THE CLERK OF THE CIRCUIT COURT ACCEPTS ELECTRONIC DOCUMENTS FOR RECORDING, CONTINUE TO ACCEPT PAPER DOCUMENTS AND PLACE ENTRIES FOR ELECTRONIC AND PAPER DOCUMENTS IN THE SAME INDEX;

(4) MAY CONVERT INTO ELECTRONIC FORM:

(I) PAPER DOCUMENTS ACCEPTED FOR RECORDING; AND

(II) INFORMATION RECORDED BEFORE THE CLERK OF THE CIRCUIT COURT BEGAN TO RECORD ELECTRONIC DOCUMENTS;

(5) SHALL TRANSMIT DOCUMENTS IN FULLY VERIFIED BOOKS TO THE STATE ARCHIVES FOR PRESERVATION AND PUBLICATION ON A WEBSITE MAINTAINED BY THE STATE ARCHIVES;

~~(5)~~ (6) MAY ACCEPT BY ELECTRONIC MEANS ANY FEE OR TAX COLLECTED AS A CONDITION PRECEDENT TO RECORDING A DOCUMENT; AND

~~(6)~~ (7) MAY AGREE WITH OTHER STATE OR COUNTY OFFICIALS ON PROCEDURES OR PROCESSES TO FACILITATE THE ELECTRONIC SATISFACTION OF PRIOR APPROVALS AND CONDITIONS PRECEDENT TO RECORDING DOCUMENTS OR THE ELECTRONIC PAYMENT OF FEES OR TAXES.

(C) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OR A COUNTY MAY:

(1) ACCEPT BY ELECTRONIC MEANS ANY FEE OR TAX THAT THE DEPARTMENT OR COUNTY IS AUTHORIZED TO COLLECT AS A CONDITION PRECEDENT TO RECORDING A DOCUMENT; AND

(2) AGREE WITH THE CLERK OF A CIRCUIT COURT OR OTHER STATE OFFICIAL ON PROCEDURES OR PROCESSES TO FACILITATE THE ELECTRONIC SATISFACTION OF PRIOR APPROVALS AND CONDITIONS PRECEDENT TO RECORDING DOCUMENTS OR THE ELECTRONIC PAYMENT OF FEES OR TAXES.

3–704.

THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ESTABLISH STANDARDS TO IMPLEMENT THIS SUBTITLE.

3–705.

IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT LAWS SUBSTANTIALLY SIMILAR TO THIS SUBTITLE.

3–706.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT TO THE EXTENT THAT ACT IS INCONSISTENT WITH THIS SUBTITLE.

(B) THIS SUBTITLE DOES NOT:

(1) MODIFY, LIMIT, OR SUPERSEDE 15 U.S.C. § 7001(C); OR

(2) AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN 15 U.S.C. § 7003(B).

3–707.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That §§ 3–701 through 3–707 of the Real Property Article, as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect any instrument that has been recorded on or before October 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 517

(House Bill 1104)

AN ACT concerning

Vehicle Laws – Manufacturers and Dealers – Consumer Data Protection

FOR the purpose of requiring vehicle manufacturers, distributors, and factory branches, or their agents, to allow vehicle dealers to furnish certain consumer data in a certain manner; ~~prohibiting manufacturers, distributors, and factory branches, or their agents, from requiring a dealer to grant access to the dealer's data management systems;~~ authorizing manufacturers, distributors, and factory branches, or their agents, to access data management systems with express written consent of the dealer; establishing standards for express written consent for access to a dealer's data management system; requiring manufacturers, distributors, and factory branches, or their agents, to provide certain indemnification to dealers for a violation of this Act; prohibiting manufacturers, distributors, and factory branches from taking adverse action against dealers that refuse to grant access to certain data; authorizing manufacturers, distributors, and factory branches to require certain data from dealers regarding warranty repair, ~~or~~ certain vehicle sales, safety or recall obligations, or validation and payment of certain incentives; prohibiting manufacturers, distributors, and factory branches, or their agents, from requiring a dealer to grant access to the dealer's data management systems through a franchise agreement; defining certain terms; and generally relating to consumer data protection by vehicle manufacturers and dealers.

BY adding to
Article – Transportation
Section 15–207.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

15–207.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "CONSUMER DATA" MEANS NONPUBLIC PERSONAL INFORMATION, AS DEFINED IN 15 U.S.C. § 6809(4), COLLECTED BY A DEALER AND PROVIDED BY THE DEALER DIRECTLY TO A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT.

(II) "CONSUMER DATA" DOES NOT INCLUDE THE SAME OR SIMILAR DATA THAT IS OBTAINED BY A MANUFACTURER FROM ANY OTHER SOURCE.

(3) "DATA MANAGEMENT SYSTEM" MEANS A COMPUTER HARDWARE OR SOFTWARE SYSTEM THAT:

(I) IS OWNED, LEASED, OR LICENSED BY A DEALER, INCLUDING A SYSTEM OF WEB–BASED APPLICATIONS;

(II) IS LOCATED AT THE DEALERSHIP OR HOSTED REMOTELY; AND

(III) STORES AND PROVIDES ACCESS TO CONSUMER DATA COLLECTED AND STORED BY THE DEALER.

(B) NOTWITHSTANDING THE PROVISIONS OF ANY FRANCHISE AGREEMENT, A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT:

(1) SHALL ALLOW A DEALER TO FURNISH CONSUMER DATA IN A WIDELY ACCEPTED FILE FORMAT, SUCH AS COMMA–SEPARATED VALUES, AND THROUGH A THIRD–PARTY VENDOR SELECTED BY THE DEALER;

~~(2) MAY NOT REQUIRE THAT A DEALER GRANT THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT, ACCESS TO THE DEALER'S DATA MANAGEMENT SYSTEM TO OBTAIN CONSUMER DATA;~~

~~(3)~~ (2) MAY ACCESS OR OBTAIN CONSUMER DATA DIRECTLY FROM A DEALER'S DATA MANAGEMENT SYSTEM ONLY WITH THE EXPRESS WRITTEN CONSENT OF THE DEALER; AND

~~(4)~~ (3) MAY NOT TAKE ANY ADVERSE ACTION AGAINST A DEALER FOR REFUSING TO GRANT ACCESS TO THE DEALER'S DATA MANAGEMENT SYSTEM;

~~(5)~~ (4) MAY REQUIRE THAT A FRANCHISED DEALER OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH PROVIDE CONSUMER DATA OR TRANSACTIONAL DATA THAT PERTAINS TO: ~~A WARRANTY REPAIR OR THE SALE OF A NEW OR CERTIFIED PRE–OWNED VEHICLE; AND~~

(I) CLAIMS FOR WARRANTY PARTS OR REPAIRS;

(II) SALES AND DELIVERIES OF NEW OR CERTIFIED PRE–OWNED VEHICLES OF ANY LINE MAKE OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH;

(III) SAFETY OR RECALL OBLIGATIONS; OR

(IV) VALIDATION AND PAYMENT OF CUSTOMER OR DEALER INCENTIVES; AND

~~(6)~~ (5) SHALL INDEMNIFY THE DEALER FOR ANY THIRD–PARTY CLAIMS ASSERTED AGAINST OR DAMAGES INCURRED BY THE DEALER TO THE EXTENT THE CLAIMS OF DAMAGES ARE CAUSED BY ACCESS TO ~~OR USE OR~~ AND UNLAWFUL DISCLOSURE OF CONSUMER DATA ~~IN VIOLATION OF THIS SECTION~~ RESULTING FROM A BREACH CAUSED BY THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT, OR A THIRD PARTY TO WHICH THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT, HAS PROVIDED THE CONSUMER DATA IN VIOLATION OF THIS SECTION.

(C) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT, MAY NOT REQUIRE THAT A DEALER GRANT THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT, ACCESS TO THE DEALER'S DATA MANAGEMENT SYSTEM THROUGH A FRANCHISE AGREEMENT OR AS A CONDITION OF RENEWAL OR CONTINUATION OF THE FRANCHISE AGREEMENT.

~~(C)~~ (D) WRITTEN CONSENT UNDER SUBSECTION ~~(B)(3)~~ (B)(2) OF THIS SECTION:

(1) SHALL BE SEPARATE FROM THE DEALER FRANCHISE AGREEMENT;

(2) SHALL BE EXECUTED BY THE DEALER; AND

(3) MAY BE WITHDRAWN BY THE DEALER ON 30 DAYS' WRITTEN NOTICE TO THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 518

(House Bill 1137)

AN ACT concerning

Natural Resources – Fisheries – Commercial Oyster Divers

FOR the purpose of altering the tidal fish license and oyster authorization requirements for persons aboard a boat who are using diving apparatus to catch oysters for commercial purposes from the waters of the State; altering the catch limits for certain commercial oyster divers under certain circumstances; prohibiting more than a certain number of commercial oyster divers from working on a boat at any one time; requiring each commercial oyster diver to have an attendant on the boat; establishing that exceeding certain oyster catch limits under certain circumstances constitutes a violation of this Act; providing for the application of this Act; and generally relating to commercial oyster divers.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1015.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

4–1015.1.

(a) (1) Notwithstanding any other provision of this subtitle or regulation promulgated thereunder, a person who catches oysters from the waters of this State using any sort of diving apparatus shall cull the oysters on the natural bar from which they were caught, and return to the bar all shells, stones, gravel, and slag. Any oyster whose shell measures less than 3 inches in distance between its longest or widest points, whether or not attached to a marketable oyster, shall be included in the culling and replaced on the bar from which caught. Oyster culling shall be completed before any oyster is thrown or deposited in the hold or bottom of any boat.

(2) After culling and placing in the hold or bottom of a boat, a diver's possession of oysters may not include a combined total of more than 5 percent of oysters which measure less than 3 inches between its longest or widest points, and cultch consisting of shells, stones, gravel, and slag. In ascertaining this percentage the Department shall select by random sample an amount of oysters from any pile, hold, bin, house, or place as deemed proper and require it to be culled and disposed of, as provided by this section. All small oysters and cultch that adhere to marketable oysters shall be separated, and the marketable oysters shall be excluded from any measurement of small oysters and cultch. However, a person may possess marketable oysters that have undersized oysters or spat less than 1 inch in distance between their longest or widest points attached to them that cannot be separated without destroying the small oyster.

[(b) Notwithstanding any other provision of this subtitle or regulation promulgated pursuant to this subtitle, persons aboard a boat who are using diving apparatus to catch oysters from the waters of this State may not catch more than a total of

30 bushels per boat in any day. Any person aboard a boat on which more than 30 bushels have been caught in a day may be charged with violating this subsection.**]**

(B) (1) THIS SUBSECTION APPLIES TO PERSONS ABOARD A BOAT WHO ARE USING DIVING APPARATUS TO CATCH OYSTERS FOR COMMERCIAL PURPOSES FROM THE WATERS OF THE STATE.

(2) NOT MORE THAN TWO DIVERS MAY WORK FROM A BOAT AT ANY ONE TIME.

(3) EACH DIVER SHALL HAVE ONE ATTENDANT ON THE BOAT.

(4) FOR EACH COMBINATION OF A DIVER AND AN ATTENDANT, EITHER THE DIVER OR THE ATTENDANT OR BOTH SHALL POSSESS AN AUTHORIZATION TO CATCH OYSTERS FOR COMMERCIAL PURPOSES.

(5) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:

(I) IF BOTH THE DIVER AND THE ATTENDANT POSSESS AN OYSTER AUTHORIZATION, THE COMBINATION MAY CATCH UP TO ~~30 BUSHELS OF OYSTERS PER DAY~~ *THE EQUIVALENT OF TWO TIMES THE DAILY CATCH LIMIT AS SET FORTH IN COMAR 08.02.04.06*; OR

(II) IF ONLY ONE OF THE DIVER OR ATTENDANT COMBINATION POSSESSES AN OYSTER AUTHORIZATION, THE COMBINATION MAY CATCH UP TO ~~15 BUSHELS OF OYSTERS PER DAY~~ *THE DAILY CATCH LIMIT AS SET FORTH IN COMAR 08.02.04.06*.

(6) PERSONS ON A BOAT MAY NOT CATCH MORE THAN ~~30 BUSHELS OF OYSTERS PER BOAT PER DAY~~ *THE EQUIVALENT OF TWO TIMES THE DAILY CATCH LIMIT AS SET FORTH IN COMAR 08.02.04.06*.

(7) (I) ANY PERSON ABOARD A BOAT ON WHICH MORE THAN ~~30 BUSHELS OF OYSTERS~~ *THE EQUIVALENT OF TWO TIMES THE DAILY CATCH LIMIT AS SET FORTH IN COMAR 08.02.04.06* HAVE BEEN CAUGHT IN A DAY MAY BE CHARGED WITH A VIOLATION OF THIS SUBSECTION.

(II) ANY PERSON ABOARD A BOAT MAY BE CHARGED WITH A VIOLATION OF THIS SUBSECTION FOR A BOAT ON WHICH:

1. ONE DIVER IS WORKING FROM THE BOAT;

2. ONLY ONE OF THE DIVER AND ATTENDANT COMBINATION POSSESSES AN OYSTER AUTHORIZATION; AND

3. MORE THAN ~~15 BUSHELS OF OYSTERS HAVE~~ *THE DAILY CATCH LIMIT AS SET FORTH IN COMAR 08.02.04.06 HAS* BEEN CAUGHT IN A DAY.

(c) The Department shall by rule and regulation set aside certain waters of this State to be used exclusively by hand tongers in catching oysters. Before adopting the regulations in their final form, the Department shall consult each of the local hand tonger committees.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 519

(House Bill 1163)

AN ACT concerning

Waterfowl Hunting Guide License – Guide Services for Hunting Snow Geese – Reciprocity

FOR the purpose of authorizing a nonresident to provide waterfowl hunting guide services for hunting snow geese in the State without a Maryland waterfowl hunting guide license under certain circumstances; and generally relating to waterfowl hunting guide licenses.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–309(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Natural Resources
Section 10–309.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

10–309.

(b) **[**An**]** **EXCEPT AS PROVIDED IN § 10–309.1 OF THIS SUBTITLE, AN** individual must be licensed by the Department as a waterfowl outfitter or a waterfowl guide before the individual may receive monetary consideration for outfitting or guiding a hunter to hunt wild waterfowl.

10–309.1.

A NONRESIDENT MAY PROVIDE WATERFOWL HUNTING GUIDE SERVICES FOR HUNTING SNOW GEESE IN THE STATE WITHOUT A MARYLAND WATERFOWL HUNTING GUIDE LICENSE IF:

(1) THE NONRESIDENT POSSESSES A VALID WATERFOWL HUNTING GUIDE LICENSE FROM THE NONRESIDENT'S HOME STATE; ~~AND~~

(2) THE NONRESIDENT'S HOME STATE ALLOWS A MARYLAND RESIDENT TO PROVIDE WATERFOWL HUNTING GUIDE SERVICES FOR HUNTING SNOW GEESE WITHOUT A WATERFOWL HUNTING LICENSE FROM THE NONRESIDENT'S HOME STATE IF THE MARYLAND RESIDENT POSSESSES A VALID MARYLAND WATERFOWL HUNTING GUIDE LICENSE; AND

(3) THE NONRESIDENT PURCHASES A MARYLAND MIGRATORY GAME BIRD STAMP.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 520

(House Bill 1172)

AN ACT concerning

Oyster Poaching – Administrative Penalties

FOR the purpose of repealing a requirement that the Department of Natural Resources hold a certain hearing within a certain number of days after a person who holds a certain license to catch oysters receives a citation for a certain offense; requiring the Department to hold a certain hearing within a certain time period before the revocation of an authorization to catch oysters under certain provisions of the law; requiring the Department to report on administrative penalties imposed for certain oyster poaching to certain committees of the General Assembly on or before a certain date each year; making certain technical corrections; providing for the termination of certain provisions of this Act; and generally relating to administrative penalties for oyster poaching.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1210
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

4–1210.

(a) (1) In addition to any other penalty or fine provided in this title, a person who holds **[**a license**]** **AN AUTHORIZATION** to catch oysters under § 4–701 of this title and receives a citation for an offense listed under paragraph (2) of this subsection may have the **[**license**]** **AUTHORIZATION** revoked in accordance with this section.

(2) The following offenses, committed in violation of this title or of any regulation adopted under this title, are grounds for revocation of **[**a license**]** **AN AUTHORIZATION** to catch oysters under this section:

(i) Taking oysters located more than 200 feet within a closed or prohibited area;

(ii) Taking oysters with gear that is prohibited in that area;

(iii) Taking oysters outside of a time restriction for the harvest of oysters by more than 1 hour;

(iv) Taking oysters during closed seasons; and

(v) Taking oysters from a leased area by a person other than the leaseholder or the leaseholder's designee.

(b) (1) **(I)** **[**Within 60 days after a person who holds a license to catch oysters under § 4–701 of this title receives a citation for an offense listed under subsection (a) of this section**]** **BEFORE THE REVOCATION OF AN AUTHORIZATION TO CATCH OYSTERS UNDER THIS SECTION**, the Department shall hold a hearing on the matter in accordance with the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(II) A HEARING HELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE HELD WITHIN 90 DAYS AFTER THE CITED INDIVIDUAL COMMITS THE OFFENSE LISTED UNDER SUBSECTION (A)(2) OF THIS SECTION.

(2) After a hearing is conducted under paragraph (1) of this subsection, if the presiding officer finds or concludes that the person knowingly has committed an offense listed under subsection (a)(2) of this section, the Department shall revoke the person's **[**license**]** **AUTHORIZATION** to catch oysters.

(c) A person who is aggrieved by the final decision of the Department may obtain judicial review of the decision in accordance with the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(d) A person whose **[**license**]** **AUTHORIZATION** has been revoked in accordance with this section may not engage or work in the **OYSTER** fishery **[**for which the license was revoked**]** whether or not it requires the use of another license.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Natural Resources

4–1210.

(E) ON OR BEFORE DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE NUMBER OF CITATIONS ISSUED DURING THE PREVIOUS YEAR FOR OFFENSES LISTED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) THE ACTION TAKEN OR PENALTY IMPOSED BY THE DEPARTMENT FOR EACH OFFENSE.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. ~~It~~ Section 2 of this Act shall remain effective for a period of 3 years and, at

the end of June 30, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 521

(House Bill 1177)

AN ACT concerning

Horse Racing – Interstate Compact on Anti–Doping and Drug Testing Standards

FOR the purpose of entering into the Interstate Anti–Doping and Drug Testing Standards Compact; stating the purposes of the Compact; establishing the Interstate Anti–Doping and Drug Testing Standards Compact Commission to administer the Compact; providing for the composition, voting procedures, operation, and powers and duties of the Commission; establishing certain requirements for withdrawal by member states from the Compact; establishing certain procedures for the making of rules by the Commission; exempting the Commission from taxation by the member states; prohibiting a member state from pledging the credit of the Commission, subject to a certain exception; requiring each member state to pay the expenses of its delegate to the Commission; providing that a member state may not be held liable for certain debts of the Commission; denying a member state any claim to Commission property or funds, subject to a certain exception; providing for the dissolution of the Compact under certain circumstances; providing for the construction of this Act; requiring the Commission to enforce certain provisions and rules of the Compact; providing for certain executive, legislative, and judicial oversight of the Compact; making the provisions of the Compact severable and providing for the application of the Compact; providing for the binding effect of the Compact and other laws; defining certain terms; and generally relating to the Interstate Anti–Doping and Drug Testing Standards Compact.

BY adding to
Article – Business Regulation
Section 11–1401 to be under the new subtitle "Subtitle 14. Interstate Anti–Doping and Drug Testing Standards Compact"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Business Regulation

SUBTITLE 14. INTERSTATE ANTI–DOPING AND DRUG TESTING STANDARDS COMPACT.

11–1401.

THE INTERSTATE ANTI–DOPING AND DRUG TESTING STANDARDS COMPACT IS ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER STATES LEGALLY JOINING IN IT IN THE FORM SUBSTANTIALLY AS IT APPEARS IN THIS SECTION AS FOLLOWS:

ARTICLE I. PURPOSES

THE PURPOSES OF THIS COMPACT ARE:

(A) TO ENABLE MEMBER STATES TO ACT JOINTLY AND COOPERATIVELY TO CREATE MORE UNIFORM, EFFECTIVE, AND EFFICIENT BREED SPECIFIC RULES AND REGULATIONS RELATING TO THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS FOR THE HEALTH AND WELFARE OF THE HORSE AND THE INTEGRITY OF RACING, AND TESTING FOR SUCH SUBSTANCES, IN OR AFFECTING A MEMBER STATE; AND

(B) TO AUTHORIZE THE MARYLAND RACING COMMISSION TO PARTICIPATE IN THIS COMPACT.

ARTICLE II. DEFINITIONS

IN THIS COMPACT, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(A) "COMPACT COMMISSION" MEANS THE ORGANIZATION OF DELEGATES FROM THE MEMBER STATES THAT IS AUTHORIZED AND EMPOWERED BY THIS COMPACT TO CARRY OUT THE PURPOSES OF THIS COMPACT.

(B) "COMPACT RULE" MEANS A RULE OR REGULATION ADOPTED BY A MEMBER STATE REGULATING THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS FOR THE HEALTH AND WELFARE OF THE HORSE AND THE INTEGRITY OF RACING, AND TESTING FOR SUCH SUBSTANCES, IN LIVE PARI–MUTUEL HORSE RACING THAT OCCURS IN OR AFFECTS SUCH STATES.

(C) "DELEGATE" MEANS THE CHAIR OF THE MEMBER STATE RACING COMMISSION OR SIMILAR REGULATORY BODY IN A STATE, OR SUCH PERSON'S DESIGNEE, WHO REPRESENTS THE MEMBER STATE AS A VOTING MEMBER OF THE COMPACT COMMISSION AND ANYONE WHO IS SERVING AS SUCH PERSON'S ALTERNATE.

(D) "EQUINE DRUG RULE" MEANS A RULE OR REGULATION THAT RELATES TO THE ADMINISTRATION OF DRUGS, MEDICATIONS, OR OTHER SUBSTANCES TO A HORSE THAT MAY PARTICIPATE IN LIVE HORSE RACING WITH PARI–MUTUEL WAGERING INCLUDING, BUT NOT LIMITED TO, THE REGULATION OF THE PERMISSIBLE USE OF SUCH SUBSTANCES TO ENSURE THE INTEGRITY OF RACING AND THE HEALTH, SAFETY AND WELFARE OF RACE HORSES, APPROPRIATE SANCTIONS FOR RULE VIOLATIONS, AND QUALITY LABORATORY TESTING PROGRAMS TO DETECT SUCH SUBSTANCES IN THE BODILY SYSTEM OF A RACE HORSE.

(E) "LIVE RACING" MEANS LIVE HORSE RACING WITH PARI–MUTUEL WAGERING.

(F) "MEMBER STATE" MEANS EACH STATE THAT HAS ENACTED THIS COMPACT.

(G) "NATIONAL INDUSTRY STAKEHOLDER" MEANS A NON–GOVERNMENTAL ORGANIZATION THAT FROM A NATIONAL PERSPECTIVE SIGNIFICANTLY REPRESENTS ONE (1) OR MORE CATEGORIES OF PARTICIPANTS IN LIVE RACING AND PARI–MUTUEL WAGERING.

(H) "PARTICIPANTS IN LIVE RACING" MEANS ALL PERSONS WHO PARTICIPATE IN, OPERATE, PROVIDE INDUSTRY SERVICES FOR, OR ARE INVOLVED WITH LIVE RACING WITH PARI–MUTUEL WAGERING.

(I) "STATE" MEANS EACH OF THE SEVERAL STATES OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, AND EACH TERRITORY OR POSSESSION OF THE UNITED STATES.

(J) "STATE RACING COMMISSION" MEANS THE STATE RACING COMMISSION, OR ITS EQUIVALENT, IN EACH MEMBER STATE. WHERE A MEMBER STATE HAS MORE THAN ONE, IT SHALL MEAN ALL SUCH RACING COMMISSIONS, OR THEIR EQUIVALENTS.

ARTICLE III. COMPOSITION AND MEETINGS OF COMPACT COMMISSION

THE MEMBER STATES SHALL CREATE AND PARTICIPATE IN A COMPACT COMMISSION AS FOLLOWS:

(A) THIS COMPACT SHALL COME INTO FORCE WHEN ENACTED BY ANY TWO (2) ELIGIBLE STATES, AND SHALL THEREAFTER BECOME EFFECTIVE AS TO ANY

OTHER MEMBER STATE THAT ENACTS THIS COMPACT. ANY STATE THAT HAS ADOPTED OR AUTHORIZED PARI–MUTUEL WAGERING OR LIVE HORSE RACING SHALL BE ELIGIBLE TO BECOME A PARTY TO THIS COMPACT. A COMPACT RULE SHALL NOT BECOME EFFECTIVE IN A NEW MEMBER STATE BASED MERELY UPON IT ENTERING THE COMPACT.

(B) THE MEMBER STATES HEREBY CREATE THE INTERSTATE ANTI–DOPING AND DRUG TESTING STANDARDS COMPACT COMMISSION, A BODY CORPORATE AND AN INTERSTATE GOVERNMENTAL ENTITY OF THE MEMBER STATES, TO COORDINATE THE RULE MAKING ACTIONS OF EACH MEMBER STATE RACING COMMISSION THROUGH A COMPACT COMMISSION.

(C) THE COMPACT COMMISSION SHALL CONSIST OF ONE DELEGATE, THE CHAIR OF THE STATE RACING COMMISSION OR SUCH PERSON'S DESIGNEE, FROM EACH MEMBER STATE. WHEN A DELEGATE IS NOT PRESENT TO PERFORM ANY DUTY IN THE COMPACT COMMISSION, A DESIGNATED ALTERNATE MAY SERVE. THE PERSON WHO REPRESENTS A MEMBER STATE IN THE COMPACT COMMISSION SHALL SERVE AND PERFORM SUCH DUTIES WITHOUT COMPENSATION OR REMUNERATION; PROVIDED, THAT SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, EACH MAY BE REIMBURSED FOR ORDINARY AND NECESSARY COSTS AND EXPENSES. THE DESIGNATION OF A DELEGATE, INCLUDING THE ALTERNATE, SHALL BE EFFECTIVE WHEN WRITTEN NOTICE HAS BEEN PROVIDED TO THE COMPACT COMMISSION. THE DELEGATE, INCLUDING THE ALTERNATE, MUST BE A MEMBER OR EMPLOYEE OF THE STATE RACING COMMISSION.

(D) THE COMPACT DELEGATE FROM EACH STATE SHALL PARTICIPATE AS AN AGENT OF THE STATE RACING COMMISSION. EACH DELEGATE SHALL HAVE THE ASSISTANCE OF THE STATE RACING COMMISSION IN REGARD TO ALL DECISION MAKING AND ACTIONS OF THE STATE IN AND THROUGH THE COMPACT COMMISSION.

(E) EACH MEMBER STATE, BY ITS DELEGATE, SHALL BE ENTITLED TO ONE VOTE IN THE COMPACT COMMISSION. A SUPER MAJORITY AFFIRMATIVE VOTE OF EIGHTY PERCENT (80%) OF THE TOTAL NUMBER OF DELEGATES SHALL BE REQUIRED TO PROPOSE A COMPACT RULE, RECEIVE AND DISTRIBUTE ANY FUNDS AND TO ADOPT, AMEND, OR RESCIND THE BY–LAWS. A COMPACT RULE SHALL TAKE EFFECT IN AND FOR EACH MEMBER STATE WHEN ADOPTED BY A SUPER MAJORITY AFFIRMATIVE VOTE OF EIGHTY PERCENT (80%) OF THE TOTAL NUMBER OF MEMBER STATES. OTHER COMPACT ACTIONS SHALL REQUIRE A MAJORITY VOTE OF THE DELEGATES WHO ARE MEETING.

(F) MEETINGS AND VOTES OF THE COMPACT COMMISSION MAY BE CONDUCTED IN PERSON OR BY TELEPHONE OR OTHER ELECTRONIC COMMUNICATION. MEETINGS MAY BE CALLED BY THE CHAIR OF THE COMPACT

COMMISSION OR BY ANY TWO (2) DELEGATES. REASONABLE NOTICE OF EACH MEETING SHALL BE PROVIDED TO ALL DELEGATES SERVING IN THE COMPACT COMMISSION.

(G) NO ACTION MAY BE TAKEN AT A COMPACT COMMISSION MEETING UNLESS THERE IS A QUORUM, WHICH IS EITHER A MAJORITY OF THE DELEGATES IN THE COMPACT COMMISSION, OR WHERE APPLICABLE, ALL THE DELEGATES FROM ANY MEMBER STATES WHO PROPOSE OR ARE VOTING AFFIRMATIVELY TO ADOPT A COMPACT RULE.

(H) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING ACCORDING TO ITS TERMS UPON EACH MEMBER STATE; PROVIDED THAT, A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY REPEALING THE STATUTE THAT ENACTED THE COMPACT INTO LAW. THE RACING COMMISSION OF A WITHDRAWING STATE SHALL GIVE WRITTEN NOTICE OF SUCH WITHDRAWAL TO THE COMPACT CHAIR, WHO SHALL NOTIFY THE MEMBER STATE RACING COMMISSIONS. A WITHDRAWING STATE SHALL REMAIN RESPONSIBLE FOR ANY UNFULFILLED OBLIGATIONS AND LIABILITIES. THE EFFECTIVE DATE OF WITHDRAWAL FROM THE COMPACT SHALL BE THE EFFECTIVE DATE OF THE REPEAL.

ARTICLE IV. OPERATION OF COMPACT COMMISSION

THE COMPACT COMMISSION IS HEREBY GRANTED, SO THAT IT MAY BE AN EFFECTIVE MEANS TO PURSUE AND ACHIEVE THE PURPOSES OF EACH MEMBER STATE IN THIS COMPACT, THE POWER AND DUTY:

(A) TO ADOPT, AMEND, AND RESCIND BY–LAWS TO GOVERN ITS CONDUCT, AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT; TO PUBLISH THEM IN A CONVENIENT FORM; AND TO FILE A COPY OF THEM WITH THE STATE RACING COMMISSION OF EACH MEMBER STATE;

(B) TO ELECT ANNUALLY FROM AMONG THE DELEGATES (INCLUDING ALTERNATES) A CHAIR, VICE–CHAIR, AND TREASURER WITH SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BY–LAWS;

(C) TO ESTABLISH AND APPOINT COMMITTEES WHICH IT DEEMS NECESSARY FOR THE CARRYING OUT OF ITS FUNCTIONS, INCLUDING ADVISORY COMMITTEES WHICH SHALL BE COMPRISED OF NATIONAL INDUSTRY STAKEHOLDERS AND ORGANIZATIONS AND SUCH OTHER PERSONS AS MAY BE DESIGNATED IN ACCORDANCE WITH THE BY–LAWS, TO OBTAIN THEIR TIMELY AND MEANINGFUL INPUT INTO THE COMPACT RULE MAKING PROCESSES;

(D) TO ESTABLISH AN EXECUTIVE COMMITTEE, WITH MEMBERSHIP

ESTABLISHED IN THE BY–LAWS, WHICH SHALL OVERSEE THE DAY–TO–DAY ACTIVITIES OF COMPACT ADMINISTRATION AND MANAGEMENT BY THE EXECUTIVE DIRECTOR AND STAFF; HIRE AND FIRE AS MAY BE NECESSARY AFTER CONSULTATION WITH THE COMPACT COMMISSION; ADMINISTER AND ENFORCE COMPLIANCE WITH THE PROVISIONS, BY–LAWS, AND RULES OF THE COMPACT; AND PERFORM SUCH OTHER DUTIES AS THE BY–LAWS MAY ESTABLISH;

(E) TO CREATE, APPOINT, AND ABOLISH ALL THOSE OFFICES, EMPLOYMENTS, AND POSITIONS, INCLUDING AN EXECUTIVE DIRECTOR, USEFUL TO FULFILL ITS PURPOSES;

(F) TO DELEGATE DAY–TO–DAY MANAGEMENT AND ADMINISTRATION OF ITS DUTIES, AS NEEDED, TO AN EXECUTIVE DIRECTOR AND SUPPORT STAFF; AND

(G) TO ADOPT AN ANNUAL BUDGET SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES; PROVIDED, THAT THE BUDGET SHALL BE FUNDED BY ONLY VOLUNTARY CONTRIBUTIONS.

ARTICLE V. GENERAL POWERS AND DUTIES

TO ALLOW EACH MEMBER STATE, AS AND WHEN IT CHOOSES, TO ACHIEVE THE PURPOSE OF THIS COMPACT THROUGH JOINT AND COOPERATIVE ACTION, THE MEMBER STATES ARE HEREBY GRANTED THE POWER AND DUTY, BY AND THROUGH THE COMPACT COMMISSION:

(A) TO ACT JOINTLY AND COOPERATIVELY TO CREATE A MORE EQUITABLE AND UNIFORM PARI–MUTUEL RACING AND WAGERING INTERSTATE REGULATORY FRAMEWORK BY THE ADOPTION OF STANDARDIZED RULES FOR THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS FOR THE HEALTH, AND WELFARE OF THE HORSE AND THE INTEGRITY OF RACING, INCLUDING RULES GOVERNING THE USE OF DRUGS AND MEDICATIONS AND DRUG TESTING;

(B) TO COLLABORATE WITH NATIONAL INDUSTRY STAKEHOLDERS AND INDUSTRY ORGANIZATIONS, INCLUDING THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL, INC. AND THE RACING MEDICATION AND TESTING CONSORTIUM, IN THE DESIGN AND IMPLEMENTATION OF COMPACT RULES IN A MANNER THAT SERVES THE BEST INTERESTS OF RACING; AND

(C) TO PROPOSE AND ADOPT BREED SPECIFIC COMPACT EQUINE DRUGS AND MEDICATIONS RULES FOR THE HEALTH, AND WELFARE OF THE HORSE, INCLUDING RULES GOVERNING THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS AND DRUG TESTING, WHICH SHALL HAVE THE FORCE AND

EFFECT OF STATE RULES OR REGULATIONS IN THE MEMBER STATES, TO GOVERN LIVE PARI–MUTUEL HORSE RACING.

ARTICLE VI. OTHER POWERS AND DUTIES

THE COMPACT COMMISSION MAY EXERCISE SUCH INCIDENTAL POWERS AND DUTIES AS MAY BE NECESSARY AND PROPER FOR IT TO FUNCTION IN A USEFUL MANNER, INCLUDING BUT NOT LIMITED TO THE POWER AND DUTY:

(A) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH GOVERNMENTAL AGENCIES AND OTHER PERSONS, INCLUDING OFFICERS AND EMPLOYEES OF A MEMBER STATE, TO PROVIDE PERSONAL SERVICES FOR ITS ACTIVITIES AND SUCH OTHER SERVICES AS MAY BE NECESSARY;

(B) TO BORROW, ACCEPT, AND CONTRACT FOR THE SERVICES OF PERSONNEL FROM ANY STATE, FEDERAL, OR OTHER GOVERNMENTAL AGENCY, OR FROM ANY OTHER PERSON OR ENTITY;

(C) TO RECEIVE INFORMATION FROM AND TO PROVIDE INFORMATION TO EACH MEMBER STATE RACING COMMISSION, INCLUDING ITS OFFICERS AND STAFF, ON SUCH TERMS AND CONDITIONS AS MAY BE ESTABLISHED IN THE BY–LAWS;

(D) TO ACQUIRE, HOLD, AND DISPOSE OF ANY REAL OR PERSONAL PROPERTY BY GIFT, GRANT, PURCHASE, LEASE, LICENSE, AND SIMILAR MEANS AND TO RECEIVE ADDITIONAL FUNDS THROUGH GIFTS, GRANTS, AND APPROPRIATIONS;

(E) WHEN AUTHORIZED BY A COMPACT RULE, TO CONDUCT HEARINGS AND RENDER REPORTS AND ADVISORY DECISIONS AND ORDERS; AND

(F) TO ESTABLISH IN THE BY–LAWS THE REQUIREMENTS THAT SHALL DESCRIBE AND GOVERN ITS DUTIES TO CONDUCT OPEN OR PUBLIC MEETINGS AND TO PROVIDE PUBLIC ACCESS TO COMPACT RECORDS AND INFORMATION.

ARTICLE VII. COMPACT RULE MAKING

IN THE EXERCISE OF ITS RULE MAKING AUTHORITY, THE COMPACT COMMISSION SHALL:

(A) ENGAGE IN FORMAL RULE MAKING PURSUANT TO A PROCESS THAT SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT OF 1981 AS AMENDED, AS MAY BE APPROPRIATE TO THE ACTIONS AND OPERATIONS OF THE COMPACT COMMISSION;

(B) GATHER INFORMATION AND ENGAGE IN DISCUSSIONS WITH ADVISORY COMMITTEES, NATIONAL INDUSTRY STAKEHOLDERS, AND OTHERS, INCLUDING AN OPPORTUNITY FOR INDUSTRY ORGANIZATIONS TO SUBMIT INPUT TO MEMBER STATE RACING COMMISSIONS ON THE STATE LEVEL, TO FOSTER, PROMOTE AND CONDUCT A COLLABORATIVE APPROACH IN THE DESIGN AND ADVANCEMENT OF COMPACT RULES IN A MANNER THAT SERVES THE BEST INTERESTS OF RACING AND AS ESTABLISHED IN THE BY–LAWS;

(C) DIRECT THE PUBLICATION IN EACH MEMBER STATE OF EACH EQUINE DRUG RULE PROPOSED BY THE COMPACT COMMISSION, CONDUCT A REVIEW OF PUBLIC COMMENTS RECEIVED BY EACH MEMBER STATE RACING COMMISSION AND THE COMPACT COMMISSION IN RESPONSE TO THE PUBLICATION OF ITS RULE MAKING PROPOSALS, CONSULT WITH NATIONAL INDUSTRY STAKEHOLDERS AND PARTICIPANTS IN LIVE RACING WITH REGARD TO SUCH PROCESS AND ANY REVISIONS TO THE COMPACT RULE PROPOSAL, AND MEET UPON THE COMPLETION OF THE PUBLIC COMMENT PERIOD TO CONDUCT A VOTE ON THE ADOPTION OF THE PROPOSED COMPACT RULE AS A STATE RULE IN THE MEMBER STATES. THE SUPER MAJORITY AFFIRMATIVE VOTE OF EIGHTY PERCENT (80%) OF THE MEMBER DELEGATES FOR A PROPOSED COMPACT RULE SHALL BE NECESSARY AND SUFFICIENT TO ADOPT, AMEND, OR RESCIND A COMPACT RULE AS APPLICABLE TO THE MEMBER STATES; AND

(D) HAVE A STANDING COMMITTEE THAT REVIEWS AT LEAST QUARTERLY THE PARTICIPATION IN AND VALUE OF COMPACT RULES AND, WHEN IT DETERMINES THAT A REVISION IS APPROPRIATE OR WHEN REQUESTED TO BY ANY MEMBER STATE, SUBMITS A REVISING PROPOSED COMPACT RULE. TO THE EXTENT A REVISION WOULD ONLY ADD OR REMOVE A MEMBER STATE OR STATES FROM WHERE A COMPACT RULE HAS BEEN ADOPTED, THE VOTE REQUIRED BY THIS ARTICLE SHALL BE REQUIRED OF ONLY SUCH STATE OR STATES. THE STANDING COMMITTEE SHALL GATHER INFORMATION AND ENGAGE IN DISCUSSIONS WITH NATIONAL INDUSTRY STAKEHOLDERS, WHO MAY ALSO DIRECTLY RECOMMEND A COMPACT RULE PROPOSAL OR REVISION TO THE COMPACT COMMITTEE.

ARTICLE VIII. STATUS AND RELATIONSHIP TO MEMBER STATES

(A) THE COMPACT COMMISSION, AS AN INTERSTATE GOVERNMENTAL ENTITY, SHALL BE EXEMPT FROM ALL TAXATION IN AND BY THE MEMBER STATES.

(B) THE COMPACT COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY MEMBER STATE EXCEPT BY AND WITH THE APPROPRIATE LEGAL AUTHORITY OF THAT STATE.

(C) EACH MEMBER STATE SHALL REIMBURSE OR OTHERWISE PAY THE

EXPENSES OF ITS DELEGATE, INCLUDING ANY ALTERNATE, IN THE COMPACT COMMISSION.

(D) NO MEMBER STATE, EXCEPT AS PROVIDED IN ARTICLE XI OF THIS COMPACT, SHALL BE HELD LIABLE FOR THE DEBTS OR OTHER FINANCIAL OBLIGATIONS INCURRED BY THE COMPACT COMMISSION.

(E) NO MEMBER STATE SHALL HAVE, WHILE IT PARTICIPATES IN THE COMPACT COMMISSION, ANY CLAIM TO OR OWNERSHIP OF ANY PROPERTY HELD BY OR VESTED IN THE COMPACT COMMISSION OR TO ANY COMPACT COMMISSION FUNDS HELD PURSUANT TO THIS COMPACT EXCEPT FOR STATE LICENSE OR OTHER FEES OR MONEYS COLLECTED BY THE COMPACT COMMISSION AS ITS AGENT.

(F) THE COMPACT DISSOLVES UPON THE DATE OF THE WITHDRAWAL OF THE MEMBER STATE THAT REDUCES MEMBERSHIP IN THE COMPACT TO ONE (1) STATE. UPON DISSOLUTION, THE COMPACT BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, ALTHOUGH EQUINE DRUG RULES ADOPTED THROUGH THIS COMPACT SHALL REMAIN RULES IN EACH MEMBER STATE THAT HAD ADOPTED THEM, AND THE BUSINESS AND AFFAIRS OF THE COMPACT SHALL BE CONCLUDED AND ANY SURPLUS FUNDS SHALL BE DISTRIBUTED TO THE FORMER MEMBER STATES IN ACCORDANCE WITH THE BY–LAWS.

ARTICLE IX. RIGHTS AND RESPONSIBILITIES OF MEMBER STATES

(A) EACH MEMBER STATE IN THE COMPACT SHALL ACCEPT THE DECISIONS, DULY APPLICABLE TO IT, OF THE COMPACT COMMISSION IN REGARD TO COMPACT RULES AND RULE MAKING.

(B) THIS COMPACT SHALL NOT BE CONSTRUED TO DIMINISH OR LIMIT THE POWERS AND RESPONSIBILITIES OF THE MEMBER STATE RACING COMMISSION OR SIMILAR REGULATORY BODY, OR TO INVALIDATE ANY ACTION IT HAS PREVIOUSLY TAKEN, EXCEPT TO THE EXTENT IT HAS, BY ITS COMPACT DELEGATE, EXPRESSED ITS CONSENT TO A SPECIFIC RULE OR OTHER ACTION OF THE COMPACT COMMISSION. THE COMPACT DELEGATE FROM EACH STATE SHALL SERVE AS THE AGENT OF THE STATE RACING COMMISSION AND SHALL POSSESS SUBSTANTIAL KNOWLEDGE AND EXPERIENCE AS A REGULATOR OR PARTICIPANT IN THE HORSE RACING INDUSTRY.

ARTICLE X. ENFORCEMENT OF COMPACT

(A) THE COMPACT COMMISSION SHALL HAVE STANDING TO INTERVENE IN ANY LEGAL ACTION THAT PERTAINS TO THE SUBJECT MATTER OF THE COMPACT AND MIGHT AFFECT ITS POWERS, DUTIES, OR ACTIONS.

(B) THE COURTS AND EXECUTIVE IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE ITS PURPOSES AND INTENT. COMPACT PROVISIONS, BY–LAWS, AND RULES SHALL BE RECEIVED BY ALL JUDGES, DEPARTMENTS, AGENCIES, BODIES, AND OFFICERS OF EACH MEMBER STATE AND ITS POLITICAL SUBDIVISIONS AS EVIDENCE OF THEM.

ARTICLE XI. LEGAL ACTIONS AGAINST COMPACT

(A) ANY PERSON MAY COMMENCE A CLAIM, ACTION, OR PROCEEDING AGAINST THE COMPACT COMMISSION IN STATE COURT FOR DAMAGES. THE COMPACT COMMISSION SHALL HAVE THE BENEFIT OF THE SAME LIMITS OF LIABILITY, DEFENSES, RIGHTS TO INDEMNITY AND DEFENSE BY THE STATE, AND OTHER LEGAL RIGHTS AND DEFENSES FOR NON–COMPACT MATTERS OF THE STATE RACING COMMISSION IN THE STATE. ALL LEGAL RIGHTS AND DEFENSES THAT ARISE FROM THIS COMPACT SHALL ALSO BE AVAILABLE TO THE COMPACT COMMISSION.

(B) A COMPACT DELEGATE, ALTERNATE, OR OTHER MEMBER OR EMPLOYEE OF A STATE RACING COMMISSION WHO UNDERTAKES COMPACT ACTIVITIES OR DUTIES DOES SO IN THE COURSE OF BUSINESS OF THEIR STATE RACING COMMISSION, AND SHALL HAVE THE BENEFIT OF THE SAME LIMITS OF LIABILITY, DEFENSES, RIGHTS TO INDEMNITY AND DEFENSE BY THE STATE, AND OTHER LEGAL RIGHTS AND DEFENSES FOR NON–COMPACT MATTERS OF STATE EMPLOYEES IN THEIR STATE. THE EXECUTIVE DIRECTOR AND OTHER EMPLOYEES OF THE COMPACT COMMISSION SHALL HAVE THE BENEFIT OF THESE SAME LEGAL RIGHTS AND DEFENSES OF STATE EMPLOYEES IN THE MEMBER STATE IN WHICH THEY ARE PRIMARILY EMPLOYED. ALL LEGAL RIGHTS AND DEFENSES THAT ARISE FROM THIS COMPACT SHALL ALSO BE AVAILABLE TO THEM.

(C) EACH MEMBER STATE SHALL BE LIABLE FOR AND PAY JUDGMENTS FILED AGAINST THE COMPACT COMMISSION TO THE EXTENT RELATED TO ITS PARTICIPATION IN THE COMPACT. WHERE LIABILITY ARISES FROM ACTION UNDERTAKEN JOINTLY WITH OTHER MEMBER STATES, THE LIABILITY SHALL BE DIVIDED EQUALLY AMONG THE STATES FOR WHOM THE APPLICABLE ACTION OR OMISSION OF THE EXECUTIVE DIRECTOR OR OTHER EMPLOYEES OF THE COMPACT COMMISSION WAS UNDERTAKEN; AND NO MEMBER STATE SHALL CONTRIBUTE TO OR PAY, OR BE JOINTLY OR SEVERALLY OR OTHERWISE LIABLE FOR, ANY PART OF ANY JUDGMENT BEYOND ITS SHARE AS DETERMINED IN ACCORDANCE WITH THIS ARTICLE.

ARTICLE XII. RESTRICTIONS ON AUTHORITY

MARYLAND SUBSTANTIVE STATE LAWS APPLICABLE TO PARI–MUTUEL HORSE RACING AND WAGERING SHALL REMAIN IN FULL FORCE AND EFFECT.

ARTICLE XIII. CONSTRUCTION, SAVING, AND SEVERABILITY

(A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE ITS PURPOSES. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES OR OF ANY MEMBER STATE, OR THE APPLICABILITY OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND ITS APPLICABILITY TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED. IF ALL OR SOME PORTION OF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL FORCE AND EFFECT AS TO THE STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

(B) IN THE EVENT OF ANY ALLEGATION, FINDING, OR RULING AGAINST THE COMPACT OR ITS PROCEDURES OR ACTIONS, PROVIDED THAT A MEMBER STATE HAS FOLLOWED THE COMPACT'S STATED PROCEDURES, ANY RULE IT PURPORTED TO ADOPT USING THE PROCEDURES OF THIS STATUTE SHALL CONSTITUTE A DULY ADOPTED AND VALID STATE RULE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 522

(Senate Bill 1115)

AN ACT concerning

Horse Racing – Interstate Compact on Anti–Doping and Drug Testing Standards

FOR the purpose of entering into the Interstate Anti–Doping and Drug Testing Standards Compact; stating the purposes of the Compact; establishing the Interstate Anti–Doping and Drug Testing Standards Compact Commission to administer the Compact; providing for the composition, voting procedures, operation, and powers and duties of the Commission; establishing certain requirements for withdrawal by member states from the Compact; establishing certain procedures for the making of

rules by the Commission; exempting the Commission from taxation by the member states; prohibiting a member state from pledging the credit of the Commission, subject to a certain exception; requiring each member state to pay the expenses of its delegate to the Commission; providing that a member state may not be held liable for certain debts of the Commission; denying a member state any claim to Commission property or funds, subject to a certain exception; providing for the dissolution of the Compact under certain circumstances; providing for the construction of this Act; requiring the Commission to enforce certain provisions and rules of the Compact; providing for certain executive, legislative, and judicial oversight of the Compact; making the provisions of the Compact severable and providing for the application of the Compact; providing for the binding effect of the Compact and other laws; defining certain terms; and generally relating to the Interstate Anti–Doping and Drug Testing Standards Compact.

BY adding to
Article – Business Regulation
Section 11–1401 to be under the new subtitle "Subtitle 14. Interstate Anti–Doping and Drug Testing Standards Compact"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Business Regulation

SUBTITLE 14. INTERSTATE ANTI–DOPING AND DRUG TESTING STANDARDS COMPACT.

11–1401.

THE INTERSTATE ANTI–DOPING AND DRUG TESTING STANDARDS COMPACT IS ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER STATES LEGALLY JOINING IN IT IN THE FORM SUBSTANTIALLY AS IT APPEARS IN THIS SECTION AS FOLLOWS:

ARTICLE I. PURPOSES

THE PURPOSES OF THIS COMPACT ARE:

(A) TO ENABLE MEMBER STATES TO ACT JOINTLY AND COOPERATIVELY TO CREATE MORE UNIFORM, EFFECTIVE, AND EFFICIENT BREED SPECIFIC RULES AND REGULATIONS RELATING TO THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS FOR THE HEALTH AND WELFARE OF THE HORSE AND THE INTEGRITY OF RACING, AND TESTING FOR SUCH SUBSTANCES, IN OR AFFECTING A MEMBER STATE; AND

(B) TO AUTHORIZE THE MARYLAND RACING COMMISSION TO PARTICIPATE IN THIS COMPACT.

ARTICLE II. DEFINITIONS

IN THIS COMPACT, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(A) "COMPACT COMMISSION" MEANS THE ORGANIZATION OF DELEGATES FROM THE MEMBER STATES THAT IS AUTHORIZED AND EMPOWERED BY THIS COMPACT TO CARRY OUT THE PURPOSES OF THIS COMPACT.

(B) "COMPACT RULE" MEANS A RULE OR REGULATION ADOPTED BY A MEMBER STATE REGULATING THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS FOR THE HEALTH AND WELFARE OF THE HORSE AND THE INTEGRITY OF RACING, AND TESTING FOR SUCH SUBSTANCES, IN LIVE PARI–MUTUEL HORSE RACING THAT OCCURS IN OR AFFECTS SUCH STATES.

(C) "DELEGATE" MEANS THE CHAIR OF THE MEMBER STATE RACING COMMISSION OR SIMILAR REGULATORY BODY IN A STATE, OR SUCH PERSON'S DESIGNEE, WHO REPRESENTS THE MEMBER STATE AS A VOTING MEMBER OF THE COMPACT COMMISSION AND ANYONE WHO IS SERVING AS SUCH PERSON'S ALTERNATE.

(D) "EQUINE DRUG RULE" MEANS A RULE OR REGULATION THAT RELATES TO THE ADMINISTRATION OF DRUGS, MEDICATIONS, OR OTHER SUBSTANCES TO A HORSE THAT MAY PARTICIPATE IN LIVE HORSE RACING WITH PARI–MUTUEL WAGERING INCLUDING, BUT NOT LIMITED TO, THE REGULATION OF THE PERMISSIBLE USE OF SUCH SUBSTANCES TO ENSURE THE INTEGRITY OF RACING AND THE HEALTH, SAFETY AND WELFARE OF RACE HORSES, APPROPRIATE SANCTIONS FOR RULE VIOLATIONS, AND QUALITY LABORATORY TESTING PROGRAMS TO DETECT SUCH SUBSTANCES IN THE BODILY SYSTEM OF A RACE HORSE.

(E) "LIVE RACING" MEANS LIVE HORSE RACING WITH PARI–MUTUEL WAGERING.

(F) "MEMBER STATE" MEANS EACH STATE THAT HAS ENACTED THIS COMPACT.

(G) "NATIONAL INDUSTRY STAKEHOLDER" MEANS A NON–GOVERNMENTAL ORGANIZATION THAT FROM A NATIONAL PERSPECTIVE SIGNIFICANTLY REPRESENTS ONE (1) OR MORE CATEGORIES OF PARTICIPANTS IN LIVE RACING AND PARI–MUTUEL WAGERING.

(H) "PARTICIPANTS IN LIVE RACING" MEANS ALL PERSONS WHO PARTICIPATE IN, OPERATE, PROVIDE INDUSTRY SERVICES FOR, OR ARE INVOLVED WITH LIVE RACING WITH PARI–MUTUEL WAGERING.

(I) "STATE" MEANS EACH OF THE SEVERAL STATES OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, AND EACH TERRITORY OR POSSESSION OF THE UNITED STATES.

(J) "STATE RACING COMMISSION" MEANS THE STATE RACING COMMISSION, OR ITS EQUIVALENT, IN EACH MEMBER STATE. WHERE A MEMBER STATE HAS MORE THAN ONE, IT SHALL MEAN ALL SUCH RACING COMMISSIONS, OR THEIR EQUIVALENTS.

ARTICLE III. COMPOSITION AND MEETINGS OF COMPACT COMMISSION

THE MEMBER STATES SHALL CREATE AND PARTICIPATE IN A COMPACT COMMISSION AS FOLLOWS:

(A) THIS COMPACT SHALL COME INTO FORCE WHEN ENACTED BY ANY TWO (2) ELIGIBLE STATES, AND SHALL THEREAFTER BECOME EFFECTIVE AS TO ANY OTHER MEMBER STATE THAT ENACTS THIS COMPACT. ANY STATE THAT HAS ADOPTED OR AUTHORIZED PARI–MUTUEL WAGERING OR LIVE HORSE RACING SHALL BE ELIGIBLE TO BECOME A PARTY TO THIS COMPACT. A COMPACT RULE SHALL NOT BECOME EFFECTIVE IN A NEW MEMBER STATE BASED MERELY UPON IT ENTERING THE COMPACT.

(B) THE MEMBER STATES HEREBY CREATE THE INTERSTATE ANTI–DOPING AND DRUG TESTING STANDARDS COMPACT COMMISSION, A BODY CORPORATE AND AN INTERSTATE GOVERNMENTAL ENTITY OF THE MEMBER STATES, TO COORDINATE THE RULE MAKING ACTIONS OF EACH MEMBER STATE RACING COMMISSION THROUGH A COMPACT COMMISSION.

(C) THE COMPACT COMMISSION SHALL CONSIST OF ONE DELEGATE, THE CHAIR OF THE STATE RACING COMMISSION OR SUCH PERSON'S DESIGNEE, FROM EACH MEMBER STATE. WHEN A DELEGATE IS NOT PRESENT TO PERFORM ANY DUTY IN THE COMPACT COMMISSION, A DESIGNATED ALTERNATE MAY SERVE. THE PERSON WHO REPRESENTS A MEMBER STATE IN THE COMPACT COMMISSION SHALL SERVE AND PERFORM SUCH DUTIES WITHOUT COMPENSATION OR REMUNERATION; PROVIDED, THAT SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, EACH MAY BE REIMBURSED FOR ORDINARY AND NECESSARY COSTS AND EXPENSES. THE DESIGNATION OF A DELEGATE, INCLUDING THE ALTERNATE, SHALL BE EFFECTIVE WHEN WRITTEN NOTICE HAS BEEN PROVIDED TO THE COMPACT COMMISSION. THE

DELEGATE, INCLUDING THE ALTERNATE, MUST BE A MEMBER OR EMPLOYEE OF THE STATE RACING COMMISSION.

(D) THE COMPACT DELEGATE FROM EACH STATE SHALL PARTICIPATE AS AN AGENT OF THE STATE RACING COMMISSION. EACH DELEGATE SHALL HAVE THE ASSISTANCE OF THE STATE RACING COMMISSION IN REGARD TO ALL DECISION MAKING AND ACTIONS OF THE STATE IN AND THROUGH THE COMPACT COMMISSION.

(E) EACH MEMBER STATE, BY ITS DELEGATE, SHALL BE ENTITLED TO ONE VOTE IN THE COMPACT COMMISSION. A SUPER MAJORITY AFFIRMATIVE VOTE OF EIGHTY PERCENT (80%) OF THE TOTAL NUMBER OF DELEGATES SHALL BE REQUIRED TO PROPOSE A COMPACT RULE, RECEIVE AND DISTRIBUTE ANY FUNDS AND TO ADOPT, AMEND, OR RESCIND THE BY–LAWS. A COMPACT RULE SHALL TAKE EFFECT IN AND FOR EACH MEMBER STATE WHEN ADOPTED BY A SUPER MAJORITY AFFIRMATIVE VOTE OF EIGHTY PERCENT (80%) OF THE TOTAL NUMBER OF MEMBER STATES. OTHER COMPACT ACTIONS SHALL REQUIRE A MAJORITY VOTE OF THE DELEGATES WHO ARE MEETING.

(F) MEETINGS AND VOTES OF THE COMPACT COMMISSION MAY BE CONDUCTED IN PERSON OR BY TELEPHONE OR OTHER ELECTRONIC COMMUNICATION. MEETINGS MAY BE CALLED BY THE CHAIR OF THE COMPACT COMMISSION OR BY ANY TWO (2) DELEGATES. REASONABLE NOTICE OF EACH MEETING SHALL BE PROVIDED TO ALL DELEGATES SERVING IN THE COMPACT COMMISSION.

(G) NO ACTION MAY BE TAKEN AT A COMPACT COMMISSION MEETING UNLESS THERE IS A QUORUM, WHICH IS EITHER A MAJORITY OF THE DELEGATES IN THE COMPACT COMMISSION, OR WHERE APPLICABLE, ALL THE DELEGATES FROM ANY MEMBER STATES WHO PROPOSE OR ARE VOTING AFFIRMATIVELY TO ADOPT A COMPACT RULE.

(H) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING ACCORDING TO ITS TERMS UPON EACH MEMBER STATE; PROVIDED THAT, A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY REPEALING THE STATUTE THAT ENACTED THE COMPACT INTO LAW. THE RACING COMMISSION OF A WITHDRAWING STATE SHALL GIVE WRITTEN NOTICE OF SUCH WITHDRAWAL TO THE COMPACT CHAIR, WHO SHALL NOTIFY THE MEMBER STATE RACING COMMISSIONS. A WITHDRAWING STATE SHALL REMAIN RESPONSIBLE FOR ANY UNFULFILLED OBLIGATIONS AND LIABILITIES. THE EFFECTIVE DATE OF WITHDRAWAL FROM THE COMPACT SHALL BE THE EFFECTIVE DATE OF THE REPEAL.

ARTICLE IV. OPERATION OF COMPACT COMMISSION

THE COMPACT COMMISSION IS HEREBY GRANTED, SO THAT IT MAY BE AN EFFECTIVE MEANS TO PURSUE AND ACHIEVE THE PURPOSES OF EACH MEMBER STATE IN THIS COMPACT, THE POWER AND DUTY:

(A) TO ADOPT, AMEND, AND RESCIND BY–LAWS TO GOVERN ITS CONDUCT, AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT; TO PUBLISH THEM IN A CONVENIENT FORM; AND TO FILE A COPY OF THEM WITH THE STATE RACING COMMISSION OF EACH MEMBER STATE;

(B) TO ELECT ANNUALLY FROM AMONG THE DELEGATES (INCLUDING ALTERNATES) A CHAIR, VICE–CHAIR, AND TREASURER WITH SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BY–LAWS;

(C) TO ESTABLISH AND APPOINT COMMITTEES WHICH IT DEEMS NECESSARY FOR THE CARRYING OUT OF ITS FUNCTIONS, INCLUDING ADVISORY COMMITTEES WHICH SHALL BE COMPRISED OF NATIONAL INDUSTRY STAKEHOLDERS AND ORGANIZATIONS AND SUCH OTHER PERSONS AS MAY BE DESIGNATED IN ACCORDANCE WITH THE BY–LAWS, TO OBTAIN THEIR TIMELY AND MEANINGFUL INPUT INTO THE COMPACT RULE MAKING PROCESSES;

(D) TO ESTABLISH AN EXECUTIVE COMMITTEE, WITH MEMBERSHIP ESTABLISHED IN THE BY–LAWS, WHICH SHALL OVERSEE THE DAY–TO–DAY ACTIVITIES OF COMPACT ADMINISTRATION AND MANAGEMENT BY THE EXECUTIVE DIRECTOR AND STAFF; HIRE AND FIRE AS MAY BE NECESSARY AFTER CONSULTATION WITH THE COMPACT COMMISSION; ADMINISTER AND ENFORCE COMPLIANCE WITH THE PROVISIONS, BY–LAWS, AND RULES OF THE COMPACT; AND PERFORM SUCH OTHER DUTIES AS THE BY–LAWS MAY ESTABLISH;

(E) TO CREATE, APPOINT, AND ABOLISH ALL THOSE OFFICES, EMPLOYMENTS, AND POSITIONS, INCLUDING AN EXECUTIVE DIRECTOR, USEFUL TO FULFILL ITS PURPOSES;

(F) TO DELEGATE DAY–TO–DAY MANAGEMENT AND ADMINISTRATION OF ITS DUTIES, AS NEEDED, TO AN EXECUTIVE DIRECTOR AND SUPPORT STAFF; AND

(G) TO ADOPT AN ANNUAL BUDGET SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES; PROVIDED, THAT THE BUDGET SHALL BE FUNDED BY ONLY VOLUNTARY CONTRIBUTIONS.

ARTICLE V. GENERAL POWERS AND DUTIES

TO ALLOW EACH MEMBER STATE, AS AND WHEN IT CHOOSES, TO ACHIEVE THE PURPOSE OF THIS COMPACT THROUGH JOINT AND COOPERATIVE ACTION, THE

MEMBER STATES ARE HEREBY GRANTED THE POWER AND DUTY, BY AND THROUGH THE COMPACT COMMISSION:

(A) TO ACT JOINTLY AND COOPERATIVELY TO CREATE A MORE EQUITABLE AND UNIFORM PARI–MUTUEL RACING AND WAGERING INTERSTATE REGULATORY FRAMEWORK BY THE ADOPTION OF STANDARDIZED RULES FOR THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS FOR THE HEALTH, AND WELFARE OF THE HORSE AND THE INTEGRITY OF RACING, INCLUDING RULES GOVERNING THE USE OF DRUGS AND MEDICATIONS AND DRUG TESTING;

(B) TO COLLABORATE WITH NATIONAL INDUSTRY STAKEHOLDERS AND INDUSTRY ORGANIZATIONS, INCLUDING THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL, INC. AND THE RACING MEDICATION AND TESTING CONSORTIUM, IN THE DESIGN AND IMPLEMENTATION OF COMPACT RULES IN A MANNER THAT SERVES THE BEST INTERESTS OF RACING; AND

(C) TO PROPOSE AND ADOPT BREED SPECIFIC COMPACT EQUINE DRUGS AND MEDICATIONS RULES FOR THE HEALTH, AND WELFARE OF THE HORSE, INCLUDING RULES GOVERNING THE PERMITTED AND PROHIBITED USE OF DRUGS AND MEDICATIONS AND DRUG TESTING, WHICH SHALL HAVE THE FORCE AND EFFECT OF STATE RULES OR REGULATIONS IN THE MEMBER STATES, TO GOVERN LIVE PARI–MUTUEL HORSE RACING.

ARTICLE VI. OTHER POWERS AND DUTIES

THE COMPACT COMMISSION MAY EXERCISE SUCH INCIDENTAL POWERS AND DUTIES AS MAY BE NECESSARY AND PROPER FOR IT TO FUNCTION IN A USEFUL MANNER, INCLUDING BUT NOT LIMITED TO THE POWER AND DUTY:

(A) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH GOVERNMENTAL AGENCIES AND OTHER PERSONS, INCLUDING OFFICERS AND EMPLOYEES OF A MEMBER STATE, TO PROVIDE PERSONAL SERVICES FOR ITS ACTIVITIES AND SUCH OTHER SERVICES AS MAY BE NECESSARY;

(B) TO BORROW, ACCEPT, AND CONTRACT FOR THE SERVICES OF PERSONNEL FROM ANY STATE, FEDERAL, OR OTHER GOVERNMENTAL AGENCY, OR FROM ANY OTHER PERSON OR ENTITY;

(C) TO RECEIVE INFORMATION FROM AND TO PROVIDE INFORMATION TO EACH MEMBER STATE RACING COMMISSION, INCLUDING ITS OFFICERS AND STAFF, ON SUCH TERMS AND CONDITIONS AS MAY BE ESTABLISHED IN THE BY–LAWS;

(D) TO ACQUIRE, HOLD, AND DISPOSE OF ANY REAL OR PERSONAL PROPERTY BY GIFT, GRANT, PURCHASE, LEASE, LICENSE, AND SIMILAR MEANS AND TO RECEIVE ADDITIONAL FUNDS THROUGH GIFTS, GRANTS, AND APPROPRIATIONS;

(E) WHEN AUTHORIZED BY A COMPACT RULE, TO CONDUCT HEARINGS AND RENDER REPORTS AND ADVISORY DECISIONS AND ORDERS; AND

(F) TO ESTABLISH IN THE BY–LAWS THE REQUIREMENTS THAT SHALL DESCRIBE AND GOVERN ITS DUTIES TO CONDUCT OPEN OR PUBLIC MEETINGS AND TO PROVIDE PUBLIC ACCESS TO COMPACT RECORDS AND INFORMATION.

ARTICLE VII. COMPACT RULE MAKING

IN THE EXERCISE OF ITS RULE MAKING AUTHORITY, THE COMPACT COMMISSION SHALL:

(A) ENGAGE IN FORMAL RULE MAKING PURSUANT TO A PROCESS THAT SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT OF 1981 AS AMENDED, AS MAY BE APPROPRIATE TO THE ACTIONS AND OPERATIONS OF THE COMPACT COMMISSION;

(B) GATHER INFORMATION AND ENGAGE IN DISCUSSIONS WITH ADVISORY COMMITTEES, NATIONAL INDUSTRY STAKEHOLDERS, AND OTHERS, INCLUDING AN OPPORTUNITY FOR INDUSTRY ORGANIZATIONS TO SUBMIT INPUT TO MEMBER STATE RACING COMMISSIONS ON THE STATE LEVEL, TO FOSTER, PROMOTE AND CONDUCT A COLLABORATIVE APPROACH IN THE DESIGN AND ADVANCEMENT OF COMPACT RULES IN A MANNER THAT SERVES THE BEST INTERESTS OF RACING AND AS ESTABLISHED IN THE BY–LAWS;

(C) DIRECT THE PUBLICATION IN EACH MEMBER STATE OF EACH EQUINE DRUG RULE PROPOSED BY THE COMPACT COMMISSION, CONDUCT A REVIEW OF PUBLIC COMMENTS RECEIVED BY EACH MEMBER STATE RACING COMMISSION AND THE COMPACT COMMISSION IN RESPONSE TO THE PUBLICATION OF ITS RULE MAKING PROPOSALS, CONSULT WITH NATIONAL INDUSTRY STAKEHOLDERS AND PARTICIPANTS IN LIVE RACING WITH REGARD TO SUCH PROCESS AND ANY REVISIONS TO THE COMPACT RULE PROPOSAL, AND MEET UPON THE COMPLETION OF THE PUBLIC COMMENT PERIOD TO CONDUCT A VOTE ON THE ADOPTION OF THE PROPOSED COMPACT RULE AS A STATE RULE IN THE MEMBER STATES. THE SUPER MAJORITY AFFIRMATIVE VOTE OF EIGHTY PERCENT (80%) OF THE MEMBER DELEGATES FOR A PROPOSED COMPACT RULE SHALL BE NECESSARY AND SUFFICIENT TO ADOPT, AMEND, OR RESCIND A COMPACT RULE AS APPLICABLE TO THE MEMBER STATES; AND

(D) HAVE A STANDING COMMITTEE THAT REVIEWS AT LEAST QUARTERLY THE PARTICIPATION IN AND VALUE OF COMPACT RULES AND, WHEN IT DETERMINES THAT A REVISION IS APPROPRIATE OR WHEN REQUESTED TO BY ANY MEMBER STATE, SUBMITS A REVISING PROPOSED COMPACT RULE. TO THE EXTENT A REVISION WOULD ONLY ADD OR REMOVE A MEMBER STATE OR STATES FROM WHERE A COMPACT RULE HAS BEEN ADOPTED, THE VOTE REQUIRED BY THIS ARTICLE SHALL BE REQUIRED OF ONLY SUCH STATE OR STATES. THE STANDING COMMITTEE SHALL GATHER INFORMATION AND ENGAGE IN DISCUSSIONS WITH NATIONAL INDUSTRY STAKEHOLDERS, WHO MAY ALSO DIRECTLY RECOMMEND A COMPACT RULE PROPOSAL OR REVISION TO THE COMPACT COMMITTEE.

ARTICLE VIII. STATUS AND RELATIONSHIP TO MEMBER STATES

(A) THE COMPACT COMMISSION, AS AN INTERSTATE GOVERNMENTAL ENTITY, SHALL BE EXEMPT FROM ALL TAXATION IN AND BY THE MEMBER STATES.

(B) THE COMPACT COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY MEMBER STATE EXCEPT BY AND WITH THE APPROPRIATE LEGAL AUTHORITY OF THAT STATE.

(C) EACH MEMBER STATE SHALL REIMBURSE OR OTHERWISE PAY THE EXPENSES OF ITS DELEGATE, INCLUDING ANY ALTERNATE, IN THE COMPACT COMMISSION.

(D) NO MEMBER STATE, EXCEPT AS PROVIDED IN ARTICLE XI OF THIS COMPACT, SHALL BE HELD LIABLE FOR THE DEBTS OR OTHER FINANCIAL OBLIGATIONS INCURRED BY THE COMPACT COMMISSION.

(E) NO MEMBER STATE SHALL HAVE, WHILE IT PARTICIPATES IN THE COMPACT COMMISSION, ANY CLAIM TO OR OWNERSHIP OF ANY PROPERTY HELD BY OR VESTED IN THE COMPACT COMMISSION OR TO ANY COMPACT COMMISSION FUNDS HELD PURSUANT TO THIS COMPACT EXCEPT FOR STATE LICENSE OR OTHER FEES OR MONEYS COLLECTED BY THE COMPACT COMMISSION AS ITS AGENT.

(F) THE COMPACT DISSOLVES UPON THE DATE OF THE WITHDRAWAL OF THE MEMBER STATE THAT REDUCES MEMBERSHIP IN THE COMPACT TO ONE (1) STATE. UPON DISSOLUTION, THE COMPACT BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, ALTHOUGH EQUINE DRUG RULES ADOPTED THROUGH THIS COMPACT SHALL REMAIN RULES IN EACH MEMBER STATE THAT HAD ADOPTED THEM, AND THE BUSINESS AND AFFAIRS OF THE COMPACT SHALL BE CONCLUDED AND ANY SURPLUS FUNDS SHALL BE DISTRIBUTED TO THE FORMER MEMBER STATES IN ACCORDANCE WITH THE BY–LAWS.

ARTICLE IX. RIGHTS AND RESPONSIBILITIES OF MEMBER STATES

(A) EACH MEMBER STATE IN THE COMPACT SHALL ACCEPT THE DECISIONS, DULY APPLICABLE TO IT, OF THE COMPACT COMMISSION IN REGARD TO COMPACT RULES AND RULE MAKING.

(B) THIS COMPACT SHALL NOT BE CONSTRUED TO DIMINISH OR LIMIT THE POWERS AND RESPONSIBILITIES OF THE MEMBER STATE RACING COMMISSION OR SIMILAR REGULATORY BODY, OR TO INVALIDATE ANY ACTION IT HAS PREVIOUSLY TAKEN, EXCEPT TO THE EXTENT IT HAS, BY ITS COMPACT DELEGATE, EXPRESSED ITS CONSENT TO A SPECIFIC RULE OR OTHER ACTION OF THE COMPACT COMMISSION. THE COMPACT DELEGATE FROM EACH STATE SHALL SERVE AS THE AGENT OF THE STATE RACING COMMISSION AND SHALL POSSESS SUBSTANTIAL KNOWLEDGE AND EXPERIENCE AS A REGULATOR OR PARTICIPANT IN THE HORSE RACING INDUSTRY.

ARTICLE X. ENFORCEMENT OF COMPACT

(A) THE COMPACT COMMISSION SHALL HAVE STANDING TO INTERVENE IN ANY LEGAL ACTION THAT PERTAINS TO THE SUBJECT MATTER OF THE COMPACT AND MIGHT AFFECT ITS POWERS, DUTIES, OR ACTIONS.

(B) THE COURTS AND EXECUTIVE IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE ITS PURPOSES AND INTENT. COMPACT PROVISIONS, BY–LAWS, AND RULES SHALL BE RECEIVED BY ALL JUDGES, DEPARTMENTS, AGENCIES, BODIES, AND OFFICERS OF EACH MEMBER STATE AND ITS POLITICAL SUBDIVISIONS AS EVIDENCE OF THEM.

ARTICLE XI. LEGAL ACTIONS AGAINST COMPACT

(A) ANY PERSON MAY COMMENCE A CLAIM, ACTION, OR PROCEEDING AGAINST THE COMPACT COMMISSION IN STATE COURT FOR DAMAGES. THE COMPACT COMMISSION SHALL HAVE THE BENEFIT OF THE SAME LIMITS OF LIABILITY, DEFENSES, RIGHTS TO INDEMNITY AND DEFENSE BY THE STATE, AND OTHER LEGAL RIGHTS AND DEFENSES FOR NON–COMPACT MATTERS OF THE STATE RACING COMMISSION IN THE STATE. ALL LEGAL RIGHTS AND DEFENSES THAT ARISE FROM THIS COMPACT SHALL ALSO BE AVAILABLE TO THE COMPACT COMMISSION.

(B) A COMPACT DELEGATE, ALTERNATE, OR OTHER MEMBER OR EMPLOYEE OF A STATE RACING COMMISSION WHO UNDERTAKES COMPACT ACTIVITIES OR DUTIES DOES SO IN THE COURSE OF BUSINESS OF THEIR STATE RACING COMMISSION, AND SHALL HAVE THE BENEFIT OF THE SAME LIMITS OF LIABILITY, DEFENSES, RIGHTS TO INDEMNITY AND DEFENSE BY THE STATE, AND OTHER LEGAL RIGHTS AND DEFENSES FOR NON–COMPACT MATTERS OF STATE EMPLOYEES IN

THEIR STATE. THE EXECUTIVE DIRECTOR AND OTHER EMPLOYEES OF THE COMPACT COMMISSION SHALL HAVE THE BENEFIT OF THESE SAME LEGAL RIGHTS AND DEFENSES OF STATE EMPLOYEES IN THE MEMBER STATE IN WHICH THEY ARE PRIMARILY EMPLOYED. ALL LEGAL RIGHTS AND DEFENSES THAT ARISE FROM THIS COMPACT SHALL ALSO BE AVAILABLE TO THEM.

(C) EACH MEMBER STATE SHALL BE LIABLE FOR AND PAY JUDGMENTS FILED AGAINST THE COMPACT COMMISSION TO THE EXTENT RELATED TO ITS PARTICIPATION IN THE COMPACT. WHERE LIABILITY ARISES FROM ACTION UNDERTAKEN JOINTLY WITH OTHER MEMBER STATES, THE LIABILITY SHALL BE DIVIDED EQUALLY AMONG THE STATES FOR WHOM THE APPLICABLE ACTION OR OMISSION OF THE EXECUTIVE DIRECTOR OR OTHER EMPLOYEES OF THE COMPACT COMMISSION WAS UNDERTAKEN; AND NO MEMBER STATE SHALL CONTRIBUTE TO OR PAY, OR BE JOINTLY OR SEVERALLY OR OTHERWISE LIABLE FOR, ANY PART OF ANY JUDGMENT BEYOND ITS SHARE AS DETERMINED IN ACCORDANCE WITH THIS ARTICLE.

ARTICLE XII. RESTRICTIONS ON AUTHORITY

MARYLAND SUBSTANTIVE STATE LAWS APPLICABLE TO PARI–MUTUEL HORSE RACING AND WAGERING SHALL REMAIN IN FULL FORCE AND EFFECT.

ARTICLE XIII. CONSTRUCTION, SAVING, AND SEVERABILITY

(A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE ITS PURPOSES. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES OR OF ANY MEMBER STATE, OR THE APPLICABILITY OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND ITS APPLICABILITY TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED. IF ALL OR SOME PORTION OF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL FORCE AND EFFECT AS TO THE STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

(B) IN THE EVENT OF ANY ALLEGATION, FINDING, OR RULING AGAINST THE COMPACT OR ITS PROCEDURES OR ACTIONS, PROVIDED THAT A MEMBER STATE HAS FOLLOWED THE COMPACT'S STATED PROCEDURES, ANY RULE IT PURPORTED TO ADOPT USING THE PROCEDURES OF THIS STATUTE SHALL CONSTITUTE A DULY ADOPTED AND VALID STATE RULE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 523

(House Bill 1278)

AN ACT concerning

Election Law – Postelection Tabulation Audit

FOR the purpose of requiring the State Board of Elections to conduct an audit of the accuracy of the voting system's tabulation of votes by completing a certain audit of electronic ballot images and a certain manual audit after each statewide general election; requiring the State Board to complete a certain audit of electronic ballot images after each statewide primary election; authorizing the State Board to complete a certain manual audit after each statewide primary election; requiring the State Board to complete a manual audit of certain precincts and certain early, absentee, and provisional votes following each statewide general election; requiring a manual audit to be completed within a certain period of time; authorizing the State Board to take certain actions if a manual audit shows a discrepancy; requiring the State Board to post a certain report on its website within a certain period of time after the conclusion of a manual audit; requiring the State Board to allow for public observation of a manual audit to the extent practicable; prohibiting an audit under this Act from affecting the certified election results; requiring an audit under this Act to be used to improve the voting system and voting process for future elections; requiring the State Board to adopt certain regulations; requiring the State Board to submit a certain report to certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to a postelection audit of the voting system's tabulation of votes.

BY adding to
Article – Election Law
Section 11–309
Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

11–309.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "MANUAL AUDIT" MEANS INSPECTION OF VOTER–VERIFIABLE PAPER RECORDS BY HAND AND EYE TO OBTAIN VOTE TOTALS IN A CONTEST THAT ARE COMPARED TO THE VOTE TOTALS PRODUCED FOR THAT CONTEST BY THE ELECTRONIC VOTING SYSTEM.

(3) "PREVIOUS COMPARABLE GENERAL ELECTION" MEANS:

(I) IN A PRESIDENTIAL ELECTION YEAR, THE PRESIDENTIAL ELECTION HELD 4 YEARS EARLIER; AND

(II) IN A GUBERNATORIAL ELECTION YEAR, THE GUBERNATORIAL ELECTION HELD 4 YEARS EARLIER.

~~(3)~~ (4) "VOTER–VERIFIABLE PAPER RECORD" HAS THE MEANING STATED IN § 9–102 OF THIS ARTICLE.

(B) FOLLOWING EACH STATEWIDE GENERAL ELECTION, THE STATE BOARD SHALL CONDUCT AN AUDIT OF THE ACCURACY OF THE VOTING SYSTEM'S TABULATION OF VOTES BY COMPLETING:

(1) AN AUTOMATED SOFTWARE AUDIT OF THE ELECTRONIC IMAGES OF ALL BALLOTS CAST IN THE ELECTION; AND

(2) A MANUAL AUDIT OF VOTER–VERIFIABLE PAPER RECORDS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(C) FOLLOWING EACH STATEWIDE PRIMARY ELECTION, THE STATE BOARD:

(1) SHALL COMPLETE AN AUTOMATED SOFTWARE AUDIT OF THE ELECTRONIC IMAGES OF ALL BALLOTS CAST IN THE ELECTION; AND

(2) MAY COMPLETE A MANUAL AUDIT OF VOTER–VERIFIABLE PAPER RECORDS IN A MANNER PRESCRIBED BY THE STATE BOARD.

(D) (1) FOLLOWING EACH STATEWIDE GENERAL ELECTION, THE STATE BOARD SHALL COMPLETE A MANUAL AUDIT OF:

(I) AT LEAST 2% OF PRECINCTS STATEWIDE, INCLUDING:

1. AT LEAST ONE RANDOMLY CHOSEN PRECINCT IN EACH COUNTY; AND

2. ADDITIONAL PRECINCTS SELECTED BY THE STATE BOARD; *AND* ~~AND~~

~~(II) AT LEAST 1% OF THE STATEWIDE TOTAL OF EACH OF THE FOLLOWING, INCLUDING AT LEAST A MINIMUM NUMBER OF EACH OF THE FOLLOWING IN EACH COUNTY, AS PRESCRIBED BY THE STATE BOARD:~~

~~1. EARLY VOTES;~~

~~2. ABSENTEE VOTES; AND~~

~~3. PROVISIONAL VOTES.~~

~~(II) AT LEAST 1% OF THE STATEWIDE TOTAL OF EARLY VOTES, INCLUDING AT LEAST A MINIMUM NUMBER OF EARLY VOTES IN EACH COUNTY, AS PRESCRIBED BY THE STATE BOARD; AND~~

~~(III)~~ *(II)* A NUMBER OF VOTES EQUAL TO AT LEAST 1% OF THE STATEWIDE TOTAL IN THE PREVIOUS COMPARABLE GENERAL ELECTION OF EACH OF THE FOLLOWING, INCLUDING AT LEAST A MINIMUM NUMBER OF EACH OF THE FOLLOWING IN EACH COUNTY, AS PRESCRIBED BY THE STATE BOARD:

1. EARLY VOTES;

~~1.~~ *2.* ABSENTEE VOTES; AND

~~2.~~ *3.* PROVISIONAL VOTES.

(2) THE MANUAL AUDIT SHALL BE COMPLETED WITHIN 120 DAYS AFTER THE GENERAL ELECTION.

(3) IF THE MANUAL AUDIT SHOWS A DISCREPANCY, THE STATE BOARD MAY:

(I) EXPAND THE MANUAL AUDIT; AND

(II) TAKE ANY OTHER ACTIONS IT CONSIDERS NECESSARY TO RESOLVE THE DISCREPANCY.

(4) WITHIN 14 DAYS AFTER THE CONCLUSION OF THE AUDIT, THE STATE BOARD SHALL POST ON ITS WEBSITE A REPORT THAT DESCRIBES:

(I) THE PRECINCTS AND NUMBER OF VOTES SELECTED FOR THE MANUAL AUDIT IN EACH COUNTY AND THE MANNER IN WHICH THE PRECINCTS AND VOTES WERE SELECTED;

(II) THE RESULTS OF THE MANUAL AUDIT; AND

(III) ANY DISCREPANCY SHOWN BY THE MANUAL AUDIT AND HOW THE DISCREPANCY WAS RESOLVED.

(5) THE STATE BOARD SHALL ALLOW FOR PUBLIC OBSERVATION OF EACH PART OF THE MANUAL AUDIT PROCESS TO THE EXTENT PRACTICABLE.

(E) AN AUDIT UNDER THIS SECTION:

(1) MAY NOT HAVE ANY EFFECT ON THE CERTIFIED ELECTION RESULTS; AND

(2) SHALL BE USED TO IMPROVE THE VOTING SYSTEM AND VOTING PROCESS FOR FUTURE ELECTIONS.

(F) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before May 1, 2019, the State Board of Elections shall submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee that describes the resources required to complete the audit required under this Act following the 2018 general election. The report shall include the amount of time needed to complete the audit, the number of personnel required to complete the audit, any other costs incurred by the State Board or the local boards of elections to complete the audit, and any other administrative obstacles to completing the audit.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 524

(House Bill 1331)

AN ACT concerning

Election Law – Cybersecurity

FOR the purpose of ~~requiring the State Administrator of Elections to notify certain persons within a certain period of time after becoming aware of a security incident involving an election system; requiring that the notification include certain information; authorizing the Secretary of Information Technology to require that information contained in a notification be withheld from the general public if the Secretary makes a certain determination; requiring an election service provider to take certain actions within a certain period of time after becoming aware of a security incident involving an election system;~~ requiring the State Administrator of Elections~~, under certain circumstances,~~ to submit a ~~written~~ *certain* report to *the Department of Information Technology and* certain persons within a certain period of time after becoming aware of a certain security violation *and significant attempted security violation* involving an election system; ~~requiring that the report include certain information and be updated continuously as new information becomes available; requiring the State Administrator to submit a written report to certain persons on a certain date each year that describes any significant attempted security violations involving an election system in the previous year; requiring that the annual report include certain information and be updated continuously as new information becomes available;~~ *requiring the Department to forward certain information to certain appropriate persons and the State Administrator within a certain period of time after receiving a certain report submitted by the State Board;* authorizing the Secretary of Information Technology to require that information contained in a certain report be withheld from the general public if the Secretary makes a certain determination; requiring an election service provider, under certain circumstances, to take certain actions within a certain period of time after becoming aware of a security violation or significant attempted security violation involving an election system; requiring a voter who uses the online absentee ballot application to request an absentee ballot be sent by any method or who uses any method to request to receive a blank absentee ballot through the Internet to provide certain information; ~~requiring the State Board approved absentee ballot application and online absentee ballot application to require the applicant to check a box acknowledging a certain statement; requiring a voter who chooses to receive a blank absentee ballot through the Internet to check a box acknowledging a certain statement before choosing whether to mark the ballot by hand or use the online ballot marking tool;~~ requiring each polling place and early voting center to have a paper or electronic backup copy of the election register available for the use of the election judges if certain computer devices do not function properly during an election; defining certain terms; and generally relating to election cybersecurity.

BY adding to
Article – Election Law
Section 2–108
Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–305~~, 9–308.1,~~ and 10–302
Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

2–108.

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "ELECTION SERVICE PROVIDER" MEANS ANY PERSON PROVIDING, SUPPORTING, OR MAINTAINING AN ELECTION SYSTEM ON BEHALF OF THE STATE BOARD OR A LOCAL BOARD, INCLUDING A CONTRACTOR OR VENDOR.~~

~~(3) "ELECTION SYSTEM" MEANS ANY INFORMATION SYSTEM USED FOR THE MANAGEMENT, SUPPORT, OR ADMINISTRATION OF AN ELECTION, INCLUDING:~~

~~(I) THE VOTING SYSTEM;~~

~~(II) THE ONLINE VOTER REGISTRATION SYSTEM;~~

~~(III) THE VOTER REGISTRATION DATABASE;~~

~~(IV) THE ONLINE BALLOT REQUEST, DELIVERY, OR MARKING SYSTEMS;~~

~~(V) THE ELECTRONIC POLLBOOKS;~~

~~(VI) THE SYSTEM FOR TABULATING OR REPORTING ELECTION RESULTS; AND~~

~~(VII) THE STATE BOARD OR LOCAL BOARD E–MAIL SYSTEM.~~

~~(4) "SECURITY INCIDENT" MEANS AN OCCURRENCE THAT:~~

~~(I) ACTUALLY OR IMMINENTLY JEOPARDIZES, WITHOUT LAWFUL AUTHORITY, THE INTEGRITY, CONFIDENTIALITY, OR AVAILABILITY OF INFORMATION OR AN INFORMATION SYSTEM; OR~~

~~(II) CONSTITUTES A VIOLATION OR AN IMMINENT THREAT OF A VIOLATION OF LAW, SECURITY POLICIES, SECURITY PROCEDURES, OR ACCEPTABLE USE POLICIES.~~

~~(B) (1) NOTWITHSTANDING ANY OTHER LAW, IF THE STATE ADMINISTRATOR HAS REASON TO BELIEVE THAT A SECURITY INCIDENT HAS OCCURRED INVOLVING AN ELECTION SYSTEM OWNED, OPERATED, OR MAINTAINED BY THE STATE BOARD OR A LOCAL BOARD, OR AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY AN ELECTION SERVICE PROVIDER, THE STATE ADMINISTRATOR SHALL NOTIFY THE FOLLOWING WITHIN 7 DAYS AFTER BECOMING AWARE OF THE SECURITY INCIDENT:~~

~~(I) THE STATE BOARD;~~

~~(II) THE GOVERNOR;~~

~~(III) THE PRESIDENT OF THE SENATE OF MARYLAND;~~

~~(IV) THE SPEAKER OF THE HOUSE OF DELEGATES;~~

~~(V) THE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE;~~

~~(VI) THE COMMITTEE ON WAYS AND MEANS;~~

~~(VII) THE DEPARTMENT OF INFORMATION TECHNOLOGY; AND~~

~~(VIII) THE OFFICE OF LEGISLATIVE AUDITS IN THE DEPARTMENT OF LEGISLATIVE SERVICES.~~

~~(2) A NOTIFICATION UNDER THIS SUBSECTION SHALL:~~

~~(I) PROVIDE THE DATE AND DURATION OF THE SECURITY INCIDENT;~~

~~(II) DESCRIBE THE SPECIFIC ELECTION SYSTEMS AFFECTED AND INFORMATION ACCESSED;~~

~~(III) LIST SPECIFIC ACTIONS TAKEN TO RECOVER FROM THE SECURITY INCIDENT AND PREVENT SIMILAR FUTURE SECURITY INCIDENTS; AND~~

~~(IV) BE UPDATED CONTINUOUSLY AS NEW INFORMATION BECOMES AVAILABLE.~~

~~(3) NOTWITHSTANDING ANY OTHER LAW, THE SECRETARY OF INFORMATION TECHNOLOGY MAY REQUIRE THAT THE INFORMATION CONTAINED IN A NOTIFICATION PROVIDED UNDER THIS SUBSECTION BE WITHHELD FROM THE GENERAL PUBLIC IF THE SECRETARY DETERMINES THAT THE PUBLIC INTEREST IS SERVED BY WITHHOLDING THE INFORMATION.~~

~~(C) IF AN ELECTION SERVICE PROVIDER HAS REASON TO BELIEVE THAT A SECURITY INCIDENT HAS OCCURRED INVOLVING AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY THE ELECTION SERVICE PROVIDER, THE ELECTION SERVICE PROVIDER SHALL:~~

~~(1) NOTIFY THE STATE ADMINISTRATOR WITHIN 7 DAYS AFTER BECOMING AWARE OF THE SECURITY INCIDENT; AND~~

~~(2) COOPERATE WITH THE STATE ADMINISTRATOR IN PROVIDING THE NOTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "APPROPRIATE PERSONS" MEANS:

(I) THE STATE BOARD;

(II) THE GOVERNOR;

(III) THE PRESIDENT OF THE SENATE OF MARYLAND; ~~AND~~

(IV) THE SPEAKER OF THE HOUSE OF DELEGATES*; AND*

(V) THE ATTORNEY GENERAL.

(3) "ELECTION SERVICE PROVIDER" MEANS ANY PERSON PROVIDING, SUPPORTING, OR MAINTAINING AN ELECTION SYSTEM ON BEHALF OF THE STATE BOARD OR A LOCAL BOARD, INCLUDING A CONTRACTOR OR VENDOR.

(4) "ELECTION SYSTEM" MEANS ANY INFORMATION SYSTEM USED FOR THE MANAGEMENT, SUPPORT, OR ADMINISTRATION OF AN ELECTION, INCLUDING:

(I) THE VOTING SYSTEM;

(II) THE ONLINE VOTER REGISTRATION SYSTEM;

(III) THE VOTER REGISTRATION DATABASE;

(IV) THE ONLINE BALLOT REQUEST, DELIVERY, OR MARKING SYSTEMS;

(V) THE ELECTRONIC POLLBOOKS;

(VI) THE SYSTEM FOR TABULATING OR REPORTING ELECTION RESULTS; AND

(VII) THE STATE BOARD OR LOCAL BOARD E–MAIL SYSTEM.

(5) "SECURITY VIOLATION" MEANS ~~ANY OF THE FOLLOWING INCIDENTS:~~

~~(I) A PERSON GAINING LOGICAL OR PHYSICAL ACCESS TO AN ELECTION SYSTEM WITHOUT AUTHORIZATION;~~

~~(II) A DENIAL OF SERVICE ATTACK THAT SUCCESSFULLY PREVENTS OR IMPAIRS THE NORMAL AUTHORIZED FUNCTIONALITY OF AN ELECTION SYSTEM BY EXHAUSTING RESOURCES;~~

~~(III) A SUCCESSFUL INSTALLATION OF MALICIOUS SOFTWARE THAT INFECTS AN ELECTION SYSTEM; OR~~

~~(IV) A VIOLATION OF ACCEPTABLE USE POLICIES RELATING TO AN ELECTION SYSTEM, AS SPECIFIED IN THE STATE INFORMATION SECURITY POLICY~~ *THE INCIDENT CATEGORIES DEFINED BY THE DEPARTMENT OF INFORMATION TECHNOLOGY IN THE STATE INFORMATION SECURITY POLICY.*

(6) "SIGNIFICANT ATTEMPTED SECURITY VIOLATION" MEANS AN ATTEMPT TO COMMIT A SECURITY VIOLATION THAT:

(I) IS KNOWN ~~OR REASONABLY SUSPECTED~~ TO HAVE BEEN COMMITTED BY A FOREIGN GOVERNMENT OR AGENTS OF A FOREIGN GOVERNMENT; OR

(II) THE STATE ADMINISTRATOR CONSIDERS TO BE OF PARTICULAR SIGNIFICANCE OR CONCERN.

~~(B) (1) NOTWITHSTANDING ANY OTHER LAW, IF THE STATE ADMINISTRATOR KNOWS OR REASONABLY SUSPECTS THAT A SECURITY VIOLATION INVOLVING AN ELECTION SYSTEM OWNED, OPERATED, OR MAINTAINED BY THE~~

~~STATE BOARD OR A LOCAL BOARD OR AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY AN ELECTION SERVICE PROVIDER HAS OCCURRED, THE STATE ADMINISTRATOR SHALL SUBMIT A WRITTEN REPORT TO THE APPROPRIATE PERSONS WITHIN 7 DAYS AFTER BECOMING AWARE OF THE SECURITY VIOLATION.~~

~~(2) A REPORT UNDER THIS SUBSECTION SHALL:~~

~~(I) PROVIDE THE DATE AND DURATION OF THE SECURITY VIOLATION;~~

~~(II) DESCRIBE THE NATURE OF THE SECURITY VIOLATION AND THE SPECIFIC ELECTION SYSTEMS AFFECTED;~~

~~(III) LIST SPECIFIC ACTIONS TAKEN TO RECOVER FROM THE SECURITY VIOLATION AND PREVENT SIMILAR FUTURE SECURITY VIOLATIONS; AND~~

~~(IV) BE UPDATED CONTINUOUSLY AS NEW INFORMATION BECOMES AVAILABLE.~~

~~(C) (1) NOTWITHSTANDING ANY OTHER LAW, ON JANUARY 1 EACH YEAR THE STATE ADMINISTRATOR SHALL SUBMIT A WRITTEN REPORT TO THE APPROPRIATE PERSONS THAT DESCRIBES ANY SIGNIFICANT ATTEMPTED SECURITY VIOLATION INVOLVING AN ELECTION SYSTEM OWNED, OPERATED, OR MAINTAINED BY THE STATE BOARD OR A LOCAL BOARD OR AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY AN ELECTION SERVICE PROVIDER THAT THE STATE ADMINISTRATOR KNOWS OR REASONABLY SUSPECTS OCCURRED IN THE PREVIOUS YEAR.~~

~~(2) THE REPORT UNDER THIS SUBSECTION SHALL:~~

~~(I) PROVIDE THE DATE AND DURATION OF THE SIGNIFICANT ATTEMPTED SECURITY VIOLATION;~~

~~(II) DESCRIBE THE NATURE OF THE SIGNIFICANT ATTEMPTED SECURITY VIOLATION AND THE SPECIFIC ELECTION SYSTEM TARGETED;~~

~~(III) DESCRIBE HOW THE TARGETED ELECTION SYSTEM WAS PROTECTED AND WHETHER ANY ADDITIONAL MEASURES TO PROTECT THE ELECTION SYSTEM ARE WARRANTED; AND~~

~~(IV) BE UPDATED CONTINUOUSLY AS NEW INFORMATION BECOMES AVAILABLE.~~

(B) WITHIN 7 DAYS AFTER BECOMING AWARE OF A SECURITY VIOLATION OR SIGNIFICANT ATTEMPTED SECURITY VIOLATION, THE STATE ADMINISTRATOR SHALL SUBMIT TO THE DEPARTMENT OF INFORMATION TECHNOLOGY AND THE APPROPRIATE PERSONS A REPORT ON EACH SECURITY VIOLATION AND SIGNIFICANT ATTEMPTED SECURITY VIOLATION INVOLVING AN ELECTION SYSTEM:

(1) OWNED, OPERATED, OR MAINTAINED BY THE STATE BOARD OR A LOCAL BOARD OF ELECTIONS; OR

(2) PROVIDED, SUPPORTED, OR MAINTAINED BY AN ELECTION SERVICE PROVIDER.

(C) WITHIN 7 DAYS AFTER RECEIVING THE STATE BOARD'S REPORT SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL FORWARD ANY ADDITIONAL RELEVANT INFORMATION TO THE APPROPRIATE PERSONS AND THE STATE ADMINISTRATOR.

(D) NOTWITHSTANDING ANY OTHER LAW, THE SECRETARY OF INFORMATION TECHNOLOGY MAY REQUIRE THAT THE INFORMATION CONTAINED IN A REPORT SUBMITTED UNDER SUBSECTION (B) ~~OR (C)~~ OF THIS SECTION BE WITHHELD FROM THE GENERAL PUBLIC IF THE SECRETARY DETERMINES THAT THE PUBLIC INTEREST IS SERVED BY WITHHOLDING THE INFORMATION.

(E) IF AN ELECTION SERVICE PROVIDER KNOWS ~~OR REASONABLY SUSPECTS~~ THAT A SECURITY VIOLATION OR SIGNIFICANT ATTEMPTED SECURITY VIOLATION HAS OCCURRED INVOLVING AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY THE ELECTION SERVICE PROVIDER, THE ELECTION SERVICE PROVIDER SHALL:

(1) NOTIFY THE STATE ADMINISTRATOR IN WRITING ~~WITHIN~~ *AS SOON AS PRACTICABLE BUT NOT LATER THAN* 4 DAYS AFTER BECOMING AWARE OF THE SECURITY VIOLATION OR SIGNIFICANT ATTEMPTED SECURITY VIOLATION; AND

(2) COOPERATE WITH THE STATE ADMINISTRATOR IN SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION (B) ~~OR (C)~~ OF THIS SECTION.

9–305.

(a) A voter may request an absentee ballot by completing and submitting:

(1) the State Board approved absentee ballot application;

(2) a form provided under federal law;

(3) **SUBJECT TO SUBSECTION (B) OF THIS SECTION,** a written request that includes:

(i) the voter's name, residence address, and signature; and

(ii) the address to which the ballot is to be mailed, if different from the residence address; or

(4) **[**as specified in subsection (c) of this section,**]** the accessible online absentee ballot application provided by the State Board.

(B) A VOTER WHO USES THE ONLINE ABSENTEE BALLOT APPLICATION TO REQUEST THAT AN ABSENTEE BALLOT BE SENT BY ANY METHOD OR WHO USES ANY METHOD TO REQUEST TO RECEIVE A BLANK ABSENTEE BALLOT THROUGH THE INTERNET SHALL PROVIDE THE FOLLOWING INFORMATION:

(1) A MARYLAND DRIVER'S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER, THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER, AND ~~ANY~~ OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE APPLICANT; OR

(2) IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OR A VOTER WITH A DISABILITY AND DOES NOT HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER.

~~**(C) THE STATE BOARD APPROVED ABSENTEE BALLOT APPLICATION AND THE ONLINE ABSENTEE BALLOT APPLICATION SHALL REQUIRE THE APPLICANT TO CHECK A BOX ACKNOWLEDGING THE FOLLOWING STATEMENT:**~~

~~**"I UNDERSTAND THAT IF I REQUEST TO RECEIVE AN ABSENTEE BALLOT ONLINE OR BY FAX, THE BALLOT I PRINT AND RETURN BY MAIL WILL NOT BE THE SAME BALLOT THAT IS COUNTED. THE BALLOT THAT I PRINT AND RETURN WILL BE DUPLICATED BY ELECTION OFFICIALS ONTO AN OFFICIAL BALLOT THAT IS MACHINE READABLE. IF I WANT AN OFFICIAL BALLOT THAT WILL NOT NEED TO BE DUPLICATED, I MAY REQUEST TO RECEIVE AN ABSENTEE BALLOT BY MAIL." CHECK A BOX ACKNOWLEDGING A STATEMENT THAT, IF THE VOTER REQUESTS TO RECEIVE AN ABSENTEE BALLOT ONLINE OR BY FAX, THE BALLOT THE VOTER RETURNS WILL HAVE TO BE DUPLICATED BY ELECTION OFFICIALS ONTO AN OFFICIAL BALLOT THAT IS MACHINE READABLE TO BE COUNTED.**~~

[(b)**]** ~~(D)~~ ***(C)*** An application for an absentee ballot must be received by a local board:

(1) if the voter requests the absentee ballot be sent by mail or facsimile transmission, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) if the voter requests the absentee ballot be sent by the Internet, not later than the Friday preceding the election, at the time specified in the guidelines; or

(3) if the voter or the voter's duly authorized agent applies for an absentee ballot in person at the local board office, not later than the closing of the polls on election day.

[(c) The online absentee ballot application provided by the State Board shall require the applicant to provide:

(1) a Maryland driver's license number or Maryland identification card number, the last four digits of the applicant's Social Security number, and other information identified by the State Board that is not generally available to the public but is readily available to the applicant; or

(2) if the applicant is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number.**]**

~~9–308.1.~~

~~(a) In this section:~~

~~(1) "online ballot marking tool" includes a system that allows a voter to:~~

~~(i) access a blank ballot through the Internet;~~

~~(ii) electronically mark the ballot with the voter's selections; and~~

~~(iii) print a paper copy of the marked ballot for mailing to a local board; and~~

~~(2) "online ballot marking tool" does not include a system that is capable of storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic means through the Internet.~~

~~(b) The State Board may provide an accessible optional online ballot marking tool for use by a voter who requested to have the absentee ballot sent by the Internet.~~

~~(c) (1) Except as provided in paragraph (2) of this subsection, the State Board shall certify that an online ballot marking tool satisfies all of the certification requirements under § 9–102(d) of this title before approving an online ballot marking tool for use by voters.~~

~~(2) An online ballot marking tool is not required to satisfy the requirements of:~~

~~(i) § 9–102(d)(2) of this title if the U.S. Election Assistance Commission has not approved specific performance and test standards for online ballot marking tools; or~~

~~(ii) § 9–102(d)(1)(iii) of this title.~~

~~**(D) A VOTER WHO CHOOSES TO RECEIVE A BLANK ABSENTEE BALLOT THROUGH THE INTERNET SHALL BE REQUIRED TO CHECK A BOX ACKNOWLEDGING THE FOLLOWING STATEMENT BEFORE CHOOSING WHETHER TO MARK THE BALLOT BY HAND OR USE THE ONLINE BALLOT MARKING TOOL:**~~

~~**"I UNDERSTAND THAT IF I CHOOSE TO MARK MY BALLOT ON MY COMPUTER USING THE INTERNET, IT IS POSSIBLE THAT MY CHOICES COULD BE VIEWED BY OTHERS WITHOUT MY KNOWLEDGE. IF I WANT TO BE CERTAIN TO KEEP MY CHOICES SECRET, I MAY PRINT OUT MY BALLOT AND MARK IT BY HAND."** **A STATEMENT THAT, IF THE VOTER CHOOSES TO MARK THE VOTER'S BALLOT ON THE VOTER'S COMPUTER USING THE INTERNET, THE VOTER'S CHOICES COULD BE VIEWED BY OTHERS WITHOUT THE VOTER'S KNOWLEDGE.**~~

~~**[**(d)**] (E)** (1) This subsection applies if an online ballot marking tool utilizes a bar code that is used to generate a ballot that is acceptable for machine tabulation.~~

~~(2) A local board shall compare the vote in each contest on the ballot marked by the voter to the vote in each contest on the ballot generated from the bar code during the canvass.~~

~~(3) If there is a discrepancy in any contest between the vote on the ballot marked by the voter and the vote on the ballot generated from the bar code, the vote on the ballot marked by the voter shall be considered valid and shall be counted.~~

10–302.

(a) In a timely manner for each election, the local board shall provide for the delivery to each polling place the supplies, records, and equipment necessary for the conduct of the election.

(b) Each polling place shall be equipped with a computer device that contains a record of all registered voters in the county and that is capable of being networked to other polling place computer devices.

(C) EACH POLLING PLACE AND EARLY VOTING CENTER SHALL HAVE A PAPER OR ELECTRONIC BACKUP COPY OF THE ELECTION REGISTER AVAILABLE FOR THE USE OF THE ELECTION JUDGES IF THE COMPUTER DEVICES REQUIRED UNDER SUBSECTION (B) OF THIS SECTION DO NOT FUNCTION PROPERLY DURING AN ELECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 525

(House Bill 1342)

AN ACT concerning

~~Legislative Branch of~~ State Government – ~~Sexual~~ *Discrimination and* Harassment

FOR the purpose of ~~authorizing any entity to file with the State Ethics Commission a written complaint alleging that a regulated lobbyist has sexually harassed a member of the General Assembly or a certain employee; authorizing any entity to file with the State Ethics Commission a written complaint alleging that a member of the General Assembly has sexually harassed a regulated lobbyist;~~ altering the training course that the State Ethics Commission is required to provide for regulated lobbyists and prospective regulated lobbyists; *prohibiting a certain State official from unlawfully harassing or discriminating against certain individuals;* requiring the Joint Ethics Committee to provide a certain complaint and notice to the Human Resources Manager ~~for the General Assembly~~ *of the Department of Legislative Services*; subjecting the Human Resources Manager to certain confidentiality restrictions for certain information; ~~authorizing~~ *requiring, except under certain circumstances,* the Joint Committee to refer certain complaints to a certain outside and independent investigator; ~~requiring the Joint Committee on Legislative Ethics to refer certain complaints to an a certain outside and independent investigator under certain circumstances;~~ requiring the investigator to submit its findings and recommendations to the Joint Committee ~~for certain further proceedings~~; *authorizing the Joint Committee to dismiss a certain complaint under certain circumstances; requiring the investigator to investigate a complaint and make recommendations under certain circumstances;* ~~requiring the Committee to develop~~

~~a certain code of conduct for the General Assembly~~ requiring the Joint Committee to advise a certain person of certain findings and recommendations and provide a notice of the Joint Committee's actions; providing that the Joint Committee may remove a certain investigator only for good cause; authorizing the Joint Committee to direct a certain investigator to delay an investigation under certain circumstances; prohibiting a regulated lobbyist from ~~sexually harassing~~ *unlawfully harassing or discriminating against* certain individuals while engaged in lobbying; requiring the Legislative Policy Committee to review and update a certain antiharassment policy at a certain frequency *and in a certain manner*; ~~requiring the Legislative Policy Committee to direct the Human Resources Manager for the General Assembly to conduct a certain climate survey at a certain frequency; requiring the Human Resources Manager to analyze the results of a certain survey and issue a certain report to certain persons;~~ requiring the Joint Committee to review certain complaints alleging violations of certain antiharassment policies; requiring the Office of the Executive Director in the Department of Legislative Services to maintain certain records regarding certain individuals who take ~~sexual~~ *workplace* harassment *prevention* training; requiring the Office to maintain the records for at least a certain period of time and publish certain records on a certain website; *prohibiting an officer or unit of State government from using any part of an appropriation to settle a certain claim of unlawful harassment or discrimination;* ~~requiring the Commission on Civil Rights to conduct a certain survey of members and employees of the General Assembly on or before certain dates; prohibiting the survey from requesting certain information or being conducted in a certain manner; requiring the Commission on Civil Rights to submit a certain report to the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Legislative Ethics;~~ authorizing a regulated lobbyist to report to the State Ethics Commission that a member of the General Assembly violated a certain antiharrassment policy and procedures; requiring the State Ethics Commission to refer a certain report to the Joint Committee; ~~requiring the State Ethics Commission to convene a certain workgroup to develop recommendations to implement certain provisions of this Act; requiring the workgroup to make recommendations on certain matters; requiring the State Ethics Commission to issue certain reports to the Workplace Harassment Commission on or before certain dates;~~ requiring the Legislative Policy Committee to update a certain antiharassment policy, *include a certain provision in the updated policy,* and consider including certain recommendations in the updated policy on or before a certain date; *prohibiting a current or former member of the Workplace Harassment Commission from serving as a certain investigator;* making a technical change; providing for a delayed effective date for certain provisions of this Act; making a conforming change; *making this Act an emergency measure;* and generally relating to ~~sexual~~ *discrimination and* harassment in ~~the Legislative Branch of~~ State government.

BY repealing and reenacting, without amendments,
Article – General Provisions
Section 5–101(a), (k), (u), and (hh)
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–101(x), 5–205(e)(1)(i), ~~5–401 and~~ 5–517, 5–518, and 5–714(13) and (14)
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

BY adding to
Article – General Provisions
Section *5–508,* 5–518.1, 5–714(15), and 5–714.1
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 7–239
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–401, 2–701, 2–1201, and 2–1211~~, and 20–101(a) and (b)~~
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section ~~2–706~~ 2–407(a)(6) and (7), 2–706, and 2–1215
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Government
Section ~~20–207.1~~ 2–407(a)(8) and (9) and (c)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – General Provisions

5–101.

(a) In this title the following words have the meanings indicated unless:

(1) the context clearly requires a different meaning; or

(2) a different definition is adopted for a particular provision.

(k) "Ethics Commission" means the State Ethics Commission.

(u) "Joint Ethics Committee" means the Joint Committee on Legislative Ethics.

(x) "Lobbying" means performing any act that requires registration under **[**§ 5–701**] § 5–702** of this title.

(hh) "Regulated lobbyist" means an entity that is required to register with the Ethics Commission under § 5–702(a) of this title.

~~5–401.~~

~~(a) (1) Any entity may file with the Ethics Commission a written complaint alleging:~~

~~**(I)** a violation of this title;~~

~~**(II)** THAT A REGULATED LOBBYIST HAS SEXUALLY HARASSED A MEMBER OF THE GENERAL ASSEMBLY OR AN EMPLOYEE OF THE GENERAL ASSEMBLY OR THE DEPARTMENT OF LEGISLATIVE SERVICES; OR~~

~~**(III)** THAT A MEMBER OF THE GENERAL ASSEMBLY HAS SEXUALLY HARASSED A REGULATED LOBBYIST.~~

~~(2) A complaint filed under this subsection shall be:~~

~~(i) signed; and~~

~~(ii) made under oath.~~

~~(b) The Ethics Commission on its own motion may issue a complaint alleging a violation of this title.~~

~~(c) The Ethics Commission shall promptly transmit a copy of the complaint to the respondent.~~

5–508.

(A) THIS SECTION DOES NOT APPLY TO A STATE OFFICIAL OF THE LEGISLATIVE BRANCH OR A STATE OFFICIAL OF THE JUDICIAL BRANCH.

(B) A STATE OFFICIAL MAY NOT, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW, UNLAWFULLY HARASS OR DISCRIMINATE AGAINST:

(1) AN OFFICIAL OR EMPLOYEE;

(2) AN INTERN, A PAGE, OR A FELLOW IN ANY BRANCH OF STATE GOVERNMENT;

(3) AN INDIVIDUAL REGULATED LOBBYIST; OR

(4) A CREDENTIALED MEMBER OF THE PRESS.

5–517.

(a) Except as provided in **[**subsection (b)**]** **SUBSECTIONS (B) AND (C)** of this section, any matter before the Joint Ethics Committee, including information relating to any complaint, proceeding, or record of the Joint Ethics Committee, shall remain confidential.

(b) Public access and inspection of an activity or a record of the Joint Ethics Committee shall be available for:

(1) a disclosure or disclaimer of a conflict of interest form filed with the Joint Ethics Committee;

(2) a portion of a meeting in which a disclosure or disclaimer form is reviewed by the Joint Ethics Committee;

(3) information relating to a complaint, proceeding, or record of the Joint Ethics Committee involving a member of the General Assembly if consent to public access and inspection is granted by:

(i) the member involved in the matter; or

(ii) a three–fourths vote of the full membership of the Joint Ethics Committee, based on criteria established by rule;

(4) a rule or broadly applicable opinion issued by the Joint Ethics Committee; or

(5) any matter or record that is otherwise available for public access or inspection as specifically authorized under this subtitle.

(C) (1) THE JOINT ETHICS COMMITTEE SHALL PROVIDE A COPY OF A COMPLAINT ALLEGING A VIOLATION OF THE ANTIHARASSMENT POLICY AND PROCEDURES AND A NOTICE OF THE JOINT ETHICS COMMITTEE'S ACTION TO THE HUMAN RESOURCES MANAGER ~~FOR THE GENERAL ASSEMBLY~~ *OF THE DEPARTMENT OF LEGISLATIVE SERVICES.*

(2) FOR INFORMATION RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HUMAN RESOURCES MANAGER SHALL BE SUBJECT TO THE CONFIDENTIALITY RESTRICTIONS OF SUBSECTIONS (A) AND (B) OF THIS SECTION.

5–518.

(a) **[**After**] EXCEPT AS PROVIDED IN § 5–518.1 OF THIS SUBTITLE, AFTER** the filing or preparation of a complaint under § 5–516 of this subtitle, the Joint Ethics Committee shall review the complaint and proceed in accordance with § 5–519 of this subtitle unless, after examining the complaint and the issues raised by it, the Committee finds that further proceedings are not justified because:

(1) the complaint is frivolous;

(2) the complaint does not allege actions on the part of the accused legislator that provide reason to believe that a violation may have occurred;

(3) the matters alleged are not within the jurisdiction of the Joint Ethics Committee;

(4) the violations alleged were inadvertent, technical, or minor, or have been cured, and, after consideration of all of the circumstances then known, further proceedings would not serve the purposes of this subtitle; or

(5) for other reasons, after consideration of all the circumstances, further proceedings would not serve the purposes of this subtitle.

(b) (1) If a finding is made under subsection (a) of this section, the Joint Ethics Committee shall:

(i) submit a report of its conclusions to the presiding officer or to the membership of the branch of the legislature of which the accused legislator is a member, and the proceedings shall be terminated;

(ii) provide advice or guidance to the accused legislator; or

(iii) provide the accused legislator with an opportunity to cure any minor violation of ethical standards.

(2) (i) Subject to § 5–517 of this subtitle, notice of the Joint Ethics Committee's action shall be provided to the accused legislator and to any person who filed the complaint.

(ii) On request, the accused legislator may see the complaint and the report.

(c) If no finding is made under subsection (a) of this section, the Joint Ethics Committee shall prepare an allegation summary, based on its examination under subsection (a) of this section, setting forth the alleged facts and the issues then known that merit further proceedings.

(d) After review of a complaint, the Joint Ethics Committee shall provide a statement of its findings to the accused legislator.

5–518.1.

(A) ~~THE~~ ~~SUBJECT TO SUBSECTION (B) OF THIS SECTION~~ *UNLESS THE ALLEGED VICTIM OBJECTS*, THE JOINT ETHICS COMMITTEE ~~SHALL~~ ~~MAY~~ *SHALL* REFER *A COMPLAINT FOR EVALUATION* TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR SELECTED BY THE JOINT ETHICS COMMITTEE ~~A COMPLAINT ALLEGING~~ *IF THE COMPLAINT ALLEGES* THAT A MEMBER OF THE GENERAL ASSEMBLY HAS:

(1) VIOLATED THE ~~CODE OF CONDUCT DEVELOPED UNDER § 2–706(A)(8) OF THE STATE GOVERNMENT ARTICLE TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR~~ ANTIHARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY; OR

(2) RETALIATED AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN THE INVESTIGATION OF A VIOLATION OF THE ANTIHARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY.

~~(B) THE JOINT ETHICS COMMITTEE SHALL REFER A COMPLAINT TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR IF THE COMPLAINT ALLEGES THAT A MEMBER OF THE GENERAL ASSEMBLY HAS:~~

~~(1) (I) VIOLATED THE ANTIHARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY; OR~~

~~(II) RETALIATED AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN THE INVESTIGATION OF A VIOLATION OF THE ANTIHARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY; AND~~

~~(2) (I) THE COMPLAINANT REQUESTS AN OUTSIDE AND INDEPENDENT INVESTIGATOR;~~

~~(II) THE COMPLAINT IS THE SECOND OR SUBSEQUENT COMPLAINT AGAINST THE SAME MEMBER OF THE GENERAL ASSEMBLY; OR~~

~~(III) THE COMPLAINT ALLEGES AN ACT THAT WOULD VIOLATE TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AND THE COMPLAINANT AGREES TO THE REFERRAL TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR.~~

(B) THE INVESTIGATOR SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS REGARDING A COMPLAINT EVALUATED UNDER SUBSECTION (A) OF THIS SECTION TO THE JOINT ETHICS COMMITTEE.

(C) (1) IF THE INVESTIGATOR DOES NOT RECOMMEND DISMISSAL OF THE COMPLAINT AFTER COMPLETING THE EVALUATION, THE INVESTIGATOR SHALL INVESTIGATE THE COMPLAINT.

(2) AFTER THE INVESTIGATOR COMPLETES THE EVALUATION AND AT THE RECOMMENDATION OF THE INVESTIGATOR, THE JOINT ETHICS COMMITTEE MAY DISMISS A COMPLAINT BEFORE THE COMPLETION OF AN INVESTIGATION.

~~(B) (C)~~ *(D)* ~~IF A COMPLAINT IS REFERRED TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR UNDER SUBSECTION (A) OF THIS SECTION, THE~~ THE INVESTIGATOR SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS REGARDING A COMPLAINT ~~REFERRED~~ *INVESTIGATED* UNDER SUBSECTION ~~(A) OR (B)~~ *(C)(1)* OF THIS SECTION TO THE JOINT ETHICS COMMITTEE FOR FURTHER PROCEEDINGS IN ACCORDANCE WITH THIS SUBTITLE.

~~(D)~~ *(E)* THE JOINT ETHICS COMMITTEE SHALL ADVISE THE COMPLAINANT OF THE FINDINGS AND RECOMMENDATIONS OF THE INVESTIGATOR AND PROVIDE, IN ACCORDANCE WITH § 5–518(B)(2) OF THIS SUBTITLE, A NOTICE OF THE JOINT ETHICS COMMITTEE'S ACTIONS.

~~(E)~~ *(F)* (1) THE JOINT ETHICS COMMITTEE MAY REMOVE AN OUTSIDE AND INDEPENDENT INVESTIGATOR SELECTED UNDER THIS SUBSECTION ONLY FOR GOOD CAUSE.

(2) IF THE JOINT ETHICS COMMITTEE ~~HAS REASONABLE GROUNDS TO BELIEVE THAT A COMPLAINT INVOLVES CRIMINAL CONDUCT BY THE RESPONDENT~~ *REFERS A MATTER TO A PROSECUTING AUTHORITY*, THE JOINT ETHICS COMMITTEE MAY DIRECT AN OUTSIDE AND INDEPENDENT INVESTIGATOR TO DELAY AN INVESTIGATION AT THE REQUEST OF A PROSECUTING AUTHORITY.

Article – State Finance and Procurement

7–239.

AN OFFICER OR UNIT OF STATE GOVERNMENT MAY NOT USE ANY PART OF AN APPROPRIATION TO SETTLE A CLAIM OF UNLAWFUL HARASSMENT OR

DISCRIMINATION, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW, FILED AGAINST AN OFFICIAL OR EMPLOYEE OF STATE GOVERNMENT IN THE INDIVIDUAL'S PERSONAL CAPACITY.

Article – State Government

2–401.

In this subtitle, "Committee" means the Legislative Policy Committee.

2–407.

(a) The Committee has the following functions:

(6) to prepare or endorse a legislative program that includes the bills, resolutions, or other recommendations of the Committee that are to be presented to the General Assembly at its next session; **[**and**]**

(7) to carry out its powers and duties under the Maryland Program Evaluation Act**;** ***AND***

(8) ***AT LEAST EVERY 2 YEARS,*** **TO REVIEW AND UPDATE AS NECESSARY THE ANTIHARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY** ~~**AT LEAST EVERY 2 YEARS;**~~ ***TO CREATE AND MAINTAIN AN ENVIRONMENT IN WHICH ALL MEMBERS AND EMPLOYEES ARE TREATED WITH RESPECT AND ARE FREE FROM UNLAWFUL DISCRIMINATION AND HARASSMENT.*** ~~**AND**~~

~~**(9) TO DIRECT THE HUMAN RESOURCES MANAGER FOR THE GENERAL ASSEMBLY TO CONDUCT A CLIMATE SURVEY OF MEMBERS AND EMPLOYEES OF THE GENERAL ASSEMBLY RELATED TO DISCRIMINATION AND HARASSMENT ISSUES IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT AT LEAST EVERY 4 YEARS.**~~

~~**(C) THE HUMAN RESOURCES MANAGER FOR THE GENERAL ASSEMBLY SHALL ANALYZE THE RESULTS OF A SURVEY REQUIRED UNDER SUBSECTION (A)(9) OF THIS SECTION AND ISSUE A REPORT ON THE RESULTS OF THE SURVEY TO THE PRESIDENT, THE SPEAKER, AND THE JOINT COMMITTEE ON LEGISLATIVE ETHICS.**~~

2–701.

In this subtitle, "Committee" means the Joint Committee on Legislative Ethics.

2–706.

(a) The Committee shall:

(1) perform all duties assigned to it by law or by legislative rules;

(2) from time to time, recommend to the presiding officers any changes in or amendments to the rules of legislative ethics;

(3) on request of a member of the General Assembly, issue an advisory opinion regarding the legislative ethics of an action taken or contemplated to be taken by the member;

(4) on its own motion, issue advisory opinions as it deems necessary;

(5) at the request of the President or the Speaker, make recommendations concerning matters referred to the Committee;

(6) as it deems necessary, issue guidelines and establish procedures for the implementation of the rules of legislative ethics; **[**and**]**

(7) maintain public records as the rules require**; AND**

(8) ~~**DEVELOP A CODE OF CONDUCT FOR THE GENERAL ASSEMBLY THAT INCLUDES:**~~

~~**(I) A CLEAR DEFINITION OF SEXUAL HARASSMENT;**~~

~~**(II) A CLEAR DEFINITION OF RETALIATION; AND**~~

~~**(III) A LIST OF ACTIONS THAT WILL BE TAKEN AGAINST AN INDIVIDUAL WHO VIOLATES THE CODE OF CONDUCT**~~ **REVIEW COMPLAINTS FILED UNDER § 5–516 OF THE GENERAL PROVISIONS ARTICLE ALLEGING VIOLATIONS OF THE ANTIHARASSMENT POLICY AND PROCEDURES ADOPTED BY THE LEGISLATIVE POLICY COMMITTEE THAT GOVERN THE CONDUCT OF MEMBERS OF THE GENERAL ASSEMBLY**.

(b) (1) The Committee shall maintain the statements filed by members of the General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours, make the statements available to the public for examination and copying.

(2) The Committee shall maintain a record of:

(i) the name and home address of each individual who examines or copies a statement filed with the Committee by a member of the General Assembly; and

(ii) the name of the member whose statement was examined or copied.

(3) On the request of the member whose statement was examined or copied, the Committee shall forward to the member a copy of the record maintained by the Committee under paragraph (2)(i) of this subsection.

2–1201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Department" means the Department of Legislative Services.

(c) "Executive Director" means the Executive Director of the Department.

2–1211.

As used in this Part III, "Office" means the Office of the Executive Director.

2–1215.

(a) The Office shall manage all personnel activities of the Department and generally carry out the duties set forth in § 2–1205 of this subtitle.

(b) The Office shall manage the personnel activities of the General Assembly as assigned by the President and the Speaker.

(C) (1) THE OFFICE SHALL MAINTAIN ELECTRONIC RECORDS THAT INCLUDE:

(I) THE NAME OF EACH MEMBER OF THE GENERAL ASSEMBLY, EACH EMPLOYEE OF THE GENERAL ASSEMBLY, AND EACH EMPLOYEE OF THE DEPARTMENT WHO TAKES WORKPLACE HARASSMENT *PREVENTION* TRAINING;

(II) THE DATE THE WORKPLACE HARASSMENT *PREVENTION* TRAINING WAS COMPLETED; AND

(III) THE NAME OF THE PERSON WHO CONDUCTED THE TRAINING.

(2) THE OFFICE SHALL:

(I) MAINTAIN THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AT LEAST 5 YEARS AFTER THE MEMBER OR EMPLOYEE TAKES WORKPLACE HARASSMENT *PREVENTION* TRAINING; AND

(II) PUBLISH THE RECORDS RELATED TO TRAINING OF MEMBERS OF THE GENERAL ASSEMBLY ON THE ~~DEPARTMENT'S WEBSITE~~ *WEBSITE OF THE GENERAL ASSEMBLY*.

~~20–101.~~

~~(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.~~

~~(b) "Commission" means the Commission on Civil Rights.~~

~~**20–207.1.**~~

~~**(A) ON OR BEFORE JUNE 1, 2019, AND ON OR BEFORE JUNE 1 EVERY 2 YEARS THEREAFTER, SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL CONDUCT A SURVEY OF MEMBERS AND EMPLOYEES OF THE GENERAL ASSEMBLY TO DETERMINE:**~~

~~**(1) THE SCOPE OF DISCRIMINATION AND HARASSMENT IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT;**~~

~~**(2) WHETHER DISCRIMINATION AND HARASSMENT PREVENTION AND REFORM EFFORTS ARE REDUCING THE PREVALENCE OF DISCRIMINATION AND HARASSMENT IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT; AND**~~

~~**(3) WHETHER THE COMPLAINT AND REPORTING PROCESS REGARDING INSTANCES OF DISCRIMINATION AND HARASSMENT IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT IS SUFFICIENT.**~~

~~**(B) THE SURVEY CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT REQUEST ANY INFORMATION OR BE CONDUCTED BY ANY METHOD THAT WOULD MAKE THE RESPONDENT OR THE RESPONDENT'S OFFICE IDENTIFIABLE.**~~

~~**(C) THE COMMISSION SHALL SUBMIT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF DELEGATES, AND THE JOINT COMMITTEE ON LEGISLATIVE ETHICS A REPORT THAT SUMMARIZES THE RESULTS OF THE SURVEY CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – General Provisions

5–205.

(e) (1) (i) The Ethics Commission shall provide a training course for regulated lobbyists and prospective regulated lobbyists at least twice each year on the

provisions of the Maryland Public Ethics Law**, INCLUDING PROVISIONS RELATED TO** ~~SEXUAL~~ ***DISCRIMINATION AND*** **HARASSMENT,** relevant to regulated lobbyists.

5–714.

A regulated lobbyist may not:

(13) commit a criminal offense arising from lobbying activity; **[**or**]**

(14) if serving on the State or a local central committee of a political party, participate:

(i) as an officer of the central committee;

(ii) in fund–raising activity on behalf of the political party; or

(iii) in actions relating to filling a vacancy in a public office**; OR**

(15) WHILE ENGAGING IN LOBBYING, ~~SEXUALLY HARASS~~ ***UNLAWFULLY HARASS OR DISCRIMINATE, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW*****:**

(I) ~~A MEMBER OF THE GENERAL ASSEMBLY~~ ***AN OFFICIAL OR EMPLOYEE*****;**

(II) ~~AN EMPLOYEE,~~ **AN INTERN,** ~~OR~~ **A PAGE** ~~OF THE GENERAL ASSEMBLY~~***, OR A FELLOW IN ANY BRANCH OF STATE GOVERNMENT*****;**

~~(III) AN EMPLOYEE OF THE DEPARTMENT OF LEGISLATIVE SERVICES;~~

~~(IV) AN OFFICIAL OR EMPLOYEE OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT; OR~~

~~(V)~~ ***(III)*** **AN INDIVIDUAL REGULATED LOBBYIST*****; OR***

(IV) A CREDENTIALED MEMBER OF THE PRESS.

5–714.1.

(A) A REGULATED LOBBYIST MAY REPORT TO THE ETHICS COMMISSION THAT A MEMBER OF THE GENERAL ASSEMBLY VIOLATED THE ANTIHARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY.

(B) IF A REPORT IS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE ETHICS COMMISSION SHALL REFER THE REPORT TO THE JOINT ETHICS COMMITTEE.

~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

~~(a) The State Ethics Commission shall convene a workgroup to develop recommendations to implement the provisions of this Act that relate to sexual harassment involving regulated lobbyists.~~

~~(b) The workgroup shall include:~~

~~(1) at least two representatives of the Commission on Civil Rights;~~

~~(2) at least two representatives of the Maryland Government Relations Association;~~

~~(3) other individuals with expertise in addressing complaints regarding sexual harassment;~~

~~(4) the Human Resources Manager for the Maryland General Assembly;~~

~~(5) a representative of the Maryland Coalition Against Sexual Assault; and~~

~~(6) other individuals with expertise in the best practices related to sexual harassment prevention training.~~

~~(c) The workgroup shall make recommendations regarding:~~

~~(1) a definition of sexual harassment by an individual regulated lobbyist;~~

~~(2) potential sanctions and resolution options for complaints alleging sexual harassment by an individual regulated lobbyist;~~

~~(3) the process the Ethics Commission will use to investigate complaints regarding sexual harassment, including partnering with other State agencies and hiring outside investigators;~~

~~(4) whether to include entities exempt from regulation under § 5–702(b)(1) of the General Provisions Article in statutory provisions related to lobbyists and sexual harassment;~~

~~(5) any regulatory or statutory changes needed to implement the recommendations of the workgroup and the requirements of this Act; and~~

~~(6) any additional resources required to implement the requirements of this Act and the recommendations of the workgroup.~~

~~(d) On or before August 1, 2018, the State Ethics Commission shall issue an interim report on the recommendations of the workgroup to the Workplace Harassment Commission created by the Presiding Officers of the General Assembly in January 2018.~~

~~(e) On or before October 1, 2018, the State Ethics Commission shall issue a final report on the recommendations of the workgroup to the Workplace Harassment Commission created by the Presiding Officers of the General Assembly in January 2018.~~

SECTION ~~4.~~ *3.* AND BE IT FURTHER ENACTED, That, on or before December 15, 2018, the Legislative Policy Committee shall*:*

(1) update the antiharassment policy governing members and employees of the General Assembly*;*

(2) include provisions prohibiting harassment of credentialed members of the press in the updated policy; and

(3) consider including the recommendations of the Women Legislators of Maryland adopted February 7, 2018, in the updated policy.

SECTION 4. AND BE IT FURTHER ENACTED, That a current or former member of the Workplace Harassment Commission created by the Presiding Officers of the General Assembly in January 2018 may not serve as an outside and independent investigator selected under Title 5, Subtitle 5 of the General Provisions Article.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019.

SECTION ~~2.~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act ~~shall take effect October July 1, 2018~~ *is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted*.

Approved by the Governor, May 8, 2018.

Chapter 526

(Senate Bill 38)

AN ACT concerning

Motor Vehicle Administration ~~and Local Health Departments~~ – Birth ~~and Death~~ Certificates – Issuance of Copies

FOR the purpose of authorizing the Motor Vehicle Administration to access electronically from the Maryland Department of Health a copy of a birth certificate ~~or death certificate; authorizing a local health department to access electronically from the Department a copy of a death certificate~~; authorizing the Administration to provide a copy of a birth certificate ~~or death certificate~~ to a certain person under certain circumstances; ~~authorizing a local health department to provide a copy of a death certificate to a certain person under certain circumstances;~~ authorizing the Administration to set and collect a fee for processing and issuing a birth certificate ~~or death certificate~~ or for a certain report; establishing requirements for certain fees collected by the Administration; providing for the distribution of certain fees collected by the Administration; correcting an erroneous reference to a federal law; and generally relating to the issuance of copies of birth certificates ~~and death certificates~~.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–217(a)~~,~~ and (c)~~, and (d)~~
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

4–217.

(a) (1) Except as provided in subsection (b) of this section, the Secretary shall provide, on request, any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth, death, or fetal death certificate registered under this subtitle or of the certificate of a marriage performed after June 1, 1951.

(2) Except as provided in subsection (b) of this section, a local health department **OR THE MOTOR VEHICLE ADMINISTRATION** may:

(i) Access electronically from the Department a certified or abridged copy of a birth certificate ~~**OR DEATH CERTIFICATE**~~ registered under this subtitle; and

(ii) On request, provide any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth certificate ~~**OR DEATH CERTIFICATE**~~ registered under this subtitle.

(3) (i) The Secretary shall provide on request, to any person authorized by regulation adopted under this subtitle, a commemorative birth certificate.

(ii) The Department shall set a fee for the commemorative birth certificate.

(iii) The commemorative birth certificate shall:

1. Be in a form consistent with the need to protect the integrity of vital records but suitable for display; and

2. Have the same status as evidence as the original birth certificate.

(iv) A portion of the funds collected under this paragraph shall go to the Department for the production costs of issuing the commemorative birth certificates. The remainder of the funds collected shall be paid into the Children's Trust Fund established under § 13–2207 of this article to provide funding for the Child Abuse Medical Providers (Maryland CHAMP) Initiative.

(v) The Secretary shall adopt regulations to implement the provisions of this paragraph.

(c) (1) Except as otherwise provided by law:

(i) The Department shall collect a $12 fee:

1. For each certified or abridged copy of a fetal death, marriage, or divorce verification certificate;

2. For a report that a search of the fetal death, marriage, or divorce verification certificate files was made and the requested record is not on file;

3. For each change to a fetal death, marriage, or divorce verification certificate made later than one year after the certificate has been registered with the Department; or

4. To process an adoption, foreign adoption, or legitimation;

(ii) The Department shall collect a $10 fee:

1. Except as provided in paragraph (6)(ii) of this subsection, for each certified or abridged copy of a birth certificate;

2. For the first copy of a certified or abridged death certificate issued in a single transaction;

3. For a report that a search of the birth or death certificate files was made and the requested record is not on file; or

4. For each change to a birth or death certificate made later than 1 year after the certificate has been registered with the Department; and

(iii) The Department shall collect a $12 fee for each additional certified or abridged copy of a death certificate provided concurrently with an initial requested death certificate.

(2) From the fee the Department collects under paragraph (1) of this subsection, the Department shall transfer the entire fee to the General Fund.

(3) (i) Any local health department **OR THE MOTOR VEHICLE ADMINISTRATION** may set and collect a fee for processing and issuing a birth certificate, or for a report that a search of the files was made and the requested record is not on file, that covers:

1. The administrative costs of providing this service; and

2. The requirements of subparagraph (iii) of this paragraph.

(ii) The fee set by the local health department **OR THE MOTOR VEHICLE ADMINISTRATION** for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not exceed the actual costs to the local health department **OR THE MOTOR VEHICLE ADMINISTRATION** for processing and issuing a birth certificate or a report.

(iii) From the fee the local health department **OR THE MOTOR VEHICLE ADMINISTRATION** collects under subparagraph (i) of this paragraph, $10 shall be transferred to the General Fund.

(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph, the local health department **OR THE MOTOR VEHICLE ADMINISTRATION** shall enter into a memorandum of understanding with the Maryland Department of Health that outlines the local health department's **OR THE MOTOR VEHICLE ADMINISTRATION'S** fee structure.

(4) The Department **[**or**],** a local health department**, OR THE MOTOR VEHICLE ADMINISTRATION** may collect a fee for a certificate requested by an agency of the State or any of its political subdivisions.

(5) The Secretary may waive all or part of a fee if chargeable to an agency of the United States.

(6) (i) The Department may not collect a fee for a copy of a vital record issued to:

1. A current or former member of the armed forces of the United States; or

2. The surviving spouse or child of the member, if the copy will be used in connection with a claim for a dependent or beneficiary of the member.

(ii) 1. In this subparagraph, "homeless individual" has the meaning stated in the federal McKinney–Vento Homeless **EDUCATION** Assistance **IMPROVEMENTS** Act **OF 2001** (42 U.S.C. § 11302(a)).

2. Subject to subsubparagraph 4 of this subparagraph, the Department may not collect a fee for a certified or an abridged copy of a birth certificate issued to a homeless individual.

3. The Department shall accept as proof of homelessness a signed written statement from a homeless services provider located in the State that:

A. Affirms that the individual is homeless; and

B. Includes the address to which the copy of the birth certificate requested under this section may be sent.

4. A homeless individual may receive one copy of a birth certificate without a fee in a single transaction.

5. The Department shall adopt regulations to implement this subparagraph.

~~(d) (1) Any local health department **OR THE MOTOR VEHICLE ADMINISTRATION** may set and collect a fee for processing and issuing a death certificate that covers the administrative costs of providing this service.~~

~~(2) The fee set by the local health department **OR THE MOTOR VEHICLE ADMINISTRATION** for processing and issuing a death certificate under this subsection may not exceed the actual costs to the local health department **OR THE MOTOR VEHICLE ADMINISTRATION** for processing and issuing a death certificate.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 527

(House Bill 1473)

AN ACT concerning

Public Health – Emergency Use Auto–Injectable Epinephrine Program ~~for Food Service Facilities~~ at Institutions of Higher Education

FOR the purpose of establishing the Emergency Use Auto–Injectable Epinephrine Program ~~for food service facilities at eligible institutions of higher education~~ at Institutions of Higher Education; providing for the purpose of the Program; *authorizing certain eligible institutions of higher education to obtain and store auto–injectable epinephrine under certain circumstances; requiring certain eligible institutions of higher education to designate certain individuals for certain purposes; prohibiting certain eligible institutions of higher education from obtaining or storing auto–injectable epinephrine unless certain employees or individuals hold certain certificates; requiring certain institutions of higher education to maintain a certain copy of a certain certificate;* requiring the Maryland Department of Health to adopt certain regulations, collect certain fees, issue and renew certain certificates, approve certain training programs relating to the Program, develop a method by which certain reports may be made, and publish a certain report on or before a certain date each year; authorizing the Department to set certain fees and to establish procedures to apply to the Program; establishing qualifications for applicants for a certain certificate; authorizing an eligible institution to pay the application fee on behalf of the applicant; authorizing certain certificate holders and agents to take certain actions; requiring the Department to issue certain certificates to certain applicants; providing for the contents, replacement, term, and renewal of certain certificates; authorizing certain physicians to prescribe and certain pharmacists and physicians to dispense auto–injectable epinephrine to certain certificate holders; authorizing a certificate holder or an agent to administer auto–injectable epinephrine to a certain individual in certain circumstances; providing that a cause of action may not arise against certain certificate holders ~~or certain agents~~ for certain acts or omissions under certain circumstances; *providing for a certain exception under certain circumstances;* providing that a cause of action may not arise against certain physicians who prescribe or dispense auto–injectable epinephrine and certain paraphernalia to certain certificate holders *and certain eligible institutions* under certain circumstances; providing that a cause of action may not arise against certain pharmacists who dispense auto–injectable epinephrine and certain paraphernalia to certain certificate holders *and certain eligible institutions* under certain circumstances; providing that certain individuals may not be liable for not taking certain actions; providing immunity from civil liability for certain individuals under certain circumstances; requiring certain certificate holders to submit to the Department certain reports; providing for the construction of this Act; requiring the Department to publish a certain report on or before a certain date each year; defining certain terms; and generally relating to the Emergency Use Auto–Injectable Epinephrine Program at Institutions of Higher Education.

BY adding to
Article – Health – General
Section 13–7A–01 through 13–7A–09 to be under the new subtitle "Subtitle 7A. Emergency Use Auto–Injectable Epinephrine Program ~~for Food Service Facilities~~ at Institutions of Higher Education"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

SUBTITLE 7A. EMERGENCY USE AUTO–INJECTABLE EPINEPHRINE PROGRAM ~~FOR FOOD SERVICE FACILITIES~~ AT INSTITUTIONS OF HIGHER EDUCATION.

13–7A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AGENT" MEANS AN INDIVIDUAL WHO:

(1) IS AT LEAST 18 YEARS OF AGE;

(2) HAS SUCCESSFULLY COMPLETED, AT THE EXPENSE OF THE ~~APPLICANT~~ <u>ELIGIBLE INSTITUTION</u>, AN EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT UNDER § 13–7A–03 OF THIS SUBTITLE; AND

(3) IS DESIGNATED BY A CERTIFICATE HOLDER TO ADMINISTER AUTO–INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

(C) "ANAPHYLAXIS" MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE–THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.

(D) "AUTO–INJECTABLE EPINEPHRINE" MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.

(E) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE DEPARTMENT TO AN INDIVIDUAL TO OBTAIN, STORE, AND ADMINISTER AUTO–INJECTABLE EPINEPHRINE.

(F) "CERTIFICATE HOLDER" MEANS AN INDIVIDUAL WHO IS AUTHORIZED BY THE DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO–INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.

(G) "ELIGIBLE INSTITUTION" MEANS AN INSTITUTION OF HIGHER EDUCATION THAT HAS A FOOD SERVICE FACILITY OR A RECREATION AND WELLNESS FACILITY ON THE PREMISES *AND THAT IS AUTHORIZED UNDER THIS SUBTITLE TO OBTAIN AND STORE AUTO–INJECTABLE EPINEPHRINE*.

(H) "FOOD SERVICE FACILITY" HAS THE MEANING INDICATED IN § 21–301 OF THIS ARTICLE.

(I) "PROGRAM" MEANS THE EMERGENCY USE AUTO–INJECTABLE EPINEPHRINE PROGRAM ~~FOR FOOD SERVICE FACILITIES AT INSTITUTIONS OF HIGHER EDUCATION~~ AT INSTITUTIONS OF HIGHER EDUCATION ESTABLISHED UNDER § 13–7A–02 OF THIS SUBTITLE.

13–7A–02.

(A) THERE IS AN EMERGENCY USE AUTO–INJECTABLE EPINEPHRINE PROGRAM ~~FOR FOOD SERVICE FACILITIES AT INSTITUTIONS OF HIGHER EDUCATION~~ AT INSTITUTIONS OF HIGHER EDUCATION.

(B) THE PURPOSE OF THE PROGRAM IS TO AUTHORIZE INDIVIDUALS EMPLOYED BY A FOOD SERVICE FACILITY OR A RECREATION AND WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION TO OBTAIN AND STORE AUTO–INJECTABLE EPINEPHRINE AND ADMINISTER AUTO–INJECTABLE EPINEPHRINE TO INDIVIDUALS WHO ARE EXPERIENCING OR ARE BELIEVED TO BE EXPERIENCING ANAPHYLAXIS WHEN A PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.

(C) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN ELIGIBLE INSTITUTION MAY OBTAIN:

(I) A PRESCRIPTION FOR A SUPPLY OF AUTO–INJECTABLE EPINEPHRINE FROM A LICENSED PHYSICIAN AS PROVIDED IN § 13–7A–06 OF THIS SUBTITLE; AND

(II) A SUPPLY OF AUTO–INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACIST OR A LICENSED PHYSICIAN AS PROVIDED IN § 13–7A–06 OF THIS SUBTITLE.

(2) AN ELIGIBLE INSTITUTION SHALL STORE A SUPPLY OF AUTO–INJECTABLE EPINEPHRINE OBTAINED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS; AND

(II) IN A LOCATION THAT IS READILY ACCESSIBLE TO EMPLOYEES OR AFFILIATED INDIVIDUALS IN AN EMERGENCY SITUATION.

(3) AN ELIGIBLE INSTITUTION SHALL DESIGNATE THE EMPLOYEES WHO ARE CERTIFICATE HOLDERS OR DESIGNATED AFFILIATED INDIVIDUALS WHO ARE CERTIFICATE HOLDERS WHO WILL BE RESPONSIBLE FOR THE STORAGE, MAINTENANCE, AND CONTROL OF THE SUPPLY OF AUTO–INJECTABLE EPINEPHRINE.

(4) AN ELIGIBLE INSTITUTION MAY NOT OBTAIN OR STORE AUTO–INJECTABLE EPINEPHRINE UNLESS THE ELIGIBLE INSTITUTION HAS AT LEAST TWO EMPLOYEES OR DESIGNATED AFFILIATED INDIVIDUALS WHO ARE CERTIFICATE HOLDERS.

(5) AN ELIGIBLE INSTITUTION SHALL MAINTAIN A COPY OF THE CERTIFICATE ISSUED TO AN EMPLOYEE OR A DESIGNATED AFFILIATED INDIVIDUAL UNDER § 13–7A–05 OF THIS SUBTITLE.

13–7A–03.

(A) THE DEPARTMENT SHALL:

(1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM;

(2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM;

(3) ISSUE A CERTIFICATE TO, OR RENEW THE CERTIFICATE OF, AN INDIVIDUAL MEETING THE REQUIREMENTS OF § 13–7A–04 OF THIS SUBTITLE;

(4) APPROVE EDUCATIONAL TRAINING PROGRAMS, INCLUDING PROGRAMS CONDUCTED BY OTHER STATE AGENCIES OR PRIVATE ENTITIES;

(5) DEVELOP A METHOD BY WHICH CERTIFICATE HOLDERS MAY SUBMIT A REPORT TO THE DEPARTMENT ABOUT EACH INCIDENT THAT OCCURRED ON THE PREMISES OF A FOOD SERVICE FACILITY OR A RECREATION AND WELLNESS

FACILITY AT AN ELIGIBLE INSTITUTION THAT INVOLVED THE ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE BY A CERTIFICATE HOLDER OR AN AGENT; AND

(6) ON OR BEFORE JANUARY 31 EACH YEAR, PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM REPORTS SUBMITTED TO THE DEPARTMENT UNDER ITEM (5) OF THIS SUBSECTION.

(B) THE DEPARTMENT MAY:

(1) SET AN APPLICATION FEE FOR A CERTIFICATE;

(2) ESTABLISH A FEE FOR THE RENEWAL OR REPLACEMENT OF A CERTIFICATE; AND

(3) REQUIRE APPLICANTS TO APPLY TO THE PROGRAM IN THE MANNER THE DEPARTMENT CHOOSES.

(C) AN EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT UNDER SUBSECTION (A)(4) OF THIS SECTION MAY BE AN ONLINE TRAINING PROGRAM.

13–7A–04.

(A) TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL:

(1) BE EMPLOYED BY A FOOD SERVICE FACILITY OR A RECREATION AND WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION;

(2) SUCCESSFULLY COMPLETE, AT THE EXPENSE OF THE ~~APPLICANT~~ ELIGIBLE INSTITUTION, AN EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT UNDER § 13–7A–03 OF THIS SUBTITLE;

(3) SUBMIT AN APPLICATION TO THE DEPARTMENT IN A MANNER REQUIRED BY THE DEPARTMENT UNDER § 13–7A–03 OF THIS SUBTITLE; AND

(4) ~~PAY~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, PAY TO THE DEPARTMENT AN APPLICATION FEE REQUIRED UNDER § 13–7A–03 OF THIS SUBTITLE.

(B) AN ELIGIBLE INSTITUTION MAY PAY THE APPLICATION FEE ON BEHALF OF THE APPLICANT.

13–7A–05.

(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF § 13–7A–04 OF THIS SUBTITLE.

(B) EACH CERTIFICATE SHALL INCLUDE:

(1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND

(2) A SERIAL NUMBER.

(C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST, DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS A CERTIFICATE REPLACEMENT FEE SET BY THE DEPARTMENT.

(D) (1) A CERTIFICATE SHALL BE VALID FOR A TERM OF ~~2 YEARS~~ 1 YEAR.

(2) TO RENEW A CERTIFICATE FOR AN ADDITIONAL ~~2–YEAR~~ 1–YEAR TERM, THE RENEWAL APPLICANT SHALL SUCCESSFULLY COMPLETE A REFRESHER EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT UNDER § 13–7A–03 OF THIS SUBTITLE.

13–7A–06.

(A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE MAY PRESCRIBE AUTO–INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE HOLDER.

(2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE OR A PHYSICIAN MAY DISPENSE AUTO–INJECTABLE EPINEPHRINE UNDER A PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.

(B) A CERTIFICATE HOLDER MAY:

(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR AUTO–INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE; AND

(2) POSSESS AND STORE PRESCRIBED AUTO–INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE.

(C) IN AN EMERGENCY SITUATION WHEN A PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, A CERTIFICATE HOLDER OR AN AGENT MAY ADMINISTER AUTO–INJECTABLE EPINEPHRINE TO AN INDIVIDUAL

WHO IS EXPERIENCING OR IS BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER OR AGENT TO BE EXPERIENCING ANAPHYLAXIS.

13–7A–07.

(A) *(1)* ~~A~~ *EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A* CAUSE OF ACTION MAY NOT ARISE AGAINST A CERTIFICATE HOLDER ~~OR AN AGENT~~ FOR ANY ACT OR OMISSION IF THE CERTIFICATE HOLDER OR AGENT IS ACTING IN GOOD FAITH WHILE ADMINISTERING AUTO–INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED BY THE CERTIFICATE HOLDER OR AGENT TO BE EXPERIENCING ANAPHYLAXIS EXCEPT WHERE THE CONDUCT OF THE CERTIFICATE HOLDER OR AGENT AMOUNTS TO GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY TORTIOUS CONDUCT.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY IF A CERTIFICATE HOLDER OR AN ELIGIBLE INSTITUTION THAT MAKES AVAILABLE, OR A CERTIFICATE HOLDER WHO ADMINISTERS, AUTO–INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR IS BELIEVED BY THE CERTIFICATE HOLDER OR AUTHORIZED ENTITY TO BE EXPERIENCING ANAPHYLAXIS:

(I) FAILS TO FOLLOW STANDARDS AND PROCEDURES FOR STORAGE AND ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE; OR

(II) ADMINISTERS AUTO–INJECTABLE EPINEPHRINE THAT IS BEYOND THE MANUFACTURER'S EXPIRATION DATE.

(B) (1) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHYSICIAN FOR ANY ACT OR OMISSION IF THE PHYSICIAN IN GOOD FAITH PRESCRIBES OR DISPENSES AUTO–INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE TO ~~AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13–7A–05 OF~~ *A CERTIFICATE HOLDER OR AN ELIGIBLE INSTITUTION UNDER* THIS SUBTITLE.

(2) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST FOR ANY ACT OR OMISSION IF THE PHARMACIST IN GOOD FAITH DISPENSES AUTO–INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE TO ~~AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13–7A–05 OF~~ *A CERTIFICATE HOLDER OR AN ELIGIBLE INSTITUTION UNDER* THIS SUBTITLE.

(C) THIS SECTION DOES NOT AFFECT AND MAY NOT BE CONSTRUED AS AFFECTING ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF LAW OR BY COMMON LAW TO WHICH A PHYSICIAN OR PHARMACIST MAY BE ENTITLED.

13–7A–08.

(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY INDIVIDUAL TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE.

(B) AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE IN ANY ACTION ARISING FROM OR IN CONNECTION WITH THE ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE BY THE INDIVIDUAL SOLELY BECAUSE THE INDIVIDUAL DID NOT POSSESS A CERTIFICATE ISSUED UNDER THIS SUBTITLE.

13–7A–09.

A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, IN THE MANNER REQUIRED UNDER § 13–7A–03 OF THIS SUBTITLE, A REPORT OF EACH INCIDENT THAT OCCURRED ON THE PREMISES OF A FOOD SERVICE FACILITY OR A RECREATION AND WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION THAT INVOLVED THE ADMINISTRATION OF AUTO–INJECTABLE EPINEPHRINE BY A CERTIFICATE HOLDER OR AN AGENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 528

(House Bill 1437)

AN ACT concerning

Maryland Licensure of Direct–Entry Midwives Act – Revisions

FOR the purpose of altering the circumstances under which a licensed direct–entry midwife is prohibited from assuming or continuing to take responsibility for a patient's pregnancy and birth care and is required to arrange for the orderly transfer of care of the patient; altering the circumstances under which a licensed direct–entry midwife is required to consult with a health care practitioner; clarifying that a licensed direct–entry midwife is required to transfer care of a patient to an appropriate health care practitioner under certain circumstances; clarifying that a licensed direct–entry midwife is required to provide certain information to the accepting health care practitioner under certain circumstances; requiring the State

Board of Nursing to review, rather than develop, and update as necessary a certain consent agreement at least every certain number of years; providing that an applicant may complete a certain program to qualify for a direct–entry midwife license; making stylistic and conforming changes; and generally relating to the Maryland Licensure of Direct–Entry Midwives Act.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6C–03, 8–6C–07(a)(1), 8–6C–08(f)(2)(ii), 8–6C–09, 8–6C–10(a), and 8–6C–13(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing
Article – Health Occupations
Section 8–6C–04(a)(21)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health Occupations
Section 8–6C–04(a)(21)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

8–6C–03.

A licensed direct–entry midwife may not assume or continue to take responsibility for a patient's pregnancy and birth care and shall arrange for the orderly transfer of care to a health care practitioner for a patient who is already under the care of the licensed direct–entry midwife, if **[**a history of**]** any of the following disorders or situations is found to be present at the initial interview or if any of the following disorders or situations **[**become apparent through a patient history, an examination, or in a laboratory report**]** **OCCUR** as prenatal care proceeds:

(1) Diabetes mellitus, including uncontrolled gestational diabetes;

(2) Hyperthyroidism treated with medication;

(3) Uncontrolled hypothyroidism;

(4) Epilepsy with seizures or antiepileptic drug use during the previous 12 months;

(5) Coagulation disorders;

(6) Chronic pulmonary disease;

(7) Heart disease in which there are arrhythmias or murmurs except when, after evaluation, it is the opinion of a physician licensed under Title 14 of this article or a licensed nurse certified as a nurse–midwife or a nurse practitioner under this title that midwifery care may proceed;

(8) Hypertension, including pregnancy–induced hypertension (PIH);

(9) Renal disease;

(10) Except as otherwise provided in § 8–6C–04(a)(11) of this subtitle, Rh sensitization with positive antibody titer;

(11) Previous uterine surgery, including a cesarean section or myomectomy;

(12) Indications that the fetus has died in utero;

(13) Premature labor (gestation less than 37 weeks);

(14) Multiple gestation;

(15) Noncephalic presentation at or after 38 weeks;

(16) Placenta previa or abruption;

(17) Preeclampsia;

(18) Severe anemia, defined as hemoglobin less than 10 g/dL;

(19) Uncommon diseases and disorders, including Addison's disease, Cushing's disease, systemic lupus erythematosus, antiphospholipid syndrome, scleroderma, rheumatoid arthritis, periarteritis nodosa, Marfan's syndrome, and other systemic and rare diseases and disorders;

(20) AIDS/HIV;

(21) Hepatitis A through G and non–A through G;

(22) Acute toxoplasmosis infection, if the patient is symptomatic;

(23) Acute Rubella infection during pregnancy;

(24) Acute cytomegalovirus infection, if the patient is symptomatic;

(25) Acute Parvovirus infection, if the patient is symptomatic;

(26) Alcohol abuse, substance abuse, or prescription abuse during pregnancy;

(27) Continued daily tobacco use into the second trimester;

(28) Thrombosis;

(29) Inflammatory bowel disease that is not in remission;

(30) **[**Herpes simplex virus, primary genital infection during pregnancy, or active genital lesions at the time of delivery**] PRIMARY GENITAL HERPES SIMPLEX VIRUS INFECTION DURING THE THIRD TRIMESTER OR ACTIVE GENITAL HERPES LESIONS AT THE TIME OF LABOR**;

(31) Significant fetal congenital anomaly;

(32) Ectopic pregnancy;

(33) Prepregnancy body mass index (BMI) of less than 18.5 or 35 or more; or

(34) Post term maturity (gestational age 42 0/7 weeks and beyond).

8–6C–04.

(a) A licensed direct–entry midwife shall consult with a health care practitioner, and document the consultation, the recommendations of the consultation, and the discussion of the consultation with the client, if any of the following conditions are present during prenatal care:

[(21) Herpes simplex virus, primary infection or active infection at time of delivery.**]**

(21) ACTIVE GENITAL HERPES LESIONS DURING PREGNANCY.

8–6C–07.

(a) If a patient chooses to give birth at home in a situation prohibited by this subtitle or in which a licensed direct–entry midwife recommends transfer, the licensed direct–entry midwife shall:

(1) Transfer care of the patient to **[**a**]** **AN APPROPRIATE** health care practitioner;

8–6C–08.

(f) (2) On arrival at the hospital, the licensed direct–entry midwife shall provide:

(ii) To the accepting health care **[**team**]** **PRACTITIONER**, a verbal summary of the care provided to the patient by the licensed direct–entry midwife.

8–6C–09.

(a) Before initiating care, a licensed direct–entry midwife shall obtain a signed copy of the **[**standardized**]** **BOARD–APPROVED** informed consent agreement **[**developed**]** in accordance with this section.

(b) (1) The Board**[**, in consultation with stakeholders,**]** shall **[**develop an**]** **REVIEW AND UPDATE AS NECESSARY THE** informed consent agreement **AT LEAST EVERY 4 YEARS**.

(2) The agreement **[**developed**]** **REVIEWED** under paragraph (1) of this subsection shall include acknowledgment by the patient of receipt, at a minimum, of the following:

(i) The licensed direct–entry midwife's training and experience;

(ii) Instructions for obtaining a copy of the regulations adopted by the Board under this subtitle;

(iii) Instructions for obtaining a copy of the NARM certification requirements;

(iv) Instructions for filing a complaint with the Board;

(v) Notice of whether the licensed direct–entry midwife has professional liability insurance coverage;

(vi) A description of the procedures, benefits, and risks of home births, including those conditions that may arise during delivery; and

(vii) Any other information that the Board requires.

8–6C–10.

(a) [Beginning October 1, 2016, and on each] **ON OR BEFORE** October 1 [thereafter] **EACH YEAR**, a licensed direct–entry midwife shall report to the Committee, in a form specified by the Board, the following information regarding cases in which the licensed direct–entry midwife assisted during the previous fiscal year when the intended place of birth at the onset of care was an out–of–hospital setting:

(1) The total number of patients served as primary caregiver at the onset of care;

(2) The number, by county, of live births attended as primary caregiver;

(3) The number, by county, of cases of fetal demise, infant deaths, and maternal deaths attended as primary caregiver at the discovery of the demise or death;

(4) The number of women whose primary care was transferred to another health care practitioner during the antepartum period and the reason for transfer;

(5) The number, reason for, and outcome of each nonemergency hospital transfer during the intrapartum or postpartum period;

(6) The number, reason for, and outcome of each urgent or emergency transport of an expectant mother in the antepartum period;

(7) The number, reason for, and outcome of each urgent or emergency transport of an infant or mother during the intrapartum or immediate postpartum period;

(8) The number of planned out–of–hospital births at the onset of labor and the number of births completed in an out–of–hospital setting;

(9) A brief description of any complications resulting in the morbidity or mortality of a mother or a neonate; and

(10) Any other information required by the Board in regulations.

8–6C–13.

(b) An applicant:

(1) Shall hold a current valid Certified Professional Midwife credential granted by NARM; and

(2) (i) Shall have completed a midwifery education program that is accredited by MEAC or ACME; [or]

(II) SHALL HAVE COMPLETED THE NARM MIDWIFERY BRIDGE CERTIFICATE PROGRAM; OR

[(ii)**] (III)** If the applicant was certified by NARM as a certified professional midwife on or before January 15, 2017, through a non–MEAC accredited program, but otherwise qualifies for licensure, shall provide:

1. Verification of completion of NARM–approved clinical requirements; and

2. Evidence of completion, in the past 2 years, of an additional 50 hours of continuing education units approved by the Board and accredited by MEAC, the American College of Nurse Midwives, or the Accrediting Council for Continuing Medical Education, including:

A. 14 hours of obstetric emergency skills training such as a birth emergency skills training (BEST) or an advanced life saving in obstetrics (ALSO) course; and

B. The remaining 36 hours divided among and including hours in the areas of pharmacology, lab interpretation of pregnancy, antepartum complications, intrapartum complications, postpartum complications, and neonatal care.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 529

(Senate Bill 1114)

AN ACT concerning

Maryland Licensure of Direct–Entry Midwives Act – Revisions

FOR the purpose of altering the circumstances under which a licensed direct–entry midwife is prohibited from assuming or continuing to take responsibility for a patient's pregnancy and birth care and is required to arrange for the orderly transfer of care of the patient; altering the circumstances under which a licensed direct–entry midwife is required to consult with a health care practitioner; clarifying that a licensed direct–entry midwife is required to transfer care of a patient to an appropriate health care practitioner under certain circumstances; clarifying that a licensed direct–entry midwife is required to provide certain information to the accepting health care practitioner under certain circumstances; requiring the State Board of Nursing to review, rather than develop, and update as necessary a certain consent agreement at least every certain number of years; providing that an

applicant may complete a certain program to qualify for a direct–entry midwife license; making stylistic and conforming changes; and generally relating to the Maryland Licensure of Direct–Entry Midwives Act.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6C–03, 8–6C–07(a)(1), 8–6C–08(f)(2)(ii), 8–6C–09, 8–6C–10(a), and 8–6C–13(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing
Article – Health Occupations
Section 8–6C–04(a)(21)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health Occupations
Section 8–6C–04(a)(21)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

8–6C–03.

A licensed direct–entry midwife may not assume or continue to take responsibility for a patient's pregnancy and birth care and shall arrange for the orderly transfer of care to a health care practitioner for a patient who is already under the care of the licensed direct–entry midwife, if **[**a history of**]** any of the following disorders or situations is found to be present at the initial interview or if any of the following disorders or situations **[**become apparent through a patient history, an examination, or in a laboratory report**]** **OCCUR** as prenatal care proceeds:

(1) Diabetes mellitus, including uncontrolled gestational diabetes;

(2) Hyperthyroidism treated with medication;

(3) Uncontrolled hypothyroidism;

(4) Epilepsy with seizures or antiepileptic drug use during the previous 12 months;

(5) Coagulation disorders;

(6) Chronic pulmonary disease;

(7) Heart disease in which there are arrhythmias or murmurs except when, after evaluation, it is the opinion of a physician licensed under Title 14 of this article or a licensed nurse certified as a nurse–midwife or a nurse practitioner under this title that midwifery care may proceed;

(8) Hypertension, including pregnancy–induced hypertension (PIH);

(9) Renal disease;

(10) Except as otherwise provided in § 8–6C–04(a)(11) of this subtitle, Rh sensitization with positive antibody titer;

(11) Previous uterine surgery, including a cesarean section or myomectomy;

(12) Indications that the fetus has died in utero;

(13) Premature labor (gestation less than 37 weeks);

(14) Multiple gestation;

(15) Noncephalic presentation at or after 38 weeks;

(16) Placenta previa or abruption;

(17) Preeclampsia;

(18) Severe anemia, defined as hemoglobin less than 10 g/dL;

(19) Uncommon diseases and disorders, including Addison's disease, Cushing's disease, systemic lupus erythematosus, antiphospholipid syndrome, scleroderma, rheumatoid arthritis, periarteritis nodosa, Marfan's syndrome, and other systemic and rare diseases and disorders;

(20) AIDS/HIV;

(21) Hepatitis A through G and non–A through G;

(22) Acute toxoplasmosis infection, if the patient is symptomatic;

(23) Acute Rubella infection during pregnancy;

(24) Acute cytomegalovirus infection, if the patient is symptomatic;

(25) Acute Parvovirus infection, if the patient is symptomatic;

(26) Alcohol abuse, substance abuse, or prescription abuse during pregnancy;

(27) Continued daily tobacco use into the second trimester;

(28) Thrombosis;

(29) Inflammatory bowel disease that is not in remission;

(30) **[**Herpes simplex virus, primary genital infection during pregnancy, or active genital lesions at the time of delivery**] PRIMARY GENITAL HERPES SIMPLEX VIRUS INFECTION DURING THE THIRD TRIMESTER OR ACTIVE GENITAL HERPES LESIONS AT THE TIME OF LABOR**;

(31) Significant fetal congenital anomaly;

(32) Ectopic pregnancy;

(33) Prepregnancy body mass index (BMI) of less than 18.5 or 35 or more; or

(34) Post term maturity (gestational age 42 0/7 weeks and beyond).

8–6C–04.

(a) A licensed direct–entry midwife shall consult with a health care practitioner, and document the consultation, the recommendations of the consultation, and the discussion of the consultation with the client, if any of the following conditions are present during prenatal care:

[(21) Herpes simplex virus, primary infection or active infection at time of delivery.**]**

(21) ACTIVE GENITAL HERPES LESIONS DURING PREGNANCY.

8–6C–07.

(a) If a patient chooses to give birth at home in a situation prohibited by this subtitle or in which a licensed direct–entry midwife recommends transfer, the licensed direct–entry midwife shall:

(1) Transfer care of the patient to **[**a**] AN APPROPRIATE** health care practitioner;

8–6C–08.

(f) (2) On arrival at the hospital, the licensed direct–entry midwife shall provide:

(ii) To the accepting health care **[**team**]** **PRACTITIONER**, a verbal summary of the care provided to the patient by the licensed direct–entry midwife.

8–6C–09.

(a) Before initiating care, a licensed direct–entry midwife shall obtain a signed copy of the **[**standardized**]** **BOARD–APPROVED** informed consent agreement **[**developed**]** in accordance with this section.

(b) (1) The Board**[**, in consultation with stakeholders,**]** shall **[**develop an**]** **REVIEW AND UPDATE AS NECESSARY THE** informed consent agreement **AT LEAST EVERY 4 YEARS**.

(2) The agreement **[**developed**]** **REVIEWED** under paragraph (1) of this subsection shall include acknowledgment by the patient of receipt, at a minimum, of the following:

(i) The licensed direct–entry midwife's training and experience;

(ii) Instructions for obtaining a copy of the regulations adopted by the Board under this subtitle;

(iii) Instructions for obtaining a copy of the NARM certification requirements;

(iv) Instructions for filing a complaint with the Board;

(v) Notice of whether the licensed direct–entry midwife has professional liability insurance coverage;

(vi) A description of the procedures, benefits, and risks of home births, including those conditions that may arise during delivery; and

(vii) Any other information that the Board requires.

8–6C–10.

(a) **[**Beginning October 1, 2016, and on each**]** **ON OR BEFORE** October 1 **[**thereafter**]** **EACH YEAR**, a licensed direct–entry midwife shall report to the Committee, in a form specified by the Board, the following information regarding cases in which the licensed direct–entry midwife assisted during the previous fiscal year when the intended place of birth at the onset of care was an out–of–hospital setting:

(1) The total number of patients served as primary caregiver at the onset of care;

(2) The number, by county, of live births attended as primary caregiver;

(3) The number, by county, of cases of fetal demise, infant deaths, and maternal deaths attended as primary caregiver at the discovery of the demise or death;

(4) The number of women whose primary care was transferred to another health care practitioner during the antepartum period and the reason for transfer;

(5) The number, reason for, and outcome of each nonemergency hospital transfer during the intrapartum or postpartum period;

(6) The number, reason for, and outcome of each urgent or emergency transport of an expectant mother in the antepartum period;

(7) The number, reason for, and outcome of each urgent or emergency transport of an infant or mother during the intrapartum or immediate postpartum period;

(8) The number of planned out–of–hospital births at the onset of labor and the number of births completed in an out–of–hospital setting;

(9) A brief description of any complications resulting in the morbidity or mortality of a mother or a neonate; and

(10) Any other information required by the Board in regulations.

8–6C–13.

(b) An applicant:

(1) Shall hold a current valid Certified Professional Midwife credential granted by NARM; and

(2) (i) Shall have completed a midwifery education program that is accredited by MEAC or ACME; **[**or**]**

(II) SHALL HAVE COMPLETED THE NARM MIDWIFERY BRIDGE CERTIFICATE PROGRAM; OR

[(ii)**] (III)** If the applicant was certified by NARM as a certified professional midwife on or before January 15, 2017, through a non–MEAC accredited program, but otherwise qualifies for licensure, shall provide:

1. Verification of completion of NARM–approved clinical requirements; and

2. Evidence of completion, in the past 2 years, of an additional 50 hours of continuing education units approved by the Board and accredited by MEAC, the American College of Nurse Midwives, or the Accrediting Council for Continuing Medical Education, including:

A. 14 hours of obstetric emergency skills training such as a birth emergency skills training (BEST) or an advanced life saving in obstetrics (ALSO) course; and

B. The remaining 36 hours divided among and including hours in the areas of pharmacology, lab interpretation of pregnancy, antepartum complications, intrapartum complications, postpartum complications, and neonatal care.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 530

(House Bill 1469)

AN ACT concerning

Ethics – Members of Boards of License Commissioners and Liquor Control Boards

FOR the purpose of establishing that certain ethics training requirements provided by the State Ethics Commission apply to a member of a board of license commissioners or a liquor control board; altering the financial disclosure requirements for certain members of a board of license commissioners or a liquor control board; and generally relating to ethics requirements for members of boards of license commissioners and liquor control boards.

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–205(d) and 5–601
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – General Provisions

5–205.

(d) (1) The Ethics Commission shall provide a training course of at least 2 hours on the requirements of the Maryland Public Ethics Law for an individual who:

(i) fills a vacancy in a position that has been identified as a public official position under § 5–103 of this title; or

(ii) serves in a position identified as a public official position under § 5–103 of this title.

(2) The individual shall complete the training course within 6 months of:

(i) filling a vacancy; or

(ii) a position being identified as a public official position.

(3) The training requirement under this subsection does not apply to an individual who:

(i) **EXCEPT FOR A MEMBER OF A BOARD OF LICENSE COMMISSIONERS OR A LIQUOR CONTROL BOARD,** is a public official only as a member of a commission, task force, or similar entity; or

(ii) has completed a training course provided by the Ethics Commission while serving in another public official position.

5–601.

(a) Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 5–602 through 5–608 of this subtitle.

(b) Financial disclosure by a judge of a court under Article IV, § 1 of the Maryland Constitution, a candidate for elective office as a judge, or a judicial appointee as defined in Maryland Rule 16–814 is governed by § 5–610 of this subtitle.

(c) The requirement to file a financial disclosure statement under subsection (a) of this section does not apply to:

(1) a deputy sheriff and any employee in the office of the sheriff of a county; and

(2) a deputy or assistant State's Attorney and any employee in the office of

the State's Attorney for a county.

(d) **(1)** [An] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN** individual who is a public official only as a member of a board and who receives annual compensation that is less than 25% of the lowest annual compensation at State grade level 16 shall file the statement required by subsection (a) of this section in accordance with § 5–609 of this subtitle.

(2) A MEMBER OF A BOARD OF LICENSE COMMISSIONERS OR OF A LIQUOR CONTROL BOARD SHALL FILE A STATEMENT IN ACCORDANCE WITH § 5–607 OF THIS SUBTITLE.

(e) A commissioner or an applicant for appointment as commissioner of a bicounty commission shall file the statement required by subsection (a) of this section in accordance with Subtitle 8, Part IV of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 531

(House Bill 1485)

AN ACT concerning

Natural Resources – Shellfish – Harvesting by Wharf Owners

FOR the purpose of altering the distance from certain piers, wharves, or other structures in certain counties within which the owner has exclusive use of the area for growing oysters in a certain manner; altering the manner by which oysters may be grown and harvested in proximity to certain piers, wharves, or other structures; *providing that certain oysters may not be commercially harvested, sold, or marketed for human consumption;* making certain clarifying changes; and generally relating to the harvesting of shellfish by owners of piers, wharves, or other structures.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–11A–17
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY adding to

Article – Natural Resources
Section 4–11A–17.1
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

4–11A–17.

The owner of any **PIER,** wharf**,** or other structure constructed on or about the water and approved by the corps of engineers, shall have exclusive use, for the purpose of growing and harvesting shellfish, of the area:

(1) Below the owner's **PIER,** wharf**,** or structure; and

(2) In Calvert, Howard, St. Mary's, and Talbot counties only, within **[**5**] 10** feet of the owner's **PIER,** wharf**,** or structure, **FOR** oysters grown in trays, baskets, or containers that are attached **[**to a private pier or wharf**]** by lines or ropes that are the property of the owner of the pier **[**or**],** wharf**, OR STRUCTURE TO:**

(I) THE PRIVATE PIER, WHARF, OR STRUCTURE; OR

(II) ANOTHER OYSTER TRAY, BASKET, OR CONTAINER THAT IS ATTACHED TO THE PRIVATE PIER, WHARF, OR STRUCTURE.

4–11A–17.1.

OYSTERS GROWN AND HARVESTED UNDER § 4–11A–17 OF THIS SUBTITLE MAY NOT BE COMMERCIALLY HARVESTED, SOLD, OR MARKETED FOR HUMAN CONSUMPTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 532

(House Bill 1491)

AN ACT concerning

~~Utility Submetering – Multiple Occupancy Buildings – Study~~
Public Service Commission – Repeal of Master Metering Authorization and Study on Energy Allocation Systems and Submetering

FOR the purpose of ~~requiring the Public Service~~ repealing certain provisions of law authorizing the Public Service Commission to authorize the use of a master meter in a residential multiple occupancy building for certain purposes under certain circumstances; *making a conforming change;* requiring the Commission to conduct a certain study ~~of the effects of master meters in certain residential multiple occupancy buildings;~~ on the feasibility of transitioning master meters installed and used for gas~~,~~ *or* electric~~, or water~~ to energy allocation systems or submeters in apartment buildings or complexes, condominiums, and housing cooperatives; providing for the required elements of the study; requiring the Commission to report its findings to the General Assembly on or before a certain date; ~~providing for the termination of this Act;~~ and generally relating to ~~submetering in multiple occupancy buildings~~ metering for gas~~,~~ *and* electricity~~, and water~~ in multiple occupancy buildings, including apartments, condominiums, and housing cooperatives.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–301(c)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing
Article – Public Utilities
Section 7–304.1
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:~~

~~(a) The Public Service Commission shall conduct a study on the effects of master meters installed and used in residential multiple occupancy buildings, including those installed in accordance with Chapter 315 of the Acts of the General Assembly of 2010.~~

~~(b) The study shall include:~~

~~(1) the number and location of residential multiple occupancy buildings that currently have Commission approval to use a master meter;~~

~~(2) the criteria that the Commission uses to determine that the use of a master meter will result in net energy savings over and above the energy savings expected to result from individual metering or submetering in a comparable building;~~

~~(3) the cost savings that are or were passed on to tenants in the form of any rent reduction or other credit as a result of building owners purchasing gas service and electricity service in bulk through the use of a master meter; and~~

~~(4) a comparison of energy consumption by residential multiple occupancy buildings that use submetering with energy consumption by similar buildings that use a master meter.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Utilities

7–301.

*(c) (3) **[**Except as provided in § 7–304.1 of this subtitle, the**]** **THE** Commission may not authorize a gas company or electric company to service an occupancy unit or shopping center unit subject to this subsection unless the building or shopping center has individual metered service or submetering as provided under § 7–303 or § 7–304 of this subtitle for each individually leased or owned occupancy unit or shopping center unit.*

[7–304.1.

(a) In this section, "master meter" means a meter used to measure, for billing purposes, the total amount of electricity or natural gas used in a building by a heating, ventilation, and air conditioning system, including the combined use from all individually leased or owned units and all common areas.

(b) The Commission may authorize the use of a master meter in a residential multiple occupancy building for heating, ventilation, and air conditioning services without requiring individual metering or submetering for heating, ventilation, and air conditioning services as provided under § 7–303 or § 7–304 of this subtitle if:

(1) the utility bill for heating, ventilation, and air conditioning services for each individually leased or owned occupancy unit is included in the rent for that unit;

(2) the Commission is satisfied that the use of the master meter for heating, ventilation, and air conditioning services will result in a net savings of energy over the energy savings that would result from individual metering or submetering for heating, ventilation, and air conditioning services; and

(3) each individually leased or owned occupancy unit:

(i) has individual metered service for other energy services; and

(ii) directly receives the utility bill for the other energy services.

(c) Before authorizing the use of a master meter for heating, ventilation, and air conditioning services, the Commission may review the proposed allocation of heating, ventilation, and air conditioning system expenses among individual units and common areas served by the master meter.

(d) In accordance with § 7–301 of this subtitle, an electric company or a gas company may inspect and test a master meter authorized for use by the Commission under this section.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Public Service Commission shall conduct a study on the feasibility of transitioning master meters installed and used for gas~~,~~ *or* electric~~, or water~~ to energy allocation systems or submeters in apartment buildings or complexes, condominiums, and housing cooperatives.

(b) The study shall include:

(1) the number and location of apartment buildings or complexes, condominiums, and housing cooperatives that currently use a master meter for gas~~,~~ *or* electric~~, or water~~;

(2) the estimated cost of transitioning master meters used for gas~~,~~ *or* electric~~, or water~~ to energy allocation systems or submeters;

(3) the number of master meter accounts for apartment buildings or complexes, condominiums, and housing cooperatives that have been in arrears over two or more billing cycles during the period of the study; and

(4) any existing programs in the State to assist landlords or tenants in converting master metering systems into energy allocation or submetering systems.

(c) On or before January 15, 2019, the Commission shall report the findings of the study to the General Assembly, in accordance with § 2–1246 of the State Government Article.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. ~~It shall remain effective for a period of 1 year and, at the end of June 30, 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Approved by the Governor, May 8, 2018.

Chapter 533

(House Bill 1499)

AN ACT concerning

Workers' Compensation – Self–Insured Employers – Suspected Fraud Reporting

FOR the purpose of providing that certain provisions of law governing the reporting and investigation of workers' compensation insurance fraud claims apply to certain employers who participate in a governmental self–insurance group for workers' compensation and to certain employers who self–insure for workers' compensation; providing that certain provisions of law governing fraudulent insurance acts that apply to insurers also apply to certain governmental self–insurance groups and certain employers who self–insure or participate in certain self–insurance groups; altering the definition of "insurance fraud" for purposes of certain provisions of law governing reporting and preventing insurance fraud to include a violation of false claims under the workers' compensation law; requiring certain governmental self–insurance groups and employers who self–insure or participate in a self–insurance group in accordance with certain provisions of law governing workers' compensation to report suspected insurance fraud in writing to the Fraud Division of the Maryland Insurance Administration; providing that certain information, documentation, or other evidence provided by certain self–insured groups or employers to certain persons is not subject to public inspection under certain circumstances; and generally relating to suspected insurance fraud reporting.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 1–204, 27–402, 27–801, and 27–802
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

1–204.

[For**]** **EXCEPT FOR PROVISIONS GOVERNING THE REPORTING AND INVESTIGATION OF WORKERS' COMPENSATION INSURANCE FRAUD CLAIMS UNDER § 2–201, TITLE 2, SUBTITLE 4, AND TITLE 27, SUBTITLES 4 AND 8 OF THIS ARTICLE, FOR** the purpose of workers' compensation insurance, this article does not apply to an employer who:

(1) participates in a governmental self–insurance group under § 9–404 of the Labor and Employment Article; or

(2) self–insures under § 9–405 of the Labor and Employment Article.

27–402.

The provisions of this subtitle that apply to insurers also apply to:

(1) a corporation that operates a nonprofit health service plan under Title 14, Subtitle 2 of this article;

(2) a dental plan organization as defined in § 14–401 of this article;

(3) a health maintenance organization as defined in Title 19, Subtitle 7 of the Health – General Article;

(4) a surplus lines insurer;

(5) the Maryland Automobile Insurance Fund;

(6) the State when a claim has been filed against the State under Title 12 of the State Government Article;

(7) the State when a claim has been filed against the State under Title 2, Subtitle 5 of the State Personnel and Pensions Article;

(8) the State, including the Uninsured Employers' Fund, when a claim has been filed against the State under Title 9 of the Labor and Employment Article;

(9) the Maryland Transit Administration when acting as a self–insurer under § 7–703 of the Transportation Article;

(10) a third party administrator under Title 8, Subtitle 3 of this article;

(11) a self–insurer under § 17–103(a)(2) of the Transportation Article;

(12) the Maryland Health Insurance Plan; **[**and**]**

(13) A GOVERNMENTAL SELF–INSURER GROUP FORMED IN ACCORDANCE WITH § 9–404 OF THE LABOR AND EMPLOYMENT ARTICLE;

(14) AN EMPLOYER WHO SELF–INSURES OR PARTICIPATES IN A SELF–INSURANCE GROUP IN ACCORDANCE WITH § 9–405 OF THE LABOR AND EMPLOYMENT ARTICLE; AND

[(13)**] (15)** an agent, employee, or representative of an entity described in items (1) through **[**(12)**](14)** of this section.

27–801.

(a) In this subtitle the following words have the meanings indicated.

(b) "Fraud Division" means the Insurance Fraud Division in the Administration.

(c) "Insurance fraud" means:

(1) a violation of Subtitle 4 of this title;

(2) theft, as set out in §§ 7–101 through 7–104 of the Criminal Law Article:

(i) from a person regulated under this article; or

(ii) by a person regulated under this article or an officer, director, agent, or employee of a person regulated under this article; **[**or**]**

(3) A VIOLATION OF § 9–1106 OF THE LABOR AND EMPLOYMENT ARTICLE; OR

[(3)**] (4)** any other fraudulent activity that is committed by or against a person regulated under this article and is a violation of:

(i) Title 1, Subtitle 3 of the Agriculture Article;

(ii) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;

(iii) Title 14, Subtitle 29, § 11–810 or § 14–1317 of the Commercial Law Article;

(iv) the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10–614;

(v) Title 12, Subtitle 9 of the Financial Institutions Article;

(vi) § 14–127 of the Real Property Article;

(vii) § 6–301 of the Alcoholic Beverages Article;

(viii) § 109 of the Code of Public Local Laws of Caroline County;

(ix) § 4–103 of the Code of Public Local Laws of Carroll County; or

(x) § 8A–1 of the Code of Public Local Laws of Talbot County.

27–802.

(a) (1) An authorized insurer, its employees, fund producers, insurance producers, a viatical settlement provider, or a viatical settlement broker who in good faith has cause to believe that insurance fraud has been or is being committed shall report the suspected insurance fraud in writing to the Commissioner, the Fraud Division, or the appropriate federal, State, or local law enforcement authorities.

(2) An independent insurance producer shall meet the reporting requirement of this subsection by reporting the suspected insurance fraud in writing to the Fraud Division.

(3) A registered premium finance company shall meet the requirement of this subsection by reporting suspected insurance fraud in writing to the Fraud Division.

(4) A GOVERNMENTAL SELF–INSURANCE GROUP FORMED IN ACCORDANCE WITH § 9–404 OF THE LABOR AND EMPLOYMENT ARTICLE OR AN EMPLOYER WHO SELF–INSURES OR PARTICIPATES IN A SELF–INSURANCE GROUP IN ACCORDANCE WITH § 9–405 OF THE LABOR AND EMPLOYMENT ARTICLE SHALL MEET THE REPORTING REQUIREMENT OF THIS SUBSECTION BY REPORTING SUSPECTED INSURANCE FRAUD IN WRITING TO THE FRAUD DIVISION.

(b) In addition to any protection provided under Title 4, Subtitle 4, Part IV of the General Provisions Article, any information, documentation, or other evidence provided under this section by an insurer, its employees, fund producers, or insurance producers, a viatical settlement provider, a viatical settlement broker, an independent insurance producer, **[**or**]** a registered premium finance company**, A GOVERNMENTAL SELF–INSURANCE GROUP, OR AN EMPLOYER WHO SELF–INSURES OR PARTICIPATES IN A SELF–INSURANCE GROUP** to the Commissioner, the Fraud Division, or a federal, State, or local law enforcement authority in connection with an investigation of suspected insurance fraud is not subject to public inspection for as long as the Commissioner, Fraud Division, or law enforcement authority considers the withholding to be necessary to complete an investigation of the suspected fraud or to protect the person investigated from unwarranted injury.

(c) A person is not subject to civil liability for a cause of action by virtue of reporting suspected insurance fraud, or furnishing or receiving information relating to suspected, anticipated, or completed fraudulent insurance acts, if:

(1) the report was made, or the information was furnished to or received from:

(i) the Commissioner, Fraud Division, or an appropriate federal, State, or local law enforcement authority;

(ii) the National Association of Insurance Commissioners or its agent, employee, or designee;

(iii) a nonprofit organization established to detect and prevent fraudulent insurance acts or its agent, employee, or designee;

(iv) a person that contracts to provide special investigative unit services to an insurer; or

(v) a provider of a recognized comprehensive database system that the Commissioner approves to monitor activities involving insurance fraud or an employee of the provider; and

(2) the person that reported the suspected insurance fraud, or furnished or received the information, acted in good faith when making the report or furnishing or receiving the information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 534

(House Bill 1500)

AN ACT concerning

Workers' Compensation – Third–Party Actions – Subsequent Injury Fund

FOR the purpose of ~~repealing the authorization for the Subsequent Injury Fund to bring an action for damages against a third party under certain circumstances; repealing the requirement that a covered employee or dependents of a covered employee reimburse the Fund under certain circumstances; repealing the requirement that the Fund pay certain court costs and attorney's fees under certain circumstances; making certain conforming changes;~~ requiring that, if a self–insured employer, insurer, or the Uninsured Employers' Fund has not waived third–party reimbursement, the Subsequent Injury Fund be reimbursed after the self–insured employer, insurer, or Uninsured Employers' Fund in a certain third–party action; providing for the application of this Act; and generally relating to third–party actions involving the Subsequent Injury Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–902

Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

9–902.

(a) If a claim is filed and compensation is awarded or paid under this title, a self–insured employer, an insurer, ~~[~~the Subsequent Injury Fund,~~]~~ or the Uninsured Employers' Fund may bring an action for damages against the third party who is liable for the injury or death of the covered employee.

(b) If the self–insured employer, insurer, ~~[~~Subsequent Injury Fund,~~]~~ or Uninsured Employers' Fund recovers damages exceeding the amount of compensation paid or awarded and the amount of payments for medical services, funeral expenses, or any other purpose under Subtitle 6 of this title, the self–insured employer, insurer, ~~[~~Subsequent Injury Fund,~~]~~ or Uninsured Employers' Fund shall:

(1) deduct from the excess amount its costs and expenses for the action; and

(2) pay the balance of the excess amount to the covered employee or, in case of death, the dependents of the covered employee.

(c) If the self–insured employer, insurer, ~~[~~Subsequent Injury Fund,~~]~~ or Uninsured Employers' Fund does not bring an action against the third party within 2 months after the Commission makes an award, the covered employee or, in case of death, the dependents of the covered employee may bring an action for damages against the third party.

(d) The period of limitations for the right of action of a covered employee or the dependents of the covered employee against the third party does not begin to run until 2 months after the first award of compensation made to the covered employee or the dependents under this title.

(e) If the covered employee or the dependents of the covered employee recover damages, the covered employee or dependents:

(1) first, may deduct the costs and expenses of the covered employee or dependents for the action;

(2) next, **SUBJECT TO SUBSECTION (G) OF THIS SECTION,** shall reimburse the self–insured employer, insurer, [Subsequent Injury Fund,] or Uninsured Employers' Fund for:

(i) the compensation already paid or awarded; and

(ii) any amounts paid for medical services, funeral expenses, or any other purpose under Subtitle 6 of this title; and

(3) finally, may keep the balance of the damages recovered.

(f) In an action brought by a covered employee or the dependents of the covered employee under subsection (c) of this section, the covered employee or the dependents of the covered employee, the self–insured employer, the insurer, [the Subsequent Injury Fund,] and the Uninsured Employers' Fund shall pay court costs and attorney's fees in the proportion that the amount received by each bears to the whole amount paid in settlement of any claim or satisfaction of any judgment obtained in the case.

(G) IN DETERMINING REIMBURSEMENT UNDER SUBSECTION (E)(2) OF THIS SECTION, IF THE SELF–INSURED EMPLOYER, INSURER, OR UNINSURED EMPLOYERS' FUND HAS NOT WAIVED THIRD–PARTY REIMBURSEMENT:

(1) FIRST, THE SELF–INSURED EMPLOYER, INSURER, OR UNINSURED EMPLOYERS' FUND SHALL BE REIMBURSED; AND

(2) NEXT, THE SUBSEQUENT INJURY FUND SHALL BE REIMBURSED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any action filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 535

(Senate Bill 979)

AN ACT concerning

Workers' Compensation – Third–Party Actions – Subsequent Injury Fund

FOR the purpose of ~~repealing the authorization for the Subsequent Injury Fund to bring an action for damages against a third party under certain circumstances; repealing the requirement that a covered employee or dependents of a covered employee reimburse the Fund under certain circumstances; repealing the requirement that the Fund pay certain court costs and attorney's fees under certain circumstances; making certain conforming changes;~~ requiring that, if a self–insured employer, insurer, or the Uninsured Employers' Fund has not waived third–party reimbursement, the Subsequent Injury Fund be reimbursed after the self–insured employer, insurer, or Uninsured Employers' Fund in a certain third–party action; providing for the application of this Act; and generally relating to third–party actions involving the Subsequent Injury Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–902
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

9–902.

(a) If a claim is filed and compensation is awarded or paid under this title, a self–insured employer, an insurer, ~~[~~the Subsequent Injury Fund,~~]~~ or the Uninsured Employers' Fund may bring an action for damages against the third party who is liable for the injury or death of the covered employee.

(b) If the self–insured employer, insurer, ~~[~~Subsequent Injury Fund,~~]~~ or Uninsured Employers' Fund recovers damages exceeding the amount of compensation paid or awarded and the amount of payments for medical services, funeral expenses, or any other purpose under Subtitle 6 of this title, the self–insured employer, insurer, ~~[~~Subsequent Injury Fund,~~]~~ or Uninsured Employers' Fund shall:

(1) deduct from the excess amount its costs and expenses for the action; and

(2) pay the balance of the excess amount to the covered employee or, in case of death, the dependents of the covered employee.

(c) If the self–insured employer, insurer, ~~[~~Subsequent Injury Fund,~~]~~ or Uninsured Employers' Fund does not bring an action against the third party within 2 months after the Commission makes an award, the covered employee or, in case of death,

the dependents of the covered employee may bring an action for damages against the third party.

(d) The period of limitations for the right of action of a covered employee or the dependents of the covered employee against the third party does not begin to run until 2 months after the first award of compensation made to the covered employee or the dependents under this title.

(e) If the covered employee or the dependents of the covered employee recover damages, the covered employee or dependents:

(1) first, may deduct the costs and expenses of the covered employee or dependents for the action;

(2) next, **SUBJECT TO SUBSECTION (G) OF THIS SECTION,** shall reimburse the self–insured employer, insurer, [Subsequent Injury Fund,] or Uninsured Employers' Fund for:

(i) the compensation already paid or awarded; and

(ii) any amounts paid for medical services, funeral expenses, or any other purpose under Subtitle 6 of this title; and

(3) finally, may keep the balance of the damages recovered.

(f) In an action brought by a covered employee or the dependents of the covered employee under subsection (c) of this section, the covered employee or the dependents of the covered employee, the self–insured employer, the insurer, [the Subsequent Injury Fund,] and the Uninsured Employers' Fund shall pay court costs and attorney's fees in the proportion that the amount received by each bears to the whole amount paid in settlement of any claim or satisfaction of any judgment obtained in the case.

(G) IN DETERMINING REIMBURSEMENT UNDER SUBSECTION (E)(2) OF THIS SECTION, IF THE SELF–INSURED EMPLOYER, INSURER, OR UNINSURED EMPLOYERS' FUND HAS NOT WAIVED THIRD–PARTY REIMBURSEMENT:

(1) FIRST, THE SELF–INSURED EMPLOYER, INSURER, OR UNINSURED EMPLOYERS' FUND SHALL BE REIMBURSED; AND

(2) NEXT, THE SUBSEQUENT INJURY FUND SHALL BE REIMBURSED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any action filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 536

(Senate Bill 441)

AN ACT concerning

Harford County – Alcoholic Beverages – ~~Limit on~~ Class DBR Licenses

FOR the purpose of establishing the maximum number of Class DBR licenses that may be issued by the Harford County Board of License Commissioners to the same person; *permitting the holder of a Class DBR license in Harford County to sell beer brewed at the brewery to the extent provided by a certain other license;* and generally relating to Class DBR licenses in Harford County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 22–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 22–403
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–403.

(a) There is a Class DBR license.

(b) **(1)** The license may be issued to a holder of a Class 5 brewery license.

(2) THE BOARD MAY ISSUE A MAXIMUM NUMBER OF TWO LICENSES TO THE SAME PERSON.

(c) (1) The license serves as the on–premises consumption permit and the license equivalent to a Class D license specified under § 2–207(f)(1) of this article.

(2) The license holder is not required to sell food, but is required to provide prepackaged snacks.

(3) The license holder***[***:

(i)***]*** may sell beer brewed at the brewery ***[***not exceeding 500 barrels per year***]*** for on–premises ***AND OFF–PREMISES*** consumption***[***; but

(ii) may not sell any beer for off–premises consumption other than what***] TO THE EXTENT THE LICENSE HOLDER*** is allowed under the license holder's Class 5 brewery license.

(d) The value of the equipment used on the premises may be used toward meeting any minimum capital investment requirement imposed on a holder of the license.

(e) The hours of sale are as provided for a Class D beer, wine, and liquor license under Subtitle 20 of this title.

(f) The annual license fee is $500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 537

(Senate Bill 519)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Class A–7 License

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to issue a Class A–7 beer, wine, and liquor license; establishing that the license authorizes the holder to sell alcoholic beverages for off–premises consumption 7 days a week during certain hours; providing that license holders who hold a certain class

of license are eligible to exchange that license for a Class A–7 license *under certain circumstances; specifying that in a certain legislative district a Class B–D–7 license may be exchanged for a Class A–7 license only under certain circumstances*; providing that a Class A–7 license can be issued only until a certain date; establishing an annual license fee for a Class A–7 license; ~~authorizing the Board to issue a Class BWLT beer, wine, and liquor (on–premises) tasting license to a holder of a Class A–7 license only in a certain location; providing that the issuance, transfer, or renewal of a Class A–7 license is complete without certain zoning approval or verification; making certain technical changes;~~ and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 12–102 ~~and 12–1308(b)~~
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 12–902.1
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Alcoholic Beverages~~
~~Section 12–1308(a) and (c) and 12–1407(a)~~
~~Annotated Code of Maryland~~
~~(2016 Volume and 2017 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–902.1.

(A) THERE IS A CLASS A–7 BEER, WINE, AND LIQUOR LICENSE.

(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR OFF–PREMISES CONSUMPTION.

(C) (1) SUBJECT TO ~~PARAGRAPH (2)~~ *PARAGRAPHS (2) AND (3)* OF THIS SUBSECTION, A LICENSE HOLDER WHO HOLDS A VALID CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE ISSUED ON OR BEFORE JULY 1, 2018, MAY APPLY TO THE BOARD TO EXCHANGE THE LICENSE FOR A CLASS A–7 LICENSE *IF THE LICENSE HOLDER FIRST OBTAINS APPROVAL BY RESOLUTION OF THE BALTIMORE CITY COUNCIL*.

(2) THE BOARD MAY NOT ISSUE A CLASS A–7 LICENSE AFTER JULY 1, 2020.

(3) IN THE 46TH LEGISLATIVE DISTRICT, A CLASS B–D–7 LICENSE MAY BE EXCHANGED FOR A CLASS A–7 LICENSE ONLY IF THE CLASS B–D–7 LICENSE WAS ISSUED FOR AN ESTABLISHMENT OPERATING IN A PLANNED USE DEVELOPMENT.

(D) A HOLDER OF A CLASS A–7 LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 9 A.M. TO 10 P.M.

(E) THE ANNUAL LICENSE FEE IS $1,500.

~~12–1308.~~

~~(a) This section applies in:~~

~~(1) ward 27, precincts 42 and 44 of the 41st legislative district of the City;~~

~~(2) ward 27, precincts 41 and 48 of the 43rd legislative district of the City;~~

~~(3) ward 12, precinct 3 of the 43rd legislative district of the City;~~

~~(4) ward 11, precinct 5 of the 44th legislative district of the City; [and]~~

~~(5) the 3000 block of Frederick Avenue in ward 20, precinct 9 of the 44A legislative district of the City, based on the Legislative Districting Plan of 2012; AND~~

~~**(6) THE 46TH LEGISLATIVE DISTRICT OF THE CITY.**~~

~~(b) There is a Class BWLT beer, wine, and liquor (on premises) tasting license.~~

~~(c) The Board may issue the license to a holder of a:~~

~~**(1)** Class A beer, wine, and liquor license **ONLY IN A LOCATION SPECIFIED IN SUBSECTION (A)(1) THROUGH (5) OF THIS SECTION; OR**~~

~~(2) CLASS A–7 BEER, WINE, AND LIQUOR LICENSE ONLY IN THE 46TH LEGISLATIVE DISTRICT OF THE CITY.~~

~~12–1407.~~

~~(a) (1) The Board or the Board's designee shall examine each application for the issuance or transfer of a license within 45 days of receipt of the application to determine whether the application is complete.~~

~~(2) Except as provided in paragraph (3) of this subsection, an application for the issuance, transfer, or renewal is not complete unless the applicant has:~~

~~(i) obtained zoning approval or verification of zoning if the application is for renewal;~~

~~(ii) submitted all documents required in the application; and~~

~~(iii) paid all fines and fees that are due.~~

~~(3) (I) An application for the issuance, transfer, or renewal of a Class B–D–7 license that may be issued under § 12–1603(e)(6) of this title in the Old Goucher Revitalization District under § 12–1603(e) of this title is complete without an applicant obtaining zoning approval or verification of zoning.~~

~~(II) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR RENEWAL OF A CLASS A–7 LICENSE THAT MAY BE ISSUED UNDER § 12–902.1 OF THIS TITLE IS COMPLETE WITHOUT AN APPLICANT OBTAINING ZONING APPROVAL OR VERIFICATION OF ZONING.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 538

(House Bill 391)

AN ACT concerning

Prince George's County and Montgomery County – Special Exception Hearings – Required Notice

PG/MC 102–18

FOR the purpose of requiring, in Prince George's County and Montgomery County, the board of appeals, the district council, or an administrative office or agency to provide notice of a hearing for a special exception to ~~all~~ certain parties of record; and generally relating to land use hearings in Prince George's County and Montgomery County.

BY repealing and reenacting, with amendments,
Article – Land Use
Section 22–301
Annotated Code of Maryland
(2012 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Land Use

22–301.

(a) (1) A district council may adopt zoning laws that authorize the board of appeals, the district council, or an administrative office or agency designated by the district council to grant special exceptions and variances to the zoning laws on conditions that are necessary to carry out the purposes of this division.

(2) Any zoning law adopted under this subsection shall contain appropriate standards and safeguards to ensure that any special exception or variance that is granted is consistent with the general purposes and intent of the zoning laws.

(b) Subject to § 22–309 of this subtitle, an appeal from a decision of an administrative office or agency designated under this subtitle shall follow the procedure determined by the district council.

(c) The district council may authorize the board of appeals to interpret zoning maps or decide questions, such as the location of lot lines or district boundary lines, as the questions arise in the administration of zoning laws.

(D) ~~THE~~ IN ADDITION TO ANY OTHER NOTICE REQUIREMENT, THE BOARD OF APPEALS, THE DISTRICT COUNCIL, OR AN ADMINISTRATIVE OFFICE OR AGENCY SHALL PROVIDE NOTICE OF A HEARING FOR A SPECIAL EXCEPTION TO ALL PARTIES OF RECORD, AS DEFINED IN LOCAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 539

(House Bill 408)

AN ACT concerning

Washington Suburban Sanitary Commission – Connection Pipe Emergency Replacement Loan Program

PG/MC 103–18

FOR the purpose of requiring the Washington Suburban Sanitary Commission to establish a Connection Pipe Emergency Replacement Loan Program for replacement of certain pipes on certain property; requiring the Program to provide for certain eligibility requirements; requiring the Program to include a requirement regarding notification or certification of an active leak; requiring the Program to provide for loan terms and conditions, including a certain interest rate; requiring that the replacement of certain pipes be performed by a plumber licensed by the Commission; prohibiting the Commission from replacing certain pipes; requiring the Program to provide loans on a first–come, first–served basis; prohibiting a loan made under the Program from exceeding a certain amount; prohibiting a customer from receiving more than one loan at a time under the Program; requiring the Program to require certain customers to repay the loan through a charge on the customer's water and sewer bill or in another method determined by the Commission; prohibiting the Commission from setting a charge greater than an amount that allows the Commission to cover certain costs; providing that a person who acquires property subject to a certain charge assumes the obligation to pay the charge; providing that each loan provided under the Program is a lien against certain property and that the Commission is the sole holder of the lien; requiring the Commission to record a certain lien in the land records of the county where the property is located; providing that a certain lien shall secure payment of a certain loan; providing that enforcement of a certain lien shall be in accordance with a certain act; prohibiting a certain lien from taking priority over a certain existing lien, mortgage, deed of trust, or other security interest; prohibiting the Program from providing more than a certain amount in loans or having more than a certain amount of outstanding loans; requiring the Commission to provide a certain amount of funding in the Commission's budget for certain fiscal years; establishing a Connection Pipe Emergency Replacement Fund; specifying the purpose of the Fund; requiring the Commission to administer the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; defining certain terms; providing for the termination of this Act; and generally relating to the Connection Pipe Emergency Replacement Loan Program of the Washington Suburban Sanitary Commission or the Commission's designee.

BY adding to
Article – Public Utilities
Section 23–205

Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Utilities

23–205.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FUND" MEANS THE CONNECTION PIPE EMERGENCY REPLACEMENT FUND.

(3) (I) "PIPE" MEANS A WATER SERVICE PIPE CONNECTION LOCATED ON A COMMISSION CUSTOMER'S PROPERTY THAT CONNECTS FROM THE COMMISSION'S SERVICE CONNECTION TO A CUSTOMER'S RESIDENCE.

(II) "PIPE" INCLUDES POLYBUTYLENE PIPES.

(4) "PROGRAM" MEANS THE CONNECTION PIPE EMERGENCY REPLACEMENT LOAN PROGRAM.

(B) THE COMMISSION SHALL ESTABLISH A CONNECTION PIPE EMERGENCY REPLACEMENT LOAN PROGRAM.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE LOANS TO RESIDENTIAL CUSTOMERS TO FINANCE THE REPLACEMENT OF MALFUNCTIONING PIPES.

(D) THE PROGRAM SHALL INCLUDE:

(1) ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE PROGRAM, INCLUDING ELIGIBILITY REQUIREMENTS FOR:

(I) CUSTOMERS APPLYING TO RECEIVE A LOAN THROUGH THE PROGRAM;

(II) THE TYPE OF CONNECTION PIPE THAT IS BEING INSTALLED TO REPLACE THE EXISTING CONNECTION PIPE; AND

(III) THE TYPE OF MALFUNCTION AND PIPE REPLACEMENT EMERGENCY THAT QUALIFIES FOR THE PROGRAM;

(2) A REQUIREMENT THAT A CUSTOMER RECEIVE NOTIFICATION OR HAVE CERTIFICATION THAT THERE IS AN ACTIVE LEAK IN A PIPE;

(3) LOAN TERMS AND CONDITIONS, INCLUDING AN INTEREST RATE REPAYMENT SCHEDULE AND AN ADMINISTRATIVE PROCESSING FEE;

(4) A REQUIREMENT THAT THE REPLACEMENT OF MALFUNCTIONING PIPES UNDER THE PROGRAM BE PERFORMED BY A PLUMBER LICENSED BY THE COMMISSION; AND

(5) A PROHIBITION ON THE COMMISSION REPLACING MALFUNCTIONING PIPES UNDER THE PROGRAM.

(E) (1) THE PROGRAM SHALL PROVIDE LOANS TO CUSTOMERS ON A FIRST–COME, FIRST–SERVED BASIS.

(2) A LOAN MADE UNDER THE PROGRAM MAY NOT EXCEED $5,000.

(3) A CUSTOMER MAY NOT RECEIVE MORE THAN ONE LOAN AT A TIME UNDER THE PROGRAM.

(F) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE PROGRAM SHALL REQUIRE A CUSTOMER TO REPAY A LOAN PROVIDED UNDER THE PROGRAM:

(I) THROUGH A SEPARATE CHARGE ON THE CUSTOMER'S WATER AND SEWER BILL; OR

(II) BY ANOTHER METHOD DETERMINED BY THE COMMISSION.

(2) THE COMMISSION MAY NOT SET A CHARGE GREATER THAN AN AMOUNT THAT ALLOWS THE COMMISSION TO RECOVER THE COSTS ASSOCIATED WITH:

(I) FINANCING THE LOAN; AND

(II) ADMINISTERING THE PROGRAM.

(3) A PERSON WHO ACQUIRES PROPERTY SUBJECT TO A CHARGE UNDER THIS SECTION ASSUMES THE OBLIGATION TO PAY THE CHARGE.

(G) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A LOAN PROVIDED UNDER THE PROGRAM SHALL BE A LIEN AGAINST THE PROPERTY ON

WHICH THE MALFUNCTIONING PIPE HAS BEEN REPLACED THAT CONTINUES UNTIL THE LOAN IS PAID IN FULL TO THE COMMISSION.

(2) THE COMMISSION SHALL BE A SOLE HOLDER OF THE LIEN ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) (I) THE COMMISSION SHALL RECORD A LIEN ESTABLISHED UNDER THIS SUBSECTION IN THE LAND RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.

(II) A LIEN ESTABLISHED UNDER THIS SUBSECTION SHALL SECURE PAYMENT OF A LOAN, INCLUDING THE PRINCIPAL, INTEREST, LATE CHARGES, COST OF COLLECTION, AND REASONABLE ATTORNEY'S FEES.

(III) ENFORCEMENT OF A LIEN ESTABLISHED UNDER THIS SUBSECTION SHALL BE IN ACCORDANCE WITH THE MARYLAND CONTRACT LIEN ACT.

(4) A LIEN ESTABLISHED UNDER THIS SUBSECTION MAY NOT TAKE PRIORITY OVER A LIEN, MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST THAT IS:

(I) ALREADY ATTACHED TO THE PROPERTY AT THE TIME THE LIEN ESTABLISHED UNDER THIS SUBSECTION IS RECORDED; OR

(II) GIVEN TO SECURE A LOAN TO:

1. PURCHASE THE PROPERTY SUBJECT TO THE LIEN ESTABLISHED UNDER THIS SUBSECTION; OR

2. REFINANCE A LOAN THAT IS ALREADY ATTACHED TO THE PROPERTY AT THE TIME THE LIEN ESTABLISHED UNDER THIS SUBSECTION IS RECORDED.

(5) THE PROGRAM MAY NOT PROVIDE, OR AT ANY TIME HAVE OUTSTANDING, MORE THAN $1,000,000 TOTAL IN LOANS.

(H) THE COMMISSION SHALL INCLUDE $100,000 ANNUALLY IN THE COMMISSION'S BUDGET FOR THE PROGRAM FOR FISCAL YEARS 2020 THROUGH 2029.

(I) (1) THERE IS A CONNECTION PIPE EMERGENCY REPLACEMENT FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE PROGRAM.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FUND SHALL BE ADMINISTERED SOLELY BY THE COMMISSION OR THE COMMISSION'S DESIGNEE.

(4) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED BY THE COMMISSION FROM RATEPAYER FUNDS ONLY;

(II) ANY INVESTMENT EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(5) THE FUND MAY BE USED ONLY FOR:

(I) PROVIDING LOANS THROUGH THE PROGRAM; AND

(II) THE ADMINISTRATION OF THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of 11 years and, at the end of June 30, 2029, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 540

(House Bill 631)

AN ACT concerning

Somerset County – Fines and Forfeitures – Distribution

FOR the purpose of providing that, in Somerset County, the Clerk of the Circuit Court for Somerset County shall transmit monthly a certain amount to a certain Court and Bar Library Account; and generally relating to the distribution of fines and forfeitures collected in Somerset County.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 7–507
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

7–507.

(a) (1) This section does not apply to Anne Arundel**[**,**]** **AND** Howard**[**, and Somerset**]** counties.

(2) This section does not apply to fines imposed in gambling cases in Baltimore County.

(b) Except as provided in subsection (c) of this section, the fines imposed by and recognizances forfeited to each circuit court shall be distributed as follows:

(1) 50% to the clerk of the circuit court, to be used under the direction of the judges of the circuit court to augment the court library; and

(2) 5% to the clerk of the circuit court as a commission.

(c) (1) In Calvert County, if the County Administrative Circuit Court Judge determines that the amount under subsection (b)(1) of this section exceeds the needs of the library, excess amounts may be used for other needs of the Circuit Court for Calvert County if the Judge provides the County Commissioners with an annual report documenting how the excess amount is used.

(2) In Carroll County, in addition to the amount under subsection (b) of this section, the County Commissioners shall appropriate and pay to the Clerk of the Circuit Court for Carroll County $1,800, plus any additional amount that the County Commissioners determine, for library support and maintenance, including books and library equipment, to be used under the direction of the judges of the Circuit Court for Carroll County.

(3) In Cecil County:

(i) In any year in which the amount provided to the court library under subsection (b) of this section and the attorney appearance fees under § 7–204 of this title:

1. Is less than $10,000, the County Commissioners shall pay to the clerk of the court the amount necessary to bring the total to $10,000, plus any amount

the County Commissioners determine is reasonable for the library maintenance, to be used under the direction of the judges of the Circuit Court for Cecil County; or

2. Exceeds the amount necessary for library maintenance, the Cecil County Bar and Library Association, Inc., may transfer the excess money to the Cecil County Bar Foundation, Inc., to be used for charitable and educational purposes in accordance with the bylaws of the Foundation; and

(ii) All amounts paid under this section shall be used under the direction of the judges of the Circuit Court for Cecil County in consultation with the Law Library Committee of the Cecil County Bar and Library Association, Inc.

(4) In Charles County, in any year in which the amount under subsection (b) of this section is less than $3,000, the County Commissioners shall pay to the Clerk of the Circuit Court for Charles County the amount necessary to bring the total to $3,000, plus any amount the County Commissioners determine is reasonable for library maintenance, to be used under the direction of the judges of the Circuit Court for Charles County, who reside in the county.

(5) In Harford County, the local governing body shall appropriate and pay to the Clerk of the Circuit Court for Harford County, to be used under the direction of the judges of the court:

(i) The amount under subsection (b) of this section; and

(ii) Any amount the local governing body determines is appropriate, but not less than $1,500, for library support and maintenance, including books, library equipment, and the services of a librarian.

(6) (i) In St. Mary's County, the Clerk of the Circuit Court for St. Mary's County shall transmit monthly the amount under subsection (b)(1) of this section to a special account known as the St. Mary's County Law Library Fund maintained by the county.

(ii) As determined by the County Administrative Judge, the St. Mary's County Law Library Fund may only be used for the general purposes of the court library, including to acquire books, other publications, and library equipment, and for other necessary expenses.

(7) **IN SOMERSET COUNTY, THE CLERK OF THE CIRCUIT COURT FOR SOMERSET COUNTY SHALL TRANSMIT MONTHLY THE AMOUNT UNDER SUBSECTION (B)(1) OF THIS SECTION TO A SPECIAL ACCOUNT KNOWN AS THE COURT AND BAR LIBRARY ACCOUNT.**

(8) In Worcester County, in addition to the amount under subsection (b) of this section, the County Commissioners shall appropriate and pay to the Clerk of the

Circuit Court for Worcester County $2,000 and any additional amount that the Commissioners set for library support and maintenance to be used under the direction of the judges of the Circuit Court for Worcester County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 541

(Senate Bill 353)

AN ACT concerning

~~Motor Vehicles – Operation of Golf Carts on State Highways~~ *Vehicle Laws – Golf Carts* – City of Crisfield

FOR the purpose of ~~authorizing a person to operate a golf cart on a highway that is designated or maintained as a part or an extension of the State highway system in the City of Crisfield under certain circumstances; making a conforming change~~ *repealing a prohibition against operating golf carts on certain highways in the City of Crisfield in Somerset County; repealing the authority of the State Highway Administration to designate a location for golf carts to cross certain highways in the City of Crisfield; lowering the maximum speed limit for a highway on which a person may operate a golf cart in the City of Crisfield*; and generally relating to the operation of golf carts in the City of Crisfield.

~~BY repealing and reenacting, without amendments,~~
~~Article – Transportation~~
~~Section 13–402(a)(1) and (c)(12)~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–104.2
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

~~13–402.~~

~~(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.~~

~~(c) Registration under this subtitle is not required for:~~

~~(12) A golf cart that is operated on a highway in the City of Crisfield, Somerset County, in accordance with § 21–104.2 of this article;~~

21–104.2.

~~(a)~~ A person who operates a golf cart on a highway in the City of Crisfield, Somerset County, without registration as authorized under § 13–402(c)(12) of this article:

(1) May operate the golf cart only:

(i) On a highway~~:~~

~~1. That is not designated or maintained as a part or an extension of the [State or] federal highway system; and~~

~~2. On~~ ***ON*** which the maximum posted speed limit does not exceed ~~35~~ ***30*** miles per hour;

(ii) Between dawn and dusk; and

(iii) If the golf cart is equipped with lighting devices as required by the Administration;

(2) Shall keep the golf cart as far to the right of the roadway as feasible; and

(3) Shall possess a valid driver's license.

~~(b) The State Highway Administration, in consultation with the City of Crisfield, may designate a location in the City of Crisfield where a person operating a golf cart may cross, at a right angle, a highway that is designated or maintained as a part or an extension of the [State or] federal highway system.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ *June* 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 542

(House Bill 972)

AN ACT concerning

Alcoholic Beverages – Class 4 Limited Winery Licenses

FOR the purpose of requiring a holder of a Class 4 limited winery license to own or have under contract a minimum number of acres of grapes or other fruit in cultivation for use in the production of wine in the State or to ensure that a certain percentage of the ingredients used in the annual production of wine are grapes or other fruit grown in the State; authorizing the Secretary of Agriculture to grant a certain exemption from a certain percentage requirement; requiring the Secretary to adopt certain regulations after consultation with certain parties; repealing a certain requirement for the Maryland Department of Agriculture to make a certain determination; providing for the application of this Act; and generally relating to Class 4 limited winery licenses.

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 2–206
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

2–206.

(a) There is a Class 4 limited winery license.

(b) (1) A license holder may:

(i) subject to paragraph (2) of this subsection, from available Maryland agricultural products:

1. ferment and bottle wine; and

2. distill and bottle pomace brandy; and

(ii) sell and deliver the wine and pomace brandy to:

1. a holder of a wholesaler's license;

2. a holder of a permit that is authorized to acquire wine or pomace brandy; or

3. a person outside the State that is authorized to acquire wine or pomace brandy.

[(2) (i) On or before January 31 of each year, the Maryland Department of Agriculture shall determine if an insufficient supply of Maryland agricultural products exists.

(ii) If an insufficient supply is determined to exist, a license holder may use agricultural products from outside the State to manufacture wine and pomace brandy during the period covered by the determination of the Department.**]**

(2) A LICENSE HOLDER:

(I) SHALL OWN OR HAVE UNDER CONTRACT AT LEAST 20 ACRES OF GRAPES OR OTHER FRUIT IN CULTIVATION IN THE STATE FOR USE IN THE PRODUCTION OF WINE; OR

(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF LESS THAN 20 ACRES ARE OWNED OR UNDER CONTRACT, SHALL ENSURE THAT AT LEAST 51% OF THE INGREDIENTS USED IN THE ANNUAL PRODUCTION OF THE LICENSE HOLDER'S WINE ARE GRAPES OR OTHER FRUIT GROWN IN THE STATE.

(3) (I) THE SECRETARY OF AGRICULTURE EACH YEAR MAY GRANT A 1–YEAR EXEMPTION TO AN APPLICANT FROM THE PERCENTAGE REQUIREMENT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(II) THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING THE GRANTING OF AN EXEMPTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AFTER CONSULTATION WITH THE GOVERNOR'S WINE AND GRAPE ADVISORY COMMISSION, THE MARYLAND GRAPE GROWERS ASSOCIATION, THE MARYLAND WINERIES ASSOCIATION, AND OTHER INTERESTED PARTIES.

[(3)**] (4)** Except as provided in Subtitle 3 of this title, a license holder need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

[(4)**] (5)** A license holder may:

(i) sell wine and pomace brandy produced by the license holder for consumption;

(ii) in an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the license holder produces to a consumer:

1. at no charge; or

2. for a fee; and

(iii) subject to paragraph **[**(5)**]** **(6)** of this subsection, sell or serve only:

1. bread and other baked goods;

2. chili;

3. chocolate;

4. crackers;

5. cured meat;

6. fruits (whole and cut);

7. hard and soft cheese (whole and cut);

8. salads and vegetables (whole and cut);

9. the following items made with Maryland wine:

A. ice cream;

B. jam;

C. jelly; and

D. vinegar;

10. pizza;

11. prepackaged sandwiches and other prepackaged foods ready to be eaten;

12. soup; and

13. condiments.

[(5)**] (6)** (i) A caterer is not limited to selling or serving only the foods specified in paragraph **[**(4)(iii)**] (5)(III)** of this subsection.

(ii) A license holder or entity in which the license holder has a pecuniary interest may not act as a caterer of food.

[(6)**] (7)** Subject to paragraph **[**(7)**] (8)** of this subsection, a license holder may conduct the activities specified in paragraph **[**(4)**] (5)** of this subsection:

(i) for off–premises consumption of wine and pomace brandy and for sampling, from 10 a.m. to 10 p.m. each day; and

(ii) for on–premises consumption of wine and pomace brandy and sales and service of food on the licensed premises:

1. from 10 a.m. to 6 p.m. each day; or

2. if guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

[(7)**] (8)** Except as provided in Division II of this article, the license allows the license holder to operate 7 days a week.

[(8)**] (9)** At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.

[(9)**] (10)** Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(c) The place listed on the license shall be in compliance with § 1–405(b) of this article.

(d) A license holder may:

(1) store on its licensed premises, in a segregated area approved by the Comptroller, the product of other Class 4 limited wineries to be used at Maryland Wineries Association promotional activities, provided records are maintained and reports filed regarding the storage under this item as may be required by the Comptroller;

(2) distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) purchase bulk wine fermented by a manufacturer licensed under this article and blend the wine with the license holder's wine and pomace brandy if the

aggregate purchase does not exceed 25% of the license holder's annual wine and pomace brandy production;

(4) purchase pomace brandy only for blending with wine;

(5) import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) produce wine and pomace brandy at a warehouse for which the license holder has been issued an individual storage permit, if:

(i) the license holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) the Comptroller has full access at all times to the warehouse to enforce this article.

(e) A Class 4 limited winery may be located only at the place stated on the license.

(f) If a license holder maintains the records and files the reports that the Comptroller requires, the license holder may:

(1) in the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) outside the State, conduct winemaking and packaging activities, other than fermentation, at another federally bonded winery.

(g) Throughout the winemaking process, the license holder shall:

(1) maintain ownership of the wine or pomace brandy; and

(2) ensure that the wine or pomace brandy returns to the location of the limited winery.

(h) The annual license fee is $200.

SECTION 2. AND BE IT FURTHER ENACTED, That *for* ~~for~~ persons who hold a Class 4 limited winery license on or before June 30, 2018.~~:~~

~~(1), shall continue to be governed by~~

(1) the law in effect on June 30, 2018*, continues to apply until April 30, 2022; and*

(2) this Act shall apply beginning on May 1, 2022~~, continues to apply until April 30, 2022; and~~

~~(2) this Act shall apply beginning on May 1, 2022~~.

SECTION 3. AND BE IT FURTHER ENACTED, That*, subject to Section 2 of this Act,*~~, subject to Section 2 of this Act,~~ this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 543

(House Bill 253)

AN ACT concerning

Motor Vehicles – Automobile Transporters

FOR the purpose of altering the definition of "stinger–steered automobile transporter" to include certain vehicles not engaged exclusively in the transportation of automobiles or boats for purposes of certain provisions of law regulating vehicle length and loads; specifying that certain provisions of law regulating vehicle length and loads do not prohibit a backhaul by an automobile transporter; increasing the maximum allowable length of a certain stinger–steered automobile transporter; increasing the maximum length by which the load on a stinger–steered automobile transporter may extend beyond the foremost and rearmost parts of the vehicle; defining a certain term; altering the acceptable colors for a certain fluorescent warning flag; and generally relating to automobile transporters.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–104.1 and 24–105
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

24–104.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Automobiles" means all assembled motor vehicles:

(i) Capable of being operated on a highway; and

(ii) Authorized under this article to be operated on a highway.

(3) **"BACKHAUL" MEANS THE RETURN TRIP OF A VEHICLE TRANSPORTING CARGO OR GENERAL FREIGHT, ESPECIALLY WHEN CARRYING GOODS BACK OVER ALL OR PART OF THE SAME ROUTE.**

(4) "Maxi–cube vehicle" means a nonarticulating straight truck:

(i) In combination with a semitrailer which does not exceed 34 feet, and is designed to be loaded and unloaded through the semitrailer; or

(ii) In combination with a trailer that does not exceed 28 feet.

[(4)**] (5)** "Saddle–mount and full–mount combinations" means a truck tractor or unloaded truck towing one or more other truck tractors or unloaded trucks in combination.

[(5)**] (6)** "Stinger–steered automobile transporter" means a truck tractor and semitrailer combination:

(i) Designed for **[**and engaged exclusively in**]** the transportation of automobiles or boats; and

(ii) In which the fifth wheel is located on a drop frame behind and below the rear axle of the power unit.

(b) (1) For purposes of this subtitle, the length of a vehicle or combination of vehicles:

(i) Includes its front and rear bumpers and any part of its load that extends beyond the vehicle or combination of vehicles; and

(ii) Does not include:

1. Nonload–bearing safety and energy conservation devices, such as marker lamps, steps and handholds for entry and egress, front–mounted refrigeration units, and front–mounted air compressors; or

2. Nonproperty carrying devices or their components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading cargo.

(2) The measurement of a combination of vehicles engaged in the transportation of automobiles or boats shall not include the overhang of the transported vehicles or boats or any retractable device on the rear of the combination when in use to

support a transported vehicle.

(c) (1) This section does not apply to any vehicle or combination of vehicles carrying:

(i) Piling, poles, or mill logs that do not exceed 75 feet in length; or

(ii) Crew or racing shells.

(2) This section does not prohibit **[**the**]:**

(I) THE use of a combination of vehicles to carry an indivisible load if the load is not over 70 feet long**; OR**

(II) A BACKHAUL BY AN AUTOMOBILE TRANSPORTER.

(d) Except as otherwise provided in this section:

(1) A bus, single unit truck, or Class M motor home may not be over 40 feet long; and

(2) A publicly owned rigid bus may not be over 41 feet long.

(e) (1) This subsection does not apply to a publicly owned rigid bus.

(2) A bus or a Class M motor home may be over 40 feet long but may not be over 45 feet long:

(i) When operated on an interstate highway or any part of the State highway system designated by the Secretary in conjunction with the United States Department of Transportation; or

(ii) When operated on a highway that is not specified in item (i) of this paragraph if the bus or motor home is using the highway to travel the shortest practical route between a highway specified in item (i) of this paragraph and:

1. The point of origin or destination of the bus or motor home on a particular day;

2. A bus terminal; or

3. For a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest.

(f) Except as otherwise provided in this section, a publicly owned articulated three–axle bus may not be over 60 feet long.

(g) Any other vehicle may not exceed a length of 35 feet.

(h) When a semitrailer and a trailer (double) are being operated in combination with a truck tractor, the combination of vehicles shall not be subject to an overall length limitation. This combination may only be operated on any part of the interstate system or other State system highways that are designated by the Secretary in conjunction with the U.S. Department of Transportation, or on a highway that is the shortest practical route between a designated highway and a truck terminal, or point of origin/destination for cargo, or for a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest. A semitrailer or trailer being operated in this combination may not exceed 28 feet in length for each unit.

(i) When a semitrailer (single) is being operated in combination with a truck tractor, the combination of vehicles shall not be subject to an overall length limit, however, the semitrailer may not exceed 48 feet in length.

(j) Except as otherwise provided in this section**, AND SUBJECT TO § 24–105 OF THIS SUBTITLE**:

(1) In a combination of vehicles with a power unit that is a cargo–carrying vehicle, the overall length of the combination may not exceed 62 feet;

(2) Any other combination of vehicles may not exceed 55 feet; and

(3) (i) 1. A truck or truck tractor and semitrailer combination designed for and engaged **[**exclusively**]** in the transportation of automobiles or boats may not exceed 65 feet in length;

2. A stinger–steered automobile transporter may not exceed **[**75**] 80** feet in length;

3. A. A maxi–cube vehicle described in subsection (a)(3)(i) of this section may not exceed 65 feet in length; and

B. A maxi–cube vehicle described in subsection (a)(3)(ii) of this section may not exceed 60 feet in length; and

4. Saddle–mount and full–mount combinations may not exceed 97 feet in length;

(ii) No other length requirements may be applied to the combinations of vehicles described in item (i) of this item; and

(iii) The combinations of vehicles described in item (i) of this item may only be operated on any part of the interstate system or other State system highways that are designated by the Secretary in conjunction with the U.S. Department of Transportation, or on a highway that is the shortest practical route between a designated

highway and:

1. A truck terminal;

2. A point of origin/destination for cargo; or

3. For a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest.

(j–1) Notwithstanding the provisions of subsection (j) of this section, when a semitrailer is being operated in combination with a power unit that is equipped with a dromedary box being used to transport explosives and munitions classified under 49 C.F.R. Part 173.50 that are intended for use by the United States Department of Defense, the combination of vehicles is not subject to an overall length limit, but the semitrailer may not exceed 48 feet in length.

(k) (1) Notwithstanding the provisions of subsection (h) of this section, nothing shall prevent the operation of a combination of vehicles in which the semitrailer (single) does not exceed 48 1/2 feet in length or a combination of vehicles in which the semitrailer or trailer (double) does not exceed 28 1/2 feet in length for each unit; provided, the combination has been lawfully operated on the highways of this State prior to December 1, 1982.

(2) Notwithstanding the provisions of subsection (j)(1) of this section, nothing shall prevent a power unit, which was equipped with a dromedary box, deck, or plate and was legally operated in Maryland prior to December 1, 1982, in combination with a semitrailer or trailer from exceeding the overall length limit of 55 feet.

(l) (1) In this subsection, "vehicle" means:

(i) A semitrailer as defined in § 11–158 of this article; or

(ii) A trailer as defined in § 11–169 of this article.

(2) Notwithstanding the overall length of the combination, a truck tractor may not be operated on a highway in the State in combination with more than 2 vehicles.

(m) (1) Subject to paragraph (2) of this subsection, a combination of noncommercial vehicles consisting of a power unit and a travel trailer may not exceed 65 feet in length.

(2) The combination of vehicles exceeding 55 feet but authorized under this subsection may only be operated on:

(i) Any part of the interstate system or other State system highways that are designated by the Secretary in conjunction with the U.S. Department of Transportation; or

(ii) A highway that is the shortest practical route between a designated highway and:

1. A point of origin or destination on a particular day; or

2. For a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest.

24–105.

(a) This section does not apply to:

(1) Any vehicle carrying wooden prefabricated roof trusses in an inverted position, if the trusses do not extend more than 10 feet beyond the rear of the bed or body of the vehicle;

(2) A combination of vehicles carrying an indivisible load if the load is not over 70 feet long, and the load is being transported during daylight hours;

(3) Any vehicle carrying:

(i) Piling, poles, or mill logs;

(ii) Nursery stock; or

(iii) Crew or racing shells; or

(4) Any combination of vehicles carrying:

(i) Piling, poles, or mill logs that do not exceed 75 feet in length;

(ii) Nursery stock; or

(iii) Crew or racing shells.

(b) Subject to the maximum length limits of § 24–104.1 of this subtitle, the load on any vehicle operated alone or the load on the front vehicle of a combination of vehicles:

(1) Except as provided in **[**item**]** **ITEMS** (2) **AND (3)** of this subsection, may not extend more than 3 feet beyond the foremost part of the vehicle; **[**and**]**

(2) May extend more than 3 feet beyond the foremost part of a vehicle equipped with front–end loading attachments and containers used in collecting garbage, rubbish, refuse, or recyclable materials when the vehicle is actively engaged in collecting garbage, rubbish, refuse, or recyclable materials**; AND**

(3) MAY NOT EXTEND MORE THAN 4 FEET BEYOND THE FOREMOST PART OF A STINGER–STEERED AUTOMOBILE TRANSPORTER.

(c) (1) Except as provided in paragraph (2) of this subsection, and subject to the maximum length limits of § 24–104.1 of this subtitle, the load on any vehicle operated alone or the load on the rear vehicle of a combination of vehicles**, INCLUDING A STINGER–STEERED AUTOMOBILE TRANSPORTER,** may not extend more than 6 feet beyond the rear of the bed or body of the vehicle.

(2) (i) **1. THIS SUBPARAGRAPH DOES NOT APPLY TO A STINGER–STEERED AUTOMOBILE TRANSPORTER.**

2. The load on the rear of an automobile or boat transporter, including any retractable device on the rear of a combination of vehicles engaged in the transportation of automobiles in use to support a transported vehicle, may not extend more than 4 feet beyond the rear of the permanent bed or body of the **[**automobile**] VEHICLE**; and

(ii) A **[**white, red, or orange**] RED OR ORANGE** fluorescent warning flag made of a reflective material at least 18 inches square shall be displayed on the rearmost portion of the overhanging transported vehicle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 544

(House Bill 531)

AN ACT concerning

Motor Vehicles – Operation When Approaching Vehicle With Visual Signals

FOR the purpose of requiring drivers approaching from the rear certain vehicles that are stopped, standing, or parked on a highway and using certain visual signals to make a lane change to an available lane not immediately adjacent to the stopped, standing, or parked vehicle under certain circumstances, or to slow to a reasonable and prudent speed that is safe for certain existing conditions under certain circumstances; providing for the application of this Act; and generally relating to the rules of the road when approaching certain vehicles.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 21–405(e)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 22–201, 22–218(c)(6) and (11), and 22–218.2(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

21–405.

(e) **(1) THIS SUBSECTION APPLIES TO A STOPPED, STANDING, OR PARKED VEHICLE THAT IS:**

(I) 1. ON A HIGHWAY; AND

2. USING A VISUAL SIGNAL THAT MEETS THE REQUIREMENTS OF § 22–218 OR § 22–218.2 OF THIS ARTICLE; AND

(II) 1. A COMMERCIAL MOTOR VEHICLE PROVIDING EMERGENCY MAINTENANCE TO A DISABLED VEHICLE;

2. AN EMERGENCY VEHICLE;

3. A SERVICE VEHICLE AS DEFINED UNDER § 22–201 OF THIS ARTICLE;

4. A TOW TRUCK THAT IS PROPERLY REGISTERED IN ACCORDANCE WITH § 13–920 OF THIS ARTICLE; OR

5. A WASTE OR RECYCLING COLLECTION VEHICLE.

(2) Unless otherwise directed by a police officer or a traffic control device, **[**when an emergency vehicle or a tow truck that is properly registered in accordance with § 13–920 of this article using any visual signal that meets the requirements of § 22–218 of this article is stopped, standing, or parked on a highway, the driver of a motor vehicle approaching the emergency vehicle or tow truck from the rear**] THE DRIVER OF A MOTOR VEHICLE THAT APPROACHES FROM THE REAR A STOPPED, STANDING, OR PARKED**

VEHICLE TO WHICH THIS SUBSECTION APPLIES shall:

[(1)**]** **(I)** If practicable and not otherwise prohibited **AND WITH DUE REGARD FOR SAFETY AND TRAFFIC CONDITIONS**, make a lane change into an available lane not immediately adjacent to the **[**emergency vehicle or tow truck with due regard for safety and traffic conditions**]** **STOPPED, STANDING, OR PARKED VEHICLE**; or

[(2)**]** **(II)** If the driver of the motor vehicle is unable to make a lane change in accordance with item **[**(1) of this subsection**]** **(I) OF THIS PARAGRAPH**, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

22–201.

In this subtitle, "service vehicles" means any of the following vehicles that are designated by the Administration as service vehicles:

(1) Vehicles of federal, State, or local agencies;

(2) Vehicles of public service companies; and

(3) Vehicles of persons performing governmental functions under a contract with any federal, State, or local government.

22–218.

(c) (6) Service vehicles, waste or recycling collection vehicles, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(11) The yellow or amber lights or signal devices permitted on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

22–218.2.

(a) One or more amber flashing lights may be displayed:

(1) By a tow truck while at the scene of an accident or a disabled vehicle or while towing a vehicle; and

(2) By snow removal and other highway maintenance and service equipment and escort vehicles.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 545

(Senate Bill 445)

AN ACT concerning

Motor Vehicles – Operation When Approaching Vehicle With Visual Signals

FOR the purpose of requiring drivers approaching from the rear certain vehicles that are stopped, standing, or parked on a highway and using certain visual signals to make a lane change to an available lane not immediately adjacent to the stopped, standing, or parked vehicle under certain circumstances, or to slow to a reasonable and prudent speed that is safe for certain existing conditions under certain circumstances; providing for the application of this Act; and generally relating to the rules of the road when approaching certain vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–405(e)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 22–201, 22–218(c)(6) and (11), and 22–218.2(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

21–405.

(e) **(1) THIS SUBSECTION APPLIES TO A STOPPED, STANDING, OR PARKED VEHICLE THAT IS:**

(I) 1. ON A HIGHWAY; AND

2. USING A VISUAL SIGNAL THAT MEETS THE REQUIREMENTS OF § 22–218 OR § 22–218.2 OF THIS ARTICLE; AND

(II) 1. A COMMERCIAL MOTOR VEHICLE PROVIDING EMERGENCY MAINTENANCE TO A DISABLED VEHICLE;

2. AN EMERGENCY VEHICLE;

3. A SERVICE VEHICLE AS DEFINED UNDER § 22–201 OF THIS ARTICLE;

4. A TOW TRUCK THAT IS PROPERLY REGISTERED IN ACCORDANCE WITH § 13–920 OF THIS ARTICLE; OR

5. A WASTE OR RECYCLING COLLECTION VEHICLE.

(2) Unless otherwise directed by a police officer or a traffic control device, **[**when an emergency vehicle or a tow truck that is properly registered in accordance with § 13–920 of this article using any visual signal that meets the requirements of § 22–218 of this article is stopped, standing, or parked on a highway, the driver of a motor vehicle approaching the emergency vehicle or tow truck from the rear**] THE DRIVER OF A MOTOR VEHICLE THAT APPROACHES FROM THE REAR A STOPPED, STANDING, OR PARKED VEHICLE TO WHICH THIS SUBSECTION APPLIES** shall:

[(1)**] (I)** If practicable and not otherwise prohibited **AND WITH DUE REGARD FOR SAFETY AND TRAFFIC CONDITIONS**, make a lane change into an available lane not immediately adjacent to the **[**emergency vehicle or tow truck with due regard for safety and traffic conditions**] STOPPED, STANDING, OR PARKED VEHICLE**; or

[(2)**] (II)** If the driver of the motor vehicle is unable to make a lane change in accordance with item **[**(1) of this subsection**] (I) OF THIS PARAGRAPH**, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

22–201.

In this subtitle, "service vehicles" means any of the following vehicles that are designated by the Administration as service vehicles:

(1) Vehicles of federal, State, or local agencies;

(2) Vehicles of public service companies; and

(3) Vehicles of persons performing governmental functions under a contract with any federal, State, or local government.

22–218.

(c) (6) Service vehicles, waste or recycling collection vehicles, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(11) The yellow or amber lights or signal devices permitted on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

22–218.2.

(a) One or more amber flashing lights may be displayed:

(1) By a tow truck while at the scene of an accident or a disabled vehicle or while towing a vehicle; and

(2) By snow removal and other highway maintenance and service equipment and escort vehicles.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 546

(Senate Bill 396)

AN ACT concerning

Open Meetings Act – Training – Application

FOR the purpose of specifying the application of a certain provision of law relating to the training of certain members of certain public bodies regarding the Open Meetings Act; and generally relating to the Open Meetings Act.

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 3–213
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – General Provisions

3–213.

(a) This section does not apply to a public body that is:

(1) in the Judicial Branch of State government; or

(2) subject to governance by rules adopted by the Court of Appeals.

(b) Each public body shall designate at least one individual who is an employee, an officer, or a member of the public body to receive training on the requirements of the open meetings law.

(c) Within 90 days after being designated under subsection (b) of this section, an individual shall complete a class on the open meetings law.

(d) (1) This subsection applies **ONLY** to a public body that meets in a closed session on or after October 1, 2017.

(2) A public body may not meet in a closed session unless the public body has designated at least one member of the public body to receive training on the requirements of the open meetings law.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, at least one individual designated under paragraph (2) of this subsection shall be present at each open meeting of the public body.

(ii) If an individual designated under paragraph (2) of this subsection cannot be present at an open meeting of the public body, the public body shall complete the Compliance Checklist for Meetings Subject to the Maryland Open Meetings Act developed by the Office of the Attorney General and include the completed checklist in the minutes for the meeting.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 547

(Senate Bill 973)

AN ACT concerning

Maryland Transportation Authority – Video Tolls – Collection

FOR the purpose of clarifying that the Maryland Transportation Authority may refer certain unpaid video tolls and associated civil penalties to the Central Collection Unit for collection; authorizing the Authority to recall certain unpaid video tolls and associated civil penalties from the Central Collection Unit under certain circumstances; establishing that the Central Collection Unit may not collect certain unpaid video tolls and associated civil penalties under certain circumstances; authorizing the Authority to waive certain unpaid video tolls and associated civil penalties under certain circumstances; requiring the Authority to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the collection of certain video tolls.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–302
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1414
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

3–302.

(a) (1) Except as otherwise provided in subsection (b) of this section, paragraph (2)(ii) of this subsection, or in other law, the Central Collection Unit is responsible for the collection of each delinquent account or other debt that is owed to the State or any of its officials or units.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an official or unit of the State government shall refer to the Central Collection Unit each debt for which the Central Collection Unit has collection responsibility under this subsection and may not settle the debt.

(ii) A public institution of higher education may not refer a

delinquent student account or debt to the Central Collection Unit unless, in accordance with § 15–119 of the Education Article:

1. the delinquent account or debt has not been settled by the end of the late registration period of the semester after the student account became delinquent; or

2. the student has not entered into or made timely payments to satisfy an installment payment plan.

(3) For the purposes of this subtitle, a community college or board of trustees for a community college established or operating under Title 16 of the Education Article is a unit of the State.

(b) Unless, with the approval of the Secretary, a unit of the State government assigns the claim to the Central Collection Unit, the Central Collection Unit is not responsible for and may not collect:

(1) any taxes;

(2) any child support payment that is owed under § 5–308 of the Human Services Article;

(3) any unemployment insurance contribution or overpayment;

(4) any fine;

(5) any court costs;

(6) any forfeiture on bond;

(7) any money that is owed as a result of a default on a loan that the Department of Commerce or the Department of Housing and Community Development has made or insured; **[**or**]**

(8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title 20 of the Insurance Article**; OR**

(9) ANY MONEY THAT IS OWED UNDER A DELINQUENT ACCOUNT FOR UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES AND IS RECALLED BY THE MARYLAND TRANSPORTATION AUTHORITY UNDER § 21–1414(H) OF THE TRANSPORTATION ARTICLE.

(c) The Central Collection Unit shall be responsible for the collection of each delinquent account or other debt that is owed to a community college established or operating under Title 16 of the Education Article if the board of trustees for the community

college:

(1) adopts a resolution appointing the Central Collection Unit as the collector of delinquent accounts or other debt; and

(2) submits the resolution to the Central Collection Unit.

Article – Transportation

21–1414.

(a) (1) In this section the following words have the meanings indicated.

(2) "Authority" means the Maryland Transportation Authority.

(3) "Electronic toll collection" means a system in a toll collection facility that is capable of collecting information from a motor vehicle for use in charging tolls.

(4) "Notice of toll due" or "notice" means an administrative notice of a video toll transaction.

(5) "Person alleged to be liable" means:

(i) The registered owner of a motor vehicle involved in a video toll transaction; or

(ii) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with this section and the regulations of the Authority.

(6) "Recorded image" means an image of a motor vehicle passing through a toll collection facility recorded by a video monitoring system:

(i) On:

1. One or more photographs, micrographs, or electronic images;

2. Videotape; or

3. Any other medium; and

(ii) Showing either the front or rear of the motor vehicle on at least one image or portion of tape and clearly identifying the license plate number and state of the motor vehicle.

(7) "Registered owner" means, with respect to a motor vehicle, the person

or persons designated as the registered owner in the records of the government agency that is responsible for motor vehicle registration.

(8) "Toll collection facility" means any point on an Authority highway where a toll is incurred and is required to be paid.

(9) "Toll violation" means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due.

(10) "Video monitoring system" means a device installed to work in conjunction with a toll collection facility that produces a recorded image when a video toll transaction occurs.

(11) "Video toll" means the amount assessed by the Authority when a video toll transaction occurs.

(12) "Video toll transaction" means any transaction in which a motor vehicle does not or did not pay a toll at the time of passage through a toll collection facility with a video monitoring system.

(b) (1) Except as provided in subsection (g) of this section, the registered owner of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for in the regulations of the Authority.

(2) The Authority shall send the registered owner of a motor vehicle that has incurred a video toll a notice of toll due.

(3) Except as provided in subsection (g) of this section, the person alleged to be liable who receives a notice of toll due shall have at least 30 days to pay the video toll.

(c) (1) Failure of the person alleged to be liable to pay the video toll under a notice of toll due by the date stated on the notice shall constitute a toll violation subject to a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation occurs, as provided for in the regulations of the Authority.

(2) A registered owner of a motor vehicle shall not be liable for a civil penalty imposed under this section if the operator of the motor vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation.

(d) (1) The Authority or its duly authorized agent shall send a citation via first–class mail, no later than 60 days after the toll violation, to the person alleged to be liable under this section.

(2) Personal service of the citation on the person alleged to be liable shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the notice of toll due and citation.

(3) A citation shall contain:

(i) The name and address of the person alleged to be liable under this section;

(ii) The license plate number and state of registration of the motor vehicle involved in the video toll transaction;

(iii) The location where the video toll transaction took place;

(iv) The date and time of the video toll transaction;

(v) The amount of the video toll and the date it was due as stated on the notice of toll due;

(vi) A copy of the recorded image;

(vii) A statement that the video toll was not paid before the civil penalty was assessed;

(viii) The amount of the civil penalty; and

(ix) The date by which the video toll and civil penalty must be paid.

(4) A citation shall also include:

(i) Information advising the person alleged to be liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection (g) of this section that were originally included in the notice of toll due; and

(iii) A warning that failure to pay the video toll and civil penalty, to contest liability in the manner and time prescribed, or to appear at a trial requested is an admission of liability and a waiver of available defenses, and may result in the refusal or suspension of the motor vehicle registration and referral for collection.

(5) A person alleged to be liable receiving the citation for a toll violation under this section may:

(i) Pay the video toll and the civil penalty directly to the Authority; or

(ii) Elect to stand trial for the alleged violation.

(6) (i) If the person alleged to be liable under this section fails to elect

to stand trial or to pay the prescribed video toll and civil penalty within 30 days after mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial after having elected to stand trial, the Authority or its duly authorized agent may:

1. Collect the video toll and the civil penalty by any means of collection as provided by law; and

2. Notify the Administration of the failure to pay the video toll and civil penalty in accordance with subsection (i) of this section.

(ii) No additional hearing or proceeding is required before the Administration takes action with respect to the motor vehicle of the registered owner under subsection (i) of this section.

(e) (1) A certificate alleging that a toll violation occurred and that the video toll payment was not received before the civil penalty was assessed, sworn to or affirmed by a duly authorized agent of the Authority, based upon inspection of a recorded image and electronic toll collection records produced by an electronic toll collection video monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section without the presence or testimony of the duly authorized agent who performed the requirements under this section.

(2) The citation, including the certificate, shall constitute prima facie evidence of liability for the toll violation and civil penalty.

(f) Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

(2) If the registered owner is a lessor of motor vehicles, and at the time of

the video toll transaction the motor vehicle involved was in the possession of a lessee, and the lessor by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a copy of the lease agreement or other documentation acceptable to the Authority identifying the lessee, including the person's name, address, and driver's license identification number or federal employer identification number, then the lessee shall be liable under this section and shall be sent a notice of toll due.

(3) If the motor vehicle involved in a video toll transaction is operated using a dealer or transporter registration plate, and at the time of the video toll transaction the motor vehicle was under the custody and control of a person other than the owner of the dealer or transporter registration plate, and if the owner of the dealer or transporter registration plate by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the contractual agreement or other documentation acceptable to the Authority identifying the person, including the person's name, address, and driver's license identification number, who had custody and control over the motor vehicle at the time of the video toll transaction, then that person and not the owner of the dealer or transporter registration plate shall be liable under this section and shall be sent a notice of toll due.

(4) If a motor vehicle or registration plate number is reported to a law enforcement agency as stolen at the time of the video toll transaction, and the registered owner by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the police report substantiating that the motor vehicle was stolen at the time of the video toll transaction, then the registered owner of the motor vehicle is not liable under this section.

(h) **(1) THE AUTHORITY MAY REFER A DELINQUENT ACCOUNT FOR UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES TO THE CENTRAL COLLECTION UNIT FOR COLLECTION.**

(2) THE AUTHORITY MAY RECALL A DELINQUENT ACCOUNT FROM THE CENTRAL COLLECTION UNIT IF:

(I) THE DELINQUENT ACCOUNT EXCEEDS $300 IN UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES;

(II) THE VIDEO TOLLS IN QUESTION WERE ASSESSED WITHIN A 30–DAY PERIOD; AND

(III) MITIGATING FACTORS EXIST WITH RESPECT TO THE ASSESSMENT OF THE UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES, AS DETERMINED BY THE AUTHORITY.

(3) Notwithstanding any other provision of law, until the Authority refers the debt to the Central Collection Unit **OR AFTER THE AUTHORITY HAS RECALLED A DELINQUENT ACCOUNT FROM THE CENTRAL COLLECTION UNIT**, the Authority may

waive any portion of the video toll due or civil penalty assessed under this section.

(i) (1) The Administration shall refuse or suspend the registration of a motor vehicle that incurs a toll violation under this section if:

(i) The Maryland Transportation Authority notifies the Administration that a registered owner of the motor vehicle has been served with a citation in accordance with this section and has failed to:

1. Pay the video toll and the civil penalty for the toll violation by the date specified in the citation; and

2. Contest liability for the toll violation by the date identified and in the manner specified in the citation; or

(ii) The Maryland Transportation Authority or the District Court notifies the Administration that a person who elected to contest liability for a toll violation under this section has failed to:

1. Appear for trial or has been determined to be guilty of the toll violation; and

2. Pay the video toll and civil penalty.

(2) In conjunction with the Maryland Transportation Authority, the Administration may adopt regulations and develop procedures to carry out the refusal or suspension of a registration under this subsection.

(3) The procedures in this subsection are in addition to any other penalty provided by law for a toll violation under this section.

(4) This subsection may be applied to enforce a reciprocal agreement entered into by the State and another jurisdiction in accordance with § 21–1415 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the Maryland Transportation Authority shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on its progress in improving access to its customer service operations, including enhanced use of e–mails, text messaging, and other methods of wireless communications.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of 3 years and, at the end of May 31, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 548

(Senate Bill 203)

AN ACT concerning

Agriculture – Nutrient Management – Fertilizer Use on Turf

FOR the purpose of altering the type of fertilizer and the application rate at which a certain type of fertilizer may be applied to turf by a professional fertilizer applicator during a certain time of the year; altering certain restrictions on the application of a fertilizer containing nitrogen to turf by a professional fertilizer applicator; altering certain limitations on the application of an enhanced efficiency fertilizer by a professional fertilizer applicator; altering certain conditions under which a professional fertilizer applicator may apply organic or natural organic fertilizer containing phosphorus; and generally relating to fertilizer use on turf.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 8–803.4(a) and (b)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–803.4(d), (f), and (g)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Agriculture

8–803.4.

(a) In this section, "fertilizer" means a commercial fertilizer and specialty fertilizer.

(b) (1) This section applies to a professional fertilizer applicator who applies fertilizer to:

(i) Property that is not used for agricultural purposes; or

(ii) State property that is not used for agricultural purposes.

(2) This section does not apply to the application of fertilizer on commercial farms.

(d) (1) Except as provided in paragraph (2) of this subsection, a professional fertilizer applicator may not apply fertilizer containing phosphorus or nitrogen to turf:

(i) Before March 1 or after November 15 of any calendar year;

(ii) Any time the ground is frozen; or

(iii) In an amount that is inconsistent with the annual recommended rate established by the University of Maryland.

(2) From November 16 through December 1 of each calendar year, a professional fertilizer applicator may apply **[**water–soluble**]** **FERTILIZER CONTAINING** nitrogen to turf at an application rate of no more than 0.5 pounds **OF NITROGEN** per 1,000 square feet of **[**water–soluble nitrogen**]** **TURF**.

(f) (1) Except as provided in paragraph (2) of this subsection, a professional fertilizer applicator may not apply fertilizer containing nitrogen to turf:

(i) At an application rate of more than 0.7 pounds **OF WATER–SOLUBLE NITROGEN** per 1,000 square feet of **[**water–soluble nitrogen**]** **TURF**; and

(ii) At an application rate of more than 0.9 pounds **OF NITROGEN** per 1,000 square feet of **[**total nitrogen**]** **TURF**.

(2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, a professional fertilizer applicator may apply an enhanced efficiency fertilizer:

1. At an annual application rate of no more than 2.5 pounds **OF NITROGEN** per 1,000 square feet of **[**nitrogen**]** **TURF**; and

2. That has a release rate of no more than 0.7 pounds **OF TOTAL NITROGEN** per 1,000 square feet of **[**total nitrogen**]** **TURF** per month.

(ii) The annual total application rate of an enhanced efficiency fertilizer may not exceed 80% of the annual recommended rate for total nitrogen established by the University of Maryland.

(iii) An enhanced efficiency fertilizer may not be applied after November 15 or before March 1 of each calendar year.

(g) (1) Except as provided in paragraphs (2) and (4) of this subsection, a professional fertilizer applicator may not apply fertilizer containing phosphorus to turf.

(2) A professional fertilizer applicator may apply organic or natural organic fertilizer containing phosphorus to turf when:

(i) **[**1.**]** A soil test performed no more than 3 years before the fertilizer application indicates a low or medium level of phosphorus; and

[2.**] (II)** The fertilizer is applied at a rate recommended by the University of Maryland**[**; and

(ii) 1. Beginning October 1, 2013, a soil test performed no more than 3 years before the fertilizer application indicates a low or medium level of phosphorus; and

2. A low phosphorus fertilizer, as defined under § 6–201 of this article, that is an organic or natural organic fertilizer is applied at a rate recommended by the University of Maryland**]**.

(3) Paragraph (2) of this subsection does not authorize a professional fertilizer applicator to apply fertilizer containing phosphorus when a soil test indicates an optimum or excessive level of phosphorus.

(4) A professional fertilizer applicator may apply fertilizer to turf containing phosphorus if the professional fertilizer applicator:

(i) Determines that the fertilizer is necessary for the specific soils and target vegetation in accordance with a soil test performed no more than 3 years before the fertilizer application, provided the application complies with the recommendations established by the University of Maryland;

(ii) Is establishing vegetation for the first time, such as after land disturbance, provided the application complies with the recommendations established by the University of Maryland; or

(iii) Is reestablishing or repairing a turf area.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 549

(Senate Bill 42)

AN ACT concerning

Courts – Consumer Debt Collection Actions – Statute of Limitations

FOR the purpose of ~~repealing a certain provision of law relating to the statute of limitations on consumer debt collection actions; clarifying that a prohibition on reviving the statute of limitations period after certain activity on debt occurs applies only after the expiration of the statute of limitations~~ clarifying that a certain prohibition on reviving or extending the statute of limitations applicable to a consumer debt collection action applies only to certain actions on the debt that occur after the expiration of the limitations period; providing that a certain provision of law may not be interpreted to affect the statute of limitations applicable to a cause of action arising from a certain agreement or payment plan entered into before the expiration of a certain statute of limitations; and generally relating to consumer debt collection actions.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–1202
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

5–1202.

(a) A creditor or a collector may not initiate a consumer debt collection action after the expiration of the statute of limitations applicable to the consumer debt collection action.

(b) **(1)** Notwithstanding any other provision of law, ~~on the expiration of the statute of limitations applicable to the consumer debt collection action,~~ any ~~subsequent~~ payment toward, written or oral affirmation of, or any other activity on the debt ~~may~~ **THAT OCCURS AFTER THE EXPIRATION OF THE STATUTE OF LIMITATIONS APPLICABLE TO THE CONSUMER DEBT COLLECTION ACTION DOES** not revive ~~[~~or extend~~]~~ the limitations period.

(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO AFFECT THE STATUTE OF LIMITATIONS APPLICABLE TO A CAUSE OF ACTION ARISING FROM A SEPARATE WRITTEN AGREEMENT OR WRITTEN PAYMENT PLAN ENTERED INTO BY THE DEBTOR AND THE CREDITOR OR COLLECTOR BEFORE THE EXPIRATION OF THE STATUTE OF LIMITATIONS APPLICABLE TO THE CONSUMER DEBT COLLECTION ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 550

(Senate Bill 226)

AN ACT concerning

Real Property – Wrongful Detainer and Distress Actions – Trial by Jury

FOR the purpose of authorizing a party to a certain wrongful detainer or distress action brought in the District Court to demand a trial by jury in accordance with certain provisions of law, subject to certain provisions of law; making certain provisions of law regarding jury demands applicable to wrongful detainer actions; and generally relating to wrongful detainer and distress actions.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8–118.1(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–302, 8–601, and 14–132
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Real Property

8–118.1.

(a) (1) In an action under § 14–132 of this article in which a party demands a jury trial, the District Court immediately shall enter an order directing the person or entity in possession to pay the monthly fair rental value of the premises that is subject to the action, or such other amount as the court may determine is proper, starting as of the date the action was filed, as required in subsection (b) of this section.

(2) The order shall require the amount determined by the court to be paid

within 5 days of the date of the order.

8–302.

(a) Distress for rent is an action at law and shall be brought as provided in this section.

(b) **[**Jurisdiction**]** **ORIGINAL JURISDICTION** in a case of distress for rent is vested exclusively in the District Court regardless of the amount of rent for which distress is brought, notwithstanding any limitation imposed by law on the civil monetary jurisdiction of such court.

(c) An action of distress may be brought only for unpaid rent under a written lease for a term of more than three months, or under a tenancy at will or a periodic tenancy that has continued more than three months.

(d) An action of distress shall be brought in the county where the leased premises lie.

(E) A PARTY TO AN ACTION OF DISTRESS BROUGHT IN THE DISTRICT COURT UNDER THIS SECTION MAY DEMAND A TRIAL BY JURY IN ACCORDANCE WITH SUBTITLE 6 OF THIS ARTICLE.

8–601.

Any party to an action brought in the District Court under this title **OR § 14–132 OF THIS ARTICLE** in which the amount in controversy meets the requirements for a trial by jury may, in accordance with this subtitle, demand a trial by jury.

14–132.

(a) In this section, "wrongful detainer" means to hold possession of real property without the right of possession.

(b) This section does not apply if:

(1) The person in actual possession of the property has been granted possession under a court order;

(2) A remedy is available under Title 8 of this article; or

(3) Any other exclusive means to recover possession is provided by statute or rule.

(c) A person may not hold possession of property unless the person is entitled to possession of the property under the law.

(d) (1) If a person violates subsection (c) of this section, a person claiming possession may make complaint in writing to the District Court of the county in which the property is located.

(2) On receipt of a complaint under paragraph (1) of this subsection, the court shall summons immediately the person in possession to appear before the court on the day specified in the summons to show cause, if any, why restitution of the possession of the property to the person filing the complaint should not be made.

(3) If, for any reason, the person in actual possession cannot be found, the person authorized to serve process by the Maryland Rules shall affix an attested copy of the summons conspicuously on the property.

(4) If notice of the summons is sent to the person in possession by first–class mail, the affixing of the summons in accordance with paragraph (3) of this subsection shall constitute sufficient service to support restitution of possession.

(e) A counterclaim or cross–claim may not be filed in an action brought under this section.

(f) (1) If the court determines that the complainant is legally entitled to possession, the court shall:

(i) Give judgment for restitution of the possession of the property to the complainant; and

(ii) Issue its warrant to the sheriff or constable commanding the sheriff or constable to deliver possession to the complainant.

(2) The court may also give judgment in favor of the complainant for damages due to the wrongful detainer and for court costs and attorney fees if:

(i) The complainant claimed damages in the complaint; and

(ii) The court finds that:

1. The person in actual possession was personally served with the summons; or

2. There was service of process or submission to the jurisdiction of the court as would support a judgment in contract or tort.

(3) A person in actual possession who is not personally served with a summons is not subject to the personal jurisdiction of the District Court if the person appears in response to the summons and prior to the time that evidence is taken by the court and asserts that the appearance is only for the purpose of defending an in rem action.

(G) SUBJECT TO § 8–118.1 OF THIS ARTICLE, A PARTY TO A WRONGFUL DETAINER ACTION BROUGHT IN THE DISTRICT COURT UNDER THIS SECTION MAY DEMAND A TRIAL BY JURY IN ACCORDANCE WITH TITLE 8, SUBTITLE 6 OF THIS ARTICLE.

[(g)**] (H)** (1) Not later than 10 days from the entry of the judgment of the District Court, either party may appeal to the circuit court for the county in which the property is located.

(2) The person in actual possession of the property may retain possession until the determination of the appeal if the person:

(i) Files with the court an affidavit that the appeal is not taken for delay; and

(ii) 1. Files sufficient bond with one or more securities conditioned on diligent prosecution of the appeal; or

2. Pays to the complainant or into the appellate court:

A. The fair rental value of the property for the entire period of possession up to the date of judgment;

B. All court costs in the case;

C. All losses or damages other than the fair rental value of the property up to the day of judgment that the court determined to be due because of the detention of possession; and

D. The fair rental value of the property during the pendency of the appeal.

(3) On application of either party, the court shall set a hearing date for the appeal that is not less than 5 days or more than 15 days after the application for appeal.

(4) Notice of the order for a hearing shall be served on the parties or the parties' counsels not less than 5 days before the hearing.

[(h)**] (I)** If the judgment of the circuit court shall be in favor of the person claiming possession, a warrant shall be issued by the court to the sheriff, who shall proceed immediately to execute the warrant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 551

(Senate Bill 292)

AN ACT concerning

Estates – Administration Exemption – Transfer of Motor Vehicle and Boat Titles

FOR the purpose of establishing that administration of certain estates containing only certain motor vehicle or boat property is not required *under certain circumstances*; authorizing the Motor Vehicle Administration to transfer title of certain motor vehicles under certain circumstances; ~~prohibiting the Administration from requiring a person who receives title to a motor vehicle under certain circumstances to make a certain application until a certain time or submit a certain title until a certain time;~~ authorizing a certain agency to transfer title of a certain boat or vessel under certain circumstances; and generally relating to an administration exemption for certain estates.

BY adding to
Article – Estates and Trusts
Section 5–608
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Estates and Trusts

5–608.

(A) ~~(1)~~ IF THE ONLY PROPERTY ~~OF AN ESTATE~~ OWNED BY A DECEDENT IS NOT MORE THAN TWO MOTOR VEHICLES *AND THE DECEDENT'S SURVIVING SPOUSE IS THE DECEDENT'S ONLY HEIR OR LEGATEE*:

~~(I)~~ (1) ADMINISTRATION OF ~~THE~~ AN ESTATE OF THE DECEDENT IS NOT REQUIRED; AND

~~(II)~~ (2) THE MOTOR VEHICLE ADMINISTRATION MAY TRANSFER TITLE TO A MOTOR VEHICLE ~~IN THE ESTATE TO THE PERSON ENTITLED TO THE MOTOR VEHICLE IF:~~

~~1. THE MOTOR VEHICLE TITLE IS PROPERLY ASSIGNED BY THE PERSONAL REPRESENTATIVE OF THE DECEASED OWNER OF THE MOTOR VEHICLE;~~

~~2. THE~~ OWNED BY THE DECEDENT TO THE SURVIVING SPOUSE IF:

(I) THE SURVIVING SPOUSE CERTIFIES TO THE MOTOR VEHICLE ADMINISTRATION ~~IS SATISFIED~~ THAT ALL DEBTS AND TAXES OWED BY THE DECEDENT ~~ON THE MOTOR VEHICLE~~ HAVE BEEN PAID; AND

~~3.~~ (II) THE MOTOR VEHICLE ADMINISTRATION RECEIVES A ~~CERTIFICATE OF LETTERS TESTAMENTARY OR OF ADMINISTRATION ISSUED BY A COURT OF COMPETENT JURISDICTION~~ COPY OF THE DECEDENT'S DEATH CERTIFICATE AND SUITABLE PROOF OF THE EXISTENCE OF THE MARRIAGE.

~~(2) THE MOTOR VEHICLE ADMINISTRATION MAY NOT REQUIRE A PERSON WHO RECEIVES TITLE TO A MOTOR VEHICLE UNDER PARAGRAPH (1) OF THIS SUBSECTION TO:~~

~~(I) APPLY FOR A NEW CERTIFICATE OF TITLE FOR THE MOTOR VEHICLE UNTIL THE EXPIRATION OF THE LAST ANNUAL REGISTRATION IN THE NAME OF THE DECEASED OWNER; OR~~

~~(II) SUBMIT THE CERTIFICATE OF TITLE UNTIL THE APPLICATION FOR A NEW CERTIFICATE OF TITLE IS MADE.~~

(B) IF THE ONLY PROPERTY ~~OF AN ESTATE~~ OWNED BY A DECEDENT IS A BOAT OR VESSEL WITH AN APPRAISED VALUE THAT DOES NOT EXCEED $5,000 *AND THE DECEDENT'S SURVIVING SPOUSE IS THE DECEDENT'S ONLY HEIR OR LEGATEE*:

(1) ADMINISTRATION OF ~~THE~~ AN ESTATE OF ~~A~~ THE DECEDENT IS NOT REQUIRED; AND

(2) THE AGENCY THAT ISSUED THE CERTIFICATE OF TITLE MAY TRANSFER THE CERTIFICATE OF TITLE FOR THE BOAT OR VESSEL TO THE ~~PERSON ENTITLED TO THE BOAT OR VESSEL~~ SURVIVING SPOUSE OF THE DECEDENT IF:

(I) THE ~~AGENCY IS SATISFIED~~ SURVIVING SPOUSE CERTIFIES TO THE AGENCY THAT ALL DEBTS AND TAXES OWED BY THE DECEDENT ~~ON THE BOAT OR VESSEL~~ HAVE BEEN PAID; ~~AND~~

(II) THE AGENCY RECEIVES SATISFACTORY EVIDENCE OF THE VALUE OF THE BOAT OR VESSEL, WHICH MAY BE PROVIDED BY A STATEMENT SIGNED BY TWO INDIVIDUALS STATING THAT:

1. THEY HAVE PERSONAL KNOWLEDGE OF THE VALUE OF BOATS OR VESSELS OF THE TYPE THAT IS IN THE ESTATE; AND

2. THE VALUE OF THE BOAT OR VESSEL DOES NOT EXCEED $5,000; AND

(III) THE AGENCY RECEIVES A COPY OF THE DECEDENT'S DEATH CERTIFICATE AND SUITABLE PROOF OF THE EXISTENCE OF THE MARRIAGE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 552

(House Bill 1717)

AN ACT concerning

~~Election Law~~ State Government – Protection of Information – ~~Voter Registration Lists and~~ Voter Registration Numbers ~~(Voter Registration List Protection Act)~~

FOR the purpose of ~~requiring that a copy of a list of registered voters be provided to a political party established under certain provisions of law; altering the contents of a certain statement; prohibiting a person from knowingly and willfully, rather than only knowingly, allowing a list of registered voters under the person's control to be used for any purpose not related to the electoral process; specifying that a certain prohibition relates to allowing a list of registered voters to be used for any purpose not related to the electoral process in the State; prohibiting a person from knowingly and willfully allowing a list of registered voters to be made available or distributed, used for commercial solicitation, or published or republished in a certain manner; establishing a certain penalty; altering the penalty for a certain violation; requiring the State Board of Elections to adopt certain regulations;~~ altering the definition of "personal information" for purposes of certain provisions of law governing the protection of information by government agencies to exclude voter registration numbers; making this Act an emergency measure; and generally relating to ~~voter registration lists and~~ voter registration numbers.

~~BY repealing and reenacting, with amendments,~~
~~Article – Election Law~~
~~Section 3–506~~
~~Annotated Code of Maryland~~
~~(2017 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–1301(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–1301(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~Article – Election Law~~

~~3–506.~~

~~(a) (1) A copy of a list of registered voters shall be provided to a Maryland registered voter **OR A POLITICAL PARTY ESTABLISHED UNDER TITLE 4 OF THIS ARTICLE** on receipt of:~~

~~(i) a written application; and~~

~~(ii) a statement, signed under oath, that the list is not intended to be used for:~~

~~1. commercial solicitation; or~~

~~2. any other purpose not related to the electoral process **IN THE STATE**.~~

~~(2) In consultation with the local boards, the State Board shall adopt regulations that specify:~~

~~(i) the time for a list to be provided under this subsection;~~

~~(ii) the authorization to be required for providing a list;~~

~~(iii) the fee to be paid for providing a list;~~

~~(iv) the information to be included on a list;~~

~~(v) that the residence address of an individual who is a participant in an address confidentiality program may not be disclosed;~~

~~(vi) that a participant in an address confidentiality program is not required to apply to the State Board to keep the individual's residence address confidential;~~

~~(vii) the format of the information; and~~

~~(viii) the medium or media on which the information is to be provided.~~

~~(b) (1) The State Administrator or a designee shall provide a copy of the statewide voter registration list and voter registration records to a jury commissioner on request and without charge by means agreed to with the Administrative Office of the Courts.~~

~~(2) On application of the Attorney General, a circuit court may compel compliance with paragraph (1) of this subsection.~~

~~(c) A person [who] MAY NOT knowingly [allows] AND WILLFULLY ALLOW a list of registered voters, under the person's control, to be:~~

~~(1) used for any purpose not related to the electoral process [is guilty of a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article] IN THE STATE;~~

~~(2) MADE AVAILABLE OR DISTRIBUTED TO A THIRD PARTY OTHER THAN A CANDIDATE OR BALLOT ISSUE COMMITTEE OR TO THE GENERAL PUBLIC;~~

~~(3) USED FOR COMMERCIAL SOLICITATION; OR~~

~~(4) PUBLISHED OR REPUBLISHED IN A MANNER NOT AUTHORIZED UNDER THIS SECTION.~~

~~(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE PENALTIES UNDER § 16–101 OF THIS ARTICLE.~~

~~(E) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

Article – State Government

10–1301.

(a) In this subtitle the following words have the meanings indicated.

(c) **(1)** "Personal information" means an individual's first name or first initial and last name, personal mark, or unique biometric or genetic print or image, in combination with one or more of the following data elements:

[(1)**]** **(I)** a Social Security number;

[(2)**]** **(II)** a driver's license number, state identification card number, or other individual identification number issued by a unit;

[(3)**]** **(III)** a passport number or other identification number issued by the United States government;

[(4)**]** **(IV)** an Individual Taxpayer Identification Number; or

[(5)**]** **(V)** a financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

(2) "PERSONAL INFORMATION" DOES NOT INCLUDE A VOTER REGISTRATION NUMBER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 8, 2018.

Chapter 553

(Senate Bill 1064)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; approving the issuance of bonds by the University System of Maryland in a certain

total principal amount for financing the projects; providing that the bonds issued under the authority of this Act are not a debt or an obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority of the University System of Maryland and certain projects.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) In accordance with § 19–102(d) of the Education Article, each of the following projects is approved as a project for an academic facility, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of $7,000,000 for the purposes of financing and refinancing the costs of the following projects:

~~University of Maryland, Baltimore Campus (Baltimore City): Central Electric Substation~~

University of Maryland, Baltimore County (Baltimore County): Interdisciplinary Life Sciences Building

Towson University (Baltimore County): New Science Facility

(2) In accordance with § 19–102(d) of the Education Article, those system wide capital facilities renewal projects for existing academic facilities of the constituent institutions and centers of the University System of Maryland as are authorized by the Board of Regents hereby approved as facility renewal projects for academic facilities, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of $17,000,000 for the purposes of financing and refinancing the costs of those academic facilities renewal projects.

(3) The bonds issued under the authority of this Act do not create or constitute any indebtedness or obligation of the State or of any political subdivision thereof except for the University System of Maryland, and the bonds shall so state on their face. The bonds do not constitute a debt or an obligation contracted by the General Assembly of Maryland or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 554

(House Bill 16)

AN ACT concerning

Community Colleges – Near Completers and Maryland Community College Promise Scholarships

FOR the purpose of requiring the Governor to include a certain amount in the State budget for certain fiscal years for the Maryland Higher Education Commission to establish a near completer communication campaign; requiring the Commission to develop and implement a certain web–based match program for near completers; requiring the Commission to encourage certain institutions of higher education to participate in a certain program; requiring certain institutions to provide the Commission with certain information in a certain format; requiring the Commission to make a certain determination and send certain information to near completers; requiring the Governor to include a certain amount in the State budget for certain fiscal years for the Commission to develop and implement a certain match program; establishing eligibility requirements for a certain match program; requiring the Governor to include a certain amount in the State budget for certain fiscal years for the Commission to provide certain awards to certain students subject to certain limitations; requiring certain grants to be provided on a first–come, first–served basis; requiring the Commission and certain community colleges to make certain reports to the General Assembly on or before certain dates; prohibiting certain community colleges from increasing certain tuition rates more than the higher of certain amounts beginning in a certain academic year; establishing a Maryland Community College Promise Scholarship program; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to publicize the availability of certain scholarships; requiring the Office to annually select and offer a certain scholarship award to certain applicants; establishing the eligibility requirements for receiving a certain scholarship; requiring a certain community college to assist certain applicants with a certain application on request; requiring the scholarship award to be not more than a certain amount beginning in a certain academic year; specifying how certain financial aid shall be credited to the tuition of a scholarship recipient; specifying that initial awards shall be provided to recipients ~~on a first–come, first–served basis;~~ based on greatest demonstrated financial need; specifying a priority for awards in subsequent years; requiring eligible applicants who do not receive a certain award to be notified and placed on a waiting list; prohibiting a certain scholarship award from being made unless a recipient signs a certain agreement; providing for the duration of the scholarship award; authorizing the Office to extend the duration of the award under certain circumstances; establishing the requirements for a recipient to hold a scholarship award; requiring that a certain scholarship award be converted into a student loan under certain circumstances; authorizing the Office to waive or defer repayment of a certain student loan under certain circumstances; requiring the Governor to include a certain annual appropriation in the State budget for the scholarship program; requiring the Commission to adopt certain regulations; requiring the Commission to report certain information to the General Assembly on or before certain dates; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to near completers and community college scholarships.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–209
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Education
Section 16–317 and 16–514; and 18–3401 through 18–3407 to be under the new subtitle "Subtitle 34. Maryland Community College Promise Scholarships"
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

11–209.

(a) In this section, "near completer" means an individual who has completed some college credits but does not have a college degree and is no longer attending an institution of higher education.

(b) **(1)** **(I)** The Commission, in collaboration with institutions of higher education, shall create a statewide communication campaign to identify near completers in the State and to encourage near completers to re–enroll in an institution of higher education to earn a degree.

(II) FOR EACH OF FISCAL YEARS 2020 THROUGH 2024, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET $125,000 TO THE COMMISSION TO FUND A STATEWIDE COMMUNICATION CAMPAIGN.

[(c)**]** **(2)** The communication campaign shall:

[(1)**]** **(I)** Make use of a variety of marketing media, including billboards, brochures, and electronic resources;

[(2)**]** **(II)** Provide a centralized contact point for near completers to get information about and assistance with re–enrolling;

[(3)**]** **(III)** Make readily available contact information for each public institution of higher education in the State; and

[(4)**]** **(IV)** Focus on near completers who:

[(i)**]** **1.** Earned a minimum grade point average of 2.0 on a scale of 4.0 while in college; and

[(ii) 1.**] 2. A.** Earned at least 45 credit hours if the individual attended a community college; or

[2.**] B.** Earned at least 90 credit hours if the individual attended a senior higher education institution.

[(d) (1) The Commission shall develop and implement a plan that would provide an incentive to:

(i) A near completer to re–enroll and earn a degree; and

(ii) A college to identify and graduate near completers.

(2) The incentive plan shall use all available resources, including institutional funds, private sector funds, and State funds.**]**

(C) (1) THE COMMISSION SHALL DEVELOP AND IMPLEMENT A CENTRALIZED WEB–BASED MATCH PROGRAM FOR NEAR COMPLETERS THAT FACILITATES THE MATCHING OF A NEAR COMPLETER WITH ANY INSTITUTION OF HIGHER EDUCATION AT WHICH THE NEAR COMPLETER WOULD BE ABLE TO COMPLETE THE DEGREE.

(2) THE COMMISSION SHALL ENCOURAGE EACH INSTITUTION OF HIGHER EDUCATION IN THE STATE TO PARTICIPATE IN THE MATCH PROGRAM AT NO COST TO THE INSTITUTION.

(3) (I) AN INSTITUTION THAT PARTICIPATES IN THE MATCH PROGRAM SHALL PROVIDE THE COMMISSION WITH INFORMATION REGARDING NEAR COMPLETERS WHO ATTENDED THE INSTITUTION, AS REQUESTED BY THE COMMISSION AND IN THE FORMAT IDENTIFIED BY THE COMMISSION.

(II) ON RECEIPT OF INFORMATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL:

1. DETERMINE ANY MATCHES BETWEEN A NEAR COMPLETER AND INSTITUTIONS; AND

2. SEND INFORMATION TO THE NEAR COMPLETER REGARDING THE MATCHES, ANY INCENTIVES OFFERED FOR NEAR COMPLETERS BY THE STATE OR BY THE INSTITUTIONS, AND ANY OTHER FINANCIAL AID AVAILABLE TO THE NEAR COMPLETER.

(4) FOR EACH OF FISCAL YEARS 2020 THROUGH 2024, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET $50,000 TO THE COMMISSION TO DEVELOP AND IMPLEMENT THE MATCH PROGRAM FOR NEAR COMPLETERS DESCRIBED UNDER THIS SUBSECTION.

(D) (1) A NEAR COMPLETER IS ELIGIBLE FOR A GRANT UNDER THIS SECTION IF THE NEAR COMPLETER:

(I) EARNED A MINIMUM GRADE POINT AVERAGE OF 2.0 ON A SCALE OF 4.0 WHILE IN COLLEGE; AND

(II) 1. EARNED AT LEAST 45 CREDIT HOURS IF THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE; OR

2. EARNED AT LEAST 90 CREDIT HOURS IF THE INDIVIDUAL ATTENDED A SENIOR HIGHER EDUCATION INSTITUTION.

(2) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET THE AMOUNT SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION TO THE COMMISSION TO PROVIDE TO A NEAR COMPLETER THE FOLLOWING AMOUNT:

(I) FOR A NEAR COMPLETER WHO RE–ENROLLS IN A COMMUNITY COLLEGE, UP TO ONE–THIRD OF THE IN–COUNTY TUITION CHARGE; OR

(II) FOR A NEAR COMPLETER WHO RE–ENROLLS IN A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, UP TO ONE–THIRD OF THE RESIDENT UNDERGRADUATE TUITION CHARGE.

(3) THE GOVERNOR SHALL INCLUDE THE FOLLOWING AMOUNTS IN THE STATE BUDGET TO THE COMMISSION FOR NEAR COMPLETER GRANTS UNDER PARAGRAPH (2) OF THIS SUBSECTION:

(I) FOR FISCAL YEAR 2020, $250,000; AND

(II) FOR EACH OF FISCAL YEARS 2021 THROUGH 2024, $375,000.

(4) A GRANT PROVIDED UNDER THIS SUBSECTION MAY BE USED ONLY FOR TUITION AND MAY NOT BE USED FOR FEES OR OTHER CHARGES OR EXPENSES RELATED TO ATTENDING AN INSTITUTION OF HIGHER EDUCATION.

(5) ALL NONLOAN AID RECEIVED BY THE NEAR COMPLETER SHALL BE CREDITED TO THE NEAR COMPLETER'S TUITION BEFORE THE CALCULATION OF THE GRANT AMOUNT PROVIDED UNDER THIS SUBSECTION.

(6) GRANTS SHALL BE PROVIDED ON A FIRST–COME, FIRST–SERVED BASIS.

(e) The Commission and institutions of higher education may implement other near completer initiatives in addition to the campaign and [incentive plan] **MATCH PROGRAM** required under this section.

(f) By December 1, [2013] **2019, AND EVERY DECEMBER 1 THROUGH 2025**, the Commission shall submit a report, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the details of the statewide communication campaign and the [incentive plan] **MATCH PROGRAM**, including [the expected timeline for] implementation **OF THE CAMPAIGN AND MATCH PROGRAM AND A DETAILED ACCOUNT OF THE EXPENDITURES UNDER THE GRANT PROGRAM ESTABLISHED IN SUBSECTION (D) OF THIS SECTION**.

SUBTITLE 34. MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIPS.

18–3401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ANNUAL ADJUSTED GROSS INCOME" MEANS THE TOTAL OF THE COMBINED ADJUSTED GROSS INCOME OF THE APPLICANT AND THE APPLICANT'S PARENTS, OR THE APPLICANT AND THE APPLICANT'S SPOUSE IF THE APPLICANT IS MARRIED, AS REPORTED ON THE MOST RECENT FEDERAL OR STATE INCOME TAX RETURN.

(C) "COMMUNITY COLLEGE" INCLUDES BALTIMORE CITY COMMUNITY COLLEGE.

(D) (1) "TUITION" MEANS THE BASIC INSTRUCTIONAL CHARGE FOR COURSES OFFERED AT A COMMUNITY COLLEGE.

(2) "TUITION" INCLUDES ANY FEES FOR:

(I) REGISTRATION;

(II) APPLICATION;

(III) ADMINISTRATION;

(IV) LABORATORY WORK; AND

(V) OTHER MANDATORY FEES.

18–3402.

(A) THERE IS A PROGRAM OF MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIPS IN THE STATE THAT ARE AWARDED UNDER THIS SUBTITLE.

(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TUITION ASSISTANCE FOR STUDENTS TO ATTEND A COMMUNITY COLLEGE IN THE STATE.

(C) THE OFFICE SHALL PUBLICIZE THE AVAILABILITY OF MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIPS.

18–3403.

(A) (1) A STUDENT MUST APPLY ANNUALLY TO THE COMMISSION TO RECEIVE A MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP AWARD.

(2) THE OFFICE ANNUALLY SHALL SELECT ELIGIBLE APPLICANTS AND OFFER A MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP AWARD TO EACH SELECTED APPLICANT TO BE USED FOR TUITION AT A COMMUNITY COLLEGE OF THE APPLICANT'S CHOICE.

(B) AN APPLICANT IS ELIGIBLE FOR A MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP IF THE APPLICANT:

(1) IS ~~A RESIDENT OF THE STATE FOR THE 12–MONTH PERIOD IMMEDIATELY BEFORE ENROLLING IN A COMMUNITY COLLEGE~~ ELIGIBLE FOR IN–STATE TUITION;

(2) ENROLLS AS A CANDIDATE FOR A VOCATIONAL CERTIFICATE, A CERTIFICATE, OR AN ASSOCIATE'S DEGREE AT A COMMUNITY COLLEGE IN THE STATE WITHIN 2 YEARS AFTER GRADUATING FROM A HIGH SCHOOL ~~IN THE STATE~~ OR SUCCESSFULLY COMPLETING A GED IN THE STATE;

(3) HAS EARNED AN OVERALL HIGH SCHOOL GRADE POINT AVERAGE OF AT LEAST 2.3 ON A 4.0 SCALE OR ITS EQUIVALENT;

(4) HAS AN ANNUAL ADJUSTED GROSS INCOME OF NOT MORE THAN:

(I) ~~$100,000~~ ~~$90,000~~ *$100,000* IF THE APPLICANT IS SINGLE OR RESIDES IN A SINGLE–PARENT HOUSEHOLD; OR

(II) ~~$150,000~~ ~~$125,000~~ *$150,000* IF THE APPLICANT IS MARRIED OR RESIDES IN A TWO–PARENT HOUSEHOLD;

(5) ENROLLS IN AT LEAST 12 CREDITS PER SEMESTER AT THE COMMUNITY COLLEGE; AND

(6) (I) TIMELY SUBMITS A FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA) OR ANY OTHER APPLICATIONS FOR ANY STATE OR FEDERAL STUDENT FINANCIAL AID, OTHER THAN A STUDENT LOAN, FOR WHICH THE APPLICANT MAY QUALIFY; OR

(II) IS INELIGIBLE TO SUBMIT A FAFSA, QUALIFIES FOR IN–STATE TUITION UNDER § 15–106.8 OF THIS ARTICLE, AND TIMELY SUBMITS AN APPLICATION FOR ANY STATE STUDENT FINANCIAL AID, OTHER THAN A STUDENT LOAN, FOR WHICH THE APPLICANT MAY QUALIFY.

(C) (1) AN APPLICANT WHO RECEIVES ANY OTHER EDUCATIONAL GRANTS OR SCHOLARSHIPS THAT COVER THE APPLICANT'S FULL COST OF ATTENDANCE AT THE COMMUNITY COLLEGE IS INELIGIBLE TO RECEIVE AN AWARD UNDER THIS SUBTITLE.

(2) AN APPLICANT WHO HAS EARNED A BACHELOR'S DEGREE OR AN ASSOCIATE'S DEGREE IS INELIGIBLE TO RECEIVE AN AWARD UNDER THIS SUBTITLE.

(D) ON REQUEST THE COMMUNITY COLLEGE SHALL ASSIST AN APPLICANT TO SUBMIT A FAFSA OR ANY OTHER APPLICATIONS FOR STATE OR FEDERAL STUDENT FINANCIAL AID.

18–3404.

(A) BEGINNING IN THE 2019–2020 ACADEMIC YEAR, THE ANNUAL SCHOLARSHIP AWARD SHALL BE NOT MORE THAN $5,000 PER RECIPIENT, OR ACTUAL TUITION, WHICHEVER IS LESS.

(B) (1) ANY STUDENT FINANCIAL AID, OTHER THAN A STUDENT LOAN, RECEIVED BY THE RECIPIENT SHALL BE CREDITED TO THE RECIPIENT'S TUITION BEFORE THE CALCULATION OF ANY AWARD AMOUNT PROVIDED UNDER THIS SUBTITLE.

(2) (I) 1. ~~AWARDS~~ INITIAL AWARDS SHALL BE PROVIDED TO RECIPIENTS ~~ON A FIRST–COME, FIRST–SERVED BASIS~~ BASED ON GREATEST DEMONSTRATED FINANCIAL NEED.

2. PRIORITY FOR AWARDS IN SUBSEQUENT YEARS SHALL BE GIVEN TO PRIOR YEAR RECIPIENTS WHO REMAIN ELIGIBLE FOR THE PROGRAM.

(II) ELIGIBLE APPLICANTS WHO DO NOT RECEIVE AN AWARD UNDER THIS SUBTITLE SHALL BE NOTIFIED AND PLACED ON A WAITING LIST.

(C) AN AWARD UNDER THIS SUBTITLE MAY BE MADE ONLY IF A RECIPIENT SIGNS AN AGREEMENT AT THE TIME OF THE INITIAL AWARD TO:

(1) ~~RESIDE EXCLUSIVELY IN THE STATE~~ USE AN ADDRESS IN THE STATE ON THE RECIPIENT'S STATE INCOME TAX RETURN AND COMMENCE FULL–TIME EMPLOYMENT IN THE STATE WITHIN 1 YEAR AFTER COMPLETION OF THE VOCATIONAL CERTIFICATE, CERTIFICATE, OR ASSOCIATE'S DEGREE;

(2) ~~MAINTAIN RESIDENCY AND~~ CONTINUE TO USE AN ADDRESS IN THE STATE ON THE RECIPIENT'S STATE INCOME TAX RETURN AND MAINTAIN EMPLOYMENT IN THE STATE FOR AT LEAST 1 YEAR FOR EACH YEAR THAT THE SCHOLARSHIP WAS AWARDED; AND

(3) HAVE THE SCHOLARSHIP AWARD CONVERTED INTO A STUDENT LOAN PAYABLE TO THE STATE IF THE RECIPIENT FAILS TO FULFILL THE SERVICE OBLIGATION REQUIRED IN ITEMS (1) AND (2) OF THIS SUBSECTION.

(D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, EACH RECIPIENT MAY HOLD THE AWARD UNTIL THE EARLIER OF:

(I) ~~2~~ 3 YEARS AFTER FIRST ENROLLING AS A CANDIDATE FOR A VOCATIONAL CERTIFICATE, A CERTIFICATE, OR AN ASSOCIATE'S DEGREE AT A COMMUNITY COLLEGE IN THE STATE; OR

(II) THE DATE THAT THE INDIVIDUAL IS AWARDED ~~A VOCATIONAL CERTIFICATE OR~~ AN ASSOCIATE'S DEGREE.

(2) THE OFFICE MAY EXTEND THE DURATION OF AN AWARD FOR AN ALLOWABLE INTERRUPTION OF STUDY IF THE RECIPIENT PROVIDES TO THE OFFICE SATISFACTORY EVIDENCE OF EXTENUATING CIRCUMSTANCES THAT PREVENT THE RECIPIENT FROM CONTINUOUS ENROLLMENT.

(3) EACH RECIPIENT MAY HOLD THE AWARD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE RECIPIENT:

(I) CONTINUES TO BE ~~A RESIDENT OF THE STATE~~ ELIGIBLE FOR IN–STATE TUITION;

(II) CONTINUES TO ENROLL IN AND COMPLETE AT LEAST 12 CREDITS PER SEMESTER OR ITS EQUIVALENT AS DETERMINED BY THE OFFICE;

(III) MAINTAINS A CUMULATIVE GRADE POINT AVERAGE OF AT LEAST 2.5 ON A 4.0 SCALE OR ITS EQUIVALENT FOR THE REMAINDER OF THE AWARD OR, FAILING TO DO SO, PROVIDES TO THE OFFICE SATISFACTORY EVIDENCE OF EXTENUATING CIRCUMSTANCES;

(IV) MAKES SATISFACTORY PROGRESS TOWARD A VOCATIONAL CERTIFICATE, A CERTIFICATE, OR AN ASSOCIATE'S DEGREE;

(V) CONTINUES TO MEET THE INCOME LIMITATIONS UNDER § 18–3403(B)(4) OF THIS SUBTITLE; AND

(VI) CONTINUES TO TIMELY SUBMIT AN APPLICATION UNDER § 18–3403(B)(6).

(E) (1) IF THE RECIPIENT DOES NOT PERFORM THE SERVICE OBLIGATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE SCHOLARSHIP AWARD SHALL BE CONVERTED INTO A STUDENT LOAN.

(2) THE OFFICE MAY WAIVE OR DEFER REPAYMENT OF THE STUDENT LOAN IF THE RECIPIENT PROVIDES SATISFACTORY EVIDENCE OF EXTENUATING CIRCUMSTANCES THAT PREVENT THE RECIPIENT FROM FULFILLING THE SERVICE OBLIGATION.

18–3405.

THE GOVERNOR SHALL INCLUDE AN ANNUAL APPROPRIATION OF AT LEAST ~~$10,000,000~~ *$15,000,000* IN THE STATE BUDGET FOR THE COMMISSION TO DISBURSE MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIPS UNDER THIS SUBTITLE.

18–3406.

(A) THE COMMISSION SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

(B) THE REGULATIONS SHALL INCLUDE THE TERMS AND CONDITIONS FOR REPAYMENT OF ANY AWARD AMOUNT THAT IS CONVERTED TO A LOAN UNDER § 18–3404 OF THIS SUBTITLE.

18–3407.

ON OR BEFORE DECEMBER 1, 2020, AND EACH DECEMBER 1 THEREAFTER, THE COMMISSION SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THE MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP PROGRAM, INCLUDING:

(1) THE NUMBER OF APPLICANTS WHO RECEIVED A MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP IN THE ACADEMIC YEAR;

(2) THE NUMBER OF SCHOLARSHIP RECIPIENTS ENROLLED IN AN ASSOCIATE'S DEGREE PROGRAM;

(3) THE NUMBER OF SCHOLARSHIP RECIPIENTS ENROLLED IN A VOCATIONAL CERTIFICATE PROGRAM;

(4) THE NUMBER OF SCHOLARSHIP RECIPIENTS ENROLLED IN A CERTIFICATE PROGRAM;

(5) THE AMOUNT OF THE AWARD MADE TO EACH SCHOLARSHIP RECIPIENT; ~~AND~~

~~(3)~~ (6) THE NUMBER OF ELIGIBLE APPLICANTS, IF ANY, WHO WERE PLACED ON A WAITING LIST AND THE AMOUNT OF DEMONSTRATED FINANCIAL NEED, IN THE AGGREGATE, OF THOSE APPLICANTS;

(7) THE NUMBER OF SCHOLARSHIP RECIPIENTS WHO EARNED AN ASSOCIATE'S DEGREE WITHIN 2, 3, OR 4 YEARS AFTER RECEIVING AN AWARD;

(8) THE NUMBER OF SCHOLARSHIP RECIPIENTS WHO EARNED A VOCATIONAL CERTIFICATE WITHIN 1, 2, OR 3 YEARS AFTER RECEIVING AN AWARD;

(9) THE NUMBER OF SCHOLARSHIP RECIPIENTS WHO TRANSFERRED TO A 4–YEAR INSTITUTION IN THE STATE; AND

(10) THE ACTUAL AND POTENTIAL IMPACT OF THE PROGRAM ON ENROLLMENT RATES AT COMMUNITY COLLEGES AND 4–YEAR PUBLIC INSTITUTIONS IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

16–317.

BEGINNING IN THE 2019–2020 ACADEMIC YEAR, A COMMUNITY COLLEGE IN THE STATE MAY NOT INCREASE THE IN–COUNTY TUITION RATE OVER THE PRIOR YEAR BY MORE THAN THE HIGHER OF THE INCREASE IN THE 3–YEAR ROLLING AVERAGE OF THE STATE'S MEDIAN FAMILY INCOME OR 4% OVER THE PRIOR YEAR TUITION RATE.

16–514.

BEGINNING IN THE 2019–2020 ACADEMIC YEAR, BALTIMORE CITY COMMUNITY COLLEGE MAY NOT INCREASE THE TUITION RATE OVER THE PRIOR YEAR BY MORE THAN THE HIGHER OF THE INCREASE IN THE 3–YEAR ROLLING AVERAGE OF THE STATE'S MEDIAN FAMILY INCOME OR 4% OVER THE PRIOR YEAR TUITION RATE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.

Chapter 555

(House Bill 547)

AN ACT concerning

Education – Head Start Program – Annual Appropriation
(The Ulysses Currie Act)

FOR the purpose of requiring a certain program to be referred to as the Ulysses Currie Head Start Program; requiring the Governor to include a certain appropriation to the Ulysses Currie Head Start Program in each annual budget submission; and generally relating to the Ulysses Currie Head Start Program.

BY adding to
Article – Education
Section 5–219
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

5–219.

(A) THE HEAD START PROGRAM IN THE STATE SHALL BE REFERRED TO AS THE ULYSSES CURRIE HEAD START PROGRAM.

(B) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF AT LEAST $3,000,000 FOR THE ULYSSES CURRIE HEAD START PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 556

(Senate Bill 373)

AN ACT concerning

Education – Head Start Program – Annual Appropriation
(The Ulysses Currie Act)

FOR the purpose of requiring a certain program to be referred to as the Ulysses Currie Head Start Program; requiring the Governor to include a certain appropriation to the Ulysses Currie Head Start Program in each annual budget submission; and generally relating to the Ulysses Currie Head Start Program.

BY adding to
Article – Education
Section 5–219
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

5–219.

(A) THE HEAD START PROGRAM IN THE STATE SHALL BE REFERRED TO AS THE ULYSSES CURRIE HEAD START PROGRAM.

(B) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF AT LEAST $3,000,000 FOR THE ULYSSES CURRIE HEAD START PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 557

(Senate Bill 983)

AN ACT concerning

Maryland Historical Society – Funding

FOR the purpose of requiring that the Maryland Historical Society receive a certain distribution from certain funds distributed to the Maryland State Arts Council from certain revenue distributed from the State admissions and amusement tax on electronic bingo and electronic tip jars; and generally relating to the distribution of revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 2–202(a)(1)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(c)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Tax – General

2–202.

(a) After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in subsections (b) and (c) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(e) of this article:

(i) 1. for fiscal years 2016 through 2021, the revenue attributable to a tax rate of 20% to the Maryland E–Novation Initiative Fund under § 6–604 of the Economic Development Article; and

2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and

(ii) 1. for fiscal year 2018, the revenue attributable to a tax rate of 5% as follows:

A. to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article, up to an aggregate amount of $1,000,000 in each fiscal year; and

B. the remainder to the Maryland State Arts Council, as provided in § 4–512 of the Economic Development Article;

2. for fiscal years 2019 through 2021, the revenue attributable to a tax rate of 5% as follows:

A. to the Maryland State Arts Council, as provided in § 4–512 of the Economic Development Article, $1,000,000 in each fiscal year; and

B. the remainder to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and

3. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 5% to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and

(c) From the revenue attributable to a tax rate of 5% to be distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under subsection (a)(1)(ii) of this section, the Comptroller shall distribute**[,]:**

(1) for fiscal year 2019 and each fiscal year thereafter, $250,000 to the Arts Council of Anne Arundel County**; AND**

(2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, $250,000 TO THE MARYLAND HISTORICAL SOCIETY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 558

(House Bill 1685)

AN ACT concerning

Maryland Prenatal and Infant Care Coordination Services Grant Program Fund (Thrive by Three Fund)

FOR the purpose of establishing the Maryland Prenatal and Infant Care Coordination Services Grant Program Fund; providing for the purpose of the Fund; requiring the Secretary of Health to award grants from the Fund and oversee the operation of the Fund; providing that the Fund is a special, nonlapsing fund not subject to a certain provision of law; requiring the State Treasurer to hold the Fund separately and the Comptroller to account for the Fund; specifying the contents of the Fund; requiring the Governor to include in the annual budget certain funding for the Fund beginning in a certain fiscal year; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; providing that money expended from the Fund for certain grants are supplemental to and not intended to take the place of certain other appropriations; providing that the Fund is subject to audit; authorizing any county or municipality to apply to the Secretary for a grant from the Fund to be applied toward a certain program; requiring that an application for a grant from the Fund include certain evidence and a certain plan; requiring the Secretary, after consultation with members of the Children's Cabinet, to establish certain procedures; requiring that priority on the awarding of grants be given to certain proposals; requiring a county or municipality awarded a grant from the Fund to submit a certain report each year to the Secretary and the General Assembly that includes certain information; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Maryland Prenatal and Infant Care Coordination Services Grant Program Fund.

BY adding to
Article – Health – General

Section 24–1501 through 24–1505 to be under the new subtitle "Subtitle 15. Maryland Prenatal and Infant Care Coordination Services Grant Program Fund"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

SUBTITLE 15. MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND.

24–1501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CARE COORDINATION SERVICES" MEANS AN ACTIVE, ONGOING PROCESS OF ASSISTING AN INDIVIDUAL TO IDENTIFY, ACCESS, AND USE COMMUNITY RESOURCES AND COORDINATING SERVICES TO MEET THE INDIVIDUAL'S NEEDS.

(C) "FUND" MEANS THE MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND ESTABLISHED UNDER § 24–1502(A) OF THIS SUBTITLE.

24–1502.

(A) THERE IS A MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO MAKE GRANTS TO COUNTIES AND MUNICIPALITIES TO PROVIDE CARE COORDINATION SERVICES ~~AND EVIDENCE–BASED SUPPORTS OR INTERVENTIONS~~ TO LOW–INCOME PREGNANT AND POSTPARTUM WOMEN AND TO CHILDREN FROM BIRTH TO 3 YEARS OLD.

(C) THE SECRETARY SHALL:

(1) AWARD GRANTS FROM THE FUND; AND

(2) OVERSEE THE OPERATION OF THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) INVESTMENT EARNINGS OF THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) BEGINNING IN FISCAL YEAR 2020 AND IN EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET $50,000 FOR THE FUND.

~~(F)~~ (G) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO COUNTIES AND MUNICIPALITIES TO PROVIDE CARE COORDINATION SERVICES ~~AND EVIDENCE–BASED SUPPORTS OR INTERVENTIONS~~ TO LOW–INCOME PREGNANT AND POSTPARTUM WOMEN AND CHILDREN FROM BIRTH TO 3 YEARS OLD.

~~(G)~~ (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND, INCLUDING INTEREST EARNINGS UNDER SUBSECTION (E) OF THIS SECTION.

~~(H)~~ (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

~~(I)~~ (J) MONEY EXPENDED FROM THE FUND FOR GRANTS UNDER THIS SUBTITLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR CARE COORDINATION SERVICES.

~~(J)~~ (K) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

24–1503.

(A) ANY COUNTY OR MUNICIPALITY MAY APPLY TO THE SECRETARY FOR A GRANT FROM THE FUND TO BE APPLIED TOWARD A PROGRAM THAT PROVIDES CARE COORDINATION SERVICES ~~AND EVIDENCE–BASED SUPPORTS OR INTERVENTIONS~~ TO LOW–INCOME PREGNANT AND POSTPARTUM WOMEN AND TO CHILDREN FROM BIRTH TO 3 YEARS OLD.

(B) AN APPLICATION FOR A GRANT FROM THE FUND SHALL INCLUDE, AT MINIMUM:

(1) EVIDENCE THAT THE COUNTY'S OR MUNICIPALITY'S CARE COORDINATION SERVICES WILL BE A COLLABORATIVE EFFORT INVOLVING:

(I) THE APPROPRIATE PUBLIC SERVICE AGENCIES; AND

(II) COMMUNITY–BASED PROVIDERS; AND

(2) A PLAN FOR THE ESTABLISHMENT OF A DATABASE THAT COLLECTS DATA FROM THE PROGRAM TO ENSURE THAT THE PROVISION OF SERVICES~~, SUPPORTS, AND INTERVENTIONS ARE~~ IS PROVIDED TO THE FAMILIES WITH THE HIGHEST NEED.

24–1504.

(A) THE SECRETARY, AFTER CONSULTATION WITH THE MEMBERS OF THE CHILDREN'S CABINET, SHALL ESTABLISH PROCEDURES FOR THE DISTRIBUTION OF MONEY FROM THE FUND.

(B) PRIORITY ON AWARDING GRANTS SHALL BE GIVEN TO PROPOSALS FROM A COUNTY OR MUNICIPALITY THAT:

(1) HAS:

(I) A HIGH NUMBER OF BIRTHS TO WOMEN ENROLLED IN MEDICAID;

(II) HIGH RATES OF INFANT MORTALITY; AND

(III) HIGH RATES OF PRETERM BIRTHS; AND

(2) DEMONSTRATES THAT THE PROGRAM WILL BE COORDINATED WITH COMMUNITY–BASED SERVICE PROVIDERS.

24–1505.

A COUNTY OR MUNICIPALITY AWARDED A GRANT FROM THE FUND SHALL SUBMIT ANNUALLY TO THE SECRETARY AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT THAT INCLUDES DATA DESCRIBING:

(1) THE SERVICES PROVIDED;

(2) THE NUMBER OF INDIVIDUALS RECEIVING SERVICES;

(3) OUTCOMES FOR INDIVIDUALS RECEIVING SERVICES; AND

(4) AN ASSESSMENT OF THE FUNDED ACTIVITIES' ABILITY TO SCALE.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; **[**and**]**

102. the Make Office Vacancies Extinct Matching Fund**; AND**

103. THE MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 559

(Senate Bill 912)

AN ACT concerning

Maryland Prenatal and Infant Care Coordination Services Grant Program Fund (Thrive by Three Fund)

FOR the purpose of establishing the Maryland Prenatal and Infant Care Coordination Services Grant Program Fund; providing for the purpose of the Fund; requiring the Secretary of Health to award grants from the Fund and oversee the operation of the Fund; providing that the Fund is a special, nonlapsing fund not subject to a certain provision of law; requiring the State Treasurer to hold the Fund separately and the Comptroller to account for the Fund; specifying the contents of the Fund; *requiring the Governor to include in the annual budget certain funding for the Fund beginning in a certain fiscal year;* specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; providing that money expended from the Fund for certain grants are supplemental to and not intended to take the place of certain other appropriations; providing that the Fund is subject to audit; authorizing any county or municipality to apply to the Secretary for a grant from the Fund to be applied toward a certain program; requiring that an application for a grant from the Fund include certain evidence and a certain plan; requiring the Secretary, after consultation with members of the Children's Cabinet, to establish certain procedures; requiring that priority on the awarding of grants be given to certain proposals; requiring a county or municipality awarded a grant from the Fund to submit a certain report each year to the Secretary and the General Assembly that includes certain information; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Maryland Prenatal and Infant Care Coordination Services Grant Program Fund.

BY adding to

Article – Health – General
Section 24–1501 through 24–1505 to be under the new subtitle "Subtitle 15. Maryland Prenatal and Infant Care Coordination Services Grant Program Fund"
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

SUBTITLE 15. MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND.

24–1501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CARE COORDINATION SERVICES" MEANS AN ACTIVE, ONGOING PROCESS OF ASSISTING AN INDIVIDUAL TO IDENTIFY, ACCESS, AND USE COMMUNITY RESOURCES AND COORDINATING SERVICES TO MEET THE INDIVIDUAL'S NEEDS.

(C) "FUND" MEANS THE MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND ESTABLISHED UNDER § 24–1502(A) OF THIS SUBTITLE.

24–1502.

(A) THERE IS A MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO MAKE GRANTS TO COUNTIES AND MUNICIPALITIES TO PROVIDE CARE COORDINATION SERVICES ~~AND EVIDENCE–BASED SUPPORTS OR INTERVENTIONS~~ TO LOW–INCOME PREGNANT AND POSTPARTUM WOMEN AND TO CHILDREN FROM BIRTH TO 3 YEARS OLD.

(C) THE SECRETARY SHALL:

(1) AWARD GRANTS FROM THE FUND; AND

(2) OVERSEE THE OPERATION OF THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) INVESTMENT EARNINGS OF THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) BEGINNING IN FISCAL YEAR 2020 AND IN EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET $50,000 FOR THE FUND.

~~(F)~~ *(G)* THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO COUNTIES AND MUNICIPALITIES TO PROVIDE CARE COORDINATION SERVICES ~~AND EVIDENCE–BASED SUPPORTS OR INTERVENTIONS~~ TO LOW–INCOME PREGNANT AND POSTPARTUM WOMEN AND CHILDREN FROM BIRTH TO 3 YEARS OLD.

~~(G)~~ *(H)* (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND, INCLUDING INTEREST EARNINGS UNDER SUBSECTION (E) OF THIS SECTION.

~~(H)~~ *(I)* EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

~~(I)~~ *(J)* MONEY EXPENDED FROM THE FUND FOR GRANTS UNDER THIS SUBTITLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR CARE COORDINATION SERVICES.

~~(J)~~ *(K)* THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

24–1503.

(A) ANY COUNTY OR MUNICIPALITY MAY APPLY TO THE SECRETARY FOR A GRANT FROM THE FUND TO BE APPLIED TOWARD A PROGRAM THAT PROVIDES CARE COORDINATION SERVICES ~~AND EVIDENCE–BASED SUPPORTS OR INTERVENTIONS~~ TO LOW–INCOME PREGNANT AND POSTPARTUM WOMEN AND TO CHILDREN FROM BIRTH TO 3 YEARS OLD.

(B) AN APPLICATION FOR A GRANT FROM THE FUND SHALL INCLUDE, AT MINIMUM:

(1) EVIDENCE THAT THE COUNTY'S OR MUNICIPALITY'S CARE COORDINATION SERVICES WILL BE A COLLABORATIVE EFFORT INVOLVING:

(I) THE APPROPRIATE PUBLIC SERVICE AGENCIES; AND

(II) COMMUNITY–BASED PROVIDERS; AND

(2) A PLAN FOR THE ESTABLISHMENT OF A DATABASE THAT COLLECTS DATA FROM THE PROGRAM TO ENSURE THAT THE PROVISION OF SERVICES~~, SUPPORTS, AND INTERVENTIONS ARE~~ IS PROVIDED TO THE FAMILIES WITH THE HIGHEST NEED.

24–1504.

(A) THE SECRETARY, AFTER CONSULTATION WITH THE MEMBERS OF THE CHILDREN'S CABINET, SHALL ESTABLISH PROCEDURES FOR THE DISTRIBUTION OF MONEY FROM THE FUND.

(B) PRIORITY ON AWARDING GRANTS SHALL BE GIVEN TO PROPOSALS FROM A COUNTY OR MUNICIPALITY THAT:

(1) HAS:

(I) A HIGH NUMBER OF BIRTHS TO WOMEN ENROLLED IN MEDICAID;

(II) HIGH RATES OF INFANT MORTALITY; AND

(III) HIGH RATES OF PRETERM BIRTHS; AND

(2) DEMONSTRATES THAT THE PROGRAM WILL BE COORDINATED WITH COMMUNITY–BASED SERVICE PROVIDERS.

24–1505.

A COUNTY OR MUNICIPALITY AWARDED A GRANT FROM THE FUND SHALL SUBMIT ANNUALLY TO THE SECRETARY AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT THAT INCLUDES DATA DESCRIBING:

(1) THE SERVICES PROVIDED;

(2) THE NUMBER OF INDIVIDUALS RECEIVING SERVICES;

(3) OUTCOMES FOR INDIVIDUALS RECEIVING SERVICES; AND

(4) AN ASSESSMENT OF THE FUNDED ACTIVITIES' ABILITY TO SCALE.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; **[**and**]**

102. the Make Office Vacancies Extinct Matching Fund**; AND**

103. THE MARYLAND PRENATAL AND INFANT CARE COORDINATION SERVICES GRANT PROGRAM FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 560

(House Bill 315)

AN ACT concerning

State Department of Education – Breakfast and Lunch Programs – Funding (Maryland Cares for Kids Act)

FOR the purpose of repealing the requirement that the State Board of Education adopt and publish standards for the administration of a subsidized feeding program; *authorizing a certain nonpublic school to participate in a certain feeding program; requiring the State to be responsible for reimbursing certain nonpublic schools under certain circumstances; providing for the distribution of certain funding to certain nonpublic schools and county boards;* requiring the State to be responsible for reimbursing a county board of education or ~~a nonprofit~~ *certain* nonpublic ~~school~~ *schools* for certain portions of the student share of the costs of certain meals in certain fiscal years; prohibiting a county board of education or ~~nonprofit~~ *certain* nonpublic ~~school~~ *schools* from charging certain students for any portion of the cost of ~~the meal~~ certain meals beginning in certain fiscal years; *requiring certain nonpublic schools to provide a free feeding program for certain children; providing for the use of certain funds for certain nonpublic schools; authorizing a nonpublic school to provide a certain free breakfast program; providing for the eligibility for certain nonpublic schools for a certain State reimbursement under certain circumstances;* altering the calculation for the reimbursement for certain meals to certain county boards of education and ~~nonprofit~~ *certain* nonpublic schools; making conforming changes; and generally relating to school breakfast and lunch programs and the State Department of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–601 through 7–605 and 7–701 through 7–703
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–601.

(a) The State Board shall adopt and publish standards for the administration of the **[**subsidized and**]** free feeding program.

(b) The standards shall**[**:

(1) Provide**]** **PROVIDE** for eligibility requirements for the program**[**; and

(2) Require each county board to provide a reduced price lunch program**]**.

7–602.

(a) There is a State Free Feeding Program.

(b) (1) Each year the State Superintendent shall determine the amount of State money required to provide **[**a program of subsidized and free feeding programs**]** **THE PROGRAM** in accordance with the standards adopted by the State Board under this subtitle.

(2) The amount included for this Program in the annual State budget, including any federal funds, and as submitted to and appropriated by the General Assembly, shall be distributed to the county boards ***AND PARTICIPATING NONPUBLIC SCHOOLS IN THE SAME MANNER AS THE PROCESS ESTABLISHED*** under § 5–212 of this article.

(C) ***(1) A NONPUBLIC SCHOOL IN THE STATE THAT PARTICIPATES IN THE FEDERAL SCHOOL BREAKFAST PROGRAM OR THE NATIONAL SCHOOL LUNCH PROGRAM MAY PARTICIPATE IN THE STATE FREE FEEDING PROGRAM.***

(2) IF A NONPUBLIC SCHOOL PARTICIPATES IN THE STATE FREE FEEDING PROGRAM, THE STATE SHALL BE RESPONSIBLE FOR REIMBURSING THE PARTICIPATING NONPUBLIC SCHOOL UNDER SUBSECTION (D) OF THIS SECTION.

(D) **THE STATE SHALL BE RESPONSIBLE FOR REIMBURSING A COUNTY BOARD OR A ~~NONPROFIT~~ *PARTICIPATING* NONPUBLIC SCHOOL FOR THE STUDENT SHARE OF THE COSTS OF:**

(1) BREAKFASTS PROVIDED TO ALL STUDENTS ELIGIBLE FOR A REDUCED PRICE BREAKFAST UNDER THE FEDERAL SCHOOL BREAKFAST PROGRAM ACCORDING TO THE FOLLOWING SCHEDULE:

(I) FOR FISCAL YEAR 2020, 10 CENTS PER STUDENT;

(II) FOR FISCAL YEAR 2021, 20 CENTS PER STUDENT; AND

(III) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GREATER OF 30 CENTS PER STUDENT OR THE REQUIRED FEDERAL PER MEAL CHARGE TO STUDENTS; AND

(2) LUNCHES PROVIDED TO ALL STUDENTS ELIGIBLE FOR A REDUCED PRICE LUNCH UNDER THE NATIONAL SCHOOL LUNCH PROGRAM ACCORDING TO THE FOLLOWING SCHEDULE:

(I) FOR FISCAL YEAR 2020, 10 CENTS PER STUDENT;

(II) FOR FISCAL YEAR 2021, 20 CENTS PER STUDENT;

(III) FOR FISCAL YEAR 2022, 30 CENTS PER STUDENT; AND

(IV) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE GREATER OF 40 CENTS PER STUDENT OR THE REQUIRED FEDERAL PER MEAL CHARGE TO STUDENTS.

~~(D)~~ *(E)* ~~A~~ (1) BEGINNING IN FISCAL YEAR 2022, A COUNTY BOARD OR ~~NONPROFIT~~ *PARTICIPATING* NONPUBLIC SCHOOL MAY NOT CHARGE A STUDENT WHO IS ELIGIBLE FOR A REDUCED PRICE BREAKFAST ~~OR LUNCH~~ FOR ANY PORTION OF THE COST OF THE MEAL.

(2) BEGINNING IN FISCAL YEAR 2023, A COUNTY BOARD OR ~~NONPROFIT~~ *PARTICIPATING* NONPUBLIC SCHOOL MAY NOT CHARGE A STUDENT WHO IS ELIGIBLE FOR A REDUCED PRICE LUNCH FOR ANY PORTION OF THE COST OF THE MEAL.

7–603.

Each public school ***AND PARTICIPATING NONPUBLIC SCHOOL*** in this State shall provide a **[**program of subsidized or**]** free feeding **[**programs**]** **PROGRAM** for children who meet the standards adopted by the State Board under this subtitle.

7–604.

Funds appropriated for the **[**subsidized or**]** free feeding program shall be used to reimburse each county board ***AND PARTICIPATING NONPUBLIC SCHOOL*** for the difference between costs and all available reimbursements and other funds**[**, including the amounts paid by children**]**.

7–605.

(a) The General Assembly finds the following policies desirable in the administration and application of the school feeding **[**programs**]** **PROGRAM**:

(1) Private organizations and corporations should be encouraged to participate in the program;

(2) The identity of children who participate in **THE** free **[**or subsidized**]** feeding **[**programs**]** **PROGRAM** should remain anonymous and positive procedures should be adopted to accomplish this; and

(3) Applications for participants in the program should be brief and simple, based on a statement of present income and family size or of participation in a social services or welfare program.

(b) There may not be discrimination **[**among these programs**]** **IN THIS PROGRAM** for elementary, junior high, and high school students.

7–701.

(a) ***(1)*** The State Board shall require each county board to provide in each elementary school a free **[**and reduced price**]** breakfast, unless the school is exempted under § 7–702 of this subtitle.

(2) (I) A NONPUBLIC ELEMENTARY SCHOOL MAY PROVIDE A FREE BREAKFAST PROGRAM IN ACCORDANCE WITH THIS SUBTITLE.

(II) IF A NONPUBLIC ELEMENTARY SCHOOL PROVIDES A FREE BREAKFAST PROGRAM, THE PARTICIPATING NONPUBLIC ELEMENTARY SCHOOL SHALL BE ELIGIBLE FOR THE STATE REIMBURSEMENT OF THE STUDENT SHARE OF THE COSTS FOR THOSE BREAKFASTS UNDER § 7–703 OF THIS ARTICLE.

(b) The free **[**and reduced price**]** breakfast required to be provided under this section shall meet the standards of the United States Department of Agriculture.

7–702.

The State Superintendent shall exempt any elementary school from the requirements of this subtitle if:

(1) (i) The school has made a breakfast program available for at least 3 consecutive months; and

(ii) The participation is less than 25 percent of the number of students eligible for free and reduced price **ELIGIBLE** meals in each month;

(2) (i) The county board approves an alternative nutrition program that the school has instituted;

(ii) The school regularly conducts an assessment of the alternative program that provides evidence of success in achieving program objectives; and

(iii) The school submits an annual report of the assessment to the county board and the State;

(3) (i) The school requests an exemption for reasons of a compelling nature to the county board; and

(ii) After review and approval, the county board submits the request for exemption to the State Superintendent; or

(4) (i) The school has less than 15 percent of its enrollment approved for free and reduced price **ELIGIBLE** meals.

(ii) This exemption shall continue from year to year without the need for reapplication, until there is a 10 percent increase in the number of students approved for free and reduced price **ELIGIBLE** meals.

7–703.

(a) The free **[**and reduced price**]** breakfast program under this subtitle shall be suspended if the per meal reimbursement that the federal government provides for the breakfast program is:

(1) Reduced below the rate prescribed on July 1, **[**1979**] 2013**; or

(2) Adjusted by the Secretary of the United States Department of Agriculture, as of the most recent July 1 under the national Child Nutrition Act, and the per meal reimbursement is below the adjusted rate.

(b) The **STATE** reimbursement **TO A COUNTY BOARD OF EDUCATION OR A ~~NONPROFIT~~ *PARTICIPATING* NONPUBLIC SCHOOL** for each meal under subsection (a) of this section shall be determined as follows:

(1) Multiply the number of reduced price **ELIGIBLE** breakfasts served statewide times the **SUM OF THE** federal reimbursement rate for those breakfasts **PLUS THE STUDENT SHARE OF THE COST FOR THOSE BREAKFASTS**;

(2) Multiply the number of free breakfasts served statewide times the federal reimbursement rate for those breakfasts; and

(3) Divide the total of paragraphs (1) and (2) of this subsection by the total number of free and reduced price **ELIGIBLE** breakfasts.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 561

(Senate Bill 611)

AN ACT concerning

Education – Healthy School Facility Fund – Established

FOR the purpose of establishing the Healthy School Facility Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Interagency Committee on School Construction to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; specifying that money expended from the Fund is supplemental to certain other funds; requiring the Governor to make a certain appropriation in certain fiscal years to the Fund; requiring a certain priority order in which the Interagency Committee on School Construction must allocate funds; requiring the Interagency Committee on School Construction to establish certain application procedures; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining a certain term; making this Act an emergency measure; and generally relating to the Healthy School Facility Fund.

BY adding to
Article – Education
Section 5–314
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

5–314.

(A) IN THIS SECTION, "FUND" MEANS THE HEALTHY SCHOOL FACILITY FUND.

(B) THERE IS A HEALTHY SCHOOL FACILITY FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO PUBLIC PRIMARY AND SECONDARY SCHOOLS IN THE STATE TO IMPROVE THE HEALTH OF SCHOOL FACILITIES.

(D) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) ANY INTEREST EARNINGS OF THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED TO PRIMARY AND SECONDARY SCHOOLS UNDER THIS ARTICLE.

(J) (1) IN EACH OF FISCAL YEARS ~~2018 THROUGH 2024~~ 2020 AND 2021, THE GOVERNOR SHALL APPROPRIATE AT LEAST ~~$15,000,000~~ $30,000,000 TO THE FUND.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL GIVE PRIORITY IN AWARDING GRANTS TO SCHOOLS BASED ON THE SEVERITY OF ~~NEED FOR THE FOLLOWING~~ ISSUES IN THE SCHOOL, INCLUDING:

1. AIR CONDITIONING;

2. HEATING;

3. INDOOR AIR QUALITY;

4. MOLD REMEDIATION; ~~AND~~

5. TEMPERATURE REGULATION;

6. PLUMBING; AND

7. WINDOWS.

(II) NO JURISDICTION MAY RECEIVE MORE THAN A TOTAL OF ~~$5,000,000~~ $15,000,000 IN A FISCAL YEAR.

(III) THE AMOUNT OF THE GRANT IS NOT REQUIRED TO COVER THE FULL COST OF THE PROJECT.

(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL ESTABLISH APPLICATION PROCEDURES FOR SCHOOL SYSTEMS TO REQUEST FUNDS UNDER THIS SECTION.

(2) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL ESTABLISH AWARD PROCEDURES TO MAKE AWARDS DISTRIBUTED FROM THE FUND NOT MORE THAN 45 DAYS AFTER RECEIVING AN APPLICATION.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; **[**and**]**

102. the Make Office Vacancies Extinct Matching Fund**; AND**

103. THE HEALTHY SCHOOL FACILITY FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 8, 2018.

Chapter 562

(Senate Bill 818)

AN ACT concerning

Education – Maryland Meals for Achievement In–Classroom Breakfast Program – Eligibility and Annual Appropriation

FOR the purpose of authorizing certain schools to remain eligible to participate in the Maryland Meals for Achievement In–Classroom Breakfast Program under certain circumstances; requiring the Governor to include a certain appropriation to the Program in the annual budget bill; defining ~~certain terms~~ a certain term; and generally relating to the Maryland Meals for Achievement In–Classroom Breakfast Program.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–704
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–704.

(a) **(1)** In this section**[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "Program" means the Maryland Meals for Achievement In–Classroom Breakfast Program**.**

(3) "SECONDARY SCHOOLS" INCLUDES MIDDLE SCHOOLS AND HIGH SCHOOLS.

(b) (1) There is a school breakfast program in the State, known as the Maryland Meals for Achievement In–Classroom Breakfast Program.

(2) The Program is a joint effort of the Department and the county boards or sponsoring agencies for eligible nonpublic schools.

(c) (1) The purpose of the Program is to provide funding for a school that makes an in–classroom breakfast available to all students in the school.

(2) The funding is intended to complement the funding received by a school from the federal government for a school breakfast program.

(d) The Department shall:

(1) Develop an application form for a school that desires to participate in the Program;

(2) Ensure that the schools that participate in the Program represent geographic and socioeconomic balance statewide;

(3) **[**Ensure**] SUBJECT TO SUBSECTION (E) OF THIS SECTION, ENSURE** that a school that participates in the Program is a school at which at least 40% of the registered students are eligible for the federal free or reduced price meal program;

(4) Select schools to participate in the Program, ensuring that an annual evaluation of the Program is conducted by the Department;

(5) Annually review and set the meal reimbursement rate for schools that participate in the Program to complement the federal meal reimbursement rate determined under § 7–703 of this subtitle; and

(6) Disburse the Program funds to the county board or the sponsoring agency.

(E) (1) IF A SCHOOL THAT PARTICIPATES IN THE PROGRAM HAS LESS THAN 40% OF THE REGISTERED STUDENTS ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE MEAL PLAN, THE SCHOOL SHALL REMAIN ELIGIBLE TO PARTICIPATE IN THE PROGRAM FOR 1 YEAR.

(2) IF, AFTER 1 YEAR, THE SCHOOL'S PERCENT OF REGISTERED STUDENTS ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE MEAL PLAN IS LESS THAN 40%, THE SCHOOL IS NO LONGER ELIGIBLE TO PARTICIPATE IN THE PROGRAM.

[(e)**] (F)** A county board or a sponsoring agency for an eligible nonpublic school shall:

(1) Apply to the Department for funds for schools within the jurisdiction of the board or for schools that are under the sponsoring agency that:

(i) Are eligible to participate in the Program; and

(ii) Apply to the board or to the sponsoring agency to participate in the Program; and

(2) Submit an annual report to the Department on the Program, including the manner in which the funds have been expended.

[(f)**] (G)** A school that participates in the Program shall:

(1) Implement an in–classroom breakfast program in which all students in the school may participate regardless of family income;

(2) Serve a breakfast that meets the guidelines of the Department and the nutritional standards of the United States Department of Agriculture for schools that participate in the federal school breakfast program;

(3) Except as provided in subsection **[**(g)**] (H)** of this section, serve the breakfast in the classroom after the arrival of students to the school;

(4) Collect the data that the county board or the sponsoring agency and the Department require from participants in the Program; and

(5) Submit an annual report to the county board or the sponsoring agency.

[(g)**] (H)** Secondary schools may serve breakfast in any part of the school, including from "Grab and Go" carts after the arrival of students to the school.

[(h)**] (I)** The employee organization that is the exclusive representative of the certificated public school employees of a county board and the employee organization that is the exclusive representative of the noncertificated employees of a county board and the county board shall negotiate the terms of the participation of the employees in the Program.

(J) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF ~~$11,900,000~~ ~~$8,300,000~~ *$7,550,000* TO THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 563

(House Bill 430)

AN ACT concerning

Education – Child Care Subsidies – Mandatory Funding Levels

FOR the purpose of requiring the Governor to include in the State budget a certain appropriation to the Child Care Subsidy Program each fiscal year; requiring the

Governor to appropriate certain funds in the State budget to increase the Child Care Subsidy Program reimbursement rates to a certain amount in certain fiscal years; and generally relating to the Child Care Subsidy Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 1–101(f) and 9.5–111(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Education
Section 9.5–111(d) and (e)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

1–101.

(f) "Department" means the State Department of Education.

9.5–111.

(a) (1) In this section the following words have the meanings indicated.

(2) "Analysis" means the market rate survey or an alternative method allowable under federal law.

(3) "Program" means the Child Care Subsidy Program.

(D) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION FROM ALL FUND SOURCES FOR THE PROGRAM THAT IS NOT LESS THAN THE TOTAL APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2018 OR FISCAL YEAR 2019, WHICHEVER IS GREATER.

(E) THE GOVERNOR SHALL, FROM ALL FUND SOURCES, APPROPRIATE FUNDS IN THE ANNUAL STATE BUDGET IN AN AMOUNT SUFFICIENT TO RAISE THE PROGRAM'S REIMBURSEMENT RATES FOR EACH REGION TO:

(1) FOR FISCAL YEAR 2020, NOT LESS THAN THE 30TH PERCENTILE OF THE MOST RECENT MARKET RATE SURVEY OR ITS EQUIVALENT IF AN ALTERNATIVE METHODOLOGY DEFINED BY THE DEPARTMENT IS USED;

(2) FOR FISCAL YEAR 2021, NOT LESS THAN THE 45TH PERCENTILE OF THE MOST RECENT MARKET RATE SURVEY OR ITS EQUIVALENT IF AN ALTERNATIVE METHODOLOGY DEFINED BY THE DEPARTMENT IS USED; AND

(3) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN THE 60TH PERCENTILE OF THE MOST RECENT MARKET RATE SURVEY OR ITS EQUIVALENT IF AN ALTERNATIVE METHODOLOGY DEFINED BY THE DEPARTMENT IS USED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.

Chapter 564

(Senate Bill 379)

AN ACT concerning

Education – Child Care Subsidies – Mandatory Funding Levels

FOR the purpose of requiring the Governor to include in the State budget a certain appropriation to the Child Care Subsidy Program each fiscal year; requiring the Governor to appropriate certain funds in the State budget to increase the Child Care Subsidy Program reimbursement rates to a certain amount in certain fiscal years; and generally relating to the Child Care Subsidy Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 1–101(f) and 9.5–111(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Education
Section 9.5–111(d) and (e)
Annotated Code of Maryland
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(2) "Analysis" means the market rate survey or an alternative method allowable under federal law.

(3) "Program" means the Child Care Subsidy Program.

(D) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION FROM ALL FUND SOURCES FOR THE PROGRAM THAT IS NOT LESS THAN THE TOTAL APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2018 OR FISCAL YEAR 2019, WHICHEVER IS GREATER.

(E) THE GOVERNOR SHALL, FROM ALL FUND SOURCES, APPROPRIATE FUNDS IN THE ANNUAL STATE BUDGET IN AN AMOUNT SUFFICIENT TO RAISE THE PROGRAM'S REIMBURSEMENT RATES FOR EACH REGION TO:

(1) FOR FISCAL YEAR 2020, NOT LESS THAN THE 30TH PERCENTILE OF THE MOST RECENT MARKET RATE SURVEY OR ITS EQUIVALENT IF AN ALTERNATIVE METHODOLOGY DEFINED BY THE DEPARTMENT IS USED;

(2) FOR FISCAL YEAR 2021, NOT LESS THAN THE 45TH PERCENTILE OF THE MOST RECENT MARKET RATE SURVEY OR ITS EQUIVALENT IF AN ALTERNATIVE METHODOLOGY DEFINED BY THE DEPARTMENT IS USED; AND

(3) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN THE 60TH PERCENTILE OF THE MOST RECENT MARKET RATE SURVEY OR ITS EQUIVALENT IF AN ALTERNATIVE METHODOLOGY DEFINED BY THE DEPARTMENT IS USED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.