

SENATE BILL 854

P3
SB 449/14 – EHE

5lr2718

By: **Senators Young, Mathias, and Montgomery**
Introduced and read first time: February 24, 2015
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Administrative Procedure Act – Effective Date of Adopted**
3 **Regulations**

4 FOR the purpose of altering the effective date of certain regulations adopted under the
5 Administrative Procedure Act; and generally relating to regulations adopted under
6 the Administrative Procedure Act.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 10–117
10 Annotated Code of Maryland
11 (2014 Replacement Volume)

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

14 **Article – State Government**

15 10–117.

16 (a) (1) Except as otherwise provided in subsection (b) of this section or in other
17 law, the effective date of a regulation is:

18 (I) **JANUARY 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN**
19 **THE REGISTER DURING THE PERIOD FROM SEPTEMBER 1 THROUGH NOVEMBER 30,**
20 **BOTH INCLUSIVE;**

21 (II) **APRIL 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN THE**
22 **REGISTER DURING THE PERIOD FROM DECEMBER 1 THROUGH FEBRUARY 29, BOTH**
23 **INCLUSIVE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(III) JULY 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN THE**
2 **REGISTER DURING THE PERIOD FROM MARCH 1 THROUGH MAY 31, BOTH**
3 **INCLUSIVE;**

4 **(IV) OCTOBER 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN**
5 **THE REGISTER DURING THE PERIOD FROM JUNE 1 THROUGH AUGUST 31, BOTH**
6 **INCLUSIVE;**

7 **[(i)] (V) the 10th calendar day after notice of adoption is published**
8 **in the Register IF:**

9 **1. THE UNIT IS REQUIRED TO ADOPT THE PROPOSED**
10 **REGULATION BY FEDERAL LAW;**

11 **2. THE REGULATION RELATES TO AIR POLLUTION;**

12 **3. THE DEPARTMENT OF HEALTH AND MENTAL**
13 **HYGIENE OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION IS**
14 **REQUIRED BY STATE LAW TO ADOPT THE REGULATION ON OR BEFORE A SPECIFIED**
15 **DATE WITHIN 12 MONTHS AFTER THE EFFECTIVE DATE OF THE LAW;**

16 **4. THE REGULATION RELATES TO THE MARYLAND**
17 **MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15 OF THE HEALTH**
18 **– GENERAL ARTICLE;**

19 **5. THE REGULATION RELATES TO THE**
20 **IMPLEMENTATION OF FEDERAL HEALTH CARE REFORM UNDER THE FEDERAL**
21 **PATIENT PROTECTION AND AFFORDABLE CARE ACT;**

22 **6. THE DEPARTMENT OF HEALTH AND MENTAL**
23 **HYGIENE FINDS THAT AN EARLIER EFFECTIVE DATE IS NECESSARY TO PROTECT**
24 **THE HEALTH OR SAFETY OF THE RESIDENTS OF THE STATE;**

25 **7. THE REGULATION IS ADOPTED BY THE DEPARTMENT**
26 **OF NATURAL RESOURCES; OR**

27 **8. THE REGULATION IS ADOPTED BY THE MARYLAND**
28 **STATE BOARD OF EDUCATION OR THE MARYLAND STATE DEPARTMENT OF**
29 **EDUCATION; or**

30 **[(ii)] (VI) a later date that the notice sets.**

31 **(2) For calculation of the effective date under this subsection:**

- 1 (i) § 1–302 of the General Provisions Article does not apply;
- 2 (ii) the issue date of the Register in which the notice is published is
- 3 not counted; and
- 4 (iii) each other calendar day, including Saturdays, Sundays, and
- 5 legal holidays, is counted.
- 6 (b) The effective date of a regulation after its emergency adoption is the date that
- 7 the Committee sets.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

9 October 1, 2015.