
By: **Chairman, Health and Government Operations Committee (By
Request - Departmental - Secretary of State)**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

1 AN ACT concerning

2 **Code of Maryland Regulations, Maryland Register, and Contract Weekly -**
3 **Incorporation by Reference of Laws and Documents**

4 FOR the purpose of clarifying the process of incorporating by reference certain other
5 laws or documents into the Code of Maryland Regulations, the Maryland
6 Register, and the Contract Weekly; providing for the effective date of certain
7 provisions of this Act; providing for the termination of certain provisions of this
8 Act; and generally relating to the Code of Maryland Regulations, Maryland
9 Register, and Contract Weekly.

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 7-207
13 Annotated Code of Maryland
14 (2004 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article - State Government
17 Section 7-207
18 Annotated Code of Maryland
19 (2004 Replacement Volume)
20 (As enacted by Chapter 515 of the Acts of the General Assembly of 2004)

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

1

Article - State Government

2 7-207.

3 (a) (1) Unless the Committee provides otherwise, the Code of Maryland
4 Regulations, the Register, and the Contract Weekly may not reprint any text from:

5 (i) the Annotated Code of Maryland;

6 (ii) the Session Laws;

7 (iii) the United States Code;

8 (iv) the United States Statutes at Large;

9 (v) the Code of Federal Regulations;

10 (vi) the Federal Register; or

11 (vii) any other generally available publication that the
12 Administrator specifies.

13 (2) [These publications may be incorporated by reference] STATE
14 STATUTES AS DESCRIBED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION
15 NEED NOT BE INCORPORATED BY REFERENCE.

16 (3) (I) FEDERAL LAWS AS DESCRIBED UNDER PARAGRAPH (1)(III), (IV),
17 (V), AND (VI) OF THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE.

18 (II) FEDERAL LAW INCORPORATED BY REFERENCE AFTER
19 OCTOBER 1, 2005, SHALL BE IDENTIFIED BY USING THE PHRASE "INCORPORATED BY
20 REFERENCE".

21 (III) THE UNIT INCORPORATING FEDERAL LAW MAY:

22 1. INCORPORATE ONLY A SPECIFIED VERSION OF THAT LAW
23 BY SPECIFYING A DATE; OR

24 2. INCORPORATE FUTURE VERSIONS OF THAT LAW BY
25 USING THE PHRASE "AS AMENDED".

26 (4) (I) OTHER PUBLICATIONS AS DESCRIBED IN PARAGRAPH (1)(VII) OF
27 THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE BY:

28 1. SATISFYING THE REQUIREMENTS OF § 23-303 OF THE
29 EDUCATION ARTICLE, EXCEPT AS DETERMINED BY THE ADMINISTRATOR; AND

30 2. COMPLYING WITH TITLE 10, SUBTITLE 1 OF THIS ARTICLE
31 AND WITH OTHER REQUIREMENTS SPECIFIED BY THE ADMINISTRATOR.

1 (II) INCORPORATED DOCUMENTS SHALL BE IDENTIFIED BY USING
2 THE PHRASE "INCORPORATED BY REFERENCE".

3 (III) THE INCORPORATION SHALL SPECIFY AN EDITION NUMBER,
4 YEAR, OR OTHER SPECIFIC INDICATION OF THE VERSION BEING ADOPTED.

5 (IV) PROSPECTIVE INCORPORATION IS NOT PERMITTED FOR THIS
6 CATEGORY OF DOCUMENT.

7 (V) AGENCY GENERATED DOCUMENTS HAVE THE ADDITIONAL
8 REQUIREMENT OF PROVIDING THE DIVISION WITH AN ELECTRONIC VERSION READY
9 FOR PUBLICATION ON THE DIVISION WEBSITE AS REQUIRED BY § 7-206.2 OF THIS
10 SUBTITLE.

11 (b) (1) If the Administrator determines that publication would be in the
12 public interest, nothing in this section prohibits the Administrator from publishing
13 factual information concerning:

14 (i) documents published or to be published in the Code of Maryland
15 Regulations, the Register, or the Contract Weekly; or

16 (ii) the Code of Maryland Regulations, the Register, or the Contract
17 Weekly.

18 (2) Notwithstanding any other provision of this subtitle or Title 10,
19 Subtitle 1 of this article, the Code of Maryland Regulations, the Register, and the
20 Contract Weekly may not include news material or a press release, speech, or other
21 comment.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24 **Article - State Government**

25 7-207.

26 (a) (1) Unless the Committee provides otherwise, the Code of Maryland
27 Regulations and the Register may not reprint any text from:

28 (i) the Annotated Code of Maryland;

29 (ii) the Session Laws;

30 (iii) the United States Code;

31 (iv) the United States Statutes at Large;

32 (v) the Code of Federal Regulations;

33 (vi) the Federal Register; or

1 (vii) any other generally available publication that the
2 Administrator specifies.

3 (2) [These publications may be incorporated by reference] STATE
4 STATUTES AS DESCRIBED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION
5 NEED NOT BE INCORPORATED BY REFERENCE.

6 (3) (I) FEDERAL LAWS AS DESCRIBED UNDER PARAGRAPH (1)(III), (IV),
7 (V), AND (VI) OF THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE.

8 (II) FEDERAL LAW INCORPORATED BY REFERENCE AFTER
9 OCTOBER 1, 2005, SHALL BE IDENTIFIED BY USING THE PHRASE "INCORPORATED BY
10 REFERENCE".

11 (III) THE UNIT INCORPORATING FEDERAL LAW MAY:

12 1. INCORPORATE ONLY A SPECIFIED VERSION OF THAT LAW
13 BY SPECIFYING A DATE; OR

14 2. INCORPORATE FUTURE VERSIONS OF THAT LAW BY
15 USING THE PHRASE "AS AMENDED".

16 (4) (I) OTHER PUBLICATIONS AS DESCRIBED IN PARAGRAPH (1)(VII) OF
17 THIS SUBSECTION MAY BE INCORPORATED BY REFERENCE BY:

18 1. SATISFYING THE REQUIREMENTS OF § 23-303 OF THE
19 EDUCATION ARTICLE, EXCEPT AS DETERMINED BY THE ADMINISTRATOR; AND

20 2. COMPLYING WITH TITLE 10, SUBTITLE 1 OF THIS ARTICLE
21 AND WITH OTHER REQUIREMENTS SPECIFIED BY THE ADMINISTRATOR.

22 (II) INCORPORATED DOCUMENTS SHALL BE IDENTIFIED BY USING
23 THE PHRASE "INCORPORATED BY REFERENCE".

24 (III) THE INCORPORATION SHALL SPECIFY AN EDITION NUMBER,
25 YEAR, OR OTHER SPECIFIC INDICATION OF THE VERSION BEING ADOPTED.

26 (IV) PROSPECTIVE INCORPORATION IS NOT PERMITTED FOR THIS
27 CATEGORY OF DOCUMENT.

28 (V) AGENCY GENERATED DOCUMENTS HAVE THE ADDITIONAL
29 REQUIREMENT OF PROVIDING THE DIVISION WITH AN ELECTRONIC VERSION READY
30 FOR PUBLICATION ON THE DIVISION WEBSITE AS REQUIRED BY § 7-206.2 OF THIS
31 SUBTITLE.

32 (b) (1) If the Administrator determines that publication would be in the
33 public interest, nothing in this section prohibits the Administrator from publishing
34 factual information concerning:

35 (i) documents published or to be published in the Code of Maryland
36 Regulations and the Register; or

1 (ii) the Code of Maryland Regulations and the Register.

2 (2) Notwithstanding any other provision of this subtitle or Title 10,
3 Subtitle 1 of this article, the Code of Maryland Regulations and the Register may not
4 include news material or a press release, speech, or other comment.

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
6 take effect October 1, 2005. It shall remain effective until the taking effect of Section
7 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be
8 abrogated and of no further force and effect.

9 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
10 take effect July 1, 2006, the effective date of Section 2 of Chapter 515 of the Acts of the
11 General Assembly of 2004. If the effective date of Section 2 of Chapter 515 is
12 amended, Section 2 of this Act shall take effect on the taking effect of Section 2 of
13 Chapter 515.

14 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the
15 provisions of Sections 3 and 4 of this Act, this Act shall take effect October 1, 2005.